

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la Protection des Défenseurs
des Droits de l'Homme

EL OBSERVATORIO
para la Protección de los Defensores de Derechos
Humanos

EXECUTIVE SUMMARY

HUMAN RIGHTS DEFENDERS ON THE FRONT LINE

Publication of the annual report 2004 of the Observatory for the Protection of Human Rights Defenders (FIDH / OMCT)

Paris-Geneva, 8 April 2005

« We have joined forces to react and to try to oppose [...] the arbitrary and criminal practices our people are subjected to. We are aware of the risks. Since 2000, six lawyers who were trying to defend the population and obtain the application of the law have disappeared, and another was killed in his home in the presence of his family. » Lida Yusupova, Co-ordinator of the Memorial office in Grozny (Chechnya), Martin Ennals Award 2004, and author of the annual report's foreword.

On 14 April 2005, the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), publishes its annual report for 2004.

The Observatory's 2004 Annual Report addresses the cases of 1,154 defenders and over 200 organisations committed to the defence of human rights (NGOs, trade unions, institutions, etc.) targeted by acts of repression in about 90 countries because of their struggle in favour of human rights and democracy¹.

Although this report does not pretend to be fully exhaustive, the doubling of the number of cases handled by the Observatory in 2004 compared to the 2003 Annual Report is revealing of the deteriorating situation of human rights defenders - and thus, of the erosion of human rights in the world.

I. Human rights between relativism and denial

As Mr. Kofi Annan, Secretary General of the United Nations recalled recently, "all States have a duty to speak out, they also have a duty to hear the full range of voices [...]. Basic human freedoms must be respected by those who are combating terrorist groups. Every time we stand up for human rights and fundamental freedoms, we stand up against terrorism [...] and every time we make the rule of law stronger, we make terrorism weaker" (International Counter-Terrorism Conference in Riyadh, 5 to 8 February 2005).

However, the fundamental rights enshrined in the United Nations International Bill of Human Rights are regularly trampled, including in long-standing democracies.

Such violations have always existed, of course, but the trend today is to justify them in the name of defending other values, which are also part of the rule of law, such as freedom and democracy, in particular in the framework of the international campaign against terrorism. Other States assert even more blatantly disregard of human rights obligations laid down in international instruments. For instance, at an informal meeting held on the occasion of the July 2004 Summit of the Commonwealth of Independent States (CIS), nine member States accused the Organisation for Security and Co-operation in Europe (OSCE) of granting too much importance to democracy and human rights.

In such a context, the task of human rights defenders increases in importance with the rise of arbitrariness, social inequalities and violations concomitant with abuses linked to the "security first" principle. In this regard, the repression against defenders is sometimes directly linked to a spurious use of the fight against terrorism.

¹ The Observatory's 2004 Annual Report entails analyses of the situation of human rights defenders in each region of the world. They are followed by regional compilations of the cases handled by the Observatory in 2004, as well as updates and follow-ups of cases presented in the 2003 Annual Report.

In Chile, three leaders of the indigenous Mapuche community were sentenced to 10 years and one day imprisonment on charges of starting a "terrorist fire". This case attests that defenders of Mapuche rights are, more and more often, being considered as terrorists.

In Pakistan, Mr. Raja Rashid Jaral, Lahore District Bar Association Secretary General, was arrested under the Anti-Terrorism Act on 14 May 2004. He was released two days later, but charges against him remain pending.

More generally, the values these men and women defend are undergoing constant erosion, their freedom of expression is considerably curtailed and their message is ever more difficult to transmit.

II. Human rights defenders in times of armed conflict

In 2004, wars and internal conflicts continued to take a heavy toll of human rights defenders. In most cases they were accused of being in favour of one side or the other of the conflict, and found themselves in a seemingly inextricable situation of extreme danger.

In Nepal, human rights defenders who investigate reports of widespread human rights violations committed by members of the Royal Nepal Army (RNA) and the Communist Party of Nepal (CPN - Maoists), often found their lives, and those of their families, in danger from both sides of the armed conflict, in particular since the breaking off of the peace negotiations in August 2003. The climate of impunity prevailing throughout the country condoned such threats and attacks.

In Chechnya, on 10 January 2004, Mr. Aslan Sheripovich Davletukaev, a volunteer with the Russian-Chechen Friendship Society (RCFS), was kidnapped in the village of Avtury, region of Shali, by approximately 50 soldiers belonging to the Russian armed forces. His body was found on 16 January 2004, bearing traces of torture

Furthermore, in 2004 international humanitarian personnel were subjected to numerous acts of reprisal owing to their support to the civilian populations.

In Iraq, the assassination of Mrs. Margaret Hassan, director of the Iraqi office of Care International on 16 November 2004, the execution of a Swiss and three Nepalese working for the NGO "Helvetas" on 14 December 2004, the murder of Mr. Salvatore Santoro, member of a British NGO, on 16 December 2004, and the 21 days confinement of Mrs. Simona Torretta and Simona Pari in September 2004, were flagrant examples of this situation.

In Sudan, two Sudanese employees of the British NGO Save the Children, Messrs Abbaker Al-Tayeb and Yacoub Abdel Nabi Ahmed, were killed on 12 December 2004, during the attack of their aid convoy, leading to the withdrawal of the association from the area.

III. Defenders of economic, social and cultural rights

Many defenders were assassinated or threatened for being an obstacle to certain economic interests. Many trade union activists, for instance, paid with their own lives for defending workers in their negotiations with employers.

Colombia remains the country where the number of trade unionists and trade union leaders assassinated or threatened with death is the highest. On 5 August 2004, Messrs. Héctor Alirio Martínez, Jorge Eduardo Prieto Chamusero and Leonel Goyeneche Goyeneche, all three trade union leaders, were killed.

In Guatemala, Mr. Julio Rolando Raquec, Secretary General of the Union Federation of Independent Workers (FESTRI) and member of the General Central of Guatemalan Trade Union Conference (CGTG), was shot to death in Guatemala City on 28 November 2004.

In many countries, representatives of indigenous communities were subjected to severe reprisals, for protesting against the establishment of firms and businesses on their territories. Defenders who denounced grave harm to the environment exposing local populations to serious risks suffered the same fate.

In Ecuador, the Sarayaku community remains threatened for opposing the plans of the General Fuel Company (CGC), an Argentine petroleum company supported by the government, which wants to develop its activities on the lands of the community.

In Thailand, three environment activists were killed in 2004: Mr. Charoen Watskorn, Mr. Supol Sitichan and Mrs. Pakviapa Chalermklin.

In certain countries, large landowners continued to subject representatives of the landless populations (*Brazil*) or of the indigenous population (*Bolivia*) to severe reprisals.

IV. Fight against impunity

Impunity, which unfortunately remains the rule in many authoritarian regimes, as in those eroded by paramilitarism, more than ever calls for courageous efforts on the part of human rights defenders for the victims to obtain judicial redress.

The possibility of initiating legal proceedings or of participating to judicial or quasi-judicial actions as plaintiffs, at national and international level, opens up new perspectives for defenders. The International Criminal Court (ICC), which has now started to function, enables victims and their supporting NGOs to refer any situation implying war crimes, crimes against humanity or genocide to the Prosecutor. Under the Rome Statute, they can also participate and be represented in the framework of the Court proceedings.

Unfortunately, these historical breakthroughs might not be put into operation as long as victims and supporting NGOs are not guaranteed any protection against persecution and intimidation, as in the cases in 2004 of the “Disappeared of the Beach” in *Brazzaville* and the Relizane militia in *Algeria*.

V. Women defenders

Women defenders, i.e. women who defend fundamental women’s rights but also the ones who defend more generally human rights, run considerable risks (assassination, disappearance, arbitrary detention, threats, harassment) and are often subjected to discrimination and stigmatisation, like in *China*, where they are fighting drastic family planning policies, or in *Pakistan* and *Iran*, where Islamic religious groups consider their struggle to be contrary to religion.

In Pakistan, on 8 January 2004, the office of Khwendo Kor (KK), in Karak was attacked by a bomb blast. KK is an NGO working for children and women’s development in remote areas of the North-West Frontier Province (NWFP) and the Federally Administered Tribal Areas (FATA).

VI. Human rights defenders oppressed – geographical analysis

In 2004, the **Americas** remained the most dangerous region for human rights defenders. The Observatory registered 102 cases of assassinations and death threats against defenders in the region (*Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Haiti, Honduras, Mexico and Peru*).

Moreover, the intensified criminalisation of social protest, notably through numerous infringements to freedoms of demonstration and assembly, as well as arbitrary judicial proceedings, particularly targeted defenders of economic, social and cultural rights.

In Mexico, on 28 May 2004, during peaceful demonstrations held in Guadalajara, at the same time as the 3rd Summit of Heads of State and Government of Latin America, the Caribbean and the European Union, dozens of participants who were protesting against the lack of consultation with civil society in the negotiations and the implementation of free trade agreements (MERCOSUR, EU/Mexico, etc.) were arbitrarily arrested and detained, often in solitary confinement. At least six of them suffered cruel and degrading treatment and acts of torture.

In Cuba, to speak out or work in favour of human rights remains very difficult. In spite of several releases in 2004, most of the 33 dissidents who had been sentenced after an important wave of arrests in 2003, remain detained.

In **Asia**, an increasing number of defenders were assassinated in 2004 (the Observatory registered 28 cases of assassinations in *Afghanistan, Cambodia, India, Indonesia, Nepal, Pakistan, Philippines and Thailand*).

In Indonesia, Mr. Munir, co-founder of the Commission for the Disappeared and Victims of Violence (KONTRAS), died after having been poisoned on 7 September 2004, during his flight from Jakarta to Amsterdam.

The record of arbitrary detentions remained high, in particular in *China* and in *Vietnam*, where cyber-activists involved in democracy are systematically arrested. In *Iran*, journalists involved in human rights are also subjected to arbitrary arrests.

Besides, it remains impossible to act in favour of human rights in *Burma, Laos and North Korea*.

In **Africa**, defenders carried on their activities under high pressure and hostility: they were subjected to threats, defamation and intimidation as well as to serious violence.

In the Democratic Republic of Congo, Mr. Golden Misabiko, honorary president of the African Association of Human Rights (ASADHO) - Katanga section, is under close police surveillance since 23 December 2004, when he was gravely threatened by a person he later recognised as one of his former torturer.

In the Gambia, Mr. Deida Hydara, journalist, was assassinated during the night of 16-17 December 2004. He had just initiated an open letter to the President of the Republic of the Gambia, asking him not to sign two very restrictive bills on the press into law.

Some governments also systematically adopted particularly restrictive legislation as part of their methods to neutralise civil society, whose role is still far from being accepted.

In Zimbabwe, the NGO Act adopted on 9 December 2004 requires the registration of all NGO with the Ministry of Social Welfare and prescribes personal criminal sanctions - including imprisonment - against board members of an NGO that is not registered. In addition, local human rights NGOs will be severely hindered in their activities since they are prohibited from receiving any foreign funding whereas foreign NGOs working in the field of human rights are no longer authorised to work in the country.

In **Europe** and the **Commonwealth of Independent States (CIS)**, the level of violence and of impunity against defenders remained very high.

In the Russian Federation, Mr. Nikolai Girenko, leader of the Commission of the rights of minorities of the Scientific union of Saint-Petersburg, was assassinated on 20 June 2004.

The crackdown against independent NGOs mainly consisted in hindering defenders’ freedoms, thus confirming the governments’ will to control civil society in the region.

In Belarus, the wave of suppression of NGOs, which reached its height in 2003, continued in 2004 with the closure of 21 associations during the first semester of 2004, among which the Independent Society of Legal Research.

In Uzbekistan, a decree providing for the transfer of all NGO funds of foreign origin to two national banks was adopted in February 2004. Now NGOs must obtain agreement from the government before they can access their funds.

Finally, practically no room for independent associations to manoeuvre is left in *Turkmenistan*.

In the **Maghreb** and the **Middle East**, the right to freely operating in favour of democratic reforms and the rule of law continued to be denied in a number of States.

In Syria, Mr. Aktham Naisse, president of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF), was arrested and detained for five months, after having initiated a public protest movement to demand, amongst other things, that the state of emergency in the country be lifted. His arrest was more particularly linked with the publication of the CDF annual report denouncing human rights violations in Syria, and with the recent statements of the organisation that were listing the acts of violence committed against the Kurdish population in the north of the country in March 2004.

The rights to create associations and to receive foreign funding were almost systematically retaliated, while freedom of expression and freedom to assemble peacefully remained blatantly violated.

In Tunisia, the financial aid the Tunisian League for Human Rights (LTDH) should have received from the European Union (EU) in 2003, remained frozen by the Tunisian authorities, as well as another funding granted by the EU in 2004 for developing a programme on the administration of justice.

In Algeria, peaceful demonstrations organised by the families of disappeared persons continued to be violently dispersed in 2004, in particular the meetings and marches called for to protest against the proposal by the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDH) to close the cases by paying compensation to the families.

Finally, it remains impossible to act independently in favour of human rights in *Libya, Oman, Qatar, Saudi Arabia, and the United Arab Emirates*.

On the occasion of the publication of its annual report, the Observatory organises the following press conferences :

14 April 2005 : Geneva, Dakar, London, Khartoum and Tunis.

18 April 2005 : Bogotá

Other conferences will be organised at the local level by partner organisations of the Observatory.

The annual report will be available on the internet websites of FIDH (www.fidh.org) and of OMCT (www.omct.org) on 14 April 2005.

**It will be available in bookshops in France
(éd. de l'Aube, 18 euros)**

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