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Sixty-first session
Agenda item 11

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

**Extrajudicial, summary or arbitrary executions
Report of the Special Rapporteur, Philip Alston**

Addendum

Summary of cases transmitted to Governments and replies received*

* The present document is being circulated as received in view of the fact that it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

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Table of communications sent between 1 December 2003 and 1 December 2004
& replies received from 1 December 2003 to 31 January 2005

Country	No. of Communications sent	No. of Government responses	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
	Total UA AL	Total 2003 UA AL			
Afghanistan	2 0 2	2 1 0 1	5 males	Non-respect of international standards relating to the imposition of capital punishment (1) Death due to attacks or killings by security forces (1)	Acknowledged to a communication sent in 2003 (1) Allegations denied (1) No response (1)

* See paragraph 6 of Commission of Human Rights resolution 2004/37

[†] These violations are: Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment; death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above and when the Government is failing to take appropriate protection measures, deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention; deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality; deaths due to the attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State; violations of the right to life during armed conflicts, especially of the civilian population and other non-combatants, contrary to international humanitarian law; expulsion, refoulement, or return of persons to a country or a place where their lives are in danger; impunity

[‡] “*Substantive response*” concerning replies clarifying a case; “*Partial response*” concerning replies providing limited information in response to the allegation sent and where the Special Rapporteur requires additional details; “*Allegations denied*” concerning replies where a Government categorically denies the allegations put forward by the Special Rapporteur; “*Acknowledged*” concerning replies acknowledging receipt of a communication without providing any substantial information; and “*No response*”. The number in brackets corresponds to the number of replies received. It is worth mentioning that this figure can be superior to the number of communications sent, as responses from governments sometimes cover numerous individual cases whose assessment must be done separately.

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Algeria	2 2 0	2 0 2 0	2 males (Including 1 HRD [§])	Death due to excessive use of force (1) Death threats (1)	Partial response (2)
Angola	1 0 1	0 0 0	5 males	Death due to excessive use of force (1)	No response (1)
Argentina	0 0 0	2 2 0 0			Substantive response to a communication sent in 2003 (1) Allegations denied to a communication sent in 2003 (1)
Azerbaijan	1 1 0	1 0 1 0	1 male (belonging to a religious minority)	Death threats (1)	Partial response (1)
Bangladesh	2 1 1	2 0 1 1	3 males 1 female (journalist)	Death threats (1) Death due to excessive use of force (1)	Acknowledged (2)

[§] Human Rights Defender

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Barbados	1 1 0	1 0 1 0	2 males	Non-respect of international standards relating to the imposition of capital punishment (1)	Substantive response (1)
Bolivia	1 1 0	2 1 1 0	General (law)	Impunity (1)	Partial response to a communication sent in 2003 (1) Allegations denied (1)
Brazil	4 1 3	1 0 1 0	29 males (including 8 minors and 1 HRD) 1 female (including a judge)	Death threats (administration of justice) (1) Death in custody (1) Death due to attacks by law enforcement officials (2) Death due to attacks or killing by private forces cooperating or tolerated by the State (1)	Substantive response (1) No response (3)
Cameroon	2 1 1	0 0 0 0	1 male 1 female (including 1 HRD)	Death threats (reprisal) (1) Death in custody (1)	No response (2)
Chile	1 1 0	1 1 0 0	1 female (including 1 HRD and person belonging to ethnic minority)	Death threats (1)	Partial response to a communication sent in 2003 (1) No response (1)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
China	12 7 5	6 0 3 3	14 males (including 1 ethnic minority) 1 child 3 females (including 1 HRD) 78 unknown (including 50 belonging to an ethnic minority and 28 belonging to a religious minority)	Non-respect of international standards relating to the imposition of capital punishment – minor (1) Non-respect of international standards relating to the imposition of capital punishment (7) (including 2 cases of ethnic minority) Death in custody (2) Death threats (1) Religious minority (1)	Substantive response (1) Allegation denied (2) Awaiting translation (3) No response (6)
Colombia	16 10 6	20 9 9 2	30 males (including 11 Trade unionists, 1 lawyer, 4 HRD, 1 minor) 7 females (including 1 minor, 3 HRDs, 1 journalist and 1 HRD/Journalist) 8 unknown indigenous minority 500 unknown IDPs	Death threats (9) Death due to attacks or killings by paramilitary groups cooperating or tolerated by the state (4) Death in custody (1) Death due to attacks or killings by security forces (2)	Substantive response to a communication sent in 2003 (3) Partial response to a communication sent in 2003 (6) Substantive response (1) Partial response (10) No response (5)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Congo (Democratic Republic of the)	10 6 4	3 0 3 0	11 males (including 1 HRD and 3 Journalists) 2 females (including 1 journalist)	Death threats (6, including 2 communications for 1 individual) Death in custody (2) Death due to attacks or killings by security forces (2)	Acknowledged (2) Partial response (1) No response (8)
Côte d'Ivoire	3 2 1	2 1 0 1	3 males (including 2 HRDs and 1 journalist)	Death due to excessive use of force (1) Death threats – reprisal (1) Death threats (1)	Substantive response to a communication sent in 2003 (1) Substantive response (1) No response (2)
Ecuador	3 3 0	1 1 0 0	5 males (including 4 journalists and 1 HRD subject of 2 Urgent appeals)	Death threats (3)	Partial response to a communication sent in 2003 (1) No response (3)
Equatorial Guinea	2 2 0	0 0 0 0	21 males (including 1 exercising his right to freedom of opinion – political party) 1 female 1 unknown	Death threats (1) Fear of death in custody and death due to excessive use of force (1)	No response (2)
Egypt	4 0 4	4 0 0 4	13 males	Death in custody (4)	Substantive response (One response including: <i>Case 1: allegations denied(1), Case 2: allegation denied</i>)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
					<i>(1) and Case 3: Substantive response(1) Allegations denied (2)</i>
Ethiopia	2 1 1	2 0 1 1	35 unknown (belonging to ethnic minority)	Death due to excessive use of force (1) Ethnic minority (1)	Substantive response (1) Allegations denied (1)
Haiti	3 1 2	0 0 0	3 males (including 2 lawyers) 2 unknown	Death due to excessive use of force (2) Death threats (1)	No response (3)
Honduras	4 2 2	3 1 2 0	108 males (including 1 HRD and 107 minors) 1 female	Death threats (2) Death in custody (1) Death due to excessive use of force (1)	Substantive response to a communication sent in 2003 (1) Partial response (1) Substantive response (1) No response (2)
India	7 1 6	6 6 0 0	11 males (including 2 minors)	Death threats (1) Death in custody (4) Death due to excessive use of force (2) Impunity (1)	Substantive response to a communication sent in 2003 (4) Partial response to a communication sent in 2003 (2) No response (7)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Indonesia	4 3 1	1 0 1 0	8 males (including 1 journalist) 2 females 2 unknown	Death threats (1) Non-respect of international standards relating to the imposition of capital punishment (2) Death due to excessive use of force (1)	Substantive response (1) No response (3)
Iran (Islamic Republic of)	12 8 4	5 0 3 2	7 males (including 3 minors) 7 females (including 1 HRD and 2 minor)	Death threats (1) Non-respect of international standards relating to the imposition of capital punishment – minor (5) Non-respect of international standards relating to the imposition of capital punishment (6)	Substantive response (1) Partial response (2) Allegations denied (2) No response (6)
Iraq	1 1 0	0 0 0 0	1 male	Non-respect of international standards relating to the imposition of capital punishment (1)	No response (1)
Israel	5 0 5	2 0 0 2	13 males (including 5 minors) 1 female (minor) 30 unknown	Violation during armed conflict contrary to International Humanitarian Law (5)	Allegations denied (2) No response (3)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Jamaica	3 1 2	0 0 0 0	6 males (including 2 killed because of their sexual orientation) 1 female	Death due to excessive use of force (1) Persons targeted because of their sexual orientation (1) Death due to attacks or killings by security forces (1)	No response (3)
Japan	1 1 0	0 0 0 0	1 male	Non-respect of international standards relating to the imposition of capital punishment (1)	No response (1)
Jordan	1 1 0	1 0 0 0	1 male	Non-respect of international standards relating to the imposition of capital punishment (1)	Partial response (1)
Kazakhstan	1 1 0	0 0 0 0	1 male	Non-respect of international standards relating to the imposition of capital punishment (1)	No response (1)
Kenya	1 1 0	0 0 0 0	1 unknown child belonging to an ethnic minority	Ethnic minority (1)	No response (1)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Lao People's Democratic Republic	2 1 1	2 0 0 2	1 male (child) 4 females (children) (belonging to an ethnic minority) Religious minority	Religious and ethnic minorities (1) Death due to excessive use of force (1)	Allegations denied (3)
Lebanon	2 2 0	1 0 1 0	5 males 1 female	Non-respect of international standards relating to the imposition of capital punishment (1) Death due to excessive use of force (demonstrators) (1)	Substantive response (1) No response (1)
Libyan Arab Jamahiriya	1 1 0	1 0 1 0	1 male 5 females	Non-respect of international standards relating to the imposition of capital punishment (1)	Allegations denied (1)
Malaysia	3 2 1	2 0 1 1	32 males (including 1 HRD)	Expulsion (1) Death threats (1) Death in custody (1)	Allegations denied (2) No response (1)
Mauritania	1 0 1	1 0 0 1	1 male	Death in custody (1)	Allegations denied (1)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Mexico	5 3 2	9 4 3 2	3 males (including 1 HRD and 2 targeted for their sexual orientation) 4 females	Excessive use of force (1) Death in custody and fear of death in custody (1) Death threats (1) Ethnic minority (1) HRD targeted (1)	Partial response to a communication sent in 2003 (3) Substantive response (3) Partial response (2) Allegations denied (1)
Morocco	1 0 1	1 0 0 1	4 males (migrants)	Death due to excessive use of force (1)	Allegations denied (1)
Myanmar	6 1 5	1 0 1 0	38 males (including 9 exercising their right to freedom of opinion and expression) 19 females (including 3 children) 10 unknown	Death due to attacks or killings by armed forces (4) Non-respect of international standards relating to the imposition of capital punishment (2)	Allegations denied (1) No response (5)
Nepal	9 3 6	1 1 0 0	29 males (including 1 minor, 3 journalists and 1 carrying out political activity) 8 females (including 4 minors) 2 unknown	Death due to attacks or killings by armed forces (6) Fear of death in custody and Death in custody (2) Death threats (1)	Partial response to a communication sent in 2003 (1) No response (9)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Nigeria	1 1 0	0 0 0	2 females	Non-respect of international standards relating to the imposition of capital punishment (1)	No response (1)
Pakistan	12 5 7	13 5 4 4	19 males 6 females (including 1 HRD and 1 minor) Religious minority	Non-respect of international standards relating to the imposition of capital punishment (4) (2 communications for same individual) Honour killings (2) Death threats and fear for the safety (2) Death in custody (4)** Death due to excessive use of force (2)	Partial response (1) and allegations denied (1) to a communication sent in 2003 ^{††} Partial response to a communication sent in 2003 (3) ^{‡‡} Substantive response (2) Partial response (5) Partial response (1) and allegations denied (1) ^{§§} No response (6)
Peru	3 3 0	3 0 3 0	1 male HRD 2 females (including 1 journalist and 1 HRD)	Death threats (3)	Allegations denied (2) Substantive response (1)

** The Special Rapporteur sent cases of Death in custody in 3 different letters, which also contained cases of death due to excessive use of force.

†† The communication sent in 2003 contained 4 cases. The government of Pakistan responded to 2 of these cases.

‡‡ The communication sent in 2003 contained 218 cases. The Government of Pakistan responded in three different letters to 17 of the cases.

§§ The Government of Pakistan responded to two of the three cases included in a communication sent to the Special Rapporteur.

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Philippines	4 0 4	2 0 1 1	7 males (including 3 minors, 1 HRD and 1 lawyer) 2 females (1 minor and 1HRD)	Death due to attacks or killings by security forces (4)	Substantive response (1) Allegations denied (1) No response (2)
Russian Federation	3 1 2	4 1 1 2	3 males (including 2 HRD)	Death due to attacks or killings by security forces (2) Fear for the safety (1)	Partial response to a communication sent in 2003 (1) Partial response (2) Allegations denied (1)
Serbia and Montenegro	1 0 1	1 1 0 0	1 male	Death in custody (1)	Allegations denied to a communication sent in 2003 (1) No response (1)
Sri Lanka	8 3 5	7 2 0 5	11 males (including 1 minor, 1 journalist and 1 HRD) 1 female	Death threats – reprisal (1) Death threats (2) Fear of death in custody (1) Death in custody (1) Death due to use of force (4)	Partial response to a communication sent in 2003 (1 response received out of 3 cases: allegations denied) Allegations denied to a communication sent in 2003 (1) Substantive response (4) Partial response (1) Acknowledgment and demand info (1) No response (3)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Sudan	4 3 1	2 2 0 0	49 males (including 1 belonging to an ethnic minority) 4 females 168 belonging to ethnic minority IDPs in Darfur	Non-respect of international standards relating to the imposition of capital punishment (2) Death in custody (1) Violation of the right to life during armed conflict and contrary to International Humanitarian Law (1)	Partial response to a communication sent in 2003 (1) Substantive response to a communication sent in 2003 (1) No response (4)
Sweden	1 1 0	1 0 1 0	1 male	Expulsion (1)	Substantive response (1)
Syrian Arab Republic	2 0 2	1 0 0 1	2 males (including 1 ethnic minority) 40 unknown including 2 children Ethnic minority	Death to excessive use of force (1) Death in custody (1)	Allegations denied (1) No response (1)
Tajikistan	3 3 0	0 0 0 0	9 males	Non-respect of international standards relating to the imposition of capital punishment (3)	No response (3)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Thailand	5 3 2	4 0 1 3	1 male (HRD and religious minority) 2 females 187 unknown	Fear for the safety (1) Death due to excessive use of force (demonstrators) (2) Impunity (1) Non-respect of international standards relating to the imposition of capital punishment (1)	Substantive response (5) No response (2)
The Former Yugoslav Republic of Macedonia	2 1 1	0 0 0 0	1 male 2 females (minors)	Death threats (1) Death due to excessive use of force and Impunity (1)	No response (2)
Togo	1 0 1	0 0 0 0	1 male	Death in custody and impunity (1)	No response (1)
Tunisia	1 0 1	0 0 0 0	1 male	Death in custody (1)	No response (1)
Turkey	3 1 2	5 1 1 3	2 females (including 1 child) 1 male	Honour killing (1) Death threats and fear for the safety – child (1) Death due to excessive use of force (1)	Allegations denied to a communication sent in 2003 (1) Substantive response (2) Partial response (1)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
					Allegations denied (1)
Turkmenistan	1 0 1	0 0 0	2 males	Death in custody (1)	No response (1)
Uganda	1 0 1	0 0 0	1 male	Death in custody (1)	No response (1)
Ukraine	1 0 1	2 1 0 1	1 male	Death in custody (1)	Substantive response to a communication sent in 2003 (1) Allegation denied (1)
United Kingdom of Great Britain and Northern Ireland	2 0 2	2 0 0 2		Violation of the right to life in an armed conflict contrary to International Humanitarian Law (1) Impunity (1)	Substantive response (1) Acknowledged (1)
United States of America	12 11 1	1 1 0 0	10 males 22 unknown	Non-respect of international standards relating to the imposition of capital punishment (10)	Allegations denied to a communication sent in 2003 (1) No response (12)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
				Expulsion (1) Violation of the right to life in an armed conflict contrary to International Humanitarian Law (1)	
Uzbekistan	4 3 1	3 0 2 1	5 males (including 1 HRD)	Death threats (1) Non-respect of international standards relating to the imposition of capital punishment (2) Death in custody (1)	Allegation denied (1) Substantive response (2) No response (1)
Venezuela	4 4 0	8 3 5 0	9 males (Including 4 journalists and 3 minors) 5 females	Death threats (2) Death due to excessive use of force and death threats (2)	Substantive response to a communication sent in 2003 (2) Partial response to a communication sent in 2003 (1) Substantive response (1) Partial response (4) No response (1)
Viet Nam	2 1 1	2 0 1 1	17 unknown Religious minority Ethnic minority	Death threats (1) Death due to attacks or killings by security forces (1)	Allegations denied (2)

Country	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category* of individuals concerned	Alleged violations of the right to life [†] upon which the Special Rapporteur intervened	Government responses and observations [‡] of the Special Rapporteur
Yemen	2 1 1	0 0 0 0	1 male 118 unknown Religious minority	Non-respect of international standards relating to the imposition of capital punishment (1) Death due to excessive use of force (1)	No response (2)
Zimbabwe	2 1 1	1 0 0 1	70 males	Death due to excessive use of force (1) Refolement (1)	Substantive response (1) No response (1)

Other	No. of Communications sent Total UA AL	No. of Government responses Total 2003 UA AL	No. and category of individuals concerned	Alleged violations of the right to life upon which the Special Rapporteur intervened	Government responses and observations of the Special Rapporteur
Palestinian Authority	1 0 1	0 0 0	5 females including 4 children	Violation of the right to life in an armed conflict contrary to international humanitarian law (1)	No response (1)

*** See paragraph 6 of Commission of Human Rights resolution 2004/37

*** These violations are: Non-respect of international standards on safeguards and restrictions relating to the imposition of Non-respect of international standards relating to the imposition of capital punishment; death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above and when the Government is failing to take appropriate protection measures, deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention; deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality; deaths due to the attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State; violations of the right to life during armed conflicts, especially of the civilian population and other non-combatants, contrary to international humanitarian law; expulsion, refoulement, or return of persons to a country or a place where their lives are in danger; impunity

*** *“Substantive response”* concerning replies clarifying a case; *“Partial response”* concerning replies providing limited information in response to the allegation sent and where the Special Rapporteur requires additional details; *“Allegations denied”* concerning replies where a Government categorically denies the allegations put forward by the Special Rapporteur; *“Acknowledged”* concerning replies acknowledging receipt of a communication without providing any substantial information; and *“No response”*. The number in brackets corresponds to the number of replies received. It is worth mentioning that this figure can be superior to the number of communications sent, as responses from governments sometimes cover numerous individual cases whose assessment must be done separately.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Afghanistan	<p>1. <u>Allegation, 16 October 2003.</u> Mohammed Esmail Temory was allegedly shot dead following an altercation with US military personnel at a checkpoint located in front of the bazaar in the town of Surobi, in the Kabul province, on 18 March 2003, when the minibus he was riding was stopped and searched. Reports indicate that the victim, a fluent english-speaker, objected to the search of a female passenger wearing a burqa by US soldiers. An argument ensued, allegedly followed by beating and a fatal shot in the neck of the unarmed victim from a US soldier.</p>	<p>2. <u>Response dated 18 December 2003 acknowledging the letter of the Special Rapporteur.</u></p>	<p>3. The Special Rapporteur would appreciate receiving a substantive response to his communication</p>
Afghanistan	<p>4. <u>Allegation sent with Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture, 2 June 2004.</u> Abdullah Shah, a military commander from Paghman was reportedly executed on 19 April 2004. The proceedings at Abdullah Shah's trial allegedly fell short of international fair trial standards in several ways. He had no defence at his trial which was heard in a "special court" that was not open to the general public. It is alleged that the chief judge in the initial trial was dismissed for accepting a bribe and that the second imposed the death penalty hastily, under pressure from the Supreme Court. Furthermore, although 23 written complaints formed the bulk of evidence against him, there was reportedly no chance for cross-examination. Reports also indicate that Abdullah Shah was wearing leg irons</p>	<p>5. <u>Response dated 30 July 2004.</u> According to the Government, the special court was established not only for Abdullah Shah's trial. The trial was broadcast on Government TV and Radio. The judge was dismissed because of incompetence, not bribery. The court spent 2,5 months reviewing the case; thus its verdict was not made hastily. The Supreme court did not interfere in the proceedings. Abdullah Shah did not wear leg irons during the trial. He declined a lawyer and chose to defend himself. Police and Attorney's office investigated the case sufficiently and the proceedings were then reviewed by three courts. There is no evidence which points to the torture of Abdullah Shah. The Government suggested that in such cases the onus should be on the</p>	<p>6. During her mission to Afghanistan, the Special Rapporteur attended the trial and concluded that it was not in conformity with the United Nations safeguards and restrictions relating to the imposition of capital punishment. (see report E/CN.4/2003/3/Add.4, para. 47-56).</p>

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	throughout his trial. He allegedly claimed in court that he was forced to sign a confession and that he was tortured in detention, pointing to injuries from his leg irons, as well as injuries to his teeth and hand. Concerns have been expressed that no investigation was undertaken regarding these allegations of torture.	Special Rapporteurs to provide it with evidence, documentation or other proof, which could then be legally processed.	
Afghanistan	7. <u>Allegation, 13 July 2004.</u> Four Taliban prisoners in southern Afghanistan were reportedly captured and beheaded by members of the Afghan National Army on 21 June 2004. It is alleged that they were murdered in reprisal for the earlier killing of an interpreter and a soldier by alleged Taliban guerrillas.	8. <u>No response.</u>	
Algérie	9. <u>Appel urgent envoyé avec le Groupe de Travail sur la Détention Arbitraire, le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, et le Rapporteur Spécial sur la torture, 24 mai 2004.</u> D'après les informations reçues, Chouaib Argabi, aurait été mortellement blessé par balle le 13 mai 2004 dans la localité de Taghit (Wilaya de Batna), par un membre du Groupe de Légitime Défense (GLD), un groupe paramilitaire de Taghit, qui aurait tiré sans sommation sur le jeune homme, l'ayant pris pour un terroriste. Il nous a été également rapporté que le compagnon de Mr. Argabi aurait été enlevé et séquestré dans le casernement des GLD.	10. Réponse du 16 juillet 2004 : Selon le Gouvernement, dans la nuit du 13 mai 2004, des agents de la garde communale de Taghit ont vu arriver deux hommes en rase campagne. "Croyant avoir affaire à des terroristes, ils tirent après les sommations d'usage, en leur direction". Chouïb Argabi est mortellement blessé. Les deux hommes auraient été surpris en train de récupérer des denrées volées auparavant. Le Procureur de la République de Arris a ouvert une information judiciaire et saisi le juge d'instruction du tribunal qui a inculpé les responsables du chef d'homicide et a ordonné leur détention provisoire. Une autopsie de la victime a été ordonnée. Selon le gouvernement « il n'y a pas d'impunité dans cette affaire puisqu'elle	11. Le Rapporteur Spécial remercie le Gouvernement pour sa réponse. Il note qu'aucune mention n'est faite par le Gouvernement du fait que le compagnon de M. Argabi ait été enlevé et séquestré dans le casernement des GLD (comme allégué dans sa communication) et souhaiterait recevoir de plus amples renseignements à ce sujet.

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		est pendante devant la justice et que les auteurs présumés ont été poursuivis et placés sous mandat de dépôt ».	
Algérie	<p>12. <u>Appel urgent envoyé avec le Groupe de Travail sur la Détention Arbitraire, le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, la Représentante Spéciale du Secrétaire Général concernant la situation des défenseurs des droits de l'homme, 28-mai 2004</u>, M. Hafnoui El Ghoul, responsable de la Ligue algérienne de défense des droits de l'Homme (LADDH) à Djelfa et correspondant de presse aurait été arrêté par des policiers en civil pour être mis en détention. M. El Ghoul serait l'objet de plusieurs plaintes pour diffamation déposées par le préfet et le Directeur de la Santé Publique de Djelfa à la suite d'un entretien qu'il aurait donné au quotidien national <i>Le Soir</i>, daté du 17 mai 2004, où il aurait dénoncé la situation des droits de l'Homme et plus particulièrement celle des journalistes dans la région de Djelfa. Le 25 Mai 2004, M. Ghoul aurait été condamné à six mois de prison au sujet d'une quatrième plainte sans que ses avocats n'aient eu connaissance de cette audience ni de l'objet de la plainte en question. Le 26 mai, on aurait empêché sa à famille de lui rendre visite, raison pour laquelle il aurait entamé une grève de la faim. Des craintes ont été exprimées quant à sa sécurité car lors d'une convocation au commissariat de Djelfa, le 15 mai 2004, M. El</p>	<p>13. Réponse du 16 juillet 2004. Selon le Gouvernement, M. Hafnoui El Ghoul a bien été inculpé des chefs de diffamation, outrage et injures, conformément aux articles 144, 146, 296 et suivants du code pénal pour un article paru le 17 mai dans le quotidien "le Matin" où il accuse le préfet, la police, l'armée et l'appareil judiciaire pour leur comportement mafieux. M. El Ghoul a été condamné à 2 mois d'emprisonnement à la suite d'un procès public et contradictoire. Son avocat a assisté à son audition. Il n'a pas subi de restriction quant aux visites qu'il a reçues en prison. Il n'a par ailleurs jamais commencé de grève de la faim.</p>	<p>14. Le Rapporteur remercie le Gouvernement de sa réponse. Il note que les allégations relatives à d'éventuelles menaces de mort lors de son passage au commissariat de Djelfa le 15 mai 2004 (comme indiqué dans sa communication) n'ont pas fait l'objet d'explication par le Gouvernement algérien et souhaiterait recevoir de plus amples renseignements à ce sujet.</p>

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	Ghoul aurait reçu des menaces de mort explicites, visant également sa famille s'il continuait à "s'entêter".		
Angola	15. <u>Allegation, sent with the Special Rapporteur on torture, 15 September 2004.</u> On 8 March 2003 in the village of Dinge, four members of the Armed Forces of Angola (FAA) reportedly accused João Félix Mavungo of violating restrictions concerning work on the land, beat him in front of his wife, and took him away. The military returned his body to his family, claiming that he died from illness, however the body reportedly bore evidence of beatings. On 3 April 2003, Vicente Ngoma and Filipe Maiúlo while on their way to the village of Sindi were reportedly picked up by FAA soldiers who beat them up. Vicente Ngoma was stabbed and died of his injuries. Paulo Mambo João, a coordinator of Micuma I village, was returning from a hunt on 16 July 2003 when he was reportedly detained by FAA soldiers. He was tied to a tree, interrogated, and died after being shot twice in the chest. Nicolau Nkula Macumbo and Artur Kinangi, nationals of the Democratic Republic of Congo were reportedly found on 16 July 2003 with signs of beatings, next to Rio Luali, Belize, three days after they were detained at the Lona Commando base.	16. <u>No response.</u>	
Argentina	17. <u>Alegación, enviada con el Relator Especial sobre la tortura, 29 de septiembre de 2004, see E/CN.4/2004/7/Add.1, paragraph 12.</u>	18. <u>Respuesta del 23 de noviembre de 2004:</u> De acuerdo con el Gobierno, se realizó una autopsia el 20 de junio de 2002 del cuerpo del	19. El Relator Especial agradece el Gobierno de Argentina por su respuesta.

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		Sr. Héctor Gustavo Agüero. En la sangre y vísceras estudiadas no se ha constatado la presencia de ninguna sustancia química dentro del grupo de las analizadas.	
Argentina	20. <u>Llamamiento urgente enviado con el Relator Especial sobre la tortura, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, el 6 de noviembre de 2003</u> , relativo a amenazas de muerte contra los defensores de derechos humanos María Dolres Gómez y Fernando Maroto. See E/CN.4/2004/7/Add1., para.11.	21. <u>Respuesta del 19 de marzo de 2004</u> . El Gobierno informó que tomó medida de protección adoptadas a favor de la señora Gómez de su familia y del señor Maroto a consecuencia de la carta de los Relatores. El 7 de diciembre de 2003, le fue asignada a la Sra Gómez la custodia de la policía federal argentina en reemplazo de la otorgada por la gendarmería para que la escoltara en forma permanente. El gobierno también impulsó una investigación judicial exhaustiva, sin poder por lo tanto garantizar su resultado.	22. El Relator Especial agradece el Gobierno de Argentina por su respuesta. Agradecería recibir más información sobre los resultados de la investigación judicial emprendida.
Azerbaijan	23. <u>Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom and expression, 1 March 2004</u> The police in the town of Nakhichevan (Naxçivan) reportedly refused to protect an Adventist pastor, Khalid Babaev, who was threatened with death and driven out of the community by local men. Reports indicate that local members of the Muslim community had threatened to sacrifice Babaev as a holy duty and to halt Adventist religious activity in Nakhichevan. Pastor Babaev was told that if he held another religious service, a mob would attack his house.	24. <u>Response dated 3 May 2004</u> . According to the Government, an investigation was initiated on the basis of the communication sent by the SR. The Ministry of Justice concluded that "none of the churches in the town of Nakhichevan have an official registration and they are not practically functioning". The investigations did not confirm the alleged threats against Mr. Babayev, and no complaint had been lodged with the police. Appropriate measures have been taken to ensure the personal safety of Mr. Babayev.	25. The Special Rapporteur thanks the Government for its reply. The SR would appreciate further details on the steps taken to investigate the incident in question and information substantiating the conclusion that the alleged threats had not been made.
Bangladesh	26. <u>Urgent appeal, sent with the Special</u>	27. <u>Reply dated 7 May 2004 acknowledging</u>	28. The Special

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	<p><u>Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on human rights defenders, 5 May 2004.</u> Sumi Khan, a journalist and Chittagong correspondent of the magazine Weekly 2000, was reportedly stabbed and critically wounded in the Nandan Kanon area (Chittagong) on 27 April 2004 by three men in an auto-rickshaw who attempted to drag her into their vehicle. The assailants threatened that she would be killed if she did not stop writing. Reports indicate that three policemen stood by while the attack was taking place. The victim has filed a complaint with the police but at the time of writing, no-one had been arrested. Sumi Khan wrote articles on human rights violations suffered by the Hindus and on the alleged involvement of local politicians and religious groups in attacks on members of this community. In recent weeks, she had been receiving several anonymous threatening telephone calls, warning her not to “defame” people in her reports.</p>	<p><u>the letter of the Special Rapporteur.</u></p>	<p>Rapporteur would appreciate receiving a substantive response to his communication</p>
Bangladesh	<p>29. <u>Allegation, 15 November 2004.</u> On 4 August 2004, Mohammed Sha Newaz Tito, aged 30, Munir Hossain Talukdar and Ziaul Alam Dipu, were reportedly beaten and arrested at a restaurant in the Agrabad area (Chittagong) by around 20 members of the Rapid Action Battalion (RAB). They were taken to Ziaul Alam Dipu’s house, where Ziaul Alam Dipu was subjected to electric</p>	<p>30. <u>Response dated 18 November 2004</u> indicating that the communication has been transmitted to the relevant authorities in Bangladesh.</p>	<p>31. The Special Rapporteur would appreciate receiving a substantive response to his communication</p>

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	<p>shocks on his genitals for several hours. Several family members and neighbours witnessed the ill-treatment. He and Munir Hossain Talukdar were then taken to Double Mooring Police Station. On 5 August at 5am, an official of the station informed relatives that they arrived in poor physical condition. All three men were brought before a court and remanded in detention on charges of possession of illegal weapons. Sha Newaz Tito was admitted to the Department of Neurosurgery of the Chittagong Medical College Hospital where he died on 6 August 2004. According to police reports, he sustained the injuries as a result of attempting to escape through a first floor window. However, the autopsy report dated 8 August contradicts this version and indicated that numerous injuries all over his body, as well as head injuries, might have caused his death.</p>		
Barbados	<p>32. <u>Urgent appeal</u>, 1 October 2004, Mr. Lennox Ricardo Boyce and Mr. Jeffrey Joseph were sentenced to death for the April 1999 murder of 22-year-old Marquelle Hippolyte. They reportedly had their death warrants read to them on 15 September 2004. If their sentences were to be carried out, they would be the first persons to be executed in Barbados in 20 years. Lennox Boyce and Jeffrey Joseph were initially told that their executions were scheduled to be carried out on 21 September 2004. On 17 September their lawyers petitioned for a stay of execution until the court</p>	<p>33. <u>Response dated 1 November 2004</u>: According to the Government, the facts indicate that the petitioners were convicted of murder and sentenced to death on 2nd February 2001 and subsequently the Court of Appeal of Barbados dismissed their appeals and affirmed their sentence to death. The Judicial Committee of the Privy Council affirmed the mandatory death sentence imposed on them. Pursuant to section 78 of the Constitution of Barbados, the petitioners are entitled to seek mercy from the Privy</p>	<p>34. The Special Rapporteur thanks the Government for its detailed and systematic reply, although the status of the mandatory death penalty under international law was not specifically addressed by the Government. The SR would appreciate receiving information with regard to the outcome of</p>

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	<p>decided whether their constitutional rights were breached. A stay was granted by the Barbados Court of Appeal, which was to hear their cases between 29 September and 5 October 2004. On 4 September 2004 the two men also filed appeals against their sentences to the Inter-American Commission on Human Rights. However, following the rescheduling of their execution, fears were expressed that if the domestic courts were to deny the current legal appeals, the Barbados authorities would again issue execution warrants and may carry out the death sentences before the Inter-American Commission on Human Rights had considered their cases. The death penalty in Barbados is imposed as a mandatory measure for murder and treason, thus making it impossible to take into account any mitigating or extenuating circumstances and eliminating any individual determination of an appropriate sentence. Such arbitrariness is incompatible with the international obligations of Barbados under various instruments.</p>	<p>Council. In addition, petitioners sentenced to death can avail themselves of the right to petition the Inter-American Commission on Human Rights. Barbados has not signed the UN Second Optional Protocol nor its equivalent statute in the OAS system. Following the recent application to the high Court, the warrants of execution read to the petitioners have been stayed pending determinations of their constitutional rights. Accordingly, Barbados has fully complied with its obligation under international law which are reflected in its constitutional framework. The Government of Barbados states that the proposed executions of the petitioners cannot be classified as extrajudicial, summary or arbitrary. The petitioners were convicted by trial involving a judge and jury; they received legal representation by able counsel fully funded by the State Party. The appeal to the Court of Appeal was fully funded from public funds and able counsel appeared on behalf of the petitioners. The convictions of the petitioners resulted after full compliance with due process requirements including legal representation and comprehensive arguments on appeal including the Judicial Committee of the Privy Council. The imposition of the death penalty was examined and held constitutionally permissible. In October 2003,</p>	<p>the appeals filed against these death sentences with the Inter-American Commission on Human Rights.</p>

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		Barbados contented before the Inter-American Commission on Human Rights that the imposition of the death penalty is constitutionally protected. The Inter-American Commission has since referred Barbado's position for an Advisory opinion to the Inter-American Court of Human Rights. Accordingly, the death penalty is constitutionally permitted in accordance with international law.	
Bolivia	35. <u>Llamamiento urgente, enviado con el Relator Especial sobre la tortura, la Representante Especial del Secretario-General sobre los defensores de los derechos humanos y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, 15 de octubre de 2003.</u> Al menos 50 personas, tres de ellas soldados y un número no identificado de indígenas, habrían resultado muertos como consecuencia de las acciones combinadas de la policía y el ejército con el fin de neutralizar las manifestaciones y romper los bloqueos en diversas partes del país ocurridos desde el 20 de septiembre de 2003 y el 13 de octubre de 2003. Se informa igualmente que centenares de personas habrían resultado heridas durante estos despliegues. (See E/CN.4/2004/7/Add.1., para 31)	36. <u>Respuesta del 19 de noviembre de 2003.</u> El Gobierno informa que en cuanto a las investigaciones sobre las 56 muertes y más de 200 personas heridas, el Gobierno afirma que se interpuso una denuncia al Fiscal General de la República. Sin embargo, las investigaciones se encuentran difíciles ya que están en lugares distantes de la ciudad de la Paz. El Gobierno, en coordinación con los demás miembros de la Comisión Pro-Justicia y Paz, efectúan un seguimiento detallado a cada caso, con el propósito de colaborar en atención médica económica y jurídica. El Gobierno añade que se establece amnistía temporal por los delitos que se encuentran bajo la competencia de la Ley de Seguridad Ciudadana No 2494, por la cual se agravan las penas establecidas a tipos penales que tienen que ver con vulneración a la seguridad común.	37. El Relator Especial agradece el Gobierno de Bolivia por su respuesta. Sin embargo, le gustaría recibir más información relativo a la amnistía para los delitos comprendidos en la ley del sistema nacional de seguridad ciudadana No 2494.
Bolivia	38. <u>Llamamiento urgente enviado con el RS sobre</u>	39. <u>Respuesta del 29 de julio de 2004. Según</u>	40. El Relator Especial

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	<p>la tortura, 9 de junio de 2004. De acuerdo con la información recibida, el Senado aprobó una ley de interpretación constitucional con el objetivo de asentar la vigencia del fuero militar. Esta ley podría tener repercusiones en el proceso contra los militares acusados de haber reprimido con un uso excesivo de la fuerza unas manifestaciones organizadas en La Paz en febrero de 2003 donde 31 manifestantes fallecieron y 212 resultaron heridos. En agosto de 2003, los militares responsables por la matanza fueron normalmente imputados por la probable comisión de delitos de homicidio y grave daño calificado. No obstante los militares imputados interpusieron una excepción de incompetencia, alegando estar sometidos a las leyes militares y estar procesados por los mismos hechos ante la jurisdicción penal militar. El 6 de mayo de 2004, el asunto habría sido juzgado en revisión por el Tribunal Constitucional de Bolivia, que habría establecido que los alcances de la jurisdicción militar no comprendían actos de las Fuerzas Armadas en los cuales el derecho a la vida era vulnerado. El 8 de mayo, el Alto Mando Militar habría emitido un comunicado en el que advirtió que el fallo del Tribunal Constitucional podría resquebrajar la unidad y estabilidad del Estado. Como consecuencia de ese fallo, se inició un juicio de prevaricato contra los Magistrados del Tribunal Constitucional. Además, se aprobó en el Senado la antemencionada ley interpretativa del artículo</p>	<p>el Gobierno sólo dos personas resultaron matadas y una sola herida en febrero de 2003. Los responsables fueron imputados formalmente por homicidio, lesiones gravísimas y daño calificado. En agosto de 2003, los militares imputados interpusieron una excepción de incompetencia, alegando estar sometidos a leyes militares ya que actuaron en defensa de la estabilidad de las instituciones democráticas del Estado. En cuanto al recurso de amparo constitucional el Gobierno recuerda que su alcance es vinculante solo para las partes intervinientes en el recurso, y en consecuencia son fallos que no alteran el fuero militar. En cuanto al Proyecto de Ley Interpretativo del artículo 209 de la Constitución, el Gobierno afirma que conforme a la norma constitucional estableciendo que los poderes de gobierno son independientes, el poder ejecutivo no puede interferir en la aprobación de esta ley. En cuanto al proceso de responsabilidades instaurado contra los magistrados del Tribunal Constitucional, el Gobierno recuerda que es una acción prevista por la Ley y que los magistrados imputados están bajo el principio de inocencia y tienen todas las garantías y derechos previstos por la Constitución y las leyes para su defensa.</p>	<p>agradece el Gobierno de Bolivia por su respuesta. No obstante, el Relator Especial agradecería información adicional relativa a las consecuencias de la adopción de la ley interpretativa y del proseguimiento de los juicios de prevaricato en relación con la impunidad de los miembros de las fuerzas armadas que ambos podrían favorecer.</p>

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	209 de la Constitución, que consolidaría un fuero a favor de los militares a ser procesados por delitos o violación de garantías. Se teme que la adopción de esta Ley Interpretativa así como el proseguimiento de los juicios de prevaricato podrían favorecer la impunidad de los miembros de las fuerzas armadas y evitar la investigación de las muertes y los daños ocurridos en febrero de 2003.		
Brazil	41. <u>Urgent appeal, 14 May 2004.</u> Despite precautionary measures authorized by the Inter-American Commission for Human Rights, police protection from the Federal Police was reportedly ended on 16 April 2004 for Rosemary Souto Maior de Almeida, spokesperson of the Municipal Assembly of the city of Itambé, Pernambuco State. On 16 April 2004, the chief of the Federal Police in Pernambuco State reportedly made a statement to the press announcing the suspension of such protection. Thousands of copies of this article were distributed by Ms. Souto Major's opponents in a coordinated operation on the same day. Concerns were expressed for her life.	42. <u>Response dated 3 September 2004.</u> According to the Government, Rosemary Souto Maior, Public Prosecutor and Manoel Mattos, municipal counselor have received police protection from the Federal Police up to 31 March 2004. On that day, Mr. Mattos had a quarrel with some policemen in charge of his protection. They argued that he had infringed the rules established for the protection of witnesses. The Government explained that after this incident, the protection of both Mr. Mattos and Ms. Souto Maior was suspended. The Inter-American Commission for Human Rights requested the Government of Brazil to provide protection for an additional 6 months as of 17 May 2004 for both persons. The Secretary of State for Human Rights asked the Minister of Justice to take all necessary measures to ensure life and the personal integrity of the two persons. According to the Military Police in Pernambuco, Ms. Souto Maior is under full	43. The Special Rapporteur thanks the Government for its very comprehensive reply. The SR regrets that Mr. Mattos was not provided police protection (as of 17 May 2004) in spite of the precautionary measures adopted by the Inter-American Commission on Human Rights. He hopes that such protection was eventually provided.

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		police protection while Mr. Mattos has not requested any measure to protect his life.	
Brazil	44. <u>Allegation, 26 May 2004</u> : Fourteen inmates were reportedly killed by fellow prisoners in a five-day revolt sparked by a clash between rival gangs on 25 April 2004 in the Urso Branco prison in the Amazon state of Rondonia. According to the information received, the prison authorities did not manage to intervene to stop the killings which only ceased after the authorities met the inmates' demands to replace the prison director and to expand the overcrowded prison.	45. <u>No response.</u>	
Brazil	46. <u>Allegation, 6 October 2004</u> : At dawn of February 22, 2004, Liniker Ferreira Madeira (aged 17), Leandro Santos da Silva (aged 16), Jean Alexandre de Campos (aged 13) and Marcelo Rodrigues da Silva (aged 16) were returning from a party on Via Apia street, in Rocinha, a favela in Rio de Janeiro, when they were accosted by the police from the Special Operations Battalion of the Military Police (BOPE) who were carrying out an anti-drug operation in the area. According to the information received, the police stopped the boys and placed a plastic bag on Leandro's head and made all the boys walk down the hill, saying that they were going to kill one of them. The boys were brought to Travessa Gregorio street near a drainage ditch and were shot. Liniker and Leandro died at the scene and the other two were taken to public hospital Miguel Couto. Marcelo Rodrigues is the only survivor who remains in critical	47. <u>No response.</u>	

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	<p>condition, under the watch of two military police. The police alleged that the youngsters were drug traffickers. They further asserted that the BOPE officers would only shot in self defence. It is alleged that the BOPE officers falsified the crime scene to incriminate the victims in an attempt to make them seem like members of a drug trafficking gang. No weapons were found with the victims and none of them had a history of criminal activity. According to the information received, an investigation is being carried out but reports indicate that at present, the military police that participated in the incursion in Rocinha remain at liberty to carry out their normal activities.</p>		
Brazil	<p>48. <u>Allegation, 19 November 2004.</u> On 1 August 2004, Elias de Meura, was reportedly killed by gunshots at Fazenda Santa Filomena, Guaraiçá Municipal District, State of Paraná. He was part of the Movement of Landless Rural Workers (<i>Movimento dos Trabalhadores Rurais Sem Terra</i>). Allegations indicate that security agents of the fazenda shot at the rural workers, under the watch of police officers. It has been reported that two gunmen were arrested, but released afterwards because of "lack of evidence". The police Chief claimed that it was impossible to establish the origin of the shots that killed Elias de Meura.</p> <p>49. On 12 June 2004, Thiago de Souza Marques de Oliveira, aged 15, Leandro Celestino</p>	52. <u>No response</u>	

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	<p>Rodrigues, aged 16, and Vladir Borges Furtado Barbosa, aged 19, residents of the Fogueteiro hill, were allegedly killed by 12 members of the Special Military Squad of the 1st Military Battalion who had been called in the area after a robbery in the neighborhood and who were shooting and looking for possible assaulters. The police officers allegedly beat the boys before taking them in their car. On Sunday morning, the bodies were found on Dona Emilia Street, in the neighbourhood of Inhauma, with 13 gunshot wounds, the majority in the head. The autopsies carried out reveal that the shots were made from a 2 to 3 meters distance. Ballistic tests results deny the use of weapons from the Military Police. On 15 June 2004, 26 members of the Special Military Police Squad were put in jail for 72 hours. They are now doing administrative work. At the same time, the witnesses of this incident are reportedly receiving death threats from the Military Police.</p> <p>50. Alexandre Firmino Souza, aged 27, André da Conceição Oliveira, aged 26, and Estavão Lauteano Martins, aged 17, were, according to the information received, killed during a police operation carried out by the Police Unit for Special Area (Grupo de Policiamento em Areas Especiais – GPAE) on 3 March 2004, at around 7 p.m., in the favela Pavao-Pavãozinho. Allegations indicate that members of the GPAE entered the neighbourhood Copacabana firing shots. They</p>		

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	<p>were wearing black shirts and berets, and their face was painted. Alexandre Firmino Souza was reportedly beaten and shot at, from a very close distance, while he was in a bar. André da Conceição Oliveira was shot at in front of a drug-selling spot. Estavão Lauteano Martins was executed in a locale called 5th Station. The then chief of GP AE, Marco Aurelio, claims that the incident occurred because the victims were drug traffickers and that they were armed with rifles and guns. It is alleged that none of the victims had a criminal record. The Secretary of Public Security of Rio de Janeiro, Anthony Garonthino, publicly admitted that Alexandre Firmino was not involved in drug trafficking. On 4 March 2004, protesters requested immediate measures to be taken. On 5 March 2004, the Head Police Inspector, Colonel João Carlos Ferreira, carried out an investigation. 8 agents of the GP AE were identified. Those officers were administratively punished for a month and were back to work in the same community. The Chief of the GP AE, Major Marco Aurelio, was dismissed, but replaced by Antônio Ludogero da Silva Neto, who was responsible for the police operation when the incident occurred.</p> <p>51. Wallace Damião Gonçalves de Mirnada, aged 13, Júlio César de Pereira de Jesus, aged 16, Flavio Moraes de Andrade, aged 19, Eduadro Moraes de Andrade, aged 17 and Jose Manoel da</p>		

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	<p>Silva, aged 26 were reportedly killed on 7 January 2004 by members of the Military Police 4th Battalion in the complex located in Parque da Alegria in the community of Caju, Rio de Janeiro. On the night of 6 January 2004, the above mentioned youths, as well as another young boy, were gathered around a game of dominoes when 11 Military Police officers arrived and opened fire. Three of five bodies were found in a swamp located behind the garage of a bus station on 7 January 2004. Two other bodies were taken to Hospital Souza Aguiar. Authorities claimed that they were drug traffickers and that they were killed during a gun fire exchange. A report has been made to the 17th Police Station by the only survivor (whose name is known by the Special Rapporteur). The inquiry has been transferred from the 17th Police Station to the Joint Oversight Office of Civil and Military Police. It is reported that the police officers involved in this incident remain at large and still work in the community.</p> <p>52. Geraldo de Sant'anna de Avezedo Junior, aged 21, Bruno Muniz Paulino, aged 20, Rafael and Renan Medina Paulino, respectively aged 18 and 13 were, according to the information received, killed by members of the 15th and 21st Battalion of the Military Police on 6 December 2003, at around 4:40 a.m. in São João de Meriti, Baixada Fluminense, Rio de Janeiro. The night before, the youngsters went to "Viashow" a night</p>		

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	<p>club in Baixada Fulminense. Reports indicate that Geraldo Sant'anna stole the car of one of the Military Police agent who was working as a bouncer in that nightclub on his night off. The agent supposedly called up his friends, who arrested the youngsters. They took them to an abandoned farm called Morambi, in Imbariê, Duque de Caxias district and executed them. Their bodies were found on 9 January 2004. According to the Chief Police Officer Renato Soares Vierra of the 62th Police Station, each victim had three gunshot wounds, ("some of which were to the head")especially in the head. 9 officers from the Military Police were temporarily imprisoned on 2 March 2004. On 15 April 2004, the Court of Appeal of the State of Rio de Janeiro revoked the temporary imprisonment, allowing the accused the right to respond to the proceedings at liberty. In August 2004, the Public Prosecutor responsible for the case, Luciano Lessa, had yet to file a complaint against the accused.</p>		
Cameroon	<p>53. <u>Appel urgent, envoyé avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression et la Représentante Spéciale du Secrétaire Général sur les défenseurs des droits de l'homme, 4 décembre 2003.</u> Franka Nzounekeang, Directrice de l'organisation des droits humains Human Rights Defense Group (HRDG) aurait fait l'objet de diverses menaces suite à sa participation à la publication du rapport alternatif pour le Comité</p>	54. <u>Pas de réponse.</u>	

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	<p>contre la torture de la Fédération Internationale des Ligues des Droits de l'Homme (FIDH) relatif à la torture au Cameroun publié le 31 octobre 2003. Selon les renseignements reçus, ce rapport a été publiquement condamné par un communiqué de presse du Ministre des Communications affirmant que certaines ONGs ternissent l'image du gouvernement du Cameroun. Le 27 novembre 2003, Franka Nzounekang aurait reçu un coup de téléphone anonyme l'avertissant qu'une personnalité de haut rang aurait ordonné de la tuer et il lui aurait été conseillé de faire attention.</p>		
Cameroon	<p>55. <u>Allégation, envoyée avec le Rapporteur Spécial sur la torture, 13 avril 2004</u>. Martial Mbong aurait été arrêté le 4 juillet 2002 et emmené dans une cellule de la police judiciaire à Douala. Il y serait décédé le 7 juillet 2002, n'ayant pas survécu à la torture qu'il y aurait subie. La police aurait amené son corps à la morgue sans que la famille du défunt en soit informée. Après avoir contacté le Procureur de la République, la mère de Martial Mbong aurait retrouvé le corps de son fils à l'hôpital provincial de Douala où une autopsie a été pratiquée. Une contre-expertise aurait prouvé que le décès a été provoqué par l'usage de la torture en cellule. Selon les renseignements reçus, la mère du défunt aurait reçu des avertissements de la part d'un Commissaire de police lui recommandant de ne pas poursuivre cette affaire. Depuis, peu de progrès auraient été constatés :le résultat des</p>	56. <u>Pas de réponse.</u>	

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	autopsies n'aurait notamment pas été transmis à un magistrat et la contre-expertise ne serait plus disponible.		
Chile	<p>57. <u>Llamamiento urgente, enviado por el Relator Especial sobre la tortura, el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, y la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 22-oct-03.</u> El 26 de septiembre de 2004, Juana Calfunao Paillalef, líder de una comunidad indígena mapuche del municipio de Cunco de la IX Región y líder fundador de la Comisión Ética Contra la Tortura habría sido amenazado de muerte por un funcionario de la Cooperación Nacional de Desarrollo Indígena (CONADI). Se alega también que más tarde, ese mismo día, alguien habría disparado varias veces contra la vivienda provisional en la que Juana Calfunao y su familia se refugian después del presunto incendio provocado que habría resultado en la destrucción de su casa y la muerte de su tío. Se teme que estas amenazas en contra de Juana Paillalef y su familia puedan estar relacionados con su trabajo en defensa de los derechos de su comunidad indígena. Además, se expresa temores por la seguridad y la vida de Juana Paillalef y sus familiares.</p>	<p>58. Respuesta del 27 de diciembre de 2004. De acuerdo con el Gobierno, desde el año 2000, la Sra Calfunao fue involucrada en agresiones contra varias personas en el marco de sus actividades de líder mapuche. En la actualidad Juana Calfunao está alejada del Consejo de Todas las Tierras y no estaría siendo apoyada en ninguna de sus demandas por esta organización indígena. Su vinculación organizacional más fuerte, es con la comunicada Unión Temulemu de la comuna de Traiguén, la cual es beneficiaria del Fondo de Tierras de la CONADI, y parte del Programa de Desarrollo Integral Orígenes. Por lo que se ha podido constatar, su presencia ha generado división y problemas organizacionales en esta comunidad especialmente en la distribución de recursos entregados por los programas de Gobierno. De acuerdo con el Gobierno, es importante destacar con relación al tema indígena en general, que durante la última década la sociedad chilena, el Gobierno y los pueblos indígenas han realizado los esfuerzos necesarios para mejorar todas estas situaciones puntuales, en un contexto amplio de profundización democrática y mejoramiento de la equidad social y cultural</p>	<p>59. El Relator Especial agradece el Gobierno por su respuesta. Sin embargo, le gustaría recibir información relativa al caso concreto de amenazas mencionadas en su comunicación.</p>

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		de Chile. El gobierno añade que "finalmente, llama la atención la organizada campaña internacional a favor de una persona que constituye un caso excepcional de disconformidad con la nueva política indígena chilena".	
China	60. <u>Allegation</u> , 3 February 2004. Zhao Lin was reportedly executed at the age of eighteen in January 2003 for a murder which allegedly took place in Funing County, Jiangsu Province in May 2000. According to the information received, Zhao Lin was sixteen years old when he allegedly committed the crime.	61. Response dated 21 May 2004. The Chinese Government has made numerous enquiries into the murder case involving Zhao Lin. The Government quotes, as explanatory remarks, that "article 17 of the Criminal Law of the People's Republic of China stipulates that a person who has reached the age of 16 who commits a crime shall bear criminal responsibility...a person who has reached the age of 14 but not the age of 18 who commits a crime shall be given a lesser punishment or a mitigated punishment. Article 49 stipulates that the death penalty is not to be applied to persons who have not reached the age of 18 at the time the crime is committed or to women who are pregnant at the time of adjudication. According to the Government, Chinese courts exercise strict control over the use of death penalty; in sentencing cases they always seek to protect the procedural rights of defendants who are minors, and the death penalty is never given to any defendant under the age of 18".	62. The Special Rapporteur thanks the Government for its reply. However, he would appreciate receiving clearer explanation in relation to the implementation in the case of Zhao Lin of article 49 of the Criminal Law of the People's Republic of China according to which the death penalty is not to be applied to persons who have not reached the age of 18 at the time the crime was committed.
China	63. <u>Urgent Appeal sent with the Special Rapporteur on the promotion and protection of the</u>	64. <u>Reply dated 26 May 04</u> . According to the Government, since Jiang Meili was	65. The Special Rapporteur thanks the

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	<p><u>right to freedom of opinion and expression, Special Representative of the Secretary-General on the situation of human rights defenders, 16 March 2004.</u> According to the information received, on 28 February 2004, Jiang Meili, who had traveled to Beijing to petition the National People's Congress on behalf of her husband, the human rights defender Zheng Enchong, was reportedly detained by officials of the Shanghai Representative Office in Beijing, the Shanghai Letters and Petitions Office and the Shanghai Municipal Public Security Bureau (PSB), without being presented with an arrest warrant. She was allegedly released on 1 March. It is reported that since then she has been under police surveillance and on 4 March was prevented from leaving her home to visit her husband. When she protested, she was allegedly taken to the Guoqing Lu Public Security Bureau and was released later that day. Shen Ting's mother, Mo Zhujie, was reportedly abducted on 5 March 2004 by individuals, some wearing police uniforms -one of them reportedly identified himself as a member of the Shimen Erlu Public Security Bureau- and allegedly threatened to kill her. She was released later that night. Fears have been expressed for the life and physical integrity of the above mentioned individuals who may have been targeted for their human rights work and in particular for campaigning against the reportedly arbitrary imprisonment of Zheng Enchong.</p>	<p>displeased that the law enforcement authorities had punished her husband for vilifying the Chinese authorities in contravention of Chinese criminal law, the Shanghai municipal petitions department engaged with her in some educative mediation, on the basis of relevant laws. In doing so, the public security organs did not apply any kind of coercion to her. The accounts given in the communication does not tally with the facts. Mo Zhujie and her daughter, Shen Ting, have repeatedly spread rumours, influencing the foreign media and putting pressure on the Government in order to maximize their interests in a dispute over the demolition of their home. From March 2004 onwards, Mo has deliberately gone into hiding. On investigation, it turns out that the claim that Mo was bundled by 11 individuals into a police vehicle does not tally with the facts. The rumours spread by Jian, Mo and Shen have nothing to do with freedom of speech and opinion. The Chinese Ministry of Justice took no coercive action against the three women, and their personal rights and other legitimate rights and interests were effectively guaranteed. The Chinese Government guarantees citizens' freedom of speech in accordance with the law and the constitution. There are petition offices at the National People's congress to deal with</p>	<p>Government of China for its reply and observes that freedom of speech is a right to be protected in accordance with both applicable international standards and with national law. The SR's concern related primarily to the alleged risk to the life of the complainant.</p>

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		citizens criticisms and appeals to the Government and give the general public an unobstructed channel for making their views known. At the same time, Chinese law stipulates that in exercising their freedom of speech, citizens must not harm the legitimate rights and interest of the State.	
China	66. <u>Urgent appeal, 14 May-04.</u> Lu Wangli was reportedly sentenced to death on or around 10 May 2004 by a Chinese court for taking 25,59 million yuan (3.1 million dollars) in bribes. This put him at risk of imminent execution. According to the information received, Lu Wangli was convicted at the Intermediate People's Court in Guiyang, capital of Guizhou province, where he was previously the top official in charge of traffic management. He reportedly committed his crimes between 1998 and 2001, when he realized he was being investigated and fled the country. It is reported that he was detained in Fiji and repatriated in April 2002.	67. <u>No response.</u>	
China	68. <u>Urgent appeal, 28 June 2004.</u> Dozens of people sentenced for drug-related crimes were to be executed "to mark" the United Nations-designated International Day against Drug Abuse and Illicit Trafficking on 26 June. In this regard, the SR expressed concerns at the reported executions of Mr. Laifu Yang (a Honk Kong citizen) and Mr. Zhiyuan Du, on 20 June 2004 on charges of drug smuggling following a trial which took place at the Shenzhen City Intermediate	69. <u>Response dated 16 August 2004.</u> The Government noted that: 70. Gou Fei, male, bom on 6 December 1964, Han Chinese, from Pingyu County, Henan Province, a teacher. Arrested on 5 February 2002 for smuggling large quantities of drug. 71. Yu Zhuan, female, born on 10 November	79. The Special Rapporteur thanks the Government for its reply.

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	<p>People's Court, in the province of Guangdong. Likewise, Mr. Fei Guo, Mr. Zhuan Yu, and Mr. Hancheng Zhang were also sentenced to death for drug-related crimes and executed on charges of drug smuggling following two separate trials at the Zhengzhou Railway Transport Intermediate Court, in the Province of Hubei on 24 June.</p> <p>Relatedly, the SR has brought to the attention of the Government information according to which death sentences handed down in the provinces of Sishuan and Yunnan, where problems relating to drug trafficking are said to be particularly acute, do not have to be reviewed by the central Supreme People's Court in Beijing, thereby allowing the possibility of provincial level courts to review cases on appeal and to order the execution of a death sentence.</p>	<p>1964, ethnic Dai from the Dai-Va Autonomous County of Gengma in Yunnan Province, a peasant. Sentenced to life imprisonment and stripped of political rights for life on 27 December 1998 for drug smuggling. Released on parole to seek medical attention on 9 June 1999; arrested in connection with the current case on 5 February 2002.</p> <p>72. In judgement No. 23, delivered in first instance on 7 November 2002, the Zhangzhou Rail Transport Intermediate People's Court found Guo guilty of drug smuggling and sentenced him to death, deprivation of his political rights for life and confiscation of all his property; it found Yu Zhuan guilty of drug smuggling and sentenced her to death and deprivation of her political rights for life, but since she had yet to serve her full sentence for her previous offence it decided to carry out the death sentence, strip her of her political rights for life and confiscate all her personal property. Guo and Yu both appealed. Their appeals were rejected and the original verdicts upheld by the Henan Province Higher People's Court on 10 November 2003. Once the case had been reviewed by the Supreme People's Court, which approved the death sentences on both individuals, the sentences were carried</p>	

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		<p>out on 24 June 2004.</p> <p>73. Yang Laifu, male, born on 8 November 1970, Han Chinese, a Hong Kong resident. Death sentence already put into effect.</p> <p>74. Du Zhiyuan, male, born on 3 August 1972, Han Chinese, a Hong Kong resident.</p> <p>75. In judgement No. 4 (2002), delivered in first instance on 29 January 2002, the Shenzhen Municipal Intermediate People's Court found the two men guilty of drug trafficking. It sentenced Yang to death, deprivation of his political rights for life, and confiscation of all his personal property; to Du, it gave a death sentence suspended for two years, stripped him of his political rights for life and confiscated all his personal property. Both men appealed, Yang on the grounds that he was an accessory to the crime, Du on the grounds that the crime was broken off. In criminal judgement No. 96 (2002), delivered in second and final instance on 14 October 2003, the Guangdong Province Higher People's Court rejected the appeals and upheld the original verdicts. The case was reviewed by the Supreme People's Court, which found that the conduct of Yang <i>et al.</i> did constitute drug trafficking; the facts established in the first and second hearings</p>	

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		<p>were clear and the evidence was reliable and plentiful; the court proceedings had been lawful. Yang had trafficked large quantities of drugs and was a principal in the offence. By ruling No. 65 (2004) delivered on review on 14 May 2004, the Court approved the death sentence passed on Yang for drug trafficking. As Du had been given a suspended sentence which the higher court had upheld, the death penalty has not been carried out on him.</p> <p>76. Zhang Hancheng -- we presume Zhang Hanchen is meant, -- male, born on 9 February 1961, Han Chinese from Wuhan, Hubei Province, unemployed. The Zhengzhou Rail Transport Division of the Hunan People's Procuratorate brought proceedings against Zhang for transporting drugs and illegal drug possession. By criminal judgement No. 12 (2003) delivered in first instance on 6 June 2003, the Zhengzhou Rail Transport Intermediate People's Court found Zhang guilty of transporting drugs and gave him a death sentence suspended for two years, stripped him of his political rights for life and confiscated all his personal property; for illegal possession of drugs it sentenced him to 15 years' imprisonment and a fine of 10,000 yuan. The court therefore resolved to carry</p>	

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		<p>out the death penalty, strip Zhang of his political rights for life and confiscate all his personal property. Zhang appealed on the grounds that he had not been involved in transporting drugs. By local ruling No. 511 (2003) issued in final instance on 29 November 2003, the Henan Province Higher People's Court rejected the appeal and upheld the original judgement. The case was reviewed by the Supreme People's Court, which found that Zhang's conduct, in organizing for other people to transport 4.6766 kg of heroin, did constitute the offence of transporting drugs. The facts established in the first and second hearings were clear and the evidence was reliable and plentiful; the court proceedings had been lawful. Zhang's conduct in transporting 229.8 g of heroin in a rented car also amounted to the offence of transporting drugs, but the lower and higher courts had differed as to whether Zhang had been guilty of illegal possession. The quantity of drugs Zhang had been transporting was large and he was a principal in the crime, so by law he must be severely punished. By ruling No. 91 (2004) delivered on review on 14 May 2004, the Court approved the death sentence passed on Zhang for transporting drugs, and the sentence was carried out on 24 June 2004.</p>	

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		<p>77. China is at present a strong adherent of the death penalty, but its ultimate objective is gradually to diminish its use and eventually to eliminate it. The Criminal Code limits the scope of its application and imposes a strict procedure for its application. The death penalty is applied only to exceptionally grave offenders. Procedurally, the people's courts are especially cautious about imposing it. Capital offenders whose sentences are not for immediate execution can be accorded a two-year suspension of sentence. At the same time, the Chinese law enforcement authorities are constantly reforming the way in which death sentences are carried out to show steadily more humanitarian concern, and are supported in this by all strata of society including criminals themselves and their families.</p> <p>78. The Chinese Code of Criminal Procedure establishes a special review procedure for capital cases whereby, after final judgement by the court of second instance, cases must be referred to the Supreme People's Court, which conducts a thorough review of the facts, the evidence, the verdict, the punishment ordered and the trial procedure; sentences become legally enforceable only with the Supreme Court's approval. All the cases referred to above were reviewed by the</p>	

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		Supreme People's Court. There is no basis for the Rapporteur's conjectures about the review procedure.	
China	80. <u>Allegation sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on torture, 8 July 2004.</u> The Special Rapporteurs brought to the attention of the Chinese Government cases relating to the arrest, detention, ill treatment and torture resulting in the deaths of 28 persons persecuted by the authorities solely because of their belonging to the Falun Gong movement. The victims are: Sun Yanying, Chen Aizhong, Zhu Yourong, Fan Yaxiong, Zhang Zhigen, Jiang Shuhua, Shen Lizhi, Liu Haibo, Liu Yuqing, Song Cuiling, Yin Ling, Xue Xia, Chen Hongping, Yu Yongquan, Chen Xiangrui, Gao Shuhua, Li Jianhou, Li Ying, Zhao Chunying, Yang Yufang, Sui Guangxi, Cao Ping, Bai Xiaojun, Tan Chengqiang, Tian Junlong, Lu Bingshen, Yan Hai, Zhang Changming.	81. <u>No response.</u>	
China	82. <u>Urgent appeal, 8 July 2004.</u> Two Nepalese citizens, Ishwori Kumar Shrestha and Rabi Dahal, were sentenced to death in the Tibet Autonomous Region (TAR), People's Republic of China, on 30 May 2004, on drug-related charges and could face execution at any time. The two men were appointed a lawyer, but it is not clear whether a Nepali-Chinese interpreter was provided, or whether the two were able to fully understand the	83. <u>No response.</u>	

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	<p>process of their charge and trial. It was reported that their families had not heard from them for four months. They were not officially informed of their sentence, but read about it in a Kathmandu newspaper.</p>		
China	<p>84. <u>Allegation, 15 July 2004.</u> Kuerban Tudaji, an alleged Uighur "separatist" in the Xinjiang Uighur Autonomous Region (XUAR) of China, was sentenced to death on 30 June after being convicted of "manufacturing explosives, firearms and ammunition", "attempting to split the country" and "organising terrorist training" between 1998 and 2000. Reports indicate that he had declared a jihad or "holy war" against China. There is no clarity as to the evidence brought against him or whether he had access to a lawyer.</p>	<p>85. <u>Response dated 11 November 2004, UN translation awaited</u></p>	
China	<p>86. <u>Urgent appeal, sent with the Special Rapporteur on torture, 20 September 2004.</u> 50 persons, whose names have not been made public, were reportedly sentenced to death over the past eight months for "separatist" and "terrorist" activities, in the Xinjiang Uighur Autonomous Region (XUAR), northwest China and were at risk of imminent execution. According to the information received, on 13 September 2004, the Secretary of the Regional Communist Party Committee, Mr. Wang Lequan, stated that none of these people sentenced had yet been executed. He allegedly claimed that the 50 persons were detained in the context of a security crackdown on 22 groups involved in "separatist and terrorist"</p>	<p>87. <u>No response.</u></p>	

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	<p>activities. Reports indicate that Uighurs detained on suspicion of “separatist” or “terrorist” offences are often detained without access to lawyers and are at high risk of torture or ill-treatment while in custody. It has been brought to my attention that, earlier this year, four Uighurs, namely Aihe Maititashi, Luohehan Maimaiti, Idris Kadir and Kuerban Tudaji, had been executed in June and July 2004, all for political offences related to “separatist” activities or “trying to split the country”.</p>		
China	<p>88. <u>Urgent appeal sent with the Special Rapporteur on the independence of judges and lawyers, 22 September 2004.</u> Two Nepalese citizens, whose names remain unknown, were reportedly sentenced to death by a Chinese court in a trial alleged to have fallen short of international fair trial standards and were at imminent risk of execution. They were reportedly sentenced to death by a court in the Tibet Autonomous Region (TAR) of the People’s Republic of China, on charges relating to smuggling arms into Nepal. During their trial, it is believed that they neither had access to legal representation nor to an interpreter. Reports indicate that the Nepalese government, which announced the sentences on 17 September 2004, has appealed to the Chinese government to retry the case and to provide the defendants with legal representation.</p>	89. <u>No response.</u>	
China	90. <u>Allegation sent with the Special Rapporteur</u>	91. <u>Response dated 31 December 2004. UN</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p><u>on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on freedom of religion or belief, Special Rapporteur on torture, and Special Rapporteur on violence against women, 15 October 2004.</u> The Special Rapporteurs expressed their concern at increasing reports, over the past five years, of systemic repression against the Falun Gong and other “heretical organizations” (“xiejiao zuzhi”). The Special Rapporteurs are concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called “heretical organizations”, in particular Falun Gong practitioners, may reflect a deliberate and institutionalized policy of the authorities to target specific groups such as the Falun Gong.</p>	translation awaited	
China	<p>92. <u>Urgent Appeal sent with Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture, 19 October 2004.</u> Tenzin Deleg Rinpoche, a 54 year-old Buddhist religious leader was at imminent risk of execution, following a conviction based on a confession obtained under torture. He was arrested on 7 April 2002 following a bombing</p>	93. <u>Response dated 31 December 2004.</u> UN translation awaited	

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	<p>incident in Chengdu, Sichuan Province on 3 April 2002. He was found guilty on 29 November 2002 in a secret trial by the Kardze (Ganzi) Intermediate People's Court in the Kardze Tibetan Autonomous Prefecture, Sichuan Province, for "causing explosions" and "inciting separatism". On 2 December 2002 he was sentenced to death with a two-year suspension of execution, which was set to expire on 2 December 2004. Tenzin Deleg Rinpoche was reportedly held incommunicado for eight months and was reportedly tortured in detention. His conviction was upheld on 26 January 2003 by the Sichuan High People's Court, and he was moved to a secret location afterwards.</p>		
China	<p>94. <u>Allegation, sent with the Special Rapporteur on freedom of religion and belief, 26 November 2004.</u> Ms. Jiang Zongxiu, aged 34, was arrested on 17 June 2004 while she and her mother-in-law were distributing some Christian texts and Bibles in a local market place. Both of them were sentenced to 15 days administrative detention for their suspected activities of "spreading rumours and disturbing the social order." On 18 June around 2pm at the Public Security Bureau of Tongzi County, in Guizhou province, she was beaten to death during an interrogation. No steps have been taken to investigate the case. An autopsy result issued by the local government claimed that Ms. Jiang died of heart failure.</p>	95. <u>No response</u>	
Colombia	96. <u>Llamamiento urgente, 25 Agosto de 2003.</u>	97. <u>Respuesta del 19 diciembre de 2003. El</u>	98. El Relator Especial

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	Leonora Castaño, presidenta de la Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia (ANMUCIC) recibiría amenazas de muerte junto con Nora Cecilia Velásquez y Blanca Nubia Díaz también miembros del ANMUCIC. Se informa que ambas habrían desaparecido. Las amenazas provendrían de las Autodefensas Unidas de Colombia, un grupo armado supuestamente respaldado por las fuerzas armadas. (see E/CN.4/2004/7/Add1., para 83)	Gobierno informó que tomó medidas cautelares en relación con Leonora Castaño. Asimismo, el Gobierno tomó medidas para proteger las sedes de ANMUCIC, en particular las sedes de Santa Fé de Bogotá.	agradece el Gobierno por su respuesta. No obstante le gustaría recibir información sobre la investigación relativa a la desaparición de Nubia Díaz.
Colombia	99. <u>Llamamiento urgente, 23 Octubre de 2003.</u> Amenazas por grupos paramilitares presuntamente respaldados por el ejército en contra de varios sindicalistas del departamento de Risaralda. (see E/CN.4/2004/7/Add1, para 95)	100. Respuesta del 8 de enero de 2004. El Gobierno evaluó las situaciones de riesgo que atravesaban los sindicalistas y adoptó varias medidas de protección: asignación de un esquema dura de protección a favor de dos sindicalistas mientras los otros diez militantes recibieron ayuda humanitaria y tiquetes aéreos para que salgan temporalmente de la zona de riesgo con su grupo familiar. Por fin, el Gobierno aprobó el blindaje de la sede central de la central unitaria de trabajadores.	101. El Relator Especial agradece el Gobierno por su respuesta.
Colombia	102. <u>Llamamiento urgente, mandado con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, 6 de noviembre de 2003.</u> Yaneth Montoya Martínez periodista del periódico regional Vanguardia Liberal en la ciudad de Barrancabermeja, departamento de Santander, quien habría recibido amenazas de muerte por parte de grupos paramilitares presuntamente respaldados por el	103. Respuesta del 8 de enero de 2004. Según el Gobierno, la defensoría del pueblo regional Magdalena Medio recibió queja por amenazas contra la mencionada periodista el 24/09/03. La procuraduría general envió copia de la denuncia a la delegada disciplinaria para la defensa de los derechos humanos para que se adelante una investigación. Además la policía tomó	104. El RE agradece el Gobierno por su respuesta.

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	ejército. (see E/CN.4/2004/7/Add1, para 85)	medidas para proteger la vida de Magdalena Medio, consistentes en revistas permanentes a la residencia y a la sede del periódico.	
Colombia	105. <u>Llamamiento urgente, enviado con el Relator Especial sobre la tortura, 9 de septiembre de 2003.</u> Los habitantes de los barrios El Chico y Provivienda, en Barrancabermeja y algunos activistas de derechos humanos, sindicales y comunitarios de Barrancabermeja, particularmente John Jairo (también conocido como Yan), "Cocho", Muceyney Jair España, José Ciro López, María Yaneth Mosquera Guerra, Erasmo Pedraza Álvarez, Álvaro Enrique Vergara Muñoz, José Armando Garzón Rueda, Julia Sierra y Frenyi Daniel Jiménez estarían amenazados de muerte. Según informaciones, grupos paramilitares, presuntamente respaldados por el ejército, que actúan en la ciudad de Barrancabermeja habrían publicado una "lista negra" con el nombre de 15 jóvenes de los barrios de El Chico y Provivienda y habrían secuestrado al menos a ocho personas. Dicha "lista negra", habría empezado a circular por la zona el mes de agosto de 2003, y contendría nombres de jóvenes de los barrios mencionados a quienes se acusaría de tener vínculos con la guerrilla. En vista de las alegaciones de amenazas, secuestros y desapariciones de las personas antes indicadas, se han expresado serios temores por su integridad física. (see E/CN.4/2004/7/Add1, para 84)	106. <u>Respuesta del 19 de diciembre de 2003.</u> La defensoría del Pueblo solicitó a los diferentes despachos judiciales que iniciaran los mecanismos de búsqueda urgente para encontrar a la Sra María Janeth Mosquera Guerrero de acuerdo con el artículo 390 de código de procedimiento penal.	107. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones hayan sido terminadas, el Relator Especial agradecería información precisa sobre los resultados alcanzados y en particular sobre las medidas tomadas para la protección de las demás personas mencionadas en su comunicación.
Colombia	108. <u>Alegación, 3 de septiembre de 2003.</u> El 4 de	109. <u>Respuesta del 29 de enero de 2004.</u> El	110. El Relator Especial

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	<p>mayo de 2003, en Saravena, departamento de Arauca, fue asesinado Alexis Riveros Contreras después de haber sido detenido por una patrulla del ejército, la cual se encontraba acantonada en los alrededores. El 20 de junio de 2003, un grupo compuesto de funcionarios del espacio público y de agentes de la Policía de la ciudad de Pereira, departamento de Risaralda, habría asaltado y golpeado al vendedor ambulante Jhon Alirio Carmona Bonilla, quien fue internado de urgencia en el hospital universitario de San Jorge donde se le habría dictaminado un trauma cervical severo. El 24 de julio a las cinco de la mañana, el señor Jhon Alirio Carmona habría fallecido a consecuencia de las graves lesiones ocasionadas. (see E/CN.4/2004/7/Add1, para 87-95)</p>	<p>homicidio del Señor Contreras está investigado por el juzgado 47 penal militar de Saravena, Arauca. No se ha recibido en la fiscalía ninguna denuncia en nombre de la víctima. No se ha identificado el responsable del homicidio, sabiéndose que serían los integrantes de una patrulla del Ejército Nacional que sostuvo combates con miembros de la guerilla, fruto de lo cual murió el señor Contreras. El presunto homicidio del Señor Carmona está investigando por la fiscalía general de la nación de Pereira. Como no hubo denuncia, la investigación pretende demostrar la hipótesis de un presunto homicidio. No se ha abierto investigación formal. Sin embargo, se recibieron testimonios a los parientes más cercanos de la víctima, afirmando que Carmona fue agredido por agentes de la policía en un operativo para recuperar el espacio público. Se está esperando la respuesta del Físico Forense de Medicina Legal y ciencias forenses que determinará si se trató de muerte o de un homicidio culposo o doloso.</p>	<p>agradece el Gobierno por su respuesta. En caso de que las investigaciones hayan sido terminadas, el RE agradecería información precisa sobre los resultados alcanzados.</p>
Colombia	<p>111. <u>Alegación enviada el 11 de agosto de 2003 relativa a Wilson David Higueta así como otros miembros de la comunidad de Paz de San José de Apartadó, departamento de Antioquia.</u> See E/CN.4/2004/7/Add.1, para. 82.</p>	<p>112. <u>Respuesta del 25 de febrero de 2004.</u> De acuerdo con el Gobierno, el 3/09/03 la Defensoría del pueblo informó que la defensoría asesoró la instauración de una acción de tutela contra el comandante de la XVII Brigada del ejército nacional e intervino</p>	<p>113. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones hayan sido terminadas, el RE agradecería</p>

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		como coayuvante de Paz de San José de Apartadó. El 17/10/03 la Fiscalía informó que en la Fiscalía 9 especializada de Medellín, Antioquia, se adelanta la investigación, donde figuran como ofendidos el señor Higuita y otros miembros de la comunidad de Paz, por hechos ocurridos en febrero de 2003.	información precisa sobre los resultados alcanzados.
Colombia	114. <u>Llamamiento urgente, enviado con el RE sobre la promoción del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 3 de diciembre de 2003</u> Adriana Cuéllar, periodista y jefe de la oficina de comunicaciones del colectivo de abogado “José Alvear Restrepo” estaría recibiendo amenazas de muerte. Se teme que estas amenazas de muerte estén relacionadas con su actividad de derechos humanos. Los miembros del colectivo de abogados “José Alvear Restrepo” estarían víctimas de constantes amenazas y hostigamiento. En este sentido, la Corte Interamericana de Derechos Humanos les habrían otorgado medidas cautelares, exigiendo que el Estado colombiano brindara una protección especial a favor de los funcionarios de dicha organización.	115. <u>Respuesta del 24 de febrero de 2004.</u> La defensoría del pueblo regional de Bogotá recibió una petición de la corporación colectiva de abogados “José Alvear Restrepo” mediante la cual expusieron las amenazas contra la Sra Cuellar. El Gobierno informa que la evaluación técnica de nivel de riesgo y grado de amenaza (indispensable para acceder al Programa de Protección a Periodistas y comunicadores sociales) para la Sra Cuellar no se hizo porque no se contó con el seguimiento de la interesada. El asunto está bajo investigación.	116. El Relator Especial agradece el Gobierno por su respuesta. El Relator Especial lamenta que no se haya otorgado medidas de protección a favor de la Sra Cuellar. En caso de que las investigaciones sobre dichas amenazas hayan sido terminadas, el Relator Especial agradecería información precisa sobre los resultados alcanzados.
Colombia	117. <u>Alegación, 3 de septiembre de 2003: See E/CN.4/2004/7/Add.1, para. 87-93.</u>	118. <u>Respuesta del 17 de marzo-04.</u> La investigación por la desaparición y muerte de los Sres José Ananias Mora, Noelia García Aguirre, Luis Alejandro Izquierdo Medina, Arturo Pedreros, Wilson Duarte y Hernando	119. El Relator Especial agradece el Gobierno por su respuesta. el Relator Especial agradecería información precisa sobre

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		Mican fue remitida en mayo de 2003 a la unidad nacional de DH de la Fiscalía General de la Nación. En cuanto a las muertes de Jairo Enrique Rivera Londoño, Luis Carlos Valero Perez, José Arbey Gómez Condo y Gonzalo Peña, están examinadas por la unidad nacional de derechos humanos de la fiscalía general de la nación. La actuación se inició de oficio sin que se hubiese presentado denuncia alguna por parte de los familiares de las víctimas. El médico Legal de Girardot determinó que la causa de la muerte de los citados fue por proyectil de arma de fuego.	los resultados alcanzados por la investigación.
Colombia	120. <u>Llamamiento urgente, 8 de mayo de 2003</u> , See E/CN.4/2004/7/Add.1, paragraph 80.	121. <u>Respuesta del 2 de septiembre de 2004</u> . El Gobierno informa que sigue atento al resultado de las investigaciones de la desaparición de Silvio Saul Suarez Sandoval adelantada por la fiscalía tercera especializada de Popayán. El Señor Sandoval fue liberado el 16 de noviembre de 2003. Permaneció en poder de una cuadrilla del ELN basada en el departamento de Cauca.	122. El Relator Especial agradece el Gobierno por su respuesta.
Colombia	123. <u>Llamamiento urgente, enviado con la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 11 de febrero de 2004</u> . Wilson David Higuita dirigente comunitario, Edelmira Durango y Arturo David y otros miembros de la Comunidad de Paz de San José de Apartadó habrían recibido amenazas de muerte por paramilitares, supuestamente respaldados por el ejército, que	124. <u>Respuesta del 5 de mayo de 2004</u> . Las amenazas contra el Sr Higuita fueron denunciadas por la corporación jurídica libertad y recibidas por la fiscalía general de la nación. Al mismo tiempo el comando del batallón responsable del área está desarrollando labores de inteligencia para investigar dichas amenazas. Además se ofició a la policía nacional al departamento de	125. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones sobre dichas amenazas hayan sido terminadas, el Relator Especial agradecería información precisa sobre los resultados

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	actuaban en la región de Urabá. La comunidad habría denunciado esos ataques ante las autoridades pero, a la fecha, no se dispone de información sobre las medidas que se han tomado para llevar a los responsables a la justicia.	seguridad a la fiscalía regional y a la defensoría del pueblo solicitando que se tomen las medidas pertinentes para neutralizar acciones delictivas de las organizaciones armadas al margen de la ley.	alcanzados.
Colombia	126. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, y la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 12 de febrero de 2004.</u> En enero de 2004, Jaime Carrillo, presidente del sindicato de maestros ASEDDAR, su secretario Celedonio Jaimes Peñaloza, y su ex presidente, Francisco Rojas habrían recibido cartas amenazándoles de muerte en el municipio de Arauca al parecer por la organización paramilitar Autodefensas Unidas de Colombia (AUC) supuestamente respaldados por el ejército. Informes señalan que Jaime Carrillo habría recibido otra carta con una amenaza similar en la cual las AUC amenazarían con matar a las mismas personas citadas en la carta del 28 de enero, además de a un maestro, Marcos García.	127. <u>Respuesta del 5 de mayo de 2004.</u> La fiscalía tercera delegada ante los jueces del circuito de Arauca estaba investigando dichas amenazas, adelantando varias diligencias investigativas tales como la recepción de declaraciones de testigos. Además, la oficina de protección hizo una evaluación técnica del nivel de riesgos y amenazas de las personas antes mencionadas. La oficina les dio a conocer las recomendaciones que deben tener en cuenta para su seguridad personal. También se acordó con la policía nacional que realizaría patrullajes por las residencias y lugares de trabajo de estos señores.	128. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones sobre dichas amenazas hayan sido terminadas, el RE agradecería información precisa sobre los resultados alcanzados.
Colombia	129. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 25 de febrero de 2004.</u> Jesús Alfonso Naranjo y Mario Mora, sindicalistas miembros de la Asociación Nacional de Trabajadores de	130. <u>Respuesta del 29 junio de 2004.</u> Las amenazas en contra de Jesús Alfonso Naranjo están investigadas por la Fiscalía general de la nación y se encuentran en etapa preliminar y en práctica de pruebas. Con relación a Mario Mora, el Gobierno afirma que no figura entre las personas amenazadas en los hechos materia de investigación precitada.	131. El Relator Especial agradece el Gobierno por su respuesta. el Relator Especial agradecería información precisa sobre los resultados alcanzados por la investigación. El Relator lamenta que no se

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	<p>Hospitales, clínicas, Consultorios y Entidades a procurar la Salud de la Comunidad (ANTHOC), habrían sido objeto de amenazas y ataques en diciembre de 2003 y enero de 2004. Dichas amenazas habrían sido reivindicadas por el grupo paramilitar Autodefensas del Magdalena Medio supuestamente respaldado por el ejército. Acusarían a Jesús Alfonso Naranjo y Mario Mora de ser guerrilleros infiltrados en el movimiento sindical y les habrían declarado objetivo militar.</p>		<p>haya investigado el caso de Mario Mora y pide al Gobierno que se evalúe el nivel de riesgo incurrido por el Sr Mora.</p>
Colombia	<p>132. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre los defensores de los derechos humanos</u> . 15 de marzo de 2004. José Luis Torres, a favor del cual un llamamiento urgente fue enviado el 25 de febrero de 2004, miembro del sindicato de trabajadores de Salud ANTHOC, habría sido asesinado por impactos de bala por hombres no identificados en la entrada principal del Hospital General de Barranquilla donde trabajaba. Miembros de la ANTHOC estarían víctimas de constantes amenazas y hostigamiento por grupos paramilitares supuestamente respaldados por el ejército. Estas amenazas estarían relacionadas con su trabajo de denuncia de las repetidas amenazas, desplazamientos forzados y asesinatos de funcionarios de salud por parte de los grupos paramilitares. En este contexto, los relatores recordaron que en su comunicación del 25 de</p>	<p>133. <u>Respuesta del 5 de mayo de 04:</u> De acuerdo con el Gobierno, Alfonso Naranjo hace parte de un esquema de seguridad: se encuentra conformado por dos escoltas y un apoyo de transporte terrestre por 192 horas mensuales. Recibió también un teléfono celular. El comité de reglamentación y evaluación de riesgo recomendó la entrega e billetes de avión para él y su familia para que salgan del país. A Mario Nel Mora, se le quitaron su esquema individual de seguridad ya que no formaba parte del directivo seccional de Anthoc en el Tolima. Como desarrolla labores sindicales en Bogotá, está ahora bajo el esquema colectivo asignado a la protección de los dirigentes nacionales. Recibió también un teléfono celular. Las amenazas están bajo investigación. En cuanto al Sr Torres asesinado el 30 de marzo de 2004, no era beneficiario de medidas de protección y no alegó solicitud o</p>	<p>134. El Relator Especial agradece el Gobierno por su respuesta. El relator condena el asesinato del Sr Torres y pide al Gobierno que se abra una investigación para que se juzgan el/los responsable(s) de este homicidio.</p>

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	febrero han llevado a la atención urgente del Gobierno la situación de Jesús Alfonso Naranjo y Mario Mora quienes habrían sido informados el 21 de enero que los paramilitares les habrían declarado objetivo militar y que les matarían donde quiera que se encuentren.	documentación alguna sobre su seguridad.	
Colombia	135. <u>Llamamiento urgente, enviado con Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 15 de marzo de 2004.</u> Marina Navarro y Daniel Botella, dirigentes de la Asociación de Campesina de Arauca en el municipio de Tame habrían recibido amenazas de muerte el 21 de febrero por miembros de la Brigada Móvil núm. 5 del ejército. Habrían entrado en la zona de Botalón, al parecer con órdenes de detener a Marina Navarro y Daniel Botella y habrían dicho que no pensaban capturar a los dos dirigentes, sino que los iban a “dar de baja”. Se informa que los miembros de la Asociación Campesina de Arauca estarían víctimas de constantes amenazas y hostigamiento.	136. <u>No respuesta</u>	
Colombia	137. <u>Alegación, 18 de marzo de 2004.</u> Mario Castro Bueno, abogado, habría sido detenido por un grupo de paramilitares en Pueblo Sánchez, jurisdicción del municipio de El Dorado, el 1 de noviembre de 2002 cuando viajaba en autobús entre El Castillo y Villaviciencio. Su cuerpo habría sido hallado más tarde sin vida y con marcas de tortura, de cortes y de puñaladas	143. <u>Respuesta del 7 de junio de 2004:</u> Relativo al caso de Mario Castro Bueno: de acuerdo con el Gobierno, en la época de los hechos se desempeñaba como personero municipal del Castillo División del ejército de fecha 2 de noviembre 2002. Fue encontrado degollado sobre la vía hacia el Dorado, Meta. El caso está bajo	149. El Relator Especial agradece el Gobierno por su respuesta. el Relator Especial agradecería información precisa sobre los resultados alcanzados por las investigaciones adelantadas.

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	<p>138. Rodrigo Gutiérrez, 70 años, habrían sido sacado de su casa en el municipio El Castillo por un grupo de paramilitares una noche de la primera semana de febrero de 2003. Su cuerpo habría sido hallado un día más tarde sin vida y con marcas de tortura en los alrededores de la granja "La Cal".</p> <p>139. Polidoro Rau Bustos habría sido detenido, torturado y asesinado por un grupo de paramilitares el 24 de febrero de 2003 en el municipio El Castillo. Su cuerpo habría sido encontrado desmenuzado nueve días más tarde.</p> <p>140. Rubén Darío López Vergara, agricultor del Corregimiento de Santa Ana, municipio de Granada, habría sido detenidos por miembros del ejército el 8 de febrero de 2004 por la mañana cuando se encontraba en el lugar conocido como "El Empalme", esperando allí el transporte público con el fin de encargar la compra de víveres para su familia. La tarde de ese mismo día, su cadáver, que presentaba múltiples heridas, habría sido llevado a la cabecera municipal, vestido con uniforme camuflado.</p> <p>141. José Arturo Lara, recluso en el calabazo no. 1 de la Cárcel Peñas Blancas de Calarcá, Quindío, habría sido golpeado varias veces el 11 de enero de 2003, tras discutir con la guardia penitenciaria. José Artura Lara habría fallecido poco después.</p>	<p>investigación.</p> <p>144. Rodrigo Gutierrez Ramirez y Polidoro Rau Bustos: sus homicidios fueron investigados. Dichos procesos fueron archivados el 20 de noviembre de 2003 por haber transcurrido más de 180 días sin que hubiera identificado el autor.</p> <p>145. Rubén Darío López Vergara: su homicidio está en etapa preliminar de investigación.</p> <p>146. José Arturo Lara: la investigación judicial está adelantada por la fiscalía 13 de Calarca y se encuentra en etapa de instrucción. Se han identificados los responsables pero todavía no se ha impuesto sanción penal o disciplinaria.</p> <p>147. Leonardo Andres Gutierrez Fandiño: su muerte está investigada por la fiscalía 294 de la URI del Centro. Los responsables todavía no fueron identificados.</p> <p>148. <u>Respuesta del 29/06/04.</u> Se está adelantando al muerte de José Arturo Llora Lloreda que se encuentra en etapa de instrucción. Con respecto al Sr Leonardo Andres Gutierrez Fandiño, se está realizando una autopsia cuyos resultados todavía no se conocen.</p>	

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	142. Leonardo Andrés Gutiérrez Fandiño, un recluso en la cárcel Modelo, habría sido torturado en los calabozos del Grupo de Acción Unificado para la Libertad de Colombia (GAULA) de la policía frente al batallón de guardia presidencial el 5 y 6 de junio de 2003. Habría fallecido unos días más tarde, el 20 de junio de 2003.		
Colombia	150. Alegación, 28 de marzo de 2003. (See E/CN.4/2004/7/Add.1, paragraph 88.)	151. Respuesta del 17 de marzo de 2004. El gobierno está investigando las muertes de José Ananias Mora, Noelia García Aguirre, Luis Alejandro Izquierdo Medina, Arturo Pedreros, Wilson Duarte, Hernando Mican, Jairo Enrique Rivera Londoño, Luis Carlos Valero Perez, José Arbey Gómez Condo, Gonzalo Peña están bajo investigación. La actuación se inició sin que se hubiera presentado denuncia alguna por parte de familiares de las víctimas.	152. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones sobre dichas amenazas hayan sido terminadas, el Relator Especial agradecería información precisa sobre los resultados alcanzados.
Colombia	153. Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, y la Representante Especial del Secretario General sobre los defensores de los derechos humanos, el 7 de abril de 2004: Miembros del Sindicato Nacional de Trabajadores de la Industria de Alimentos (SINALTRAINAL) en Bucaramanga, Cúcuta, Barrancabermeja, Cartagena, Valledupar, Cali, Medellín y Bogotá habrían iniciado una huelga de hambre con el objetivo de reiterar sus denuncias a nivel internacional sobre los	154. No respuesta	

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	<p>asesinatos, las desapariciones forzadas, los actos de hostigamiento y las amenazas de muerte y otras graves violaciones de derechos que estarían sujetos los miembros de este sindicato. Según la información recibida, el 19 de marzo de 2004, un comunicado firmado por las Autodefensas Unidas de Colombia habría sido circulado en el departamento de Valle de Cauca declaró la guerra a los integrantes de SINALTRAINAL y ordenó que abandonaran en un plazo no mayor de tres meses sus funciones; de lo contrario serían declarados objetivos militares por las AUC.</p>		
Colombia	<p>155. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, Representante Especial del Secretario General sobre los defensores de los derechos humanos, 24 de abril de 2004.</u> El 20 de abril de 2004, un grupo de hombres armados (probablemente perteneciendo a las AUC) habrían ingresado en la casa de Gabriel Remolina, cuñado del sindicalista Efraín Guerrero (presidente de SINALTRAINAL) en la ciudad de Bucaramanga, Departamento de Santander y habrían disparado matando a Gabriel Remolina, Fanny Robles y Robinson Remolina e hiriendo a dos de sus hijos. Los miembros de dicho sindicato ya fueron objeto de un llamamiento urgente enviado el 7 de abril de 2004. Se informa además que el 14 de abril, otro miembro de SINALTRAINAL, Onofre Esquivel, habría sido amenazado por dos individuos en su</p>	<p>156. <u>Respuesta del 26 de julio de 2004:</u> De acuerdo con el Gobierno, las muertes de Gabriel Remolina Cepeda, de su hijo Gabriel y de Fanny Robles están bajo investigación. Se estudia la posibilidad de incluir a los hijos de los señores Remolina dentro del programa de víctimas de la violencia de la red de solidaridad social. Efraín Guerrero es beneficiario del programa de protección compuesto por un vehículo y dos escoltas.</p> <p>157. <u>Respuesta del 2 de septiembre de 2004:</u> El gobierno proporcionó información adicional acopiada por el ministerio de protección social, oficina de derechos humanos, suministrada por el departamento de relaciones labores de Coca- Cola: de acuerdo con dicha información, el homicidio de la familia Remolina se dio por las</p>	<p>158. El Relator Especial especial agradece el Gobierno por su respuesta. El relator condena el asesinato de los esposos Remolina y de su hijo y pide al Gobierno que se adelante la investigación para que se sancione los culpables. El Relator Especial lamenta que no se haya todavía incluido a los hijos Remolina dentro de un programa de protección. En cuanto a la respuesta del 2 de septiembre de 2004, no brinda ninguna clarificación ni</p>

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	<p>vivienda en Bugalagrande, Departamento del Valle. Se teme que el supuesto asesinato de Gabriel Remolina, Fanny Robles y Robinson Remolina esté relacionado con el trabajo de Efraín Guerrero como sindicalista de SINALTRAINAL y en particular su participación en una huelga de hambre para llamar la atención a nivel internacional sobre las graves violaciones de derechos humanos sufridos por los miembros de dicho sindicato.</p>	<p>actividades delincuenciales de Robinson Gabriel Remolina Robles de 22 años de edad que tenía un proceso en la justicia penal militar (por desertión en 1999) y en la justicia ordinaria (por lesiones personales y por hurto calificado y agravado por lo cual fue condenado a 32 meses de cárcel).</p>	<p>justificación de los homicidios acontecidos. El Relator Especial pide al Gobierno que se continúen las investigaciones.</p>
Colombia	<p>159. <u>Alegación, enviada con el Relator Especial sobre la tortura, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, la Relatora Especial sobre la violencia contra la mujer, 5 de mayo de 2004.</u> Omaira Fernández, una menor de 16 años de edad, quien estaba embarazada, habría sido violada y asesinada el 5 de mayo de 2003, en la inspección de policía de Betoyes, del municipio de Tame, Arauca. También le habrían extraído el feto de seis meses, desmembrándolo y arrojándolo al río junto a ella. En los mismos hechos habrían sido ejecutados los indígenas Daniel Linares Sánchez, Nilson Delgado y Samuel Linares Sánchez. Asimismo, Marcos López Díaz y Narciso Fernández habrían sido heridos; Maribel Fernández y dos niñas más habrían sido violadas. Los presuntos autores de los hechos serían miembros del Batallón Navas Pardo, adscrito a la Brigada XVIII del Ejército Nacional. Tras incidentes como este, más de 500 personas de las</p>	<p>160. <u>Respuesta del 31 de agosto de 2004:</u> El desplazamiento forzado está investigado por la dirección seccional de la fiscalías de Cúcuta. Además se solicitó al comando del ejército nacional adoptar medidas de seguridad que permitieran el restablecimiento del orden público en esa región. La muerte de Nilson Delgado está en etapa de investigación preliminar en la unidad de la seccional de Cúcuta de la Fiscalía. La investigación de la muerte de Daniel Linares Sanchez demuestra que no había tropa del batallón Navas Pardo cuando ocurrió su homicidio y que existe un control riguroso de los movimientos diarios de la tropa. No se ha podido ubicar el paradero de los cadáveres de varias presuntas víctimas, como Omaira Fernandez y Daniel Linares Sanchez y su existencia, ante la falta de registros oficiales de identidad se fundamenta en las declaraciones juradas de varios habitantes de</p>	<p>161. El Relator Especial especial agradece el Gobierno por su respuesta. El Relator Especial agradecería información precisa sobre posibles sanciones contra los responsables de la masacre ya que fueron identificados como miembros de las autodefensas.</p>

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	poblaciones de Betoyes, Flor Amarillo y Santo Domingo y de las comunidades indígenas de Rokeros, Parreros II, Velazqueros y Julieros se habrían desplazado hacia Saravena y la Casa Indígena de TAME.	la zona, entre quienes no existe tampoco uniformidad sobre lo ocurrido. La investigación apunta a los diversos hechos violentos fueron producto del paso de las Autodefensas por Betoyes al combatir con guerrilleros.	
Colombia	162. <u>Alegación, enviada con el Relator Especial sobre la tortura y la Relatora Especial sobre la violencia contra la mujer, 5 de mayo de 2004.</u> Francisco Guerrero habría sido asesinado por un soldado el 2 de octubre de 2002 en su casa en la vereda Las Bancas, municipio de Arauquita. Su mujer, Inocencia Pineda Pavón, habría sido obligada a pasar la noche junto al cadáver de su marido después de ser violada bajo amenazas de muerte por el soldado. El soldado habría perdido su gorra en la que se indicaba su identidad cerca de la casa. El testimonio de Inocencia Pineda Pavón fue recogido por la comisión de defensores de derechos humanos que estuvo en Arauca en 2002 y los hechos habrían sido denunciados ante la Fiscalía Única Seccional Saravena. El soldado quien supuestamente cometió los delitos habría sido trasladado a un recinto militar de donde se habría escapado a los pocos días.	163. <u>No respuesta</u>	
Colombia	164. <u>Alegación, enviada con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, y la Representante Especial del Secretario General sobre los defensores de los derechos humanos, 12 de mayo de 2004.</u> María Lucero Henao,	165. <u>No respuesta</u>	

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	<p>Presidente de la Junta Acción Comunal en la Vereda Puerto Esperanza del municipio El Castillo, en el Departamento del Meta, y de su hijo, Yamid Daniel, fueron asesinados por grupos paramilitares el 6 de febrero de 2004 mientras estaban en su casa. María Lucero Henao y su familia habría sido una de las diez únicas familias que permaneció en el caserío Puerto Esperanza después de la incursión paramilitar del 2 de agosto del 2001. En su calidad de Presidenta de la Junta Acción Comunal para defender los derechos de los habitantes del caserío María Lucero Henao habría denunciado la grave situación de los pobladores de Puerto Esperanza ante la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y varias delegaciones diplomáticas con asiento en Colombia También, habría representado su comunidad ante la Comisión Interinstitucional que visitó la zona en 2003 y habría relatado los hechos de agresión que sufrían la comunidad debido a la permanente presencia de los paramilitares supuestamente respaldados por el ejército en la zona. Se informa que habría sido objeto de amenazas y de un intento de asesinato en los últimos tres años.</p>		
Colombia	<p>166. <u>Llamamiento urgente, enviada con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, 13 de mayo de 2004.</u> Un grupo de paramilitares (supuestamente respaldado por el ejército) habría asaltado el 18 de abril de 2004 la</p>	<p>167. <u>Respuesta del 22 de junio de 2004:</u> De acuerdo con el Gobierno, el cuerpo técnico de investigaciones realizó la exhumación e inspección de 5 cadáveres de la etnia Wayúu asesinadas el 18 de abril en la ranchería Guaripanture, en el municipio de Urbilla. No</p>	<p>168. El Relator Especial agradece el Gobierno por su respuesta. En caso de que las investigaciones sobre estos homicidios hayan sido terminadas, el</p>

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	<p>comunidad indígena de Bahía Portete, en el municipio de Uribia, departamento de La Guajira, cuyos habitantes son miembros de la tribu wayúu, matando al menos a ocho personas, entre ellas a un niño de 13 años. Se informa que durante esta acción dicho grupo habría secuestrado a Diana Fince Uriana, a su hija de 13 años de edad, Reina Fince Pushiana y a otra niña de 11 años desconociéndose hasta la fecha su paradero. Desde ese día los habitantes de Bahía Portete han huido de sus casas y han buscado refugio en la capital del municipio, Uribia, y en las zonas circundantes. Por este motivo los relatores expresaron su profunda preocupación por la seguridad de la comunidad indígena wayúu de Bahía Portete, por la situación de los desplazados y en especial por la seguridad de Diana Fince Uriana, Reina Fince Pushiana y otros miembros de la comunidad secuestrados.</p>	<p>se pudo encontrar los cuerpos de Diane Fince Uriana y de Reina ni del menor de 11 años de edad. La Fiscalía especializada de Riohacha está adelantando la investigación: se encontraron signos de violencia en la casa de las muertas y algunos destrozos al cementerio indígena, al parecer causado por las autodefensas, lo que habrían hecho en búsqueda de una supuesta droga perdida anteriormente en las manos de un grupo delincencial de los Wayúu denominado "los coroncoritos".</p>	<p>Relator Especial agradecería información precisa sobre los resultados alcanzados así como sobre posibles sanciones contra los responsables de la masacre.</p>
Colombia	<p>169. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, y la Representante Especial del Secretario General sobre los defensores de los derechos humanos, el 23 de septiembre de 2004:</u> La periodista e investigadora de derechos humanos, Claudia Julieta Duque estaría recibiendo amenazas de muerte desde agosto de 1999, cuando inició una investigación periodística sobre las posibles irregularidades en el proceso penal del homicidio del humorista y periodista, Jaime Garzón, en la</p>	<p>170. Respuesta del 29 de octubre de 2004: De acuerdo con el Gobierno, el caso fue presentado ante el Comité de reglamentación y evaluación de riesgos del programa de protección y comunicadores sociales. Se recomendó varias medidas de protección a favor de Claudia Julieta Duque y de su hija, tales como la compra de billetes de avión para que salgan de país cuando quieran, la aprobación de un vehículo blindado con la asignación de una escolta conductor, la asignación de un modo de comunicación</p>	<p>172. El Relator Especial agradece el Gobierno de Colombia por su respuesta. En caso de que las investigaciones sobre las amenazas de muertas recibidas por la Sra Duque hayan sido terminadas, el Relator Especial agradecería información precisa sobre los resultados alcanzados.</p>

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	<p>que se señalaba al DAS (Departamento Administrativo de Seguridad) de ser responsable de un montaje jurídico para acusar Juan Pablo Ortiz Agudelo y Ediberto Sierra Ayala por el homicidio del señor Garzón. Se informa que la señora Duque dio a conocer estos hechos ante la Dirección de Derechos Humanos de la Policía Nacional y recibió protección policial. De acuerdo con las informaciones recibidas, la periodista también denunció las amenazas ante la Fiscalía. Sin embargo, la Fiscalía no ha avanzado en las investigaciones y, por el contrario, le informó a la Fundación para la Libertad de Prensa que las denuncias que la señora Duque interpuso en sus despachos no existen.</p>	<p>avante así como de un esquema de seguridad para su protección. Asimismo, el Gobierno recomendó oficiar nuevamente a la Fiscalía general de la Nación y al Departamento Administrativo de Seguridad solicitando información sobre los avances en las denuncias presentadas. El Gobierno seguirá atento al resultado de las investigaciones que se adelanten, respecto de lo cual informará oportunamente al Relator Especial.</p> <p>171. <u>Respuesta del 24 de enero de 2005:</u> El Ministerio del Interior y de Justicia informó se recomendó aprobar de manera excepcional, un apoyo de reubicación temporal por valor de Dos millones de pesos, para el pago de un mes de arriendo de la periodista Duque, debido a las últimas amenazas recibidas en contra de su vida y la de su hija. Asimismo, la Procuraduría Delegada para la Prevención en materia de Derechos Humanos y Asuntos Étnicos informó que la investigación por amenazas, seguimientos y retención en contra de la señora Claudia Julieta Duque Orrego se encuentra en estudio preliminar de la queja</p>	
Colombia	<p>173. <u>Alegación, 11 de octubre de 2004.</u> El 5 de agosto de 2004, miembros del Grupo Mecanizado número 18 Revéz Pizzato, del Ejército Nacional, habrían asesinado a los líderes sindicales Jorge Prieto Chapucero, Leonel Goyeneche y Héctor</p>	<p>174. <u>No respuesta</u></p>	

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	<p>Alirio Martínez, en el municipio de Saravena (Arauca). Los asaltantes llegaron a la casa de Jorge Eduardo Prieto donde dormían, les habrían obligado a salir con los brazos en alto y les habrían fusilado a pocos metros de la vivienda. Después de haber ejecutado a los sindicalistas, miembros de la tropa habrían entrado a la casa en busca de unas supuestas armas, que nunca encontraron. Según las autoridades, la muerte de los sindicalistas se habría producido durante una operación militar contra el Ejército de Liberación Nacional (ELN), quien habría intentado capturar a los sindicalistas, puesto que habría una orden de captura por el delito de rebelión contra de dos de ellos. De acuerdo con los informes oficiales, los sindicalistas, ante la presencia del Ejército, habrían respondido atacando a la tropa con armas. Se realizó una autopsia de los cuerpos sin que los familiares de las víctimas fueran informados. Por otra parte, la Fiscalía concluyó que no hubo enfrentamiento el día de la muerte de las víctimas. También estableció que no se presentó ningún combate entre la Fuerza Pública y los líderes el 5 de agosto en Saravena. Sin embargo, informes balísticos indicarían que los disparos se habrían hecho a corta distancia, y que las víctimas se habrían encontrado indefensas. Además, según el Vicepresidente Francisco Santos, el Ejército tendría una orden de captura, no de asesinato, y habría reconocido que el Ejército Nacional se podría haber equivocado.</p>		

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Colombia	<p>175. <u>Alegación, enviada con la la Representante Especial del Secretario General sobre los defensores de los derechos humanos</u>, 19 de octubre de 2004. Teresa Yarse, líder de la asociación de Mujeres de las Independencias (AMI), organización que trabaja en favor de los derechos de la mujer y contra la pobreza en Medellín, Departamento de Antioquia, habría fallecido el 6 de octubre de 2004 al recibir tres tiros cuando se encontraba en una cancha deportiva cerca de su casa supuestamente por paramilitares que controlan el barrio Comuna 13. La muerte de Teresa Yarse podría estar directamente relacionada con su trabajo de defensora de derechos humanos en dicha comunidad y en particular con su intento de reprimir confrontaciones armadas entre guerrilla y paramilitares. Se alega que la muerte puede ser atribuida a los paramilitares que controlan el barrio Comuna 13.</p>	<p>176. <u>No respuesta</u></p>	
Côte d'Ivoire	<p>177. <u>Allégation, envoyée avec le Rapporteur Spécial sur la torture</u>, see E/CN.4/2004/7/Add1 paragraph 136.</p>	<p>178. <u>Réponse du 15 décembre 2003</u> : Dans sa lettre, le Gouvernement reconnaît que le massacre allégué de gendarmes a bien eu lieu. Ces gendarmes victimes ont dès le début de la crise, signifié au rebelles du mouvement patriotique de Côte d'Ivoire (MPCI) leur intention de ne pas combattre en hissant le drapeau blanc à l'entrée de la gendarmerie. C'est donc en qualité de population civile qu'ils ont été arrêtés et sommairement exécutés. 49 gendarmes et 32 de leur enfants</p>	<p>179. Le Rapporteur Spécial remercie le Gouvernement de sa réponse.</p>

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		<p>et parents on été exécutés. Aucun examen médico-légal n'a pu être pratiqué. Les auteurs présumés des exécutions sont des combattants du MPCCI qui ont pu être identifiées par des victimes survivantes : adjudant Tuo Fozie, lieutenant Toukara, officier de nationalité malienne, caporal Sylla du 3^{ème} bataillon du génie de la ville de Bouaké, un dénommé Bamba, chef de la confrérie des Dozo, un dénommé Lobitche, un ancien élément des forces armées nationales de Côte d'Ivoire (FANCI). Pour toutes les violations des droits de l'Homme commises en cette période de crise, l'Etat de Côte d'Ivoire a sollicité le Secrétaire-Général des Nations Unies de même que le Haut Commissariat des NU pour les droits de l'homme afin d'envoyer une mission d'enquête. Des informations ont été ouvertes par le Procureur de la République et le Commissaire du Gouvernement. Par ailleurs, des victimes des violations des droits de l'homme ont constitué un collectif d'avocats pour défendre leurs intérêts. L'enquête rencontre d'énormes difficultés du fait de la partition du pays. Les auteurs présumés étant en zone rebelle, aucune sanction pénale et/ou disciplinaire n'a pus être prononcée à leur encontre. C'est d'ailleurs pour cela que l'ONU a été sollicitée. Le Gouvernement ivoirien, conscient de la vulnérabilité des</p>	

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		victimes de la guerre a instruit le Ministre des victimes de la guerre de présenter un projet de loi déterminant les conditions d'indemnisation des différentes victimes de la guerre.	
Côte d'Ivoire	180. <u>Allégation envoyée avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial sur la torture, le Rapporteur spécial sur les formes contemporaines de racisme, la Rapporteuse spéciale sur la violence contre les femmes, 26 mars 2004.</u> Le 25 mars 2004 à Abidjan, de violentes manifestations entre manifestants, forces de l'ordre et milices pro-gouvernementales auraient fait de nombreuses victimes, tant parmi les manifestant que les forces de l'ordre. Il semblerait qu'une vingtaine de personnes au moins aient été tuées, des femmes et des fillettes violées, et que des exactions à caractère ethnique aient eu lieu. Des manifestations auraient également eu lieu à Yamoussoukro, Bouaké et Korhogo.	181. <u>Réponse du 24 juin 2004</u> Le Gouvernement a fait état d'un rapport confidentiel annonçant une attaque imminente des rebelles contre la ville d'Abidjan. En vertu de ces menaces, le Président de la République a, après délibération du Conseil des Ministres, pris le décret n02004-210 du 11/03/04 interdisant marches et manifestations sur la voie publique et dans les lieux publics jusqu'au 30/04/04. Les consignes des forces de sécurité le 25/03/044 étaient de ne recourir à l'usage de la force que dans des conditions extrêmes de légitime défense. Le gouvernement dément la présence de milices pro-gouvernementales aux côtés des forces de l'ordre et allègue que les événements on dû être infiltrés par des rebelles armés. Selon le gouvernement, il n'y a jamais eu de marche le 25 mars 2004 si ce n'est de affrontements entre groupes de manifestants armés et forces de l'ordre dans différents quartiers d'Abidjan. Plusieurs agents des forces de l'ordre ont été tués lors de ces affrontements. Suite à ces événements 192 personnes de différentes nationalités on été arrêtées et relâchées dans	182. Le Rapporteur Spécial remercie le Gouvernement ivoirien pour sa note extrêmement complète et détaillée.

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		<p>les 48h. L'enquête a permis de constater qu'il n'y a pas eu d'exaction à caractère ethnique. Sur instruction du Président de la République, une enquête a été ouverte par le Procureur de la République près le tribunal de première instance D'Abidjan Plateau. Des plaintes ont été également déposées par des victimes dans certaines unités de police comme par exemple à la direction de police judiciaire. Au stade actuel des enquêtes, il n'est pas possible d'évoquer ni la question des responsabilités ni celles des sanctions pénales ou disciplinaires des auteurs et de l'indemnisation des victimes. Outre les procédures judiciaires, deux commissions parlementaires ont été mises sur pied pour enquêter sur les violations commises le 25 et 26 mars de même que sur celles commises sur l'ensemble du territoire national depuis le 19 septembre 2002.</p>	
Côte d'Ivoire	<p>183. <u>Appel urgent, envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression la Représentante spéciale du Secrétaire général concernant la situation des défenseurs des droits de l'homme, 2 juin 2004.</u> Amourlaye Touré et Mamadou Fofana, tous deux membres du Mouvement ivoirien pour les droits de l'homme (MIDH), seraient soumis à des actes d'intimidation et à des menaces de mort. Selon les informations reçues, Amourlaye Touré, président par intérim du MIDH, aurait récemment</p>	184. <u>Pas de réponse</u>	

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	<p>reçu des menaces de mort alors qu'il se trouvait à Genève, où il participait à des réunions organisées dans le cadre de la session annuelle de la Commission des droits de l'homme des Nations Unies. Mamadou Fofana serait quant à lui entré en clandestinité après avoir été la cible d'actes d'intimidation les 25 et 26 avril, lorsqu'un groupe de civils se serait présenté à son domicile en l'accusant de «vendre la Côte d'Ivoire aux étrangers». Ces menaces et intimidations pourraient être liées à la publication par le MIDH, le 28 avril 2004, d'un rapport sur des violations des droits humains commises à Abidjan à la suite d'un défilé organisé le 25 mars, au cours duquel les forces de sécurité auraient recouru à une force excessive pour disperser les manifestants pacifiques et non armés.</p>		
Côte d'Ivoire	<p>185. <u>Appel urgent, envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, 2 juin 2004.</u> Gaston Bony, directeur de l'hebdomadaire "Le Venin" et animateur de la radio de proximité La voix de l'Agnéby, aurait été condamné à six mois de prison et 500'000 francs CFA (environ 760 euros) d'amende pour diffamation, suite à la parution d'un article relatif à des détournements de fonds par le maire d'Agboville, M. Tetchi Chiedou Claude, et incarcéré depuis le 31 mars 2004 à la maison d'arrêt d'Agboville. Selon les informations reçues, M. Bony aurait entamé il y a quelques jours une grève de la faim pour protester</p>	186. <u>Pas de réponse</u>	

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	contre sa condamnation à une peine de prison et contre ses conditions de détention. Il semblerait de plus que M. Bony serait l'objet de menaces de mort de la part du maire d'Agboville et de ses proches, qui lui auraient fait savoir qu'ils "l'auront coûte que coûte".		
Democratic Republic of the Congo	187. <u>Appel urgent, envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, 20 janvier 2004.</u> Nicaïse Kibel'Bel Oka, directeur de publication de l'hebdomadaire "Les Coulisses", publié à Beni serait l'objet de menaces de mort de la part de cinq cadres civils et militaires du Rassemblement pour la démocratie-Mouvement de libération (RCD-ML), un des principaux partis des forces gouvernementales, suite à la parution d'un article en décembre 2003 dans le numéro 134 de l'hebdomadaire "Les Coulisses", dans lequel il aurait accusé des dirigeants du RDC-ML de créer de l'insécurité dans le Nord-Est du pays pour asseoir leur pouvoir. Des officiers du RDC/ML auraient appelé M. Kibel Bel le 10 janvier 2004, et auraient menacé de l'abattre s'il remettait le pied à Beni.	188. <u>Réponse reçue le 12 février 2004</u> accusant réception de la lettre du RS.	
Democratic Republic of the Congo	189. <u>Allégation envoyée avec le Rapporteur spécial sur la torture, et la Rapporteuse spéciale sur la situation des droits de l'homme en République Démocratique du Congo, 6 avril 04.</u> Les Rapporteurs spéciaux ont reçu des renseignements sur les cas individuels suivants : 190. Koyese Swabo, détenu en relation avec	193. <u>Pas de réponse</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>L'assassinat du Président Laurent-Désiré Kabila, serait décédé le 9 septembre 2001 en raison d'une septicémie causée par une infection pulmonaire qu'il aurait contractée suite à de nombreux coups reçus à la poitrine lors de sa détention aux mains de la Détection militaire des activités anti-patrie (DEMIAP).</p> <p>191. Kabeya Kitenge Shaba serait décédé le 10 juin 2002 des suites d'actes de torture supposément infligés par des membres de la Garde spéciale de sécurité présidentielle (GSSP) et des Forces d'autodéfense populaires (FAP) durant la nuit du 8 au 9 juin 2002. Ces personnes auraient agi sous les ordres d'un membre de la famille du Président Joseph Kabila (dont le nom est connu des Rapporteurs spéciaux) chez cette personne.</p> <p>192. Weteshe Mahindule, 60 ans, aurait été arrêté le 24 février 2002 et accusé de collaboration avec les Mayi-mayi dans le territoire Masisi dans la province du Nord Kivu. Il aurait été détenu à Ndosho, près de Goma, dans un conteneur utilisé comme cellule de détention par le RDC-Goma et la Rwandese Patriotic Army (RPA). Dans ce conteneur, l'air, l'alimentation et l'eau seraient insuffisantes, les températures seraient extrêmes et les conditions sanitaires déplorables. Il serait décédé le 17 avril 2002 en raison des conditions de détention et des coups reçus.</p>		
Democratic	194. <u>Appel urgent</u> envoyé avec la Président	197. <u>Pas de réponse</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
<p>Republic of the Congo</p>	<p><u>Rappreteur du Groupe de travail sur la détention arbitraire, le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur Spécial sur la torture, et la Représentante spéciale du Secrétaire général concernant la situation des défenseurs des droits de l'homme, 22 avril-04</u> Selon les informations reçues, M. Dieudonné Been Masudi Kingombe, directeur du Centre des Droits de l'Homme et du Droit Humanitaire (CDH), basée à Lubumbashi, aurait été arrêté le samedi 10 avril 2004 à 18H00, à Lubumbashi, par des officiers de l'Agence Nationale de Renseignements (ANR). Il aurait été transféré à la Direction provinciale de l'ANR où il aurait été frappé violemment au corps et à la tête, et où un agent de l'ANR aurait tenté de lui arracher l'oreille par morsure. M. Been Masudi aurait été libéré deux heures plus tard dans un état de santé très précaire. Le motif de son arrestation ne lui aurait pas été communiqué mais il est à craindre qu'elle soit en relation avec les activités pour la défense des droits de l'homme de M.Kingombe.</p> <p>195. Grégoire Mulamba Tschisabamka,, secrétaire-général de la CDH et Maître Freddy Kitoko Vice-président de l'ASADHO/Katanga, auraient quant à eux été arrêtés le 15 avril 2004 par des agents de l'ANR, semble-t-il sur ordre du directeur provincial de l'ANR,. Aucune information n'a été reçue sur le lieu de détention de ces personnes ni</p>		

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	<p>sur les éventuelles accusations portées contre elles.</p> <p>196. Ces arrestations seraient intervenues après la parution, le 6 avril 2004, d'un communiqué de presse du CDH dénonçant la situation d'insécurité des ressortissants de la province de l'Equateur vivant au Katanga. Selon les informations reçues, le 8 avril 2004, l'Observatoire national des droits de l'Homme aurait contacté par téléphone les membres du CDH, et les aurait informés du " mécontentement " du gouverneur du Katanga, à la suite de la publication de ce communiqué. Depuis le 10 avril 2004, le secrétaire général du CDH, M. Grégoire Mulamba Tshisakamba, aurait reçu plusieurs fois par jour des appels anonymes le menaçant de mort.</p>		
Democratic Republic of the Congo	<p>198. <u>Allégation 14 mai 2004 (voir également communication du 8 juillet 2004)</u>. Paul Mbonabihama et Ndidwami Nyanga auraient été torturés par des agents de la Direction générale des migrations (DGM) en janvier 2003 au cours de leur détention à Bunagana, dans le district de Rutshuru, province du Nord-Kivu. Paul Mbonabihama et Ndidwami Nyanga seraient décédés des suites des traitements reçus.</p>	<p>199. <u>Réponse reçue le 8 juillet 2004</u>. Le Ministère des droits humains de la République Démocratique du Congo précise que les violations des droits de l'homme dont font état les RS ont été perpétrés sur une partie du territoire national alors sous le contrôle d'un mouvement rebelle. Le pays n'étant pas encore totalement unifié, le Ministère ne dispose pas pour l'heure de tous les renseignements utiles pour répondre valablement aux questions posées. Le Gouvernement de Transition espère qu'avec l'enquête que va bientôt initier la Cour Pénale Internationale sur tous les cas de violations</p>	<p>200. Le Rapporteur spécial remercie le Gouvernement de sa réponse. Il note que le principe de complémentarité qui régit le rôle de la Cour Pénale Internationale sert à souligner la continuité des autorités nationales dans tous les cas, y compris dans ceux où les allégations se réfèrent à des actions des agents de l'Etat, même dans l'hypothèse où celles-</p>

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		des droits de l'homme perpétrés sur l'ensemble du territoire national depuis juillet 2002, les responsabilités des décès de Paul Mbonabihama et Ndiwami Nyanga seront établies et les coupables châtiés	ci ont eu lieu dans un territoire ne tombant pas entièrement sous le contrôle du Gouvernement.
Democratic Republic of the Congo	<p>201. <u>Appel urgent envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, 26 mai 2004.</u> A cet égard, nous aimerions attirer l'attention de votre Gouvernement sur la situation de Modeste Shabani, directeur de la radio Sauti ya mkaaji (La voix du paysan), une radio communautaire émettant dans la ville de Kasongo, qui aurait été interpellé les 10, 11, 13 et 14 mai 2004 par des agents de la Police nationale congolaise locale et par des agents des services de renseignements à la suite d'une plainte déposée à charge de la radio par un certain adjudant Modogo, non autrement identifié. Selon l'information qui nous a été communiquée, on reprocherait à M. Shabani d'avoir diffusé le 2 et 3 mai 2004, des informations faisant état de méfaits qu'aurait commis Modogo contre des habitants du village Samba, situé à 45 km de Kasongo. Dans la 2ème quinzaine du mois d'avril, cet adjudant aurait ravi porc, poules, vélo et argent tout en infligeant de mauvais traitements aux propriétaires. Depuis le 11 mai 2004, cet adjudant ne cesserait de proférer des menaces de mort contre les journalistes de la radio en promettant également de saboter le studio de la radio.</p>	<p>202. <u>Réponse reçue le 09 juin 2004</u> accusant réception de la lettre</p>	

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Democratic Republic of the Congo	<p>203. <u>Appel urgent envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression, 2 juin 2004.</u> Rose Lukanu Tshakwiza, journaliste à la station locale de la Radiotélévision nationale congolaise (RTNC) et correspondante locale de Radio France Internationale (RFI), et Pierrot Senga, journaliste à la même station et correspondant à Lubumbashi du journal "Le Révélateur", paraissant à Kinshasa, feraient l'objet de menaces de mort, semble-t-il proférées par des personnes se présentant comme des membres de la jeunesse de l'Union des fédéralistes congolais (UNAFEC), parti politique dont le président est le ministre de la Justice, et dont le représentant local est Gabriel Kyungu wa Kumwanza, député et ancien gouverneur de la province du Katanga. Selon les informations reçues, les militants de l'UNAFEC, dont Dieudonné Bamoina, conseiller de Kumwanza, et un certain Sakatelo, conseiller du ministre de la Justice en séjour à Lubumbashi, reprocheraient à Rose Tshakwiza de n'avoir pas mentionné, dans son émission "L'Invité de la semaine" du 24 mai, qu'il y aurait eu des morts lors de l'intervention de la Police nationale pour disperser, le 19 mai à Lubumbashi, une marche des femmes de l'UNAFEC qui protestaient contre la désignation d'un nouveau gouverneur de la province du Katanga autre que Kumwanza. En parallèle, des menaces de mort auraient également été proférées à l'encontre de Pierrot Senga, qui avait publié,</p>	<p>204. <u>Pas de réponse</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	dans la semaine du 21 mai, des informations faisant état de l'agitation créée à Lubumbashi par Kumwanza au lendemain de la publication des décrets présidentiels nommant les nouveaux gouverneurs des provinces, qui, pour n'avoir pas été désigné gouverneur, aurait protesté pour fraude.		
Democratic Republic of the Congo	205. <u>Appel urgent envoyé avec le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression 3 juin 2004.</u> Jean-Jacques Luboya Samba Shake, éditeur du journal "La Vérité", paraissant à Lubumbashi, serait victime de menaces de mort, semble-t-il provenant de proches de Gabriel Kyungu wa Kumwanza, député et ancien gouverneur de la province du Katanga (comme également mentionné dans une communication du RS du 2 juin 2004 concernant deux cas semblables). Selon les informations communiquées, ces menaces seraient liées à des articles parus dans l'édition du 27 mai de "La Vérité" et intitulé, "Quand la démocratie devient la politique du pire : Kyungu wa Kumwanza déterminé à déstabiliser le gouverneur du Katanga" et indiquant que la tête de Jean-Claude Muyambo, président de la Communauté des sudistes de Lubumbashi, a été "mise à pris par la bande à Kyungu".	206. <u>Pas de réponse</u>	
Democratic Republic of the Congo	207. <u>Appel urgent envoyé avec le le Rapporteur spécial la promotion et la protection du droit à la liberté d'opinion et d'expression et le Rapporteur spécial sur la torture, 23 juin 2004 Modeste</u>	208. <u>Pas de réponse</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Shabani, directeur de la radio communautaire et associative Sauti ya Mkaaji, émettant à Kasongo, dans la province du Maniema, (pour lequel un appel urgent a été envoyé le 26 mai 2004). D'après les informations reçues, le 20 juin 2004 dans la matinée, des hommes armés, conduits par un certain colonel Bokeone de la garnison de Kasongo auraient fait irruption dans les locaux de la station de radio, menacé le personnel présent et battu Modeste Shabani auquel ils auraient reproché de s'intéresser de trop près aux violations des droits de l'homme prétendument commises dans cette région. A l'heure actuelle, le journaliste ferait toujours l'objet de soins intensifs à l'hôpital général de Kasongo. Aux vues des informations reçues et des précédentes menaces de mort dont Modeste Shabani et les journalistes de Sauti ya Mkaaji auraient fait l'objet, des craintes ont été exprimées pour leur intégrité physique.</p>		
Democratic Republic of the Congo	<p>209. <u>Allégation envoyée avec le Rapporteur spécial sur la torture et la Rapporteuse spéciale sur la violence contre les femmes, ses causes et ses conséquences, 8 juillet 2004.</u> Baudouin Mudahogora, agriculteur, Paul Mbonabihama, Ndibwami Nyanga, Ayinkamiye Baraza (f), Gilbert Mpezamihigo et Xavier Nzabanita auraient été torturés par des agents de la Direction générale des migrations (DGM) en janvier 2003 au cours de leur détention à Bunagana, dans le district de Rutshuru, province du Nord-Kivu. Paul</p>	210. <u>Pas de réponse</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Mbonabihama et Ndibwami Nyanga seraient décédés des suites des traitements reçus. Baudouin Mudahogora aurait été roué de coups et on lui aurait appliqué à plusieurs reprises un fer chaud sur le dos. Il aurait vu des corps d'hommes être extraits de la cavité souterraine dans laquelle les détenus étaient incarcérés. Ayinkamiye Baraza aurait été entièrement dévêtue. On lui aurait ensuite déposé de la poudre à canon sur la poitrine, à laquelle on aurait mis le feu, en ajoutant du plastique fondu pour intensifier la douleur. Ses ongles auraient été arrachés. Gilbert Mpezamihigo aurait également eu un fer chaud appliqué sur le dos, et une lourde pierre accrochée à ses testicules. Xavier Nzabanita aurait été roué de coups, attaché et suspendu la tête en bas. Les survivants auraient été détenus jusqu'en mai 2003 sans avoir été jugés. Tous auraient été accusés de collaborer avec des opposants au Rassemblement congolais pour la démocratie - Goma (RCD - Goma). Cependant, le véritable motif de ces arrestations pourrait avoir un lien avec une affaire de vol de bétail portée devant la justice par Baudouin Mudahogora, qui aurait accusé un fonctionnaire de Bunagana d'être l'auteur du délit. Une plainte officielle concernant des actes de torture aurait été déposée contre les présumés tortionnaires, mais de hauts responsables du RCD-Goma auraient bloqué toute enquête. Les personnes mentionnées ci-dessus qui auraient survécu à leur détention souffriraient depuis lors</p>		

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Democratic Republic of the Congo	<p>de graves problèmes de santé.</p> <p>211. <u>Allégation envoyée avec le Rapporteur spécial sur la torture, 21 juillet 2004</u> Les Rapporteurs spéciaux ont reçu des informations sur des cas individuels de violations des droits de l'homme qui auraient été commis le 27 mai 2004 à Bukavu par des soldats de la Dixième Région militaire :</p> <p>212. Tony Nsengumuremyi aurait été abattu tôt le matin par des soldats qui l'auraient interrogé ainsi que seize membres d'équipage d'un bateau qui était arrivé à Bukavu la veille dans l'après-midi en provenance de Goma. D'après les informations reçues, les personnes d'origine banyamulenge ou tutsie auraient été séparées du reste de l'équipage et battues lors d'interrogatoires à propos d'armes.</p> <p>213. Mahoro Ngoma, Mande Manege et Rushimisha Mahirwe Manege, étudiants universitaires banyamulenge ainsi que trois autres étudiants dont les noms n'ont pas communiqués auraient été conduit par des soldats aux environs de 10 heures à un grand carrefour de Bukavu. Sur place, les soldats les auraient déshabillés, attachés ensemble et battus avant de les mener à un champ proche du carrefour où ils les auraient battus à mort. Les corps des étudiants auraient ensuite été jetés dans une fosse peu profonde.</p>	214. <u>Pas de réponse</u>	
Democratic Republic of	215. <u>Allégation envoyée avec le Rapporteur spécial sur la torture et la Rapporteuse Spéciale sur la</u>	216. <u>Pas de réponse</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
the Congo	<p>violence contre les femmes, ses causes et ses conséquences, 21 juillet 2004. Le 27 mai 2004 à Bukavu, des soldats appartenant à la Dixième Région militaire auraient attaqué des agences internationales. Les soldats auraient pénétré dans l'enceinte de l'une des organisations, tué un homme et violé une femme. D'après les informations reçues, le 7 février, Ngoy Ngoy Mulawa aurait été battue et violée par un membre de la police qui l'a ensuite laissée sur le bord de la route grièvement blessée. Informés de l'incident, ses deux fils auraient retrouvé le policier et l'auraient frappé. Quant à son mari, il est allé rapporter les faits au commissariat de police de Lubao où son incarcération a été immédiatement ordonnée au motif qu'il aurait frappé le policier. Le 9 février, ayant été informée de l'arrestation et de la détention de son mari, sa femme s'est rendue au commissariat de police pour témoigner. A son arrivée, elle a été arrêtée et emprisonnée avec son mari en dépit de son état de santé critique dû à l'agression dont elle aurait été victime et sans qu'aucune charge n'ait été retenue contre elle. Le 16 février, Ngoy Ngoy Mulawa aurait été transférée à l'hôpital général de Lubao où elle serait morte trois jours plus tard des suites des blessures causées par le viol. Son mari aurait alors été immédiatement libéré et le policier arrêté. Il aurait été condamné depuis à la servitude pénale à perpétuité et l'Etat congolais à verser environ l'équivalent de 10 000 dollars à la famille de la</p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Ecuador	<p>victime.</p> <p>217. <u>Llamamiento urgente, enviado junto con el RE sobre la tortura, 5 de noviembre de 2003, see E/CN.4/2004/7/Add1 paragraph 141.</u></p>	<p>218. <u>Respuesta del 26 de enero de 2004.</u> De acuerdo con el Gobierno, relativo a las amenazas en contra del Sr. Murillo, el Ministerio Fiscal de los Ríos con sede en Quevedo ha iniciado una investigación previa. Luego, el caso fue remitido al juez penal del cuarto distrito de la policía nacional de conformidad con el art. 142 del código penal de la policía civil nacional.</p>	<p>219. El Relator especial especial agradece el Gobierno por su respuesta. El Relator especial agradecería información precisa sobre la investigación relativa a la tortura sufrida en detención por el Señor Murillo en noviembre de 2003. Asimismo, le interesaría recibir información sobre las posibles sanciones contra los agentes de policía responsables de dicha tortura.</p>
Ecuador	<p>220. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, 11 de febrero de 2004.</u> Los periodistas Miguel Rivadeneira, (del periódico El Comercio y de radio Quito) Marco Pérez Torres (de radio Tarqui), Paco Velasco (de radio La Luna) y Kintto Lucas (de la revista Tintají) estarían víctimas de hostigamientos y habrían recibido amenazas de muerte durante los últimos meses por haber criticado a las autoridades ecuatorianas y al Gobierno del presidente Lucio Gutiérrez. Miguel Rivadeneira, director del programa de noticias ecuatoriano en radio Quito había recibido</p>	<p>221. <u>No respuesta</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>amenazas telefónicas ordenándole que dejara de criticar al Gobierno después de que denunció actos de corrupción involucrando a miembros del ejército y familiares del presidente Lucio Gutiérrez. De acuerdo con las informaciones recibidas, las autoridades denunciaron tales amenazas y declararon que no tolerarían violaciones del derecho a la libertad de expresión. Sin embargo, se informa que el 3 y 4 de febrero de 2004, mediante declaraciones del presidente Lucio Gutiérrez y de otras autoridades, el gobierno ecuatoriano habría amenazado a radio La Luna con un posible cierre. El argumento sería que la emisora estaría afectando la honra del presidente y de todo el gobierno. Se informa también que periodistas de radio La Luna habrían criticado fuertemente al Gobierno por haber detenido al líder indígena Humberto Cholango en diciembre de 2003. Además, se señala que el director de la emisora, Paco Velasco, habría recibido llamadas amenazando a su familia; el gobierno habría declarado que iba a presentar una denuncia contra él. Asimismo, Marco Pérez Torres, el nuevo director de Radio Tarqui, habría recibido amenazas de muerte en septiembre y diciembre de 2003 ordenándole que dejara de criticar al gobierno. Se informa que Kintto Lucas, correspondiente de la revista Tintají, también habría recibido amenazas de muerte supuestamente por haber criticado al Gobierno.</p>		
Ecuador	222. <u>Llamamiento urgente, enviado con el Relator</u>	223. <u>No respuesta</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p><u>Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos y el Relator Especial sobre la tortura, 17 de marzo de 2004, Patricio Ordóñez Maico, miembro de la Fundación Amigos por la Vida, una organización no gubernamental que trabaja para los derechos de las personas lesbianas, gays, bisexuales y transexuales, habría sido detenido en mayo y junio de 2001 por agentes de la Policía Nacional en Quito. Durante su primera detención habría sido sometido a abusos sexuales por un agente que le habría amenazado de muerte en caso de que denunciara los hechos. Sin embargo, en junio de 2001 habría presentado una denuncia ante la Policía Nacional. Desde que interpuso su primera denuncia, Patricio Ordóñez Maico habría recibido varias amenazas de muerte y el 12 de marzo de 2004 habría sufrido un atentado contra su vida dentro de la sede de su ONG. Habría conseguido escapar pero habría resultado herido en el pecho y la espalda. El intruso no habría robado nada, y todo indicaría que su única intención era atacar a Patricio Ordóñez Maico. Habría presentado una denuncia ante la Policía Judicial de Guayaquil. El incidente del 12 de marzo de 2004 habría ocurrido una semana después de que Patricio Ordóñez Maico expuso su caso durante una reunión organizada en Quito por la Federación Internacional de</u></p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	Derechos Humanos.		
Ecuador	<p>224. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión, y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 26 de abril de 2004.</u> Patricio Ordóñez Maico, miembro de la Fundación Amigos por la Vida, una organización no gubernamental que trabaja para los derechos de las personas lesbianas, gays, bisexuales y transexuales habría recibido varias amenazas de muerte y estaría víctima de hostigamiento. El 11 de abril de 2004 en la Fundación Amigos por la Vida se habría recibido una llamada telefónica anónima anunciando que se iba a colocar una bomba. El mismo día, un individuo vestido en de civil que se habría identificado como miembro de la Policía Nacional de Ecuador habría acudido a la Fundación Amigos por la Vida. Habría dicho que venía para llevar a Patricio Ordóñez Maico a la comisaría para que hiciera una declaración. Cuando el personal de la Fundación le pidió que mostrara su identificación, el individuo se habría en coche sin placa de matrícula.</p>	225. <u>No respuesta</u>	
Equatorial Guinea	<p>226. <u>Llamamiento urgente, enviado con la Presidente-Relatora del grupo de trabajo sobre la detención arbitraria y el Relator Especial sobre la tortura, 18 de Junio de 2004.</u> Francisco Briones Garriga, Alfredo Asumu Bakale Afang, Pedro Calderón Esono Meye, Antonio Mba Ndong,</p>	227. <u>No respuesta</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Andrés Ivina Doria, Marcelo Owono Bacal, José Luis Nong Muri, David Carlos Nguema Esono Maye, José Antonio Esono Obiang, Fernando Biyogo Ngu, Silvestre Ndong Nze, José Nzogo Bakale Engonga, Salvador Ndong Nguema, Idefonso Nsuango, Jesús Micha Micha y Santos Obiang y la Sra. Purificación Bindang Bodomo habrían sido detenidos el 29 de mayo de 2004 durante unos enfrentamientos con las fuerzas de seguridad en la Isla de Corisco. Habrían sido trasladados a la Comisaría Central de Bata, donde permanecerían detenidos. En una aparición en la televisión nacional, habrían confesado haber viajado a Corisco con la intención de estudiar la situación y preparar una insurrección armada contra el Gobierno. La Sra. Purificación Bindang Bodomo habría aparecido en televisión con el rostro quemado y una pierna rota. Los otros detenidos también habrían presentado huellas de maltrato físico. Se informa también que los Sres. Nicolás Eni Obiang Abang, Diosdado Ndong Nze Mifenga, Pablo Ekang y Marcial Mendez, así como una quinta persona no identificada resultaron muertas por las fuerzas de seguridad durante los incidentes.</p>		
Equatorial Guinea	<p>228. <u>Llamamiento urgente, enviado con la Presidente-Relatora del grupo de trabajo sobre la detención arbitraria, el Relator Especial sobre la tortura, y el Relator Especial sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental, 5 de julio de 2004.</u></p>	230. <u>No respuesta</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Marcelino Nguema Esono, antiguo dirigente del Partido del Progreso de Guinea Ecuatorial (PPGE), y su cuñado Jerónimo Mbá Obama, miembro de Convergencia para la Democracia Social (CPDS), José Antonio Nguema, miembro del PPGE y Leoncio habrían sido detenidos el 27 de junio de 2004 en Bata y conducidos a la comisaría principal de la ciudad. El 29 de junio por la mañana habrían sido trasladados a la cárcel de Black Bach, en Malabo, donde se encontrarían incomunicados. En el momento de su detención, Marcelino Nguema Esono habría recibido una bala en el estómago. A pesar de su herida, no habría recibido ninguna asistencia médica. No habrían sido formalmente acusados ni habrían sido informados de las razones de su arresto. Sin embargo, se alega que Marcelino Nguema Esono y José Antonio Nguema estaban buscados por la policía desde marzo de 2004, cuando otros miembros del PPGE, un partido ilegalizado, habrían sido detenidos, bajo la sospecha de organizar un golpe contra el Gobierno del Presidente Teodor Obiang Nguema Mbasogo.</p> <p>229. Se ha expresado preocupación por la integridad física y la vida de Marcelino Nguema Esono si no recibía pronto una atención médica adecuada.</p>		
Egypt	<p>231. <u>Allegation, sent with the Special Rapporteur on torture, 26 March 2004.</u> Mahmoud Gabr Mohammed, worker and resident of El Sazeda Zeinab reportedly died in detention in the police</p>	<p>232. <u>Response dated 25 May 2004:</u> According to the South Cairo Department of Public Prosecutions, Mahmoud Gabr Mohammed died while in detention at Saida Zainab police</p>	<p>233. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur</p>

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	<p>station of El Sazeda Zeinab. He was allegedly arrested without official charges on 4 October 2003 and his family was reportedly informed of his death on 7 October 2003. According to the information received, there were numerous injuries and bruises on his body. Concerns have been expressed that he might have died as a result of torture that he was subjected to while in police custody.</p>	<p>station awaiting sentencing in Saida Zainab misdemeanours case No. 4217/1999. Mr. Mohammed had been suffering from haemorrhaging in the urinary tract. The Department of Public Prosecutions opened an investigation, questioning witnesses who had been in detention at the Saida Zainab police station when the death occurred. Some of them said that they had heard police officers at the station beating Mahmoud Gabr Mohammed, but that they had not seen it happen. Others said that they had seen two officers beating Mr. Mohammed and then carrying him back to his cell. They said that Mr. Mohammed had been in a very bad state. The Department of Public Prosecutions also questioned Tala't Gabr Mohammed Mohammed, the brother of the deceased, who said that, according to the information that he had received from persons being detained at the station at the time of his brother's death, his brother had been tortured by members of the Saida Zainab investigations unit. The medical examiner's report written on 7 October 2003, the date on which the death occurred, noted that there were several injuries on Mahmoud Gabr Mohammed's body and that the deceased had been dead for less than one day. However, the report failed to determine the cause of death based on the physical examination. The Department of</p>	<p>would appreciate receiving information on the penal sanctions imposed on the perpetrators as well as information relating to compensation provided to the victim's family.</p>

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		Public Prosecutions viewed the body of the deceased and asked the pathologist to conduct an examination with a view to determining what the injuries were. The pathologist's report dated 28 February 2004 found there to be fresh wounds on various parts of the deceased's body and stated that they had probably been inflicted on or around 5 October 2003. The report concluded that the death was suspicious. The investigation is still being conducted. The remaining witnesses have been questioned and the police officers responsible for Saida Zainab police station have been summoned with a view to charging them under article 126 of the Penal Code, based on the conclusions in the pathologist's report.	
Egypt	<p>234. <u>Allegation, sent with the Special Rapporteur on torture, 13 April 2004.</u> Muhammad 'Abd al-Sattar al-Roubi, a 26-year-old engineer, reportedly died on 19 September 2003 while in State Security Investigations (SSI) custody in Ebshway detention center in Tibhar (al-Fayyum). SSI officers allegedly told Mr. al-Roubi's father that his son had committed suicide. No autopsy report was made public. It is alleged that he died as a result of torture by the police, who attempted to extract a confession regarding his political affiliations.</p> <p>235. Muhammad 'Abd al-Qadir, aged 31,</p>	<p>237. <u>Response dated 25 May 2004</u> <u>Allegation concerning the death of</u> <u>Muhammad Abd al-Sattar al-Roubi Nasr:</u> according to the Government, he was arrested, along with a number of others, for engaging in extremist acts, under his leadership. In particular, these acts included propaganda favouring the targeting of foreigners and foreign forces in Arab States, and suspicious contacts with terrorist elements. He hanged himself while being held in custody at the Fayyum State Security Investigations Branch pending referral to the Higher State Security Prosecutions</p>	<p>240. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur regrets that no autopsy was carried out on the bodies of Muhammad 'Abd al-Sattar al-Roubi and Muhammad 'Abd al-Qadir. In the case of Mas'ad Sayid Muhammad Qutb, the Special Rapporteur would appreciate receiving information on the penal</p>

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	<p>reportedly died on 21 September 2003 after he was allegedly tortured in SSI custody in Cairo. It is reported that no forensic report was made public. Since his body bore evident signs of torture, it is alleged that he died as a result of the treatment he was subjected to in custody.</p> <p>236. Mas`ad Muhammad Qutb, an accountant at the Engineers' Syndicate, reportedly died in police custody on 4 November 2003. According to the information received, he was arrested by the SSI of the State Security in Giza on 1 November 2003 on suspicion of being a member of the illegal organization "Muslim Brotherhood". He reportedly died while he was transferred from the SSI office in Gabir Ibn Hayan to Umm al-Masryin Hospital. It is reported that the Prosecutor General's investigation confirmed signs of inflicted injuries on his body and ordered a forensic examination to determine the cause of the death. It is alleged that he died as a result of torture in order to extract information about the above-mentioned organization.</p>	<p>Department. The Fayyum Department of Public Prosecutions opened an investigation to verify the circumstances of the death. One of the persons who had been detained along with the deceased was questioned and confirmed what had happened. The Department furthermore viewed the corpse and found no signs of any injuries suggesting that he had been subjected to violence. The Department decided to release the deceased's body to his family for burial. It is worth mentioning that the Higher State Security Prosecutions Department investigated the members of the group who had been arrested along with the deceased and decided to remand them in custody for 15 days in Higher State Security case No. 1235/2003.</p> <p>238. <u>Allegation concerning the death of Muhammad Abd al-Qadir al-Sayid</u>: On 16 September 2003, a preventive detention order was issued under the terms of Act No. 162 of 1985 authorizing the arrest of Muhammad al-Sayid and a number of others for engaging in certain extremist activities and for maintaining contacts with members of terrorist organizations who had fled the country and had formerly received military training and taken part in fighting in Afghanistan. On 21 September 2003, Muhammad al-Sayid was taken ill while in</p>	<p>sanctions imposed on the perpetrators as well as on the compensation provided to the victim's family</p>

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		<p>detention at the Qubba gardens police station in Cairo. He was transferred to a private hospital and given emergency treatment. The examining physician made sure that his condition had stabilized and sent him back to the detention centre. However, he became ill again that same day and was taken to a public hospital. The specialist who examined him found that Mr. Al-Sayid had suffered a massive coronary, as a result of which he died shortly afterwards. The incident was recorded in Qubba gardens police station report No. 8145/2003 and the Department of Public Prosecutions authorized the burial.</p> <p>239. <u>Allegation concerning the death of Mas'ad Sayid Muhammad Qutb</u>: Mr. Qutb died while being transferred to prison pursuant to a detention order issued by the Minister of the Interior on 1 November 2003. The Department of Public Prosecutions opened an investigation, questioning the police officer who had written the report and the police sergeant responsible for guarding the building. They both said that Mas'ad Sayid Muhammad Qutb had felt very ill and the officer had taken him in a departmental vehicle to Umm al-Misriyin Hospital for emergency treatment, but he had died. As soon as it received the report, the Department of Public Prosecutions went to view the</p>	

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		<p>deceased's body, which showed signs of injuries. It decided to order the pathologist to perform an autopsy. Mohammed Ghraib Abd al-Aziz was questioned in the investigation conducted by the Department of Public Prosecutions. As the representative of the widow, mother and brothers of the deceased, he said that he would be seeking legal action against the State security investigators responsible for torturing the deceased. He also filed a civil suit against them. The pathologist's report found there to be injuries on the deceased's body and concluded that the death, which had occurred approximately one day prior to the autopsy, was suspicious. Under article 126 of the Penal Code, any public official or employee who orders or himself carries out the torture of an accused person with a view to extracting a confession from him faces a penalty of life in prison, imprisonment at hard labour or a term of 3 to 10 years in prison. If the victim dies, the penalty imposed is that prescribed for premeditated murder. The Department of Public Prosecutions summoned the police officer and charged him, police officers being public officials, with torturing Mas'ad Sayid Muhammad Qutb in order to extract a confession from him and thereby causing his death. When the police officer and police sergeant were presented with the</p>	

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		<p>pathologist's findings, they denied the charges against them and presented arguments to defend themselves against the findings. The documents are still being examined with a view to verifying the accused persons' defence arguments.</p>	
Egypt	<p>241. <u>Allegation, sent with the Special Rapporteur on torture, 15 September 2004:</u> On 23 May 2003, Abdallah Rizq Abdel Latif Rizq was arrested by 6th October City policemen in the vicinity of a youth club in the city's Sixth District. He was detained for six days and subject to beatings and torture to make him confess to a number of thefts. On the seventh day he died after receiving an electric shock. On 30 May at 1 pm, 6th October City police officers arrested and detained his father at the police station until 5pm and informed him that his son had died following an electric shock received while he was in the bathroom, and that his body had been taken to 6th October City's General Hospital. At 6.30pm Abdallah Rizq Abdel Latif Rizq's sister and mother went to the hospital in order to seek permission to bury him but were refused entry to the hospital. On the 31 May 2003 his sister saw his body and observed several marks of torture on his body.</p> <p>242. On 2 July 2003, Ahmed Mohamed Ahmed Amr was arrested by the head of the al-Mahalla al-Kubra investigations unit, and detained for three weeks at the al-Mahalla al-Kubra station. He</p>	<p>249. Response dated 15 December 2004: The government gave a detail account in relation to each case of alleged death in custody brought to its attention by the SR. In each case, investigations including autopsies were duly carried out according to the current legislation. According to the Government, "it is clear from the above that there is no evidence that any of the above-mentioned persons (excluding the cases that are still before the courts) was beaten or tortured at any police station in any part of the country. Many of the persons concerned had been previously charged with offences against public security and arrested on instructions from the Department of Public prosecutions or by judgements' enforcement units which were serving orders handed down by various judicial bodies. All the procedures taken against them were legal and were carried out under the supervision of the competent judicial authorities."</p>	<p>250. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>was injected in the sole of his right foot with a dirty hypodermic needle, from which he contracted blood poisoning and developed gangrene. He was taken to the al-Mahalla al-Kubra district hospital which transferred him to Samanoud public hospital. He died four days later after a serious drop in blood pressure caused by blood poisoning.</p> <p>243. On 15 October 2003, Rady Mostafa Ahmed Nassar was arrested by the al-Mahal al-Kubra Judicial Verdicts Implementation Unit Nassar in pursuance of an earlier verdict against him and was taken to the transfers section of Tanta Police Station no. 2. On 18 October he was taken to the Khalfiyya Transfers Section, Cairo. The following morning his brother went to enquire about him but police officers denied that he was in their custody. He was found in the al-Sahal Police Station in extremely bad health with wounds behind the right ear and back. He was kept in iron shackles until he was close to death, and upon the insistence of his family he was taken to the al-Khazandara Hospital, where he died upon arrival on the evening of 19 October.</p> <p>244. On 27 October 2003, policemen in civilian clothes burst into Mahmoud Mohamed Tamman's home in order to arrest his oldest son. An officer of the Police Investigations Unit beat him with a pistol on his chest until he lost consciousness. The</p>		

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	<p>family was prevented from seeking medical assistance for him, and he died shortly. The police arrested family members, and forced his son to make a statement saying that his father had died from natural causes, in return for the release of those detained.</p> <p>245. On 12 December 2003, Samir Ezzat Salah al-Sherif was arrested on a misdemeanor charge of assault, brought to the Sherbeen Prosecution Office, and remanded in custody at Sherbeen Police Station for the duration of the investigation. In detention, he was subjected to electric shocks and to severe ill-treatment. On 15 January 2004 he was transferred to the Sherbeen Hospital, which refused to accept him because of his severe injuries. He was returned to the police station where he remained without receiving any medical treatment until his death on 19 January 2004.</p> <p>246. Confined to a wheelchair, Mohamed As-Sayed Nagem was arrested on 31 December 2003 and taken to state security headquarters in Benha. He was detained until 7pm on 6 January 2004. At the time of his release he was in a coma and died the following morning. No investigation has been carried out.</p> <p>247. On 3 January 2004, Mohamed Hassan Hassan Abdallah was arrested and taken to Azbekeya</p>		

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	<p>Police Station. He died at dawn the next day. The family found the following injuries on his body: bruising and injuries to the scalp, neck and back.</p> <p>248. On 15 February 2004, As-Sayyed Moustafa Moussa was arrested by a Detective of the al-Baragil Police Station pursuant to an earlier sentence issued for fraud and taken to Awsim Police Station. He was beaten during his arrest in order to force him to inform the police officers of the whereabouts of his wife, who also had a prison sentence issued against her. He suffered injuries to his right ankle. On 19 March 2004 he was taken to Aswim General Hospital for treatment and returned to the police station the same day. He died on 21 March. The family found injuries to his back when they came to collect his body for burial.</p>		
Egypt	<p>251. <u>Allegation, 5 October 2004.</u> Mr. Amr Atrass Hassan was arrested on 9 September 2004 and presented the next day to the Prosecutor General who ordered that he be detained for four days during the course of investigations. On 12 September 2004, when he appeared before the Prosecutor General, his mother was shocked by the state of his health. Mr. Amr Atrass Hassan told his mother that he had been tortured. Amr Atrass Hassan was taken back to Imbaba Police Station after the Prosecutor General renewed his detention. The family then received a telephone call informing them that their son had been taken</p>	<p>252. <u>Response dated 2 November 2004.</u> On 12 September 2004, Mr. Amr Atrass Hassan Ibrahim was brought before the Department of Public Prosecutions so that the Department could decide on whether to extend his time in detention after he had been charged (with aggravated robbery) in Imbaba police station administrative case No. 11969. The Department of Public Prosecutions decided to extend his detention in the above-mentioned case. On his way back from the offices of the Department of Public Prosecutions, Mr. Ibrahim, who was with a number of</p>	<p>253. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>to Imbaba Central Hospital. Upon reaching the hospital the family was informed that Mr. Amr Atress Hassan had died and that his body was in the hospital post mortem room. When the victim's brother examined the body, he found bruising to the wrists, ankles and the right ear, as well as bruising and inflammation of the abdomen area. The family reportedly presented a report to the Prosecutor General who appointed a forensic doctor to conduct an autopsy, corroborate the injuries and determine the cause of death.</p>	<p>others charged with various offences, was suddenly taken ill and died shortly afterwards. According to the autopsy report, which was signed by a doctor from the Department of Forensic Medicine of the General Hospital, Mr. Ibrahim died of natural causes, having developed an inflammation in the abdominal cavity. There were no signs of injury on the body. A report was written on his death and two of the accused persons who happened to be with him in detention at the Imbaba police station testified that Mr. Ibrahim had suddenly felt ill and that he had died of natural causes. He had not been subjected to any form of torture at the police station. There is no evidence to support the allegations that the deceased had been beaten or tortured at the Imbaba police station in Giza.</p>	
Ethiopia	<p>254. <u>Allegation</u>, 30 January 2004. On 12 December 2003, 8 people, allegedly including three staff members of the Gambella branch office of the Immigration and returnees Affairs Authority and a policeman, were ambushed and killed while traveling on duty in a place called Finkiwo, 30 kilometers from Gambella town. The bodies were allegedly found mutilated, the limbs and necks of the bodies were reportedly cut to pieces. Members of the defense force later arrived at the scene of the killings and took the mutilated bodies of the victims to Gambella town by putting</p>	<p>255. <u>Response</u> dated 16 February 2004: The Government provides a detailed background of the ethnic situation in the State of Gambella. It explains that the riot that took place on 13 December was the culmination of simmering tensions. A task force organized by the regional government found that 56 to 60 Anyua were killed. 74 persons were found wounded. 410 houses belonging to 324 households were burnt down. Large populations of students and pupils from the Anyua nationalities have fled as they are</p>	<p>256. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further information on the outcome of the investigations carried out by the federal police.</p>

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	<p>them in a sack and, rather than taking the bodies to the hospital, they reportedly took them to the angry crowd in the town of Gambella. The infuriated crowd attributed the killings of the eight men to Anuak armed groups in the jungles; the crowd reportedly moved to take retaliatory actions on civilian Anuaks who live in Gambella town. It was alleged that the Anuaks tried to flee the attacks by running to their homes and in other directions. All exits out of the town were reportedly blocked by soldiers and therefore about five thousands Anuaks were allegedly forced to enter the premises of the Mekane Yesus Church in the town. According to reports, the mob, in collaboration with members of the defense force, continued to attack those who could not hide. Many were allegedly killed and sustained severe and light injuries. Moreover, reportedly 470 houses belonging to the Anuaks were burnt down. According to the information received, more than four hundreds Anuaks were killed during the attacks. Among the victims, the names of thirty-five students have been identified.</p>	<p>afraid of violence. During the day of violence on 13 December the only Federal Institution present in Gambella was the Ministry of Defence. The defence forces were able to patrol key institutions while at the same time they arrested the perpetrators. Since the local police was overwhelmed, the army got involved. The ministry of Federal affairs dispatched a mission led by the Minister of State responsible for regions together with a federal police force to help the regional government investigate and arrest the perpetrators and to interview the victims. It turns out that the actual perpetrators were all non indigenous, some of them teachers, others were members of the local police force and others daily labourers from the town. The Government organized a committee from among the victims to help out in the identifications of the culprits. Together with the federal police, about 36 people out of more than 60 suspects involved in the killings were verified and a federal prosecutor has started examining the records finalizing them for federal courts. The federal government will spare no effort to bring the perpetrators involved in these atrocities to justice and will at the same time work with communities to ensure the restoration of peace and stability in the region.</p>	
Ethiopia	257. Urgent appeal, sent with the Special	258. Response dated 8 June 2004: According	259. The Special

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	<p><u>Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on torture and the Special Rapporteur on violence against women, 28 May 2004.</u> Following the massacre of Anuak people in December 2003, reports indicated that killings and other acts of ethnic cleansing were continuing. Indeed, some 1100 persons belonging to the Anuak people were allegedly killed by Ethiopian troops. Entire villages were burnt to the ground, sometimes with the occupants still in their homes. Many villagers have reportedly been forced to flee, and thousands have travelled to a refugee camp in Pochalla, Southern Sudan. Destruction is said to be widespread, with hundreds of homes and crop-fields having been set ablaze, leaving thousands of persons without shelter or food. Information received indicated that around 5'000 Ethiopian troops have been engaged in fighting against Anuak farmers at Tedo village since April 10th, 2004, and have burned down all of the village's houses and crops. There were concerns that they were moving towards Pochalla refugee camp in Southern Sudan in order to attack the camp's refugees. There are indications that educated men were being subjected to selective, politically-motivated extra-judicial executions. Several hundred persons, including community leaders have reportedly been arbitrarily arrested, many of whom are being detained incommunicado and allegedly been subjected to</p>	<p>to the Government, the situation in the area of Gambella after the tragic events in December 2003 is back to normal and the perpetrators of the violence are pending prosecution. Houses destroyed have been rebuilt and provision of relief is in progress. An independent Inquiry commission established by the Federal Parliament is conducting its investigation into the event. Successive conferences of elders held at the regional state representing all ethnic groups have immensely contributed to restore peace and reconciliation among people. While the Ethiopian Government expresses its deep regrets on the tragic incident, it however wishes to underscore that the allegations are a total and deliberate misrepresentation of facts supplied by groups who take advantage of every opportunity to denigrate the Ethiopian Government for their own political objectives. The allegations lack elementary objectivity and are a total misrepresentation of the facts on the ground.</p>	<p>Rapporteur thanks the Government for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	torture.		
Haiti	<p>260. <u>Allégation envoyée avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, la Représentante spéciale du Secrétaire Général des Nations Unies sur la situation des défenseurs des droits de l'homme et le Rapporteur spécial sur la torture, 21 janvier 2004.</u> D'après les renseignements reçus, la situation des droits de l'homme en Haïti ne cesserait de se détériorer, plus particulièrement depuis le début des violentes confrontations qui ont éclaté dans le pays au cours de ces derniers mois entre militants pro- et anti-gouvernementaux de même qu'avec des membres de la police. Le 7 janvier 2004, deux personnes auraient été tuées et une trentaine d'autres blessées à Port-au-Prince au cours de confrontations entre des manifestants du parti d'opposition d'un côté et des partisans du gouvernement et les forces de l'ordre de l'autre. Par ailleurs, depuis plusieurs mois, de nombreuses attaques ont eu lieu contre des militants politiques, des journalistes et des stations de radio sur l'ensemble du territoire, portant ainsi atteinte au respect effectif du droit à la liberté d'opinion et d'expression en Haïti. En particulier, les Rapporteurs spéciaux souhaitent se référer à des rapports selon lesquels le 15 janvier 2004, les stations de radio Radio Pyramide et Radio America auraient été attaquées le 15 janvier 2004 dans la ville de Saint-Marc, vraisemblablement par des partisans de l'opposition, à l'issue d'une</p>	261. <u>Pas de réponse</u>	

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	manifestation anti-gouvernementale. Les partisans de l'opposition reprocheraient à Radio Pyramide de relayer la propagande du gouvernement. Cette attaque aurait été effectuée en représailles à l'attaque armée de manifestants anti-gouvernementaux par des partisans du Président, qui avait fait trois blessés.		
Haïti	262. <u>Allégation envoyée avec le Rapporteur spécial sur la torture, 6 avril 2004</u> , Duckens Dorsainvil, soupçonné d'être impliqué dans un vol de véhicule, aurait été arrêté par la police le 4 juin 2003 à Butte Boyer. Le lendemain il aurait été battu par des agents de police, et serait mort des suites de ses blessures.	263. <u>Pas de réponse</u>	
Haïti	264. <u>Appel urgent, envoyé avec le Rapporteur spécial sur l'indépendance des juges et avocats, le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, et la Représentante spéciale du Secrétaire Général sur la situation des défenseurs des droits de l'homme, 22 octobre 2004</u> . Rénan Hédouville, avocat et Secrétaire général du <i>Comité des avocats pour le respect des libertés individuelles</i> (CARLI) et de Mario Joseph, avocat travaillant pour le Bureau des Avocats Internationaux qui travaillent à la défense de personnes dont les droits ont été violés par l'armée haïtienne entre 1991 et 1994, et notamment en faveur des familles des victimes du massacre de Raboteau en avril 1994. D'après les informations reçues, Rénan Hédouville et Mario Joseph	265. <u>Pas de réponse</u>	

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	<p>auraient reçu par téléphone des menaces de mort anonymes s'ils ne cessent leurs activités de défense des droits de l'homme et s'ils persistent à accuser d'anciens officiers de l'armée. Selon nos informations, M. Hédouville aurait à plusieurs reprises fait part aux autorités des menaces dont il ferait l'objet. Malgré cela, celui-ci n'aurait bénéficié jusqu'à ce jour d'aucune protection. D'autres membres du CARLI, parmi lesquels Marie Nadia Charles, Directrice exécutive, Morisseau Jean Rony, avocat ainsi que Carline Séide qui aurait reçu l'aide de l'organisation seraient contraints de vivre dans la clandestinité en raison du harcèlement dont ils feraient l'objet.</p>		
Honduras	<p>266. <u>Llamamiento urgente, 8 octobre 2003, see E/CN.4/2004/7/Add1, paragraph 188</u></p>	<p>267. <u>Respuesta del 19 de diciembre de 2003.</u> La fiscalía especial de protección a las minorías étnicas recibió denuncias en el sentido de que tras haber sido capturados por la policía nacional, los dirigentes indígenas José Leonardo Miranda y Marcelino Miranda estaban siendo torturados y amenazados dentro del centro penal. La fiscalía solicitó que los detenidos fuesen trasladados al hospital para recibir atención por sus lesiones. Se solicitó a las autoridades del centro penal la custodia especial de los detenidos a fin de garantizar su vida e integridad física. Se inspeccionó los lugares donde se capturó los hermanos Miranda. Se evaluó psicológicamente a los hermanos Miranda y a sus familias y se estableció la</p>	<p>268. El Relator Especial agradece el Gobierno de Honduras por su respuesta que aclarece la mayoría de las alegaciones mencionadas en su comunicación. Sin embargo, el Relator Especial quisiera recibir información sobre las posibles sanciones contra las personas supuestamente responsables de tortura y sobre el resultado de la investigación relativa a las amenazas contra el abogado Marcelino</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>existencia de traumas y lesiones ocasionados por los hechos ocurridos durante la captura. La fiscalía especial presentó ante el juzgado de Gracias lempira un requerimiento fiscal contra 28 personas por suponerles responsables de cometer los delitos de abuso de autoridad torturas, lesiones y daños en perjuicio de los hermanos Miranda y de la comunidad indígena de planes de montaña verde. el 29 de octubre la corte de apelaciones reformó el sobreseimiento dictado por el juzgado de primera instancia y ordenó que el mismo se decrete de manera provisional. El Gobierno proporcionó información sobre las acusaciones de asesinato y tentativa de homicidio contra los hermanos Miranda. En cuanto a las amenazas contra el abogado Marcelino Martínez a fiscalía local de gracias inició una investigación que sigue su curso.</p>	<p>Martínez.</p>
Honduras	<p>269. Llamamiento urgente, enviado con el Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y expresión, el Relator Especial sobre la tortura y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 19 abril de 2004. Sara Saucedo Flores, cuyo hijo, Darwin Roberto Saucedo Flores, habría sido detenido y sometido a malos tratos en varias ocasiones, amenazado de muerte y ejecutado sumariamente el 17 de febrero de 2002 en el barrio de Colonia La Trinidad, en</p>	<p>270. Respuesta del 28 mayo de 04: De acuerdo con el Gobierno, se aclaró las condiciones del asesinato de Darwin Roberto Saucedo Flores y se identificó plenamente a sus responsables: se trate de integrantes de la pandilla "MS" que operaban en esa fecha en la colonia bella vista de Coma Yagüela, teniéndose en expediente investigativo sus fotografías y antecedentes de las cuales han sido identificados mediante actas de reconocimiento fotográfico, descartándose la posible participación de autoridades</p>	<p>271. El Relator Especial agradece el Gobierno de Honduras por su respuesta y por haberle comunicado los resultados de la investigación del asesinato del Sr Flores. Sin embargo agradecería recibir información sobre las sanciones en contra de los supuestos asesinos. El Relator Especial lamenta</p>

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	<p>Comayagüela, en la ciudad de Tegucigalpa. Sara Saucedo Flores habría denunciado a dos agentes a los que acusa de ser responsables del homicidio de su hijo. Además habría criticado abiertamente a las autoridades por no llevar a cabo una investigación adecuada sobre el caso de su hijo. Dicho caso habría sido asignado al Juzgado de Letras Segundo de lo Criminal para que se iniciaran procedimientos judiciales. Desde que habría interpuesto su denuncia, Sara Saucedo Flores habría sido repetidamente intimidada. El 12 de abril de 2004, Sara Saucedo Flores habría recibido una amenaza de muerte anónima en su lugar de trabajo, en la ciudad de Tegucigalpa. El 17 de marzo de 2004, cuando Sara Saucedo Flores se dirigía a su trabajo, el taxi en el que viajaba habría sido golpeado por un automóvil en el que viajaban dos personas. Sara Saucedo Flores habría reconocido al pasajero como el hombre que anteriormente la habría acosado desde otro automóvil. Además, en enero de 2004, Sara Saucedo Flores habría encontrado tres casquillos de bala en su taquilla de su lugar de trabajo. Habría denunciado todas las amenazas y los actos de intimidación al Ministerio de Seguridad Pública de Honduras.</p>	<p>policiales en este asesinato, quedando pendiente solamente la localización de un testigo en la zona nor. occidental del país para poder ser remitido a la fiscalía del ministerio público.</p>	<p>que no se haya proporcionada ninguna información relativo a las amenazas de las cuales sería víctima la Sra Rara Saucedo Flores.</p>
Honduras	<p>272. <u>Llamamiento urgente, enviado con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 11 de junio de 2004.</u> Andrés Pavón, presidente del Comité para la Defensa de</p>	<p>273. <u>Respuesta del 30 de junio de 2004:</u> El gobierno proporcionó una carta de la secretaria general de relaciones exteriores dirigido al secretario ejecutivo de la comisión interamericana de derechos humanos donde</p>	<p>274. El Relator Especial agradece el Gobierno de Honduras por su respuesta y por haber proporcionado rápidamente medidas de</p>

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	<p>los Derechos Humanos en Honduras (CODEH), organización independiente de derechos humanos habría acusado al Gobierno de violación de derechos humanos, negligencia y negación de justicia a raíz de la muerte de más de 100 personas, ocurrida durante un incendio en la prisión de San Pedro Sula el 17 de mayo de 2004. Según los informes, durante el incendio, se habría mantenido a los jóvenes encerrados adentro y no se les habría permitido escapar. Desde finales de mayo de 2004, Andrés Pavón habría recibido cuatro llamadas telefónicas amenazadoras, dos en su teléfono móvil y dos en el teléfono de su oficina en las cuales el autor le habría dicho que iba a “acabar con los defensores de mareros.” También se informa que durante la última semana de mayo se habría visto un automóvil con los cristales tintados delante de la casa en la que Andrés Pavón pasa los fines de semana. Andrés Pavón habría sido atacado verbalmente en la televisión y la radio. Durante un programa de radio nacional, tanto un miembro del personal de la radio como ciudadanos comunes habrían dicho que Andrés Pavón debería recibir un tiro por “defender a delincuentes” y en un programa de la televisión nacional habrían sugerido que se matara al hijo de Andrés Pavón o a otro familiar cercano suyo para ver si continúa con su trabajo. Frente a esta situación, el 29 de mayo Andrés Pavón habría pedido medidas cautelares a la Comisión Interamericana de Derechos Humanos.</p>	<p>se le informa sobre medidas cautelares adoptadas por el gobierno de Honduras para proteger al señor Andrés Pavón y su familia. Las medidas consisten en un patrullaje de protección para el Sr Pavón y su familia, la asignación de un teléfono celular y fijo como medio de comunicación del Sr Pavón con la policía nacional, y la disponibilidad para asignar seguridad, cuando el beneficiario o su familia lo soliciten, para desplazamientos ,y/o en aquellos casos, que a juicio del beneficiario se requiera. El gobierno proporcionó otra carta donde el Fiscal General de la República de Honduras solicita al ministro de seguridad que le informe sobre las investigaciones realizadas para identificar a los supuestos responsables de un allanamiento de morada y robo en contra del Sr Pavón.</p>	<p>protección a favor del Sr Pavón.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Honduras	275. <u>Informe de la Relatora especial relativo a su misión en Honduras, E/CN.4/2003/3/Add.2</u>	276. Por carta del 12 de agosto de 2004, el Gobierno de Honduras proporcionó información relativa a la aplicación de las recomendaciones de la Relatora especial, Asma Jahangir, después de su visita a Honduras. Según el Gobierno, la Comisión para la protección de la integridad física y moral de la niñez creada después de la visita de la Relatora, hizo un análisis exhaustivo sobre la muerte de menores y recomendó la creación de una unidad especial de investigación de muertes de menores (con jurisdicción nacional) y una instancia de coordinación interinstitucional que facilitara las acciones conjuntas entre los diversos actores de justicia encargados de prevenir, investigar y castigar a los responsables de las muertes. Hasta el 30 de junio de 2004, la unidad conoció un total de 428 casos, 79 de estos casos ya concluyeron su etapa investigativa y otros 349 se encuentran todavía bajo investigación. Tres de los 79 casos ya cuentan con sentencias condenatorias. El perfil de los responsables de las muertes en los casos resueltos por la Unidad es variado: 57 % corresponde a miembros de pandillas, 24 % son personas particulares y el 19% a personas investidas de autoridad. Sin embargo los porcentajes anteriores, no pueden considerarse una muestra estadística del universo de casos,	277. El Relator Especial agradece el Gobierno por haberle proporcionado información relativa al seguimiento de la misión de su predecesora.

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		<p>dado que la unidad investiga prioritariamente aquellas muertes en la que se sospecha de la posible participación de agentes de autoridad. La unidad logró aclarar los casos de Oscar Daniel Medina (16) y José Luis Hernández (14) asesinados con evidencia de tortura en enero de 1998. Se logró recabar suficiente evidencia para que los tribunales de justicia dictaran auro de prisión el 11 de mayo de 2004 contra dos policía presuntamente responsable de capturarlos ilegalmente y posterior asesinato. Ambos agentes se encuentran detenidos y aguardando la decisión del juez.la instancia de coordinación interinstitucional avanza en el seguimiento procesal de los casos de muertes violentas ocurridos desde 1998, y en los próximos meses será capaz de dar a conocer informes sobre su estado actual, incluyendo la información de aquellos en los cuales las autoridades judiciales ya han sancionado a las personas responsables.</p>	
Honduras	<p>278. <u>Alegación, enviada con el Relator Especial sobre la tortura, el Relator Especial sobre la venta de niños y la prostitución infantil, 15 de julio de 2004.</u> Juan Manuel Aguilar un menor de 17 años de la Colonia Municipal de San Pedro Sula, habría sido sospechado por la policía de haber robado dos armas. El 14 de junio de 2004 habrían allanado su domicilio y obligado por la fuerza a su padre a indicarles donde se encontraba. Más tarde</p>	<p>279. <u>No respuesta</u></p>	

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	<p>el menor habría sido detenido juntamente con Daniel Ortiz Menjivar, otro menor de 16 años. Los dos menores habrían sido conducidos a un lugar conocido como el Rancho El Coco. Allí habrían sido alcanzados por otra patrulla de policía y tres miembros de una unidad militar de elite conocida como las "Cobras". Daniel Ortiz Menjivar habría sido golpeado y le habrían cortado las manos. Habría fallecido de una hemorragia debida a la amputación de sus manos. Juan Manuel Aguilar habría sido golpeado y violado. Seguidamente le habrían disparado mortalmente. La Unidad de investigación de muerte de menores de San Pedro Sula habría realizado una investigación y la Fiscalía Especial de Derechos Humanos de San Pedro Sula habría presentado una acusación por los delitos de asesinato y abuso de autoridad. Se habría dictado un auto de procesamiento y detención judicial contra dos inspectores de la Policía Nacional identificados por varios testigos. Cinco militares habrían sido destituidos de sus funciones. Todavía estarían pendientes otras siete órdenes de detención ordenadas por un juez</p>		
Honduras	<p>280. <u>Alegación, enviada con el Relator Especial sobre la tortura, 20 de septiembre de 2004.</u> 105 jóvenes reclusos del Centro Penal de San Pedro Sula habrían fallecido a causa de un incendio ocurrido el 17 de mayo de 2004 en el centro. Otros 27 jóvenes habrían resultado heridos y habrían presentado heridas de primer a tercer</p>	281. <u>No respuesta</u>	

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	<p>grado. Las víctimas del incendio eran todos miembros de la Mara Salvatrucha. Muchos de los jóvenes no habían sido condenados por ningún crimen. Se alega que durante el incendio los jóvenes permanecieron encerrados y que no se les dejó salir de la celda 19. El Relator Especial ha sido informado de que en el momento del incendio, 182 personas se encontraban reclusas en una celda con capacidad para albergar 50 personas. Se alega igualmente que el Centro Penal albergaba una población de 2200 personas a pesar de haber sido construido para recluir a 800 personas. El Centro no contaría con un plan de emergencia contra incendios y las medidas de seguridad serían mínimas. El Relator Especial también ha sido informado de que 69 reclusos de la Granja Penal de El Porvenir, la mayoría de ellas miembros de maras, habrían fallecido a causa de un incendio el 5 de abril de 2003.</p>		
India	<p>282. <u>Urgent appeal sent on 15 September 2003, see E/CN.4/2004/7/Add.1, paragraph 197</u></p>	<p>283. Response dated 24 February 2004: According to the Government, the enquiry into the matter has revealed that the State Government of Gujarat has provided round the clock police protection in the form of 2 personal security officers to Rais Khan Azeekhan Pathan on 16 September 2003. Police protection for Mr. Khan is also provided during his visits to other parts of the State. Round the clock police protection in the form of 2 personal security officers has also been provided to Suhel Tirmizi. Police</p>	<p>284. The Special Rapporteur thanks the Government of India for its reply and welcomes the police protection provided to the aforementioned persons.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		protection for Ms. Teesta Setalvad during her visit to Ahmedabad on 16 September 2003 was also provided.	
India	285. <u>Urgent appeal sent on 10 March 2003, see E/CN.4/2004/7/Add1, paragraph 193.</u>	286. Response dated 8 September 2004: Abdul Rehman Dar made a written report at the Berrwah police station about the kidnapping of his two daughters Shameema and Shahzada allegedly by two "renegades" Mohammad Maqbool Mir, the son of Ghulam Rasool Mir, resident of Reyar, and Mohammad Asraf Wani, the son of Ghulam Rasool Wani, resident of Khospora. During the course of the investigation, Shameema, the younger daughter of Abdul Rehman Dar was released. However, the older daughter continued to remain in captivity. Both the accused were arrested. Mohammad Wani is presently under custody under the Public Safety act while Mohammad Maqbook Mir is in police custody.	287. The Special Rapporteur thanks the Government of India for its response and would appreciate receiving information in relation to the full details of any prosecutions undertaken against the alleged perpetrators.
India	288. <u>Allegation, sent on 16 September 2003, see E/CN.4/2004/7/Add1, paragraph 200.</u>	289. Response dated 11 Oct 2004. The Government informed that he and another man were arrested by officers of the Nowgam Police Station on suspicion of possession of illegal arms and ammunition. Abdul Hamid Wani admitted during the interrogation that he handed over one pistol and its magazine to the other suspect. On 1 December 2002 the police found him hanging in his cell but still breathing and delivered him to Ahmed Hospital. He was transferred to SKIMS	291. The Special Rapporteur thanks the Government of India for its reply relating to Abdul Hamid Wani and would appreciate receiving information in relation to the full details of any prosecutions undertaken against the alleged perpetrators of torture

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>Hospital, where he died. The Magisterial enquiry into the matter determined that physical torture and suppression of evidence by the concerned officials at the Nowgam Police Station took place, whereupon the Station House Officer and a Sub-inspector were suspended. The process for granting compensation is on-going.</p> <p>290. According to the Government, Nadukaruppusamy was arrested at 5pm on 5 December 2002 on suspicion of a series of thefts. The police based its findings on a voluntary statement he made before independent witnesses and recovered pieces of evidence of one of the thefts. When Nadukaruppusamy led the Sathy Police to a hiding place in Seerangankarandu, they had to climb up a hill. The accused slipped, fell and sustained injuries. He was immediately taken to the Government hospital, where he was declared dead. The allegations of torture and ill-treatment are false and groundless.</p>	<p>against Abdul Hamid Wani.</p>
India	<p>292. <u>Urgent appeal, sent on 5 August 2003, see E/CN.4/2004/7/Add1, paragraph 195</u></p>	<p>293. <u>Response dated 11 October 2004.</u> Ninthoujam Boby, also know as Dhanajit, was arrested by personnel of the Assam Rifles for being an activist of the illegal organization, United National Liberation Front (UNLF). He carried one hand grenade and one AK-47 machine gun. On 31 July 2003, at the time of being handed over to the</p>	<p>294. The Special Rapporteur thanks the Government of India for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>Singjamei Police Station, he bore no signs of torture or physical abuse. This was certified by a medical certificate issued by the Chief Medical Officer. He was put in custody in connection with a First Information Report under the Arms and Explosives Act on 1 August and subsequently released on bail on 29 November 2003. According to his family members, Dhanajit stayed overnight in the house of his elder brother and left on 30 November without saying anything. According to his father and brother he might have joined the UNLF again after his release on bail</p>	
India	<p>295. <u>Urgent appeal, sent with Special Rapporteur on torture and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 12 February 2004.</u> James T. Godwin of Mahim, Mubai, filed repeated complaints with the Mahim police regarding alleged illegal activities carried out by the Mahim police with organized crime. Mr. Godwin was reportedly approached by a local Member of the Legislative Assembly (MLA) who allegedly offered him some cash to abandon the complaints. When Mr. Godwin refused, politicians, policemen and businessmen reportedly threatened that he would be charged in false cases. Mr. Godwin approached the National Human Rights Commission by letter dated 13 May 2003. As a result, the Mahim police are now reportedly</p>	296. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	threatening Mr. Godwin and his family with dire consequences if he does not withdraw his complaints.		
India	<p>297. <u>Allegation, sent with the Special Rapporteur on torture, 26 March 2004.</u> Deben Sardar, a 46-year-old labour worker of Sardarpara, Arabpur, Nadia District, West Bengal was arrested with four of his friends by the Hogalberia police on 12 October 2003 while they were playing cards in a public place. They were arrested under section 290 of the Indian Penal Code, relating to the petty offence of causing public nuisance, which is subject to bail. They were not informed of the reasons for their arrest or the charges against them. Deben Sardar's family was notified of his arrest only the next day when they were told that he was taken to the hospital at about 9:45am. He reportedly died at around 1:45pm. The police claimed that he developed an illness while in custody which caused his death. However, it is reported that Deben Sardar had no history of serious ailments prior to his arrest. His body was reportedly examined by the Sub Divisional Officer of Tehatta who found at least two external injuries on his abdomen which had not been there prior to his arrest indicating that that he died as result of torture in custody. At the time when the information was received, no effective action had yet been taken by the police concerning this matter and the post mortem report was to be released.</p>	299. <u>No response.</u>	

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	<p>298. Ramesh Rajendra, a 20-year-old construction worker from Melatheru, Kalvettu village, Tamil Nadu was allegedly taken with four other detainees to the Trichy Central Prison on 13 March 2003 after a hearing at the Magistrate Court in Jayamkondam. They were allegedly forced to stand in a corridor facing the office of the Prison Jailer. It is reported that because Mr. Rajendra was feeling weak and could not stand, he sat down on the floor. The Prison Deputy Jailer allegedly hit him on the right thigh, accusing him of faking an illness, and a prison guard kicked him in the chest, causing him to spit out blood. The beating allegedly went on for half an hour until his unconscious body was dragged and thrown into a cell. It is alleged that Ramesh Rajendra died as a result of torture in custody. It is reported that on the morning of 14 March 2003 his body was transported to Trichy Governmental Hospital by some unidentified officers. On 15 March 2003, both his wife and his father reportedly lodged a complaint to the Jayamkondam Police Station. It is alleged that the competent local authority refused to receive the complaint though an unidentified policeman dressed in civilian clothes offered to receive it before dismissing them. No investigation was consequently conducted by the authorities and no criminal proceeding was ever initiated against those responsible for his death.</p>		

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India	<p>300. <u>Allegation, sent with the Special Rapporteur on torture 14 April 2004.</u> Mr Hafeel, aged 24, was reportedly arrested arbitrarily and taken into custody on 24 February 2004 by the Sub Inspector of Police from the Perumbadappu police Station in Malappuram District, Kerala State. It is alleged that he was tortured to death within two hours of his arrest and that he later died while being taken to the Government Hospital at Kunnunkulam. Reports indicate that Mr. Hafeel was healthy and that he had no history of serious ailments prior to his arrest. The police allegedly claimed that the victim, who is a Muslim, died due to severe injuries received during a fight with several Hindus at a festival site, and not because of police torture. It is reported that currently four police constables from the Armed Reserve Camp Malappuram have been suspended from the service relating to this case. The state crime branch took the case for investigation and Crime Branch Deputy Inspector General, Mr. Rajesh Diwan, is in charge of the investigation. Concerns have been expressed about the fairness and independence of the investigation. No case has yet been registered against the perpetrators, and the Sub Inspector of Police allegedly responsible for the death is reportedly obstructing access to the case records at the police station.</p>	301. <u>No response.</u>	
India	<p>302. <u>Allegation, 26 May 2004.</u> Mr. Jinesh, aged 32, from Panangadu PO, Balusserry, Calicut, reportedly died as a result of torture that he was</p>	304. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>subjected to on 20 April 2004 in the District Sub Jail, Calicut, Kerala. Mr Jinesh had previously been charged with possessing a small quantity of liquor without proper records by the Balusserry Police Station and was allegedly not responding to summons issued by the court concerning this pending case. On 16 February 2004, the police reportedly arrested him and produced him before the Magistrate who remanded him in custody at the District Sub Jail in Calicut. On 19 April 2004, the jail authorities reportedly denied his mother's written request to see him without allegedly giving her any justifying reasons. On 20 April 2004, a police constable from the Balusserry Police Station called her and informed her that her son had died in custody. There were reportedly severe injuries all over his body. An inquest was conducted by the Revenue Divisional Officer at the direction of the District Collector; the police registered a case of unnatural death in this connection. According to the victim's family, Mr. Jinesh was healthy and had no physical or mental ailments at the time of his arrest.</p> <p>303. Mr. Gaffar Mollah, an alleged bank robber, was killed in Jhupkali village on 27 January 2004 when Mr. Prabir Banerjee, the Officer in Charge of the Sandeshkhali Police Station in West Bengal, reportedly led a large force to his house. When Mr. Gaffar Mollah was shot in the legs by the police while escaping from his house, officer</p>		

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	Prabir Banerjee reportedly came up to him, stood on his chest with another officer and shot him at point-blank range. Mr. Mollah died as a result of his wounds while he was taken to the police station.		
India	305. <u>Allegation, sent with the Special Rapporteur on torture, 21 July 2004.</u> Soumyendu Mondal, aged 32 was arrested without charges from his house by the police from Debra Police Station in Midnapur District, West Bengal, on 7 July 2004 at midnight. Reports indicate that he died the same night as a result of the torture he was subjected to while in custody. Several injuries were found all over his body. However, on 8 July 2004, the police informed his family that Mr. Mondal died of a heart attack. His family filed a complaint at the local criminal court asking for an inquiry into his custodial death. On 9 July 2004, in order to destroy evidences, the police reportedly attempted to burn the body but local villagers intervened and preserved Mr. Mondal's body under the soil to conserve the injury marks on his body. To justify the injuries on the body, the Superintendent of Police came up with an alternate story that Mr. Mondal jumped out of the police jeep to escape from police custody on 7 July 2004 while police took him along for a raid. However, the officer was reportedly silent on the reasons why the victim was not produced before the local Magistrate Court after his arrest, which is mandatory according to the legislations in India.	306. <u>No response.</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>The postmortem reports, which were conducted at the instruction of the police, were not made available to the victim's family. Also, it is reported that the police are threatening the victim's family, asking them to remain silent about the entire incident.</p>		
India	<p>307. <u>Allegation sent on 16 November 2004</u> According to the information received, on 5 September 2004, Khokan Hembram (aged 11), Byasdev Dolui (10) and Munna Das (10) went to graze their cattle in Dohali village, Murshidabad District, West Bengal. Mr. Ujjal Laha, from the same village, suspected the three boys of stealing money from him the previous day. He and 8 of others caught the boys, tied them to a tree in the courtyard of the temple of goddess Muktakeshi and beat them up to make them confess. Khokan Hembram eventually fell unconscious and died on the way to a local primary health centre where the alleged attackers left his body on the veranda. His body was subsequently examined by doctors who declared him dead. Although the Sagardighi police identified the nine alleged perpetrators, they only arrested Swagatam Bandyopdhyay and Samu Adhikari. As for Ujjal Laha, he remains at large even though his name is on the accused list.</p> <p>308. Mr. Barun Chattopadhyay, residing in No. 28, Abdul Latiff Street, Kolkata, Rathtala, died in police custody sometime between September 27 to 28, 2004. He was reportedly arrested by</p>	309. <u>No response</u>	

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	<p>officers attached to the Belghoria Police Station in North 24-Parganas, West Bengal, India. Following a post-mortem examination, the authorities claim that the victim committed suicide in his cell, using a string. It is reported that injuries were found on the victim's head and face. An impression of a thick rope was found on the victim's neck. Allegations indicate that the Belghoria police refused to take any action to initiate further inquiry into this incident.</p>		
India	<p>310. <u>Allegation sent with the Special Rapporteur on Torture</u>, 30 November 2004. On 25 June 2004, Gulzar Ahmed Daded, from Sangerwani, Pulwama District, Kashmir, was amongst villagers protesting against a custodial death by police when he was beaten unconscious by police officers. He vomited blood and was taken to the Sher-i-Kashmir Institute of Medical Science, Srinagar, where he died on 4 July 2004.</p> <p>311. On 11 October 2004, Mr. Shibu, from Idukki District, Kerala, was arrested near Viyyur Church with two other men by police officers from the Thrissur police station. The men were taken to the Thrissur Town West police station and Mr. Shibu was found dead the next day in a filled tub in the staff washroom. It is reported that his body was covered with cuts and bruises, including injuries to his head, ear, chest and abdomen. The police alleged that he committed suicide. His body was taken to a nearby hospital and declared</p>	312. <u>No response</u>	

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	dead. A post-mortem was carried out by a police surgeon. The family is demanding an independent investigation.		
Indonesia	313. <u>Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 18 December 2003.</u> On 5 December 2003, in Banda Aceh, Mr. Maarif, editor-in-chief of the biweekly "Beudoh" was interrogated for ten hours by military intelligence officers who allegedly molested and threatened to kill him if he did not change the newspaper's editorial line. It is alleged that Mr. Maarif's interrogation is linked to the publication in "Beudoh", in late November 2003, of an article entitled, "The Acehnese people do not need elections", which criticized the government's decision to maintain martial law in Aceh and questioned the legitimacy of elections scheduled for next year. It is also alleged that the army officers requested him to publish an apology and sign a letter recognizing that he had published false information.	314. <u>No response</u>	
Indonesia	315. <u>Urgent appeal, 28 June 2004.</u> Mr. Ayodhya Prasad Chaubey, who was convicted of drug trafficking in September 1994, may face imminent execution after his request for a second case review was rejected by the Supreme Court. On 23 June, a spokesman for the Attorney General's Office said that they were making preparations for the execution. Ayodhya Prasad Chaubey has reportedly exhausted the appeals process because	316. Response dated 4 November 2004: Mr. Chaubey was arrested in February 1994 for smuggling 12 kgs of heroin into Indonesia . This criminal offence falls within the scope of capital offence and carries with the death penalty (according to law No. 22/1997 on narcotics and law No.5/1997 on psychotropic substances). According to the Government, it is clear that when Mr. Chaubey's case was	317. The Special Rapporteur thanks the Government of Indonesia for its comprehensive and substantive reply.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>his appeal for clemency to President Megawati Sukarnoputri was rejected in February 2003 and, most recently, because his request to the Supreme Court for a second case review was rejected. Reports further indicate that the date of the execution will not be publicly announced and that Mr. Ayodhya Prasad Chaubey and his family will only be informed of the date of execution the day before it is due to take place. The spokesman for the Attorney General's Office is also reported to have said that at least three additional persons, Meirika Franola, Rani Maharani and Dany Maharwan, who were convicted of drugs charges in 2000, are now facing imminent execution since their appeals for clemency have been rejected.</p>	<p>presented to the court, due process of law was applied exhaustively and his sentencing followed the legal norms of the country's judicial process, including the procedural restrictions on the imposition of the death penalty which is in accordance with international standards such as fair trials, degree of proof, appeals, non-execution pending appeal and clemency as well as humane treatment. Mr. Chaubey's family was informed of his forthcoming execution but refused to visit him. He was executed on 5 August 2004 by a firing squad. Therefore, nothing within its imposition was extrajudicial or summary in nature, nor can his execution in any way be considered arbitrary. According to the Indonesian Government, general international law does not yet prohibit the death penalty, although it does envisage a goal of abolition. As to Meirka Franola, Rani Maharani and Dany Maharwan, their sentences were upheld by the Supreme Court in 2001. Their second request for clemency was also rejected; however, they have not totally exhausted all their legal avenues. The Government also stated in its reply that the death penalty in Indonesia is no longer the main objective of the sentencing and it has become a last resort that is only applied in an extremely restricted manner. Since 1945, there have been around</p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		75 death sentences imposed in Indonesia. However only 13 were executed and 4 died of natural causes before they were executed. The last execution of this sort took place in May 2001.	
Indonesia	318. <u>Allegation sent with the Special Rapporteur on torture, 20 September 2004</u> : Mr. Johan Calvin Werianggi was arrested on 4 September 2001 by a Police Mobile Brigade (Brimob) and taken to Windesi Police Sector (Polsek). It is reported that while being taken there he was punched, kicked and beaten with the butt of a gun. Later on the same day, he was taken to a boat by members of Brimob and has not been heard of since. Concern has been expressed that he may have been extrajudicially executed. The reasons of his arrested are not known. However, it is believed that he may have been targeted because he was a strong advocate of independence for Papua and had persuaded the local government, the police and military officials to allow the Morning Star flag to be raised in Windesi in the past.	319. <u>No response</u>	
Indonesia	320. <u>Urgent appeal, 14 September 2004</u> : Ms. Meirika Franola, alias Ola, Ms. Rani Maharani, Mr. Dany Maharwan (Indonesian national), Mr. Saelow Prasert, Ms. Namsong Sirilak (Thai nationals), Mr. Samuel Iwuchekwu Okoye, Mr. Hansen Anthony Nwaolisa (Nigerian nationals), Indra Bahadur Tamang (a Nepali national), Mr. Muhammad Abdul Hafez (a Pakistani national), and Namaona Denis (a Malawian national) would	321. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>reportedly be at risk of imminent execution after their appeals for presidential clemency were rejected in June and July 2004 They were all reportedly convicted for drug-related offences. According to the information received, the Attorney General's Office announced that Saelow Prasert and Namsong Sirilak were to be executed by 18 September 2004. Concerns have been expressed that the two men have been sentenced to death after going through trials that may have fallen short of international fair trial standards. It is reported that they did not have access to legal representation before their trial or to interpreters during the police investigation.</p>		
Iran (Islamic Republic of)	<p>322. <u>Urgent appeal, sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and and Special Representative of the Secretary-General on the situation of human rights defenders, 8 December 2003</u>: Shirin Ebadi, 2003 Nobel Peace Prize Winner and chairperson of a children rights organization and the Center of Human Rights Defenders received death threats on 3 December 2003 from militia men allegedly linked to <i>Hezbollah</i> while entering the room of the University of Tehran Azzahra where she had been invited to make a speech. The men reportedly blocked the entrance door shouting slogans such as "death for Shirin Ebadi", and, according to the information received, she had to hide in the cellar of the university. Fears have been expressed that</p>	323. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Iran (Islamic Republic of)	<p>her life and physical integrity may be at risk.</p> <p>324. <u>Allegation, 11 February 2004:</u> Mohammad Mohammadzadeh was allegedly executed at the age of 21, in Ilam, Western Iran on 25 January 2004. He was reportedly convicted for the murder of an individual four years earlier although he was reportedly a minor at the time of the crime.</p>	<p>325. <u>Response dated 21 June 2004:</u> According to the Government, the appellate court and the Supreme Court confirmed the sentence of Mohammad Mohammadzadeh. The sentence was carried out on 6 February 2004.</p>	<p>326. The Special Rapporteur thanks the Government of Iran for its reply. However, he regrets that no information is provided in relation to the age of the person executed when committing his crime and with regard to the legal proceedings followed in this case.</p>
Iran (Islamic Republic of)	<p>327. <u>Allegation, 13 April 2004:</u> Mr. Afshen Razvany, a second year medical student at the University of Tehran, and Ms. Meryme Sotodeh, a second year art student at the Azad University of Tehran, were reportedly arrested on 9 July 2003 and detained at the Evean Prison in Tehran. According to the information received, they were sentenced to death shortly afterwards and executed on 23 January 2004 in Evean Prison without any court order and without prior notice being given to their family. It is believed that they were executed because of their membership to the United Front of Iranian Nationalists (UFIN) and because of their cultural and political activities in Iran.</p> <p>328. Reports also indicate that an unknown woman was reportedly hanged in Qazvin on 22 January 2004 after she was sentenced to death and</p>	<p>329. <u>Response dated 11 June 2004:</u> The Government asserted that, according to the investigations conducted by the office of the public prosecutor in Tehran, no record of Mr. Afshin Rezvani and Ms. Maryme Sotodeh has been found among the detainees of July 2003.</p>	<p>330. The Special Rapporteur thanks the Government of Iran for its reply. However, he would appreciate receiving additional information in relation to the person allegedly executed for running a brothel.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>flogging in connection with running a brothel. According to the information received, the execution was carried out immediately after the 28th Branch of the Supreme Court confirmed the sentence, which was issued by a criminal court in Qazvin two weeks earlier.</p>		
Iran (Islamic Republic of)	<p>331. <u>Urgent appeal, sent with the Special Rapporteur on the independence of the judiciary and the Special Rapporteur on violence against women, 30 April 2004.</u> Ms. Kobra Rahmanpour was reportedly at risk of imminent execution by hanging. She was detained in the Evin Prison of Tehran for three and a half years and spent twenty months on death row. Kobra Rahmanpour was reportedly arrested in November 2000. She was detained and interrogated without having access to a lawyer and subsequently convicted of “intentional murder” of her mother-in-law on the basis of a confession obtained in the absence of legal counsel. However, reports indicate that the incident leading to the victim’s death was neither premeditated nor instigated by Kobra Rahmanpour. Also, according to the information received, the judge who approved the charges was also the investigator. The prosecution service was suspended at the time of this case. There is a concern that the trial, which was closed to the public after the first hearing, did not comply with internationally recognized standards of due process and fair trial. According to information received, Iran's Head of the Judiciary has the</p>	332. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>power to revoke her conviction, however, it is alleged that the judicial authorities have confirmed that all legal proceedings on Kobra Rahmanpur's case are completed and that the sentence can only be commuted if the victim's heirs forgo their right to retribution and seek instead payment of blood money (diyeh). It is reported that after a death warrant for Kobra Rahmanpour failed to be carried out on 1 January 2004, due to technical errors, the Head of the Judiciary agreed to a temporary reprieve of her execution, granting her a short time to appeal to the victim's heirs. However, reports indicate that the victim's heirs contacted the judicial authorities on 12 and 13 April 2004 to again insist on Kobra Rahmanpour's execution.</p>		
Iran (Islamic Republic of)	<p>333. <u>Allegation</u>, 21 July 2004. Mr. Mohsen Mofidi, aged 35, reportedly died on 22 February 2004 after he was flogged on 18 February 2004. He had been convicted of charges including possession of a medicine containing alcohol, consuming alcohol in the early 1980s, possession of a television satellite dish, and aiding and abetting his sister's "corruption" in having boyfriends. He was sentenced to 80 lashes, to be carried out on completion of a four-month prison sentence. On 11 February 2004, the 25th anniversary of the revolution in Iran, the rest of his prison sentence was suspended, and the flogging was scheduled to take place on the day of his release. Reports indicate that, while he was in Qasr prison, he</p>	334. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>suffered from a lung and sinus infection as he was kept in extremely poor health condition. He even spent a week in a medical facility, during which he had periods of semi-consciousness of which he did not fully recovered at the time of his flogging. He was released on 18 February 2004 after the flogging was carried out and was in poor health when he arrived at the home of a relative in Tehran. His condition quickly deteriorated. He died four days afterwards in a hospital. Although a doctor certified that his death was due to a heart attack, Mr. Mofidi never suffered from any heart complications before.</p>		
Iran (Islamic Republic of)	<p>335. <u>Urgent appeal, sent with the Special Rapporteur on torture, 1 September 2004.</u> Ali Khorsand Choubdar, a seventeen-year-old student, was reportedly at risk of imminent execution for the murder of Mehdi Bidar. He was sentenced to death on 19 January 2003 on court order No. 130/2042. His sentence was confirmed on 29 May 2004 based on branch No. 28 of the Supreme Court's order No. 28/98. It is alleged that his sentence was mainly based on a confession obtained under physical and mental pressure while in police custody.</p>	<p>336. <u>Response dated 28 October 2004:</u> The Government informed that "Mr. Ali Khorsand Chubdar was charged with murder based on his confessions and on the evidence presented to the court, he was sentenced to death. The verdict has been upheld by the court of appeal. However it has been put on hold by the head of the judiciary pending further investigations".</p>	<p>337. The Special Rapporteur thanks the Government of Iran for its reply and would appreciate receiving further information on its outcome.</p>
Iran (Islamic Republic of)	<p>338. <u>Urgent appeal, sent with Special Rapporteur on torture, 8 September 2004,</u> Esmail Mohammadi, a 38-year-old Iranian citizen of Kurdish origin, was arrested in October 2002 and held incommunicado for eight months in the Oroumiye prison where he was reportedly</p>	<p>339. <u>No response</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>subjected to various forms of torture and ill-treatment. In July 2003 he was charged with "armed struggle against the Islamic regime" and "membership of a proscribed organization" and sentenced to death by the Branch 1 of the Oroumiye Revolutionary Court. It is alleged that a confession extracted under torture was used during the court hearing. On or around 11 August 2004, Branch 32 of the Supreme Court upheld the death sentence. His family has recently been informed that he will be soon transferred from Oroumiye Prison to Perhanshar prison.</p>		
Iran (Islamic Republic of)	<p>340. <u>Allegation, sent with the Special Rapporteur on torture, 17 September 2004.</u> Atefeh Rajabi, a 16-year-old girl, was reportedly publicly hanged on 15 August 2004 on a street in the city centre of Neka, in the northern Iranian province of Mazandaran. She was sentenced to death, approximately three months before, by a lower court in Neka, for "acts incompatible with chastity", following an alleged unmarried sexual relationship. The case reportedly attracted the attention of the Head of the Judiciary for the Mazandaran province, who allegedly ensured that the case be promptly heard by the Supreme Court which upheld the death sentence. It is alleged that she was mentally ill both at the time of the crime and during her trial proceedings. It is further reported that she was not represented by a lawyer at any stage of her trial and that she consequently had to defend herself. Although her national ID</p>	<p>341. <u>Response dated 21 October 2004:</u> According to the Government, Atefeh Rajabi was arrested for the fourth time on 2 May 2004 and charged with "acts incompatible with chastity". Based upon her confessions, she was sentenced to death according to articles 63-70 and 90 of the Penal Code. The sentence has since been upheld by the Supreme Court and was carried out on 15 August 2004. She had legal counsel throughout the proceedings and indicated that she was 22 years of age. No evidence of physical or mental incompetence was mentioned during the proceeding.</p>	<p>342. The Special Rapporteur thanks the Government of Iran for its reply. He would appreciate an explanation for the discrepancy between the information received and the allegation that her national ID card indicated that she was a juvenile at the time of the alleged crime.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	card stated that she was 16 years old, the Mazandaran Judiciary announced at her execution that she was 22. Her co-defendant, whose name is not known to the Special Rapporteurs, was reportedly sentenced to 100 lashes and released after the sentence was carried out.		
Iran (Islamic Republic of)	343. <u>Urgent appeal, 17 September 2004</u> : Feyz Mohammad, a 16-year-old Afghan national, was reportedly sentenced to death by a juvenile court in Karaz. According to the information received, he was arrested along with four other members of a drug trafficking gang and accused of distributing approximately 7 kilos of morphine. While in detention, he allegedly confessed to transporting morphine from his place of work in Varamin to Karaz. It is not known under what circumstances this confession was made. Feyz Mohammad later appeared before a juvenile court in Karaz and was charged with transporting, supplying, purchasing and selling 7 kilos of morphine. He was subsequently sentenced to death. It is currently not known whether his sentence has been appealed or whether it has already been upheld by the Supreme Court.	344. Response dated 15 December 2004. According to the Government, Mr. feyz Mohammad, an Afghan national, was arrested for drug-trafficking and was sentenced to execution based on the penal code. The sentence has been approved by the Supreme Court. However, according to a draft directive on amnesty for afghan criminals which is under consideration, implementation of the sentence has been put on hold. Should this draft directive be passed and subject to other conditions, he may be pardoned. it is worth mentioning that draft bill of the establishment of juvenile courts, which is under consideration in the minister's cabinet, proposes the abolition of capital punishment for those aged under 18.	345. The Special Rapporteur thanks the Government for its reply.
Iran (Islamic Republic of)	346. <u>Urgent appeal, sent with the Special Rapporteur on torture, 24 September 2004</u> : . Hojjat Zamani, aged 28, from the Elam region of south western Iran, was arrested in Tehran in 2000 and accused of aiding the banned opposition group, Peoples' Mojahedin of Iran (PMOI), and charged for placing a bomb outside an unspecified	347. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Revolutionary Court in May or June 1998. The explosion reportedly killed three and injured 22 people. It is reported that Hojjat Zamani might have been severely tortured while in detention without his case ever coming to trial. He reportedly escaped his detention around August 2003 and fled to Turkey from where he was forcibly returned to Iran in November 2003. He is currently held in Section 209 of Tehran's Evin prison. On 17 July 2004, Hojjat Zamani was tried at Branch six of the Tehran's Revolutionary Court, for aiding the PMOI in planting the bomb. He was sentenced to 10 years' imprisonment and four death sentences. Concerns have been expressed that Hojjat Zamani was sentenced to death following a trial that may have fallen short of international fair trial standards: judicial officials reportedly did not cooperate with his appointed lawyer, therefore denying Mr. Zamani the right to effective counsel. At the time of writing this communication it was not known if his case had been referred to the Supreme Court.</p>		
Iran (Islamic Republic of)	<p>348. Urgent appeal, 12 October 2004: Ms. Fatemeh Haghghat-Pajouh was sentenced to death for the murder of her husband in 1997, who allegedly tried to rape her then 15 year old daughter. Fatemeh Haghghat-Pajouh reportedly did not have access to adequate legal assistance in the course of her trial. Reports indicate that the lawyer initially appointed to defend her case was replaced at the last minute and that as a result of</p>	<p>349. Response dated 21 October 2004: The Government informed that "the execution verdict of Ms. Fatemeh Haghghat-Pajouh has been put on hold by direct order of the head of the judiciary of the Islamic Republic of Iran".</p>	<p>350. The Special Rapporteur thanks the Government of Iran for its reply and welcomes the upholding of Ms. Haghghat-Pajouh execution. The Special Rapporteur would appreciate receiving further</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	this change the new lawyer had neither sufficient information nor adequate time to prepare for the trial.		information on the review of the circumstances under which the trial took place.
Iran (Islamic Republic of)	351. <u>Urgent appeal, sent with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture, and the Special Rapporteur on violence against women, 20 October 2004.</u> Jila Izadi, aged 13, was reportedly sentenced to death by stoning in Marivan for adultery and was at risk of imminent execution. According to the information received, she was raped by her 15 year old brother and gave birth to her baby in early October. It is reported that Jila Izadi will not have the possibility to appeal the sentence which is said to be carried out in the coming days. Her brother was sentenced to 100 lashes in accordance with Islamic laws. He is currently in prison in Tehran awaiting his punishment.	352. <u>No response</u>	
Iraq	353. <u>Urgent appeal, 21 July 2004:</u> The Special Rapporteur drew the attention of the Government regarding the forthcoming trial of Saddam Hussein by a special Iraqi court (established by the Interim Government of Iraq on 10 December 2003). While the Special Rapporteur welcomed the establishment of this judicial body as a first milestone in the fight against impunity in Iraq, he had received information that the Government may reinstate, for specific cases, the death penalty (first suspended by the former US central Command Chief in April 2003 and upheld by the	354. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	Coalition Provisional Authority in June 2003). Although the death penalty is not prohibited under international law, it must be regarded as an extreme exception to the fundamental right to life and must as such be interpreted in the most restrictive manner possible. Therefore, the Special Rapporteur urged the Government not to impose the death penalty unless it can be assured that the Iraqi legal system has obtained the minimum standards of judicial integrity and due process.		
Israel	355. <u>Allegation, 23 March 2004</u> : Faris Jimzawi, a sixteen-year-old boy from Qalandiya refugee camp near the West Bank city of Ramallah was allegedly shot dead on 9 December 2003 by Israeli soldiers while he and other young boys were reportedly trying to remove part of the fence that is being built around them by Israeli authorities. According to the information received, Faris was killed by a live bullet that hit him in the eye. He reportedly died before he reached the hospital.	356. <u>No response</u>	
Israel	357. <u>Allegation, 23 March 2004</u> : Hamas spiritual leader Sheikh Ahmed Yassin was killed in an Israeli helicopter strike in Gaza city along with seven other Palestinians. It was reported that the 67-year-old wheelchair bound cleric was hit by three missiles as he was leaving the mosque in the Sabra quarter of the city.	358. <u>Response dated 29 April 2004</u> : The Government of Israel expressed disappointment over the wording chosen by the Special Rapporteur in her statements that followed her letters of allegation, which strongly suggests pre-drawn conclusions made before sending Israel the abovementioned letters requesting clarification and without having received Israel's response to the allegations put	359. The Special Rapporteur thanks the Government of Israel for its reply and has addressed the issue of the relationship between human rights and humanitarian law in his principal report to the Commission.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>forward in her letters. Israel reiterated the context of its actions with regard to well-know terrorists heading organisations. Israel's actions are in self-defence against terrorism and suicide-bombings, defending the right to life of every Israeli citizen. According to the Government of Israel, the Hamas is not a benevolent organization dedicated to social causes but an organization whose main goal is the obliteration of Israel. Against such organizations and their suicide-bombings, Israel take these actions of self-defence. The Government of Israel remains committed to the Roadmap as the only route to achieving the two state solution, Israel and Palestine living side by side in peace and security. At the same time Israel is determined to defend its own citizens, to fight terrorism, and the organizations and leaders who condone, conduct and implement these abhorrent policies, which, according to the Government "should be labelled as crimes against humanity and war crimes of the gravest form.</p>	
Israel	<p>360. <u>Allegation, 20 April 2004</u>, The head of the Hamas militant Islamic movement in Gaza, Abdel Aziz al-Rantissi, was killed in a targeted missile strike on his car on 17 April 2004. It is reported that two persons, believed to be one of Mr. Rantissi's sons and a bodyguard, were killed instantly while Mr. Rantissi passed away at the</p>	<p>361. <u>See response of Israel dated 29 April 2004</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Israel	<p>hospital.</p> <p>362. <u>Allegation, sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary General on the situation of human rights defenders, 21 May 2004:</u> On 19 May 2004, a civil demonstration was organized by the residents of Rafah town and refugee camp. It is reported that thousands of demonstrators marched to protest against a reported operation by Israeli forces which had been ongoing since 17 May to demolish houses in the Tel Sultan area of Rafah and had allegedly resulted in the death of at least 30 civilians. As the demonstrators were heading towards the Tel Sultan area, the Israeli forces allegedly opened fired at them with heavy artillery including machine guns and tanks. At the same time, an Israeli Force helicopter gunship reportedly fired a missile in the crowd resulting in the death of 10 individuals (which included children) and the wounding of another 50. Six of those killed have been identified as Walid Naji Abu Qamar, 10, Mubarak Salim Al Hashash, 11, Mahmoud Tareq Mansour, 13, Mohammed Talal Abu Sha'ar, 20, Alla Musalam Sheikh-Eid, 20 and Fuad Khamis Al-Saqqa, 31.</p>	363. <u>No response</u>	
Israel	<p>364. <u>Allegation, 21 July 2004:</u> Mr. Samer Jaser Arrar, a 27-year-old "wanted" member of Hamas, was killed in Qarawa-Bani-Zeid, near Ramallah on 12 February 2004 when approximately 10</p>	367. <u>No response</u>	

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	<p>members of the Israeli Special Forces as well as an additional 10 soldiers came to his house and found him unarmed. The Special Forces shouted at him to "stop" in Hebrew and immediately started shooting. As Mr. Arrar tried to escape he was shot twice by the Israeli Special Forces in the upper part of the back and three times in the hips. Members of the Israeli Army reportedly prevented the crew of a Palestinian ambulance, which had arrived at the scene, from giving Mr. Arrar first aid. Soon after, an Israeli ambulance arrived and took him away. He died on his way to the Halmish settlement.</p> <p>365. Eight Palestinians, four of them children, were reportedly killed and dozens of others injured by the Israeli army during a demonstration in the southern Gaza Strip town of Rafah on 19 May 2004. Reports indicate that Israeli army helicopters which were hovering over the area where the demonstration was taking place dropped what appeared to be flares. Several rounds of heavy shelling were heard shortly afterwards. Reports indicate that the loss of life and injuries were caused by shelling from Israeli army helicopters and tanks stationed nearby. According to Israeli army officials, tanks shelled an empty building in order to deter the demonstrators from proceeding towards Israeli army positions. They also reportedly stated that Israeli helicopters fired a missile at a nearby open</p>		

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	<p>space. The Israeli shelling hit a built-up area on Sea Street, the main east-west road in Rafah, where the Palestinian demonstrators were walking. Israeli officials alleged that the demonstrators were led by gunmen but reports cannot confirm or deny the presence of armed Palestinians among the demonstrators. Footage from television crews who filmed the demonstration prior to, during and after the shelling, does not reportedly show armed individuals in the demonstration.</p> <p>366. Asma al-Mughayr, aged 16, and her 13-year-old brother, Ahmad, were shot dead on the roof-terrace of their home in the southern Gaza Strip town of Rafah on the morning of 18 May 2004. They were both killed by a single bullet in the head, Asma while taking clothes off the drying line and her brother Ahmad while feeding pigeons. Reports indicate that the bullets were fired from the top floor of a nearby house which had been taken over by Israeli soldiers shortly before the two children were shot. Israeli army officials have alleged that the children may have been killed by an explosive device set by Palestinians. However, there are no reported signs of any explosion at the scene of the incident.</p>		
Jamaica	<p>368. <u>Urgent appeal</u>, sent with <u>Special Representative of the Secretary General on the situation of human rights defenders</u>, 11 March 2004; On 2 March 2004, in Burnt Savannah, three</p>	<p>369. <u>No response</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>young men, “Evon “Phil” Baker, aged 21, Craig Vascianna, aged 22 and Omar “Ted” Graham, aged 23, were killed by police who claimed that they acted in self-defence. Although the police claimed to have recovered one handgun and one sawn-off shotgun from the scene no police officers were reportedly injured in the incident. Members of the community of Burnt Savannah vigorously dispute the police’s version. According to a witness known as “Zepheniah”, the three men were all shot at point blank range by the police. A policeman known as Clarke reportedly told Ted, the taxi driver who had witnessed the other two killings, that they had to kill him as well since he was a witness. He was shot twice by another police officer. Another witness reported that the police officers then placed the guns subsequently found on the three men at the scene of the crime. Reports indicate that witnesses of the killings who later went to the Frome police station were all threatened by police and were afraid to give further statements. Indeed, “Zepheniah” was threatened to death by a policeman bearing a badge no. 20998 when he went to the police station with a crowd of people from his community who had demonstrated about the killings. Another policeman allegedly wielded his gun on a close relative of one of the deceased as if he wanted to shoot him. A Superintendent was reportedly present but allegedly did nothing about the policeman's action. According to the</p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>information received, the policeman known as Clarke mentioned that he had eight men on his death list in Burnt Savannah. It is further believed that, when the alleged killings occurred on 2 March 2004, Clarke actually wanted to eliminate a key witness in a murder case that had been brought against him in December 2003. In view of the alleged killings and of the threats received, it was expressed that witnesses feared for their safety and lives.</p>		
Jamaica	<p>370. <u>Allegation, 22 September 2004</u>: Mr. Brian Williamson, a 59-year-old prominent gay rights activist, was brutally murdered at his home on 9 June 2004. According to the information received, a suspect was detained in connection with the case and an identity parade later held at the Half Way Tree police station. It is however reported that the individuals in the identification parade were wearing towels on their head and white cream on their faces, making them almost unrecognizable. Concern has been expressed that there has not yet been fair, effective and adequate investigation into this incident.</p> <p>371. Mr. Victor Jarrett was reportedly chopped, stabbed and stoned to death by Montego Bay residents on 18 June 2004. It is alleged that the police participated in this incident, first beating Mr. Jarrett with batons and then urging others to beat him because he was a homosexual. According to the information received, such</p>	372. <u>No response</u>	

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	attacks are not isolated as the police generally do not respond adequately to incidents of violence against gay men or men suspected of homosexual conduct.		
Jamaica	373. <u>Allegation</u> , 16 November 2004: On 19 September 2004, members of the Jamaican Defence Force allegedly killed Sandra Sewell and Gayon Alcott (aged 20) in August Town, St. Andrew. According to the information received, soldiers approached Mr. Alcott because he was smoking marijuana and shot him in the stomach. As he attempted to flee the soldiers shot him again. Another soldier reportedly shot Sandra Sewell in the back as she sought protection from the gunfire. The autopsy reveals that Sandra Sewell and Gayon Alcott were shot from a military weapon. These killings took place during a one month state of emergency declared on 10 September 2004 in reaction to the approaching hurricane "Ivan".	374. <u>No response</u>	
Japan	375. <u>Urgent appeal</u> , 23 March 2004: Mukai Shinji, a forty-two-year-old prisoner who suffered from a mental health condition, was reportedly executed on 12 September 2003 at the Osaka detention center. Reports indicate that neither his family nor his counsel was informed of his execution. He was reportedly sentenced to death in February 1988 for the murder of three people in 1985 and had exhausted all appeals against his sentence since December 1996. According to the information received, his lawyer was preparing an	376. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>appeal for retrial when he was executed.</p>		
<p>Jordan</p>	<p>377. <u>Urgent Appeal sent with the Special Rapporteur on torture, 11 December 2003.</u> Ra'ed Muhammad Hijazi was sentenced to death by the State Security Court (SSC) in January 2003 on charges including plotting to carry out terrorist activity, illegal possession of explosive material and an unlicensed automatic weapon.. In June 2003, the Court of Cassation overturned the death sentence based on its assertion that the SSC had not followed correct procedures in not addressing the Court of Cassation's decision when issuing its verdict. The Court of Cassation is also alleged to have asked the SSC to look at whether his case should not have benefited from a Royal Amnesty in 1999. According to information recently received, on 8 December 2003, the SSC sentenced for the third time Ra'ed Muhammad Hijazi to death. It is expected that his lawyers will appeal again to the Court of Cassation against this decision. Concern has been expressed that he has been condemned on the basis of confessions allegedly extracted under torture and after an unfair trial. Information received indicates that the SSC almost invariably uses military judges as well as a military prosecutor and does not provide the same guarantees of independence and impartiality provided by the ordinary courts. In this connection, reference is made to the Human Rights Committee recommendation to consider</p>	<p>378. <u>Response dated 2 March 2004:</u> The Government informs that in relation with the case of Raid Mohamed Hizaji, it complies with the provisions of the international covenant on civil and political rights and with international policy and standards relating to the imposition of the death penalty. Raid Hijazi's case is still being heard by a court of law, which will decide, in accordance with the laws in force, whether he has committed a crime and what penalty should be imposed. These laws do not contravene the terms of the international covenant on Civil and Political rights or the relevant international policy and standards.</p>	<p>379. The Special Rapporteur thanks the Government for its reply and would appreciate further information addressing the specific issues raised in the communication.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	the abolition of the SSC (see CCPR/C/79/Add.35).		
Kazakhstan	380. <u>Urgent appeal, 11 December 2003</u> . Mr. Michael Vershinin, aged 28 of Almaty, was reported to be currently at risk of imminent execution following a sentence imposed on 28 September 2001, reportedly the basis of a confession extracted under torture. He allegedly beaten, suffocated with a plastic bag, kept in a metal box and subjected to other forms of torture and ill-treatment during the first three days of his detention in August 1999. According to new information received, the death sentence was likely to be carried out on or soon after 18 December 2003.	381. <u>No response</u>	
Kenya	382. <u>Allegation, 25 May 2004</u> . A child was reportedly burned to death on 18 February 2004 when members of the Pok community, supported by the local MP John Serut and the District Commissioner Mr James Ole Seriani allegedly seized the farms of the neighbouring Chepkitale community and set fire to their houses, food stores, and other property. According to the information received, over the course of five days (18-23 February 2004), more than 200 houses belonging to members of the Chepkitale community were burned and five Chepkitale (Ogiek) people were injured.	383. <u>No response</u>	
Lao People's Democratic Republic	384. <u>Appel urgent envoyé avec le Rapporteur Spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, 11 Mars 2004</u> . Des membres de la communauté chrétienne de plusieurs villages du district de Sanamsay dans	385. <u>Response dated 21 April 2004</u> : The allegations of mistreatments of Christians believers by the Lao authorities are not new. On many occasions, we had the opportunity to provide clarification on these oft-repeated	386. The Special Rapporteur thanks the Government of Lao for its reply.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>la province d'Attapeu (Sud), seraient la cible d'actes de violence et de menaces de mort de la part des autorités locales, visant semble-t-il à les contraindre à renoncer à leur foi. En effet, il semblerait que la répression anti-chrétienne se soit intensifiée dans ces villages depuis le début de l'année 2004. Selon les informations reçues, entre le 3 et le 19 février 2004, des chrétiens des villages de Ban Donthapad et de Ban Donsua auraient fait face à des menaces de mort répétées ainsi qu'à du harcèlement de la part des autorités qui essaieraient notamment de les expulser de la région. Lors d'une réunion tenue dans la matinée du 19 février à Ban Donthapad et à laquelle ont été convoqués tous les chrétiens du secteur, des responsables locaux de haut niveau auraient annoncé leur volonté « d'éradiquer totalement la chrétienté » du district de Sanamsay, en termes menaçants.</p>	<p>false accusations. By virtue of the Constitution of the Lao PDR, the Lao people of all ethnic groups have the right to believe or not to believe in any religion. The right is fully guaranteed and no one has the right to threaten another on account of his /her religious belief. Regarding the above-mentioned alleged threats of death by local authorities if those Christians believers do not give up their faith in Sanamsay district as mentioned in your recent letter, I would like to inform to you that, upon verification by the concerned Lao local authorities, these allegations are false and groundless. Such allegation is deliberately fabricated with the mere aim of discrediting the image of the Lao Government and misleading the Christian Community around the world about the reality of the religious situation in my country. As everyone know full well, today in the Lao PDR, 245 Churches (with more than 357 clergymen) are operative and more than 147,000 Lao Christian believers practice their faith freely, go to the Church of their choice and live in harmony with other religious communities such as Buddhist, Animist, Islam, Bahai etc... It is however also important to note that, in the Lao PDR, like in any other country in this planet , any person, regardless of his or her religious who violates the law, is punished according to the Law.</p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Lao People's Democratic Republic	<p>387. <u>Allegation sent with the Special Rapporteur on torture, the Special Rapporteur on the situation of human rights of indigenous people and the Special Rapporteur on violence against women, 15 September 2004.</u> Four girls, Mao Lee, aged 14, her sister Chao Lee, aged 16, Chi Her, aged 14, Pang Lor, aged 14, and her brother Tou Lor, aged 15, all ethnic-Hmong, were searching for food close to their camp when they were allegedly attacked and killed by 30 to 40 Lao soldiers in the Xaisomboune military zone on 19 May 2004. The girls were reportedly raped before being killed. Mao Lee was shot in each breast and the other bodies were mutilated by shots fired at close range. One of the girls was disembowelled.</p>	<p>388. <u>Response dated 19 October 2004:</u> According to the Government, these allegations are utterly false and groundless. They are carried out by certain groups of Hmong living abroad whose objective is to set up divisive manoeuvres intended to serve those entities' political interests. The Government informed that the Hmong is one of the Lao ethnic groups and represents 6.9 percent of the Lao population. Today, the Hmong has an important role in the country's social and economic development. The Government is carrying out a fair and equitable policy towards all ethnic groups in Lao so that their lives have gradually improved, both materially and morally, and they have the opportunity of participating in the government of the country where they are well represented at all levels of Government.</p> <p>389. <u>Response dated 10 November 2004:</u> The general staff department of the ministry of national defence has conducted an investigation into the alleged case and found no evidence or clue of any incident. Up till now, no complaint or lawsuit has been filed. This indicates that the allegations are flawed and baseless, and are proved to be merely a fabrication intended to harm the reputation of the Lao People's Army. The Government has identified the source of the allegation as</p>	<p>390. The Special Rapporteur thanks the Government of Lao for its reply.</p>

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		<p>being Mr. Vajayang, who is a criminal and a fugitive who escaped his imprisonment sentence for the possession of drugs in June 2003. After careful investigation of the alleged facts by all departments of the Ministry of National Defense, solely on the basis of a video-film broadcasted through the TV and internet, it turns out that this video is merely a fabricated farce since it does not mention where the incident has taken place, nor does it contain pictures of the mutilated victims nor evidence of any rape claimed. The footage also lacked the evidence indicating that a gun was in use in the incident or any movement of those 30-40 Lao soldiers pictured therein.</p>	
Lebanon	<p>391. <u>Appel urgent conjoint, envoyé avec Rapporteur Spécial sur la torture, 26 Mars 2004:</u> Fadi Ahmad Mer'eish, qui aurait été condamné à mort en 1999 pour le meurtre de sa voisine de 15 ans. Une demande en grâce présidentielle déposée par son avocat aurait été rejetée le 24 mars 2004. Par ailleurs, il semblerait qu'il n'ait droit à aucun appel et que son ordre final d'exécution ait déjà été signé. Il serait actuellement détenu à la prison de Tripoli où il serait menacé d'exécution imminente par pendaison. Selon les informations reçues, Fadi Ahmad Mer'eish aurait des antécédents de troubles mentaux graves depuis l'enfance et aurait été diagnostiqué comme souffrant d'aliénation mentale par deux médecins</p>	392. <u>Pas de réponse</u>	

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	privés et un médecin de la prison. Jusqu'à tout récemment, et ce pour une période de deux ans, il aurait été détenu dans l'aile psychiatrique de la prison de Rumieh		
Lebanon	393. <u>Appel urgent, envoyé avec le Rapporteur Spécial sur la torture, 21 juillet 2004</u> : Des rassemblements de protestation, jeudi 27 mai 2004, contre la hausse substantielle des prix de l'essence dans la banlieue sud de Beyrouth auraient eu lieu suite à l'appel à la grève générale lancée par la Confédération générale des travailleurs (CGTL). Selon les informations reçues, l'armée libanaise aurait ouvert le feu sur des manifestants, tuant six d'entre eux. Un membre de la défense civile, un organisme étatique, blessé lors de la mise à feu du ministère du travail dans la banlieue sud de Beyrouth par des manifestants, aurait succombé à ses blessures et cinq civils, dont une femme, auraient été tués par balles dans le quartier de Hay as-Sollom. Au moins 17 personnes, dont cinq soldats et un photographe de presse, auraient été blessés lors de ces affrontements. Selon les informations reçues, la CGTL aurait appelé à l'arrêt des manifestations, mais des violences, accompagnées d'arrestations de civils et des actes de vandalisme se seraient encore produites à la fin de la journée du 27 mai 2004.	394. <u>Réponse du 27 septembre 2004</u> : Le Gouvernement a fait parvenir au Rapporteur Spécial le rapport du Procureur Général près la cour de cassation transmis par le ministère libanais de la justice. Dès que les incidents se sont produits dans la région de Hay al-Sellom le 27/05/04, le conseil des ministres a chargé une commission présidée par le procureur général près la cour de cassation et comprenant le commissaire du gouvernement près le tribunal militaire et le commandant de la police militaire afin d'effectuer les investigations nécessaires et de lui soumettre un rapport préliminaire qui a été présenté par la suite au conseil des ministres. Les enquêtes judiciaires sont encore en cours et sont secrètes. Par suite, il ne peut être rendu public aucune information les concernant, qu'ils soient provisoires ou définitifs. Le conseil des ministres a décidé de verser des aides sociales aux familles des victimes de ces incidents, d'un montant de 50 millions de livres libanaises, qui ne revêtent pas la qualité d'indemnisations que les tribunaux compétents décideraient d'attribuer au cas où un crime serait prouvé et qu'une demande d'indemnisation serait déposée. L'autopsie	395. Le Rapporteur spécial remercie le gouvernement du Liban de sa réponse très détaillée. Le Rapporteur souhaiterait recevoir des renseignements sur le résultat éventuel des enquêtes préliminaires et des suites apportées par les autorités judiciaires compétentes au cas ou des personnes ayant perpétré des crimes auraient été identifiées.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>du médecin légiste et la police judiciaire ont déterminé que la cause du décès était due a des atteintes par balle. A la suite des enquêtes préliminaires, une décision de justice déterminera si des personnes ont perpétré des actes constituant des crimes, auquel cas elles seront poursuivies devant les autorités judiciaires compétentes. Le parquet a pris toutes les dispositions nécessaires pour finaliser ces investigations et prendre la décision adéquate a la lumière de leurs résultats.</p>	
<p>Libyan Arab Jamahiriya</p>	<p>396. <u>Urgent appeal, sent with the Special Rapporteur on torture, 7 May 2004</u>, Kristiana Malinova Valcheva (f), Nasya Stojcheva Nenova (f), Valentina Manolova Siropulo (f), Valya Georgieva Cherveniyashka (f) and Snezhanka Ivanova Dimitrova (f), five Bulgarian health professionals, and Ashraf Ahmad Jum'a, a Palestinian doctor, were reportedly arrested in December 1998 and accused of deliberately infecting 426 children with the HIV virus while working in al-Fateh Children's Hospital in Benghazi. It is alleged that for the first 15 months of detention no information was disclosed on the reason for their arrest and that the first hearing was held in February 2000 without the Bulgarian Embassy being informed. They have reportedly been sentenced to death by firing squad by the Benghazi Criminal Court on 6 May 2004. They are reportedly now entitled to appeal against their</p>	<p>397. <u>Response dated 10 December 2004</u>: Ashraf Ahmad Jum'a, Kristiana Malinova Valcheva, Nasya Stojcheva Nenova, Valentina Manolova Siropulo, Valya Georgieva Cherveniyashka and Snezhanka Ivanova Dimitrova were tried before the Benghazi Criminal Court for causing the spread of an infectious disease by injecting 393 children with lethal substance which led to the deaths of 23 children. According to the Government, "it makes no sense to assert that the charges against them did not refer to the most serious crimes" (...). "The least one can say about this crime is that it is a crime of genocide which contravenes all international treaties, conventions and legal norms, as well as humanitarian principles." According to the Government "the trial of the accused persons before the Benghazi Criminal Court lasted 10</p>	<p>398. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>sentences before the Supreme Court. The execution of the death sentences reportedly requires the approval of the Supreme Council of Judicial Bodies, the country's highest judicial body. In the same trial, Zdravko Marinov Georgiev, a sixth Bulgarian defendant, was sentenced to four years' imprisonment and nine Libyan doctors were allegedly acquitted. It is alleged that the foreign medical professionals' confessions, which they later retracted, were extracted through torture. According to the information received, on the basis of the allegations of torture, eight members of the security forces, a doctor and a translator were charged in connection with the torture. They reportedly faced trial alongside the above-named health professionals before the same criminal court in Benghazi. However, on 6 May 2004 the Benghazi Criminal Court eventually pronounced that it was not competent to examine their cases. It is not clear whether those charged in connection with the torture of the health professionals will be tried before another court or whether the charges against them will not be heard before a court of law.</p>	<p>months, which is not a period short enough to warrant it being characterized as a summary or an arbitrary trial. The accused persons were afforded all the safeguards provided for in article 14 of the International Covenant on Civil and Political Rights and in the relevant United Nations resolutions to ensure the right to a fair trial: the right to a defence, the right to the services of an interpreter and the right to call expert witnesses. The trial was conducted in public in the presence of journalists, diplomatic and consular staff and members of non-governmental organizations. The accused persons were represented in court both by a Libyan lawyer and a Bulgarian lawyer" (...) "It is not acceptable to use the words summary or arbitrary to describe the trial or the verdict. The trial was held in public and in the presence of foreign observers and politicians. The process was completely transparent and afforded all the safeguards needed to ensure a fair trial". The government added that the verdict is not final and that it has to be endorsed by the Supreme Court. As to the allegations of confessions extracted under torture, the Department of Public Prosecutions intends to refer the police officers to the Tripoli Criminal Court since it has competence for hearing the case against them.</p>	
Malaysia	399. <u>Urgent appeal, sent with the Chairperson-</u>	400. <u>No response</u>	

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	<p><u>Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture</u>, 6 February 2004 Sofyan Jalil, Muhammad Yusuf, Yunus, Darmadi, Abdullah, Kamaruddin, Ilyas, Marzuki, Safwadi, Dek Gam, Maskur, Andri Usman, Jal Azmi, Salim, Muhammad Ali, Tarmizi Husain, Azhari , Mawardi , Asri , Fikran, Nazar, Fuadi , Mawardi, Hanafiah , Muhammad, Muji, and Fitra, Syarifah, Khalidah, and Nurul were among a group of forty Acehnese asylum seekers who were reportedly arrested by the Malaysian Police on 25 January 2004 during a raid on a migrant community shelter in Kampung Sungai Nibong, Penang and held at the Balai Polis Bayan Lepas 'lock-up' and Balai Polis Balik Pulau 'lock-up' on the island of Penang. Fears were expressed that if they were sent back to Aceh they could be arrested and subjected to ill-treatment, torture or extra-judicial execution. Asylum seekers who are sent back reportedly face significant risks to their personal integrity. According to the information received, none of the detainees were registered with the United Nations High Commission for Refugees.</p>		
Malaysia	<p>401. <u>Urgent appeal, sent with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right freedom of expression , and Special Representative of the Secretary-General on the situation of human rights defenders</u>, 13 May 2004. P Uthayakumar, a</p>	<p>402. <u>Response dated 7 October 2004</u>: According to the Government, Mr. Uthayakumar's police reports lodged on 27 April and 10 May 2004 have been fully investigated. Mr. Uthayakumar hampered the course of both investigations due to his refusal to give police statements under</p>	<p>403. The Special Rapporteur thanks the Government of Malaysia for its reply and would appreciate receiving information about the nature of the investigation</p>

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	<p>human rights lawyer who has worked on behalf of victims of alleged police brutality and is currently representing the family of Francis Udayappan, who is alleged to have died in police custody, has received numerous threatening phone calls related to his work. According to the information received, on 8 May 2004, the brother of P Uthayakumar, Wanytha Moorthy, received a call on his mobile phone from an anonymous caller who reportedly stated that his brother should “not fool around with the police” and further stated that if he did not heed this warning he would be killed. In this context and according to the information received, on 11 May 2004 P Uthayakumar was driving along Jalan Medang in Bangsar when a motorcycle began to trail his car. A short time later he was blocked by three or four cars. The driver of one of the cars alighted from his vehicle and approached the car of P Uthayakumar with a sledgehammer, smashing the windscreen and the driver’s side window. It is reported that the driver of the motorcycle then pointed a gun at him. P Uthayakumar jumped out of the passenger side door of his car and managed to escape his assailants. He suffered injuries to his face, hands, legs and back during the incident. Immediately after the alleged attack he filed a complaint at Brickfields police station. Reportedly, P Uthayakumar has filed a number of reports to the police about threatening calls that he has received in the past but to date no action by</p>	<p>section 112 of the Criminal Procedure Ordinance (CPO). On 17 June, he was subpoenaed under the above mention article of the CPO in an effort to record his statement for further investigation into the case, but he refused to go to the police station. He was then picked up by the police on 9 September pursuant to a warrant issued by the Kuala Lumpur Magistrates court to ensure compliance of section 112 of the CPO, so that his statement be recorded. He was released the same day. Investigations into Mr. Uthayakumar claims have been duly carried out, regardless of his claims that the incidents were caused by police personnel. Malaysia views seriously the abuse of power or the committing of a crime by police personnel. In 2003 alone, 41 members of the police force were charges in court and a further 78 were either suspended or terminated from the police force after investigations were carried out based on the reports received.</p>	<p>carried out and the findings.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Malaysia	<p>the police has been taken.</p> <p>404. <u>Allégation, sent with the Special Rapporteur on torture</u>, 21 July 2004. Mr. Mageswaran a/I Ramasamy was found hanging in the toilet of the Petaling Jaya Police Headquarters on 17 June 2004. He went to the Police Headquarters that day in order to file a police report and his body was discovered seven hours later at about 10:00 pm. Reports indicate that there was a wound about one inch long on his lower right abdomen which had been stitched up. Rapidly, Assistant Commissioner of Police (ACP), Mr. Osman Bakar, publicly stated that there was no murder and that this was a case of suicide. Therefore, no investigation has been undertaken to explain the suspicious circumstances of Mr. Mageswaran a/I Ramasamy's death. On 2 July 2004, a joint memorandum was submitted to the Inspector General of Police by about eight non-governmental organisations calling for an immediate independent and impartial investigation and a post-mortem into his death. The group also called for the immediate suspension of Mr. Osman Bakar and other police officers suspected to be involved in this event.</p>	<p>405. <u>Response dated 18 August 2004</u>: According to the Government, a body of Indian origin with a rubber hose around the neck was found on 17 June 2004 in a locked toilet <i>next</i> to the canteen and police lock-up, and <i>not in the toilet of the Petaling Jaya Police Headquarters</i>. There is no obligation on the part of the police to request the presence of a pathologist and a magistrate for such deaths. Despite this, chief Inspector Abd Aziz took the precaution of requesting their presence to avoid any complications. The "one-inch long" wound on Mageswaran's lower abdomen which had been "stitched-up" was the result of the autopsy carried out on the body of the deceased.</p>	<p>406. The Special Rapporteur thanks the Government for its reply.</p>
Mauritania	<p>407. <u>Allégation envoyée avec le Rapporteur spécial sur la torture</u>, 27 Mai 2004. Mactor Diallo âgé de 25 ans, également connu sous le nom de Oumar Ould Abdoullah, serait décédé vraisemblablement des suites de torture le 13 septembre 2003 au commissariat de police de la ville de Kaédi alors</p>	<p>408. <u>Réponse du 27 juillet 2004</u>. Le Gouvernement de la République islamique de Mauritanie souligne qu'à la suite du décès de Oumar Ould Abdallahi (nom sous lequel il s'est enregistré), le Procureur de la République a immédiatement ouvert une</p>	<p>409. Le Rapporteur Spécial remercie le Gouvernement de sa réponse et souhaiterait recevoir de plus amples renseignements sur les</p>

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	<p>qu'il y était en détention préventive depuis le 6 septembre 2003 pour présomption de vol. D'après les informations reçues, son cou aurait été brisé. Le médecin chef de l'hôpital de Kaédi qui a constaté son décès aurait également noté de nombreuses blessures sur le corps du défunt et aurait demandé au juge d'instruction de faire venir un chirurgien spécialiste pour constater les causes internes du décès. Moctar Diallo aurait été enterré par la police le 14 septembre 2003, sans que la famille n'en ait été avisée. Ce même jour, le juge d'instruction près du tribunal de Kaédi aurait refusé l'exhumation du corps pour une autopsie. Les autorités judiciaires et policières de la wilaya de Gorgol auraient expliqué la mort de Moctar Diallo par le fait qu'il se serait lui-même cogné contre un mur de sa cellule. Cependant, le médecin mentionné ci-dessus n'aurait rien signalé au sujet de blessures à la tête. Le juge d'instruction aurait aussi déclaré à la sœur du défunt qu'il s'était présenté au poste de police mais qu'il n'avait pas pu constater la cause du décès car le corps se trouvait dans l'obscurité. Le Commissaire aurait dit à la sœur de Moctar Diallo qu'il lui remettrait les habits et la montre de son frère pour 300 ouguiya. Une plainte aurait été déposée auprès du Procureur Général près de la Cour Suprême. Le Procureur de la République de Kaédi aurait déclaré que, d'après les différents témoignages des co-détenus et des agents de police, Moctar Diallo était décédé d'une mort</p>	<p>enquête en vertu de l'article 36 du Code de procédure pénale qui stipule que le Procureur doit procéder à tous les actes nécessaires à la recherche et à la poursuite des infractions à la loi pénale. Les policiers de permanence ont été soumis à un interrogatoire, qui ont stipulé que les seuls contacts avec les détenus se limitent à la fourniture de la nourriture. Mr. Oumar Dioum, qui était détenu avec le défunt, confirme la version donnée par les policiers et ajoute que le défunt se serait plaint d'une crise d'asthme. Les personnes en charge du bain rituel du défunt, personnes réputées pour leurs actions de bienfaisance, affirment n'avoir rien décelé d'anormal, et qu'aucune marque de violence ou de blessure n'était visible. L'examen effectué par le Dr. Boukjari, Directeur de l'Hôpital régional du Gorgol, ainsi que le Dr. El Houssein Ba confirment que le corps n'avait aucune trace de blessure, de coups ou de fractures. Le Procureur a alors conclu que la mort de Mr. Diallo était d'origine naturelle. Les ayants droits ont alors porté plainte avec constitution de partie civile devant le juge d'instruction qui a fixé une caution. Leurs avocats ont interjeté l'appel de la décision du juge d'instruction. L'affaire est pendante devant la Chambre pénale de la Cour d'appel de Nouakchott. La justice suit son cours normal en toute impartialité et les développements à</p>	<p>suites données à l'affaire par la cour d'appel de Nouakchott.</p>

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	naturelle et que par conséquence il envisageait de classer l'affaire sans suite.	venir seront portés à la connaissance des mécanismes compétents de la Commission des droits de l'homme.	
Mexico	410. <u>Llamamiento urgente, 30 Julio de 2003</u> . See E/CN.4/2004/7/Add.1, Parag. 300.	411. <u>Respuesta del 5 de enero de 2004</u> . La Procuraduría General de la República informó el 15 de diciembre 2003 que la investigación se encuentra en reserva desde el 7 de octubre 2003, hasta en tanto aparezcan nuevos datos o indicio que permitan continuar.	412. El Relator Especial agradece el Gobierno de México por su respuesta. Espera que el Gobierno le tenga informado de los avances de la investigación.
Mexico	413. <u>Llamamiento urgente, 15 Agosto de 2003</u> . See E/CN.4/2004/7/Add.1, Parag. 301	414. <u>Respuesta del 5 de enero de 2004</u> . Según la información recibida, la Sra. Griselda Teresa Tirado Evangelio fue encontrada sin vida en su domicilio el 6 de agosto de 2003. Según la médica legista, la muerte fue consecuencia de proyectiles múltiples de arma de fuego y de shock hipovolémico. El 25 de agosto de 2003, la Fiscalía especial ha recibido información que el Li. Bulmaro rosas Barrales tenía a su disposición a Willibardo Barriendo, quien era un sospechoso. Tenía armas de instrumento prohibido, resistió a los particulares y tenía antecedentes de homicidio. Declaró también conocer a Gustavo tirado Evangelio así como el Municipio de Huehuetla. Diferentes exámenes, entre ellos un psicológico y una prueba del polígrafo fueron solicitados, así como una declaración ministerial. Al 7 de noviembre 2003, la investigación está pendiente. Nuevos elementos han surgido	415. El Relator Especial agradece el Gobierno de México por su respuesta. El Relator Especial agradecería recibir más información sobre los resultados de la investigación judicial emprendida.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Mexico	416. <u>Llamamiento urgente, 13 de diciembre de 2002.</u> See E/CN.4/2003/3/Add. 1, Parag 340.	como posibles móviles del homicidio. 417. <u>Respuesta del 13 de enero de 2004.</u> Según el Gobierno de México, se dio inicio una investigación a fin de esclarecer los hechos, la cual se encuentra actualmente en trámite. La investigación podría ser remitida al archivo provisional, en conformidad con la legislación del Estado de Michoacán, ya que el agraviado manifestó durante su declaración que con posteridad proporcionaría los nombres de sus informantes de la supuesta amenaza de muerte. A pesar de haber sido requerido en varias ocasiones por diversos citatorios para tal efecto, no se ha obtenido ninguna respuesta por parte del peticionario. Asimismo, la Comisión de Derechos Humanos del Estado de Michoacán informó que después de una búsqueda exhaustiva en su archivo, no se encontró queja interpuesta sobre el caso del Sr. Francisco Castellanos.	418. El Relator Especial agradece el Gobierno de México por su respuesta.
Mexico	419. <u>Llamamiento urgente, enviado con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, 26 de enero de 2004.</u> Los relatores expresaron su preocupación por la situación de inseguridad y peligro en la que se encuentran las comunidades de Tlalnepantla. En particular, los miembros del Consejo Autónomo Popular habrían sido víctimas de recientes actos de violencia por	<u>Respuesta del 13 de febrero de 2004.</u> De acuerdo con el Gobierno, en varias ocasiones, el Ejecutivo estatal convocó a los grupos en conflicto para que se instalaran mesas de diálogo y encontrarán una solución a las diferencias de forma pacífica. El 7 de enero, el grupo opositor decidió de manera unilateral romper el diálogo y los acuerdos alcanzados en reuniones pasadas. El 11 de enero, el grupo opositor determinó hacer la declaratoria del Consejo Popular Autónomo	420. El Relator Especial agradece el Gobierno por su respuesta. El Relator Especial agradecería recibir más información sobre los resultados de la investigación judicial emprendida relativo a la muerte del Sr. Sánchez Mercado y en particular si las la(s) persona(s)

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	<p>parte de la policía. De acuerdo con las informaciones recibidas, las tensiones habrían aumentado desde que el Alcalde, miembro del Partido Revolucionario Institucional (PRI), se habría negado a permitir elecciones de representantes locales de la comunidad según los usos y costumbres indígenas. Se informa que el 2 de noviembre de 2003, miembros de la comunidad habrían ocupado el Ayuntamiento como forma de protesta contra la decisión de su Alcalde. El 26 de noviembre, la policía habría disuelto una marcha de protesta que se dirigía hacia la capital del estado, Cuernavaca, para comunicar al gobernador las quejas de la comunidad. Como consecuencia la policía habría detenido a 59 personas y herido a otras dos. El 11 de enero, un grupo de miembros de la comunidad opuestos a las posiciones del Alcalde habrían creado el Consejo Popular Autónomo, una administración local alternativa. Dos días después, según los informes, hasta 400 partidarios del Alcalde habrían ocupado el centro de la comunidad, amenazando a todos aquellos relacionados con el Consejo Popular Autónomo. Se informa que agentes armados de la policía estatal y federal habrían hecho uso de fuerza excesiva durante el desalojo de los indígenas que ocupaban el ayuntamiento de la comunidad de Tlanepantla, estado de Morelos, el 14 de enero de 2004. Según los informes, un hombre, Gregorio Sánchez, habría muerto a consecuencia de los</p>	<p>del municipio de Tlanepantla en violación al orden jurídico establecido por la Constitución Federal. El 13 de enero, Elías Osorio Torres, Presidente Municipal elegido el 6 de julio 2003, informó al Ejecutivo estatal que en apoyo de los pobladores del Municipio, retomarían de manera pacífica las instalaciones del palacio municipal, por lo que pedía el apoyo de elementos de seguridad para salvaguardar el orden y evitar un posible enfrentamiento entre el grupo que se encontraba establecido de manera ilegal en las instalaciones del palacio municipal y los seguidores del Sr. Osorio Torres. El enfrentamiento entre los que apoyan al grupo opositor y los seguidores del Sr. Osorio Torres obligó a elementos de seguridad a intervenir para evitar daños mayores. Al parecer, algunas personas se encontraban con armas blancas, de fuego y bombas molotov. Las fuerzas del orden fueron agredidas por gente que apoyaba al grupo opositor, lo que hizo necesario repelar dicha agresión. Como resultado de estos echos, lamentablemente hubo una persona muerta y varios heridos. Las investigaciones correspondientes, a fin de fincar responsabilidades están realizadas por la autoridad competente. El 19 de enero, un grupo de l Estado de Mexico intentó provocar de nueva cuenta a los pobladores del Municipio de Tlanepantla lo que fue</p>	<p>responsable(s) han sido juzgadas.</p>

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	<p>disparos. Al menos otros 12 habrían resultado heridos, incluso 3 policías. La policía detuvo al menos a 15 personas. Se denuncia que ninguno de los detenidos habría sido acusado de ningún delito común reconocible como tal. En vista de estos recientes actos de violencia, los relatores especiales sintieron profunda preocupación por la posibilidad de que se produjeran nuevos y más violentos actos de confrontación dentro de la comunidad de Tlanepantla.</p>	<p>impedido por la autoridad, generándose un enfrentamiento entre ese grupo y las fuerzas del orden. Hasta la fecha, el Sr. Marco Antonio Lascano Grande está privado de su libertad por su probable responsabilidad en la comisión de diversos delitos. Las personas detenidas desde el 13 de enero fueron liberadas bajo caución. El Gobierno de Mexico señala también que el Ejecutivo Estatal ha girado instrucciones precisas al Secretario de gobierno, Procurador General de Justicia del Estado, Secretario de Seguridad Pública Estatal, Policía Ministerial y Subdirección de Atención a Derechos Humanos, para que se sigan las investigaciones correspondientes para esclarecer la muerte del Sr. Gregorio Sanchez Mercado, cuando ocurrieron los hechos. Además, las autoridades estatales están llevando a cabo reuniones de trabajo a fin de conciliar a las partes y lograr a la brevedad posible, la solución definitiva al conflicto.</p>	
Mexico	<p>421. <u>Alegación enviada con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, 29 de abril de 2004</u> Manuel Posada Chévez, integrante del Consejo Ciudadano Unihidalguense (CCU), habría sido asesinado por el policía municipal Víctor Hugo López, el 10 de abril de 2004 en el municipio Unión Hidalgo, en el Estado de Oaxaca. De acuerdo con la información recibida,</p>	<p>422. Respuesta del 15 jun de 2004. De acuerdo con el Gobierno de México, una acción penal en contra de Víctor López fue ejercitada por el Juzgado Penal de Juchitán, Oaxaca el 13 de abril 2004. El Sr. López fue citado como responsable de homicidio calificado, con las agravantes de premeditación, alevosía y ventaja, cometido en agravio de Manuel Posada Chevez. El 20</p>	<p>424. El Relator Especial agradece el Gobierno por su respuesta.</p>

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	<p>el Sr. Manuel Posada Chévez, miembro del CCU, habría recibido varias heridas de puñal en el pecho y en el abdomen que le habrían causado la muerte mientras desempeñaba su trabajo como transportador de la Orquesta Roy Luis durante una fiesta del Barrio Pescador en el mencionado municipio. Según las denuncias recibidas, el hecho ocurrió a la vista de otros policías municipales quienes después de ver al herido caído en el suelo, habrían procedido a patearlo. Se informa que este asesino se suma a una amplia ola de violencia que impera en esa comunidad.</p>	<p>de abril, el Juez de la causa libró el mandato de captura solicitado en contra del Sr. Lopez. La orden de aprehensión se encuentra pendiente de ejecutar. De acuerdo con la investigación previa, se desprende que el evento se derivó de problemas personales entre el indiciado y la víctima; sin que en tal evento hubiese intervenido alguna autoridad municipal. Victor Hugo Lopez Lopez laboró como Policía Municipal de Ayuntamiento de Unión Hidalgo, sin embargo, en el momento de los hechos, tenía un mes de haber sido de baja de dicha corporación.</p> <p>423. <u>Información adicional del 4 agosto- 04.</u> El 15 de abril de 2004, la Comisión de Derechos Humanos del estado de Oaxaca inició un expediente en contra de servidores públicos del H. Ayuntamiento de Unión Hidalgo solicitando la colaboración de la Procuraduría General de Justicia del Estado y de la Secretaría General de Gobierno a fin de encontrar, a través del diálogo y la concertación, una solución a la problemática que se vive en esa localidad, en particular con los integrantes del Consejo ciudadano Unihidalguense. El 7 de junio de 2004, la Comisión recibió información según la cual el Sr. Manuel Posada Chavez murió en forma violenta pero no a manos de policías municipales. Actualmente, el citado</p>	

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		expediente se encuentra en etapa de investigación.	
Mexico	<p>425. <u>Llamamiento urgente, enviado con el Relator Especial sobre la tortura, 2 de junio de 2004.</u> Hiram Oliveros, un preso de 28 años de la prisión de Nuevo Laredo, Estado de Tamaulipas habría sido detenido por la policía el 26 de marzo de 2004 junto con su compañero, Mario Medina, un ciudadano estadounidense de 23 años. Ambos habrían sido sospechados de haber asesinado a su vecino, Roberto Javier Mora, director del periódico local El Mañana, cuyo cuerpo habrían hallado apuñalado en su apartamento de la localidad de Nuevo Laredo el 19 de marzo de 2004. De acuerdo con la información recibida, antes de su muerte, el periodista había denunciado públicamente casos de corrupción y de tráfico de drogas. La Procuraduría de Justicia de Tamaulipas habría declarado que Roberto Javier Mora habría sido asesinado por celos porque Mario Medina sospechaba que su compañero estaba teniendo una aventura con él. Se habría utilizado una presunta confesión en video de Mario Medina para respaldar esta denuncia. Se alega que tras su detención, Hiram Oliveros y Mario Medina habrían sido torturados para que confesaran el crimen. Mario Medina también habría declarado haber sido agredido sexualmente y amenazado con ser desaparecido y que el acceso a su familia y a su abogado le habría sido negado. El 30 de marzo de 2004 los dos detenidos habrían hecho</p>	<p>426. <u>Respuesta del 17 de agosto de 2004.</u> El 26 de marzo de 2004, fueron detenidos los Sres Oliveros Ortiz y Medina Vázquez, como consecuencia de de la cumplimentación del mandato judicial en el que se ordenaba la detención de esas personas. La Procuraduría General de Justicia de Tamaulipas señala que el argumento de que los detenidos fueron torturados para que confesaran el crimen carece de razón jurídica, estableciendo que por la hora en que fue dictada tal orden, comunicada a la Policía Ministerial, ejecutada y puestos a disposición del Ministerio Público, median sólo tres horas con veinte minutos, tiempo en el que se llevaron a cabo actividades de búsqueda, localización y detención material de los indiciados. El 28 de marzo, los Sres Hiram Oliveros Ortiz y Mario Medina Vazquez confesaron el crimen de Roberto Javier Mora. Fueron asistidos por sus abogados defensores y que en ésta diligencia estuvo presente el Lic. Jose Homero Rodriguez Flores, integrante de la Quinta Visitaduría de la Comisión Estatal de Derechos Humanos en la ciudad de nuevo Laredo, Tamaulipas. En relación con el delito de homicidio en contra del Sr. Mario Medina Vazquez, se inició una averiguación previa. Según los resultados, la probable</p>	<p>427. El Relator Especial agradece el Gobierno por su respuesta.</p>

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	<p>una declaración a la prensa en la que habrían negado ser responsables de la muerte del periodista, manifestado que habían sido acusados del crimen porque eran una pareja gay a la que se podía obligar a confesar, y denunciado que habían sido torturados. Tras las denuncias de tortura realizadas por Mario Medina, un juez habría ordenado que dos policías comparecieran en una vista judicial. Según los informes, ninguno de los dos se habría presentado. El 13 de mayo de 2004, Mario Medina habría sido asesinado por otro preso que le habría apuñalado 88 veces en la prisión de Nuevo Laredo. Esto habría ocurrido a pesar de que el 12 de mayo de 2004 las autoridades penitenciarias habían ofrecido a un funcionario consular estadounidense garantías de que Mario Medina se encontraba a salvo y separado de los demás presos. A la luz de estas alegaciones, se han expresado temores por la seguridad de Hiram Oliveros.</p>	<p>responsabilidad se le atribuye a Roberto Herrera Gonzalez. El 15 de mayo, fue ejercitada la acción penal en contra de dicha persona. Continuando con la investigación, el 8 de julio, se ejercitó acción penal en contra de Juan Antonio Herrera Gonzalez, Francisco Javier Herrera Gonzalez y Osiel Marroquín García, por estimarse que son probables responsables de la comisión del homicidio de Mario Medina Vázquez, de Epitafio Sebastián Arias, custodio del Centro Penitenciario, por sus probables responsabilidades en la comisión de los hechos antijudiciales en el desempeño de sus funciones administrativas, falsedad en declaraciones y encubrimiento. Por lo respecta al Sr. Hiram Oliveros se encuentra sujeto a proceso penal, dictándosele auto de formal prisión por haberlo encontrado probable responsable en la comisión del delito de homicidio en agravio de Roberto Javier Mora García. Para garantizar la vida e integridad de dicha persona, éste se fue trasladado del Centro de Readaptación Social No 2 en ciudad Nuevo Laredo al Centro de Readaptación Social en ciudad Victoria. Asimismo, se encuentra sujeto a otro proceso legal por resultar probable responsabilidad penal en la comisión del delito de falsedad de declaraciones, relacionado con el homicidio de Mario Medina Vázquez.</p>	

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Mexico	<p>428. <u>Llamamiento urgente, enviado con Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas y la Representante Especial del Secretario General para los defensores de los derechos humanos, 2 de junio de 2004.</u> Lucía Genaro Linares, Erika González Genaro, Elisabeth González Genaro y Adriana Rubio Jorge habrían sido objeto de amenazas después de presentar una denuncia oficial contra las autoridades municipales de Zapotitlán Tablas, Estado de Guerrero. Los informes indican que la denuncia habría sido presentada tras la supuesta muerte bajo custodia, en enero de 2004, de un miembro de la familia Genaro: Sócrates Tolentino González Genaro.</p> <p>Según la información recibida, Sócrates Tolentino González Genaro, de 18 años, habría sido detenido el 14 de enero de 2004 en Zapotitlán Tablas por agentes de la policía preventiva municipal que lo habrían llevado a la prisión municipal. Al día siguiente, las autoridades municipales habrían dicho a la madre del joven, Lucía Genaro Linares, que éste se había suicidado en la prisión. Tras la muerte de su hijo, Lucía Genaro Linares habría firmado, por instrucción del síndico municipal, unos documentos oficiales, después de que el síndico municipal le habría dicho que las autoridades pagarían los gastos del</p>	<p>429. Respuesta del 1 de Julio de 2004. Según los resultados de la Averiguación Previa iniciada por la Procuraduría General de Justicia del estado de Guerrero el 15 de enero de 2004 por el delito de homicidio en contra del Sr. Sócrates Tolentino González Genaro, el 14 de enero 2004, a las 21 horas, Socrates Tolentino Gonzalez Genaro se encontraba en forma sospechosa en las calles de Zapotitlan Tablas. Un día antes, los profesores y alumnos del Colegio de Bachilleres de ese poblado se habían quejado de que el Sr. Gonzalez Genaro les había insultado y que se drogaba en el parcel educativo con thinner. La Policía Preventiva Municipal le detuvo y traslado al area de seguridad. A las 24 horas del mismo día, los efectivos de la policia salieron para realizar su recorrido, quedándose unicamente un guardia y el detenido. Luego, el dicho guardia salió para llevar a cabo el recorrido en las instalaciones de la Presidencia Municipal. Cerca de las dos horas del 15 de enero, al regresar los policias se percataron de que el detenido, con un palicate de color rojo, se había colgado del cuello, privándose de la vida.</p> <p>Con el fin de constatar la certeza de esos echos, se han llevado a cabo diversas diligencias, tales como: testimonios de los familiares, exhumación y necropsia del</p>	<p>430. El Relator Especial agradece el Gobierno por su respuesta. El Relator Especial agradecería recibir más información sobre los resultados de la investigación emprendida relativo a la muerte de bajo custodia de Sócrates Tolentino González Genaro, en vista de de los resultados de la necropsia estableciendo que la víctima falleció por traumatismo craneoencefálico. En este contexto, el RE agradecería información sobre la posible detención y sanción de los responsables de esta muerte en detención. Asimismo, le gustaría recibir información por parte del Gobierno relativa a las posibles investigaciones de laa amenazas de muerte recibidas por Lucía Genaro Linares, Erika González Genaro, Elisabeth</p>

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	<p>funeral. Los informes indican que el 17 de enero de 2004, la hija de Lucía Genaro, Erika González Genaro, habría descubierto que su madre había renunciado involuntariamente al derecho de la familia a que se realizara la autopsia, y había declarado que su hijo planeaba suicidarse.</p> <p>Ante el intento de encubrimiento, la familia, con la ayuda de una organización local de derechos humanos, habría conseguido que se exhumara el cadáver de Sócrates. El 10 de marzo de 2004, un examen forense habría concluido que el joven había sido brutalmente golpeado y había muerto a consecuencia de las lesiones sufridas, que incluían dos fracturas de cráneo, una fractura en una costilla derecha, fractura de la tibia izquierda y fractura del esternón. Lucía Genaro habría presentado posteriormente una denuncia ante el ministerio público de Tlapa, estado de Guerrero, contra varias autoridades municipales, entre las que se encontrarían el presidente municipal, el síndico municipal y tres agentes de la policía municipal de Zapotitlán Tablas. Según indican los informes, desde que se habría presentado la denuncia, Lucía Genaro y otros familiares habrían sido intimidados en varias ocasiones. En una de ellas, el síndico municipal habría amenazado a Lucía diciendo: "te vamos a matar si no te callas". El 22 de abril de 2004, varios agentes de la policía preventiva municipal que viajaban en un vehículo habrían apuntado con sus armas a las hermanas de</p>	<p>cadáver en presencia de los familiares, representantes del Centro de Derechos Humanos de la Montaña, Visitador Adjunto de la Comisión de defensa de los derechos humanos del estado de Guerrero y peritos médicos forenses, denuncia formal por el delito de homicidio por Lucía Genaro Linares en contra de los policías preventivos municipales y solicitud del arraigo del presidente municipal y síndico procurador del municipio de zapotitlán tablas, Guerrero, por ser los responsables de la seguridad en ese municipio. La necropsia establece que Sócrates Tolentino Gonzalez Genaro falleció por un traumatismo craneoencefálico severo y contusión profunda en torax y pmiembros pelvicos. La investigación continúa en trámite. Cuando se cuente con los elementos necesarios, se ejercerá la acción penal correspondiente.</p>	<p>González Genaro y Adriana Rubio Jorge.</p>

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	<p>Sócrates, Erika y Elizabeth González Genaro, así como a su tía, Cesárea Linares, en Zapotitlán Tablas. El 3 de mayo de 2004, tres policías municipales habrían gritado "señora pendeja" a Lucía Genaro en la calle y le habrían dicho que no hiciera nada sobre la muerte de su hijo. Erika González Genaro habría dejado de ir a la escuela por temor por su propia seguridad. La novia de Sócrates, Adriana Rubio Jorge, también habría sido acosada cuando, el 7 de mayo de 2004, a las tres de la madrugada, dos agentes municipales habrían pasado por delante de su casa y habrían arrojado piedras al tejado del edificio.</p>		
Mexico	<p>431. <u>Alegación enviada con el Relator Especial sobre la tortura y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 21 de septiembre de 2004.</u> Los Relatores Especiales han recibido información según la cual Horacio Zacarías Barrientos Peralta, un campesino de la comunidad de La Florida, municipio de Atoyac de Alvarez, Estado de Guerrero, habría fallecido el 28 de noviembre del 2003 por la tarde, cuando un grupo de aproximadamente cinco personas no identificadas le habrían disparado 15 veces. Los hechos habrían ocurrido cuando Horacio Zacarías Barrientos Peralta se encontraba trabajando en su parcela y a menos de 24 horas que el Juzgado Cuarto Penal del Distrito de Acapulco librara la primera orden de aprehensión en contra de uno de los represores de la llamada "guerra sucia", un ex</p>	<p>432. <u>Respuesta del 29 de noviembre de 2004.</u> El gobierno de Mexico informa que una averiguación previa fue iniciada con respecto a la muerte del Sr. Zacarías Barrientos Peralta. El 6 de enero de 2004, como resultado de las diligencias practicadas, se libraron órdenes de aprehensión en contra de Benito Salgado Aguirre, Maria de Jesus Martinez Reyes, Isaías Martínez Gervasio, Ramiro Rosas Contreras y Apolinar Martínez Barriente, señalados como probables responsables del homicidio del Sr. Barrientos Peralta. Los días 6 y 7 de enero de 2004 fueron cumplimentadas las órdenes de aprehensión y puestos a disposición del Juez de Primera Instancia en Materia Penal del Distrito Judicial de Galeana, con lo que se dio inicio a una causa penal, en la que se les dictó</p>	<p>433. El Relator Especial agradece el Gobierno por su respuesta. El Relator Especial agradecería recibir información sobre posibles sanciones en contra de los reponsables del homicidio, en caso de que su proceso sea terminado.</p>

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	<p>comandante de la Policía Judicial. De acuerdo con la información recibida, Horacio Zacarías Barrientos Peralta habría sido víctima y a la vez testigo presencial de la detención, tortura, ejecución y desaparición de campesinos en los años 1970, en acciones supuestamente realizadas por el ejército y la policía mexicanos, en el municipio de Atoyac de Álvarez, y era justamente uno de los principales testigos de la Fiscalía Especial para Movimientos Sociales y Políticos del Pasado (FEMOSPP), dentro de las investigaciones que se llevan a cabo contra militares y policías involucrados en las mencionadas violaciones de los derechos humanos. Una organización de defensa de los derechos humanos habría informado en reiteradas ocasiones que no era conveniente que Horacio Zacarías Barrientos Peralta fuera entrevistado en su casa y que era necesario llevarlo a declarar a Acapulco o a Ciudad de México, porque opinaban que su vida corría peligro.</p>	<p>auto de formal prisión el 15 de enero de 2004. Actualmente, se encuentran sujetos a proceso.</p>	
Morocco	<p>434. <u>Allégation, envoyée avec le Rapporteur Spécial sur les droits de l'homme des migrants, 20 Avril-04</u>: Le 22 février 2004 à environ cinq heures du matin, un groupe de quatre immigrants sub-sahariens aurait tenté de traverser clandestinement la frontière qui sépare le Maroc et la ville autonome de Melilla (Espagne) en utilisant des échelles de corde pour franchir le mur qui bloque le passage de la frontière. Selon les rapports reçus, un gendarme marocain aurait</p>	<p>435. <u>Réponse du 27 juillet 2004</u>: Selon le Gouvernement, le procureur général du Roi près la cour d'appel de Nador a fait procéder a une enquête des faits allégués par la police judiciaire et la gendarmerie royale. Les immigrants clandestins auraient tenté de pénétrer illégalement dans la ville de Mellila et n'auraient pas tenu des comptes des sommations des forces auxiliaires marocaines en poste. Les clandestins auraient alors</p>	<p>436. Le Rapporteur spécial remercie le Gouvernement du Maroc pour sa réponse. Le Rapporteur spécial souhaiterait recevoir des renseignements supplémentaires sur les conditions dans lesquelles les forces de sécurité ont du recourir à la force.</p>

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	<p>surpris les quatre immigrants et les aurait sommés de rejoindre le Mont Gourougou, avant de tirer quatre coups de feu sur les clandestins, alors que ceux-ci se trouvaient à moins de deux mètres de lui. L'un des immigrants, Koufi Omañel, âgé de 28 ans et originaire de la Sierra Leone, aurait été atteint par balle et serait décédé. Les trois autres immigrants, originaires du Mali, auraient été grièvement blessés et conduits à l'hôpital de Nador où ils se trouveraient encore au moment où cette communication a été envoyée. Selon les informations reçues, l'un de ces immigrants aurait été amputé d'un pied, un autre de la main, tandis que le troisième aurait la moitié de son corps paralysé. D'après les informations reçues, ce ne serait pas la première fois que des immigrants clandestins feraient l'objet de ce type de traitement. Ainsi, en 2002, un jeune homme originaire du Mali, Saïdi Sanouka, aurait également été abattu par un membre de la gendarmerie marocaine à une distance de moins de cinq mètres, alors qu'il tentait de passer la frontière.</p>	<p>attaqué les forces de sécurité avec des bâtons et armes blanches; les forces de sécurité auraient alors tiré un coup de feu touchant mortellement l'un d'entre eux, alors qu'un membre des forces de sécurité auraient été blessé. Joub Abou Bakarín Diallo et Abd-el Kader Moussa Ghani ont été poursuivis pour rébellion, outrage et violences à agents publics et entrée illégale sur le territoire national. Ils ont été condamnés à 8 mois de prison ferme et 500 dirhams d'amende, sentence qui a fait l'objet d'un appel. Le parquet général de Nador a transmis le procès verbal original et ses annexes à l'inspecteur général des forces auxiliaires pour ce qui concerne le décès et blessures occasionnées par les hommes des forces auxiliaires. Quant aux trois immigrants hospitalisés, ils ont été jugés et condamnés à des peines de prison comme indique plus haut. Aucun d'entre eux n'a subi d'amputation.</p>	
Myanmar	<p>437. <u>Urgent appeal sent with Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights in Myanmar</u>, 4 December 2003. According to the information received, nine persons, namely Zaw Thet Htway, editor of the Sport Magazine First Eleven and member of the democratic Party</p>	<p>438. <u>Response dated 4 March 2004</u>. According to the Government of Myanmar, Ne Win (alias Naing Yekha), Shwe Wann (alias Zeya Oo), Zar Naing Tun (alias Phyu Lay), Zaw Myo Htet (alias Zaw Zaw), Myo Htwe (alias Chin Ga Kaung), Min Kyi (alias Naing Min Kyi), Zaw Thet Htwe (alias Thet Zaw), Aung Lun and Aye Myint (alias Aye</p>	<p>439. The Special Rapporteur thanks the Government of Myanmar of its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>for a New Society (DPNS), Aye Myint, Zaw Zaw, Zar Naing htun, Ne Win, Shwe Mann, Than Htun, Myo Htway and Nai Min Kyi, were convicted and sentenced to death on 28 November 2003 by a Yangon Martial Court under article 122/1 of the law for high treason for supposedly trying to murder the leaders of the SDPC. All nine were reportedly arrested on 17 July 2003 by members of the Military Intelligence. It is reported that a member of the military government, Col. San Pwint, announced on 26 July that the security services had thwarted a planned series of bombings. The nine were also accused of having contacts with political organizations in exile. However, reports indicate that their arrest might have been prompted by a report in the magazine First Eleven that raised questions about the use of an international donation of four million dollars to promote football in Myanmar and another report about fines imposed on the organizers of an Asian football tournament (the Asian Champion club).</p>	<p>Myint Maung) were arrested and charged under section 122 of the Penal Code for High Treason for their antigovernment activities. They all are underground members of the subversive terrorist group Mon Pyi Thit Party who plotted to plant bombs and organized mass rebellion against the state. Documents, explosive devices and bomb material were found when they were arrested. They were represented during the trial by High Court Lawyer U San Myint Tin hired by the Court. Aye Myint requested to appeal by himself as he is a lawyer. The death sentenced was passed by the Judge on 28 November 2003 after hearings from the complainant, the defendants, witnesses, defense counsels and prosecutors. In this connection, the legal process was done in accordance with Myanmar Laws and the persons were charged on the basis of sufficient and conclusive evidence. Authorities concerned provided all possible safeguards to ensure a fair trial.</p>	
Myanmar	<p>440. <u>Allegation sent with Special Rapporteur on the situation of human rights in Myanmar</u>, 19 March 2004. Lung Zi-Na, aged 46, who was staying and working at a remote farm in the area of Kaeng Kham Awn village, Nam-Zarng township in February 2002 was shot dead at a well reportedly by SPDC troops from Military Operation Management No.21 as he was going to fetch</p>	460. <u>No response.</u>	

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	<p>water. Reports indicate that, about one month later, his wife was beaten and tortured until she lost consciousness and their farm was looted by the same SPDC troops.</p> <p>441. Ten villagers were executed in May 2002 reportedly by the Burmese military who were allegedly accusing them of supporting the Karen resistance group. The killings took place a day after Burmese troops suffered heavy losses against Karen soldiers. The Burmese military accused the head of the village as well as the village reverend of supporting the Karen assistance. They then reportedly arrested eight other villagers and executed them all.</p> <p>442. On 8 August 2002, a patrol of about 50 SPDC troops, stationed at Paang Phone village relocation site in Lai-Kha Township, reportedly went to Paang Nawng village to ask for some men to be their guide. Since all men were gone to work at their fields and farms there were only women and children left in the village. The SPDC ordered all the women to gather at the village monastery where they were detained and interrogated about whether they had seen Shan soldiers coming their way recently. According to the information received, as four of the women repeatedly said that they had not seen any Shan soldiers the commander called them out and beat them, accusing them of lying. Pa Naw, aged 56, begged</p>		

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	<p>for mercy which made the commander become angrier. He beat her severely all over several times until she was rolling on the ground. The women were released after a few hours. According to the information received, Pa Naw never recovered from the beating and died 10 days later.</p> <p>443. Lung In-Da-Ka, a 45-year-old displaced farmer, was allegedly shot dead on 19 August 2002 by a patrol of local SPDC troops at a farm near Phak Phet village relocated in Murg Khun village tract, Murg-Kerng township.</p> <p>444. Zaai Za-Lin-Da, aged 31, reportedly rode his bicycle on 24 April 2003 from Lai-Kha town relocation site to see his herd of cattle which he had let graze in the area of his former village, Kung Sa. He had not returned since then and his relatives could not find him anywhere. However, some people in the relocation site reportedly heard a patrol of SPDC troops from IB64, who returned on the day he disappeared, talk about having seized a bicycle from a rebel and having cut the sinews in the back of his knees and tied him to a tree in the forest. Zaai Za-Lin-Da's body was found by his relatives about 15 days later tied up to a tree in the forest east of Kung Sa village, partly burned by wild fire but still recognizable by his also partly burnt clothes.</p>		

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	<p>445. A 63-year-old displaced woman was killed and smoked on a bamboo shelf on 27 April 2003 by a patrol of SPDC troops from IB64 at a remote farm near Lin Muk village relocated in Wan Saang village tract, Lai-Kha township. On the day of the incident, she was reportedly at the farm with her eight-year-old grandson when a patrol of SPDC troops came towards them. While the grandson managed to run away and escaped, the grandmother was caught by the SPDC troops. Her family found her body the next day at the farm, lying on a bamboo shelf with a dead fire under it, partly burnt and blackened with smoke.</p> <p>446. Lung Loo, aged 40, was coming back from catching his ox in the relocation area in Naa Mang village track in Lai-Kha Township in April 2003 when he ran into a patrol of about 30 SPDC troops from Co.3 of LIB515, led by commander Than Oo. They reportedly took him and his ox with them until they reached a relocated village, Kun Sai, where they stopped for the night. While they killed the ox and smoked the meat, they dug a well-like hole in the ground and put Lung Loo into the hole standing and slowly buried him alive in that position.</p> <p>447. Lung Nya, a forty-four-year-old man originally from Wan Lao village in Kun-Hing township, which had been relocated to Kun Mong village in Murng-Nai township in 1996-97 by the</p>		

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	<p>then SLORC (State Law and Order Restoration Council) troops, was reportedly working at a farm north of Kun Mong village when a patrol of SPDC troops came on 13 May 2003 and forced him to serve as a guide. He was executed by the soldiers after sixteen days because he was suspected of being a supporter of the Shan resistance.</p> <p>448. Kya Wo (28) and his wife A Hee (22), a Lahu couple from Tong Wa Nur village in Paang Kiu village tract, Kaeng-Tung township, were shot dead on 16 May 2003 allegedly by a patrol of SPDC troops from IB 245 near Paang Kiu while they were returning home after receiving their day wages. They were reportedly walking with two of their fellow villagers when they met a truck with about twelve SPDC troops on board who allegedly opened fired at them, killing the couple while the other two managed to escape to their village. According to the information received, the head of the village and the relatives of the deceased filed a complaint with the SPDC authorities in the area who promised to look into the matter as soon as possible. However, at the time of writing this communication no action was known to have been taken.</p> <p>449. Lung Ma-La, aged 47, Zaai Wan-Na, aged 30, Zaai Gan-Ta-Ma, aged 31, Zaai Loo, aged 27, Zaai Laek, aged 25 and Zaai Yawn, aged 33, were</p>		

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	<p>all farmers who were building fences on a remote farm in May 2003 near Paang Sa village when a patrol of SPDC troops from LIB515 allegedly shot at them. Zaai Yawn was reportedly wounded in his stomach while escaping but reportedly died only 3 hours after he got back to his house. The others were reportedly killed on the spot. According to the information received, Yawn relatives and community leaders discussed the matter and decided not to file a complaint with the SPDC military authorities fearing that they could be accused of defamation and punished.</p> <p>450. Lung Man (47) and Zaai Nyo (33), two villagers who reportedly went foraging for fish on 1 June 2003 were shot dead allegedly by a patrol of about 30 State Peace and Development Council (SPDC) troops from IB246 (Infantry Battalion No. 246), led by Commander Htun Myint in Kun Pu village tract, Kun-Hing Township. Their bodies were (pushed into/found in???) into the Nam Paang River.</p> <p>451. Zaai Saw-Li, aged 26, Zaai Zan-Ti-Ma, aged 24, Naang Thawn, aged 21 and Naang Taeng Yaen, aged 23 were all originally from Wan Phai village which had been forcibly relocated in 1996-97 by the then SLORC (State Law and Order Restoration Council) troops. On 10 June 2003, they had temporarily come back to cultivate their rice field at their old village and were staying</p>		

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	<p>overnight in the same hut when they were shot dead allegedly by a patrol of SPDC troops from IB246 who opened fire on their hut without warning. The next day, that same SPDC patrol reportedly shot at Zaai Mu, aged 32, Naang Nguay, aged 19, Zaai Kyaw, aged 37, Naang Kya, aged 30 and Pa Zing, aged 50 who were all farmers originally from Paan Khaa village who had been forcibly relocated in 1996-97 by the SLORC troops and who also had temporarily come to cultivate their original rice fields at their old village. According to the information received, the SPDC troops suspected these displaced farmers of being members or supporters of the Shan resistance and shot them dead without asking any questions.</p> <p>452. Aa Zi, aged 36, was shot dead on 12 June 2003 allegedly by a patrol of 7 SPDC troops from LIB334 while he was gathering firewood in a forest near Nam Zee village in Pa Hok village tract, Murng-Yawng township. His fellow villager reportedly escaped and ran back to Paang Khawn village and told the villagers about the incident. According to the information received, although after the funeral Aa Sae's relatives and their village leaders filed a complaint with the SPDC authorities in Murng-Yawng town, no action had been taken until mid-July when news about the case was last heard.</p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>453. Zaai Zaen Seng, a 26-year-old villager of Wan Tap village in Murng Nung village tract, Murng-Khark township, had gone to gather firewood in the hills west of his village on 25 June 2003. On his way back, he ran into a group of 6 SPDC troops who allegedly shot at him on sight. After conducting a proper funeral for him, his relatives and their village leaders reportedly lodged a complaint with the Murng-Khark township SPDC authorities but no action was taken.</p> <p>454. Ja Shur, aged 21 and Ja Lay, aged 23, from Pa Yaao village in Nam Naang village tract, Murng-Phyak township, were returning from the town market on 5 July 2003 when they saw a patrol of SPDC troops near Murng Hai village. They were so frightened that they both ran away. The SPDC troops allegedly fired several shots at them, killing Ja Lay on the spot and wounding Ja Shur in his left shoulder. The latter reportedly escaped and was found by villagers of Murng Hai who treated him before sending him back to his village. He later filed a complaint with the SPDC authorities in Murng-Phyak town who said that they would look into the matter.</p> <p>455. Zaai Za-Lin-Ta, aged 35, was temporarily staying with his family and working at a rice farm near a relocated village, Ho Nam, in Paang Saang village tract, Lai-Kha township. On 19 July 2003,</p>		

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	<p>a patrol of 12-15 SPDC troops from IB64 came and surrounded the hut. The SPDC troops allegedly shot him dead in the hut and raped his wife, Naang Punt. As they were leaving they set the hut on fire and burned it to ashes with the body of Zaai Za-Lin-Ta in it, leaving nothing for his wife and their three children.</p> <p>456. Zaai Tawng, aged 45, and Zaai Pan-Ta, aged 40, from Saai Phe village were reportedly being force on 19 July 2003 by SPDC troops of LIB518 to stand guard at the Murng-Nai-Larng-Khur main road. At about 13h30 a patrol of SPDC troops from the same battalion surrounded them and allegedly shot at them, killing them on the spot. According to the information received, the SPDC troops had accused the two men of secretly working as informers for the Shan resistance.</p> <p>457. Zaai Zan-Ta, a villager from Paang Hok was going out of the village to cut bamboo in the forest on 19 August 2003 when he ran into a patrol of about 10 SPDC troops from IB246 just outside the village. They allegedly shot him dead and then told the villagers that they had killed a Shan rebel outside their village.</p> <p>458. Pa Pong, aged 50, Naang Mint (not her real name), aged 18 and Naang Zing (not her real name), aged 17, were arrested by SPDC troops</p>		

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	<p>who accused them of being wives of Shan soldiers and took them along with them. When they stopped for the night in the forest, somewhere in Mung-Kerng Township, the troops allegedly killed Pa Pong, dumped her body down a pit and buried her. They reportedly raped the two other women all night as well as the following night.</p> <p>459. According to the information received, a villager from Kya-inn-seiky Township was arrested by soldiers from Light Infantry Battalion No.548 (LIBNo.548) who accused him of being a KNLA (Karen National Liberation Army) soldier. He was reportedly interrogated, tortured and finally killed.</p>		
Myanmar	<p>461. <u>Allegation sent with Special Rapporteur on the promotion and protection fo the right to freedom of opinion and expression and the Special Rapporteur on torture, 21 July 2004.</u> Aye Myint, Min Kyi and Shwe Mann, whose cases were included in a joint urgent appeal sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on the right to freedom of opinion and expression on 4 December 2003 (E/CN.4/2004/62/Add.1, para. 546) were reportedly arrested in July 2003 by members of the Military Intelligence (MI). They were convicted and sentenced along with seven other individuals to death by a Yangoon court martial</p>	462. <u>No response</u>	

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	<p>under article 122/1 of the law on high treason for supposedly trying to murder leaders of the State Peace and Development Council (SPDC). According to new information received, during a visit by representatives of the International Labour Organization (ILO) at Insein Prison on 19 March 2004, the two detainees had told them that after their arrest they had been interrogated for several days, deprived of food, water and sleep and beaten. After his visit, the ILO informal facilitator considered that the case “was not investigated or prosecuted in a systematic or credible way. It appeared that police or intelligence officers initially used methods of entrapment and that the subsequent procedures of investigation and prosecution were unsound, without any of the fundamental guarantees necessary to produce a credible outcome.”(ILO document GB/289/8/2, March 2004). Shwe Mann was visited by ILO representatives on 25 March 2004. He is also alleged to have been beaten at the time of his arrest and during interrogation at an MI detention centre. Concern has further been expressed that Aye Myint, Min Kyi and Shwe Mann may have been accused of high treason, allegedly because of reported contacts with ILO.</p>		
Myanmar	<p>463. <u>Allegation sent with the Special Rapporteur on Torture, 22 July 2004.</u> Mr. Lung Pho Ma, age 47, and Mr. Zaai Nyo, age 30, both men originally from Paang Kawk village in Saai Khaao village tract, Kun-Hing township, but forcibly relocated</p>	466. <u>No response</u>	

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	<p>to the outskirts of Kun-Hing town in 1997 were cutting bamboo in a forest in Kun-Hing Township on 13 October 2003 when they were approached by a patrol of the State Peace and Development Council (SPDC). While running away Zaai Nyo was shot at but managed to escape. Lung Pho Ma was captured and suffocated to death. His body was later found tied to a tree with his head covered with a plastic bag. When some villagers and community leaders reported the incident to the SPDC troops, they were told by the deputy commander that SPDC troops had not gone anywhere at the time of the incident since they were all attending a meeting.</p> <p>464. Mr. Pu Lao, a resident of Pa Wo village in Hawng Lerk village tract, Ta-Khi-Laek township was arrested by a patrol of SPDC troops from Light Infantry Battalion (LIB) 359 on 21 November 2003 at his home. He was accused of possessing weapons but as the troops could not find them in his house he was reportedly tied up, beaten and interrogated. He died while being beaten at his house. It is alleged that the troops subsequently arrested his father-in-law and threatened his wife that the latter would be killed as well if she did not state that Pu Lao had died of a heart attack.</p> <p>465. On 20 March 2004, Mr. Zaai Thun Ae, a civilian driver was stopped at a checkpoint in</p>		

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	<p>Murng-Kerng Township by a Commander from LIB 514 when he was returning from providing forced labour for SPDC troops. When the Commander told him that his car was conscripted for forced labour, Zaai Theun Ae explained that he had already served the SPDC during the three previous days. As a response, the commander reportedly struck him on the back of his neck with a riffle butt. Zaai Thun Ae died as a result of the blow. It is alleged that the SPDC troops later said that he had killed himself by slipping and hitting his head on the side of the car.</p>		
Myanmar	<p>467. <u>Allegation sent with the Special Rapporteur on torture, 17 September 2004.</u> Mr. Lung Wa-Ling Laai, a 59-year-old villager of Wan Mai Tin Tap village, Ho Phaa Long village tract, Murng-Pan township, was taken from his house to a military base by five State Peace and Development Council (SPDC) members from Light Infantry Battalion (LIB) 332 on 6 February 2004. He was accused of helping Shan soldiers and providing them with food and information. During interrogation at the military base he was handcuffed, severely beaten and subjected to other forms of torture and ill-treatment. He was taken back to his house some hours later in very poor condition. Lung Wa-Ling Laai died on the same day, allegedly as a result of torture.</p> <p>468. Mr. Zaai Wi, a 27-year-old man originally from Pa Moi village in Naa Mang village tract,</p>	470. <u>No response</u>	

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	<p>Lai-Kha township, was forcibly relocated to Lai-Kha town relocation site in 1997 by the then State Law and Order Restoration Council (SLORC) troops. He was reportedly stopped along with his wife by SPDC troops from LIB515 on 24 March 2004 when they were on their way back from gathering bamboo in a forest outside the relocation site. While his wife was ordered to go home, Zaai Wi was conscripted to serve as a guide. When his wife complained about this incident, military authorities denied any knowledge about the whereabouts of her husband. Zaai Wi's dead body was found by some villagers three days after his disappearance. They observed marks of torture on the corpse. It is believed that Zaai Wi was beaten to death.</p> <p>469. Mr. Lung Haeng Phaw-Ka, aged 42, Mr. Lung Zan-Da Yawng, and Mr. Na-Lin, aged 33, all from Loi La village tract, Kun-Hing township, were arrested on 28 January 2004 in Loi La village tract by a SPDC patrol that came to the village and robbed the villagers from their property. Lung Haeng Phaw-Ka was reportedly beaten to death on the following day. The other two men were also severely beaten and subjected to torture and ill-treatment during interrogation. They were later taken away to an unknown location. Other villagers, including old people, women and children, were also randomly beaten by the soldiers.</p>		

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Myanmar	<p>471. <u>Allegation sent with the Special Rapporteur on Violence against Women and the Special Rapporteur on torture, 21 September 2004.</u> On 17 September 2003, Zaai Yi, aged 40 and originally from Nawng Hai village, Kho Lam village tract, but forcibly relocated to Kho Lam village relocation site in 1997, was taken away from his farm by a group of men believed to be State Peace and Development Council (SPDC) soldiers. Half an hour later, a patrol of approximately 50 SPDC troops from Infantry Battalion (IB) 246 came to the farm and interrogated his wife, Naang Kham, aged 30, about the whereabouts of her husband. When she told them that he had been abducted by unknown soldiers, she was accused of being the wife of a Shan soldier. She was reportedly beaten, kicked and gang-raped. She lost consciousness several times. After the troops left the farm, some villagers assisted her. As her condition worsened after this assault, she eventually fled to Thailand to receive medical treatment. She reportedly died on 29 March 2004 in Chiangrai provincial hospital, in Thailand. As far as the Special Rapporteurs have been informed, the whereabouts of her husband are still unknown.</p> <p>472. Naang Seng and Naang Long, two 17-year-old girls from Saai Mung quarter in Ta-Khi-Laek town, were stopped by a group of three SPDC troops near Ta-Khi-Laek town on 22 August 2003. They were severely kicked and beaten by</p>	478. <u>No response</u>	

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	<p>the troops. The two girls were later found unconscious by some villagers and taken to a hospital. Naang Seng died that same night. A complaint was lodged with the SPDC authorities at Ta-Khi-Laek township officer. As far as the Special Rapporteurs have been informed, no action has been taken to investigate the case.</p> <p>473. Saang Zi-Na, a 45-year-old villager from Pang Sa, was shot dead by a patrol of SPDC troops from the 55th Division near Paang Sa village, Loi La village tract, Nam-Zang township, on 23 August 2003, when he was fetching water on the bank of Nam Taeng river. On 26 August 2003, a column of the same SPDC troops arrested Naang Non, his pregnant wife, in Paang Sa village and took her to Ta Zao Mung, a Nam Taeng river harbour. Another woman, Naang Zaan, found on their way, was taken with them. Once there, the two women were interrogated about boats in the area and severely beaten with bamboo sticks. They were also threatened with death. They were later released. As a result of the beatings, Naang Non suffered from internal injuries and had a miscarriage.</p> <p>474. Ms. Naang Khin, aged 22, and her sister, Ms. Naang Lam, aged 19, were reportedly raped by a patrol of SPDC troops from Lai-Kha-based Light Infantry Battalion (LIB) 515 on 16 October 2003, when they were reaping rice at their farm in Wan</p>		

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	<p>Zing village tract. Their father was tied up to a tree. Afterwards, the two sisters were taken to a forest by the troops. Their dead bodies were found by villagers some days later dumped in a hole.</p> <p>475. Ms. Naang Sa, aged 20, and her husband, Mr. Zaai Leng, aged 23, both originally from Zizawya Khe village in Wan Thi village tract, but relocated to Lai-Kha township in 1997, were approached in their farm by about 40 SPDC troops from Co.3 of IB64 on 26 November 2003. Zaai Leng was reportedly tied up outside the farm and Naang Sa gang-raped by the troops. She was later taken with them. Zaai Leng and other villagers went to the base of IB64 to inquire about her but were not allowed to enter the base. Three days later, Naang Sa's dead body was found near the farm.</p> <p>476. Ms. Pa Ong, a 40-year-old woman with mental disability, originally from Khur Nim village but who had been forcibly relocated to Maak Laang village was forcibly seized by SPDC troops from LIB515 in late 2003 and was gang-raped by the soldiers. She reportedly died four days later.</p> <p>477. Ms. Naan Zum, a 18-year-old woman living in the suburban area of Murng-Su town was forcibly taken away from her residence to a nearby forest on 25 April 2004 by about 15 State Peace and Development Council (SPDC) soldiers.</p>		

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	She was allegedly gang-raped and stabbed to death by the soldiers.		
Nepal	479. <u>Urgent appeal, 9 September 2003</u> See E/CN.4/2004/7/Add.1, parag 335.	480. <u>Response dated 15 December 2003</u> . The Government of the Kingdom of Nepal indicates that Mr. Manoj Lama will be released upon payment of bail and that Mr Abesh Singh is not under police detention. 481. <u>Reply dated 7 May 2004</u> . The Government of the Kingdom of Nepal informs that Kumar Lama was released on bail. The government is actively pursuing responses as regards to the others.	482. The Special Rapporteur thanks the Government of Nepal for its reply.
Nepal	483. <u>Urgent appeal sent with Special Rapporteur on torture, and the Special Rapporteur on violence against women, 3 March 2004</u> . According to the information received, residents of Pokharichauri village, Kavre District, have been raped, tortured, killed or taken to unknown locations by plainclothes army force who entered the village on 12 February 2003. Reena Rasaili (f), aged 18, was reportedly killed by security forces at around 5.00 a.m. It is believed that she had previously been kept for five hours in a cow-shed where army personnel allegedly raped her. Her body, which was found naked, reportedly sustained bullet injuries to the head, breast and eyes and sustained injuries and scratches on the stomach and chest. 484. Subhadra Chaulagain (f), aged 17, was	485. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>allegedly beaten up and killed by army personnel. Her body reportedly sustained injuries on the right cheek, stomach and below the right eye. Her father, Kedar Nath Chaulagain, was allegedly severely tortured. A young boy, Tasi Lama, was reportedly shot dead as well. According to the information received, on the following day the national radio reported that three terrorists, Reena Rasaili, Subhadra Cahulagain and Tasi Lama, had been shot dead during an encounter with the security forces in Pokharichauri village. Reports indicate that since the above-described incident, witnesses have been subjected to harassment. It is in particular reported that Maina Sunuwar (f), a 15-year-old relative of Reena Rasaili, was arrested by army personnel on 17 February 2004 while soldiers were actually looking for her mother, Devi Sunuwar. Maina Sunuwar's father was reportedly ordered to bring his wife, Devi Sunuwar, to the Lamidada army camp as a condition for Maina Sunuwar's release. It is further reported that on 18 February 2004, he went to the Lamidada Army camp together with Devi Sunuwar, the head master, the chair person of the Village Development Committee (VDC) and 28 other people from the village. However, the army authority reportedly denied the arrest and detention of Maina Sunuwar. In view of the alleged detention of Maina Sunuwar at an undisclosed location and the reports of recent violence against residents of Pokharichauri village</p>		

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	by army personnel, serious fears have been expressed for her physical and psychological integrity. Concern has also been expressed for the safety of alleged witnesses of the above-mentioned killings and acts of torture.		
Nepal	486. <u>Allegation, 24 March 2004</u> . Parsuram Khanal, alias Nabin, was reportedly shot dead on 2 February 2004 by members of the security forces in Gulariya Municipality- 6, Balapur, Bardiya District, Nepal. According to the information received, around 100 members of the Bardiya District joint security personnel who were conducting an operation in Bhainsahi Village in Mohamadpur VDC began chasing Mr. Khanal, who first took refuge in the house of a stranger, but then reportedly surrendered with both arms raised. A member of the security forces allegedly opened fire on him, killing him instantly. The security personnel then allegedly tied his hands together and dragged his body along the road towards Guleriya. It is reportedly unknown what the security force did with the body. The next day, it is believed that the radio TV reported the event, declaring that a Maoist was shot dead along the bed of the Babai River in the Guleriya area, Banke district, and that the security forces seized a pistol, a "socket" bomb, NRs. 60,000 cash, and other materials from him. However, Mr. Khanal did not reportedly have a pistol or bomb in his possession at the time of his death.	490. <u>No response</u>	

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	<p>487. Hem Narayan Yadav, a member of the dissolved parliament and member of the Communist Party of Nepal-United Marxist Leninist (CPN-UML), was reportedly abducted near the Gagan River in Siraha district while on his way to attend a CPN-UML district committee meeting in Lahan on 2 February 2004. According to the information received, three people in plain clothes armed with sub-machine guns, believed to be security forces personnel, stopped him at a roadside checkpoint and forced him into a black van without a number plate. His body was found the next day on the banks of the Kamala River, some 30 kilometres away, with gunshot injuries to the head and back. According to a post-mortem report, the bullets were likely to have been fired from a sub-machine gun and a 7mm pistol. The site where the abduction took place is said to be one kilometre from the Joint Security Forces Headquarters at Indra Dhvaj Gan and next to a police station. It was further reported that security is very high in the area and that it would be difficult for armed Maoists or criminals to move around freely. According to the information received, the RNA spokesman, Colonel Deepak Gurung, in a statement on 11 February, denied army involvement in the suspicious death of Hem Narayan Yadav. The Communist Party of Nepal (CPN) (Maoist) have also reportedly denied involvement in his abduction and killing.</p>		

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	<p>488. 14 suspected Maoist activists and two civilians were reportedly executed by the security forces during a raid on a village in Bhimad, Makwanpur district, on 5 February 2004. According to the information received, the 14 Maoists had requested shelter for the night from residents living in Ward 4, Handikhola Village Development Committee, and were sleeping in three houses and two cowsheds when the security forces patrol arrived and surrounded them. At least 12 Maoists were reportedly shot dead and two were reportedly taken into custody and were later summarily executed. Two local residents - who were not part of the Maoist group - were also reportedly killed: a 31-year-old man was reportedly shot when he opened the door to his house while an 80-year-old woman was shot and injured while she was trying to flee.</p> <p>489. Padma Raj Devkota, a journalist who worked as editor-in-chief at the "Bhurichula" newspaper, was reportedly killed by security forces on 7 February 2004 in the remote western district of Jumla. According to the information received, the journalist who also worked as a local correspondent for the magazines "Nepal Today" and "Karnali Sandes", which are both published in Katmandu, was killed along with six members of the Communist Party of Nepal (CPN-Maoist) during routine security operations in the area.</p>		
Nepal	491. Allegation sent with the Special Rapporteur	492. No response	

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	<p>on torture, 17 September 2004. Badri Khadka, a reporter for Janadesh Weekly, a weekly publication believed to be linked to the Communist Party of Nepal (CPN – Maoist) was arrested by security forces on 29 August 2004 in Birtnagar, Morang district, and later transferred to the Rangeli area. According to the information received, he died as a result of beatings and other forms of torture in Govindapur-7, in the Larikata area shortly afterwards. The security forces reportedly denied his arrest and said that he might have been killed during crossfire with CPN – Maoist.</p>		
Nepal	<p>493. <u>Allegation</u>, 30 September 2004 According to the information received, on 3 September 2004, a group of soldiers in plain-clothes (from the Royal Nepalese Army) went to Basikhora village in Bhojpur District. They went to the school, stopped students, checked their bags and interrogated them about the identity and whereabouts of Maoists. A student pointed out three girls, Hira Ram Rai, aged 15, Jina Rai, aged 16, and Indra Kala Rai, aged 16, reportedly members, possibly under coercion, of a Maoist cultural group that presents songs and dances for propaganda purposes. The soldiers followed them to a forested area at Lukbharan where they shot them dead without questioning them, even though they were reportedly unarmed. The soldiers then buried their bodies. It is alleged that the government radio later informed that the three</p>	494. <u>No response</u>	

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	<p>girls had been killed in an armed encounter in another district. Three days later, the families exhumed the bodies from the forest and cremated them in accordance with religious tradition.</p>		
Nepal	<p>495. <u>Allegation, 5 October 2004.</u> On 27 September 2004, a security patrol gunned down 19-year-old Janaki Chaudhary, near Urmi School in Beli as she was caught in a cross fire between security personnel and. The deceased had tried to protect herself by hiding inside a toilet at Beli after crossing the Kanari stream. Eyewitnesses quoted that a security force bullet injured her. Later, the security personnel took her out from the toilet and, having brought her back to the other side of the stream, shot four rounds at her - killing her on the spot.</p> <p>496. A team of human rights activists have identified that two of the seven alleged Maoists killed by Armed Police Force (APF) personnel on 29 September 2004 in Khaskusma VDC-4, Banke were civilians. They had visited the incident site and said in a press statement that the brothers Jorilal Tharu, 30, and Dhaniram Tharu, 33, were seized by the APF personnel from the field where they were working and shot dead half an hour later.</p>	497. <u>No response</u>	
Nepal	<p>498. <u>Allegation, 11 October 2004.</u> On 17 August 2004 Lalkaji Gurung (m. aged 29) a Communist Party of Nepal-Unified Marxist-Leninists (CPN -</p>	499. <u>No response</u>	

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	<p>UML) activist, was shot dead by security forces in Lwanghai VDC, Ward No. 7, Kuiuwan, Saintikhola, Kaski District. The incident occurred after crossfire between Maoists and Security forces had ceased. During the crossfire, Lalkaji Gurung was hiding in a medical shop as he and other civilians present had been ordered to do by the soldiers. The firing started at around 4 p.m. and went on for about 30 minutes. It is reported that once the firing has stopped, security forces called everybody out and started beating the people present. A soldier allegedly beat Lalkaji Gurung and, as he bowed down, the soldier shot him. Reports indicate that security forces forced witnesses to sign a document stating that M. Lalkaji Gurung died in the crossfire. The District Secretary of Kaski, Somnath Pyasi and Zonal Secretary of Gandaki, Khagaraj Adhikari, of CPN-UML, appealed for compensation for the victim's family to the Army Barrack, the District Administration Office as well as the Home Ministry, but no response was reported.</p>		
Nepal	<p>500. <u>Urgent appeal sent with the Special Rapporteur on torture, the Special Rapporteur on violence against women, and the Special Representative of the Secretary-General on the situation of human rights defenders, 14 October 2004.</u> Bimala B. K. She was the subject of an urgent appeal (See appeal dated 7 July 2004 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and</p>	501. <u>No response</u>	

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	<p>expression, the Special Rapporteur on torture, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders) for which no response has been received. According to the allegations received, she was currently held in Kathmandu Prison, having been in custody for almost six months without charge, and subjected to torture. In view of the earlier allegations of torture, concern was expressed that she may continue to be at risk of torture or other forms of ill-treatment. Moreover, concern is heightened by recent reports confirming that Maina Sunuwar (who was the subject of an three urgent appeals dated 7 July, 3 March and 16 April 2004, for which no responses have been received), whose arrest and beating was witnessed by Bimala B. K., died in custody.</p>		
Nepal	<p>502. <u>Allegation</u>, 18 October 2004. Mohanchandra Gautam (member of the Maoist Central Committee), Sherman Kuber (Leader, Central Communist Party Maoist), Mohanchandra Gautam (Kumar Poudel, Shishir) and other party workers Ramchandra Karki (Umesh), Devendra Singh (Mukesh), Shailendra Yadav (Tarkeshwor), all residents of Sindhuli district Mahadevsthan VDC 6, were killed on 6 September 2004 at Dhanchabar village by Security Personnel. The operation was undertaken under the command of Suman Karki and Rajendra Raut of the Chowbar</p>	504. <u>No response</u>	

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	<p>battalion. They first surrounded the village, before entering the house where they were having dinner. Sherman Kuber and Mohanchandra Gautam were primarily arrested and handcuffed while the others got away. The two leaders were taken around the village, and later to Purni Pokhari, a location at about 500 meters south of the village where they were shot at. Mr Gautam, Mr Karki, Mr Singh and Mr Yadav were later found by Security Personnel and received the same treatment. Authorities claim the incident happened during an encounter with the Security personnel. It is alleged that the victims had no weapons on them. A post mortem was performed on the bodies of Sherman Kuber and Mohanchandra Gautam and their bodies taken to Lahan. The remaining four were buried at the edge of Purni Pokhari.</p> <p>503. Mr. Ram Prasad Yadav, 60-year-old, a Rastriya Prajatantra Party worker who was reportedly killed by 3 Maoists on 19 September 2004 at around 6:30 p.m. The incident occurred near Shiv Chowk, at Bidyanagar, Siraha. Mr Prasad Yadav was shot in the neck, while standing in the middle of the road. He was involved in politics and had held government positions. He had been nominated as regional member of the village development committee from No. 6. He had previously been kidnapped by the Maoists and forced to resign on 28 May 2004. Mr Prasan Yadav had been responsible for establishing the</p>		

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Nepal	<p>Village Security Committee in his village.</p> <p>505. <u>Urgent appeal sent with the Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression, 25 October 2004.</u> On 7 October 2004 in Jajarkot district, a group of police officers beat Mr. Rajendra Karki, a journalist for the Kathmandu-based daily "Rajdhani", as he was returning from work. One police officer, Mr. Krishna Bahadur Khatri, threatened to kill him if he "went on talking". Mr. Karki tried to register a complaint but the police officers refused to record it.</p>	506. <u>No response</u>	
Nigeria	<p>507. <u>Urgent appeal sent with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture, the Special Rapporteur on violence against women, . 26 October 2004.</u> Ms. Hajara Ibrahim, aged 18, from Lere Local Government Area of Bauchi State, and Ms. Daso Adamu, aged 26, from Ningi Local Government were both sentenced to death by stoning by sharia courts in Bauchi State following trials which were considered as unfair by their current legal representatives. On 5 October 2004, Hajara Ibrahim was sentenced by a sharia court in Tafawa Balewa, after she reportedly confessed to having had sex out of wedlock. According to the sharia court judge, the sentence was subject to the approval of the Governor of the Bauchi state. Ms. Ibrahim is currently seven months pregnant, and her sentence is supposed to be carried out after she delivers the baby. The alleged father of the</p>	508. <u>No response</u>	

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	<p>child was acquitted for lack of evidence. It is further reported that, with the help of a local non-governmental organization (NGO), Hajara Ibrahim appealed the sentence. Her appeal is scheduled for a hearing on 25 October 2004. On 15 September 2004, Daso Adamu was handed the same sentence by a sharia court of Ningi area for extramarital relations. The man whom she had sexual intercourse with was acquitted for lack of evidence. She was detained in Ningi Prisons with her three-month-old daughter, and released on bail following the intervention of the local NGO. She has appealed her sentence, and her case at the Upper Shari'a Court, Ningi was adjourned till 3 November 2004.</p>		
Pakistan	<p>509. <u>Allegation, sent on 20 October 2003</u>. See E/CN.4/2004/7/Add.1, parag 501-505</p>	<p>510. <u>Response dated 17 February 2004</u>. The Government provided the following information:</p> <p>511. Allegation concerning the death of Ms. Sharifan Bibi (parag 503). The police implicated in the incident was searching for a proclaimed offender, who is the victim's step son. The victim died of a heart attack. The daughter of the victim was released immediately. After protest in the village, one of the perpetrators, SHO of the Kot Ladha police station was suspended. The victim's family exonerated SHO in a written statement, stating that the victim was an old lady and that her death was not the</p>	<p>513. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving details, and where available the results, of any investigation, or judicial or other form of inquiry carried out in relation to the involvement of the other police officers involved in the operation that resulted in the death of Sharifan Bibi.</p>

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		<p>consequence of the raid in the house. Therefore, SHO was re-instated.</p> <p>512. Allegation concerning the death of Mr. Azam Khan (parag 505). The victim was found dead in the lock-up. The autopsy, carried out at Mian Mushi Trust Hospital revealed neither any sign of torture nor poison in the stomach.</p>	
Pakistan	514. <u>Allegation</u> , 3 September 2003. See E/CN.4/2004/7/Add.1, parag 353-500.	<p>515. <u>Response dated 30 April-04</u>. Allegation concerning the death of Ms. Nilam Bibi and Mr. Umar Zameen (Parag. 427): According to the Government of Pakistan, Mr Gujar Khan, father of one of the victim, lodged a complaint and the Police Station Gulbahar Liaquatabad registered a First Investigation Report. The police arrested Khasta Rehman. The case is presently under trial in the court of Additional District Judge – V Central. An autopsy of both victims has been conducted at Abbasi Shaheed Hospital</p> <p>516. Allegation concerning the death of Ms. Mera (parag 431): Mr Partab Meghwar was arrested, and the weapon was recovered. The accused was produced before the Magistrate Umer Kot. Further progress is awaited.</p> <p>517. <u>Response dated 6 February 2004</u> Allegation concerning the death of Bibi Amina and Wilayat Shah (Parag. 358). The</p>	532. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further details on the conclusions of the triaks and of the autopsies as well as receiving information relevant to the other cases referred to in the allegation letter.

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		<p>case was investigated by the police, and sent to the District court and Session Judge Peshawar for trial. The government of Pakistan states that it was a sudden incident. The decision of the Court is awaited.</p> <p>518. Allegation concerning the death of Mohammed and Khalil Mohammed (Parag. 430). The police arrested Rahim Bali, husband of one of the victims. He confessed his crime. The accused Gul Bali is on bail. The murder case is under trial.</p> <p>519. Allegation concerning the death of Shaheed Khan and Sumaira Bibi (Parag. 405). According to the Government of Pakistan, a murder case was registered and is being investigated by Lakki Bureau of Investigation, District Lukki Murwat Public Prosecutor. The accused are fugitive and will face trial after their arrest.</p> <p>520. Allegations concerning the death of Shahnaz and Mohammed Rafiq (Parag. 489). The police have registered the complaint made by Ms Ghushad, wife of Zulfiqar. The police are pursuing the arrest of the accused.</p> <p>521. Allegation concerning the death of Shamshad Bibi (Parag. 468). A complaint was filed by the father of the victim against</p>	

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		<p>Zafar Shan, son of the victim. The case was registered under section 302. The accused confessed the offence and was released on bail. The case was sent to the Court of Additional Session Judge Dera Ismail Khan and is pending for trial.</p> <p>522. Allegation concerning the death of Shahida and Salim Khan (Parag. 498). A case under section 302 (murder) was registered by the police Station Mardan on 24/05/2004. An autopsy was carried out on both victims. Superintendent of investigation Bhadur Khan is responsible for investigating the case. The inquiry is still under process.</p> <p>523. <u>Response dated 17 February 2004.</u> Allegation concerning the death of Ms. Arbeli (Parag. 365). A First Investigation Report was registered under section 34 of Penal code by the father of the victim. The accused, Bashir Rajar was arrested and is facing trial.</p> <p>524. Allegations concerning the death of Ms. Kaneez Rukhsana (Parag. 395). The main suspect Ibrahim Jamali, Kaneez Rukhsana's husband, was gunned down on 31 May 2002. A FIR was registered under section 302 for his murder. One of the other two accused, namely Abdul Hakeem could not be arrested.</p>	

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		<p>Muhammad Asghar, the third accused was arrested and produced on 17 January 2002 before Judicial Magistrate in Johi.</p> <p>525. Allegation concerning the death of Bibi Noor Bano (Parag. 399). A FIR was registered by Mr Hussain Shah, son of the victim's cousin. The accused was produced before Session Court Nawabshah and is in Sukkur jail pending the conclusion of the trial.</p> <p>526. Allegation concerning the death of Ms. Pathani and Abdul Rahim (Parag. 442). The Government of Pakistan informs that the three perpetrators, namely Ghulam Rasool,, Pathani's husband, Nek Muhammad and Rasool Buk were produced before the court of law under section 302 (murder). The case was registered at police Station Khanpur Mahr by Inspector Razi Khan Almani and is still under process.</p> <p>527. Allegation concerning the death of Shamshad Kehar (Parag. 451). The Government of Pakistan claims that the facts alleged in the summary are incorrect. The victim was not shot dead by her uncle but was killed with baton mainly by her father. No complaint was lodged. However, a FIR under section 203 was registered at Police</p>	

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		<p>Station Mahuta. The case was investigated and is under process with Extra joint Civil Judge Larkana.</p> <p>528. Allegation concerning the death of Ms. Hajul Chandio and Mr. Saddar Chandio (Parag. 455). According to the Government of Pakistan, postmortem examination confirmed that both victims died of gun wounds. A FIR under section 302 (murder) was registered against the father of Hajul Chandio, namely Ashiq Ali Chandio at Police Station Waleed Taluka, Distrci Larkana. The accused is under police custody. The case is produced before Judicial Magistrate Larkana and under process.</p> <p>529. Allegation concerning the death of Ms Hasina and Mr. Khamiso (Parag. 458). Inspector Muhammad Hashim Memon registered a FRI under section 302, 148 and 149 and is investigating the case. According to the Government "the case was disposed off under clause "C".</p> <p>530. Allegation concerning the death of Ms Sohni and Mr. Zahid Ali (Parag. 473). A FIR was registered under section 302, 114 and 34 by SHO Ghulam Muzammal Soomro of Police Station Mahuta. Investigation is carried out by Sub Inspector Police Gulzar</p>	

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		<p>Ali Abra. The case is under trial but the accused could not be found by the authorities.</p> <p>531. Allegation concerning the death of Mr. Roshan Ali and Ms. Sozi (Parag. 482). Two FIR were registered by Police Station Drib under section 302 and 34. Autopsies were conducted. The case was referred to Judicial Court Larkana and is under process.</p>	
Pakistan	<p>533. <u>Urgent appeal, 24 March 2004.</u> A man known as "Arshad" who is reportedly scheduled to be executed at Adiala Jail in the city of Rawalpindi on 28 March 2004. According to the information received, he was sentenced to death for the murder of a man in 1998 in the area of Tarnol by District and Sessions Judge Mansoor Ali Khan. He reportedly filed an appeal after he was sentenced but this was rejected by the high court in Islamabad. It is alleged that his death warrant has been sent to the Superintendent of Adiala Jail and that he could be executed at any time. In this respect, it is my understanding that the Safeguards guaranteeing protection of the rights of those facing the death penalty have not been respected.</p>	<p>534. <u>Response dated 27 April 2004.</u> The Government of Pakistan claims that Mr. Arshad Mahmood has the right to appeal to the Supreme Court, a right that he had not exercised yet. In case of dismissal of appeal by the Supreme Court, his mercy petition would be submitted to the President of Pakistan. The case is still under judicial review and all safeguards are fully taken into account.</p>	<p>535. The Special Rapporteur thanks the Government for its reply and would be grateful for information as to the outcome of the pending judicial review.</p>
Pakistan	<p>536. <u>Urgent appeal sent with Special Rapporteur on violence against women and the Special Representative of the Secretary-General on the situation of human rights defenders, 7 April 2004.</u> According to the information received, in 2002 Uzma Noorani, Secretary General of Panah Shelter Home for Women and a council member</p>	<p>537. <u>Response dated 15 October 2004.</u> The Assistant Superintendent Police of Islamabad reports that necessary action was taken. A FIR dated on 1 October 2003 has been registered under sections 506, 511 and 352 of the Penal code against the accused. Moreover, the accused was arrested and was</p>	<p>538. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate further on the outcome of the trial.</p>

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	<p>of the Human Rights Commission of Pakistan, provided shelter in the Panah Shelter Home for Women to a woman who had allegedly been tortured by her husband, a Major in the army. It is reported that during this time, the husband of the women harassed and threatened to kill the staff of Panah for having granted asylum to his wife. The woman Yet, returned to her husband two months later. Yet he obtained the contact details of Uzma Noorani and has subjected her and her family to constant harassment and intimidation with threatening and abusive telephone calls. She filed a complaint on 26 April 2003 with the Corp Commander of the army and the Citizen Police Liaison Committee (CPLC). The Corp Commander reportedly informed her that she would no longer be harassed. The harassment stopped following her complaint but has reportedly begun again. A further complaint was filed on 25 February 2004 with the Police including the Senior Superintendent of Police in Islamabad Mr Shaid Nadeem Balouch. However, no action has reportedly been taken by the authorities to protect Uzma Noorani and her family.</p>	<p>sent to court. However, necessary preventive action under section 107/150 has been prepared and sent to Court. In view of the attached response, the Government asserts that the case may be considered as settled.</p>	
Pakistan	<p>539. <u>Allegation sent with the Special Rapporteur on violence against women, 28 April 2004.</u> According to information received, on 14 April 2004, Hazooran, a 36-year-old woman mother of 4 children was killed by her husband Gulshan Ali</p>	<p>540. <u>Response dated 16 June 2004.</u> According to the Government, a First Investigation Report was registered by the Police Station Dakhan District of Shikarpur under section 302. The alleged perpetrator, namely Gulshan</p>	<p>541. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate further</p>

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	<p>(son of Khabar, of Jeho Caste reportedly in the name of honor), and Dilawar, the brother of the accused, in Drakhan Village, Garhi Yaseen Town, Shikarpur District, Sindh Province. According to the information received, the victim's brother went to lodge a complaint at the Drakhan Police Station (Case No. 27/04 Section 302-34 PPC) within two hours after the incident, at around 8.30 am on the 14 April 2004; he clearly stated to the police that it was a killing in the name of honour. According to the information received, the police are not taking any steps to arrest the alleged perpetrators of the crime.</p>	<p>Jeho, husband of the victim, was arrested. The weapon was recovered. A separated case was registered against the accused. Efforts are underway to arrest the brother of the accused, Delawar Jeho. According to the Government, all killings in the name of Karokari (honour) are registered under section 302 PPC (Murder) for award of maximum punishment by the Courts.</p>	<p>details on the conclusions of the trial against the accused and on the whereabouts of his accomplice.</p>
Pakistan	<p>542. <u>Urgent appeal</u>, 10 May 2004. Mr. Arshad Mahmood, whose case was the object of a previous urgent appeal sent to your Government on 24 March 2004 (Communication No. UA G/SO 214/33-21 PAK 6/2004). The Special Rapporteur took note of the Government response dated 27 April 2004. However, given the fact that Mr. Arshad Mahmood's petitions were all dismissed by the courts of Pakistan and that his stay of execution expires on 12 May 2004, he could possibly be hanged unless he is granted Presidential clemency.</p>	<p>543. <u>No response</u></p>	
Pakistan	<p>544. <u>Urgent appeal sent with Special Rapporteur on violence against women</u>, 14 May 2004. Ms Tahmeena, aged 17, and Ms Aabida, aged 18, two cousins from Sindh Province who were reportedly shot dead after they were accused of having "loose morals" for having visited their</p>	<p>545. <u>Response dated 16 June 2004</u>. According to the Government of Pakistan, on 4 May 2004 a First Inquiry Report was filed by Mr. Fazaluddin, brother of Ms. Tehmeena at police Station New Foudjari, Shikarpur against the 8 following persons:</p>	<p>547. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate further details on the outcome of</p>

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	<p>grandparents without first getting family permission. The decision to kill the girls was taken in a tribal jirga, led by Mr. Abdul Rasheed, the tribal chief and a powerful landlord in the village. On 1 May 2004, the two victims had gone to visit their grandparents without informing any family members. On 2 May 2004, two search groups went to look for them. Abdul Rasheed, who was part of the group who found the girls, brought them to his residence at Lakhi gate in Shikarpur. As chief of the tribe, he called on several persons to join him there for the jirga including Ms Tahmeena's brothers Fazaluddin and Hidayatullah, as well as Ms Aabida's father Dad Mohammad, telling them that the girls were under his protection and that they would be given back to their family the following day. The three relatives went to appear before the tribal chief on 3 May 2004. Although Fazaluddin, Hidayatullah, and Dad Mohammad begged members of the tribenot to kill the girls, they were shot and their bodies taken away. The witnesses were threateneds with death if they were to complain to the police. The witnesses reported the killings at the police station in New Fajdari. Since then, the family has received constant threats to withdraw the case and has been socially ostracized by the rest of the community. The perpetrators have refused to give the bodies to the family, claiming that they were already too decayed. Reports indicate that the police have done nothing to</p>	<p>- Abdul Rasheed, s/o Haji Ghulam Nabi - Younis s/o Allah Ditto - Jamaluddin s/o Haji Shafi Muhammad - Haji Abdul Karim s/o Allah Warayo - Ghulam Sarwar s/o Ghulam Rasool - Suleman s/o Abdul Kalique - Haji Shafi Muhammad s/o Haji Hurmal Sanaulah s/o Moulvi Abdul Rehman</p> <p>546. On 11 May 2004, three accused were arrested and on 14 May 2004, the victim's bodies were recovered in the fish pond of Abdul Rasheed Bhutto situated near village Janno District Shikapur. Further raids are being carried out. Police guards are provided for the safety of the victim's families. The entire process is being supervised by the concerned authorities at high level. In view of the above information, the Government of Pakistan wishes that these allegations would not be pursued further.</p>	<p>the trial against the alleged perpetrators.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	investigate this case and to bring the perpetrators to justice, and have taken no action to protect the family members who lodged the complaint.		
Pakistan	548. <u>Urgent appeal</u> , 16 June 2004. Mr. Najeebullah Khan was detained at the central jail of Mianwali and was due to be executed on 23 June 2004. According to the information received, Mr. Khan was tried by the Sargodha Anti-Terrorist Court and was convicted on 17 March 1999 for killing Fida Mohammed on 31 January 1998. The SR brought to the attention of the Government that the Safeguards guaranteeing protection of the rights of those facing the death penalty have not been respected. Besides, it has been brought to my attention that the postponement of the execution would allow Mr. Khan's family to raise the demanded amount of Diyat to be paid to the aggrieved family.	549. <u>No response</u>	
Pakistan	550. <u>Allegation sent with Special Rapporteur on torture</u> , 25 June 2004. According to the information received, Samuel Sunil, an 18-year-old member of the Christian minority in Pakistan was arrested by police officers from the Qilla Singh Police Station on 9 August 2003. He was accused of robbery by his employer, the proprietor of an Internet café on Mall Road, after a salary payment dispute. A Sub-Inspector from the Qilla Singh Police Station and other officers tortured him in front of his employer, and he was sent later that day to Camp Jail Lahore and detained with convicted criminals. At Camp Jail	553. <u>Response dated 27 Dec 2004</u> Allegations concerning Zafar Iqbal: Mr. Zafar Iqbal was found confined in the lock-up for allegedly entering on 30 September 2003 along with two accomplices into the house of Dr. Rauf Ahmed Raja to commit robbery. But he was captured/overpowered by the inhabitants of the house with the assistance of residents of the locality. His companions managed to escape from the scene. Zafar Iqbal was handed over to the SHO for legal action. Rather than registering him the SHO kept him confined illegally and was	555. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further information relating to Samuel Sunil, also included in the same communication.

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	<p>Lahore ,Samuel Sunil was sodomized by three inmates. The prison authorities failed in their duties to protect him from the sexual assault while he was in custody. When Samuel Sunil made a complaint about the assault to the prison officials, a Deputy Superintendent ordered Samuel Sunil to be punished along with his assailants, as he was viewed as being party to the crime of sodomy. He was then subjected to severe torture which resulted in his death on 19 August 2003. Jail officials hung his body by the neck from a ceiling fan in order to make his death appear to have been a suicide. An autopsy report noted signs of sodomy and suggested that torture was the cause of death. A case has been registered against the Prison Superintendent, Jail Warden, and the three prisoners who allegedly assaulted him..</p> <p>551. On 30 September 2003 Zafar Iqbal was reportedly handed over to Westridge Police Station in Rawalpindi Division after he was caught by a group of civilians who accused him of robbery. Since his handover to the the Station House Officer (SHO) no complaint was registered against him, nor was he produced before a court. Despite the police's claim that Zafar Iqbal was released, it is alleged that he died in police custody as a result of torture and that his body was disposed of. Reports indicate that the SHO of Westridge police station and two constables were taken into custody and that a FIR was registered</p>	<p>subsequently declared to be missing when an inspection was carried out by the ASP/SDPO, Cantt. The authorities are conducting judicial and departmental inquiries. A case dated 4 October 2003 has been registered and the investigation is being conducted by the Superintendent of Police (Investigation) of this district. A departmental inquiry against the above named officer/official was also conducted through the SP/City, Rawalpindi who dismissed Muhammad Naeem Constable No 3653 from service whereas departmental proceedings against Ghulam Abbas, Constable No 4440 are pending till decision of the case by the court while statements of allegations against Waqar Azeem, Inspector, have been sent to the DIG/RR, Rawalpindi for departmental action against him. The Sessions Judge, Rawalpindi, was requested to conduct judicial inquiry on 7 October 2003. Waqar Azeem, Inspector, has been arrested and got remanded to judicial lock-up while Ghulam Abbas got his bail granted from the court concerned whereas Muhammad Naeem was declared Proclaimed offender in this case.</p> <p>554. Allegations concerning Shahib: There is no Police Station in the name of Police Station Kotwali in Lahore and and there is no record of a person named Shahib who was</p>	

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	<p>on charges of abduction and hiding a person under the pretext of killing him. The Special Rapporteurs requested information concerning the prosecution and eventual conviction of those held responsible.</p> <p>552. On 1 March 2004, Shahid, beaten to death by members of the Kotwali police in Lahore, when he was visiting his neighbors. The police raided the neighbors' house on suspicion that they were involved in a forgery case. Shahid was severely beaten on the head and collapsed and the policemen continued beating, kicking and hitting him with the butts of their rifles and guns. Shahid, died as a result of this treatment. His body was dragged into the street by the policemen, who told other neighbors that he was only unconscious and prevented them from approaching or taking him to the hospital. Witnesses claimed that his body was covered with bruises, in particular in the chest, back, arms and ribs. A FIR has reportedly been filed against the policemen and a Sub-Inspector has been identified as responsible for murder.</p>	<p>allegedly beaten up on 1 March 2004 by the staff of the said police station. However, the Government informed that there is a CIA Centre at Kotwali; the information according to which a person died in custody on 1 March 2004 could not be substantiated from their record. More details, if available with the Special Rapporteur, may be provided. In view of the above response, the cases may be considered as settled.</p>	
Pakistan	<p>556. <u>Allegation sent with Special Rapporteur on violence against women, 21 July 2004.</u> Manzoor Ahmed, son of Ali Mohammad, of Lund tribe and Mrs. Begum, wife of Mohammad Shareef, of Lund tribe, who were killed reportedly on the pretext of "honor killings" in Lund Village near Jagan Village, Shikarpur District, Sindh Province, Pakistan, on 31 May 2004. Three unknown</p>	<p>558. <u>Response received on 13 September 2004.</u> According to the government, Mr. Sher Muhammad Sadhayo lodged a complaint and a criminal case under section 302 of the Pakistan Penal Code was resgistered at Police Station Hamayoon regarding the murder of Mr. Khairan against Mr Ghulam Hussain. Mr. Hussain was arrested and the rifle was</p>	<p>559. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further details on the outcome of the trial. He is also awaiting information</p>

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	<p>persons killed these two victims and concealed their bodies at unknown place to hide their crime. The whereabouts of the bodies of the victims are still unknown. The Station House Officer (SHO) Watch and Ward, Mr. Zafar Ali Shaikh, the Sub Inspector of the Jagan Police Station, initially refused to register a First Information Report (FIR) when one of the relatives of the victims tried to do so. It is believed that the policeman was responding to pressure from a local tribal chief, Mr. Kora Khan Bhayo, who had pressurized the police not to register the FIR and instead urged the families of the victims for a private settling of the matter. However, the case was later registered by the police on behalf of the State at the Jagan Police Station on 3 June 2004 after a human rights group reported the case to the District Police Officer (DPO) in Shikarpur, Mr. Khameeso Khan Memon. However, there has yet been no proper investigation into this case by the police who claims that inhabitants of the village are still concealing the facts due to community pressure. The bodies of the victims have still not been recovered and the relatives of the victims continue to refuse to pursue the case with the police.</p> <p>557. Khairan, a 23-year-old woman, who was killed reportedly in the name of honour in Pakistan on 9 June 2004 by her husband, Ghulam Hussain, at their home in Shahul Sadhayo Village,</p>	<p>recovered. A separate case was registered at police Station Hamayoon (Case no 34/2004) under section 13 DAO. The case is presently on trial under the Court of Law.</p>	<p>relating to the cases of Manzoor Ahmed and Mrs. Begum..</p>

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	<p>near Humayoon Town, Shikarpur District, Sindh Province. Her brother Sher Mohammad and his two relatives Mohammad Nawaz and Shafi Mohammad went to Shahul Sadhayo Village to visit her that day but were asked to wait outside the house. At around 4:30 p.m., they ran in when they heard the sound of gunshots coming from inside the house. They saw Ghulam Hussain brandishing a rifle, firing directly at Khairan. Mohammad urged Hussain to stop, but he turned and pointed the rifle at Mohammad and his two relatives, threatening them not to get involved. Hussain declared that Khairan had engaged in sexual relations with one of his relatives named Illahi Bux and that he would no longer allow her to live, and then immediately fled the scene. When Mohammad and his two relatives reached down to inspect Khairan's body, she had already died. They then filed a First Information Report (FIR NO. 28/2004 Section 302 Pakistan Penal Code) at the Jagan Police Station at Humayoon. The police has made raids and arrested certain family members of the accused, but Mr. Ghulam Hussain remains free.</p>		
Pakistan	<p>560. <u>Allegation sent with Special Rapporteur on torture and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</u>, 21 July 2004. Samuel Masih, 30-year-old son of Emmanuel and resident of Saidan Shah Lahore, who was reportedly charged with blasphemy under Section 295 of the Pakistan</p>	561. <u>No response</u>	

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	<p>Penal Code in August 2003 after Chaudhry Muhammad Yaqoob, a librarian at Dar-ul-Islam, Lahore, had registered a First Information Report (FIR) against him. Mr. Masih was sent to Kot Lakhpat Jail for trial. He was admitted to the Lahore General Hospital on 19 May 2004 in a critical condition after a police constable hit him on his head with an iron bar while in detention. Constable Faryad, who attacked Samuel, was reportedly sent to jail after a case was registered against him. Reports indicate that Samuel Masih died in hospital after remaining in coma for three days. Mr. Masih's body was handed over to his family after an autopsy was carried out. His family did not pursue the case as they were reportedly scared of the police. According to the information received, Mr. Masih was in jail since August 2003. Nevertheless, no lawyer was appointed to defend his case.</p>		
Pakistan	<p>562. Allegation sent with Special Rapporteur on torture, 21 July 2004. Shahid, aged 41, who was reportedly killed on 1 March 2004 by the Kotwali police who was conducting a raid in his neighbor's house where he was at the time. The police had received information that the men in that house were involved in a scheme to sell prize bonds (forged). The 6 policemen entered the house by force and hit Shahid hard on the head. They continued beating and hitting him with the butts of their rifles, treatment as a result of which Shahid did not survive. His body was covered</p>	<p>569. Response dated 29 July 2004. Allegation concerning the death of Javed Anjum. According to the Government of Pakistan, the Police registered a file against Maulvi Ghulam Rasool and two unknown persons on 2 May 2004. Maulvi Ghulam Rasool is presently in police custody and investigations are being carried out.</p>	<p>570. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate further details on the outcome. The Special Rapporteur is also awaiting information relevant to the other cases referred to in the allegation letter.</p>

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	<p>with bruises, especially on his chest, back, arms and ribs. The police dragged Shahid's body out of the house and ordered the neighbors to stay back as the deceased was only unconscious and was pretending that he could not get up. A First Information Report has been filed against the policemen, and Sub Inspector Mazhar Shah has been named as the man responsible for the murder.</p> <p>563. Imtiaz, aged 28, who was arrested in Hafizabad on charge of stealing wood by the Chak Chatta police at the end of March 2004 and sent to Sub-Jail Pindi. Reports indicate that Imtiaz died under mysterious circumstances in jail as he was tortured to death by the prison workers. However, the jail authorities stated that Imtiaz was a drug-addict and died as a result of the non-availability of drugs. There was no investigation into his death.</p> <p>564. Javed Anjum, a 19-year-old Christian youth who died after he was severely tortured by a teacher and students of an Islamic seminary at Chak No. 323/G.B in the district of Toba Tek Singh, Punjab. On 17 April 2004, he was drinking water from a tap outside the seminary Madrasah Jamia Hassan, when Maulana Ghulam Rasool, the superintendent of the seminary, enquired about his identity. When the students learned that Javed was a Christian they took him into the seminary and</p>		

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	<p>tried to force him to convert to Islam. On refusal, the teacher, along with his students, severely tortured him for five days. According to the hospital record, he had 26 injuries and three fractures on his left arm. He was handed over to the police on 22 April on charge of robbery, but due to his critical physical condition, he was taken to the Allied Hospital in Faisalabad and succumbed to his injuries on 2 May 2004. The police had initially refused to register a case against the perpetrators, allegedly because of the influence of the religious parties. Arrests were only made on 5 May 2004. Meanwhile, it is alleged that the victim's family was asked to compromise and withdraw the case. The police refused to register the religious seminary teacher and his students' name for 10 days. Mr. Anjum's family is still fighting for justice on the case.</p> <p>565. Abdul Wahid, who died from police torture at the Agoki police station on 28 May 2004. Reports indicate that the Agoki police registered a case against the Assistant Sub-Inspector Haji Ikhlq who was still hiding at the time of writing this report.</p> <p>566. Abdul Haq, aged 75, who was arrested on 3 June 2004 on charges of theft by police officers from the Kanjwani police station, namely, Sub-Inspector Gul Nawaz, constables Sardar Mohammed, Irshad Baloch, Mohammed Waseem,</p>		

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	<p>and Mohammed Ashraf, at Chak 388 G.B. He was tortured at the police station where he died. However, the police claimed that the elderly man died from a heart attack on the way to the station and transferred his body to the Tehsil Headquarters Hospital in Tandlianwala. The Garah police have registered a case against the policemen and three of them have been arrested. The Special Rapporteur requested more information on the subsequent investigation of the case.</p> <p>567. Zafar Iqbal, who was arrested by the Saddar Nankana police and who died in police custody on 3 June 2004. He was tortured to death by the police for not paying them a bribe of Rs. 2,40,000. The police alleged that he was admitted to the Nankana Hospital for treatment of kidneys where he passed away due to high blood pressure and kidney problem. Zafar Iqbal was reportedly a healthy man and had never suffered from blood pressure or kidney problems. Reports indicate that his body bore marks of torture. The police denied the allegations and claimed that he had died of heart failure. No inquiry was held against the killing of Mr. Zafar Iqbal.</p> <p>568. Munir Ahmed, who was arrested on 15 June 2004 by the Abadour police in Rahim Yar Khan, on charges of kidnapping. Reports indicate that the police subjected Mr. Ahmed to severe torture</p>		

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	<p>while in custody and subsequently threw him away in a canal. His body was recovered on the following day. His body bore severe marks of torture. Although the local population staged a protest against the police and demanded an inquiry into the death of Mr. Ahmed, no inquiry was conducted until the time of writing as the police alleged that he had committed suicide.</p>		
Pakistan	<p>571. <u>Allegation</u>, 21 July 2004. Mr. Mohammed Yar, of Chak 244 R.B, Kakarwala, Faisalabad, who was sentenced to death by a trial court for the murder of Mr. Allah Ditta. The Lahore High Court upheld the verdict of the trial court while the Supreme Court also disposed of Mr. Mohammed Yar's appeal. He filed another appeal in the Supreme Court on 12 May 2004 for a further consideration on the verdict. Nevertheless, reports indicate that Mr. Mohammed Yar was hanged to death on 18 May 2004 at the Faisalabad prison. It is reported that both the prison authorities and the police were notified that an appeal was filed at the Supreme Court.</p> <p>572. Mr. Mohammed Ramazan, a laborer, along with his two friends, Mr. Dost Ali and Mr. Haider Ali who went to Bahiwal on 11 May 2004. On their way back, near Chak Sandhay Khan, they had a little quarrel with Mohammed Ashraf, an influential landlord. Mr. Ashraf accused Mr. Ramazan and his companions of a false case of</p>	574. <u>No response</u>	

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	<p>dacoity and got them arrested by the Pakpattan police. Police officials opened fire at the men, killing Mr. Mohammed Ramazan and Mr. Dost Ali and injuring Mr. Haider Ali. According to the information received, the police sent Mr. Ali to a secret location so that his whereabouts remain unknown. The police handed over the dead bodies to their relatives after having conducted a post-mortem concluding that the deceases were killed in a shoot-out. The relatives of the deceased appealed to the Governor, the Chief Minister, and the Inspector General of Police in Punjab to conduct an inquiry into the killings.</p> <p>573. Yusuf, who was picked up on 8 June 2004 by the Lahore Anti-Car Lifting staff for which he had worked as an informer a few years ago and was taken to the Gulberg police station in Lahore. It is reported that Constable Shafi Lashari demanded Rs. 10,000 for Mr. Yusuf's release. As Mr. Yusuf's family could not pay the whole amount requested, the police took him away from the police station and killed him in a fake encounter.</p>		
Pakistan	<p>575. <u>Allegation sent with the Special Rapporteur on zorture, 9 November 2004</u> Saifullah Kharal, aged 26, and Riasat Ali, Mangtanwala, Lahore. On 20 June 2004, they were arrested at a vegetable market by Mangtanwala (Nankana Sahib) police on suspicion of stealing a car, and detained at the station. Both men were severely beaten in custody by the Station House Officer,</p>	577. <u>No response</u>	

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	<p>Assistant Sub-inspector, a constable, and a station clerk (whose names are known to the Special Rapporteur). Saifullah Kharal subsequently died in custody after being detained for 12 days. Two days before his death, his sister came to the station with his meal, and found the police beating him, threatening him to confess, including threatening to beat his sister if he did not confess. He died at 1am on 1 July. The body was sent for a post-mortem examination. A case was registered against the officials and reported to the Human Rights Commission of Pakistan.</p> <p>576. Qari Mohammad Noor, a cleric. In August 2004, he was detained for alleged links to the al-Qaeda terrorist network in a raid on an Islamic school in Faisalabad. According to the police, he died in custody on 18 August 2004 from a heart attack. However, his post mortem reports have not been made public and it is alleged that he was beaten in detention and had nearly 180 marks on his body.</p>		
Pakistan	<p>578. <u>Allegation sent with the Special Rapporteur on violence against women, 8 December 2004.</u> Shahida Bibi, of Okara. On 26 July 2004, she was killed with the blow of an axe by her husband Khan who suspected her of adultery. The incident was not reported to the authorities.</p> <p>579. Hashmat Bibi (aged 55). On 26 July 2004, she was axed to death by her son Elahi Bukhsh (aged</p>	594. <u>No response</u>	

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	<p>24) in Dherki. He suspected her of illicit relations with a man of their village. Elahi Bukhsh fled with the murder weapon. The Dherki police is said not to have not yet registered a First Information Report.</p> <p>580. Shazia and Razia, two sisters from Sahiwal, in Chack 107/7-R. They were shot dead on 20 July 2004 by their cousin Mazhar, and his accomplices Bashir and Bilal, over a marriage dispute. According to information received, Shazia had refused to marry her cousin. The incident was not reported to the authorities.</p> <p>581. Robina Shahid (aged 32). On 2 July 2004, she was shot dead by her brother Anwar Ali of Raiwind The police of Lahore stated that the accused had been suspicious about his sister's character for several months. The body was removed to the city mortuary for autopsy. A case has been registered, but no arrest was reported.</p> <p>582. Sajida (aged 16). She was killed with an axe by her brother Yasin at Chak 3/WB in Vehari on 15 July 2004. She was pregnant, as a result of her relationship with one Salim from her village. According to the information received, the police arrested the assailant, but no further action was reported against him.</p> <p>583. Ansa, aged 16. On 8 July 2004, she was shot</p>		

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	<p>dead by her father, Mohammed Aslam in Ferozewala. He suspected her of having illicit relations with someone. He fled after the incident. No report has been made to the authorities.</p> <p>584. Imtiaz Mai from Warind tribe. On 6 July 2004, she was killed by members of the Warind tribe in Rahim Yar Khan. They buried her body without any post-mortem examination and alleged that she committed suicide. According to information received, members of the Warind tribe did not accept the marriage of Imtiaz Mai with Mir Hassan. They registered a case against the couple with the Rahim Yar Khan police. Despite the fact that they were in possession of a legal marriage certificate, the police arrested them and induced Imtiaz Mai to record a statement against her husband. As she refused, they handed her over to her relatives who killed her. The incident was reported to the Rahim Yar police, but no action was taken against the assailants. Mir Hassan was sent to jail on charge of adultery.</p> <p>585. Noorzadi an 18-year old girl and Qadir (aged 27). On 3 July 2004, at around 4 am, both were killed with an axe by Noorzadi's cousin, Nazar Mohammed in Ali Mohammed Goth, Karachi. He later came to the Ibrahim Hyderi Police station and confessed his crime. The victims' bodies were transferred to the police station where they were unattended for at least 8 hours. At around 4:30</p>		

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	<p>pm, the bodies were moved to Jinnah Post-Graduate Medical Center. The autopsy could not be carried out on Noorzadi's body as the woman medico-legal officer was not present at the hospital. It is reported that no further action was taken by the police later on.</p> <p>586. Nadeema Bibi a woman from Lahore. According to information received, her husband Ishaq killed her on 3 July 2004. He justified her killing by explaining that she had lost character. Police registered a case against on the complaint of the deceased's father. However, no action was taken by the Lahore police to bring Nadeema Bibi's husband to justice.</p> <p>587. Sharifan alias Gudo. According to information received, Sharifan, her husband Sagheer Shahid and her sister Hanifan Bibi were killed by Hanifan Bibi's brother-in-law on 3 July 2004. Sagheer Shahid was an employee at the Police Department. He had divorced his first wife and was living with his second wife, Sharifan alias Gudo. It is alleged that Sagheer Shahid later developed illicit relations with Sharifan's sister, Hanifan Bibi, who was also married. Hanifan Bibi's brother-in-law came to know of her relations with Sagheer Shahid and therefore, killed Sagheer Shahid, Hanifan Bibi, and Sharifan. Police registered a case and were investigating at the time the information was</p>		

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	<p>received.</p> <p>588. Zobia Begum of Rawalpindi. On 14 May 2004, she was killed by her father Manzoor Hussain and maternal uncle, Abdul Ghaffar. According to information received, she had married with Faisal Bukhari and fled to Mianwali with him. Manzoor Hussain filed a case of murder against his brother-in-law and the cause of murder was stated to be 'honor killing'. Faisal Bukhari, the victim's husband, filed a case against Manzoor Hussain and Abdul Ghaffar to Mochh Station House Officer of Police, who refused to register the complaint. Faisal Bukhari filed a writ to the High Court.</p> <p>589. Shazia Khaskheli. According to information received, she was killed together with her husband Mohammed Hassan Solangi. Shazia Khaskheli and Mohammed Hassan Solangi married of their free will in October 2003. Since that date, the couple had contacted police to seek protection, but on the contrary they were handed over to relatives of the girl who murdered them on 2 April 2004. On the same month, the Supreme Court held that police had facilitated the murder of the couple who had approached them for protection and directed the Inspector General of Police to personally look into the matter and submit a report within a month.</p>		

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	<p>590. Fatima Bibi, a woman from Vehari. According to information received, on 1 April 2004 she was strangled by her husband Allah Baksh who was accompanied by her brother Allah Ditta and Mushtaq Baloch, Islam, Yameen, Karim Baksh, Ahmed and Sultan. Fatima Bibi had left her husband and went to live in a shelter home for women in Darulaman An elder from Vehari called Fatima Bibi, her family, the panchayat and her husband to his house to settle the matter. Because she affirmed that she did not wish to live with her husband anymore, she was strangled by the men present. At the time the information was received, the police had not registered any case against the perpetrators.</p> <p>591. Ms. Wazeeran, a 50-year-old woman from Mahar caste and elected as counselor in Taluka (sub division) Council Rohrri. According to information received, Ms Wazeeran was killed on 7 March 2004 at around 5:30 in Sanjrani street, Berri Chouk, Rohrri town by three nephews of her husband whose names are known to the Special Rapporteur. Although the victim's brother lodged a complaint to the Rohrri police station, no action had been taken by the police to bring the perpetrators to justice at the time the information was received. It is further reported that the perpetrators spread around the information that Ms. Wazeeran had committed adultery to make sure they would be set free in case of legal</p>		

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	<p>proceedings against them. Moreover, the police was said to offer no protection to the victim's family who was under permanent threat from the perpetrators.</p> <p>592. Koojan, a 13-year-old girl from Kato Bangwar village, Kandh Kot town, Jaqobabd district, Sindh province. According to information received, she was killed on 4 March 2004 at around 20:30 on the pretext of honour killing by her husband and four members of his family whose names are known to the Special Rapporteur. Koojan's father, Todo Bahilkani as well as his two cousins, Bilawal Bahilkani and Rasool Bux had come to visit Koojan. They were discussing when her husband accompanied by his father, his uncle, his brother and one of his relative, all armed with guns came to the house, dragged Koojan to the ground and shot her to death after having accused her of having sexual relationship with a man. They then took her body in a bull-cart and left the place to conceal it. Koojan's family members could not do anything to stop the killing. Koojan's father registered a case at the Karampur police station on 6 March 2004. Nevertheless, none of the perpetrators had reportedly been arrested at the time the information was received despite the fact that the killers were identified by three persons.</p> <p>593. Robina, a woman from Farooqabad.</p>		

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	<p>According to information received, Robina was burnt by her husband Mohammed Ramazan and in-laws on 20 March 2004. It is also reported that Robina was cruelly treated since she got married 5 years ago because she had brought less dowry than they had expected. The mistreatment increased when she remained childless. Robina was first stabbed in the neck. She was later doused with kerosene oil and set on fire. Her in-laws affirmed that she was burnt by accident but the neighbors witnessed what actually happened. Robina's father-in-law only allowed her family to take her to hospital when they vowed that they would not file a case against her in-laws if she died. A month later, Robina passed as a result of her injuries. At the time the information was received, her in-laws and husband were said to remain free.</p>		
Peru	<p>595. <u>Llamamiento urgente enviado con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, 28 de abril de 2004</u> La periodista Rocío Vásquez Goicochea de Chimbote. Según los informes, Rocío Vásquez Goicochea de Chimbote habría sido amenazada de muerte tras denunciar la situación del empresario pesquero Samuel Dyer. Según la información recibida, la periodista habría sido amenazada de muerte por teléfono el 20 y 21 de abril de 2004. Los informes indican que la periodista habría hecho de conocimiento público que tenía en su poder documentos y un video "donde se</p>	<p>596. <u>Respuesta del 14 de octubre de 2004.</u> El Ministerio Público, Primera Escala Superior Civil de Lima informa que, según las Fiscalías Provinciales Penales, no existe denuncia interpuesta por la periodista Rocío Vasquez Goicochea contra el empresario pesquero Samuel Dyer.</p>	<p>597. El Relator Especial agradece el Gobierno por su respuesta. Le gustaría recibir información sobre las medidas emprendidas por el Gobierno para proteger al Sr Goicochea.</p>

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	<p>comprueban descargas ilegales de pesca negra en la empresa Copeinca, propiedad de Samuel Dyer". Según las informaciones recibidas, el dueño del periódico "Últimas Noticias" le habría ordenado frenar sus investigaciones sobre Samuel Dyer y la periodista habría tenido que renunciar a su trabajo.</p> <p>Además, los informes indican que Rocío Vásquez Goicochea de Chimbote, en comunicación con la Oficina de los Derechos Humanos de la Asociación Nacional de Periodistas del Perú, habría asegurado que en los tiempos en que Javier Reátegui estaba al frente del Ministerio de Pesquería, su asesor Inocente Ramos habría hecho una llamada a su domicilio. No la habría encontrado pero, tras identificarse con nombre completo, habría dejado un mensaje a su madre: "Aconséjele a su hija para que no se meta con el gobierno. Se va a fregar la vida".</p>		
Peru	<p>598. <u>Llamamiento urgente enviado con la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 18 May 2004</u> Catalina Castillo León, un testigo del supuesto secuestro y asesinato de seis miembros de su familia en 1992. Según la información recibida, el 24 de junio de 1992, diez hombres vestidos en uniformes parecidos a los del ejército y al parecer miembros del Grupo Colina, un grupo que presuntamente hacía parte orgánica de la estructura del Servicio</p>	<p>599. <u>Respuesta del 14 de octubre de 2004</u>. El Gobierno de Perú ha transmitido una nota de información proporcionada por el Consejo Nacional de Derechos Humanos. En un oficio de fecha 5 de julio 2004, Dr. Felix E. Salazar Huapallo, Fiscal Superior Decano, Distrito Judicial de Huaura, indica al Fiscal Superior Titular, Representante del Ministerio Público ante el Consejo Nacional de Derechos Humanos que había recibido información del Coronel PNP José Campos sobre la</p>	<p>600. El Relator Especial agradece el Gobierno por su respuesta.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>de Inteligencia de Perú (SIE) habrían secuestrado a Rafael Ventocilla Rojas, el ex.Alcalde del Distrito de Cochamarca, sus hijos Alejandro, Simon y Paulino, su nieto Rubén y su hermano Marino. Catalina Castillo León habría denunciado la detención de sus familiares ante la policía. Según los informes, los cuerpos de los seis integrantes de su familia habrían sido hallados el día siguiente sepultado en una fosa común cerca de la carretera Huara-Sayán. Según los informes, la investigación se encuentra actualmente en la fiscalía especializada. Catalina Castillo León habría pedido a la Comisaría de Huaura de constatar los hechos pero el Comisario responsable quien, al parecer es familiar de un miembro del Grupo Colina, habría mostrado reservas antes este pedido. En este contexto y según la información recibida, el 6 de mayo de 2004, un grupo de diez individuos, uno de ellos vistiendo traje de policía habría irrumpido violentamente en el domicilio de Catalina Castillo León en Provincia de Guacho. Los hombres la habrían amenazado con darle muerte tal como ocurrió a los seis miembros de su familia. Se teme que esta reciente amenaza contra Catalina Castillo León esté relacionada con su actividad de solicitar una investigación independiente e imparcial tras el asesinato de seis miembros de su familia.</p>	<p>intervención policial realizada el 6 de mayo de 2004 en el domicilio de Catalina Castillo León. Los motivos y circunstancias de la intervención policial fueron en el marco del Operativo “Delincuencia 2004”, cuyo objetivo era ubicar y capturar a los autores del asesinato del Empresario Jorge Wetterman Rivas. Un hijo de la Señora Castillo León, Wilbert Ventocilla Castillo fue acusado del delito “Contra el Patrimonio” – robo agravado por subsiguiente homicidio del ingeniero Wetterman Rivas y era buscado por la policía. Wilbert Ventocilla Castillo huyó en un vehículo. Además, el Fiscal Superior Decano, Distrito Judicial de Huaura, no tiene conocimiento de alguna denuncia o queja presentada directamente por la Señora Castillo León, asimismo tampoco otra denuncia en la Primera y Segunda Fiscalía Provincial Penal del Distrito.</p>	
Peru	<p>601. <u>Llamamiento urgente enviado con el Relator Especial sobre la tortura, el Relator Especial sobre la independencia de magistrados y abogados, el</u></p>	<p>602. <u>Respuesta del 17 de septiembre de 2004.</u> El Gobierno de Perú ha transmitido un informe del Consejo Nacional de Derechos</p>	<p>603. El Relator Especial agradece el Gobierno de Perú por su respuesta. . Le</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p><u>Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y la Representante Especial del Secretario General sobre la situación de los defensores de los derechos humanos, 7 de septiembre de 2004</u> en relación con Luis Alberto Ramírez Hinostroza, quien fue víctima de tortura durante la dictadura militar y quien es ahora uno de los testigos principales ante la Comisión de la Verdad y Reconciliación del Perú y en el proceso judicial contra un general retirado acusado de la desaparición forzada de nueve personas en 1991. De acuerdo con la información recibida:</p> <p>Luis Alberto Ramírez Hinostroza habría recibido amenazas de muerte y ataques contra su persona en varias ocasiones durante los últimos meses. El 13 de marzo de 2004, cuatro individuos habrían disparado contra él llamándole “bocón” mientras le perseguían. El 6 de mayo habría recibido una carta con amenazas junto con dos fotografías de su hija y su esposa. En julio del mismo año, habría recibido otras amenazas de muerte en su casa. En otra ocasión, cuando visitó el lugar donde habría sido tortura años atrás, unos soldados lo habrían fotografiado y habrían amenazado con detenerle. A finales de agosto de 2004, Luis Alberto Ramírez Hinostroza habría notado que alguien le estaba siguiendo. Seguidamente habría solicitado ayuda ante la procuraduría de Huancayo. Sin embargo le</p>	<p>Humanos. Este informe indica que el 31 de Agosto 2004, el Ministro de Justicia, Dr. Carlos Gamarra Ugaz ha remitido al Despacho del Viceministro del Interior un oficio reiterando las medidas cautelares necesarias afín de garantizar la integridad personal de Luis Alberto Ramírez Hinostroza. El Viceministro del Interior fue informado el 1 de Septiembre 2004 que el Sr. General PNP Adolfo Alfaro Zúñiga, Director de la VII-DIRTEPOL en Huancayo ha recibido a través de un memorándum del General PNP Percy Soria Medina, Director General de la Policía Nacional de Perú el orden que se procederá “...de inmediato a instalar servicio de seguridad personal al agraviado, con dos efectivos policiales, durante las 24 horas del día hasta nueva orden”. También, el personal especializado de la JEFICAJ esta en carga de hacer las investigaciones correspondientes afín de identificar, ubicar y capturar a los autores en coordinación con el representante del Ministerio Publico. Además, el Consejo Nacional de Derechos Humanos informa que le Prefecto Regional de Junin, mediante un oficio de fecha de 4 de agosto 2004, señala que el 22 de marzo 2004, el Dr. Eduardo Torres Gonzales, Juez Penal se dirige a la Prefectura de Junin a fin que se dispongan brindar las garantías personales a Luis</p>	<p>gustaría recibir información sobre las medidas emprendidas por el Gobierno para proteger al Sr. Ramírez después del 30 de agosto de 2004</p>

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	<p>habrían informado que el funcionario solicitado no se encontraba y habría tenido que irse sin protección policial. Dos días más tarde, el 30 de agosto, un hombre y una mujer le habrían disparado desde un vehículo negro cerca de su casa, en El Tambo, Huancayo. Luis Alberto Ramírez Hinostroza habría resultado herido en el estómago y habría sido conducido al Hospital El Carmen, donde habría sido operado. Se alega que la Comisión Interamericana de Derechos Humanos pidió al Gobierno peruano, el 2 de agosto de 2004, que tomara las medidas necesarias para garantizar su seguridad. Antes del último ataque, habría recibido una carta oficial en la que se le indicaba que se le otorgaban garantías personales, pero no se le habría proporcionado asistencia física. Actualmente, dos agentes de policía estarían encargados de su seguridad en el hospital. Sin embargo las autoridades todavía no le habrían garantizado la asistencia de guardaespaldas para más adelante.</p>	<p>Alberto Ramírez Hinostroza por haber sido amenazado en su integridad personal y familiar. En base a la petición del órgano Jurisdiccional, el 15 de abril 2004 se emitió una Resolución Prefectural en Junin otorgando garantías personales a favor de Luis Ramírez Hinostroza y su familia, en contra de Luis Perez Document, contra quién tiene un proceso judicial por Derechos Humanos (Tortura). Además, Dilma Clemente, Juez del Cuarto Juzgado Penal, se ha dirigido al Prefecto de la Provincia de Huancayo para solicitar las garantías personales al agraviado. La Secretaria Ejecutiva del Consejo Nacional de Derechos Humanos del Ministerio de Justicia ha remitido oficios el 4 de agosto 2004 a varias agencias del Estado solicitando información. La Secretaria Ejecutiva del Consejo de Derechos Humanos deja constancia que no ha recibido información relacionada a medidas concretas adoptadas con la finalidad de protección al Señor Ramirez Hinostroza hasta el 30 de agosto.</p>	
Philippines	<p>604. <u>Allegation, 13 April 2004</u>. Mitchie Boy Vega Corong, aged 16, and his brother Nestor Vega Corong Jr., aged 13, who were reportedly shot dead on 19 October 2003 by units of the PA/CAA 803rd Infantry led by Major Domingo B. Gobway in Catarman, Samar. According to the information received, they were on their way home after</p>	<p>605. <u>No response</u></p>	

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	<p>fishing with their father Nestor Corong Sr. when they were shot at. It is further reported that a few hours later, two police officers from the Barangay Police Station and a Barangay Councillor came to the incident place. When they arrived, three armed men, in civil clothes suddenly appeared and introduced themselves as members of Major Gobway's unit. They claimed that the boys were hit during an encounter with members of the Waray-Waray Gang of suspected criminals. Reports indicate that the local police report, signed by the Police Senior Inspector Antonio Villareal Artuz, stated the same. The army claimed that the two boys were members of that gang. However, Senior Inspector stated in an interview that the military unit was out of its jurisdiction. The unit also did not inform the local police that it was in pursuit of suspected criminals. According to the information received, there was no impartial investigation of this case and the perpetrators were not therefore brought to justice.</p>		
Philippines	<p>606. <u>Allegation sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 17 May 2004.</u> Concerning reports of executions over recent months in the context of military anti-insurgency operations against the New People's Army (NPA), the armed wing of the Philippine Communist Party (CPP) and of the pre-election period. It is believed that these executions might be</p>	<p>608. Response dated 4 August 2004. Allegation concerning the death of Mr. Manamo. The Government of Philippines informs that an investigation is conducted by the Calapan city Police Office. No evidence has been gathered to link the killing to any member of the military or the police.</p> <p>609. Allegation concerning the Perez couple.</p>	<p>612. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>attributable to members of, or people with links to the Armed Forces of the Philippines (AFP). In particular, violent attacks on Bayan Muna and Anak Pawis party members are reported to be part of a wider pattern of killings and "disappearances" of left-wing opposition activists and human rights defenders, members of lawful political parties which have been publicly labelled by some senior military officials as "front organizations" for the NPA. Concerns are expressed that such attacks might increase in the context of the national elections on 10 May 2004.</p> <p>607. In this context on 28 April 2004, Isais Drummond Manamo, the Secretary General of the political party Anak Pawis in Mindoro Oriental province, was killed by an unidentified armed man. The following day, both Rogelio Perez, a Bayan Muna party official in Quezon, and his wife Cristina Perez, a Bayan Muna party member, were shot at. Rogelia Perez died as a result of the attack while his wife was severely wounded. Similarly, it is reported that on 13 February 2004, Juvy Magsino, a human rights lawyer running for mayor in the May elections, and Leyma Fortu, a worker for the human rights organisation Karapatan, both members of the Bayan Muna political party, were shot dead by two men while they were driving at a friend's house. It is believed that these executions might be related to the pre-elections tensions and to the actions of a vigilante</p>	<p>An investigation is being carried out and there is no evidence linking the killers with the police or military.</p> <p>610. Allegation concerning Attorney Juvy Magsino and Ms. Leyma Fortu. The police identified two suspects, namely Reynante Antenor and another "John Does", whose identity has not been firmly established. They were both charged on 26 February 2004 for murder and conducted before the Provincial Prosecutor's Office in Calpan City, Mindoro.</p> <p>611. The Government strongly denies that the above mentioned allegations occurred in the context of counter-insurgency operation undertaken by the Armed Forces of the Philippines. Allegations concerning violent attacks, killings and disappearances of left-wing activists and human rights defenders are false. Some members of those organizations were elected to the Philippines house of Representatives during the elections held on 10 May 2004.</p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Philippines	<p>group linked to a local brigade of the AFP.</p> <p>613. <u>Allegation, 21 July 2004.</u> Maylene Goloso, aged 13, and Raymund Goloso, aged 6, who were shot dead by military soldiers on 7 May 2004 in Bulan, Sorsogon. Their mother left the family's house at around 2:35 pm that day, leaving her four children at home. Raymund and Resty, aged 9 were playing outside near the house and their two sisters, Maylene and Melody, aged 18, were cooking inside the house when they heard a loud burst of gunfire and immediately called their brothers to come inside. The four siblings then hid in their parents' bedroom. The gunfire stopped a short time during which Maylene and Raymund went to see if there was anybody outside. They were then hit by two gunshots coming from the direction of the barangay road. Reports indicate that, right before the killings, Ms. Goloso had seen a group of military soldiers in the barangay centre including Cesar Loares, an element of the Citizen Armed Force - Geographical Units (CAFGUs) under the command of Col. Romeo Cabatic, and a resident of Brgy. Quirino, Bulan, Sorsogon. After she heard the first gunshots, Ms Goloso ran back towards to her house. She saw seven military soldiers next to it, three were hiding behind coconut trees and the rest was crawling on the ground. She entered her house and saw her dying children. She immediately ran outside and cried for help but the soldiers did not bring her assistance and left the area. Upon</p>	<p>614. <u>Response dated 20 December 2004.</u> According to the Government, the investigation conducted by the Commission on Human Rights of the Philippines (CHRP) revealed that the two children seemed to have been unfortunately caught in the middle of an encounter between military troops that were present in the area to conduct security patrols for the elections and members of the New People's Army (NPA). The CHRP has assisted the Goloso family in the filing of the proper case against the military personnel concerned. The case, which is now pending resolution before the Office of the Provincial Prosecutor in Sorsogon, is being closely monitored. CHRP has also recommended the grant of financial assistance to the bereaved family. Further developments on the case will be duly reported once they are received by the Mission</p>	<p>615. The Special Rapporteur thanks the Government for its reply.</p>

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	request of the soldiers, the barangay captain signed a certification stating that they had engaged in an encounter with rebels of the New People's Army near the house and that the NPA members were the first to shoot, killing the two children. At the time of writing this communication, there were no indication that the perpetrators have been brought to justice.		
Philippines	616. <u>Allegation</u> , 18 November 2004. Mr. Avelino Billiena and Mr. Clemente Calantrava were killed reportedly by members of the Armed Forces of the Philippines in the Laguna region between October 13 and 15 October 2004. On 13 October 2004, an armed confrontation between the New People's Army (NPA) and the joint forces of SOLCOM, Air Force and 1st Infantry Battalion of the Armed Forces of the Philippines took place on the line separating the two provinces of Laguna and Quezon. Furthermore, allegations indicate that on 14 October 2004, at about 10:00 in the morning, two gunshots were heard and that two helicopters were apparently roving around the area. On 15 October 2004, members of the Armed Forces displayed the victim's bodies in the Plaza of Cavinte in Laguna, claiming that they belonged to the NPA. The bodies wore boots and bonnets. They had NPA marks visible on their faces. They allegedly had gunshot wounds from hips to feet. It is further reported that Clemente Calantrava's body was torn apart by the bullets. According to the information provided, the victim's families	618. <u>No response</u>	

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	<p>deny that they were NPA members.</p> <p>617. Charlie Davao, Ganadi Pinamaylan and Charlie Utag from Brgy Datu Davao.were shot dead reportedly by members of the 60th Infantry Battalion, led by 2nd Lt. Salcedo and Chief Torres. The incident occurred in a restaurant in Poblacion Laak, Compostela Valley Province, Mindanao on 24 April 2004 at 3 p.m. Another person was wounded during the incident. The above mentioned victims were members of a party-list group, Bayan-Muna and belonged to an indigenous organization, the Ata Manobo Didabawon Umayamnon Mandaya Association (AMADU). Allegations indicate that three men in plain clothes riding motorcycles stopped at the restaurant where the victims were and fired their gun shouting "You are members of the New People's Army!" (a communist party). It has been reported that Ganadi Pinamaylan did not die instantly and asked for mercy, before he was shot at close range. According to the information received, members of the 60th Infantry Battalion were not identified at first, since they were wearing civilian clothes. But they were identified as so when Lt. Salcedo and Chief Torres entered the scene just seconds after the shooting.</p>		
Russian Federation	619. <u>Allegation, 16 September 2003</u> . See E/CN.4/2004/7/Add.1, Para. 511.	620. Response dated 5 December 2003. The Government indicates that Mr. Saipudi Khuseinovich Vakhiev was abducted by unidentified armed persons on 6 February	621. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur

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		<p>2003 in the village of Geldagen in Kurchalov district. He was released on 9 february 2003 and returned home. On 12 February 2004, he was not feeling well and was taken to the Guderness Central district Hospital where he died. On 4 november 2003, the Kurchaloy district Procurator's office initiated criminal proceedings under article 111.4 of the Criminal Code (Delibrate infliction of serious harm, leading to the death of the victim due to negligence). The investigation is still pending and undertaken by the office of the Procurator-General of the Russian Federation.</p>	<p>would appreciate receiving further information on the outcome of the criminal proceedings initiated by the Kurchaloy procurator.</p>
<p>Russian Federation</p>	<p>622. <u>Allegation sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and Special Representative of the Secretary-General on the sutation of human rights defenders.</u> 28 January 2004. Aslan Davletukaev, a human rights defender who had been working as a volunteer with the Society of Russian - Chechen Friendship (SRCF) since 2000, in particular gathering information on the situation of human rights in Chechnya for the SRCF Information Centre. According to the information received, on 10 January 2004 at 22:15, approximately 50 armed men in three military and two civilian vehicles, arrived at the home of Aslan Davletukaev in Avtury, where they reportedly beat him and forced him at gun point</p>	<p>623. Response dated 13 April 2004. According to the Government of the Russian Federation, on 9 January 2004, at 11 p.m., unidentified persons wearing camouflage uniforms and masks, armed, arrived in three armoured vehicules at the house of Mr. A.S. Dovletukaev, in the village of Avtury, Shalin District and took him. On 28 Janura 2004, the Shalin district Procurator's Office opened a criminal case under article 126.2 of the Criminal Code (abduction of a person). The body of Mr. Dovletukaev was found on 17 Janury 2004 at 10 a.m. with signs of a violent death. A criminal case under article 105.1 (homicide) was opened at the Gudermes district procurator's office on 20 January 2004. Investigation was carried out at the</p>	<p>624. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further information on the outcome of the criminal proceedings initiated by the Kurchaloy procurator.</p>

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	<p>into one of their cars. It is reported that on 16 January, the body of Aslan Davletukaev, apparently showing signs of torture and mutilation, was found by reconnaissance units of the Russian army near a highway at the entrance to Gudermes. His death was reportedly the result of a bullet wound to the back of the head.</p>	<p>scene of the abduction, the place of discovery of the body. Relatives and neighbours were questioned. A forensic examination was ordered. Relevant inquiries were prepared and addressed to the Ministry of Internal Affairs and the Federal Security Service to gather information regarding the conduct of special measures of the military personnel in the village of Avtury. The investigation is still pending and is undertaken by the Procurator's Office of the Chechen Republic.</p>	
Russian Federation	<p>625. Urgent appeal sent with the Special Representative of the Secretary-General on the situation of human rights defenders, 29 January 2004. Imran Ezhiev, human rights defender and Chairperson of the Chechen and Ingush Branch of the Society of Russian-Chechnan Friendship (SRCF) was returning home to Ingushetia on 26 January when he was followed by a grey model "Zhiguli" car, without number plates thought to belong to the security service of the Chechen president. Imran Ezhiev was investigating the reported abduction and killing of Aslan Sheripovich Davletukaev, a volunteer with SRCF who was the subject of an allegation letter sent on 28 January 2004 by several Special rapporteurs. Imran Ezhiev is targeted for his human rights work in particular his efforts to bring about accountability for the reported killing of his former colleague. Concerns are heightened by the fact that three members of the SRCF have</p>	<p>626. Response dated 13 April 2004. The Government of the Russian Federation informs that a criminal case on 18 December 2001 in connection with the murder of A. Yu. Ezhiev, Mr. Imram Ezhiev's cousin, was opened at the office of Shalin District Procurator in the Chechen Republic under the article 105 of the Russian Federation Criminal Code (homicide). On 18 November 2002, Mr. S.M. Saidov was arrested, charged and found guilty of the abduction of Mr. Ezhiev. He was sentenced to 14 years of imprisonment. During the trial, Mr. Saidov was not found guilty for the murder of Mr. Ezhiev. The verdict was reviewed by the criminal division of the Supreme Court who upheld the verdict of the Rostov Oblasts Court on 5 December 2003. At the time of the verdict, Russian Law on criminal procedure did not provide for a case to be referred to the</p>	<p>627. The Special Rapporteur thanks the Government for its reply. The Special Rapporteur would appreciate receiving further information on the measures taken to protect Mr. Ezhiev's safety.</p>

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	<p>reportedly been killed to date allegedly including Imram Ezhiev's brother. Imram Ezhiev was reportedly subject to previous harassment by the authorities in 2001 and to an alleged abduction attempt from his home in Yandariye Camp on November 2002.</p>	<p>procurator in the case of an acquittal. It was introduced on 4 July 2003 so the court had no opportunity to decide whether to pursue the investigation concerning the murder of Mr. A. Yu. Ezhiev.</p> <p>In accordance of article 306.3 of the Code of Criminal Procedure, the case of Mr. A. Yu Ezhiev's murder was referred to the Procurator's Office of the Chechen Republic for further investigation.</p> <p>On 15 March 2003, the Shali District Procurator's Office initiated proceedings regarding Mr. I.A.Ezhiev's abduction. During the investigation, it was found that on 26 January 2004, Imram Ezhiev was followed by two VAZ-2110s without State registration plates. He stopped to a public phone when he reached Karabulak. The cars following him continued in the direction of Nazran. He did not report the incident to the authorities. Owing the fact that it was only during Mr. Imram Ezhiev's statement that information regarding the death of members of the Society of Russian Chechen Friendship emerged, investigations have not been completed. The results will be available in due course.</p>	
Russian Federation	628. Allegation 21 July 2004, Dzakalaev Roustam, born in 1979, who was detained on 3 February	629. Response dated 16 September 2004. According to the Russian Federation, on 16	630. The Special Rapporteur thanks the

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>2004, in the village Sleptsovskaja, Ingushetia, during a special operation. He was arrested when he was crossing the bridge across the Sunzha River in the center of the village. A white colored "Niva" car and YAZ-469 of gray color approached him and 5 persons in camouflage uniform in masks tried to force him inside the car. Mr. Roustam managed to escape, jumped down the bridge and tried to run away. The military servicemen opened fire at him, wounding him and causing him to collapse on the ground. He was then placed in the car which drove away in an unknown direction. His relatives found out about the accident 2 days later when they were informed that he died from his injuries. Dzhakalaev Roustam was previously detained in December 2003 by representatives of law enforcement agencies of the Chechen Republic. He was subsequently released, but in the meantime subjected to torture and degrading treatment. After he was set free, he told his relatives and friends, that he would never again let give in alive to "these maniacs and fascists". As of 12 February, the corpse of Dzakalov had not been returned to his relatives.</p>	<p>February 2004, the Sunzha district Procurator's office received a communication from Ms. G.G. Amrieva, mother of Mr. Rustam Said-Magomedovich Dzhakalaev, stating that her son had been detained by unknown armed men in the village of Ordzhonekidzevskaya in the republic of Ingushetia. The Procurator's office opened a criminal case pursuant to article 126.2 (abduction) of the Criminal code of the Russian Federation. During the investigation, it was established that on 5 February 2004, that Federal Security Service officers arrested Mr. Dzhakalaev. He was arrested in the village of Ordzhonekidzevskaya and taken in the territory of the Chechen Republic. While being detained, Mr. Dzhakalaev tried to escape and received a gunshot wound. According to the testimony of Ms. G.G. Amrieva, her son returned home on 29 February 2004. He explained his absence by the hospitalization. He is now undergoing treatment in Grozny. No information is contained in the files about his detention in December 2003, about being torture or being killed. Statements concerning the facts mentioned have not been received by the procuratorial bodies. The investigation to establish the whereabouts of Mr. Dzhakalaev have led to no positive results and the case is still pending. It is monitored by the Office of</p>	<p>Government for its reply. The Special Rapporteur would appreciate receiving further information relating to the investigation to establish the whereabouts of Mr. Dzhakalaev.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
Serbia and Montenegro	631. <u>Allegation</u> , 29 July 2003. See E/CN.4/2004/7/Add.1 Para. 517-518.	<p>the Procurator of the Republic of Ingushetia.</p> <p>632. <u>Response dated 15 December 2003</u>. Following the letter sent on 17/09/2003, the Government of Serbia and Montenegro provides additional information provided by the Ministry of Interior regarding the letter sent by the SR.</p> <p>633. Allegation concerning the death of Dragan Malesevic Tapi. The Government confirms its initial explanation of the facts alleged, that Mr. Malesevic Tapi died of natural causes due to atherosclerotic condition of the hearth.</p> <p>634. Allegation concerning the death of Milan Jezdovic. The Forensic Institute of the Faculty of Medicine, University of Belgrade confirmed the death of Mr. Jezdovic as caused by heart attack. Traces of MDMA (ecstasy), MDA and MDMA metabolites were found in the victim's body. The examination revealed also that the body had bruises and skin lesions caused by a blunt object. A subsequent forensic expertise will be conducted as requested by the competent prosecutor.</p>	635. The Special Rapporteur thanks the Government for its reply.
Serbia and Montenegro	636. <u>Allegation sent with Special Rapporteur on torture</u> , 15 November 2004. Dejan Petrovic, aged 29, Belgrade. On 16 January 2002 he was arrested on suspicion of theft and spent the night in the	637. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>lock-up in Božidara Adžije Street. At about 9am the next day, three police inspectors (whose names are known to the Special Rapporteurs) brought him to his parents' apartment with a warrant to search his room. His father reported, "They brought Dejan in with his hands cuffed. His lips were blue, as if something wasn't right. I didn't notice any injuries on his face. However, Dejan didn't say a word the whole time." At noon that day, the police informed his parents that he had leapt from a second floor window and that he was in a coma at the Emergency Treatment Centre. He sustained a ruptured spleen and gall bladder, a damaged liver and pancreas, broken ribs, a fractured left femur, and a large hematoma on his head. He was in a coma for two weeks and died on 15 February. On 18 February, an autopsy was performed at the Institute of Forensic Medicine. The pathologists established that death was due to violence and caused by damage to vital brain centres and ensuing complications. They also found that the brain damage, fractures and other internal and external injuries sustained were due to blunt force trauma. A criminal complaint was first filed with the Third Municipal Prosecutor's Office and, in April 2002, the District Prosecutor's Office. However, the prosecutor has not asked for an investigation, nor has he dismissed the complaint, which would have enabled the parents to proceed as private prosecutors. The medical records were transferred to the Belgrade Institute</p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	of Forensic Medicine on 12 September 2003 for an expert opinion on the injuries sustained.		
Sri Lanka	638. <u>Allegation sent with Special Rapporteur on violence against women, and the Special Rapporteur on torture, 2 September 2002.</u> See E/CN.4/2003/3/Add.1, para 464-467.	639. <u>Response dated 24 December 2003.</u> Allegation concerning Ms. Jehanthi Weerasingham (parag 465). The Government of Sri Lanka informs that the investigation was carried out by the Special Investigation Unit. The post mortem examination carried out by Dr. Mrs Pasupathyrajah, District Medical Officer of Vavuniya on the victim's body confirmed that she had died from swallowing cyanide. There was no evidence of sexual assault, nor evidence of torture. However, four bruises were found on the victim's cheeks, as a result of an attempt to prevent Ms. Jehanthi Weerasingham to swallow cyanide. Accordingly, the Magistrate confirmed the verdict of suicide on 28 November 2001.	640. The Special Rapporteur thanks the Government for its reply. He would appreciate further details on the investigations relevant to the other cases referred in the allegation letter sent to the Government.
Sri Lanka	641. <u>Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.</u> See E/CN.4/2003/3/Add.1, para 526.	642. <u>Response dated 23 March 2004.</u> The Government of Sri Lanka indicated that an investigation has been initiated by the Legal Department of the Sri Lanka Police Headquarters. After being contacted, Mr Wickramatunga declared that he did not lodge a complaint, and therefore will give a statement by the end of March. In these circumstances, the Legal Department will assign the Special Investigation Unit of the Police to inquire into this case.	645. The Special Rapporteur thanks the Government for its replies.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>643. Response dated 2 December 2004. The Special Investigation Unit of Sri Lanka Police initiated an inquiry into the matter. It was reported that Mr. Wickramatunga has not made a complaint to the police. It is further reported that when asked to record a statement, Mr. Wickramatunga claimed that he did not want an investigation into the incident. He also stated that there was no personal threat to him. Accordingly, the police terminated the investigation.</p> <p>644. Response dated 6 December 2004. The government of Sri Lanka sent a copy of the statement of Mr. Lasantha Wickramatunga in the police station recorded by Sub Inspector Dileepa and Sub women Police Sergeant Nilani on 20 May 2004. In this statement, Mr. Wickramatunga declares that he does "not intent to take further action on this matter" and that "there are no personal threats to me".</p>	
Sri Lanka	<p>646. <u>Urgent appeal sent with Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on torture</u>, 16 February 2004 Michael Anthony Emanuel Fernando was reportedly admitted unconscious to the Kalubowila Hospital on 2 February 2004 after he was sprayed in the face with chloroform. Mr. Fernando had complained on several occasions about serious threats to his life in reprisals to the complaints of</p>	<p>647. Response dated 2 December 2004: Upon receiving the communication, the Government of Sri Lanka directed the police to investigate the complaint and also to take the necessary measures to ensure the safety of Mr. Fernando. During the investigation into the alleged assaults on Mr. Fernando on 2 February 2004, the police have recorded a statement from him pertaining to the incident. In his statement, Mr. Fernando was unable to</p>	<p>648. The Special Rapporteur thanks the Government for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>human rights violations he has made to Sri Lankan courts as well as to the United Nations Human Rights Committee. Indeed, on 9 January 2004, the Committee has issued interim measures requesting the State party, while the communication is under consideration by the Committee, 'to adopt all measures necessary to protect the life, safety and personal integrity' of Mr. Fernando and his family members 'so as to avoid irreparable damage to them'.</p> <p>According to the information received, Mr. Fernando was discharged from the hospital on 7 February 2004. He was reportedly accompanied home by the two armed policemen who were guarding him in the hospital under orders from the Sri Lankan Ministry of Defense. However, a request for further protection made on his behalf to the President has reportedly yielded no outcome. As a result of the reported failure of the relevant authorities to provide him with adequate protection, he was reportedly forced into hiding.</p>	<p>either name the suspects or provide the police with the numbers of the vehicle that the alleged assailants came in. The investigations are in progress and steps will be taken to inform Mr. Fernando of the outcome of the said investigation. If the investigations reveal any credible evidence that the alleged threats were caused by any person to subvert the course of justice, the State would take steps to file action for contempt of court against any such person responsible for such acts. With regards to his security, a police patrol book was placed at the residence of Mr. Fernando and police patrols, both on foot and mobile, were directed to visit his residence day and night and to record those visits in the police patrol book. In addition, his residence was kept under surveillance by plain-clothes policemen. It has been noted that Mr. Fernando is currently living in Honk Kong and has applied for political asylum in Hong Kong. It is pertinent to note that there have been cases in the past where complaint of security threats were made by asylum seekers to bolster asylum outside Sri Lanka.</p>	
Sri Lanka	<p>649. <u>Allegation, 23 March 2004</u> S.L. Kulatunga, who was arrested with another person by the Nivithigala police and then hospitalized with serious head injuries. He allegedly died at the General Hospital of Colombo on 12 November 2003. He and another person had been arrested by</p>	<p>651. <u>Response dated 29 November 2004</u>. The Government provided information concerning the death of Mr. S.L. Kulatunga: The Director of the Special Investigation Unit has initiated an investigation as ordered by the Inspector General of Police. According to</p>	<p>653. The Special Rapporteur thanks the Government for its reply. In the case of Mr. Kulatunga, the Special Rapporteur would appreciate receiving further</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>the Nivithigala police for reasons that are not currently known. Reports indicate that Mr. S. L. Kulatunga died as a result of torture he was subjected to by members of the police. According to the information received, the police authorities have transferred four police officers and promised to make an investigation into the incident.</p> <p>650. On 10 January 2004, the Gampola police shot into a crowd, resulting in the death of Dissanayake Mudiayanselage Suranga Sampath. According to the information received, a clash took place between two groups of young people who had gone to see a musical show that night at the paddy field of Mahara, Angammana, Gampola. Police officers, who were reportedly attached to the Gampola police station, moved in and allegedly assaulted a large number of spectators, later detaining and beating some of them. Meanwhile, the spectators who were not arrested decided to sit at the junction to the new Gampola Bridge until the detained were released. A quarrel erupted and the police reportedly tried to disperse them with the help of about ten persons, in uniform as well as civilian clothing, with firearms. The police got to the musical show, where Dissanayake Mudiayanselage Suranga Sampath and the others were and fired tear gas. Suranga fell on the ground struck by a bullet fired by the police. He was taken to the Gampola hospital, where he was pronounced dead. The post</p>	<p>statements received on 12 November 2003, Mr. S.L. Kulatunga was arrested by Sergeant Siripala on charges of drunk and disorderly conduct. While being taken to the hospital, he jumped out of the jeep and sustained head injuries. The medical examination was conducted by the Judicial Medical Officer D.I.D. Ratnayake of Colombo General hospital and has been received by the Special Investigation Unit. The relevant file will be forwarded to the Attorney General for consideration of criminal charges against the persons responsible for causing the death of Mr. Kulathunga. Providing compensation to the victim or his/her family has to be decided by a judicial authority. Imposition of penal or disciplinary sanctions will be decided on the completion of the inquiry.</p> <p>652. Concerning the death of Mr. Dissanayake Mudiayanselage Suranga Sampath: The Permanent Magistrate of Gampola, Mr. K.N.S. Dissanayake conducted an inquiry which included the statements of 23 police officers and 19 witnesses. The post mortem examination was carried out by Judicial Medical Officer Kandy. The investigation concludes that the clash occurred between two groups of young people and the police had to intervene. Subsequently, a crowd of 150 to 200 people gathered demanding the</p>	<p>information on the outcome of the criminal charges initiated and in relation to any decision of the granting of compensation to the victim's family.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>mortem was conducted in Kandy on 12 January 2004 after which the body was handed over to Suranga's family.</p>	<p>released of those taken into custody. The crowd started assaulting the police, throwing bricks, damaging private lorry and injuring police officers. The police had to fire at the crowd to break the unruly mob. The Magistrate, after the inquiry, concluded that the evidence did not disclose any criminal liability on any person.</p>	
Sri Lanka	<p>654. <u>Allegation</u>. 6 April 2004 Bellanavithanage Sanath Yasaratne, aged 22, from Gorakagahagodella, Bellana, Agalawatte, who was reportedly shot by the police from the Baduraliya Police Station on 22 February 2004. According to the information received, he was involved in a quarrel between some of his family members at his sister's house. A complaint was made and four police officers, led by Sub Inspector Dammika, came to the house to investigate this matter, but they reportedly found nobody. While returning to the police station, they recognized Bellanavithanage Sanath Yasaratne and began to interrogate him about the incident. He tried to escape when one of the officers, namely P.C. Suriyyarachi, began beating him with a baton. One of the other officers then fired two shots at him which made him fell to the ground. He died on the same day as a result of gun shot injuries while he was transferred from Wattaewa Hospital to the general hospital in Colombo for an operation. Indeed, the Judicial Medical Officer of Nagoda Hospital, who conducted a post-mortem</p>	<p>655. <u>Response</u> dated 29 November 2004. According to the Government, the Criminal Investigations Department (CID) commenced investigations after a complaint was made in this regard by the deceased's brother. The CID has already completed the investigations and judicial proceedings have been filed at the Magistrates Court Matugama when the investigation was completed against Reserved Police Constable Dandeniya of Baduraliya Police. Actions have been taken to initiate a disciplinary inquiry against the perpetrators. Witnesses have identified the perpetrators including reserved Police Constable Dandeniya as the person who allegedly shot the deceased. The Medical examination conducted by the Judicial Medical Officer Dr. Sunil Kumara of General Hospital, Kalutara confirmed that the cause of death was due to excessive bleeding following injury to the femoral artery of the left groin, caused by a discharge of a rifled weapon. Compensation to the victim's family</p>	<p>656. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving further information relating to the current judicial proceedings and in relation to the compensations granted to the victim's family.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	inquiry, confirmed the cause of his death. It is further alleged that no official legal inquiry has yet been held.	has to be decided by judicial authority.	
Sri Lanka	657. <u>Urgent appeal sent with the Special Rapporteur on torture, 8 July 2004</u> Koralaliyanage Palitha Tissa Kumara, (whose case was included in a joint urgent appeal sent with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on 3 May 2004). According to the new information received a fundamental case is now pending before the Supreme Court concerning his torture, illegal arrest and detention. However, the alleged perpetrator continues to work at the Wellipena Police Station. On 16 June 2004, Koralaliyanage Palitha Tissa Kumara was informed that he would receive 500,000 rupees from the police if he withdrew his complaint about the treatment he received while in custody. He also received another message according to which his wife and child would be crushed to death by a vehicle if the complaint was not withdrawn. On 4 July 2004, a police constable believed to belong to Wellipena Police Station went to his house and told his wife to withdraw their complaints against the police or they would not live very long. The NPC and the NHRC have been informed about these reported threats. In the light of these allegations and in view of the fact	658. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>that he was to appear for a number of inquiries in the coming days, concern were expressed for the the life of Koraliyanage Palitha Tissa Kumara and his family if immediate and adequate measures were not taken to guarantee their protection.</p>		
Sri Lanka	<p>659. <u>Urgent appeal sent with the Special Rapporteur on torture and Chairman Rapporteur of the Working Group on arbitrary detention, 8 July 2004</u> Mr. Jayasekara Vithanage Saman Priyankara, a 32-year-old poultry farm owner. According to the information received he was arrested on 5 January 2004 at his place by police officers in civilian clothes from Matale Police Station. At the time of his arrest, he was hit on the check and back. In Matale Police Station, boiling water was poured on his right thigh and genitals. He was kept in a cell for a whole night without being given food, water or other medication than some oil for his burns. On the following day, he was asked to leave the police station by the rear door and warned that he would be killed if he reported the incident or sought medical assistance. Although he first complied with these instructions, he went to Kandy General Hospital on 21 January 2004. He also filed a complaint with Kandy Police Station. On 31 January 2004, his statement was taken at Matale Police Station. A fundamental rights application was filed with the Supreme Court on 2 February 2004. On 7 July 2004, about ten policemen from Matale Police</p>	660. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Station went to his house and reportedly beat him severely. He was taken to Matale Police Station, where he is currently held. In view of these allegations, serious concerns were expressed for his life.</p>		
Sri Lanka	<p>661. <u>Allegation sent with the Special Rapporteur on torture, 13 July 2004</u> Mr. Dehiwatte Gedera Jayathilaka, a 45-year-old man from Golangala Village, Egodamulla, Devilla, Yatawatte. He was arrested on 9 March 2004 by police officers from Yatawatte Police Security Darrier led by a Sub Inspector (SI). He was accused of possessing illegal liquor and taken to Mahawela Police Station. Some hours later, his son went to the police station to pay the bail. Dehiwatte Gedera Jayathilaka told him that he had been severely assaulted while in custody and that he was suffering from severe pain. He died some hours after his release. His body was taken to Kandy Hospital, where a Judicial Medical Officer (JMO) certified that some ribs were broken and that bruises were found on his body. A complaint was made at the Mahawela Police Station but it reported that his statement was not properly recorded.</p> <p>662. Mr. Muthuthanthrige Chamal Ranjith Corrad, a 30-year-old man from Egodauyana, Moratuwa, and a labourer at timber sawmills in the area. He was arrested on suspicion of theft on 17 April 2004 and taken to Modera (Moratatuwa) Police</p>	<p>664. <u>Response dated 20 July 2004.</u> The Government of Sri Lanka informed that in order for the relevant authorities in Sri Lanka to conduct investigations, it would be necessary to receive full and correct information, such the full name of the sub-inspector known to the SR in the case of Dehiwatte Gedera Jayathilaka. Also in the case of Muthuthanthrige Chamal Ranjith Corrad, the Government of Sri Lanka would appreciate receiving the full name of "a man named Dinesh". The Government also requested a contact number or complaint number to be provided in the case of Senarath Hettiarchchilage Abeyasinghe. The Government requests this information as "there are inordinate delays simply to trace these cases without precise information".</p>	<p>665. The Special Rapporteur thanks the Government for its reply:</p>

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	<p>Post. At the police post he was subjected to severe torture before being handed over to Moratuwa Police Station, where he was severely beaten and kicked. On 18 April 2004, he was brought before a judge and transferred to Welikada Prison, where he was assaulted again. He did not receive medical treatment. He was released on bail on 19 April 2004. As he was in a critical condition, his relatives immediately took him to Panadura Government Hospital. However he died on the way. On the following day an autopsy was conducted at Panadura Government Hospital. According to the postmortem report, he died as a result of the assault. A man named Dinesh was taken to Mortuwa Police Station at the same time as Muthuthanthrige Chamal Ranjith Corrad. He reportedly witnessed the above-described assaults against and was himself subjected to a similar treatment. Concern has been expressed that Dinesh may be subjected to pressure to withdraw statements and to deny what he witnessed.</p> <p>663. Mr. Senarath Hettiarchchilage Abeyasinghe, aged 39. He was allegedly tortured by his colleagues at Trimcomalee Police Station and subsequently admitted to a hospital for treatment. He had made a statement to that effect to the National Human Rights Commission (NHRC). However, he died allegedly under suspicious circumstances on 17 May 2004. He was buried without an autopsy. On 23 June 2004, a judge</p>		

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	from Trincomalee ordered the exhumation of his body with a view to conducting a post-mortem inquiry on the causes of his death.		
Sri Lanka	<p>666. <u>Allegation</u>, 14 July 2004 Mr. Madugoda Ralalage Don Saman Priyantha Guneratna, a 29-year-old businessman, who was killed on 30 May 2004 by the officers from the Welipenna Police Station. He was shot dead with a T56 while returning home by car. The police claimed that they shot him because he did not follow their order to stop his car as he was transporting illicit timber. Eyewitnesses said that his vehicle was empty at that time. The two police officers were in civilian clothes and they were using a private motorcycle. They tried to escape after the shooting. The police had not recorded the testimonies of many eyewitnesses who had come forward to give evidence. The reason of the murder is that Sub Inspector Silva of the Welipenna Police Station at Kathutrara District, Sri Lanka, wanted revenge for the fact that he had earlier been refused several times by the murdered victim's fiancée. It is indeed reported that, on refusal, she was harassed by way of night visits and other unsolicited approaches by Mr. Silva. Despite complaints to the police against this behavior, no action has been taken. The above matters were brought to the attention of the inquiring magistrate, but the magistrate did not make any orders or observations on these matters.</p>	<p>667. <u>Response dated 2 December 2004</u>. The Special Investigation Unit of the Sri Lanka Police conducted an investigation into the death of Mr. Madugoda Ralalage Don Saman Priyantha Guneratne. According to the results of the investigations, Mr Madugoda Ralalage Don Saman Priyantha Guneratna was conducting his car when Sergeant N.D. Premasi Jayarathne and Police constable Vincent Wijerathne have ordered him to stop but he did not obey. The police then opened fire at his car. The victim died as the result the shots. The aforesaid police officers have been remanded and indictment has been filed against them under section 296 read with section 32 of the Penal Code. The trial started on 29 November 2004. In the statement made by the deceased's fiancée, Ms. Sunethra Malkanthi, she told the Sub-Inspector Silva had no connection with the murder.</p> <p>In view of the above, the Government claims that the fact that the inquiry was not conducted in a fair manner cannot be substantiated.</p>	<p>668. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving information relating to the outcome of the judicial proceedings against the incriminated police officer and in relation to any compensation granted to the victim's family.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>The Assistant Superintendent of Police (ASP), Mr. Kalutara is in charge of the collection of evidence at the inquiry but the victim's relatives said that the police inquiry was not conducted in a fair manner and on the contrary they were attempting to fabricate the facts to get a verdict of justifiable homicide.</p>		
Sri Lanka	<p>669. <u>Allegation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 21 July 2004</u> Mr. Aiyathurai Nadesan, a journalist who had been reporting to the Tamil daily, "Virakesari", International Broadcasting Corporation (IBC) and to some daily electronic media. On 24 May 2004, he was reportedly shot dead by unidentified gunmen believed to be members of the Sri Lankan intelligent service in Batticaloa, while he was going to work on his motorbike. Mr. Nadesan won the North East Sahithya Academy award for his book written in Tamil "History of Ethnic Strife". He also won the best Tamil journalist award in year 2000. He was one of the founder members of Sri Lanka Tamil Media Alliance (SLTMA) and held the post of Vice-President of this association. On 17 July 2001, Mr. Nadesan was interrogated by a military officer of the city of Batticaloa. The officer reminded him that he had to obey them and that he would be arrested if he continued to write critical articles against the military. No investigation had been conducted into his death at the time of writing this</p>	<p>671. <u>Response dated 29 November 2004</u> According to the Government of the Democratic Socialist Republic of Sri Lanka, the Criminal Investigations Department has initiated an investigation of the deaths of Mr. Aiyathurai Nadesan and Mr. Kumaravel Thambiah, as ordered by the Inspector General of Police. The investigations are in progress.</p>	<p>672. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving information relating to the outcome of the investigation.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>communication.</p> <p>670. Mr. Kumaravel Thambaiyah, a senior lecturer at the Eastern University was reportedly shot dead by members of the Sri Lanka intelligent agency, while he was at home in Batticaloa on 24 May 2004. No investigation has been conducted into his death till the filling of this report.</p>		
Sri Lanka	<p>673. <u>Urgent appeal sent with the Special Rapporteur on torture, 8 November 2004.</u> Hikkaduwa Liyanage Sandun Kumara, aged 17, and his mother, who reside at 16 Temple Road, Pitiwella, Boossa. They have been the subject of an urgent appeal by the Special Rapporteurs on torture, and extrajudicial, summary, or arbitrary executions (E/CN.4/2004/56/Add.1, para. 1512), for which no response has been received. According to recent information, the fundamental rights application by Hikkaduwa Liyanage Sandun Kumara against the police officers allegedly responsible of torture is scheduled to be heard on 10 December 2004 by the Supreme Court. It is reported that the threats on her son and family members have intensified by the perpetrators recently, who are pressuring the family to withdraw the case against them. In view of the allegations of torture and threats against Hikkaduwa Liyanage Sandun Kumara and his family, concern is express for their physical and mental integrity."Accordingly, we would be grateful for any information you may be</p>	674. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	able to provide as to steps taken to ensure that his life is not at risk as a result of these developments		
Sudan	675. <u>Urgent appeal, 3 July 2003</u> . See E/CN.4/2004/7/Add.1, parag. 544.	676. <u>Response dated 29 January 2004</u> . The Government of the Republic of Sudan informs that, due to the lack of evidence, the death sentences passed on by the Court of Kass, South Darfur on Mr Tibin Abdel Rahman Isaag, Mr. Alhadi Abaker Hammad, Mr. Mohamed Abdel Rahman Ibrahim, Mr. Essa Mohamed Adam and Mr. Mohamed Abdalla Yahya were annulled. The case was sent back to the Court and is under consideration.	677. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving further details on the outcome of the trial as well as receiving information concerning 4 others persons mentioned in the urgent appeal: Abaker Ahrran (m), Abader Adam Bakheet (m), Isaag Abaker (m), Saeed Abdella Abaker
Sudan	678. <u>Urgent appeal, 14 May 2003</u> . See E/CN.4/2004/7/Add.1, para. 541	679. <u>Response dated 29 January 2004</u> . The Government of the Republic of Sudan indicates that no death sentence was passed on Al-Taher Ahmed Hamandan, a fifteen year-old boy. The court in Nyala, South Darfur State decided that he should undergo reformatory arrangements. As to the other 25 men who were found guilty of killing thirty people, the death sentence passed on them has been pardoned by the blood relatives of the victims. Arrangements are now to be completed for registering this pardon before the Corut. The Government adds that the aforementioned information represents concrete steps taken by the competent	680. The Special Rapporteur thanks the Government for its reply.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		authorities in the Sudan in compliance with the provisions contained in the international legal instruments referred in the SR's letter.	
Sudan	<p>681. <u>Urgent appeal sent with the Special Rapporteur on torture</u>, 30 January 2004 Masar Ahmed Ishag, a 37-year-old nomad, Jali Adam Ahmed, an 18-year-old nomad from Kirokirro and Musa Hamid Ahmed, a 20-year-old man from Kirokirro who were arrested in February 2003 in Lawea village, initially detained at the police station in Lawea and transferred to Nyala prison on 8 February 2003. They were accused of killing a man from Omgldan village on 1 February 2003 and appeared before the Nyala criminal court in May 2003. They were not represented by a lawyer during the trial. On 3 November 2003, the court convicted them for murder under Article 130 of the Penal Code (1991) and sentenced them to death by hanging. According to the information received, they would now be at risk of imminent execution.</p> <p>682. Sanousi Alhaj Ismaeal, a 27-year-old merchant from Hey Alwihda was arrested on 30 August 2003 and detained at the Nyala Janoub (south) police station after he was accused of killing a man in Hey Alwihda on 18 August 2003. Police officers in Nyala Janoub reportedly tortured, beat and flogged him in order to extract a confession that he refused to give. The Nyala Criminal Court sentenced him to death by hanging</p>	683. <u>No response.</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>on 29 December 2003 after they convicted him for murder under Article 130 of the Penal Code (1991). According to the information received, he was not represented by a lawyer during his trial. He would now be at risk of imminent execution. On 31 May 2003, Mohamed Ishag Mohamed was convicted of armed robbery under article 168 of the Penal Code and sentenced to cross amputation by the Kass Court and that his appeal was later dismissed by the Supreme Court in Khartoum</p>		
Sudan	<p>684. <u>Urgent appeal sent with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women</u>, 4 March 2004. Alakor Lual Deng, from the Dinka ethnic group, who is reportedly at risk of being "executed by stoning" after she was convicted of "adultery" (Article 146 of the Penal Code which prohibits sexual intercourse in the absence of a lawful relationship) by the Criminal Court in Nahud in Western Kordofan State in July 2003. According to the information received, Alakor Lual Deng has four children with a man from Kordofan, whom she is not "formally" married to. In 2003, on the basis of her confession, she was convicted of committing adultery with another Dinka man, Bol Yak Akoon, with whom she had a child out of wedlock. It has been brought to our attention that Ms. Deng was not represented by a lawyer at her trial nor was she provided with a Dinka interpreter, even though the trial was conducted in</p>	685. <u>No response.</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Arabic. It was further reported that an appeal against her sentence was sent to the Supreme Court, which will decide shortly whether the sentence will be upheld or overturned. Alakor Lual Deng is now awaiting her sentence at the prison in El Obeid, Northern Kordofan State with her ten month old baby.</p>		
Sudan	<p>686. <u>Urgent appeal sent with the Special Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on torture and the Special Rapporteur on violence against women, 26 March 2004.</u> According to information received scores of civilians have been killed, women have been raped and dozens of villages burnt over the last few weeks by Janjawid militias in Dafur Sudan, and according to reports the incidents are continuing. It is reported that during an attack by the Janjawid on at least 10 villages in the Tawila district between Kabkabiya and Al-Fasher in Northern Darfur, between 27 and 29 February 2004, more than 80 people were killed and a number of school girls were raped. Furthermore in Western Darfur, on 6 March 2004, the Janjawid with three land-cruisers and some 60 men on horseback attacked al-Kureinik, a large village</p>	688. <u>No response.</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>east of al-Jeneina, swollen with refugees. They killed 15 villagers, all civilians, including a child. Two days later on 8 March 2004 three children were among twelve people killed in 'Aish Barra, a village west of al-Jeneina, near the Chad border. The conflict is reportedly spilling over into Chad as the Janjawid make cross border raids.</p> <p>According to the information received, they have killed more than 100 refugees and Chadians. On 7 March 2004, 35 armed men believed to be the Janjawid attacked border sites and killed one man in Ouendalou, wounded another in Absogo, and stole 100 head of cattle.</p> <p>687. Information received alleges that the government is encouraging the actions of the Janjawid to pursue what amounts to a strategy of forced displacement of the populations of the region. It is reported that the Janjawid attacking villages are accompanied by soldiers, and that some of the attacks have been by the Janjawid wearing army uniforms. Furthermore, it is reported that for the past year no member of the Janjawid has been arrested or brought to justice for participation in the attacks.</p>		
Sudan	<p>689. <u>Allegation, 3 Jun-04</u>. 168 people belonging to the Fur Tribe were reportedly arrested from 5 to 7 March 2004 by officers from military intelligence and Arab militia leaders (Janjaweed) and then summarily executed at security offices in Delajj, Wadi Salih province, Western Darfur State. According to the information received, the arrests</p>	691. <u>No response</u>	

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	<p>took place in the villages of Zaray, Fairgo, Tairgo and Kaskildo, all south of Garsilla, Wadi Salih province. Reports indicate that they were detained for alleged involvement with the Sudan Liberation Army (SLA). During their detention, the 168 people were subjected to torture before they were executed by firing squad. Among the people who were reportedly executed, the names of over 100 persons and the villages from whence they came were provided to the Government by the Special Rapporteur.</p> <p>690. It is further reported that 45 civilians were executed on 17 April 2004 by the armed forces and Janjaweed who attacked Hillat Ibraheam village near Kassar Bouram and also attacked Abu Ajoura village. The names of the persons that were executed were also provided to the Government by the Special Rapporteur.</p>		
Sweden	<p>692. <u>Urgent Appeal</u>, 14 July 2004. Abdelnasser Shloun, a stateless Palestinian whose deportation case was currently pending. Mr. Shloun was reportedly imprisoned in Israel after having confessed in 1989 under torture the murder of an Israeli policeman. Mr. Shloun was released in 1994 as part of the Oslo agreement. According to the Swedish Security Police, Mr. Shloun constitutes a security threat and for this reason, he should not be granted a permanent residence permit. Although there has not been any decision regarding the deportation of Mr. Shloun, the</p>	<p>693. Response dated 1 September 2004. Mr Shloun was granted a temporary residence permit in Sweden in March 2000, based on his connection to his Swedish wife. He entered Sweden in November 2000. In March 2001 his residence permit was extended until March 2002. Following Mr Shloun's submission of an application for a permanent residence permit in Sweden (based on his connection to his wife), the Swedish Security Service, in an opinion submitted to the Swedish Migration Board on 15 December</p>	<p>694. The Special Rapporteur thanks the Government for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>European Court of Human Rights which is considering Mr. Shloun's case, has decided on May 19, 2004 to demand the Government of Sweden not to expel the applicant in the interest of the parties and of the proper conduct of the proceedings before the Court.</p> <p>This decision was reportedly given considerable attention in the Swedish media. According to the information received, Mr. Shloun was subject to a death threat in Gavle, the town where he currently resides. On 3 June, as Mr. Shloun was walking, a car with three people (who seemed to be from the middle east) stopped in front of him and said in Arabic that they were going to kill him in case he would publicly talk about the Israeli security police. Mr. Shloun has demanded protection from the Swedish police which has reportedly advised him not to walk alone outdoors. In view of the seriousness of the allegations, fears were expressed for Mr. Shloun safety.</p>	<p>2003, recommended that his application should be rejected. In its opinion, which in part is confidential, the Security Service stated that its recommendation was based on security considerations.</p> <p>Following its receipt of the opinion of the Security Service, the Migration Board on 19 March 2004 referred the matter to the Government. In the course of the proceedings before the Government, however, Mr Shloun for the first time applied for asylum in Sweden. As a consequence, the Government decided on 1 July 2004 to refer Mr Shloun's application for a permanent residence permit to the Migration Board.</p> <p>In its decision the Government noted, <i>inter alia</i>, that the material before it was insufficient for it to be able to decide upon Mr Shloun's request for asylum. Holding that the relevant investigation should be undertaken by the authority responsible for considering applications for asylum at first instance, the Government therefore referred the matter to the Migration Board for further consideration. The matter remains pending before the Migration Board at the present time.</p> <p>During these proceedings Mr Shloun lodged</p>	

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		<p>an application with the European Court of Human Rights maintaining, <i>inter alia</i>, that a potential future decision on his expulsion from Sweden, if carried out, would constitute a violation of Articles 3 and 8 of the European Convention on Human Rights. In May 2004 the Court indicated to the Government that, in the event of a decision being taken to expel the applicant, it was desirable in the interests of the parties and the proper conduct of the proceedings before the Court not to expel the applicant from Sweden until further notice. In written observations submitted on 2 July 2004 the Government invited the Court to declare Mr Shloun's application inadmissible or, in the alternative, to strike it out of its list of cases. The Government has been informed that the Court will next examine the case at its session on 31 August 2004.</p> <p>On 10 June 2004 Mr Shloun reported to the police authority in the county of Gävleborg that he had been subjected to a death threat. Following his statements to the police, a preliminary criminal investigation was initiated. According to information provided to the Government by the police authority in the county of Gävleborg, the police officer in charge of the investigation immediately contacted the competent police authorities in</p>	

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		<p>order to obtain assistance in assessing the threat, which had reportedly been directed against Mr Shloun. Taking all available information into account the police concluded that Mr Shloun's situation was not such as to require that he be provided with specific police protection. The preliminary investigation is currently ongoing and the level of threat against Mr Shloun is continually being re-assessed.</p> <p>In conclusion, it may accordingly be observed that the matter of Mr Shloun's application for asylum in Sweden is currently pending before the Swedish Migration Board, as is his application to the European Court of Human Rights.</p>	
Syria Arab Republic	<p>695. <u>Allegation, 26 May 2004</u>. 40 Syrian Kurds, (among whom were many children), who were attending a football match on 12 March 2004, were killed by security forces, while over a hundred spectators were injured near the Turkish-Iraqi border in an operation where security forces made excessive use of force. Following this incident, clashes between Syrian Kurds and Syrian security forces broke out in different Kurdish cities, including Qameshli, Aleppo, al-Hassaka and Damascus. Hundreds of Kurdish men, including children, were arrested at their homes and were held incommunicado where concerns for their safety were expressed. In</p>	<p>696. <u>Response dated 16 September 2004</u> According to the Government of Syria, the persons in questions were arrested following disturbances that took place in the governorate of Hassakah. The vast majority of those arrested were released after questioning, while the remainders were referred to the competent court pursuant to the laws on riotous assembly, sabotage and damage to public property, and were tried for committing acts of sabotage against public institutions and installations. None of them was subjected to torture or ill-treatment and all the arrest, detention and trial procedures</p>	<p>697. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving information on the allegations (stated in his letter) according to which 40 Syrian Kurds were reportedly killed during this football match.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>addition, on 13 March 2004, the police attacked mourners attending the funerals of those killed. This led to two days of protests and rioting in various towns in north-eastern Syria, including al-Malikiya, al-Qahtaniya and 'Amouda. Hussein Nouri, aged 16 and Badry Shaheen, aged 6, were shot dead by the security forces that opened fire at protesters who were throwing stones at the Military Intelligence and State Security buildings in al-Malikiya.</p>	<p>were carried out in accordance with the process of law, as defined in laws and regulations wich do not conflict with human rights.</p>	
<p>Syrian Arab Republic</p>	<p>698. <u>Allegation sent wit the Special Rapporteur on torture</u>, 18 November 2004. Ahmad Ma'mu Kenjo, a 37-year-old Kurdish died on 3 August 2004 from a brain hemorrhage resulting from severe head injuries in Ras al-'Ayn, north-eastern Syria. It is alleged that Ahmad Ma'mu Kenjo was arrested on March 2004 without charges. He was detained incommunicado at an unknown location during April and May. The initial head wound-perpetrated by officers of Military Intelligence (al-Mukhabarat al-'Askariya) or of Political Security (al-Amn al-Siyassi)- was said to have caused severe head pains and serious brain damage- as a result of which he was released. He died at home.</p> <p>699. Ahmad Husayn Hasan (named in some reports as Ahmad Husayn Husayn) died in custody due to torture at the Military Intelligence Branch in al-Hasaka, also in north-eastern Syria on 1 or 2 August 2004. He had been detained incommunicado since his arrest on 13 July 2004.</p>	<p>700. <u>No response</u></p>	

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	<p>Ahmad Husayn Hasan was from al-Malikiye (known as Deyrek in Kurdish) near the borders with Iraq and Turkey Military Intelligence officers told Ahmad Husayn Hasan's family that his body was buried at Tel Ma'teb cemetery, without allowing anyone to see the body or to have a post-mortem conducted. Ahmad Husayn Hasan was never charged with an offence. He was a sympathizer of the Kurdish Democratic Union Party, an organization closely linked to the Kurdistan Workers' Party (PKK).</p>		
Tajikistan	<p>701. <u>Urgent appeal sent with the Special Rapporteur on torture, 5 March 2004.</u> Abduali Kurbanov, aged 44 was at risk of imminent execution following a death sentence imposed on March 2002, on the basis of a confession extracted under torture and without being offered an effective right of appeal. The Special Rapporteurs note that on 12 November 2003 the UN Human Rights Committee (see CCPR/C/79/D/1096/2002) found violations of Abduali Kurbanov's rights under the International Covenant on Civil and Political Rights. The Human Rights Committee further considered that he was entitled to an effective remedy entailing compensation and a new trial before an ordinary court.</p>	702. <u>No response</u>	
Tajikistan	<p>703. <u>Urgent appeal sent with the Special Rapporteur on torture, 27 April 2004.</u> Rachabmurod Chumayev, aged 25, Umed Idiyev, aged 23, Akbar Radzhabov, Mukharam</p>	704. <u>No response.</u>	

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	<p>Fatkhulloev, Ibrogim Khusseyenov, Todzhiddin Butayev, aged 26, Akhmaddzhon Saidov and Savriddin Pirov were reportedly at risk of imminent execution. According to the information received, the eight men, all reportedly members of an armed group, were sentenced to death in February 2003 on charges of terrorism, banditry, illegal possession of firearms, hostage-taking and murder.</p> <p>Rachabmurod Chumayev was detained by law enforcement officers on 22 June 2001 and kept in a police station in the central district of Dushanbe, where he was beaten with truncheons, and then electric shocks were allegedly applied to vulnerable parts of his body in order to force him to sign a confession. He was denied access to a lawyer for his first month in custody, and later given a state-appointed lawyer who did not present a strong defence case. According to the information received, Todzhiddin Butayev, Umed Idiyev, Ibrogim Khusseyenov, Akbar Radzhabov, and Akhmaddzhon Saidov were also tortured and ill-treated in pre-trial detention.</p> <p>On 17 November 2003, the Supreme Court turned down appeals against the death sentences of Rachabmurod Chumayev, Ibrogim Khusseyenov, Todzhiddin Butayev and Akbar Radzhabov. Reports indicate that, when relatives of Rachabmurod Chumayev and Ibrogim Khusseyenov went to the investigation-isolation</p>		

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	<p>prison no. 1 in Dushanbe on 25 April 2004, to leave parcels for them, they were informed by the guards that Rachabmurod Chumayev, Umed Idiyev, Akbar Radzhabov and Mukharam Fatkhulloev had been taken to the execution site the previous day. It is not known whether these four detainees have already been executed and it is further alleged that the other four could be executed at any time. Finally, complaints have been lodged with the United Nations Human Rights Committee (HRC) alleging violations of the International Covenant on Civil and Political Rights. The HRC had reportedly issued interim measures urging the authorities of Tajikistan to stay the executions of Rachabmurod Chumayev and Umed Idiyev on 22 January 2004 and 13 April 2004 respectively while it considered their cases. The Committee has also intervened on behalf of Todzhiddin Butayev and Ibrogim Khusseyinov. Moreover, the request for interim measures of protection has been reiterated by the HRC in a communication dated 26 April 2004.</p>		
Tajikistan	<p>705. <u>Urgent appeal sent with the Special Rapporteur on Torture, 14 May 2004.</u> Ibrogim Khusseyinov and Todzhiddin Butayev, aged 26, who are believed to be at risk of imminent execution following a death sentence imposed on the basis of a confession extracted under torture. An urgent appeal with respect to these men was sent on 27 April 2004, jointly by the Special Rapporteur on extrajudicial, summary or arbitrary</p>	707. <u>No response</u>	

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	<p>executions and the Special Rapporteur on torture. Moreover, the United Nations Human Rights Committee had reportedly issued interim measures urging the authorities of Tajikistan to stay the executions of Ibrogim Khusseyrov and Todzhiddin, as well as Rachabmurod Chumayev, Umed Idiyev, Butayev, and Savriddin Pirov, while it considered their cases.</p> <p>706. It has been reported that Rachabmurod Chumayev, Umed Idiyev, Akbar Radzhabov, and Mukharam Fatkhulloev, whose cases were also included in the same urgent appeal have since been executed. Akhmaddzhon Saidov and Savriddin Pirov, also included in the appeal, have had their death sentences commuted to imprisonment."</p>		
Thailand	<p>708. <u>Urgent appeal sent with Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and the Special Representative of the Secretary-General on the situation of human rights defenders, 17 March 2004.</u> Somchai Neelahphajit, Chairman of the Muslim Lawyers Association and human rights defender has reportedly been missing since 11 March 2004. According to the information received, Somchai Neelahphajit left his home in Bangkok on Thursday 11 March and has not been seen since.</p>	<p>709. <u>Response dated 30 March 2004.</u> The Royal Thai Government shares the concern over the disappearance of Mr. Neelphajit. His Excellency Prime Minister Thaksin Shinawatra informs that all necessary measures are taken and those responsible for Mr. Neelphajit's death will be brought to justice without exception and delay. Moreover, on 18 March 2004, an Independent Committee under the Chairman of the Director-General of the Department of Special Investigation, Ministry of Justice was established to ensure that full redress will be given to Mr. Neelaphajit. Three sub-</p>	<p>710. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving further information on the outcome of the investigation over the disappearance of Mr. Neelphajit.</p>

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	<p>He was due to attend a meeting at 9pm on Friday 12 March at the Chalina Hotel in Bang Kapi district and was also due to appear in court for a case in Narathiwat province on 15 March. According to the information received, prior to his alleged disappearance, Somchai Neelahphajit had received anonymous threatening phone calls, including one call from a senior member of the authorities informing him that he was on the top of the military blacklist. Fear were expressed for the safety of Somchai Neelahphajit and in particular, concern has been expressed that he may have been targeted for his human rights work, including his involvement in petitioning 50,000 signatures nationwide to call for an end to martial law in Southern Thailand as well as his work to defend Muslim suspects against terrorist and treason charges.</p>	<p>committees were also set up to assist the Committee: on information analysis, on forensic evidence and investigation. The Royal Thai Government stands ready to receive any information pertinent to this case.</p>	
Thailand	<p>711. <u>Urgent appeal, 1 April 2004.</u> The Special Rapporteur wrote to the Government in relation to the renewal of its law enforcement operations aimed at cracking down on the country's drug trade. The Special Rapporteur had already sent a communication in 2003 in relation with last year's 10-month period of this crackdown during which a significant number of people had been killed for which there was no thorough and independent investigation into their deaths and into allegations of the involvement of security forces in a number of cases. According to the information received, the new 90-day crackdown, which reportedly</p>	<p>712. <u>No response.</u></p>	

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	<p>started on 8 March 2004, is aiming at relapsed addicts, small-scale peddlers in Bangkok and other major cities, and wholesale traffickers along the border. Defence Minister Thammarak Isarangkura na Ayudhya reportedly stated that the operation would be tougher than last year. In view of the numerous reports of extrajudicial killings during the previous crackdown, fears were expressed about the use of excessive force resulting in extrajudicial killings in any renewed operations. The Special Rapporteur appealed to the Government to ensure that all allegations of extrajudicial executions be promptly, independently and thoroughly investigated. Besides, he appealed to the Government to ensure that law enforcement and security forces engaged in these operations carry out their duties in strict compliance with national and international human rights standards, and in particular that the strict limits on the use of lethal force, as stipulated under the United Nations Basic Principles on the Use of Force and Firearms by Law-enforcement Officials, are followed rigorously and without exception.</p>		
Thailand	<p>713. <u>Allegation, 5 May 2004.</u> According to the information received, more than 100 persons were killed by Thai security forces in the morning of 28 April 2004 in the provinces of Yala, Pattani and Songkla in Southern Thailand. Some 107 suspected assailants, the majority of which were between 15 and 20 years of age, and five security</p>	<p>714. <u>Response dated 6 May 2004.</u> The Permanent Secretary of the Ministry of Foreign Affairs has provided the following information regarding the 28 April 2004 incident: at 5h30 groups of militants numbering more than 200, launched coordinated attacks at 11 locations, mainly</p>	<p>716. The Special Rapporteur thanks the Government for its replies. He would appreciate receiving the conclusions of the independent fact-finding commission.</p>

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	<p>officers were killed after nine hours of violent clashes and exchange of fire. Approximately 15 persons were arrested. Thai police and military officials knew about the attack and that they were also aware about the fact that the assailants would be poorly armed, only carrying machetes. It is unclear whether all the dead were armed or involved with the alleged assailants, or if any unarmed civilian were killed, particularly when security forces stormed into the Kruesie Mosque in Pattani. While the deaths of some police officers make it clear that, in at least some cases, Thai security forces had the right to use force in self defense, they must nevertheless abide by the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Besidestimely and transparent investigations must be conducted into these incidents to prevent an atmosphere of impunity.</p>	<p>police and military bases and checkpoints in Yala, Pattani and Songkla provinces. In the ensuing clashes with security forces, 106 of the perpetrators were killed and 9 others arrested. As for the government security forces, 5 were killed and 22 wounded. The attackers were armed militant groups comprising well-trained youth. It is also believed that the intent of the recent attack was to seize weapons from government security force and to instigate instability in the wake of previous incidents in the three southern provinces. It is believed that the perpetrators were incited to resort to violence by indoctrination, drugs and money. According to the Government, the death toll is indeed unfortunate. But given the scale and intensity of these attacks, the Government had to take drastic measures to preserve public safety. The decision taken by security personnel was in the context of previous incidents and escalating violence which have already claimed the lives of hundreds of innocent civilians, both Buddhists and Muslims, in the three southern provinces. Specifically, with regard to the incident at Kresae Mosque which resulted in to the death of 32 of the attackers, it should be pointed out that the government security forces had exercised restraint and tried to resolve the situation peacefully. However, security forces</p>	

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		<p>were compelled to take drastic actions as militants opened fire to avoid further violence. The latest attacks have no connection whatsoever with international terrorism. They are not in any way related to sectarian and religious conflicts. The incidents in the three southern provinces are being engineered by those groups with vested interest in instigating instability and undermining the Government's authority for the purpose of furthering their own political and other objectives.</p> <p>The Thai Government also included in its reply a copy of the excerpt of the interview given on 28 April 2004 to the TV pool of Thailand by Mr. Sawat Sumulyasak, Grand Mufti and Chairman of the central Islam committee of Thailand.</p> <p>715. <u>Letter dated 1s June 2004</u>. The Minister of Foreign Affairs from the Royal Thai Government informed that an independent fact-finding commission on the Kresae Mosque to ensure fair and impartial investigation under the chairmanship of Mr. Suchinda Yongsunthorn, retired constitutional court judge. The 7 member commission (including Muslim representatives) will submit a report to the Government within one month. Moreover,</p>	

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		<p>representatives from 12 Muslim diplomatic and consular missions based in Thailand have visited the three provinces on 7-9 May 2004 to get first-hand information. The Thai Government does not have discriminating policy against Thai Muslims in the country.</p>	
Thailand	<p>717. <u>Allegation, sent with Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture, 29 October 2004.</u> The SR received information concerning the deaths of 87 persons following actions taken by Thai security forces on 25 October 2004 in Takbai, in the province of Narathiwat. According to the allegations received, on the morning of 25 October 2004, during a clash between 2,000 Muslim protesters and security forces in Narathiwat province's Takbai district, 9 people were killed by police officers. The protest occurred to demand the release of six detained Muslim security guards. Demonstrators allegedly threw stones at security forces and attempted to storm a police station. It is reported that police officers, after using water cannons and tear gas, fired among the protesters, killing six of them. Authorities claim that protesters were armed and that orders were given to fire in the air but failed to be respected. It is further alleged that three other protesters died during these events. The Special Rapporteurs have also received information concerning the death of 78 people in</p>	<p>718. Response dated 4 November 2004. The Royal Thai Government regrets that errors and misjudgments were made regarding the unfortunate incident on 25 October. On 2 November 2004, an independent commission of investigation (including representatives of the Muslim community) was appointed by H.E Prime Minister Thaksin Shinawatra and is headed by Mr. Pichet Soontornpipit. The Commission has been asked to report the result of the investigation to the Prime Minister within 30 days. The incident should be viewed on the context of increasing violence within the southern provinces since January 2004. The Royal Thai Government is committed to continue to resolve the problem in a peaceful manner and will do its utmost to prevent the recurrence of such events. As of 30 October 2004, 1,109 detainees have been released and 189 are still under investigation. The Government added that the incident on 25 October 2004 was not a matter involving religion and that Thailand has always been a peace-loving society.</p>	<p>720. The Special Rapporteur thanks the Government for its replies and has requested a copy of the report of the investigating Commission.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>police custody. It is reported that 1,300 people were arrested following the above mentioned protest and put into military trucks to be transferred to detention centres. Among those, 78 prisoners died, most of them of suffocation or dehydration during transportation that allegedly lasted five hours.</p>	<p>719. Response dated 18 January 2005: The Government transmitted a summary of the findings and recommendations of the Fact-finding commission in charge of investigating the 25 October 2004 incident. Among its findings the Commission established that: the number of weapons and the number of demonstrators who were armed were likely to be small; the measures taken by the authorities, which included the interception of incoming groups of people to prevent them from going to Tak Bai Police Station and the conduct of five to six rounds of negotiations with religious leaders and parents of the six detained members of the village security guard unit, were appropriate; the decision to use force to disperse the demonstrators was considered reasonable given the necessity dictated by the prevailing situation; however, the methods used were inappropriate, not being in conformity with established guidelines and international practice; since both the demonstrators and the officials suffered death and injury, it justice should be dispensed for all the parties concerned. As for allegations that demonstrators were shot at close range in the head, no indication has been found from post-mortems and forensic evidence that such shootings ever took place. The Commission found that the persons taken into custody were transported to</p>	

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		<p>Ingkayutthaboriharn Army Camp in a hurried and disorganised manner, which resulted in a large number of deaths in trucks at the rear end of the convoy. The Commission considers the commanding officers concerned to be badly lacking in judgment for having failed to supervise the transportation of persons in custody until its completion. The persons actually taken in custody and the injured were effectively taken care of in an appropriate manner. The Commander of the 5th Infantry Division who was ordered by the Fourth Army Area Commander to supervise the troops in dispersing the demonstrators and to be responsible for all tactical operations, failed to properly discharge and perform his duty assigned to him by his commander. The fourth Army Area Deputy Commander as well as the fourth Army Area Commander failed to properly discharge and perform their duty. However, these officials did not have the intention to cause deaths or injuries.</p> <p>The commission provides practical recommendations for future actions as well as remedial measures for the victims of the incident and their relatives. It also recommends that the Government prosecute the accused in an expeditious, just and fair manner in accordance with the due process of law. At the same time, the Governemnt</p>	

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		<p>indicates that it has adopted a number of social and economic measures to ease the tension in the Southern provinces to enable the people to live with safety and dignity. The situation still remains somewhat a matter of great concern and government officials as well as innocent citizens still continue to be victims of daily assaults, bombing attempts and attacks by those with ill intention. Nevertheless, the Government remains fully committed to the rule of law and the promotion and protection of human rights for all.</p>	
Thailand	<p>721. <u>Urgent appeal</u>, 18 November 2004. Montha Kuan, aged 27, and Sai Kuan, aged 35, two Cambodian citizens. They were reportedly convicted of drug possession and are at risk of imminent execution. According to the information received they were reportedly arrested on 7 October 1997 for drug possession and sentenced to death by the Lower Court on 3 April 2001. The death sentence was up-held by the Appeal Court on 6 May 2003, then by the Supreme Court on 13 August 2004. Montha Kuan and Sai Kuan are first time offenders.</p> <p>The Special Rapporteur asked the Government to consider taking whatever steps might be available under the Thai legal system, including a request for the granting of a commutation of sentence by His Majesty the King, in order to review these sentences. Under Thai law the imposition of the</p>	722. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>death penalty is discretionary for the crimes of which these two persons stand convicted. While several of the other crimes in this category, such as arson or bombing which lead to deaths, clearly fall within the internationally recognized category of the most serious crimes for which the death penalty might be considered, the crime in question here would not appear to fall into such a category. The SR raised this issue considering that the Government of Thailand has explicitly recognized that the death penalty should only be imposed 'for the most serious crimes and heinous offences'.</p>		
<p>The Former Yugoslav Republic of Macedonia</p>	<p>723. <u>Urgent Appeal sent with the Special Rapporteur on the promotion and protection of the right freedom of expression and the Special Representative of the Secretary-General on the situation of human rights defenders, 19 December 2003.</u> Mr. Zoran Bozinovski, a journalist known for his efforts to write on corruption and human rights abuses, allegedly received on 4 and 5 December 2003 threats against his life and the life of his two young daughters in response to his reports on corruption among officials in the Government and the judiciary. These threats are reported to originate from a Macedonian businessman allegedly linked to criminal gangs. Mr. Bozinovski reportedly filed a confidential complaint with the police on 4 December, including audio recordings of explicit death threats against himself and his daughters. Following his initial report to the police the same</p>	<p>724. <u>No response</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>person allegedly threatened him again on 5 December for having reported the earlier threats to the police. On 18 December the police allegedly informed Mr. Bozinovski that the person who had threatened him had been cautioned but no criminal charges had been filed against him. Mr. Bozinovski is reportedly very concerned that he and his family remain at risk. Reports indicate that Mr. Bozinovski was attacked on 24 September 2002 by three men armed with iron bars who broke into the offices of the Tumba radio station in Kumanovo. After the assault Mr. Bozinovski was taken to the hospital with severe head and hand injuries. At the time of the assault Mr. Bozinovski was reportedly investigating corruption involving the head of the Macedonian customs service. Reports indicate that the assailant sentenced for the 2002 attack was never imprisoned although the judgment was final.</p>		
<p>The Former Yugoslav Republic of Macedonia</p>	<p>725. <u>Allegation</u>. 10 May 2004: The Special Rapporteur expressed her appreciation to the Government of Macedonia for acknowledging its responsibility in the unlawful killings of six Pakistani and one Indian immigrants in 2002 by the Macedonian police in Ratanski Lozja. The SR called on the Government to carry out a thorough and impartial investigation, to bring to justice all those involved in the killings and to ensure that the victims' relatives receive adequate compensation.</p>	<p>726. <u>No response</u></p>	
<p>Togo</p>	<p>727. <u>Allégation envoyée avec le Rapporteur spécial</u></p>	<p>728. <u>Pas de réponse.</u></p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>sur la torture, 22 Juin 2004. Les Rapporteurs Spéciaux ont reçu des informations selon lesquelles Komi-Koumah Tengué, président du Comité de développement de Dzolo aurait été arrêté le 7 janvier 2004 à la demande du chef de canton de village pour avoir blessé un jeune homme du village lors d'une prétendue rixe avec celui-ci, et conduit par le brigadier chargé du poste de police de Dzolo au commissariat de Kévé. Selon les renseignements communiqués, cette arrestation aurait pu être motivée par la rancœur supposément nourrie par le chef de canton de village à l'encontre de Tengué suite à sa nomination en tant que Président du Comité de développement du village. Le 12 janvier, inquiète du fait que cette affaire n'ait pas été réglée par le chef de village habituellement compétent pour ce type de litiges, la famille de Komi-Koumah Tengué aurait demandé que le chef de canton de village reprenne le dossier. Le même jour, elle se serait rendue au commissariat de Kévé où elle aurait été informée du décès de Komi-Koumah Tengué. Les policiers auraient affirmé à la famille que le détenu avait été autorisé à aller puiser de l'eau dans une citerne située dans l'enceinte même du commissariat pour se laver, et qu'il s'était jeté volontairement dans la citerne et noyé, en dépit des efforts de policiers et de passants pour le sauver. Cependant, sa famille aurait constaté un nombre important de blessures sur tout son corps ne correspondant pas aux signes</p>		

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	<p>d'un décès par noyade. La famille de Komi-Koumah Tengué aurait alors porté plainte et réclamé une autopsie dont les résultats auraient été rendus publics le 26 janvier 2004. D'après le rapport d'expertise, Komi-Koumah Tengué ne se serait pas noyé et aurait trouvé la mort dans un état de choc aigu. Aucune enquête n'aurait été diligentée sur les causes de la mort de Komi-Koumah Tengué.</p> <p>Les Rapporteurs Spéciaux ont également été informés que dans le cadre de ses relations avec l'Union Européenne, le Togo aurait pris le 14 avril 2004 un certain nombre d'engagements, et en particulier ceux de garantir à tout moment l'absence d'exécutions extrajudiciaires, de torture, et d'autres actes dégradants sur le territoire togolais, y compris par la formation adéquate des cadres des forces de l'ordre et du système judiciaire (engagement 2.1), de faire sanctionner les responsables de tels actes et d'amender les textes en vigueur si nécessaire (engagement 2.6). Les Rapporteurs Spéciaux sauraient gré au Gouvernement du Togo de bien vouloir l'informer de toutes mesures prises en vue de la mise en oeuvre desdits engagements.</p>		
Tunisia	<p>729. <u>Allégation envoyée avec le Rapporteur spécial sur la torture, 25 Mars 2004.</u> Badreddine Ben Hassen Ben Mokhtar Reguii, 29 ans, de Mégrine, une banlieue proche de Tunis, serait décédé le 8 février 2004, au centre de détention de Bouchoucha (Le Bardo). Selon les informations</p>	730. <u>Pas de réponse.</u>	

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	<p>reçues, Badreddine Ben Hassen Ben Mokhtar Reguii aurait été arrêté pour un délit de droit commun le 2 février 2004. Il aurait auparavant purgé une peine de trois ans de prison ferme qui lui aurait été infligée dans une affaire liée au groupe islamiste " Al Ansar ". Le 9 février 2004, des agents de police auraient informé sa famille de son décès, alléguant qu'il s'agissait d'un suicide. Toutefois, des traces de violence auraient été constatées sur le corps du défunt et des craintes auraient été exprimées quant au fait que de mauvais traitements et à des actes de torture supposément subis en détention pourraient être la cause du décès.</p>		
Turkey	<p>731. <u>Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers, 23 May 2002.</u> See E/CN.4/2003/3/Add.1, parag 493.</p>	<p>732. Response dated 9 February 2004. An investigation was carried out the Public Prosecutor's Office in Diyarbakir upon the complaint of Mr. Salih Yilar. A lawsuit was filed against two policemen at the Diyarbakir Heavy Penal Court No1. An examination of Mr Yillar was carried out by the Forensic Institute, which revealed no traces of ill treatment or electric shocks. During the hearings, Mr. Yilar stated that the two policemen present were not the ones who took him in custody. The witnesses heard during the session stated that they had not witnessed the circumstances which had caused the injuries of the complainant. Therefore, the Court decided to acquit the accused on 31 October 2003. The decision</p>	<p>733. The Special Rapporteur thanks the Government for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		was endorsed and finalized on 10 November 2003.	
Turkey	<p>734. <u>Allegation sent with Special Rapporteur on violence against women, 28 April 2004.</u> The SR expressed concerns regarding the alleged lack of due diligence by local authorities in their duty to prevent the honor killing of Güldünya Tören, a 22-year-old Kurdish woman. According to information received, Güldünya Tören was raped by her paternal cousin in her village, Bitlis, and became pregnant as a result of this rape. Refusing to take her as a second wife, the perpetrator left the village. According to tribal traditions, Güldünya Tören was sentenced to death for being pregnant outside of marriage. The reports indicate that she sought police protection in Bitlis, but she was sent back to her family, who postponed her death until the birth of the child. Güldünya Tören was forced to leave her village and to go to Istanbul to live with her paternal uncle. Once her child was born, she was reportedly locked in a room and given a cable to hang herself. According to reports, she managed to run away and reached Sehremini Police Station where she allegedly asked for protection. However, Güldünya Tören was reportedly released into her uncle's custody. It is reported that on 25 February 2004, she was shot in hospital by her brother while recovering from her brother's earlier attempts to kill her. She then fell into a coma and her life was allegedly ended by the doctor's removal of her life</p>	<p>735. <u>Response dated 9 July 2004.</u> The Public Prosecutor's Office at Bakirköy (Istanbul) carried out an investigation concerning the death of Ms. Tören and filed a suit at the Bakirköy Heavy Penal Court. The case is underway. A separate investigation was initiated into the allegations concerning the public officials in relation with this case and is still pending.</p> <p>736. <u>Response dated 15 December 2004.</u> According to the inquiry made by the Directorate of Security at Bitlis, Ms. Tören did not apply, either orally or in writing, to any local or central offices of the Police Department in the city. Therefore, it should be underlined that (contrary to the information received by the Special Rapporteurs), Ms. Tören did not seek either police or gendarmerie protection in Bitlis. On 9 October 2003 at around 3:00 am, Ms Tören applied to the "Sehremini" Police Station in Fatih District, Istanbul, and stated that she was threatened with death by her uncle, Mr. Mehmet Tören. Ms. Tören was committed to the Women Social Care House of the Social Services Directorate General on the same day. In the meantime, her uncle was found and interrogated by the police. The Fatih</p>	<p>737. The Special Rapporteur thanks the Government for its reply. He notes that even if the victim did not make a formal request for police protection the act of reporting a death threat, and the subsequent events, would seem to impose an obligation of due diligence upon the Government. It is not evident from the information provided that such an obligation was satisfied. Under the circumstances the Special Rapporteur would appreciate more up to date information on the final steps referred to in the reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>sustaining equipment upon approval by her family. Güldünya Tören was declared dead on 27 February 2004.</p> <p>The Office of the Application of Women Rights of the Istanbul Bar Association reportedly filed a complaint with the Chief Prosecutor of Bakirkoy, in Istanbul. (File number: 2004/10268 dated 2 March 2004). However according to information received no progress has been made in investigating the lack of due diligence by the state in preventing this crime.</p> <p>Moreover, according to information received many other women in Turkey are under threats of communally sanctioned honor killings. The reports indicate that the current legislation, government policy and practice does not protect women against honor killings.</p>	<p>Public Prosecutor's Office was informed of the case and upon its instruction an inquiry dossier was prepared and submitted to the Office. On 5 February 2004, at the location where "Kuçukçekmece Doktor Sadik Ahmet" and "Güvercin" streets intersect, Ms Tören was shot in the leg by one of her brothers, Mr. Ferit Tören. Until before the incident, she had been accompanied by her other brother, Mr Irfan Tören, who had left her just before the shooting. Ms Tören was taken to the Doctor in Bakirköy district. In her interrogation, Ms Tören said she did not want to file a complaint about her brothers. She refused to give any information on the possible reasons of the incident. The police, however, upon inquiry, issued an arrest warrant for the two persons in questions. While the two persons were sought by the police, on 26 February 2004 at around 3:30 am, an unknown person entered into the hospital room of Ms Tören and shot her twice in the head. Despite the attempts of the duty officers at the hospital, the perpetrator escaped. Until before the incident, she had been accompanied by her uncle Mr Mehmet Tören, who had left the hospital room just before the shooting occurred. Ms Tören lost her life on 27 February 2004 at around 13:00 hours. Within the context of the police inquiry, it was established through ballistic</p>	

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		<p>examination that the two empty cartridges that were found in the hospital room and the one that was found in the area where the first shooting took place were all fired from the same pistol. The fugitive suspects were apprehended on 8 April 2004 with a pistol in their possession. The lawsuit filed against the alleged perpetrators of Ms. Tören's murder at the Bakirköy Heavy Penal Court (with registry number 2004/171) is pending. The next hearing of the trial will be held on 29 December 2004. As for the investigation which was initiated by the Bakirköy Public Prosecutor's Office against the police officers on grounds of omitting their duty, the relevant dossier is referred to the Istanbul Provincial Administrative Board for administrative inquiry in line with the relevant legislation. Having inquired the relevant doctors and other medical personnel, as well as security personnel, the administrative authorities concluded that the offence attributed to the accused is not substantiated and therefore, in line with Law No 4483 on the prosecution of public employees, there is no need to issue permission for opening of a judicial investigation. However, the decision is not final. According to the Law No 4483, the Public Prosecutor's Office and the complainants have the right to appeal the</p>	

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Turkey	<p>738. <u>Urgent appeal sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders, 25 May 2004.</u> Berfin Peyam, aged 12, and members of her family who have reportedly been receiving threats since she lodged a complaint that she had been severely beaten by police officers in Diyarbakir, southeast Turkey. Concerns have been expressed for their safety.</p> <p>According to the information received, Berfin Peyam was reportedly abducted from the street in Diyarbakir on 19 February 2004 by people carrying walkie-talkies, who blindfolded her and took her away in a car. They asked her where her sister was, and when she did not reply they reportedly punched her repeatedly in her mouth and knees, so that her mouth began to bleed heavily. She was then taken to a place which is believed to be the Anti-Terror Branch of Police Headquarters in Diyarbakir where she was given treatment for her mouth but then beaten again and threatened. She was released later that day.</p> <p>It has been brought to our attention that when Berfin Peyam applied to the local branch of the Human Rights Association (Insan Haklari Dernegi, IHD) she was unable to speak and had to write her complaint. Medical reports confirm these injuries. After the IHD lodged a complaint</p>	<p>739. <u>Response dated 14 July 2004.</u> The Government of Turkey indicates that a complaint was made by Ms Sabiha Peyam, mother of Berfin Peyam to the Public Prosecutor's Office in Diyarbakir. In her complaint, she stated that during her absence, her daughter Berfin Peyam, slipped into a coma. She allegedly told her mother that some police officers took her away and ill-treated her. Upon the complaint, an investigation was initiated. Testimonies of Ms Hülya Mutular, teacher of Berfin Peyam, Ms Emine Yüksel, schoolmate and the mother of Ms Yüksel were registered. The investigation revealed that there were contradictory remarks in the statements of Ms Berfin Peyam and that she could not submit any proof supporting her arguments.. A medical examination was carried out by the Forensic Medicine Institute on the demand of the Public Prosecutor's Office, which revealed that Ms Peyam had not been subjected to ill-treatment or physical violence. It was then established that the allegations were unfounded. Therefore, a decision of non-prosecution was adopted. Furthermore, the Public Prosecutor's Office decided that legal proceeding should be initiated against Ms Berfin Peyam on grounds of "simulation of infringement". The</p>	<p>740. The Special Rapporteur thanks the Government of Turkey for its reply.</p>

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	<p>on her behalf about the incident with the State Prosecutor, Berfin Peyam and her family, who were staying outside Diyarbakir city, received five or six phone calls from people who falsely identified themselves as IHD members, asking them to come to Diyarbakir. On 19 May, Berfin Peyam and her mother visited the office of the IHD to seek advice. The IHD sent a fax notifying a major human rights NGO about its concerns for the safety of Berfin Peyam and her family. Shortly after, Berfin Peyam received an anonymous call asking her why she applied to this NGO and telling her that it would be very bad for her now.</p>	<p>decision was communicated on 7 June 2004 and could be appealed at the Siverek Heavy Penal Court within 15 days.</p> <p>Another investigation was conducted by the Diyarbakir Governor's office upon the second application of Ms. Sabiba Peyam to the Human Rights Association that concluded Nevroz Peyam, son of Sabiha Peyam, was arrested while preparing for a violent attack to a police check point in Diyarbakir with a Molotov cocktail. He was referred to judicial authorities on 18 february 2004 and was arrested on the same day. Besides, on that same day Sabiha Peyam was among the persons released after having caused disorder and for chanting illegal slogans in front of the Courthouse to protest a court decision to detain three persons who were arrested for organizing illegal demonstration and throwing Molotov cocktail.</p>	
Turkey	<p>741. <u>Allegation, 6 October 2004.</u> On 28 May 2004, in the city of Adana, Siyar Perinçek and Nurettin Basçi were on a motorcycle when security officials in a Volkswagen car reportedly opened one door and knocked the motorcycle over. Nurettin Basçi ran away. Siyar Perinçek was shot by a plain clothes police officer at a close distance without any warning. He died in hospital on May 30 as a result of his bullet wound. His t-shirt - which would indicate from what range he had</p>	<p>742. <u>Response dated 15 December 2004:</u> According to the intelligence gathered by Turkish law enforcement agencies, at the Second General Assembly Meeting of the PKK/KONGRA-GEL terrorist organization held in Kandil Mountain, northern Iraq, it was decided that the armed wing of the organization, HPG (Halk Savunma Gücü- People Defence Force) would be operational, and thus the self-declared "so called truce"</p>	<p>743. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving further details on the trial against the police officer responsible for the shooting.</p>

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	<p>been shot at -was not available for examination to doctors carrying out his autopsy.</p> <p>According to the information received, a full investigation into the incident was asked to the authorities in June 2004. The official response was that the above mentioned incident occurred in the context of a “security operation” in the Adana region during which ammunition and guns had reportedly been seized, as well as plans for an armed action by Kurdish armed opposition group PKK/Kongra Gel uncovered. Siyar Perinçek and Nurettin Basçi were named as key suspects in a plot and it was suggested that the death of Siyar Perinçek had occurred during an armed clash with the security services.</p> <p>According to an independent investigation subsequently carried out, based on witnesses’ statements, there was no evidence of an armed clash having taken place at the location. Consequently, the state public prosecutor opened a case against one of the three for the “unintentional killing” of Siyar Perinçek.</p>	<p>would be broken by June, 1 st 2004. On the basis of this decision, the PKK/KONGRA-GEL terrorist organization ordered two of its militants two militants whose code names were “Little Siyar” and “Little Botan” to conduct bomb and armed attacks including governmental and civilian targets in Adana region. According to the investigation carried out, Siyar Perinçek was killed in an exchange of fire with the police who tried to stop him and his accomplice while they were on their motorcycle. The police officers immediately called an ambulance to have the wounded suspect hospitalized who died shortly afterwards. Police officers found a gun, a Baretta 9 mm, used by Siyar Perinçek, a magazine belonging to the gun, five cartridges one of which was ready to be fired and a hand grenade, on the scene of the crime. Mihdi Perinçek, the father of the deceased and the Diyarbakir representative of an NGO called the Human Rights Association (HRA), Hüseyin Göröl, on behalf of the Board of Governors of the abovementioned NGO and Sabri Karaman, another member of HRA filed a complaint at the Public Prosecutor’s Office against the police officers on 3 June 2004. The Public Prosecutor started an investigation on grounds of an unintentional killing on 16 July 2004, (No: 2004-23070). Following the</p>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>investigation the Public Prosecutor filed a lawsuit at the Heavy Penal Court No: 2 against the police officer who fired his gun during the operation on grounds of unintentional killing. The first hearing of the case was held on 4 October 2004, (No: 2004/142). Mihdi Perinçek and twenty lawyers participated in the hearing as interveners. The next hearing of the case will be held on 21 December 2004.</p> <p>An administrative investigation was also initiated against the police officer who fired his gun during the operation on grounds of unintentional killing on 27 September 2004; (No: 2004/E-231). The investigation is still pending.</p>	
Turkmenistan	<p>744. <u>Allegation sent with the Special Rapporteur on torture</u>, 18 Jun 2004, Amanmuhamedov Yklymov. His case was included together with the case of some other relatives in a communication transmitted by the Special Rapporteur on torture on 21 July 2003 (E/CN.4/2004/56/Add.1, para. 1789). It is reported that all contact with or news about Amanmuhamedov Yklymov stopped on 20 February 2003. He reportedly died as a result of torture in March 2003 while he was still in custody.</p> <p>745. Alexei Prokofiev was reportedly arrested on</p>	746. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>26 or 27 November 2002. He was allegedly suspected of having allowed Yklym Yklymov, the older brother of Amanmuhamedov Yklymov (see above) to hide at his home. Upon arrest, he was tortured in order to reveal Yklym Yklymov's whereabouts. Alexei Prokofiev reportedly died in custody in December 2002.</p>		
Uganda	<p>747. <u>Allegation sent with the Special Rapporteur on torture, 15 July 2004.</u> Patrick Mamenero Owomugisha, aged 25 was reportedly arrested on 20 July 2002 from his home in Kabale, near the Rwanda border, with his father, Mzee Denis Mamenero. Patrick Mamenero Owomugisha died a few days later in CMI custody of a "subdural haematoma" allegedly caused by a blunt instrument. At the time of his death, he was en route to the military hospital. The certificate of death was signed on 24 July 2002, by a doctor of Mulago Hospital. The CMI reportedly admitted that the detainee was hit by a CMI soldier on guard duty on 22 July 2002, but maintained that at the time Patrick Mamenero Owomugisha was trying to escape. The soldier was reportedly arrested and charged with murder on 22 October 2002 in the UPDF court martial. However, he was granted bail on medical grounds on advice to the Court of a doctor from Mbuya Military Hospital. It is also reported that the CMI paid the Mamenero family about one million Uganda shillings (U.S. \$ 503) as condolences. According to the information brought to the attention of the</p>	748. <u>No response</u>	

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	<p>Special Rapporteurs, the head of CMI faxed a statement that was read at the burial and which claimed that enemies of the Government entered the CMI offices and killed Patrick Mamenero Owomugisha. The Special Rapporteur has also been informed that the CMI interrogators questioned Mzee Denis Mamenero about a relative who was a former UPDF officer alleged by Ugandan authorities to be involved in forming the People's Redemption Army (PRA). He was allegedly denied permission to attend his son's burial.</p>		
Ukraine	<p>749. <u>Allegation</u>, 30 September 2003. See E/CN.4/2004/7/Add.1. Parag. 566-567.</p>	<p>750. <u>Response</u> fated 22 December 2003: The Ukrainian prosecuting authorities have charged O.B. Nazarenko and I.V Gusev with arson leading to the death of five members of the Fedorchenko family. The two men have been taken to court, where the proceedings against them are not yet complete. The search is on for the other persons accused of the aggravated arson of the Roma family's home- V.M. Nelapshy, V.M. Pancheco, A.M. Salimon, O.O. Pavlenko, O.A. Novokhato and P.V. Bondarenko. There is no proof of the participation of members of the militia or other State bodies, including the law enforcement agencies, in the arson attack on the home and the members of Y.I. Fedorchenko's family.</p>	<p>751. The Special Rapporteur thanks the Government for its reply.</p>
Ukraine	<p>752. <u>Allegation sent with Special Rapporteur on</u></p>	<p>753. <u>Response</u> dated 5 Jul2004.</p>	<p>754. The Special</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	<p>Torture, 18 June 2004. Mr. Sergey Berdyugin, aged 22, died on 1 November 2003, allegedly as a result of the treatment he was subjected to in custody at the District Department for Internal Affairs of Leninsky district and the Investigatory Isolation Ward of Nikolaev City, as well as the Investigatory Isolation Ward of Odessa, and in Odessa City Hospital No. 11. It is alleged that he was severely beaten and denied medical assistance. A forensic examination reported that the causes of death were anaemia of organs, retroperitoneal haematoma, a ruptured liver, and blunt abdominal trauma. Criminal proceedings in relation to his death, initiated in November 2003, are reportedly still open.</p>	<p>The Government of Ukraine informs that in September and October 2003, Mr. Berdyugin complained of stomach pains to the medical staff of remand centre No. 21 and received outpatient treatment. On 10 October 2003, he was transferred to the prison's hospital ward. When his health worsened, he was taken by ambulance on 15 October 2003 to the Odessa municipal hospital where, after undergoing two operations, he died on 1 November 2003. According to the findings of the forensic medical examination No. 409, which was conducted on 21 November 2003, Mr. Berdyugin died of a malignant tumor, with multiple metastases to the liver and diaphragm and areas of decay. There were no traces of physical injuries on the corpse.</p>	<p>Rapporteur thanks the Government for its reply</p>
<p>United Kingdom of Great Britain and Northern Ireland</p>	<p>755. <u>Letter sent on 11 May 2004.</u> The SR shared with the Government of the United Kingdom communications between her mandate and the United States of America as well as with the Permanent Representative of the Republic of Iraq in which there are specific allegations of extrajudicial executions and death in custody perpetrated by the UK Royal Military Police. (see full text of the letter under United States of America, para 786)</p>	<p>756. <u>Response dated 2 July 2004.</u> The Government of United Kingdom provides information regarding the death in custody of Mr. Rahdi Nama who was arrested by members of a British infantry regiment during a planned military operation and taken to a detention compound. In line with the military practice at the time, he was hooded at the initial stage of arrest only, practice which is according to the Government, acceptable under the terms of the Geneva Conventions. After his arrest, Mr. Nama was held at the detention compound for around two hours, after which time he collapsed. The</p>	<p>757. The Special Rapporteur thanks the Government for its reply.</p>

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
		<p>cause of death was certified by Iraqi medical staff as cardiac arrest and that there was no visible, external injuries on Mr. Nama's body. An investigation was initiated by the Special Investigation Branch (SIB) of the Royal Military Police which determines the conduct and scope of their investigations entirely independently from the chain of command. The SIB investigation concluded that Mr. Nama died of natural causes and there was therefore no crime to be investigated further. On 30 June 2003, the Area Claims Officer in Iraq received a claim for compensation with regard the Mr. Rama's death, which was repudiated later on the basis of the outcome of the Special Investigation Branch inquiry.</p> <p>According to the Government of the United Kingdom There have also been some criticism about the handling of this case, and the way in which family members were kept informed of any development. In an operational environment, it is not always straightforward to identify relatives of civilian casualties. The security situation often precludes proactive contact/meetings with the families, along with the difficulties of obtaining the services of a qualified interpreter. However, when possible, the SIB do try to provide families with updates. The ministry of Defence is currently considering how best to ensure it</p>	

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		does what it can to inform the relevant people in Iraq of the outcome of any investigations.	
United Kingdom of Great Britain and Northern Ireland	<p>758. <u>Letter sent with Special Rapporteur on the independence of judges and lawyers, 23 September 2004.</u> The Special Rapporteurs welcomed the Government's action in April 2004 to publish the 4 reports submitted by Justice Cory in October 2003 concerning the murders of Patrick Finucane, Rosemary Nelson and others. The Special Rapporteurs brought to the attention of the Government information concerning recent developments in the Patrick Finucane case whereby Mr. Ken Barrett pled guilty and was sentenced on 16 September for admitting to the murder of solicitor Patrick Finucane. Since the criminal proceedings in this case have now concluded, the Special Rapporteurs would like to take this opportunity to encourage the Government to commence a public inquiry without delay and liberally apply the terms of reference referred to in Justice Cory's report so there can be a full and open investigation into the allegations of state collusion regarding the death of Mr. Finucane. The Government made the decision to postpone the establishment of an inquiry due to ongoing criminal proceedings. However, in the case of Mr. Finucane the proceedings are now exhausted. The Special Rapporteurs asked the Government whether it intended to hold a public inquiry pursuant to the 1921 Tribunals of Inquiry (Evidence) Act and</p>	759. <u>No response</u>	

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
	what was the expected date of commencement.		
United Kingdom of Great Britain and Northern Ireland	<p>760. <u>Allegation sent with the Special Rapporteur on torture, 30 November 2004.</u> Ahmed Jabbar Karim, aged 16 years, and Iyyad Salem Hannoun. On 8 May 2003, they were arrested together with two other persons by five United Kingdom soldiers in Sa'ad Square, Basra, and taken to al-Jumhuri hospital. For one hour they were kicked and punched by the soldiers, after which they were taken to the Zubair bridge. They were stripped to their underwear and ordered at gun point to swim across the river. While two managed to cross the river and flee, Ahmed Jabbar Karim and Iyyad Salem Hannoun struggled because they could not swim. Ahmad Jabbar Karim drowned and Iyyad Salem Hannoun swam back. Ahmed Jabbar Karim's brother lodged a complaint at a police station on 9 May, where he was reportedly told by UK officials that they did not believe him. His father took Ahmed Jabbar Karim's body to the station the following day after it had been recovered from the river. An autopsy was reportedly carried out in late June 2003.</p> <p>761. Baha Dawood Salem al-Maliki, aged 26, Kifah Taha Moussa, aged 45, Baha Shehab, aged 45, Dhaher 'Abdallah 'Ali, aged 60, Mohand Dhaher 'Ali, aged 18, Jawad Kadhem, aged 35, Radeef Taha Muslim, aged 29, and Sattar, all employees of the Ibn al-Haythem Hotel, Basra.</p>	763. <u>Response dated 17 December 2004.</u> The Ambassador and Permanent Representative of the United Kingdom Mission to the Office of the United Nations and Other International Organisations at Geneva acknowledges the receipt of the communication sent by the Special Rapporteurs and informs that it has been forwarded to the appropriate authorities in London and endeavors to ensure that a prompt and full response will be provided.	

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	<p>On 14 September 2003, they were arrested by members of the Queen's Lancashire Regiment, who were searching for weapons in the hotel. Baha Dawood Salem was kicked and punched several times. The hotel staff were forced to sit on the floor of the ground floor bathroom and were kicked by soldiers. Jawad Kadhem was forced to sit on a Turkish toilet while a soldier flushed it on him. They were taken away to Camp Steven in al-Hakimya. At the camp they were forced to stand with their backs against a wall, arms outstretched and feet away from the wall. They were kicked on their bodies, including the abdomen and chest. After several hours the men were allowed to sit down against the wall with their arms outstretched. They were kicked whenever their arms dropped. Water was poured over Kifah Taha Moussa when he fainted. One soldier forced him to smell a cotton ball soaked with petrol while he held a lit lighter in the other hand. The hotel staff were given names of football players and threatened them with beatings if they did not remember them. Jawad Kadhem was forced to lie on the ground with soldiers sitting on his back. Later another soldier forced them to dance. About two days later, they were transferred to Camp Bucca. Kifah Taha Moussa was taken first to the camp medical centre and then by helicopter to the military hospital in al-Shu'aiba prison near Zubair for further treatment. He was kept there until 19 November and released without charge. A medical</p>		

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	<p>report from the military hospital, dated 17 September 2003, stated that he was suffering from kidney failure, and appeared to have been assaulted with bruising to his abdomen, chest, left forearm and left thigh. Radeef Taha Muslim received treatment there for his injuries and remained there for one week. Mohand Dhaher 'Ali, Sattar and Baha Shehab were released on 31 October 2003. Jawad Kadhem was released in November 2003. Baha Dawood Salem died in custody on 17 September. When his father went to the military hospital in al-Shu'aiba, he observed that Baha Dawood Salem's nose was broken and the skin on his forehead was torn away. Bruising was visible on his chest, abdomen and legs. The death certificate of 21 September indicated that the cause of death was cardio-respiratory arrest and asphyxia. Compensation for \$3000, was reportedly accepted by the family, however a further \$5000 payment without an admission of guilt was declined. No further information on investigations into the treatment of the above-mentioned persons is available.</p> <p>762. 'Abd al-Jabbar Moussa 'Ali, aged 53, and his son Bashar, al-Jumhuriya, Basra. On 13 May 2003, they were kicked and beaten by UK soldiers stationed at the al-Jubaila base, who searched their home for weapons. They were blindfolded and taken away to the base, where plastic sacks were put over their heads and they were</p>		

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	<p>repeatedly punched and kicked. Bashar was taken to a military base in al-Hakmiya and transferred the next day to Um Qasr. On 14 and 15 May, officials at the base denied any knowledge when a relative went there enquiring about the whereabouts of the two men. On 16 May, the third attempt to obtain information, the family was informed that ‘Abd al-Jabbar Moussa ‘Ali had died hours after his arrest. The death certificate issued by the Teaching Hospital’s indicated that the death was caused by a “sudden stopping of the heart”, but it was reported that injuries were visible on the arms, legs and chest. Bashar was released a few days later. An investigation was reportedly discontinued after the family denied a request for an autopsy on religious grounds.</p>		
United States of America	<p>764. <u>Allegation 12 May 2003</u>. See E/CN.4/2004/7/Add.1 Para. 579.</p>	<p>765. Response dated 8 April-04. In relation to the allegations regarding the ongoing military operations of the United States in its role as an occupying power in Iraq, the Government of the United States of America respectfully submits that inquiries related to military operations in Iraq do not fall in the mandate of the Special Rapporteur, which does not extend to the laws and customs of war. Although as noted above, the issues raised and assertions contained in the letters do not fall within the Special Rapporteur’s mandate, the US is providing this reply in order to correct the record. U.S. Military Personnel operate under the Rules of Engagement that</p>	<p>766. The Special Rapporteur has rebutted the legal issues adduced by the Government in his annual report (see E/CN.4/2005/7).</p>

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		protect American servicemen and women in accomplishing their mission, while also ensuring appropriate protection for the protection for the civilian population. The Rules of Engagement in effect in Iraq are carefully drafted and comply fully with the law of war.	
United States of America	767. <u>Urgent appeal, 19 December 2003.</u> Darnell Williams whose case was subject to a previous urgent appeal sent on 11 July 2003 (Ref: G/SO 214 (33/21) G/SO 214 (3-3-10) USA 38/2003). Mr Williams was sentenced to death for the murder of two persons during the course of a robbery in 1986. According to new information received, recent DNA testing supports Mr. Williams' claim that he was not present when the killing occurred. The results of these tests, released on 12 December 2003, reportedly support the claim that the blood did not come from the victims as the jury was reportedly led to believe. Governor Frank o'Bannon stopped Mr. Williams' scheduled execution date of 1 August 2003, in order to allow modern DNA testing on the blood that was the only evidence presented by the State of Indiana during the trial that actually placed Mr. Williams in the room at the time of the murders. Despite these developments, a spokesperson for the Attorney General reportedly said the the State of Indiana would continue to pursue Mr. Williams' execution.	768. <u>No response</u>	
United States	769. <u>Urgent appeal, 01 December 2003.</u> Kevin Lee	770. <u>No response</u>	

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of America	<p>Zimmerman who was scheduled to be executed in Texas on 10 December 2003. He was sentenced to death in Jun 1990 for the murder of Gilbert Hooks in October 1987. In July 1989, a fifth attorney was appointed to represent Zimmerman at his capital trial. All previously appointed lawyers withdrew from the case without having properly worked on it. Indeed, the lawyers failed to have Zimmerman evaluated for his mental competency to stand trial even though there was evidence that he might not be able to assist in his own defence. Besides, no mention was made to the court of his family background and of his history of mental problems which began after a serious bicycle accident at the age of 11, as a result of which he had a plate put in his head., as a result of which his personality and behaviour changed. The lawyers also failed to present expert psychiatric evidence to present at mitigation evidence against the death penalty.</p>		
United States of America	<p>771. <u>Urgent appeal</u>, 8 January 2004 Scott Louis Panetti was scheduled to be executed in Texas on 5 February 2004. He was sentenced to death in 1995 for killing his parents-in-law in 1992 although he had a long history of serious mental illness, including schizophrenia. According to the information received, after the killing, he said that an auditory hallucination controlled him at the time of the crime. Due to the severity of this diagnosis, two hearings were needed in 1994 to conclude whether he was competent to stand trial. Despite the fact that the psychiatrist who testified</p>	772. <u>No response</u>	

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	<p>for the prosecution agreed with the previous diagnoses of schizophrenia, and that his delusional thinking could interfere with his communications with his legal counsel, particularly under situations of stress such as in a courtroom the jury reportedly concluded that he was competent to stand trial. Panetti then waived his right to counsel, and the case went to trial in September 1995 with the defendant acting as his own lawyer. Panetti did not present any mitigating evidence as he could not understand the proceeding. It was alleged that he wanted to subpoena Jesus Christ, JFK, actors, actresses, and people who had died. He was further evaluated in 1997 as suffering from schizoaffective disorder (a combination of schizophrenia and manic depression). This expert stated that Panetti's 'decision to waive his own counsel was under the influence of persecutory delusions, and his ability to represent himself in court was substantially impaired by disturbances in his thought processes'. The psychiatrist further concluded that he was not competent to stand trial. Besides according to the lawyer who was appointed as Panetti's stand-by counsel, the "trial was truly a judicial farce, and a mockery of self-representation".</p>		
United States of America	773. Urgent appeal, 22 January 2004. Kevin Cooper was scheduled to be executed in California on 10 February 2004. He was sentenced to death in 1985 for a quadruple murder	774. <u>No response</u>	

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	<p>of a whole family that he hacked to death in their home in Chino Hills, outside Los Angeles. Joshua Ryen, aged eight, was wounded in the attack, but survived. The brutality of the crime reportedly led to intense pressure on the authorities to resolve the case. Kevin Cooper was arrested several weeks after the crime. He had escaped from a minimum security prison on 2 June and was hiding in an empty house near the Ryers' residence for two nights before the crime. He reportedly became the focus of public hatred. The Special Rapporteur expressed concerns that there were questions surrounding the evidence that did link Cooper to the crime. Among the substantial amounts of blood at the crime scene a single spot from someone other than the victims was reportedly found. Initial testing on this blood spot was allegedly inconclusive, but Cooper gave blood following his arrest and the criminologist allegedly testified that his blood matched that from the blood spot. No independent verification was reportedly possible because the blood spot was allegedly used up by the testing.</p> <p>A T-shirt found near the crime scene allegedly had spots of blood on it but testing did not reportedly reveal this to be consistent with Cooper's blood. He also claimed that this shirt was not his. A DNA testing was carried out on the shirt and the blood was shown to be Cooper's, although testing of the sweat was inconclusive. According to the information received, further test</p>		

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	<p>were sought on the blood spot to determine if there was a laboratory preservative in it and if it was therefore planted after the crime. Concerns have been expressed that, at the sentencing phase, the jury was reportedly provided with almost none of the available mitigating evidence in a fifteen minute presentation by the trial lawyer. Nevertheless, the jurors took five days to decide of the sentence due to remaining doubt about Kevin Cooper's guilt.</p>		
United States of America	<p>775. <u>Urgent appeal, 05 February 2004</u>. Edward Brian Capetillo is scheduled to be executed in Texas on 30 March 2004. He was sentenced to death in 1996 for the murder in 1995 of Kimberly Williamson, a 20-year-old white woman although he was 17 at the time of the crime. On 26 January 2004, the US Supreme Court agreed to revisit its 1989 decision in which it ruled that people who were 16 or 17 at the time of the crimes could be executed. Thus, Capetillo's lawyer filed a motion in a Texas trial court seeking a stay of execution pending the Supreme Court's ruling on this issue, expected in 2005. However, reports indicate that, on 29 January 2004, the judge rejected the appeal.</p>	776. <u>No response</u>	
United States of America	<p>777. <u>Urgent appeal, 19 February 2004</u> George Franklin Page, a former soldier is scheduled to be executed on 27 February 2004 for the murder of Stephen Amos, in 1995. According to the information received, on the morning of 27 February 1995, police officers were called to the</p>	778. <u>No response</u>	

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	<p>scene of a shooting in Winston-Salem. Upon their arrival, George Page had fired several shots from the window of his apartment, one of which ricocheted fatally wounding Police Officer Amos. Mr. Page then requested to speak with his psychiatrist, under whose treatment he had been for various mental disorders as he said at the time of the shooting that he was surrounded by soldiers who were shooting at him, a possible sign of a Post Traumatic Stress Disorder (PTSD) flashback, which followed his involvement in the Viet nam War as member of the military. Indeed, his mental health records reportedly indicate mental problems, suicide attempts and treatment for major depression. Concerns have been expressed that, at the sentencing phase of his trial, the jury was not provided with full information on his serious mental problems.</p>		
<p>United States of America</p>	<p>779. <u>Urgent appeal, 26 April 2004</u> James Lee Clark, aged 34, who was reportedly scheduled to be executed in Texas on 27 April 2004. He was sentenced to death in May 1994 for the rape and murder of 17-year-old Shari Catherine Crews in June 1993. According to the information received, James Lee Clark's November 2002 execution date was stayed by the Texas Court of Criminal Appeals following a claim that he had mental retardation. His case was therefore remanded to the trial court for resolution of his mental retardation claim. It has been brought to my attention that two experts concluded that he had</p>	<p>780. <u>No response</u></p>	

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	<p>mental retardation and should be exempted from execution under the Atkins v. Virginia decision. These findings were challenged by the prosecution who hired another psychologist who concluded that Mr. Clark did not have mental retardation and was faking it to avoid execution. A hearing was subsequently held in August and September 2003, during which James Lee Clark was present. In November 2003, the judge concluded that the defendant did not fall within the classification of mentally retarded capital offenders, who are exempt from the death penalty under Atkins. The Texas Court of Criminal Appeals reportedly upheld the judge's findings on 3 March 2004.</p> <p>In addition, reports indicate that at his original trial, his lawyers made minimal effort to persuade the jury to spare him from the death penalty. They did not allegedly presented available mitigating evidence. For instance, it is alleged that the jury was presented with no details of Clark's troubled background, including his being abandoned by both his parents by the time he was 15.</p>		
United States of America	<p>781. <u>Urgent appeal, 28 April 2004</u>. Kelsey Patterson who was reportedly scheduled to be executed in Texas on 18 May 2004. He was sentenced to death in 1993 for the 1992 murder of Louis Oates and Dorothy Harris. It is reported that he has long suffered from paranoid schizophrenia. He was reportedly first diagnosed with this brain disorder in 1981. It is alleged that his family had</p>	782. <u>No response.</u>	

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	<p>tried unsuccessfully to get treatment for him prior to his crime. In 2000, a federal judge noted that Mr Patterson had no motive for the killings, underlining that he claims he commits acts involuntarily and outside forces control him through implants in his brain and body. Patterson has consistently maintained he is a victim of an elaborate conspiracy which his lawyers and doctors are part. He has reportedly refused to be examined by mental health professionals since 1984 and refuses to acknowledge that his lawyers represent him.</p> <p>At the competency hearing, the State's witnesses included Drs Quijano and Grigson who had reportedly not examined Mr Patterson but who testified, on the basis of information provided by the state, that he was competent to stand trial. Both agreed that he was mentally ill and suffering from paranoid schizophrenia. However, it is reported that, at a post-conviction evidentiary hearing in December 1997 and January 1998, Dr Quijano stated that, had he been aware of facts now apparent, he would have recommended that the competency issue be revisited. It is further reported that Dr Grigson was expelled two years later from the American Psychiatric Association for unethical conduct as a direct result of his unscientific testimony in death penalty cases. According to the information received, Mr Patterson's behaviour at his competency hearing, as well as at the trial itself, when he repeatedly</p>		

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	interrupted proceedings to offer confused narrative about his implanted devices and other aspects of the conspiracy against him, provided compelling evidence that his delusions did not allow him a rational understanding of what was going on or his ability to consult with his lawyers. However, a jury found him competent to stand trial. .		
United States of America	783. <u>Urgent appeal sent with Special Rapporteur on the situation of human rights of migrants and the Special Rapporteur on the independence of judges and lawyers, 29 April 2004.</u> Osvaldo Netzahualcóyotl Torres Aguilera, a Mexican national aged 29, who was reportedly scheduled to be executed in Oklahoma on 18 May 2004. He was sentenced to death in 1996 for the 1993 murders of Maria Yanez and her husband Francisco Morales. Osvaldo Torres' execution date remains set despite the International Court of Justice (ICJ) ruling in the case of Avena and other Mexican Nationals (31 March 2004, General List No. 128), a lawsuit brought by Mexico on behalf of its nationals arrested, allegedly denied their consular rights, and sentenced to death in the United States of America. The ICJ ruled that the United States of America had breached its international obligations under the Vienna Convention on Consular Relations (VCCR) and that it must provide effective judicial review and reconsideration of the impact of the violations on the cases of the foreign nationals involved. The	784. <u>No response</u>	

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	<p>means for review and reconsideration are to be determined by the United States of America; however, the ICJ further noted that the clemency process was not a satisfactory forum. Osvaldo Torres is reportedly due to have a clemency hearing before the Oklahoma Pardon and Parole Board on 7 May 2004.</p> <p>It is noteworthy that in Osvaldo Torres case the ICJ found that the United States of America had violated all of its various obligations under Article 36 of the VCCR, including Mexico's right to be able to assist with his legal representation. The ICJ noted with "great concern" that an execution date had been set for Osvaldo Torres, whose appeals in the domestic courts have been exhausted.</p> <p>According to the information received, at the time of his arrest, Osvaldo Torres was 18-years old, without a lawyer and had had minimal contact with the US criminal justice system. He was reportedly registered with the immigration authorities as a resident alien, which would have become known to the police when they conducted a routine background check on him upon his arrest. Despite this, the authorities allegedly never informed him of his rights under the VCCR. Osvaldo Torres was represented by a court-appointed lawyer (but his lawyer allegedly failed to raise this issue at the trial or appeal stage) and he was already convicted and sentenced to death before the Mexican authorities learned of the case</p>		

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	<p>in 1996 when his family contacted the Mexican consulate for help. It is alleged that timely assistance from the Mexican consulate could have prevented the imposition of the death penalty, either by persuading the prosecutor not to seek a death sentence or by assisting the defence at the trial.</p> <p>Oswaldo Torres was arrested along with George Ochoa and tried jointly on charges of first degree burglary and first degree murder with malice aforethought. On this latter charge, the prosecution had to prove beyond a reasonable doubt that each defendant intended to kill the victims. According to our information, one of the state's witnesses, a 15-year-old girl, testified that she had seen a man with a gun in the company of Mr. George Ochoa before the crime. However, the gun she described at trial was never found and was not the weapon used in the murders. This witness has since recanted her testimony and said that she was coerced by the prosecution into saying that she saw a gun. Despite her affidavit, the Oklahoma Court of Criminal Appeals relied upon her trial testimony in upholding Oswaldo Torres' conviction for first degree murder with malice aforethought. The 10th Circuit Court of Appeals has in turn upheld the conviction and death sentence, despite acknowledging that the evidence against Mr. Torres is "susceptible to interpretation.</p>		
United States	785. Communication sent on 11 May 2004. The	786. No response	787. Copy sent also to

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of America	<p>Special Rapporteur shared with the Government of the United Kingdom communications between her mandate and the United States of America as well as with the Permanent Representative of the Republic of Iraq in which there are specific allegations of extrajudicial executions and deaths in custody perpetrated by the UK Royal Military Police.</p> <p>The Special Rapporteur referred to three communications dated 12, 20 May and 20 October sent to the Coalition Forces as well as to the permanent Representative of the Republic of Iraq which give an account of extrajudicial executions committed by members of the coalition forces. While the Special Rapporteur took note of the US communication dated 5 April 2004 and acknowledge the US position with regard to the terms of her mandate, she stressed that it falls within her responsibility to communicate to governments the reports which she have received where it appears that civilians' lives have not been respected.</p> <p>The Special Rapporteur expressed concerns at growing indications according to which, in addition to extrajudicial killings committed by the coalition forces through disproportionate use of force, there are a number of deaths in custody which have occurred as a result of degrading and humiliating forms of torture.</p> <p>The Special Rapporteur requested that the Government sends her an exhaustive list of all</p>		United Kingdom

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	deaths in custody and extrajudicial executions perpetrated in Iraq by members of the coalition forces along with the investigations.		
United States of America	788. <u>Urgent appeal sent with the Special Rapporteur on torture, 27 May 2004.</u> 22 ethnic-Uighurs of Chinese nationality held at Camp 4 at the military base in Guantánamo Bay, Cuba, and were at risk of imminent forcible return to China. The detainees were captured in the context of the armed conflict in Afghanistan and transferred to United States custody around January 2002. A Chinese government delegation visited Guantánamo in September 2002 and participated in interrogations of the ethnic-Uighur detainees. They were subjected to intimidation and threats, and to “stress and duress” techniques such as environmental manipulation, forced sitting for many hours, and sleep deprivation, some of which were carried out on the instruction of the Chinese delegation. Concern were expressed that should these detainees be returned to China, they may be at risk of execution.	789. <u>No response</u>	
United States of America	790. <u>Urgent appeal sent on 30 November 2004.</u> Mr. George Banks, a 62-year-old black man who is reportedly scheduled to be executed in Pennsylvania on 2 December 2004. He was sentenced to death in 1983 for the murder of 12 people in 1982, and received a life prison sentence for a 13 th murder. To the extent that he can be classified, on the basis of the facts described below, as mentally insane, his execution would be	791. <u>No response</u>	

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	<p>in violation of the international legal norms which the Special Rapporteur has been mandated to bring to the attention of Governments. It is reported that he has exhibited signs of mental illness for most of his life, including at the time of the crime as well as during the trial and his mental condition is reported to have deteriorated over the 20 years he has spent on death row.</p> <p>According to the information received, on 25 September 1982, George Banks killed 13 people in Wilkes-Barre, using an assault rifle. The victims were seven children, five of them his own, as well as his three live-in girlfriends, an ex-girlfriend, her mother and a bystander in the street. Following the shootings, the police reportedly found Mr. Banks barricaded in a friend's house. Although apparently having only a limited recollection of events, he reportedly told the police that he had killed his children to spare them from the racism he had experienced as a child. From 1976, he reportedly became convinced that a race war was imminent and began accumulating supplies in remote mountain locations and bought a military assault rifle, the weapon he would later use during the killings. He took a job as a prison guard in 1980 but was released of duty on 6 September 1982, not long before the shootings occurred, after he told fellow workers that he wanted to commit suicide. Reports indicate that he was then diagnosed as depressed and suicidal and prescribed medication.</p>		

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	<p>Mr. Banks was diagnosed with paranoid psychosis, a chronic, rare and severe mental illness characterized by fixed delusional beliefs. In his case, the fixed delusions would involve racial persecution, violence and racial conspiracies. Diagnostic categories have reportedly changed since and the most similar diagnosis now would be something similar to a delusional disorder. In the course of pre-trial proceedings, George Banks was examined by psychiatrists who raised evidence that he was incompetent to stand trial. Besides, during his trial, the defence testimony "presented a profile of a disturbed and paranoid man" and both prosecution and defence experts reportedly agreed that Mr. Banks suffered from a "serious mental defect," specifically, "paranoia psychosis". Reports indicate that the psychiatrists for the defence and prosecution agreed that he suffered from mental illness, but reportedly disagreed whether he had been able to distinguish between right and wrong at the time of the shootings. According to the information received, George Banks consistently refused to cooperate with his trial lawyer in the preparation of an insanity defence because he insisted on presenting a claim of innocence or partial innocence alleging in court that there was a conspiracy, which included the prosecutor, the judge, the coroner and police, to frame him for some of the murders and claiming that some of the victims were killed by the police.</p>		

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	<p>It is further reported that a state psychiatrist testified that George Banks was psychotic and delusional when he insisted on cross-examining witnesses, despite the objection of his lawyer. Finally, George Banks has made several suicide attempts and threats of suicide since he was sent on death row. He has been diagnosed as suffering from various mental illnesses over the years, including paranoid schizophrenia, depression, schizoaffective disorder, as well as personality disorders and has been prescribed anti-psychotic medications. A psychiatrist who has reviewed his case concluded that Mr. Banks is incompetent to be executed and has reportedly stated in an affidavit: "Specific efforts to determine Mr Banks's competency to be executed under <i>Ford v Wainwright</i> revealed that he believes that his convictions and sentences have been vacated by God. As a result, he believes that his continued incarceration and potential execution are the results of a wide-ranging conspiracy among corrections officers, prosecutors and other government officials. He does not believe that he will actually be executed, but rather that the threat of execution is an attempt by the conspirators to put pressure on him to help them in their conspiracy". Another mental health expert has reportedly agreed that there are substantial doubts about George Banks' competency and would reportedly support a stay of execution.</p>		
Uzbekistan	792. Urgent appeal sent with the Special	793. Response dated 6 July 2004. According	794. The Special

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	<p><u>Rapporteur on the promotion and the protection of the right to freedom of opinion and expression and the Special Rapporteur on torture, 28 May 2004.</u> In May 2004 Makhamadali Karabaev, the chairman of Birlik Party in Namangan region and a human rights campaigner, was beaten by seven individuals of the Pop mayor's office, and later arrested by the Pop district police unit of Namangan region. It is reported that family members were warned by the police that if Makhamadali Karbaev continues his political activities and prepares for the next elections, his legs would be broken, and he would be beaten to death. His family have been denied access to him since his arrest, and they continue to receive similar threats.</p> <p>In view of his alleged detention incommunicado, concerns were expressed for Makhamadali Karabaev's safety.</p>	<p>to the Government of Uzbekistan, on 4 June 2004 Mr Karabaev was charged of disorderly conduct by the Namangan Oblats Procurator's Office under article 277.3 of the Penal Code in connection with the 22 January 2004 incident where he insulted and strike with a stone, for no apparent reason, Mr. Yu. Dadazhanov, president of the Citizen's Council of the town of Khalkabad in Pap district. He is detained since 5 May 2004 in preventive detention since he had intentionally evaded the pre-trial investigation in connection with this case, a violation of article 236 of the Criminal Code. When he was place din a cell, he was physically examined and no injuries were found. Mr. Karabaev did not lodge a complaint concerning the use of unlawful methods in the conduct of the investigation. He is also a suspect in the criminal case in connection with the concealment of the stamp and seal and his arbitrary acts under searticle 227.1 and 229. In this connection, he had been dismissed of his functions as Chairman of the Namangan Division of the Committee for the Protection of human Rights on 26 July 2003. However, Mr. Karabaev kept the seal and the stamp of the Committee and issued documents to citizens certifying their membership to the Committee.</p>	<p>Rapporteur thanks the Government for its reply</p>

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		<p>The Government of Uzbekistan certifies that the examinations of the aforementioned criminal cases are done in accordance with all the procedurals of Uzbek Procedural law and international standards. Mr. Karabaev has been informed of his rights as a suspect and as an accused. Mr. Karabaev is represented by his lawyer, Mr. A. Yuldashev. However, on 6 May 2004 he sent application requesting that he be represented by Mr. R. Romilov and two human rights defenders of the Ezgulik Human Rights Society Mr. S. Ustaboev and Mr. A. Kodirov. In the same application, Mr. Karabaev challenged the jurisdiction of the investigative bodies. The Procurator's Office declared Mr. Karabaev's application unfounded. To date, Mr. R. Romilov, Mr. S. Ustaboev and Mr. A. Kodirov have not reported to the authorities conducting the investigation.</p>	
Uzbekistan	<p>795. <u>Urgent appeal sent with the SR on Torture, 8 June 2004.</u> Azizbek Karimov, aged 25 was at imminent risk of execution on the basis of confessions extracted under torture. It is reported that in February 2004 he was sentenced to death by the Supreme Court on a number of charges including "terrorism" and involvement in a religious extremist organization. Azizbek Karimov was beaten during his arrest in May 2003, and was taken unconscious from his home in the Uzbek town of Andizhan. His family</p>	796. <u>No response</u>	

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	<p>was not allowed to see him for over six months and there are allegations that he was tortured and ill-treated while kept in the detention facilities of the National Service Service in Tashkent. Moreover, during a court hearing someone stood up and poured acetic acid over him, causing Azizbek Karimov to be hospitalized. It is reported that on 3 June 2004 the United Nations Human Rights Committee urged the authorities of Uzbekistan to stay his execution, following allegations that his arrest and sentencing violated key principles of international law."</p>		
Uzbekistan	<p>797. <u>Urgent appeal sent with the SR on Torture, 19 October 2004.</u> Sodik Kodirov and Shukhrat Aripov who were in imminent danger of execution, following convictions based on confessions obtained under torture. Sodik Kodirov was sentenced to death on charges including "premeditated, aggravated murder," on 7 December 2003 in Tashkent. .Sodik Kodirov's mother reportedly stated, "During the investigation my son wasn't only tortured, he was also raped... When I saw my son in detention on 10 June 2004 he didn't even recognize me. He was so badly beaten that he couldn't walk unaided...When I saw him he had cuts all over his body as a result of the torture...My son spoke about the torture in court but the judge simply ignored his words and said he was trying to escape responsibility." Shukhrat Aripov was sentenced to death for</p>	<p>798. <u>Response dated 1 December 2004:</u> The Government of Uzbekistan disagrees will all allegations of torture in the case of S. Kodirov. According to the Government, his guilt has been proved, in particular by his own confessions. There has been no physical or mental pressure against S. Kodirov during the preliminary investigation and other criminal proceedings. The preliminary interrogations of S. Kodirov were held with the participation of his lawyer. His confessions were made under his own wish and there was no pressure on him. During the court hearings S. Kodirov has not complained regarding any ill-treatment during the preliminary investigation. The Government of Uzbekistan asserts that it has suspended the execution pending views of the the Human Rights Committee.</p>	<p>800. The Special Rapporteur thanks the Government of Uzbekistan for its reply. The Government would appreciate receiving further information on the allegations of torture against S. Aripov, for which the Government has not provided any information.</p>

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	<p>"premeditated, aggravated murder," on 6 January 2004 in Tashkent. He was severely beaten by police while in detention. His mother visited him in Tashkent prison on 14 October, and he reportedly told her that officials had visited him recently and said, "You will not live longer than 12 November. The stay of your execution requested by the United Nations runs out that day." Shukhrat Aripov</p> <p>On 12 May 2004 the United Nations Human Rights Committee had urged the Government to stay Sodik Kodirov's execution while it considered allegations that he had been tortured. A similar intervention on 18 May 2004 was made on behalf of Shukhrat Aripov.</p> <p>With reference to the report of the Special Rapporteur on torture's visit to Uzbekistan (E/CN.4/2003/68/Add.2), the Special Rapporteurs continued to express serious concerns at what appears to be a lack of appropriate consideration of, and action in relation to requests on behalf of individuals at risk of torture or execution. The Special Rapporteurs drew the attention of the Government to the recommendations contained in the report. In particular, that a moratorium is introduced on the execution of the death penalty and that urgent and serious consideration is given to the abolition of capital punishment (Ibid, para. 70(s)). The Special Rapporteurs make an urgent appeal to all competent government authorities to implement this recommendation and to spare on</p>	<p>799. With regard to the case of Shukhrat Aripov, the Government asserted that all allegations of torture are unsubstantiated. Indeed, according to the Government there is no doubt as to the guilt of S. Aripov. It has been proved and in particular as a result of inspections and check-up of evidences at the crime scene and by written statements from various eyewitnesses. The forensic psychiatric examination concluded that Sh. Aripov has not suffered from any mental illnesses and that at the time of committing the crimes he was sane. Preliminary investigation and trial process have been conducted in accordance with the Criminal Procedure code of the Republic of Uzbekistan. All charges and evidences were thoroughly discussed and assessed accordingly. The Government of Uzbekistan asserts that it has suspended the execution pending views of the the Human Rights Committee.</p>	

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	humanitarian grounds the life of the above-named person.		
Uzbekistan	<p>801. <u>Allegation sent with the Special Rapporteur on torture, 15 November 2004.</u> On 29 November 2003, Kamalodin Jumaniyozov was arrested by police on suspicion of theft in Karalpakstan. On 7 December, his family went to the police station after hearing rumors of his death. At the station his family was directed to the morgue, where they found his body. Kamalodin Jumaniyozov apparently had died 15 hours earlier. The Turkul district prosecutor's office told his relatives that he had committed suicide by hanging. Witnesses who viewed the body described injuries to the forehead, nape of the neck, and a grazed knee. On 8 December, two forensic experts orally confirmed that he suffered from head trauma, however the prosecutor's office prohibited his relatives from videotaping the experts or body. No investigation was conducted in his death.</p>	<p>802. <u>Response dated 23 December 20-04.</u> According to the Government of Uzbekistan, the facts alleged in the summary of the case are not accurate. On 29 November 2003, Mr. Jumaniyozov was taken on suspicion of storing narcotics to the Turkul district internal affairs department. A search revealed that he was holding 7 grams of marijuana. As a result, a criminal case was opened against him on 1st December; he was taken into custody that same day and placed in the district internal affairs department's temporary holding facility. On 7 December, Mr. Jumaniyozov committed suicide by hanging himself in his cell. An autopsy was carried out. After the district procurator's office made inquiries, it was established that the suicide had occurred as a consequence of dereliction of duty on the part of militia officer Faizulla Mambetovich Dosov of the Turkul district internal affairs department's holding facility. On 17 December 2003 the procurator's office of the Republic of Karakalpakstan brought criminal case against him pursuant to article 207.3 of the Criminal Code of the Republic of Uzbekistan (Dereliction of duty leading to a person's death). F.M. Dosov was charged on 4 January 2004 and the criminal case file, together with a bill of indictment, was sent to</p>	<p>803. The Special Rapporteur thanks the Government for its reply.</p>

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		<p>the court for consideration on 15 March 2004. By a judgement of the Turtkul district criminal court of 24 April 2004, which was upheld by the appellate chamber of the Supreme Court of the Republic of Karakalpakstan on 25 May 2004, Dosov was found guilty of the offence stipulated in article 207.3 of the Criminal Code of the Republic of Uzbekistan and he was sentenced to three years' deprivation of liberty. The judgement has entered into force. Disciplinary sanctions were also applied against the directors and a number of employees of the district internal affairs department. A full investigation into the case was conducted, the legality of the actions of all the district internal affairs department staff was verified, and the instance of dereliction of duty on the part of militia officer F. Dosov was established. However, the use of torture or other unlawful methods against Mr. Jumaniazov was not confirmed. The investigation established that no extrajudicial execution took place.</p>	
Venezuela	804. <u>Llamamiento urgente, 20 de mayo de 2003.</u> See E/CN.4/2004/7/Add.1, Para. 602	805. <u>Respuesta del 18 de diciembre de 2003.</u> (comunicación 636) De acuerdo con el Gobierno, Falleció Enmary Diana Cova, quien estaba hospitalizada y gravemente herida por arma de fuego por funcionarios policiales. Medidas de protección fueron	807. El Relator Especial agradece el Gobierno por sus respuestas. El Relator observa que Octavio Diaz fue asesinado en enero de 2003 por agentes de policía

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		<p>solicitadas a favor de Dinora Maria Loreto Diaz, Octavio Díaz, Jairo Alexis Díaz Loreto, Alexandra Gualdrón y Enmary Diana Cova ante el Tribunal de Control. Dicha protección fue ejecutada por funcionarios de la Guardia Nacional.</p> <p>806. <u>Respuesta del 18 de diciembre de 2003 (comunicación 637):</u> El Gobierno de Venezuela informa también que el 10 de Febrero de 2003, la Sra. Dinora Maria Díaz Loreto ha formulado denuncias a la dirección de los Derechos Fundamentales del Ministerio Público en relación con el asesinato de Roberto Ignacio, David Díaz Loreto y Octavio Díaz el 6 de Enero de 2003 por funcionarios de la Policía del Estado Aragua. Por ello, la dicha Dirección procedió a comisionar a la Fiscal 9º del Ministerio Público de la Circunscripción Judicial del Estado Aragua, quien se ya venía conociendo, desde el inicio del caso. El 7 de agosto 2003, el Juzgado Quinto en funciones de Control de Estado Aragua admitió en su totalidad la acusación y las pruebas consignadas por la Fiscal Novena del ministerio Público contra seis funcionarios de la Policía del Estado aragua: Saúl Ramos Mora, Rafael Berreto Araque, Luis Colmenares, Jorge Alvarado Hernández, Erick Torrealba Urbina y Jesús Franco Martínez, quines estan involucrados</p>	<p>y que, por consiguiente, no pudo recibir medidas de protección como lo afirma el Gobierno. El Relator Especial agradecería recibir información en relación con las medidas de protección tomadas a favor de Bladimir diaz y Miguel Diaz Lorteto mencionados en su comunicación y también bajo amenazas.</p>

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Venezuela	808. <u>Llamamiento urgente, 25 de Agosto de 2003.</u> See E/CN.4/2004/7/Add.1, Parag. 603.	809. <u>Respuesta del 18 de diciembre de 2003.</u> (Comunicación 637). El Gobierno de la Republica Bolivaria de Venezuela informa que desde el 13 de Febrero 2002, el Fiscal del Ministerio Publico, Dr. Luis Lopez, solicitó que se prestara el servicio de patrullaje por la urbanización La Barraca, lugar donde reside Sr. Cesar Emilio Machado quien ha recibido amenazas de muerte por peronas desconocidas. Además, el 27 de Enero 2003, Sr. Machado compareció por la Fiscalía 1º del Ministerio Público de la Circunscripción Judicial del Estado Aragua afin de informar que el 12 de diciembre 2003, unos sujetos desconocidos dispararon contra su vivienda con la unica finalidad de intimidarle para que nos asistiera a la audiencia Preliminar ese mismo día. El 22 de Septiembre 2003, La Fiscal superior del Estado Aragua remitió a la Directora de Protección de derechos fundamentales una comunicación informándole que la ciudadana Maria Asunción Orozco ha manifestado que la medida que le fuera acordaba se esta cumpliendo. Actualmente, los funcionarios de la Guardia Nacional se encuentran apostados en su residencia.	810. El Relator Especial agradece el Gobierno por su respuesta
Venezuela	<u>Llamamiento urgente enviado con el Relazot Especial sobre la promoción del derecho a la libertad de opinión y de expresión, 27 de mayo de</u>	811. <u>Respuesta del 16 de noviembre de 2004.</u> La Dirección de Protección de los Derechos Humanos del Ministerio Público señala que	812. El Relator Especial agradece el Gobierno por su respuesta. El RE

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	<p>2004. Los periodistas Félix Carmona (redactor), Jorge Santos (reportero gráfico y delegado de los trabajadores) del dairio "El Universal" así como el conductor Andrés Cova fueron interceptados durante la noche del 10 de mayo de 2004 en un sector de El Hatillo, Estado Miranda, cuando daban cobertura a allanamientos supuestamente relacionados con las investigaciones sobre la presencia de presuntos grupos paramilitares en una finca de las afueras de Caracas.</p> <p>Una veintena de funcionarios de la Dirección de Inteligencia Militar (DIM) habrían golpeados, insultados, y amenazado con una pistola a los tres hombres. Les habrían confiscado también su grabador, su cámara fotográfica así como su material informativo que habían obtenido mediante su labor reporteril. Además Jorge Santos habría sido despojado de su cédula de identidad y carnet de Trabajador. Informes indican que habrían arrancado el equipo de radio al vehículo de la empresa periodística. De acuerdo con las informaciones recibidas, los hechos habrían sido denunciados ante la Fiscalía General. Se teme por la vida de los periodistas arriba mencionados cuyas actividades de periodistas están amenazadas.</p>	<p>la causa seguida a Felix Carmona, Jorge Santos y Andres Cova se encuentra en etapa de investigación durante la cual la Fiscalía Centésima Vigésima Quinta del Ministerio Público de la Circunscripción Judicial de la Area Metropolitana de Caracas a cargo de la Abogada Haifa Aissami, ha ordenado la práctica de diligencias conducentes para lograr el esclarecimiento de los hechos y la posterior determinación de las responsabilidades a que haya lugar.</p> <p>El 13 de Mayo de 2004, el Ministerio Público solicitó medida de protección a favor de los citados, siendo acordadas por el Juzgado Séptimo en Funciones de Control de este circuito Judicial Penal, ordenando la supervisión y custodia permanente en la zona donde residen y laboran, designando así a funcionarios de la Policía Metropolitana y de la Policía de Baruta, a fin de darle cumplimiento a dicha medida.</p> <p>Una vez se reciba más información acerca del citado caso, el Gobierno de la Republica Bolivariana de Venezuela lo hará del conocimiento de la Oficina de la Alta Comisionada para los Derechos Humanos.</p>	<p>agradecería recibir información sobre el resultado de las investigaciones para determinar los responsables de la agresión en caso de que se hayan terminado.</p>
Venezuela	<p>813. <u>Llamamiento urgente enviado con el Relator Especial sobre la tortura, 20 de julio de 2004.</u> Narciso Barrios, que gestionaba un bar en la localidad de Guanayen, Estado de Aragua, Caudy Barrios, 16 años, Jorge Barrios, 15 años, Rigo</p>	<p>814. <u>Respuesta del 27 de septiembre de 2004.</u> El Gobierno de la República Bolivariana de Venezuela informa que medidas cautelares a favor de Pablo Solórzano, Eloisa Barrios, Inés Barrios, Beatriz Cabrera Barrios, Jorge</p>	<p>816. El Relator Especial agradece el Gobierno por su respuesta. El Relator observa que falta información relativa a la</p>

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	<p>Barrios, 16 años, Oneida Barrios, Eloisa Barrios, Inés Barrios, Elvira Barrios, Luis Barrios y Justina Barrios, todos miembros de la misma familia. De acuerdo con la información recibida, el 30 de noviembre de 2003, un policía ebrio habría iniciado una pelea con Narciso Barrios en su propio bar. Esta misma noche, la policía habría asaltado cuatro casas pertenecientes a su familia y quemado la casa de su hermano, Luis Barrios. Los agentes habrían confiscado todos los objetos de valor y habrían advertido a la familia de no denunciar lo sucedido. El 11 de diciembre de 2003, Narciso Barrios habría muerto por disparos, al parecer a manos de agentes de la policía estatal de Aragua. Su sobrino, Caudy Barrios, menor de edad, habría presenciado el homicidio. Habría prestado testimonio sobre la muerte de su tío ante la unidad local del Cuerpo de Investigaciones Científicas, Penales y Criminalísticas de la policía en La Villa.</p> <p>Desde entonces, la familia Barrios estaría sufriendo varias amenazas e intimidaciones, incluso detenciones y malos tratos. Rigo y Jorge Barrios, ambos menores de edad, habrían sido detenidos el 3 de marzo de 2004. Habrían sido golpeados y amenazados de muerte por la policía. Habrían sido puestos en libertad sin cargos cinco días más tarde. Caudy Barrios habría sido detenido el 19 de junio de 2004. La policía le habría amenazado de muerte y habría disparado un arma junto a su oído derecho, causándole una</p>	<p>Barrios, Rigoberto Barrios, Maritza Barrios y Juan Barrios, son efectivas desde el 30 de marzo de 2004 por la Guardia Nacional. Además, la Fiscalía General de la República proporciona información el 19 de agosto 2004 en relación con el caso de la muerte del Sr. Barrios. Se encuentran encargadas las Fiscales Decimocuarta y Vigésima del Ministerio Público de la Circunscripción Judicial del Estado Aragua, abogada Siria Mendoza y Rosabiblia Giovanni, quienes adelantan las diligencias pertinentes afin de lograr el esclarecimiento de los hechos y la determinación de las responsabilidades. Asimismo, el 6 de agosto, la Defensoría del Pueblo comunicó que la Defensoría del Estado Aragua no había recibido denuncias sobre presunto maltrato, amenazas y hostigamiento en contra la familia Barrios, por lo que se presume la no activación de los mecanismos internos de protección de derechos humanos.</p> <p>815. <u>Respuesta del 16 noviembre de 2004.</u> El 20 de septiembre de 2004, la Dirección de Protección de los Derechos Humanos del Ministerio Público señala que la causa seguida a Narciso Barrios se encuentra en etapa de investigación durante la cual la Fiscalía Decimocuarta y Vigésima del Ministerio Público de la Circunscripción</p>	<p>protección de Luis Barrios, Oscar Barrios, Caudy Barrios, Oneida Barrios, Elvira Barrios y Justina Barrios también bajo serias amenazas de muerte. En este contexto, el Relator Especial se refiere a su nueva comunicación del 16 de noviembre de 2004 al Gobierno de Venezuela.</p>

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	<p>pérdida temporal de audición. Habría sido puesto en libertad tres días más tarde. Se alega además que el 5 de julio de 2004, el jefe de la policía local habría pedido a los residentes de Guanayen que mataran a Caudy Barrios porque estaba “hablando más de la cuenta”. Desde entonces, el menor habría tenido que ocultarse para escapar a las amenazas de muerte. La familia habría presentado denuncias oficiales por el acoso y las amenazas ante la Fiscalía General y la Defensoría del Pueblo Regional. Sin embargo todavía no habría recibido la protección solicitada. A la luz de estas alegaciones, se han expresado temores por la seguridad de las personas anteriormente mencionadas</p>	<p>Judicial del estado Caragua. Las abogadas Siria Mendoza y Rosabiblia Giovanni adelantan las investigaciones útiles y necesarias para lograr el esclarecimiento de los hechos y la posterior determinación de las responsabilidades a que hubiera lugar. Se realizó acciones necesarias a la Dirección General de Coordinación Policial, para solicitar información detallada sobre el caso de Narcisio Barrios, la cual remitió una comunicación el 24 de septiembre de 2004 donde anexa copia del informe proveniente del Cuerpo de Investigaciones Científicas y Criminalísticas, Delegación Estatal de Aragua, Delegación Villa de Cura. Una vez se reciba mayor información acerca del caso, el Gobierno de la Republica Bolivariana de Venezuela los hará del conocimiento de la Oficina de la Alta Comisionada para los Derechos Humanos.</p>	
Venezuela	<p>817. <u>Llamamiento urgente enviado con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, 22 de octubre de 2004.</u> De acuerdo con las informaciones recibidas, el 14 de octubre de 2004 Norberto Catalá, un coronel jubilado, habría amenazado de muerte a Nelson Bocarando, periodista de Radio Onda, por haber hecho comentarios durante su programa de radio sobre la gestión de Alfredo Catalá, alcalde del municipio El Hatillo e hijo de Norberto Catalá. Ese mismo día, Norberto Catalá</p>	<p>818. <u>Respuesta del 21 de diciembre de 2004.</u> El gobierno de la Republica Bolivariana de Venezuela informa que la Dirección General de Coordinación Policial del Ministerio del Interior y Justicia no ha recibido ninguna denuncia por amenazas de muerte, así como petición de alguna medida de protección de la integridad física del periodista Nelson Bocaranda Sardi.</p>	<p>819. El Relator Especial agradece el Gobierno por su respuesta. El Relator agradecería recibir información relativo a las alegaciones según las cuales las amenazas del Coronel Catalá fueron grabado por las cámaras de seguridad del edificio.</p>

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	<p>habría acudido con un guardaespaldas a la oficina del Sr. Bocarando, ubicada en el centro empresarial La Lagunita, al este de Caracas. El coronel buscaba al periodista para “darle unos tiros” si no retiraba durante las próximas horas las imputaciones que habría hecho en su programa. Nelson Bocarando no estaba en su oficina al momento. El coronel fue recibido por la secretaria del periodista, a quién le habría advertido que estaba armado y que dispararía al periodista. El Coronel Catalá fue grabado por las cámaras de seguridad del edificio. Se teme por la vida de Nelson Bocarando cuyas actividades de periodistas están siendo amenazadas.</p>		
Venezuela	<p>820. <u>Llamamiento urgente enviado con el Relator Especial sobre la tortura, 16 de noviembre de 2004.</u> Luis Barrios, Caudy Barrios, de 16 años, Jorge Barrios, de 15 años, Rigoberto Barrios, de 16 años, Oneida Barrios, Eloisa Barrios, Inés Barrios, Elvira Barrios, Justina Barrios, y también con Carolina García, esposa de Luis Barrios, Pablo Solórzano, Juan Barrios y Oscar Barrios, todos miembros de la misma familia estarían bajo serias amenazas de muerte. Luis Barrios fue asesinado el 20 de septiembre de 2004, por agentes de la policía estatal de Aragua. Luis Barrios es la segunda víctima de asesinato en un año. Su hermano, Narciso Barrios, fue asesinado en las mismas circunstancias el 11 de diciembre de 2003. Luis Barrios, Caudy Barrios, Jorge Barrios, Rigoberto Barrios, Oneida Barrios, Eloisa</p>	<p>821. Respuesta del 19 de enero de 2005: De acuerdo con el Gobierno, las instancias competentes en materia de derechos humanos en Venezuela tales como la dirección general de derechos humanos, viceministerio de seguridad jurídica del ministerio del interior y justicia informa las denuncias de amenazas y hostigamiento contra el señor Narciso Barrios y demás miembros de su familia están bajo investigación para esclarecer los hechos denunciados y establecer las responsabilidades a que hubiere lugar.</p>	<p>822. El Relator Especial agradece el Gobierno por su respuesta. En vista de la seriedad de las circunstancias, el Relator pide al Gobierno que le informe sobre las medidas de seguridad adoptadas para proteger a miembros de la familia Barrios de conformidad con la decisión pertinente de la Corte Interamericana de derechos humanos.</p>

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	<p>Barrios, Inés Barrios, Elvira Barrios, Luis Barrios y Justina Barrios fueron sujetos de un llamamiento urgente que el 20 de julio de 2004 pidiendo por la protección de esta familia. Hemos recibido la repuesta de su Gobierno del 27 de septiembre de 2004, confirmando la tutela de la Guardia Nacional por Pablo Solórzano, Eloisa Barrios, Inés Barrios, Beatriz Cabrera Barrios, Jorge Barrios, Rigoberto Barrios, Maritza Barrios y Juan Barrios, efectiva desde el 30 de marzo de 2004. Sin embargo, el Gobierno no ha proporcionado información relativa a la protección de Luis Barrios, Oscar Barrios, Caudy Barrios, Oneida Barrios, Elvira Barrios y Justina Barrios también bajo serias amenazas de muerte. Los relatores recibieron la información de que el 18 de septiembre 2004, Luis Barrios y su sobrino, Oscar Barrios, habrían sido amenazados por la policía estatal de Aragua a las 8:30 de la tarde. La policía, en el automóvil oficial, les habría dicho que “No se sorprendieran cuando los visitaran unos encapuchados”. El 20 de septiembre 2004, Luis Barrios habría salido para investigar el origen de un ruido que habría oído en el tejado de su casa, ubicada en la Casita, ciudad de Guanayen. Al parecer, habría recibido tres disparos por dos hombres encapuchados, el primero en la parte posterior de la cabeza, y luego los otros dos cuando yacía tendido en el suelo. El Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (órgano de investigación de la</p>		

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	<p>policía) se habría llevado el cadáver de Luis a la ciudad de Maracay para realizarle la autopsia. Al parecer, sus agentes no habían llevado para continuar con la investigación, y no se había citado a ninguno de los testigos del homicidio para que prestaran declaración.</p> <p>Se señala que el 23 de septiembre de 2004, la Corte Interamericana de Derechos Humanos ordenó al gobierno venezolano que protegiera a la familia Barrios. La Corte pidió también que se apartara de su puesto a todos los policías de Guanayen implicados en las amenazas y los homicidios, para “evitar que otro miembro de la familia Barrios sea ajusticiado”.</p> <p>En este contexto, se han expresado temores por la seguridad de las personas anteriormente mencionadas. Por consiguiente, los relatores especiales requirieron al Gobierno que actuara de manera que proteja a los miembros de la familia Barrios, y que las personas implicadas en los homicidios sean citadas ante la justicia.</p> <p>Solicitaron también que la tutela de la Guardia Nacional fuera extendida a Oscar Barrios, Caudy Barrios, Oneida Barrios, Elvira Barrios y Justina Barrios y a cualquier otro miembro de la familia que consideran amenazadas.</p>		
Viet Nam	<p>823. <u>Urgent appeal sent with Chairman Rapporteur of the Working Group on arbitrary detention, the Special Rapporteur on torture and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.</u> 15</p>	<p>824. <u>Response dated 3 April 2004.</u> The Government of the Social Republic of Vietnam indicates that all allegations are false and are sheer fabrications. According to the Government, in Vietnam the rights to</p>	<p>825. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>January 2004. Christians who belong to the Montagnard Degar, a group which identifies itself as indigenous, in the Central Highlands. According to the information received, on 21 December 2003, eight trucks of paramilitary police surrounded the village of Plei Todrah, commune of Bongong, Cu Se district, Gia Lai province in order to capture Christians who were reported to be hiding in the area. During this incident, the police arrested Jum, Huit, Teng and Thoi, members of the Christian community, who were hiding in the house of Hram, Won and Oh. The police tied them up and reportedly beat and kick them in front of the villagers. It is reported that they were later pulled around the village were later thrown on the back of the trucks and taken away. Fears have been expressed for their safety and physical integrity.</p> <p>It is furthermore reported that Ham, Won and Oh, who had helped the four above mentioned individuals, went into hiding after the police completely destroyed their house. If arrested, their lives could be at risk. On the same day, the police reportedly arrested two other Christians, Hlo, from the village of Plei Pheo, commune of Bongong, Cu Se district, Gia Lai province and Hua, from the village of Plei Brong Guai, commune Ia Pet, Dak Dao district, Gia Lai province. According to the information received, they were publicly beaten and kicked by police officers.</p>	<p>freedom of religion or belief are ensured. No one is arrested and detained on religious grounds. Torture and other forms of inhumane treatment are forbidden. These are clearly enshrined in the Constitution and laws and are strictly observed in practice. Only those who violate the law are treated in accordance with the rules and procedures provided by the law.</p> <p>In relation to the cases mentioned in the communications, the Government indicates that: Jum, whose real name is Dihn Jum; Huit, whose real name is Dihn Huit; Hoa, whose real name is Rlan Hoa and Hlo, whose real name is Dinh Hlo were all arrested for acts undermining the policy of national solidarity and unity. They were released on 29 December 2003. He was captured for the same reason as Dihn Jum. Teng, whose real name is Dihn Teng. According to the Governemnt, Y Bun and Ham, Wo and Oh, whose real names respectively are Hram, Won and Ot live a normal life in the community.</p>	

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	<p>On 22 December 2003, a Christian named Y Bun Ayun, 24 years old, from Buon U village, Dak Lac province went to the police station at Cu Jut District to ask for the Government's permission to celebrate Christmas. It was reported that the police, however, arrested him. He was beaten and subjected to electric shocks was told not to follow the Christian religion. He was eventually released two days later.</p>		
Viet Nam	<p>826. <u>Allegation sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture, the Special Representative of the Secretary-General on the situation of human rights defenders and Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 22 April 2004</u> According to the information received, on 10 and 11 April on the occasion of Easter celebrations, between 10 and 30 thousands Christian members of the Degar tribe gathered in the cities of Buon Ma Tuor, Kontum, Dalat, Phuoc Long and Plei Ku as well as in other areas, to protest the on-going repression against hill tribes and violations of their human rights, including their right to freedom of religion, by the authorities. The demonstrators who were reportedly not armed were violently suppressed by the Vietnamese authorities, reportedly causing a yet undetermined number of casualties. Although exact figures of the casualties are difficult to assess, as it is</p>	<p>827. <u>Response dated 14 May 2004.</u> According to the Government of the Socialist Republic of Vietnam, the allegations in some areas in the Central highlands in April 2004 are untrue, and sheer fabrications by forces hostile to Vietnam. On 10 and 11 April 2004, some extremist elements in localities in Dak lak and Gia Lai provinces, with instigation and instructions from outside, especially from the Montagnard Foundation led by Ksor Kok, induced deceived and forced the local people to carry out demonstrations. The extremists committed acts that caused public disorder. They used dangerous weapons to beat on-duty officers, causing serious injuries. They destroyed public works and property in some communes. More seriously they even dared to attack some commune headquarters, capture local officials and hang out banners demanding to establish a "Dega state". It was clear that these were acts aimed at causing public disorder, dividing people of the</p>	<p>828. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>reported that the authorities are still barring access to the area by independent observers and have imposed a news blackout on hospital personnel, some reports mention that at least 10 Montagnards were killed, including one from a gunshot wound in the head and others from beatings; hundreds were allegedly wounded. Further reports indicate that hundreds of Montagnards have fled their villages and have gone into hiding.</p>	<p>Central Highlands, damaging the national great unity and undermining Vietnam's territorial integrity. In the face of such violent acts of the extremists, law enforcement forces and people had to take defensive acts. The local authorities have taken measures to stabilize the situation. People who had been deceived to take part in the demonstrations were explained by the local authorities about the issue and provided with means of transportation to go back home. The local governments just hold in custody the instigators, leaders and those who committed acts against public officers who were on duty. At present the life in these areas is normal. Recently a UN working team, officials from a number of embassies in Ha Noi, Vatican officials and foreign pressmen had opportunities to come to visit the Central Highlands. The rights of the people from all ethnicities in the Central highlands are guaranteed. Vietnam's law ensures the right to freedom of religion and belief and non-religion and belief of all citizens, which is clearly enshrined in the Constitution and respected in reality. There is absolutely no question of the so-called "repression of Protestants". On the contrary, Protestants in the Central Highland enjoy favorable conditions for religious practices.</p>	
Yemen	829. Urgent appeal sent with the Special	830. No response	

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	<p><u>Rapporteur on the independence of judges and lawyers, 28 May 2004</u> Fuad 'Ali Mohsen al-Shahari was at risk of imminent execution if the President ratified his death sentence which was upheld by the Supreme Court in March 2004. Concerns were expressed that trial proceedings may have fallen short of international fair trials standards.</p> <p>According to the information received, at the beginning of May 1996, Fuad 'Ali Mohsen al-Shahari met with two Political Security officers concerning a dispute with his brother. The officers reportedly reacted violently to his intervention and started firing their guns at him. On 29 May 1996, a military car reportedly blocked his way and armed men forced him out of his car at gun point, arrested him but released him shortly after. Fuad 'Ali Mohsen al-Shahari informed the General Prosecution, for whom he worked, of the incident, but no action was taken. The same afternoon another military car, driven by Captain Mohammed al-'Ameri from the Political Security Department, blocked his car. Armed men surrounded him and tried to arrest him without a warrant, threatening him with death. A gun battle followed, the details of which remain unclear, during which Captain Mohammed al-'Ameri was killed and at least one shot was fired by Fuad. On 12 November 1996 Fuad 'Ali Mohsen al-Shahari was found guilty of the premeditated murder of Captain Mohammed al-'Ameri and was sentenced</p>		

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	<p>to death. On 20 September 1997 the Court of Appeal upheld the sentence. On 20 May 1999, the case went before the Supreme Court and was sent back to the Court of Appeal.</p> <p>The trial reportedly failed to meet international standards of fairness. Mr. al-Shahari was convicted on bases of a confession reportedly extracted under torture while he was held incommunicado for one month. Four versions of his confessions were included in the charge sheets and forensic evidence was contradictory. It is further reported that he has not been represented by lawyers throughout the legal proceedings against him, that defense witnesses were not allowed to testify and that certain pieces of evidence have been disregarded. It is alleged that a personal dispute between Fuad 'Ali Mohsen al-Shahari and the Prosecutor may have compromised the Prosecutor's impartiality. Finally, it is reported that the death sentence has been confirmed by the Commercial Division of the Supreme Court and not by the CriminalDivision of the Court</p>		
Yemen	<p>831. <u>Allegation, 21 July 2004.</u> A great number of civilians were reportedly killed, during armed clashes which started on 21 June 2004 between security forces and followers of Hussain Badr al-Din al-Huthi, a cleric from the Zaidi community, in the Sa'da Province. The exact number of people killed since the clashes started is not currently known. Indeed, while the Minister of Interior</p>	<p>832. <u>No response</u></p>	

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	<p>reportedly informed the parliament that 118 people were killed, other sources have indicated that the number of deaths could be as high as 500. Most of the killings are said to have resulted from the use of heavy weaponry by government security forces, including helicopter gunships as result of excessive use of force.</p>		
Zimbabwe	<p>833. <u>Allegation, 26 May 2004.</u> Shemi Chimbarara was shot and killed on Charleswood Farm on 8 February 2004 when members of the Zimbabwe National Army opened fire on a group of farm workers. Another farm worker, John Kaitano, was reportedly shot in the leg. According to the information received, the shootings have been reported to the police but at the time of writing this communication, none of the perpetrators had been arrested.</p>	<p>834. <u>Response dated 24 June 2004.</u> According to the Government, the correct name of the victim is Shame Maneka and not as reported Shemi Maneneka. John Kaitano was also shot at and injured in the same incident. It is not true to allege that the police did not do anything after receiving report about the shooting. Indeed, it attended the scene and a member of the Zimbabwe Nation Army based at the farm, namely Joseph Nyahumwe, has been arrested in connection with the shooting. Mr. Nyahumwe was sent to the farm to inquire about an arson. Upon arrival, he was met by a group of people who attacked him with stones and sticks. Mr. Nyahumwe fired three shots in the air as a warning. When the people tried to disarm him, he then fired and shot dead the victim and injured John Kaitano. Mr. Nyahumwe was charged with murder and attempted murder. He appeared in court and was released on bail on 25 June 2004.</p>	<p>835. The Special Rapporteur thanks the Government for its reply. He would appreciate receiving further information on the outcome of the judicial proceedings against Mr. Nyahumwe.</p>
Zimbabwe	<p>836. <u>Urgent appeal sent with the Special Rapporteur on torture, 1 June 2004</u> 69 alleged</p>	<p>837. <u>No response</u></p>	

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	<p>mercenaries, holding South African citizenship, were at risk of extradition to Equatorial Guinea where they could face the death penalty without having their right to a fair trial being respected. According to the information received, they were arrested in Harare on 7 March 2003 and charged with violations of aviation, immigration and firearms legislation and with contravening the Public Order and Security Act. Their trial in Chikurubi Maximum Security Prison is at a preliminary stage. Fears that they would be extradited were fuelled in April 2004, when Zimbabwe added Equatorial Guinea to the list of countries with which it has an extradition agreement. The Equatorial Guinean authorities made a request for the extradition of 69 of the 70 men and it makes specific reference to their involvement in the alleged coup plot. The Zimbabwean Ministry of Foreign Affairs has recommended that Zimbabwe should accede to the extradition request. It is reported that these individuals were linked to a group of 15 men arrested on 9 March 2004 in Malabo, Equatorial Guinea and accused of plotting a coup against the President of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo. In March 2004, concerns were expressed that some, if not all, of these 15 suspected mercenaries detained in Equatorial Guinea were severely tortured, allegedly leading to the death of one of them, Gerhard Eugen Nershz, on 17 March. The Equatorial Guinean</p>		

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	<p>authorities reportedly publicly admitted his death but attributed it to "cerebral malaria. According to the information received, the above-mentioned detainees will be tried by a military court that follows summary proceedings and whose decisions cannot be appealed. .</p>		

<p>Palestinian Authority</p>	<p>838. <u>Allegation, 17 May 2004.</u> Tali Hatuel, aged 34, who was eight months pregnant, and her four daughters Hila, aged 11, Hadar, aged 9, Roni, aged 7, and Meirav, aged 2, were all reportedly shot dead at close range by Palestinian gunmen who had previously shot at their vehicle while they were traveling in the Gaza Strip, near the Gush Katif settlement block, and caused it to career off the road. The Palestinian armed group Islamic Jihad and the Popular Resistance Committees, an umbrella organization of Palestinian armed groups, reportedly claimed responsibility for the killings. Indeed, they described the murders as a "heroic" attack and indicated that it was carried out in reprisals for the recent assassinations by the Israeli army of Hamas leaders Sheikh Ahmad Yassin and Abdelaziz Rantisi</p>	<p>839. <u>No response</u></p>	
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