

Bringing about change through action files and other forms of intervention

The purpose of OMCT urgent appeals and action files is to halt or prevent torture or other forms of violence within OMCT's mandate^[1]. This is done by calling for preventive and/or remedial action in relation to situations, policies or projects involving violations of economic, social and cultural rights that cause violence or that present a real and substantial risk of causing violence. This includes calling on governments or others to take protective action in relation to vulnerable groups or situations.

Violations of economic, social and cultural rights that lead or risk leading to violence occur in many varied circumstances that require appropriate reactions. Some involve immediate violence that requires OMCT to react rapidly with, for example, an urgent appeal aimed at saving lives. Urgent appeals can also take the form of an open letter or press communiqué.

Other situations require in-depth research and analysis of the factual, technical, legal and other aspects of the case and detailed preparation of recommended action. Because of the extensive nature of the information, analysis and recommendations in these cases, they are prepared in the form of OMCT Action Files. Action files seek to identify as clearly as possible the respective responsibilities of governments, development institutions, private companies and banks in situations that involve or risk serious violence. Action files also contain precise recommendations for action by those involved that can be monitored.

Urgent appeals and action files are prepared in cooperation with reliable national NGOs including members of the OMCT SOS-Torture Network. They are sent to the competent United Nations Special Procedures mandate holders^[2] and to government authorities with direct responsibility. In addition, international financial and development institutions, trans-national corporations and banks are seized when they are involved in projects that cause or risk causing violence.

Urgent appeals and action files are also sent to the 311 members of the SOS-Torture Network and other NGOs belonging OMCT's network on economic, social and cultural rights along with requests for action on their part. In addition, the information and recommendations developed in connection with these interventions can be included in alternative reports and submitted to other procedures, for example the Human Rights Council's Universal Periodic Review of respect for human rights by UN Member States and to the institutions of the European Union. OMCT follows-up on these interventions to monitor action or renew the appeal.

An important objective of urgent appeals and action files is to give voice on the international level to marginalised and vulnerable communities and groups that might otherwise remain unheard. Cases are selected based on a number of criteria including the severity of the threat, the number of persons affected, the quality of information submitted or the possibility of developing good information in cooperation with the national partner, the potential for bringing about change (including the existence of a UN mandate or mandates or other procedure that would be willing to act on the information) and factors such as the sensitivity to pressure of the government, the

international development/financial institutions or private actors involved. The importance as a test case and as a good example for others to follow is also taken into consideration. Other elements such as geographic balance are taken into account, but are not determinant.

Action files

During the period 2007 to March 2010, OMCT issued 17 action files relating to the economic, social and cultural root causes of violence as listed below. All are available on OMCT's economic, social and cultural rights website (<http://escr.omct.org>).

2010

- Cambodia: The Suy indigenous group, already at risk of extinction, is losing its ancestral lands due to Economic Land Concession (ELC) issued by the Government of Cambodia to private companies for economic exploitation of corn agribusiness. OMCT called upon the Royal Government of Cambodia to abide by international standards on forced evictions and to respect international and national law on indigenous peoples and to halt the harassment of community leaders struggling for their economic, social and cultural rights. OMCT also called upon the HLH Groups Limited - the Singaporean Company to which was granted the indigenous land - to comply with international law and to fully respect the economic, social and cultural rights of all local communities affected by its economic activities. See Cambodia: Suy indigenous peoples at risk of extinction, March 2010;
- Cambodia: 270 families in Srey Cha Commune, Kratie Province - Cambodia - have lost or are at risk of losing their ancestral lands owing to Government's land concessions for economic exploitation. OMCT called upon the Royal Government of Cambodia to abide by international standards on forced evictions and to respect international and national law on indigenous peoples. OMCT also called upon the Government of Cambodia to suspend existing land concessions and set a moratorium on new ones until an independent commission sheds light on the current procedures. OMCT also called upon the Government of Cambodia to dismiss unfounded charges against community leaders struggling for their economic, social and cultural rights. See Cambodia: Forced eviction of indigenous families from their ancestral lands, February 2010;
- Colombia: The recent emergency revision of the Colombian healthcare system will jeopardise the lives and the access to health of millions of Colombians by drastically reducing the number of persons benefiting from free health care and by imposing additional healthcare costs on those least able to pay. OMCT called upon the Government of Colombia to revise this emergency policy and find different solutions to cope with financial crisis of health system. In particular, OMCT called upon the Government of Colombia to ensure that the poor and most vulnerable sectors of society are granted full access to health. See Colombia: New health decrees jeopardise the life and health of millions of Colombians, February 2010;

2009

- Bangladesh: Reported extrajudicial killing in the Chakma Community, Chittagong Hill Tracts. A member of the Chakma indigenous community and an active supporter of the indigenous political party Parbatya Chattagram Jana Samhati Samiti, (PCJSS), was pursued and shot by a group of soldiers. His body was found with a broken neck, several wounds, and bullet injuries on his leg and scrotum, which suggest he was subjected to torture prior to his death. OMCT called upon the Government of Bangladesh to implement a prompt, effective,

thorough, independent and impartial investigation on this death. It also urges the Government to end de-facto military rule and protect the indigenous communities of Chittagong Hill Tract from violence and land dispossession. See Bangladesh: Reported extrajudicial killing in the Chakma Community, Chittagong Hill Tracts, July 2009;

- India: Following an order of the Kolkata High Court more than 5000 people, all from Dalit and poor communities, were about to be evicted from land that is said to be in their lawful possession near Belgachia Bhagar, the municipal garbage dumping ground of Howrah. OMCT called upon both the Union Government of India and the State government of West Bengal to halt immediately the current eviction procedure. See India: imminent forced eviction of 5000 people in Howrah, West Bengal, January 2009;
- India: Follow-up: Ongoing risk of forced eviction of 5000 people in Howrah, West Bengal. OMCT continued to express concern about risk of eviction for 5000 people and called on the Government of India to halt the eviction procedure and respect international human rights standards on right to housing and evictions. See India: Ongoing risk of forced eviction of 5000 people in Howrah, West Bengal, January 2009;

2008

- Bulgaria: Persons with mental disabilities constitute one of the most marginalised and discriminated groups in Bulgarian society. They frequently face discrimination, social exclusion and severe human rights violations, including violence and ill-treatment. OMCT called on the Government of Bulgaria to stop violence against persons with disabilities and revise the current national legislation in the light of international human rights standards. See Bulgaria: Human rights violations of persons with mental disabilities, December 2008;
- Bangladesh: Arson attack on indigenous Jumma community in Sajek Union - the Chittagong Hill Tracts - in which Bengali settlers, with military support, set fire at night to the homes of the indigenous community in at least 7 villages with some 76 homes destroyed. OMCT called on the Government of Bangladesh to establish an independent commission to conduct an inquiry into the attack and into the harassment, intimidation and other forms of violence perpetrated by Bengali settlers and army personnel, and to ensure that all those responsible for human rights violations are brought to trial and that the victims of these violations are adequately compensated and rehabilitated. See Bangladesh: Arson attack on indigenous Jumma community in Sajek Union, the Chittagong Hill Tracts, August 2008;
- India: The denial of the economic, social and cultural rights of the tribal peoples of Wayanad District, Kerala, risked generating further violence. OMCT reported on ongoing tensions and police harassment of members of local Adivasi community following the breach by the Agricultural University of Kerala of conditions attached to a transfer of land from that community to the University for the construction of a veterinary college. These conditions were intended to compensate the indigenous community for the appropriation of their land by re-housing them and by providing employment. As a result, the affected Adivasi families have been left homeless and have lost their livelihood and their protests are met with police harassment, intimidation and ill-treatment of community members. OMCT called upon the Government of India and the State Government of Kerala to ensure compliance by the University Authorities with the conditions attached to the transfer of land and provide reparation as appropriate. OMCT further called upon the Union and State Governments to ensure that the police fully respect the rights of the adivasi community and that an immediate end is put to the harassment and intimidation of this community. See India: Denial of the economic, social and cultural rights of the tribal peoples of Wayanad District, Kerala, risks generating further violence, August 2008;
- Kenya: Severe violations of human rights, including torture and extrajudicial killings by the

Kenyan Army and Police in the Mount Elgon District in the Western Province of the country. At the root of this conflict lies the question of land ownership and competing claims over land title, particularly in the Chebyuk settlement area of Mount Elgon. OMCT called on the Government of Kenya to order an immediate suspension of the military operation in the area and to establish an independent commission to ensure that all those responsible for human rights violations are brought to trial and that victims of torture and their families receive just and adequate reparation. OMCT, also called on the Government to take concerted steps to reach fair and just resolutions to land disputes in Mount Elgon and elsewhere. See Kenya: Military action against the sabao land defence force in Mount Elgon involves serious human rights violations against civilians, June 2008;

2007

- Bangladesh: A proposed open-pit coal mine at Phulbari risked to seriously affect the lives of between 50,000 and 500,000 people, including a number of indigenous communities. Many of these affected have been forced to leave their homes and land. The mine had been planned without the full information and consultation of those directly concerned and public protests had been met with violence. OMCT called upon the mining company (GCM) to suspend its activities in this area until an independent investigation had been conducted and to fully respect the land rights of all local communities affected. OMCT also called upon financial institutions with significant financial interest in GCM (UBS, RAB Capital and Barclays) to use their influence to ensure that the company abides by international human rights standards. See Bangladesh: Risk of violent suppression of public opposition to Phulbari coal mine project, December 2007;
- Bangladesh, follow-up: The Government, the multinational coal company responsible, banks financing the project, including the Asian development Bank (ABD) were seized with the file. Subsequently, OMCT met with the international coal company at the company's request to discuss the problems involved and OMCT has learned of bank disinvestment in the project and the denial of a large loan to the project by the ADB. See Bangladesh: OMCT welcomes the Asian Development Bank's suspension of support for the Phulbari coal mine project, July 2008;
- Philippines: The peaceful opposition by local communities and indigenous people to mining operations that violate their rights and endangers their way of life on the Island of Sibuyan, was met with violence resulting in the killing of some 17 persons, including the shooting of the leader of a protest movement by a mining company security guard. OMCT called on the Government of the Philippines to halt mining activities and to establish an independent commission to review respect for the rights of the local population. OMCT also called on mining companies to carry out their activities in strict respect for the human rights of the populations affected. See Philippines: Mining activity on Sibuyan Island must be halted to prevent further killing and violence, December 2007;
- Philippines: Counter-insurgency operations in Surigao del Sur in which 500 military personnel were reportedly stationed in and around the homes of members of the Lumad indigenous communities. The civilians were used as shields, schools and other buildings appropriated as military barracks, children questioned by soldiers, community members denied access to their fields, families forced to seek shelter in makeshift evacuation centres and individuals forcibly enrolled as military guides. OMCT called upon the Government of the Philippines to ensure that its military fully respects the human rights of the men, women and children in every area in which it operates and to compensate individuals for any damage or loss caused by military operations. See Philippines: military activity seriously affecting the safety and wellbeing of rural communities in Surigao Del Sur, December 2007;

- India: A forced eviction in Kolkata, carried out violently and in breach of international standards. The victims, including children, women and elderly persons, were physically ill-treated and subjected to violence, and homes and belongings were destroyed by the police. The evictees were not properly informed and were offered neither compensation nor alternative housing. OMCT calls upon both the Union Government of India and the State Government of West Bengal to halt forced evictions and implement adequate rehousing and compensation programmes for those affected by urban redevelopment programmes of all kinds. See India: another violent forced eviction by police in Kolkata, West Bengal, December 2007;
- Sudan: The construction of two large-scale hydropower dams in the Northern Nile Valley led to repeated violent clashes between local communities and security forces and resulted in a number of civilian deaths. OMCT called upon the Government of Sudan to suspend the Merowe and Kajbar hydro-electric projects until their impact upon the human rights of the communities affected have been independently assessed. It also called upon the Government to fully respect the human rights of protesters and stop violence and harassment against protesters. Further, OMCT calls upon States involved in the hydro-electric projects to ensure that the work of their national companies does not negatively impact the human rights of the local communities affected. See Sudan: ongoing violence against communities resisting dam construction in the Northern Nile Valley, November 2007;
- India: the residents of a village located on coastal backwaters in Tamil Nadu State, in attempting to speak out against the negative impacts of an illegally-located aquafarm on their health and economic status, have been subjected to police violence and harassment and have had false charges of a serious nature brought against them by the owner of this farm. OMCT called upon Indian relevant authorities to stop violence against villagers, apply national legislation on aquaculture and stop all illegal shrimp farming operations. See India: Violence against and harassment of Dalit villagers involved in peaceful protest, October 2007;

Urgent appeals

During the period 2007 to December 2009, OMCT issued 18 urgent appeals relating to the economic, social and cultural root causes of violence as listed below. All are available on OMCT's economic, social and cultural rights website (<http://escr.omct.org>).

2009

- Guatemala: Serious concerns for the safety of several families in Panzós, following a violent eviction. OMCT expressed deep concern on the situation and called the Government of Guatemala to halt violence and to ensure respect for the economic, social and cultural rights of the victims. See Guatemala: Serious concerns for the safety following a violent eviction of several families in Panzós, December 2009;
- Ecuador: Excessive use of force by the police against members of the indigenous group Shuar, including the death of Mr. Bosco Wisum and injuries sustained by several persons, in the framework of a peaceful indigenous protest and carried out in several locations of the province. OMCT called on the Government of Ecuador to take immediate steps to ensure that the human rights of the people concerned are respected and to order a prompt investigation on the events. See Ecuador: Alleged excessive use of force by police in Morona Santiago, October 2009;

- Brazil: Excessive use of force by police, including the death of a MST (Movimiento de los Sin Tierra) rural worker in the Southall de San Gabriel, during the context of protest for Land Reform throughout Brazil. OMCT urged the Government of Brazil to shed light on the events and to order an independent inquiry, to redress the victims of violence and to international legislation on human rights. See Brazil: Excessive use of force by police. Death of a MST rural worker in the Southall de San Gabriel farm., August 2009;
- Mexico: Violent arrest and detention of members of the movement against the increase of energy fees in Candelaria, Campeche during a protest against the high fees of electricity. OMCT called the Government of Mexico to dismiss charges against protesters, to ensure their protection and to respect the international legislation on economic, social and cultural rights. See Mexico: Violent arrest and detention of members of the movement against the increase of energy fees in Candelaria Campeche, July 2009;
- Colombia: Serious human rights violations against the AWA indigenous community in Nariño carried out by military and paramilitary forces, including the enforced disappearance. OMCT urged the Government of Colombia to halt violence, to ensure the protection of the victims and to order an independent inquiry into the events. See Colombia: Serious human rights violations against the AWA indigenous community in Nariño, June 2009;
- Ecuador: detention and ill-treatment during a protest in the framework of the Mining Bill, in the Province of Morona Santiago y Azuay. OMCT asked the Government of Ecuador to respect the human rights of protester, including their economic, social and cultural rights. See Ecuador: Detention and ill-treatment, January 2009;

2008

- Kenya: Gross violations of economic, social and cultural rights are the root causes of violence and conflict. Land is a critical and complex issue in the country. The ownership - or lack of ownership - of land has subjected many communities to violence, conflict, poverty or even to a life characterized by psychological torture and fear for their lives. OMCT called upon the Committee on Economic Social and Cultural Rights to make recommendations that will not only promote the enjoyment of economic, social and cultural rights for all Kenyans, including the poorest and most marginalised, but also free them from the violence that is so often present in their lives. See Kenya: Call for action to stop violence by addressing violations of economic, social and cultural rights, November 2008;
- India: OMCT called for an end to the violence against Dalits and Adivasis and to ensure their access to food and medical assistance at the Chengara estate in Pathanamthitta District of Kerala, India. OMCT referred to reports of escalating violence against those two communities in connection with their occupation of land to which they claim historic rights. Several thousand landless people were subjected to a blockade cutting them off from the outside world and from civil society supporters. See India: OMCT calls for an end to violence against Dalits and Adivasis and to the blockade of their camp at Chengara Estate, Kerala, India, August 2008;
- Mexico: OMCT appealed to the Government to halt the attacks, torture and threats against members of "La Comunidad Tabiquera Loma de Uruapilla" in the State of Michoacan, who were objecting to being expelled from their land in order to make way for residential construction. OMCT expressed deep concern about the situation and called upon the Government to respect international human rights legislation. See Mexico: Torture and fear for security, July 2008;
- Tunisia: OMCT issued an urgent intervention on the shooting of a protester during a demonstration against the rising cost of living in Tunisia referring to reports of the excessive use of force by Tunisian police in acting against demonstrations against the rising cost of

living and for the right to work that killed one person and wounded 11 others. OMCT called on the Government of Tunisia to prevent future violence, respect the right of peaceful demonstrations and to investigate and punish those responsible for the excessive use of force. See Tunisia: Death of a protester during a march against the high cost of life, June 2008;

2007

- Kenya: In light of the extreme violence that followed Kenya's elections in December 2007, OMCT joined with the Centre for Minority Rights Development (CEMIRIDE) in Kenya to prepare a letter to the Permanent Secretary of the Kenyan Ministry of Justice, National Cohesion and Constitutional Affairs drawing attention to the fact that socio-economic hardship and the iniquitous allocation of resources in Kenya contribute to inter-community competition over scarce resources and that this, in turn, is easily transformed into violent conflict. On behalf of 14 other NGO signatories (all of whom belong to OMCT's network support group developed in the context of this project) CEMIRIDE and OMCT urged the Government to take into consideration and systematically address the causal links between the failure to respect economic, social and cultural rights and the incidence of violence, and presented a series of concrete recommendations to this end. See Kenya: Call for action to stop violence by addressing violations of economic, social and cultural rights, December 2007;
- Ecuador: Killings and excessive use of force including torture against protesters, following a protest by rural workers against the Petrobell Company in which they were asking reparation of damages caused to more than 30 farmers by the Company's activities. OMCT called upon the Government to carry out an independent inquiry on the events and to respect the economic, social and cultural rights of the farmers. See Ecuador: Excessive use of force against protestation, one dead, October 2007;
- Mexico: Violent forced eviction of community of Nuevo San Manuel and Buen Samaritano, all indigenous peoples. OMCT called upon the Government to urgently provide redress and reparation to the evictees, to dismiss charges against those arrested during the eviction and to order a genuine inquiry on the events. See Mexico: Violent forced eviction of community of Nuevo San Manuel and Buen Samaritano, September 2007;
- Ecuador: Excessive force used by the police, including mistreatment and arbitrary detention of children during a protest against the exploitation of their lands by a mining company, in the Province of Azuay. OMCT asked the Government of Ecuador to take immediate steps to respect the human rights of local communities, including their economic, social and cultural rights. See Ecuador: Excessive force used by the police/mistreatment/arbitrary detention of children, July 2007;
- Brazil: Assassination of rural worker Antonio Santos do Carmo linked to the MST in the region of Pará. OMCT called on the Government of Brazil to take immediate steps to ensure a prompt enquiry and to protect and respect human rights of worker, including their economic, social and cultural rights. See Brazil: Assassination of rural worker Antonio Santos do Carmo, May 2007;
- Chile: Assassination of Mr. Rodrigo Cisternas Fernández, member of the Corporación de Promoción y Defensa de los Derechos del Pueblo. OMCT called upon the Government of Chile to take immediate steps to ensure that human rights of workers are protected and respected, including their economic, social and cultural rights. See Chile: Assassination of Mr. Rodrigo Cisternas Fernández, May 2007;
- Cameroon: arbitrary arrest and detention of about 50 prison guards of Kondengui and serious risk of torture. OMCT called upon the government of Cameroon to respect

international legislation and in particular article 2 of the UN Convention against Torture. See Cameroon: arbitrary arrest and detention of around 50 prison guards of Kondengui prison-risk of torture, February 2007;

- Cameroon: follow-up on the arrest of prison guards following a strike. OMCT received information that the prisons guards arrested experience torture and ill treatment during their detention. OMCT asked the stop of violence, the prompt dismissal of all charges and the liberation. See Cameroon: Prison guards arrested following strike, January 2007.

Selected action files and appeals are translated into Arabic, French and Spanish.

For information on the *impact* of action files and urgent appeals, see Report on implementing OMCT's Project, Preventing torture and other forms of violence by acting on their economic, social and cultural roots causes: January 2007 to March 2010.

1. OMCT's mandate includes torture, cruel, inhuman and degrading treatment, summary or arbitrary executions, forced disappearances, violence against women and violence against children.

2. United Nations Special Procedures mandates deal with a wide range of issues including violence against women, trafficking in persons, migrants, racism, torture and other cruel, inhuman or degrading treatment or punishment, mercenaries and private security forces, minority issues, internally displaced persons, indigenous people, independence of judges and lawyers, human rights defenders, the right to health, the right to food, freedom of opinion and expression, extrajudicial and summary executions, the sale of children, arbitrary detention and enforced or involuntary disappearances. In urgent cases these procedures can intervene rapidly with Governments. For the latest list see www.ohchr.org