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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by Transnational Radical Party,
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Transnational Radical Party is particularly concerned of several developments concerning the general human rights situations in Cambodia, Egypt and Serbia and Montenegro and Tunisia.

On the occasion of the national elections in Cambodia, The TRP sent a delegation to Phnom Penh for over a month to monitor the preparation of the event and to follow the phases that followed. Despite the adoption of a set of new measures elaborated thanks to the active involvement of UNDP, the weeks that followed the pronouncements of the results, showed the weaknesses of the still fragile democratic institutions of Cambodia. Several complaints concerning voting problems and violence occurred at polling stations went unmet with the necessary and prescribed legal actions.

The outcome of the elections created a stall that left the country without a legitimate government for almost a year. Upon the final resolution of the dispute among the three parties present in Parliament, a coalition was formed between the Cambodia's People Party and the Royalist FUNCINPEC. Ever since that government took office, there has been a systematic campaign to annul any form of opposition through the destruction of the only remaining independent party in Parliament known after the name of its founder, Former Minister Sam Rainsy.

Additionally the Government has carried out a campaign to control the judiciary and has summarily dismissed any complaint formally lodged by all those that are not affiliated with the ruling parties. However, the situation is completely different for complaints lodged by the ruling parties and their leaders; in fact, in late January 2005, the Court system acted swiftly to remove the parliamentary immunity of three opposition Members of Parliament. On 3 February, the Cambodian National Assembly, in a closed doors session, when international observers and the media were asked to leave the room, voted to strip Mr. Rainsy, Cheam Channy, Chea Poch of their parliamentary immunity.

That very day, MP Chheam Channy was arrested at about 7 pm after being summarily served an arrest warrant issued by the Office of the Military Prosecutor, in violation of the law and legal procedures; in fact, the Military Court is supposed to deal only with offences committed by military personnel. MP Cheam Channy is a civilian. The arrest warrant was illegally issued by the Prosecutor Office, instead of the authorised Investigating Judge Office. It was furthermore summarily issued without the usual procedure that first requires a request for defendant to appear at the Prosecutor Office for questioning.

As of 11 February, the other two MPs remain in hiding but have said through the website of the Sam Rainsy Party that they are ready to go back to Phnom Penh as soon as they receive a legitimate Court summons with specific charges.

The TRP is particularly concerned of the humiliating and inhumane treatment which Dr Ayman Nour, a member of the People's Assembly and President of the Ghad political party of Egypt, was subjected to during his arrest and detention in the Public Funds Investigations. Mr. Nour treatment constitutes a violation of international human rights instruments, in particular the Convention Against Torture ratified by Egypt in 1986, which is part of Egyptian domestic legislation as stipulated by article 151 of the Egyptian Constitution. The TRP joins the Egyptian Organization for Human Rights EOHR in urging the Egyptian authorities to release Mr. Nour immediately, in application of the law and constitutional provisions.

According to EOHR the during public prosecution office investigations Mr. Nour said that he was arrested “in front of the People’s Assembly on the 29 January 2005 at 3.30 p.m., assaulted and thrown on the ground, my trousers were pulled with such force that the buttons were ripped off. I was hit below my right eye and repeatedly punched in the back. I was searched three times and my mobile phone was seized.

The case began on the 29th January when Nour was arrested after his parliamentary immunity was lifted on the basis of a report by the anti forgery and falsification unit of the Public Funds Investigations office. Parliament took the decision to lift Nour’s immunity by a majority vote; according to him, before this vote took place, his office and home had been searched, which raises strong doubts about whether the legitimacy of the procedures taken.

According to EOHR's website Mr. Ayman Barakat, a lawyer and the administrative manager of Nour’s office who has been charged with the same offences of forgery and falsification was also arrested. The public prosecution office ordered that the two men be held in custody for four days during the course of investigations. During a Court session on the 31 January 2005, the judge ordered that this detention be renewed for forty five days.

The head of the Supreme State Security Office has made public the Nour’s investigation and the charges laid against him, which are: Falsification of a large number of citizens’ signatures; Presenting these falsified signatures to the Committee for Party Political Affairs in order to convince it of the popularity and public approval of the Ghad party.

A large number of lawyers and human rights activists were present during the investigations and raised the following defences: The party representative is not responsible for official signatures; the Cassation Court has previously stated that “the representative has no control over the signatures presented to him”; there is no justification for the Ghad leader’s being held in custody; Nour is a public figure and there is no risk that he will attempt to flee; the Committee for Party Political Affairs and the Shura Council are responsible for these signatures since they have been in their possession since the Ghad party was officially approved. In fact, it is one of the Committee’s duties to examine documents presented by a party seeking official registration, make public the names of its founders in the press and conduct any investigations necessary with the aid of official bodies. In doing so it allows individuals who object to any of the names published to present a complaint to the body concerned (article 8(5) of Law 40 [1977]); lastly, the decision to lift Nour’s parliamentary immunity contravenes the internal regulations of the People’s Assembly, since the events described were carried out within 24 hours. Investigations into the charges laid against him were only carried in the public prosecution office after his arrest.

On 7 January 2005, at 1:30 pm the Serbian army shot in the back of the neck and killed Dashnim Hajrullahu, a sixteen-year-old ethnic Albanian from Rahovica in the Presheva Valley, the southern Serbian region that is home to about 70,000 ethnic Albanians. Earlier that day, which happened to be a school holiday, Dashnim had crossed the border on foot illegally (because he did not have a passport) to visit his mother in Macedonia. When he returned to Presheva in the afternoon, he managed to get back across the border and two meters into southern Serbia, when he was shot by a Serbian and Montenegro army border guard from a guard tower. His body was then carried back to the border crossing, according to an Albanian witness, who reported the incident to the local Albanian authorities.

According to the Albanian American Civic League, massive protests followed, prompting Albanian leaders in the Albanian majority communities of Presheve, Medvegje, and Bujanoc to call for the deployment of international troops into the region to ensure safety and the withdrawal of the Serbian army and police. Nebojsa Covic, head of the Serbian government's Coordinating Committee for Southern Serbia, insisted that deployment of international forces was unnecessary because Belgrade would form a committee with local leaders to investigate the killing and to evaluate the situation in the Presheve Valley.

On 19 January, Albanian leaders, representatives of the Serbian government, officials from the U.S. and British embassies, as well as the OSCE met for the first time, and there were strong disagreements between Albanian and Serb representatives. Mr. Covic was successful in convincing international representatives that problems in the Presheve Valley could be resolved locally. The Albanian representatives objected, because Serbia, under the direction of Mr. Covic, had failed to honor the provisions of the peace agreement signed with NATO and the Liberation Army of Presheve, Medvegje, and Bujanoc (UCPMB) that ended armed conflict in March 2001.

The killing of Dashnim occurred just as tension had reached a boiling point over the building of a large Serbian military compound, covering fifty-two hectares, between Presheva and Bujanoc. According to the Balkan Crisis Report on January 14, 2005, the construction of this military base "has outraged local Albanians, who say it will worsen tension between their community and the security forces." The reaction has led the Belgrade media to warn this year of a "hot spring" of conflict between "Albanian terrorists" and the Serbian military. Serbia and Montenegro's Defense Minister, Prvoslav Davinic, said that the building of the army base between Presheva and Bujanoc is intended "only to send a clear message to all those thinking of jeopardizing the security of the citizens of south Serbia." The Albanian leadership, meanwhile, has rightly rejected to this false speculation. Naser Aziri, vice-chairman of the Democratic Party of Albanians in the Presheva Valley, has gone on record stating that, "We are not interested in causing any unrest in the region in the spring, or at any other time."

Southern Serbia has been quiet since March 2001, because of Albanian non-violence, not because of improvement in Albanian civil, human, and economic rights. Promises of greater municipal control (especially in Presheve -90% Albanian), meaningful Albanian representation in the public sector, economic development, opportunities for education in the Albanian language, and an end to discrimination, police harassment and brutality have gone unmet. Today, the Albanians of Presheve, Medvegje, and Bujanoc are among the poorest and most disenfranchised people in the Balkans.

A joint monitoring visit to Tunisia undertaken by members of the International Freedom of Expression Exchange (IFEX) has found serious cause for continuing concern about the current state of freedom of expression and of civil liberties in Tunisia, including gross restrictions on freedom of the press, media, publishing and the Internet.

The visit, which took place from 14 to 19 January 2005, was the first of the IFEX Tunisia Monitoring Group and was organised in preparation for the UN-sponsored World Summit on the Information Society (November 2005). Purpose of the visit was the evaluation of the state of freedom of expression in Tunisia and to assess the conditions for participation in the Summit.

The delegation, comprised representatives of EOHR, International PEN Writers in Prison Committee, International Publishers Association, Norwegian PEN, World Association of Community Radio Broadcasters and the World Press Freedom Committee, met with Tunisian writers, publishers and human rights organisations as well as government officials and government-sponsored agencies.

The delegation found cause for concern on the Blocking of websites, including news and information websites; blocking of the distribution of books and publications; restrictions on the freedom of association, including the right of organisations to be legally established and to hold meetings; restrictions on movement of human rights activists together with police surveillance, intimidation and interception of communications; lack of pluralism in broadcast ownership, with only one private broadcaster; press censorship and lack of diversity of content in newspapers; imprisonment of individuals for their opinions and media activities; use of torture by the security services with impunity.

The EOHR posted on its website in mid-February the news that the IFEX Tunisia Monitoring Group was preparing a full report on the current state of freedom of expression in Tunisia with recommendations for improvement. The report, to be released during the next preparatory committee meeting of the WSIS (17-25 February 2005), will provide indicators for monitoring freedom of expression in Tunisia in the run up to the World Summit.
