

ATTACKS ON JUSTICE

**The Harassment and Persecution
of Judges and Lawyers**

July 1989 – June 1990

Edited by
Reed Brody

CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS
of the
INTERNATIONAL COMMISSION OF JURISTS

THE CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS (CIJL)

The Centre for the Independence of Judges and Lawyers was created by the International Commission of Jurists in 1978 to counter serious inroads into the independence of the judiciary and the legal profession by:

- promoting world-wide the basic need for an independent judiciary and legal profession;
- organising support for judges and lawyers who are being harassed or persecuted.

In pursuing these goals, the CIJL:

- intervenes with governments in particular cases of harassment or persecution and, in some instances, solicits the aid of a network of jurists and lawyers' organisations throughout the world to do likewise;
- works with the United Nations in setting standards for the independence of judges and lawyers and the impartial administration of justice. The CIJL was instrumental in the formulation of the UN Basic Principles on the Independence of the Judiciary adopted at the Seventh Congress on the Prevention of Crime and Treatment of Offenders in 1985 and endorsed by the UN General Assembly. It is now working with the UN on similar principles on the role of lawyers;
- organises conferences and seminars on the independence of the judiciary and the legal profession. Regional seminars have been held in Central America, South America, South Asia, South-East Asia, East Africa, West Africa and the Caribbean. Several national seminars have also been organised. These seminars bring together judges, lawyers, government officials, activists and academics to discuss obstacles to the implementation of the U.N. standards and how to overcome them;
- sends missions to investigate situations of concern, or the status of the bar and judiciary, in specific countries.
- publishes a bulletin twice-yearly in English, French and Spanish. It contains case reports and articles and documents relevant to the independence of the judiciary and the legal profession.

Affiliation – Contributions

The affiliation of judges', lawyers' and jurists' organisations is welcomed. Interested organisations are invited to write to the Director, CIJL.

Individual contributors support the work of the Centre by contributing not less than SFr. 100.– per year. They receive all publications of the Centre and the ICJ.

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Preface

by P.N. Bhagwati

*former Chief Justice of India,
Chairman, CIJL Advisory Board*

Fundamental human rights and liberties can only be preserved in a society where the judiciary enjoys freedom from political interference and pressure. The rights of the people also require that lawyers be free to take up all cases - even unpopular ones - without fear of reprisal.

Yet, as this report demonstrates, many governments do not hesitate to undermine the judiciary when it seeks to prevent government lawlessness. In all too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

The Centre for the Independence of Judges and Lawyers (CIJL), whose Board I have the honour to chair, is dedicated to promoting the independence of the judiciary and the legal profession in all parts of the world. We hope that this report, which documents the problems faced by jurists in 44 countries, will serve to stir the international community to action. In particular, we call on:

- the United Nations to establish a mechanism to report on situations in which the independence of the judiciary is being undermined or in which judges and lawyers are under attack;
- governments to guarantee the independence of the judiciary and the legal profession and to prosecute more aggressively those who commit crimes against lawyers;
- bar associations everywhere to become more active in the defence of their persecuted colleagues.

Introduction

by Reed Brody

Director, CIJL

This is the second annual report by the Centre for the Independence of Judges and Lawyers (CIJL) cataloguing the harassment and persecution of judges and lawyers worldwide. It lists the cases of 430 jurists in 44 countries who suffered reprisals between 1 July 1989 and 30 June 1990 for carrying out their professional duties. Of these, 67 were killed, 165 were detained, 40 were attacked, 67 received threats of violence and 54 were professionally sanctioned (by disbarment, removal from the bench, or banning).

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders recognized in 1985 that "adequate protection of the rights of citizens requires that all persons have effective access to legal services provided by lawyers who are able to perform effectively their proper role in the defence of those rights, and to counsel and represent their clients in accordance with the law and their established professional standards and judgment without any undue interference from any quarter." It therefore recommended to states that they "provide for protection of practising lawyers against undue restrictions and pressures in the exercise of their functions." Yet, as this report makes clear, in all too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

The same UN Congress, in adopting the historic Basic Principles on the Independence of the Judiciary, called on governments to "respect and observe the independence of the judiciary," refrain from improper interferences and provide for the security of judges. Yet, judges, too, continue to face sanctions and personal risks in trying to uphold the rule of law.

In August 1989, we submitted a first report to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities. The report described the cases of 145 judges and lawyers who had been harassed, detained or killed between January 1988 and June 1989. The list included 34 judges and lawyers who were killed, 37 detained, and 38 who had been attacked or threatened with violence. As we had hoped, the report drew attention to the serious problems faced by jurists in many countries. The Sub-Commission responded to the report with a resolution declaring itself "disturbed at the continued harassment and persecution of judges and lawyers in many countries." It named its French expert, Mr. Louis Joinet, to prepare a working paper on means by which the Sub-Commission "could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers." The Commission on Human Rights would later also pronounce itself "disturbed" by these attacks and endorse the Sub-Commission's call for a study.

Other UN bodies have taken note of the phenomenon of attacks on judges and law-

yers. Referring to the 1989 CIJL report, among other evidence, the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, saw "a particularly alarming trend, which is rapidly spreading, namely, the practice of 'death threats' deliberately directed, in particular, against persons who play key roles in defending human rights and achieving social and criminal justice in a society." (U.N. document E/CN.4/1990/22, para. 472). He found that "death threats [are] made against persons of various backgrounds and professions, in particular the following: ... Judges, lawyers, magistrates and prosecutors, etc., involved in trials, investigations or other legal proceedings; (*id.* para. 449)."

Scope of the Report

As last year, the report includes only those jurists who have suffered harassment because of their professional activities, including the advising and representation of clients, law reform and human rights advocacy, the conducting of investigations and the rendering of judicial decisions. Excluded from the list are members of the legal profession persecuted because of their beliefs or their membership in a political, ethnic, linguistic, religious or other group. While we deplore the persecution of any person for such reasons, irrespective of membership in the legal profession, the purpose of this report is not to catalogue all such instances of repression in the world. Rather, the report focuses on judges and lawyers because of the effect that attacks on them have on the rights of all citizens to receive justice and to live in a society guided by the principles of the rule of law. We thus do not seek to elevate judges and lawyers to a higher status than that of their fellow citizens. Instead, we draw inspiration from the words of José Francisco Rezek, then Judge of the Supreme Court of Brazil (and now his country's Foreign Minister) at a seminar which the CIJL organized in Buenos Aires in 1988:

The independence of judges and lawyers is not an end in itself; it is a means placed at the service of the community. The judiciary must not stake its claim in the name of the privileges of its members or for the pleasure of an Olympian affirmation of its own power. Its independence and dignity must be defended in the common interest of our peoples, and in particular in the name of the most humble elements of society, of those who most intensely rely upon a free, efficient, altruistic, honest and wise system of justice.

In many cases, it is difficult, if not impossible, to determine whether the persecution of a jurist was in reprisal for her professional activities (including the advocacy of human rights, which we consider to be part of a lawyer's responsibility). Such an acknowledgement rarely is found in formal charges, when they have been brought. Paramilitary groups and hired guns seldom give detailed reasons for their crimes. In addition, since many active defence lawyers are also involved in political causes, we have had to rely in many instances on the judgment, often the educated guess, of our local informants. Where we were in doubt as to the motive for the persecution, we have included the case in this report. We have also included the cases of jurists detained or otherwise sanctioned before 1 July 1989 but whose sanction remained in effect into the period covered by the report. We have tried to reflect all changes in status that occurred before 30 June 1990, though we have not been able to obtain up-to-date information in all cases.

This year's report documents a significant increase in the number of attacks on judges and lawyers from that of last year. To some extent, the greater number of inci-

dents of harassment and persecution results from improved reporting, and therefore may be misleading. Last year's report generated publicity around the issue of attacks on jurists, leading to greater cooperation from local informants. Last year's experience also suggested new working methods which increased our efficiency.

Beyond the methodological improvements, however, there was a real increase in the number of attacks. This was due, we feel, to the breakdown in the rule of law in certain countries, such as: the Sudan, where judges were dismissed *en masse*; Nepal, where, before constitutional changes were agreed upon, dozens of lawyers calling for reform were arrested; Peru and Sri Lanka, where lawyers were victims of attack from both the government and opposition forces; and, of course, Colombia, where violence against lawyers by drug traffickers and elements of the military has become a disturbing fact of life. (We did not include in our final tabulations the 445 threats against judges and prosecutors in the United States reported in nine months alone, and which represent a sharp increase over previous years, because confidentiality prevents us from listing all the judges threatened.)

CIJL Interventions

It is particularly disturbing that so few of the cases of violent attacks on lawyers have been investigated by the competent authorities, and so few of those guilty brought to justice. In countries such as Brazil and the Philippines, the failure to pursue vigorously the authors of the crimes has led to situations of *de facto* impunity resulting in climates ripe for yet further killings. Governments should be urged to comply with the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989). This document calls for an investigation of all suspected cases of extra-legal, arbitrary, and summary executions, as well as the prosecution of all persons identified in the investigation as having taken part in such killings.

Many of the cases listed in this report were the subject of CIJL interventions with the governments concerned during the year. The CIJL regularly intervenes in individual cases, calling for such investigation and prosecution, as well as in matters such as amendments to a country's constitution or legal codes that affect the judiciary or bar as a whole. When the CIJL receives verified information about any of these matters, it makes a written intervention with the government concerned. It then solicits other jurists' associations to do the same. Over the years, the CIJL has built up a network of hundreds of international, regional, national and local organizations of judges and lawyers which have responded to CIJL requests for action. These organizations have come to recognize that it is their professional responsibility to speak out on behalf of colleagues who are persecuted at home or abroad and that such interventions are not "political" but are vital to the protection of a system of justice based on the rule of law.

We follow up our interventions in one of two ways. In serious cases, but where time is not of the essence, we send a circular letter to the organisations described above asking them to intervene. More frequently, we fax copies of our appeal, together with supporting documents, to the eleven lawyers' associations which have, over the last years, been most active on behalf of their colleagues. These are: the International Bar Association, the Lawyers Committee for Human Rights, the Netherlands Order of Advocates, the Ordem dos Advogados do Brasil, the Ordre des Avocats à la Cour de Paris, the Free Legal Assistance Group (Philippines), the International Association of Democratic Lawyers, Den Norske Advokatforeing, the Canadian Section of the International

Commission of Jurists, the Arab Lawyers Union and the Union Internationale des Avocats. Where appropriate, the CIJL issues press releases to call attention to the situation.

Sometimes, of course, even more visible international action is called for. In July 1988, for example, the CIJL and the ICJ, together with other international legal organizations, took part in the "International Lawyers Forum" in the Philippines, to draw attention and develop a common response to the increasing violence and intimidation against human rights lawyers in that country.

The CIJL also conducts missions of investigation and sends observers to trials. These missions make governments aware of the serious concern with which outside organizations are watching developments within their countries, and give support to those being persecuted. In June 1989, a CIJL mission that included a Spanish Supreme Court judge and the President of the American Association of Jurists went to Brazil to examine the situation of the dozens of lawyers who have been assassinated and threatened as a result of providing legal assistance to peasants and labourers in the rural north and northeast. In 1989, the CIJL also released a report on the independence of the judiciary in Peru, and in 1990 we released an in-depth study of the judiciary in Uruguay.

We urge the jurists' associations that receive this report to keep the CIJL — and through it the international legal community — aware of developments in their countries and, in particular, of cases of harassment or persecution which call for rapid and high-level outside intervention.

* * * * *

In preparing this report, we have relied heavily on the work of other international human rights organizations such as Amnesty International, Human Rights Watch and the Lawyers Committee for Human Rights. The staffs of these organizations also patiently responded to our numerous requests. In particular, the researchers of Amnesty International have time and again provided invaluable assistance on individual cases, digging information out of their files, spontaneously providing updates and responding to endless queries. Pam Price of the Lawyers' Committee provided us with updates on cases tracked through their Lawyer-to-Lawyer Network.

We are especially grateful for the information in two excellent reports: Human Rights Watch's third annual survey *The Persecution of Human Rights Monitors, December 1988 to December 1989*, and the Lawyers Committee for Human Rights' first such compilation: *In Defense of Rights: Attacks on Judges and Lawyers in 1989*. We have used that information throughout this report.

The constant exchange of information with the international and regional bar associations listed above under "CIJL Interventions" also kept us abreast of cases. Thanks also go to several ICJ affiliates, regional bar associations, local human rights groups and individuals which provided us with information on their countries or reviewed our entries - in particular the Andean Commission of Jurists and its Colombian Section, the Arab Lawyers Union, the Union of Central African Lawyers, the Centro de Estudio Legales y Sociales (Argentina), the Ordem dos Advogados do Brasil, the Cameroon Bar Association, the *Vicaria de la Solidaridad* (Chile), the Chilean Bar Association, *Asonal Judicial* (Colombia), the League of Former Haitian Political Prisoners, *Topol* (Indonesia), YLBH - Indonesia, Al-Haq (occupied West Bank), the Japan Federation of Bar Associations, the Tokyo Bar Association, the Mexican Commission for the Defence and Promotion of Human Rights, Gopal Siwakoti (Nepal), Clement Nwankwo (Nigeria), the Human Rights Committee of Pakistan, the Free Legal Assistance Group of the Philippines (FLAG), the National Association of Democratic Lawyers (South Africa), the Bar Asso-

ciation of Sri Lanka, the Human Rights Association (Turkey), Judge Edmund V. Ludwig (USA), the Office of the Chief of Court Security (USA), and the National Lawyers Guild (USA).

Most of the entries in this report were prepared by Jennifer Green, Sarah Ludwig and Lily I. Vakili, law interns with the ICJ. It is their energy and commitment which has made this report as complete as it is. Other entries were prepared by Jeremy Sarkin, a Visiting Attorney with the CIJL. Ms. Ludwig and Ms. Vakili, with a patient attention to detail, helped to edit the report.

The report is again dedicated to all the brave men and women listed here who have tried, in the face of repression, to uphold the finest traditions of the legal profession.

List of Judges and Lawyers Harassed or Persecuted July 1989 - June 1990

ARGENTINA

The 7 October 1989 amnesty granted by President Carlos Saúl Menem to members of the military charged with human rights violations committed during the 1976-1983 military regime was challenged on constitutional grounds by several federal prosecutors, who were subsequently subjected to disciplinary inquiries and threatened with dismissal.

Threats, attacks, and assassination attempts were carried out against eight judges who had been involved in cases dealing with police corruption. Although an investigation was initiated to determine whether security force members were involved in the attacks, no conclusions have yet been reached. In another development affecting the independence of the judiciary, the new government in 1990 enlarged the Supreme Court from five to nine members and appointed to it five lawyers with ties to the ruling party.

Ricardo Anuch: judge in the city of Salta. On 13 May 1990, Anuch's chambers were ransacked. The intruders left behind drug paraphernalia such as syringes and disposable needles. Anuch suggested that the attack was related to investigations he was conducting which would possibly implicate high provincial officials. He stated that he had also received telephone threats, leading him to request police protection.

María Cristina Caamiña: correctional judge who had been investigating charges of police corruption. Caamiña was the victim of an assassination attempt on 4 January 1990 in which a powerful explosive device was placed in the entry way of her apartment. At the time of the attack, the judge and her family were away on vacation. The bomb was deactivated after being discovered by the doorman, who notified the police.

Hugo Omar Cañón: appellate federal prosecutor in Bahía Blanca. The Secretariat of Justice initiated professional disciplinary proceedings against Cañón on 15 November 1989 after Cañón challenged the constitutionality of the 7 October 1989 amnesty granted by President Carlos Saúl Menem to all but six of the highest ranking police and armed forces personnel charged with human rights violations during the 1976-1983 military regime. The actions taken by Cañón disregarded a specific order from the Attorney General not to challenge the pardon.

Luis Cevasco: criminal court judge. Cevasco's car, located a few meters from his house, was riddled with nine bullets on 19 May 1990. At the time of the attack, Cevasco was investigating cases involving police and public official corruption. Cevasco attributed the attack to right-wing groups composed of members of the police and security forces. An investigation was initiated by the Supreme Court to determine whether the groups named by Cevasco might be responsible for recent actions taken against members of the judiciary.

The Cevasco case was linked to several other cases of harassment: 1) a 7 August 1987 case in which Judge Rodolfo Ricotta Denby's house was demolished by a bomb; 2) the 4 January 1990 attempted bombing of Judge María Cristina Caamiña's apartment (see above); and 3) threats against two legislators of the Radical Party. All of the victims were or had been investigating police corruption; Cevasco stated that all the victims were committed to the defence of individual rights and the restriction of excessive police powers. In the course of the Supreme Court investigations, the chief of police, Commissioner General Jorge Passero, was called on to testify. In his testimony before the Supreme Court, Passero denied the existence of right-wing groups within the military, stating instead that such attacks, if attributable to security force members, were the actions of individual "delinquents," and not an organised group. On 4 June 1990, Passero submitted his resignation to the Minister of the Interior, which President Menem refused to accept.

Mariono Ciafardini and Aníbal Ibarra: federal prosecutors for the city of Buenos Aires. Both were special prosecutors in cases involving children either kidnapped together with their now "disappeared" parents or born in captivity during the "dirty war." Ciafardini and Ibarra brought criminal charges against persons allegedly responsible for the irregular adoptions of such children, attempted to establish the minors' identities, and, when warranted, to restore custody to the natural grandparents. Both lawyers were subjected to a disciplinary inquiry by the Secretariat of Justice as a result of their public opposition to the amnesty law advocated by President Menem. The Attorney General's instructions prohibited federal prosecutors from voicing their opposition to amnesties granted by the executive branch. In December 1989, in response to public disapproval over rumours that the two would be transferred to other administrative posts, the Secretariat of Justice announced that no transfer was planned. The disciplinary inquiry is still in progress. Ibarra, however, has recently resigned from his post.

Oscar Alfredo González: criminal court judge in San Nicolás. A package containing a grenade was left on his doorstep on 22 December 1989. The package exploded at approximately midnight upon being picked up by the judge's son who was killed by the blast. The motive for the attack is unknown.

Guillermo Levingston: criminal court judge in San Luís. Levingston has been subjected to repeated telephone death threats. Apparently, the threats are in reprisal for Levingston's investigations into corruption charges against the local government. Levingston has been offered police protection for himself and his family.

Eduardo Ramón Makintach, Raúl Casal, and Juan Carlos Tarsia: criminal court judges in San Isidro investigating cases involving police corruption and drug trafficking. On 23 August 1989, Makintach suffered an arm injury during an assassination attempt when three armed men entered his house and fired at him. The gunmen allegedly presented themselves as members of the *División Toxicomanía* (Drug Addiction Division) of the

area police force. One hour after the attack against Makintach, Tarsia received a telephone death threat. Casal received death threats following his conviction of two suspects involved in drug trafficking. In an interview with *La Nación*, Dra. Irene Dolores Rodríguez de González Godoy, president of the *Colegio de Magistrados y Funcionarios* (Association of Magistrates and Court Workers) of the provinces of Buenos Aires and San Isidro, and of the *Federación Argentina de la Magistratura* (Argentine Magistrates Association), dismissed the possibility of the Makintach attack being a robbery, and alleged that the attack and threats may have been in reprisal for the judges' recent investigations into police corruption and drug trafficking. One of the individuals involved in the attack against Makintach was apprehended and convicted in late December 1989.

BOLIVIA

Alejandro Colanzi, human rights lawyer, **Arturo Mendivil**, lawyer and head of the Bolivian Association of Radio Broadcasters, and **Sonia Soto**, lawyer and legal advisor to Defence for Children International (DCI)-Bolivia. Colanzi and Mendivil received death threats in November 1989, allegedly from sectors of the Bolivian National Police. The threats appear to be in response to their campaign for a judicial investigation into allegations of police torture and killings at a reformatory near Santa Cruz, known as the *Granja de Rehabilitación de Espejos* ("Rehabilitation Farm of Mirrors"). The *Granja*, run by the police, holds administrative detainees for up to twelve months. DCI investigated the farm after receiving charges of illegal detention of minors. In the course of their investigations, DCI, Amnesty International and the Argentine Forensic Pathology Unit confirmed the existence of a clandestine cemetery. Subsequently, Soto and a coalition of DCI-Bolivia and other concerned organisations initiated a suit on 29 September 1989 against the police authorities. The trial however, has been fraught with delays.

Threats began during the week of 20 November when Colanzi's mother received several anonymous telephone calls threatening her son's life if he persisted with his legal action against police officers accused of abuses at the *Granja de Espejos*. Mendivil received a similar call threatening him at the radio station in Santa Cruz where he works. On 23 November, Colanzi's mother's house was searched without a warrant by the narcotics branch of the Bolivian police. The police later stated that they were acting on anonymous information which suggested that Colanzi was involved in drug trafficking. Colanzi has presented a complaint regarding the death threats and the illegal search of his mother's house to the Prefecture for the Department of Santa Cruz, the Human Rights Commission, and the Commission for Police and Constitutional Affairs (which represents the Attorney General's Office) of the Bolivian Congress. DCI has expressed concern for Soto's safety in light of the diminishing popular interest in the case.

BRAZIL

Attorneys and organisers assisting the rural poor in land disputes, particularly in the north and northeast, continue to be harassed, threatened and even killed, often by hired guns in the pay of large landowners. Some 150 cases of harassment and persecution against lawyers have been documented since 1977, including 40 assassinations or assassination attempts. Yet in not one case of which the CIJL is aware has the guilty party been brought to justice and convicted. Such impunity makes it dangerous for lawyers to take on sensitive land cases, and the rural poor, thus often deprived of legal protection, have difficulty vindicating their basic rights.

Osmar Barcelos do Nascimento: lawyer and member of the Linhares Human Rights Commission. He was forced to go into hiding on 17 September 1989 together with another member of the Commission, Pastor Vilmar Schneider, after a series of attacks on them by local gunmen. Barcelos has been the subject of numerous assassination attempts. It is believed that the attacks are linked to land disputes in the area.

Helio Bicudo Sobrinho and Paulo Sergio Pinheiro: human rights lawyer and lawyer and founding member of the Teotonio Vilela Commission on Human Rights, respectively. They were included on a list of São Paulo activists distributed in São Paulo in August 1989 by the "Commando to Hunt Communists, Division of São Paulo," an extreme right-wing organisation. Their names were also included in another list distributed in September 1989 by the same group.

Vanderley Caixe and Ayala de Almeida Rocha: lawyers with the Centre for Defence of Human Rights, Legal Rights and Popular Education. They were arrested on 3 November 1989 in Joao Pessoa, Paraiba state, by the Federal Police. The incident took place in the Institute for Agrarian Reform (Incra), where the two lawyers had gone on behalf of 400 landless peasants who were being evacuated from the building in which they were holding a protest. After the police searched Caixe's briefcase, he told them that they had violated his rights as a lawyer. He was thereupon arrested for contempt. When Rocha protested, she too was placed under arrest. The two were handcuffed and taken to police headquarters. On a *habeas corpus* petition brought by the Brazilian Bar Association, a federal judge found that their detention was illegal and ordered the pair released on 4 November.

Felisberto Damasceno and Judith Badja Garcez Moreira: lawyers working for the *Conselho Indigenista Missionario* (CIMI), an organisation assisting indigenous peoples. They were detained by the military along with three other members of the group on 27 June 1989 near the Colombian border, in the Alto do Rio Negro area, Amazonas state. Indians in the area had invited the group to visit their settlement. They were detained for two days, taken to the military barracks at Sao Gabriel de Cachoeira and interrogated. Documents they were carrying were seized. They were released after a few days following the intervention of the local bishop and the state bar association. Following their release, the Brazilian Bar Association submitted a complaint against the military authorities in Amazonas state in connection with the incident.

Angela Regina Gama de Silveira Gutierrez Jiménez: lawyer and a member of the Human Rights Centre in Rondonópolis, Mato Grosso state. She and other members of the group have been receiving telephone threats and have been followed by police ever since the group prepared a dossier on the killing of seven suspects by police officers in a local jail on 6 February 1989. The human rights group produced and publicized a report which contained photographs of the bodies, suggesting that the suspects had been tortured to death. She received threats again in November 1989, after a prosecutor filed charges against the police. The judge charged with investigating the case, **Antonio Paulo da Costa Carvalho**, required police protection after receiving death threats. According to the Brazilian Bar Association, the threats to de Silveira have stopped. The investigation remains incomplete and has thus far produced no results.

Jorge Farias: lawyer, working on land issues. His life was threatened by gunmen in the municipality of Xinguara on 2 August 1989.

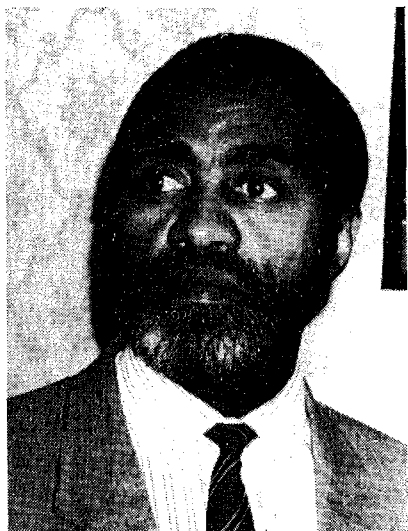
Cleide Fontes: lawyer assisting a peasant group in Choro, Quixada district, in a legal dispute over land titles with a large landholder. In late April 1989, after many of the peasant families had already been driven off the land by the landlord's private militia, Fontes began to receive death threats and anonymous calls which have become more and more frequent.

Milton Inácio Heinen: lawyer working for the *Comissão Pastoral da Terra* (Pastoral Land Commission) in Goías; has received death threats in connection with a case in which he has represented the families of rural labourers who, since August 1989, have occupied lands, *Fazenda Europa*, belonging to the Caído family, in the municipality of Goías. According to the lawyer, the Caído family representatives threatened him during negotiations set up to settle the conflict on 5 May 1990. The threats were allegedly repeated to a city official on 3 July 1990.

Katia Pereira: lawyer. On 15 August 1989, while investigating an allegation of police torture on behalf of a client at the police station in Abreu e Lima, Pernambuco state, Pereira was verbally abused and struck by the station chief, and subsequently arrested for disrespect. She was released several hours later, after intervention by the Brazilian Bar Association and a demonstration by 200 local residents in front of the police station. An illegal arrest complaint has since been filed and is still pending.

Wanderlin Torres Pinheiro: lawyer providing legal assistance to farmers in Nova Xavantina, 650 kilometers from Cuiabá in Mato Grosso State, was assassinated on 24 April 1990 by three unidentified gunmen as he was leaving a building with his wife and two children. For over ten years, Torres had defended the interests of small farmers against large landowners in the Nova Xavantina area. State assembly member José Arimatéia, without citing names, accused landowners of the murder, noting that tensions had been rising in the area since the courts had begun ordering the eviction of groups of small farmers, and that some 5,000 more farmers were being threatened with eviction.

CAMEROON



Yondo Black

Yondo Mandengue Black: former president of the Cameroon Bar Association and member of the *Association des juristes africains*. Black was arrested on 19 February 1990, with ten others, on suspicion of organising a political party. (Although the Cameroon constitution provides for the existence of other political parties, in fact, only the ruling party, the Cameroon People's Democratic Movement, is permitted to function.) When arresting him, police searched Black's home and office without a warrant for documents relating to the new party, one of which Black offered to police voluntarily. At the time, Cameroon law prohibited police from searching a lawyer's office unless the lawyer was the subject of a judicial investigation formally opened by an investigating magistrate.

Though the government denied that the arrests were based on Black's involvement in organising a new party, it charged him with subversion and showing contempt for the president of Cameroon. Black and those arrested with him, known as "The Douala Ten," were tried in late March before a military court in Army Staff Headquarters (one person was tried *in absentia*). At first held incommunicado for several weeks following their arrests, they were transferred to Douala and held at the offices of the security police where they were denied access to lawyers. Many were not permitted to see their families. The Douala Ten were apparently detained on orders of the Minister of Territorial Administration, without any judicial sanction or legal basis. At trial, the court, in response to protests that the detention was illegal, denied that they were in detention at all.

Members of the Cameroon Bar Association, which represents more than 500 lawyers, mobilized around the case of Yondo Black. On 6 March 1990, the Bar issued a statement that Black's arrest constituted an infringement of constitutionally guaranteed freedoms of expression and association, and demanded his immediate release. In late March, lawyers in Cameroon called a boycott, ceasing all courtwork until the trial of the Douala Ten was over. The strike was also in protest against the subversion law, which allows for prolonged detention of suspects without charge or trial.

The lawyers interrupted their boycott of the courts for Black's trial only, which more than 200 lawyers attended, dressed in their black robes and acting as Black's defence team. On 2 April, the Minister of Justice, Adolphe Moudiki, warned lawyers that their boycott would subject them to disciplinary measures. Three days later the Commissioner of Police banned the Bar Association, which had continued to sit throughout the trial, from holding a meeting in Yaoundé, ordering its members to disperse. Some of the lawyers have since been the subjects of government harassment, including tax inquiries and efforts to shut down their offices. The harassment of the Cameroon lawyers apparently relates directly to their positions with regard to the Douala Ten.

On 5 April, a military tribunal convicted Black of subversion, sentencing him to three years' detention, with no right of appeal. According to Amnesty International, the trial of the Douala Ten "was a travesty of justice - there was no convincing evidence to justify their conviction and details of the charges were withheld from the defendants throughout the trial," leading one of the defendants to describe the trial as "Kafkaesque." The Douala Ten were not permitted to confer with their lawyers to pre-

pare their defence.

There has been concern for Black's health since his detention, as he suffers from cardiac problems stemming from a previous (and unrelated) violent assault against him in December 1988. The authorities reportedly moved Black to a remote detention site in July, despite his severe health condition and the fear that he will die if his detention continues.

Many of the more than 200 lawyers who defended Black, including the *Bâtonnier* (President) of the Cameroon Bar Association and head of Black's defence, **Bernard Muna**, have received anonymous death threats. One of the lawyers formally retained to defend Black, **Pierre Bouobda**, was killed on 5 April by police, under unclear circumstances. By one account, police shot him in the head and heart as he tried to put his car in reverse at a police check-point in Bafoussam, Western Province. Another report suggests that the police had been following Bouobda after questioning him about encouraging a lawyer to join the boycott. When he pulled the car to the side of the road, a plain-clothes policeman startled him, prompting Bouobda to put the car in reverse to get away, at which point police shot him. The Minister of Justice immediately announced that the shooting was an accident and, after protests against the killing, stated that there would be an investigation. Its outcome, however, has yet to be reported. Approximately 150 lawyers from the Cameroon Bar Association attended Bouobda's funeral.

In July 1990, the Cameroon National Assembly passed a law granting authorities strict control of the legal profession, including the right for police to search lawyers' offices without a warrant. The law would also disempower the Cameroon Bar Association, by dismantling the national bar and replacing it with several regional bar associations. The bar association again went on strike to protest the draft laws which, as of press time, had not yet been promulgated by the executive.

CENTRAL AFRICAN REPUBLIC

Jean-Pierre Kabylo and **Joseph Potolo**, judge and President of the Judicial Chamber of the Supreme Court. They were removed from the bench after co-signing an open letter dated 15 May 1990, which was sent to the President. Roughly 1000 people have signed a total of three open letters, and many have supported four press releases, calling for a national conference to establish a multi-party system. (Many of the signatories, including civil servants and other professionals, have been the subjects of government reprisals.)



Nicolas Tiangaye

Nicolas Tiangaye: defence lawyer from Bangui. Tiangaye has taken on many leading political cases, including the defence of former Emperor Jean-Bedel Bokassa and of current opponent General François Bozizé. He is now the subject of disciplinary proceedings to remove him from the bar. The action to disbar Tiangaye was requested by the Minister of the Interior, who noted in his letter to the Minister of Justice that Tiangaye's "affiliation to a party in opposition to the government is no longer in doubt." The government then formally accused Tiangaye of lacking respect for State institutions and insulting witnesses in statements he made during a trial before the Permanent Military Tribunal on 2 June 1990, in which he was serving as defence lawyer for two superior officers accused of threatening state security. The following quotation from Antoine de Rivarol was cited by the government:

Une armée dont on se sert pour asservir les autres est déjà asservie. Le marteau reçoit autant de coups que l'enclume. (An army used to enslave others is itself enslaved. The hammer receives as many blows as the anvil.)

This was despite the immunity granted to lawyers in the Central African Republic for statements made in court under Article 13 of Ordinance No. 68/043 of 29 August 1968, which established the corps of defence lawyers.

It is widely believed that the government's principal motivation for taking action against Tiangaye relates to his political opinions and activities. He is co-signatory and co-drafter of documents calling for a national conference to establish democracy in the Central African Republic.

CHILE

René García Villegas: Judge of the 20th Criminal Court in Santiago during the Pinochet dictatorship. Judge García was removed from his judicial post in January 1990 on grounds of his "lack of good behaviour required by law." Previously, the Supreme Court had suspended Judge García at half salary for two weeks as of 25 October 1988 for statements made by García in 1987 and 1988 to newspaper journalists and on video, about torture practices of the state security police which he was investigating. García was the most tenacious and best-known magistrate pursuing cases of torture. He had pursued more than 30 complaints of torture by members of the *Central Nacional de Informaciones* (the state security police; CNI). He and his wife received numerous death threats as a result of his investigations. During October 1989, he received three death threats. On 5 October a number of people entered his home and ransacked his house. His mail was opened and "watch out" was scrawled on a mirror. Five days later a note was pushed under his door stating that he would soon die. On 13 October he received another message delivered in a similar manner which stated that his parents, who were dead, were waiting for him.

Nilde Garfias: lawyer with the *Vicaría de la Solidaridad*, the human rights office of the Santiago Catholic Archdiocese. Charges were brought against Garfias for "grave offenses" against OS-7 officials. The charges were based on Garfias' statement, in an interview, that her client, a minor, had been forced to appear in a video in which he acknowledged being a member of the extremist group, *Movimiento Lautaro*. Garfias has also received telephone death threats in which her father, her secretary, and she were threatened.

Roberto Garretón Merino: member of the National Council of the Bar Association and lawyer with the *Vicaría de la Solidaridad*, the human rights office of the Santiago Catholic Archdiocese, was sentenced to 541 days in prison on 3 August 1989 on charges of "injury to the armed forces;" the sentence was thereafter suspended. The charges were based on articles denouncing violations of human rights written by Garretón in the journal *Mensaje* in March 1987. On 25 October 1989, the military court revoked the sentence, indicating that Garretón had not committed any crime. The Military Prosecutor was reported to have lodged a complaint with the Supreme Court against the verdict of the military court absolving Garretón.

Jaime Hales: lawyer. On 4 July 1989, charges of "injury to the armed forces" were initiated against Hales. The charges were based on an article published in the magazine *Análisis*, in which Hales criticised the investigation of his colleague, José Galiano, defence attorney for a woman involved in the kidnapping of Colonel Carlos Carreño.

Carmen Hertz: lawyer assisting the *Vicaría de la Solidaridad*. Hertz was charged with "injury to the armed forces" on 16 August 1989. The charges were based on statements made by Hertz in the magazine *Apsi* regarding the hunger strike by political prisoners, specifically with regard to her client, Vasily Carrillo, accused of an assassination attempt against General Pinochet. The Military Court dropped all charges against Hertz in December 1989.

Gastón Holpzapfel: lawyer and member of the *Comisión de Derechos Humanos del Colegio de Abogados* (Human Rights Commission of the Bar Association), acting as defence lawyer for two individuals accused of sequestering arms in 1986. Holpzapfel was charged with "injury to the armed forces" by the military prosecutor on 4 July 1989. The charges were based on an article Holpzapfel had published in which he asserted that his clients had been tortured by members of the security forces. The charges against Holpzapfel were confirmed by the Military Court.

Gustavo Villalobos Sepulveda: executive secretary and former head of legal analysis for the *Vicaría de la Solidaridad*. After giving legal advice in 1986, in his professional capacity, to a wounded man who was later accused of killing a policeman, he was charged with "assisting an armed terrorist organisation." He spent three months in prison in mid-1986. After ordering the detention of Villalobos, the Military Prosecutor demanded access to confidential files of the *Vicaría*, in what was widely seen as an attempt to investigate and discredit Chile's main human rights organisation. In a 20 November 1989 opinion, the military Justice of Santiago requested that Villalobos be sentenced to five years as an accomplice. On 18 June 1990, however, a divided Supreme Court revoked the charges against Villalobos, finding that he had not committed any offence.

CHINA, PEOPLE'S REPUBLIC OF

Cases of concern in China stem from the 1989 "pro-democracy" movement. Approximately 700 people of the estimated 30,000 arrested throughout China since May and June 1989 continue to be detained, many without charge or trial. Many others were subjected to closed trials, widely considered in violation of international due process standards. Persons detained range from students and workers arrested for their role in the protests and citizens inspired by the events in Beijing who became victims of the subsequent repression, to jurists who spoke out for constitutional reform. It is not possible in many cases to determine the exact nature of the charges or accusations.

Jiang Ping: former president of China Politics and Law University and one of the China's leading legal scholars. He was reportedly forced to resign his position as university president on 21 February 1990, because of his support for the student-led pro-democracy movement. Throughout 1989, he wrote articles and speeches backing the students' demands for democracy, and in May 1989, he was one of ten university presidents to sign an open letter, which asked the government to hold discussions with protesting students and workers, and to refrain from using violence against them.

Wan Qianjin: law professor at the China University of Politics and Law, and former president of the currently-outlawed Beijing Citizens' Autonomous Federation. Chinese authorities have reported that Wan turned himself in to the police in Pingdu County, Shangdong Province on 17 June 1989. Currently detained in Shangdong, Wan has been accused of organising the Federation, making "inflammatory speeches," and "fabricating rumours." (See also 1989 CIJL report.)

Yu Haocheng: legal scholar and director of the Legal Institute. He is an advocate of political reform and has been blacklisted by authorities as one of seventeen or eighteen "bourgeois-liberal intellectuals" involved in promoting the "counter-revolutionary rebellion." He made a public appeal to the Chinese government to declare the student movement a "patriotic democracy movement." Arrested in his home on 27 June 1989, he was detained in Quinchen prison, north of Beijing. In early 1990, he was reportedly moved from the prison itself to a "guest house" within the prison grounds. During the Cultural Revolution, Yu was held in solitary confinement for his advocacy of radical reform. After his release, he became director of the Mass publishing house, but was dismissed in 1986 for publishing "questionable" books. (See also 1989 CIJL report.)

COLOMBIA

In the report on his visit to Colombia (U.N. document E/CN.4/1990/22/Add.1), the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, noted that:

In recent years, the victims (of extra-judicial executions) have included a Minister of Justice, an Attorney-General of the Nation, various justices of the Supreme Court and High Courts and many judges and judicial officials. A number of Ministers of Justice are reported to have been compelled to resign because of the death threats that hung over them and/or their relatives and some seven or eight judges have had to leave the country for the same reasons. In some cases.... the reprisals by the so-called paramilitary groups against the judges even include the killing of some of their relatives. According to *Asonal Judicial*, (the union representing judicial officers and workers -ed.) one-fifth of the 4,379 judges in Colombia today are under threat of death. In addition, not all the judges who have been threatened can benefit from police protection. However, it is said that when protection is provided it is inadequate, as the case of Judge Díaz Pérez demonstrates. The killing of judges and the lack of police protection led in 1989 to a number of strikes by judges and judicial officials throughout the country.

Indeed, nowhere in the world do judges work at such risk as in Colombia. Since 1980, an estimated 300 judges and court workers have been killed. In September 1989, after the government began a crackdown on drug traffickers following the 18 August assassination of presidential candidate Luis Carlos Galán, a group of drug traffickers calling themselves the "extraditables," announced that they would kill 10 judges for every one of their people extradited to the United States. According to *Asonal Judicial*, drug traffickers are responsible for the assassination of at least 53 judges since 1980.

Violence does not only come from drug traffickers, however. As the cases below illustrate, among the judges and lawyers who run the gravest risks are those investigating crimes allegedly carried out by or with the acquiescence of the armed forces. The Colombian weekly *Semana* reported that 90% of all public order judges (who hear crimes against state security, political crimes such as rebellion and sedition, crimes under the anti-terrorist statute, and crimes relating to death squad or paramilitary activity) have been threatened with death.

The 70 cases of judges and lawyers harassed in apparent reprisal for carrying out their professional duties in the past year, including the assassination of 37, reflects the inability of the government to maintain even minimum standards of safety. Although the government has set up a National Security Fund for the protection of judges, it has yet to implement concrete protection measures.

Other factors which have had a hand in the gradual dissolution of judicial authority include: a recruitment policy in which promotion is subject to bureaucratic criteria or party affiliation - to gain admittance to the upper judicial echelons, one must be a member of the Liberal or Conservative party; and a lack of job security - judges and magistrates serve for two and four years respectively.

Gregorio Alvear Palomino: judge in the San Alberto municipality, department of Cesar. On 19 September 1989, Alvear received death threats in which he was also advised to

resign from his post. Local human rights groups believe that a paramilitary group may be responsible for the threats.

Rafael Amaris Pava: lawyer and defender of political prisoners. He was a victim of an assassination attempt on 3 September 1989 in Valledupar, Cesar. A complaint has been registered with the *Procuraduría Delegada para las Fuerzas Militares* (Attorney General for the Armed Forces) of Valledupar for the alleged participation in the attempt by a member of the army. On 23 January 1990, a preliminary disciplinary inquiry was initiated.

Pablo Emilio Angarita Cañas: lawyer, detained on 8 September 1989, when personnel from the Military Police Battalion No. IV, acting under the authority of the IV army Brigade, raided the *Instituto Popular de Capacitación* (Popular Training Institute). Although a judge reportedly accompanied the soldiers, no search warrant was produced. The search lasted six hours during which time educational materials such as video cameras, video tapes, cassettes, a radio, a tape recorder and archival material were confiscated. Angarita Cañas and three other people were held blindfolded in incommunicado detention and reportedly tortured in the Battalion installations. On 12 September 1989, they were transferred to another prison where they had access to their lawyers but not to their relatives. Angarita and the others were informed that they were being held for alleged transgressions of the Terrorist Decree Law 180. The charges were apparently brought on the basis of a communiqué issued by the commander of the IV Brigade, accusing the IPC members, together with 24 other people, of forming part of a group of drug traffickers acting for the Medellín cartel. It is believed, however, that the IPC members may have been arrested for their educational work with the underprivileged.

All four were released unconditionally on 10 October in accordance with a ruling of the 4th Public Order Judge. They have been threatened with re-arrest, however, by the commander of the IV Brigade who has publicly criticised the ruling. A complaint has been registered with the attorney for the Armed Forces in Medellín against the military judge who ordered the search and arbitrary detention; in addition, a preliminary disciplinary inquiry has been initiated.

José Enrique Angulo Garavito: lawyer, Professor Emeritus of the Free University and ex-president of the Lawyers Club. On 15 November 1989, Angulo was injured in an assassination attempt in Bogotá.

Octavio Barrera Moreno: Public Order Judge in Medellín. On 15 August 1989, he received death threats. Barrera was investigating the assassination of the governor of Antioquia, Antonio Roldán Betancourt. As a result of the death threats against himself and his family, Barrera was forced to resign his post and flee the country.

Rocío Barrero: prosecutor, investigating the 25 January 1988 killing of former Attorney General Carlos Mauro Hoyos. In August 1989 she received death threats from individuals identifying themselves as members of the IV Brigade, in Medellín. According to the government human rights office (*Consejería de Derechos Humanos*), Barrero, who is also investigating the assassination of Judge María Elena Díaz Pérez (see below) has received additional death threats in connection with the investigation.

Luis José Bohada Bernal: lawyer, legal advisor to the Mayor's office of Puerto Wilches, and member of the *Comité Cívico de Socorro* (Civic Aid Committee). Killed on 24 June 1989 in the municipality of Puerto Wilches, department of Santander. His body showed signs of torture.

Saul Baquero Tiusa: lawyer, killed by gunmen as he left his home in the Panorama neighborhood in Villavicencio, Meta on 30 June 1989.

Rosa Victoria Campo Rodríguez: Special Criminal Judge (*Juez Unica Especializada*) of Santa Marta working on cases involving drug trafficking and illegal possession of weapons. According to the Department of Administrative Security (*Departamento Administrativo de Seguridad; DAS*), which conducted an investigation on Campo during 1989, a gunman had orders to assassinate Campo during September or October of 1989.

César Arcadio Cerón: labour lawyer and member of the Human Rights Committee of Popayán, assassinated on 10 June 1989 in Popayán, department of Cauca, by two gunmen as he left his house on a motorcycle. Cerón had received numerous death threats. Although an investigation was initiated, by 22 September 1989 the investigation had been suspended and the case transferred to the *Cuerpo Técnico de la Policía Judicial* (the technical branch of the judicial police).

Yadira Ester Cervantes Barrios: 7th Public Order Judge of Medellín, investigating army personnel from the military base in El Bagre in connection with "disappearances" and extra-judicial executions of peasant leaders. Cervantes received telephone death threats during August 1989. According to the government human rights office, she also received threats as a result of her investigation into the murder of Judge María Elena Díaz Pérez (see below). Reportedly, Judge Cervantes has been provided with an armoured car and a police escort.

Abelardo Daza Valderrama: lawyer specialising in the defence of political prisoners, member of the *Asociación Colombiana de Juristas Demócratas* (Colombian Association of Democratic Jurists) and legal advisor to the left-wing political party, *Unión Patriótica* (Patriotic Union; UP). Daza was shot dead in front of his Bogotá house by an unidentified man on 2 August 1989. Daza had been a UP candidate for senator in the department of Caquetá. He had moved to Bogotá after having received death threats. Although an investigation into the killing was initiated, no progress has been made.

Mónica de Greiff: Justice Minister who received numerous death threats from drug traffickers, particularly after the enactment of emergency decrees on 18 August 1989 following the assassination of the presidential candidate of the Liberal party, Luís Carlos

Galán. The eighth justice minister Colombia has had in the past five years, de Greiff resigned her post on 21 September 1989. Some of her predecessors served as little as 10 days before resigning and one, Rodrigo Lara Bonilla, was murdered on a Bogotá street in 1984.



María Elena Díaz Pérez

María Elena Díaz Pérez: 3rd Public Order Judge, killed on 28 July 1989. Judge Díaz replaced Judge Marta Lucia González in conducting the judicial investigation of massacres of banana plantation workers in Urabá and Córdoba during 1988. In September 1988, Judge Gonzalez had issued warrants for the arrest of three members of the armed forces, two alleged leaders of Colombia's largest narcotics ring, and the mayor of Puerto Boyacá. Detailed evidence gathered by the Judge established that an army major, head of the B-2 in-

telligence unit of Voltigeros Battalion, had provided names of the massacred workers considered to be guerilla sympathizers to a paramilitary unit, and had also paid a hotel bill in Medellín for several "death squad" members who travelled to Urabá from Puerto Boyacá shortly before the killings. After receiving death threats against herself and her father, Judge González was compelled to leave the country. González's father, Alvaro González, ex-governor of the Department of Boyacá, was murdered on 4 May 1989.

Upon assuming control of the investigations, Judge Díaz Pérez confirmed the warrants issued by Judge González. After having received numerous death threats, she was provided with bodyguards. On 28 July 1989 in Medellín, Antioquia, Judge Díaz Pérez was killed by armed men in a car as she was travelling by car accompanied by three bodyguards. Two of the bodyguards were also killed and the third wounded. Judicial investigations revealed a network of drug traffickers, landowners and military officers, presumably responsible for the 1988 massacres and for the aggression against Judges González and Díaz Pérez. As a result of the investigations, an assassin has been named who is still at large. Judge Cervantes Barrios and the prosecutor Rocío Barrero (see above) have been threatened as a result of their investigations into the assassination of Judge Díaz Pérez.

Mariela Espinoza Arango: federal judge in the city of Medellín, assassinated on 1 November 1989 by approximately 10 gunmen while opening the garage door of her home. Judge Espinoza was accompanied by two motorcycle guards. The attack was interpreted as a retaliation for the extradition of an alleged member of the Medellín drug cartel, José Abello. On the day of her assassination, 17,000 judges took part in a two-hour work stoppage. The strikes marked the third time in three months that judges went on strike following the assassination of a member of the judiciary. Medellín federal judges went on a four-day strike following the assassination to protest the lack of protection from hired gunmen. In addition, the 1,600-member National Association of Court Workers in the department of Antioquia declared a week-long strike to protest Espinoza's murder.

Laurentino Gallego Gil: Public Order Judge in Medellín specializing in cases involving narcotics and illegal possession of arms. On 15 September 1989, three gunmen exchanged fire with three police officers who were guarding Judge Gallego's home. The attack was reportedly in reprisal for the extradition of Eduardo Martínez Romero to the United States.

Luis Eduardo Galvis: judge in the Miraflores municipality, department of Guaviare. He was assassinated by uniformed men at his home in the presence of his family, on 29 April 1990 in Miraflores. The guerilla group, *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia; FARC), had given Galvis 48 hours in which to leave the area. It is assumed that he was executed after having refused to flee.

Omar Eduardo Garces Bueno: First Superior Court Judge of Cali. According to the October 1989 Press Bulletin of the *Comité Permanente por la Defensa de los Derechos Humanos* (Permanent Committee for the Defence of Human Rights) based in Bogotá, Garces received a letter from the group calling itself "the extraditables," expressing condolences for his death and a note threatening that 10 judges would be killed for each Columbian extradited.

Jaime Gómez Mendez: Public Order Judge in Bogotá. Gómez resigned from his post and left the country as a result of threats on 16 August 1989 against himself and his family. Gómez was investigating a case involving the raid of the Altos de Portal building, and had recently ordered the jailing of an individual involved in the raid.

Guillermo Gómez Murillo: lawyer and journalist for the newspaper *El Espectador* and for the radio network RCN. He was killed on 16 September 1989 at his parent's home in Buenaventura, Valle. He had reportedly received many death threats.

Magda Gonzáles: lawyer working for the *Comité Permanente de Derechos Humanos* (Permanent Committee for Human Rights) in Bogotá. In early 1990, she obtained highly detailed information from military officials relating to human rights abuses and drug trafficking on the part of Colombian security forces. Shortly thereafter, Gonzáles was warned that security forces were trying to locate her. Upon calling her office, Gonzáles was told security forces had already attempted to locate her there. Fearing for her safety, and under the recommendation of fellow human rights workers, she took refuge in the Swiss embassy in June 1990 and was assisted in fleeing the country.

Marta Luz Hurtado: 6th Public Order Judge in Medellín. She received repeated telephone death threats during her official investigation into the 11 November 1988 massacre of 43 people in the town of Segovia. According to witnesses, during the massacre some 15 heavily armed men in three pick-up trucks opened fire on people in the streets of the gold mining town. Political and union leaders were rounded up and shot while regular garrisons of the police and military stationed in Segovia stood by. In the report on his visit to Colombia (U.N. document E/CN.4/1990/22/Add.1), the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, wrote of the Segovia massacre:

According to judicial investigations, the police did not move in to repel the attack, despite the fact that the headquarters is in the main square. ...Without any explanation whatsoever, on the day of the massacre, the three military posts were removed from the only road leading to Segovia, and the Bomboná Battalion which has buildings alongside the road made no effort whatsoever to stop the attackers. Some members of the Bomboná Battalion seem not only to have failed to have done their duty but to have taken an active part in the campaign of intimidating the population and the municipal leaders of the Patriotic Union (UP).

In February 1989, Judge Hurtado issued arrest warrants on charges of terrorism against a battalion commander, an army major, the commander of the police post based in Segovia, and three civilians for their part in the massacre. Although the armed forces authorities suspended the army and police officers, they reportedly refused to place the officers under arrest. Military Judge Gildardo Ospina Hoyos ruled that there were no grounds for instituting pre-trial proceedings against the police. Head officers of the Bomboná Battalion and the chiefs of the Police Headquarters in Segovia are being tried in the military courts on charges of cowardice. According to the government human rights office, Judge Hurtado is no longer responsible for the investigation of the case due to a promotion in mid-1989.

Alberto Jaime Pelaez: lawyer, journalist and professor at the Autonomous University of Bogotá. Pelaez was assassinated in Granada, department of Meta, on 19 January 1990 as he boarded a bus to Bogotá after having concluded the trial of a case.



Bernardo Jaramillo Uribe

Bernardo Jaramillo Uribe: Medellín criminal court judge investigating the massacre of 43 people in the town of Segovia (see Marta Luz Hurtado above), as well as the presence of paramilitary groups in Puerto Berrio and the murder of a police colonel, Waldemar Franklin Quintero. Jaramillo was killed by gunmen shooting from two cars as he left his office in Medellín on 5 December 1989. An investigation has been initiated. However, no progress has been made in determining those responsible.

José Héctor Jiménez Rodríguez: federal judge, shot to death in Medellín on 17 October 1989. Jiménez was shot six times by a gunman on a motorcycle while waiting on a street corner for a ride to work. An anonymous caller said a group of drug traffickers calling themselves "the extraditables" killed Jiménez in retaliation for extraditions to the United States. The extraditables claimed in an earlier message that they would kill 10 Judges for every Colombian extradited to the United States. Judge Jiménez was the first judge killed following the 19 August 1989 government announcement of a crackdown on drug traffickers. His assassination touched off a three day strike by judges.

Daniel Libreros Caicedo: lawyer, member of the Executive Committee of the left-wing movement *A Luchar* (To Struggle). Libreros was detained and allegedly tortured on 27 March 1990 by members of the army's III Brigade at the Cali airport. He was about to return to Bogotá after having learned that his apartment had been searched by security force members. Libreros was in Cali to act as defence lawyer for six trade unionists and a human rights worker who were detained by the III Brigade and accused of belonging to a guerilla organisation. The detainees were allegedly tortured while in the III Brigade and one woman prisoner allegedly raped. Their detention and torture was denounced to the regional prosecutor.

After being detained at the III Brigade for two days, Libreros was transferred to the *Departamento Administrativo de Seguridad* (Department of Administrative Security; DAS) and subsequently released. His detention was denounced to the regional prosecutor who reportedly visited him while in military custody. The Office of Special Investigations for the Attorney General initiated an investigation into the detention and torture of Libreros. As a result of the investigations, the attorney for the Human Rights branch of the Attorney General's office has brought charges of torture and illegal detention against members of the III Brigade.

María Mercedes Marengo: lawyer, killed along with two of her daughters and another woman on 27 November 1989 near the town of Villavicencio, Meta. It is believed that Marengo may have been killed in reprisal for her handling of a case involving a trade union. Reportedly, the assassin was a former soldier who had been detained as a suspect in the case.

Alvaro Medina Moreno: Public Order Judge of Bogotá who resigned on 23 August 1989 after receiving death threats against himself and his daughter. Judge Medina was investigating a murder attempt against General Miguel Maza Márquez, chief of the DAS.

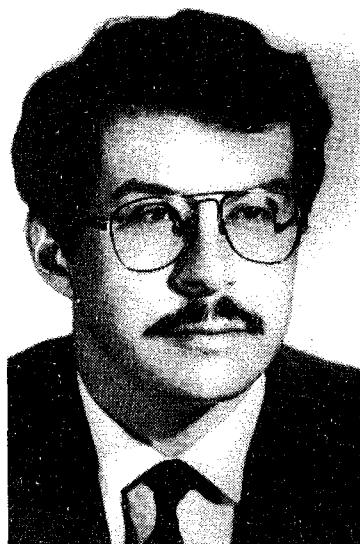
Luz Amparo Mejía Yusti de Roldan: Municipal Penal Judge of Cali, assassinated on 11 December 1989 by gunmen who entered her home in Buenaventura, Valle.

Pablo Mercado Serna: former magistrate of the Superior Tribunal of Magdalena Medio. Assassinated by three gunmen on 11 November 1989 in Ciénaga, Magdalena. Reportedly, the gunmen first attempted to kidnap Mercado who was shot when he resisted.

Francisco Morales Valencia: lawyer and police inspector, assassinated on 15 February 1990 in El Zulia, North Santander.

Martha Helena Oquendo Rodríguez: public prosecutor at the Third Court in Medellín, Antioquia. She was investigating a March 1988 massacre in Urabá (see Maria Elena Diaz Perez above), but was forced to leave the country in August 1989 after receiving repeated death threats by telephone and mail.

Gabriel Osuna Gongora: lawyer, injured along with a police inspector in an assassination attempt on 11 January 1990 in Cali, Valle. A suspect has been detained and charged with the attempt.



Alirio de Jesús Pedraza Becerra

Alirio de Jesús Pedraza Becerra: human rights attorney and member of the *Comité de Solidaridad con los Presos Políticos* (Committee in Solidarity with Political Prisoners) which provides legal and practical assistance to political detainees. Pedraza served as legal advisor to families of peasants who were killed in Llana Caliente, Santander in reprisal for their participation in demonstrations on 29 May 1988. In addition, Pedraza defended 42 unionists arrested and allegedly tortured between 1-7 March 1990, reportedly by members of the Army's 3rd Brigade in Cali, and was investigating the disappearance and assassination of the labour leader Jorge Eliécer Agudelo, also allegedly carried out by military officers. The suspects in the latter case are currently the subject of disciplinary investigations initiated by the Attorney General. On 21 August 1989, Pedraza's mother's house was raided by members of the Battalion Tarquí of the National Army, reportedly on the orders of an investigating judge of Sogamosa, Boyacá.

No charges were brought against him, however. On 4 July 1990, Pedraza disappeared at roughly 9:30 p.m. in Bogotá.

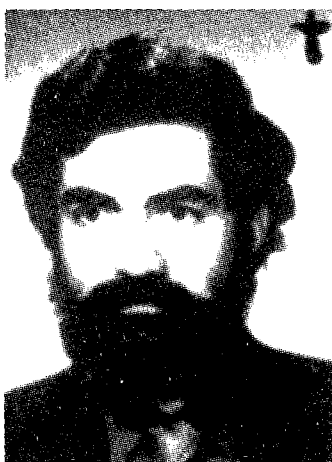
Several witnesses alleged that Pedraza had been abducted by eight heavily armed men in civilian clothes outside a baker's shop near his home in the commercial centre of La Campaña in northern Bogotá. The abductors had arrived earlier in three vehicles, which were stationed in front of the bakery. According to the witnesses, who identified Pedraza from a photograph, Pedraza managed to shout out his name as he was being forced into one of the vehicles. According to these reports, the abduction was also witnessed by two police agents to whom the abductors identified themselves as members of a security organ. No further information exists as to Pedraza's whereabouts. It is believed that his disappearance is in retaliation for his cases against members of the military. In a letter to the CIJL, the Minister of the Interior stated that the Attorney General's Office of Special Investigations established an investigation to determine whether Pedraza is being held in military or police installations, but that state security organs have claimed that Pedraza is not being held by them.

Ricardo Rodríguez Henao: legal advisor to the Trade Union Federation of El Meta (FESTRAM), Vice President of the Coordinating Board of the left-wing coalition party *Unión Patriótica* (UP) in the department of El Meta, and legal representative for various civil cases such as the death in February 1989 of FESTRAM's president Eduardo Yaya, and the massacre of civilians in that region in the same month. On 25 May 1989, he reportedly received a death threat sent in the name of the paramilitary group, *Los Magníficos*. During the night of 23 June 1989, while asleep with his family, unidentified persons (also, presumably, members of a paramilitary unit) dynamited and partially destroyed his home. He and his family have now left Colombia.

Samuel Alonso Rodríguez Jacome: Public Order Judge of Bucaramanga, department of Santander, assassinated along with his wife on 27 June 1990 in Bucaramanga. Rodríguez was investigating the deaths of three professionals who died during a military operation led by the Anti-Extortion and Kidnapping Intelligence Command — which is under the direction of the V Army Brigade. The three had been accused by the military of belonging to the guerilla group, the *Ejército de Liberación Nacional* (National Liberation Army). The week prior to his death, Rodríguez, along with public order judges of the district, had met with the police commander of the city to request additional personal protection. Despite the request, no action was taken to increase the protection available to judges.

Tarcisio Roldán Palacios: lawyer, former magistrate of the Administrative Tribunal, and former judge of the penal division of the Supreme Court. Roldán was assassinated along with his wife in their apartment on 13 March 1990 in Bogotá. Reportedly, one of the three assassins wore a police uniform. Roldán had brought several cases charging human rights violations committed by the Armed Forces.

Carmen Elisa Rosas Rosas: judge, assassinated along with three members of the National Police on 1 March 1990 in Mocoa, department of Putumayo, as she was on her way to work. Government officials stated that the guerilla group, the *Ejército Popular de Liberación* (Popular Liberation Army), was responsible for the assassinations. Other sources have suggested that the deaths were the responsibility of assassins hired by drug-traffickers.



Carlos Ernesto Valencia García

Carlos Ernesto Valencia García: Superior Appellate Court Judge in Bogota and member of the Andean Commission of Jurists. Valencia was shot and killed on 16 August 1989 in Bogota by three men on motorcycles armed with machine guns as he left his office in Bogotá. His bodyguard and two passers-by were wounded in the incident.

Only hours before his murder, Valencia had upheld an arrest warrant for the drug trafficker, Pablo Escobar, for his alleged involvement in the killing of newspaper publisher Guillermo Cano in December 1986. He was also reviewing a case of another alleged drug trafficker, Gonzalo Rodríguez Gacha, who had been cleared in March 1989 by lower courts of charges of the murder of Jaime Pardo Leal, leader of the *Unión Patriótica* (UP). Valencia had repeatedly received death threats.

An investigation was initiated on the day of his death. Reportedly, however, the prosecutor has recently requested that the preliminary investigations be suspended.

Colombian judges and judicial employees began a strike on 17 August to protest Judge Valencia's assassination and to demand protection. Approximately 450 judges technically resigned from their jobs to protest the assassinations of Valencia and Presidential candidate Luis Carlos Galán. On 18 August, the magistrates who comprise the Civil, Labour, and Penal Courts of the Bogotá Superior Tribunal tendered their resignations and suspended all legal proceedings until the government guaranteed safety and protection. On 24 August, judges and judicial employees lifted the strike when Justice Minister Mónica de Greiff announced that security measures would be taken.

Gabriel Jaime Vélez Correa: prosecutor of the Superior Tribunal of Medellín and public prosecutor in the murder case of former attorney general Carlos Mauro Hoyos. Vélez was assassinated on 11 December 1989 by gunmen on motorcycles in Envigado, department of Antioquia.

The following are additional cases in which lawyers and judges have been assassinated, "disappeared," or harassed. However, the circumstances surrounding these cases are such that it is difficult to determine whether the attacks were a result of the lawyers' and judges' professional activities.

Raúl Alvarez Osorio: lawyer and co-owner of the El Cid factory in Medellín, was abducted on 13 October 1989 in Medellín. The abductors fired shots at Alvarez's car, injuring his companion, and subsequently forced Alvarez into their car.

Ramiro Andrés Arboleda: lawyer and administrator of the Castilla de Oro hotel, was assassinated on 10 February 1990 at the Turbo, Antioquia, airport. Arboleda had previously received death threats.

Luis Enrique Beltran Zapata: lawyer, former judge in San Martín, Cesar municipality, and coordinator of the political campaign for the Authentic Liberal Left Front, was assassinated on 26 January 1990 in Rionegro, Santander. Beltran was found shot along with the president of the Liberal municipal directory one day after having been abducted by four masked persons. Two members of the guerilla group, the National Liberation Army (ELN), were detained and held responsible for the killings.

Norbin Díaz Pérez: lawyer and council member in Montería for the Popular Front political party. He was injured along with two companions in an assassination attempt on 16 November 1990.

Ernesto Durán Cordobes: 74-year-old lawyer, journalist, former mayor and legislator, and cousin of the Liberal leader Hernando Durán Durán. Durán was kidnapped on a farm, La Cabaña, on 5 March 1990 in Neiva, Huila by a group of guerillas reportedly members of the Revolutionary Armed Forces of Colombia (FARC).

José Arsenio Florez: lawyer working with Juvenile Court, was assassinated by two individuals as he boarded a bus in Barranquilla, Atlántico on 27 March 1990.

Francisco Forero Ortiz: lawyer, died of injuries suffered from jumping out of his office window in an attempt to escape several assailants who had broken into the office on 11 October 1989 in Cali, Valle.

Octavio Galeano Zuleta: lawyer, former tax official and former magistrate of the Supreme Court, was abducted from his office in central Medellín on 16 November 1989 by armed individuals.

José Noé García Castillo: lawyer, killed at his home in eastern Cali on 18 October 1989. The assassins knocked on García's door, fired four shots into him when he answered, and escaped by motorcycle.

Fabio García Velazquez: lawyer and auditor of Risaralda, was assassinated by individuals on a motorcycle on 10 December 1989 in Pereira, Risaralda.

Luz Amparo Gómez Serna: lawyer who had worked with the Attorney General's office for six years, and was at the time representing Angel Gaitán Mahecha, an alleged former associate of the suspected drug trafficker Gonzalo Rodríguez Gacha and of Victor Carranza, a known trafficker of emeralds. Gaitán reportedly had been collaborating with the police. Gómez was assassinated by two men as she was getting into a car on 9 September 1989 in Bogotá.

Luis Alvaro Godoy Rojas: lawyer and member of the Social Conservative Party. He died of injuries sustained in an assassination attempt on 3 September 1989 in the village of Boavita, Boyacá.

Miguel Angel de San José Herrera Espinosa: lawyer, alderman of Cereté, department of Córdoba, and member of the Liberal party. Herrera was found shot along with a taxi driver on the farm *La Argentina* on 6 October 1989 in Montería, Córdoba. He and the taxi driver had been abducted several days earlier by armed individuals suspected of belonging to a paramilitary unit as they drove on the outskirts of Montería.

Gilberto Hoyos Tobon: lawyer. He was assassinated by two men on motorcycle in the centre of Cali, Valle the night of 9/10 July 1989.

Gabriel Dario Londono: lawyer and alderman of Pereira for the Liberal party. He was abducted by the guerilla organisation *Jorge Eliecer Gaitán* in Dosquebradas, Risaralda on 16 July 1989 as he was heading from his farm to the capital of the department of Risaralda.

Gustavo de Jesús Mariaca Mariaca: lawyer and student at the University of Antioquia, was assassinated on 23 October 1989 by individuals on a motorcycle in the neighborhood of Buenos Aires in Medellín, Antioquia.

Oscar Martínez: lawyer. He was injured in an assassination attempt on 25 July 1989 in La Virginia, Risaralda, as he sat in the restaurant, *El Dorado*.

Sebastián Mosquera Mosquera: lawyer for and leader of the Sintrinagro union of the Urabá region in Antioquia. Assassinated along with another union leader during the second week of September 1989.

Silvio Notiveno: lawyer and alderman of Buenaventura for the Liberal party. He was injured in an assassination attempt as he got off a public bus on the outskirts of Buenaventura, Valle on 31 July 1989.

Pablo Pelaez González: lawyer, president of the company *Hojalata y Laminados S.A.*, member of the Liberal party, and author of *Jornadas de Convivencia por la Reconciliación* ("Days of Living Together for Reconciliation" -ed.). Pelaez was assassinated along with his driver at approximately 9 a.m. on 11 September 1989 in the El Poblado neighborhood of Medellín, Antioquia. The authorities believe assassins in the pay of the drug-trafficking cartels are responsible.

Eduardo Riveros Castro: lawyer. He was injured in an assassination attempt on 18 October 1989 in Bogotá in which a grenade being carried by an alleged member of the Administrative Department of Security (DAS) exploded. The supposed DAS member also carried false identification papers.

Gustavo Enrique Rodríguez Argel: lawyer and Rector of the University of Córdoba. He was abducted on 25 July 1989 from his Monteria, Córdoba office by guerillas from the National Liberation Army (ELN). Rodríguez was released on 28 July 1989.

Antonio Rodríguez Díaz: lawyer. He was assassinated along with his wife on 8 May 1990 in Villavicencio, Meta by two assassins in a car.

Hector Raúl Salazar Camargo: lawyer. He was assassinated by two individuals while in an auto mechanic's shop on 17 January 1990 in Cali, Valle.

Dimas Sampayo Noguera: lawyer, deputy in the assembly in the department of César, and brother of the Liberal party representative Augusto Eliseo. He was shot four times and injured at his home in Valledupar, Cesar on 16 September 1989.

Alvaro Vallejo Mazuera: lawyer, economist, and president of the Financial Corporation of the Occident. He was abducted from his estate La Laguito on 10 August 1989 in Pereira, Pereira. A farmer who attempted to aid Vallejo was killed.

Mauricio Vazquez Zawaski: lawyer. He was assassinated by two individuals on motorcycle as he was traveling in his car in the southern section of the city of Cali, Valle on 13 July 1989.

Orlando Rafael Yamboon: lawyer and former manager of the transportation company Coolibertador. He was shot and killed as he parked his car in the parking lot of the Colombo-American Institute of Barranquilla on 18 October 1989 in the city of Barranquilla, Antioquia.

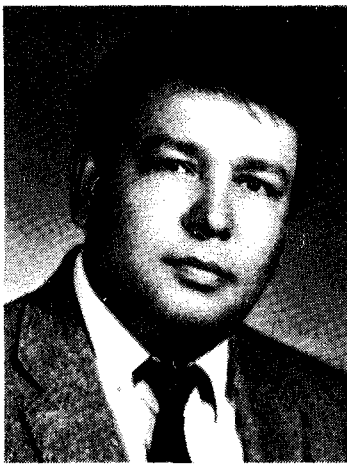
N N: lawyer, arbitrarily detained by troops of the operative command No.2 of the Army during a search of his house in Aruaca, Aruaca on 6 March 1990. The lawyer was accused of being part of an information network for the National Liberation Army.

EGYPT

Amir Salem: lawyer on the Executive Council of the Cairo-based Egyptian Organisation for Human Rights and member of the Civil Liberties Committee of the Egyptian Bar Association. Salem was arrested with 51 others on 24 August 1989, and accused of membership in the Communist Workers Party. Salem was coordinator of the defence team that investigated the arrests and alleged torture of striking iron and steelworkers, and had participated in a workers' sit-in protest in steelworks southeast of Cairo, for which more than 600 workers were detained. (In fact, many people arrested with Salem were active supporters of the striking steelworkers.) He was detained for three days in a police lock-up before being transferred to a prison where he was severely beaten. He was released from detention on 4 September.

EL SALVADOR

Randolfo Campos: attorney for the *Conscientización para la Recuperación Espiritual y Económica del Hombre* (Awareness for the Spiritual and Recuperation of Man, CREDHO), a social services program of St. John the Evangelist Episcopal Church in San Salvador. He was arrested with nine other CREDHO workers on 20 November 1989. Campos was responsible for the legal services component of CREDHO's program, providing legal advice to peasants seeking title to their land and to those organising agricultural cooperatives. Campos and the CREDHO staff were accused of complicity with the FMLN guerillas in a 30 October attack on the army high command in San Salvador. On 5 December, Campos was released from custody, without having been formally charged with or tried for any crime.



Salvador Antonio Ibarra

Salvador Antonio Ibarra: attorney for the Lutheran legal aid and human rights agency *Socorro Jurídico Luterano*. The National Guard detained him on 16 November 1989 when he appeared at Guard headquarters as attorney representing detained foreign Lutheran workers. Ibarra was held for ten days, interrogated, kicked, and threatened. Upon Ibarra's 25 November release to a visiting U.S. congressional delegation, National Guard Colonel Gálvez Díaz said there was an "antecedent" in his case - his representation of one of five guardsman charged and later convicted in the rape and murder of four U.S. church women in 1980, an assignment from which Ibarra withdrew after he discovered what he believed to be a cover-up involving high-ranking military officials. He was detained and tortured by men he believed to be National

Guardsmen in 1983 and fled the country, receiving political asylum in the United States. In recent years he had returned to El Salvador and was conducting human rights work under the sponsorship of the Lutheran Church. Immediately upon his release, Ibarra agreed to represent Jennifer Casolo, a U.S. citizen accused of hiding arms for the FMLN guerillas. On 12 December, he received threats after stating to the press that Casolo would be released. He found a note that said, "We know your movements. Sooner or later, we will make you pay." That day, he was followed by two cars whose occupants got out and pointed their guns at him. He then left the country again. Ibarra's sister and two others were arrested at Ibarra's house on 14 December, when police apparently came looking for him; They were released the next day. Ibarra returned to El Salvador in January 1990.

Leonardo Ramírez Murcía: law student at the National University and paid staff member of the non-governmental Human Rights Commission of El Salvador (CDHES). Ramírez was detained by plainclothes individuals on 16 July 1989 after having visited Mariona prison. He was allegedly physically mistreated and accused of being a member of a guerilla group and of participating in a terrorist attack. Ramírez was released on the same day of his detention after having been photographed and fingerprinted.

GHANA

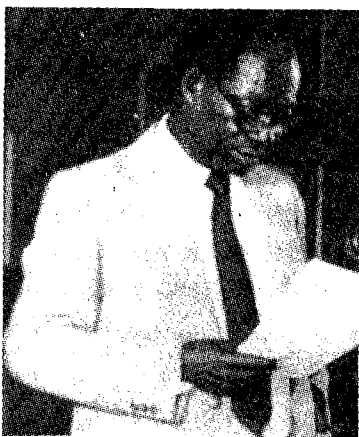
The President and other leaders of the Ghana Bar Association were detained in June (see below). The Sixth Biennial Conference of the African Bar Association (ABA), organised by the Ghana Bar Association and scheduled for 17-22 September 1989 in Accra, was abruptly cancelled by the government of Ghana on the eve of its opening.

The Provisional National Defence Council (PNDC), in cancelling the conference, accused the Ghana Bar Association of "purely political" objectives. The Ghanaian authorities, which had previously approved holding the long-awaited conference, cancelled it at the last minute after many participants had already arrived in Accra. The government, in correspondence to the Ghana Bar Association, also referred to financial considerations and stated that "as a result of new commitments it is advisable to space out all international conferences scheduled to take place in Ghana from now till the end of 1990. This is to allow for a full inventory and rehabilitation of existing conference facilities."

The ABA, established in Kenya in 1971 by bar associations and lawyers from English-speaking nations of Africa, has as its goals the maintenance of the rule of law and the independence of the judiciary in Africa and the improvement of legal services. The theme of its sixth conference was to be "Human Rights in Africa" and speakers from all over Africa and the world had planned to attend.

There were allegations in the government-owned press that the conference was to be used as a "launching pad for a destabilisation campaign of economic sabotage, social turmoil and violence." Allegations levelled in the press state that Peter Adjetey, President of the Ghana Bar Association (see below), met with representatives of Amnesty International and the U.S. Embassy in London who gave him advice and support for his supposed plans to topple the PNDC. The president of the Bar Association rejected these allegations, concluding that:

these publications must have been influenced or originated by persons who have evil intentions against me personally or against the Ghana Bar Association or its present leadership and are using the 6th Biennial Conference of the African Bar Association and its theme of Human Rights to project us as enemies of the government in order to have us eliminated or destroyed.



Peter Ala Adjetey

Peter Ala Adjetey and Nutifafa Kuenyehia: lawyers, National President and National Secretary, respectively, of the Ghana Bar Association. **J.N.K. Taylor:** prominent High Court judge. Adjetey, Kuenyehia, and Taylor sought to organise a series of lectures in commemoration of three High Court judges and a retired army officer who were abducted and murdered on 30 June 1982. Government agents are believed to have participated in the incident, a reportedly sensitive subject for the military government. (In 1983, five people were convicted of the murders and executed; two suspects were left unprosecuted.) There is no evidence that the lectures were to take place in any but a peaceful manner. Yet the government-owned press accused Adjetey and Kuenyehia of exploiting the incident for "political purposes," criticising their activities



Nutifafa Kuenyehia

as "subversive." Both lawyers were subsequently arrested, on 23 June and 26 June 1989, respectively, with no specific charges of unlawful activity. They were detained for two and three weeks, respectively, under provisions of the Preventive Custody Law and of the Habeas Corpus Act, which allow those suspected of subversive activity to be held indefinitely, without trial, and without the possibility of judicial intervention. Kept in solitary confinement, they were subjected to long periods alternately in pitch darkness or in blazing light. Adjetey and Kuenyehia had served as co-organisers of the Sixth Biennial Conference of the African Bar Association (see above). Judge Taylor was detained briefly in June 1989 for similar reasons. In 1982, Taylor had openly suggested the govern-

ment's involvement in the murders of the three judges who were to be commemorated in the lectures.

Kweku Baah: lawyer and former member of parliament. Baah was arrested on 11 June 1990 and detained without charge or trial by members of the Bureau of National Investigation, the security police in Accra. It is believed that his arrest is either linked to his plans to organise a press conference on 30 June 1990 to commemorate the killings of three judges on that date in 1982 (see above), or to the peaceful expression of his political beliefs. Baah was released from detention in mid-July.

GUATEMALA

Fáctor Méndez Doninelli: lawyer and founder/director of the Centre for the Investigation, Study, and Promotion of Human Rights in Guatemala (CIEPRODH). Méndez and his family received death threats on 11 May 1989 and 11 July 1989. On 11 July 1989, an unidentified man threatened Méndez's two-year old nephew with a gun and warned the child's mother that the child would be killed if Méndez did not leave the country.

Joel Torres Orozco: labour lawyer, representing striking teachers' unions. (On 27 May 1989, 30,000 teachers went on strike for higher wages. The strike lasted about twelve weeks and sympathy strikes occurred as well.) On 12 August 1989, the Supreme Court, ruling on an appeal from Torres, suspended a ruling of the Second Labour Court of Appeals declaring the teachers strike illegal and ordering the the teachers back to work. Later that day, at 11.30 p.m., while working at his office with a group of teachers, Torres was asked to leave the premises by armed men, some of whom wore police uniforms. Four marked cars and three unmarked cars blocked the street. When he asked for an explanation, none was given and no arrest warrant was produced. Torres subsequently contacted the local chief of police, and was told that no orders existed for him to be picked up. He thus concluded that the orders "came from above." At this point, the men confiscated Torres' car and left. The police consigned his car to the the penal court, alleging that shots had been fired at them from the car, but that Torres was not responsible. After eyewitnesses reported that no shots had been fired, the car was returned. Torres was, however, presented with a bill for towing and parking. Although agents of the Office of Professional Responsibility interviewed Torres, no arrests have been made in connection with the attempted abduction.

Edmundo Vasquez: President of the Supreme Court. Vasquez declared to the press on 28 August 1989 that he and several other judges had received death threats.

HAITI

Daniel André and Marc-Elie Blanc: lawyers for the League of Former Political Prisoners. André and Blanc were arrested on 25 October 1989 with their driver, League member Jacques Juste. They had travelled to Savanette in the Artibonite Valley to investigate complaints of abuses in the area, and were arrested at the military outpost by Lt. Jean Francky Valbrun. They were released without charges on 27 October 1989.

Elie Jean-Philippe: lawyer for the League of Former Political Prisoners, was detained on 8 September 1989 in Borgne. Jean-Philippe, along with François Pierre-Louis of the National Popular Assembly (APN) and Thony Belizaire of the weekly *Haiti Progrès*, travelled to Borgne to investigate arrests and other acts of repression against members of the local affiliate of the APN. The three were detained by soldiers under orders of Sergeant Morel at the military outpost at nearby Petit Bourg. They were held for about 45 minutes and then driven to the military outpost in Borgne where they were released by the commander.

Joseph Maxi: attorney and President of the Haitian League for Human Rights. Heavily armed troops from the Presidential Guard searched his home without a warrant on 1 November 1989. The military had arrested three popular leaders that day and raided Maxi's home claiming to be looking for another. Maxi and other lawyers for the Haitian League for Human Rights represent the organisations to which the detainees belong. On 3 November, his house was occupied by soldiers and Maxi was forced into hiding. Following the March 1990 coup against General Avril, Maxi was appointed Minister of the Interior by President, Mme. Pascal Truillot.

Jean Claude Nord: lawyer in Port-au-Prince involved in criminal defence and human rights legal work. Since 1988, Nord has been harassed by armed soldiers in the conduct of his professional duties and, during 1989, has received numerous anonymous death threats in which he was warned to stop his human rights work.

HONDURAS

Oscar Aníbal Puerto: lawyer and the vice-president of the *Comité para la Defensa de los Derechos Humanos en Honduras* (Committee for the Defence of Human Rights in Honduras; CODEH). Aníbal Puerto received death threats by telephone at the CODEH office in Tegucigalpa on 2 February 1990. These threats follow the 25 January 1990 murder of Reinaldo Zuniga Cruz, Director of the CODEH-Toyos, in Toyos community, Yoro Department. Aníbal Puerto has been the subject of numerous threats, on one occasion being the subject of a threat from the death squad, *Alianza de Acción Anticomunista, Triple A* (Alliance for Anticommunist Action). On 21 August 1989, a message was painted on his neighbor's house which read: *Ojo: Anibal Defensor De Los Derechos Kubanos* ("Notice: Anibal Defender of Kuban Rights").

Ramón de Jesus Ruiz Madariaga: lawyer, judicial officer for the *Comité para la Defensa de los Derechos Humanos de Honduras* (Committee for the Defence of Human Rights in Honduras CODEH) in the La Ceiba section, ex-leading member of the political party *Partido Innovación y Unidad* (Innovation and Unity Party; PINU), and professor at Curla University. He was active in defence of grassroots organisations and of farmers groups in particular. His body was found shot in the neck on 20 July 1990 in the foliage near his home "Villa Hermosa," in La Ceiba, department of Atlantida. The original police communique stated that the death was a "well-planned homicide." Two weeks later, however, the police stated that the death may have been a suicide. CODEH, however, asserts that the lawyer had been warned by a high-ranking military officer to stop working with CODEH.

INDIA

Nandita Haksar: human rights lawyer. Haksar has been the subject of harassment for her representation of villagers from Oinam, Manipur at a judicial inquiry into allegations of killings and torture against an army unit, the "Assam Rifles," In December 1988, the lawyer for the Assam Rifles threatened Haksar that he would "use force" against her. On 24 January 1989, while Haksar was in Imphal working on a petition filed in the Gauhati High Court by the Naga People's Movement for Human Rights (NPMHR), members of the Assam Rifles allegedly broke into her room, searched it, and removed two copies of a NPMHR pamphlet. The NPMHR case involved nine specific allegations against the Assam Rifles, including murder, torture, rape, sexual harassment, dismantling of houses, churches and schools, illegal detentions, looting and forced labour. Haksar had been in Imphal since 21 August 1988, and reported that the Assam Rifles intimidated and threatened the NPMHR witnesses, both in their home villages and in Imphal, where they had come to testify. (*This case was omitted from the 1989 CIJL Report.*)

Neel Kanth Ganjoo: retired judge, who passed a death sentence on the Jammu and Kashmir Liberation Front leader, Maqbool Butt. Ganjoo was killed on 4 November 1989, when militants fired at him from point-blank range as he was coming out of a bank in Jammu. Another person was injured in the shooting. Indian police allege the involvement of Pakistani-trained militants. Two earlier attempts were made on his life, one in September 1988.

Shri N.L. Patel: magistrate in Nadiad, Gujarat. In September 1989, he was detained and reportedly handcuffed, bound and beaten, and forced to drink liquor. A criminal case was also registered against him. Patel was apparently detained for his refusal to extend "police remand" of a person accused in a murder case. He had also passed strictures on the police for allegedly corrupt activities. The former Chief Justice of India and Chair of the CIJL Advisory Board, P.N. Bhagwati, expressed grave concern over Patel's detention and said that the incident was "calculated to undermine the independence of the judiciary." Bhagwati also noted that the Supreme Court of India has ruled that handcuffing prisoners is illegal, except in exceptional cases, and that the only purpose of handcuffing Patel could be to humiliate him. The Delhi Judicial Service Association passed a resolution calling upon the Chief Minister of Gujarat to take stern action against the police officers responsible. This resolution was forwarded to the Supreme Court of India.

The Supreme Court took up the case on 29 September 1989, as a public interest case requiring immediate attention to safeguard the independence of the judiciary. The Court directed the Gujarat authorities to explain their behaviour. On 3 October, the Supreme Court ordered the arrest of certain persons and their appearance before the Magistrate.

On 4 October 1989, the Supreme Court directed the transfer outside their district, within two days, of the Superintendent and the Deputy Superintendent of Police and others connected with the police station. The Court also appointed the senior-most Judge of the Allahabad High Court as Commissioner, to hold an inquiry into the harassment of Patel, and to submit his report to the Supreme Court within four weeks. By the same order, the Court issued notices of contempt, returnable on 22 November 1989, to the Gujarat Superintendent and the Deputy Superintendent of Police, the Police Inspector and Sub-Inspector Sadiya and Head Constable.

The Commission recommended that the police complaint against N.L. Patel be

quashed, and directed the State Government to pay substantial compensation for his torture and humiliation. It also directed the High Court to let him resume his duties, and recommended immediate suspension of the police officers involved and action against other local officials. Upon the Commission's recommendation, the Supreme Court directed the State Government to take all necessary action.

INDONESIA

In late 1989 and early 1990, *Ikadin*, the Indonesian lawyers association, came under pressure from the Indonesian government when the Minister of Justice, General (ret.) Ismael Saleh, made public statements urging the replacement of the current chair, Haryono Tjitrosoebono. *Ikadin* was created in 1985, when the Indonesian government insisted that all lawyers' organisations merge into a single entity to conform with President Suharto's corporatist principle of the Indonesian state. Haryono had been the chair of *Peradin*, the largest of the organisations absorbed into *Ikadin*, and served as counsel in leading political trials. He is currently a member of the team of lawyers defending students from the Bandung Institute of Technology (ITB), who were arrested on and after 7 August 1989 for protesting a visit by the Minister of Home Affairs to their campus. (See below for a discussion of harassment of two of the other lawyers, Dindin Maolani and Amartiwi M. Saleh.) Haryono has also spoken out on the lack of independence of the legal profession in Indonesia.

Ikadin postponed its November 1989 congress until January 1990 due to an internal dispute over the association's voting rights. Minister Saleh used the dispute as a pretext to declare that *Ikadin* had failed to give "guidance" to its members and that he would not allow the congress to take place until he had received assurance that *Ikadin* would elect a new executive able to "communicate with the government and to guide its members."

The Minister openly supports the candidacy of Gani Djemat as new *Ikadin* chairman. Gani's association with Ismael Saleh goes back many years; in 1966, he was judge in two Extraordinary Military Tribunal trials which sentenced alleged coup leaders to death. In response to a request by *Ikadin* for a meeting with Saleh to discuss plans for the congress, Saleh refused to receive only members of the Executive Committee, demanding that instead the delegation should consist of the whole Central Council and members of the Advisory Board, thus including his favourite, Gani Djemat. As the executive refused to accept orders from the Minister about the composition of the delegation, *Ikadin* is unable to convene a national meeting to elect a leadership to replace the current leadership whose term has expired. *Ikadin* chair Haryono has said that rather than allow such interference, it would be better for *Ikadin* to be disbanded. "We can still enforce the law without it. The organisation is a tool; we should use it, not be used by it."

A July 1987 decision by the Minister of Justice and Chair of the Supreme Court, which has been criticised by Haryono and others, gave the Executive the power to supervise the legal profession and disbar lawyers for alleged contempt of court. This joint decision prohibited lawyers "from acting, behaving, assuming attitudes, using words or issuing statements that display disrespect for the legal system, the laws of the land, the general powers, the courts, and their officials." It required them to refrain from improper behaviour towards their opponents, and from damaging the reputation of their profession. The decision gave the certain levels of the judiciary the authority to impose disciplinary measures against lawyers, ranging from warnings to disbarment for life. District court judges and high court chairs could impose punishments up to disbarment for six months; disbarment for longer periods was permitted by the Justice Minister in consultation with the Supreme Court Chair.

Dindin Maolani: lawyer and director of the Legal Aid Institute office in Bandung, West Java; and **Amartiwi M. Saleh:** lawyer and former director of the *Lembaga Bantuan*



Dindin Maolani

Hukum (Legal Aid Institute; LBH) office in Bandung, West Java. The two lawyers were defending students from the Bandung Institute of Technology (ITB), who were arrested on and after 7 August for protesting a visit by the Minister of Home Affairs to their campus. Maolani and Saleh also represented people in land rights disputes in the area. On 7 August 1989, they received anonymous death threats by telephone. Saleh and the LBH-Bandung office subsequently received a series of threatening calls and anonymous letters. Several weeks after the arrests of the Bandung students, LBH-Bandung lawyers complained to the internal security arm of the military about not having access to their clients. The threatening calls then increased in frequency. Parents of some of the students reported that they were under pressure to persuade their children not to appoint LBH lawyers. The pressure reportedly came from BAKORSTANASDA, the regional unit of BAKORSTANAS, the internal security agency. On 20 August, the lawyers sent a second protest letter regarding lack of access to their clients. On 21 August, the front gates of the homes of Saleh and Maolani and of the LBH office were locked with chains covered with human feces. Three days later, burning plastic pails were thrown at Maolani's home. On 9 October, objects resembling sticks of explosives with batteries, wire and detonators were attached to Maolani's car. The harassment of these and other LBH-Bandung lawyers was reportedly under investigation by the Bandung police. By the end of the 1989, however, there were no leads.

Haji J.C. Princen: lawyer, and Chair of the Indonesian Institute for the Defense of Human Rights. Princen, 65, has defended several political prisoners and was detained from 1974 to 1976 for taking part in an anti-government protest. The Indonesian government has prohibited Princen from travelling outside of Indonesia since 1985. In August 1989, it denied him an exit permit to attend the Geneva meeting of the United Nations Human Rights Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, where he was to testify on the human rights situation in Indonesia and East Timor. At 9:50 a.m., on 19 June 1990, Princen's office at the Institute for the Defence of Human Rights received a telephone call from someone identifying himself as from the *Markas Besar ABRI* (Army Central Headquarters). The caller said, "I'm going to shoot you." When asked to identify himself, the caller repeated, "I'm going to [kill] you tonight," and hung up. Princen reported the incident to General Try Soetrisno. He also reported that one of his employees received numerous threatening telephone calls.

Saiman: lawyer and director of the provincial LBH legal aid office in Palembang Sumatra. The South Sumatra office of the internal security agency, BAKORSTANASDA, requested that the High Court of South Sumatra review Saiman's license to practice law, claiming that he had acted beyond his authority in handling a labour dispute at CV Panca Samudera, a rubber company. BAKORSTANASDA asserted that LBH had no authority to handle labour cases, and that workers could only be represented by *Serikat Pekerja Seluruh Indonesia* (All-Indonesia Workers Union, SPSI, a national labour union founded by the government). The agency also claimed that LBH Palembang had no authority to give legal advice and education outside of court, that the case was still in arbitration when LBH-Palembang brought a civil suit on behalf of 17 of the over 200 workers employed by CV Panca Samudera, and that LBH-Palembang improperly demanded money from the workers. On 2 May 1989, an intelligence detachment of the South Suma-

tra Military Command 11 summoned, interrogated, and arrested four workers. On 23 May, after sending a letter to the local Commander protesting the arrests as a violation of the Code of Criminal Procedure, Saiman was called to the office of the South Sumatra BAKORSTANASDA. On 17 July, Saiman was summoned by letter to appear before the High Court of South Sumatra on 20 July 1989, following BAKORSTANASDA's request that Saiman license be reviewed. He explained that LBH-Palembang had not influenced the workers to bring suit, as BAKORSTANASDA charged, but rather that the workers had given LBH power of attorney to settle the problem. He further argued that legal aid to workers is provided for in Article 27 of the Constitution and Article 35 of Law No. 14, 1970. The incident ended on 20 July 1989, when the court agreed that LBH had the authority to represent workers in court.

ISRAEL AND THE OCCUPIED TERRITORIES

The detention without charge or trial of Palestinian lawyers in the Occupied Territories, as well as the general restrictions on the right to counsel, are of particular concern. In the past twelve months, tens of thousands of Palestinians were arrested in connection with the *intifada*, while an estimated 3,000 served periods of detention without charge or trial. Administrative detention orders can be issued by the Minister of Defence or a military commander if they believe that security reasons so require. Since August 1989, each order can be issued for a maximum period of 12 months, but can be renewed indefinitely thereafter for further periods of up to 12 months.

Thousands of other Palestinians were tried by military courts. An ICJ Mission of Inquiry into the Military Court System, which published its findings in December 1989, found severe shortcomings in the procedures used by these courts, including the lack of effective access to counsel. Detainees may be prevented from seeing an attorney for up to thirty days, at which point access is virtually at the discretion of military prison commanders. The Mission also found a "denial of adequate facilities for attorney visits at military prison camps." The Mission of Inquiry found similar problems in the military courts, including the "denial of adequate time for the preparation of a defense," as well as the frequent use of "quick trials." Lawyers in the Occupied Territories have repeatedly gone on strike to protest these and other deficiencies in the legal process.

Several of the lawyers listed below were also subjected to administrative detention which, as noted, has been used extensively since the beginning of the *intifada*. In the absence of specific charges and disclosed evidence, the CIJL is concerned that the internment of these lawyers was precipitated by their professional advocacy activities.

Rafiq Abu Dalfa, Ibrahim Abu Daqqa, 'Abdul Rahman Abu Nasr, 'Abdullah Abu 'Aita, Zuhair Al-Sharafi, Sharhabeel Az-Za'im, Shihda Hamad, Jamal Hasanayn, Jamal Haweela, Riad Imtair, Hamada Mukhaimar, Fu'ad Shnaweara, and Samir Zahir: Gaza Strip lawyers representing clients detained in Israel. The Israeli military issued an order on 1 May 1989, requiring that Gaza strip attorneys with clients in prisons and detention centres inside Israel obtain pass cards from the Civil Administration to meet with their clients. The military authorities stipulated that, unless these cards were obtained by 1 August 1989, the lawyers would be banned from entering Israel. The order, which is in violation of the Fourth Geneva Convention, has prevented the above lawyers, along with 80 others, from meeting with their clients. The Israeli authorities justify the pass cards as necessary to prevent certain Palestinians from leaving the Gaza Strip, notably those with political or criminal arrest records, people who have participated in tax boycotts, or individuals reputedly hostile to Israel. (Gaza Strip attorneys have refused to pay Israeli taxes, on the ground that tax laws in the Occupied Territories violate international law governing the rights and obligations of an occupying power. The Israeli government has not formally charged them with participating in the boycott.)

Furayh Abu-Mudin: lawyer, and Gaza Bar Association chair. In June 1990, the Gaza Civil Administration prevented Abu-Mudin from travelling to the United States. In April 1990, he and a fellow lawyer, Sharhabil a-Zaem, were invited to meet with members of the United States House of Representatives. Sharhabil a-Zaem was granted the requisite travel documents, and allowed to leave for the United States. During May and June, Abu-Mudin had a series of meetings with Civil Administration officials, and was

told that he would be allowed to leave. In late June, however, the head of the Gaza Civil Administration informed him that his request for a *laissez-passer*, the document required by the American Embassy before granting a visa, had been refused. Abu-Mudin alleged that members of the Israel Defense Force (IDF) told him that his position as bar chair was the sole reason for the prevention of his visit. A senior IDF source informed the *Jerusalem Post* that the travel ban was for "security reasons," and that an army spokesperson was investigating the ban.

Abdul Rahman Abu Nasr and Muhammad Al-Liddaawi: law partners, and General Secretary of the Gaza Lawyers Association and resident of the Jabaaliya refugee camp, respectively. Israeli tax authorities and soldiers acting as their guards raided the lawyers' Gaza City office 8 August 1989. The tax authorities confiscated files and private papers related to their law practice, which they have yet to return. At the time of the raid, Abu Nasr and Al-Liddaawi were representing clients before the military court. Al-Liddaawi has been prevented from meeting his clients by restrictions against lawyers issued by the Israeli military (see above). In early 1990, Abu Nasr's application for a *laissez-passer* was rejected, preventing him from travelling to Sierra Leone to participate in a United Nations human rights conference. (Permission to leave the Occupied Territories is required of all Palestinian residents of the West Bank and Gaza Strip.)

Murad Abu 'Ubaydah: Palestinian lawyer from East Jerusalem. On 24 December 1989, he was prohibited from entering the detention centre for previously-arranged meetings with his clients. After he asked for an explanation, two Israeli guards at the entrance to 'Anaata detention centre verbally and physically assaulted him. When Abu 'Ubaydah protested to the commanding officer, who swore at and expelled him from the prison. He was then admitted to Al-Muqaasad Hospital in East Jerusalem for injuries to his neck, back, left leg and right hand.

Yousef Zaki al-Araidi: lawyer from Jenin. He was arrested at the end of May 1989, and placed under administrative detention in Ketziot prison for six months. The reason for his detention is unknown.

Awad Khalil al-Batran: lawyer from Izna (near Hebron). He was arrested in late April 1989, and placed under administrative detention in Ketziot prison for six months. The reason for his detention is unknown.

Ziad al-Bu: West Bank lawyer who handles land cases. He was arrested and later released on 27 September 1989.

Adnan Albu Leila: lawyer in Nablus, the West Bank, and member of the Arab Lawyers Committee of the West Bank (ALCWB), who represents administrative detainees and handles other human rights cases. He was arrested on 24 September 1989, and on 25 September, the Israeli military authorities issued a three-month administrative detention order against him. According to the detention order, he was detained for being an activist for Fatah, the largest faction of the Palestinian Liberation Organization (PLO). Albu Leila was accused of serving as a liaison between Fatah leaders outside of prison and those detained. Albu Leila was unable to rebut these charges, since administrative detention orders are issued on the basis of secret evidence. He served his sentence at Ketziot, the military detention facility located in Israel.

Akram Faaris Jabir Al-Ghuul: Palestinian attorney from Gaza. On 12 September 1989, he was detained by *Shin Bet*, the Israeli domestic intelligence service. The reason for the detention stemmed from a personal letter that a client gave Al-Ghuul on 11 September 1989 at the military court, which was to be delivered to the detainee's family. A military police officer showed the letter to the Israeli judge, who ordered the detention and interrogation of Al-Ghuul. He was detained for two weeks in Gaza Central Prison, and released two hours before his petition for release was scheduled to be heard.

Khalid 'Abdul Hadi Al-Qidra: lawyer and Vice-President of the Palestinian Bar Association in Gaza, former deputy head of the Gaza Lawyers Association, and ex-judge, specialising in military court cases and criminal law. On 10 September 1989, he was arrested and detained without charge, following an Israeli army raid and search of his house. Amnesty International reported that he was beaten, with his head covered, and kept in solitary confinement and deprived of sleep. He was accused of receiving money from the Palestinian Liberation Organization (PLO) for distribution to Gaza Strip activists. He was also accused of supporting the popular committees in Khan Yunis and of membership in Fatah. At his trial, on 23 November, he was sentenced to 30 months in prison and fined on charges of distributing funds for the PLO, on the basis of an alleged confession. Fifteen months of his prison sentence were suspended. Al-Qidra had been arrested in 1973, when he was the chief judge of the magistrate's court in Gaza. He was removed from his post, convicted of involvement in illegal political activities, and sentenced to a seven-year prison term. After two years he was released.

'Ali Salim Ahmad An-Naa'uuq: lawyer in Gaza. Israeli tax authorities raided his Dayr Al-Balah (Gaza) law office on 12 September 1989 without a warrant, confiscating the contents of the office, including files on detainees and personal papers. The authorities then searched and removed files from An-Naa'uuq's home. None of the confiscated materials have been returned. (In the Occupied Territories, military orders permit authorities to enter private institutions and homes without warrants.)

Shaher Aruri: Palestinian lawyer from El-Bireh, member of the Arab Lawyers Committee of the West Bank (ALCWB), who represents administrative detainees in the military courts. He was arrested on 5 October 1989, for suspected membership in an illegal organisation. On the day following Aruri's arrest, the ALCWB announced a one-week strike. Aruri was held without charge for two weeks in Hebron prison before being released on bail. At the first bail hearing on 11 October, which Aruri was not permitted to attend, the police representative refused to state publicly the charges him, claiming that his file had been declared confidential. On 15 October, at the second bail hearing, the interrogators told Aruri that the Shin Bet had been informed of his membership in 1982 in a prohibited organisation. The interrogators further accused Aruri of representing the Democratic Front for the Liberation of Palestine in the ALCWB. When Aruri asked to confront his accuser, the interrogators refused to reveal their sources. The police representative requested an additional sixty days of interrogation, stating that the gravity of the accusation against Aruri. On 16 October, however, the military court decided to release Aruri on bail (though it postponed his actual release until 18 October). Aruri was then required to report to the Ramallah police station once a week, and was barred from travelling abroad for six months.

Diib Isharabati: Hebron lawyer. He was placed under administrative detention in mid-1988 and held for six months in Ketziot prison. Again placed under six months adminis-

trative detention in late June 1989, he is currently being held in Ketziot prison. The reasons for his detention are unknown.

Jonathan Kuttab: Jerusalem lawyer. On 6 May 1990, Ketziot prison authorities prevented Kuttab and nine other lawyers from visiting some of their clients and meetings with other clients. Each lawyer had previously submitted a list of 18 inmates whom they were granted permission to see. (Procedures for lawyers' visits in Ketziot — in the Negev Desert in southern Israel — allow for one visit per month to a maximum of 18 prisoners.) When the lawyers arrived at 8:30 a.m. for their scheduled monthly visit, a guard spent several hours searching through some of the lawyers' bags before permitting them to visit with prisoners. Although visits with the prisoners began at 11 a.m., with one guard assigned to the lawyers, only two to three prisoners were brought at a time to consult with them. Around noon, the prison's legal advisor responded to complaints made by the lawyers, allowing them to visit prisoners in another section of the prison. The guards, however, did not bring out the requested prisoners until several hours later, granting the lawyers five minutes with each prisoner. The lawyers and their clients had to stand on opposite sides of a barbed wire fence with two meters between them, in the presence of guards as well as other prisoners and lawyers. There were no facilities for the lawyers to take affidavits or to sign or consult documents. The lawyers were then restricted from seeing clients in the rest of the prison. By the end of the day, the lawyers had met with about half of the prisoners they had requested to see. They were searched for several hours, before being allowed to leave the prison at 9:00 p.m.

Mohammed Abdul Rahim Shadid: West Bank defence lawyer for administrative detainees and defendants before military courts. Shadid served as an active coordinator of a boycott by the Arab Lawyers Committee of the West Bank (ALCWB) of the military courts to protest the unresponsiveness of Israeli authorities to repeated complaints. Shadid was summoned to the military governor's office in Tulkarem on 12 March 1989 and placed under six months' administrative detention, without charge or trial. The evidence for the detention order was kept secret, preventing Shadid from challenging the general allegations made by the Israeli military. In July 1989, the Judge Advocate General of the Israeli Defence Force (IDF) stated that Shadid's detention was "based solely on his illegal activities against the security of the Area," and accused him of being a senior activist in the Democratic Front for the Liberation of Palestine. The Judge Advocate General stated that Shadid had been administratively detained from 24 March 1988 to 6 June 1988 for his illegal activities, and that upon his release, he reestablished his position as a prominent activist. The Advocate General provided neither further details of nor evidence for any of these assertions. Shadid was released after serving the full term of his detention order.

Raji Sourani: Palestinian defence lawyer who was detained for six months in 1988 under an administrative detention order. The Israeli military authorities held his identity card for five months following his release, subjecting him to increased possibilities of harassment and arrest. In December 1989, Israeli authorities informed Sourani that he would not be granted a *laissez-passer* travel document to attend Columbia University's Human Rights Advocates Program, to accept a Visiting Scholar position for the spring 1990 semester. Despite this, Sourani applied in writing for a *laissez-passer*. After the intercession of the U.S. Embassy in Tel Aviv, the head of the Civil Administration in Gaza and the legal advisor for the Gaza Strip informed him that the *laissez-passer* would only be granted upon three conditions: that he not leave New York; participate in activi-

ties involving anti-Israel "propaganda," or establish any "connections" while in New York. Sourani was told that he would be summoned to the Civil Administration headquarters on 19 February to read and sign a document, written in Hebrew and Arabic, agreeing to the conditions. Though he signed the document, he has yet to receive a copy of it. He arrived in New York in March 1990. The conditions have prevented him from speaking about such topics as his work on behalf of Palestinian clients and the military justice system in the Occupied Territories.

JAPAN

The results of a survey circulated by the Japan Federation of Bar Associations (JFBA) indicated an increase in the harassment of lawyers. In the past five years, 345 cases were reported, ranging from direct physical attacks and repeated telephone calls to blackmail. Most threats originate either from persons involved in "deceptive business practices" or from the organised gang known as "YAKUZA." The majority of YAKUZA's 80,000 to 90,000 members are assumed to be involved, directly or indirectly, in illicit or deceptive businesses such as drug trafficking, gambling, usury, or extortion.

In 1980, the JFBA recommended that local bar associations establish centres to combat violent interferences by YAKUZA members or others in civil disputes. Through this nationwide network of regional centres, the bar associations have tried to assist YAKUZA victims in defending themselves. On 25 May 1990, at its annual general meeting, the JFBA adopted a resolution to combat increasing incidents of violent interference with the work of legal professionals.

According to the Tokyo Bar Association, the prompt actions of lawyers, in coordination with the police and the courts, have largely thwarted YAKUZA's attempts at harassment. Nonetheless, the Bar Association has received reports of serious harassment. Akira Higami, a lawyer in Ise, Mie-ken, was shot by a member of YAKUZA on 17 July 1987, and hospitalized for approximately one month. The shooting appeared in retaliation for his work against YAKUZA members in a civil dispute. In April 1989, Takami Yoshida, a lawyer in Oita-ken, was threatened with blackmail, and YAKUZA members, whom he was opposing in a legal dispute, threw a Molotov cocktail into his home. The perpetrators were identified and convicted.



Tsutsumi Sakamoto

Tsutsumi Sakamoto: lawyer in Yokohama. On 3 November 1989, he, his wife, and their baby disappeared from their home. Sakamoto represented parents whose children have come under the influence of the religious sect AUM Shinrikyo and had handled labour suits for several unions. Police have undertaken an investigation, and at one point had reportedly assigned 110 agents to the case and had interviewed 2,000 persons. Sakamoto had spoken of the sect in a radio programme in October. Shortly thereafter, the religious group distributed leaflets in Yokohama criticising Sakamoto and the radio show. On 31 October, he had a heated argument with representatives of the sect. The sect, however, has denied any involvement in the disappearance, and the police have no evidence connecting it to the disappearance. Former Japan National Railway labour unionists, other labour groups and civil rights activists have formed a "Society to Find Attorney Sakamoto and His Family", while the Yokohama Lawyers Society set up a commission to look into the case and the JFBA established a council to examine the circumstances of the disappearance.

KENYA

In 1990, the government of Kenya launched a campaign against prominent human rights lawyers as part of its attempt to silence the movement for a multi-party system. It has sought to undermine the independence of the bar through the arrest and detention of numerous human rights lawyers interference in elections of the Law Society of Kenya, and the attempted banning of *The Nairobi Law Monthly*. Previously, in 1989, it amended the constitution to deprive High Court judges of security of tenure.

The March elections of the Law Society of Kenya pitted candidates from a pro-government group against an opposition faction led by Paul K. Muite (see below). There was widespread concern that the elections were rigged, with the help of the government, to ensure that the Law Society's directorship not fall into the hands of outspoken critics of government policies. President Daniel arap Moi validated the results, despite objections by the opposition that the ballots had been improperly distributed. (Although the procedure calls for ballots to be mailed, the pro-government incumbent, who won the election, had allegedly personally handed out many ballots, urging lawyers to vote for him on the spot. He was also directly involved in the mailing of the official ballots, which many of the members of the Society, notably Muite's supporters, allegedly never received by post.)

In its endeavour to silence the press, the government has harassed *The Nairobi Law Monthly*, a publication with a relatively small circulation, but which plays a significant role in Kenya as a forum for the expression and exchange of ideas among jurists. The magazine's editor-in-chief, Gitobu Imanyara (see below), has been the persistent subject of government harassment, and is currently in prison on charges of sedition for material printed in the publication.

In early and mid-July 1990, the government engaged in a new wave of repression. On 4-5 July, it arrested three prominent lawyers, Mohamed Ibrahim, Gitobu Imanyara, and John Khaminwa, and eight others, under the Preservation of Public Security Act. The arrests came after several weeks of mounting political tension, as calls for a multi-party state made by ex-politicians, lawyers, and church leaders were deemed "subversive" by the government. The three lawyers were held without charge or trial for three weeks before being released on 26 July. Imanyara was immediately rearrested. After the arrests, the International Bar Association (IBA) shifted its September 1990 biennial meeting from Nairobi to New York. The IBA cited concern both for the safety of IBA delegates in light of violence in and around Nairobi and for the state of human rights and the rule of law in Kenya.

The current attack against lawyers in Kenya is part of ongoing repression by a government that has frequently arrested lawyers for activities it views as hostile to it. Many of the lawyers whose cases are described below have been detained in years past for such activities as their defence of politically unpopular clients and speaking out against conditions of detention and the denial of constitutional guarantees in Kenya.

Mohamed K. Ibrahim: Kenyan lawyer of Somali descent, and partner in the Nairobi law firm of Paul Muite (see below). In the November 1989 edition of *The Nairobi Law Monthly*, Ibrahim criticised the government's policy of screening ethnic Somalis in Kenya, stating that the process was unconstitutional and discriminatory. (In November, Kenyan Somalis were told to report to special centres to verify their Kenyan citizenship. They were issued special identification cards; those who did not register were subject to

arrest and detention.) On 10 April 1990, Ibrahim was summoned for questioning to the Nairobi Security Intelligence Office. To the alleged offence of "misconduct of good behaviour," Ibrahim responded that "there is no such offence known to law." He was arrested in early July 1990, though the government failed to make any statement about or acknowledge the arrest. The arrest occurred soon after Ibrahim had initiated legal actions against the government for human rights abuses. He was released on 25 July.



Gitobu Imanyara

Gitobu Imanyara: lawyer, founder, editor-in-chief, and publisher of *The Nairobi Law Monthly* (*The NLM*), Imanyara has been an outspoken supporter of press freedom, as the government banned numerous publications in March and April 1990. (*The NLM*, launched in October 1987, is one of the few remaining publications to defend human rights in Kenya following bans on other publications critical of the government. Taking strong stands on a range of human rights issues, the independence of the judiciary and the bar, and the rule of law, *The NLM* also provides general information on legal problems and seeks

to educate citizens about their constitutional rights. It is a forum for judges, lawyers, and others to exchange their views on matters of national significance.)

In March 1990, an Assistant Minister of Parliament moved for the banning of *The Nairobi Law Monthly*, calling it "subversive" and referring to Imanyara as "permanently abusing the government." Later in the month, a member of the Special Branch Office (the intelligence police) visited Imanyara in his Nairobi office and asked Imanyara to accompany him back to his office. Imanyara refused to go with him. That day, in a statement he made as he anticipated an imminent arrest, he wrote:

If they come for me ... I will go knowing fully that I have made my contribution in my own small way towards restoring my beloved democratic Kenya. ... I will accompany these agents of terror because I have no physical power to resist them. I go knowing that there are millions of Kenyans who are silent and painfully bearing it out with me.

On 18 June 1990, Imanyara was one of three lawyers to address a press conference called to protest the treatment by police of human rights lawyer, Paul Muite, and his two activist clients. Plainclothes police broke up the press conference, ordering all of the participants to disperse (see below).

Imanyara was arrested in early July 1990 under the National Security Act, for which no charges are necessary. He was detained for three weeks in isolation in a maximum security prison, and, in response to international pressure, was released with other human rights lawyers on 25 July. Unlike the others, however, Imanyara was rearrested the next day and charged with three counts, including sedition which carries a penalty of up to seven years' imprisonment. He was also charged with failing to register the magazine correctly, and already faced charges since 1988 for not submitting financial returns, an apparently obscure charge that the government has selectively levelled against publishers of three critical magazines that it has wished to suppress. His rearrest followed publication of an *NLM* issue on "The Historic Debate - Law, Democracy and Multiparty Politics in Kenya," containing articles for and against a multi-party system, which generated such interest that the initial print run of 10,000 copies sold out and another 5,000 were printed.

On 1 August, Imanyara was released on bail. Imanyara said that during his six days in jail he was held incommunicado in a windowless cell in the psychiatric wing of Kamiti prison near Nairobi. He described the experience as "squalid and degrading". He said that basic hygiene was poor - a single chamber pot per prisoner was supposed to serve as wash basin and toilet - and that prisoners were not provided with toilet paper.

Wanyiri Kihoro: lawyer and land economist, was arrested at his home in Mombasa on 30 July, 1986 and held in detention until 1 July 1989 under the Preservation of Public Security Act. His arrest presumably stemmed from his persistence in a suit against the government for torture and illegal detention, brought in January 1988. Although authorities did not publicly acknowledge Kihoro's detention for 74 days, as required by law, the judge ruled that the detention was lawful. The judge also stated that Kihoro was neither tortured nor ill-treated, despite evidence to the contrary provided by Kihoro's lawyers.



Gibson Kamau Kuria

Gibson Kamau Kuria: leading human rights advocate and contributor to *The Nairobi Law Monthly*, known in Kenya for his willingness to take on politically sensitive cases. Kuria was first detained on 26 February 1987 without charge or trial and held until December 1987. His detention came two days after he had informed the government of his intention to bring suit on behalf of three people who were allegedly tortured while being held incommunicado in police custody, prior to official detention. (Kuria's firm continues to handle the case, which is still pending.) The government's purported reason for Kuria's detention was that he was a member of the "Mwakenya Movement," an illegal dissident group. Kuria, however, denies any affiliation with the movement. Kuria's law offices have been under surveillance for some time. At the time of the arrest, the government confiscated Kuria's passport, which it has yet to return to him. Kuria filed suit upon his release to have his passport returned, but encountered numerous delays.

Without his passport, Kuria could not visit the United States in 1988 to receive the honours and awards conferred on him by the American Bar Association, the Robert F. Kennedy Foundation, and the Lawyers Committee for Human Rights. The Commonwealth Lawyers Association (CLA) invited Kuria to speak at the Ninth Commonwealth Law Conference, held in Auckland, New Zealand in April 1990, attended by 2,000 lawyers from all parts of the Commonwealth. The President of the CLA and Chairman of the African Bar Association, Rodger Chongwe, issued a statement that Kuria's absence was "a threat to the independence of the Law Society of Kenya and a threat to its members."

On 3 April 1990, two plainclothes officers from the Special Branch went to Kuria's chambers looking for him. He believes that they came to interrogate and possibly detain him either because of his support for a multi-party system or because of allegations he made that the Law Society elections were rigged in favor of a government-backed candidate (see above).

On 18 June 1990, Kuria was one of three lawyers to address a press conference called to protest against the treatment by police of human rights lawyer, Paul Muite, and his two activist clients. Plainclothes police broke up the press conference, ordering all of the participants to disperse (see below).

Kuria left the country on 11 July 1990, during the most recent wave of arrests and detentions of human rights lawyers, after seeking refuge in the United States Embassy in Nairobi. He is currently in the United States where he was honoured in July by the American Bar Association.

Paul K. Muite: lawyer. Muite, who represents Gibson Kamau Kuria (see above), was ordered to surrender his passport on 23 November 1988, directly after travelling to the United States to accept the Robert F. Kennedy Foundation's Human Rights Award on Kuria's behalf. (Kuria could not attend the ceremonies since his passport had been confiscated the previous year. See above.) The authorities have yet to return Muite's passport to him.

On 17 June 1990, while Muite was meeting with his clients, Kenneth Matiba and Charles Rubia (ex-cabinet ministers and leading advocates of a multi-party system in Kenya), three police officers broke up the meeting and ordered Muite and his clients to go with them. They refused to accompany the police on the ground that the police had neither a warrant nor a basis for the arrest. The following day, Muite, Gitobu Imanyara and Gibson Kamau Kuria (see above) held a press conference to protest the treatment of Muite and his clients. Five police officers broke up the press conference, seizing notes and tape recorders from reporters, and ordering the dispersal of all present. The police also roughed up those who refused to disperse. When Muite and Kuria went to file a complaint with the Commissioner of Police and the Director of Intelligence, they were informed that the officials were not in their offices, and no one would register the complaint. After a follow-up press conference by Muite's clients on 25 June, two journalists were detained for questioning.

Muite went into hiding fearing his arrest early July 1990, just before the government arrested eleven human rights lawyers and activists in the most recent wave of repression.

LIBERIA

Cephar A. Mbandi: On 16 March 1988, Mbandi, lawyer and legal counsel of the banned Liberia Unification party (LUP), was arrested in Monrovia and accused of treason and participating in a conspiracy to destabilise the government. He was detained by the Joint Security Forces of Liberia and was reportedly held in very poor conditions (solitary confinement, no light, poor hygiene, no visitation rights, etc.) at the Post Stockade of the Barclay Training Center military barracks in Monrovia. In March 1990, Mbandi was released by an act of executive clemency in commemoration of Namibia's independence.

MALAYSIA

Manjeet Singh: lawyer, Vice-President of the Malaysian Bar Council, and active campaigner against government restrictions on the independence of the judiciary. On 30 April 1989, the Malaysian government charged Singh with contempt of court for statements made during a lawsuit to remove the new Lord President of the Supreme Court. The lawsuit stemmed from the government's 1988 removal of the previous Lord President, Tun Salleh Abbas. As noted in the 1989 CIJL report, several rulings by the Court against the interests of the government prompted Prime Minister Mahathir Mohamad to make public attacks on the justices. When the Lord President wrote a private letter to the monarch in objection against the Prime Minister's conduct, he was suspended from office for alleged "misbehaviour." Over protests by the Malaysian Bar, a tribunal of judges, presided by the Lord President's deputy and eventual successor, was appointed to decide on his dismissal. Upon the Lord President's motion to stay the tribunal's proceedings, five other members of the Supreme Court, meeting over the objections of the Deputy Lord President, granted the stay on 2 July 1988. The five judges were subsequently suspended as well. The tribunal, which met *in camera*, recommended the Lord President's dismissal, which was carried out by the monarch on 8 August 1988. A second secret tribunal recommended the dismissal of two of the five other judges, which was also carried out.

On 7 July 1988, immediately after the suspension of the five Supreme Court judges, the Bar Council held an Extraordinary General Meeting. It passed a resolution in favor of a finding of contempt of court against the then-Acting Lord President of the Supreme Court, Hamid Omar, for his attempt on 2 July 1988 to prevent the Supreme Court judges from meeting to hear the Lord President's stay application. The Bar ratified the resolution on 22 April 1989, after the judges' final dismissal. On 25 April 1989, Manjeet Singh submitted an affidavit, in his capacity as Secretary of the Bar Council, in support of an application to the Supreme Court for leave to issue contempt proceedings against the Acting Lord President. The application, however, was dismissed on 30 April 1989. The Attorney General Tan Sri Abu Talib subsequently charged Singh with contempt of court for statements made in his affidavit, alleging that the affidavit scandalized the then-Acting Lord President. In so doing, Singh was said to have lowered the dignity of the court in the eyes of the people as well as the dignity of the monarch and the ruling council, who appoint the judges.

More than 300 members of the Bar Council, including almost all of its former presidents, asked to join Singh as respondents in the case. The Supreme Court of Malaysia heard the contempt proceedings from 4 to 7 June 1990 in the presence of a court observer sent by the CIJL. Singh faces an indeterminate penalty and could be imprisoned if found guilty. As of July 1990, the court had yet to render a decision.

MEXICO

Norma Corona Sapiéñz: lawyer and President of the Commission on the Defence of Human Rights of Sinaloa and of the Clemente Vizcarra law school. Corona was assassinated by gunmen on 22 May 1990 on a busy street near the Autonomous University of Sinaloa. According to witnesses, the assassins drove in front of Corona's car, forcing her to stop. They then attempted to grab her and, when she resisted, shot her three times, in the head, thorax, and abdomen. After shooting her, the men proceeded to beat her before fleeing. Corona had previously received several threats. She was instrumental in securing the passage of a bill before the Sinaloan State Congress, only five days before her death, which invalidated the use of statements obtained through the use of torture, and established a maximum ten-year sentence for public servants who practice torture. The State of Sinaloa is now the only state in the republic which has established jail sentences for the crime of torture. It is believed that her death was related to the passage of the bill or to the possibility that Corona was close to exposing ties between government officials and drug traffickers. Corona's friend and co-founder of the Human Rights Commission, Jesus Michel, had been assassinated 17 months earlier after exposing ties between government officials and drug traffickers. In April 1990, Corona told the press that if anything was to happen to her, the Federal Judicial Police would be responsible.

Following Corona's assassination, human rights organisations, lawyer's associations, and universities protested the killing and demanded that a special prosecutor be appointed to lead an investigation. A special prosecutor was appointed and on 2 July 1990, the Governor of Sinaloa announced to the press the capture of five suspects including a member and a former member of the Federal Judicial Police. The suspects were found along with rifles, grenades, radios with state and federal police frequencies, uniforms similar to those of the Federal Judicial Police, and four vehicles.

Rosario Huerta Lara: law professor at the University of Veracruz and legal counsel to members of the indigenous community in Embocadero, Ilamatlan, Veracruz. She was warned on 12 July 1989 by Mario Ramírez Bretón, an official of the Agrarian Reform Secretariat in Veracruz, that if she returned to Embocadero she would be killed. The same official had warned her in May that if she or three others returned to Embocadero they would be killed. One of them, Pedro Hernández did return and was assassinated on July 7 1989.

Luis Tovar Cedillo: auxiliary judge, killed in August 1989 in Monterrey, Nuevo Leon, allegedly by drug dealers. Tovar had received telephone death threats. In the wake of Judge Tovar's murder, a group of auxiliary judges in Monterrey demanded police protection from drug-trafficking groups.

MOROCCO

El Kenfaoui and El Othmani: lawyer and judge of the Rabat Court of Appeals, were arrested on 5 and 8 January 1990, respectively. Upon a complaint by another lawyer alleging the falsification of legal documents by El Kenfaoui in a case in which he opposed that lawyer and in which El Othmani had served as appellate judge, El Kanfaoui was arrested. Three days later, El Othmani was arrested after members of the Rabat Bar took over a courtroom in the Court of Appeals to protest the conditions under which Kenfaoui was being detained. Also that day, the *Conseil Supérieur de la Magistrature* (the judiciary's governing council) held a special meeting to lift El Othmani's judicial immunity. El Kenfaoui and El Othmani were placed in *garde à vue* detention and interrogated by the police. The prosecutor later extended the detention beyond the normally permissible limit. According to local lawyers, the procedure by which El Othmani was arrested contravened the provisions of Moroccan law requiring that the arrest of a judge be ordered by the criminal bench of the Supreme Court (rather than the prosecutor). Similarly, the prolongation of his detention should only have been permissible if the case involved national security. El Kanfaoui's arrest was also allegedly irregular in that lawyers' testimony is normally heard in the presence of the Bar President. Both Kenfaoui and Othmani claimed to the investigating judge that they were subjected to violence during the police interrogation. The cases against the two were dismissed after they had been released pending trial.

NAMIBIA

Anton Lubowski: 37, lawyer and a leader of the South West African Peoples Organisation (SWAPO). Lubowski was assassinated on 13 September 1989 outside his home, three weeks before the elections to establish a Constituent Assembly to draw up a constitution for the new independent state of Namibia. Lubowski was shot in the head by an assailant using an AK47 rifle, and died at the scene of the shooting. He was a member of SWAPO's election directorate which was overseeing its campaign for elections in November 1989. He was one of the first whites to join SWAPO, and represented many anti-apartheid campaigners in trials in South Africa. Well-known for his defence of people charged with security offences, he was successful in exposing conditions in Namibian prisons and the extensive use of torture. He was publicly critical of the security laws and their effect on the rule of law in Namibia. Lubowski experienced economic pressure because of his work on behalf of SWAPO members. For example, in 1985, solicitors in Windhoek refused to engage him as barrister on a brief even when clients had specifically requested his services. Although a suspect was detained in connection with the the killing of Lubowski, his assailants remain unknown.

David Smuts: head of the Legal Assistance Center in Namibia, a public interest law firm, received numerous death threats in the two weeks prior to the murder of Anton Lubowski (see above). Smuts has received numerous other threats, related to the Center's handling of complaints alleging human rights abuses perpetrated by the South African security forces.

NEPAL

In early 1990, the Nepalese government cracked down on members of the political opposition in response to widespread demonstrations for reform of Nepal's non-party system. In February 1990, the government arrested thousands of opposition party members, students, human rights monitors and journalists. Many were tortured. Dozens of protesters were killed when security forces opened fire on demonstrators. The wave of protests culminated in a demonstration in Kathmandu on 6 April at which an estimated 50 to 200 persons were shot dead. Immediately thereafter, King Birenda dissolved his cabinet, released almost all political prisoners, and formed an interim government. He also established a Constitutional Recommendation Commission to draft a new constitution for Nepal to restore multi-party democracy under a constitutional monarchy. The incidents listed below all relate to the involvement of jurists in the "pro-democracy" movement. (The names of many lawyers arrested are not yet available.)

Padampani Devakota, Khem Narayan Dhungana, Govinda Gautam, Shrikrishna Gautam, Krishna Bahadur Gurung, Gunanidhi Neupane, Tilak Parajulee, Rajitbhakta Pradhananga, Dharmanath Shaha, Bhavasagar Subedi, Hari Subedi, Ramchandra Tripathi, Ambika Prasad Koirala, Baburam Poudel, and Khagendra Acharya: lawyers and members of the Western Regional Court Bar Association in Pokhara. All were arrested on 24 September 1989 and detained for short periods without charge when police broke up a Bar Association conference on human rights and the Constitution of Nepal.

Achutananda Bhandari, Ananda Bhusal, Rewati Prasad Bhusal, Diwakar Khanal, Ravi Khanal, Subash Nembang, Krishna Chandra Nepali, Matrika Niraula, Gopal Pandey, Tom Lal Pandey, Bashunder Prasad Dhungan (President of the Nepal Bar Association), Mukunda Regmi (ex-President of the Nepal Bar Association), Nagendra Bhakta Shrestha, Chandra K.C., Ashik Raj Karki, Sindu Nath Pyakurel, Ananda Santoshi Rai, Vidur Raut, Shiva Bahadur Koirala, Indra Mani Upreti, Ravi Chandra Neupane, Dharmanath Shaha, Yangyan Murti Banjade, Daman Dhungana, Prabhu Narayan Choudhari, Krishna Prasad Bhandari, Ram Prasad Sintaula, Bharat Mohan Adhikari, Madan Thapa, Birodh Khatioada, Kishore Adhikari, Prem Nath Sharma, M.S. Thapa, Khemnarayan Dhungana, Khemanarayan Koirala, Borna Bahadur Karki, Raman Shrestha, Hikmat Poudel, Kamal Koirala, Prabhu Narayan Choudari, Krishna Prasad Bhandari, Ram Prasad Sitoula, Sitananda Ray, Surya Chandra Neupane, Dwarikaman Joshi, Devendra Nepali, Shrikrishna Gautam, Tilak Prasad Aryal, Mahendra Man Byathit, Vijay Kumar Gupta, Madan Mohan Choudhari, Kul Prasad Nepal, Matrika Niraula, Din Bandu Aryal, Ramesh Thapa, Hikmat Singh, Sushila Karki, Sarad Kumar Shrestha, Bhupnidhi Panta, Gauri Narayan Banskota, Keshav Prasad Mainali, Awadhesh Yadav, Govinda Joshi, Keder Gautam, Badri Bahadur Karki and Shambhu Karki: lawyers, arrested on different occasions during the pro-democracy movement. Most were arrested in February 1990, following the call by the Nepal Bar Association for a general strike on 20 February, in which most of Nepal's 1,800 lawyers participated, to protest the killings and arrests of "pro-democracy" demonstrators. Among the arrested were eight members of the the Nepal Bar Association's 11-member Executive Committee, some of whom were reportedly tortured. No specific charges were filed. Several of the lawyers detained were released after one or two days,

while others were detained for a few weeks under the Public Security Act. All were released after the declaration of a multi-party system on 8 April 1990.

Shambu Prasad Gyawali: senior advocate and former Minister of Law and Justice, former Attorney General and current President of the Nepal Branch of the International Law Association; **Kusum Shrestha:** senior advocate and President of the Nepal Law Society; **Kalyani Shaha:** advocate; and **Bishwakanta Mainali:** advocate, LAWASIA Councillor and former secretary of the Nepal Bar Association. On 20 March 1990, the police interrupted a human rights forum of more than 700 lawyers and other professionals, arresting the entire audience without warrant. Shrestha was detained for six hours on 20 March 1990, and reported that though he was asked the reasons he attended the program, he was never told the reason for his arrest. Gyawali, a speaker at the forum, was detained until 11 a.m. on 21 March 1990. Mainali was held for two days. Dozens of others, whose names are not available, were also reportedly held.

NIGERIA

Olisa Agbakoba and Michael Ozekhome: lawyers and president and director of legal services, respectively, of the Lagos-based Civil Liberties Organisation (CLO). On 8 June 1990, Agbakoba and Ozekhome were held in detention for seven hours and questioned about their work for their clients, the family of Chief Great Ogboru. Agbakoba had recently filed a motion on behalf of the chief's brother, Shadrack Ogboru, questioning whether the military court had the authority under the Nigerian constitution to hear cases involving coup suspects. (A military tribunal was established to try those allegedly involved in the coup plot of 22 April to overthrow the government of General Ibrahim Babangida. Ten suspects were brought before the tribunal, presided over by nine senior military officers. For the trials, which were conducted in camera, the suspects were not permitted to select their own civilian lawyers. Rather, they were represented by military lawyers appointed by the tribunal.)

Tunji Brathwaite: Lagos lawyer, and presidential candidate in the 1983 elections. He has been detained since 25 April 1990. It is believed that Brathwaite's arrest is linked to his appeal to the government following the 22 April coup attempt not to execute the alleged coup plotters (see above). He also advised the government to consider changing some of the policies advanced as justifications for the attempted coup. In May, Brathwaite discontinued his suit against the government for unlawful detention. Brathwaite's lawyer, Chief Olu Onagoruwa (see below), read a statement by Brathwaite in court that Brathwaite was dropping the suit against the government because it was "a waste of time." The withdrawal of the suit came shortly after the Principal Staff Officer to the President, Colonel Anthony Ukpo, had made public that Brathwaite was being held under State Security (Detention of Persons) Decree No. 2 of 1984. (Decree No. 2 authorizes the administrative detention, for a renewable period of six weeks, of any person suspected to be a threat to national security or to have contributed to the economic adversity of the country. The detention cannot be challenged in court.)

Chief Gani Fawehinmi: lawyer and prominent critic of government policies. Over the past few years, he has brought several lawsuits against government authorities, particularly in connection with the death by parcel-bomb of journalist Dele Giwa in 1986. He and his family have reportedly been subject to frequent harassment by the State Security Service. On 17 June 1989, he was holding a public meeting in his chambers in Lagos to discuss alternatives to the government's economic policies. He was arrested on the spot and detained incommunicado under reportedly harsh conditions, more than 1,500 kilometers from Lagos. After one week, Fawehinmi needed medical treatment for high blood pressure because he was not given his medication during detention.

In September 1989, he was charged with obstructing the country's political transition program for his criticism of the government in a magazine interview, a crime punishable by five years. Although the courts approved Fawehinmi's release on bail in September, he was immediately redetained under the state security detention law (Decree No. 2; see above). He was released on 14 October 1989 after widespread protests against his detention. Chief Fawehinmi was arrested again in early January 1990, and charged with contempt for statements made in reference to a judge's alleged pro-government bias, in a motion to transfer a lawsuit to another court. For this, he received a one-year prison sentence, but was released on bail on 15 February, pending appeal. In March, the government dropped all charges against Fawehinmi. Fawehinmi has agreed to defend

both Chief Olu Onagoruwa, lawyer (see below), and Paul Unongu, Onagoruwa's ex-client and former minister in the Second Republic.

Olu Onagoruwa: Lagos lawyer. Onagoruwa was arrested in his lawyer's robe as he was leaving the Lagos High Court on 1 June 1990. The arrest followed his refusal to comply with directives from the State Security Office (SSS) to withdraw a suit against the government for the unlawful detention of his client, Paul Unongu, minister in the Second Republic. He was detained under Decree No. 2 until 11 June, when he released. Onagoruwa also served as lawyer for Tunji Brathwaite (see above).

PAKISTAN

Syed Sami Ahmed: lawyer in Karachi. On 7 April 1990, he appeared as counsel for the accused killers of an activist from the People's Student Federation. Among the accused was a leader of the Muhajir Qaumi Movement (MQM), which represents Muslims from India who came to Sindh at the time of Partition. On 8, 9, and 10 April, Ahmed received telephone calls, in which the caller(s) requested that he not appear in the case. On 12 April 1990, the local police officer on duty, along with 15 men in plain clothes, entered Ahmed's home in the middle of the night without a warrant. Ahmed was not at home. After his daughter vainly asked to see a warrant, they thoroughly searched the house, throwing things about before leaving. Later that day, Ahmed reported the incident to the Governor of Sindh and the police commissioner. The High Court Bar Association, the Karachi Bar Association, the Sindh Bar Council and the Pakistan Bar Council passed resolutions condemning the search and demanding an inquiry. The Karachi Bar Association also led a protest march. An inquiry was opened and an order issued to the police officer to explain his conduct, which he failed to do. The inquiry officer's report was never supplied to Ahmed, though the inquiry officer and the deputy commissioner were later transferred. The police officer was also transferred to another station, but was not disciplined.

Yousuf Khalil: lawyer. He was detained on 18 December 1989, when he went to the Peshawar police station to inquire about the arrest of some of his employees. Khalil was detained for five to six hours, and reportedly manhandled and insulted. Khalil's treatment by the police led to a protest march by members of the Peshawar Bar Association. Khalil has filed a complaint with a magistrate against the police officers for their manhandling and illegal detention of him. As of late July 1990, these proceedings were still pending.

PARAGUAY

Pedro Abilio Rolón: lawyer and government critic, Abilio was arrested on 18 September 1989 and accused of extortion, coercion against, and the blackmailing of, an Income Tax Department official. Reportedly, the arrest was in retaliation for several lawsuits initiated by Abilio against officials of the former government of General Alfredo Stroessner. Abilio was released on 5 February 1990.

Eduardo Morales: lawyer and member of the human rights group *Comité de Iglesias* (Committee of Churches). He advised street vendors whom the local government was seeking to evict, and attended a student music festival, which reportedly included pieces political in nature. He and his wife (also a lawyer) were arrested without warrants and Morales was imprisoned on 7 November 1987. *Habeas corpus* petitions filed on his behalf were rejected. On 17 November he was charged with violation of Law 209, "Defence of Public Peace and Personal Freedoms," a charge typically invoked against political opponents during the reign of President Stroessner. He was released on 4 February 1988 following two hunger strikes. Charges against him were still pending at the time of the coup against General Stroessner in February 1989, but have apparently since been dropped.

PERU

In Peru, the independence of the judiciary and the legal profession has suffered a steady deterioration as a consequence of political violence. Judges, lawyers and prosecutors most frequently the victims of attacks are those who investigate cases involving terrorism, defend persons charged with terrorism, and participate in the investigation of excesses and massacres attributed to security forces.

Most assassinations and cases of harassment in Peru occur in zones under a state of emergency (which now extends to territory in which half of the country's population lives), and are attributed to the guerilla groups *Sendero Luminoso* (Shining Path) and *Movimiento Revolucionario Tupac Amaru* (Tupac Amaru Revolutionary Movement), paramilitary units such as the *Comando Rodrigo Franco* (Rodrigo Franco Command), and in some cases to security forces that have political and military control over the areas.

In light of attacks by *Sendero Luminoso* on judges, justices of the peace and other representatives of the state, provincial courts have increasingly had to be concentrated in departmental capitals. This situation has not only caused serious problems for those who have to travel long distances to take up matters in court, but has also created a vacuum in many rural areas, depriving people of state protection and an effective system of justice.

The lack of protection for members of the legal profession from attacks by guerilla groups, coupled with the impunity with which attacks and assassinations against the legal profession have been carried out by paramilitary forces, has left judges and lawyers to work in conditions that seriously undermine the independence of their profession. It has become increasingly difficult to fill the vacancies left by judges and prosecutors who have been killed in the emergency zones or who have left their positions after receiving threats. Combined with this is an increasing loss of legitimacy on the part of the judiciary, whose actions have often been severely criticised. Failings on the part of the judiciary, however, are partly the result of external factors such as the lack of an adequate budget and the practice of political appointments, both of which contribute to undermining the autonomy necessary for the judiciary to carry out its functions. In November 1989, the CIJL released a report on the Peruvian judiciary which examined some of these problems.

On 18 February 1990, the Lima offices of the Andean Commission of Jurists, an ICJ affiliate, were damaged in a bomb blast. On 4 March, a similar explosion caused damage to the offices of the Peruvian section of Amnesty International.

Lawyers and judges associations have yet to coordinate means for defending their members and for exerting political pressure in order to confront the situation of insecurity and violence which surrounds their professions.

Diesel Alfonso Amasifuen Pinchi: Justice of the Peace of the Buenos Aires district in the Picota Province. Amasifuen was detained on 29 May 1990, along with the Buenos Aires mayor and a professor, by members of the security forces who accused them of collaboration with "subversives." Upon being released, the group alleged having been tortured by the security force members. This case has been denounced by the weekly paper *Cambio*, which, in general, is well informed of the activities of the armed left-wing *Movimiento Revolucionario Tupac Amaru* (Tupac Amaru Revolutionary Movement), which it claims to support.

César Carlos Amado Salazar: judge who has repeatedly received threats of violence. Amado was involved in investigating the May 1988 massacre of 28 villagers in Cayara, department of Ayacucho, by members of an army unit. The Cayara massacre was apparently committed in reprisal for a 13 May 1988 ambush of an army unit by the Shining Path. The army reportedly entered Cayara, rounded up the villagers, separated the men and then killed them using bayonets and farming tools. The investigation of the massacre by Prosecutor Carlos Escobar Pineda (see below) has been resisted and frustrated by the military and some members of the government. Threats and attacks have been made against both Escobar and Amado as a result of their involvement in the Cayara case. On 2 December 1988, Amado's house was bombed and a note left behind advising the judge that "all those who support terrorist delinquents will die." The *Comando Rodrigo Franco*, (Rodrigo Franco Command; CRF) described as an independent group created to "avenge" actions by the Shining Path, claimed responsibility for the attack. Amado's house was bombed again in June 1989, forcing him to flee. On 24 September 1989, Amado announced that he and his parents had received death threats, prompting his parents to leave the country.

Dario Arroyo Yance: lawyer, providing legal representation to Victor Polay Campos, leader of the *Movimiento Revolucionario Túpac Amaru* (Tupac Amaru Revolutionary Movement, MRTA) who, on 10 July 1990 escaped from the maximum security prison, *Miguel Castro Castro*, along with 47 other members of the MRTA. Two days later, Arroyo announced to the press that he had been receiving death threats.

José Burneo Labrin: lawyer, head of the Law Program, Human Rights Education, and Director of the *Centro de Estudios y Acción para la Paz* (Centre of Study and Action for Peace; CEAPAZ). Burneo was threatened on 16 September 1989 when, at approximately 1:00 a.m., he was visited by an armed individual who appeared to be a member of a state security unit. The man banged on the front door several times, did not identify himself, and left after Burneo refused to open the door. On 15 February and 16 March 1990, an armed person, in uniform on one occasion, again knocked on Burneo's door late at night. The last two instances took place while Burneo was attending the 46th Session of the United Nations Human Rights Commission, on the invitation of the World Council of Churches. On 6 April 1990, Burneo received a telephone death threat by an unidentified person. Although complaints have been brought before the authorities, who have announced an investigation, no progress has been made in determining the sources of the threats.

Sergio Canchari Chuchon: lawyer, received death threats on 17 April 1990 in Ayahucho. He has reportedly continued to receive death threats, allegedly from police or military elements as a result of the cases in which he is involved. He was recently elected Regional Deputy of the Liberadores-Wari region.

Angel Escobar Jurado: lawyer, vice-president of the Human Rights Committee of Huancavelica, was detained on 27 February 1990, allegedly by members of security forces. The security forces have denied having detained Escobar. There is no information as to his whereabouts and he is considered "disappeared."

Carlos Escobar Pineda: lawyer, Special Prosecutor appointed in May 1988 by the Attorney General to investigate the Cayara massacre in the Department of Ayacucho and former Special Prosecutor for the investigation of "disappearances" in the Ayacucho re-



Carlos Escobar Piñeda

gion. Escobar proved effective in investigating abductions by the army in the conflict zone and in locating disappeared persons. As prosecutor in the Cayara case (see above, case of Amado Salazar), he received death threats in August and September 1988 from the paramilitary death squad *Comando Rodrigo Franco* (Rodrigo Franco Command). Escobar's investigations reportedly established that members of the military were responsible for the 1988 massacre of 28 peasants. Escobar intended to bring charges against the chief of the *Comando Político Militar* of Ayacucho (Political Military Command) and other members of the military and police. The Political Military Command of Ayacucho (CPM) refused to protect or otherwise cooperate with Escobar. In October 1988, only a few days after having submitted a report on the massacre of the 28 civilians, Escobar was dismissed as Special Prosecutor, his office was closed, and he was reassigned. In August 1989, Escobar was discharged of all responsibilities in the Attorney General's office. Escobar continued to receive death threats against himself and his family in September 1989. In November 1989, Escobar left Peru with his family, and is currently seeking asylum in the United States.

Julio Falconi: lawyer with the Association for Human Rights of Peru (APRODEH), representing individuals accused of terrorist activities. He worked together with Francisco Flores (see below) for many years. After having received various threats, and after the murder of Flores, he was forced to leave his home and family. He presumably remains in danger of harm or death by the *Comando Rodrigo Franco* (CRF).

Francisco Flores: Justice of the Peace in the district of Zuniga, Cañete, department of Lima. On 13 October 1989, Flores and several other government officials were killed in Cañete, allegedly by guerillas.

Fausto Gutarra Guerra: lawyer, public prosecutor in the Pampas Province, Department of Junín. Gutarra was assassinated on 2 July 1990, in the centre of the city of Huancayo, allegedly by members of the Shining Path. His death may be due to his having been elected as President of the Electoral Tribunal of Tayacaja in the last elections. The Shining Path had attempted to force a boycott of the elections by threatening any who tried to vote, particularly those voting in state of emergency zones.

Coqui Samuel Huamani Sánchez: lawyer, member of the Zonal Human Rights Commission, and candidate for mayor in Cerro de Pasco. Eight armed men entered his home in the early morning of 23 August 1989 and abducted him. His detention was witnessed by several people, including the owner of the house in which he was living. His dead body was found the same day with a note containing a hammer and a sickle and the words, "death as a traitor." Although this is a typical Senderist practice, other elements point to a paramilitary operation. The curfew imposed in the area makes it unlikely that such an operation could have been carried out by the guerillas. Additionally, according to Huamali's brother, the men wore bullet-proof vests and military clothes of the *Dir-cote*, the Department Against Terrorism. Huamali, although his political positions were anti-Senderist, had recently won the release of two prisoners accused of terrorism. An army directive to recapture the prisoners was issued following their release. Although the public prosecutor has initiated an investigation, no charges have been brought nor any results of the investigation published.

Hugo Luna: lawyer and head of law studies at the University of San Cristóbal of Huamanga in Ayacucho. Luna was assassinated along with his daughter on 25 November 1989, allegedly by the Shining Path.

Godofredo Mendoza Llontoy: lawyer in the city of Cuzco, represents those accused of terrorism. Mendoza alleges that he has been continually watched, has been detained on three occasions, and that his office and home have been searched.

Delfín Morales: Justice of the Peace, killed along with two others on 31 October 1989 in the village of Pomacocha. According to police sources, members of the Shining Path are responsible for the killings.

Wilfredo Mujica Contreras: lawyer, providing legal representation to Osmán Morote Barrionuevo, important leader of the Shining Path. On 1 June 1990, Mujica informed the press that he had received death threats from the *Comando Rodrigo Franco* (Rodrigo Franco Command).

Jorge Padín Aragón: Justice of the Peace of the Layo district, Canas Province, in the Department of Cuzco. Padín was assassinated on 16 April 1990, along with the mayor and governor of the Layo district, by members of the Shining Path.

Torcuato Regis Garcia: lawyer. Towards the end of 1989, Regis received death threats and his office was bombed. Regis attributes these actions to police members, against whom he has brought charges for the commission of common crimes. As a result of the attacks, Regis left his law practice. He registered a complaint with the Public Ministry, however, those responsible have not been identified.

Wilker Ruíz Vela: lawyer. In the early months of 1990, death threats were left in his office. He attributes the threats to members of the police against whom he has brought charges for the commission of common crimes.

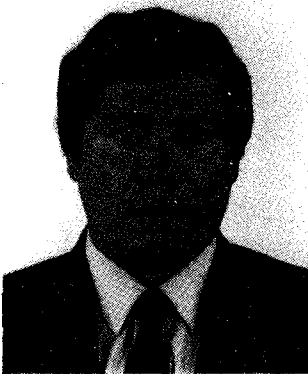
Victor Segundo Roca Vargas: judge with the Superior Court of the Judicial District of San Martín. In 1988, Judge Roca, together with the other judges of his court, voted for the acquittal, in two trials, of a suspected member of the Shining Path and a suspected drug trafficker. On 19 August 1988, a bomb exploded in front of his house. Three posters signed "CDRF" (Rodrigo Franco Command) were left on the door of his house. They announced that their first victim was "the dog Manuel Febres" (a lawyer killed in 1988 after defending an accused leader of the Shining Path; see 1989 report), and that "now it is your turn Victor Roca" (*ahora te toca a tí Victor Roca*) for having freed the suspected Shining Path member and for defending drug traffickers. In July 1989, on the basis of a complaint by the local military commander, the public prosecutor initiated an investigation against Judge Roca and the other judges on his court.

Wilfredo Estanislao Saavedra Marreros: president of the Committee for the Defence of Human Rights (CODEH) in Cajamarca and legal aid attorney with the Cajamarca Superior Court. Saavedra was detained on 19 September 1989 by eight members of the Peruvian Investigative Police. The police entered the Superior Court and, without offering an explanation or presenting an arrest warrant, forcibly removed Saavedra from the court room. Saavedra alleges that he was tortured and forced to sign a declaration confessing to collaboration with the leftist group *Movimiento Revolucionario Túpac Amaru* (Tupac

Amaru Revolutionary Movement); the declaration was allegedly used as the basis for charges against him under anti-terrorist legislation. During the first 30 days of his detention, Saavedra was denied access to an attorney. His case is being heard in a military court, which has yet to hand down a sentence. Saavedra is still in detention. In December 1989, the Minister of Justice removed Saavedra from his position as legal aid attorney, a decision which Saavedra has appealed.

Following the 31 October lodging of a criminal complaint against police officials whom Saavedra believes were responsible for his treatment, the chief prosecutor denied that Saavedra had been tortured. In his complaint, Saavedra named officials who allegedly stripped him and hung him from a rope, beat him about the abdomen, thorax and head, and submerged him repeatedly in salt water as if to drown him. Saavedra stated that after being tortured repeatedly over six days, he could no longer withstand the torture and therefore believed it necessary to admit to having been involved in an attack on *Radio Inca* in the Baños district in the hope that the abuse would end. Saavedra stated that he continued to be tortured following his forced admission. On 26 September 1989, a special commission consisting of Dr. Pedro Ortíz Cabanillas, dean of the Medical College, and other doctors and legislators, travelled to Cajamarca to investigate charges of torture in the prison. The commission confirmed that Saavedra's wrists showed signs of having been tied and that his body was bruised.

This is the second time Saavedra has been detained by the police and accused of alleged collaboration with "subversives." On the first occasion, the charges were never proven and the Church intervened to secure his release.



César San Martín Castro

César San Martín Castro: judge of the Superior Court of Lima. On 15 November 1988, as a Judge of Investigation, he granted a petition for *habeas corpus* brought by a detained French priest accused of terrorism against the police on the ground that the detention was arbitrary. Relying on the Peruvian Constitution and Advisory Opinion 08/87 of the Inter-American Court of Human Rights (which held that *habeas corpus* is non-derogable even during a state of emergency), San Martín rejected the government's claim that the declared state of emergency barred the remedy of *habeas corpus*. The Minister of the Interior thereupon initiated a penal action against San Martín for abuse of authority, and for crimes against the administration of justice. He also received telephone threats. The National Association of Magistrates publicly decried the action as an attack on judicial independence. In June 1989, the charges were dismissed by the criminal court. In August 1989, he was promoted to the Superior Court. San Martín continues to receive threats. In November 1989, during a conference on the judiciary and democracy in Lima organised by the CIJL and the Andean Commission of Jurists, bomb threats to the meeting hall were received, one of which alluded to Judge San Martín's presence.

Javier Sucllupua Meneses: Justice of the Peace of Rio Negro, Satipo province, Junin department. Sucllupua was dragged out of his house at 2:00 a.m and assassinated in front of his wife and children on 29 September 1989, allegedly by guerillas.

The following cases were provided by the Andean Commission of Jurists; the majority of attacks in these cases are believed to have been committed by the Shining Path:

Sebastian Sánchez: justice of the peace. Assassinated in Lampa on 7 July 1989.

Ernesto Castro: judge. House was dynamited in Carhuaz on 9 February 1990.

Pedro González B.: lawyer. Assassination attempt in Lima on 14 July 1989.

Amancio Luna: justice of the peace. Assassinated in Nueva Honoria on 15 August 1989.

Javier Sutsupu: Justice of the peace. Assassinated in Río Negro, Satipo on 1 October 1989.

Edmundo Zegarra: lawyer. House in Lima was broken into on 26 August 1989.

Arturo Zapata: judge. Attack on his house in Callao on 18 January 1990.

PHILIPPINES

The number of killings of lawyers and judges in the Philippines decreased from the period covered in the 1989 CIJL report: between October 1987 and June 1989, seven lawyers handling human rights or politically controversial cases were killed. During the period covered in the current report, from July 1989 to June 1990, two lawyers, both working for the government, were killed. Human rights groups in the Philippines believe that the decline in the number of killings may result from international and national public attention on past cases. In June 1990, however, there were renewed threats against lawyers working for the largest human rights lawyers' network, the Free Legal Assistance Group (FLAG) and the nationwide Protestant Lawyers League of the Philippines (PLLP). FLAG officials are concerned that these threats will continue in the future.

The CIJL also remains concerned about the failure of the government to bring to justice the perpetrators of past crimes. Problems with the investigation and prosecution of cases of murders and harassment of human rights lawyers are systemic, since suspects, such as the local chief of police, or members of the Philippine Constabulary, often conduct the investigations. The government-appointed Commission on Human Rights (CHR) is mandated by the 1987 Constitution to investigate human rights violations and provide legal measures to protect human rights. Their investigations, as well as those of the National Bureau of Investigation (NBI), often fall short of international legal standards, as set forth in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council by its resolution 1989/65 of 24 May 1989). In December 1989, after the most recent coup attempt, the head of the NBI, Antonio Carpio, a former FLAG lawyer, was replaced by Alfredo Lim, Superintendent of the Western Police District. Members of the Western Police District are suspected of involvement in the Mendoza case (see below) as well as other cases.

Perhaps the most frequently cited problem in the prosecution of human rights violators is the Presidential Decree 1850 (PD 1850), a Marcos-era martial law decree which grants exclusive jurisdiction to military courts over offenses committed by any soldier, police officer, firefighter, or jail guard. In October 1989, the Senate and House passed bills repealing PD 1850. The President vetoed the joint bill on 21 December 1989, however. The President justified her veto, in part, by quoting the Chief of Staff of the Armed Forces of the Philippines, who referred to the bill as "inappropriate and untimely," in light of the sixth, and most violent, military coup attempt against the government in December 1989. The Chief of Staff argued that if PD 1850 were repealed, those involved in the coup would be tried before civilian courts.

In 1987, FLAG filed a lawsuit seeking the repeal of PD 1850; the case is still pending. In another suit, however, the Supreme Court upheld the constitutionality of PD 1850. In certain cases, such as the murder of Alfonso Surigao, President Aquino has issued a waiver of jurisdiction, and ordered the case tried in civil courts. Many regard the executive's discretionary power as one of the main stumbling blocks towards effective and appropriate redress. The CIJL believes that the independence and integrity of the civilian judiciary require that all cases of alleged human rights abuses be tried before the regular courts, and that PD 1850 should therefore be repealed. Pending its repeal, the President should issue a general waiver of PD 1850 for all cases involving human rights violations committed by persons in uniform.

Investigation of Past Cases

The authorities have made little or no progress in the investigation and prosecution of the following cases listed in the 1989 CIJL report.



Alfonso Surigao

Perhaps the killing that drew the most attention, in the Philippines and abroad, was the murder of Alfonso Surigao, regional coordinator for FLAG, Regional Chair of PLLP and a board member of the Philippine Alliance of Human Rights Advocates (PAHRA). Surigao actively defended the rights of political prisoners and other victims of human rights abuses in Cebu and Leyte provinces. In 1988, he was involved in the defence of 26 farmers from Leyte who were arrested in Manila, accused of being NPA supporters and brought to trial in Cebu City. The farmers themselves maintained that they had been arrested for their activities in publicizing human rights abuses in Leyte. He had also been involved in the prosecution of two military agents from Cebu who were charged in connection with the "disappearance" of the

Redemptorist priest Father Rudy Romano in Cebu City in July 1985.

Surigao was killed on 24 June 1988, at point-blank range, in front of his five-year-old daughter. While the gunman has been convicted, the military officer suspected of ordering the murder remains free.

Within hours of Surigao's murder, two other human rights lawyers in Cebu, Deolito Alvarez and Democrito Barcenas received anonymous telephone calls stating that Surigao was only the first of three Cebu human rights lawyers targeted for killing, suggesting that they would be the next victims. Attorney Vic Balbuena, co-counsel in the Leyte evacuee case, reported being followed by members of the military.

On 14 February 1989, Allan Climaco, a local member of the *Alsa Masa*, a vigilante group under the control of the military, was found guilty of Surigao's murder and sentenced to life imprisonment. Soon after his arrest, Climaco asserted in a sworn statement that he had carried out the murder on the orders of Major Rico Palcuto, head of the Regional Security Unit 7 (RSU7). At the time of the murder, Surigao was prosecuting Major Palcuto for the alleged arbitrary detention of a local journalist. In a previous incident, Palcuto and Surigao had an argument when Palcuto refused to allow Surigao to see two of his clients who were under investigation at RSU7. On 18 August 1986, during the Romano disappearance case, Surigao's law office was bombed; the suspected perpetrators were members of anti-communist groups allegedly under Palcuto's control. Military investigators took more than two hours to arrive from their office, which was only 600 meters away. When they did arrive, they spent most of their time going through Surigao's files on the case. In another incident, the day after Surigao visited a detained client, a note appeared on the RSU7 bulletin board calling for Surigao's arrest. In August 1987, during an attempted military coup, the military raided Surigao's law office. Shortly before his murder, he received death threats over a local private radio station, and told others he believed he was being followed.

After Surigao's murder, Palcuto was relieved of his duties in July 1988, placed under technical arrest, and charged with the murder. In September 1988, President Aquino waived the presidential decree which prevents military personnel from being tried in civilian courts, and the Cebu City Fiscal (prosecutor) conducted an investigation. As a

result of the investigation, all charges against Palcuto were dropped, and he resumed his duties as the head of RSU7. FLAG then filed a Petition for Review of the dismissal of the charges.

The Department of Justice reversed the finding of the Cebu Fiscal on 18 October 1989, ordering it to file the case against Palcuto. On 16 November 1989, Palcuto filed a "Motion for Reconsideration" with the Department of Justice, requesting reconsideration of its 18 October decision and the setting aside of its order to the Cebu Fiscal. On 12 January 1990, however, the Department of Justice denied the Motion for Reconsideration, reordering the Fiscal's office to file the case against Palcuto.

On 29 January 1990, Palcuto filed a Petition for a Preliminary Injunction before the Supreme Court, to restrain and prohibit the Department of Justice and the Cebu Fiscal from filing any criminal action against him in connection with Surigao's murder. The Supreme Court requested the Department of Justice and the Cebu Fiscal to comment on the petition. On 8 May 1990, the Department of Justice filed its comment, asking the Supreme Court to dismiss the petition, which it did on 24 May 1990. The court held that there was "no grave abuse of discretion" by the Secretary of Justice in filing the case.

On 10 July 1990, Palcuto was indicted for Surigao's murder. (It is unclear why it took the Cebu Fiscal's office more than one month from the Supreme Court's May resolution to file the case against Palcuto.) Although bail of 50,000 pesos (US\$2,000) was recommended, a warrant has yet to be issued for Palcuto's arrest, and he remains at liberty.

David Bueno, the sole human rights lawyer in the province of Ilocos Norte, was a member of the PLLP and ran the Ilocos Norte-Laoag City Human Rights Organization from his office. He was shot dead outside his law office on 22 October 1987 by two gunmen on a motorcycle. According to an initial police report, one of the gunmen was wearing a military fatigue uniform. The case was filed on 29 October 1987 with the CHR, which reported on 18 April 1989 that it had initiated an investigation into the Bueno killing, but that it had reached a dead-end because no eyewitness were willing to execute affidavits on either the circumstances surrounding the killing or the identities of the killers. PLLP also sent an investigation team, which was unable to produce any new information or pinpoint any suspects. The PLLP team reported that when they visited the Laoag City police station immediately after the killing and supplied the officials with names of witnesses, the police told them they were facing a blank wall in their inquiries. The PLLP team attempted, but were not permitted, to interview two soldiers who were near the scene of the murder. An inquiry by the Criminal Investigation Service of the Philippines Constabulary (PC) concluded that further investigations should focus on "the theory of power struggle among human rights members" and on an alleged feud over the distribution of ransom money paid to the NPA. The results of the investigation by the government's National Bureau of Investigation (NBI) are also unknown. (*This case was not included in the 1989 CIJL report.*)

Bueno's family and friends maintain that the official investigations have not been thorough. Although his murder occurred in the centre of the city and was immediately reported to the police, it took police more than thirty minutes to arrive at the scene of the crime. Bueno's family also reported that the local provincial commander announced on radio that they were being uncooperative, though the family said that, in fact, the NBI had never contacted them. As of July 1990, the authorities had arrested no one in connection with Bueno's murder. FLAG had no information about the results of any investigation.

Vicente Mirabueno, human rights lawyer and FLAG coordinator for Southern Cotabato. He also served as a provincial vice-governor and was active in left-wing politics. After handling a logging case in December 1987, Mirabueno began to receive death threats. He was shot dead in General Santos City on 6 February 1988. CHR reported that one of the two alleged gunmen was arrested on 7 March 1988, formally charged, and detained at the City Jail until at least 18 April 1989. FLAG reported that the suspect, known as "Cedic," escaped "under mysterious circumstances." The suspect was never indicted, and there have been no other arrests. The CHR reported that:

... through its regional office in Cotabato City, [it] dispatched a team of investigators to look into this case, with specific instructions to determine whether the Mirabueno slaying had any connection to his activities as a human rights lawyer. After conducting discreet inquiries from sources, the CHR team came to the conclusion that the Mirabueno slaying did not result from his human rights activities. Instead, the alleged motivation for his murder seems to have stemmed from his refusal as a lawyer in one civil case to amicably settle the case which, if left to its normal course, could result to a big business loss to the opposing party in the event of an adverse judicial decision.

The CHR also reported that its regional office has been directed to monitor the case continually and to report any significant developments to the Head Office.

Ramos Cura, lawyer in Angeles City, who represented suspected members of the New People's Army including its alleged leader Rodolfo Salas and was active in several regional human rights groups. At 6 a.m. on 18 June 1988, he was shot at close range by two men in civilian clothes, and died shortly afterwards. According to the CHR May 1989 report, on 18 April 1989, the Commission, through its regional office in San Fernando, Pampanga, sent a team to investigate the killing. The team spoke with his widow, but she refused to give any information, saying that she was afraid that giving statements to investigators would only expose her and her family to danger from her husband's killers. The team failed to locate any other witnesses, whom CHR believes may also fear for their lives. Dr. Santiago, the doctor who treated Cura before he died, was shot dead by unidentified gunmen on 30 June 1988. The May 1989 CHR report states that the "CHR is keeping the case open and anticipates that in the future, eye witnesses will come forward and give testimony on the killing." As of July 1990, no arrests had been made for Cura's murder.

Emmanuel "Noel" Mendoza, lawyer who worked on behalf of the urban poor and members of the left-wing youth organisation, KADENA. He was a former law professor at the Polytechnic University of the Philippines (PUP), a member of the Union of Lawyers and Advocates for Peoples' Rights (ULAP) and other activist groups, and chair of the Manila chapter of the left-wing political party *Partido ng Bayan* (PnB). On 2 July 1988, while waiting in his car at a traffic light, he was shot at close range by two men on a motorcycle. He died at the hospital. The NBI reportedly identified two members of the Metro Manila police force as suspects. In a newspaper interview on 30 July 1988, the NBI announced that they were "just waiting for the right time to arrest them." Mendoza's friends have linked his murder to his role in filing a petition for *habeas corpus* concerning the March 1988 "disappearance" of a 16-year-old activist, Angelito Joaquin. Unlike the other assassinations of human rights lawyers in the Philippines, the CHR has not made public any information of an investigation into Mendoza's murder.

Oscar Tonog, FLAG lawyer from Catarman, Northern Samar, and vice-president of the Northern Samar chapter of the Integrated Bar of the Philippines. He was killed on 21 March 1989 by an unidentified gunman, under circumstances which suggest possible military involvement. He had been representing a man arrested in Catarman as a suspected member of the NPA. Approximately ten days before the murder, a local radio announcer thought to have ties to Naval Intelligence stated that human rights lawyers were instrumental in getting NPA rebels released, and that the lawyers should "be prepared because their day is near." Tonog had also received death threats shortly before his murder. The CHR reported in May 1989 that it was coordinating an investigation into the murder with its local and regional offices. The Tacloban Regional Office reported that the NBI had already prepared the cartograph of the suspected killer. To date, there is no further information on the investigation.

A case not discussed in the 1989 CIJL report concerned Gervancio Cadavos, a Leyte Regional Trial Court judge, who was killed by gunmen on 26 March 1989. Senior NBI officials reported that the judge was considered a "communist sympathizer" because of his dismissal of 67 of the 80 cases before him which involved suspected members of the communist New People's Army (NPA). The NBI has charged eight persons with Cadavos' murder, naming only four of the suspects, referring to the others as John Does. The named suspects are officers with the Philippine Constabulary of the Southern Leyte Command and former members of the Integrated Civilian Home Defense Force (ICHDF), a paramilitary unit which President Aquino officially disbanded. It is unclear whether the former members of the ICHDF are now members of the paramilitary Citizens Armed Forces Geographical Units (CAFGU), which the Aquino government formed to combat the NPA. What is clear is that they part of paramilitary forces under the direction of the co-accused, Capt. Asdali Abah. A charge of double murder was filed with the Fiscal's office and is currently under investigation by the Assistant Provincial Prosecutor. The suspects have not yet been arrested. Cadavos' widow, Teresita L. Cadavos, who is currently living in the same house in which her husband was slain, is under the protection of the Philippine Army. Some witnesses are in NBI custody because of threats to their safety.

The 1989 harassment of FLAG lawyers Frankie Cruz, Archie Baribar, and Romeo Subaldo (see 1989 CIJL report) was investigated by the Armed Forces Civil Relations Office. As of July 1990, the national office of FLAG had received no information as to the results of the investigation.

Current Cases

Edgar Cabanlas, Beverly Musni, and Oscar Musni: lawyers and members of FLAG. Oscar Musni is FLAG regional coordinator for Region X-A, of Cagayan de Oro, Misamis Oriental. They were detained for approximately five hours on 1 December 1989, first in Balingasag, Misamis Oriental, then at Camp Evangelista, Cagayan de Oro City. At the time of their arrest, the lawyers were on their way to investigate a military blockade of food and resources against the residents of Lantad. About thirty other people were detained with them. On 28 February 1990, apparently stemming from the investigation of the military blockade, an article in a major Manila-based newspaper, *The Philippine Daily Inquirer*, accused Cabanlas and Beverly Musni of being communists and attending a Communist Party forum reportedly dispersed by government troops. Although it is ille-

gal to be a member of the Communist Party in the Philippines, no charges were filed against either of the attorneys. Beverly Musni has filed a libel case, now pending, against Cynthia de Leon, the author of the article. In spring 1990, there were rumours in Cagayan de Oro City that Oscar Musni had been killed. The latest rumour in late May and early June 1990 claimed that he was killed by the military.

Ernie Clarete: lawyer for FLAG and mayor of Plaridel, Misamis Occidental. He has been harassed since January 1988. (See 1989 CIJL report.) In 1989 and 1990, he continued to be labelled a "communist" by various military officers in the area. The military apparently suspects him of being sympathetic to the NPA for having refused to organise a unit of the paramilitary Citizens Armed Forces Geographical Units (CAFGU). (Clarete is the only town mayor in the province of Misamis Occidental who has not organised such a unit.) International and domestic human rights groups have documented human rights abuses by CAFGU members in many areas of the Philippines.

Frederico Gapuz: FLAG lawyer in Cagayan de Oro City, Misamis Oriental. During 1989, he received death threats from individuals believed to be members of the Armed Forces of the Philippines. He is currently under threat by the military, who have labelled him a "communist."

Gil Getes: Provincial Fiscal (prosecutor) of Bayugan, Agusan del Sur, and member of FLAG prior to joining the government. He was murdered at his home on the evening of 4 March 1990. It is believed that Getes was killed by CAFGU members for his prosecution of several individuals active in the CAFGU. The NBI is currently investigating the murder, though, as of July 1990, no one had been arrested or charged.

Eliodoro Gonzales: lawyer and lieutenant colonel of the Philippine military, assigned to the regional staff of the Judge Advocate General's Office (JAGO). On the morning of 9 October 1989, Gonzales was brutally slain at Galas, Quezon City, by three unidentified assailants. Gonzales may have been killed because of his work as a lawyer or for belonging to the military. It is alleged that he was killed by members of a Sparrow unit (assassin squad) of the Communist Party of the Philippines-New People's Army (CPP-NPA). The JAGO is the legal unit of the armed forces, working closely with the fiscals who prosecute cases in civil courts against alleged CPP-NPA members.

Solema Jubilan: lawyer in Kidapawan, North Cotabato and member of FLAG and PLLP. On 12 May 1990, the *Mindanao Cross* published an article in which an unnamed military source alleged that the orphanage run by Jubilan was a front for the fundraising activities of the Communist Party of the Philippines, and that some of the orphans were made to undergo guerilla training. On 22 May 1990, five anonymous telephone calls were made to staff members of Jubilan's office. Most of the callers directly threatened both Jubilan and her family with death. One caller reportedly said, "The Jubilans will be finished — their end is near — first Sol Jubilan." The allegations made in the newspaper and the death threats may have been intended to prevent Jubilan from continuing her work on behalf of the poor, trade unionists, tribal minorities, and suspected opponents of the government. She has received death threats since 1986, when her office door was etched with a death threat. Since 1989, there has been an upsurge in killings by military or military-backed forces of death threat recipients.

Marvic Leonen: lawyer in Quezon City, Metro Manila, and active member of FLAG. From May to June 1989, Leonen was apparently under surveillance by two vehicles parked outside of his house. (See 1989 CIJL report.) In 1990, he continued to be the subject of harassment. On 21 April 1990, unidentified persons broke into his home; Leonen's case records and files, mainly FLAG-related, and computer diskettes were strewn on the floor. Only his gold watch and bicycle were stolen.

Inocencio Pagalaran: lawyer and FLAG Regional Coordinator for Region X-C, Northern Mindanao. In April 1989, following the March 1989 murder of Pastor Minda Gran, Pagalaran was told by soldiers that he would soon follow Pastor Gran to the grave. He has abandoned his law practice and he and his family have fled their home. As of July 1990, they had not returned. (See 1989 CIJL report.)

Pepito G. Rivas: lawyer in Catarman, Northern Samar, and FLAG Regional Coordinator for Eastern Visayas. In June 1990, a member of the military informed Rivas that he was targeted for assassination, and warned him against travelling to outlying towns of Samar, as an attempt against his life would be made there. In March 1989, Oscar Tonog, another prominent FLAG lawyer in Samar, was killed outside of his home by an unidentified gunman. (See above, and 1989 CIJL report.) It is believed that Rivas was to have been murdered at the same time as Tonog.

Olegario Santisteban: FLAG lawyer in Iloilo City, Iloilo, in the Visayas. He has received periodic threats from the military. In August 1989, during public meetings in rural neighborhoods in the province of Iloilo, the military announced several times their plan to eliminate Santisteban whom they had blacklisted as a communist.

SINGAPORE



Teo Soh Lung

Teo Soh Lung: lawyer, officer of the Singapore Law Society and founding member of its Criminal Legal Aid Scheme, a project to provide legal assistance to the poor. Teo has also provided legal services to the Catholic Center for Foreign Workers and is an active campaigner for human rights. Until her release on 1 June 1990, she spent just over two years in solitary confinement without ever being charged or tried.

Teo was among 22 persons arrested in May and June 1987 under the Internal Security Act (which allows detainees to be held indefinitely without charge or trial) for alleged involvement in a Marxist conspiracy to undermine the government of Singapore. She was released in September 1987, subject to restrictions on her freedom of movement and association. Teo and eight other of the original detainees were rearrested in April 1988, again under the Internal Security Act, after they issued a public statement describing their alleged mistreatment while in detention and reiterating their innocence against accusations that the government continued to level against them after their release. They also reaffirmed their belief "in an open and democratic polity and in the virtues of an open and accountable government." In October 1988, Teo's lawyer, British Queen's Counsel Anthony Lester, filed a writ of *habeas corpus* seeking her release. Similar writs were filed on behalf of three other detainees. In early December, the Chief Justice of the Court of Appeal ordered that the four be released. In accordance with the court's ruling, the four were released from the detention centre where they had been held, but were re-arrested by Internal Security Department officers within minutes and issued with new detention orders, apparently with an expiration date identical to the orders declared unlawful by the appellate court.

In January 1989, the government amended the Constitution and the Internal Security Act to prevent the courts from declaring detentions under the Act illegal. The amendments also eliminated the courts' power to review decisions by the executive to detain an individual under the Internal Security Act. The right of appeal to the Judicial Committee of the Privy Council in the United Kingdom, previously Singapore's highest appellate court, was also abolished.

On 20 February 1989, the Singapore Controller of Immigration informed Teo's lawyer, Anthony Lester, that he had been barred from practising law in Singapore as of March 1989. The letter to Lester stated that Lester had interfered in Singapore's domestic politics at a December 1988 forum by criticising Singapore's government, courts and judges. Additional government statements said that Lester had been banned because he had "campaigned for his client in Britain." Lester was told that he would be allowed to represent Teo at a 6 March hearing, but that he would not be given an employment visa to extend his stay. (British Queen's Counsel may practice law in Singapore only with the permission of the Singapore government.)

In April 1989, the Singapore High Court rejected Teo's appeal for a writ of *habeas corpus*. On 17 June 1989, the government extended her detention order for an additional year. Meanwhile, in March 1989, the other three detainees had dropped their *habeas corpus* petitions and were promptly released, though they were placed under a restriction order that limited their freedom of movement and association. Teo's appeal on a writ of

habeas corpus to the Singapore Court of Appeal was heard from 13 to 17 November 1989. In a reserved judgment on 3 April 1990, the Court of Appeal upheld the High Court judgment, ruling that her detention under the ISA could not be challenged. She was held in solitary confinement at the Whitley Road Detention Centre until her release on 1 June 1990.

Teo was released on several conditions: she is forbidden to issue public statements, associate with former political detainees, hold office, or participate in the activities of any organisation without the government's permission. She is also barred from travel outside Singapore without the written consent of the authorities. After her release, the government denied her request for permission to leave Singapore for a holiday in either Australia or London. Her ability to practice law is uncertain, given the conditions of her release.

Francis Seow: lawyer, former president of the Singapore Law Society and former Solicitor General of Singapore. He served as defence counsel to several of the 22 persons detained without trial in 1987 (see above). He represented detainees Teo Soh Lung and Patrick Seong after their rearrest in April 1988. Seow was arrested himself, a few hours after filing petitions of *habeas corpus* for his clients. The Government purported that its reason for Seow's arrest was to examine his dealings with United States officials, as part of an investigation of United States efforts to influence Singapore politics, a claim discounted by local human rights groups.

Seow was released on 16 July 1988, subject to restrictions on his freedom of movement and association. On 11 August 1988, he was charged with several counts of income tax evasion, the evidence for which appears to have been gathered from materials seized from his office after he was arrested in May. Before his trial in December 1988, Seow travelled to the United States for a series of human rights meetings and to undergo medical treatment for his heart condition. While there, his cardiologist told him that he should not return to Singapore. Having followed the doctor's advice, Seow was tried *in absentia* and found guilty of most of the charges. Because of the size of the fine on the first count, he was disqualified from serving as an unelected member in Parliament. A warrant for his arrest was issued on 22 May 1989. While in the United States, from December 1988 to January 1989, Seow was followed by private detectives allegedly hired by the Singapore government to monitor his movements. According to Human Rights Watch, agents of the Singapore government continued to harass Seow in the United States. For example, Seow was served with an arrest warrant by a United States district court after failing to appear in Singapore to answer the latest in a series of income-tax charges. Singapore officials also publicly attacked Seow and his physician's conclusion that he was too sick to return to Singapore to face charges in the Singapore courts.

SOMALIA



Ismail Jumaale Ossobleh

Ismail Jumaale Ossobleh: perhaps Somalia's most prominent human rights attorney, former head of the official Somali Lawyers Corporation and Minister of Information prior to 1969. In 1982, 1986, and 1988, he represented defendants in important political trials. Ossobleh long sought to promote human rights in Somalia, and to establish an independent bar association. He was imprisoned for several years after the 1969 coup which brought President Siad Barre to power. Ossobleh was again arrested in 1989 several days after taking part in a meeting with President Siad Barre to demand improvements

in human rights practices and increased political freedoms. Four soldiers and one major entered his house at 3:00 in the morning on 13 July arresting him for "anti-régime activity," and telling him that he would be informed of his offences at trial. They inspected his house, taking letters from various organisations. Ossobleh was taken directly to a prison, but was kept outside a cell in a hallway, after a doctor who was summoned to the prison attested to Ossobleh's high blood pressure. The following day, his office was inspected, but his colleagues, who had learned of his arrest, had removed all documents during the night.

Deemed a "prisoner of conscience" by Amnesty International, Ossobleh was detained for three months in National Security Service (NSS) headquarters before being returned to his house, without charge or trial, on 21 October 1989, the 20th anniversary of President Barre's accession to power. Two weeks after his release, Ossobleh received a telephone call from President Barre, who denied any role in the arrest, and told Ossobleh that the NSS had arrested him on the basis of witnesses' accounts that he committed crimes against the government. In the end, no one took responsibility for Ossobleh's arrest and 110 days of detention. In conversations with the CIJL, Ossobleh reported that all lawyers in Somalia have limited their activities in fear of reprisals from the government.

Ossobleh left the country to receive medical treatment just before a "manifesto" calling for reform and political reconciliation, prepared by Ossobleh and other prominent Somali leaders and signed by 114 people, was presented to the President on 15 May 1990 (*Mogadishu Manifesto No. 1*). On 10 and 11 June, 50 leading opposition figures were arrested. The two other practicing attorneys who signed the manifesto, **Shekh Ali Mohamed** and **Mumin Omar Ahmed**, have fled the country fearing arrest. On 15 July, all those arrested in connection with the Mogadishu Manifesto No. 1, the "Manifesto Group," were tried on capital charges. They were acquitted on the basis of insufficient evidence and released. Police reportedly shot and wounded several people who were demonstrating outside the court during the trial.

Ossobleh died in Rome on 22 July 1990 from a heart attack. More than 500,000 people attended his funeral in Mogadishu.

SOUTH AFRICA

Brian Currin: civil rights lawyer and national director of Lawyers for Human Rights, based in Pretoria, which monitors human rights and engages in litigation on behalf of abuse victims. Currin has frequently received threats and been harassed. In September 1989, while he was in New York attending a seminar, Currin's wife received a telephone call threatening her life and the lives of their children. The caller seemed to possess substantial information about the Currin family's personal life. In October, soon after Currin's return to South Africa, members of a right-wing group entered his home around midnight. They spray-painted death threats on his front wall, threw a brick through a window of a car that was parked in the driveway, and shot a harpoon onto the property which had a death threat attached to its point. In early December, two white men in plain clothes were caught on Currin's back wall by his neighbour. Carrying two-way radios, the two men were apparently monitoring Currin and his family's movements. When the neighbour confronted them, they advised the neighbour that they were engaged in a highly sensitive secret military operation and that they were part of military intelligence. They requested that Currin's neighbour not report on the incident, given the circumstances. They also asked if the neighbour knew Currin. It was later revealed that the two men were part of the South African Defence Force (SADF).

Pius Langa: defence lawyer in the "Rainbow Terrorism Trial" of fourteen people charged with terrorism in Cape Town, had shots fired at his home in early August 1989. Another advocate in the Rainbow Terrorism Trial, Johnny de Lange, had received anonymous death threats on the telephone in February 1989. The next morning, de Lange found his car spray-painted with crude red symbols depicting the far right-wing Afrikaner Weerstandsbeweging symbol and the swastika; the car's tires had been slashed.

Yunus Mahomed: lawyer, member of the Natal Law Society, member and former secretary of the Natal Branch of the United Democratic Front (UDF). He was served a restriction order, issuing from the South African Minister of Law and Order, Mr. Adrian Vlok, on 4 October 1988. The restriction order prohibited Mr. Mahomed from traveling beyond the immediate Durban area at any time without police consent. It also prohibited him from taking part in UDF activities or "contributing, preparing, compiling or transmitting in any manner whatsoever any matter for publication in any form ..." without the written permission of the police. Under the State of Emergency regulations Mr. Mahomed had no legal recourse to challenge the restriction order. Yet the limitations obstructed his professional activities considerably. Such obstructions were aggravated by government harassment. In January and February 1989, for example, his home and office were searched, and computer disks seized and returned only later. The second time, the computer itself was removed. Subsequently, Mr. Mahomed obtained an injunction preventing search or seizure of his computer apparatus unless he was present. The restriction order was re-issued in June 1989. In September 1989, he was charged with violating the restriction orders by being outside the area to which he was restricted without the written consent of the police. In February 1990, the restrictions on Mahomed - together with those on some 600 other people including prominent former political prisoners - were lifted. However, the Attorney-General reportedly informed Mahomed that prosecution against him would continue because his offense was committed before the orders were lifted.

MacDonald Netshitenzhe: legal assistant and coordinator for the Mulweli Counseling Center, which provides legal aid and advice, was detained in early September 1989 at the Tshikondeni mine in Venda when he went there to consult with a group of miners. He was released with other Venda detainees on 29 September, following a hunger strike.

Bulelani Ngcuka: human rights lawyer, executive member of the United Democratic Front and consultant for two years at the ILO. Arrested on 28 August 1989, he was detained under emergency regulations for his activities in the nationwide campaign of defiance against the race laws in South Africa, and for his protest against the 6 September 1989 elections from which blacks were excluded. On his release in mid-September, he was served with an order restricting his movement and activities. These restrictions preclude him from participating in any activities of the United Democratic Front, or from joining any gathering. He may not go outside the magisterial district of Wynberg at any time, or beyond the boundaries of 15 Luvuyo Street, Malanga Park, Guguletu between the hours of 8:00 p.m. and 6:00 a.m., and must report daily to the police.

Seth Azhihangwisi Nthai: attorney, lecturer at the University of the North, and regional director of the Pretoria-based Lawyers for Human Rights. Nthai was detained on 15 August 1989 and released and "restricted" on 9 September. At the time of his arrest, he was providing legal advice to lawyers working on the case of Joyce Mabudafhasi, member of Descom, the Detainees Support Committee. (Descom is a nationwide network of locally-based groups, affiliated with the Detainees' Parents Support Committee, which monitors detentions and lends support to detainees' families.) Nthai was also advising on a court action against the presence of security police on Turfloop campus.

Dullah Omar: civil rights attorney, office bearer of the United Democratic Front, and lawyer for Nelson Mandela, was the subject of an assassination plot by South African hit squads in mid-1989. A member of the Civil Co-operation Bureau (CCB) admitted to the plan to kill Omar before a judicial commission that was making inquiries into CCB activities. (The CCB, an arm of the defence force in South Africa, operated against anti-apartheid organisations and individuals.) The CCB had planned to stab Omar in a fake robbery and then shoot him with a Soviet pistol to make it appear as if the assailants were left-wing elements. If that failed, the CCB had planned to kill Omar by inducing a heart attack by switching his heart tablets. Omar has since left the bar, and is currently director of the Community Law Center at the University of the Western Cape.

J.B. Sibanyoni: human rights lawyer in the "homeland" of KwaNdebele. Sibanyoni was detained on 28 June 1990, and arrested for allegedly harbouring guerillas. Sibanyoni has represented people arrested in connection with a consumer boycott in Bronkhorspruit, as well as the ANC and its allied organisations, and COSATU, the country's largest union federation. At the time of his detention, he was serving as one of the attorneys in actions against the Minister of Law and Order arising out of police misconduct, and as defence counsel in the ongoing Delmas 3 trial in which the defendants are charged with plotting to overthrow the government. Sibanyoni has been actively involved in community affairs in KwaNdebele, as chair of the Ekangala Civic Association and treasurer of the local chapter of the National Association of Democratic Lawyers (NADEL).

On the morning of his arrest, Sibanyoni had been instructed to represent two clients, Tshepo Matlala and Sello Mathebe, who had been detained on the previous day. By coincidence, he ran into the clients on their way to appear before a magistrate in

Mkobola, KwaNdebele. Matlala and Mathebe asked Sibanyoni to intervene on their behalf, claiming that they were being forced to make a statement against their will. The police and the magistrate reportedly declined to cooperate with Sibanyoni when he approached them on the matter. Sibanyoni was arrested that night by security police, who also searched his house without a warrant.

On 3 July 1990, an urgent application for Sibanyoni's release was brought. In opposition, the police claimed that Sibanyoni had been recruited by Mathebe for subversive activities and that he had harboured Mathebe in his home. His lawyer also reported that Matlala and Mathebe apparently made incriminating statements about Sibanyoni, against their wishes, before a magistrate. Sibanyoni, too, was allegedly pressured to make statements before a magistrate and others, being told that if he refused he would be placed under the Internal Security Act. (Initially held under the Criminal Procedures Act, which mandates that detainees appear before a court within 48 hours of arrest, Sibanyoni was placed the next day under detention under Section 29 of the Internal Security Act which allows for indefinite detention. He was later charged with harbouring an African National Congress guerilla.) Since 29 June, the authorities have denied all persons, including his lawyer, access to see him.

On 6 July, the Pretoria Supreme Court dismissed (with costs) the application for his release. At the time of the application, he was being held at the Pretoria Central Police Station, though his place of detention is currently unknown. Applications by Sibanyoni's lawyer to the Ministry of Law and Order and the Commission of Police for permission to see him have gone unanswered. According to Amnesty International, "in view of Mr. Sibanyoni's background as a human rights lawyer and local community activist, he may have been imprisoned on account of his professional activities as a lawyer and is probably a prisoner of conscience".

Sibanyoni was the subject of further harassment, when, on 29 June 1990, his landlord terminated his office lease, and (unsuccessfully) moved for summary judgment to evict him. He has reportedly previously received death threats from the white supremacist "Wit Wolwe."

James Sutherland: Johannesburg attorney. He was declared *persona non grata* in the bantustan ("homeland") of Bophuthatswana on 20 July 1989, shortly after obtaining a court order granting him access to his clients. Sutherland's clients, residents of Braklaagte and Leeufontein, were fighting incorporation into the bantustan, and had been detained.

Raymond Suttner: lawyer, law lecturer at the University of Witwatersrand, and leading advocate of the "Freedom Charter." Suttner was placed under a restriction order upon his release from prison in 1988, after 27 months of detention, 18 of them spent in solitary confinement. The restriction order prohibited Suttner from leaving his house between the hours of 6:00 p.m. and 6:00 a.m., obliged him to report to the police daily, restricted him from entering any educational institution or participating in activities of the United Democratic Front and various other organisations, and barred him from meeting with more than four people to discuss any matters. In November 1989, despite the order, he travelled to Zimbabwe and the United States. The restrictions were lifted two months later, in February 1990.

SPAIN

Jaime Sanz de Bremond and **Fernando Salas**: lawyers, Vice-President and President of the Association against Torture in Spain. Sanz de Bremond and Salas were victims of an apparent assassination attempt on 5 December 1989, when 5 kilograms of explosives were discovered under a car in front of their offices. The GAL (Anti-terrorist Liberation Group) claimed responsibility for the attempt and allegedly repeated its threats against the lives of Sanz de Bremond and Salas. Salas represents the civil complainant in a Madrid prosecution against senior police officials suspected of being organisers of the GAL. Sanz de Bremond had, in a previous case, proven the guilt of a policeman in the murder of a suspected criminal. The GAL has recently become reactivated, claiming responsibility for the 20 November 1989 assassination of a member of parliament from the Basque Independent Coalition.

On the weekend of 4-5 August 1990, Sanz de Bremond and Salas received the following death threat on Bremond's answering machine: "Don't think you are safe....don't forget you are condemned to death and, as such, the sentence will be carried out. A few of us are still free. This [threat] extends to Fernando Salas. Salas as well as you are going to fall, and soon." Sanz de Bremond informed the court before which he was appearing of the threat and provided the court with a copy of the taped message. Sanz de Bremond claimed that he recognised the voice on the message as belonging to Angel Duce, a policeman who has been detained for his involvement in the bombing death of a Basque separatist deputy at the Alcalá hotel in Madrid. The judge in charge of the case, Baltasar Garzón, also received telephone threats over the weekend from what appeared to be the same source.

SRI LANKA

In the past year, lawyers in Sri Lanka were often the victims of violent attacks both from government paramilitary forces and armed opposition groups. In its annual report, the Bar Association of Sri Lanka (BASL) stated that:

The practice of the law itself was made the target of attack. Many of our members who accepted briefs to challenge the denial of fundamental rights found themselves at the receiving end of mortal threats. Some were removed from our midst with violence. Others had to seek safer havens abroad.

The cases below discuss ten murders of lawyers and twelve other cases of harassment. In addition, there were reports of at least 20 other lawyers who were threatened with death to prevent them from continuing their work on *habeas corpus* petitions on behalf of "disappeared" prisoners and others arrested in southern Sri Lanka. These lawyers wish to remain unnamed: some are still in Sri Lanka and fear repercussions from any publicity; others have left the country, but fear reprisals to family members still in the country.

According to the Sri Lankan General Council of the Bar, there were 1500 *habeas corpus* petitions pending before the Court of Appeal in Colombo (where all such petitions must be filed) in March 1990. There was a marked increase in the number of *habeas corpus* petitions, particularly in the south, filed between 1985 and 1989, reflecting a growing problem of arbitrary detention. (There were 29 filed in 1985; 188 in 1986; 298 in 1987; 476 in 1988; and 431 for the first eight months of 1989.) Many people have been discovered in detention only after *habeas corpus* petitions have been filed. Currently, however, individual lawyers have virtually stopped filing new writs of *habeas corpus* out of fear of reprisals, particularly after the murder of Charitha Lankapura (see below). This function has been partly taken over by the BASL and civil liberties groups.

An upsurge in death squad killings over the past year coincided with the reimposition of the state of emergency on 20 June 1989 as a response to widespread violence by the the *Janatha Vimukthi Peramuna* (People's Liberation Front; JVP). (In January 1989, President Premadasa had lifted the state of emergency imposed since 1983) The government reported 6,517 killings by the JVP between 1987 and mid-March 1990. According to Amnesty International, following the reimposition of the state of emergency, "government security forces did little to conceal their resort to widespread murder." Due to the lack of judicial inquiries into these killings, it is often difficult to assign responsibility.

Bringing to justice the perpetrators of violent acts — against lawyers or others — has presented serious problems. Only in exceptional cases, where the victim was well-known or the case widely publicised, were extrajudicial executions in Sri Lanka the subject of official inquiries. Police inquiries have rarely been successful in identifying suspects. In addition, lawyers and witnesses involved in investigations have been threatened and warned that they will be killed if they continue to press charges or testify about allegations of human rights violations by security personnel. Some have been killed in the apparent effort to prevent the prosecution of security forces personnel. After the death of Kanchana Abhayapala on 28 August 1989 (see below), the Bar Association met with President Premadasa on 4 September 1989, urging the Government to appoint a Commission of Inquiry headed by a judge Supreme Court Judge to inquire into and report on the killings. Subsequent to this appeal, three other lawyers were killed,

but Commissions of Inquiry were not appointed and no suspects were brought to court. At its meeting with the President, the BASL also suggested that the government invite the International Committee of the Red Cross to Sri Lanka; the Government did later invite the ICRC to Sri Lanka to trace missing persons.

The year 1989 began with tense relations between the legal profession and the police. After the killing of Wijedasa Liyanarachchi on 3 September 1988, the Bar Association of Sri Lanka passed a resolution barring its members from providing legal assistance to any police officer until those responsible for Liyanarachchi's death were brought to justice. (Liyanarachchi had represented suspected members of a guerilla movement; he died from severe injuries received during detention. The trial of the Superintendent of Police and three police officers indicted for Liyanarachchi's murder has been delayed because of the difficulty the defendants have had in obtaining counsel. Previous counsel, Ian Wickramanayake, resigned after a murder attempt against him. He had received a warning not to act in the case. Then, on 1 April 1989, Wickramanayake was attacked at his home by JVP gunmen. He escaped and went into hiding. The trial for Liyanarachchi's murder was scheduled to begin on 1 December 1989. On 6 June 1990, the case was postponed until 25 July 1990, in response to a motion by one of the accused.)

After the election of a new Bar Association president in March 1989, the BASL called upon President Premadasa to discuss the problems with the police. President Premadasa then requested Earnest Perera, Inspector General of Police, to help resolve the problem amicably. Perera issued a directive in April 1989 to the police which included guidelines for police action in the event of the detention of a lawyer.

After the killings of Charitha Lankapura on 7 July 1989 and Kanchana Abhayapala on 28 August 1989, the attack on Ian Wickramanayake, and the death threats to Prins Gunasekera, the BASL on 6 September 1989 sent a memorandum to President Premadasa. It commented:

Today the administration of justice is in serious jeopardy. This is because the legal profession which plays an important and integral role in the administration of justice is under threat. Lawyers are officers of court in law as well as in fact, and if they are under threat they can no longer function effectively.

The Bar Association called on President Premadasa to condemn the killings and the threats to lawyers, to obtain the expertise of the United Nations on the protection of practising lawyers, to appoint a Commission of Inquiry into the death of Kanchana Abhayapala, and to ensure government co-operation with the Bar Association in protecting lawyers. As a result of the memorandum, the President publicly condemned the killing of lawyers, but no Commission was appointed.

After a series of meetings with government officials and resolutions by the Bar Association, the government agreed on 15 January 1990 to provide compensation to families of the lawyers killed. A spouse of a lawyer would receive US\$1,300 and other next of kin would receive US\$650. In late January 1990, however, tensions again rose when Foreign Minister and State Minister for Defence Ranjan Wijeratne alleged that funds received by BASL from abroad had been channeled to subversives. The Bar Association stated that the funds, received from the governments of Australia and Canada and international non-governmental organisations, supported its work "to provide legal assistance for persons pursuing legal remedies for the alleged violation of constitutionally guaranteed human rights." The Minister withdrew the allegations and apologised to bar officials.



Kanchana Abhayapala

Kanchana Abhayapala: lawyer who had filed numerous *habeas corpus* petitions on behalf of people alleged to have been detained illegally or who had "disappeared." On 28 August 1989, he was killed by an unidentified gunman who came to his home and shot him twice in the chest as soon as he opened the door. His father, who was standing behind him, was seriously injured by the same bullets. He had received death threats in early July from anonymous callers who warned him to stop filing *habeas corpus* petitions and who claimed to be responsible for the murder of Charitha Lankapura (see below). One caller warned him, "We have killed Lankapura. We have three others in our list, especially you and Prins Gunasekera. Hereafter if you appear for one single *habeas corpus* application for JVPers you will be killed. Remember one single *habeas corpus* application.

This is the final warning we are giving you." He did not file any *habeas corpus* petitions following the threat. There has been no independent investigation by the government, despite numerous appeals by the BASL and domestic and international human rights groups.

A.B. Attanayake: lawyer. In August 1989, he was abducted from his boarding house. An anonymous caller informed the Secretary that Attanayake was in their custody. He was later dropped off, blindfolded, near the residence of a BASL officer, after appeals by BASL officials to the Secretary to the Minister of Defence and the Service Chiefs.

Rohitha Bulathwala: lawyer. He was a research assistant to a judge of the Court of Appeals and a member of a panel of lawyers providing legal aid to the Movement for Interracial Justice and Equality. He was arrested at his residence at Negombo on 11 September 1989. The Negombo Bar Association contacted the President of the Bar Association who in turn appealed to the authorities for his release. Bulathwala was released two days after he was arrested.

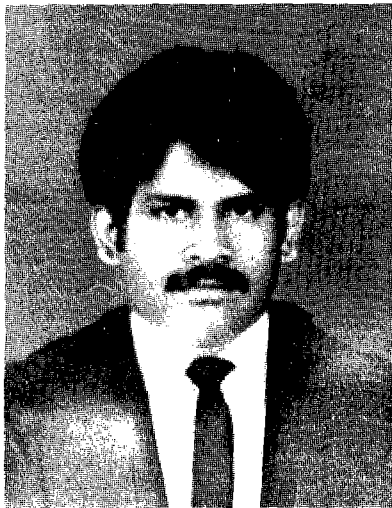
Dharmadasa Gomes: lawyer. He has received death threats from anonymous callers, apparently for his filing of numerous *habeas corpus* petitions on behalf of persons detained and "disappeared." The callers have warned him to stop filing *habeas corpus* petitions.

Prins Gunasekera: lawyer. He has filed numerous petitions on behalf of persons who alleged that they were illegally detained and those who have "disappeared" while in the custody of the security forces. In July 1989, Gunasekera was threatened that if he continued to file *habeas corpus* petitions, he would be killed. On 18 August 1989, a caller reportedly claimed that human rights lawyers were "getting members of the army and the police killed" by Sinhalese militants and warned that this would not be allowed to continue. The caller also claimed responsibility for the death of Charitha Lankapura (see below). In the light of the death threats and the killing of Lankapura and Kanchana Abhayapala (see above), two human rights lawyers who worked with him, he left Sri Lanka in early September. He was granted asylum in the United Kingdom in October. In January 1990, the Foreign Minister and State Minister for Defense, Ranjan Wijeratne, accused Gunasekera of directing a propaganda campaign to discredit the Sri Lankan government.

Sanath Karalliyadda: lawyer and member of the non-governmental human rights organisation, the Kandy District Citizens Committee. He had appeared in many cases against the police. Karalliyadda was abducted the evening of 26 October 1989 by armed men in Kandy. Witnesses said that one of the men was wearing an army uniform. The morning after he was abducted, Karalliyadda's body was found by the side of the road about half a mile from his home; he had been shot with a pistol, and 19,000 rupees (\$US494) and some jewellery had been taken from him. On the day of his funeral, several posters in Karalliyadda's hometown warned people, especially lawyers, that they faced death if they attended the funeral. The posters were signed "*ratu makara*" (Red Dragon), the name of a "vigilante" group in the Kandy area. The BASL has called for the appointment of a Commission of Inquiry to investigate the murder.

Karalliyadda had been the attorney for the family of a 16-year-old student who was shot dead by police during a June 1989 demonstration. Seven police officers are currently under investigation by the Teldeniya Magistrates Court for the boy's killing. Witnesses to the killing, including Karalliyadda's clerk, Sena Rankothge, and another lawyer's clerk, Edward Kulatunge, have also been killed. At least two others who gave evidence against the police at the inquiry have been reportedly abducted and killed.

The senior lawyer in this trial, **Parakrama Ranasinghe**, has also received death threats. He and at least one other lawyer who has appeared at the magisterial inquiry have repeatedly been sought out by groups of armed men wearing civilian clothes. (For safety reasons, the name of the second lawyer is withheld.) The two lawyers went into hiding and subsequently left the country. The magistrate who conducted the inquiry, **Neil Perera**, is also said to have gone into hiding. Karalliyadda was also involved in the investigation of Wijedasa Liyanarachchi's death in custody. (See 1989 CIJL report.)



Charitha Lankapura

Charitha Lankapura: lawyer, known for the hundreds of *habeas corpus* petitions he filed on behalf of persons in southern Sri Lanka who had disappeared after arrest by the Sri Lankan security forces or who alleged that their detention was illegal. He was killed at about 2 p.m. on 7 July 1989 at his boarding house in Slave Island, Colombo, by two gunmen in civilian clothing who shot him in the neck from an open window. Before his death, Lankapura had received anonymous death threats on the telephone. The callers had warned him to stop filing writs of *habeas corpus*. Police have begun an investigation, but there has been no independent inquiry board set up and no arrests for the murder. Soon after Lankapura's death, two lawyers who worked closely with him, Kanchana Abhayapala and Prins Gunasekara (see above), received death threats from an

anonymous caller who claimed responsibility for Lankapura's death and warned them that if they did not stop filing *habeas corpus* petitions, they would also be killed.

Neville Nissanka: lawyer practising in Gampala. On 3 October 1989, he was abducted by unidentified persons. The next day, his dead body was discovered in front of his house.

Ranjith Panamulla: lawyer who has received death threats from unidentified callers who have warned him to stop filing *habeas corpus* petitions on behalf of illegally de-

tained and "disappeared" persons.

Sam Tambimuttu: Tamil lawyer, Member of Parliament, and a spokesperson for the Parliamentary Human Rights Group in Sri Lanka. He was killed in May 1990, when gunmen on motorcycles fired at close range into his car. His wife, Kala, who was traveling with him, was also shot; she died later from her injuries. The murders occurred outside the Canadian High Commission in Colombo. Tambimuttu had just obtained a visa to visit North America and the United Kingdom to meet with human rights groups to discuss human rights violations in Sri Lanka, including the latest attacks by the Liberation Tigers of Tamil Eelam (LTTE).

Batty Weerakoon: lawyer, trade unionist, and leader of the *Lanka Sama Samaja Party* (LSSP). On 30 May 1990 and 1 June 1990, he received death threats because of his representation of Dr. Manorani Saravanamuttu in a magisterial inquiry into the abduction and killing of her son, Richard de Zoysa. After his investigation into the case, Weerakoon was convinced that de Zoysa, a broadcaster, journalist and actor, was killed by police personnel in Colombo. On 30 May 1990, an anonymous caller told Weerakoon that he should not attend court on 1 June because the "procedures related to the death of a traitor."

On 1 June, upon returning home from court, Weerakoon received a letter from the "Organisation for the Protection of the Motherland" which said:

Action to win human rights for people who have been traitorous to the country is itself traitorous action. Therefore please be warned that your life rests on the manner in which you react to this letter. Neither the security forces nor the police nor any other groups can protect you. It is only your silence on the matter stated above that can protect you.

The government appointed armed security for Weerakoon and, in a letter to the Civil Rights Movement of Sri Lanka, the Secretary to the President stated that the President had directed that "those responsible for the death threats on him should be apprehended and dealt with according to the law." However, those responsible for the threats have not been identified, nor has any in-depth investigation been undertaken. In addition, two plainclothes officers assigned to protect Weerakoon have themselves received death threats. On the morning of 22 June 1990, two letters addressed to the police officers by name arrived at Weerakoon's house. The letters warned the guards to leave Weerakoon, or face death. The BASL informed the Inspector General of Police (IGP) of the threats and that no police inquiries had been made on the threats. The IGP said that he would see if security could be increased that night and would look into the lack of inquiries.

In a 25 June letter to the police, Weerakoon asserted that the specific nature of the death threats suggested that the threats came from within the police. On 28 June, a letter from KHJ Wijayadasa, Secretary to the President, stated that the President acknowledged receipt of Weerakoon's letter and would take appropriate action concerning the threats to Weerakoon and his security guards. On 8 July 1990, Superintendent of Police (Colombo South) Lal Ratnayake and Assistant Superintendent of Police Ignatius recorded Weerakoon's statement on the death threats against him. They informed him that they were not investigating and had only been told to record his statement.

In recent times, Weerakoon has come under serious threat from the JVP. This is perhaps because of his leadership in the *Lanka Sama Samaja Party*, a legal left-wing party

that has worked within the democratic process. Sixteen of its members have been killed, allegedly by the JVP.

Weerasuriya: Colombo lawyer. He was arrested in October 1989 and released almost immediately. Despite inquiries by the BASL, the authorities were still unable to give an explanation for the arrest.

According to the Bar Association of Sri Lanka, the following lawyers were also harassed or killed in the past year. (Complete information was not available at the time of publication.)

Amirthalingam: lawyer killed by the Liberation Tigers of Tamil Eelam (LTTE). It is believed that he was killed because of his leadership in the Tamil United Liberation Front (TULF).

J.M.B.Bandara: senior lawyer, active member of the Communist Party. He appeared in numerous cases under the emergency regulations. He is believed to have been killed by the JVP, perhaps because of his political activism.

Jayatillake: lawyer in Kandy. He was abducted and detained blindfolded until his release, which was obtained through the intervention of the Bar Association.

C. Kotelawala: lawyer. He was abducted from his residence after the death of Neville Nissanka and questioned about Nissanka. Within a few days, Kotelawala was released, following protests by the Bar Association.

Leslie: lawyer, member of the Provincial Council of the LSSP Party. He handled cases under the emergency regulations and cases for a Roman Catholic organisation in the free trade zones. JVP militants entered his home in July 1989 and requested him to give up his political activities. When he refused, he was shot.

Metuwan Samarasinghe: lawyer attached to the Colombo Municipal Council. He was abducted in October 1989 from his quarters and kept blindfolded until his release.

Wijewickrema: Matara lawyer. She was taken into custody by the Akuressa Police. Later, the Secretary of the Bar Association of Sri Lanka was informed of her arrest. The authorities were contacted, and Wijewickrema was released.

Yogeswaran: lawyer and Member of Parliament. He was killed by LTTE.

SUDAN

Since the coup d'état on 30 June 1989, the new government has waged a virtual attack on the legal community. Among the régime's top priorities has been the undermining of the independence of the judiciary, through the replacement of the secular court system with a militant Islamic judiciary, comprised of government-appointed judges. The government has banned all legal and human rights organisations, including the Sudanese Human Rights Organisation, the Sudanese Bar Association, and the Sudan Legal Aid Association. On 6 July, the National Salvation Revolutionary Command Council (NSRCC) established military courts, presided over by army officers and following summary procedures, under which the accused had no right to defence counsel and which could impose capital punishment. Several prominent political leaders were tried and convicted by these "courts."

On 27 September, the government eliminated the special military courts, and replaced them with six new "Revolutionary Security Courts" along with one "Revolutionary Security High Court." Judges were to be appointed by the NSRCC, though it was not specified that they were to be army officers. Defendants were permitted defence counsel. In December, the government created new courts again, this time limiting the role of the defence lawyer. Lawyers could consult with their clients, but were not permitted to address the court directly or to argue in their clients' defence.

The Sudanese government's treatment of judges and lawyers occurs in the context of broader human rights abuses towards the civilian population at large. Immediately following the coup, the military authorities declared a state of emergency, banned all political parties, dissolved the constituent assembly (parliament) suspended the constitution, dissolved all trade unions and imposed curfew. Hundreds of unarmed civilians have been extrajudicially executed; the government has detained hundreds of people without charge or trial; and, as of December 1989, the special courts have the authority to impose Islamic law punishments, as favored by the country's Chief Justice, Jalal Ali Lufti.

On 31 July, a group of professional associations and trade unions, including the Sudanese Bar Association, the Association of Legal Advisors, and the Attorney General's Chambers, presented a memorandum to the government, protesting the ban on all non-religious organisations. The memorandum prompted the government to arrest many of the prominent signatories, including the president of the Bar Association (see below). Many of the judges and detained members of the Sudanese Bar Association have been reportedly held without charge or trial.

Within weeks of the formation of the new military courts, the government dismissed nearly sixty judges. What began as individual expressions of protest by secular judges against the new tribunals developed into strong opposition on the part of the judiciary. On 21 August, judges in Sudan organised a strike, leading to the government's removal of dozens more judges from the bench, and the detention of twenty. Four days later, on 25 August 1989, a general assembly of judges, convened to respond to the destruction of the rule of law, submitted a memorandum to the president of the governing military council containing six demands:

- The immediate cancellation of the military decrees by which military courts were set up, the immediate dissolution of those courts and the annulment of all decisions and sentences by those courts.
- The cancellation of the military decree by which an Office of Complaints was estab-

lished and the annulment of all steps taken by that office.

- Assurances that the regime recognise the independence of the judiciary, the rule of the law and the separation of powers.
- An immediate return to the ordinary courts of the cases transferred to the military courts.
- Non-interference by any government body or authority in judicial affairs.
- No alteration in the legal system and the governing laws unless due studies are made and the representatives of all the judges at all levels are represented.

By 27 August 1989, 58 judges had been removed from the bench. They included:

Supreme Court Judges: Hakeem Al-Tayeb; Sayed Abdalla Attoam; Salih Al-Sharif; Al-Tahir Zain Al-Abdin; Hassan Mahmoud Babiker; Abd El Aati Al-Asad; and Obied Gismalla.

Appeal Court Judges: Nadir Al-Sayed Abbas; Al-Rayyah Widatalla; Abd Elhafiz Al-Fadl Al-Hassan; Kamal Eddin Ali Suleiman; Alamin Al-Tayeb Abu Qanaya; Abderahman Mohammed Abdelsadik; Ibrahim Ali Gadalla; and Hassan Fath Al-Rahman Al-Niel.

Provincial Judges: Mohammed Abdalla Ata; Mohammed Al-Hafiz Mahmoud; Mahdi Mohammed Agied; Babikr Al-Grayie; Abdelmoniem Khorasani; Hamza Amin Ahmed; Salah Hussein; Abdel Azis Hamatto; A'mna Awad Mahmoud; and Ahmed Al-Tigani Al-Tahir.

First Class Judges: Ahmed Ahmed Abu Bakr; Bashier Ahmed Al-Mustafa; and Abdelhameed Abdel Kadir.

Many judges also resigned, presumably in anticipation of their dismissal by the government. Though the precise total of judges dismissed is unknown, in September 1989 the National Salvation Revolutionary Command Council (NSRCC) reportedly had a list of 120 judges whom it intended to purge from the courts.

Legal Advisors Dismissed: in the aftermath of the coup, 12 legal advisors to the Attorney General's Chamber were dismissed from office: Mohammed Saeed Badr; Charlls Kerr; Abdin Osman; Farouk Hassan Ghariba; Abdalla Hassan Al-Sheikh; Al-Gaili Abdel-Fadeel; Omer Khairy; Mohammed Osman Tag Al-Sir; Hashim Faragalla; Abdel Aziz Mohammedani; Mekki Abbas Meeki Medani; and Omer Ibrahim Hassan.

Other Cases

Mustafa Abdelkadir: member of the executive committee of the now-banned bar association. He was arrested in August 1989 for his opposition to the government's suspension of trade union and other professional activities. He is being held without charge or trial in Kober prison in Khartoum.

Sadiq Al-Shami: member of the executive committee of the Bar Association and active member of the Sudanese Organization for Human Rights. He was detained on 30 June 1989 for his opposition to the government's suspension of trade union and other profes-

sional activities. He was released uncharged on 6 November 1989. He was rearrested in December and detained briefly at a secret detention site in Khartoum, where, according to Amnesty International, he was severely tortured. In late May 1990, Al-Shami was arrested once again and detained in secret place before being transferred to Kober prison.

Jalal el Din al-Sayed: deputy secretary of the Bar Association, was arrested on 29 July and held in Kober prison before being transferred to the high security Shalla prison.

Abddalla al-Hassan: president of the Bar Association, was put under restriction orders around 6 August after he and seven other trade union leaders had signed a memorandum submitted to the National Salvation Revolution Command Council (NSRCC) in late July protesting the suppression of trade unions and calling on the government to allow trade unions to participate in the drafting of a new trade union law. He was released from detention in early November 1989.

Said Issa: member of the Bar Association of Khartoum. Held without charge in Kober prison.

Kamal Al-Jazouli: member of the Bar Association. Detained on 10 August 1989 and held in Port Sudan.



Amin Mekki Medani

Amin Mekki Medani: executive member of the Sudanese Bar Association and vice-president of the Sudanese Organisation for Human Rights, was arrested on 7 September 1989 and held without charge in a prison in Port Sudan. He campaigned for human rights for many years and an end to the war in the south of Sudan. He taught at the University of Khartoum and has worked at the office of the United Nations High Commissioner for Refugees and at the World Bank. In 1985, he served as Minister of Construction and Housing. He has been an outspoken critic of Islamic Law punishments and advocated their removal from the penal code. He has been adopted as a "prisoner of conscience" by Amnesty International.

Saleh Mahmoud Mohammed Osman: member of the Bar Association of Nyala. Detained in coup aftermath. Place of detention unknown.

Motassim Ibrahim Sudan: member of Bar Association of Medani. Detained on 21 August 1989. Held in Kober prison.

Abdel Azim Awad Surur: member of the Bar Association of Khartoum. Held in Kober prison.

Abdel Rahman Azhari: lawyer. Detained in coup aftermath. Whereabouts unknown.

Hassan Hussein Mohamed: lawyer. Detained on 21 August 1989. Held in Shalla prison.

Ishaq al Gassim Shadad: former secretary general of the Bar Association, was detained in July or August.

TAIWAN

Frank Hsieh Chang-ting: human rights lawyer, who has represented defendants in important political cases. On 9 June 1989, he was sentenced to three years' imprisonment and three years' deprivation of civil liberties for insulting a government official in his public criticism of legislators who supported the National Security Law. He was also charged with being responsible for violence at a 12 June 1987 rally to protest the National Security Law. In accordance with the April 1988 amnesty, his sentence was reduced by half. He is appealing his sentence and is currently free.

Yao Chia-wen: human rights lawyer was barred from practising law and from serving in public office because of a 1980 conviction for organising a Human Rights Day rally in December 1979. He was detained from 1980 to January 1987. Under the 20 May 1990 amnesty, he had his civil rights restored, and was allowed to apply for permission to practice law. (Under certain sedition laws still in effect in Taiwan, persons charged with sedition are barred from practising law.) Yao was given permission to practice law in August 1990.

TANZANIA

Wolfango Dourado: ex-Attorney-General of the island of Zanzibar and former political prisoner. His licence to practice law was revoked in 1988, after he took on the case of 23 people facing criminal charges for involvement in a demonstration on the semi-autonomous island of Zanzibar on 13 May. He continues to be denied a licence.

Mwaikusa and Issa Shivji: attorneys. They were withdrawn in July 1989 from a case assigned to them by the legal aid committee of the University of Dar es Salaam to defend the former Chief Minister of Zanzibar, Seif Shariff Hamad. Hamad, arrested in May 1989, faced criminal charges for taking part in illegal meetings, having been sacked several months earlier for allegedly planning a coup with five other ministers. Mwaikusa and Shivji were withdrawn from the case in July 1989, apparently due to pressure placed on the legal aid committee by the Tanzanian authorities.

TUNISIA

Bachir Essid: Tunis-based lawyer and founder of the *Union démocratique unioniste* (Democratic Unionist Union). He was arrested on 15 September 1989 by five plainclothes policemen in his home, in front of his wife and children, though the police did not have the required arrest warrant. Over the years, he has defended trade unionists, students, and others charged with political offences. For ten days, police held Essid incommunicado in prison cells underneath the Ministry of the Interior headquarters, then moved him to a main prison. At first, he was subjected to continuous shining light, 24 hours a day. He was denied consultation with a doctor, despite a history of respiratory problems and allergies. Initially charging him with plotting to overthrow the government and insulting the president in a communiqué he allegedly distributed, the government has since dropped the former charge. Since his detention, Essid has not been permitted to consult with his lawyers privately, at times his home has been under surveillance by police, and he has been denied two requests for release pending trial.

Radhia Nasraoui: lawyer, was ordered on 19 August 1989 into the local police station for questioning by plainclothes police, two days after her court defence of the secretary general of a Tunisian opposition party. Since the police failed to produce a warrant upon her request, Nasraoui refused to accompany them to the police station, but agreed to go with them to the court, in the realisation that she was in effect under arrest. The charges against her included the spreading of false information likely to damage the public order and defamation of the security forces for her words in court on 17 August detailing the historical evolution of the law her client allegedly violated. After spending four days in a women's prison outside of Tunis, where she was restricted access to her lawyers, Nasraoui was released and the charges against her lifted.

TURKEY

In Turkey, tension continues between the government and the Istanbul Bar Association. Justice Minister Oltan Sungurlu asked the chief prosecutor in Istanbul to institute legal proceedings against the bar association for the dismissal of its executive board. The Minister argued that the board violated the law by reversing a decision of the former board to expel lawyer Alp Selek from the association after he had been sentenced to an eight-year prison term on charges of belonging to the Workers' Party of Turkey. After serving his sentence, Selek was released in 1986, but remained unable to practice law because of the conviction. The proceedings are scheduled to begin on 1 October 1990. Turgut Kazan, president of the Istanbul Bar Association vowed to fight the action, saying that "the Justice Minister has no authority to decide on which attorneys can perform their profession and which can not. Such an attitude would, in effect, give judicial power to the government." The Union of Turkish Bar Associations also stated that the Justice Minister had overstepped his authority.

Serhat Bucak: Kurdish lawyer who has defended many political prisoners, particularly alleged members of Kurdish organisations in Istanbul, Diyarbakir and other towns. His December 1987 passport application was denied in September 1988, which Bucak believes is due to his legal assistance to the Kurds. As of May 1990, Bucak was still not permitted to leave the country.

Halit Celenk: lawyer, head of the Human Rights Association's Committee for Free Expression, and the deputy president of the Turkish Law Institution (see 1989 CIJL report). He is known for his expertise on the Turkish legal system and his defence of left-wing dissidents. On 2 March 1990, the Turkish newspaper *Cumhuriyet* reported that he had been threatened a second time since the killing of Prof. Muammer Aksoy, the president of the Turkish Law Institution.

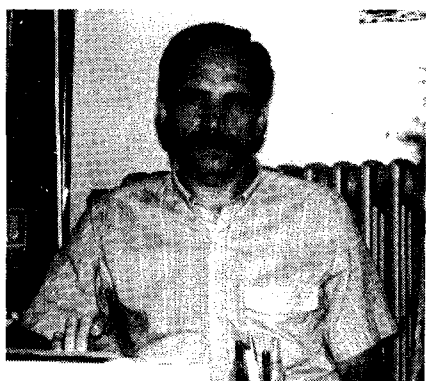
Orhan Dogan: lawyer and Cizre representative of the Human Rights Association. He has served as lawyer for inhabitants of Yesrilzrut village, allegedly tortured in January 1989. He also represents a group charged with participation in an illegal demonstration in March 1990. *Cumhuriyet* reported that a bomb exploded in the dustbin in front of Dogan's house on 22 June 1990 at 10:30 p.m. A few days before, the commanding officer of the gendarmerie unit that raided the village of Yesilzrut was convicted by a court in Ankara for ordering the ill-treatment of Dogan's clients. Although the officer received a sentence of two and a half months' imprisonment, it was commuted to a fine and suspended.

Zeki Ekmen: lawyer and president of the Turkish Bar Association. On 27 February 1990, he was seriously injured in an attack, following his representation of detainees in Batman. A few days later, a person was detained who claimed that he had assaulted Ekmen for his representation of the opposing side in a murder case against his brother. Ekmen told Amnesty International in May that he was certain that the secret police, the MIT, ordered the attack.

Fuat Erdogan: lawyer in Istanbul. He was detained on 7 May 1990 and taken to Ankara. Despite repeated requests, he was not allowed to see anyone. He was apparently

charged with membership in the illegal violent organisation *Devrimci Sol* (Revolutionary Left). Details of the evidence against him are unknown.

Hasan Sahin and Gürbüz Özaltinli: Ankara attorneys and members of the Human Rights Association in Turkey. They were detained between 28 May 1990 and 5 or 6 June 1990. During the first day of their detention, Sahin and Özaltinli were placed in a cold cell whose ceiling leaked. The two lawyers allegedly had to stand, with their feet in water, for 24 hours. According to reports by human rights groups, they did not receive the food their families brought for them. The prosecutor asked for their arrest as alleged leaders of the Turkish Communist Party (TBKP), under Article 141 (1), which calls for eight to fifteen years' imprisonment for founders and leaders of organisations whose objectives are to destroy the established order in the country. However, the arrests of Sahin and Özaltinli may have resulted from their actions as advocates for Nihat Sargin and Haydar Kutlu, president and secretary of the TBKP, respectively. The first hearing for Sahin and Özaltinli is scheduled for 2 August 1990. Statements to the police by other TBKP defendants describing their relationship to the two lawyers as one of friendship will reportedly be used against them.



Esber Yagmurdereli

Esber Yagmurdereli: blind lawyer who represented numerous defendants, including trade union leaders, in political trials in Bursa and the Black Sea region in Turkey in the 1970s. He has been in detention since 5 March 1978. At that time, arms were found in the possession of one of his clients. A search of Yagmurdereli's house and office turned up left-wing publications. Police found stolen gold and jewellery in the flat of a neighbor who alleged that the goods belonged to the Yagmurdereli. In the following days, several detainees "confessed", after prolonged incommunicado detention, to have stolen the goods on behalf of the illegal *THKP/C Acilciler-Halkan*

Devrimci Öncüleri (Turkish People's Liberation Party/Urgency Front - Vanguard of the People's Revolutionaries) and to have handed them over to their "leader," Yagmurdereli. It took more than seven years, including trial, appeal and retrial, before a final verdict was rendered against him. Virtually all the defendants alleged before the Samsun Criminal Court that their statements had been extracted under torture. Yagmurdereli also alleged that he was subjected to *falaka* (beatings on the soles of the feet), electric shocks, ice-cold water hoses and cigarettes extinguished on his body. He denied any connection with the goods or involvement in an illegal organisation, and stated that the charges were intended to prevent him from representing political prisoners. Although the prosecutor asked only for a conviction for hiding stolen goods, which carried a maximum prison term of three years, Yagmurdereli and five other defendants were convicted on 9 November 1979 of membership in an illegal organisation and sentenced to 36 years' imprisonment. The verdict was quashed on 9 July 1980 after martial law was established, and the case transferred to a Military Court. It was subsequently remanded to the same Samsun Criminal Court, which again convicted Yagmurdereli on 8 March 1985 without hearing further evidence. This time, however, he was sentenced under the more serious charge of leadership in an organisation trying to overthrow the government by force, and was sentenced to death. His sentence was commuted to life imprisonment. The verdict was later upheld. Yagmurdereli is currently serving his sentence in the high-security Bursa E-type prison.

Amnesty International called Yagmurdereli's trial "unfair" both because the Samsun Criminal Court did not investigate the claims of torture-induced confessions, despite the existence of corroborating medical reports, and because of "severe restrictions" on his right to present a defence, given that he was not in court for most of his trial and retrial.

On 12 February 1990, Yagmurdereli rejected an offer by the Minister of Justice for a pardon in view of his "ill-health," since a pardon would suggest an acceptance of the "unjust trials of 12 September" (following the military coup of 12 September 1980). He asked for a fair retrial instead. Yagmurdereli, who is also a short story writer, continues to write and won a national competition in 1986.

UNITED STATES OF AMERICA

In the past year, a judge and a lawyer were killed by bombs sent to them through the mail. Another judge was seriously injured by a similar type of bomb. One lawyer reported government harassment because of her defence of political activists. These cases are described below.

A significant development concerning the independence of the judiciary was the dramatic increase in the number of threats against members of the federal judiciary and federal prosecutors. The United States Marshals Service, assigned to provide protection to federal judges, court officials, witnesses, and jurors, has recorded a rising number of threats against judges and prosecutors:

October 1987 - September 1988: **220**

October 1988 - September 1989: **331**

October 1989 - 30 July 1990: **445**

The U.S. Marshals speculate that the increase is due to a rise in criminal cases and a growing number of drug-related cases. One Marshals Service spokesperson commented in response to the extraordinary nature of the two killings (described below) and the subsequent bomb sent to the Eleventh Circuit Court, "There were only two previous Federal judges killed in this century and in neither case was that action followed up with another attempt."

According to a report by the U.S. Marshals Service, approximately four out of ten threats directed towards the judiciary were made by individuals; roughly one-third of the total threats were made by incarcerated persons. In addition, "disturbed, impassioned, or criminally-oriented individuals" are responsible for 50 to 60 percent of the threats. The report also states:

Threats from drug-related, nontraditional organized criminal groups comprised the highest percentage of any of the groups identified as threat sources. Organizations responsible for threats in fiscal year 1989 consisted of Puerto Rican independence terrorist groups, Black street gangs, Jamaican gangs, domestic drug cartels and Colombian drug cartels.

Just over 20 percent of the threats to members of the judiciary were from unidentified sources.

Total Threats to U.S. Judges and U.S. Attorneys[†]

	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Judges:		
Supreme Court Justices	14	*
District Court	162	*
Circuit Court	36	*
Bankruptcy Court	15	*
Superior Court	3	*
Total Judges	230	335
Asst. U.S. Attorneys	43	32
Magistrates	18	26
U.S. Attorneys	10	16
Other	30	26
Total Others	101	110
TOTAL THREATS	331	445

† U.S. Attorneys are government prosecutors before the various district courts.

* No breakdown available.

Sources of the Threats

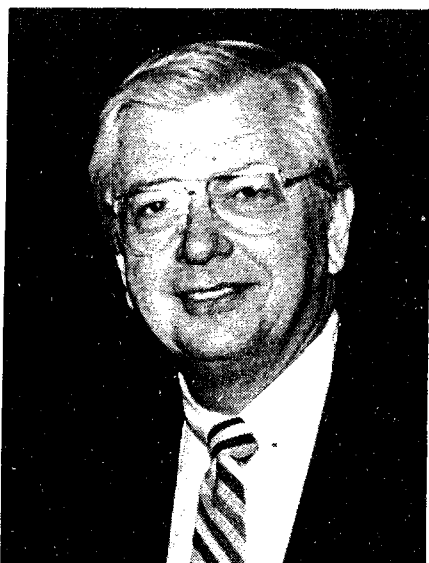
	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Individuals	142	159
Prisoners	102	116
Unknown	76	153
Drug Cartels	8	-
Terrorist Group	2	-
Organized Crime	1	1
Motorcycle Gang	-	2
Prison Gang	-	4

Communication of Threats

	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Mail	144	225
Telephone	81	88
Informant	65	47
Other	33	72
Physical	8	3

SOURCE: U.S. Marshal's Report

Cases



Robert S. Vance

Robert S. Vance, judge on the Eleventh Circuit of the United States Court of Appeals and **Robert E. Robinson**, a lawyer from Savannah, Georgia who handled civil rights cases, were killed by mail bombs on 18 December 1989.

Vance was killed by a bomb sent to his suburban home outside of Birmingham, Alabama; his wife was seriously injured. The reasons behind the killing remain unknown. Whereas the investigation initially focused on the number of cases the judge handled involving narcotics trafficking (60 percent of the 11th Circuit caseload), later leads focused on the Vance's progressive stands on civil rights. (In the 1960s and 1970s, he had acquired a reputation as a civil rights activist. As a former Democratic Party state chair, he led the first desegregated Alabama delegation to the 1968 Democratic Party national convention. As a lawyer, he is said to

have broken a "gentlemen's agreement" between area lawyers to keep blacks off of juries. As a judge, he had joined in decisions that upheld the murder conviction of a member of the white supremacist "Aryan Brotherhood" and allowed the prosecution to present evidence that led to the conviction of Ku Klux Klansmen involved in a bloody confrontation with blacks in Decatur, Alabama. In September 1989, he had reversed a lower court's ruling and held in favour of a desegregation order from the Duval County, Florida schools.)

Robert Robinson was killed by bomb that was mailed to his office. Robinson's murder shifted the focus of the Vance investigation to possibly race-related motives. A civil rights activist, his legal representation included cases for the National Association for the Advancement of Colored People (NAACP). He was also one of three blacks on the Savannah city council. He handled a number of employment discrimination cases and led a long-running battle to desegregate the Savannah schools.

The attacks against Robinson and Vance were accompanied by a string of bomb threats to other persons and organisations. Two other bombs were sent the same day Vance and Robinson were killed, to the United States Court of Appeals for the Eleventh Circuit in Atlanta, and to the NAACP in Atlanta. Both of these bombs were removed before they detonated. The Federal Bureau of Investigation (FBI) in Atlanta had warned NAACP officials of a possible attack.

On 29 December 1989, a group calling itself "Americans for a Competent Federal Judicial System" claimed responsibility for the mail bombs that killed Vance and Robinson. The group vowed to kill more people in retaliation for "savage acts of violence by black men against white women."

On 21 August 1989, the NAACP office in Atlanta received a tear-gas cannister in the mail, requiring eight people to go to the hospital after inhaling the fumes. The construction of this bomb was very similar to the four



Robert E. Robinson

discovered in December 1989. The Baltimore national headquarters of the NAACP had been hit by mysterious gunfire twice since July 1989.

Also in August 1989, four letters were sent to news organisations, in which the author(s) threatened violence on the federal courts. Officials have yet to determine whether these letters had any connection with the mail bombs. One letter postmarked 21 August 1989 was sent from Atlanta to WAPT-TV in Jackson, Mississippi criticising the 11th Circuit for not fulfilling "its obligation to protect the innocent." It said, "The court's failure to render impartial and equitable judgments is due to rank bias and the mistaken belief its victims can not effectively retaliate." It threatened to unleash a gas attack on population centers in retaliation against the court's actions. This letter arrived two days before the tear-gas cannister was delivered to the Atlanta offices of the NAACP. Similar letters were sent to Minneapolis, Minnesota, Milwaukee, Wisconsin, and California. However, no incidents were linked to these three letters.

Civil rights groups see the killings, the bombs and threats as part of a rising tide of extremist violence and so-called hate crimes. Although the number of perpetrators is thought to be relatively small, the attacks have been more diverse and widespread than incidents of violence in the civil rights era.

Immediately after the killings, the Marshals stepped up protection of federal judges. The investigation has been made less public out of concern that early leaks may have jeopardized the investigation. Investigators presented evidence to two grand juries in April 1990, and, in May, a special prosecutor, Louis J. Freeh, an associate U.S. attorney for the Southern District of New York, was named to head the investigation.

A suspect in the bombings, Walter Leroy Moody, Jr., was arrested on 10 July 1990. He was indicted on charges of perjury and obstruction of justice in a case of bomb possession dating to 1972. Federal investigators said they hoped the arrest would eventually strengthen the bombing case.

John P. Corderman: judge on the Maryland Criminal Court in Hagerstown, Maryland. He was injured on 22 December 1989 when he opened a package containing at least three pipe bombs left outside his apartment. He sustained shrapnel injuries to his abdomen and right hand, and the blast from the explosion damaged both of his eardrums. Federal investigators quickly ruled out a link between the attack and the killings of Vance and Robinson (see above). A spokesperson for the U.S. Postal Service told reporters on 27 December 1989 that the explosive device differed in both the materials used and their construction and that it appeared to be a "copy-cat" bombing.

Investigators into the case have identified one possible motivation for the attack as Judge Corderman's reputation for imposing stiff sentences in drug-related convictions. As of late June 1990, however, there had been no arrests made and no new leads in the investigation. Investigators said they would continue the work of reviewing past cases on which the judge had ruled to identify a possible assailant. Agents have developed a profile of the likely assailant, but would not disclose the contents of the profile.

Linda Backiel: criminal defence lawyer and member of the National Lawyers Guild (NLG), faces up to 18 months in prison for her refusal to testify before a grand jury as a witness against her former client. (Grand juries are empanelled by prosecutors to return indictments on major offences. Their proceedings are conducted in secret and out of the presence of a judge. Refusal to answer questions before a grand jury, other than for reasons of non-self-incrimination, is punishable by contempt of court.) As Staff Attorney for the Grand Jury Project, sponsored by the NLG and the New York Women's Union, Backiel has written extensively on grand juries and has defended many alleged grand



Linda Backiel

jury "resisters." In recent years, she has represented numerous political activists in the United States, notably members of the Puerto Rican Independence Movement.

In September 1989, a grand jury was meeting in the United States District Court for the Eastern District of Pennsylvania to determine whether to charge political activist Elizabeth Ann Duke with bail jumping. Duke had fled bail after a charge of explosives possession almost five years before. (Her whereabouts are still unknown.) While in pre-trial detention, immediately following her 1985 arrest, Duke called Backiel, but she was unable to take on the case. Backiel did, however, testify on Duke's behalf at the pre-trial detention hearing, and was one of the five lawyers into whose custody Duke was released.

On 11 September 1989, Backiel was subpoenaed to testify before the grand jury and to bring documents relating to Duke. Backiel refused, stating that she would not "answer questions in secret about a client because I understand my first obligation is to protect the interest and confidences of my clients, not to become a witness against them." On a prosecution motion to have Backiel held for contempt, United States District Court Judge Charles Weiner cleared the courtroom of the public and the press. He ordered Backiel to appear before the court in fifteen minutes to hear the motion. The judge then held a secret hearing, denying Backiel and her lawyers the opportunity to prepare a defence. He then ordered Backiel to jail for contempt of the grand jury.

On appeal, the United States Third Circuit appellate court reversed the district court's finding of contempt, and remanded the case to the district court to state its finding in a public session. Backiel's lawyers, who contend that the entire hearing should have been held in public, filed a petition for *certiorari* to the United States Supreme Court on 1 August 1990 to decide on the questions of an open hearing and notice.

Progressive legal organizations, including the 8,000-member NLG, the National Conference of Black Lawyers and the Puerto Rican Legal Defence and Educational Fund, which have joined in an *amici curiae* brief to the Supreme Court, believe that the real reason that Backiel was summoned before the grand jury was as a retaliation for her legal work on behalf of Puerto Rican independence activists. In September, Backiel defended independence movement leader, Filiberto Ojeda Rios, in what was perhaps the most publicized political trial in recent Puerto Rican history. (Ojeda was acquitted on charges of assaulting FBI agents and resisting arrest when he allegedly wounded an agent during gunfire. His 32-month pretrial detention was criticised by Amnesty International.) Backiel has also represented eleven *independentistas* charged with a conspiracy to use \$7 million taken from Wells Fargo Bank in Hartford, Connecticut to fund *Los Macheteros*, a clandestine independence organization. Backiel's defence included charges of prosecutorial misconduct. Two weeks before Ojeda's release, one of the FBI agents in charge of the case in Hartford appeared at Backiel's Puerto Rico home to serve her with the subpoena to testify before the grand jury in Pennsylvania. Backiel's lawyers maintain that there has been sufficient evidence for almost five years to charge Duke with bail jumping. Even members of the grand jury reportedly expressed confusion as to why Backiel's testimony was necessary.

The lawyers' groups argue in their submission that compelling an attorney to testify before a grand jury intrudes upon the confidential attorney-client relationship and burdens the constitutional guarantee of the right to counsel. Backiel, who has been ordered to jail, remains out of prison during her various appeals.

VENEZUELA

Marielba Barboza Murillo: lawyer who is facing disciplinary proceedings. Barboza is a member of the Sub-Commission on the Defence of the Family in the House of Representatives and of the *Unidad de Apoyo Nacional de la Asociación Nacional de Clínicas y Asistencia Jurídica Voluntaria* (Unity of National Support of the National Association of Clinics and Voluntary Legal Assistance; ASOCLIVA), and permanent lawyer for the *Servicio Clínico "24 de Julio"* ("July 24th" Service Clinic) of ASOCLIVA in Maracaibo, department of Zulia. Barboza is involved in several human rights cases: she is defending the property rights of peasants from San Juan over land in Sur del Lago, Zulia department; investigating the trafficking of children by supposed religious organisations; providing legal representation to a Venezuelan family in a case in which three minors were declared abandoned after an allegedly highly irregular court proceeding, and subsequently adopted by United States citizens without going through the necessary channels; monitoring the petroleum unions' elections in Zulia (Barboza, along with the Attorney General, denounced the electoral process as tending to favour groups intent on dominating independent unions); and advocating the protection of the *Sierra de Perijá* ecological system, home of the indigenous *Yucpas* and *Barí* peoples, from cattle ranchers and a government agency.

On 3 April 1990, Barboza was informed by the Bar Association Tribunal of the Zulia department that a disciplinary inquiry was being initiated against her. Reportedly, upon appearing before the Tribunal, Barboza was not informed of the source or nature of the charges against her, and was denied the benefit of an attorney.

Human rights organisations in Venezuela believe that this action is being taken in reprisal for Barboza's human rights and legal services activities. As a result of Barboza's professional activities, she has confronted powerful interest groups who often have close ties with the national and regional political parties. Such groups have allegedly used their political connections to harass Barboza. According to the human rights organisation, *Programa Venezolano de Educación-Acción en Derechos Humanos* (Venezuelan Program on Human Rights Education and Action; PROVEA), several of the Tribunal members are involved in a number of Barboza's cases, leading to speculation that the disciplinary inquiry is an attempt to prevent Barboza from pursuing her investigations. On 23 April 1990, Barboza registered a complaint with the Attorney General's Human Rights Office requesting an investigation and the appointment of a prosecutor from the Public Ministry to guarantee the impartiality of the inquiry. ASOCLIVA lawyers, Miguel Santana Mujica and Guillermo Marsiglia, have assumed Barboza's defence.

VIETNAM

The right to private legal counsel has been abolished in Vietnam. Instead, court-appointed "socialist pleaders," often lacking the necessary training, provide legal assistance. According to Amnesty International, "the role of 'socialist pleader', when acting for a defendant, is believed to consist of the following: acknowledging the case for the prosecution; explaining the charge to the defendant; pleading guilty on his or her behalf; and asking the court for leniency of judgment." The government has stated its intention of phasing out this system, and replacing the "socialist pleaders" with trained defence lawyers.

Doan Thanh Liem: lawyer. He was believed to have been detained for investigation in Ho Chi Minh City in April 1990, along with Do Ngoc Long, a finance expert and Nguyen Van Tan, a former journalist. The three, along with Do Trung Hieu, an architect detained in Danang, were allegedly held in detention for their association with Michael Morrow, a United States businessman, and for their non-violent criticism of Vietnamese government policy. Morrow was reportedly held for questioning about alleged espionage activities and actions to destabilize the Government of Viet Nam, both of Morrow denies. In addition, Doan Thanh Liem was reportedly accused of involvement in the preparation of a new constitution and of signing a petition to the Archbishop of Ho Chi Minh City, which urged a more critical attitude towards government policy. Neither the legislation under which the four are held nor the charges are known; Amnesty International believes they may have been detained under Article 71 of the Criminal Procedure Code, which allows "temporary detention" for investigation. The four detainees may have been denied access to relatives and legal counsel.

Nguyen Khac Chin: lawyer, and member of the Vietnamese Lawyers' Association. Arrested in December 1975, he is believed to be currently held in Xuan Phuoc detention camp in Phu Khanh province. He reportedly suffers from stomach ailments and weakness due to age. He has yet to be charged or tried.

ZAIRE

Radjabu Muamba: lawyer from Kivu. Throughout 1989, his movement has been restricted to the town of Jundu by the National Documentation Agency (the civilian security forces) and the National Immigration Agency. According to the Bukavu Bar Association, the harassment of Muamba emanates from his defence of a client in a property suit, in which the above agencies "have an interest."

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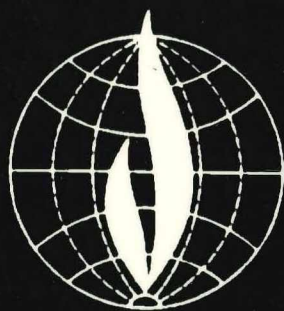
The Harassment and Persecution of Judges and Lawyers

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As this report demonstrates, many governments do not hesitate to undermine the judiciary when it seeks to prevent government lawlessness. In too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

INTERNATIONAL COMMISSION OF JURISTS



ATTACKS ON JUSTICE

**The Harassment and Persecution
of Judges and Lawyers**

July 1989 – June 1990

Edited by
Reed Brody

CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS
of the
INTERNATIONAL COMMISSION OF JURISTS

THE CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS (CIJL)

The Centre for the Independence of Judges and Lawyers was created by the International Commission of Jurists in 1978 to counter serious inroads into the independence of the judiciary and the legal profession by:

- promoting world-wide the basic need for an independent judiciary and legal profession;
- organising support for judges and lawyers who are being harassed or persecuted.

In pursuing these goals, the CIJL:

- intervenes with governments in particular cases of harassment or persecution and, in some instances, solicits the aid of a network of jurists and lawyers' organisations throughout the world to do likewise;
- works with the United Nations in setting standards for the independence of judges and lawyers and the impartial administration of justice. The CIJL was instrumental in the formulation of the UN Basic Principles on the Independence of the Judiciary adopted at the Seventh Congress on the Prevention of Crime and Treatment of Offenders in 1985 and endorsed by the UN General Assembly. It is now working with the UN on similar principles on the role of lawyers;
- organises conferences and seminars on the independence of the judiciary and the legal profession. Regional seminars have been held in Central America, South America, South Asia, South-East Asia, East Africa, West Africa and the Caribbean. Several national seminars have also been organised. These seminars bring together judges, lawyers, government officials, activists and academics to discuss obstacles to the implementation of the U.N. standards and how to overcome them;
- sends missions to investigate situations of concern, or the status of the bar and judiciary, in specific countries.
- publishes a bulletin twice-yearly in English, French and Spanish. It contains case reports and articles and documents relevant to the independence of the judiciary and the legal profession.

Affiliation – Contributions

The affiliation of judges', lawyers' and jurists' organisations is welcomed. Interested organisations are invited to write to the Director, CIJL.

Individual contributors support the work of the Centre by contributing not less than SFr. 100.– per year. They receive all publications of the Centre and the ICJ.

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Preface

by P.N. Bhagwati

*former Chief Justice of India,
Chairman, CIJL Advisory Board*

Fundamental human rights and liberties can only be preserved in a society where the judiciary enjoys freedom from political interference and pressure. The rights of the people also require that lawyers be free to take up all cases - even unpopular ones - without fear of reprisal.

Yet, as this report demonstrates, many governments do not hesitate to undermine the judiciary when it seeks to prevent government lawlessness. In all too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

The Centre for the Independence of Judges and Lawyers (CIJL), whose Board I have the honour to chair, is dedicated to promoting the independence of the judiciary and the legal profession in all parts of the world. We hope that this report, which documents the problems faced by jurists in 44 countries, will serve to stir the international community to action. In particular, we call on:

- the United Nations to establish a mechanism to report on situations in which the independence of the judiciary is being undermined or in which judges and lawyers are under attack;
- governments to guarantee the independence of the judiciary and the legal profession and to prosecute more aggressively those who commit crimes against lawyers;
- bar associations everywhere to become more active in the defence of their persecuted colleagues.

Introduction

by Reed Brody

Director, CIJL

This is the second annual report by the Centre for the Independence of Judges and Lawyers (CIJL) cataloguing the harassment and persecution of judges and lawyers worldwide. It lists the cases of 430 jurists in 44 countries who suffered reprisals between 1 July 1989 and 30 June 1990 for carrying out their professional duties. Of these, 67 were killed, 165 were detained, 40 were attacked, 67 received threats of violence and 54 were professionally sanctioned (by disbarment, removal from the bench, or banning).

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders recognized in 1985 that "adequate protection of the rights of citizens requires that all persons have effective access to legal services provided by lawyers who are able to perform effectively their proper role in the defence of those rights, and to counsel and represent their clients in accordance with the law and their established professional standards and judgment without any undue interference from any quarter." It therefore recommended to states that they "provide for protection of practising lawyers against undue restrictions and pressures in the exercise of their functions." Yet, as this report makes clear, in all too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

The same UN Congress, in adopting the historic Basic Principles on the Independence of the Judiciary, called on governments to "respect and observe the independence of the judiciary," refrain from improper interferences and provide for the security of judges. Yet, judges, too, continue to face sanctions and personal risks in trying to uphold the rule of law.

In August 1989, we submitted a first report to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities. The report described the cases of 145 judges and lawyers who had been harassed, detained or killed between January 1988 and June 1989. The list included 34 judges and lawyers who were killed, 37 detained, and 38 who had been attacked or threatened with violence. As we had hoped, the report drew attention to the serious problems faced by jurists in many countries. The Sub-Commission responded to the report with a resolution declaring itself "disturbed at the continued harassment and persecution of judges and lawyers in many countries." It named its French expert, Mr. Louis Joinet, to prepare a working paper on means by which the Sub-Commission "could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers." The Commission on Human Rights would later also pronounce itself "disturbed" by these attacks and endorse the Sub-Commission's call for a study.

Other UN bodies have taken note of the phenomenon of attacks on judges and law-

yers. Referring to the 1989 CIJL report, among other evidence, the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, saw "a particularly alarming trend, which is rapidly spreading, namely, the practice of 'death threats' deliberately directed, in particular, against persons who play key roles in defending human rights and achieving social and criminal justice in a society." (U.N. document E/CN.4/1990/22, para. 472). He found that "death threats [are] made against persons of various backgrounds and professions, in particular the following: ... Judges, lawyers, magistrates and prosecutors, etc., involved in trials, investigations or other legal proceedings; (*id.* para. 449)."

Scope of the Report

As last year, the report includes only those jurists who have suffered harassment because of their professional activities, including the advising and representation of clients, law reform and human rights advocacy, the conducting of investigations and the rendering of judicial decisions. Excluded from the list are members of the legal profession persecuted because of their beliefs or their membership in a political, ethnic, linguistic, religious or other group. While we deplore the persecution of any person for such reasons, irrespective of membership in the legal profession, the purpose of this report is not to catalogue all such instances of repression in the world. Rather, the report focuses on judges and lawyers because of the effect that attacks on them have on the rights of all citizens to receive justice and to live in a society guided by the principles of the rule of law. We thus do not seek to elevate judges and lawyers to a higher status than that of their fellow citizens. Instead, we draw inspiration from the words of José Francisco Rezek, then Judge of the Supreme Court of Brazil (and now his country's Foreign Minister) at a seminar which the CIJL organized in Buenos Aires in 1988:

The independence of judges and lawyers is not an end in itself; it is a means placed at the service of the community. The judiciary must not stake its claim in the name of the privileges of its members or for the pleasure of an Olympian affirmation of its own power. Its independence and dignity must be defended in the common interest of our peoples, and in particular in the name of the most humble elements of society, of those who most intensely rely upon a free, efficient, altruistic, honest and wise system of justice.

In many cases, it is difficult, if not impossible, to determine whether the persecution of a jurist was in reprisal for her professional activities (including the advocacy of human rights, which we consider to be part of a lawyer's responsibility). Such an acknowledgement rarely is found in formal charges, when they have been brought. Paramilitary groups and hired guns seldom give detailed reasons for their crimes. In addition, since many active defence lawyers are also involved in political causes, we have had to rely in many instances on the judgment, often the educated guess, of our local informants. Where we were in doubt as to the motive for the persecution, we have included the case in this report. We have also included the cases of jurists detained or otherwise sanctioned before 1 July 1989 but whose sanction remained in effect into the period covered by the report. We have tried to reflect all changes in status that occurred before 30 June 1990, though we have not been able to obtain up-to-date information in all cases.

This year's report documents a significant increase in the number of attacks on judges and lawyers from that of last year. To some extent, the greater number of inci-

dents of harassment and persecution results from improved reporting, and therefore may be misleading. Last year's report generated publicity around the issue of attacks on jurists, leading to greater cooperation from local informants. Last year's experience also suggested new working methods which increased our efficiency.

Beyond the methodological improvements, however, there was a real increase in the number of attacks. This was due, we feel, to the breakdown in the rule of law in certain countries, such as: the Sudan, where judges were dismissed *en masse*; Nepal, where, before constitutional changes were agreed upon, dozens of lawyers calling for reform were arrested; Peru and Sri Lanka, where lawyers were victims of attack from both the government and opposition forces; and, of course, Colombia, where violence against lawyers by drug traffickers and elements of the military has become a disturbing fact of life. (We did not include in our final tabulations the 445 threats against judges and prosecutors in the United States reported in nine months alone, and which represent a sharp increase over previous years, because confidentiality prevents us from listing all the judges threatened.)

CIJL Interventions

It is particularly disturbing that so few of the cases of violent attacks on lawyers have been investigated by the competent authorities, and so few of those guilty brought to justice. In countries such as Brazil and the Philippines, the failure to pursue vigorously the authors of the crimes has led to situations of *de facto* impunity resulting in climates ripe for yet further killings. Governments should be urged to comply with the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989). This document calls for an investigation of all suspected cases of extra-legal, arbitrary, and summary executions, as well as the prosecution of all persons identified in the investigation as having taken part in such killings.

Many of the cases listed in this report were the subject of CIJL interventions with the governments concerned during the year. The CIJL regularly intervenes in individual cases, calling for such investigation and prosecution, as well as in matters such as amendments to a country's constitution or legal codes that affect the judiciary or bar as a whole. When the CIJL receives verified information about any of these matters, it makes a written intervention with the government concerned. It then solicits other jurists' associations to do the same. Over the years, the CIJL has built up a network of hundreds of international, regional, national and local organizations of judges and lawyers which have responded to CIJL requests for action. These organizations have come to recognize that it is their professional responsibility to speak out on behalf of colleagues who are persecuted at home or abroad and that such interventions are not "political" but are vital to the protection of a system of justice based on the rule of law.

We follow up our interventions in one of two ways. In serious cases, but where time is not of the essence, we send a circular letter to the organisations described above asking them to intervene. More frequently, we fax copies of our appeal, together with supporting documents, to the eleven lawyers' associations which have, over the last years, been most active on behalf of their colleagues. These are: the International Bar Association, the Lawyers Committee for Human Rights, the Netherlands Order of Advocates, the Ordem dos Advogados do Brasil, the Ordre des Avocats à la Cour de Paris, the Free Legal Assistance Group (Philippines), the International Association of Democratic Lawyers, Den Norske Advokatforening, the Canadian Section of the International

Commission of Jurists, the Arab Lawyers Union and the Union Internationale des Avocats. Where appropriate, the CIJL issues press releases to call attention to the situation.

Sometimes, of course, even more visible international action is called for. In July 1988, for example, the CIJL and the ICJ, together with other international legal organizations, took part in the "International Lawyers Forum" in the Philippines, to draw attention and develop a common response to the increasing violence and intimidation against human rights lawyers in that country.

The CIJL also conducts missions of investigation and sends observers to trials. These missions make governments aware of the serious concern with which outside organizations are watching developments within their countries, and give support to those being persecuted. In June 1989, a CIJL mission that included a Spanish Supreme Court judge and the President of the American Association of Jurists went to Brazil to examine the situation of the dozens of lawyers who have been assassinated and threatened as a result of providing legal assistance to peasants and labourers in the rural north and northeast. In 1989, the CIJL also released a report on the independence of the judiciary in Peru, and in 1990 we released an in-depth study of the judiciary in Uruguay.

We urge the jurists' associations that receive this report to keep the CIJL — and through it the international legal community — aware of developments in their countries and, in particular, of cases of harassment or persecution which call for rapid and high-level outside intervention.

* * * * *

In preparing this report, we have relied heavily on the work of other international human rights organizations such as Amnesty International, Human Rights Watch and the Lawyers Committee for Human Rights. The staffs of these organizations also patiently responded to our numerous requests. In particular, the researchers of Amnesty International have time and again provided invaluable assistance on individual cases, digging information out of their files, spontaneously providing updates and responding to endless queries. Pam Price of the Lawyers' Committee provided us with updates on cases tracked through their Lawyer-to-Lawyer Network.

We are especially grateful for the information in two excellent reports: Human Rights Watch's third annual survey *The Persecution of Human Rights Monitors, December 1988 to December 1989*, and the Lawyers Committee for Human Rights' first such compilation: *In Defense of Rights: Attacks on Judges and Lawyers in 1989*. We have used that information throughout this report.

The constant exchange of information with the international and regional bar associations listed above under "CIJL Interventions" also kept us abreast of cases. Thanks also go to several ICJ affiliates, regional bar associations, local human rights groups and individuals which provided us with information on their countries or reviewed our entries - in particular the Andean Commission of Jurists and its Colombian Section, the Arab Lawyers Union, the Union of Central African Lawyers, the Centro de Estudio Legales y Sociales (Argentina), the Ordem dos Advogados do Brasil, the Cameroon Bar Association, the *Vicaria de la Solidaridad* (Chile), the Chilean Bar Association, *Asonal Judicial* (Colombia), the League of Former Haitian Political Prisoners, *Topol* (Indonesia), YLBH - Indonesia, Al-Haq (occupied West Bank), the Japan Federation of Bar Associations, the Tokyo Bar Association, the Mexican Commission for the Defence and Promotion of Human Rights, Gopal Siwakoti (Nepal), Clement Nwankwo (Nigeria), the Human Rights Committee of Pakistan, the Free Legal Assistance Group of the Philippines (FLAG), the National Association of Democratic Lawyers (South Africa), the Bar Asso-

ciation of Sri Lanka, the Human Rights Association (Turkey), Judge Edmund V. Ludwig (USA), the Office of the Chief of Court Security (USA), and the National Lawyers Guild (USA).

Most of the entries in this report were prepared by Jennifer Green, Sarah Ludwig and Lily I. Vakili, law interns with the ICJ. It is their energy and commitment which has made this report as complete as it is. Other entries were prepared by Jeremy Sarkin, a Visiting Attorney with the CIJL. Ms. Ludwig and Ms. Vakili, with a patient attention to detail, helped to edit the report.

The report is again dedicated to all the brave men and women listed here who have tried, in the face of repression, to uphold the finest traditions of the legal profession.

List of Judges and Lawyers Harassed or Persecuted July 1989 - June 1990

ARGENTINA

The 7 October 1989 amnesty granted by President Carlos Saúl Menem to members of the military charged with human rights violations committed during the 1976-1983 military regime was challenged on constitutional grounds by several federal prosecutors, who were subsequently subjected to disciplinary inquiries and threatened with dismissal.

Threats, attacks, and assassination attempts were carried out against eight judges who had been involved in cases dealing with police corruption. Although an investigation was initiated to determine whether security force members were involved in the attacks, no conclusions have yet been reached. In another development affecting the independence of the judiciary, the new government in 1990 enlarged the Supreme Court from five to nine members and appointed to it five lawyers with ties to the ruling party.

Ricardo Anuch: judge in the city of Salta. On 13 May 1990, Anuch's chambers were ransacked. The intruders left behind drug paraphernalia such as syringes and disposable needles. Anuch suggested that the attack was related to investigations he was conducting which would possibly implicate high provincial officials. He stated that he had also received telephone threats, leading him to request police protection.

María Cristina Caamiña: correctional judge who had been investigating charges of police corruption. Caamiña was the victim of an assassination attempt on 4 January 1990 in which a powerful explosive device was placed in the entry way of her apartment. At the time of the attack, the judge and her family were away on vacation. The bomb was deactivated after being discovered by the doorman, who notified the police.

Hugo Omar Cañón: appellate federal prosecutor in Bahía Blanca. The Secretariat of Justice initiated professional disciplinary proceedings against Cañón on 15 November 1989 after Cañón challenged the constitutionality of the 7 October 1989 amnesty granted by President Carlos Saúl Menem to all but six of the highest ranking police and armed forces personnel charged with human rights violations during the 1976-1983 military regime. The actions taken by Cañón disregarded a specific order from the Attorney General not to challenge the pardon.

Luis Cevasco: criminal court judge. Cevasco's car, located a few meters from his house, was riddled with nine bullets on 19 May 1990. At the time of the attack, Cevasco was investigating cases involving police and public official corruption. Cevasco attributed the attack to right-wing groups composed of members of the police and security forces. An investigation was initiated by the Supreme Court to determine whether the groups named by Cevasco might be responsible for recent actions taken against members of the judiciary.

The Cevasco case was linked to several other cases of harassment: 1) a 7 August 1987 case in which Judge Rodolfo Ricotta Denby's house was demolished by a bomb; 2) the 4 January 1990 attempted bombing of Judge María Cristina Caamiña's apartment (see above); and 3) threats against two legislators of the Radical Party. All of the victims were or had been investigating police corruption; Cevasco stated that all the victims were committed to the defence of individual rights and the restriction of excessive police powers. In the course of the Supreme Court investigations, the chief of police, Commissioner General Jorge Passero, was called on to testify. In his testimony before the Supreme Court, Passero denied the existence of right-wing groups within the military, stating instead that such attacks, if attributable to security force members, were the actions of individual "delinquents," and not an organised group. On 4 June 1990, Passero submitted his resignation to the Minister of the Interior, which President Menem refused to accept.

Mariono Ciafardini and Aníbal Ibarra: federal prosecutors for the city of Buenos Aires. Both were special prosecutors in cases involving children either kidnapped together with their now "disappeared" parents or born in captivity during the "dirty war." Ciafardini and Ibarra brought criminal charges against persons allegedly responsible for the irregular adoptions of such children, attempted to establish the minors' identities, and, when warranted, to restore custody to the natural grandparents. Both lawyers were subjected to a disciplinary inquiry by the Secretariat of Justice as a result of their public opposition to the amnesty law advocated by President Menem. The Attorney General's instructions prohibited federal prosecutors from voicing their opposition to amnesties granted by the executive branch. In December 1989, in response to public disapproval over rumours that the two would be transferred to other administrative posts, the Secretariat of Justice announced that no transfer was planned. The disciplinary inquiry is still in progress. Ibarra, however, has recently resigned from his post.

Oscar Alfredo González: criminal court judge in San Nicolás. A package containing a grenade was left on his doorstep on 22 December 1989. The package exploded at approximately midnight upon being picked up by the judge's son who was killed by the blast. The motive for the attack is unknown.

Guillermo Levingston: criminal court judge in San Luís. Levingston has been subjected to repeated telephone death threats. Apparently, the threats are in reprisal for Levingston's investigations into corruption charges against the local government. Levingston has been offered police protection for himself and his family.

Eduardo Ramón Makintach, Raúl Casal, and Juan Carlos Tarsia: criminal court judges in San Isidro investigating cases involving police corruption and drug trafficking. On 23 August 1989, Makintach suffered an arm injury during an assassination attempt when three armed men entered his house and fired at him. The gunmen allegedly presented themselves as members of the *División Toxicomanía* (Drug Addiction Division) of the

area police force. One hour after the attack against Makintach, Tarsia received a telephone death threat. Casal received death threats following his conviction of two suspects involved in drug trafficking. In an interview with *La Nación*, Dra. Irene Dolores Rodríguez de González Godoy, president of the *Colegio de Magistrados y Funcionarios* (Association of Magistrates and Court Workers) of the provinces of Buenos Aires and San Isidro, and of the *Federación Argentina de la Magistratura* (Argentine Magistrates Association), dismissed the possibility of the Makintach attack being a robbery, and alleged that the attack and threats may have been in reprisal for the judges' recent investigations into police corruption and drug trafficking. One of the individuals involved in the attack against Makintach was apprehended and convicted in late December 1989.

BOLIVIA

Alejandro Colanzi, human rights lawyer, **Arturo Mendivil**, lawyer and head of the Bolivian Association of Radio Broadcasters, and **Sonia Soto**, lawyer and legal advisor to Defence for Children International (DCI)-Bolivia. Colanzi and Mendivil received death threats in November 1989, allegedly from sectors of the Bolivian National Police. The threats appear to be in response to their campaign for a judicial investigation into allegations of police torture and killings at a reformatory near Santa Cruz, known as the *Granja de Rehabilitación de Espejos* ("Rehabilitation Farm of Mirrors"). The *Granja*, run by the police, holds administrative detainees for up to twelve months. DCI investigated the farm after receiving charges of illegal detention of minors. In the course of their investigations, DCI, Amnesty International and the Argentine Forensic Pathology Unit confirmed the existence of a clandestine cemetery. Subsequently, Soto and a coalition of DCI-Bolivia and other concerned organisations initiated a suit on 29 September 1989 against the police authorities. The trial however, has been fraught with delays.

Threats began during the week of 20 November when Colanzi's mother received several anonymous telephone calls threatening her son's life if he persisted with his legal action against police officers accused of abuses at the *Granja de Espejos*. Mendivil received a similar call threatening him at the radio station in Santa Cruz where he works. On 23 November, Colanzi's mother's house was searched without a warrant by the narcotics branch of the Bolivian police. The police later stated that they were acting on anonymous information which suggested that Colanzi was involved in drug trafficking. Colanzi has presented a complaint regarding the death threats and the illegal search of his mother's house to the Prefecture for the Department of Santa Cruz, the Human Rights Commission, and the Commission for Police and Constitutional Affairs (which represents the Attorney General's Office) of the Bolivian Congress. DCI has expressed concern for Soto's safety in light of the diminishing popular interest in the case.

BRAZIL

Attorneys and organisers assisting the rural poor in land disputes, particularly in the north and northeast, continue to be harassed, threatened and even killed, often by hired guns in the pay of large landowners. Some 150 cases of harassment and persecution against lawyers have been documented since 1977, including 40 assassinations or assassination attempts. Yet in not one case of which the CIJL is aware has the guilty party been brought to justice and convicted. Such impunity makes it dangerous for lawyers to take on sensitive land cases, and the rural poor, thus often deprived of legal protection, have difficulty vindicating their basic rights.

Osmar Barcelos do Nascimento: lawyer and member of the Linhares Human Rights Commission. He was forced to go into hiding on 17 September 1989 together with another member of the Commission, Pastor Vilmar Schneider, after a series of attacks on them by local gunmen. Barcelos has been the subject of numerous assassination attempts. It is believed that the attacks are linked to land disputes in the area.

Helio Bicudo Sobrinho and Paulo Sergio Pinheiro: human rights lawyer and lawyer and founding member of the Teotonio Vilela Commission on Human Rights, respectively. They were included on a list of São Paulo activists distributed in São Paulo in August 1989 by the "Commando to Hunt Communists, Division of São Paulo," an extreme right-wing organisation. Their names were also included in another list distributed in September 1989 by the same group.

Vanderley Caixe and Ayala de Almeida Rocha: lawyers with the Centre for Defence of Human Rights, Legal Rights and Popular Education. They were arrested on 3 November 1989 in Joao Pessoa, Paraiba state, by the Federal Police. The incident took place in the Institute for Agrarian Reform (Incra), where the two lawyers had gone on behalf of 400 landless peasants who were being evacuated from the building in which they were holding a protest. After the police searched Caixe's briefcase, he told them that they had violated his rights as a lawyer. He was thereupon arrested for contempt. When Rocha protested, she too was placed under arrest. The two were handcuffed and taken to police headquarters. On a *habeas corpus* petition brought by the Brazilian Bar Association, a federal judge found that their detention was illegal and ordered the pair released on 4 November.

Felisberto Damasceno and Judith Badja Garcez Moreira: lawyers working for the *Conselho Indigenista Missionario* (CIMI), an organisation assisting indigenous peoples. They were detained by the military along with three other members of the group on 27 June 1989 near the Colombian border, in the Alto do Rio Negro area, Amazonas state. Indians in the area had invited the group to visit their settlement. They were detained for two days, taken to the military barracks at Sao Gabriel de Cachoeira and interrogated. Documents they were carrying were seized. They were released after a few days following the intervention of the local bishop and the state bar association. Following their release, the Brazilian Bar Association submitted a complaint against the military authorities in Amazonas state in connection with the incident.

Angela Regina Gama de Silveira Gutierrez Jiménez: lawyer and a member of the Human Rights Centre in Rondonópolis, Mato Grosso state. She and other members of the group have been receiving telephone threats and have been followed by police ever since the group prepared a dossier on the killing of seven suspects by police officers in a local jail on 6 February 1989. The human rights group produced and publicized a report which contained photographs of the bodies, suggesting that the suspects had been tortured to death. She received threats again in November 1989, after a prosecutor filed charges against the police. The judge charged with investigating the case, **Antonio Paulo da Costa Carvalho**, required police protection after receiving death threats. According to the Brazilian Bar Association, the threats to de Silveira have stopped. The investigation remains incomplete and has thus far produced no results.

Jorge Farias: lawyer, working on land issues. His life was threatened by gunmen in the municipality of Xinguara on 2 August 1989.

Cleide Fontes: lawyer assisting a peasant group in Choro, Quixada district, in a legal dispute over land titles with a large landholder. In late April 1989, after many of the peasant families had already been driven off the land by the landlord's private militia, Fontes began to receive death threats and anonymous calls which have become more and more frequent.

Milton Inácio Heinen: lawyer working for the *Comissão Pastoral da Terra* (Pastoral Land Commission) in Goiás; has received death threats in connection with a case in which he has represented the families of rural labourers who, since August 1989, have occupied lands, *Fazenda Europa*, belonging to the Caído family, in the municipality of Goiás. According to the lawyer, the Caído family representatives threatened him during negotiations set up to settle the conflict on 5 May 1990. The threats were allegedly repeated to a city official on 3 July 1990.

Katia Pereira: lawyer. On 15 August 1989, while investigating an allegation of police torture on behalf of a client at the police station in Abreu e Lima, Pernambuco state, Pereira was verbally abused and struck by the station chief, and subsequently arrested for disrespect. She was released several hours later, after intervention by the Brazilian Bar Association and a demonstration by 200 local residents in front of the police station. An illegal arrest complaint has since been filed and is still pending.

Wanderlin Torres Pinheiro: lawyer providing legal assistance to farmers in Nova Xavantina, 650 kilometers from Cuiabá in Mato Grosso State, was assassinated on 24 April 1990 by three unidentified gunmen as he was leaving a building with his wife and two children. For over ten years, Torres had defended the interests of small farmers against large landowners in the Nova Xavantina area. State assembly member José Arimatéia, without citing names, accused landowners of the murder, noting that tensions had been rising in the area since the courts had begun ordering the eviction of groups of small farmers, and that some 5,000 more farmers were being threatened with eviction.

CAMEROON



Yondo Black

Yondo Mandengue Black: former president of the Cameroon Bar Association and member of the *Association des juristes africains*. Black was arrested on 19 February 1990, with ten others, on suspicion of organising a political party. (Although the Cameroon constitution provides for the existence of other political parties, in fact, only the ruling party, the Cameroon People's Democratic Movement, is permitted to function.) When arresting him, police searched Black's home and office without a warrant for documents relating to the new party, one of which Black offered to police voluntarily. At the time, Cameroon law prohibited police from searching a lawyer's office unless the lawyer was the subject of a judicial investigation formally opened by an investigating magistrate.

Though the government denied that the arrests were based on Black's involvement in organising a new party, it charged him with subversion and showing contempt for the president of Cameroon. Black and those arrested with him, known as "The Douala Ten," were tried in late March before a military court in Army Staff Headquarters (one person was tried *in absentia*). At first held incommunicado for several weeks following their arrests, they were transferred to Douala and held at the offices of the security police where they were denied access to lawyers. Many were not permitted to see their families. The Douala Ten were apparently detained on orders of the Minister of Territorial Administration, without any judicial sanction or legal basis. At trial, the court, in response to protests that the detention was illegal, denied that they were in detention at all.

Members of the Cameroon Bar Association, which represents more than 500 lawyers, mobilized around the case of Yondo Black. On 6 March 1990, the Bar issued a statement that Black's arrest constituted an infringement of constitutionally guaranteed freedoms of expression and association, and demanded his immediate release. In late March, lawyers in Cameroon called a boycott, ceasing all courtwork until the trial of the Douala Ten was over. The strike was also in protest against the subversion law, which allows for prolonged detention of suspects without charge or trial.

The lawyers interrupted their boycott of the courts for Black's trial only, which more than 200 lawyers attended, dressed in their black robes and acting as Black's defence team. On 2 April, the Minister of Justice, Adolphe Moudiki, warned lawyers that their boycott would subject them to disciplinary measures. Three days later the Commissioner of Police banned the Bar Association, which had continued to sit throughout the trial, from holding a meeting in Yaoundé, ordering its members to disperse. Some of the lawyers have since been the subjects of government harassment, including tax inquiries and efforts to shut down their offices. The harassment of the Cameroon lawyers apparently relates directly to their positions with regard to the Douala Ten.

On 5 April, a military tribunal convicted Black of subversion, sentencing him to three years' detention, with no right of appeal. According to Amnesty International, the trial of the Douala Ten "was a travesty of justice - there was no convincing evidence to justify their conviction and details of the charges were withheld from the defendants throughout the trial," leading one of the defendants to describe the trial as "Kafkaesque." The Douala Ten were not permitted to confer with their lawyers to pre-

pare their defence.

There has been concern for Black's health since his detention, as he suffers from cardiac problems stemming from a previous (and unrelated) violent assault against him in December 1988. The authorities reportedly moved Black to a remote detention site in July, despite his severe health condition and the fear that he will die if his detention continues.

Many of the more than 200 lawyers who defended Black, including the *Bâtonnier* (President) of the Cameroon Bar Association and head of Black's defence, **Bernard Muna**, have received anonymous death threats. One of the lawyers formally retained to defend Black, **Pierre Bouobda**, was killed on 5 April by police, under unclear circumstances. By one account, police shot him in the head and heart as he tried to put his car in reverse at a police check-point in Bafoussam, Western Province. Another report suggests that the police had been following Bouobda after questioning him about encouraging a lawyer to join the boycott. When he pulled the car to the side of the road, a plain-clothes policeman startled him, prompting Bouobda to put the car in reverse to get away, at which point police shot him. The Minister of Justice immediately announced that the shooting was an accident and, after protests against the killing, stated that there would be an investigation. Its outcome, however, has yet to be reported. Approximately 150 lawyers from the Cameroon Bar Association attended Bouobda's funeral.

In July 1990, the Cameroon National Assembly passed a law granting authorities strict control of the legal profession, including the right for police to search lawyers' offices without a warrant. The law would also disempower the Cameroon Bar Association, by dismantling the national bar and replacing it with several regional bar associations. The bar association again went on strike to protest the draft laws which, as of press time, had not yet been promulgated by the executive.

CENTRAL AFRICAN REPUBLIC

Jean-Pierre Kabylo and **Joseph Potolo**, judge and President of the Judicial Chamber of the Supreme Court. They were removed from the bench after co-signing an open letter dated 15 May 1990, which was sent to the President. Roughly 1000 people have signed a total of three open letters, and many have supported four press releases, calling for a national conference to establish a multi-party system. (Many of the signatories, including civil servants and other professionals, have been the subjects of government reprisals.)



Nicolas Tiangaye

Nicolas Tiangaye: defence lawyer from Bangui. Tiangaye has taken on many leading political cases, including the defence of former Emperor Jean-Bedel Bokassa and of current opponent General François Bozizé. He is now the subject of disciplinary proceedings to remove him from the bar. The action to disbar Tiangaye was requested by the Minister of the Interior, who noted in his letter to the Minister of Justice that Tiangaye's "affiliation to a party in opposition to the government is no longer in doubt." The government then formally accused Tiangaye of lacking respect for State institutions and insulting witnesses in statements he made during a trial before the Permanent Military Tribunal on 2 June 1990, in which he was serving as defence lawyer for two superior officers accused of threatening state security. The following quotation from Antoine de Rivarol was cited by the government:

respect for State institutions and insulting witnesses in statements he made during a trial before the Permanent Military Tribunal on 2 June 1990, in which he was serving as defence lawyer for two superior officers accused of threatening state security. The following quotation from Antoine de Rivarol was cited by the government:

Une armée dont on se sert pour asservir les autres est déjà asservie. Le marteau reçoit autant de coups que l'enclume. (An army used to enslave others is itself enslaved. The hammer receives as many blows as the anvil.)

This was despite the immunity granted to lawyers in the Central African Republic for statements made in court under Article 13 of Ordinance No. 68/043 of 29 August 1968, which established the corps of defence lawyers.

It is widely believed that the government's principal motivation for taking action against Tiangaye relates to his political opinions and activities. He is co-signatory and co-drafter of documents calling for a national conference to establish democracy in the Central African Republic.

CHILE

René García Villegas: Judge of the 20th Criminal Court in Santiago during the Pinochet dictatorship. Judge García was removed from his judicial post in January 1990 on grounds of his "lack of good behaviour required by law." Previously, the Supreme Court had suspended Judge García at half salary for two weeks as of 25 October 1988 for statements made by García in 1987 and 1988 to newspaper journalists and on video, about torture practices of the state security police which he was investigating. García was the most tenacious and best-known magistrate pursuing cases of torture. He had pursued more than 30 complaints of torture by members of the *Central Nacional de Informaciones* (the state security police; CNI). He and his wife received numerous death threats as a result of his investigations. During October 1989, he received three death threats. On 5 October a number of people entered his home and ransacked his house. His mail was opened and "watch out" was scrawled on a mirror. Five days later a note was pushed under his door stating that he would soon die. On 13 October he received another message delivered in a similar manner which stated that his parents, who were dead, were waiting for him.

Nilde Garfias: lawyer with the *Vicaría de la Solidaridad*, the human rights office of the Santiago Catholic Archdiocese. Charges were brought against Garfias for "grave offenses" against OS-7 officials. The charges were based on Garfias' statement, in an interview, that her client, a minor, had been forced to appear in a video in which he acknowledged being a member of the extremist group, *Movimiento Lautaro*. Garfias has also received telephone death threats in which her father, her secretary, and she were threatened.

Roberto Garretón Merino: member of the National Council of the Bar Association and lawyer with the *Vicaría de la Solidaridad*, the human rights office of the Santiago Catholic Archdiocese, was sentenced to 541 days in prison on 3 August 1989 on charges of "injury to the armed forces;" the sentence was thereafter suspended. The charges were based on articles denouncing violations of human rights written by Garretón in the journal *Mensaje* in March 1987. On 25 October 1989, the military court revoked the sentence, indicating that Garretón had not committed any crime. The Military Prosecutor was reported to have lodged a complaint with the Supreme Court against the verdict of the military court absolving Garretón.

Jaime Hales: lawyer. On 4 July 1989, charges of "injury to the armed forces" were initiated against Hales. The charges were based on an article published in the magazine *Análisis*, in which Hales criticised the investigation of his colleague, José Galiano, defence attorney for a woman involved in the kidnapping of Colonel Carlos Carreño.

Carmen Hertz: lawyer assisting the *Vicaría de la Solidaridad*. Hertz was charged with "injury to the armed forces" on 16 August 1989. The charges were based on statements made by Hertz in the magazine *Apsi* regarding the hunger strike by political prisoners, specifically with regard to her client, Vasily Carrillo, accused of an assassination attempt against General Pinochet. The Military Court dropped all charges against Hertz in December 1989.

Gastón Holpzapfel: lawyer and member of the *Comisión de Derechos Humanos del Colegio de Abogados* (Human Rights Commission of the Bar Association), acting as defence lawyer for two individuals accused of sequestering arms in 1986. Holpzapfel was charged with "injury to the armed forces" by the military prosecutor on 4 July 1989. The charges were based on an article Holpzapfel had published in which he asserted that his clients had been tortured by members of the security forces. The charges against Holpzapfel were confirmed by the Military Court.

Gustavo Villalobos Sepulveda: executive secretary and former head of legal analysis for the *Vicaría de la Solidaridad*. After giving legal advice in 1986, in his professional capacity, to a wounded man who was later accused of killing a policeman, he was charged with "assisting an armed terrorist organisation." He spent three months in prison in mid-1986. After ordering the detention of Villalobos, the Military Prosecutor demanded access to confidential files of the *Vicaría*, in what was widely seen as an attempt to investigate and discredit Chile's main human rights organisation. In a 20 November 1989 opinion, the military Justice of Santiago requested that Villalobos be sentenced to five years as an accomplice. On 18 June 1990, however, a divided Supreme Court revoked the charges against Villalobos, finding that he had not committed any offence.

CHINA, PEOPLE'S REPUBLIC OF

Cases of concern in China stem from the 1989 "pro-democracy" movement. Approximately 700 people of the estimated 30,000 arrested throughout China since May and June 1989 continue to be detained, many without charge or trial. Many others were subjected to closed trials, widely considered in violation of international due process standards. Persons detained range from students and workers arrested for their role in the protests and citizens inspired by the events in Beijing who became victims of the subsequent repression, to jurists who spoke out for constitutional reform. It is not possible in many cases to determine the exact nature of the charges or accusations.

Jiang Ping: former president of China Politics and Law University and one of the China's leading legal scholars. He was reportedly forced to resign his position as university president on 21 February 1990, because of his support for the student-led pro-democracy movement. Throughout 1989, he wrote articles and speeches backing the students' demands for democracy, and in May 1989, he was one of ten university presidents to sign an open letter, which asked the government to hold discussions with protesting students and workers, and to refrain from using violence against them.

Wan Qianjin: law professor at the China University of Politics and Law, and former president of the currently-outlawed Beijing Citizens' Autonomous Federation. Chinese authorities have reported that Wan turned himself in to the police in Pingdu County, Shangdong Province on 17 June 1989. Currently detained in Shangdong, Wan has been accused of organising the Federation, making "inflammatory speeches," and "fabricating rumours." (See also 1989 CIJL report.)

Yu Haocheng: legal scholar and director of the Legal Institute. He is an advocate of political reform and has been blacklisted by authorities as one of seventeen or eighteen "bourgeois-liberal intellectuals" involved in promoting the "counter-revolutionary rebellion." He made a public appeal to the Chinese government to declare the student movement a "patriotic democracy movement." Arrested in his home on 27 June 1989, he was detained in Quinchen prison, north of Beijing. In early 1990, he was reportedly moved from the prison itself to a "guest house" within the prison grounds. During the Cultural Revolution, Yu was held in solitary confinement for his advocacy of radical reform. After his release, he became director of the Mass publishing house, but was dismissed in 1986 for publishing "questionable" books. (See also 1989 CIJL report.)

COLOMBIA

In the report on his visit to Colombia (U.N. document E/CN.4/1990/22/Add.1), the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, noted that:

In recent years, the victims (of extra-judicial executions) have included a Minister of Justice, an Attorney-General of the Nation, various justices of the Supreme Court and High Courts and many judges and judicial officials. A number of Ministers of Justice are reported to have been compelled to resign because of the death threats that hung over them and/or their relatives and some seven or eight judges have had to leave the country for the same reasons. In some cases.... the reprisals by the so-called paramilitary groups against the judges even include the killing of some of their relatives. According to *Asonal Judicial*, (the union representing judicial officers and workers -ed.) one-fifth of the 4,379 judges in Colombia today are under threat of death. In addition, not all the judges who have been threatened can benefit from police protection. However, it is said that when protection is provided it is inadequate, as the case of Judge Díaz Pérez demonstrates. The killing of judges and the lack of police protection led in 1989 to a number of strikes by judges and judicial officials throughout the country.

Indeed, nowhere in the world do judges work at such risk as in Colombia. Since 1980, an estimated 300 judges and court workers have been killed. In September 1989, after the government began a crackdown on drug traffickers following the 18 August assassination of presidential candidate Luis Carlos Galán, a group of drug traffickers calling themselves the "extraditables," announced that they would kill 10 judges for every one of their people extradited to the United States. According to *Asonal Judicial*, drug traffickers are responsible for the assassination of at least 53 judges since 1980.

Violence does not only come from drug traffickers, however. As the cases below illustrate, among the judges and lawyers who run the gravest risks are those investigating crimes allegedly carried out by or with the acquiescence of the armed forces. The Colombian weekly *Semana* reported that 90% of all public order judges (who hear crimes against state security, political crimes such as rebellion and sedition, crimes under the anti-terrorist statute, and crimes relating to death squad or paramilitary activity) have been threatened with death.

The 70 cases of judges and lawyers harassed in apparent reprisal for carrying out their professional duties in the past year, including the assassination of 37, reflects the inability of the government to maintain even minimum standards of safety. Although the government has set up a National Security Fund for the protection of judges, it has yet to implement concrete protection measures.

Other factors which have had a hand in the gradual dissolution of judicial authority include: a recruitment policy in which promotion is subject to bureaucratic criteria or party affiliation - to gain admittance to the upper judicial echelons, one must be a member of the Liberal or Conservative party; and a lack of job security - judges and magistrates serve for two and four years respectively.

Gregorio Alvear Palomino: judge in the San Alberto municipality, department of Cesar. On 19 September 1989, Alvear received death threats in which he was also advised to

resign from his post. Local human rights groups believe that a paramilitary group may be responsible for the threats.

Rafael Amaris Pava: lawyer and defender of political prisoners. He was a victim of an assassination attempt on 3 September 1989 in Valledupar, Cesar. A complaint has been registered with the *Procuraduría Delegada para las Fuerzas Militares* (Attorney General for the Armed Forces) of Valledupar for the alleged participation in the attempt by a member of the army. On 23 January 1990, a preliminary disciplinary inquiry was initiated.

Pablo Emilio Angarita Cañas: lawyer, detained on 8 September 1989, when personnel from the Military Police Battalion No. IV, acting under the authority of the IV army Brigade, raided the *Instituto Popular de Capacitación* (Popular Training Institute). Although a judge reportedly accompanied the soldiers, no search warrant was produced. The search lasted six hours during which time educational materials such as video cameras, video tapes, cassettes, a radio, a tape recorder and archival material were confiscated. Angarita Cañas and three other people were held blindfolded in incommunicado detention and reportedly tortured in the Battalion installations. On 12 September 1989, they were transferred to another prison where they had access to their lawyers but not to their relatives. Angarita and the others were informed that they were being held for alleged transgressions of the Terrorist Decree Law 180. The charges were apparently brought on the basis of a communiqué issued by the commander of the IV Brigade, accusing the IPC members, together with 24 other people, of forming part of a group of drug traffickers acting for the Medellín cartel. It is believed, however, that the IPC members may have been arrested for their educational work with the underprivileged.

All four were released unconditionally on 10 October in accordance with a ruling of the 4th Public Order Judge. They have been threatened with re-arrest, however, by the commander of the IV Brigade who has publicly criticised the ruling. A complaint has been registered with the attorney for the Armed Forces in Medellín against the military judge who ordered the search and arbitrary detention; in addition, a preliminary disciplinary inquiry has been initiated.

José Enrique Angulo Garavito: lawyer, Professor Emeritus of the Free University and ex-president of the Lawyers Club. On 15 November 1989, Angulo was injured in an assassination attempt in Bogotá.

Octavio Barrera Moreno: Public Order Judge in Medellín. On 15 August 1989, he received death threats. Barrera was investigating the assassination of the governor of Antioquia, Antonio Roldán Betancourt. As a result of the death threats against himself and his family, Barrera was forced to resign his post and flee the country.

Rocío Barrero: prosecutor, investigating the 25 January 1988 killing of former Attorney General Carlos Mauro Hoyos. In August 1989 she received death threats from individuals identifying themselves as members of the IV Brigade, in Medellín. According to the government human rights office (*Consejería de Derechos Humanos*), Barrero, who is also investigating the assassination of Judge María Elena Díaz Pérez (see below) has received additional death threats in connection with the investigation.

Luis José Bohada Bernal: lawyer, legal advisor to the Mayor's office of Puerto Wilches, and member of the *Comité Cívico de Socorro* (Civic Aid Committee). Killed on 24 June 1989 in the municipality of Puerto Wilches, department of Santander. His body showed signs of torture.

Saul Baquero Tiusa: lawyer, killed by gunmen as he left his home in the Panorama neighborhood in Villavicencio, Meta on 30 June 1989.

Rosa Victoria Campo Rodríguez: Special Criminal Judge (*Juez Unica Especializada*) of Santa Marta working on cases involving drug trafficking and illegal possession of weapons. According to the Department of Administrative Security (*Departamento Administrativo de Seguridad; DAS*), which conducted an investigation on Campo during 1989, a gunman had orders to assassinate Campo during September or October of 1989.

César Arcadio Cerón: labour lawyer and member of the Human Rights Committee of Popayán, assassinated on 10 June 1989 in Popayán, department of Cauca, by two gunmen as he left his house on a motorcycle. Cerón had received numerous death threats. Although an investigation was initiated, by 22 September 1989 the investigation had been suspended and the case transferred to the *Cuerpo Técnico de la Policía Judicial* (the technical branch of the judicial police).

Yadira Ester Cervantes Barrios: 7th Public Order Judge of Medellín, investigating army personnel from the military base in El Bagre in connection with "disappearances" and extra-judicial executions of peasant leaders. Cervantes received telephone death threats during August 1989. According to the government human rights office, she also received threats as a result of her investigation into the murder of Judge María Elena Díaz Pérez (see below). Reportedly, Judge Cervantes has been provided with an armoured car and a police escort.

Abelardo Daza Valderrama: lawyer specialising in the defence of political prisoners, member of the *Asociación Colombiana de Juristas Demócratas* (Colombian Association of Democratic Jurists) and legal advisor to the left-wing political party, *Unión Patriótica* (Patriotic Union; UP). Daza was shot dead in front of his Bogotá house by an unidentified man on 2 August 1989. Daza had been a UP candidate for senator in the department of Caquetá. He had moved to Bogotá after having received death threats. Although an investigation into the killing was initiated, no progress has been made.

Mónica de Greiff: Justice Minister who received numerous death threats from drug traffickers, particularly after the enactment of emergency decrees on 18 August 1989 following the assassination of the presidential candidate of the Liberal party, Luís Carlos

Galán. The eighth justice minister Colombia has had in the past five years, de Greiff resigned her post on 21 September 1989. Some of her predecessors served as little as 10 days before resigning and one, Rodrigo Lara Bonilla, was murdered on a Bogotá street in 1984.



María Elena Díaz Pérez

María Elena Díaz Pérez: 3rd Public Order Judge, killed on 28 July 1989. Judge Díaz replaced Judge Marta Lucia González in conducting the judicial investigation of massacres of banana plantation workers in Urabá and Córdoba during 1988. In September 1988, Judge Gonzalez had issued warrants for the arrest of three members of the armed forces, two alleged leaders of Colombia's largest narcotics ring, and the mayor of Puerto Boyacá. Detailed evidence gathered by the Judge established that an army major, head of the B-2 in-

telligence unit of Voltigeros Battalion, had provided names of the massacred workers considered to be guerilla sympathizers to a paramilitary unit, and had also paid a hotel bill in Medellín for several "death squad" members who travelled to Urabá from Puerto Boyacá shortly before the killings. After receiving death threats against herself and her father, Judge González was compelled to leave the country. González's father, Alvaro González, ex-governor of the Department of Boyacá, was murdered on 4 May 1989.

Upon assuming control of the investigations, Judge Díaz Pérez confirmed the warrants issued by Judge González. After having received numerous death threats, she was provided with bodyguards. On 28 July 1989 in Medellín, Antioquia, Judge Díaz Pérez was killed by armed men in a car as she was travelling by car accompanied by three bodyguards. Two of the bodyguards were also killed and the third wounded. Judicial investigations revealed a network of drug traffickers, landowners and military officers, presumably responsible for the 1988 massacres and for the aggression against Judges González and Díaz Pérez. As a result of the investigations, an assassin has been named who is still at large. Judge Cervantes Barrios and the prosecutor Rocío Barrero (see above) have been threatened as a result of their investigations into the assassination of Judge Díaz Pérez.

Mariela Espinoza Arango: federal judge in the city of Medellín, assassinated on 1 November 1989 by approximately 10 gunmen while opening the garage door of her home. Judge Espinoza was accompanied by two motorcycle guards. The attack was interpreted as a retaliation for the extradition of an alleged member of the Medellín drug cartel, José Abello. On the day of her assassination, 17,000 judges took part in a two-hour work stoppage. The strikes marked the third time in three months that judges went on strike following the assassination of a member of the judiciary. Medellín federal judges went on a four-day strike following the assassination to protest the lack of protection from hired gunmen. In addition, the 1,600-member National Association of Court Workers in the department of Antioquia declared a week-long strike to protest Espinoza's murder.

Laurentino Gallego Gil: Public Order Judge in Medellín specializing in cases involving narcotics and illegal possession of arms. On 15 September 1989, three gunmen exchanged fire with three police officers who were guarding Judge Gallego's home. The attack was reportedly in reprisal for the extradition of Eduardo Martínez Romero to the United States.

Luis Eduardo Galvis: judge in the Miraflores municipality, department of Guaviare. He was assassinated by uniformed men at his home in the presence of his family, on 29 April 1990 in Miraflores. The guerilla group, *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia; FARC), had given Galvis 48 hours in which to leave the area. It is assumed that he was executed after having refused to flee.

Omar Eduardo Garces Bueno: First Superior Court Judge of Cali. According to the October 1989 Press Bulletin of the *Comité Permanente por la Defensa de los Derechos Humanos* (Permanent Committee for the Defence of Human Rights) based in Bogotá, Garces received a letter from the group calling itself "the extraditables," expressing condolences for his death and a note threatening that 10 judges would be killed for each Columbian extradited.

Jaime Gómez Mendez: Public Order Judge in Bogotá. Gómez resigned from his post and left the country as a result of threats on 16 August 1989 against himself and his family. Gómez was investigating a case involving the raid of the Altos de Portal building, and had recently ordered the jailing of an individual involved in the raid.

Guillermo Gómez Murillo: lawyer and journalist for the newspaper *El Espectador* and for the radio network RCN. He was killed on 16 September 1989 at his parent's home in Buenaventura, Valle. He had reportedly received many death threats.

Magda Gonzáles: lawyer working for the *Comité Permanente de Derechos Humanos* (Permanent Committee for Human Rights) in Bogotá. In early 1990, she obtained highly detailed information from military officials relating to human rights abuses and drug trafficking on the part of Colombian security forces. Shortly thereafter, Gonzáles was warned that security forces were trying to locate her. Upon calling her office, Gonzáles was told security forces had already attempted to locate her there. Fearing for her safety, and under the recommendation of fellow human rights workers, she took refuge in the Swiss embassy in June 1990 and was assisted in fleeing the country.

Marta Luz Hurtado: 6th Public Order Judge in Medellín. She received repeated telephone death threats during her official investigation into the 11 November 1988 massacre of 43 people in the town of Segovia. According to witnesses, during the massacre some 15 heavily armed men in three pick-up trucks opened fire on people in the streets of the gold mining town. Political and union leaders were rounded up and shot while regular garrisons of the police and military stationed in Segovia stood by. In the report on his visit to Colombia (U.N. document E/CN.4/1990/22/Add.1), the Special Rapporteur on Summary or Arbitrary Executions of the UN Commission on Human Rights, S. Amos Wako, wrote of the Segovia massacre:

According to judicial investigations, the police did not move in to repel the attack, despite the fact that the headquarters is in the main square. ...Without any explanation whatsoever, on the day of the massacre, the three military posts were removed from the only road leading to Segovia, and the Bomboná Battalion which has buildings alongside the road made no effort whatsoever to stop the attackers. Some members of the Bomboná Battalion seem not only to have failed to have done their duty but to have taken an active part in the campaign of intimidating the population and the municipal leaders of the Patriotic Union (UP).

In February 1989, Judge Hurtado issued arrest warrants on charges of terrorism against a battalion commander, an army major, the commander of the police post based in Segovia, and three civilians for their part in the massacre. Although the armed forces authorities suspended the army and police officers, they reportedly refused to place the officers under arrest. Military Judge Gildardo Ospina Hoyos ruled that there were no grounds for instituting pre-trial proceedings against the police. Head officers of the Bomboná Battalion and the chiefs of the Police Headquarters in Segovia are being tried in the military courts on charges of cowardice. According to the government human rights office, Judge Hurtado is no longer responsible for the investigation of the case due to a promotion in mid-1989.

Alberto Jaime Pelaez: lawyer, journalist and professor at the Autonomous University of Bogotá. Pelaez was assassinated in Granada, department of Meta, on 19 January 1990 as he boarded a bus to Bogotá after having concluded the trial of a case.



Bernardo Jaramillo Uribe

Bernardo Jaramillo Uribe: Medellín criminal court judge investigating the massacre of 43 people in the town of Segovia (see Marta Luz Hurtado above), as well as the presence of paramilitary groups in Puerto Berrio and the murder of a police colonel, Waldemar Franklin Quintero. Jaramillo was killed by gunmen shooting from two cars as he left his office in Medellín on 5 December 1989. An investigation has been initiated. However, no progress has been made in determining those responsible.

José Héctor Jiménez Rodríguez: federal judge, shot to death in Medellín on 17 October 1989. Jiménez was shot six times by a gunman on a motorcycle while waiting on a street corner for a ride to work. An anonymous caller said a group of drug traffickers calling themselves "the extraditables" killed Jiménez in retaliation for extraditions to the United States. The extraditables claimed in an earlier message that they would kill 10 Judges for every Colombian extradited to the United States. Judge Jiménez was the first judge killed following the 19 August 1989 government announcement of a crackdown on drug traffickers. His assassination touched off a three day strike by judges.

Daniel Libreros Caicedo: lawyer, member of the Executive Committee of the left-wing movement *A Luchar* (To Struggle). Libreros was detained and allegedly tortured on 27 March 1990 by members of the army's III Brigade at the Cali airport. He was about to return to Bogotá after having learned that his apartment had been searched by security force members. Libreros was in Cali to act as defence lawyer for six trade unionists and a human rights worker who were detained by the III Brigade and accused of belonging to a guerilla organisation. The detainees were allegedly tortured while in the III Brigade and one woman prisoner allegedly raped. Their detention and torture was denounced to the regional prosecutor.

After being detained at the III Brigade for two days, Libreros was transferred to the *Departamento Administrativo de Seguridad* (Department of Administrative Security; DAS) and subsequently released. His detention was denounced to the regional prosecutor who reportedly visited him while in military custody. The Office of Special Investigations for the Attorney General initiated an investigation into the detention and torture of Libreros. As a result of the investigations, the attorney for the Human Rights branch of the Attorney General's office has brought charges of torture and illegal detention against members of the III Brigade.

María Mercedes Marengo: lawyer, killed along with two of her daughters and another woman on 27 November 1989 near the town of Villavicencio, Meta. It is believed that Marengo may have been killed in reprisal for her handling of a case involving a trade union. Reportedly, the assassin was a former soldier who had been detained as a suspect in the case.

Alvaro Medina Moreno: Public Order Judge of Bogotá who resigned on 23 August 1989 after receiving death threats against himself and his daughter. Judge Medina was investigating a murder attempt against General Miguel Maza Márquez, chief of the DAS.

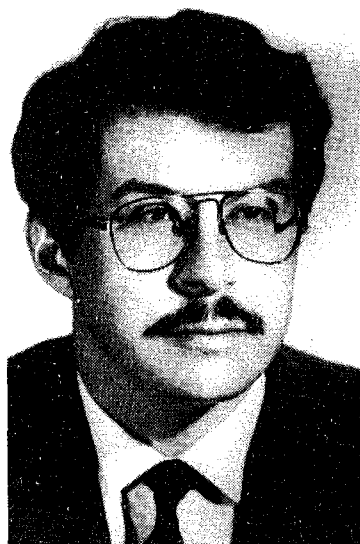
Luz Amparo Mejía Yusti de Roldan: Municipal Penal Judge of Cali, assassinated on 11 December 1989 by gunmen who entered her home in Buenaventura, Valle.

Pablo Mercado Serna: former magistrate of the Superior Tribunal of Magdalena Medio. Assassinated by three gunmen on 11 November 1989 in Ciénaga, Magdalena. Reportedly, the gunmen first attempted to kidnap Mercado who was shot when he resisted.

Francisco Morales Valencia: lawyer and police inspector, assassinated on 15 February 1990 in El Zulia, North Santander.

Martha Helena Oquendo Rodríguez: public prosecutor at the Third Court in Medellín, Antioquia. She was investigating a March 1988 massacre in Urabá (see Maria Elena Diaz Perez above), but was forced to leave the country in August 1989 after receiving repeated death threats by telephone and mail.

Gabriel Osuna Gongora: lawyer, injured along with a police inspector in an assassination attempt on 11 January 1990 in Cali, Valle. A suspect has been detained and charged with the attempt.



Alirio de Jesús Pedraza Becerra

Alirio de Jesús Pedraza Becerra: human rights attorney and member of the *Comité de Solidaridad con los Presos Políticos* (Committee in Solidarity with Political Prisoners) which provides legal and practical assistance to political detainees. Pedraza served as legal advisor to families of peasants who were killed in Llana Caliente, Santander in reprisal for their participation in demonstrations on 29 May 1988. In addition, Pedraza defended 42 unionists arrested and allegedly tortured between 1-7 March 1990, reportedly by members of the Army's 3rd Brigade in Cali, and was investigating the disappearance and assassination of the labour leader Jorge Eliécer Agudelo, also allegedly carried out by military officers. The suspects in the latter case are currently the subject of disciplinary investigations initiated by the Attorney General. On 21 August 1989, Pedraza's mother's house was raided by members of the Battalion Tarquí of the National Army, reportedly on the orders of an investigating judge of Sogamosa, Boyacá.

No charges were brought against him, however. On 4 July 1990, Pedraza disappeared at roughly 9:30 p.m. in Bogotá.

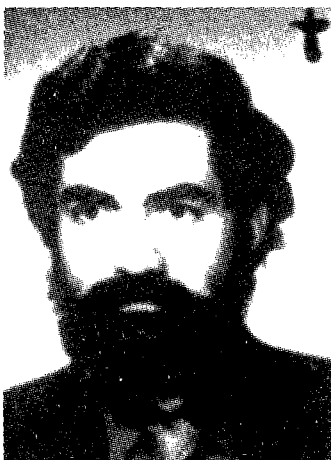
Several witnesses alleged that Pedraza had been abducted by eight heavily armed men in civilian clothes outside a baker's shop near his home in the commercial centre of La Campaña in northern Bogotá. The abductors had arrived earlier in three vehicles, which were stationed in front of the bakery. According to the witnesses, who identified Pedraza from a photograph, Pedraza managed to shout out his name as he was being forced into one of the vehicles. According to these reports, the abduction was also witnessed by two police agents to whom the abductors identified themselves as members of a security organ. No further information exists as to Pedraza's whereabouts. It is believed that his disappearance is in retaliation for his cases against members of the military. In a letter to the CIJL, the Minister of the Interior stated that the Attorney General's Office of Special Investigations established an investigation to determine whether Pedraza is being held in military or police installations, but that state security organs have claimed that Pedraza is not being held by them.

Ricardo Rodríguez Henao: legal advisor to the Trade Union Federation of El Meta (FESTRAM), Vice President of the Coordinating Board of the left-wing coalition party *Unión Patriótica* (UP) in the department of El Meta, and legal representative for various civil cases such as the death in February 1989 of FESTRAM's president Eduardo Yaya, and the massacre of civilians in that region in the same month. On 25 May 1989, he reportedly received a death threat sent in the name of the paramilitary group, *Los Magníficos*. During the night of 23 June 1989, while asleep with his family, unidentified persons (also, presumably, members of a paramilitary unit) dynamited and partially destroyed his home. He and his family have now left Colombia.

Samuel Alonso Rodríguez Jacome: Public Order Judge of Bucaramanga, department of Santander, assassinated along with his wife on 27 June 1990 in Bucaramanga. Rodríguez was investigating the deaths of three professionals who died during a military operation led by the Anti-Extortion and Kidnapping Intelligence Command — which is under the direction of the V Army Brigade. The three had been accused by the military of belonging to the guerilla group, the *Ejército de Liberación Nacional* (National Liberation Army). The week prior to his death, Rodríguez, along with public order judges of the district, had met with the police commander of the city to request additional personal protection. Despite the request, no action was taken to increase the protection available to judges.

Tarcisio Roldán Palacios: lawyer, former magistrate of the Administrative Tribunal, and former judge of the penal division of the Supreme Court. Roldán was assassinated along with his wife in their apartment on 13 March 1990 in Bogotá. Reportedly, one of the three assassins wore a police uniform. Roldán had brought several cases charging human rights violations committed by the Armed Forces.

Carmen Elisa Rosas Rosas: judge, assassinated along with three members of the National Police on 1 March 1990 in Mocoa, department of Putumayo, as she was on her way to work. Government officials stated that the guerilla group, the *Ejército Popular de Liberación* (Popular Liberation Army), was responsible for the assassinations. Other sources have suggested that the deaths were the responsibility of assassins hired by drug-traffickers.



Carlos Ernesto Valencia García

Carlos Ernesto Valencia García: Superior Appellate Court Judge in Bogota and member of the Andean Commission of Jurists. Valencia was shot and killed on 16 August 1989 in Bogota by three men on motorcycles armed with machine guns as he left his office in Bogotá. His bodyguard and two passers-by were wounded in the incident.

Only hours before his murder, Valencia had upheld an arrest warrant for the drug trafficker, Pablo Escobar, for his alleged involvement in the killing of newspaper publisher Guillermo Cano in December 1986. He was also reviewing a case of another alleged drug trafficker, Gonzalo Rodríguez Gacha, who had been cleared in March 1989 by lower courts of charges of the murder of Jaime Pardo Leal, leader of the *Unión Patriótica* (UP). Valencia had repeatedly received death threats.

An investigation was initiated on the day of his death. Reportedly, however, the prosecutor has recently requested that the preliminary investigations be suspended.

Colombian judges and judicial employees began a strike on 17 August to protest Judge Valencia's assassination and to demand protection. Approximately 450 judges technically resigned from their jobs to protest the assassinations of Valencia and Presidential candidate Luis Carlos Galán. On 18 August, the magistrates who comprise the Civil, Labour, and Penal Courts of the Bogotá Superior Tribunal tendered their resignations and suspended all legal proceedings until the government guaranteed safety and protection. On 24 August, judges and judicial employees lifted the strike when Justice Minister Mónica de Greiff announced that security measures would be taken.

Gabriel Jaime Vélez Correa: prosecutor of the Superior Tribunal of Medellín and public prosecutor in the murder case of former attorney general Carlos Mauro Hoyos. Vélez was assassinated on 11 December 1989 by gunmen on motorcycles in Envigado, department of Antioquia.

The following are additional cases in which lawyers and judges have been assassinated, "disappeared," or harassed. However, the circumstances surrounding these cases are such that it is difficult to determine whether the attacks were a result of the lawyers' and judges' professional activities.

Raúl Alvarez Osorio: lawyer and co-owner of the El Cid factory in Medellín, was abducted on 13 October 1989 in Medellín. The abductors fired shots at Alvarez's car, injuring his companion, and subsequently forced Alvarez into their car.

Ramiro Andrés Arboleda: lawyer and administrator of the Castilla de Oro hotel, was assassinated on 10 February 1990 at the Turbo, Antioquia, airport. Arboleda had previously received death threats.

Luis Enrique Beltran Zapata: lawyer, former judge in San Martín, Cesar municipality, and coordinator of the political campaign for the Authentic Liberal Left Front, was assassinated on 26 January 1990 in Rionegro, Santander. Beltran was found shot along with the president of the Liberal municipal directory one day after having been abducted by four masked persons. Two members of the guerilla group, the National Liberation Army (ELN), were detained and held responsible for the killings.

Norbin Díaz Pérez: lawyer and council member in Montería for the Popular Front political party. He was injured along with two companions in an assassination attempt on 16 November 1990.

Ernesto Durán Cordobes: 74-year-old lawyer, journalist, former mayor and legislator, and cousin of the Liberal leader Hernando Durán Durán. Durán was kidnapped on a farm, La Cabaña, on 5 March 1990 in Neiva, Huila by a group of guerillas reportedly members of the Revolutionary Armed Forces of Colombia (FARC).

José Arsenio Florez: lawyer working with Juvenile Court, was assassinated by two individuals as he boarded a bus in Barranquilla, Atlántico on 27 March 1990.

Francisco Forero Ortiz: lawyer, died of injuries suffered from jumping out of his office window in an attempt to escape several assailants who had broken into the office on 11 October 1989 in Cali, Valle.

Octavio Galeano Zuleta: lawyer, former tax official and former magistrate of the Supreme Court, was abducted from his office in central Medellín on 16 November 1989 by armed individuals.

José Noé García Castillo: lawyer, killed at his home in eastern Cali on 18 October 1989. The assassins knocked on García's door, fired four shots into him when he answered, and escaped by motorcycle.

Fabio García Velazquez: lawyer and auditor of Risaralda, was assassinated by individuals on a motorcycle on 10 December 1989 in Pereira, Risaralda.

Luz Amparo Gómez Serna: lawyer who had worked with the Attorney General's office for six years, and was at the time representing Angel Gaitán Mahecha, an alleged former associate of the suspected drug trafficker Gonzalo Rodríguez Gacha and of Victor Carranza, a known trafficker of emeralds. Gaitán reportedly had been collaborating with the police. Gómez was assassinated by two men as she was getting into a car on 9 September 1989 in Bogotá.

Luis Alvaro Godoy Rojas: lawyer and member of the Social Conservative Party. He died of injuries sustained in an assassination attempt on 3 September 1989 in the village of Boavita, Boyacá.

Miguel Angel de San José Herrera Espinosa: lawyer, alderman of Cereté, department of Córdoba, and member of the Liberal party. Herrera was found shot along with a taxi driver on the farm *La Argentina* on 6 October 1989 in Montería, Córdoba. He and the taxi driver had been abducted several days earlier by armed individuals suspected of belonging to a paramilitary unit as they drove on the outskirts of Montería.

Gilberto Hoyos Tobon: lawyer. He was assassinated by two men on motorcycle in the centre of Cali, Valle the night of 9/10 July 1989.

Gabriel Dario Londono: lawyer and alderman of Pereira for the Liberal party. He was abducted by the guerilla organisation *Jorge Eliecer Gaitán* in Dosquebradas, Risaralda on 16 July 1989 as he was heading from his farm to the capital of the department of Risaralda.

Gustavo de Jesús Mariaca Mariaca: lawyer and student at the University of Antioquia, was assassinated on 23 October 1989 by individuals on a motorcycle in the neighborhood of Buenos Aires in Medellín, Antioquia.

Oscar Martínez: lawyer. He was injured in an assassination attempt on 25 July 1989 in La Virginia, Risaralda, as he sat in the restaurant, *El Dorado*.

Sebastián Mosquera Mosquera: lawyer for and leader of the Sintrinagro union of the Urabá region in Antioquia. Assassinated along with another union leader during the second week of September 1989.

Silvio Notiveno: lawyer and alderman of Buenaventura for the Liberal party. He was injured in an assassination attempt as he got off a public bus on the outskirts of Buenaventura, Valle on 31 July 1989.

Pablo Pelaez González: lawyer, president of the company *Hojalata y Laminados S.A.*, member of the Liberal party, and author of *Jornadas de Convivencia por la Reconciliación* ("Days of Living Together for Reconciliation" -ed.). Pelaez was assassinated along with his driver at approximately 9 a.m. on 11 September 1989 in the El Poblado neighborhood of Medellín, Antioquia. The authorities believe assassins in the pay of the drug-trafficking cartels are responsible.

Eduardo Riveros Castro: lawyer. He was injured in an assassination attempt on 18 October 1989 in Bogotá in which a grenade being carried by an alleged member of the Administrative Department of Security (DAS) exploded. The supposed DAS member also carried false identification papers.

Gustavo Enrique Rodríguez Argel: lawyer and Rector of the University of Córdoba. He was abducted on 25 July 1989 from his Monteria, Córdoba office by guerillas from the National Liberation Army (ELN). Rodríguez was released on 28 July 1989.

Antonio Rodríguez Díaz: lawyer. He was assassinated along with his wife on 8 May 1990 in Villavicencio, Meta by two assassins in a car.

Hector Raúl Salazar Camargo: lawyer. He was assassinated by two individuals while in an auto mechanic's shop on 17 January 1990 in Cali, Valle.

Dimas Sampayo Noguera: lawyer, deputy in the assembly in the department of César, and brother of the Liberal party representative Augusto Eliseo. He was shot four times and injured at his home in Valledupar, Cesar on 16 September 1989.

Alvaro Vallejo Mazuera: lawyer, economist, and president of the Financial Corporation of the Occident. He was abducted from his estate La Laguito on 10 August 1989 in Pereira, Pereira. A farmer who attempted to aid Vallejo was killed.

Mauricio Vazquez Zawaski: lawyer. He was assassinated by two individuals on motorcycle as he was traveling in his car in the southern section of the city of Cali, Valle on 13 July 1989.

Orlando Rafael Yamboon: lawyer and former manager of the transportation company Coolibertador. He was shot and killed as he parked his car in the parking lot of the Colombo-American Institute of Barranquilla on 18 October 1989 in the city of Barranquilla, Antioquia.

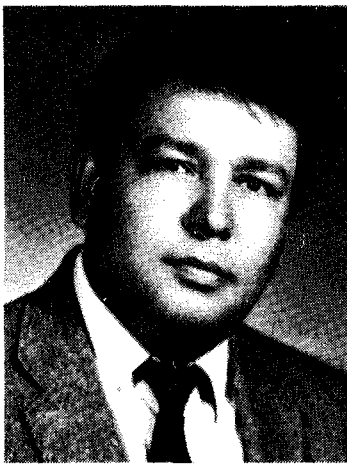
N N: lawyer, arbitrarily detained by troops of the operative command No.2 of the Army during a search of his house in Aruaca, Aruaca on 6 March 1990. The lawyer was accused of being part of an information network for the National Liberation Army.

EGYPT

Amir Salem: lawyer on the Executive Council of the Cairo-based Egyptian Organisation for Human Rights and member of the Civil Liberties Committee of the Egyptian Bar Association. Salem was arrested with 51 others on 24 August 1989, and accused of membership in the Communist Workers Party. Salem was coordinator of the defence team that investigated the arrests and alleged torture of striking iron and steelworkers, and had participated in a workers' sit-in protest in steelworks southeast of Cairo, for which more than 600 workers were detained. (In fact, many people arrested with Salem were active supporters of the striking steelworkers.) He was detained for three days in a police lock-up before being transferred to a prison where he was severely beaten. He was released from detention on 4 September.

EL SALVADOR

Randolfo Campos: attorney for the *Conscientización para la Recuperación Espiritual y Económica del Hombre* (Awareness for the Spiritual and Recuperation of Man, CREDHO), a social services program of St. John the Evangelist Episcopal Church in San Salvador. He was arrested with nine other CREDHO workers on 20 November 1989. Campos was responsible for the legal services component of CREDHO's program, providing legal advice to peasants seeking title to their land and to those organising agricultural cooperatives. Campos and the CREDHO staff were accused of complicity with the FMLN guerillas in a 30 October attack on the army high command in San Salvador. On 5 December, Campos was released from custody, without having been formally charged with or tried for any crime.



Salvador Antonio Ibarra

Salvador Antonio Ibarra: attorney for the Lutheran legal aid and human rights agency *Socorro Jurídico Luterano*. The National Guard detained him on 16 November 1989 when he appeared at Guard headquarters as attorney representing detained foreign Lutheran workers. Ibarra was held for ten days, interrogated, kicked, and threatened. Upon Ibarra's 25 November release to a visiting U.S. congressional delegation, National Guard Colonel Gálvez Díaz said there was an "antecedent" in his case - his representation of one of five guardsman charged and later convicted in the rape and murder of four U.S. church women in 1980, an assignment from which Ibarra withdrew after he discovered what he believed to be a cover-up involving high-ranking military officials. He was detained and tortured by men he believed to be National

Guardsmen in 1983 and fled the country, receiving political asylum in the United States. In recent years he had returned to El Salvador and was conducting human rights work under the sponsorship of the Lutheran Church. Immediately upon his release, Ibarra agreed to represent Jennifer Casolo, a U.S. citizen accused of hiding arms for the FMLN guerillas. On 12 December, he received threats after stating to the press that Casolo would be released. He found a note that said, "We know your movements. Sooner or later, we will make you pay." That day, he was followed by two cars whose occupants got out and pointed their guns at him. He then left the country again. Ibarra's sister and two others were arrested at Ibarra's house on 14 December, when police apparently came looking for him; They were released the next day. Ibarra returned to El Salvador in January 1990.

Leonardo Ramírez Murcía: law student at the National University and paid staff member of the non-governmental Human Rights Commission of El Salvador (CDHES). Ramírez was detained by plainclothes individuals on 16 July 1989 after having visited Mariona prison. He was allegedly physically mistreated and accused of being a member of a guerilla group and of participating in a terrorist attack. Ramírez was released on the same day of his detention after having been photographed and fingerprinted.

GHANA

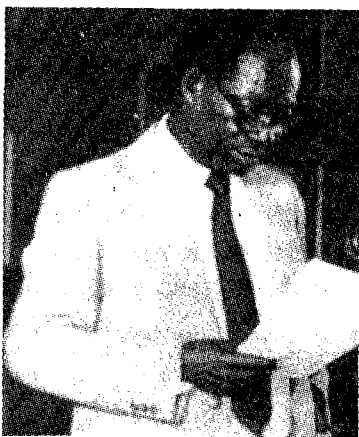
The President and other leaders of the Ghana Bar Association were detained in June (see below). The Sixth Biennial Conference of the African Bar Association (ABA), organised by the Ghana Bar Association and scheduled for 17-22 September 1989 in Accra, was abruptly cancelled by the government of Ghana on the eve of its opening.

The Provisional National Defence Council (PNDC), in cancelling the conference, accused the Ghana Bar Association of "purely political" objectives. The Ghanaian authorities, which had previously approved holding the long-awaited conference, cancelled it at the last minute after many participants had already arrived in Accra. The government, in correspondence to the Ghana Bar Association, also referred to financial considerations and stated that "as a result of new commitments it is advisable to space out all international conferences scheduled to take place in Ghana from now till the end of 1990. This is to allow for a full inventory and rehabilitation of existing conference facilities."

The ABA, established in Kenya in 1971 by bar associations and lawyers from English-speaking nations of Africa, has as its goals the maintenance of the rule of law and the independence of the judiciary in Africa and the improvement of legal services. The theme of its sixth conference was to be "Human Rights in Africa" and speakers from all over Africa and the world had planned to attend.

There were allegations in the government-owned press that the conference was to be used as a "launching pad for a destabilisation campaign of economic sabotage, social turmoil and violence." Allegations levelled in the press state that Peter Adjetey, President of the Ghana Bar Association (see below), met with representatives of Amnesty International and the U.S. Embassy in London who gave him advice and support for his supposed plans to topple the PNDC. The president of the Bar Association rejected these allegations, concluding that:

these publications must have been influenced or originated by persons who have evil intentions against me personally or against the Ghana Bar Association or its present leadership and are using the 6th Biennial Conference of the African Bar Association and its theme of Human Rights to project us as enemies of the government in order to have us eliminated or destroyed.



Peter Ala Adjetey

Peter Ala Adjetey and Nutifafa Kuenyehia: lawyers, National President and National Secretary, respectively, of the Ghana Bar Association. **J.N.K. Taylor:** prominent High Court judge. Adjetey, Kuenyehia, and Taylor sought to organise a series of lectures in commemoration of three High Court judges and a retired army officer who were abducted and murdered on 30 June 1982. Government agents are believed to have participated in the incident, a reportedly sensitive subject for the military government. (In 1983, five people were convicted of the murders and executed; two suspects were left unprosecuted.) There is no evidence that the lectures were to take place in any but a peaceful manner. Yet the government-owned press accused Adjetey and Kuenyehia of exploiting the incident for "political purposes," criticising their activities



Nutifafa Kuenyehia

as "subversive." Both lawyers were subsequently arrested, on 23 June and 26 June 1989, respectively, with no specific charges of unlawful activity. They were detained for two and three weeks, respectively, under provisions of the Preventive Custody Law and of the Habeas Corpus Act, which allow those suspected of subversive activity to be held indefinitely, without trial, and without the possibility of judicial intervention. Kept in solitary confinement, they were subjected to long periods alternately in pitch darkness or in blazing light. Adjetey and Kuenyehia had served as co-organisers of the Sixth Biennial Conference of the African Bar Association (see above). Judge Taylor was detained briefly in June 1989 for similar reasons. In 1982, Taylor had openly suggested the govern-

ment's involvement in the murders of the three judges who were to be commemorated in the lectures.

Kweku Baah: lawyer and former member of parliament. Baah was arrested on 11 June 1990 and detained without charge or trial by members of the Bureau of National Investigation, the security police in Accra. It is believed that his arrest is either linked to his plans to organise a press conference on 30 June 1990 to commemorate the killings of three judges on that date in 1982 (see above), or to the peaceful expression of his political beliefs. Baah was released from detention in mid-July.

GUATEMALA

Fáctor Méndez Doninelli: lawyer and founder/director of the Centre for the Investigation, Study, and Promotion of Human Rights in Guatemala (CIEPRODH). Méndez and his family received death threats on 11 May 1989 and 11 July 1989. On 11 July 1989, an unidentified man threatened Méndez's two-year old nephew with a gun and warned the child's mother that the child would be killed if Méndez did not leave the country.

Joel Torres Orozco: labour lawyer, representing striking teachers' unions. (On 27 May 1989, 30,000 teachers went on strike for higher wages. The strike lasted about twelve weeks and sympathy strikes occurred as well.) On 12 August 1989, the Supreme Court, ruling on an appeal from Torres, suspended a ruling of the Second Labour Court of Appeals declaring the teachers strike illegal and ordering the the teachers back to work. Later that day, at 11.30 p.m., while working at his office with a group of teachers, Torres was asked to leave the premises by armed men, some of whom wore police uniforms. Four marked cars and three unmarked cars blocked the street. When he asked for an explanation, none was given and no arrest warrant was produced. Torres subsequently contacted the local chief of police, and was told that no orders existed for him to be picked up. He thus concluded that the orders "came from above." At this point, the men confiscated Torres' car and left. The police consigned his car to the the penal court, alleging that shots had been fired at them from the car, but that Torres was not responsible. After eyewitnesses reported that no shots had been fired, the car was returned. Torres was, however, presented with a bill for towing and parking. Although agents of the Office of Professional Responsibility interviewed Torres, no arrests have been made in connection with the attempted abduction.

Edmundo Vasquez: President of the Supreme Court. Vasquez declared to the press on 28 August 1989 that he and several other judges had received death threats.

HAITI

Daniel André and Marc-Elie Blanc: lawyers for the League of Former Political Prisoners. André and Blanc were arrested on 25 October 1989 with their driver, League member Jacques Juste. They had travelled to Savanette in the Artibonite Valley to investigate complaints of abuses in the area, and were arrested at the military outpost by Lt. Jean Francky Valbrun. They were released without charges on 27 October 1989.

Elie Jean-Philippe: lawyer for the League of Former Political Prisoners, was detained on 8 September 1989 in Borgne. Jean-Philippe, along with François Pierre-Louis of the National Popular Assembly (APN) and Thony Belizaire of the weekly *Haiti Progrès*, travelled to Borgne to investigate arrests and other acts of repression against members of the local affiliate of the APN. The three were detained by soldiers under orders of Sergeant Morel at the military outpost at nearby Petit Bourg. They were held for about 45 minutes and then driven to the military outpost in Borgne where they were released by the commander.

Joseph Maxi: attorney and President of the Haitian League for Human Rights. Heavily armed troops from the Presidential Guard searched his home without a warrant on 1 November 1989. The military had arrested three popular leaders that day and raided Maxi's home claiming to be looking for another. Maxi and other lawyers for the Haitian League for Human Rights represent the organisations to which the detainees belong. On 3 November, his house was occupied by soldiers and Maxi was forced into hiding. Following the March 1990 coup against General Avril, Maxi was appointed Minister of the Interior by President, Mme. Pascal Truillot.

Jean Claude Nord: lawyer in Port-au-Prince involved in criminal defence and human rights legal work. Since 1988, Nord has been harassed by armed soldiers in the conduct of his professional duties and, during 1989, has received numerous anonymous death threats in which he was warned to stop his human rights work.

HONDURAS

Oscar Aníbal Puerto: lawyer and the vice-president of the *Comité para la Defensa de los Derechos Humanos en Honduras* (Committee for the Defence of Human Rights in Honduras; CODEH). Aníbal Puerto received death threats by telephone at the CODEH office in Tegucigalpa on 2 February 1990. These threats follow the 25 January 1990 murder of Reinaldo Zuniga Cruz, Director of the CODEH-Toyos, in Toyos community, Yoro Department. Aníbal Puerto has been the subject of numerous threats, on one occasion being the subject of a threat from the death squad, *Alianza de Acción Anticomunista, Triple A* (Alliance for Anticommunist Action). On 21 August 1989, a message was painted on his neighbor's house which read: *Ojo: Anibal Defensor De Los Derechos Kubanos* ("Notice: Anibal Defender of Kuban Rights").

Ramón de Jesus Ruiz Madariaga: lawyer, judicial officer for the *Comité para la Defensa de los Derechos Humanos de Honduras* (Committee for the Defence of Human Rights in Honduras CODEH) in the La Ceiba section, ex-leading member of the political party *Partido Innovación y Unidad* (Innovation and Unity Party; PINU), and professor at Curla University. He was active in defence of grassroots organisations and of farmers groups in particular. His body was found shot in the neck on 20 July 1990 in the foliage near his home "Villa Hermosa," in La Ceiba, department of Atlantida. The original police communique stated that the death was a "well-planned homicide." Two weeks later, however, the police stated that the death may have been a suicide. CODEH, however, asserts that the lawyer had been warned by a high-ranking military officer to stop working with CODEH.

INDIA

Nandita Haksar: human rights lawyer. Haksar has been the subject of harassment for her representation of villagers from Oinam, Manipur at a judicial inquiry into allegations of killings and torture against an army unit, the "Assam Rifles," In December 1988, the lawyer for the Assam Rifles threatened Haksar that he would "use force" against her. On 24 January 1989, while Haksar was in Imphal working on a petition filed in the Gauhati High Court by the Naga People's Movement for Human Rights (NPMHR), members of the Assam Rifles allegedly broke into her room, searched it, and removed two copies of a NPMHR pamphlet. The NPMHR case involved nine specific allegations against the Assam Rifles, including murder, torture, rape, sexual harassment, dismantling of houses, churches and schools, illegal detentions, looting and forced labour. Haksar had been in Imphal since 21 August 1988, and reported that the Assam Rifles intimidated and threatened the NPMHR witnesses, both in their home villages and in Imphal, where they had come to testify. (*This case was omitted from the 1989 CIJL Report.*)

Neel Kanth Ganjoo: retired judge, who passed a death sentence on the Jammu and Kashmir Liberation Front leader, Maqbool Butt. Ganjoo was killed on 4 November 1989, when militants fired at him from point-blank range as he was coming out of a bank in Jammu. Another person was injured in the shooting. Indian police allege the involvement of Pakistani-trained militants. Two earlier attempts were made on his life, one in September 1988.

Shri N.L. Patel: magistrate in Nadiad, Gujarat. In September 1989, he was detained and reportedly handcuffed, bound and beaten, and forced to drink liquor. A criminal case was also registered against him. Patel was apparently detained for his refusal to extend "police remand" of a person accused in a murder case. He had also passed strictures on the police for allegedly corrupt activities. The former Chief Justice of India and Chair of the CIJL Advisory Board, P.N. Bhagwati, expressed grave concern over Patel's detention and said that the incident was "calculated to undermine the independence of the judiciary." Bhagwati also noted that the Supreme Court of India has ruled that handcuffing prisoners is illegal, except in exceptional cases, and that the only purpose of handcuffing Patel could be to humiliate him. The Delhi Judicial Service Association passed a resolution calling upon the Chief Minister of Gujarat to take stern action against the police officers responsible. This resolution was forwarded to the Supreme Court of India.

The Supreme Court took up the case on 29 September 1989, as a public interest case requiring immediate attention to safeguard the independence of the judiciary. The Court directed the Gujarat authorities to explain their behaviour. On 3 October, the Supreme Court ordered the arrest of certain persons and their appearance before the Magistrate.

On 4 October 1989, the Supreme Court directed the transfer outside their district, within two days, of the Superintendent and the Deputy Superintendent of Police and others connected with the police station. The Court also appointed the senior-most Judge of the Allahabad High Court as Commissioner, to hold an inquiry into the harassment of Patel, and to submit his report to the Supreme Court within four weeks. By the same order, the Court issued notices of contempt, returnable on 22 November 1989, to the Gujarat Superintendent and the Deputy Superintendent of Police, the Police Inspector and Sub-Inspector Sadiya and Head Constable.

The Commission recommended that the police complaint against N.L. Patel be

quashed, and directed the State Government to pay substantial compensation for his torture and humiliation. It also directed the High Court to let him resume his duties, and recommended immediate suspension of the police officers involved and action against other local officials. Upon the Commission's recommendation, the Supreme Court directed the State Government to take all necessary action.

INDONESIA

In late 1989 and early 1990, *Ikadin*, the Indonesian lawyers association, came under pressure from the Indonesian government when the Minister of Justice, General (ret.) Ismael Saleh, made public statements urging the replacement of the current chair, Haryono Tjitrosoebono. *Ikadin* was created in 1985, when the Indonesian government insisted that all lawyers' organisations merge into a single entity to conform with President Suharto's corporatist principle of the Indonesian state. Haryono had been the chair of *Peradin*, the largest of the organisations absorbed into *Ikadin*, and served as counsel in leading political trials. He is currently a member of the team of lawyers defending students from the Bandung Institute of Technology (ITB), who were arrested on and after 7 August 1989 for protesting a visit by the Minister of Home Affairs to their campus. (See below for a discussion of harassment of two of the other lawyers, Dindin Maolani and Amartiwi M. Saleh.) Haryono has also spoken out on the lack of independence of the legal profession in Indonesia.

Ikadin postponed its November 1989 congress until January 1990 due to an internal dispute over the association's voting rights. Minister Saleh used the dispute as a pretext to declare that *Ikadin* had failed to give "guidance" to its members and that he would not allow the congress to take place until he had received assurance that *Ikadin* would elect a new executive able to "communicate with the government and to guide its members."

The Minister openly supports the candidacy of Gani Djemat as new *Ikadin* chairman. Gani's association with Ismael Saleh goes back many years; in 1966, he was judge in two Extraordinary Military Tribunal trials which sentenced alleged coup leaders to death. In response to a request by *Ikadin* for a meeting with Saleh to discuss plans for the congress, Saleh refused to receive only members of the Executive Committee, demanding that instead the delegation should consist of the whole Central Council and members of the Advisory Board, thus including his favourite, Gani Djemat. As the executive refused to accept orders from the Minister about the composition of the delegation, *Ikadin* is unable to convene a national meeting to elect a leadership to replace the current leadership whose term has expired. *Ikadin* chair Haryono has said that rather than allow such interference, it would be better for *Ikadin* to be disbanded. "We can still enforce the law without it. The organisation is a tool; we should use it, not be used by it."

A July 1987 decision by the Minister of Justice and Chair of the Supreme Court, which has been criticised by Haryono and others, gave the Executive the power to supervise the legal profession and disbar lawyers for alleged contempt of court. This joint decision prohibited lawyers "from acting, behaving, assuming attitudes, using words or issuing statements that display disrespect for the legal system, the laws of the land, the general powers, the courts, and their officials." It required them to refrain from improper behaviour towards their opponents, and from damaging the reputation of their profession. The decision gave the certain levels of the judiciary the authority to impose disciplinary measures against lawyers, ranging from warnings to disbarment for life. District court judges and high court chairs could impose punishments up to disbarment for six months; disbarment for longer periods was permitted by the Justice Minister in consultation with the Supreme Court Chair.

Dindin Maolani: lawyer and director of the Legal Aid Institute office in Bandung, West Java; and **Amartiwi M. Saleh:** lawyer and former director of the *Lembaga Bantuan*



Dindin Maolani

Hukum (Legal Aid Institute; LBH) office in Bandung, West Java. The two lawyers were defending students from the Bandung Institute of Technology (ITB), who were arrested on and after 7 August for protesting a visit by the Minister of Home Affairs to their campus. Maolani and Saleh also represented people in land rights disputes in the area. On 7 August 1989, they received anonymous death threats by telephone. Saleh and the LBH-Bandung office subsequently received a series of threatening calls and anonymous letters. Several weeks after the arrests of the Bandung students, LBH-Bandung lawyers complained to the internal security arm of the military about not having access to their clients. The threatening calls then

increased in frequency. Parents of some of the students reported that they were under pressure to persuade their children not to appoint LBH lawyers. The pressure reportedly came from BAKORSTANASDA, the regional unit of BAKORSTANAS, the internal security agency. On 20 August, the lawyers sent a second protest letter regarding lack of access to their clients. On 21 August, the front gates of the homes of Saleh and Maolani and of the LBH office were locked with chains covered with human feces. Three days later, burning plastic pails were thrown at Maolani's home. On 9 October, objects resembling sticks of explosives with batteries, wire and detonators were attached to Maolani's car. The harassment of these and other LBH-Bandung lawyers was reportedly under investigation by the Bandung police. By the end of the 1989, however, there were no leads.

Haji J.C. Princen: lawyer, and Chair of the Indonesian Institute for the Defense of Human Rights. Princen, 65, has defended several political prisoners and was detained from 1974 to 1976 for taking part in an anti-government protest. The Indonesian government has prohibited Princen from travelling outside of Indonesia since 1985. In August 1989, it denied him an exit permit to attend the Geneva meeting of the United Nations Human Rights Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, where he was to testify on the human rights situation in Indonesia and East Timor. At 9:50 a.m., on 19 June 1990, Princen's office at the Institute for the Defence of Human Rights received a telephone call from someone identifying himself as from the *Markas Besar ABRI* (Army Central Headquarters). The caller said, "I'm going to shoot you." When asked to identify himself, the caller repeated, "I'm going to [kill] you tonight," and hung up. Princen reported the incident to General Try Soetrisno. He also reported that one of his employees received numerous threatening telephone calls.

Saiman: lawyer and director of the provincial LBH legal aid office in Palembang Sumatra. The South Sumatra office of the internal security agency, BAKORSTANASDA, requested that the High Court of South Sumatra review Saiman's license to practice law, claiming that he had acted beyond his authority in handling a labour dispute at CV Panca Samudera, a rubber company. BAKORSTANASDA asserted that LBH had no authority to handle labour cases, and that workers could only be represented by *Serikat Pekerja Seluruh Indonesia* (All-Indonesia Workers Union, SPSI, a national labour union founded by the government). The agency also claimed that LBH Palembang had no authority to give legal advice and education outside of court, that the case was still in arbitration when LBH-Palembang brought a civil suit on behalf of 17 of the over 200 workers employed by CV Panca Samudera, and that LBH-Palembang improperly demanded money from the workers. On 2 May 1989, an intelligence detachment of the South Suma-

tra Military Command 11 summoned, interrogated, and arrested four workers. On 23 May, after sending a letter to the local Commander protesting the arrests as a violation of the Code of Criminal Procedure, Saiman was called to the office of the South Sumatra BAKORSTANASDA. On 17 July, Saiman was summoned by letter to appear before the High Court of South Sumatra on 20 July 1989, following BAKORSTANASDA's request that Saiman license be reviewed. He explained that LBH-Palembang had not influenced the workers to bring suit, as BAKORSTANASDA charged, but rather that the workers had given LBH power of attorney to settle the problem. He further argued that legal aid to workers is provided for in Article 27 of the Constitution and Article 35 of Law No. 14, 1970. The incident ended on 20 July 1989, when the court agreed that LBH had the authority to represent workers in court.

ISRAEL AND THE OCCUPIED TERRITORIES

The detention without charge or trial of Palestinian lawyers in the Occupied Territories, as well as the general restrictions on the right to counsel, are of particular concern. In the past twelve months, tens of thousands of Palestinians were arrested in connection with the *intifada*, while an estimated 3,000 served periods of detention without charge or trial. Administrative detention orders can be issued by the Minister of Defence or a military commander if they believe that security reasons so require. Since August 1989, each order can be issued for a maximum period of 12 months, but can be renewed indefinitely thereafter for further periods of up to 12 months.

Thousands of other Palestinians were tried by military courts. An ICJ Mission of Inquiry into the Military Court System, which published its findings in December 1989, found severe shortcomings in the procedures used by these courts, including the lack of effective access to counsel. Detainees may be prevented from seeing an attorney for up to thirty days, at which point access is virtually at the discretion of military prison commanders. The Mission also found a "denial of adequate facilities for attorney visits at military prison camps." The Mission of Inquiry found similar problems in the military courts, including the "denial of adequate time for the preparation of a defense," as well as the frequent use of "quick trials." Lawyers in the Occupied Territories have repeatedly gone on strike to protest these and other deficiencies in the legal process.

Several of the lawyers listed below were also subjected to administrative detention which, as noted, has been used extensively since the beginning of the *intifada*. In the absence of specific charges and disclosed evidence, the CIJL is concerned that the internment of these lawyers was precipitated by their professional advocacy activities.

Rafiq Abu Dalfa, Ibrahim Abu Daqqa, 'Abdul Rahman Abu Nasr, 'Abdullah Abu 'Aita, Zuhair Al-Sharafi, Sharhabeel Az-Za'im, Shihda Hamad, Jamal Hasanayn, Jamal Haweela, Riad Imtair, Hamada Mukhaimar, Fu'ad Shnaweara, and Samir Zahir: Gaza Strip lawyers representing clients detained in Israel. The Israeli military issued an order on 1 May 1989, requiring that Gaza strip attorneys with clients in prisons and detention centres inside Israel obtain pass cards from the Civil Administration to meet with their clients. The military authorities stipulated that, unless these cards were obtained by 1 August 1989, the lawyers would be banned from entering Israel. The order, which is in violation of the Fourth Geneva Convention, has prevented the above lawyers, along with 80 others, from meeting with their clients. The Israeli authorities justify the pass cards as necessary to prevent certain Palestinians from leaving the Gaza Strip, notably those with political or criminal arrest records, people who have participated in tax boycotts, or individuals reputedly hostile to Israel. (Gaza Strip attorneys have refused to pay Israeli taxes, on the ground that tax laws in the Occupied Territories violate international law governing the rights and obligations of an occupying power. The Israeli government has not formally charged them with participating in the boycott.)

Furayh Abu-Mudin: lawyer, and Gaza Bar Association chair. In June 1990, the Gaza Civil Administration prevented Abu-Mudin from travelling to the United States. In April 1990, he and a fellow lawyer, Sharhabil a-Zaem, were invited to meet with members of the United States House of Representatives. Sharhabil a-Zaem was granted the requisite travel documents, and allowed to leave for the United States. During May and June, Abu-Mudin had a series of meetings with Civil Administration officials, and was

told that he would be allowed to leave. In late June, however, the head of the Gaza Civil Administration informed him that his request for a *laissez-passer*, the document required by the American Embassy before granting a visa, had been refused. Abu-Mudin alleged that members of the Israel Defense Force (IDF) told him that his position as bar chair was the sole reason for the prevention of his visit. A senior IDF source informed the *Jerusalem Post* that the travel ban was for "security reasons," and that an army spokesperson was investigating the ban.

Abdul Rahman Abu Nasr and Muhammad Al-Liddaawi: law partners, and General Secretary of the Gaza Lawyers Association and resident of the Jabaaliya refugee camp, respectively. Israeli tax authorities and soldiers acting as their guards raided the lawyers' Gaza City office 8 August 1989. The tax authorities confiscated files and private papers related to their law practice, which they have yet to return. At the time of the raid, Abu Nasr and Al-Liddaawi were representing clients before the military court. Al-Liddaawi has been prevented from meeting his clients by restrictions against lawyers issued by the Israeli military (see above). In early 1990, Abu Nasr's application for a *laissez-passer* was rejected, preventing him from travelling to Sierra Leone to participate in a United Nations human rights conference. (Permission to leave the Occupied Territories is required of all Palestinian residents of the West Bank and Gaza Strip.)

Murad Abu 'Ubaydah: Palestinian lawyer from East Jerusalem. On 24 December 1989, he was prohibited from entering the detention centre for previously-arranged meetings with his clients. After he asked for an explanation, two Israeli guards at the entrance to 'Anaata detention centre verbally and physically assaulted him. When Abu 'Ubaydah protested to the commanding officer, who swore at and expelled him from the prison. He was then admitted to Al-Muqaasad Hospital in East Jerusalem for injuries to his neck, back, left leg and right hand.

Yousef Zaki al-Araidi: lawyer from Jenin. He was arrested at the end of May 1989, and placed under administrative detention in Ketziot prison for six months. The reason for his detention is unknown.

Awad Khalil al-Batran: lawyer from Izna (near Hebron). He was arrested in late April 1989, and placed under administrative detention in Ketziot prison for six months. The reason for his detention is unknown.

Ziad al-Bu: West Bank lawyer who handles land cases. He was arrested and later released on 27 September 1989.

Adnan Albu Leila: lawyer in Nablus, the West Bank, and member of the Arab Lawyers Committee of the West Bank (ALCWB), who represents administrative detainees and handles other human rights cases. He was arrested on 24 September 1989, and on 25 September, the Israeli military authorities issued a three-month administrative detention order against him. According to the detention order, he was detained for being an activist for Fatah, the largest faction of the Palestinian Liberation Organization (PLO). Albu Leila was accused of serving as a liaison between Fatah leaders outside of prison and those detained. Albu Leila was unable to rebut these charges, since administrative detention orders are issued on the basis of secret evidence. He served his sentence at Ketziot, the military detention facility located in Israel.

Akram Faaris Jabir Al-Ghuul: Palestinian attorney from Gaza. On 12 September 1989, he was detained by *Shin Bet*, the Israeli domestic intelligence service. The reason for the detention stemmed from a personal letter that a client gave Al-Ghuul on 11 September 1989 at the military court, which was to be delivered to the detainee's family. A military police officer showed the letter to the Israeli judge, who ordered the detention and interrogation of Al-Ghuul. He was detained for two weeks in Gaza Central Prison, and released two hours before his petition for release was scheduled to be heard.

Khalid 'Abdul Hadi Al-Qidra: lawyer and Vice-President of the Palestinian Bar Association in Gaza, former deputy head of the Gaza Lawyers Association, and ex-judge, specialising in military court cases and criminal law. On 10 September 1989, he was arrested and detained without charge, following an Israeli army raid and search of his house. Amnesty International reported that he was beaten, with his head covered, and kept in solitary confinement and deprived of sleep. He was accused of receiving money from the Palestinian Liberation Organization (PLO) for distribution to Gaza Strip activists. He was also accused of supporting the popular committees in Khan Yunis and of membership in Fatah. At his trial, on 23 November, he was sentenced to 30 months in prison and fined on charges of distributing funds for the PLO, on the basis of an alleged confession. Fifteen months of his prison sentence were suspended. Al-Qidra had been arrested in 1973, when he was the chief judge of the magistrate's court in Gaza. He was removed from his post, convicted of involvement in illegal political activities, and sentenced to a seven-year prison term. After two years he was released.

'Ali Salim Ahmad An-Naa'uuq: lawyer in Gaza. Israeli tax authorities raided his Dayr Al-Balah (Gaza) law office on 12 September 1989 without a warrant, confiscating the contents of the office, including files on detainees and personal papers. The authorities then searched and removed files from An-Naa'uuq's home. None of the confiscated materials have been returned. (In the Occupied Territories, military orders permit authorities to enter private institutions and homes without warrants.)

Shaher Aruri: Palestinian lawyer from El-Bireh, member of the Arab Lawyers Committee of the West Bank (ALCWB), who represents administrative detainees in the military courts. He was arrested on 5 October 1989, for suspected membership in an illegal organisation. On the day following Aruri's arrest, the ALCWB announced a one-week strike. Aruri was held without charge for two weeks in Hebron prison before being released on bail. At the first bail hearing on 11 October, which Aruri was not permitted to attend, the police representative refused to state publicly the charges him, claiming that his file had been declared confidential. On 15 October, at the second bail hearing, the interrogators told Aruri that the Shin Bet had been informed of his membership in 1982 in a prohibited organisation. The interrogators further accused Aruri of representing the Democratic Front for the Liberation of Palestine in the ALCWB. When Aruri asked to confront his accuser, the interrogators refused to reveal their sources. The police representative requested an additional sixty days of interrogation, stating that the gravity of the accusation against Aruri. On 16 October, however, the military court decided to release Aruri on bail (though it postponed his actual release until 18 October). Aruri was then required to report to the Ramallah police station once a week, and was barred from travelling abroad for six months.

Diib Isharabati: Hebron lawyer. He was placed under administrative detention in mid-1988 and held for six months in Ketziot prison. Again placed under six months adminis-

trative detention in late June 1989, he is currently being held in Ketziot prison. The reasons for his detention are unknown.

Jonathan Kuttab: Jerusalem lawyer. On 6 May 1990, Ketziot prison authorities prevented Kuttab and nine other lawyers from visiting some of their clients and meetings with other clients. Each lawyer had previously submitted a list of 18 inmates whom they were granted permission to see. (Procedures for lawyers' visits in Ketziot — in the Negev Desert in southern Israel — allow for one visit per month to a maximum of 18 prisoners.) When the lawyers arrived at 8:30 a.m. for their scheduled monthly visit, a guard spent several hours searching through some of the lawyers' bags before permitting them to visit with prisoners. Although visits with the prisoners began at 11 a.m., with one guard assigned to the lawyers, only two to three prisoners were brought at a time to consult with them. Around noon, the prison's legal advisor responded to complaints made by the lawyers, allowing them to visit prisoners in another section of the prison. The guards, however, did not bring out the requested prisoners until several hours later, granting the lawyers five minutes with each prisoner. The lawyers and their clients had to stand on opposite sides of a barbed wire fence with two meters between them, in the presence of guards as well as other prisoners and lawyers. There were no facilities for the lawyers to take affidavits or to sign or consult documents. The lawyers were then restricted from seeing clients in the rest of the prison. By the end of the day, the lawyers had met with about half of the prisoners they had requested to see. They were searched for several hours, before being allowed to leave the prison at 9:00 p.m.

Mohammed Abdul Rahim Shadid: West Bank defence lawyer for administrative detainees and defendants before military courts. Shadid served as an active coordinator of a boycott by the Arab Lawyers Committee of the West Bank (ALCWB) of the military courts to protest the unresponsiveness of Israeli authorities to repeated complaints. Shadid was summoned to the military governor's office in Tulkarem on 12 March 1989 and placed under six months' administrative detention, without charge or trial. The evidence for the detention order was kept secret, preventing Shadid from challenging the general allegations made by the Israeli military. In July 1989, the Judge Advocate General of the Israeli Defence Force (IDF) stated that Shadid's detention was "based solely on his illegal activities against the security of the Area," and accused him of being a senior activist in the Democratic Front for the Liberation of Palestine. The Judge Advocate General stated that Shadid had been administratively detained from 24 March 1988 to 6 June 1988 for his illegal activities, and that upon his release, he reestablished his position as a prominent activist. The Advocate General provided neither further details of nor evidence for any of these assertions. Shadid was released after serving the full term of his detention order.

Raji Sourani: Palestinian defence lawyer who was detained for six months in 1988 under an administrative detention order. The Israeli military authorities held his identity card for five months following his release, subjecting him to increased possibilities of harassment and arrest. In December 1989, Israeli authorities informed Sourani that he would not be granted a *laissez-passer* travel document to attend Columbia University's Human Rights Advocates Program, to accept a Visiting Scholar position for the spring 1990 semester. Despite this, Sourani applied in writing for a *laissez-passer*. After the intercession of the U.S. Embassy in Tel Aviv, the head of the Civil Administration in Gaza and the legal advisor for the Gaza Strip informed him that the *laissez-passer* would only be granted upon three conditions: that he not leave New York; participate in activi-

ties involving anti-Israel "propaganda," or establish any "connections" while in New York. Sourani was told that he would be summoned to the Civil Administration headquarters on 19 February to read and sign a document, written in Hebrew and Arabic, agreeing to the conditions. Though he signed the document, he has yet to receive a copy of it. He arrived in New York in March 1990. The conditions have prevented him from speaking about such topics as his work on behalf of Palestinian clients and the military justice system in the Occupied Territories.

JAPAN

The results of a survey circulated by the Japan Federation of Bar Associations (JFBA) indicated an increase in the harassment of lawyers. In the past five years, 345 cases were reported, ranging from direct physical attacks and repeated telephone calls to blackmail. Most threats originate either from persons involved in "deceptive business practices" or from the organised gang known as "YAKUZA." The majority of YAKUZA's 80,000 to 90,000 members are assumed to be involved, directly or indirectly, in illicit or deceptive businesses such as drug trafficking, gambling, usury, or extortion.

In 1980, the JFBA recommended that local bar associations establish centres to combat violent interferences by YAKUZA members or others in civil disputes. Through this nationwide network of regional centres, the bar associations have tried to assist YAKUZA victims in defending themselves. On 25 May 1990, at its annual general meeting, the JFBA adopted a resolution to combat increasing incidents of violent interference with the work of legal professionals.

According to the Tokyo Bar Association, the prompt actions of lawyers, in coordination with the police and the courts, have largely thwarted YAKUZA's attempts at harassment. Nonetheless, the Bar Association has received reports of serious harassment. Akira Higami, a lawyer in Ise, Mie-ken, was shot by a member of YAKUZA on 17 July 1987, and hospitalized for approximately one month. The shooting appeared in retaliation for his work against YAKUZA members in a civil dispute. In April 1989, Takami Yoshida, a lawyer in Oita-ken, was threatened with blackmail, and YAKUZA members, whom he was opposing in a legal dispute, threw a Molotov cocktail into his home. The perpetrators were identified and convicted.



Tsutsumi Sakamoto

Tsutsumi Sakamoto: lawyer in Yokohama. On 3 November 1989, he, his wife, and their baby disappeared from their home. Sakamoto represented parents whose children have come under the influence of the religious sect AUM Shinrikyo and had handled labour suits for several unions. Police have undertaken an investigation, and at one point had reportedly assigned 110 agents to the case and had interviewed 2,000 persons. Sakamoto had spoken of the sect in a radio programme in October. Shortly thereafter, the religious group distributed leaflets in Yokohama criticising Sakamoto and the radio show. On 31 October, he had a heated argument with representatives of the sect. The sect, however, has denied any involvement in the disappearance, and the police have no evidence connecting it to the disappearance. Former Japan National Railway labour unionists, other labour groups and civil rights activists have formed a "Society to Find Attorney Sakamoto and His Family", while the Yokohama Lawyers Society set up a commission to look into the case and the JFBA established a council to examine the circumstances of the disappearance.

KENYA

In 1990, the government of Kenya launched a campaign against prominent human rights lawyers as part of its attempt to silence the movement for a multi-party system. It has sought to undermine the independence of the bar through the arrest and detention of numerous human rights lawyers interference in elections of the Law Society of Kenya, and the attempted banning of *The Nairobi Law Monthly*. Previously, in 1989, it amended the constitution to deprive High Court judges of security of tenure.

The March elections of the Law Society of Kenya pitted candidates from a pro-government group against an opposition faction led by Paul K. Muite (see below). There was widespread concern that the elections were rigged, with the help of the government, to ensure that the Law Society's directorship not fall into the hands of outspoken critics of government policies. President Daniel arap Moi validated the results, despite objections by the opposition that the ballots had been improperly distributed. (Although the procedure calls for ballots to be mailed, the pro-government incumbent, who won the election, had allegedly personally handed out many ballots, urging lawyers to vote for him on the spot. He was also directly involved in the mailing of the official ballots, which many of the members of the Society, notably Muite's supporters, allegedly never received by post.)

In its endeavour to silence the press, the government has harassed *The Nairobi Law Monthly*, a publication with a relatively small circulation, but which plays a significant role in Kenya as a forum for the expression and exchange of ideas among jurists. The magazine's editor-in-chief, Gitobu Imanyara (see below), has been the persistent subject of government harassment, and is currently in prison on charges of sedition for material printed in the publication.

In early and mid-July 1990, the government engaged in a new wave of repression. On 4-5 July, it arrested three prominent lawyers, Mohamed Ibrahim, Gitobu Imanyara, and John Khaminwa, and eight others, under the Preservation of Public Security Act. The arrests came after several weeks of mounting political tension, as calls for a multi-party state made by ex-politicians, lawyers, and church leaders were deemed "subversive" by the government. The three lawyers were held without charge or trial for three weeks before being released on 26 July. Imanyara was immediately rearrested. After the arrests, the International Bar Association (IBA) shifted its September 1990 biennial meeting from Nairobi to New York. The IBA cited concern both for the safety of IBA delegates in light of violence in and around Nairobi and for the state of human rights and the rule of law in Kenya.

The current attack against lawyers in Kenya is part of ongoing repression by a government that has frequently arrested lawyers for activities it views as hostile to it. Many of the lawyers whose cases are described below have been detained in years past for such activities as their defence of politically unpopular clients and speaking out against conditions of detention and the denial of constitutional guarantees in Kenya.

Mohamed K. Ibrahim: Kenyan lawyer of Somali descent, and partner in the Nairobi law firm of Paul Muite (see below). In the November 1989 edition of *The Nairobi Law Monthly*, Ibrahim criticised the government's policy of screening ethnic Somalis in Kenya, stating that the process was unconstitutional and discriminatory. (In November, Kenyan Somalis were told to report to special centres to verify their Kenyan citizenship. They were issued special identification cards; those who did not register were subject to

arrest and detention.) On 10 April 1990, Ibrahim was summoned for questioning to the Nairobi Security Intelligence Office. To the alleged offence of "misconduct of good behaviour," Ibrahim responded that "there is no such offence known to law." He was arrested in early July 1990, though the government failed to make any statement about or acknowledge the arrest. The arrest occurred soon after Ibrahim had initiated legal actions against the government for human rights abuses. He was released on 25 July.



Gitobu Imanyara

Gitobu Imanyara: lawyer, founder, editor-in-chief, and publisher of *The Nairobi Law Monthly* (*The NLM*), Imanyara has been an outspoken supporter of press freedom, as the government banned numerous publications in March and April 1990. (*The NLM*, launched in October 1987, is one of the few remaining publications to defend human rights in Kenya following bans on other publications critical of the government. Taking strong stands on a range of human rights issues, the independence of the judiciary and the bar, and the rule of law, *The NLM* also provides general information on legal problems and seeks

to educate citizens about their constitutional rights. It is a forum for judges, lawyers, and others to exchange their views on matters of national significance.)

In March 1990, an Assistant Minister of Parliament moved for the banning of *The Nairobi Law Monthly*, calling it "subversive" and referring to Imanyara as "permanently abusing the government." Later in the month, a member of the Special Branch Office (the intelligence police) visited Imanyara in his Nairobi office and asked Imanyara to accompany him back to his office. Imanyara refused to go with him. That day, in a statement he made as he anticipated an imminent arrest, he wrote:

If they come for me ... I will go knowing fully that I have made my contribution in my own small way towards restoring my beloved democratic Kenya. ... I will accompany these agents of terror because I have no physical power to resist them. I go knowing that there are millions of Kenyans who are silent and painfully bearing it out with me.

On 18 June 1990, Imanyara was one of three lawyers to address a press conference called to protest the treatment by police of human rights lawyer, Paul Muite, and his two activist clients. Plainclothes police broke up the press conference, ordering all of the participants to disperse (see below).

Imanyara was arrested in early July 1990 under the National Security Act, for which no charges are necessary. He was detained for three weeks in isolation in a maximum security prison, and, in response to international pressure, was released with other human rights lawyers on 25 July. Unlike the others, however, Imanyara was rearrested the next day and charged with three counts, including sedition which carries a penalty of up to seven years' imprisonment. He was also charged with failing to register the magazine correctly, and already faced charges since 1988 for not submitting financial returns, an apparently obscure charge that the government has selectively levelled against publishers of three critical magazines that it has wished to suppress. His rearrest followed publication of an *NLM* issue on "The Historic Debate - Law, Democracy and Multiparty Politics in Kenya," containing articles for and against a multi-party system, which generated such interest that the initial print run of 10,000 copies sold out and another 5,000 were printed.

On 1 August, Imanyara was released on bail. Imanyara said that during his six days in jail he was held incommunicado in a windowless cell in the psychiatric wing of Kamiti prison near Nairobi. He described the experience as "squalid and degrading". He said that basic hygiene was poor - a single chamber pot per prisoner was supposed to serve as wash basin and toilet - and that prisoners were not provided with toilet paper.

Wanyiri Kihoro: lawyer and land economist, was arrested at his home in Mombasa on 30 July, 1986 and held in detention until 1 July 1989 under the Preservation of Public Security Act. His arrest presumably stemmed from his persistence in a suit against the government for torture and illegal detention, brought in January 1988. Although authorities did not publicly acknowledge Kihoro's detention for 74 days, as required by law, the judge ruled that the detention was lawful. The judge also stated that Kihoro was neither tortured nor ill-treated, despite evidence to the contrary provided by Kihoro's lawyers.



Gibson Kamau Kuria

Gibson Kamau Kuria: leading human rights advocate and contributor to *The Nairobi Law Monthly*, known in Kenya for his willingness to take on politically sensitive cases. Kuria was first detained on 26 February 1987 without charge or trial and held until December 1987. His detention came two days after he had informed the government of his intention to bring suit on behalf of three people who were allegedly tortured while being held incommunicado in police custody, prior to official detention. (Kuria's firm continues to handle the case, which is still pending.) The government's purported reason for Kuria's detention was that he was a member of the "Mwakenya Movement," an illegal dissident group. Kuria, however, denies any affiliation with the movement. Kuria's law offices have been under surveillance for some time. At the time of the arrest, the government confiscated Kuria's passport, which it has yet to return to him. Kuria filed suit upon his release to have his passport returned, but encountered numerous delays.

Without his passport, Kuria could not visit the United States in 1988 to receive the honours and awards conferred on him by the American Bar Association, the Robert F. Kennedy Foundation, and the Lawyers Committee for Human Rights. The Commonwealth Lawyers Association (CLA) invited Kuria to speak at the Ninth Commonwealth Law Conference, held in Auckland, New Zealand in April 1990, attended by 2,000 lawyers from all parts of the Commonwealth. The President of the CLA and Chairman of the African Bar Association, Rodger Chongwe, issued a statement that Kuria's absence was "a threat to the independence of the Law Society of Kenya and a threat to its members."

On 3 April 1990, two plainclothes officers from the Special Branch went to Kuria's chambers looking for him. He believes that they came to interrogate and possibly detain him either because of his support for a multi-party system or because of allegations he made that the Law Society elections were rigged in favor of a government-backed candidate (see above).

On 18 June 1990, Kuria was one of three lawyers to address a press conference called to protest against the treatment by police of human rights lawyer, Paul Muite, and his two activist clients. Plainclothes police broke up the press conference, ordering all of the participants to disperse (see below).

Kuria left the country on 11 July 1990, during the most recent wave of arrests and detentions of human rights lawyers, after seeking refuge in the United States Embassy in Nairobi. He is currently in the United States where he was honoured in July by the American Bar Association.

Paul K. Muite: lawyer. Muite, who represents Gibson Kamau Kuria (see above), was ordered to surrender his passport on 23 November 1988, directly after travelling to the United States to accept the Robert F. Kennedy Foundation's Human Rights Award on Kuria's behalf. (Kuria could not attend the ceremonies since his passport had been confiscated the previous year. See above.) The authorities have yet to return Muite's passport to him.

On 17 June 1990, while Muite was meeting with his clients, Kenneth Matiba and Charles Rubia (ex-cabinet ministers and leading advocates of a multi-party system in Kenya), three police officers broke up the meeting and ordered Muite and his clients to go with them. They refused to accompany the police on the ground that the police had neither a warrant nor a basis for the arrest. The following day, Muite, Gitobu Imanyara and Gibson Kamau Kuria (see above) held a press conference to protest the treatment of Muite and his clients. Five police officers broke up the press conference, seizing notes and tape recorders from reporters, and ordering the dispersal of all present. The police also roughed up those who refused to disperse. When Muite and Kuria went to file a complaint with the Commissioner of Police and the Director of Intelligence, they were informed that the officials were not in their offices, and no one would register the complaint. After a follow-up press conference by Muite's clients on 25 June, two journalists were detained for questioning.

Muite went into hiding fearing his arrest early July 1990, just before the government arrested eleven human rights lawyers and activists in the most recent wave of repression.

LIBERIA

Cephar A. Mbandi: On 16 March 1988, Mbandi, lawyer and legal counsel of the banned Liberia Unification party (LUP), was arrested in Monrovia and accused of treason and participating in a conspiracy to destabilise the government. He was detained by the Joint Security Forces of Liberia and was reportedly held in very poor conditions (solitary confinement, no light, poor hygiene, no visitation rights, etc.) at the Post Stockade of the Barclay Training Center military barracks in Monrovia. In March 1990, Mbandi was released by an act of executive clemency in commemoration of Namibia's independence.

MALAYSIA

Manjeet Singh: lawyer, Vice-President of the Malaysian Bar Council, and active campaigner against government restrictions on the independence of the judiciary. On 30 April 1989, the Malaysian government charged Singh with contempt of court for statements made during a lawsuit to remove the new Lord President of the Supreme Court. The lawsuit stemmed from the government's 1988 removal of the previous Lord President, Tun Salleh Abbas. As noted in the 1989 CIJL report, several rulings by the Court against the interests of the government prompted Prime Minister Mahathir Mohamad to make public attacks on the justices. When the Lord President wrote a private letter to the monarch in objection against the Prime Minister's conduct, he was suspended from office for alleged "misbehaviour." Over protests by the Malaysian Bar, a tribunal of judges, presided by the Lord President's deputy and eventual successor, was appointed to decide on his dismissal. Upon the Lord President's motion to stay the tribunal's proceedings, five other members of the Supreme Court, meeting over the objections of the Deputy Lord President, granted the stay on 2 July 1988. The five judges were subsequently suspended as well. The tribunal, which met *in camera*, recommended the Lord President's dismissal, which was carried out by the monarch on 8 August 1988. A second secret tribunal recommended the dismissal of two of the five other judges, which was also carried out.

On 7 July 1988, immediately after the suspension of the five Supreme Court judges, the Bar Council held an Extraordinary General Meeting. It passed a resolution in favor of a finding of contempt of court against the then-Acting Lord President of the Supreme Court, Hamid Omar, for his attempt on 2 July 1988 to prevent the Supreme Court judges from meeting to hear the Lord President's stay application. The Bar ratified the resolution on 22 April 1989, after the judges' final dismissal. On 25 April 1989, Manjeet Singh submitted an affidavit, in his capacity as Secretary of the Bar Council, in support of an application to the Supreme Court for leave to issue contempt proceedings against the Acting Lord President. The application, however, was dismissed on 30 April 1989. The Attorney General Tan Sri Abu Talib subsequently charged Singh with contempt of court for statements made in his affidavit, alleging that the affidavit scandalized the then-Acting Lord President. In so doing, Singh was said to have lowered the dignity of the court in the eyes of the people as well as the dignity of the monarch and the ruling council, who appoint the judges.

More than 300 members of the Bar Council, including almost all of its former presidents, asked to join Singh as respondents in the case. The Supreme Court of Malaysia heard the contempt proceedings from 4 to 7 June 1990 in the presence of a court observer sent by the CIJL. Singh faces an indeterminate penalty and could be imprisoned if found guilty. As of July 1990, the court had yet to render a decision.

MEXICO

Norma Corona Sapiéñz: lawyer and President of the Commission on the Defence of Human Rights of Sinaloa and of the Clemente Vizcarra law school. Corona was assassinated by gunmen on 22 May 1990 on a busy street near the Autonomous University of Sinaloa. According to witnesses, the assassins drove in front of Corona's car, forcing her to stop. They then attempted to grab her and, when she resisted, shot her three times, in the head, thorax, and abdomen. After shooting her, the men proceeded to beat her before fleeing. Corona had previously received several threats. She was instrumental in securing the passage of a bill before the Sinaloan State Congress, only five days before her death, which invalidated the use of statements obtained through the use of torture, and established a maximum ten-year sentence for public servants who practice torture. The State of Sinaloa is now the only state in the republic which has established jail sentences for the crime of torture. It is believed that her death was related to the passage of the bill or to the possibility that Corona was close to exposing ties between government officials and drug traffickers. Corona's friend and co-founder of the Human Rights Commission, Jesus Michel, had been assassinated 17 months earlier after exposing ties between government officials and drug traffickers. In April 1990, Corona told the press that if anything was to happen to her, the Federal Judicial Police would be responsible.

Following Corona's assassination, human rights organisations, lawyer's associations, and universities protested the killing and demanded that a special prosecutor be appointed to lead an investigation. A special prosecutor was appointed and on 2 July 1990, the Governor of Sinaloa announced to the press the capture of five suspects including a member and a former member of the Federal Judicial Police. The suspects were found along with rifles, grenades, radios with state and federal police frequencies, uniforms similar to those of the Federal Judicial Police, and four vehicles.

Rosario Huerta Lara: law professor at the University of Veracruz and legal counsel to members of the indigenous community in Embocadero, Ilamatlan, Veracruz. She was warned on 12 July 1989 by Mario Ramírez Bretón, an official of the Agrarian Reform Secretariat in Veracruz, that if she returned to Embocadero she would be killed. The same official had warned her in May that if she or three others returned to Embocadero they would be killed. One of them, Pedro Hernández did return and was assassinated on July 7 1989.

Luis Tovar Cedillo: auxiliary judge, killed in August 1989 in Monterrey, Nuevo Leon, allegedly by drug dealers. Tovar had received telephone death threats. In the wake of Judge Tovar's murder, a group of auxiliary judges in Monterrey demanded police protection from drug-trafficking groups.

MOROCCO

El Kenfaoui and El Othmani: lawyer and judge of the Rabat Court of Appeals, were arrested on 5 and 8 January 1990, respectively. Upon a complaint by another lawyer alleging the falsification of legal documents by El Kenfaoui in a case in which he opposed that lawyer and in which El Othmani had served as appellate judge, El Kanfaoui was arrested. Three days later, El Othmani was arrested after members of the Rabat Bar took over a courtroom in the Court of Appeals to protest the conditions under which Kenfaoui was being detained. Also that day, the *Conseil Supérieur de la Magistrature* (the judiciary's governing council) held a special meeting to lift El Othmani's judicial immunity. El Kenfaoui and El Othmani were placed in *garde à vue* detention and interrogated by the police. The prosecutor later extended the detention beyond the normally permissible limit. According to local lawyers, the procedure by which El Othmani was arrested contravened the provisions of Moroccan law requiring that the arrest of a judge be ordered by the criminal bench of the Supreme Court (rather than the prosecutor). Similarly, the prolongation of his detention should only have been permissible if the case involved national security. El Kanfaoui's arrest was also allegedly irregular in that lawyers' testimony is normally heard in the presence of the Bar President. Both Kenfaoui and Othmani claimed to the investigating judge that they were subjected to violence during the police interrogation. The cases against the two were dismissed after they had been released pending trial.

NAMIBIA

Anton Lubowski: 37, lawyer and a leader of the South West African Peoples Organisation (SWAPO). Lubowski was assassinated on 13 September 1989 outside his home, three weeks before the elections to establish a Constituent Assembly to draw up a constitution for the new independent state of Namibia. Lubowski was shot in the head by an assailant using an AK47 rifle, and died at the scene of the shooting. He was a member of SWAPO's election directorate which was overseeing its campaign for elections in November 1989. He was one of the first whites to join SWAPO, and represented many anti-apartheid campaigners in trials in South Africa. Well-known for his defence of people charged with security offences, he was successful in exposing conditions in Namibian prisons and the extensive use of torture. He was publicly critical of the security laws and their effect on the rule of law in Namibia. Lubowski experienced economic pressure because of his work on behalf of SWAPO members. For example, in 1985, solicitors in Windhoek refused to engage him as barrister on a brief even when clients had specifically requested his services. Although a suspect was detained in connection with the the killing of Lubowski, his assailants remain unknown.

David Smuts: head of the Legal Assistance Center in Namibia, a public interest law firm, received numerous death threats in the two weeks prior to the murder of Anton Lubowski (see above). Smuts has received numerous other threats, related to the Center's handling of complaints alleging human rights abuses perpetrated by the South African security forces.

NEPAL

In early 1990, the Nepalese government cracked down on members of the political opposition in response to widespread demonstrations for reform of Nepal's non-party system. In February 1990, the government arrested thousands of opposition party members, students, human rights monitors and journalists. Many were tortured. Dozens of protesters were killed when security forces opened fire on demonstrators. The wave of protests culminated in a demonstration in Kathmandu on 6 April at which an estimated 50 to 200 persons were shot dead. Immediately thereafter, King Birenda dissolved his cabinet, released almost all political prisoners, and formed an interim government. He also established a Constitutional Recommendation Commission to draft a new constitution for Nepal to restore multi-party democracy under a constitutional monarchy. The incidents listed below all relate to the involvement of jurists in the "pro-democracy" movement. (The names of many lawyers arrested are not yet available.)

Padampani Devakota, Khem Narayan Dhungana, Govinda Gautam, Shrikrishna Gautam, Krishna Bahadur Gurung, Gunanidhi Neupane, Tilak Parajulee, Rajitbhakta Pradhananga, Dharmanath Shaha, Bhavasagar Subedi, Hari Subedi, Ramchandra Tripathi, Ambika Prasad Koirala, Baburam Poudel, and Khagendra Acharya: lawyers and members of the Western Regional Court Bar Association in Pokhara. All were arrested on 24 September 1989 and detained for short periods without charge when police broke up a Bar Association conference on human rights and the Constitution of Nepal.

Achutananda Bhandari, Ananda Bhusal, Rewati Prasad Bhusal, Diwakar Khanal, Ravi Khanal, Subash Nembang, Krishna Chandra Nepali, Matrika Niraula, Gopal Pandey, Tom Lal Pandey, Bashunder Prasad Dhungan (President of the Nepal Bar Association), Mukunda Regmi (ex-President of the Nepal Bar Association), Nagendra Bhakta Shrestha, Chandra K.C., Ashik Raj Karki, Sindu Nath Pyakurel, Ananda Santoshi Rai, Vidur Raut, Shiva Bahadur Koirala, Indra Mani Upreti, Ravi Chandra Neupane, Dharmanath Shaha, Yangyan Murti Banjade, Daman Dhungana, Prabhu Narayan Choudhari, Krishna Prasad Bhandari, Ram Prasad Sintaula, Bharat Mohan Adhikari, Madan Thapa, Birodh Khatioada, Kishore Adhikari, Prem Nath Sharma, M.S. Thapa, Khemnarayan Dhungana, Khemanarayan Koirala, Borna Bahadur Karki, Raman Shrestha, Hikmat Poudel, Kamal Koirala, Prabhu Narayan Choudari, Krishna Prasad Bhandari, Ram Prasad Sitoula, Sitananda Ray, Surya Chandra Neupane, Dwarikaman Joshi, Devendra Nepali, Shrikrishna Gautam, Tilak Prasad Aryal, Mahendra Man Byathit, Vijay Kumar Gupta, Madan Mohan Choudhari, Kul Prasad Nepal, Matrika Niraula, Din Bandu Aryal, Ramesh Thapa, Hikmat Singh, Sushila Karki, Sarad Kumar Shrestha, Bhupnidhi Panta, Gauri Narayan Banskota, Keshav Prasad Mainali, Awadhesh Yadav, Govinda Joshi, Keder Gautam, Badri Bahadur Karki and Shambhu Karki: lawyers, arrested on different occasions during the pro-democracy movement. Most were arrested in February 1990, following the call by the Nepal Bar Association for a general strike on 20 February, in which most of Nepal's 1,800 lawyers participated, to protest the killings and arrests of "pro-democracy" demonstrators. Among the arrested were eight members of the the Nepal Bar Association's 11-member Executive Committee, some of whom were reportedly tortured. No specific charges were filed. Several of the lawyers detained were released after one or two days,

while others were detained for a few weeks under the Public Security Act. All were released after the declaration of a multi-party system on 8 April 1990.

Shambu Prasad Gyawali: senior advocate and former Minister of Law and Justice, former Attorney General and current President of the Nepal Branch of the International Law Association; **Kusum Shrestha:** senior advocate and President of the Nepal Law Society; **Kalyani Shaha:** advocate; and **Bishwakanta Mainali:** advocate, LAWASIA Councillor and former secretary of the Nepal Bar Association. On 20 March 1990, the police interrupted a human rights forum of more than 700 lawyers and other professionals, arresting the entire audience without warrant. Shrestha was detained for six hours on 20 March 1990, and reported that though he was asked the reasons he attended the program, he was never told the reason for his arrest. Gyawali, a speaker at the forum, was detained until 11 a.m. on 21 March 1990. Mainali was held for two days. Dozens of others, whose names are not available, were also reportedly held.

NIGERIA

Olisa Agbakoba and Michael Ozekhome: lawyers and president and director of legal services, respectively, of the Lagos-based Civil Liberties Organisation (CLO). On 8 June 1990, Agbakoba and Ozekhome were held in detention for seven hours and questioned about their work for their clients, the family of Chief Great Ogboru. Agbakoba had recently filed a motion on behalf of the chief's brother, Shadrack Ogboru, questioning whether the military court had the authority under the Nigerian constitution to hear cases involving coup suspects. (A military tribunal was established to try those allegedly involved in the coup plot of 22 April to overthrow the government of General Ibrahim Babangida. Ten suspects were brought before the tribunal, presided over by nine senior military officers. For the trials, which were conducted in camera, the suspects were not permitted to select their own civilian lawyers. Rather, they were represented by military lawyers appointed by the tribunal.)

Tunji Brathwaite: Lagos lawyer, and presidential candidate in the 1983 elections. He has been detained since 25 April 1990. It is believed that Brathwaite's arrest is linked to his appeal to the government following the 22 April coup attempt not to execute the alleged coup plotters (see above). He also advised the government to consider changing some of the policies advanced as justifications for the attempted coup. In May, Brathwaite discontinued his suit against the government for unlawful detention. Brathwaite's lawyer, Chief Olu Onagoruwa (see below), read a statement by Brathwaite in court that Brathwaite was dropping the suit against the government because it was "a waste of time." The withdrawal of the suit came shortly after the Principal Staff Officer to the President, Colonel Anthony Ukpo, had made public that Brathwaite was being held under State Security (Detention of Persons) Decree No. 2 of 1984. (Decree No. 2 authorizes the administrative detention, for a renewable period of six weeks, of any person suspected to be a threat to national security or to have contributed to the economic adversity of the country. The detention cannot be challenged in court.)

Chief Gani Fawehinmi: lawyer and prominent critic of government policies. Over the past few years, he has brought several lawsuits against government authorities, particularly in connection with the death by parcel-bomb of journalist Dele Giwa in 1986. He and his family have reportedly been subject to frequent harassment by the State Security Service. On 17 June 1989, he was holding a public meeting in his chambers in Lagos to discuss alternatives to the government's economic policies. He was arrested on the spot and detained incommunicado under reportedly harsh conditions, more than 1,500 kilometers from Lagos. After one week, Fawehinmi needed medical treatment for high blood pressure because he was not given his medication during detention.

In September 1989, he was charged with obstructing the country's political transition program for his criticism of the government in a magazine interview, a crime punishable by five years. Although the courts approved Fawehinmi's release on bail in September, he was immediately redetained under the state security detention law (Decree No. 2; see above). He was released on 14 October 1989 after widespread protests against his detention. Chief Fawehinmi was arrested again in early January 1990, and charged with contempt for statements made in reference to a judge's alleged pro-government bias, in a motion to transfer a lawsuit to another court. For this, he received a one-year prison sentence, but was released on bail on 15 February, pending appeal. In March, the government dropped all charges against Fawehinmi. Fawehinmi has agreed to defend

both Chief Olu Onagoruwa, lawyer (see below), and Paul Unongu, Onagoruwa's ex-client and former minister in the Second Republic.

Olu Onagoruwa: Lagos lawyer. Onagoruwa was arrested in his lawyer's robe as he was leaving the Lagos High Court on 1 June 1990. The arrest followed his refusal to comply with directives from the State Security Office (SSS) to withdraw a suit against the government for the unlawful detention of his client, Paul Unongu, minister in the Second Republic. He was detained under Decree No. 2 until 11 June, when he released. Onagoruwa also served as lawyer for Tunji Brathwaite (see above).

PAKISTAN

Syed Sami Ahmed: lawyer in Karachi. On 7 April 1990, he appeared as counsel for the accused killers of an activist from the People's Student Federation. Among the accused was a leader of the Muhajir Qaumi Movement (MQM), which represents Muslims from India who came to Sindh at the time of Partition. On 8, 9, and 10 April, Ahmed received telephone calls, in which the caller(s) requested that he not appear in the case. On 12 April 1990, the local police officer on duty, along with 15 men in plain clothes, entered Ahmed's home in the middle of the night without a warrant. Ahmed was not at home. After his daughter vainly asked to see a warrant, they thoroughly searched the house, throwing things about before leaving. Later that day, Ahmed reported the incident to the Governor of Sindh and the police commissioner. The High Court Bar Association, the Karachi Bar Association, the Sindh Bar Council and the Pakistan Bar Council passed resolutions condemning the search and demanding an inquiry. The Karachi Bar Association also led a protest march. An inquiry was opened and an order issued to the police officer to explain his conduct, which he failed to do. The inquiry officer's report was never supplied to Ahmed, though the inquiry officer and the deputy commissioner were later transferred. The police officer was also transferred to another station, but was not disciplined.

Yousuf Khalil: lawyer. He was detained on 18 December 1989, when he went to the Peshawar police station to inquire about the arrest of some of his employees. Khalil was detained for five to six hours, and reportedly manhandled and insulted. Khalil's treatment by the police led to a protest march by members of the Peshawar Bar Association. Khalil has filed a complaint with a magistrate against the police officers for their manhandling and illegal detention of him. As of late July 1990, these proceedings were still pending.

PARAGUAY

Pedro Abilio Rolón: lawyer and government critic, Abilio was arrested on 18 September 1989 and accused of extortion, coercion against, and the blackmailing of, an Income Tax Department official. Reportedly, the arrest was in retaliation for several lawsuits initiated by Abilio against officials of the former government of General Alfredo Stroessner. Abilio was released on 5 February 1990.

Eduardo Morales: lawyer and member of the human rights group *Comité de Iglesias* (Committee of Churches). He advised street vendors whom the local government was seeking to evict, and attended a student music festival, which reportedly included pieces political in nature. He and his wife (also a lawyer) were arrested without warrants and Morales was imprisoned on 7 November 1987. *Habeas corpus* petitions filed on his behalf were rejected. On 17 November he was charged with violation of Law 209, "Defence of Public Peace and Personal Freedoms," a charge typically invoked against political opponents during the reign of President Stroessner. He was released on 4 February 1988 following two hunger strikes. Charges against him were still pending at the time of the coup against General Stroessner in February 1989, but have apparently since been dropped.

PERU

In Peru, the independence of the judiciary and the legal profession has suffered a steady deterioration as a consequence of political violence. Judges, lawyers and prosecutors most frequently the victims of attacks are those who investigate cases involving terrorism, defend persons charged with terrorism, and participate in the investigation of excesses and massacres attributed to security forces.

Most assassinations and cases of harassment in Peru occur in zones under a state of emergency (which now extends to territory in which half of the country's population lives), and are attributed to the guerilla groups *Sendero Luminoso* (Shining Path) and *Movimiento Revolucionario Tupac Amaru* (Tupac Amaru Revolutionary Movement), paramilitary units such as the *Comando Rodrigo Franco* (Rodrigo Franco Command), and in some cases to security forces that have political and military control over the areas.

In light of attacks by *Sendero Luminoso* on judges, justices of the peace and other representatives of the state, provincial courts have increasingly had to be concentrated in departmental capitals. This situation has not only caused serious problems for those who have to travel long distances to take up matters in court, but has also created a vacuum in many rural areas, depriving people of state protection and an effective system of justice.

The lack of protection for members of the legal profession from attacks by guerilla groups, coupled with the impunity with which attacks and assassinations against the legal profession have been carried out by paramilitary forces, has left judges and lawyers to work in conditions that seriously undermine the independence of their profession. It has become increasingly difficult to fill the vacancies left by judges and prosecutors who have been killed in the emergency zones or who have left their positions after receiving threats. Combined with this is an increasing loss of legitimacy on the part of the judiciary, whose actions have often been severely criticised. Failings on the part of the judiciary, however, are partly the result of external factors such as the lack of an adequate budget and the practice of political appointments, both of which contribute to undermining the autonomy necessary for the judiciary to carry out its functions. In November 1989, the CIJL released a report on the Peruvian judiciary which examined some of these problems.

On 18 February 1990, the Lima offices of the Andean Commission of Jurists, an ICJ affiliate, were damaged in a bomb blast. On 4 March, a similar explosion caused damage to the offices of the Peruvian section of Amnesty International.

Lawyers and judges associations have yet to coordinate means for defending their members and for exerting political pressure in order to confront the situation of insecurity and violence which surrounds their professions.

Diesel Alfonso Amasifuen Pinchi: Justice of the Peace of the Buenos Aires district in the Picota Province. Amasifuen was detained on 29 May 1990, along with the Buenos Aires mayor and a professor, by members of the security forces who accused them of collaboration with "subversives." Upon being released, the group alleged having been tortured by the security force members. This case has been denounced by the weekly paper *Cambio*, which, in general, is well informed of the activities of the armed left-wing *Movimiento Revolucionario Tupac Amaru* (Tupac Amaru Revolutionary Movement), which it claims to support.

César Carlos Amado Salazar: judge who has repeatedly received threats of violence. Amado was involved in investigating the May 1988 massacre of 28 villagers in Cayara, department of Ayacucho, by members of an army unit. The Cayara massacre was apparently committed in reprisal for a 13 May 1988 ambush of an army unit by the Shining Path. The army reportedly entered Cayara, rounded up the villagers, separated the men and then killed them using bayonets and farming tools. The investigation of the massacre by Prosecutor Carlos Escobar Pineda (see below) has been resisted and frustrated by the military and some members of the government. Threats and attacks have been made against both Escobar and Amado as a result of their involvement in the Cayara case. On 2 December 1988, Amado's house was bombed and a note left behind advising the judge that "all those who support terrorist delinquents will die." The *Comando Rodrigo Franco*, (Rodrigo Franco Command; CRF) described as an independent group created to "avenge" actions by the Shining Path, claimed responsibility for the attack. Amado's house was bombed again in June 1989, forcing him to flee. On 24 September 1989, Amado announced that he and his parents had received death threats, prompting his parents to leave the country.

Dario Arroyo Yance: lawyer, providing legal representation to Victor Polay Campos, leader of the *Movimiento Revolucionario Túpac Amaru* (Tupac Amaru Revolutionary Movement, MRTA) who, on 10 July 1990 escaped from the maximum security prison, *Miguel Castro Castro*, along with 47 other members of the MRTA. Two days later, Arroyo announced to the press that he had been receiving death threats.

José Burneo Labrin: lawyer, head of the Law Program, Human Rights Education, and Director of the *Centro de Estudios y Acción para la Paz* (Centre of Study and Action for Peace; CEAPAZ). Burneo was threatened on 16 September 1989 when, at approximately 1:00 a.m., he was visited by an armed individual who appeared to be a member of a state security unit. The man banged on the front door several times, did not identify himself, and left after Burneo refused to open the door. On 15 February and 16 March 1990, an armed person, in uniform on one occasion, again knocked on Burneo's door late at night. The last two instances took place while Burneo was attending the 46th Session of the United Nations Human Rights Commission, on the invitation of the World Council of Churches. On 6 April 1990, Burneo received a telephone death threat by an unidentified person. Although complaints have been brought before the authorities, who have announced an investigation, no progress has been made in determining the sources of the threats.

Sergio Canchari Chuchon: lawyer, received death threats on 17 April 1990 in Ayahucho. He has reportedly continued to receive death threats, allegedly from police or military elements as a result of the cases in which he is involved. He was recently elected Regional Deputy of the Liberadores-Wari region.

Angel Escobar Jurado: lawyer, vice-president of the Human Rights Committee of Huancavelica, was detained on 27 February 1990, allegedly by members of security forces. The security forces have denied having detained Escobar. There is no information as to his whereabouts and he is considered "disappeared."

Carlos Escobar Pineda: lawyer, Special Prosecutor appointed in May 1988 by the Attorney General to investigate the Cayara massacre in the Department of Ayacucho and former Special Prosecutor for the investigation of "disappearances" in the Ayacucho re-



Carlos Escobar Piñeda

gion. Escobar proved effective in investigating abductions by the army in the conflict zone and in locating disappeared persons. As prosecutor in the Cayara case (see above, case of Amado Salazar), he received death threats in August and September 1988 from the paramilitary death squad *Comando Rodrigo Franco* (Rodrigo Franco Command). Escobar's investigations reportedly established that members of the military were responsible for the 1988 massacre of 28 peasants. Escobar intended to bring charges against the chief of the *Comando Político Militar* of Ayacucho (Political Military Command) and other members of the military and police. The Political Military Command of Ayacucho (CPM) refused to protect or otherwise cooperate with Escobar. In October 1988, only a few days after having submitted a report on the massacre of the 28 civilians, Escobar was dismissed as Special Prosecutor, his office was closed, and he was reassigned. In August 1989, Escobar was discharged of all responsibilities in the Attorney General's office. Escobar continued to receive death threats against himself and his family in September 1989. In November 1989, Escobar left Peru with his family, and is currently seeking asylum in the United States.

Julio Falconi: lawyer with the Association for Human Rights of Peru (APRODEH), representing individuals accused of terrorist activities. He worked together with Francisco Flores (see below) for many years. After having received various threats, and after the murder of Flores, he was forced to leave his home and family. He presumably remains in danger of harm or death by the *Comando Rodrigo Franco* (CRF).

Francisco Flores: Justice of the Peace in the district of Zuniga, Cañete, department of Lima. On 13 October 1989, Flores and several other government officials were killed in Cañete, allegedly by guerillas.

Fausto Gutarra Guerra: lawyer, public prosecutor in the Pampas Province, Department of Junín. Gutarra was assassinated on 2 July 1990, in the centre of the city of Huancayo, allegedly by members of the Shining Path. His death may be due to his having been elected as President of the Electoral Tribunal of Tayacaja in the last elections. The Shining Path had attempted to force a boycott of the elections by threatening any who tried to vote, particularly those voting in state of emergency zones.

Coqui Samuel Huamani Sánchez: lawyer, member of the Zonal Human Rights Commission, and candidate for mayor in Cerro de Pasco. Eight armed men entered his home in the early morning of 23 August 1989 and abducted him. His detention was witnessed by several people, including the owner of the house in which he was living. His dead body was found the same day with a note containing a hammer and a sickle and the words, "death as a traitor." Although this is a typical Senderist practice, other elements point to a paramilitary operation. The curfew imposed in the area makes it unlikely that such an operation could have been carried out by the guerillas. Additionally, according to Huamali's brother, the men wore bullet-proof vests and military clothes of the *Dir-cote*, the Department Against Terrorism. Huamali, although his political positions were anti-Senderist, had recently won the release of two prisoners accused of terrorism. An army directive to recapture the prisoners was issued following their release. Although the public prosecutor has initiated an investigation, no charges have been brought nor any results of the investigation published.

Hugo Luna: lawyer and head of law studies at the University of San Cristóbal of Huamanga in Ayacucho. Luna was assassinated along with his daughter on 25 November 1989, allegedly by the Shining Path.

Godofredo Mendoza Llontoy: lawyer in the city of Cuzco, represents those accused of terrorism. Mendoza alleges that he has been continually watched, has been detained on three occasions, and that his office and home have been searched.

Delfín Morales: Justice of the Peace, killed along with two others on 31 October 1989 in the village of Pomacocha. According to police sources, members of the Shining Path are responsible for the killings.

Wilfredo Mujica Contreras: lawyer, providing legal representation to Osmán Morote Barrionuevo, important leader of the Shining Path. On 1 June 1990, Mujica informed the press that he had received death threats from the *Comando Rodrigo Franco* (Rodrigo Franco Command).

Jorge Padín Aragón: Justice of the Peace of the Layo district, Canas Province, in the Department of Cuzco. Padín was assassinated on 16 April 1990, along with the mayor and governor of the Layo district, by members of the Shining Path.

Torcuato Regis Garcia: lawyer. Towards the end of 1989, Regis received death threats and his office was bombed. Regis attributes these actions to police members, against whom he has brought charges for the commission of common crimes. As a result of the attacks, Regis left his law practice. He registered a complaint with the Public Ministry, however, those responsible have not been identified.

Wilker Ruíz Vela: lawyer. In the early months of 1990, death threats were left in his office. He attributes the threats to members of the police against whom he has brought charges for the commission of common crimes.

Victor Segundo Roca Vargas: judge with the Superior Court of the Judicial District of San Martín. In 1988, Judge Roca, together with the other judges of his court, voted for the acquittal, in two trials, of a suspected member of the Shining Path and a suspected drug trafficker. On 19 August 1988, a bomb exploded in front of his house. Three posters signed "CDRF" (Rodrigo Franco Command) were left on the door of his house. They announced that their first victim was "the dog Manuel Febres" (a lawyer killed in 1988 after defending an accused leader of the Shining Path; see 1989 report), and that "now it is your turn Victor Roca" (*ahora te toca a tí Victor Roca*) for having freed the suspected Shining Path member and for defending drug traffickers. In July 1989, on the basis of a complaint by the local military commander, the public prosecutor initiated an investigation against Judge Roca and the other judges on his court.

Wilfredo Estanislao Saavedra Marreros: president of the Committee for the Defence of Human Rights (CODEH) in Cajamarca and legal aid attorney with the Cajamarca Superior Court. Saavedra was detained on 19 September 1989 by eight members of the Peruvian Investigative Police. The police entered the Superior Court and, without offering an explanation or presenting an arrest warrant, forcibly removed Saavedra from the court room. Saavedra alleges that he was tortured and forced to sign a declaration confessing to collaboration with the leftist group *Movimiento Revolucionario Túpac Amaru* (Tupac

Amaru Revolutionary Movement); the declaration was allegedly used as the basis for charges against him under anti-terrorist legislation. During the first 30 days of his detention, Saavedra was denied access to an attorney. His case is being heard in a military court, which has yet to hand down a sentence. Saavedra is still in detention. In December 1989, the Minister of Justice removed Saavedra from his position as legal aid attorney, a decision which Saavedra has appealed.

Following the 31 October lodging of a criminal complaint against police officials whom Saavedra believes were responsible for his treatment, the chief prosecutor denied that Saavedra had been tortured. In his complaint, Saavedra named officials who allegedly stripped him and hung him from a rope, beat him about the abdomen, thorax and head, and submerged him repeatedly in salt water as if to drown him. Saavedra stated that after being tortured repeatedly over six days, he could no longer withstand the torture and therefore believed it necessary to admit to having been involved in an attack on *Radio Inca* in the Baños district in the hope that the abuse would end. Saavedra stated that he continued to be tortured following his forced admission. On 26 September 1989, a special commission consisting of Dr. Pedro Ortíz Cabanillas, dean of the Medical College, and other doctors and legislators, travelled to Cajamarca to investigate charges of torture in the prison. The commission confirmed that Saavedra's wrists showed signs of having been tied and that his body was bruised.

This is the second time Saavedra has been detained by the police and accused of alleged collaboration with "subversives." On the first occasion, the charges were never proven and the Church intervened to secure his release.



César San Martín Castro

César San Martín Castro: judge of the Superior Court of Lima. On 15 November 1988, as a Judge of Investigation, he granted a petition for *habeas corpus* brought by a detained French priest accused of terrorism against the police on the ground that the detention was arbitrary. Relying on the Peruvian Constitution and Advisory Opinion 08/87 of the Inter-American Court of Human Rights (which held that *habeas corpus* is non-derogable even during a state of emergency), San Martín rejected the government's claim that the declared state of emergency barred the remedy of *habeas corpus*. The Minister of the Interior thereupon initiated a penal action against San Martín for abuse of authority, and for crimes against the administration of justice. He also received telephone threats. The National Association of Magistrates publicly decried the action as an attack on judicial independence. In June 1989, the charges were dismissed by the criminal court. In August 1989, he was promoted to the Superior Court. San Martín continues to receive threats. In November 1989, during a conference on the judiciary and democracy in Lima organised by the CIJL and the Andean Commission of Jurists, bomb threats to the meeting hall were received, one of which alluded to Judge San Martín's presence.

Javier Sucllupua Meneses: Justice of the Peace of Rio Negro, Satipo province, Junin department. Sucllupua was dragged out of his house at 2:00 a.m and assassinated in front of his wife and children on 29 September 1989, allegedly by guerillas.

The following cases were provided by the Andean Commission of Jurists; the majority of attacks in these cases are believed to have been committed by the Shining Path:

Sebastian Sánchez: justice of the peace. Assassinated in Lampa on 7 July 1989.

Ernesto Castro: judge. House was dynamited in Carhuaz on 9 February 1990.

Pedro González B.: lawyer. Assassination attempt in Lima on 14 July 1989.

Amancio Luna: justice of the peace. Assassinated in Nueva Honoria on 15 August 1989.

Javier Sutsupu: Justice of the peace. Assassinated in Río Negro, Satipo on 1 October 1989.

Edmundo Zegarra: lawyer. House in Lima was broken into on 26 August 1989.

Arturo Zapata: judge. Attack on his house in Callao on 18 January 1990.

PHILIPPINES

The number of killings of lawyers and judges in the Philippines decreased from the period covered in the 1989 CIJL report: between October 1987 and June 1989, seven lawyers handling human rights or politically controversial cases were killed. During the period covered in the current report, from July 1989 to June 1990, two lawyers, both working for the government, were killed. Human rights groups in the Philippines believe that the decline in the number of killings may result from international and national public attention on past cases. In June 1990, however, there were renewed threats against lawyers working for the largest human rights lawyers' network, the Free Legal Assistance Group (FLAG) and the nationwide Protestant Lawyers League of the Philippines (PLLP). FLAG officials are concerned that these threats will continue in the future.

The CIJL also remains concerned about the failure of the government to bring to justice the perpetrators of past crimes. Problems with the investigation and prosecution of cases of murders and harassment of human rights lawyers are systemic, since suspects, such as the local chief of police, or members of the Philippine Constabulary, often conduct the investigations. The government-appointed Commission on Human Rights (CHR) is mandated by the 1987 Constitution to investigate human rights violations and provide legal measures to protect human rights. Their investigations, as well as those of the National Bureau of Investigation (NBI), often fall short of international legal standards, as set forth in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council by its resolution 1989/65 of 24 May 1989). In December 1989, after the most recent coup attempt, the head of the NBI, Antonio Carpio, a former FLAG lawyer, was replaced by Alfredo Lim, Superintendent of the Western Police District. Members of the Western Police District are suspected of involvement in the Mendoza case (see below) as well as other cases.

Perhaps the most frequently cited problem in the prosecution of human rights violators is the Presidential Decree 1850 (PD 1850), a Marcos-era martial law decree which grants exclusive jurisdiction to military courts over offenses committed by any soldier, police officer, firefighter, or jail guard. In October 1989, the Senate and House passed bills repealing PD 1850. The President vetoed the joint bill on 21 December 1989, however. The President justified her veto, in part, by quoting the Chief of Staff of the Armed Forces of the Philippines, who referred to the bill as "inappropriate and untimely," in light of the sixth, and most violent, military coup attempt against the government in December 1989. The Chief of Staff argued that if PD 1850 were repealed, those involved in the coup would be tried before civilian courts.

In 1987, FLAG filed a lawsuit seeking the repeal of PD 1850; the case is still pending. In another suit, however, the Supreme Court upheld the constitutionality of PD 1850. In certain cases, such as the murder of Alfonso Surigao, President Aquino has issued a waiver of jurisdiction, and ordered the case tried in civil courts. Many regard the executive's discretionary power as one of the main stumbling blocks towards effective and appropriate redress. The CIJL believes that the independence and integrity of the civilian judiciary require that all cases of alleged human rights abuses be tried before the regular courts, and that PD 1850 should therefore be repealed. Pending its repeal, the President should issue a general waiver of PD 1850 for all cases involving human rights violations committed by persons in uniform.

Investigation of Past Cases

The authorities have made little or no progress in the investigation and prosecution of the following cases listed in the 1989 CIJL report.



Alfonso Surigao

Perhaps the killing that drew the most attention, in the Philippines and abroad, was the murder of Alfonso Surigao, regional coordinator for FLAG, Regional Chair of PLLP and a board member of the Philippine Alliance of Human Rights Advocates (PAHRA). Surigao actively defended the rights of political prisoners and other victims of human rights abuses in Cebu and Leyte provinces. In 1988, he was involved in the defence of 26 farmers from Leyte who were arrested in Manila, accused of being NPA supporters and brought to trial in Cebu City. The farmers themselves maintained that they had been arrested for their activities in publicizing human rights abuses in Leyte. He had also been involved in the prosecution of two military agents from Cebu who were charged in connection with the "disappearance" of the

Redemptorist priest Father Rudy Romano in Cebu City in July 1985.

Surigao was killed on 24 June 1988, at point-blank range, in front of his five-year-old daughter. While the gunman has been convicted, the military officer suspected of ordering the murder remains free.

Within hours of Surigao's murder, two other human rights lawyers in Cebu, Deolito Alvarez and Democrito Barcenas received anonymous telephone calls stating that Surigao was only the first of three Cebu human rights lawyers targeted for killing, suggesting that they would be the next victims. Attorney Vic Balbuena, co-counsel in the Leyte evacuee case, reported being followed by members of the military.

On 14 February 1989, Allan Climaco, a local member of the *Alsa Masa*, a vigilante group under the control of the military, was found guilty of Surigao's murder and sentenced to life imprisonment. Soon after his arrest, Climaco asserted in a sworn statement that he had carried out the murder on the orders of Major Rico Palcuto, head of the Regional Security Unit 7 (RSU7). At the time of the murder, Surigao was prosecuting Major Palcuto for the alleged arbitrary detention of a local journalist. In a previous incident, Palcuto and Surigao had an argument when Palcuto refused to allow Surigao to see two of his clients who were under investigation at RSU7. On 18 August 1986, during the Romano disappearance case, Surigao's law office was bombed; the suspected perpetrators were members of anti-communist groups allegedly under Palcuto's control. Military investigators took more than two hours to arrive from their office, which was only 600 meters away. When they did arrive, they spent most of their time going through Surigao's files on the case. In another incident, the day after Surigao visited a detained client, a note appeared on the RSU7 bulletin board calling for Surigao's arrest. In August 1987, during an attempted military coup, the military raided Surigao's law office. Shortly before his murder, he received death threats over a local private radio station, and told others he believed he was being followed.

After Surigao's murder, Palcuto was relieved of his duties in July 1988, placed under technical arrest, and charged with the murder. In September 1988, President Aquino waived the presidential decree which prevents military personnel from being tried in civilian courts, and the Cebu City Fiscal (prosecutor) conducted an investigation. As a

result of the investigation, all charges against Palcuto were dropped, and he resumed his duties as the head of RSU7. FLAG then filed a Petition for Review of the dismissal of the charges.

The Department of Justice reversed the finding of the Cebu Fiscal on 18 October 1989, ordering it to file the case against Palcuto. On 16 November 1989, Palcuto filed a "Motion for Reconsideration" with the Department of Justice, requesting reconsideration of its 18 October decision and the setting aside of its order to the Cebu Fiscal. On 12 January 1990, however, the Department of Justice denied the Motion for Reconsideration, reordering the Fiscal's office to file the case against Palcuto.

On 29 January 1990, Palcuto filed a Petition for a Preliminary Injunction before the Supreme Court, to restrain and prohibit the Department of Justice and the Cebu Fiscal from filing any criminal action against him in connection with Surigao's murder. The Supreme Court requested the Department of Justice and the Cebu Fiscal to comment on the petition. On 8 May 1990, the Department of Justice filed its comment, asking the Supreme Court to dismiss the petition, which it did on 24 May 1990. The court held that there was "no grave abuse of discretion" by the Secretary of Justice in filing the case.

On 10 July 1990, Palcuto was indicted for Surigao's murder. (It is unclear why it took the Cebu Fiscal's office more than one month from the Supreme Court's May resolution to file the case against Palcuto.) Although bail of 50,000 pesos (US\$2,000) was recommended, a warrant has yet to be issued for Palcuto's arrest, and he remains at liberty.

David Bueno, the sole human rights lawyer in the province of Ilocos Norte, was a member of the PLLP and ran the Ilocos Norte-Laoag City Human Rights Organization from his office. He was shot dead outside his law office on 22 October 1987 by two gunmen on a motorcycle. According to an initial police report, one of the gunmen was wearing a military fatigue uniform. The case was filed on 29 October 1987 with the CHR, which reported on 18 April 1989 that it had initiated an investigation into the Bueno killing, but that it had reached a dead-end because no eyewitness were willing to execute affidavits on either the circumstances surrounding the killing or the identities of the killers. PLLP also sent an investigation team, which was unable to produce any new information or pinpoint any suspects. The PLLP team reported that when they visited the Laoag City police station immediately after the killing and supplied the officials with names of witnesses, the police told them they were facing a blank wall in their inquiries. The PLLP team attempted, but were not permitted, to interview two soldiers who were near the scene of the murder. An inquiry by the Criminal Investigation Service of the Philippines Constabulary (PC) concluded that further investigations should focus on "the theory of power struggle among human rights members" and on an alleged feud over the distribution of ransom money paid to the NPA. The results of the investigation by the government's National Bureau of Investigation (NBI) are also unknown. (*This case was not included in the 1989 CIJL report.*)

Bueno's family and friends maintain that the official investigations have not been thorough. Although his murder occurred in the centre of the city and was immediately reported to the police, it took police more than thirty minutes to arrive at the scene of the crime. Bueno's family also reported that the local provincial commander announced on radio that they were being uncooperative, though the family said that, in fact, the NBI had never contacted them. As of July 1990, the authorities had arrested no one in connection with Bueno's murder. FLAG had no information about the results of any investigation.

Vicente Mirabueno, human rights lawyer and FLAG coordinator for Southern Cotabato. He also served as a provincial vice-governor and was active in left-wing politics. After handling a logging case in December 1987, Mirabueno began to receive death threats. He was shot dead in General Santos City on 6 February 1988. CHR reported that one of the two alleged gunmen was arrested on 7 March 1988, formally charged, and detained at the City Jail until at least 18 April 1989. FLAG reported that the suspect, known as "Cedic," escaped "under mysterious circumstances." The suspect was never indicted, and there have been no other arrests. The CHR reported that:

... through its regional office in Cotabato City, [it] dispatched a team of investigators to look into this case, with specific instructions to determine whether the Mirabueno slaying had any connection to his activities as a human rights lawyer. After conducting discreet inquiries from sources, the CHR team came to the conclusion that the Mirabueno slaying did not result from his human rights activities. Instead, the alleged motivation for his murder seems to have stemmed from his refusal as a lawyer in one civil case to amicably settle the case which, if left to its normal course, could result to a big business loss to the opposing party in the event of an adverse judicial decision.

The CHR also reported that its regional office has been directed to monitor the case continually and to report any significant developments to the Head Office.

Ramos Cura, lawyer in Angeles City, who represented suspected members of the New People's Army including its alleged leader Rodolfo Salas and was active in several regional human rights groups. At 6 a.m. on 18 June 1988, he was shot at close range by two men in civilian clothes, and died shortly afterwards. According to the CHR May 1989 report, on 18 April 1989, the Commission, through its regional office in San Fernando, Pampanga, sent a team to investigate the killing. The team spoke with his widow, but she refused to give any information, saying that she was afraid that giving statements to investigators would only expose her and her family to danger from her husband's killers. The team failed to locate any other witnesses, whom CHR believes may also fear for their lives. Dr. Santiago, the doctor who treated Cura before he died, was shot dead by unidentified gunmen on 30 June 1988. The May 1989 CHR report states that the "CHR is keeping the case open and anticipates that in the future, eye witnesses will come forward and give testimony on the killing." As of July 1990, no arrests had been made for Cura's murder.

Emmanuel "Noel" Mendoza, lawyer who worked on behalf of the urban poor and members of the left-wing youth organisation, KADENA. He was a former law professor at the Polytechnic University of the Philippines (PUP), a member of the Union of Lawyers and Advocates for Peoples' Rights (ULAP) and other activist groups, and chair of the Manila chapter of the left-wing political party *Partido ng Bayan* (PnB). On 2 July 1988, while waiting in his car at a traffic light, he was shot at close range by two men on a motorcycle. He died at the hospital. The NBI reportedly identified two members of the Metro Manila police force as suspects. In a newspaper interview on 30 July 1988, the NBI announced that they were "just waiting for the right time to arrest them." Mendoza's friends have linked his murder to his role in filing a petition for *habeas corpus* concerning the March 1988 "disappearance" of a 16-year-old activist, Angelito Joaquin. Unlike the other assassinations of human rights lawyers in the Philippines, the CHR has not made public any information of an investigation into Mendoza's murder.

Oscar Tonog, FLAG lawyer from Catarman, Northern Samar, and vice-president of the Northern Samar chapter of the Integrated Bar of the Philippines. He was killed on 21 March 1989 by an unidentified gunman, under circumstances which suggest possible military involvement. He had been representing a man arrested in Catarman as a suspected member of the NPA. Approximately ten days before the murder, a local radio announcer thought to have ties to Naval Intelligence stated that human rights lawyers were instrumental in getting NPA rebels released, and that the lawyers should "be prepared because their day is near." Tonog had also received death threats shortly before his murder. The CHR reported in May 1989 that it was coordinating an investigation into the murder with its local and regional offices. The Tacloban Regional Office reported that the NBI had already prepared the cartograph of the suspected killer. To date, there is no further information on the investigation.

A case not discussed in the 1989 CIJL report concerned Gervancio Cadavos, a Leyte Regional Trial Court judge, who was killed by gunmen on 26 March 1989. Senior NBI officials reported that the judge was considered a "communist sympathizer" because of his dismissal of 67 of the 80 cases before him which involved suspected members of the communist New People's Army (NPA). The NBI has charged eight persons with Cadavos' murder, naming only four of the suspects, referring to the others as John Does. The named suspects are officers with the Philippine Constabulary of the Southern Leyte Command and former members of the Integrated Civilian Home Defense Force (ICHDF), a paramilitary unit which President Aquino officially disbanded. It is unclear whether the former members of the ICHDF are now members of the paramilitary Citizens Armed Forces Geographical Units (CAFGU), which the Aquino government formed to combat the NPA. What is clear is that they part of paramilitary forces under the direction of the co-accused, Capt. Asdali Abah. A charge of double murder was filed with the Fiscal's office and is currently under investigation by the Assistant Provincial Prosecutor. The suspects have not yet been arrested. Cadavos' widow, Teresita L. Cadavos, who is currently living in the same house in which her husband was slain, is under the protection of the Philippine Army. Some witnesses are in NBI custody because of threats to their safety.

The 1989 harassment of FLAG lawyers Frankie Cruz, Archie Baribar, and Romeo Subaldo (see 1989 CIJL report) was investigated by the Armed Forces Civil Relations Office. As of July 1990, the national office of FLAG had received no information as to the results of the investigation.

Current Cases

Edgar Cabanlas, Beverly Musni, and Oscar Musni: lawyers and members of FLAG. Oscar Musni is FLAG regional coordinator for Region X-A, of Cagayan de Oro, Misamis Oriental. They were detained for approximately five hours on 1 December 1989, first in Balingasag, Misamis Oriental, then at Camp Evangelista, Cagayan de Oro City. At the time of their arrest, the lawyers were on their way to investigate a military blockade of food and resources against the residents of Lantad. About thirty other people were detained with them. On 28 February 1990, apparently stemming from the investigation of the military blockade, an article in a major Manila-based newspaper, *The Philippine Daily Inquirer*, accused Cabanlas and Beverly Musni of being communists and attending a Communist Party forum reportedly dispersed by government troops. Although it is ille-

gal to be a member of the Communist Party in the Philippines, no charges were filed against either of the attorneys. Beverly Musni has filed a libel case, now pending, against Cynthia de Leon, the author of the article. In spring 1990, there were rumours in Cagayan de Oro City that Oscar Musni had been killed. The latest rumour in late May and early June 1990 claimed that he was killed by the military.

Ernie Clarete: lawyer for FLAG and mayor of Plaridel, Misamis Occidental. He has been harassed since January 1988. (See 1989 CIJL report.) In 1989 and 1990, he continued to be labelled a "communist" by various military officers in the area. The military apparently suspects him of being sympathetic to the NPA for having refused to organise a unit of the paramilitary Citizens Armed Forces Geographical Units (CAFGU). (Clarete is the only town mayor in the province of Misamis Occidental who has not organised such a unit.) International and domestic human rights groups have documented human rights abuses by CAFGU members in many areas of the Philippines.

Frederico Gapuz: FLAG lawyer in Cagayan de Oro City, Misamis Oriental. During 1989, he received death threats from individuals believed to be members of the Armed Forces of the Philippines. He is currently under threat by the military, who have labelled him a "communist."

Gil Getes: Provincial Fiscal (prosecutor) of Bayugan, Agusan del Sur, and member of FLAG prior to joining the government. He was murdered at his home on the evening of 4 March 1990. It is believed that Getes was killed by CAFGU members for his prosecution of several individuals active in the CAFGU. The NBI is currently investigating the murder, though, as of July 1990, no one had been arrested or charged.

Eliodoro Gonzales: lawyer and lieutenant colonel of the Philippine military, assigned to the regional staff of the Judge Advocate General's Office (JAGO). On the morning of 9 October 1989, Gonzales was brutally slain at Galas, Quezon City, by three unidentified assailants. Gonzales may have been killed because of his work as a lawyer or for belonging to the military. It is alleged that he was killed by members of a Sparrow unit (assassin squad) of the Communist Party of the Philippines-New People's Army (CPP-NPA). The JAGO is the legal unit of the armed forces, working closely with the fiscals who prosecute cases in civil courts against alleged CPP-NPA members.

Solema Jubilan: lawyer in Kidapawan, North Cotabato and member of FLAG and PLLP. On 12 May 1990, the *Mindanao Cross* published an article in which an unnamed military source alleged that the orphanage run by Jubilan was a front for the fundraising activities of the Communist Party of the Philippines, and that some of the orphans were made to undergo guerilla training. On 22 May 1990, five anonymous telephone calls were made to staff members of Jubilan's office. Most of the callers directly threatened both Jubilan and her family with death. One caller reportedly said, "The Jubilans will be finished — their end is near — first Sol Jubilan." The allegations made in the newspaper and the death threats may have been intended to prevent Jubilan from continuing her work on behalf of the poor, trade unionists, tribal minorities, and suspected opponents of the government. She has received death threats since 1986, when her office door was etched with a death threat. Since 1989, there has been an upsurge in killings by military or military-backed forces of death threat recipients.

Marvic Leonen: lawyer in Quezon City, Metro Manila, and active member of FLAG. From May to June 1989, Leonen was apparently under surveillance by two vehicles parked outside of his house. (See 1989 CIJL report.) In 1990, he continued to be the subject of harassment. On 21 April 1990, unidentified persons broke into his home; Leonen's case records and files, mainly FLAG-related, and computer diskettes were strewn on the floor. Only his gold watch and bicycle were stolen.

Inocencio Pagalaran: lawyer and FLAG Regional Coordinator for Region X-C, Northern Mindanao. In April 1989, following the March 1989 murder of Pastor Minda Gran, Pagalaran was told by soldiers that he would soon follow Pastor Gran to the grave. He has abandoned his law practice and he and his family have fled their home. As of July 1990, they had not returned. (See 1989 CIJL report.)

Pepito G. Rivas: lawyer in Catarman, Northern Samar, and FLAG Regional Coordinator for Eastern Visayas. In June 1990, a member of the military informed Rivas that he was targeted for assassination, and warned him against travelling to outlying towns of Samar, as an attempt against his life would be made there. In March 1989, Oscar Tonog, another prominent FLAG lawyer in Samar, was killed outside of his home by an unidentified gunman. (See above, and 1989 CIJL report.) It is believed that Rivas was to have been murdered at the same time as Tonog.

Olegario Santisteban: FLAG lawyer in Iloilo City, Iloilo, in the Visayas. He has received periodic threats from the military. In August 1989, during public meetings in rural neighborhoods in the province of Iloilo, the military announced several times their plan to eliminate Santisteban whom they had blacklisted as a communist.

SINGAPORE



Teo Soh Lung

Teo Soh Lung: lawyer, officer of the Singapore Law Society and founding member of its Criminal Legal Aid Scheme, a project to provide legal assistance to the poor. Teo has also provided legal services to the Catholic Center for Foreign Workers and is an active campaigner for human rights. Until her release on 1 June 1990, she spent just over two years in solitary confinement without ever being charged or tried.

Teo was among 22 persons arrested in May and June 1987 under the Internal Security Act (which allows detainees to be held indefinitely without charge or trial) for alleged involvement in a Marxist conspiracy to undermine the government of Singapore. She was released in September 1987, subject to restrictions on her freedom of movement and association. Teo and eight other of the original detainees were rearrested in April 1988, again under the Internal Security Act, after they issued a public statement describing their alleged mistreatment while in detention and reiterating their innocence against accusations that the government continued to level against them after their release. They also reaffirmed their belief "in an open and democratic polity and in the virtues of an open and accountable government." In October 1988, Teo's lawyer, British Queen's Counsel Anthony Lester, filed a writ of *habeas corpus* seeking her release. Similar writs were filed on behalf of three other detainees. In early December, the Chief Justice of the Court of Appeal ordered that the four be released. In accordance with the court's ruling, the four were released from the detention centre where they had been held, but were re-arrested by Internal Security Department officers within minutes and issued with new detention orders, apparently with an expiration date identical to the orders declared unlawful by the appellate court.

In January 1989, the government amended the Constitution and the Internal Security Act to prevent the courts from declaring detentions under the Act illegal. The amendments also eliminated the courts' power to review decisions by the executive to detain an individual under the Internal Security Act. The right of appeal to the Judicial Committee of the Privy Council in the United Kingdom, previously Singapore's highest appellate court, was also abolished.

On 20 February 1989, the Singapore Controller of Immigration informed Teo's lawyer, Anthony Lester, that he had been barred from practising law in Singapore as of March 1989. The letter to Lester stated that Lester had interfered in Singapore's domestic politics at a December 1988 forum by criticising Singapore's government, courts and judges. Additional government statements said that Lester had been banned because he had "campaigned for his client in Britain." Lester was told that he would be allowed to represent Teo at a 6 March hearing, but that he would not be given an employment visa to extend his stay. (British Queen's Counsel may practice law in Singapore only with the permission of the Singapore government.)

In April 1989, the Singapore High Court rejected Teo's appeal for a writ of *habeas corpus*. On 17 June 1989, the government extended her detention order for an additional year. Meanwhile, in March 1989, the other three detainees had dropped their *habeas corpus* petitions and were promptly released, though they were placed under a restriction order that limited their freedom of movement and association. Teo's appeal on a writ of

habeas corpus to the Singapore Court of Appeal was heard from 13 to 17 November 1989. In a reserved judgment on 3 April 1990, the Court of Appeal upheld the High Court judgment, ruling that her detention under the ISA could not be challenged. She was held in solitary confinement at the Whitley Road Detention Centre until her release on 1 June 1990.

Teo was released on several conditions: she is forbidden to issue public statements, associate with former political detainees, hold office, or participate in the activities of any organisation without the government's permission. She is also barred from travel outside Singapore without the written consent of the authorities. After her release, the government denied her request for permission to leave Singapore for a holiday in either Australia or London. Her ability to practice law is uncertain, given the conditions of her release.

Francis Seow: lawyer, former president of the Singapore Law Society and former Solicitor General of Singapore. He served as defence counsel to several of the 22 persons detained without trial in 1987 (see above). He represented detainees Teo Soh Lung and Patrick Seong after their rearrest in April 1988. Seow was arrested himself, a few hours after filing petitions of *habeas corpus* for his clients. The Government purported that its reason for Seow's arrest was to examine his dealings with United States officials, as part of an investigation of United States efforts to influence Singapore politics, a claim discounted by local human rights groups.

Seow was released on 16 July 1988, subject to restrictions on his freedom of movement and association. On 11 August 1988, he was charged with several counts of income tax evasion, the evidence for which appears to have been gathered from materials seized from his office after he was arrested in May. Before his trial in December 1988, Seow travelled to the United States for a series of human rights meetings and to undergo medical treatment for his heart condition. While there, his cardiologist told him that he should not return to Singapore. Having followed the doctor's advice, Seow was tried *in absentia* and found guilty of most of the charges. Because of the size of the fine on the first count, he was disqualified from serving as an unelected member in Parliament. A warrant for his arrest was issued on 22 May 1989. While in the United States, from December 1988 to January 1989, Seow was followed by private detectives allegedly hired by the Singapore government to monitor his movements. According to Human Rights Watch, agents of the Singapore government continued to harass Seow in the United States. For example, Seow was served with an arrest warrant by a United States district court after failing to appear in Singapore to answer the latest in a series of income-tax charges. Singapore officials also publicly attacked Seow and his physician's conclusion that he was too sick to return to Singapore to face charges in the Singapore courts.

SOMALIA



Ismail Jumaale Ossobleh

Ismail Jumaale Ossobleh: perhaps Somalia's most prominent human rights attorney, former head of the official Somali Lawyers Corporation and Minister of Information prior to 1969. In 1982, 1986, and 1988, he represented defendants in important political trials. Ossobleh long sought to promote human rights in Somalia, and to establish an independent bar association. He was imprisoned for several years after the 1969 coup which brought President Siad Barre to power. Ossobleh was again arrested in 1989 several days after taking part in a meeting with President Siad Barre to demand improvements

in human rights practices and increased political freedoms. Four soldiers and one major entered his house at 3:00 in the morning on 13 July arresting him for "anti-régime activity," and telling him that he would be informed of his offences at trial. They inspected his house, taking letters from various organisations. Ossobleh was taken directly to a prison, but was kept outside a cell in a hallway, after a doctor who was summoned to the prison attested to Ossobleh's high blood pressure. The following day, his office was inspected, but his colleagues, who had learned of his arrest, had removed all documents during the night.

Deemed a "prisoner of conscience" by Amnesty International, Ossobleh was detained for three months in National Security Service (NSS) headquarters before being returned to his house, without charge or trial, on 21 October 1989, the 20th anniversary of President Barre's accession to power. Two weeks after his release, Ossobleh received a telephone call from President Barre, who denied any role in the arrest, and told Ossobleh that the NSS had arrested him on the basis of witnesses' accounts that he committed crimes against the government. In the end, no one took responsibility for Ossobleh's arrest and 110 days of detention. In conversations with the CIJL, Ossobleh reported that all lawyers in Somalia have limited their activities in fear of reprisals from the government.

Ossobleh left the country to receive medical treatment just before a "manifesto" calling for reform and political reconciliation, prepared by Ossobleh and other prominent Somali leaders and signed by 114 people, was presented to the President on 15 May 1990 (*Mogadishu Manifesto No. 1*). On 10 and 11 June, 50 leading opposition figures were arrested. The two other practicing attorneys who signed the manifesto, **Shekh Ali Mohamed** and **Mumin Omar Ahmed**, have fled the country fearing arrest. On 15 July, all those arrested in connection with the Mogadishu Manifesto No. 1, the "Manifesto Group," were tried on capital charges. They were acquitted on the basis of insufficient evidence and released. Police reportedly shot and wounded several people who were demonstrating outside the court during the trial.

Ossobleh died in Rome on 22 July 1990 from a heart attack. More than 500,000 people attended his funeral in Mogadishu.

SOUTH AFRICA

Brian Currin: civil rights lawyer and national director of Lawyers for Human Rights, based in Pretoria, which monitors human rights and engages in litigation on behalf of abuse victims. Currin has frequently received threats and been harassed. In September 1989, while he was in New York attending a seminar, Currin's wife received a telephone call threatening her life and the lives of their children. The caller seemed to possess substantial information about the Currin family's personal life. In October, soon after Currin's return to South Africa, members of a right-wing group entered his home around midnight. They spray-painted death threats on his front wall, threw a brick through a window of a car that was parked in the driveway, and shot a harpoon onto the property which had a death threat attached to its point. In early December, two white men in plain clothes were caught on Currin's back wall by his neighbour. Carrying two-way radios, the two men were apparently monitoring Currin and his family's movements. When the neighbour confronted them, they advised the neighbour that they were engaged in a highly sensitive secret military operation and that they were part of military intelligence. They requested that Currin's neighbour not report on the incident, given the circumstances. They also asked if the neighbour knew Currin. It was later revealed that the two men were part of the South African Defence Force (SADF).

Pius Langa: defence lawyer in the "Rainbow Terrorism Trial" of fourteen people charged with terrorism in Cape Town, had shots fired at his home in early August 1989. Another advocate in the Rainbow Terrorism Trial, Johnny de Lange, had received anonymous death threats on the telephone in February 1989. The next morning, de Lange found his car spray-painted with crude red symbols depicting the far right-wing Afrikaner Weerstandsbeweging symbol and the swastika; the car's tires had been slashed.

Yunus Mahomed: lawyer, member of the Natal Law Society, member and former secretary of the Natal Branch of the United Democratic Front (UDF). He was served a restriction order, issuing from the South African Minister of Law and Order, Mr. Adrian Vlok, on 4 October 1988. The restriction order prohibited Mr. Mahomed from traveling beyond the immediate Durban area at any time without police consent. It also prohibited him from taking part in UDF activities or "contributing, preparing, compiling or transmitting in any manner whatsoever any matter for publication in any form ..." without the written permission of the police. Under the State of Emergency regulations Mr. Mahomed had no legal recourse to challenge the restriction order. Yet the limitations obstructed his professional activities considerably. Such obstructions were aggravated by government harassment. In January and February 1989, for example, his home and office were searched, and computer disks seized and returned only later. The second time, the computer itself was removed. Subsequently, Mr. Mahomed obtained an injunction preventing search or seizure of his computer apparatus unless he was present. The restriction order was re-issued in June 1989. In September 1989, he was charged with violating the restriction orders by being outside the area to which he was restricted without the written consent of the police. In February 1990, the restrictions on Mahomed - together with those on some 600 other people including prominent former political prisoners - were lifted. However, the Attorney-General reportedly informed Mahomed that prosecution against him would continue because his offense was committed before the orders were lifted.

MacDonald Netshitenzhe: legal assistant and coordinator for the Mulweli Counseling Center, which provides legal aid and advice, was detained in early September 1989 at the Tshikondeni mine in Venda when he went there to consult with a group of miners. He was released with other Venda detainees on 29 September, following a hunger strike.

Bulelani Ngcuka: human rights lawyer, executive member of the United Democratic Front and consultant for two years at the ILO. Arrested on 28 August 1989, he was detained under emergency regulations for his activities in the nationwide campaign of defiance against the race laws in South Africa, and for his protest against the 6 September 1989 elections from which blacks were excluded. On his release in mid-September, he was served with an order restricting his movement and activities. These restrictions preclude him from participating in any activities of the United Democratic Front, or from joining any gathering. He may not go outside the magisterial district of Wynberg at any time, or beyond the boundaries of 15 Luvuyo Street, Malanga Park, Guguletu between the hours of 8:00 p.m. and 6:00 a.m., and must report daily to the police.

Seth Azhihangwisi Nthai: attorney, lecturer at the University of the North, and regional director of the Pretoria-based Lawyers for Human Rights. Nthai was detained on 15 August 1989 and released and "restricted" on 9 September. At the time of his arrest, he was providing legal advice to lawyers working on the case of Joyce Mabudafhasi, member of Descom, the Detainees Support Committee. (Descom is a nationwide network of locally-based groups, affiliated with the Detainees' Parents Support Committee, which monitors detentions and lends support to detainees' families.) Nthai was also advising on a court action against the presence of security police on Turfloop campus.

Dullah Omar: civil rights attorney, office bearer of the United Democratic Front, and lawyer for Nelson Mandela, was the subject of an assassination plot by South African hit squads in mid-1989. A member of the Civil Co-operation Bureau (CCB) admitted to the plan to kill Omar before a judicial commission that was making inquiries into CCB activities. (The CCB, an arm of the defence force in South Africa, operated against anti-apartheid organisations and individuals.) The CCB had planned to stab Omar in a fake robbery and then shoot him with a Soviet pistol to make it appear as if the assailants were left-wing elements. If that failed, the CCB had planned to kill Omar by inducing a heart attack by switching his heart tablets. Omar has since left the bar, and is currently director of the Community Law Center at the University of the Western Cape.

J.B. Sibanyoni: human rights lawyer in the "homeland" of KwaNdebele. Sibanyoni was detained on 28 June 1990, and arrested for allegedly harbouring guerillas. Sibanyoni has represented people arrested in connection with a consumer boycott in Bronkhorspruit, as well as the ANC and its allied organisations, and COSATU, the country's largest union federation. At the time of his detention, he was serving as one of the attorneys in actions against the Minister of Law and Order arising out of police misconduct, and as defence counsel in the ongoing Delmas 3 trial in which the defendants are charged with plotting to overthrow the government. Sibanyoni has been actively involved in community affairs in KwaNdebele, as chair of the Ekangala Civic Association and treasurer of the local chapter of the National Association of Democratic Lawyers (NADEL).

On the morning of his arrest, Sibanyoni had been instructed to represent two clients, Tshepo Matlala and Sello Mathebe, who had been detained on the previous day. By coincidence, he ran into the clients on their way to appear before a magistrate in

Mkobola, KwaNdebele. Matlala and Mathebe asked Sibanyoni to intervene on their behalf, claiming that they were being forced to make a statement against their will. The police and the magistrate reportedly declined to cooperate with Sibanyoni when he approached them on the matter. Sibanyoni was arrested that night by security police, who also searched his house without a warrant.

On 3 July 1990, an urgent application for Sibanyoni's release was brought. In opposition, the police claimed that Sibanyoni had been recruited by Mathebe for subversive activities and that he had harboured Mathebe in his home. His lawyer also reported that Matlala and Mathebe apparently made incriminating statements about Sibanyoni, against their wishes, before a magistrate. Sibanyoni, too, was allegedly pressured to make statements before a magistrate and others, being told that if he refused he would be placed under the Internal Security Act. (Initially held under the Criminal Procedures Act, which mandates that detainees appear before a court within 48 hours of arrest, Sibanyoni was placed the next day under detention under Section 29 of the Internal Security Act which allows for indefinite detention. He was later charged with harbouring an African National Congress guerilla.) Since 29 June, the authorities have denied all persons, including his lawyer, access to see him.

On 6 July, the Pretoria Supreme Court dismissed (with costs) the application for his release. At the time of the application, he was being held at the Pretoria Central Police Station, though his place of detention is currently unknown. Applications by Sibanyoni's lawyer to the Ministry of Law and Order and the Commission of Police for permission to see him have gone unanswered. According to Amnesty International, "in view of Mr. Sibanyoni's background as a human rights lawyer and local community activist, he may have been imprisoned on account of his professional activities as a lawyer and is probably a prisoner of conscience".

Sibanyoni was the subject of further harassment, when, on 29 June 1990, his landlord terminated his office lease, and (unsuccessfully) moved for summary judgment to evict him. He has reportedly previously received death threats from the white supremacist "Wit Wolwe."

James Sutherland: Johannesburg attorney. He was declared *persona non grata* in the bantustan ("homeland") of Bophuthatswana on 20 July 1989, shortly after obtaining a court order granting him access to his clients. Sutherland's clients, residents of Braklaagte and Leeufontein, were fighting incorporation into the bantustan, and had been detained.

Raymond Suttner: lawyer, law lecturer at the University of Witwatersrand, and leading advocate of the "Freedom Charter." Suttner was placed under a restriction order upon his release from prison in 1988, after 27 months of detention, 18 of them spent in solitary confinement. The restriction order prohibited Suttner from leaving his house between the hours of 6:00 p.m. and 6:00 a.m., obliged him to report to the police daily, restricted him from entering any educational institution or participating in activities of the United Democratic Front and various other organisations, and barred him from meeting with more than four people to discuss any matters. In November 1989, despite the order, he travelled to Zimbabwe and the United States. The restrictions were lifted two months later, in February 1990.

SPAIN

Jaime Sanz de Bremond and **Fernando Salas**: lawyers, Vice-President and President of the Association against Torture in Spain. Sanz de Bremond and Salas were victims of an apparent assassination attempt on 5 December 1989, when 5 kilograms of explosives were discovered under a car in front of their offices. The GAL (Anti-terrorist Liberation Group) claimed responsibility for the attempt and allegedly repeated its threats against the lives of Sanz de Bremond and Salas. Salas represents the civil complainant in a Madrid prosecution against senior police officials suspected of being organisers of the GAL. Sanz de Bremond had, in a previous case, proven the guilt of a policeman in the murder of a suspected criminal. The GAL has recently become reactivated, claiming responsibility for the 20 November 1989 assassination of a member of parliament from the Basque Independent Coalition.

On the weekend of 4-5 August 1990, Sanz de Bremond and Salas received the following death threat on Bremond's answering machine: "Don't think you are safe....don't forget you are condemned to death and, as such, the sentence will be carried out. A few of us are still free. This [threat] extends to Fernando Salas. Salas as well as you are going to fall, and soon." Sanz de Bremond informed the court before which he was appearing of the threat and provided the court with a copy of the taped message. Sanz de Bremond claimed that he recognised the voice on the message as belonging to Angel Duce, a policeman who has been detained for his involvement in the bombing death of a Basque separatist deputy at the Alcalá hotel in Madrid. The judge in charge of the case, Baltasar Garzón, also received telephone threats over the weekend from what appeared to be the same source.

SRI LANKA

In the past year, lawyers in Sri Lanka were often the victims of violent attacks both from government paramilitary forces and armed opposition groups. In its annual report, the Bar Association of Sri Lanka (BASL) stated that:

The practice of the law itself was made the target of attack. Many of our members who accepted briefs to challenge the denial of fundamental rights found themselves at the receiving end of mortal threats. Some were removed from our midst with violence. Others had to seek safer havens abroad.

The cases below discuss ten murders of lawyers and twelve other cases of harassment. In addition, there were reports of at least 20 other lawyers who were threatened with death to prevent them from continuing their work on *habeas corpus* petitions on behalf of "disappeared" prisoners and others arrested in southern Sri Lanka. These lawyers wish to remain unnamed: some are still in Sri Lanka and fear repercussions from any publicity; others have left the country, but fear reprisals to family members still in the country.

According to the Sri Lankan General Council of the Bar, there were 1500 *habeas corpus* petitions pending before the Court of Appeal in Colombo (where all such petitions must be filed) in March 1990. There was a marked increase in the number of *habeas corpus* petitions, particularly in the south, filed between 1985 and 1989, reflecting a growing problem of arbitrary detention. (There were 29 filed in 1985; 188 in 1986; 298 in 1987; 476 in 1988; and 431 for the first eight months of 1989.) Many people have been discovered in detention only after *habeas corpus* petitions have been filed. Currently, however, individual lawyers have virtually stopped filing new writs of *habeas corpus* out of fear of reprisals, particularly after the murder of Charitha Lankapura (see below). This function has been partly taken over by the BASL and civil liberties groups.

An upsurge in death squad killings over the past year coincided with the reimposition of the state of emergency on 20 June 1989 as a response to widespread violence by the the *Janatha Vimukthi Peramuna* (People's Liberation Front; JVP). (In January 1989, President Premadasa had lifted the state of emergency imposed since 1983) The government reported 6,517 killings by the JVP between 1987 and mid-March 1990. According to Amnesty International, following the reimposition of the state of emergency, "government security forces did little to conceal their resort to widespread murder." Due to the lack of judicial inquiries into these killings, it is often difficult to assign responsibility.

Bringing to justice the perpetrators of violent acts — against lawyers or others — has presented serious problems. Only in exceptional cases, where the victim was well-known or the case widely publicised, were extrajudicial executions in Sri Lanka the subject of official inquiries. Police inquiries have rarely been successful in identifying suspects. In addition, lawyers and witnesses involved in investigations have been threatened and warned that they will be killed if they continue to press charges or testify about allegations of human rights violations by security personnel. Some have been killed in the apparent effort to prevent the prosecution of security forces personnel. After the death of Kanchana Abhayapala on 28 August 1989 (see below), the Bar Association met with President Premadasa on 4 September 1989, urging the Government to appoint a Commission of Inquiry headed by a judge Supreme Court Judge to inquire into and report on the killings. Subsequent to this appeal, three other lawyers were killed,

but Commissions of Inquiry were not appointed and no suspects were brought to court. At its meeting with the President, the BASL also suggested that the government invite the International Committee of the Red Cross to Sri Lanka; the Government did later invite the ICRC to Sri Lanka to trace missing persons.

The year 1989 began with tense relations between the legal profession and the police. After the killing of Wijedasa Liyanarachchi on 3 September 1988, the Bar Association of Sri Lanka passed a resolution barring its members from providing legal assistance to any police officer until those responsible for Liyanarachchi's death were brought to justice. (Liyanarachchi had represented suspected members of a guerilla movement; he died from severe injuries received during detention. The trial of the Superintendent of Police and three police officers indicted for Liyanarachchi's murder has been delayed because of the difficulty the defendants have had in obtaining counsel. Previous counsel, Ian Wickramanayake, resigned after a murder attempt against him. He had received a warning not to act in the case. Then, on 1 April 1989, Wickramanayake was attacked at his home by JVP gunmen. He escaped and went into hiding. The trial for Liyanarachchi's murder was scheduled to begin on 1 December 1989. On 6 June 1990, the case was postponed until 25 July 1990, in response to a motion by one of the accused.)

After the election of a new Bar Association president in March 1989, the BASL called upon President Premadasa to discuss the problems with the police. President Premadasa then requested Earnest Perera, Inspector General of Police, to help resolve the problem amicably. Perera issued a directive in April 1989 to the police which included guidelines for police action in the event of the detention of a lawyer.

After the killings of Charitha Lankapura on 7 July 1989 and Kanchana Abhayapala on 28 August 1989, the attack on Ian Wickramanayake, and the death threats to Prins Gunasekera, the BASL on 6 September 1989 sent a memorandum to President Premadasa. It commented:

Today the administration of justice is in serious jeopardy. This is because the legal profession which plays an important and integral role in the administration of justice is under threat. Lawyers are officers of court in law as well as in fact, and if they are under threat they can no longer function effectively.

The Bar Association called on President Premadasa to condemn the killings and the threats to lawyers, to obtain the expertise of the United Nations on the protection of practising lawyers, to appoint a Commission of Inquiry into the death of Kanchana Abhayapala, and to ensure government co-operation with the Bar Association in protecting lawyers. As a result of the memorandum, the President publicly condemned the killing of lawyers, but no Commission was appointed.

After a series of meetings with government officials and resolutions by the Bar Association, the government agreed on 15 January 1990 to provide compensation to families of the lawyers killed. A spouse of a lawyer would receive US\$1,300 and other next of kin would receive US\$650. In late January 1990, however, tensions again rose when Foreign Minister and State Minister for Defence Ranjan Wijeratne alleged that funds received by BASL from abroad had been channeled to subversives. The Bar Association stated that the funds, received from the governments of Australia and Canada and international non-governmental organisations, supported its work "to provide legal assistance for persons pursuing legal remedies for the alleged violation of constitutionally guaranteed human rights." The Minister withdrew the allegations and apologised to bar officials.



Kanchana Abhayapala

Kanchana Abhayapala: lawyer who had filed numerous *habeas corpus* petitions on behalf of people alleged to have been detained illegally or who had "disappeared." On 28 August 1989, he was killed by an unidentified gunman who came to his home and shot him twice in the chest as soon as he opened the door. His father, who was standing behind him, was seriously injured by the same bullets. He had received death threats in early July from anonymous callers who warned him to stop filing *habeas corpus* petitions and who claimed to be responsible for the murder of Charitha Lankapura (see below). One caller warned him, "We have killed Lankapura. We have three others in our list, especially you and Prins Gunasekera. Hereafter if you appear for one single *habeas corpus* application for JVPers you will be killed. Remember one single *habeas corpus* application.

This is the final warning we are giving you." He did not file any *habeas corpus* petitions following the threat. There has been no independent investigation by the government, despite numerous appeals by the BASL and domestic and international human rights groups.

A.B. Attanayake: lawyer. In August 1989, he was abducted from his boarding house. An anonymous caller informed the Secretary that Attanayake was in their custody. He was later dropped off, blindfolded, near the residence of a BASL officer, after appeals by BASL officials to the Secretary to the Minister of Defence and the Service Chiefs.

Rohitha Bulathwala: lawyer. He was a research assistant to a judge of the Court of Appeals and a member of a panel of lawyers providing legal aid to the Movement for Interracial Justice and Equality. He was arrested at his residence at Negombo on 11 September 1989. The Negombo Bar Association contacted the President of the Bar Association who in turn appealed to the authorities for his release. Bulathwala was released two days after he was arrested.

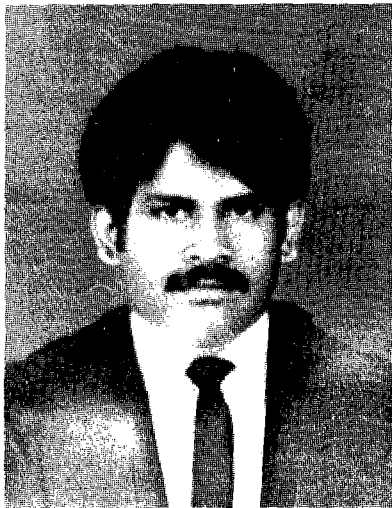
Dharmadasa Gomes: lawyer. He has received death threats from anonymous callers, apparently for his filing of numerous *habeas corpus* petitions on behalf of persons detained and "disappeared." The callers have warned him to stop filing *habeas corpus* petitions.

Prins Gunasekera: lawyer. He has filed numerous petitions on behalf of persons who alleged that they were illegally detained and those who have "disappeared" while in the custody of the security forces. In July 1989, Gunasekera was threatened that if he continued to file *habeas corpus* petitions, he would be killed. On 18 August 1989, a caller reportedly claimed that human rights lawyers were "getting members of the army and the police killed" by Sinhalese militants and warned that this would not be allowed to continue. The caller also claimed responsibility for the death of Charitha Lankapura (see below). In the light of the death threats and the killing of Lankapura and Kanchana Abhayapala (see above), two human rights lawyers who worked with him, he left Sri Lanka in early September. He was granted asylum in the United Kingdom in October. In January 1990, the Foreign Minister and State Minister for Defense, Ranjan Wijeratne, accused Gunasekera of directing a propaganda campaign to discredit the Sri Lankan government.

Sanath Karalliyadda: lawyer and member of the non-governmental human rights organisation, the Kandy District Citizens Committee. He had appeared in many cases against the police. Karalliyadda was abducted the evening of 26 October 1989 by armed men in Kandy. Witnesses said that one of the men was wearing an army uniform. The morning after he was abducted, Karalliyadda's body was found by the side of the road about half a mile from his home; he had been shot with a pistol, and 19,000 rupees (\$US494) and some jewellery had been taken from him. On the day of his funeral, several posters in Karalliyadda's hometown warned people, especially lawyers, that they faced death if they attended the funeral. The posters were signed "*ratu makara*" (Red Dragon), the name of a "vigilante" group in the Kandy area. The BASL has called for the appointment of a Commission of Inquiry to investigate the murder.

Karalliyadda had been the attorney for the family of a 16-year-old student who was shot dead by police during a June 1989 demonstration. Seven police officers are currently under investigation by the Teldeniya Magistrates Court for the boy's killing. Witnesses to the killing, including Karalliyadda's clerk, Sena Rankothge, and another lawyer's clerk, Edward Kulatunge, have also been killed. At least two others who gave evidence against the police at the inquiry have been reportedly abducted and killed.

The senior lawyer in this trial, **Parakrama Ranasinghe**, has also received death threats. He and at least one other lawyer who has appeared at the magisterial inquiry have repeatedly been sought out by groups of armed men wearing civilian clothes. (For safety reasons, the name of the second lawyer is withheld.) The two lawyers went into hiding and subsequently left the country. The magistrate who conducted the inquiry, **Neil Perera**, is also said to have gone into hiding. Karalliyadda was also involved in the investigation of Wijedasa Liyanarachchi's death in custody. (See 1989 CIJL report.)



Charitha Lankapura

Charitha Lankapura: lawyer, known for the hundreds of *habeas corpus* petitions he filed on behalf of persons in southern Sri Lanka who had disappeared after arrest by the Sri Lankan security forces or who alleged that their detention was illegal. He was killed at about 2 p.m. on 7 July 1989 at his boarding house in Slave Island, Colombo, by two gunmen in civilian clothing who shot him in the neck from an open window. Before his death, Lankapura had received anonymous death threats on the telephone. The callers had warned him to stop filing writs of *habeas corpus*. Police have begun an investigation, but there has been no independent inquiry board set up and no arrests for the murder. Soon after Lankapura's death, two lawyers who worked closely with him, Kanchana Abhayapala and Prins Gunasekara (see above), received death threats from an

anonymous caller who claimed responsibility for Lankapura's death and warned them that if they did not stop filing *habeas corpus* petitions, they would also be killed.

Neville Nissanka: lawyer practising in Gampala. On 3 October 1989, he was abducted by unidentified persons. The next day, his dead body was discovered in front of his house.

Ranjith Panamulla: lawyer who has received death threats from unidentified callers who have warned him to stop filing *habeas corpus* petitions on behalf of illegally de-

tained and "disappeared" persons.

Sam Tambimuttu: Tamil lawyer, Member of Parliament, and a spokesperson for the Parliamentary Human Rights Group in Sri Lanka. He was killed in May 1990, when gunmen on motorcycles fired at close range into his car. His wife, Kala, who was traveling with him, was also shot; she died later from her injuries. The murders occurred outside the Canadian High Commission in Colombo. Tambimuttu had just obtained a visa to visit North America and the United Kingdom to meet with human rights groups to discuss human rights violations in Sri Lanka, including the latest attacks by the Liberation Tigers of Tamil Eelam (LTTE).

Batty Weerakoon: lawyer, trade unionist, and leader of the *Lanka Sama Samaja Party* (LSSP). On 30 May 1990 and 1 June 1990, he received death threats because of his representation of Dr. Manorani Saravanamuttu in a magisterial inquiry into the abduction and killing of her son, Richard de Zoysa. After his investigation into the case, Weerakoon was convinced that de Zoysa, a broadcaster, journalist and actor, was killed by police personnel in Colombo. On 30 May 1990, an anonymous caller told Weerakoon that he should not attend court on 1 June because the "procedures related to the death of a traitor."

On 1 June, upon returning home from court, Weerakoon received a letter from the "Organisation for the Protection of the Motherland" which said:

Action to win human rights for people who have been traitorous to the country is itself traitorous action. Therefore please be warned that your life rests on the manner in which you react to this letter. Neither the security forces nor the police nor any other groups can protect you. It is only your silence on the matter stated above that can protect you.

The government appointed armed security for Weerakoon and, in a letter to the Civil Rights Movement of Sri Lanka, the Secretary to the President stated that the President had directed that "those responsible for the death threats on him should be apprehended and dealt with according to the law." However, those responsible for the threats have not been identified, nor has any in-depth investigation been undertaken. In addition, two plainclothes officers assigned to protect Weerakoon have themselves received death threats. On the morning of 22 June 1990, two letters addressed to the police officers by name arrived at Weerakoon's house. The letters warned the guards to leave Weerakoon, or face death. The BASL informed the Inspector General of Police (IGP) of the threats and that no police inquiries had been made on the threats. The IGP said that he would see if security could be increased that night and would look into the lack of inquiries.

In a 25 June letter to the police, Weerakoon asserted that the specific nature of the death threats suggested that the threats came from within the police. On 28 June, a letter from KHJ Wijayadasa, Secretary to the President, stated that the President acknowledged receipt of Weerakoon's letter and would take appropriate action concerning the threats to Weerakoon and his security guards. On 8 July 1990, Superintendent of Police (Colombo South) Lal Ratnayake and Assistant Superintendent of Police Ignatius recorded Weerakoon's statement on the death threats against him. They informed him that they were not investigating and had only been told to record his statement.

In recent times, Weerakoon has come under serious threat from the JVP. This is perhaps because of his leadership in the *Lanka Sama Samaja Party*, a legal left-wing party

that has worked within the democratic process. Sixteen of its members have been killed, allegedly by the JVP.

Weerasuriya: Colombo lawyer. He was arrested in October 1989 and released almost immediately. Despite inquiries by the BASL, the authorities were still unable to give an explanation for the arrest.

According to the Bar Association of Sri Lanka, the following lawyers were also harassed or killed in the past year. (Complete information was not available at the time of publication.)

Amirthalingam: lawyer killed by the Liberation Tigers of Tamil Eelam (LTTE). It is believed that he was killed because of his leadership in the Tamil United Liberation Front (TULF).

J.M.B.Bandara: senior lawyer, active member of the Communist Party. He appeared in numerous cases under the emergency regulations. He is believed to have been killed by the JVP, perhaps because of his political activism.

Jayatillake: lawyer in Kandy. He was abducted and detained blindfolded until his release, which was obtained through the intervention of the Bar Association.

C. Kotelawala: lawyer. He was abducted from his residence after the death of Neville Nissanka and questioned about Nissanka. Within a few days, Kotelawala was released, following protests by the Bar Association.

Leslie: lawyer, member of the Provincial Council of the LSSP Party. He handled cases under the emergency regulations and cases for a Roman Catholic organisation in the free trade zones. JVP militants entered his home in July 1989 and requested him to give up his political activities. When he refused, he was shot.

Metuwan Samarasinghe: lawyer attached to the Colombo Municipal Council. He was abducted in October 1989 from his quarters and kept blindfolded until his release.

Wijewickrema: Matara lawyer. She was taken into custody by the Akuressa Police. Later, the Secretary of the Bar Association of Sri Lanka was informed of her arrest. The authorities were contacted, and Wijewickrema was released.

Yogeswaran: lawyer and Member of Parliament. He was killed by LTTE.

SUDAN

Since the coup d'état on 30 June 1989, the new government has waged a virtual attack on the legal community. Among the régime's top priorities has been the undermining of the independence of the judiciary, through the replacement of the secular court system with a militant Islamic judiciary, comprised of government-appointed judges. The government has banned all legal and human rights organisations, including the Sudanese Human Rights Organisation, the Sudanese Bar Association, and the Sudan Legal Aid Association. On 6 July, the National Salvation Revolutionary Command Council (NSRCC) established military courts, presided over by army officers and following summary procedures, under which the accused had no right to defence counsel and which could impose capital punishment. Several prominent political leaders were tried and convicted by these "courts."

On 27 September, the government eliminated the special military courts, and replaced them with six new "Revolutionary Security Courts" along with one "Revolutionary Security High Court." Judges were to be appointed by the NSRCC, though it was not specified that they were to be army officers. Defendants were permitted defence counsel. In December, the government created new courts again, this time limiting the role of the defence lawyer. Lawyers could consult with their clients, but were not permitted to address the court directly or to argue in their clients' defence.

The Sudanese government's treatment of judges and lawyers occurs in the context of broader human rights abuses towards the civilian population at large. Immediately following the coup, the military authorities declared a state of emergency, banned all political parties, dissolved the constituent assembly (parliament) suspended the constitution, dissolved all trade unions and imposed curfew. Hundreds of unarmed civilians have been extrajudicially executed; the government has detained hundreds of people without charge or trial; and, as of December 1989, the special courts have the authority to impose Islamic law punishments, as favored by the country's Chief Justice, Jalal Ali Lufti.

On 31 July, a group of professional associations and trade unions, including the Sudanese Bar Association, the Association of Legal Advisors, and the Attorney General's Chambers, presented a memorandum to the government, protesting the ban on all non-religious organisations. The memorandum prompted the government to arrest many of the prominent signatories, including the president of the Bar Association (see below). Many of the judges and detained members of the Sudanese Bar Association have been reportedly held without charge or trial.

Within weeks of the formation of the new military courts, the government dismissed nearly sixty judges. What began as individual expressions of protest by secular judges against the new tribunals developed into strong opposition on the part of the judiciary. On 21 August, judges in Sudan organised a strike, leading to the government's removal of dozens more judges from the bench, and the detention of twenty. Four days later, on 25 August 1989, a general assembly of judges, convened to respond to the destruction of the rule of law, submitted a memorandum to the president of the governing military council containing six demands:

- The immediate cancellation of the military decrees by which military courts were set up, the immediate dissolution of those courts and the annulment of all decisions and sentences by those courts.
- The cancellation of the military decree by which an Office of Complaints was estab-

lished and the annulment of all steps taken by that office.

- Assurances that the regime recognise the independence of the judiciary, the rule of the law and the separation of powers.
- An immediate return to the ordinary courts of the cases transferred to the military courts.
- Non-interference by any government body or authority in judicial affairs.
- No alteration in the legal system and the governing laws unless due studies are made and the representatives of all the judges at all levels are represented.

By 27 August 1989, 58 judges had been removed from the bench. They included:

Supreme Court Judges: Hakeem Al-Tayeb; Sayed Abdalla Attoam; Salih Al-Sharif; Al-Tahir Zain Al-Abdin; Hassan Mahmoud Babiker; Abd El Aati Al-Asad; and Obied Gismalla.

Appeal Court Judges: Nadir Al-Sayed Abbas; Al-Rayyah Widatalla; Abd Elhafiz Al-Fadl Al-Hassan; Kamal Eddin Ali Suleiman; Alamin Al-Tayeb Abu Qanaya; Abderahman Mohammed Abdelsadik; Ibrahim Ali Gadalla; and Hassan Fath Al-Rahman Al-Niel.

Provincial Judges: Mohammed Abdalla Ata; Mohammed Al-Hafiz Mahmoud; Mahdi Mohammed Agied; Babikr Al-Grayie; Abdelmoniem Khorasani; Hamza Amin Ahmed; Salah Hussein; Abdel Azis Hamatto; A'mna Awad Mahmoud; and Ahmed Al-Tigani Al-Tahir.

First Class Judges: Ahmed Ahmed Abu Bakr; Bashier Ahmed Al-Mustafa; and Abdelhameed Abdel Kadir.

Many judges also resigned, presumably in anticipation of their dismissal by the government. Though the precise total of judges dismissed is unknown, in September 1989 the National Salvation Revolutionary Command Council (NSRCC) reportedly had a list of 120 judges whom it intended to purge from the courts.

Legal Advisors Dismissed: in the aftermath of the coup, 12 legal advisors to the Attorney General's Chamber were dismissed from office: Mohammed Saeed Badr; Charlls Kerr; Abdin Osman; Farouk Hassan Ghariba; Abdalla Hassan Al-Sheikh; Al-Gaili Abdel-Fadeel; Omer Khairy; Mohammed Osman Tag Al-Sir; Hashim Faragalla; Abdel Aziz Mohammedani; Mekki Abbas Meeki Medani; and Omer Ibrahim Hassan.

Other Cases

Mustafa Abdelkadir: member of the executive committee of the now-banned bar association. He was arrested in August 1989 for his opposition to the government's suspension of trade union and other professional activities. He is being held without charge or trial in Kober prison in Khartoum.

Sadiq Al-Shami: member of the executive committee of the Bar Association and active member of the Sudanese Organization for Human Rights. He was detained on 30 June 1989 for his opposition to the government's suspension of trade union and other profes-

sional activities. He was released uncharged on 6 November 1989. He was rearrested in December and detained briefly at a secret detention site in Khartoum, where, according to Amnesty International, he was severely tortured. In late May 1990, Al-Shami was arrested once again and detained in secret place before being transferred to Kober prison.

Jalal el Din al-Sayed: deputy secretary of the Bar Association, was arrested on 29 July and held in Kober prison before being transferred to the high security Shalla prison.

Abddalla al-Hassan: president of the Bar Association, was put under restriction orders around 6 August after he and seven other trade union leaders had signed a memorandum submitted to the National Salvation Revolution Command Council (NSRCC) in late July protesting the suppression of trade unions and calling on the government to allow trade unions to participate in the drafting of a new trade union law. He was released from detention in early November 1989.

Said Issa: member of the Bar Association of Khartoum. Held without charge in Kober prison.

Kamal Al-Jazouli: member of the Bar Association. Detained on 10 August 1989 and held in Port Sudan.



Amin Mekki Medani

Amin Mekki Medani: executive member of the Sudanese Bar Association and vice-president of the Sudanese Organisation for Human Rights, was arrested on 7 September 1989 and held without charge in a prison in Port Sudan. He campaigned for human rights for many years and an end to the war in the south of Sudan. He taught at the University of Khartoum and has worked at the office of the United Nations High Commissioner for Refugees and at the World Bank. In 1985, he served as Minister of Construction and Housing. He has been an outspoken critic of Islamic Law punishments and advocated their removal from the penal code. He has been adopted as a "prisoner of conscience" by Amnesty International.

Saleh Mahmoud Mohammed Osman: member of the Bar Association of Nyala. Detained in coup aftermath. Place of detention unknown.

Motassim Ibrahim Sudan: member of Bar Association of Medani. Detained on 21 August 1989. Held in Kober prison.

Abdel Azim Awad Surur: member of the Bar Association of Khartoum. Held in Kober prison.

Abdel Rahman Azhari: lawyer. Detained in coup aftermath. Whereabouts unknown.

Hassan Hussein Mohamed: lawyer. Detained on 21 August 1989. Held in Shalla prison.

Ishaq al Gassim Shadad: former secretary general of the Bar Association, was detained in July or August.

TAIWAN

Frank Hsieh Chang-ting: human rights lawyer, who has represented defendants in important political cases. On 9 June 1989, he was sentenced to three years' imprisonment and three years' deprivation of civil liberties for insulting a government official in his public criticism of legislators who supported the National Security Law. He was also charged with being responsible for violence at a 12 June 1987 rally to protest the National Security Law. In accordance with the April 1988 amnesty, his sentence was reduced by half. He is appealing his sentence and is currently free.

Yao Chia-wen: human rights lawyer was barred from practising law and from serving in public office because of a 1980 conviction for organising a Human Rights Day rally in December 1979. He was detained from 1980 to January 1987. Under the 20 May 1990 amnesty, he had his civil rights restored, and was allowed to apply for permission to practice law. (Under certain sedition laws still in effect in Taiwan, persons charged with sedition are barred from practising law.) Yao was given permission to practice law in August 1990.

TANZANIA

Wolfango Dourado: ex-Attorney-General of the island of Zanzibar and former political prisoner. His licence to practice law was revoked in 1988, after he took on the case of 23 people facing criminal charges for involvement in a demonstration on the semi-autonomous island of Zanzibar on 13 May. He continues to be denied a licence.

Mwaikusa and Issa Shivji: attorneys. They were withdrawn in July 1989 from a case assigned to them by the legal aid committee of the University of Dar es Salaam to defend the former Chief Minister of Zanzibar, Seif Shariff Hamad. Hamad, arrested in May 1989, faced criminal charges for taking part in illegal meetings, having been sacked several months earlier for allegedly planning a coup with five other ministers. Mwaikusa and Shivji were withdrawn from the case in July 1989, apparently due to pressure placed on the legal aid committee by the Tanzanian authorities.

TUNISIA

Bachir Essid: Tunis-based lawyer and founder of the *Union démocratique unioniste* (Democratic Unionist Union). He was arrested on 15 September 1989 by five plainclothes policemen in his home, in front of his wife and children, though the police did not have the required arrest warrant. Over the years, he has defended trade unionists, students, and others charged with political offences. For ten days, police held Essid incommunicado in prison cells underneath the Ministry of the Interior headquarters, then moved him to a main prison. At first, he was subjected to continuous shining light, 24 hours a day. He was denied consultation with a doctor, despite a history of respiratory problems and allergies. Initially charging him with plotting to overthrow the government and insulting the president in a communiqué he allegedly distributed, the government has since dropped the former charge. Since his detention, Essid has not been permitted to consult with his lawyers privately, at times his home has been under surveillance by police, and he has been denied two requests for release pending trial.

Radhia Nasraoui: lawyer, was ordered on 19 August 1989 into the local police station for questioning by plainclothes police, two days after her court defence of the secretary general of a Tunisian opposition party. Since the police failed to produce a warrant upon her request, Nasraoui refused to accompany them to the police station, but agreed to go with them to the court, in the realisation that she was in effect under arrest. The charges against her included the spreading of false information likely to damage the public order and defamation of the security forces for her words in court on 17 August detailing the historical evolution of the law her client allegedly violated. After spending four days in a women's prison outside of Tunis, where she was restricted access to her lawyers, Nasraoui was released and the charges against her lifted.

TURKEY

In Turkey, tension continues between the government and the Istanbul Bar Association. Justice Minister Oltan Sungurlu asked the chief prosecutor in Istanbul to institute legal proceedings against the bar association for the dismissal of its executive board. The Minister argued that the board violated the law by reversing a decision of the former board to expel lawyer Alp Selek from the association after he had been sentenced to an eight-year prison term on charges of belonging to the Workers' Party of Turkey. After serving his sentence, Selek was released in 1986, but remained unable to practice law because of the conviction. The proceedings are scheduled to begin on 1 October 1990. Turgut Kazan, president of the Istanbul Bar Association vowed to fight the action, saying that "the Justice Minister has no authority to decide on which attorneys can perform their profession and which can not. Such an attitude would, in effect, give judicial power to the government." The Union of Turkish Bar Associations also stated that the Justice Minister had overstepped his authority.

Serhat Bucak: Kurdish lawyer who has defended many political prisoners, particularly alleged members of Kurdish organisations in Istanbul, Diyarbakir and other towns. His December 1987 passport application was denied in September 1988, which Bucak believes is due to his legal assistance to the Kurds. As of May 1990, Bucak was still not permitted to leave the country.

Halit Celenk: lawyer, head of the Human Rights Association's Committee for Free Expression, and the deputy president of the Turkish Law Institution (see 1989 CIJL report). He is known for his expertise on the Turkish legal system and his defence of left-wing dissidents. On 2 March 1990, the Turkish newspaper *Cumhuriyet* reported that he had been threatened a second time since the killing of Prof. Muammer Aksoy, the president of the Turkish Law Institution.

Orhan Dogan: lawyer and Cizre representative of the Human Rights Association. He has served as lawyer for inhabitants of Yesrilzrut village, allegedly tortured in January 1989. He also represents a group charged with participation in an illegal demonstration in March 1990. *Cumhuriyet* reported that a bomb exploded in the dustbin in front of Dogan's house on 22 June 1990 at 10:30 p.m. A few days before, the commanding officer of the gendarmerie unit that raided the village of Yesilzrut was convicted by a court in Ankara for ordering the ill-treatment of Dogan's clients. Although the officer received a sentence of two and a half months' imprisonment, it was commuted to a fine and suspended.

Zeki Ekmen: lawyer and president of the Turkish Bar Association. On 27 February 1990, he was seriously injured in an attack, following his representation of detainees in Batman. A few days later, a person was detained who claimed that he had assaulted Ekmen for his representation of the opposing side in a murder case against his brother. Ekmen told Amnesty International in May that he was certain that the secret police, the MIT, ordered the attack.

Fuat Erdogan: lawyer in Istanbul. He was detained on 7 May 1990 and taken to Ankara. Despite repeated requests, he was not allowed to see anyone. He was apparently

charged with membership in the illegal violent organisation *Devrimci Sol* (Revolutionary Left). Details of the evidence against him are unknown.

Hasan Sahin and Gürbüz Özaltinli: Ankara attorneys and members of the Human Rights Association in Turkey. They were detained between 28 May 1990 and 5 or 6 June 1990. During the first day of their detention, Sahin and Özaltinli were placed in a cold cell whose ceiling leaked. The two lawyers allegedly had to stand, with their feet in water, for 24 hours. According to reports by human rights groups, they did not receive the food their families brought for them. The prosecutor asked for their arrest as alleged leaders of the Turkish Communist Party (TBKP), under Article 141 (1), which calls for eight to fifteen years' imprisonment for founders and leaders of organisations whose objectives are to destroy the established order in the country. However, the arrests of Sahin and Özaltinli may have resulted from their actions as advocates for Nihat Sargin and Haydar Kutlu, president and secretary of the TBKP, respectively. The first hearing for Sahin and Özaltinli is scheduled for 2 August 1990. Statements to the police by other TBKP defendants describing their relationship to the two lawyers as one of friendship will reportedly be used against them.



Esber Yagmurdereli

Esber Yagmurdereli: blind lawyer who represented numerous defendants, including trade union leaders, in political trials in Bursa and the Black Sea region in Turkey in the 1970s. He has been in detention since 5 March 1978. At that time, arms were found in the possession of one of his clients. A search of Yagmurdereli's house and office turned up left-wing publications. Police found stolen gold and jewellery in the flat of a neighbor who alleged that the goods belonged to the Yagmurdereli. In the following days, several detainees "confessed", after prolonged incommunicado detention, to have stolen the goods on behalf of the illegal *THKP/C Acilciler-Halkan*

Devrimci Öncüleri (Turkish People's Liberation Party/Urgency Front - Vanguard of the People's Revolutionaries) and to have handed them over to their "leader," Yagmurdereli. It took more than seven years, including trial, appeal and retrial, before a final verdict was rendered against him. Virtually all the defendants alleged before the Samsun Criminal Court that their statements had been extracted under torture. Yagmurdereli also alleged that he was subjected to *falaka* (beatings on the soles of the feet), electric shocks, ice-cold water hoses and cigarettes extinguished on his body. He denied any connection with the goods or involvement in an illegal organisation, and stated that the charges were intended to prevent him from representing political prisoners. Although the prosecutor asked only for a conviction for hiding stolen goods, which carried a maximum prison term of three years, Yagmurdereli and five other defendants were convicted on 9 November 1979 of membership in an illegal organisation and sentenced to 36 years' imprisonment. The verdict was quashed on 9 July 1980 after martial law was established, and the case transferred to a Military Court. It was subsequently remanded to the same Samsun Criminal Court, which again convicted Yagmurdereli on 8 March 1985 without hearing further evidence. This time, however, he was sentenced under the more serious charge of leadership in an organisation trying to overthrow the government by force, and was sentenced to death. His sentence was commuted to life imprisonment. The verdict was later upheld. Yagmurdereli is currently serving his sentence in the high-security Bursa E-type prison.

Amnesty International called Yagmurdereli's trial "unfair" both because the Samsun Criminal Court did not investigate the claims of torture-induced confessions, despite the existence of corroborating medical reports, and because of "severe restrictions" on his right to present a defence, given that he was not in court for most of his trial and retrial.

On 12 February 1990, Yagmurdereli rejected an offer by the Minister of Justice for a pardon in view of his "ill-health," since a pardon would suggest an acceptance of the "unjust trials of 12 September" (following the military coup of 12 September 1980). He asked for a fair retrial instead. Yagmurdereli, who is also a short story writer, continues to write and won a national competition in 1986.

UNITED STATES OF AMERICA

In the past year, a judge and a lawyer were killed by bombs sent to them through the mail. Another judge was seriously injured by a similar type of bomb. One lawyer reported government harassment because of her defence of political activists. These cases are described below.

A significant development concerning the independence of the judiciary was the dramatic increase in the number of threats against members of the federal judiciary and federal prosecutors. The United States Marshals Service, assigned to provide protection to federal judges, court officials, witnesses, and jurors, has recorded a rising number of threats against judges and prosecutors:

October 1987 - September 1988: **220**

October 1988 - September 1989: **331**

October 1989 - 30 July 1990: **445**

The U.S. Marshals speculate that the increase is due to a rise in criminal cases and a growing number of drug-related cases. One Marshals Service spokesperson commented in response to the extraordinary nature of the two killings (described below) and the subsequent bomb sent to the Eleventh Circuit Court, "There were only two previous Federal judges killed in this century and in neither case was that action followed up with another attempt."

According to a report by the U.S. Marshals Service, approximately four out of ten threats directed towards the judiciary were made by individuals; roughly one-third of the total threats were made by incarcerated persons. In addition, "disturbed, impassioned, or criminally-oriented individuals" are responsible for 50 to 60 percent of the threats. The report also states:

Threats from drug-related, nontraditional organized criminal groups comprised the highest percentage of any of the groups identified as threat sources. Organizations responsible for threats in fiscal year 1989 consisted of Puerto Rican independence terrorist groups, Black street gangs, Jamaican gangs, domestic drug cartels and Colombian drug cartels.

Just over 20 percent of the threats to members of the judiciary were from unidentified sources.

Total Threats to U.S. Judges and U.S. Attorneys[†]

	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Judges:		
Supreme Court Justices	14	*
District Court	162	*
Circuit Court	36	*
Bankruptcy Court	15	*
Superior Court	3	*
Total Judges	230	335
Asst. U.S. Attorneys	43	32
Magistrates	18	26
U.S. Attorneys	10	16
Other	30	26
Total Others	101	110
TOTAL THREATS	331	445

† U.S. Attorneys are government prosecutors before the various district courts.

* No breakdown available.

Sources of the Threats

	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Individuals	142	159
Prisoners	102	116
Unknown	76	153
Drug Cartels	8	-
Terrorist Group	2	-
Organized Crime	1	1
Motorcycle Gang	-	2
Prison Gang	-	4

Communication of Threats

	<i>Oct. 1988 - Sept. 1989</i>	<i>Oct. 1989 - 30 July 1990</i>
Mail	144	225
Telephone	81	88
Informant	65	47
Other	33	72
Physical	8	3

SOURCE: U.S. Marshal's Report

Cases



Robert S. Vance

Robert S. Vance, judge on the Eleventh Circuit of the United States Court of Appeals and **Robert E. Robinson**, a lawyer from Savannah, Georgia who handled civil rights cases, were killed by mail bombs on 18 December 1989.

Vance was killed by a bomb sent to his suburban home outside of Birmingham, Alabama; his wife was seriously injured. The reasons behind the killing remain unknown. Whereas the investigation initially focused on the number of cases the judge handled involving narcotics trafficking (60 percent of the 11th Circuit caseload), later leads focused on the Vance's progressive stands on civil rights. (In the 1960s and 1970s, he had acquired a reputation as a civil rights activist. As a former Democratic Party state chair, he led the first desegregated Alabama delegation to the 1968 Democratic Party national convention. As a lawyer, he is said to

have broken a "gentlemen's agreement" between area lawyers to keep blacks off of juries. As a judge, he had joined in decisions that upheld the murder conviction of a member of the white supremacist "Aryan Brotherhood" and allowed the prosecution to present evidence that led to the conviction of Ku Klux Klansmen involved in a bloody confrontation with blacks in Decatur, Alabama. In September 1989, he had reversed a lower court's ruling and held in favour of a desegregation order from the Duval County, Florida schools.)

Robert Robinson was killed by bomb that was mailed to his office. Robinson's murder shifted the focus of the Vance investigation to possibly race-related motives. A civil rights activist, his legal representation included cases for the National Association for the Advancement of Colored People (NAACP). He was also one of three blacks on the Savannah city council. He handled a number of employment discrimination cases and led a long-running battle to desegregate the Savannah schools.

The attacks against Robinson and Vance were accompanied by a string of bomb threats to other persons and organisations. Two other bombs were sent the same day Vance and Robinson were killed, to the United States Court of Appeals for the Eleventh Circuit in Atlanta, and to the NAACP in Atlanta. Both of these bombs were removed before they detonated. The Federal Bureau of Investigation (FBI) in Atlanta had warned NAACP officials of a possible attack.

On 29 December 1989, a group calling itself "Americans for a Competent Federal Judicial System" claimed responsibility for the mail bombs that killed Vance and Robinson. The group vowed to kill more people in retaliation for "savage acts of violence by black men against white women."

On 21 August 1989, the NAACP office in Atlanta received a tear-gas cannister in the mail, requiring eight people to go to the hospital after inhaling the fumes. The construction of this bomb was very similar to the four



Robert E. Robinson

discovered in December 1989. The Baltimore national headquarters of the NAACP had been hit by mysterious gunfire twice since July 1989.

Also in August 1989, four letters were sent to news organisations, in which the author(s) threatened violence on the federal courts. Officials have yet to determine whether these letters had any connection with the mail bombs. One letter postmarked 21 August 1989 was sent from Atlanta to WAPT-TV in Jackson, Mississippi criticising the 11th Circuit for not fulfilling "its obligation to protect the innocent." It said, "The court's failure to render impartial and equitable judgments is due to rank bias and the mistaken belief its victims can not effectively retaliate." It threatened to unleash a gas attack on population centers in retaliation against the court's actions. This letter arrived two days before the tear-gas cannister was delivered to the Atlanta offices of the NAACP. Similar letters were sent to Minneapolis, Minnesota, Milwaukee, Wisconsin, and California. However, no incidents were linked to these three letters.

Civil rights groups see the killings, the bombs and threats as part of a rising tide of extremist violence and so-called hate crimes. Although the number of perpetrators is thought to be relatively small, the attacks have been more diverse and widespread than incidents of violence in the civil rights era.

Immediately after the killings, the Marshals stepped up protection of federal judges. The investigation has been made less public out of concern that early leaks may have jeopardized the investigation. Investigators presented evidence to two grand juries in April 1990, and, in May, a special prosecutor, Louis J. Freeh, an associate U.S. attorney for the Southern District of New York, was named to head the investigation.

A suspect in the bombings, Walter Leroy Moody, Jr., was arrested on 10 July 1990. He was indicted on charges of perjury and obstruction of justice in a case of bomb possession dating to 1972. Federal investigators said they hoped the arrest would eventually strengthen the bombing case.

John P. Corderman: judge on the Maryland Criminal Court in Hagerstown, Maryland. He was injured on 22 December 1989 when he opened a package containing at least three pipe bombs left outside his apartment. He sustained shrapnel injuries to his abdomen and right hand, and the blast from the explosion damaged both of his eardrums. Federal investigators quickly ruled out a link between the attack and the killings of Vance and Robinson (see above). A spokesperson for the U.S. Postal Service told reporters on 27 December 1989 that the explosive device differed in both the materials used and their construction and that it appeared to be a "copy-cat" bombing.

Investigators into the case have identified one possible motivation for the attack as Judge Corderman's reputation for imposing stiff sentences in drug-related convictions. As of late June 1990, however, there had been no arrests made and no new leads in the investigation. Investigators said they would continue the work of reviewing past cases on which the judge had ruled to identify a possible assailant. Agents have developed a profile of the likely assailant, but would not disclose the contents of the profile.

Linda Backiel: criminal defence lawyer and member of the National Lawyers Guild (NLG), faces up to 18 months in prison for her refusal to testify before a grand jury as a witness against her former client. (Grand juries are empanelled by prosecutors to return indictments on major offences. Their proceedings are conducted in secret and out of the presence of a judge. Refusal to answer questions before a grand jury, other than for reasons of non-self-incrimination, is punishable by contempt of court.) As Staff Attorney for the Grand Jury Project, sponsored by the NLG and the New York Women's Union, Backiel has written extensively on grand juries and has defended many alleged grand



Linda Backiel

jury "resisters." In recent years, she has represented numerous political activists in the United States, notably members of the Puerto Rican Independence Movement.

In September 1989, a grand jury was meeting in the United States District Court for the Eastern District of Pennsylvania to determine whether to charge political activist Elizabeth Ann Duke with bail jumping. Duke had fled bail after a charge of explosives possession almost five years before. (Her whereabouts are still unknown.) While in pre-trial detention, immediately following her 1985 arrest, Duke called Backiel, but she was unable to take on the case. Backiel did, however, testify on Duke's behalf at the pre-trial detention hearing, and was one of the five lawyers into whose custody Duke was released.

On 11 September 1989, Backiel was subpoenaed to testify before the grand jury and to bring documents relating to Duke. Backiel refused, stating that she would not "answer questions in secret about a client because I understand my first obligation is to protect the interest and confidences of my clients, not to become a witness against them." On a prosecution motion to have Backiel held for contempt, United States District Court Judge Charles Weiner cleared the courtroom of the public and the press. He ordered Backiel to appear before the court in fifteen minutes to hear the motion. The judge then held a secret hearing, denying Backiel and her lawyers the opportunity to prepare a defence. He then ordered Backiel to jail for contempt of the grand jury.

On appeal, the United States Third Circuit appellate court reversed the district court's finding of contempt, and remanded the case to the district court to state its finding in a public session. Backiel's lawyers, who contend that the entire hearing should have been held in public, filed a petition for *certiorari* to the United States Supreme Court on 1 August 1990 to decide on the questions of an open hearing and notice.

Progressive legal organizations, including the 8,000-member NLG, the National Conference of Black Lawyers and the Puerto Rican Legal Defence and Educational Fund, which have joined in an *amici curiae* brief to the Supreme Court, believe that the real reason that Backiel was summoned before the grand jury was as a retaliation for her legal work on behalf of Puerto Rican independence activists. In September, Backiel defended independence movement leader, Filiberto Ojeda Rios, in what was perhaps the most publicized political trial in recent Puerto Rican history. (Ojeda was acquitted on charges of assaulting FBI agents and resisting arrest when he allegedly wounded an agent during gunfire. His 32-month pretrial detention was criticised by Amnesty International.) Backiel has also represented eleven *independentistas* charged with a conspiracy to use \$7 million taken from Wells Fargo Bank in Hartford, Connecticut to fund *Los Macheteros*, a clandestine independence organization. Backiel's defence included charges of prosecutorial misconduct. Two weeks before Ojeda's release, one of the FBI agents in charge of the case in Hartford appeared at Backiel's Puerto Rico home to serve her with the subpoena to testify before the grand jury in Pennsylvania. Backiel's lawyers maintain that there has been sufficient evidence for almost five years to charge Duke with bail jumping. Even members of the grand jury reportedly expressed confusion as to why Backiel's testimony was necessary.

The lawyers' groups argue in their submission that compelling an attorney to testify before a grand jury intrudes upon the confidential attorney-client relationship and burdens the constitutional guarantee of the right to counsel. Backiel, who has been ordered to jail, remains out of prison during her various appeals.

VENEZUELA

Marielba Barboza Murillo: lawyer who is facing disciplinary proceedings. Barboza is a member of the Sub-Commission on the Defence of the Family in the House of Representatives and of the *Unidad de Apoyo Nacional de la Asociación Nacional de Clínicas y Asistencia Jurídica Voluntaria* (Unity of National Support of the National Association of Clinics and Voluntary Legal Assistance; ASOCLIVA), and permanent lawyer for the *Servicio Clínico "24 de Julio"* ("July 24th" Service Clinic) of ASOCLIVA in Maracaibo, department of Zulia. Barboza is involved in several human rights cases: she is defending the property rights of peasants from San Juan over land in Sur del Lago, Zulia department; investigating the trafficking of children by supposed religious organisations; providing legal representation to a Venezuelan family in a case in which three minors were declared abandoned after an allegedly highly irregular court proceeding, and subsequently adopted by United States citizens without going through the necessary channels; monitoring the petroleum unions' elections in Zulia (Barboza, along with the Attorney General, denounced the electoral process as tending to favour groups intent on dominating independent unions); and advocating the protection of the *Sierra de Perijá* ecological system, home of the indigenous *Yucpas* and *Barí* peoples, from cattle ranchers and a government agency.

On 3 April 1990, Barboza was informed by the Bar Association Tribunal of the Zulia department that a disciplinary inquiry was being initiated against her. Reportedly, upon appearing before the Tribunal, Barboza was not informed of the source or nature of the charges against her, and was denied the benefit of an attorney.

Human rights organisations in Venezuela believe that this action is being taken in reprisal for Barboza's human rights and legal services activities. As a result of Barboza's professional activities, she has confronted powerful interest groups who often have close ties with the national and regional political parties. Such groups have allegedly used their political connections to harass Barboza. According to the human rights organisation, *Programa Venezolano de Educación-Acción en Derechos Humanos* (Venezuelan Program on Human Rights Education and Action; PROVEA), several of the Tribunal members are involved in a number of Barboza's cases, leading to speculation that the disciplinary inquiry is an attempt to prevent Barboza from pursuing her investigations. On 23 April 1990, Barboza registered a complaint with the Attorney General's Human Rights Office requesting an investigation and the appointment of a prosecutor from the Public Ministry to guarantee the impartiality of the inquiry. ASOCLIVA lawyers, Miguel Santana Mujica and Guillermo Marsiglia, have assumed Barboza's defence.

VIETNAM

The right to private legal counsel has been abolished in Vietnam. Instead, court-appointed "socialist pleaders," often lacking the necessary training, provide legal assistance. According to Amnesty International, "the role of 'socialist pleader', when acting for a defendant, is believed to consist of the following: acknowledging the case for the prosecution; explaining the charge to the defendant; pleading guilty on his or her behalf; and asking the court for leniency of judgment." The government has stated its intention of phasing out this system, and replacing the "socialist pleaders" with trained defence lawyers.

Doan Thanh Liem: lawyer. He was believed to have been detained for investigation in Ho Chi Minh City in April 1990, along with Do Ngoc Long, a finance expert and Nguyen Van Tan, a former journalist. The three, along with Do Trung Hieu, an architect detained in Danang, were allegedly held in detention for their association with Michael Morrow, a United States businessman, and for their non-violent criticism of Vietnamese government policy. Morrow was reportedly held for questioning about alleged espionage activities and actions to destabilize the Government of Viet Nam, both of Morrow denies. In addition, Doan Thanh Liem was reportedly accused of involvement in the preparation of a new constitution and of signing a petition to the Archbishop of Ho Chi Minh City, which urged a more critical attitude towards government policy. Neither the legislation under which the four are held nor the charges are known; Amnesty International believes they may have been detained under Article 71 of the Criminal Procedure Code, which allows "temporary detention" for investigation. The four detainees may have been denied access to relatives and legal counsel.

Nguyen Khac Chin: lawyer, and member of the Vietnamese Lawyers' Association. Arrested in December 1975, he is believed to be currently held in Xuan Phuoc detention camp in Phu Khanh province. He reportedly suffers from stomach ailments and weakness due to age. He has yet to be charged or tried.

ZAIRE

Radjabu Muamba: lawyer from Kivu. Throughout 1989, his movement has been restricted to the town of Jundu by the National Documentation Agency (the civilian security forces) and the National Immigration Agency. According to the Bukavu Bar Association, the harassment of Muamba emanates from his defence of a client in a property suit, in which the above agencies "have an interest."

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The Harassment and Persecution of Judges and Lawyers

Fundamental human rights and liberties can only be preserved in a society where the judiciary enjoys freedom from political interference and pressure and where lawyers are free to take up all cases - even unpopular ones - without fear of reprisal.

This is the second annual report by the Centre for the Independence of Judges and Lawyers cataloguing the harassment and persecution of judges and lawyers worldwide. It describes the cases of 430 jurists in 44 countries who suffered reprisals between 1 July 1989 and 30 June 1990 for carrying out their professional duties. Of these, 67 were killed, 165 were detained, 40 were attacked, 67 received threats of violence and 54 were professionally sanctioned (by disbarment, removal from the bench, or banning).

As this report demonstrates, many governments do not hesitate to undermine the judiciary when it seeks to prevent government lawlessness. In too many countries, lawyers risk their liberty and even their lives when they carry out their professional obligations.

INTERNATIONAL COMMISSION OF JURISTS