

**TESTIMONIES**

**OF**

**HUMAN RIGHTS DEFENDERS**

**AT**

**THE 2<sup>ND</sup> DUBLIN PLATFORM,**

**10-12 SEPTEMBER 2004**

**TESTIMONY FROM MS. BURNAD FATIMA NATESON**  
**TAMIL NADU DALIT WOMEN'S MOVEMENT**

160 million Dalits live in India, 250 million in South Asia and 300 million around the world are living and facing all kinds of atrocities and discrimination.

Five Dalit youth were lynched and stoned to death by another caste, for carrying a dead cow. Dalits earn their livelihood by selling the skin and mending shoes. The mob stoned them thinking that they were skinning a live cow. **“The body of the dead cow was sent for post mortem and the Dalits bodies were not”**. The life of a cow is more valuable important than the lives of Dalits says a leader from Hindu Munnani a section among other bodies who promotes Hindutuva.

At Thinniyam, three Dalits were made to feed each other human excretion for demanding Rs. 2000 which was paid to get housing. The ex-president of the village refused to pay. For demanding their money the 3 Dalits were branded with hot iron rods, beaten up and made to feed each other with human excreta.

Dalits of Kootharambakkam village demanded their rights over the common resources. They wanted the chariot of their god to be brought to their streets. It was refused – saying that the streets of the Dalits are dirty so the God chariot will not be taken to the streets. Dalits got into the panel to get their share, they were severely beaten up, their houses were damaged by the other caste who were the majority in that village. The temple festival was celebrated with police force without including the Dalits.

Where is justice?

Where are our human rights?

Where are the protective laws for Dalits?

At Rangapuram village, 40 Dalit Children were stopped from going to school. The public pathway has been blocked – claiming that it is private land owned by another caste. Dalits resist in an attempt to regain their rights; the result is arson - burning their houses and assaults. A peace committee was formed, but they are still not letting the children use the same pathway but go around walking 2 kms more than they have been walking. The pathway is not settled.

**Dalit Rights are Human Rights. Dalit activists, especially Dalit women activists, were not treated as ‘Humans’.** Dalit women were planning to submit a petition to the president of India, during his visit to the neighbouring town, Dalit women were arrested, kept in police station stripped naked, searching for ‘black flag’ which was the Police suspected they had. Dalit women face harassment and are abused with filthy languages.

The State Government of Tamil Nadu has brought a new ordinance called anti-conversion. This ordinance is controversial and hostile to the minorities and to Dalits. This ordinance curtails the constitutional safeguards of Dalits and minorities. The article 25 of the Indian constitution envisaged freedom of speech, freedom of religion in the

Indian constitution. The 'anti conversion ordinance' is an assault on the rights of Dalits. This ordinance is to protect the existing Hindutuva ideology of Varnashrama Dharma and to keep Dalits under subjugation, in order to maintain the hierarchical Hindu Caste system.

As per this Varnashiram, the Dalits are outside the caste system. Treated as outcaste. Dalits are not born from the body of Brahma. Dalits are treated, wherever they are as outcaste, untouchables. The concept of pure and impurity plays an important role in everyday life. Dalits beat drums, clean the villages, towns, sweeping the roads, cleaning toilets, manual scavenging, shoe making all kinds of inhuman jobs for lower wages. They earn less than a dollar. No other unemployed from other communities will take up the jobs that Dalits are undertaking today.

In every day life, Dalits are humiliated and treated like slaves. They have to work hard for the landlords in agriculture. Their food and water is served in their hands. They are not allowed to take water from the well. They cannot enter temples. Separate glasses are kept in Tea shops. No inter caste marriages. A Dalit boy and a girl from other community were tied to trees, and forced to swallow poison. After their death they were burnt and no one to talk about this.

Caste system, practices of untouchability is an age old slavery system exist in India. This caste system created vulnerable situation for more than one third of the Indian society. This caste system is promoted, sustained by Brahminical social order through Hindutuva ideology which is controlling the politics of the Nation today.

The ideology is promoted to hate other religions. The state promotes these ideologies and massacre other minorities. Burning of churches, raping nuns, and not to forget about the state sponsored genocide that took place in Gujarat.

Strong Dalit women's resistance movements are saying no to the caste system and working towards abolishing the practices of untouchability.

During world conference against Racism, the caste issue was internationalized but the Indian government refused to recognize caste discrimination as racial discrimination to find a solution to it. **We request solidarity with human rights defenders to internationalize the issue, expose it, oppose it and join us in the struggle.**

Fatima.N.

30.9.2003

**TESTIMONY OF HUMAN RIGHTS ACTIVIST,**  
**J. ALOYSIUS TOE – LIBERIA**

Liberia has been experiencing a bloody civil war for the past fourteen- (14) years, which killed hundreds of thousands of people and destroyed millions worth of properties. Under these circumstances, human rights violations have dramatically increased.

It is under these conditions that I have been labouring in Liberia amidst growing threats and insecurity. In my work I try to speak for the voiceless; seek justice and liberty for the oppressed; and freedom for the captives. I soon realised that the call to speak and advocate for others' rights is often a vocation of agonies, pains and sufferings.

My experience for the defence of human rights in Liberia has been one of tragedy and horror. **I had to change sleeping places and remained in hiding for many days for fear of my life due to anonymous death threats.**

As a leading human rights activist in Liberia, I served in three (3) distinct capacities: As Project Officer of the nine (9) member umbrella organisation – the 'National Human Rights Centre of Liberia'; as Secretary General of a twenty (20) member consortium 'Liberia Coalition of Human Rights Defenders'; as Executive Director of the 'Movement for the Defence of Human Rights' with responsibility to monitor, document, report, campaign and advocate for human rights in Liberia.

In 2002 alone, I was arbitrarily arrested and detained twice for four (4) days and eight (8) months respectively. My ordeal with the government in 2002 alone can be summarised thus:

1. February 2002 – Chased and went into hiding for four (4) days after protesting against the arbitrary arrest and detention of Frances Johnson Morris – a Liberian female lawyer, who I had demanded be released,
2. March 2002 – Arrested then detained, for four days and tortured in police custody after protesting the abduction and demanding the release of two sisters of an opposition politician by state security,
3. April 2002 – Chased and went into hiding in neighbouring Sierra Leone after protesting the arbitrary arrest, detention and severe torture of Liberian human rights lawyer Tiawan Gongloe and demanding his unconditional release,
4. November 2002 – arrested then charged with trumped up treason charges and imprisoned for 8 months pending trial. My ordeal followed five months of sustained advocacy and legal campaigns against the Liberian government against the arbitrary arrest, torturous detention and incommunicado treatment of a Liberian journalist and over 40 other ethnic mandingoes. In reaction to my human rights work, 19 well-armed state police forcibly broke into and raided my home, abducted my wife and imprisoned her on October 29, 2002.

I spent eight (8) months in prison pending trial. **I escaped** from the prison on the morning of June 22, 2003 at 5:30 AM under a heavy down pour of rain. It happened **when the prison guards abandoned the prison compound to escape the explosion of bombs, mortar shells and rocket grenades** from advancing rebel forces in the vicinity of the prison.

I sought refuge at a friend's residence where I remained for days in hiding but later moved to another location having been spotted first by government loyalists, and then due to a rocket grenade which blew up and killed a family of four right before my eyes.

With political support from the Irish Minister of State for Overseas Development and Human Rights, Tom Kitt and financial support from FRONTLINE – the International Foundation for the Protection of Human Right Defenders, **I escaped from Liberia under the cover of darkness during the night of 6<sup>th</sup> July 2003 on board a tiny fishing canoe.** After four days of stormy sea travel, I finally made my way to the Ivorian City of San Pedro. My home was severely looted and everything taken away. But with help from Frontline, my family has mattresses to sleep on. I can boldly proclaim that no international organization has presented to be so practical, pragmatic, responsive, undo procrastinating bureaucracy to carry defenders under threats to safety as FRONTLINE does. My heart goes to Mary Lawlor of Frontline whose care, concern and compassion for human rights defenders knows no boundary. **BRAVO FRONTLINE!!!!!!**.

**TESTIMONY OF AIDAN TROY,**  
**PARISH PRIEST OF THE HOLY CROSS PARISH,**  
**ARDOYNE, NORTH BELFAST**

**“Let the little children come to me: do not stop them; for it is to such as these that the kingdom of God belongs.”** (Mark 10:14)

God has a sense of humour! After seven happy years in Rome I arrived at Holy Cross Passionist Monastery, Belfast, Northern Ireland at the end of July 2001. All I asked was that I have a minimum involvement with the parish schools. Little else has occupied me but schools since coming to Holy Cross!

**Children caught up in violence**

The Parish of Holy Cross has existed since 1869. For the past 134 years schools have been part an essential part of life here. Because of a long history of civil unrest Holy Cross Schools have been burned and replaced a number of times but children were never directly targeted.

This all changed on 19<sup>th</sup> June 2001 when a protest by Loyalist (Protestant) residents prevented the children of Holy Cross Girls’ School from reaching their school. This lasted for two weeks until the end of the school term. This predated my arrival from Rome.

On August 6<sup>th</sup> 2001 I was persuaded to become Chair of the Board of Governors of the school. It became clear to me that the gap between the protesters and the parents of the children was enormous. Sincere efforts at mediation and attempts at reconciliation came to nothing.

**First steps towards peace**

On 15 August I invited the parents to come together so that I could introduce myself and ask their advice on a way forward. Most did not even know me by sight. The huge turnout was amazing. Fears for a safe return to school in September were paramount. Some of the children going to school on Monday, September 3 were barely 4 years of age. The oldest were 11 years.

The outlook was bleak as talks broke down and the inevitability of the protest of the previous June continuing dawned on the parents. In this area of North Belfast there is suspicion of the police. I had no option but to enter into talks and planning with the police to try to ensure the safety of the children.

### Heartbreak

All was put in readiness for Monday, September 3 2001 when 225 little girls would return to school following the summer vacation. Some were bubbling with excitement as they looked forward to their first day at 'big school.'

I was so concerned that morning that I arose shortly after 6 a.m. The sun rose on a most beautiful day. I put on my Passionist habit as I was due to celebrate the 7.30 a.m. parish Mass and went to see what was happening on the road leading to the school. **The scene that met me looked more like the set of a war movie that the preparations for children going to school.** There were army and police vehicles, Perspex screens being erected, police dogs checking drains.

**Local residents near the school seeing me on the road came out of their houses and shouted abuse at me.** A senior Loyalist politician joined in and the police advised me to withdraw. I was happy to follow their advice.

The children and the parents assembled for the walk to school. I was asked by the parents to check with the police if the way to the school – a walk of less than a quarter of a mile – was safe. We set off as a group – parents had asked me and Father Gary, C.P. to walk with them – and were met with verbal abuse, spitting, threats, bottles and bricks. The children were terrified. **I have never been so afraid. We reached the sanctuary of the school only to have more bottles and bricks rain down on us.** The children were rescued by their teachers and spirited out of school through a back entrance, across a football pitch to a convoy of taxis that had heard of the trouble and had arrived to ensure the escape of the children. I was shocked beyond anything I can describe. How a child had not been killed I will never know. Images were sent around the world and to this day people remember those scenes with disbelief.

### A three month obscenity

That this would last three hours or three days seemed too much. That it lasted daily for three months – the protest was suspended on November 23 – was an obscenity. The situation got worse. On September 5 a bomb was thrown at the children as we walked with them. Sadly, some police and a police dog were seriously injured. No child was physically hurt but the trauma caused will remain with the children for a long time. Daily I was accused of being a paedophile both verbally and on posters. **All Catholic teachers were put under death threat on successive weekends.**

### Aftermath

In September 2003 there are still some of those children in therapy as a direct result of these events of 2001. On January 6 2003 a bomb was left at the school gate but was defused prior to exploding. One sign of hope is that a face to face meeting between police

and parents was arranged on January 7 to review security for the children. What a sign of hope compared to the days when parents talked to police through messages I relayed. After a relatively peaceful summer the children of Holy Cross Girls' Primary School, Ardoyne, Belfast, were not able to enter their school on 1<sup>st</sup> September 2003. A device attached to the school gate had to be examined before it was safe to allow anybody enter the school building. Again, children as young as four years of age will remember this as their introduction to 'big' school. Mid-morning there was a coded message sent to a T.V. station to say that two bombs had been placed on the school roof. That again necessitated the evacuation of the school.

### **The long road to peace**

My role was to seek an end to the protest. **When people descend into conflict, hatred, mistrust and suspicion the way back to peace is torturous.** Hours and hours of attempts at dialogue often ended in nothing. Direct meetings were held on three occasions between the protestors and the governors of the school. These meetings were tense and showed little results in the early days. It was impossible for the school to negotiate as long as the children were being targeted. The issues of the protestors were my issues, but the children had to be taken out of this adult disagreement.

### **Small steps on the road to peace**

At the third meeting with the protestors in exasperation with our inability to rescue the children, I offered one of the protestors my mobile (cellular) phone number so that we could keep some contact in between meetings. Others felt that I had made a mistake in giving this information. It was never abused and in fact was instrumental in bringing about a positive outcome. Archbishop Desmond Tutu who visited Holy Cross School during the protest has counselled, *'to maintain a link no matter how fragile between poles that are apart.'*

At the end of one meeting one of the most vocal protestors requested if he could ask me a question. He wanted to know about the sign on my habit. I asked did my religious garb cause any offence. Far from it he said. He explained that the protestors were fascinated with the sign. I explained that it was a reminder of the Passion of Jesus Christ. He smiled for the first time and said he would bring the explanation back. Unreal in many ways, but it was a tiny step in making a connection.

### **To such belongs the Kingdom.....**

Eventually the protest was suspended followed by enormous relief allied with daily nervousness that persists to this day. We must learn from the tragedy to see how we can move ahead. The children are my model for a way forward.

The children of Holy Cross have changed me deeply. In their own simple and very special way they helped me understand as never before what it means for God to become a child. They didn't even know that they were teaching me. The children going up the Ardoyne Road to school taught me Godlike qualities: how to forgive, to accept, to smile, to be spontaneous and to be transparent. For twelve weeks it was my privilege to walk shoulder to shoulder with them and their parents. We laughed and we cried; we talked and we were silent; we were brave and we were scared stiff; we sought to understand and we forgave. There were times when we prayed and got new strength. Their hugs melted my heart and I couldn't let them see my tears.

### **Conclusion**

The way to peace is complex. The United Nations and Governments have a crucial role to play. Peace and reconciliation demands a big vision, freedom and courage. At the local level the message of the child holds the key. Forgiving, letting go of hurt, generously giving even from the little you have, clasping with absolute trust the hand of Mother or Father are some of the messages children gave me over those awful days of the Holy Cross protest.

The feet of the peacemakers can become weary. Children in their bravery and beauty have inspired the whole community around Holy Cross to embark on a project that will open a Family Centre for children and parents of all religious and political persuasions. Some doubt that we will succeed.

In working for peace I take inspiration from Archbishop Oscar Romero:

*We cannot do everything,  
and there is a liberation in realising that.  
This enables us to do something,  
and to do it very well.  
It may be incomplete, but it is a beginning,  
a step along the way,  
an opportunity for the Lord's grace to enter  
and to do the rest.*

Aidan Troy, C.P., P.P.

Chair of Board of Governors of Holy Cross Girls' School, Ardoyne, Belfast.

September 2003

**TESTIMONY OF GLORIA CANO,**  
**Human Rights Lawyer,**  
**LIMA, PERU**

Mi nombre es Gloria Cano Legua, trabajo para la **Asociación Pro Derechos Humanos APRODEH, organismo que ha cumplido este año 20 años en defensa de las víctimas de violaciones de derechos humanos. Aprodeh se ha caracterizado por denunciar las atrocidades que se cometían durante la época de la violencia política que desangro al Perú.**

**Como parte de Aprodeh, he asumido diversas defensas, tanto de personas acusadas injustamente de terrorismo, como investigaciones y denuncia de casos de ejecuciones extrajudiciales, desaparición forzada y tortura.**

Durante la investigación e el caso Barrios Altos,(uno de los casos mas conocidos en el Perú donde un grupo militar autodenominado Colina ejecuto a 15 personas en un solar del centro de Lima dejando gravemente heridos a cuatro personas mas, dentro de los quince fallecidos hubo un niño de ocho años), se produjeron muchas amenazas personales a traves de la via telefonica y aprodeh como organismo defensor, asi mismo a otras personas de la comunidad de derechos humanos, e objetivo de estas amenazas era parar la investigación, pero esta siguio adelante, sin embargo fue archivada debido a que el gobierno de Alberto Fujimori concedió amnistia a todas las persons vinculadas a delitos contra los derechos humanos.

Luego de la caída de Alberto Fujimori el poder judicial en cumplimiento de la sentencia de la corte interamericana de derechos humanos reabrió el caso barrios altos asi como se reiniciaron las investigaciones de otros casos que veniamos denunciando durante años, todos vinculados al grupo Colina como un destacamento militar dedicado a la eliminación y desaparición de personas.Pero esta vez luego de años de investigación se llego a probar la vinculación directa de las altas esferas del gobierno de Alberto Fujimori en el planeamiento y apoyo de este grupo, iniciandose procesos penales contra Alberto Fujimori, Vladimiro Montesinos (asesor presidencial) Nicolas Hermosa Rios (Comandante general de las Fuerzas Armadas) y los 46 miembros del grupo colina.

Ante esto y grupos de fujimoristas y militares vinculados a la mafia han venido tratando de intimidar a los defensores de derechos humanos, a travez de correos electronicos y llamadas telefonicas, Aprodeh, fue vigilado por un grupo de ellos, y ante la campaña por la extradición de Alberto Fujimori, el local de Aprodeh, fue objeto de acciones como el hechas basura fuera de sus instalaciones pegatinas de afiches en favor de Fujimori. Asi mismo un grupo de personas acudio en horas de la mañana en enero del presente año a insultar al personas de aprodeh que iva ingresando al local, pero al llegar mi persona y reconocerme como la abogada que estaba en los casos donde se le acusaba a alberto Fujimori de Homicidio calificado y Desaparación forzada, me insultaron acusandome de ser abogada de terroristas rodeandome y agredriendome, sin embargo la actitud de los integrantes de aprodeh que salieron inmediatamente obligaron a retirarse no sin antes

lanzar amenazas contra todos nosotros. Luego de ser denunciados los hechos Policia presta algun tipo de seguridad al local , ya que en la investigación se determino que existe la amenaza de agredir a la organización que promueve las denuncias contra Alberto Fujimori y Vladimiro Montesinos.

**TESTIMONY OF KISANGANI DONATIEN,**  
**Coordinator in SEDI**  
**(Solidarité Echange pour le Développement Intégral),**  
**Uvira, Sud-Kivu,**  
**Democratic republic of Congo**

La crise sociale en République Démocratique du Congo due à la mauvaise gouvernance depuis longtemps est aggravée par le cycle des guerres déclenchées depuis 1996 jusqu'à ce jour. L'insécurité sociale qui en découle est à la base de massives violations des droits de l'homme, plus particulièrement dans la partie Nord-Est où toutes les rebellions et autres groupes armés, locaux et étrangers qui s'affrontent chaque jour : les tueries, les massacres, la torture, les viols des femmes, la dévastation des champs, les arrestations arbitraires et les détentions illégales, l'incendie des maisons, le pillage systématiques des biens publics et privés, les déplacements massifs des populations, la restriction des libertés individuelles, l'enrôlement des mineurs dans l'armée et groupes armés, ...

C'est suite à la détérioration de la situation des droits humains et l'impunité entretenue par les tenants du pouvoir que plusieurs associations des droits de l'homme, et particulièrement de l'Est du pays, se sont engagées dans le travail de l'éducation aux droits de l'homme, la surveillance, l'enquête, la documentation, la dénonciation et l'assistance des cas de violations des droits de l'homme.

**Pour réaliser ce travail sur terrain et au profit de la population, les défenseurs des droits de l'homme consentent beaucoup de sacrifices** qui leur permettent d'atteindre leur objectif, et qui les exposent parfois aux multiples risques tels que les arrestations arbitraires, la torture, viols, intimidations, menaces, assassinats, privation des libertés individuelles et parfois à s'exiler.

En plus de l'insécurité généralisée à laquelle presque tout le monde est exposé pour que ses droits et libertés soient violés, les défenseurs des droits de l'homme sont les plus ciblés par le pouvoir par leur travail d'éveil de la population par la vulgarisation des instruments juridiques de protection des droits humains, et de dénonciation des cas de violations de ces droits.

Dans le but de couvrir les sources des preuves des abus et violations des droits de l'homme dénoncés souvent par les défenseurs des droits humains, le pouvoir en place se permet d'attaquer ces derniers pour échapper aux éventuelles poursuites judiciaires et de les décourager, en les substituant en opposants au régime.

Les tenants du pouvoir, et particulièrement les responsables des différents ex-mouvements rebelles du Nord-Est de la République Démocratique du Congo, **harcèlent et menacent les associations ou les personnes engagées dans la défense aux droits de l'homme**, qui dénoncent les atteintes aux droits humains, et qui informent le monde extérieur de la situation générale des droits de l'homme dans cette partie du pays à cause

de leur ignorance des instruments juridiques des droits humains, et particulièrement de la déclaration des Nations-Unies sur les défenseurs des droits de l'homme.

A titre d'illustration, découvrez des cas ci-dessous :

1. Dans la nuit du 25 au 26/05/2003 vers 19h30', au quartier Songo, sur l'avenue de l'Alliance en ville Uvira, dans le Territoire d'Uvira, Province du Sud-Kivu à l'Est de la R.D.Congo, le nommé KATAMBAY NTUMBA Charles, âgé de 42 ans, marié et père de 3 enfants, défenseur judiciaire et activiste des droits de l'homme oeuvrant dans l'association Groupe de Voix sans Voix (G.V.S.V.), a été tué par un militaire du Rassemblement Congolais pour la Démocratie (RCD), principal mouvement rebelle qui contrôle l'Est de la R.D.Congo, répondant au nom de HABIMANA SAFARI, devant la porte de sa résidence. Le motif de cet assassinat n'a pas été connu.

2. Le 05/08/2001, en ville d'Uvira dans le Territoire d'Uvira, Province du Sud-Kivu à l'Est de la R.D.Congo, le nommé MAJALIWA KANAZI, Coordinateur de l'association de défense des droits de l'homme dénommée Comité d'Action pour le Développement Intégral, CADI, a été arrêté par Mr David MUNYAMAHORO, chargé d'investigations au service de sécurité (DSR), du Rassemblement Congolais pour la Démocratie (RCD) à Uvira, principal mouvement rebelle qui contrôle l'Est de la R.D.Congo, suite à l'apparition d'un article dans l'éditorial AMANI, publié au mois de juin 2001 par la Ligue des Droits de la Personne dans la Région des Grands Lacs, LDGL, titré « Uvira, triangle de la mort ». Cet article a dénoncé les cas de tueries à Uvira, perpétrées par les Guerriers Banyamulenge, les militaires du Rassemblement Congolais pour la Démocratie, et les miliciens Mai-mai au mois d'août 1998, avec comme source d'information, l'organisation non-gouvernementale CADI. Dès l'apparition de ce magazine, la victime a été arrêté et détenu pendant 2 jours au cachot de la police zone.

3. Le 27/6/2003 à Uvira, le nommé Donatien KISANGANI M., oeuvrant au sein de l'association Solidarité-Echange pour le Développement Intégral, SEDI, a été arrêté pendant 13 jours par le service de sécurité du Rassemblement Congolais pour la Démocratie, RCD, accusé d'appartenir à un mouvement dénommé service de liaison armée pour la population, SLAP, qui collabore avec les Mai-mai et le Gouvernement de Kinshasa. La victime a été détenue pendant 8 jours à l'auditorat militaire et 5 jours à la prison centrale d'Uvira. Il a été libéré le 10/07/2003.

## TESTIMONY OF BETTY LUVUSIA, Guadalcanal, Solomon Islands

My name is Betty Luvusia, from Hebron Village, Malango District, Central Guadalcanal, and Guadalcanal Province, Solomon Islands, South Pacific. It's about 45 minutes drive from Honiara. I am about 40 years, married with five children, three boys and two girls.

My first experience was during the ethnic tension, which involves two parties to the conflicts, the IFM and the MEF. During this time the NGOs tried to organize some peace talks and to bring back peace and normality to the country. I was appointed to represent the Guadalcanal women. I have to travel through two bankers; I have to show official letters, to permit me to travel to Honiara. I am allowed to travel to Honiara, upon presenting those proper documents. After the meetings, I had to go through the same procedures.

When I arrived at home, the Isatabu Freedom Movement (IFM) Rebels came to see me for some queries, stating that I am suspicious; an agent for the Malaita Eagle Force (MEF) Rebels. I have to explain my situation to their requirements. If the answers are not satisfactory then I am going to be penalized accordingly.

My second experience was, when I was trying to dialogue between the warlord Harold Keke and the Police Joint Operations - they had suspicions of me joining the Police Operation. However, **because of my participation in a male dominated society, I was suspected of having an affair with a colleague. I was beaten up in my private bedroom, had my hair cut, my clothes stripped off me, demanded compensation under duress, they terminated my employment and they have banned me from going to Honiara.** This was a direct breach of my right to freedom of movement, as it is stated clearly in the Bill of Rights in the SI Constitution and also in the Universal Declaration of Human Rights. They have also decided not to permit me to reside within the community any longer. With a good heart I moved out of the community and resided along the Konga road, where I had to start all over again, however, it was really hard for me, in this economic crises, especially for someone unemployed as myself.

The members of the Police Joint Operations confronted me, and threatened to challenge me in the Court, for my reports that I sent to Dr Heinz Schurmann, of Amnesty International. They even told me that my life is at risk, because of the reports. However, I told them that you have the right to proceed on to courts, because only then will our deeds be justified.

The third experience that I'd like to share was, recently before the RAMSI arrived in the country. I was requested by the office of the United Nations High Commission for Human Rights- Solomon Islands to do a survey on the weathercoast people that have fled from the warlord Harold Keke. While I was at Aruligo, west Guadalcanal, there was confusion among the people in the community who found that their names were not in the Report. During the second night in the field I heard a gun shot - when I asked about

the incident I was told that it was the Police Joint Operation, they had expressed their grievances.

Cheers and Regards

Betty Luvusia

**TESTIMONY OF KHELEF KHALIFA,**  
**works for Muham (Muslims for Human Rights in Kenya)**

Human Rights Defenders, as often as not, find themselves literally between the rock and a hard place. The ‘rock’ in this connection is the crushing and all-powerful governmental machine and **the ‘hard place’ is the impossible choice between the rights of those being crushed and one’s own personal safety.** We shall try to put this in context in my own home country of Kenya.

Kenya had endured a number of human rights abuses during the first two regimes after Independence. These have been the sad but frequent result of intolerance of political dissidents. Many Governments the world over – as Human Rights Defenders know only too well – work on the principle that ‘you are free to say whatever you like so long as you agree with me!’ 9-11 has come to be a watershed point for a number of countries, not least Kenya.

**ANTI-TERRORISM AND HUMAN RIGHTS IN KENYA**

9-11 was a human rights disaster measured by any set of scales. Muslim leaders the world over rightly condemned it because it was a deliberate attempt to take the lives of innocent men, women and children to satisfy political vendetta. Unfortunately, the dust clouds of the Twin Towers are coming down in distant Africa hitting innocent victims as far away as Lamu in Kenya and Lilongwe in Malawi. It was the globalisation of the determined effort of the world’s most powerful nation which is leading to the trampling of human rights with gay impunity. Camp X-Ray in Guantanamo Bay, Cuba has come to symbolize the impact of blind national rage on human rights. Camp X-Ray at Guantanamo Bay has been a subject of unrelenting human rights criticism even by close allies such as the United Kingdom and a number of European countries. But, it would appear, to little positive effect.

The globalisation of the Anti-Terrorism effort by the United States and her allies has meant that Third World countries have had to be drawn into the exercise. Some of these countries have had an awful Human Rights track record. **They do not need much encouragement to use the Anti-Terrorism mantle to subject their own people to even harsher measures.** Kenya happens to have emerged from some four decades of political suppression with unrepentant Human Rights abuse against ideological dissidents. But the culture of Human Rights abuse in the last four decades had grown to all sectors of the nation. Police atrocity even to victims of petty crime is rampant. The so-called Anti-Robbery Squad has had standing instructions to shoot to kill and it parades victims regularly who are said to have been armed and, we are supposed to conclude, were thus about to open fire on the police! Prison officials beat up prisoners without any questions being asked. A number of resulting deaths in prison do not even get reported.

It is against the background of this widespread occurrence of Human Rights abuse that the new Anti-terrorism pressure from our US paymasters has to be seen. In the first place, there are the open harassment of Kenya nationals by either combined US and Kenya armed forces or – as often as not – US forces acting with apparent sanction from the Kenya Government. The National Alliance Rainbow Coalition (so-called NARC) of President Mwai Kibaki which was swept to power on the anti-corruption and anti-human rights abuse ticket, has become severely compromised by American and British governments for the enormous pressure they have exerted on the new Kenya Government to take manifestly violent measures in search of Al Qaeda terrorists.

Accounts of the manner in which US Marines are lashing it out to the people of Lamu are not particularly encouraging. Those Lamu residents that consider themselves Pro-Western, call the behaviour ‘extremely unfortunate’. Some others describe it as ‘harassment, plain and simple.’ And yet others use stronger terms and even accuse the Marines of ‘outright terrorism’ against the people of Lamu. **Is playing the Ugly American the best way of winning hearts and minds? Is it not time to stop and think?**

Eye witnesses have told us of fishing and passenger boats being capsized or nearly capsized by the swell of the powerful boats being used by the US Marines. Even the BBC has featured reports about this type of behaviour. Others talk of daily incursions into almost every household particularly in the many villages on Pate Island leaving the residents stunned with shock and seething with silent fury. It would appear that the lessons of the past dealings with the Muslims of Kenya have yet to be learnt by the FBI. Let us briefly bring out the issues involved.

One other theory is that the US is very worried about Al Qaeda infiltration into Kenya. Let us assume that this is indeed the prime motivation. It is widely acknowledged that possible Al Qaeda operators could have based themselves in Somalia. There is little doubt that the Kenyan-Somalia border is (like all African borders), to say the least, rather porous. If this is so, then both the Lamu area and the North-Eastern Province become possible entry points of infiltration by Al Qaeda operators. These are both strong Kenya Muslim areas. Let us assume further that the Kenya Government has been sold the fear of this infiltration and that it too is worried about possible establishment of Al Qaeda cells in these areas. Would this perfectly legitimate fear justify the kind of show of force and trampling of human rights and undignified incursions into people’s homes that are reported to be going on in Lamu? **SUCH INCURSIONS USING MANIFESTLY TERRORIZING TACTICS DESIGNED TO INDUCE FEAR IN THE LOCAL POPULACE WOULD, WE MAINTAIN, BE TOTALLY COUNTER-PRODUCTIVE. IF ANYTHING, SUCH AN APPROACH WOULD INDUCE SEVERE AND POSSIBLE LONG-LASTING ANTI-AMERICANISM AND GENERATE (THROUGH SUCH HATE) A GREATER WILLINGNESS TO SYMPATHIZE AND TO SUPPORT AL-QAEDA CELLS.**

We ask again of both the US and the Kenya Governments to consider whether playing the Ugly American is the best way of winning the battle of hearts and minds of the

peoples of Lamu and of the Kenya Muslims in general. Kenya Muslim leaders have been at pains to show both the Kenya and the US Governments the best ways of doing this delicate job using more refined methods. It is a bit late in the day to reverse the effects of the trauma already inflicted but if both the Kenya and the US Governments are willing to listen to Kenya Muslim leaders, **it is still possible to get more cooperation** from the people of Lamu and end up trumps!

Of late – since August 7, 1998 when the US Embassy in Nairobi was bombed and particularly since 9-11 – Kenya Muslims have come to bear the brunt of an external Big Brother joining in the fracas. Although the NATIONAL ALLIANCE RAINBOW COALITION (NARC) Government of President Mwai Kibaki came to power at the beginning of this year on an anti-torture, anti-corruption, democracy, transparency and accountability ticket, it has also come under enormous pressure from the US Government in particular to enact an Anti-Terrorism Bill which by all accounts would effectively sanction the use of terrorist tactics in pursuit of Al Qaeda terrorists! This Big Brother double-speak is all the more curious in that the US Government has been a frontline player against human rights abuse and has been publishing thick volumes of those abuses committed by each country including Kenya! Yet today US Marines on the Northern Kenya Coast have been playing the Ugly American every day in the last few months against poor Muslim households in Mombasa, Lamu and associated islands!

It is against this background that the human rights defender finds himself. **The iron hand of the Bush Government is pressuring young democracies from consolidating the newly-won freedom of choice based on anti-corruption and anti-human rights abuse.** And yet through pressures on the enactment of a new Anti-Terrorism Bill which even hard-nosed dictators would not dare to put to its Legislature, the Bush administration is extending the X-Ray Camp culture to countries that have spent decades trying to shed themselves of the infamous Nyayo dungeons. In between these stand the lonely voices of the human rights defender.

**TESTIMONY OF RAJI SOURANI,**  
**heads the Palestinian Center for Human Rights**

Ladies and gentlemen, dear friends and comrades,

**Nobody can defeat the power of an idea when it is just and fair.** That is why no one can defeat us, because as human rights defenders we stand for just, fair and noble ideas. At this moment, we find ourselves at the brink of an unprecedented conflict between two opposing ideas: One force is pulling us towards the rule of law, democracy and respect for human rights and the other is moving towards the globalization of chaos and fear. We, as human rights defenders, must insist on the promotion of the rule of law, human rights and democracy and we must strive for the recognition and adoption of international law, in particular, international humanitarian law.

Recently, this deep division was brought into focus when Sergio Vieira de Mello and a number of his colleagues, passed away at the hands of those who desire anarchy and chaos to prevail. Vieira de Mello was targeted for what he represented as the UN Secretary General's representative to Iraq, as well as his role as the High Commissioner for Human Rights, where international humanitarian law was located at the very heart of his mandate. The attack targeted the rule of law and human rights and with Vieira de Mello's death and the deaths of his colleagues the world has lost some of the best and brightest advocates of the universality of human rights. However, despite the loss to our community and the world at large, I remain confident that human rights defenders will not allow the intentions of these criminal elements to prevail. I am confident that we will remain focused in our bid to fearlessly defend international law, human rights and world order.

It is a great honour to be here in Ireland and especially in Dublin, enjoying Guinness, good food and hospitality. I feel especially privileged to be here with the wonderful Mary Lawlor. Mary, her staff and Frontline Defenders are doing fantastic work and should all take immense pride from their accomplishments as human rights defenders. However, unfortunately I must cut my stay here in Dublin short and return back to the Occupied Palestinian Territories, due to the developing emergency situation there. It is wonderful to be here, but it is also important to be on the ground at this crucial moment to give voice to the victims of the horrendous crimes that are being perpetrated against the Palestinian people. As you are all well aware, **under the guise of security measures and in the name of peace, Israel has created a state of *de facto* apartheid in the OPT.** The belligerent Israeli occupation has led to the social and economic suffocation of the Palestinian people and the situation has deteriorated rapidly in the last three years since the beginning of the current Intifada. During this time Israel has intensified its aggression in the OPT, carrying out **willful killings; extra-judicial assassinations; house demolitions; sieges of cities, villages and refugee camps; widespread land leveling and uprooting of trees; and they have attacked and killed journalists, medical personnel and human rights activists.** Israel has committed systematic war crimes

against the Palestinian people and is now going even further with their use of Apache helicopters and F16 fighter jets as conventional weapons.

The most recent phase is the construction of the ‘apartheid wall,’ or ‘security fence’ as Israel refers to it, which is not being built along the 1967 border, or Green Line, but inside the West Bank. The wall will eventually annex approximately 56% of the West Bank to Israel, leaving the OPT carved up into isolated Bantustans and effectively creating a new border. Along with the continued expansion of Israeli settlements, this consolidation of facts on the ground is aimed at ruling out any possibility of a viable Palestinian state in the future and it is becoming increasingly evident that Israel’s long term goal is the “voluntary” transfer of the Palestinian people, which will lead to another *nakhba*, or catastrophe. Meanwhile, despite the continuation of the violence and destruction, the demands of the Palestinians remain plain and simple: an end to the belligerent Israeli occupation and the implementation of international humanitarian law in the OPT.

Yet the international community remains largely silent and Palestinians continue to be portrayed by Israel and the United States as the aggressors in the conflict. This manipulation of the facts does little but increase feelings of bitterness towards the international community. Portraying the belligerent Israeli occupation as the innocent victim is an unacceptable and dangerous situation. **When you consider these absurd realities, the conflict takes on almost Kafkaesque proportions.**

Palestinians civilians do not need to distort the facts to know that they are the real victims of this lopsided conflict and the only way forward is the full implementation of international humanitarian law. Ignoring international law is a reckless precedent to set in the current global situation, and will benefit no one in the long term. We have tried on two occasions<sup>1</sup> to convene a conference of the High Contracting Parties of the Fourth Geneva Convention, but both attempts failed totally because of the conspiracy of silence adopted by much of Europe and the legal and political immunity that the United States provides for Israel. The double standards that are imposed on the Arab-Israeli conflict are becoming increasingly evident as the years go on and this does little but serve to confirm to the developing world that Western democracies do not have the moral authority to impose their form of democracy on the rest of the world. Of course we as human rights defenders are against corporate globalization, but we are definitely in favor of grassroots globalization in defense of human rights, the rule of law and democracy.

Of course not all European and Western states fit this mould; Ireland and France being two exceptions to the rule. But **we need more support to recognize that international humanitarian law does not exist to be discussed solely in legal and academic circles;** to be pondered over as abstract legislation. It is not the domain of intellectuals; rather it is there to be implemented. This notion is clearly enshrined in article 1, which states that it is the obligation of the High Contracting Parties to ensure respect for and implementation of the Fourth Geneva Convention. Palestinians want the full implementation of international humanitarian law, the success of which would make this world more just

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<sup>1</sup> In July 1999 and November 2001

and legal. No one can deny the Palestinian civilians' right to international protection and it is important at this point to also stress that the targeting of civilians cannot be justified to advance any cause. We must consider all civilian blood holy; regardless of race, religion or creed.

Due to the latest developments in the region, I have to admit that with the conspiracy of silence and the legal and political immunity and support that the United States provides for Israel, Sharon and his government will continue to commit war crimes and we should only expect a further escalation of conflict in the future. Although our outlook for the immediate future is bleak, black and bloody, we as Palestinians, will not lose hope. We will not give in to acts of aggression committed against us and we will not abandon our call for the implementation of international humanitarian law. We will not allow another *nakhba* to occur and we will continue our strategic struggle for our right to self-determination and independence.

Dear friends and comrades, our struggle is just and fair. Thus, it is at this pivotal moment that we must intensify our efforts towards a better, more just world, where the rule of law, democracy and human rights prevail. We need to make the decisive choice between living in a world governed by the rule of law, or the rule of the jungle.

**THANK YOU**

**TESTIMONY OF NATALIA ESTEMIROVA,**  
**GROZNY, CHECHNYA**

I would like to tell you about a woman of whose life and death, I believe, the people must know.

Her name was Zura Bitieva. She lived in a small Chechen village. During '95-'96, when the Russian army occupied Chechnya, she was actively involved in anti-war protests. She was not afraid of the fatal consequences. In 1999, the Russian army again invaded Chechnya, and in February 2000 she and her son Idris, were taken into the Chernokozov prison by a Russian soldier. Conditions of this prison were appalling in their brutality. Torture, killing, assault and human degradation were all part of this institution.

Zura was a small, aged and very sick woman. But her soul and the strength of her spirit, withstood the threats and beating of her captors. She defended other inmates in prison, with this strength. Zura went on hunger strike. She was released in a very ill condition. Her friends helped her go to Turkey. But once her health was slightly better, she went back to Chechnya, and began collecting evidence of crimes committed by the Russian soldiers and militia against the peaceful citizens of Chechnya. This evidence she submitted to UN and organizations for human rights. In the middle of a spring night 2003, her house was broken into by camouflaged and masked men. These men were part of the Russian forces. They killed her, her son Idris, her husband and her brother. **Her one year-old grandson was gagged and left in a puddle of blood.** Only her other son, escaped death by hiding in time.

Half a year passed, and the crime has still not been investigated.

Exactly two years before this event, Islamic fundamentalists in conjunction with the Russian forces, mortally wounded human rights defender Viktor Popkov. Still, the killers have not been brought to justice, even though this is quite possible.

In spring this year, **men in camouflage and masks kidnapped a defender Imran Ezhiev. The press raised a storm, and after a few days Imran was dropped and left on a dirt road.** To this day, he does not know where he had been, as he was gagged and cuffed. But he does know that his kidnappers were part of the Russian forces. He was saved by the press outcry.

**I suggest that whenever a human rights defender is suffering, we should hold massive press gatherings to free the defender and lead proper investigations into their arrests.** I also think that the Frontline website should have current and detailed information and news of human rights defenders – to be discussed by participants of this conference.

**TESTIMONY OF FRANCISCO BADENES,**  
**civil police detective,**  
**Espirito Santo State, BRAZIL**

Sou Delegado de Polícia no Brasil , e, trabalhei no Estado do Espírito Santo investigando Execuções Sumárias de meninos de rua.

Minhas investigações conduziram à prisões de diversos integrantes do denominado Esquadrão da Morte, composto por maus policiais, que se valiam das suas insígnias, para cometer homicídios de crianças e homicídios de motivação política.

**A seqüência das investigações, levou à descoberta de uma poderosa Associação Criminosa Organizada,** responsável por garantir a Impunidade desse Esquadrão da Morte; bem como a Impunidade de todo um esquema de Corrupção destinado a roubar dinheiro público e enriquecer políticos e funcionários públicos corruptos, privando a comunidade local do dinheiro básico para alimentação de crianças, educação, saúde pública e inclusive segurança.

Essa Associação Criminosa Organizada, **de característica Mafiosa, possuía como Associados, políticos, juízes, promotores, advogados, policiais e integrantes do jogo clandestino,** sendo responsável por capitalizar recursos oriundos de diversas atividades criminosas, para inclusive financiar campanhas políticas, minando assim a estrutura democrática do Estado de Direito. E, não encontrando nenhuma espécie de limite, para Assassinar qualquer pessoa que se interpusesse em seu caminho.

Desta forma, **essa Associação Criminosa Organizada, tentou neutralizar o meu trabalho, e, também me assassinar,** com o objetivo de perpetuar os homicídios e suas atividades espoliadoras do Estado.

Como Delegado de Polícia, estava passando por uma situação muito difícil, pois as forças do Crime Organizado , tentavam a todo custo, manter a impunidade e encobrir a triste realidade enfrentada pelo estado do Espírito Santo, que além de apresentar um elevadíssimo número de extermínio de meninos de rua, também era palco de desenfreada corrupção em diversos organismos públicos estaduais.

Tínhamos, na ocasião, um outro Governo e outro Presidente, que por injunções políticas, não confrontavam tal realidade.

Em abril do ano passado, fui contactado pela Sra. Mary Lawlor da Front Line , que me viabilizou o acesso a ONU, me permitindo expor toda essa situação crítica em Genebra, onde inclusive, por intercessão da Front Line, pude ser recebido pela Alta Comissariada dos Direitos Humanos na ONU, Sra. Mary Robinson.

Após a apresentação realizada na ONU , foi possível se transpor o bloqueio efetuado por essa poderosa rede criminosa, que inclusive inibia a mídia local; e expor a real dimensão de periculosidade do problema enfrentado.

Em seguida, em setembro do ano passado, a Front Line proporcionou minha viagem a Irlanda, onde pude visitar diversas instituições governamentais e policiais, bem como

locais de cultura e beleza desta terra heróica, me doando inclusive, equipamento técnico para auxiliar na minha missão profissional de combate ao crime organizado.

Como resultado, de todo esse processo que se iniciou com a exposição em Genebra, na ONU, patrocinada pela Front Line, **o então Ministro da Justiça brasileiro, enviou para o Estado do Espírito Santo, uma força-tarefa composta de 150 policiais federais e cinco Procuradores da República, que se encontram atualmente no Estado, e, já apresentam resultados concretos, efetuando prisões, denúncias judiciais sobre corrupção e lavagem de dinheiro, reprimindo assim a atuação desta Associação Criminosa Organizada, responsável pela espoliação do erário público e pelo assassinato de centenas de pessoas.**

Desta forma, finalizo meu testemunho, aproveitando para registrar meu profundo agradecimento a Nosso Senhor Jesus Cristo, pela benção recebida, que se manifestou através da realização de Justiça naquela comunidade tão sofrida, **expresso também sinceramente meus agradecimentos, a Front Line, pela oportunidade e auxílio que me foi concedido, estendendo a minha gratidão, reconhecimento e admiração pela Irlanda e seu povo, do qual ousou me considerar vinculado pelo coração.**

**Muito Obrigado.**

**TESTIMONY OF VENANTIE BISIMWA NABINTU,**  
**works for Réseau Femmes pour la Défense des Droits et de la Paix,**  
**Bukavu, Democratic Republic of Congo**

Je m'appelle Venantie Bisimwa Nabintu. Je viens de la ville de Bukavu en République Démocratique du Congo. La ville de Bukavu est le chef-lieu de la province du sud-Kivu, province située aux frontières congolaises avec les républiques du Rwanda et du Burundi.

Depuis le 02 août 1998, les deux pays voisins cités ci-haut et l'ougaranda, un autre pays limitrophe de la RDC à la frontière nord-est, avaient franchi, avec leurs armées, les frontières congolaises, agressant ainsi la RDC qu'ils ont occupée et exploitée depuis 5 ans. Cette occupation du territoire de la RDC par les armées de ces pays voisins s'était accompagnée, dès le premier jour, des massacres des militaires congolais non impliqués dans la trahison observée au niveau du commandement et des civils.

Ensuite s'en est suivi, durant toutes les années d'occupation jusqu'à ce jour, un chapelet de crimes de guerre, de crimes contre l'humanité. Tous les droits humains sur cette partie de la RDC sont violés, à commencer par le droit d'avoir son pays, d'y vivre en paix et le droit à la vie. Sur terrain, les seuls ennemis des armées d'agression et leur allié, le Rassemblement Congolais pour la Démocratie (RCD), étaient les populations civiles et les acteurs de la Société Civile.

La Société Civile a constitué une cible parce qu'elle traduit les aspirations des populations congolaises de l'Est ; elle avait été la première à dénoncer la guerre d'agression et **la tentative de balkanisation de la RDC au bénéfice des pays voisins**. Les organisations de défense des droits de l'homme très actives à cette période se sont mises à documenter et à dénoncer par tous les moyens à leur possession (internet, radio, rapport, pétition, mémo, etc.) et à tous les niveaux les multiples crimes et violations des droits humains commis sur le territoire congolais.

Au delà des violations des droits civils et politiques, les armées des pays agresseurs et leurs alliés rebelles avaient détruit dans les milieux ruraux les infrastructures scolaires, de santé, de production, les symboles de l'autorité coutumière (tous les pays ont un attachement très fort à la coutume), pillé les églises, incendié les maisons des paysans et forcé ceux-ci au déplacement.

La documentation et la dénonciation de ces crimes visaient entre autres la recherche de la justice afin de combattre l'impunité. Cela a aussi justifié que ces belligérants ont fait des acteurs de la Société civile et des défenseurs des droits de l'homme la cible des attaques de toute nature, des intimidations jusqu'à forcer quelques-uns à l'exil. Pour ce qui me concerne en tant que défenderesse des droits de l'homme, j'ai été aussi victime des abus commis par le pouvoir d'occupation.

**J'ai été victime d'une campagne de discrédit.** Les femmes de Bukavu avaient décrété la journée du 08 mars 2000 « Journée sans femmes », en signe de deuil suite à tous les

crimes perpétrés sur les leurs. La campagne menée contre les femmes avait pour objectif de disloquer les familles et de susciter, dans le chef du public, un rejet des femmes leaders. La radio du pouvoir d'occupation et des tracts ont diffusé des messages comme quoi le leadership féminin était composé de femmes infidèles. L'infidélité dans notre société est un fait grave qui conduit au divorce dans la plupart des cas.

En date du ..., pendant que les membres du Réseau des Associations de Défense des Droits Humains au Sud-Kivu (RADHOSKI) attendaient se réunir, ils s'étaient vus assiégés par les militaires du RCD et les agents de la Division Spéciale de renseignements. Ils ont commencé à tabasser les défenseurs des droits humains en utilisant de gros batons de 10 cm de diamètre. Dans la débandade, j'avais réussi à m'enfuir. J'ai parcouru une distance de 5 km en courant après avoir perdu mes souliers. Mes collègues avaient été arrêtés et détenus avant d'être relâchés plus tard. En l'occasion, papiers et ordinateurs du bureau ont été emportés.

Plusieurs rapports produits par la Division Spéciale de renseignements du RCD donnent régulièrement les noms des activistes des droits de l'homme considérés comme opposants à l'occupation de la RDC. A plusieurs reprises, elle a déposé la liste des noms des défenseurs des droits de l'homme aux services d'immigration pour empêcher la sortie du pays. Mon nom figurait souvent sur ces listes.

Dans un de ses rapports de l'année 2002 à sa hiérarchie, la Division Spéciale de renseignements formule des observations allant dans le sens bloquer les activités des activistes des DH. Mon nom figurait parmi ceux des acteurs de la société Civile qu'il fallait museler.

**Les actions de nuisance contre les défenseurs des droits de l'homme de sexe féminin s'étendent jusqu'aux maris.** C'est ainsi que mon mari a été arbitrairement révoqué de ses fonctions de directeur de parcs nationaux. Il avait appris, à partir de plusieurs mécanismes de recours introduits, qu'on lui reprochait aussi de ne m'avoir pas empêchée d'agir contre les violations des droits humains perpétrées par le RCD. Il a été accusé d'être mon complice. Ce stratagème vise à museler les activistes des droits de l'homme en les privant des moyens financiers pour vivre et mener leurs actions.

**TESTIMONY OF TAHIR ELCİ,**  
**Lawyer**  
**Diyarbakir,Southeast Turkey**

I would like to open by expressing my respect for all of you here,

I condemn the terrorist attack against Dr. Sergio de Mello and the other innocent people, and commemorate them with respect.

We are living in a period of both heart lifting and saddening events. On one hand, historical and exciting developments – like the initiation of the International Criminal Court - are taking place; but on the other hand crimes against humanity continue to be committed in the four corners of the world. **Shameful crimes like torture, “disappearances” of individuals in police custody and extrajudicial killings are still on the daily agenda of humanity.** I have joined you, having come from the southeast of Turkey, an area where such crimes have occurred intensively. Now that Turkey is a candidate to join the European Union, human rights violations - and especially the question of impunity - are on the public agenda in recent days. In order that the subject be understood, I would like to give some brief information about Turkey and the southeast region.

Up until very recently, the southeast of Turkey, which is where the Kurdish population live, had effectively been under a State of Emergency for more than twenty years. The region, governed by a regional governor who had extraordinary powers, was under a State of Emergency until November 2002. It is stated that more than 30,000 people died in the conflict between armed Kurdish forces and the state forces. Most of the human rights violations experienced occurred in relation to the Kurdish question and the state of emergency.

According to the statistics of the Turkish Human Rights Foundation (Turkiye Insan Haklari Vakfi - TIHV) - one of the most well-respected human rights organisations in the country – between 1990 and 2002 alone, 933 people, most of them in the southeast, died as a result of extrajudicial executions. In the whole of the country, 1,774 people were killed by persons unknown. Of these murders, 1650 occurred in the southeast. In the same period, 176 people “disappeared” in police custody; more than 3,000 settlements were evacuated and 3,000,000 people were forced to migrate. Unfortunately it is not possible to determine the number of the persons who have been tortured. However, according to the data of TIHV, 988 persons reported that they were tortured in 2002 alone. On the other hand, **the official response of the Minister of the Interior to a question in parliament, discloses the extent of impunity in Turkey.** Between 1995 and 1999, 3,428 criminal proceedings were brought against state officials on charges of torture and mistreatment – however, only 94 of these were sentenced. According to the same information, the percentage of criminal proceedings related to torture claims which

result in sentences is around 2-3%. As can be seen, torture is widespread and practised systematically in Turkey. Those responsible are tolerated officially.

The pressure on human rights activists and the question of impunity are related to each other. Without effective legal assistance, the victims of human rights violations cannot have access to justice. **In the last ten years, more than 100 human rights activists and lawyers from the Diyarbakir Bar Association alone have been subjected to criminal proceedings.** The “25 lawyers” case, the hundreds of cases brought against the head of the Diyarbakir branch of the Human Rights Association, the police raid on the Diyarbakir Branch of TIHV and other cases brought against the representatives of that organization are just a few examples of these. The investigations and cases still continue.

Although Turkey is party to all the major human rights conventions in the framework of the UN and the Council of Europe, it still does not fulfil its obligations under these conventions. The country which can claim the highest number of applications to the ECHR against it is still Turkey. The minutes of the fact-finding hearings conducted by the ECHR, discloses the extent of the crimes against humanity committed in the southeast. Turkey has not yet signed the Rome Statute of the International Criminal Court. Human rights organisations are campaigning and lobbying for the accession to the Statute. Despite various reforms adopted in order to fulfil the European Union criteria in the last two years, in practise no serious progress has been recorded. In our experience, we can say that the reasons for impunity in Turkey are, firstly; ignorance of human rights and insensitivity on the part of society to human rights violations. Secondly, the authorities' protective attitude towards those responsible for human rights violations; and, thirdly, the ineffectiveness of the judicial machinery and tolerance shown towards perpetrators. Thanks to the determined attitude of human rights defenders, I can say with happiness that official tolerance towards human rights violations - most of all torture - is showing signs of decline.

I offer my respects to you again and greet you all with a wish for a world where no crimes against humanity are perpetrated and where those responsible do not go unpunished.

Tahir ELÇİ / Lawyer  
**Diyarbakir, Southeast Turkey**

**TESTIMONY OF ALIMATA COULIBALY,**  
**president of CVCI,**  
**Ivory Coast**

I didn't plan to be a human rights defender.

I have a Master of Sciences in Accounting from Oklahoma University and the Certified Public Accountant Certificates. I worked for ten years with the Ralston Purina filial in Abidjan and for four years for the World Wildlife Funds.

In December 1999, my society was destroyed during the military coup, including all of our documents and equipment. During the military transition I was a financial consultant of banking groups.

My life changed drastically in October 2000, I looked around me and took conscience as a result of the fact that we have to face with dramatic situations which concluded with numerous mass-graves and other serious problems. Almost all, 98, of the victims were foreigners or people from the north of our country.

“Dioulas hunting” started.

‘Dioulas’ is a, pejorative term for a foreigner and also people from the north of Côte d’Ivoire.

Again, in January 2001 many military and civilian peoples were put in jail because of their names.

**It was unsustainable to live with exclusion, injustice, impunity and terror.** This inspired me to band together with other victims and the families of victims to fight for equal rights, denounce crimes and impunity everywhere in Côte d’Ivoire. That is why in June 18th 2001 we created the “Collective of Victims in Côte d’Ivoire ” ( CVCI ).

Now thousands of victims are members of CVCI:

- We organized dozens of conferences to denounce violations of human rights existing in Côte d’Ivoire.
- We wrote dozens of declarations to denounce precarious judgements which lead to executions, wide spread torture, systematic rape by governmental forces, and other crimes and arbitrary acts of violence, also committed by government forces.
- We organised the spouses of the political prisoners to fight against, arbitrary arrests and conditions of detention.
- We had a sit-in protest in front of the gendarmerie camp “ Agban “, asking for justice, during the trial of the gendarmes who had caused and created the mass-graves of Yopougon.
- We published: -“ Activités et Projets du CVCI “ on June2002  
-“ Guerre en Côte d’Ivoire “ on December2002  
-“ Marcoussis au secours de l’impunité en Côte d’Ivoire “  
2003

- We formalised our complaints in Belgium, against the highest authority of Côte d'Ivoire, for the first 150 victims of CVCI, who suffered tortures and crimes against humanity, since year 2000.

These complaints were declared “irreceivable” but today new opportunity appears to give us some guarantees. We plan to continue making these complaints again. Also, due to the current war situation in Côte d'Ivoire, I was interviewed by many international organisations and press agencies.

Now each day I am persecuted:

- CVCI offices have been destroyed.
- My family is in great danger. **I would like my kids to be in a safer place**
- **Two of the CVCI members disappeared, during December 2002. We never saw them again. The police are the last place to go**
- Men in uniforms, describing me and looking after me, have questioned small resellers in my neighbourhood recently; they feigned surprise as to my whereabouts and the questions.

I refused to let any death threats affect me. We have assisted these last 2 years, even before the start of the war, with many cases; numerous mass-graves in Côte d'Ivoire, preventing the extermination of youths being kidnapped on the basis of their names, people tortured to death or executed at the police stations by men in uniforms.

**Now the biggest threat to victims are the “death squads” we are living with. They have the support of the authorities to kill with impunity.**

Now, because of the “agreement of Marcousis” we are talking about sharing power between most the popular political parties, New Forces and Authority. I am now a Councillor at the Ministry of War Victims, called : “ *Mnistère des Victimes, des Déplacés et Exilés de Guerre*”.

I want to thank the Ministry for permitting me to accept your invitation to be at the conference for the sake of the work of human rights.

In Côte d'Ivoire : there are still major humanitarian problems, especially in the West, with potential for increased instability from Liberia. There has been progress in the North - however lack of basic social services remains a major problem.

Some other difficulties include:

- Inadequate international attention to the crises,
- Low and inconsistent rates of funding response,
- Improving Donor Coordination to provide rapid support to operations,
- Improving humanitarian leadership and promoting a structured dialogue with political actors to reinforce conflict prevention in the respect of human rights.

We meet in the shadow of the death of Sergio Vieira de Mello, the other 21 UN staff, and the deaths of other human rights defenders. The death of Sergio Vieira de Mello was a grim reminder that even the official charged by the UN and representing 191 nations could be targeted and murdered for his work as a human rights defender.

I thank you for the opportunity you gave me to take part in the conference - for the incredible few days so thoughtfully arranged, so memorable because of the faces, stories, insights, so inspiring because of the shared passion for the sake of Human Rights. This wonderful republic of conscience is the most special place on Earth and these days have opened up a new area.

**TESTIMONY OF UCH KIM NARY,**  
**Director of Cambodian NGO Peaceful Women for the Environment,**  
**Phnom Penh, Cambodia**

**Introduction:**

Cambodia's land surface is 18 million hectares with forest covering more than 10 millions hectares. The population is 13 million, 81% of which are rice farmers. Three million hectares of forested area have been granted by the Cambodia Government to forestry concession companies for industrial exploitation and more than 700 000 hectares to land concession companies some of which operate in forested areas. These land concessions give natural persons or legal entities the right to clear private state property for industrial agricultural exploitation.

In an environment of corruption, impunity and inadequate commitment and vigilance from the government of Cambodia, many companies have failed to make the promised investments and provide the government with significant revenue. At the same time **they, and their protectors, have become rich and the forests have been decimated, given that most companies have no experience in running a forest concession.** Some of the concession companies have been actively involved in logging inside and in areas neighboring their concession. Despite the moratorium on logging that took effect in early 2002, several concessionaires are continuing to log and an even greater number are continuing to transport timber in direct contravention of the moratorium. The situation of local communities living inside or close to the boundaries of the concessions that rely on the collection of non timber forest products for their livelihood is therefore of great concern.

**Work of SSP : Peaceful Women for the Environment**

SSP is a local woman's NGO financed by four international organizations. SSP works in four provinces in North East Cambodia where high numbers of indigenous population are living. It has three small offices and six female staff members, 64 forestry network activists, mostly women. SSP provides training to local communities living inside and nearby forest concession areas and its forestry networks on protection and management of natural resources, community forestry, and prevention of illegal logging. SSP also disseminates information to communities on indigenous people's rights, women's rights, domestic violence and gender and good governance.

**The problems faced by SSP in compliance with its work.**

In late November 2002, several forest dependant community representatives came to Phnom Penh after the forest management plans, under the government's forestry reform program, was eventually made public. They requested the concerned governmental institution for a workshop to discuss their concerns, but received no response. On December 5, they gathered peacefully outside the institution waiting for a response. After several hours of waiting, the police were summoned and used excessive force to disperse

the group of approximately 150 community representatives. In dispersing the non-violent crowd, law enforcement officials hit, kicked and used electric shock batons on several people.

In the aftermath of this event, many NGOs, including SSP, which was supporting the community representatives, were verbally attacked by the government. **Some individual NGOs representatives, including SSP's director, as well as some community representatives who returned to their villages, were subject to threat and intimidation.**

Then, a parliamentarian from the dominant party blamed SSP's director for having led community representatives to go on a demonstration and said that SSP was acting against the law. One head of the Agriculture Section also attacked SSP and me at an official meeting with the forestry community for leading community representatives to demonstrate against the government. In the same period, **a policeman in one district threatened to arrest me if I appeared in his locality.**

The SSP office in one province was ransacked, and number of belongings, including office documents were stolen. Subsequently, I and some of my staff, were interrogated for an entire day not so much about the break-in, but about the organization, its staff, and what they had been doing in Phnom Penh. Detailed biographical data was recorded on myself and my family - making me afraid about a possible retaliation against my family.

Following these incidents, SSP has met difficulty in carrying out its activities. Cooperation with the concerned authorities is difficult. Other forest dependent communities and their representatives have been hesitant to work with SSP, fearing retaliation from governmental authorities.

September 2003

**TESTIMONY OF GOLDEN MISABIKO,**  
**Human Rights Defenders,**  
**Democratic Republic of Congo**

A. Présentation:

C'est un grand honneur et privilège de me trouver en face de vous pour présenter ce court témoignage à cette Conférence Internationale organisée par la Fondation Internationale pour la Protection de Défenseurs des Droits Humains.

Je suis l'un des nombreux Défenseurs des Droits au Congo Kinshasa. J'ai eu la lourde charge de diriger la Branche de l'Association Africaine de Défense des Droits Humains, ASADHO en cige, au Katanga.

Lors qu'il est permis de me mettre devant vous, je me sens porteur des trois faces:

-La première est celle d'un Défenseur des Droits, c'est à dire celle d'un homme ayant pris l'engagement et accepté la mission de servir l'humanité, respectant la vie et tous les droits inhérents à celle-ci.

-La deuxième face étant celle d'une victime des violations des droits humains ayant été enlevée, déportée, torturée, détenue pendant huit mois dans des conditions inhumaines et humiliantes; ayant subi la persecution qui l'a amenée en exil forcé.

-La troisième face, en fin, est celle de l'un des bénéficiaires privilégiés des interventions urgentes et de prompt action de FrontLine. C'est à cet effet que je ressens cette joie et fierté d'exprimer mes sentiments de gratitude à cette Organisation pour la compassion, la solidarité et le soutien inconditionnels et maternels qu'elle manifeste envers les Défenseurs des Droits Humains sinistrés et en danger. Je suis l'un d'eux et je reste reconnaissant!

B. Environnement:

Le Congo est en guerre pendant plusieurs années. La situation générale reste desastreuse sur tous les plans( politique, militaire, économique et social) Cet état des choses constitue l'environnement propice pour les violations massives des droits humains: Des homes, des femmes et des enfants les subissent sous formes des tortures, viols, déplacements forçés, sequestrations, disparitions forcées, exécutions sommaires et menaces quasi-permanentes envers ceux qui élèvent leurs voix pour dénoncer ces abus. C'est dans ces conditions extrêmement difficiles que les Défenseurs des Droits Humains travaillent au Congo.

C'est la raison pour laquelle ceux Défenseurs des Droits Humains ont besoin de la Protection et de la solidarité internationales étant donné qu'ils constituent la cible principale des groupes en conflit. La Fondation Internationale pour la Protection des Droits Humains est pour ces hommes et femmes engagés, l'Organisation de leur rêve pour leur protection.

C. Expérience Personnelle:

En 2000, un groupe des personnes a été arrêté par le régime de Kinshasa et conduit à Pweto, au Katanga via Lubumbashi pour y être exécuté. Aussitôt que mon bureau fut saisi de cet ignoble acte, un communiqué de presse fut lancé pour alerter l'opinion sur ce crime. Dès le lendemain de notre dénonciation nous étions devenus la cible du pouvoir de Kinshasa qui niait le fait pendant plusieurs mois.

Le 05/02/2001, je fus enlevé, gardé au secret à Lubumbashi avant d'être emmené à Kinshasa (à 2000 km) sous une haute surveillance et sécurité. Je fus conduit au bâtiment GLM de triste mémoire et reconnu comme "place de la mort" pour les infortunés qui y sont conduits et gardés.

C'était mon tour d'y être emmené, battu torture et soumis à des conditions inimaginables. En plus du fait que j'étais physiquement torturé, je n'avais ni eau ni nourriture, En tant que Défenseur des Droits Humains:

-J'ai vu ce que les victimes des violations des droits humains voient.

-J'ai subi ce que les victimes subissent,

-J'ai vécu ce que les autres humains vivent quand ils sont dans ces conditions d'humiliation et dégradantes.

C'est grâce à la forte pression et à la solidarité des Organisations Internationales: Amnesty International, Human Rights Watch, FIDH ...etc, et de Frontline, que je fus libéré le 13/09/2001.

#### D. Remerciements:

C'est avec fierté et joie que je dis aujourd'hui que je suis l'un des milliers des bénéficiaires de protection spontanée et permanente de Frontline Défenseurs dans le monde. Je reste témoin de son efficacité quand le 21/02/2002, La VOIX de l'Amérique, VOA m'accordait une interview sur le refus des uns et l'hésitation des autres (groupes belligérants) pour aller négocier la paix en Afrique du Sud. Je répondis avec courage et insistance qu'ils avaient l'obligation d'y aller sans tarder. Et j'ajoutai que le peuple en avait marre de cette guerre qui endeuille l'humanité faisant plus de 4 millions de morts. Je mis en garde tous les seigneurs de guerre en les citant nommément. Le refus d'aller négocier amènerait le peuple à s'organiser en une "Méga- Manifestation" pour confier la magistrature suprême du pays à des hommes et des femmes respectueux et observant les droits humains. Lorsque l'interview fut passée, le régime de Kinshasa donna l'ordre de m'arrêter immédiatement et de me neutraliser par tous les moyens.

Quand ma vie fut encore une fois menacée, Frontline entama sans retard l'action de sauvetage et de Protection à ma humble personne en danger pour que rien ne m'arrivât et que je puisse sortir du pays car le régime de Kinshasa était décidé, cette fois-ci, à en finir avec moi.

Je reçus des messages de soutien, de solidarité et de compassion de Frontline dans cette autre épreuve. Le soutien était tant moral que financier. Ils (Mary et l'équipe de Frontline) ne purent bien dormir que quand ils apprirent que j'avais franchi la frontière. Frontline a suivi avec attention particulière tous mes pas jusqu'en exil, force don't je suis victime.

Pendant cette période de perturbation familiale, Rose, mon épouse et les enfants ont aussi bénéficié du soutien tant moral que matériel de FrontLine.

Au nom de tous les Défenseurs des Droits Humains dans le monde en général et de ceux du Congo, en particulier, je remercie FrontLine pour tous les bienfaits; surtout pour la compassion et la solidarité avec les Défenseurs des Droits Humains en Danger.  
Encore une fois, Merci!

**TESTIMONY OF RAIHANA DIANI,**  
**ACHEH, INDONESIA**

On the 16 July 2002 in Banda, Aceh, myself and six others were arrested whilst taking part in a peaceful demonstration against military law in Aceh. The demonstration was organised by the NGO 'Acehnese Women's Democratic Organisation'. After 24 hours of detention my colleagues were released, but I was detained further as a suspect accused of organizing the demonstration, subversion and breaking the order of peace.

I was detained in a police station and occupied a cell that measured 3 by 4 metres, all the other inmates in the police station were males. From the very beginning, I was not alone but joined in my cell with a girl that was arrested on a cannabis charge. Though after just a few days she was also let free.

During my detention at the police station, I had to endure routine visits by the police and undercover soldiers both night and day to the point where I suffered from sleep deprivation. They used verbal abuse, threats and intimidation, some of which were sexual in intent.

I was detained for 33 days in that police cell; I was never given an official reason why my length of stay was extended. Also during this time **I was continuously interrogated, sometimes they would say that I was free to leave if I was repentant for my actions. But I refused their offer as I felt that I did not do anything wrong.**

Guests that came to visit me also received threats from the police, and were often refused access. The maximum time for each visit was 10 or 15 minutes. My cell was not fitted with a light bulb and had a leaking roof so when it rained I also got wet.

After the 33 days of incarceration, I was moved to a prison where conditions improved somewhat and things overseen by women guards. Nevertheless, they also warned me from talking to other prisoners about the reasons why I was there and sometimes they refused to open my door if guests came to visit me there.

Eventually I received my trial, which also dragged on to the point that I had to attend court 12 times. Without any evidence I was sentenced to a further 6 months imprisonment.

During my imprisonment, my fellow activists and friends gave me much support whilst also putting pressure by protesting to the authorities so that they would release me.

My arrest and imprisonment illustrates that **there is no freedom of speech or expression in both Aceh and Indonesia, and anyone that criticises the government is deemed to be a subversive.**

In July of 2002, unidentified persons raided the office in which I worked and destroyed equipment and books - as well as carrying out general acts of vandalism. At the time there was one member of staff in the office but fortunately he was able to escape.

After this, I also received threatening telephone calls from unidentified persons.

What I have just described is only a small part of what I have had to endure whilst incarcerated. All the events took place prior to the introduction of military law in Aceh. At this moment in time Aceh is still under military law in an effort to smash the paramilitary organisation (GAM). As a result of the authorities' actions, hundreds of civilians have been murdered as well as infrastructure and civil order corroded. **Up to this point in time many other activists have been intimidated and threatened by the military in Indonesia.**

Finally, we need support and solidarity from all of you.

**TESTIMONY OF GILBERT KALINDE ABELI,**  
**Democratic Republic of Congo**

Chers Amis, Collègues Défenseurs des Droits Humains,

Vous qui avez accepté de donner du temps et de votre vie à la cause de l'avancement des droits humains à travers le monde, je vous salue.

Le témoignage de cet après-midi, c'est votre témoignage et non le mien. Si je le fais, c'est au nom de vous tous ici présents. C'est également au nom de ceux qui nous ont précédé dans l'au-delà, ceux qui ont perdu leur vie, laisse veuves, veufs, orphelins et orphelines, tout simplement à cause de leur attachement à la transformation du monde.

Parmi tant d'autres, notre pensée va tout droit à **M. Sergio Viera de Melo**, lui dont l'engagement et la détermination dans l'accomplissement de la tâche dépasse la compréhension humaine. Sa vie est une expérience, une source d'inspiration, une référence et un modèle.

La séquence de cet après-midi est une expérience personnelle qui date du dernier vendredi du mois de janvier 2003. Il paraît vieux, mais toujours d'actualité. Et la fragilité du contexte politique et sécuritaire en RDCongo peut conduire à sa reproduction.

Alors que je revenais d'une maison locale retirer les cartes de prise de vue des personnes ligotées (les mains au dos) –justement le Groupe LOTUS envisageait de mener une campagne tambour battant contre ce phénomène- j'ai été interpellé par un élément de la Police. Il m'a transmis l'ordre verbal de son Chef hiérarchique, d'aller à sa rencontre, à deux cents mètres à peu près du lieu où l'on était.

Arrivé à l'endroit, ce Chef de la Police dont le visage m'était inconnu m'a accueilli avec des reproches sévères. **Il m'a taxé de m'être livré à l'extorsion de l'argent des paisibles citoyens en me faisant passer pour un agent de renseignement militaire.**

J'ai été alors mis à la disposition de trois militaires bien armés pour m'escorter jusqu'à la résidence du Responsable du Renseignement Militaire. J'ai été accueilli, enrôlé des coups et complètement fouillé. Les photos ainsi que la disquette contenant des données importantes d'investigations ont été détruites.

A partir de ma verbalisation, j'ai vite compris que j'étais placé sous filature depuis un bon moment, surtout que le Groupe LOTUS m'avait confié la tâche de percer le mystère qui entourait la vie des chefs militaires locaux.

En effet, impayés depuis longtemps, où ces autorités tiraient-elles de l'énergie, de la motivation, de l'engagement... pour leur travail et entretenir leurs familles ? Il ne pouvait en être autrement que par l'entretien des réseaux maffieux leur alimentant. D'où, il fallait coûte que coûte identifier ces réseaux et tenter de les combattre.

Il a également été question de mes déplacements en dehors de la ville, lors des campagnes de formation et de conscientisation en milieu rural sans les autorisations administratives requises.

Devant le danger réel qui se présentait, et seul devant le Bourreau, je me suis décidé de m'humilier et de passer à la phase de conscientisation, inspiré par la pensée des Philosophes classes, d'après laquelle la nature de la bonté est insondable et le bien incontournable. Ce malgré, ce chef militaire a persisté dans sa démarche, me dissuadant de m'orienter autrement étant donné que les droits humains étaient de type occidental, incompatibles avec l'évolution actuelle des sociétés africaines. **Mes parents reçurent, 48 heures après, la visite de 2 agents de sécurité leur demandant d'exercer une forte pression sur moi sinon leur vie serait mise en danger.**

Cette séquence montre à suffisance les difficultés de parcours et la panoplie de mécanismes mis en place par les responsables aussi bien politiques que militaires pour faire obstruction au travail des droits de l'homme. Tantôt l'on vous colle des infractions, tantôt l'on mène des campagnes de dénigrement à la presse, tantôt l'on fait pression sur les proches. Tout cela pour aboutir au déséquilibre moral et psychologique et réduire le degré de militance en faveur des droits humains.

Cette séquence signifie également que quoi que difficile soit la situation, le militant des droits de l'homme est appelé à développer son imagination pour trouver des moyens susceptibles de se sauver ou de se créer un espace de manœuvre.

**Nous comptons sur votre solidarité et appui pour la poursuite de notre exaltante et noble tâche.**

**TESTIMONY OF ORNA KOHN**  
**Adalah: The Legal Center for Arab Minority Rights in Israel**

Independent civil society NGOs play a crucial role in the defence of human rights. But governments desire to silence such NGOs, both directly and indirectly are substantial. This includes the subtle ability to use means and powers which are facially neutral. For example, governments can limit freedom of association by using administrative procedures which make it difficult to register, run or finance an organization. They can enact direct or indirect legislation, or apply the rules in a discriminatory manner. **Once a NGO is established, a government can attack its reputation in order to undermine its legitimacy.** These strategies are particularly easy – and particularly troubling – when the organisation is a minority rights group which challenges the hegemony of the state. This has been Adalah’s experience, both as legal counsel for a number of Arab NGOs in Israel, and as an independent human rights organisation.

Adalah (“justice”) is the first non-profit, non-sectarian Arab-run legal centre in Israel. The organisation was established in November 1996 and registered under the Israeli Law of Associations (Non-Governmental Organisations) in December 1997. **Adalahs main goal is to achieve equal rights and minority rights protections for Arab citizens of Israel, who constitute close to 20% of the population.**

In its work, Adalah has often represented Arab NGOs in claims against the Registrar of Associations. In general, Adalah has argued that the Registrar has exceeded his authority and abused his discretion in a range of ways, notably by holding up the registration of NGOs without clear, justifiable reasons; and intervening in the names and goals of associations, and in the composition of founding members. In many instances, the Registrar has sought to intervene in the activities and operational functioning of these organisations, exceeding the scope of his authority.

In 2002, Adalah itself became a target of the Registrar, when he announced to the media that he was considering closing the organisation on the grounds of (i) undertaking activities beyond the scope of its mandate; (ii) concerns related to financial mismanagement; and (iii) Adalah’s relationship with a leading Arab NGO which was one of its co-founders. This announcement was made to the media without first notifying Adalah, which immediately stated that the charges were baseless. He did not engage in any process of clarification with the organisation, nor did he inform Adalah of his decision prior to its public announcement. The Registrar abused his authority and harmed the reputation of a human rights organisation, without justification and without due process. Adalah appealed the Registrar’s decision to investigate to the Minister of the Interior. A year after the initial announcement, the appeal remains pending.

The substantial public support Adalah received from many local and international civil society organisations, including funding agencies, was essential in enabling Adalah to resist the attack and continue its human rights activities. The ability of such

organisations to intervene quickly to support local NGOs is critical, as is the support from the UN Special Rapporteur on Human Rights Defenders and other international mechanisms. While Adalah was able to obtain and utilise this support, smaller organisations do not necessarily have the same capacity.

It is undoubtedly important, and indeed in the interest of civil society itself, to prevent financial mismanagement in this sector. However, **there is a fine line between the prevention of corruption and governmental allegations thereof as a means to silence and disable its critics.**

**TESTIMONY OF VINCENT BULATHSINGHALA**  
**Lawyer, SRI LANKA**

**1. Student Days.**

I received my higher education in Business Management in the University of Kelaniya from 1980-83. During this period, as a member of the main student council, I was actively engaged in the activities for the students' rights and national politics. One important issue during this period was the White Paper on education which, in our view, was an attempt to deprive people their right to free education. This move was defeated after the student population took to street demonstrations.

In addition, I was also a member of the Catholic Student Movement. Regular awareness programmes were held, particularly on the realities of the poor and the marginalized people with the cooperation of the Janawaboda Kendraya. We as student leaders made several efforts to sensitize people in the South on the question of the Tamil people in the North and the East and to fight communalism in the South.

**2. Option to Join Janawaboda Kendraya.**

In 1983, when I completed my degree, I decided to join Janawaboda Kendraya as a full timer. Since then until now, I have been working with the poor of Negombo, particularly the traditional fisher communities, for their basic rights such as shelter, education and health.

While working at Janawaboda kendraya, I passed out as an attorney from the Law College of Colombo. I married Chandani who is also a lawyer in 1993 and we have 3 daughters.

**3. Coping with the Free Market Policy.**

In the latter part of 1980s, Sri Lanka experienced severe student and worker unrest and political instability. One of the main factors which contributed to this situation was the Free Market Policy of the government.

The first category of people immediately affected by the Free Market Policy was the workers and they demanded wage rise of Rs. 500.00 to meet the cost of living. When that was ignored they called for a general strike. **The reaction of the totalitarian government then was to deprive 40,000 workers of jobs quite arbitrarily.** Unfortunately, even the political parties, which organized the trade union action backed out. Then an organization of the workers was born to fight for the lost jobs of the strikers. The Janawaboda Kendraya fully supported this movement. In 1987, a national campaign was launched in support of the strikers. This action was considered by the local political authorities and the police an anti government activity. **While some of us were**

**putting up posters on the street walls myself and some of our colleagues were taken into custody by the police.** Later due to the pressure from the networks we were released.

#### **4. Period of 89-90**

The students opposed the move of the government tried again to privatize the university education. One private medical college was started and that resulted student protests from the student bodies island-wide. The political climate became worse towards the end of the decade with a mass uprising of the JVP and the war in the North and the East.

By 1989 the opposition to the government was mounted from all sides. Simultaneously, the government using brutal methods suppressed every democratic resistance. It was during this period that about 60000 young people disappeared. My own brother was such a victim. He was taken away at midnight on mistaken identity.

During the same period, another member of our group was taken away at night for questioning by the police. One senior member, who was a priest, was questioned for harboring the insurgents. **The situation was becoming intolerable and I had to take refuge in a foreign country for about a year and half.**

However since my return home in 1992, we are again engaged in the defense of human rights of the marginalized communities, workers, patients and victims of globalization. Defending the rights of the victims of globalization is now the biggest challenge. In making this struggle a success we have been able to form a National Alliance for Protection of National Resources and Human Rights. We have a big responsibility in this regard because most of the Macro projects (such as the extension of the International Airport in Colombo and two express highways) are located in our district. As a result, thousands have become victims due to the deprivation of their means of livelihoods.

More particularly, during the past few years, we have been trying again to work at the grassroots level to educate the people in the South on the rights of the Tamils. We have organized educational trips to the North, met the ordinary people there, talked to the leaders and held exhibitions in the South and joined public demonstrations against the war.

**TESTIMONY OF LYNNE STEWART,**  
**Civil Rights Lawyer,**  
**UNITED STATES**

You may think it is an irony for me to testify as an American; For me to raise my voice against my government on 9/11. But how can I not?

There is repression and there is resistance. I am the living proof of both. I am not one of thousands of Muslims who were detained after that day. I was not held in Guantanamo nor in a military prison. I am a lawyer from New York City practicing criminal defense for 30 years.

On April 9th 2002 the FBI came to my home in New York, arrested me and charged me for materially aiding a terrorist organization, based solely on my work as the attorney for Sheik Omar Abdel Rahman of Egypt.

They claim that in 2000 I issued a press release on his behalf to Reuters News Agency and for this I was arrested and charged as a terrorist. I faced 40 years in jail. They had used wiretaps carried on for over 13 years. They were listening in on telephone conversations, fax and email. Worse they violated the attorney client privilege by listening to conversations between my client and myself at the jail. They made videos and audiotapes of these conversations, all privileged. They searched my law office - Off limits to the government. General Ashcroft went to the ruins of the World Trade Center and he went to a late night nationwide TV, The Letterman Show, and told the people that he had arrested the terrorist grandma. **He attached that "T" word to me not because I am a Grandma but because I have been defending human rights' defenders** when they have been criminalized by my government. I mean the many U.S. political prisoners, the Black Panthers, Weather Underground, Mumia Abu Jamal.

And now I have fought back against these charges along with a great human rights lawyer and defender, Michael Tigar on the legal end - and contrary to what most defendants are advised I went all over the U.S. speaking out, exposing more of the hypocrisy which now has sent U.S. troops, to Iraq. These young people mostly poor, mostly of color, who joined the U.S. Army because of the promise of an education, they could obtain no other way.

Tactically, we have been filling the court room and keeping our website full of information. Late in July of this year the Judge due to great lawyering and public outcry, dismissed the major charges. 30 years was gone. (In November of 2003, the U.S. Government re-instated the earlier charges, using legalistic cover-up, Lynne Stewart now faces 45 years in prison. 10 years still remain. Our fight continues!)

I am proud to be invited to testify before this group of human rights activists. **I have not suffered as many of you have suffered but the world needs to know that there exists such repression grown from fear in the United States - the all powerful.**

I want to say that I am happy to be in Ireland and I like to think that this land that my grandmother immigrated from has given to me my spirit of resistance.

In closing I want to read a poem by Shamus Heaney:

Human beings suffer,  
They torture one another,  
They get hurt and get hard.  
No poem or play or song  
Can fully right a wrong  
Inflicted and endured.

The innocent in gaols  
Beat on their bars together.  
A hunger-striker's father  
Stands in the graveyard dumb.  
The police widow in veils  
Faints at the funeral home.

History says; Don't hope  
On this side of the grave.  
But then, once in a lifetime  
The longed for tidal wave  
Of justice can rise up,  
And hope and history rhyme.

So hope for a great sea-change  
On the far side of revenge.  
Believe that a further shore  
Is reachable from here.  
Believe in miracles  
And cures and healing wells.

Call miracle self-healing:  
Double-take of feeling.  
If there's fire on the mountain  
Or lightning and storm  
And a god speaks from the sky  
That means someone is hearing  
The outcry and the birth-cry  
Of new life at its term.  
It means once in a lifetime  
That justice can rise up  
And hope and history rhyme.

Let us continue to struggle

**TESTIMONY OF BETTY MAKONI,**  
**works for the Girl Child Network,**  
**ZIMBABWE**

Rape is something deeper and stronger than all the stories we get from films and the media. If there is one horrific experience a rape victim dares not share with anyone even with the best counselor or psychologist in the world is the feeling that comes out of being raped. I have always equated rape to murder for the simple reason that for a young girl aged say three, rape leaves permanent injuries and scars, fears and anxiety and the psychological trauma that no matter how far one tries to run away from the rapist there is this feeling that a rapist is someone who follows one to the grave. This is even more so if the rape is perpetrated by the people we trust most and we think are our very parents, leaders, guardians, brothers and neighbours, as this has been the case not in my country alone but in the world over. Though we have not tried to politicize rape, rapists are not politicians. I have always argued that a politician in the truest sense would never inflict this kind of pain, as this is the most painful. I will explain later dear reader!!! Sometimes you have to read between the lines, rape, I am testifying on is the most sensitive.

I am aware that a lot of us have come up with literature and remedies to the effect that one can heal from rape, but myself being one rape victim at age seven and afforded opportunities to heal through expert counselors I still feel that this crime is unforgivable and unforgettable. I am not trying to discourage therapists from working with rape survivors but I am trying to seek ways in which therapists can deal more effectively with would be rapists so that they respect human life especially when they rape babies as young as six months old.

I have extensively worked with girls aged sixteen and below in Zimbabwe, of course, in my own capacity as a rape survivor. I have managed to assist in at least two thousand rape cases perpetrated against innocent girls. To me whether the reason for raping is for political, religious, cultural or economic reason the mere fact that one is a rapist, murderer and devil still stands and is reason enough for one to get instant justice.

There are a lot of women in my country, and I am sure the world over who are still languishing in pain as a result of rape. Rape becomes more painful if one gets acquitted and then they haunt you for the rest of your life. Maybe it is out of emotion that on several occasions I have finally fought head on with rapists and their accomplices at the courts and police (their accomplices being those who take bribes and get rapists to be acquitted)

I vividly recall that after my own intervention in the two thousand rape cases directly and indirectly led to turmoil within me, at my work and within family circles. I do not of course regret that I put my life at risk through the following rape cases

*A twelve year old girl was sexually abused by a so called war vet who immediately terrorized her Christian family. For some time the whole family was gripped with fear*

*and asked that I look after their daughter at a safe place. Finally the law caught up with this man and now he received up to fifteen years in jail.*

*In the run up to the presidential elections in 2002 a certain man sexually abused up to thirty girls during an election campaign until the law caught up with him and though a lot of girls had succumbed to his sexual adventures and purportedly got impregnated and now are struggling to look after the babies, I understand he is in police custody at the moment and it has been proved beyond doubt that he is not a war vet . I followed this case through and through and I am more worried about the babies and their child mothers.*

*In yet another incident in June of 2003 I spent the greater part of my night on police night patrols with the police just to make sure that they instantly arrest one big man within the Labour Union and a strong supporter of one big opposition political party in my country. When we went to take him by the night he just looked at me with the most terrifying eyes but that shook me less and I went back home after making sure he was in police custody. His wife's younger sister he sexually abused will not sit for her final ordinary level exams as this is the time she will deliver her baby*

*In June 2002 again I had a horrible experience of attending to some fourteen girls one of them mentally disturbed who were being sexually abused by a self styled traditional healer who moved through place to place claiming he had powers to cleanse families of witchcraft. He actually turned all fourteen girls aged fifteen and below into his sex slaves and the law caught up with him again.*

*A case of a girl aged two and half years whose mother was mentally disturbed and sexually abused by his neighbor was a blow to me. **One man labeled us members of the opposition party and had our activities banned in some remote parts of the country.***

*The Guvheya case in particular was a total blow to my activism, maybe. I remember the poor mother of Nyasha (not real name) relating that on Christmas day she caught this perpetrator red handed raping her daughter and immediately he offered to marry the thirteen year old girl. Although she reported the case to the police the police were reluctant to assist her. She is one empowered woman who stood up to her daughters' case up until she went to the office of the Attorney General but it appears nothing materialized. The rapist later boasted that she could go nowhere with the case as he had bribed the whole system. Quite shocking indeed!!!!.I tried to put up a real fight to a point where my real story begins*

**After intervening in this case for two weeks, four unknown men attacked my house, hit my front door into pieces.** I was saved from death by some kind neighbours. This left my family quite shaken indeed. Since the men only identified themselves as my killers and up to now have not been caught I treasure the fact that I am still alive.

As if this unfortunate incident was not enough, the department of Social Welfare ordered us to immediately seize our operations even though our organization had been registered as a Trust. What followed this directive was a well orchestrated plan to defame my

person and the organization I had worked so hard to establish. Six armed policemen came to our office in Chitungwiza in June 2001 to arrest me. At first when I saw the member in charge of Chitungwiza police station, coming to my office, little did I know that he was there with strict directives from above to throw me in the cells. He could not allow me to say my side of the story. The level of harassment perpetrated against me on 20 June 2001 leaves a lot to be desired. From February 2002 to November 2002 I was in and out of the courts and police cells on charges of running an "illegal organisation".

I knew I was not going to survive this blow at all as I had been overtaken by events. There was a well orchestrated plan to embarrass me and to make me the worst female criminal in the country and that would guarantee my total downfall. Indeed I had come as a strong force challenging the way some cases of rape had been handled in court and police with the assistance of the so called victim friendly courts.

I am fully aware that this stroke of a pen will result in more harassment but reader note that my personal testimony is not an attack on the whole police force but on certain unprofessional individuals who unnecessarily make the work of women human rights activists like myself unbearable.

In activism they say when the going gets tough cowards chicken out and an activist in the truest sense stays put. As soon as we got to the police station I was hurried through a number of corridors to the member in charge's office. The charge pressed against me was that between 1999 to 2001 we had collected public funds illegally. Besides this there were allegations that we had operated a brothel for girls under the guise that of a safe house. The list of allegations went on and on. They initially had twelve charges against me and they dropped all but the one on illegal organisation. Sometimes if you are the accused you have to let all the bullets shoot you first and depending on whether you survive or not then tell your story.

When members of my board and staff heard about this they had mixed reactions. Three quarters of them hailed shouts at me and further accused me of more crimes. They immediately held a private meeting to save the organization's image which had been seriously damaged by me. None of them was prepared to hear my side of the story. They became the rumor mongers themselves. They joined hands with some staff members to condemn me and at this time they thought one staff member who was junior to me would be the one to take over. Everyone called for my head. A renowned donor added paraffin to fire and wrote an urgent letter withdrawing funds because some of her friends in victim friendly courts pushed pressure on her to stop financial support. Honestly, all bullets shot me right, left and center. It appeared I developed a natural bullet proof and I resisted. Withdrawal of funds did not stop me from working as I had intervened in many cases with no money. I was later saved from total collapse by one donor who heard my true side of the story. My girls, of course, were my true ambassadors for they continued giving moral support and expanding the Girl Child Network.

Note reader our organization being young and at its storming stage I thought some people were just opportunists and not visionaries as they had never felt what it means to be on police patrol and follow a rape victim until she gets justice. I would not allow them to take over and use my vision to fundraise and make false claims that they would stand up for rape survivors. At least they would not do it. Lies and to death with them. Damn devils and...At least to hell with them, this type of activism calls for women of hard metal as I said rape is deeper and stronger!!.

I later discovered that a senior policewoman I had once referred a sexual abuse case which was unfairly dealt with had orchestrated this bullet shooting. Since I had asked for the case to be investigated she said I had gone too far and I had to be fixed. The list of accusations was added to and it was purported that we were an organisation sympathetic to the opposition party. This highly politicized our activities.

This time with political violence on the increase the number of sexually abused girls increased. The cases became complicated especially when rape was perpetrated by some noted political figures from both parties. Despite the closure and serious defamatory statements against me I quietly retreated and operated from underground. Girls knew where to refer each other and what was really pleasing was that an informal network of rape survivors remained intact. If ever there is someone who really fought hard for the 'Girl Child Network' to remain intact is the first group of rape survivors of 2000. When our safe house was closed and they were forced to the probation they ran away and came back to join me. They are my source of inspiration. What gives me strength to struggle on is the escalating number of sexual abuse cases I deal with on a daily basis. Hardly a day passes without our center receiving a case of a girl aged below 16 reporting a serious rape case.

I must say our situation is not hopeless. At least our cases of rape are now being fast tracked in court and we have been readmitted into the victim friendly courts forum in Chitungwiza after having been suspended for almost a year. We were readmitted on condition that we do not talk or say anything during the meetings, something we outrightly refused to accept as we thought we could live abnormal lives as the issues we dealt with on a daily basis were rather too sensitive and sharing with others allowed us to debrief. It appears we are now back on the forum with no condition attached.

With the apparent economic hardships facing the country, it is obvious that in the survival of the fittest game, only those with the political, economic and cultural muscle survive. I have been taken back down memory lane during the colonial era when our men vented their frustrations on the most vulnerable members of the society, women and girls. Now we cannot allow this history of rape to repeat itself

When a rape case is not heard in court and a poor economically and socially disadvantaged girl is denied justice for life I always throw questions on the moral fabric of our society. I prefer to let all bullets shoot me. As a rape victim at age seven

(something not known to all those who try to bring me down) I always feel that Girl Child Network belongs to those who want to put a fight to injustices.

I remember the emotional and psychological trauma I went through. The worst pinch came from within the organization. Although I was breastfeeding my five month old baby (this time my breasts ran out of milk due to stress and my poor baby suffered and up to now I have lost that strong attachment to my baby) and worst still having delivered the baby prematurely through a caesarian section after suffering high blood pressure I count myself lucky to be among the living.

Having said this I am happy to be alive. Three hundred cases I intervened in received justice. Only a few cases out of the 2000 cases I know of since 1999 never received justice. It is **when justice is meted against rapist regardless of social class, political or religious affiliation that gives me strength to carry on.**

I am an activist and painful as rape is I would let all bullets shoot me rather than watch women and girls languish in pain as a result of rape. These days due to the HIV/AIDS pandemic, rape is a worse crime. For anyone who rapes a girl or a woman it is a death sentence and one wonders for what crime...Rape no matter what the reason is its murder!!!

**Hazviperi Betty Makoni** of Girl Child Network -Zimbabwe

**TESTIMONY OF KAIMING LIU,**  
**Executive Director of the Institute of Contemporary Observation**  
**(ICO),**  
**Shenzhen, CHINA**

China's accession to WTO further boosts its membership status in the global family. More and more Chinese NGOs and some government officials are starting to talk about human rights issues. Although there are many challenges in the human rights approach, I have been working hard to raise the rights awareness and advocacy in grassroots. I believe **the ultimate aim of development is to go up to the stage where all human rights are guaranteed and enjoyed by all the people in the world, including Chinese.** To achieve this goal, we must work together to find ways of integrating human rights with different approaches.

My organization, the Institute of Contemporary Observation (ICO), was established in March 2001. As an independent non-profit civil organization, and despite the shortage of personnel and financial support, we have been actively promoting and protecting the rights of laborers from the bottom of the society, the majority of whom are migrant workers in Guangdong and Southeast China. Our main task includes the following five aspects; Investigation and research; Advocacy for human Rights; Legal Aid for migrant workers; Independent Audit for international labor standards as well as workers' awareness training.

We hope to cooperate and work together with any institution in the world to enhance human rights in China.

**TESTIMONY OF JULIO AVELLA GARCIA,**  
**member of Human Rights Organisation,**  
**and defender of Political Prisoner,**  
**BOLIVIA**

La sensibilidad social a Julio le debió germinar desde el seno familiar. La fraternidad que se respira en su actual hogar en la ciudad de Bucaramanga así lo constata, donde comparte la vida con su compañera Teresa y sus hijos Jairo, Ricardo y Daniel, quienes se encuentran cursando estudios universitarios. Esa calidad humana llegó a manifestarse tempranamente de manera pública a través de la expresión artística, al vincularse con un grupo teatral en los mediados de los 60's. En la década siguiente su capacidad de liderazgo ya lo comprometía en la dirección de su propio conjunto teatral, el Teatro Estudio Galán, llegando a compartir escenarios con las mejores compañías nacionales de la época como el TPB, el TECAL, La Candelaria, La Mama y otros. Un tiempo después estaría formando parte con varios de ellos de la Corporación Colombiana de Teatro. Los señalamientos de la intolerancia a su trabajo artístico, donde todo el grupo en una jornada huelguística en plena presentación fue privado de la libertad y obligado en el cuartel de la policía a presentar la obra, que luego un Teniente dijo que no ameritaba ni siquiera una contravención y otros hechos como allanamientos, atentados al Grupo El Sembrador y otros artistas como Boris Avila, la desaparición, tortura y asesinato del poeta Chucho Peña lo obligaron a abandonar esta actividad en el año 1986.

El compromiso con lo público desarrollado en esta experiencia condujo a Julio a asumir responsabilidades políticas, siendo concejal de los municipios de Florián, Bolívar y Lebrija, en el Departamento de Santander, durante la década de los 80's, como dirigente de la Unión Nacional de Oposición, el Frente Democrático y la Unión Patriótica, respectivamente. También integró listas para la Asamblea Departamental y la Cámara de Representantes, en coaliciones de la Unión Patriótica y el Partido Liberal. Su militancia se ha desarrollado especialmente en el Partido Comunista, y en la actualidad hace parte del Frente Social y Político.

En este mismo período Julio Avella jugó un papel importante en la fundación del Comité Permanente por la Defensa de los Derechos Humanos en Bucaramanga, cuya instancia nacional era presidida por el Doctor Vázquez Carrizosa. Por tal camino, se incorporó como educador, investigador o director en diversas instituciones de Derechos Humanos, entre ellas el Grupo de Trabajo en DH "Vida y Solidaridad", la Asociación Nacional de Ayuda solidaria-ANDAS-, la Fundación Comité de Solidaridad con los Presos Políticos, el Comité de Derechos Humanos de la CUT Santander, CODHES y Reiniciar. Al agudizarse la problemática del desplazamiento forzado en la región del Nor-Oriente en los comienzos de los 90's, convirtiéndose Bucaramanga y su Área Metropolitana en el principal receptor de población desterrada, sus esfuerzos se encaminaron a promover iniciativas que brindaran algún tipo de respuesta a la nueva situación humanitaria que se creaba. En este propósito hizo parte de procesos de coordinación de organismos de Derechos Humanos, como la Corporación Redes y las Asociaciones de Desplazados, impulsando proyectos de atención económica, jurídica y social, algunos de ellos financiados por la Unión Europea a través de agencias internacionales de cooperación.

El reconocimiento alcanzado en este ámbito de los Derechos Humanos, se expresó por ejemplo en su nombramiento como delegado regional ante el Comité Operativo de la Coordinación Colombia-Europa-Estados Unidos; o en su elección como coordinador del equipo de Reiniciar en Santander, entidad nacional junto a la Comisión colombiana de Juristas investigan el genocidio contra la UP con el respaldo de la Comisión Interamericana de Derechos Humanos.

Pero en la medida que el conflicto interno del país también se agudizaba, Julio Avella le dió aliento en la región a las propuestas de paz que entonces empezaron a desarrollarse en la conciencia nacional. De tal manera, participó en varias iniciativas como la Asamblea Permanente de la Sociedad Civil por la Paz, las Mesas Ciudadanas por la Paz, REDEPAZ y la Mesa de Trabajo de la Cárcel Modelo de Bucaramanga. Además, colmó de ideas y acciones de convivencia las comisiones impulsadas desde la Gobernación del departamento de Santander en cabeza de la Secretaría Asesora de Paz y DH.

Sin embargo, **pese a su reconocida y transparente trayectoria, fue detenido en la madrugada del 6 de diciembre de 2002 en Bucaramanga junto a otros líderes populares, exsindicalistas, comerciantes y desplazados.** Julio y los demás detenidos tuvieron que pasar seis meses en la cárcel, sometidos a extensas ampliaciones de indagatoria para refutar los informes de la inteligencia militar, apoyados en las calumniosas y tendenciosas declaraciones de “informantes pagos”. ***“Las acusaciones son difusas y contradictorias y desde luego ilógicas”***, **afirmaría posteriormente el fiscal a cargo del proceso** en la resolución de preclusión adoptada el pasado 3 de junio.

Además de quedar evidente la inquietud sobre si este es un caso de persecución política, como lo demuestran los antecedentes, los señalamientos y las “pruebas” aportadas, la libertad sin cargos del activista de la paz y de los derechos humanos Julio Avella García, deja también un interrogante sobre las situaciones de detenciones masivas que ocurren constantemente desde hace un año en el país. ¿El encarcelamiento de muchos colombianos y colombianas, mediatizado hasta el espectáculo, constituye una estrategia de demostración de resultados de la política de seguridad democrática? ¿O los “positivos” que acumulan para los ascensos y otros beneficios? ¿O demostrar con “cifras y estadísticas” para recepcionar los aportes del Plan Colombia? ¿O simplemente la satisfacción de los más bajos instintos generados desde la ambición que alimentan proyectos anti-sociedad como los de la red de informantes?

Durante el tiempo que Julio permaneció privado de la Libertad en la cárcel modelo de Bucaramanga, escribió su libro TERMINOLOGIA TEATRAL, recuperando la memoria de un escrito realizado en 1976 por el mismo autor. Este será lanzado en la ciudad de Bucaramanga en la Casa de Bolívar a través de la Academia de Historia de Santander, con el apoyo de la Compañía del Acueducto Metropolitano de Bucaramanga, “El Cartel”. La corporación recreativa y cultural de Santander que dirige Alfredo Ortiz, la corporación Compromiso, Lizardo Florez (director del grupo de teatro PFU Collor) y el centro de Cultura Popular José Antonio Galán.

A su edad Julio aún juega fútbol con vecinos de su residencia, en la Comuna 11, pero hasta allí llegaron el 7 de julio dos sospechosos en moto de alto cilindraje, lo esperaron a la salida de la cancha, siguiéndolo en forma amenazante. Su hijo Jairo Elihumer también ha sido objeto de hostigamientos en la Universidad Industrial de Santander, donde estudia Bacteriología. Estas circunstancias, indican la testarudez de un absolutismo que ya ha demostrado de lo que es capaz de hacer para imponerse. Por esta razón, Julio y su familia se han visto presionados a desahuciarse “a vivir una cultura diferente”, como dice la canción.

**TESTIMONY OF JAMES THORLBY**  
**Scottish national**  
**who works with the Pastoral Land Commission,**  
**received death threats in relation to his work in rural**  
**Pernambuco, BRAZIL**

We learn from the people's struggle. We don't learn from a version of history which was written by the white man - the colonizer, the 'conquistador', the oppressor, the land baron, the sugar baron ...

We learn from the struggle that land reform isn't accomplished by talking but by doing.

**The best way to say a thing is to do it.**

**The best way to keep land reform on the political agenda is by doing it: occupy the land.**

We learn from the struggle that we are not 'under-developed'. We lack justice due to First World mechanisms which seek to maintain the colonial chains through the I.M.F., W.T.O., World Bank ...

We learn from the struggle that the land was made for all and that the doctrine of private property is a blasphemy against the Creator's Project.

We learn from the struggle for economic rights that the miracle of production is not about multiplying the bread and the fishes but rather to support the landless in their struggle to unite and to organize so as to share the land and to multiply the bread.

We learn from the struggle for social rights that the real act of faith is to believe in the power of the poor to organize and the force of the fragile to unite their forces.

It is not enough to believe this: we must also make a preferential option for the poor so that they be the protagonists of the New Heaven and the New Earth.

The poor, the excluded from society, those who are left on the margins of decision making: they also are called to make a preferential option for the poor in the day to day struggle.

We learn from the struggle for cultural rights to nourish the subversive memory of the landless ...

- we activate their memories so that they remember that things were not always the way they are now ...

- we celebrate that nothing is eternal, everything changes.

In South America, at least, we will be saved not because, but in spite of, the god of the conquistador; theology that does not free is not theology;

**Jesus of Nazareth became man in Mary's womb - but it was in Joseph's workshop that he gained class consciousness.**

**In Memoriam:**

On this day, 11th of September, we remember the U.S. people who on this day in 2001, suffered a terrible blow to their humanity.  
For them '9/11' was a new experience.

In South America, '9/11' is a daily experience symbolized on this anniversary date of the U.S. backed overthrow of Salvador Allende on September 11, 1973.

We learn from the struggle that when the people are not consulted, be it 9/11 in New York or 9/11 in Chile or wherever, the first to suffer are the people.

## APPENDIX I

### FRANCISCO BADENES, civil police detective, Espirito Santo State, BRAZIL

#### TESTIMONY IN ENGLISH

I am a Police Officer in Brazil and worked on the inquiry into murders of street children in the state of Espirito Santo. My investigation led to the incarceration of several members of the Death Squad, comprised of bad policemen, who took advantage of their positions of power to kill children and murder people for political reasons. The investigation revealed a powerful criminal organization, responsible for ensuring impunity for the members of this Death Squad, as well as impunity for the politicians and civil servants involved with a corruption scheme whose purpose was to steal public money which deprived the local community of basic investments in education, in the health system, security and food for underprivileged children.

This criminal organization, similar to the Mafia, had among its members; politicians, judges, prosecutors, lawyers and police officers. It gathers money from several criminal activities. The money was used for many illicit purposes including the financing of political campaigns, which further undermined the democratic structure of the Nation. Anyone who got in their way was killed. They tried also to kill me and tried also to prevent my investigations. As a Police Officer, I was going through a very hard time, because the power of this organization allowed it to continue with impunity no matter what and hidden behind all of this was the sad reality of the State of Espirito Santo – an extremely high number of street children being killed, and increasing corruption in several public institutions. At that time, a different Government was in power and we also had a President who took no action.

Last April, I was contacted by Mary Lawlor from Front Line, who gave me access to the United Nations, allowing me to expose this difficult situation in Geneva, where, through Front Line intervention, I was introduced to the UN High Commissioner for Human Rights, Mrs. Mary Robinson. With the presentation at the United Nations, it was possible to reveal how dangerous the situation was and overcome the block created by this powerful criminal network, which also intimidated local media.

Last September, Front Line sponsored my trip to Ireland, where I visited several government and police institutions, as well as cultural and beautiful places in this heroic land. Front Line also provided me with technical equipment in order to help me in my professional mission to fighting organized crime.

As a result of this process, the then Brazilian Minister for Justice sent a task force with 150 federal policemen and five attorneys to the state of Espirito Santo, who are continuing to work there. Results have already been achieved, people have been arrested

and prosecuted for corruption and money laundering. The task force has succeeded in curbing the activities of this Criminal Organization.

As I finish my testimony, I would like to take this opportunity to express my deepest gratitude to our Lord Jesus, for all the blessings and justice which has come into such an underprivileged community. I would like to sincerely express my gratitude to Front Line, for this opportunity and for all the help I've been given, also expressing my gratitude, recognition and admiration for Ireland and its people, a country to which I am very attached.

**Thank you very much.**

## APPENDIX II

### GOLDEN MISABIKO Human Rights Defenders, Democratic Republic of Congo

#### TESTIMONY IN ENGLISH

Ladies and Gentlemen,  
Honourable Participants,

#### A. Presentation:

It is a privilege for me to stand in front of you in order to give my humble testimony at this International Conference organized by Frontline, The International Foundation for the Protection of Human Rights Defenders.

I am one of many Human Rights Defenders in the Congo and have been leading the Katanga-Branch of the African Association for the Defence of Human Rights, ASADHO, in short.

As I stand in front of you, I feel that I am bearing three different faces:

-The first one is the face of a human rights defender who accepted the call and the mission to serve the humanity in making people respect life and the rights inherent to it.

-The second one is the face of the victim of Human Rights violations as I was kidnapped, deported, tortured, sequestered during eight months under inhumane and humiliating conditions; and who has been sent to exile.

-The third one is the face of one of the many beneficiaries of the prompt extraordinary rescuing actions of Front Line in the world.

#### B. Environment:

Congo Kinshasa has been at war for many years. War being naturally, the environment where many human rights violations are committed: torture, rape, disappearances, sequestration, extra-judiciary executions, permanent death threats...

The human rights defenders in the Congo work under the above-mentioned conditions. This is the reason why they absolutely need international protection - as they remain the targets of the groups engaged in the conflicts. The International Foundation for the Protection of Human Rights, is the organization that the human rights defenders in the Congo had been dreaming of for years.

#### C. Personal Experience:

In 2000 a group of people were arrested in Kinshasa by M. Kabila's security service and sent to Katanga, Pweto, via Lubumbashi to be executed. When my office was informed about the human rights violation, My colleagues and I released a press communiqué to

denounce the awful deed. The Kinshasa regime had been denying the deed when questioned by international human rights organizations. At the same time I became the merciless target as they knew I was the source of information.

February 5, 2001, I was kidnapped and taken to a secret place where my wife and children could not know. The following day, I was put on a plane and sent to Kinshasa (2000 km), escorted by a group of M. Kabila's military officers. When I arrived there, I was taken to a high security place called "G.L.M.". I knew the place was notorious for its cruel treatments of the unfortunate people who were sent there:

It was then, my turn to suffer what other people had been suffering,

It was my turn to see what other victims had been seeing,

It was my turn to hear what other victims had been hearing.

I was beaten, tortured, left without water and food.

I could see death everyday

Owing to the pressure of the International Organizations: Amnesty International, Human Rights Watch, F.I.D.H, ... and of FrontLine, The International Foundation for the Protection of Human Rights Defenders, I was released on Sept. 13, 2001.

D. Thanks:

It is with pride and joy that I say today that I am one of many beneficiaries of the Frontline prompt actions in the world.

Feb.21, I was contacted by The Voice of America to give my opinion on the hesitation of some and the refusal for others to go to negotiate peace agreements in South-Africa. I boldly responded that the warring groups had the obligation to go there without delay. I also said that the Congolese people had too much with the war without end that has killed more than four millions. Failing to negotiate would bring us (the Congolese people) to organize in a non violent action to stop the war and install democracy. When the Kinshasa regime heard this statement, they ordered to arrest and harm me. As my life was once again in danger, Frontline started urgent and prompt actions to get me out. I received supporting messages from them. I was encouraged to evacuate. Frontline followed me step by step. Frontline team could not sleep well until they heard I had crossed the border. Their care and love continued to be shown till the country of asylum. The same love and care were shown to my wife, Rose and the children in supporting them morally and financially.

I will always be grateful to Frontline for the love, care and compassion they have shown to me and to other Human Rights Defenders all over the world.

**Thank you very much.**