



# On the front line

## Regional Action Network on Human Rights Defenders

### UN resolutions favour defenders

The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities supported the Defenders Declaration, approved by the Human Rights Commission in April this year, when it passed two resolutions in August regarding the protection of human rights defenders.

In resolution 1998/4, the Sub-Commission requested that the Mexican authorities "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".

On 20 August the Sub-Commission also passed an unprecedented resolution (1998/3) which as well as condemning the extrajudicial execution of human rights defenders,

listed specific cases of people who need immediate guarantees for their safety. Some recommendations worth highlighting include the Sub-Commission's request that States "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." It also requests the High Commissioner for Human Rights to undertake inquiries about the security situation of the persons listed in the annex to the present resolution...."

This resolution has been printed in this newsletter so that it may be distributed and incorporated into work on behalf of defenders in Latin America.

#### Violations of the rights of human rights defenders in all countries Sub-Commission resolution 1998/3

#### The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its task to report to the

Commission on Human Rights on situations of grave violations of human rights,

Aware of the importance to be given to the fiftieth anniversary of the Universal Declaration of Human Rights and considering that effective measures should be taken in order to ensure respect for the Declaration, Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1998/66 of 21 April 1998 regarding cooperation with representatives of United Nations human rights bodies,

Recalling further its resolution 1995/25 of 24 August 1995 regarding the protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action in the context of the legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights,

Noting with deep concern that in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threat, harassment and insecurity,

Deeply concerned at the increasing

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number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been Noting with satisfaction the adoption of Economic and Social Council resolution 1998/33 by which the Council approved the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7 of 3 April 1998, and recommended it to the General Assembly for adoption at its fifty-third session,

Recalling that, in the context of the legitimate exercise of the rights to which it relates, the draft declaration states that each State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action, and that 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,

Noting Commission resolution 1998/28 of 17 April 1998 in which the Commission called upon the Sub-Commission and on its members to focus on its primary role as an advisory body of the Commission on Human Rights,

1. Urges each State to take any measures necessary within its own jurisdiction to ensure the effective respect of their obligations in the field of human rights, in accordance with the provisions of the various international instruments, and 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;

persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or

2. Firmly condemns the murders of Mr. José Eduardo Umaña Mendoza, lawyer, professor of criminal law and former member of the Lawyers Collective "José Alvear Restrepo" and member of the executive council of the World Organization against Torture, on 18 April 1998 in Bogotá; Msr. Juan Geradi, President of the Commission of Peace and Justice in Guatemala, in April 1998; Mr. Rexhep Bislimi, member of the Council for the Defence of Human Rights and Freedoms, on 22 July 1998 in Pristina, Kosovo, Federal Republic of Yugoslavia; Mr. Ernesto Sandoval Bustillo, President of a local branch of the Human Rights Committee of Honduras; Mr. Youssef Fethellah, lawyer, human rights activist and President of the Algerian League of Human Rights, on 18 June 1994 in Algeria; Ms. Luiz Amparo Jiménez Pallares, journalist, Director of the regional office of the Reintegration Programme and Coordinator of the Redepaz peace network, on 11 August 1998 in Valledupar, Colombia; and Mr. Patrick Finucane, lawyer and human rights defender in Belfast, Northern Ireland, in 1989, mentioned in the report of the Special Rapporteur on the independence of judges and lawyers on his visit to the United Kingdom of Great Britain and Northern Ireland (E/CN.4/1998/Add.4);

3. Calls upon the Governments concerned not to leave crimes committed against human rights defenders unpunished, to allow and facilitate all necessary inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation of the families of the victims, including for killings which occurred a long time ago, as recommended by the Special Rapporteur on the independence of judges and lawyers;

4. Urges each State to take any measures necessary within its own jurisdiction to ensure the security of all persons covered by the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect

by threat of suppression or actual suppression of the legal personality of the organization to which they belong,

universally recognized human rights who are being repressed, harassed or threatened throughout the world;

5. Requests the United Nations High Commissioner for Human Rights to undertake inquiries about the security situation of the persons listed in the annex to the present resolution and to inform the Sub-Commission, at its fifty-first session, of the results of her inquiries;

6. Requests the Government of Myanmar, in view of recent events, to ensure the security of Aung San Suu Kyi and of the members of the National League for Democracy, in particular to guarantee their freedom of movement and expression, and urges the Government to extend to the Special Rapporteur on the situation of human rights in Myanmar of the Commission on Human Rights an invitation to visit the country;

7. Requests the United Nations High Commissioner for Human Rights to transmit the present resolution to all States;

8. Invites the General Assembly to adopt the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7, at its fifty-third session;

9. Decides to remain seized of the question of violations of the rights of human rights defenders at its fifty-first session under the same agenda item.

26th meeting, 20 August 1998

[Adopted by secret ballot of 21 votes to 3. See chap. IV.]

## Chile: Human Rights Defenders fighting impunity

*"Today, more than ever, there is a real opportunity to change this situation and the possibility that we may be able to find out loved ones, so ending our mourning, something which has been denied to us for 25 years and to bring those responsible to justice."*

*Agrupación de Familiares de Detenidos Desaparecidos en Chile*  
**Association of Families of the Detained-Disappeared in Chile**

The constant work against impunity that human rights organizations, relatives and victims of human rights violations perpetrated during the military regime of Augusto Pinochet in Chile have developed for more than 20 years, took an unprecedented turn a few weeks ago: Augusto Pinochet was detained in London at the request of Spanish judicial authorities who are currently investigating him for crimes against humanity, and who have requested his extradition in order to prosecute. This will depend on the decision of the House of Lords, the highest authority in British justice, which will determine in a few days whether the arrest violated the ex-Head of State's diplomatic immunity.

This step in the struggle against impunity in Chile has had its cost. Chilean human rights defenders have for years been the victims of repeated threats on account of their constant efforts to get those responsible for committing human rights violations during the military regime brought to justice. One example is that of June 1997, when

The Portuguese publication *Proteção a Testemunhas - Uma Construção*

several members of the Association of Families of the Detained-Disappeared repeatedly received telephone threats because of their work to keep judicial proceedings into past cases of "disappearances" open.

According to reports, the arrest of Augusto Pinochet has sparked further intimidation of human rights defenders in Chile, some of whom fear for their safety.

In this light, it's important to support Chilean human rights organizations, such as the Association of Families of the Detained-Disappeared, which up until now has been denied a meeting with President Eduardo Frei, suggesting a lack of political will to confront the machinery of impunity.

The international community needs to closely follow efforts in Chile to annul the Amnesty Law and other judicial mechanisms that have perpetuated impunity. It should also urge the Chilean Government to ensure appropriate protection for human rights defenders who have been subjected to repeated threats on many occasions on account of their work against impunity.

*Chile: An Inescapable Obligation: Bringing to justice those responsible for crimes against humanity committed under military rule* (AI Index: AMR 22/13/98), summarises the human rights situation in Chile over the past 25 years and sets out the role of the international community to end impunity for cases of crimes against humanity.

## Brazil: Protection of witnesses and defenders

*Nacional* provides detailed information about the program and

The *Gabinete de Assessoria Jurídica às Organizações Populares* (GAJOP), Office of Legal Assistance to Popular Organizations, a human rights organization in the Brazilian state of Pernambuco, has been developing since 1996 a program called Provita which supports and protects witnesses, victims of violence and their families. Some who have benefited from the program have been Brazilian human rights defenders, at risk because of their work against impunity as witnesses in trials relating to human rights violations.

In collaboration with the Pernambuco State Government, GAJOP set up Provita, inspired by British, American and Italian models of witness protection, together with the Centre D. Hélder Câmara (Cendhec) and other groups from civil society. The program offers support (psychological and medical attention, nutrition and transport) and protection at safe locations to witnesses, victims of violence and their families, and to human rights defenders. In exchange, witnesses agree to collaborate on serious crime investigations conducted by the authorities, and help contribute to reducing impunity.

The positive outcome of the program lead to its expansion to another four states at the beginning of 1998. With the supervision of GAJOP, the new inter-state solidarity network Provita plans to support and protect some 200 witnesses, including defenders.

GAJOP's experience may be transferable to other protection programs for defenders and witnesses in the region.

its progress in Brazil. It can be obtained from GAJOP: Rua do

Apolo, nº161, 1º Andar, CEP  
50030-220, Recife, PE, Brazil.  
Tel/Fax: + 55 81 224 9048.

## APPEAL CASES

### COLOMBIA

#### Impunity for the killing of human rights defenders

Progress in the investigation into the killing of Elsa Alvarado and Mario Calderón, who worked for *El Centro de Investigación y Educación Popular (CINEP)*, the Centre for Research and Popular Education, has not been matched by the Colombian Government's willingness to arrest those officially accused of ordering the crime. The impunity benefiting those behind attacks on human rights defenders, is endangering the lives of anyone seeking to defend fundamental human rights in Colombia.

Despite wide respect in Colombia for the work of CINEP, the human rights organization was accused by senior military commanders of attempting to discredit the armed forces - this effectively signalled to paramilitary groups operating with the support of the security forces that members of the organization could be targeted.

During the early hours of 19 May 1997, gunmen broke into Mario and Elsa's apartment in Bogotá, killing them and Elsa's father. Their baby son and Elsa's mother survived, although she was seriously wounded in the attack.

In September 1998 five people had reportedly been summoned to appear before a court charged with involvement in the killing of Carlos Mario Calderón and Elsa Alvarado. Three of the accused are in detention, a fourth is on bail and an arrest warrant has been issued against the fifth. At least another three people are in detention in connection with the killings and arrest warrants have been issued

against several other people including national paramilitary leaders, brothers Fidel and Carlos Castaño, who are accused of masterminding the crime.

Despite the fact that several arrest warrants have been issued against the Castaño brothers for this and other serious abuses, the Colombian Government has failed to take steps to ensure their detention.

Nor has the Government provided adequate support to those in charge of the investigations, during which four members of the judicial police and one key witness have reportedly been killed.

In spite of progress in this case, those that order and plan attacks against human rights defenders remain immune from prosecution. The Colombian Government of President Andrés Pastrana has announced its intentions to fight paramilitary groups, but until now has not taken action to fulfil this commitment.

## Recommended Action

#### ◆ Write to the Colombian Government:

- request that all those responsible for the killing of human rights defenders, including Elsa Alvarado and Mario Calderón, are brought to justice;

- request full collaboration with the Attorney General's Office to ensure the arrest and prosecution of those responsible;

- stress that measures to combat paramilitary groups should be in accordance with recommendations put forward by the United Nations;
- urge the authorities to lend greater support to the Human Rights Unit of the Attorney General's Office;
- request that the necessary measures are taken to guarantee the safety of human rights defenders, in accordance with pledges made by the Vice-president to Amnesty International delegates on 27 October 1998.

Write to:

Vice-president of the Republic  
Gustavo Bell/ Vicepresidente de la República/ Palacio de Nariño/  
Carrera 8, n° 7-26/ Santafé de Bogotá/ Colombia.

◆ **Write to your home government:**

- to request that it monitor progress made on the above mentioned issues.

## CUBA

**Lorenzo Páez Núñez, prisoner of conscience, is currently serving a sentence of 18 months for trying to distribute information about human rights violations.**

Lorenzo Páez Núñez is president of the unofficial *Centro No Gubernamental para los Derechos Humanos "José de la Luz y Caballero"*, Non-governmental Centre for Human Rights, he is also a correspondent for the independent news agency *Freedom*, which is a member of the Independent Bureau of Cuban Journalists. He was detained by the police on 10 June 1997 in Artemisa, La Habana, and the next day tried in the Artemisa Court, which charged him with "disrespect" y "defamation"

Public

following his attempts to distribute to US contacts information regarding human rights violations. Lorenzo Páez is in the Guanajay Prison, La Habana province.

In the past, several members of unofficial groups working for civil and political rights have been threatened with long-term imprisonment if they refuse to cease their activities or leave Cuba. Since January 1998, some have been briefly detained; others have been held for months sometimes without access to a lawyer.

## Recommended Action

◆ **Write to the Cuban Government:**

- Request the immediate and unconditional release of Lorenzo Páez Núñez, prisoner of conscience.
- Express concern about reports of threats, arrest, imprisonment and exile of those who defend human rights in Cuba. Request the immediate cessation of coercive tactics against those who peacefully exercise their right to freedom of expression, association and assembly.
- Request that measures be taken to guarantee the work of Cuban human rights defenders.

Write to:

President of the Republic  
Excmo. Sr. Fidel Castro Ruz/  
Presidente de los Consejos de Estado y de Ministros/ La Habana/ Cuba.

***Indalecio Pérez Pascual (on the right, with his family) has been harassed on account of his work to defend human rights in the Mexican State of Tabasco.***

## MEXICO

### **Indalecio Pérez Pascual, harassed on account of his work as a human rights defender**

Indalecio Pérez Pascual has been harassed by Tabasco State authorities since mid-1996. In October this year, he was forced to flee to another part of the country on account of a campaign to discredit him followed by an indictment of murder; investigations into this case appear to be riddled with bias.

Indalecio Pérez Pascual, a 36 year-old indigenous Chontal, 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, municipality of Tabasco. As part of his work he often filed complaints regarding serious cases of human rights violations in the State of Tabasco.

Amnesty International, AMR 01/05/98

On account of his activities, Indalecio Pérez Pascual has apparently been the victim of misuse of the judicial system as well as a campaign to discredit him in the media by local politicians, who link him to the *Ejército Popular Revolucionario (EPR)*, Revolutionary Popular Army, an armed opposition group. Subsequently, he was accused of killing a member 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 State of Tabasco, reportedly ordered his arrest without having fully examined the Public Ministry's inquiry. Since then, Indalecio Pérez has tried to prove his innocence using whatever legal recourse available, but in vain.

The *la Comisión Nacional de Derechos Humanos (CNDH)*, National Human Rights Commission, concluded on 31 August 1998, that the Public Ministry's investigation lacked impartiality by omitting certain

procedures requested by Indalecio Pérez, ignoring testimonies he supplied and accepting accusatory testimonies that had clearly been fabricated. The Commission also noted that the investigating attorney committed serious errors by delaying recovery of ballistic evidence and by failing to exhaust investigations into other individuals accused of the crime. It also concluded that Indalecio Pérez's complaint against the Tabasco State Human Rights Commission was founded on the grounds that the Commission had failed to deal with his complaint regarding irregularities in the investigations.

The CNDH recommended that the governor of the State of Tabasco send its conclusions to the Attorney General's Office in Tabasco in order to determine whether, with the new information supplied by the Commission, it would dismiss the case against Indalecio Pérez. It also recommended that the behaviour of several officials in the Macuspana Public Ministry, Tabasco, and the Tabasco Attorney General's Office be investigated, and sanctions applied where necessary.

Authorities in the State of Tabasco did not accept the National Human Rights Commission's recommendations.

Further information indicates that the case of Indalecio Pérez is not isolated and that there seems to be a pattern of harassment against members of CODEHUTAB.

In the most recent incident, Francisco Goitia Prieto, priest and president of the organization, was accused of murder following a traffic accident in November 1997, he was also publicly discredited, at the same time as the victim's brothers filed a complaint regarding pressure by members of the judicial police to press charges against the priest.

## Recommended Action

### ◆ Write to Mexican authorities in the State of Tabasco:

- expressing concern about the harassment of Indalecio Pérez Pascual and other members of CODEHUTAB on account of their work as defenders, and request assurances for their safety and the end of harassment;
- request a revision of the criminal proceedings against Indalecio Pérez and an impartial investigation into the reported irregularities, in accordance with the recommendations made by the CNDH in July 1998; request that the results are made public;
- reiterate the importance of the work of human rights defenders in Mexico and request guarantees for all those who defend and promote human rights, in accordance with the August resolution 1998/4, approved by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.

### Write to:

- Governor of Tabasco  
Lic. Roberto Madrazo Pintado/  
Gobernador de Tabasco/ Palacio de Gobierno/ Calle Independencia n°2/  
C.P. 86000 Villahermosa/ Estado de Tabasco/ México.  
Fax (+52 93) 143003.  
E-mail: rmp@tabasco.gob.mx

- Attorney General Tabasco  
Lic. Patricia Pedredo y Duarte/  
Procuradora del Estado de Tabasco/  
Procuraduría General de Justicia/  
Paseo Usumacinta s/n, esq.  
Ayuntamiento/ Villahermosa/ Estado de Tabasco/ México.

Fax: (+52 93) 13 1499 / 2196 / 2080.

***Send copies to:***

- CNDH

Dra. Mireille Roccatti/ Presidenta de  
la Comisión Nacional de Derechos  
Humanos/ Av. Periférico Sur N°  
3469/ Col. San Jerónimo Lídice/ C.P.  
10200 México D.F./ México. Fax  
(+52 5) 6817199 y 6818490.

- CODEHUTAB

P. Francisco Goitia Prieto o Javier  
Núñez/ Comité de Derechos  
Humanos de Tabasco, A.C./ Calle  
Andrés Sánchez Magallanes  
n°844-A, Centro/ C.P. 86000  
Villahermosa/  
Estado de Tabasco/ México.  
Tel. (+52 93) 140780. Fax: (+52 93)  
128362.  
E-mail: codehutab@laneta.apc.org



## Notice board

### Geneva: *Forum '98*

Forum '98: *50 years on from the Universal Declaration of Human Rights*, was held between 28 and 30 August in Geneva, Switzerland. More than 200 delegates from non-governmental organizations from all over the world came together to evaluate the situation of human rights defenders around the world and to agree a program of action for the protection of human rights defenders. The final document includes: i) clarification on the concept of "human rights defenders"; ii) implementation of the UN Defender's Declaration; iii) priority measures at national, regional and international levels.

To obtain the final text write to:  
Forum '98/ CP 156/ CH-1211/  
Geneva 4/ Switzerland. Fax: +41 22  
329 34 64. E-mail:  
Forum98@worldcom.ch

### Lima: Ombudsmen's Congress (6-9/09/98)

The Third Annual Congress of the Iberoamerican Ombudsmen's Federation was held in September. With this in mind, Amnesty International published a declaration (AI Index: AMR 01/03/98) regarding the work to defend, promote and protect human rights undertaken by the Office of the Ombudsmen and other similar institutions in Latin American countries. The document also includes a series of recommendations regarding protection and human rights defenders.

In one of the 18 points of the Lima Declaration, issued during the meeting, the Ombudsmen "recognise the important work of those in civil

society who defend human rights and condemn acts of aggression against them. They exhort governments and international organizations to adopt effective measures for their protection, including the adoption of normative instruments which guarantee their work."

### Mexico: Solidarity between non-governmental organizations and Colombian defenders

For the National Human Rights Day in Colombia, 9 September, several Mexican human rights NGOs, amongst them the Amnesty International Section, held an event in solidarity with Colombia. Several representatives from Colombian NGOs were invited to the event to speak about the current situation in their country and the difficulties faced by human rights defenders.

### Bogotá: Seminar on the Protection of Human Rights Defenders

A regional seminar to follow-up the 1996 Bogotá Conference was held in Bogotá, Colombia, between 19 and 21 October. The meeting coincided with the visit of the United Nations High Commissioner for Human Rights who, in addition to making a presentation at the seminar, held a press conference to condemn human rights violations against human rights defenders during her visit.

The seminar's final report will be available in November. For more information write to the organizations that arranged the meeting: International Service for Human Rights (1, rue de Varembeé/ PO Box 16/ CH - 1211/ Geneva/ Switzerland. Fax +41 22 733 0826), and the Colombian Commission of Jurists (Carrera 10 A N° 24-76 Of. 1101/ Bogotá/ Colombia. A.A.

58533.

### Paris: Human Rights Defenders Summit (8-11/12/98)

For the 50th anniversary of the *Universal Declaration of Human Rights*, four international organizations --Amnesty International, la *Fédération Internationale des Ligues des Droits de l'Homme*, *France Libertés - Fondation Danielle Mitterrand* and *el ATD Quart Monde*-- have convened a worldwide conference with the participation of more than 300 defenders from numerous countries, in Paris on 10 December. In addition to workshops, Kofi Annan, the UN Secretary General, is expected to attend, and a benefit concert will be held for the work of defenders.

For more information, write to:  
Association Secretariat - Defenders  
Congress/ 4, rue de la Pierre Levée/  
75553 Paris Cedex 11/ France. Tel.  
+33 49 23 11 23.  
Fax: +33 1 49 23 00 48.

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Mary Robinson, UN High Commissioner for Human Rights, Carlos Rodríguez (*centre*) and Gustavo Gallón, Colombian human rights defenders, at a regional seminar for human rights defenders held in Bogotá\_ in October 1998.

Mary Robinson gave a press conference during the seminar to publicly condemn the killing of a leading trade unionist, Jorge Ortega García, on 20 October during the first few days of her visit to Colombia. She also took the opportunity to insist that the Colombian authorities take immediate steps to guarantee the protection of those who struggle to defend the human rights of each and every Colombian. ©AI

*This publication is produced by the Program to Promote the Protection of Human Rights Defenders in Latin America, established by Amnesty International in May 1997 to follow-up Defenders Conference (Bogotá, Colombia, May 1996). Please distribute this bulletin as widely as possible. For more information and to join the Program's Defenders Network, write to:*

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International Secretariat,  
Amnesty International,  
1 Easton Street,  
London WC1X 8DJ,**

**United Kingdom**  
**(tel: +44 171 413 5952 / 5537;**  
**e-mail: [amnestyis@amnesty.org](mailto:amnestyis@amnesty.org))**