

CENTRE FOR THE INDEPENDENCE
OF JUDGES AND LAWYERS



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

January 1988 – June 1989

Edited by
Reed Brody

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.

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Introduction

by Reed Brody, Director, CIJL

This is the first annual report by the Centre for the Independence of Judges and Lawyers (CIJL) cataloguing the harassment and persecution of judges and lawyers worldwide.

We plan to submit such a report each year in August to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities as that body has been requested by the UN Commission on Human Rights to "consider effective means to monitor the implementation of the UN Basic Principles on the Independence of the Judiciary and the protection of practising lawyers."¹

Fundamental human rights and liberties can only be preserved in a society where the legal profession and the judiciary enjoy freedom from political interference and pressure.

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders recognised in its 1985 resolution on the "Role of Lawyers" 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

1) Commission on Human Rights resolution 1989/32; U.N. Doc. E/CN.4/1989/86 at 92.

against undue restrictions and pressures in the exercise of their functions."² 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" and refrain from improper interferences³. Yet, judges continue to face sanctions and personal risks in trying to uphold the rule of law.

This report, which covers the period 1 January 1988 - 30 June 1989, lists 145 judges and lawyers in 31 countries who have been harassed or persecuted as a result of the performance of their professional duties. Of these, 35 were killed, 37 were detained, 38 were attacked or received threats of violence and 13 were professionally sanctioned (disbarment, removal, banning, etc.). The countries with the most reported cases were the Philippines (28) (including 6 killed and 17 attacked or threatened with violence), Colombia (23) (21 killed, 2 attacked or threatened) and Peru (15) (2 killed, 9 attacked or threatened).

The report includes the cases of jurists detained or otherwise sanctioned before 1988 but whose sanction remained in effect into the period covered by the report. We have tried to reflect all changes in status which occurred before 30 June 1989, though we have not been able to obtain up-to-date information in all cases.

The report is limited to 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 - whether or not he or she is a member of the legal profession - it is not the purpose of this report to catalogue all such instances of repression in the world. Rather, we hope to emphasize the difficulties faced by practising judges and lawyers without whom the rule of law cannot prevail. We have,

2) See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Milan, 26 August to 6 September 1985: (U.N. Publication, Sales No. E. 86.IV. 1), chapter I, section E.

3) *Human Rights: A Compilation of International Instruments* (U.N. Publication, Sales No. E. 88 XIV. 1), section G. 38.

however, included the cases of those lawyers who were professionally sanctioned because of their advocacy of political positions or for engaging in their internationally recognised right of free association.

In many cases, of course, it is difficult if not impossible to determine if the persecution of a jurist was in reprisal for his professional activities. Such an acknowledgement rarely is found in formal charges, when they have been brought. Paramilitary groups and hired guns rarely give detailed reasons for their crimes. In addition, many active defence lawyers are also involved in political causes. In many cases, therefore, we have had to rely on the judgment, often the educated guess, of our local informant. Where we were in doubt as to the motive for the persecution, we have included the case in this report.

Many of the violations listed in this report were carried out not by governments or even government-affiliated "death squads" but by private interests such as large landowners and drug traffickers. Nevertheless, given the primordial role of lawyers in the defence of the rights of all citizens, it has come to be recognised that governments have a positive duty to protect their security. Thus, Dr. L.M. Singhvi, UN Special Rapporteur on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers, noted in his final report⁴ that violence and harassment against lawyers "constitute a form of organized intimidation and put fundamental freedoms and human rights in double jeopardy." He therefore concluded that "A lawyer's safety and security must be ensured by the society and neither the State, nor any other authority, nor any individual litigant should be allowed to take any revenge in any form upon the lawyer or members of his family."

Similarly, the draft Basic Principles on the Role of Lawyers⁵ endorsed by the Economic and Social Council for submission to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, provides that:

"16. It is the responsibility of Governments to ensure that lawyers shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action or defence taken in accordance with established professional duties, standards and ethics. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."

4) E/CN.4/Sub. 2/1985/Add. 2, para 355

5) A/Conf./144/IPM.5

Brazil presents an example of the result of inadequate government protection. Over the last decade, hundreds of lawyers providing legal advice to rural workers in land and labour disputes have been harassed, threatened and even killed, particularly in the north and northeast regions. Most of these attacks come from gunmen in the pay of large landowners. In not one case of which we are aware, however, has the guilty party been brought to justice and convicted. As a result of such impunity, the rural poor, deprived by hired guns of their legal protection, have little chance of vindicating their basic rights. In June 1989, at the invitation of the Human Rights Committee of the Federal Order of Advocates of Brazil, the CIJL sent a mission to Brazil, in cooperation with the American Association of Jurists and the International Movement of Catholic Jurists, to examine this situation and to make recommendations to the government. The CIJL will release a report shortly.

The Philippines also presents a very troubling situation. The all-out war against the communist insurgency has led to attacks against a variety of so-called "cause-oriented" groups - community, church, women's and human rights organisations - which work with the poor and disadvantaged. Since October 1987, eight human rights lawyers have been killed, while many others have been threatened and harassed. In July 1988, an emergency International Lawyers Forum in Manila convened in response to the increasing violence by the Free Legal Assistance Group of the Philippines (FLAG) was attended by the ICJ the CIJL and a dozen other leading international legal organisations. It recommended that the Philippine government "publicly and unambiguously express its commitment to the protection of human rights lawyers and its condemnation of the killings, threats and harassment" and urged that a series of concrete steps be taken. In general, however, the government has responded inadequately to these attacks. It has not done enough to condemn publicly the murders and other harassment, and it has not been vigorous in its investigation of possible involvement of the military in the attacks.

In Peru, the war between the government and the Shining Path guerrillas has also led, first, to dangers for lawyers representing those suspected of terrorism and, increasingly, for lawyers involved in cases of human rights abuses. In 1988 the para-military "Rodrigo Franco Command" emerged, vowing to take action against those who "serve the interests" of the Shining Path. Almost all the members of the Democratic Lawyers Association (an organisation dedicated to the defence of those accused of terrorism and which is suspected to have links to the Shining Path) have been forced to leave their homes or live in semi-clandestinity for fear of assassination. The range of Command victims has widened, however, to include

human rights advocates. In fact the only common denominator among its victims is their criticism of the government. While the alleged complicity of the government and the ruling APRA party in the activities of the Command has never been convincingly established, the group has thus far been able to act with impunity. None of the cases listed in this report or other attacks claimed by the Command have been solved.

It is particularly dangerous when, as often happens, pressures against lawyers come during situations when their independence is most necessary to uphold the rule of law. Thus, the administrative detention of Palestinian lawyers at a time when over 30,000 Palestinians were arrested and detained in a twelve-month period is a cause for great concern. The Israeli authorities did not make any specific public charges of illegal activity or disclose the evidence against these lawyers. The Lawyers Committee for Human Rights, in its November 1988 report Detention of Human Rights Workers and Lawyers From the West Bank and Gaza, monitored cases of detained lawyers who had been "involved in leadership roles in the controversial lawyers' strike against the military court system in Gaza, and ... legal defense work on behalf of Palestinians accused of security offenses." It expressed serious concern that, "in the absence of specific charges and disclosed evidence,...the internment of these lawyers was precipitated by their professional advocacy activities."

Colombia presents by far the largest number of judges and lawyers assassinated in reprisal for their professional activities — 21. (Many other lawyers who were killed are not included in this report because it is thought that revenge was taken upon them for their political, not their professional, activities.) In particular, judges investigating crimes allegedly committed by drug traffickers or carried out with the acquiescence of the armed forces run grave risks. The government needs to take firm measures to protect these judges.

The dismissal of the Lord President and two other judges of the Supreme Court of Malaysia represents a severe blow to the rule of law in that country. At its January 1989 plenary meeting in Caracas, Venezuela, the ICJ, which was denied permission to attend the closed tribunals at which the fate of the judges was determined, described the removals as "apparently illegitimate and unfair" and in conflict with the UN Basic Principles on the Independence of the Judiciary. In particular, the tribunals failed to show how the judges' actions constituted "misbehaviour" or were otherwise not "in accordance with established standards of judicial conduct" as required by the Basic Principles. The ICJ recalled that the Basic Principles guarantee judges the right of free expression and in particular the right to protect their judicial independence.

* * * * *

We are extremely grateful for the information provided by Human Rights Watch in its excellent second annual survey "The Persecution of Human Rights Monitors, December 1987 to December 1988" which was the original basis for many of the entries in our report. In addition, the Lawyer's Committee for Human Rights prepared a first compilation of the information gathered by itself, Human Rights Watch, Amnesty International and the CIJL which became part of the first working text for this report and later provided us with an update of this information. Thanks also go to several ICJ affiliates and local human right groups which provided us with information on their countries and reviewed our entries - in particular the Free Legal Assistance Group of the Philippines (FLAG), the Andean Commission of Jurists and its Colombian Section and Al-Haq in the occupied West Bank. In addition, the researchers of Amnesty International have provided invaluable assistance on individual cases. Eric Heinze helped considerably in the preparation of this report.

The report is 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. We particularly remember our friend Al Surigao, lawyer for the poor and the victimised, murdered in Cebu, Philippines on 24 June 1988.

List of Judges and Lawyers Harassed or Persecuted January 1988 – June 1989

BRAZIL

Joao Carlos Batista: lawyer, prominent in the land reform movement and a member of the Para State Assembly, was shot dead at his home in Belem on the night of 6 December 1988. The day before his killing, Batista had stated in the Para Constituent Assembly that he had received death threats from two military police officers. He had also received death threats in the past, apparently related to his work with landless peasants and "*posseiros*" (smallholders), and had survived two previous attempts on his life. In 1987 Batista revealed the existence of a "death-list" including the names of trade union leaders, lawyers and state deputies, all of whom had allegedly been threatened with death by landowners in the region. Five of those on the list, including Joao Carlos Batista, have now been assassinated.

Antonio Eder John de Souza: lawyer for the Catholic Church's Pastoral Land Commission working with Amazonian peasants on the banks of the Natuma River who are endangered by the construction of the Balbina hydroelectric plant. On 28 March 1989 he participated in a demonstration in Manaus against the plant. When he was driving home that night, his car was ambushed and he was shot four times in the stomach. He was hospitalized in critical condition.

David Guerra Felipe: lawyer for the rural workers union in Pancas, Espirito Santo, received death threats from a local land owner in 1988. A local union leader who received similar threats from the land owner was killed in 1986. (The landowner was formally charged with planning that killing.

Police officers also charged were released by a local judge despite a petition from the public prosecutor following threats to himself and witnesses.) Following the threats, Guerra left town.

Cleide Fontes: lawyer working with 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.

Darci Frigo: law student, affiliated with the Paraná Church Land Commission. In 1984 he worked on complaints against a forestation company accused of conducting slave labour practices. A labour court found the company guilty, and ordered it to compensate boys whom it had held in debt peonage. In 1986, a manager of the company ran for the office of state deputy. He lost, after Frigo had publicized information about the company's slave practices. He sued Frigo for calumny, and — although the public prosecutor called for Frigo's acquittal — the judge found Frigo guilty, punishing him with a six-month suspended sentence, a fine, and legal fees. The case now awaits appeal.

BURKINA FASO

Titinga Frédéric Pacere: prominent jurist and writer, Dean of the *Corps des Avocats*, President of *l'Union des Gens de Lettres* of Burkina Faso, President of the *Fédération des Associations des Ecrivains de l'Afrique de l'Ouest* (FADEAO), and Rapporteur of the *Comité de l'Union Panafricaine des Ecrivains*. He was suspended from practice on 23 March 1988 after having challenged - first in court and then through a letter to the other members of the bar - legislation prohibiting private lawyers from representing entities owned in whole or in any part by the state. The suspension led to a strike by the bar of the Ougadougou Court of Appeal.

CHILE

José Galiano: well-known defender of political prisoners. After taking the case of Karin Eitel, accused of being involved in the abduction of a colonel, Galiano was repeatedly summoned by Fernando Torres — ad-hoc military prosecutor at the time — who also ordered investigations into Galiano's finances. The Bar Association later declared that such measures consti-

tuted a "serious obstruction to the right to due defence enshrined in... the Political Constitution." It also criticized "the disrespectful and deprecatory treatment of Galiano and the legal profession in general in public statements by the highest authority in the country, all of which creates a lack of confidence in the work of the legal profession."

Monica Garcia: lawyer with the *Vicaria de la Solidaridad*, the human rights organization of the Archdiocese of Santiago, received a phone call on 26 January 1988 threatening that a bomb would be planted in her garden.

Carmen Hertz: a lawyer for the *Vicaria de la Solidaridad*. While handling the lawsuit concerning the torture of Vasily Carrillo she made statements, published in April 1987, to the magazine *APSI* regarding the conduct of former Ad-Hoc Military Prosecutor Fernando Torres. In August 1988 she was charged with "offending the Armed Forces" and was held for one day. She was acquitted by the Military Tribunal in December 1988. The Bar Association issued a statement in defence of a lawyer's right, during a proceeding, to voice "general or specific criticisms of the manner in which the legal provisions governing their own activity are upheld." It labelled as a hindrance the "bringing of charges relating to alleged unspecified offences... lacking sufficient basis in law..."

Juan Mihovilovic: lawyer for the Chilean Human Rights Commission (CCDH) office in Linares, received death threats in September 1988.

Gustavo Villalobos: head of legal analysis for the *Vicaria de la Solidaridad*, still faces charges filed in 1986 for alleged violations of the arms control law. He spent three months in prison in mid-1986 for this case, in which he is accused of giving legal advice to a wounded man accused of killing a policeman who had presented himself at the Vicaria offices claiming that his wounds were accidental.

Rene Garcia Villegas: Judge of the 20th Criminal Court in Santiago, was suspended at half salary for two weeks, as of 25 October 1988. Judge Garcia is the most tenacious and well-known magistrate pursuing cases of torture. The Supreme Court disciplined Judge Garcia because during 1987 and 1988 he had made public statements to newspaper journalists and on video, about torture practices of the state security police which he was investigating. He and his wife have received numerous death threats as a result of his investigations into allegations of torture committed by the state security police (CNI).

CODEPU lawyers ("*Comite de Defensa de los Derechos del Pueblo*", Peoples' Rights Defence Committee): received several phone calls in Valparaiso on 8 March 1989 indicating that a bomb had been planted in the office. A box was found containing a fake bomb. Two days later they received further phone calls reminding them of the earlier incident, and again on 14 March warning them to "watch out." On the night of 14 March the office of one of the lawyers who collaborates with CODEPU, **Celia Morgunovsky**, was raided and left in complete disarray, for the second time in 1988. Human rights lawyer and cultural worker **Miguel Angel Cancino** received an envelope containing what appeared to be a poisonous powder. It was left on his desk when his office was raided on 5 February. The office was left in complete disarray and several thousand dollars stolen. A few days later a man phoned him and said he was going to kill him.

CHINA, PEOPLE'S REPUBLIC OF

Yu Haocheng: legal expert and advocate of political reform. He has been labelled by authorities as one of seventeen "bourgeois-liberal intellectuals" involved in promoting the "counter-revolutionary rebellion." He is reported to have been arrested on 27 June 1989.

Wan Qianjin: law professor at the China University of Politics and Law, was president of the currently outlawed Beijing Citizens' Autonomous Federation. He has been accused of disseminating anti-government propaganda. Chinese authorities have reported that Wan turned himself in to the police on 17 June 1989.

COLOMBIA

Lino Andrés González: lawyer investigating the 30 September 1988 disappearance of 9 peasant farmers in the Villaviciencio zone. Killed by twelve bullets in the Eden neighborhood of Montería (Córdoba) on 25 December 1988.

Fernando Azuero: lawyer for the Public Prosecutor appointed to the National Police, killed by unknown assassins in his apartment in Bogotá on 16 April 1988.

Zenon Conrado Negrete: defence lawyer for political prisoners, killed by hired assassins on 4 February 1988 in Montería (Córdoba department).

Ramon Anibal Diaz Carvajal: lawyer and president of the Human Rights Committee in Cucuta (Santander), was shot and killed on 26 February 1988, along with his wife and a third person, from a slowly moving vehicle in the town of Convencion while the three were leaving a meeting of political parties.

Luis Evelio Gómez: lawyer, former judge of the Superior Court of Pereira, assassinated by two persons on his farm in Belén de Umbría (Risaralda) on 21 July 1988.

Hector Giraldo Galvez: lawyer, was shot to death by unidentified gunmen in northern Bogotá on 29 March 1989. Mr. Galvez was said to have represented the independent *El Espectador* newspaper in its investigation of the 1986 salaying of Guillermo Cano, its managing editor, who has written editorials against Colombia's drug barons.

Carlos Gonima Lopez: lawyer, and one of the founding members of the Human Rights Committee of Antioquia, and its president (after the deaths of Dr. Abad Gomez and Dr. Velez Velez) was shot dead on 22 February 1988 as he was leaving his home in Medellin. He was a Local Authority Ombudsman and a member of the Patriotic Union coalition. Gonima's car was ambushed by another vehicle whose occupants forced Gonima and his driver out of his car and into theirs. He tried to resist the attack and was shot in the head. The driver was wounded. Gonima had reportedly received numerous death threats.

Carlos R. Gutiérrez: municipal judge, shot to death in a public establishment in Pelaya (Cesar) on 16 July 1988.

Nelly Guerrero Rangel: federal judge investigating violence in the town of Barbosa (Santander), was found dead together with her husband, Carlos Alfonso Oviedo, on 19 February 1989 in a sugar plantation on the road towards Goepsa. Their hands were tied and their corpses showed signs of torture and bullet wounds. Local sources blame the killings on the "*Mano Negra*" (Black Hand) paramilitary group.

Victor Julio López Garrido: Criminal Investigating Judge. Was kidnapped on 4 March 1988 in Tame (Arauca) and found dead, his face disfigured, on 6 March.

Marta Lucía González: civilian judge. Was forced to flee Colombia at the beginning of September 1988 after receiving repeated death threats. She had been investigating mass killings in March 1988 of banana plantation workers in the Urabá region of Antioquia. Only hours before leaving the country, Judge González had issued warrants for the arrest of three members of the armed forces and two alleged leaders of the country's largest narcotics ring in connection with the massacres. Warrants were also issued for the arrest of eight alleged civilian members of a paramilitary "death squad" and the mayor and police chief of Puerto Boyacá, in Magdalena Medio Region, where the squad is said to be based. Detailed evidence compiled by the judge had established that an army major, head of the B-2 intelligence unit of the Urabá-based Voltigeros Battalion, provided the paramilitary group with the names of the workers considered to be guerrilla sympathizers. The workers were later killed.

Camilo Armando López López: lawyer disappeared on 13 April 1988. His bullet-ridden body was found on 19 April near the Sisga dam in Bogotá.

Fernando Mondragon Sánchez: Territorial judge of Saravena (Arauca), killed by unknown gunmen on 18 February 1988.

Francisco Javier Monsalve: Public Order Judge carrying out investigations into paramilitary activities in Quinchia and la Virginia (Risaralda), killed by unidentified assassins as he boarded a bus on 20 May 1989.

Diego Naranjo Dominguez: civil and penal lawyer, shot dead by unknown assassins on a motorcycle in the San Fernando neighborhood of Cali on 18 April 1988.

Cesar Pérez García: lawyer, President of the House of Representatives and a member of the Permanent Committee for the Defence of Human Rights, had a grenade placed in his car while he traveled to a political meeting in the Antioquia region on 6 March 1988. The grenade went off as the car was reaching the village of Remedios. Dr. Perez's driver was wounded.

Abimael Rivera Pautt: lawyer, legal advisor to Licorera del Atlántico (Atlantic Liquor Co.) professor and municipal official, was assassinated while leaving his home in Barranquilla on 22 July 1988. The assassins made off with his documents.

Maria Eugenia Riaño Sanabria: criminal judge, assassinated by unknown gunmen on 22 January 1988 in Chiquinquirá, Boyacá department.

Luis Eduardo Rico Gómez: labour lawyer assassinated by unidentified persons in the city of Medellín on 25 April 1988.

Ricardo Rodriguez 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 Mr. Eduardo Yaya, and the massacre of civilians in that region, which occurred during 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, paramilitaries) dynamited and partially destroyed his home. Although no one was injured, he and his family can be considered to be in danger of future attacks.

Alirio Zaraza Martinez: legal advisor of the *Asociacion Sindical de Profesores Universitarios* (union of university teachers) and leader of the Communist Party was shot dead by men dressed in civilian clothes riding a motorcycle on 29 July 1988 while walking in the street in Bucaramanga, Santander Department. His companion, Adela Solana, was shot in the back and severely wounded.

Judicial Commission of Inquiry of the region of Magdalena Medio: twelve members of a judicial commission, including two magistrates (Mariela Morales Caro, Pablo Antonio Beltrán Palomino) and their secretaries, six judicial detectives and two drivers, were shot dead on 18 January 1989. The commission was sent to investigate massacres, political killings and "disappearances" in the region. The gunmen are presumed to have been members of the paramilitary "death squad" MAS ("Death to Kidnappers") who intercepted them on the road.

CUBA

Domingo Jorge Delgado Fernandez: lawyer and member of the Cuban Committee for Human Rights (CCPDH), who had been imprisoned since 1981, was released from Combinado del Este prison on 9 May 1988. It is believed that his detention was related to his attempts to investigate the arrests of a group of persons who tried to enter the Ecuadorean embassy in February 1981. Delgado was charged with "violation of the extraterritoriality of a foreign power" for trying to visit the embassy in Havana.

EL SALVADOR

Jorge Alberto Serrano Panameno: military judge, was shot and killed with five bullets in the thorax and face by a group of men who got out of a pickup truck and intercepted him at 7:10 a.m. on 11 May 1988 in front of his house in Colonia Layco, San Salvador, just as he returned from dropping his children off at school. Judge Serrano was presiding at the time over a multimillion dollar kidnapping-for-profit case in which the accused participants included reputed death squad leaders Lieutenant Colonel Roberto Mauricio Staben, National Police detective Edgar Perez Linares and former National Guard intelligence officer Rodolfo Isidro Lopez Sibrian. Judge Serrano was killed days before he was expected to rule against an amnesty petition filed by defence attorneys for three men jailed since April 1986 in the case. He also had told Americas Watch that he had turned down bribes offered by individuals connected to the defendants. Judge Serrano was the fourth person connected to the case to die violently.

FII

Christopher Harder: Canadian lawyer practising in New Zealand. In one case in Fiji, he defended persons arrested in connection with the discovery of an arms cache. Another case involved chiefs of Rotuma Island and their attempts to secede. On 22 June 1988 Mr. Harder wrote and delivered a letter to the Fijian government criticizing its newly enacted decree against arms smugglers. The decree provided for retroactive punishment and for a shifting of the burden of proof. Just hours after delivering the letter, Harder was arrested. Two days later he was deported from Fiji.

GHANA

Peter Ala Adjetey and Nutifafa Kuenyehia: lawyers, National President and National Secretary, respectively, of the Ghana Bar Association. They sought to organize a series of lectures in commemoration of three judges reported to have been abducted and murdered with the participation of government agents in 1982. (To this day, the crimes do not appear to have been satisfactorily investigated or punished). There is no evidence that the lectures were to transpire in any but a peaceful manner. Yet in the government-owned press, Messrs. Adjetey and Kuenyehia were accused of exploiting the incident for "political purposes," and their activities criticized as

"subversive." Both lawyers were subsequently arrested, on 23 June and 27 June, respectively, with no specific charges of unlawful activity. They have been detained 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.

GUATEMALA

Anibal Trejo Duque: the Examining Judge in an investigation of abductions and killings by members of the Treasury Police. He was abducted on 20 July 1988 (one week after ordering the preventive detention of 16 agents implicated in the case) by ten heavily armed men and interrogated for three days. On the same day Judge Trejo was released, his close friend Carlos Salvador Moran Amaya was murdered. Judge Trejo told Americas Watch that he believed the murder was related to the investigation and that his friend might have had some information relevant to the case. Shortly after his abduction, the judge released the suspects.

HAITI

Henri Joseph: Justice of the Peace on the Ile de la Tortue in northern Haiti. On 28 November 1988, a soldier named Jean-Yves Théogène and two other soldiers arrested the judge and took him to the local military commander after he had rendered a judgment against the three soldiers.

Lafontant Joseph: head of the Center for the Promotion of Human Rights, co-founder and former secretary general of the Haitian League for Human Rights, and a leading human rights lawyer who frequently represented trade unions, was murdered on the night of 11 July 1988. His body was discovered in his jeep on a small, deserted street off the main road to the Mais Gate International Airport near Port-au-Prince. He had been stabbed and severely beaten, and his badly bruised body was bathed in blood. He also had been shot once, his ear was missing and his tongue was partially cut off. He had received many telephone threats, and in the week before he was killed, he had received an anonymous call threatening the kidnapping of his son. The official autopsy report did not mention the missing ear, the cut tongue the bullet wound and a deep gash in the liver which was suggestive of a bayonet wound.

Jacques Philippe: lawyer known for defending peasants and the poor in land disputes, was shot and killed by two gunmen on 29 October 1988. He was driving back to Port-au-Prince from Saint Marc, a town north of the capital, when his car was stopped by two armed men, one in military uniform. They abducted him and shot him near a neighboring flour mill. The two passengers accompanying Philippe were unharmed. The Order of Members of the Port-au-Prince Bar Association issued a press release following Mr. Philippe's death denouncing his murder and condemning "the multiplication *ad infinitum* of attacks of all kinds against public defenders exercising their profession...despite vigorous protests and unequivocal warning...(that) the security and freedom of the practice of law /must be guaranteed." Following an emergency session of the general assembly of the Order, the bar association called for a strike to take place on 7-9 November. During the three-day protest, members of the Order suspended all court appearances and effectively shut down the courts.

INDONESIA

Adnan Buyung Nasution: civil rights lawyer and a founder of the Indonesian Legal Aid Institute, had his license to practice law revoked for one year on 11 May 1987, by the Minister of Justice. In rendering the judgement, the Minister appears to have applied a law on the Courts retroactively, and after the Indonesian Supreme Court had already reviewed the case and passed its own less severe judgement. The suspension resulted from Nasution's spirited defence in the 1986 political trial of General H.R. Dharsono. In particular Nasution was accused of contempt of court for questioning the basis for repeated criticisms against defence lawyers made by the presiding Judge during the case, and protesting the entry of police into the courtroom during this exchange with the Judge. As a result of his suspension, he was forced to close a thriving law practice.

ISRAEL AND THE OCCUPIED TERRITORIES

Mohammed Hashiim abu-Sha'aban: member of the Executive Committee of the Gaza Bar Council and head of the Committee for the Defence of Detainees. He investigated and prepared complaints concerning the mistreatment of detainees during the *intifada*, or uprising. On 17 March 1988 he addressed a large colloquium at Tel Aviv University organized in opposition to the Israeli occupation. In the course of his talk he discussed specific

cases he was defending in Gaza, and called for reconciliation between Israelis and Palestinians. That evening, after returning home, he was arrested and placed under administrative detention, not to be released until 5 July 1988.

Yousef Zaki al-Araidi: attorney from Jenin. 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: attorney from Izna (near Hebron). Arrested in late April, then placed under administrative detention in Ketziot prison for six months. The reason for his detention is unknown.

Yunis Ahmed Al-Jarrou: Vice President of the Gaza Bar Council, personal injury lawyer since 1975, participant in the Gaza lawyers' strike organized in late 1987 and 1988. On April 19, 1988 he was placed under administrative detention (under an order dated 6 April), having received no explanation, either orally or in writing, except for one detention document, printed in Hebrew, which he does not read, and which was neither explained to him nor made available in translation. He was detained in the Ketziot prison, which is described by international human rights groups as having sub-standard conditions. As in the case of Sourani (see below), the Israeli authorities justified Al-Jarrou's detention only on the basis of undisclosed "secret evidence," according to which he is purported to have planned subversive activities within the Popular Front for the Liberation of Palestine (PFLP); however his support for the Gaza Lawyers' Strike and his leading position in the Gaza Bar Council are considered to have contributed to his detention. His appeal was unsuccessful. He served the entire six-month term of his detention, and was released only on 5 October 1988.

Zuheir Haliil: attorney from Tulkarem. Arrested during mid-1988, and placed under administrative detention in Ketziot prison for three months. The reason for his detention is unknown.

Diib Isharabati: Hebron attorney. Placed under administrative detention in mid-1988 and held for six months in Ketziot prison. Again placed under six months administrative detention in late June 1989 and currently being held in Ketziot prison. The reasons for his detention are not known.

Mohammed Abdul Rahim Shadid: West Bank defence lawyer, participant in a boycott (from January to March, 1989) of the military courts, organ-

ized by the West Bank Lawyer's Committee. He was summoned to the military governor's office and placed under administrative detention on 12 March 1989, without charge, for a term of six months.

Raji Sourani: one of the most active and well-known defence lawyers in Gaza City. He defended clients in security cases before military courts, monitored their treatment, and publicized cases of mistreatment. He was arrested and detained several times, with questionable evidence, for alleged involvement in subversive activity. In January 1988, Sourani took a leading role in the Gaza lawyers' strike and was charged with contempt of court for not appearing on behalf of a client. He was found guilty and fined. On 24 March 1988, he was arrested, taken from his home, and told he was being placed under administrative detention. For three days his whereabouts were unknown. His administrative detention order was dated 23 March 1988. Following his arrest, Sourani was taken to Ketziot prison, where he was held until 17 April when he was transferred to Gaza City Prison. He was blindfolded on the bus and allegedly beaten at regular intervals during the trip with clubs and rifle butts. Upon a hearing requested by Sourani's lawyer, Tamar Pelleg, the latter was informed that the basis for Sourani's detention was "secret evidence" which would not be disclosed. At the same time, significant testimony in support of Sourani's background and character was of no avail. The appeal of Sourani's detention order was denied. The Israeli authorities later argued that Sourani played an active role in the planning of terrorist activities by the Popular Front for the Liberation of Palestine (PFLP), however it declined to substantiate its allegations. Sourani was held at Gaza City Prison until 22 September 1988, after having served all of his six-month detention order.

KENYA

Marvin E. Frankel: former U.S. federal judge and Chairman of the Lawyers Committee for Human Rights and Dr. Robert Kirschner were arrested in Kenya on 11 January 1988 while attending an inquest into the death in detention of a businessman, Peter Njenga Karanja. Frankel and Kirschner were taken to separate jails, booked and stripped of valuables, ties and newspapers. Frankel reported being placed in a cell with three other prisoners. He was held for over four hours before being taken to security police headquarters and interrogated for more than three hours by six men. Although Judge Frankel was assured by the officers that the American Em-

bassy had been contacted, this was not so. Eventually the embassy was alerted by a journalist. Following intervention by the embassy, Frankel and Kirschner were released and left Kenya immediately.

Mirugi Kariuki: lawyer who has represented political opponents of the government, was arrested on 9 December 1986 and was held in detention under Public Security Regulations until 5 June 1989. In February 1987, Kariuki and two other detainees Wanyiri Kihoro (below) and Makaru Ng'ang'a, sued the government for torture and illegal detention, describing severe beatings and ill treatment in detailed affidavits. Kariuki's insistence on pursuing this suit is believed to be the reason for his continued detention, despite the release of many other political detainees in February 1988. The suit was filed by attorney Gibson Kamau Kuria (below), who was also detained.

Wanyiri Kihoro: lawyer and a land economist, was arrested at his home in Mombasa on 30 July, 1986 and was held in detention until 1 July 1989 as a result, presumably, of his insistence on pursuing a suit against the government for torture and illegal detention. Kihoro's suit against the government for torture and illegal detention was brought to court in January 1988. Although authorities did not publicly acknowledge Kihoro's detention, as required by law, for 74 days, the judge ruled that his detention was lawful. In addition, despite contrary evidence provided by his lawyers, the judge stated that Kihoro had not been tortured or ill treated.

Gibson Kamau Kuria: prominent human rights lawyer, who was detained between 26 February 1987 and 12 December 1987, had his passport confiscated at the time of his arrest. Since his release the government has refused to return his passport. Kuria told a journalist shortly after his release that he was "mocked and threatened with death while in detention." In 1988, he received invitations to visit the United States, including requests that he attend ceremonies in his honour hosted by the American Bar Association; by the Robert F. Kennedy Foundation, which conferred its annual Human Rights Award on Kuria in absentia; and by the Lawyers Committee for Human Rights, which also conferred upon Kuria its Human Rights Award. Kuria has filed suit to regain his passport. He continues to be outspokenly critical of government actions that curtail fundamental human rights.

Paul K. Muite: an attorney who represents Gibson Kamau Kuria (above), was ordered to surrender his own passport on 23 November 1988. No reasons were given. On 15 November Muite appeared in Washington, D.C. to

accept the Robert F. Kennedy Foundation's Human Rights Award on behalf of Gibson Kamau Kuria who had been denied permission to travel to receive the award.

LIBERIA

Cephar A. Mbandi: On 16 March 1988 Cephar A. Mbandi, a 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 destabilize the government. He is being detained by the Joint Security Forces of Liberia and, despite denials by an official of the Ministry of Justice, is reportedly being 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.

MALAYSIA

Tun Salleh Abas: Lord President of the Supreme Court of Malaysia. Several rulings by the Court against the interests of the government prompted Prime Minister Mahathir Mohamad to make public attacks on the justices. After a meeting of Kuala Lumpur judges, the Lord President wrote a private letter to the monarch to protest against the Prime Minister's conduct. As the Court was about to hear a case involving the legitimacy of the Prime Minister's party (UMNO), Abas was suspended from office for alleged "misbehaviour" in sending the letter. Over protests by the Malaysian Bar, a tribunal of judges — some of inferior rank and presided by the Lord President's deputy and possible successor — was appointed to recommend whether he be dismissed. His request for a public tribunal for his case was denied, as was a request by the CIJL to send an observer. The Lord President appealed to the Supreme Court to stay the tribunal proceedings. Five senior members of the Supreme Court, in emergency session, granted the stay. These five judges were then themselves suspended for "gross misbehaviour" and a second tribunal was appointed to consider their dismissal. The first tribunal recommended the Lord President's dismissal, which was carried on by the monarch on 8 August. On 6 October, the second tribunal recommended the dismissal of **Tan Sri Wan Suleiman Pawan Teh** and **Datuk George Seah**, who were immediately dismissed, but absolved **Tan Sri Mohd Azmi**, **Tan Sri Eusoffe Abdoolcader** and **Wan Hamzah**.

NIGERIA

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 to discuss alternatives to the government's economic policies. He was arrested on the spot and has been held in detention incommunicado, although no formal charges of unlawful activity have been brought against him.

NORTHERN IRELAND — see UNITED KINGDOM

PARAGUAY

Alejandro Ladalardo (Lawyer of the "*Comite de Iglesias*", Inter-Church Committee); **Pedro Dario Portillo** (Lawyer of the "*Comite de Iglesias*"); **Marcial Gonzalez Safstrand** (Lawyer of MIT Trade Union); **Christina Vila** (Lawyer of the "*Comite de Iglesias*"): were held in incommunicado detention following their arrest during a series of police and army operations that took place in Asuncion and Caacupe (Central Department) on 6-8 and 12 December 1988.

Eduardo Morales: lawyer and member of the human rights group "*Comite de Iglesias*". He advised street vendors whom the local government was seeking to evict, and attended a student music festival, purportedly including pieces political in nature. He and his wife (also a lawyer) were seized without warrants for their arrest, and he was then 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 are still pending.

PEOPLE'S REPUBLIC OF CHINA — see,
CHINA, PEOPLE'S REPUBLIC OF

PERU

César Carlos Amado Salazar: civil judge for the Superior Court of Justice of Ayacucho. The "*Comando Rodrigo Franco*" is presumed responsible for the dynamiting of his home on 10 June 1989. (The CRF is a paramilitary group, reported to have connections to the ruling APRA party, and apparently dedicated to violent actions against presumed members and supporters of the Shining Path guerillas.) Six months earlier, when Amado Salazar worked in the province of Cangallo, Ayacucho department, on the Cayara massacre case, he had received death threats from the command which compelled him to move to the departmental capital.

Jorge Cartagena: lawyer with the Democratic Lawyers Association (AAD, see below under Flores). In 1988 his car exploded in Lima as he was about to get in. He was unhurt.

Mario Cavalcanti: vice-head of the Bar Association of Ayacucho, was the first to denounce the killing in Cayara of over thirty peasants by the Armed Forces. On 24 September 1988 the "*Rodrigo Franco Command*" is reported to have effectuated a synchronized explosion of Cavalcanti's home and office, leaving threatening letters giving Cavalcanti 45 days to leave Ayacucho or face assassination. Ayacucho lawyers **Zózimo Roca**, **Glicerio Chicón** and **Manuel Prado Prado** received similar threats from the group in October 1988.

Juan Cieza Alvarado: lawyer and the President of the Human Rights Commission of the San Martin province, was the target of an attempted assault on 27 January 1988. A bomb exploded at the entrance of the building that houses his office and a note left at the site of the explosion said that Cieza's life was in danger because of his human rights work.

César San Martín Castro: judge of the 21st Investigation Court of Lima. On 15 November 1988, he granted a petition for *habeas corpus* brought by a French priest against the police for 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, he rejected the govern-

ments's claim that the declared state of emergency barred the remedy of *habeas corpus*. The Minister of the Interior initiated penal action against him for abuse of authority and crime against the administration of justice. The National Association of Magistrates publically decried the action as an attack on judicial independence. On 28 February 1989, the charges were dismissed by the criminal court.

Julio Falconi: lawyer with the Association for Human Rights of Peru (AP-RODEH), representing individuals accused of terrorist activities. Worked together with Mr. Flores (see below) for many years. After having received various threats, and after the murder of Flores, he has been forced to leave his home and family. He presumably remains in danger of harm or death by the "Rodrigo Franco Command."

Manuel Febres Flores: was an active human rights lawyer and a member of the Association of Democratic Lawyers (AAD), a group of attorneys who defend alleged guerrillas and those accused of terrorism. Febres was the attorney for Osman Morote Barrionuevo, an Ayacucho man reputed to be the number two leader of the Shining Path guerilla movement. Shortly before the assassination, Flores won acquittal of Morote on one of the cases against him. This acquittal prompted angry reactions, including a public denunciation from President Alan Garcia against the judiciary. He was killed 28 July 1988, in Lima. The day before, he had been kidnapped by several armed men from the street near his house. His body, shot seven times, was found in a tunnel leading to La Herradura beach. A few hours after finding the body, the "*Comando Rodrigo Franco*" claimed responsibility for the killing. Official investigations have yielded no information concerning the identity of the murderers, and are presumed to have ceased.

Marta Huatay: lawyer and member of the Association of Democratic Lawyers, was briefly detained in early 1988 by a group of DIRCOTE, an anti-terrorist unit of the Investigative Police. In June 1988 she was accosted by unidentified persons on a main street in Lima who first tried to coax her into their car, and then, after she resisted, produced identification of the Peruvian Police of Investigations (PIP) and seized her. She was set free only after an officer of DIRCOTE attested to being unaware of a warrant for her arrest.

Jose Vasquez Huayca: lawyer and member of the Association of Democratic Lawyers, disappeared after being seized on the third floor of the Palace of Justice in Lima on 28 October 1986 by several men in civilian clothes.

He was seen after his disappearance in the Lima Headquarters of DIR-COTE, an anti-terrorist division of the Investigative Police. Repeated applications for *habeas corpus* have been filed on his behalf without success. Jose Vasquez Huayca is still missing.

Carlos Escobar Pineda: Special Prosecutor-Commissioner in the emergency zone in Ayacucho and later also in the jungle area of San Martin, who proved very effective in investigating abductions by the army in the conflict zone, and particularly, in locating disappeared persons. He received death threats in August and September 1988 from the paramilitary death squad "*Comando Rodrigo Franco*" in connection with the Cayara case, in which more than thirty peasants were assassinated by the Army. The Political-Military Command of Ayacucho (CPM) refused to protect or otherwise to cooperate with him. In October, 1988, only a few days after having submitted a report on a massacre of 29 civilians, Escobar was dismissed as Special Prosecutor-Commissioner, his office was closed, and he was re-assigned.

Fernando Mejía Egochaga: legal adviser to members of peasant communities, leader of the Bar Association of Oxapampa (Pasco Department) and head of the provincial committee of the United Left (IU) party. He was forcibly removed from his home on 15 June 1989. He was then reportedly taken, together with a trade union leader, to a military base, although the authorities deny holding them. Three days later, their dead bodies were found. Both bore signs of torture, and each had received nine bullet wounds. Local sources believe that the assassins were members of the "9 de Diciembre" Battalion.

Alfonso Silva Sernaqué: one of the founders of the AAD (see above under Flores) and defending attorney for Herminda Prieto Durán, a leader of the "glass of milk" committee detained on accusations of terrorism. He has received threatening phone calls.

Vicente Veliz Bendrell: lawyer who has worked with the Social Action Office of Ayacucho Archdiocese (*Oficina Arquidiocesana de Acción Social de Ayacucho*) and with the Episcopal Commission for Social Action (CEAS, the human rights office of the catholic church in Peru, representing victims and families in cases of "disappearances" and of extra-judicial executions). After having undertaken the defence of several prisoners, he was openly accused by army officers of being a "terrorist" and of protecting "terrorists." He has been harassed and threatened on several occasions. On 20 March

1989 he received a death threat stating "the Comando Rodrigo Franco has been following your activities as a lawyer very closely and patiently; we have reached the conclusion that there is no place in Peru and even less in this city for corrupt individuals and defenders of terrorists like yourself. The message warned him that "ruthless action would be taken" unless his family left the area within seven days. In the face of this threat, Dr. Véliz and his family have been compelled to flee to Lima.

PHILIPPINES

Rodolfo A. Acido: human rights and labour lawyer in Cebu City, testified before an international lawyers forum held in Manila in July 1988 that he had been attacked verbally and over the radio as a "communist" because he was a human rights lawyer. On 2 April 1987, he resigned as City Attorney of Toledo City, a post he had held since April 1986, and resumed his law practice. He has continued to receive death threats.

Deolito Alvarez: attorney in Cebu City and a member of the well respected Free Legal Assistance Group (FLAG) since 1984, was assigned in 1988 to represent suspected members of the New People's Army (NPA), a Communist guerrilla organization, accused of the murder of three policemen gunned down in the "Colon Massacre." In May 1988, Alvarez received death threats in telephone calls, as well as a "symbolic death threat" in the form of a black veil that was mailed to him. An anonymous telephone caller gave Alvarez two months to withdraw from the human rights cases he handled, saying there was a "program" on human rights lawyers. Also, within hours of the murder of Alfonso Surigao (see below), Alvarez received an anonymous telephone call stating that Surigao was only the first of three Cebu human rights lawyers targeted for killing. As a result, Alvarez has withdrawn from the human rights cases he was handling.

Vic Balbuena: human rights lawyer who was a colleague of Alfonso Surigao (below), reported being followed by members of the military on 6 July following a hearing in the Leyte refugees case. (In November 1987, the military in Manila arrested a group of 26 Leytenos from among the several hundred residents of Leyte who had fled the island because of ongoing human rights abuses. They were charged with rebellion as supporters of the communist New People's Army, and were being tried in Cebu.)

Archie Baribar: attorney in Bacolod City, Negros Occidental, and member of FLAG since 1981, received a written death threat from KKKCCGFI, a local vigilante group in July 1987. Shortly after the May 1987 congressional elections, he was informed that a group of suspended Bacolod policemen and right wingers had met and agreed to have him "eliminated without the use of guns." In March, 1989, the MASA KONTRA KOMUNISTA, another local vigilante group, circulated a mimeographed list calling for the immediate execution of a number of persons, including Baribar.

Procopio Beltran: an attorney and colleague of the murdered human rights lawyer Emanuel Mendoza (below), received an anonymous telephone call hours after Mendoza's murder on 2 July 1988 threatening him that he would be "next."

Letty Buenaseda: lawyer of Northern Samar, and currently director of the Commission on Human Rights in Northern Samar. Ms. Buenaseda has been receiving death threats. On one occasion, some armed men in military uniforms entered her home. While she was away, a political detainee held in Samar confessed to his mother that he was being ordered by a certain Captain to liquidate Ms. Buenaseda and another human rights lawyer in Samar.

Romeo T. Capulong: human rights lawyer in Makati, Metro Manila, has represented clients in many prominent human rights and political cases, and participated in drafting a petition from the Philippine Alliance of Human Rights Advocates to the United Nations Commission on Human Rights alleging human rights violations by the Aquino government. He told an international lawyers forum in July 1988 that he has been "continuously subjected to surveillance, harassment and death threats by forces whom I believe are police and military agents or persons operating under their command.." Capulong moved from his apartment house in Quezon City after two men with hand-held radios were seen in the vicinity in April and May 1988. Also in April, Capulong was tailed by two cars with armed men in plain clothes after holding a press conference to expose the alleged seizure of cash in a raid in which top members of the Communist Party of the Philippines were arrested. Capulong also reported surveillance by three men after he exposed a mass grave in Manila South cemetery in June 1988. Among the bodies unearthed was that of a "disappeared" activist who had worked among the urban poor. In April, 1989, Capulong was again under surveillance by armed men in civilian clothing. In addition, he was labelled "communist" in various daily newspapers.

Ernesto Clarete: lawyer for FLAG and mayor of Plaridel, Misamis Occidental, has said that just before the local elections in January 1988 a local army commander publicly announced that he considered Clarete as an enemy because, he claimed, Clarete mixed with NPA members. Clarete had previously aroused resentment among the local military because the municipal government of Plaridel refused to organize paramilitary forces known as the Citizen Armed Force Geographic Unit (CAFGU). In July 1988 he was told that unknown men were looking for him and he has since taken a police bodyguard. In 1989, Clarete was again publicly labelled a "communist" by various military commanders in the region (see also below, Orcullo). He was also included in a list of persons to be liquidated by vigilantes in the area.

Francisco B. Cruz: lawyer of Bacolod City, and FLAG Regional Coordinator for Region VI-AA (Negros Occidental). In March 1989, the MASA KONTRA KOMUNISTA, a local right wing vigilante group, circulated a mimeographed list calling for the immediate execution of a number of persons, including Cruz.

Ramos Cura: human rights lawyer who had represented suspected members of the New People's Army (NPA), was shot and killed on 18 June 1988, in front of his home in Angeles City, Luzon, near Clark Air Force Base. Right-wing vigilantes were believed to have carried out the murder in reprisal for earlier killings in the city by the NPA. Cura was one of the first human rights lawyers in his area, and helped to organize two human rights-oriented groups. Since the murder, Cura's wife and children have been followed, and fear for their own safety. A local doctor to whom Cura's body was brought, was killed by unidentified gunmen on 30 June.

Bernadette "Baby" Encinareal: FLAG Regional Coordinator for northern Mindanao and Mayor of Tudela, Misamis Occidental, has frequently represented the victims of human rights abuses and individuals suspected of insurgent activity. She told an international lawyers forum held in Manila in July 1988 that she continues to receive death threats from vigilante groups. The most persistent and menacing threats have come from Kuratong Balaleng, a local vigilante group believed to have these support of the military, which is said to maintain a death list that includes human rights workers, government officials, church workers and others they perceive as "communist." On 14 November 1987, the family driver was killed by soldiers and vigilantes. Ms. Encinareal is now in the United States.

Henrick F. Gingoyon: human rights lawyer in Cebu, and a member of FLAG since 1980 and of the Protestant Lawyers League of the Philippines (PLL) since 1985, received frequent death threats in 1987 and 1988. On 4 June 1988, while working for the release of a member of the United Farmers Organization in Cebu City, he was threatened with death by a Major Olano at military headquarters. In May 1988, a member of a vigilante group used a radio talk show to identify Gingoyon and other FLAG attorneys targeted for death. Beginning in January 1988, vigilante groups operating in Cebu City released a "death list"; listed as number two for immediate execution was Gingoyon. Since then, he and another FLAG lawyer are repeatedly called communists in public. On 10 April 1989, a policeman was shot in front of Gingoyon's home. During the shooting incident, Gingoyon's daughter was hit in the jaw and shoulder by a "stray bullet." While no suspects for the shooting incident have yet been arrested, reports indicate that elements within the military may be responsible. Witnesses also claim that the shooting was directed at the home of Gingoyon. In January 1988, Gingoyon also had reports that his name was on the death list of KADRE, a local anti-communist vigilante group. As result of the continuing threats, and in deference to his family, Gingoyon has been forced to leave Cebu City, and to find a home and work elsewhere.

Manuel Goyena: one of two FLAG lawyers (see Mercado) in Manila who have been defence counsel for three alleged NPA members who said they were tortured after their arrest, reported being followed in March 1988. Mercado and Goyena have testified before the government-appointed Commission on Human Rights, that they saw men in plain clothes whom others present identified as military men follow them out of the building. As they drove away they noticed two cars full of armed men following their car and at one point apparently attempting to ambush it at a traffic light. Former Armed Forces Judge Advocate General, now Commissioner on Human Rights, Samuel Soriano, told them that he suspected that this was a military tactic to frighten them.

Solema Jubilan: legal counsel for Task Force Detainees in Kidapawan and a member of FLAG and the PLL, who has filed cases against fanatic cultists and vigilantes, in Kidapawan, North Cotabato, received a death threat in early 1986. Etched one morning on her office door was a message which read "it would be nice to kill you." She testified in July 1988 that she has been warned repeatedly by reliable sources that the military has had her under surveillance, and that she should not travel alone.

Marvic Leonen: lawyer of Quezon City, Metro Manila, and active member of FLAG. During May and June 1989, Leonen has apparently been under surveillance by two vehicles marked "PLDT." These vehicles are stationed outside Leonen's home. In the evenings (between 8:30 and 9:00 p.m.), two men have been seen sitting inside these vehicles, apparently watching over Leonen's home. When FLAG inquired with the Philippine Long Distance Telephone Company (PLDT), it was informed that these two vehicles are "beyond the jurisdiction" of the maintenance department of that company.

Emmanuel "Noel" Mendoza: human rights lawyer who had worked on behalf of members of the left-wing youth organization KADENA, was shot dead by two unidentified gunmen on a motorcycle on 2 July 1988, when he stopped his car at a busy intersection in downtown Manila. At the time, Mendoza was representing a group of people accused of having links with the outlawed Communist Party. Mendoza was a professor at the Polytechnic University of the Philippines and a close friend of PUP president Nemesio Prudente, who survived a second assassination attempt on 30 June 1988. He had been the target of earlier death threats and it is believed that his murder had been ordered by members of the police or security forces.

Efren Mercado: FLAG attorney in Makati, Metro Manila, was followed in a threatening manner on 6 March 1988, by men who appeared to be armed. At the time, Mercado was returning home with his client after testifying about torture and abuses of prisoners by the military before a governmental Commission on Human Rights.

Vicente Mirabueno: human rights lawyer, was fatally shot by a lone gunman on 6 February 1988 in the public market of General Santos City, South Cotabato. Mirabueno, a former vice mayor, had been a member of FLAG since 1978 and was the FLAG coordinator for South Cotabato province and General Santos City in Mindanao. Mirabueno had been the target of death threats for some time. Since his death, Mirabueno's widow and children have experienced continuing threats.

Wenifredo L. Orcullo: member of FLAG and counsel to the Southern Philippines Federation of Labor, was advised in early 1988 by military friends to call off his militant labour activities. Orcullo had complained vocally of harassment, threats and violent incidents committed against union officers, members and their families in the Visayan district. In 1987, he had been told that his name was on a death list of KADRE, a vigilante group made up of former union officers. Beginning in January 1988, vigilante groups oper-

ating in Cebu City released a "death list;" listed for immediate execution is Orcullo. Since then, he and another FLAG lawyer are repeatedly called "communists" in public (see Clarete, above).

Inocencio Pagalaran: lawyer of Calamba, member of Misamis Occidental, and FLAG Regional Coordinator for Region X-C, Northern Mindanao. He has been repeatedly and publicly labelled by various military commanders in the region as a "communist." In addition, Pagalaran has received death threats apparently emanating from the military establishment in the region. Following the murder of Pastor Minda Gran of Misamis Occidental, Pagalaran received a threat from certain elements within the military of the region that he would be the next victim. As a result of these threats, Pagalaran has been forced to leave his home and practice, and to relocate himself and his family elsewhere.

Andres "Aling" Rio: leading human rights advocate in Hilongos, Leyte and neighboring municipalities, was, according to witnesses, arrested by members of the military 30 January 1988, taken to an open field and shot dead, together with Manuel Betollo, a 16 year old companion. At the time, he had tapes of interviews with women detainees in his possession. Rio was chairman of the local human rights organization in Hilongos, and was being considered for the post of Provincial Coordinator of the Commission on Human Rights, a governmental body.

Pepito Rivas: lawyer of Catarman, Northern Samar, and currently FLAG Regional Coordinator for FLAG Region VIII, Samar. Rivas has been receiving death threats from elements within the military. A political detainee held in Samar confessed to his mother that he was being ordered by a certain Captain to liquidate Rivas and another human rights lawyer in Samar.

Roy Lago Salcedo: FLAG attorney in Cagayan de Oro, learned in late 1987 from friends that members of the military were planning to kill him. On 16 July 1988, two men were seen in Salcedo's neighborhood, inquiring about him. On 1 August he received a suspicious phone call and believes he has been followed.

Arno Sanidad: lawyer and member of FLAG in Quezon City, was harassed and watched by seven apparently armed men while attending a meeting on 5 April 1988, of lawyers representing top leaders of the Philippine Communist Party.

Romeo Subaldo: lawyer of Bacolod City, and active member of FLAG. In March 1989 the MASA KONTRA KOMUNISTA circulated a mimeographed list calling for the immediate execution of a number of persons including Subaldo.

Alfonso Surigao: lawyer who had for many years represented victims of human rights abuses in Cebu and his native Leyte, was gunned down at his home in Pardo, Cebu City, on 24 June 1988 in front of his daughter. Surigao, FLAG coordinator for Region VII, Central Visayas, Chairman of the Visayas Regional Consultative Council of the Protestant Lawyers League of the Philippines, and Vice-Chairman of the Cebu Alliance of Human Rights Advocates, had received many death threats from Regional Security Unit 7 (RSU7), a military agency. A local member of the *Alsa Masa*, a vigilante group under the control of the military, Allan Climaco, was arrested. Climaco asserted that he had carried out the murder on the orders of Maj. Rico Palcuto, who heads RSU7 and had been at odds with Surigao since 1987. Climaco was tried, convicted and sentenced to life imprisonment for the murder of Surigao. In July 1988, Major Palcuto was relieved of his duties, placed under "Technical arrest" and charged. A presidential decree that prevents military personnel from being tried in civilian courts was waived by president Aquino more than two months later, on 28 September 1988. Major Palcuto was subsequently investigated by the civil judicial authorities; all charges against him were dropped. A Petition for Review was subsequently filed before the Department of Justice questioning the dismissal of charges against Major Palcuto. Meanwhile, Maj. Palcuto has resumed his duties as head of RSU7. Surigao was the lead lawyer in the defence of refugees from the island of Leyte (see Balbuena, above). After Surigao's murder, two other defence lawyers withdrew from this case in fear for their safety, leaving the Leyte refugees without counsel. After the murder, Surigao's wife reported that she was under surveillance. She and her daughter have now fled the country.

Oscar Tonog: lawyer of Catarman, Northern Samar, member of FLAG since 1979, and vice-president of the local chapter of the Integrated Bar of the Philippines. On 21 March 1989, Tonog was gunned down in front of his wife at Poblacion, in Catarman. Tonog died the following day. Just prior to his murder, he had been representing a client arrested in Catarman, suspected of being a member of the communist New People's Army. Tonog had succeeded in having this client released on bail. Shortly thereafter, on a live local radio broadcast, an intelligence officer warned all human rights lawyers that their "day was near." He, personally, had also received death threats.

Arnedo Valera: lawyer with the Structural Alternative Legal Assistance for Grassroots, who has been representing families and victims of the Mendiola massacre of 22 January 1987 when more than a dozen land rights demonstrators were killed. On 21 January 1989, a Molotov cocktail was thrown in front of his parked car. He was not in the car at the time. Valera has also periodically received threatening telephone messages and calls. Valera is currently in the United States.

POLAND

Stefan Sniezko: lawyer, former chief district prosecutor, and active Solidarity member. He has incurred professional harassment in the past due to his political activity. His application for admission to the bar of defence lawyers was vetoed in 1987 by the Minister of Justice, and that veto was upheld in July 1988 by the Supreme Court, based on Sniezko's contacts with "pro-Solidarity" groups. Nevertheless, Sniezko has never been charged with any crime.

Leszek Switek: lawyer convicted under martial law for Solidarity activity. Despite positive recommendations from the local bar association, the Minister of Justice vetoed his application for admission to the bar of defence lawyers.

Stanislaw Zytkowski: former judge, legal advisor to Solidarity in Gorzow from 1980-1, interned in 1981, imprisoned again for six months in 1984. Despite an order from an Administrative Court, the bar in Zielona Gora has refused to add his name to the defence lawyers list.

SINGAPORE

Anthony Lester: British barrister, Queen's Counsel, Governor of the British Institute of Human Rights. He was representing Teo Soh Lung (see below), who had been detained under the Internal Security Act. On 20 February 1989 he was informed by the Controller of Immigration that, after Ms Teo's 6 March hearing, he could no longer practice in Singapore. The Government asserted that at a 13 December 1988 London meeting Lester had "criticized the Singapore courts, denigrated the Singapore judges and condemned the Singapore government."

J. B. Jeyaretnam: lawyer who has served as a member of the executive committee of the Regional Council on Human Rights in Asia and has harshly criticized his government's use of detention without trial. Jeyaretnam was disbarred in 1987 after being convicted on charges relating to the finances of the Worker's Party, which he has headed for many years. Jeyaretnam has asserted that the case against him was politically motivated. In late October 1988, the Privy Council in London ruled that he was wrongfully disbarred. In 1986, as a result of the conviction, Jeyaretnam was jailed for one month, fined and expelled from Parliament.

Teo Soh Lung: lawyer, officer of the Singapore Law Society and active campaigner for human rights. Teo Soh Lung 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 Soh Lung and eight other of the original detainees were re-arrested in April 1988 under the Internal Security Act after issuing a public statement describing their alleged mistreatment while in detention and reiterating their innocence against government accusations which had continued even after their release in 1987. In October 1988 Ms. Teo filed a writ of *habeas corpus* claiming, among other things, false imprisonment. Similar writs were filed on behalf of three other detainees. In early December the Chief Justice of the Court of Appeals 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 immediately re-arrested by Internal Security Department officers and issued with new detention orders, apparently with an expiration date identical to the orders declared unlawful by the Court of Appeals. On 17 June 1989, the government extended her detention order for an additional year. She is being held in solitary confinement at the Whitley Road Detention Centre.

Patrick Seong: defence lawyer who represented some of the 22 persons arrested in May and June, 1987 under the ISA. Along with Teo Soh Lung, he was arrested on 19 April 1988 on allegations of involvement in an anti-government communist plot (see above under Teo Soh Lung), but was released on 18 May.

Francis Seow: served as defence counsel to a number of the 22 persons detained without trial in 1987. He represented detainees Teo Soh Lung and

Patrick Seong (see above) after their re-arrest in April 1988. A few hours after filing petitions of habeas corpus for his clients, Seow was arrested. The Government claimed to have arrested Seow to examine his dealings with United States officials as part of an investigation of United States efforts to influence Singapore politics. His arrest left those accused without representation. He was released on 16 July 1988 subject to restrictions on his freedom of movement and association. After his release, 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.

SOUTH AFRICA

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 prohibits Mr. Mahomed from traveling beyond the immediate Durban area at any time without police consent. It also prohibits him from taking part in United Democratic Front (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 currently in effect, Mr. Mahomed has no legal recourse to challenge the restriction order. Yet the limitations thereby imposed upon him have obstructed his professional activities considerably. Such obstructions have been aggravated by various forms of government harassment. In January and February 1989, for example, his home and office were twice searched, and computer disks seized and returned only later. The second time, the computer itself was removed. Subsequently, Mr. Mahomed received an injunction preventing search or seizure of his computer apparatus unless he is present.

Kobus Pienaar: human rights lawyer, was the target of a thunderflash thrown through the window of his house in July, 1988. Pienaar works for the Legal Resources Center in Port Elizabeth in the Eastern Cape Province. Pienaar was not at home at the time; the flash scattered glass and wood. Pienaar has been acting for residents of Lawaaiikamp, a squatter community near George under threat of forced removal. He has experienced repeated harassment since moving to Port Elizabeth from Knysna. His car was stolen in March, and the words "next time we kill you" were painted

in red on it after it was recovered. He has also received numerous anonymous harassing telephone calls.

Raymond Suttner: lawyer, law professor and one of the leading advocates of the "Freedom Charter" has been held under emergency regulations since 12 June 1986 and in solitary confinement since June 1987.

John Eldred Smith: lawyer in King William's Town in the Eastern Cape province, was tried in April 1988 for publishing allegedly untrue matter about the police. The case was postponed until August, when he was acquitted. The charges followed the publication of a story in the East London "Daily Dispatch" in 1986 in which Smith is quoted as saying police had been under the influence of liquor when they took "unnecessarily provocative action" against a crowd returning from a funeral. Smith's offices were raided in February 1988 by police, who said they were investigating a "possible contravention" of the Fund Raising Act.

SRI LANKA

Wijedasa Liyanarachchi: prominent attorney who had represented suspected guerrilla movement members, died on 3 September 1988 in Colombo General Hospital, 20 minutes after being brought there from the Counter Subversive Unit. He died as a result of severe injuries received in detention (he was detained by police officers on 25 August). According to reports, he sustained over 100 injuries, including fractures to the spine and injuries to his head. According to Sri Lankan press reports in November, the Superintendent of Police responsible for the arrest has been charged with the murder.

SYRIA

Salim 'Aqil: one of a group of lawyers arrested in May 1980 for staging a one-day general strike demanding an end to emergency laws, the establishment of a human rights commission and the release of political prisoners, was held in Adra Civil Prison outside Damascus without charge or trial. He and two other lawyers (see al-Karim and al-Manjouneh below) were released in April 1989 in what was seen as a gesture to the Arab Lawyers' Union, which was to hold its conference in Damascus in June 1989.

Thuraya 'Abd al-Karim: was among the group of professionals arrested in May 1980 for staging a one day general strike demanding an end to emergency laws, the establishment of a human rights commission and the release of political prisoners. According to reports, a release order was issued for Karim in November 1986, but he was not released because he refused to give an undertaking to refrain from political activity. He remained in detention until April 1989.

Abd al-Majid Manjouneh: lawyer and former Government minister has been detained without trial since May 1980 for his participation in the one day general strike outlined above (see Thuraya 'Abdal-Karim). Manjouneh was a member of the higher executive committee of the Arab Socialist Union and has been a member of the cabinet of the Aleppo council of the Syrian Bar Association. He is said to be in poor health owing to his prison conditions. He suffers from rheumatism in the spine, diabetes and inflammation of the kidneys. He was not released until April 1989.

TAIWAN

Frank Hsieh Chang-ting: leader of the Democratic Progressive Party and a human rights lawyer who has represented defendants in important political cases, went on trial on 12 September 1987 in connection with events surrounding a 12 June rally in Taiwan to protest the National Security Law and the country's undemocratic political structure. Hsieh is charged with insulting a public official for his public criticism of legislators who supported the National Security Law, and with responsibility for violence at the rally. According to eyewitness accounts, violence began when counter-demonstrators wielding broken-off flag poles as clubs broke through a police line.

Yao Chia-wen: human rights lawyer, had been convicted in connection with a human rights rally sponsored by *Formosa* magazine in 1979. He was released in January 1987 but his civil rights are still restricted. For example, he may not practice law or stand for a public office.

TURKEY

Ibrahim Acan: Defence lawyer Ibrahim Acan, age 72, former president to the Bar Association and a founding member of the Human Rights Associa-

tion in Turkey, he has also served as defence counsel in many political trials. He was arrested on 18 January 1989 in Ankara, Turkey. Mr. Açı̇n's was apparently arrested in connection with the publication of his book Judging Defence, which contains speeches made by political defendants in open court forum cases which have been concluded. Turkish law permits the publication of court documents so long as the legal proceedings in the case in question have been concluded. Copies of Judging Defence were seized immediately after appearing for sale. Reportedly, Mr. Açı̇n has been charged with violating articles 142 and 312 of the Turkish penal code, which outlaw "making communist propaganda" and "praising a crime," respectively. Before being provisionally released on 28 February 1989, he was held at the Ankara Central Closed Prison where he had his head shaved and was denied telephone contact with his family. He was finally acquitted on 8 June 1989.

Bahri Belen, Mebuse Cinmen, Ülkü Oguzer: Three lawyers who provided legal counsel to trade unionists. On 1 May 1988 they were detained, held in custody, subjected to interrogation procedures contrary to established law, and are reported to have been badly treated by police before being released on 4 May 1988.

Halit Celenk: lawyer and head of the Human Rights Association's Committee for the Freedom of Expression, had his house raided by police on 25 October. He was detained and held overnight in jail, because of an article he wrote for a leftist magazine ABECE, in which he criticized the lack of democratic freedoms in Turkey.

UNITED KINGDOM

Patrick Finucane: solicitor in Northern Ireland who worked for prisoners' and human rights, representing, among others, members of the Irish Republican Army (IRA) and other political activists. Finucane was also an outspoken critic of the court system and of treatment of prisoners and detainees by British security forces. In February 1989, three men — allegedly affiliated with a loyalist paramilitary group the Ulster Freedom Fighters, linked to death threats against other lawyers — entered Finucane's home. One man, armed with a semi-automatic weapon, shot and killed Finucane in front of his wife and three children, also wounding his wife.

YUGOSLAVIA

Vladimir Seks: prominent trial lawyer, continues to be denied membership in the Croatian Bar Association for his active role in the defence of the "Belgrade Six" in 1984-5. Seks has also been denied membership in the Serbian and Slovenian Bar Associations, further completing his professional exile. Mr. Seks was disbarred on 23 February 1985 because of a 1981 conviction on charges of "hostile propaganda," for which he served a seven month sentence. In late 1987, Seks was instrumental in helping to organize the Yugoslav Helsinki committee.

ZAIRE

Tshisekedi wa Mulumba(ex-Etienne): a lawyer and former government minister and member of parliament. Tshisekedi was among several dozen people arrested in or on the outskirts of the capital, Kinshasa during April 1988. The arrest started in early April apparently after Tshisekedi wa Mulumba wrote a leaflet calling for passive resistance to the government in general and for a boycott of elections to the National Assembly in the Kinshasa area on 10 April.

ZIMBABWE

Kempton Makamure: Dean of the Faculty of Law at the University of Zimbabwe, was detained on 10 June 1989. He was presumed to be held under the Emergency Powers regulations which permit indefinite detention without charge. Mr. Makamure has been a prominent critic of corruption in government circles and has often stated his dissatisfaction with the government's slow progress towards its stated socialist goals. Mr. Makamure was released on 16 June 1989.

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