

URGENT ACTION

NEWSLETTER



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Dilobar Khudoberganova, whose brother is on death row in Uzbekistan, visited the International Secretariat in October. © AI 2004

“It is entirely due to the Urgent Action that my brother is still alive.”

Read more about this story inside in “Urgent Action In Focus” ▶

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Releases!

BRAZIL: Eudo Lustosa Brasil and other staff at the *Centro de Defesa dos Direitos Humanos do Acre, Acre Human Rights Center.*

Eudo Lustosa Brasil and his colleagues are no longer believed to be in immediate danger. Amnesty International has received reliable information that the Acre state authorities have taken immediate steps to offer Eudo Lustosa and his colleagues protection and that they, the human rights defenders, are satisfied with this offer.

(UA 295/04 issued Oct. 22, 2004)

MAURITANIA: Dahanna Ould Sidi Mahmoud Ould Salah and at least six others, names not known.

Dahanna Ould Sidi Mahmoud Ould Salah was released without charge on October 16 or 17, along with at least six of the other detainees. Mauritanian newspapers reported that a total of 26

military officers were released, including several of the officers arrested after the alleged August coup attempt. Amnesty International has reported earlier that Jemil Ould Mansour, Cheikh Mohamed El Hacem Ould Dedew, and El Moctar Ould Mohamed Moussa were released without charge on October 16.

(UA 284/04 issued Oct. 8, 2004 & re-issued Oct. 14, 19 & 27, 2004)

NEPAL: Ek Nath Chaulagain.

Ek Nath Chaulagain (m), aged 42, businessman, was released on October 14. He was first arrested at his home in Koteswor, Kathmandu on September 11, 2003. The plain clothes security forces personnel that arrested him reportedly said that they were taking him away for interrogation. Reports suggest he was held at Singha Durbar army barracks, and later moved to Bhadra Bandi Griha jail in the Tripureshwar area of Kathmandu. Although Ek Nath Chaulagain was initially released on August 16, 2004, he was immediately rearrested by soldiers

in civilian clothes. One week later he was taken back to the Bhadra Bandi Griha jail. His family was able to visit him, but he was still not told why he was detained. The conditions of his detention are not known. His release on October 14 came one day after members of Amnesty International's Urgent Action network reiterated their concerns for his safety.

(UA 278/03 issued Sep. 26, 2003 & re-issued Nov. 27, 2003, Oct. 13, 2004 & Nov. 1, 2004)

NEPAL: Maha Prasad Angai.

Maha Prasad Angai (m), aged 22, teacher, was released on September 19. He thanked Amnesty International for campaigning on his behalf. He had been arrested on November 7, 2003. He was reportedly held at Bhairabnath army barracks in Maharajgunj, Kathmandu, and later transferred to Baireni army barracks, in Dhading district. Later he was taken to Gorka, from where he was finally released.

(UA 326/03 issued Nov. 12, 2003 & re-issued Nov. 26, 2003, Dec. 16, 2003, Jan. 12, Jan. 28, Feb. 25, & Oct. 22, 2004)



Tamara Chikunova (center) and colleagues.
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Urgent Action In Focus

An insight into the stories behind UAs

This story is excerpted from an article of "Urgent Action Network," an international newsletter of UA coordinators produced by the UA Team at AI's headquarters in London, UK.

Mothers Against the Death Penalty and Torture: the story of Tamara Chikunova

Uzbekistan is the only country in Central Asia that still executes people. It is a country in which the inhumanity of the death penalty is often compounded by the injustice of unfair trials and the use of torture to obtain "confessions."

The efforts of Urgent Action letter-writers are, however, helping to create a glimmer of hope for those on death row and their families.

One such anti-death penalty organization is Mothers Against the Death Penalty and Torture, founded by Tamara Chikunova. When her son, Dmitry Chikunov, was sentenced to death, she petitioned the authorities to save his life, and Amnesty International issued an Urgent Action (UA 184/00 issued 28 June 2000) on his behalf. Despite this, when she went to visit Dmitry in Tashkent prison on July 12, 2000, she discovered that he had been executed in secret two days earlier.

In April 2003, Tamara visited the International Secretariat to thank the members of the UA Network for their work on behalf of her son. She said:

"We offer our gratitude and respect to the UA Network. Your help and support means so much. Your actions are a sign not only to the people on death row, but to their families as well, that there is a chance that we might succeed in getting the death penalty abolished. And the fact of knowing that there are thousands of people for whom abolishing the death penalty is as important as it is for

us, gives us hope. It gives us hope and strength, and the faith that it is possible to get the death penalty abolished. And all of a sudden we're no longer alone, we're surrounded by people who want to help. In the struggle to abolish the death penalty, that kind of support is such an important element."

She continued, "All I have left of my son is memories. The important thing is the people that we have saved, we have them, they send me messages. I am not alone. When these people finish their sentences and come out of prison I know I won't be alone. The day on which they are brought out of their dungeons will become their second birthday. This achievement is our joint achievement, yours and ours."

Tamara Chikunova now supports other families struggling to save the lives of their sons or husbands. She and other members of the organization tell them how to lodge a complaint with the authorities and write up the cases to pass them on to Amnesty International and other international organizations.

"I teach them law," Tamara Chikunova told Amnesty International in 2002.

"When they go to the officials and cry they won't achieve anything. But when they come from a position of knowledge about the law and their rights, they can fight."

Several people she gave support to stayed with Tamara Chikunova, and they are now helping other families with their cases. 🌍

Executions / Stays / Commutations

PEOPLE'S REPUBLIC OF CHINA: Ishwori Kumar Shrestha And Rabi Dahal.

The two Nepalese men named above received a retrial on October 13. Although in itself a retrial is highly unusual in the Chinese justice system, and is almost certainly a reflection of the international pressure surrounding this case, it resulted in Rabi Dahal's death sentence being confirmed. His appeal hearing may take place in the next few weeks; if it fails, he is likely to be executed shortly afterwards. However, Ishwori Kumar Shrestha's death sentence was suspended for two years, meaning that if he does not re-offend during this time, his sentence will most likely be commuted to life in prison. Ishwori Kumar Shrestha and Rabi Dahal were originally sentenced to death on charges of drug-smuggling by a court in the Tibet Autonomous Region (TAR) in May 2004. No further information has been made public about the circumstances of the retrial, including whether the two men had full access to legal representation or interpreters. In a report on the case by the state-owned media in Nepal, the Chinese authorities are quoted as stating they had rejected a campaign by human rights activists to spare the lives of two Nepalese.

(UA 216/04 issued Jul. 7, 2004 & re-issued Oct. 19, 2004)

Other News

NEPAL: Raju Sharma Dhakal and Bal Krishna Dhakal. Raju Sharma Dhakal, a 17 year-old student, was reportedly released from prison on 3 November, but was immediately re-arrested by security forces at the prison gates. Raju Sharma Dhakal was first arrested on 18 June when he was walking home from his college, in the Chitwan district of central Nepal. His whereabouts were unknown for 22 days, before the army admitted that he was being held at Bharatpur army barracks. When his father, Bal Krishna Dhakal, a teacher, tried to visit him on 23 August he was also detained by the army. Both

Raju Sharma Dhakal and Bal Krishna Dhakal were later transferred to prison in Bharatpur district, where their family were able to visit them on 23 October. It is not known whether either have been charged or brought before a judicial authority and this update has been re-issued as a portion of the Urgent Action Network.

(UA 275/04 issued Sep. 28, 2004 & re-issued Nov. 9, 2004)

USA: Feroz Ali Abbasi (m), UK national, aged 23, Moazzam Begg (m), UK/Pakistan national, aged 35, David Hicks (m), Australian national, aged 28, Salim Ahmed Hamdan (m), Yemen national, aged 34, Ali Hamza Ahmed Sulayman al Bahlul (m), Yemen national and Ibrahim Ahmed Mahmoud al Qosi (m), Sudan national. A US federal judge has issued a landmark order resulting in the suspension of military commission proceedings at Guantánamo Bay. On November 8, 2004, pre-trial proceedings were underway in the case of Yemeni detainee Salim Ahmed Hamdan when a soldier entered the commission room and handed a piece of paper to the commission's presiding officer. The latter immediately called a recess. Shortly afterwards, the panel came back into the commission room and announced that the proceedings were in indefinite recess. The proceedings were halted because Judge James Robertson, the US District Judge who is presiding over Salim Ahmed Hamdan's *habeas corpus* appeal in federal court in Washington DC, issued an order stating that the defendant could not be

tried by a military commission as charged. Judge Robertson ordered that unless and until a "competent tribunal", as required under Article 5 of the Third Geneva Convention, determined that Salim Ahmed Hamdan is not entitled to prisoner of war status, he may only be tried by court-martial under the USA's Uniform Code of Military Justice (UCMJ). "Until or unless such a tribunal decides otherwise", Judge Robertson wrote, "Hamdan has, and must be accorded, the full protections of a prisoner-of-war". Judge Robertson dealt a blow to a central tenet of the US administration's "war on terror" detention policy – President Bush's determination that the Geneva Conventions did not apply to alleged *al-Qa'ida* suspects captured during the war in Afghanistan, and that neither they nor Taleban suspects were entitled to prisoner of war status. Judge Robertson concluded that "[n]otwithstanding the President's view ... the Third Geneva Convention applies to all persons detained in Afghanistan during the hostilities there." For further information, please see the following Amnesty International publications: - USA: *Guantánamo: Military commissions - Amnesty International observer's notes, No. 3*, November 9, 2004 at web.amnesty.org/library/Index/ENGAMR511572004 and USA: *Human dignity denied: Torture and accountability in the 'war on terror'*, AI Index: AMR 51/145/2004 at web.amnesty.org/library/Index/ENGAMR511452004 (UA 199/03 issued Jul. 8, 2003 & re-issued Jul. 25, 2003, Oct. 28, 2003, Feb. 11, 2004, Apr. 22, 2004, Jun. 24, 2004, Aug. 19, 2004 & Nov. 11, 2004)

Urgent Actions in the land of the Magyars

(Yes, That's What Hungarians Call Themselves)

A Personal View From AI Hungary Director Mark Fodor

The following story is excerpted from an article of "Urgent Action Network," an international newsletter of UA coordinators produced by the UA Team at AI's headquarters in London, UK.

The office of AI Hungary is located in a residential area in beautiful downtown Budapest. Looking out the windows 40 years of neglect that communism amounted to is still clearly visible.

There are two members of staff: I work full-time, and I've been involved with AI since before I started balding; Peter Rohonyi works part-time as the campaign coordinator.

The AI Hungary UA network came into being when in July 2003 when Nizar Midani, a keen volunteer, decided to come up with a sophisticated system of sending out UAs through a website. Shortly after having had someone write up the system, he had to leave for Syria, leaving the UA network floating for a while, while the office looked for solutions to run it.

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The WARN: An All-Weather Campaigning Tool

Amnesty International's Worldwide Accelerated Response Network (WARN) is designed to allow a limited but immediate response to emergency human rights situations when Amnesty International's headquarters, the IS, is closed or a regular UA appeal cannot be initiated. Participants, spread across all time zones, are willing to be on call 24 hours a day to respond to life-threatening situations.

In September, Scott Harrison, Director of the Urgent Action program at AIUSA, received an email that revealed just how dedicated the WARN members are:

"One minute ago, I got an email from a WARN activist in Florida who told me she received the WARN action [on Iran] and was sending her appeals and then getting the hell out of her house before Hurricane Frances delivers its strongest punch. She has sent eight messages to the head of the Judiciary and the President in Iran." 🌐

"Initially, it was the direct responsibility of the campaign coordinator who would pick out a UA and send it off to the volunteer translations coordinator who would then look for a volunteer translator and then send it out. Soon though the campaign coordinator stopped being directly involved and it was left to the translations coordinator who eventually started translating them herself. Eventually I understood (it took me a while: blame the balding): AI Hungary needs a UA coordinator.

One volunteer, Emese Sütö, a young Hungarian journalist originally from Transylvania, who had been a contributor to AI Hungary's newsletter, was asked if she would be interested in taking on this role. She agreed, and since June 2004 she has been picking out UAs every week and sending to a keen network with now over 300 members



Mark Fodor (right) and Peter Rohonyi in the Budapest office. © AI 2004

(since network members decide on the frequency at which they will receive a UA, any single UA is received on average by 220 members).

People often join the AI Hungary UA network when they apply to become AI members or when they ask to receive our newsletter. Many however become UA network members when they're asked by existing network members through our website to take part in a UA.

The membership in Hungary is made up mostly of students and over half the members are from the capital, Budapest: not too surprising since close to 30% of Hungary's population lives in or around the city. AI Hungary is taking an active part in the Stop Violence Against Women and Control Arms campaigns.

I think UAs are currently the best tool for our activists. The system in place for the UA network is one of the best we have right now, and we should start seeing how other systems within AI Hungary are working and how we can maybe modify them to achieve the same level of regularity. Our other main priority though is to increase income. We have to start doing serious fundraising if we are to be able to cover the costs of everything we would like to be doing. 🌐

UA Newsletter Appeal for December 2004

Each month we include one case that may benefit from appeals sent by those in the UA Network who wish to work on an additional appeal. You are encouraged to write on behalf of these detained students until January 10, 2004. Thanks! (This appeal is based on Urgent Action 266/04 issued Sep. 17, 2004 and re-issued Oct. 6 & Nov. 10, 2004).

Incommunicado Detention / Health Concern

LIBYA: Fathi al-Jahmi (m), aged 63

Released: Fawzia 'Abdullah Gogha (f), wife of Fathi al-Jahmi
Muhammad Fathi al-Jahmi, their son, aged 27

Fawzia 'Abdullah Gogha, the wife of Fathi al-Jahmi, was released from detention on 4 November. However, Fathi al-Jahmi remains in detention at an undisclosed location. It is feared that he is being held in solitary confinement by the Internal Security. Reports indicate that his health may be further deteriorating, at least partly as a result of continuing to be denied adequate medical treatment.

Fathi al-Jahmi, his wife and his eldest son were reportedly taken from their home in Tripoli by the Libyan authorities on 26 March, two weeks after he had been released from prison as a prisoner of conscience. His son was released in September.

During his detention, Fathi al-Jahmi has been denied all contact with the outside world. Detainees held in incommunicado detention are at greater risk of torture or ill-treatment due to a lack of safeguards.

Unconfirmed reports now indicate that Fathi al-Jahmi has been charged on at least

one count, namely defaming the Leader of the Revolution. This is thought to relate to his repeated calls for reform within Libya, such as those he made in March 2004 in media interviews, including to the US-based Arabic channel *al-Hurrah* and to the Dubai-based Arabic channel *al-'Arabiya*.

His trial has reportedly opened before the People's Court, whose proceedings routinely fall short of international standards for fair trial. It is feared that hearings so far have been held in closed session and that Fathi al-Jahmi has not been allowed to choose his lawyer.

Fathi al-Jahmi was adopted by Amnesty International as a prisoner of conscience while detained between October 2002 and March 2004. Reports indicate that Fathi al-Jahmi is once again being tried for the non-violent expression of his opinions. If this is confirmed, Amnesty International would again consider him a prisoner of conscience.

RECOMMENDED ACTION: Please send appeals as quickly as possible:

- expressing concern for the deteriorating health of Fathi al-Jahmi and calling for him to have full access to adequate medical treatment;
- urging the authorities to publicly declare the exact whereabouts of Fathi al-Jahmi;
- asking for assurances that Fathi al-Jahmi will receive a fair trial, including being given access to legal counsel of his choice, and that all hearings, including the pronouncement of the verdict, are held in public.

APPEALS TO:

His Excellency Mu'ammar al-Gaddafi
Leader of the Revolution
Office of the Leader of the Revolution
Tripoli
Great Socialist People's Libyan Arab
Jamahiriya LIBYA

Salutation: Your Excellency