

Human Rights Defenders in Asia

In the Asian region, and despite the extreme diversity of country situations, most human rights defenders operate against the background of national security laws that put a serious strain on their activities. These laws - which have been reinforced as a consequence of the fight against terrorism - constitute the first obstacle to the work of defenders. In 2001, many defenders engaged in the defence of the right to freedom of association and expression, labour rights, indigenous and minority rights, women's rights or sexual minorities rights have suffered from harassment, threats, attacks, arbitrary detention and even forced disappearances and loss of life. The defenders working in conflict areas such as in Indonesia (Aceh), the Philippines (Mindanao) or Sri Lanka are particularly at risk and live under constant threat (extra-judicial killings, aggressions, torture including sexual violence).

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In Burma or China, which remain closed countries, human rights organisations are not allowed to operate freely. The telephone lines, Internet and postal communications of those who are considered to be a threat to political stability and public order are under constant surveillance. The rights to form independent trade unions and to strike do not exist. The situation in Burma is particularly dismal as the military junta has this year hardened its extremely repressive stance. In Laos and North Korea, no free human rights and independent activity is allowed. Consequently, the records available are limited and incomplete, although arbitrary detention, long prison sentences after unfair trials and torture and ill treatment of prisoners are known to be widespread.

In a country like Iran, at the fringe of the Asian continent, the voices calling for reform grew stronger, in view of the June elections, notwithstanding the suppression of much of the reformist press. The individuals and organisations involved in the defence of human rights are still forced to exile.

The fact that abuses to the rights of defenders are increasing calls into question the commitment by Asian governments to protect and promote human rights. Positive steps such as the regional efforts carried out by the Asian Human Rights Center (AHRC) to promote an Asian Human Rights Charter elaborated in 1998 have not yet succeeded in leading States to a higher compliance with international human rights standards.

The diversity of the country situations with ethnic as well as religious differences and different levels of democratization renders an analysis of the region necessarily limitative, although as mentioned, the persistence of national security legislation remains a common tool used against Human Rights defenders activities. It must also be underlined that repression against defenders also comes from military and paramilitary groups, armed rebels and economic pressure groups.

The central role of the Security Legislation as reinforced in the aftermath of the 11th September

These laws which entail violations of freedom of expression and association, arbitrary detention, incommunicado detentions of several weeks or months, use of torture, unfair trial, etc, are used to repress any form of activism as carried out by journalists, trade unionists or members of NGOs. In the aftermath of September 11th, several States have reinforced their repressive legislations or even adopted new laws, which are even more restrictive. In Nepal, for instance, human rights activities have become increasingly difficult following the declaration of the State of Emergency and the adoption of the Terrorist and Disruptive Activities Prevention and Control Ordinance in November 2001.

Malaysia continues to be the stage for a wave of arbitrary arrests and incommunicado detentions of demonstrators and human rights defenders, who are attempting to exercise their freedoms of expression and association. The arrests and detentions are conducted under the auspices of the Internal Security Act (ISA), which contains provisions that are clearly incompatible with International standards. The

ISA grants the Malaysian police the power to perform systematic arrests of any person considered to be presenting a threat to state security, the definition of which is highly elastic. There is a large campaign against this law.

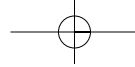
Detainees being held under the ISA are reportedly often subjected to various forms of torture, including physical assault, sleep deprivation, round-the-clock interrogation, threats of bodily harm to family members, including detainees' children, which are allegedly often used to extract false signed confessions from the detainees.

In Indonesia, working conditions for human rights defenders in the province of Aceh have worsened in spite of the various ceasefire agreements concluded between the Indonesian government and the Free Aceh Movement (GAM). Attacks on foreign and local human rights workers have been carried out by members of the security forces and groups closely linked to them. Inquiries into these matters have not led to concluding results as is proven in the case of the Relief workers from the Rehabilitation Action for Torture Victims in Aceh who were killed in December 2000.¹

In Sri Lanka, the conflict between the government and the Tamil movement continues to lead to serious human rights violations committed both by government forces and by the armed opposition group Liberation Tigers of Tamil Eelam (LTTE).

In India, at the end of 2001, Parliament was debating a draft Prevention of Terrorism Bill (POTB). This draft bill is the amended version of the Prevention of Terrorism Ordinance approved by the Cabinet on 16 October 2001. This legislation is viewed by many as a new version of the earlier Terrorist and Disruptive Activities Act (TADA) enacted in 1985 that had lapsed in 1995. The TADA was widely criticized for its misuse against minorities and political opponents. As a result of the application of the TADA tens of thousands persons were detained and many were

1. In November 2000, the UN Special Representative on Human Rights Defenders, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on Torture, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women, transmitted a communication to the Government of Indonesia in which they expressed their concern with regard massive human rights violations occurring in the province of Aceh, particularly: serious violations targeting human rights defenders.



tortured or suffered other serious human rights violations. Many of the persons detained under TADA are still being held in prison. The new law has been widely denounced.

In Vietnam, freedom of religion or belief, as had been pointed out by the UN Special Rapporteur on religious intolerance in 1999, continues to be seriously impaired. On the basis of Government Decree N° CP/31 of 14 April 1997, individuals who are regarded as a danger to State security can be sentenced, without being charged and without trial, to penalties of up to two years' imprisonment. The decree also gives authorisation to place persons under police surveillance and to report on their activities without a court decision. It has been used against various leaders of the buddhist and catholic churches who are fighting for the promotion and protection of Human Rights.

In Bangladesh, the problem of the minorities in the Chittagong Hill Tracts continues to provoke strong tensions. Resentment against the Chittagong Hill Tracts peace accord of December 1997 intensified in 2001. On February 16, 2001, three foreign nationals - one British and two Danish engineers were abducted in the Naniarchar forests of the Rangamati Hill District, Chittagong by the suspected activists of the United People's Democratic Front (UPDF).

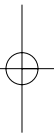
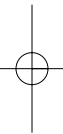
Trade unionists have also been a target of the repressive policies, particularly in South Korea, Bangladesh, Indonesia and Pakistan where the right to collective bargaining and the right to strike are jeopardised leading to mass arrests of demonstrators and arbitrary condemnations. Trade unionists in the region face many legislative and judicial obstacles violating the freedom of association under International Labour Organization (ILO) conventions.

NGOs and individuals defending the environment or the rights of sexual minorities have also been targeted in some countries of the region.

National, regional and international action

The persistence of the national security laws has brought NGOs to concentrate their efforts on legislative issues. A remarkable example is given by the mobilisation against the ISA (Malaysia): a coalition of 81 NGOs under the organization Suaram, has come together in the "Movement for the abolition of ISA". This coalition follows the arrests carried out under the law and the treatment given to those detained.

Organizations such as the Asian Human Rights Center (AHRC) have continued to be active through the launching of urgent appeals. Regarding initiatives taken on the issue of human rights defenders, the regional consultation organized by the Forum Asia in Bangkok in November 2001², involving NGOs and the Special Representative on Human Rights Defenders Mrs. Hina Jilani, constituted a great opportunity for the sharing of information on the situation of human rights defenders in the region and the adoption of common strategies. At the end of this meeting, the participants called for increased international cooperation to end attacks on individuals and groups striving to defend and promote human rights in Asia.



BANGLADESH

Release on bail of Mr. Sanchay Chakma and eight defenders of the indigenous Jumma people

Sanchay Chakma, a member of the United Peoples Democratic Front (UPDF) and a leader of the indigenous Jumma People's movement, who was arrested on 12 January 2001, with eight other indigenous human rights activists, was released on bail (case No. 356/2000 of the general register). Karim Abdullah, was the first to be granted bail on 22 January 2001. On 29 April 2001, four other activists who had been arrested were also granted bail. They are: Biblop Chakma, Rupayon Chakma, Newton Chakma and Kalama Chakma. Finally, on 3 May 2001, Sanchay Chakma was granted bail with three of his colleagues: Diyapon Khisha, Rupok Chakma and Sadhan Mitra Chakma. Sanchay Chakma and his colleagues were arrested while organizing a public meeting at the Chittagong District Auditorium to celebrate the second anniversary of the formation of the UPDF, one of the indigenous Jumma People's organisations. It should be noted that Sanchay Chakma was also facing other charges (case No. 276/2000 of the general register) and was granted bail in this affair on 3 February 2001. Despite their release on bail, harassment of Sanchay Chakma and his colleagues continues. Moreover, Sanchay Chakma still has to pay monthly fees for the judicial proceedings for his own trial.

Mr. Nazrul Islam Delwar is still facing false charges²

The situation of Nazrul Islam Delwar, a member of the Bangladesh Human Rights Commission (BHRC) has worsened during year 2001. In September 2000, he was still falsely charged in connection with the killing of a thief in the village of Khaisair. The BHRC had appealed to the highest authorities for a counter enquiry but this initiative has not pushed the competent authorities to lead the requested action, which could have eventually cleared Mr. Delwar. As a result, Mr. Delwar is currently hiding for fear of arrest.

1. See Annual Report 2000

2. See Annual Report 2000

INDIA

Extra-judicial killing of Mr. Mohammad Azam Ali³

On 18 February 2001, Mohammad Azam Ali, District Secretary of the Andhra Pradesh Civil Liberties Committee (APCLC) Nalgonda branch, was killed by two unidentified men in Nalgonda town. He was about to attend a meeting to commemorate the death of APCLC Joint Secretary T. Puroshottam, who was attacked and killed in similar circumstances in November 2000.⁴

Many defenders were killed in Andhra Pradesh in the 1980s and early 1990s. The APCLC has investigated and publicly condemned hundreds of alleged human rights violations by the police, including torture and extra-judicial executions by suspected members of armed groups.

In February 2001, the Andhra Pradesh government ordered a judicial enquiry into the killing of Mr. Azam Ali. The Home Minister announced the enquiry in a statement to the Legislative Assembly, in which he condemned the killing.

As a result of the investigation, four men have been arrested in connection with the death of T. Puroshottam and two more in connection with the death of Azam Ali. They all have been released on bail. They are reported to be former members of an armed group. Human rights activists claim that they had been operating with the tacit and sometimes active support of the police and had been regularly seen in the company of armed police in plain clothes.

Closure of NGO and arbitrary⁵ arrest and detention of its members

On 7 July 2001, the police raided the offices of the Bharosa Trust, a local sex health organisation for gay men, and of the Naz Foundation International (NFI) Liaison Office in Lucknow, in the region of Uttar Pradesh, an international development

3. See Urgent Appeal IND 001/0102/OBS 016

4. See Annual Report 2000

5. See Urgent Appeal IND 002/0107/OBS 065

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agency providing technical support for the promotion of male sex and reproductive health in South Asia. HIV/AIDS non-profit information and prevention material was seized during the raid.

The director of the NFI office and executive director of Bharosa Trust, Mr. Arif Jafar, as well as other members of the staff, Mr. Mohamad Shahid, Mr. Sudhish Kumar Singh, Mr. Parmeshwar Nayar and Mr. Pankaj Kumar, were arrested and detained in Lucknow. They were charged with conspiracy to commit unnatural acts based on section 377 of the Indian Penal Code, which prohibits “carnal intercourse against the order of nature with men, women or animals” (articles 109b and 120b). They face up to ten years imprisonment. On 11 July, the Chief Judicial Magistrate in Lucknow refused their bail. The following day the police presented its report, which did not contain evidence concerning the accusations made against the members of both organizations.

The accused applied for bail before the Sessions Court in Lucknow. According to the information received by their lawyer, Aditya Bondyopadhyay, the police issued a case diary in which it alleged that the accused had been arrested for “watching films on a television screen showing men committing sodomy with each other”. On 21 July 2001, an order of the Court refused the bail “on the grounds that they are a group of persons whose activities are polluting the entire society by encouraging young persons and abetting them in committing the offence of sodomy”. The applicants decided to appeal before the High Court.

On 16 and 17 August 2001, in two separate hearings, the Lucknow bench of the Allahabad High Court granted bail to the HIV/AIDS workers who had been detained. However, their trial continues. They have been charged under the same sections that were mentioned in the First Information Report (FIR), namely, Section 377 of the Indian Penal Code (articles 120b and 109), as well as under Section 292 of IPC (Obscenity), Section 3 and 4 of the Indecent Representations of Women Act, and Section 60 of the Copyright Act.

4. See Annual Report 2000

5. See Urgent Appeal IND 001/0102/OBS 016

6. See Annual Report 2000

INDONESIA

State of the investigation into the disappearance and assassination of Mr. Jafar Siddiq Hamzah

The inquiry is currently not stalling due to the refusal by the Indonesian authorities to formally recognize the body of Jafar Siddiq Hamzah, former Head of the International Forum for Aceh, found on 3 September 2000. They justify their refusal by the fact that they were not given the original medical records established during the autopsy.

Investigation into the killing of three RATA volunteer field workers

On 6 December 2000, three volunteers from the Rehabilitation Action for Torture Victims in Aceh (RATA) were kidnapped while they were driving to a hospital in the region. Idriss, Ernita binti Wahab and Bakhtiar were tortured and killed by some men suspected to belong to the Indonesian Army (TNI). A fourth field worker, Mr. Nazaruddin Abdul Ghani, witness to the murders managed to escape. With the assistance of Human Rights Watch and the Danish Embassy in Jakarta, Nazaruddin provided a formal police deposition of the events surrounding the murder, including the leading role played by a group of pro-government informers as well as the direct involvement of TNI soldiers. For safety reasons, Mr. Nazaruddin has temporarily left Indonesia, but he remains committed to assisting the Indonesian authorities with their investigations.

Out of the eight suspects arrested in connection with the killing are four civilians and four members of the Intelligence Unit. The names of the civilians are Ampon Thaib Gendong, Abdullah Bin Yusuf, Mainam and Madiah held at the Brimob Headquarters. The four members of the Intelligence Unit are Major Jerry Patras and Sergeant Slamet Jawa, Sgt. Ermanto, and Lt. Harry Ruman.

6. See Annual Report 2000

7. See Annual Report 2000

The four civilians escaped on 22 March and there has been no thorough investigation into this matter. The situation of the members of the Intelligence Unit has not evolved further because of a conflict between civilian and military jurisdictions. Indeed, judging these suspects in front of a military court may entail the impunity of the highest responsible of these murders. In this regard, those who remain vulnerable, such as potential witnesses and their families, and those who continue to work as RATA volunteers are still endangered and must receive proper protection.

Iran
ASIA**IRAN**

Continual judicial harassment of Mr. Akbar Ganji⁸

On 16 July 2001, Mr. Akbar Ganji, a writer and a journalist who was tried for breach of national security and propaganda against the institutions of the Islamic State, was sentenced to six years in prison by the Chamber No. 1 of the Teheran Court of Appeal. This definitive decision takes place whereas Chamber No. 27 of the same Court had reduced his sentence from ten years to six months on 21 June 2001. Indeed, the Teheran Court considered that the sentence passed in June was too lenient and seized the Supreme Court on the basis of alleged errors in the investigation of the first appeals procedure. The Supreme Court annulled the first decision of Chamber No. 27 and referred the case to another Chamber, in total violation of Article 14 of the International Covenant on Civil and Political Rights.

The initial ten years prison sentence, followed by five years of forced exile in a village in the south of Iran, had been passed by the Revolutionary Tribunal of Teheran on 13 January 2001. The accusation was based on the publication - namely in the journal *Rah-e-new* - of a series of articles suggesting the implication of the Iranian regime in the murders of dissident intellectuals, and on the participation in a conference on the Iranian legislative elections which took place in Berlin on 7 and 8 April

1998.

Condemnation of a journalist⁹

On October 13 2001, Ms. Fatemeh Govaraei, a journalist and militant for women's rights, was sentenced to 6 months in prison and 50 lashings for defamatory writings. Numerous journalists were arrested in 2001 and sentenced by reason of their advocacy of democracy and human rights: Mr. Hamid Jafari-Nasrabadi and Mr. Mahmoud Mojdehi were arrested in May 2001 and sentenced respectively to five years and three years in prison; Mr. Reza Nadimi and Mr. Mehdi Amini, members of the editorial staff of the student magazine *Kavir*, were arrested in May 2001; Mr. Issa Khandan has been detained since November 5 2001; Mr. Emadodine Baghi, was sentenced on appeal to three years in prison; Mr. Hoda Rezazadeh-Saber, has been detained since February 25, 2001; Taghi Rahmani, Saeed Madani were arrested during round-ups in March and April 2001 and have been detained since then; Reza Alijani, Ali-Raza Redjai, Morteza Kazemian, were arrested during round-ups and freed on bail six months later. These five last journalists are persecuted in front of the Revolutionary Tribunal of Teheran for subversive activities against the State related to their writings, just as Mr. Ezzatollah Sahabi, director of the review *Iran-e-Farda*. He was sentenced to six months in prison in January 2001 as part of the same case as that of Akbar Ganji but remains still detained at the end of 2001. The trial in camera in front of the Revolutionary Tribunal of Teheran began mid-January 2002.

Trial of Mr. Nasser Zarafchan¹⁰

The trial of Mr. Nasser Zarafchan, lawyer of Mrs. Sima Pouhandeh, widow of Mohammed Djafar Pouhandeh, (a writer and human rights defender killed by the secret services in December 1998) took place on 3 November 2001 before the Order Military Court of Teheran.

Mr. Zarafchan is accused of having revealed procedural flaws in the trial of the poli-

9. See Urgents Appeals IRN 001/0004/030.01 and 30.02

10. See Annual Report 2000 and Urgent Appeals IRN 004/0112/OBS 125.1 and 125.2

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tical murders that ended on January 20, 2001. He was arrested on 9 December 2000, following his declarations and released on bail in January 2001. During the trial, Mr. Zarafchan has been arrested and released two days after. The verdict was still not given at the end of December 2001.

Mrs. Kar and Mrs. Lahidji: New Situation

Mrs. Mehrangiz Kar, a lawyer, and Mrs. Chala Lahidji, director of a publishing house, arrested in April, liberated on bail in June, then condemned on 13 January 2001 to four years of imprisonment, saw their sentence commuted to a fine of approximately 800 euros on 26 December 2001. They were condemned for anti-Islamist activities and actions against national security for their participation at the conference organised in April 1998 in Berlin. Mrs. Kar is abroad for medical treatment and her husband Mr. Siamak, a journalist, arrested on 24 November 2001, was still in prison at the end of 2001.

Proceedings Against Mrs. Chirin Ebadi and Mr. Mohsen Rohami

After their condemnation in September 2000 to 15 months of imprisonment with suspended sentence and deprivation of their civil rights for five years, Mrs. Chirin Ebadi, a lawyer and president of a non-governmental organisation for the defence of children's rights, and Mr. Mohsen Rohami, a lawyer, made an appeal. At the end of December 2001, their case was still being examined and no decision was made. They were both condemned for "slander towards the authorities" in connection with their activities in defence of student victims of the attack by police on the campus of the University of Teheran in July 1999.

MALAYSIA

Iran
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Arbitrary detention of Mr. Ismail Badaruddin¹¹

On 26 April 2001, Mr. Ismail Badaruddin, a member of the human rights organisation Suara Rakyat Malaysia (Suaram), was arrested by the Malaysian authorities under the Internal Security Act (ISA). He was documenting an inquiry into police brutality and trying to assist the families of nine other Malaysian activists detained under the ISA for their involvement in the organisation of a peaceful rally, being held to mark the second anniversary of the conviction of former Deputy Prime Minister Anwar Ibrahim.

On 5 June, 2001, M. Badaruddin was released by the Kuala Lumpur Police. He was detained for 40 days without access to his lawyer and was only allowed one visit by his family.

Malaysia
ASIA

NEPAL

Accusations against the Secretary-General of a Bhutanese organisation¹²

On 19 September 2001, Mr. S.K. Pradhan, Secretary General of the Peoples Forum for Human Rights and Democracy (PFHRD), a Bhutanese organisation based in Nepal, was arrested at his home in Kathmandu by Nepalese policemen in plainclothes who did not present him with an arrest warrant. He was then taken to the Hanuma District police station in the Dhoka area of Kathmandu where he was detained for 18 hours. The next day he was taken by plane to the Chandragari Prison, in Jhapa, eastern Nepal. He is charged with involvement in the murder of Mr. R.K. Budhathoki, chairman of the Bhutan Peoples' Party (BPP), which took

11. See Letter to the Malaysian authorities dated 09/05/2001

12. See Letter to the Nepalese authorities dated 16/11/2001

place on 9 September 2001, when he was holding a meeting with several refugee students in the office of the Youth Organisation of Bhutan (YOB) in Damak, Jhapa.

Mr. Pradhan has been arrested on the basis of written complaints made by Mr. Balaram, Secretary-General of the BPP, without any proof. Allegedly, at the time of the murder, Mr. Pradhan was in Kathmandu, which is at a distance of 500 kms from Damak as he had just returned from South Africa where he attended the UN World Conference on Racism.

Mr. Pradhan has been actively associated with the movement for human rights and democracy in Bhutan for the last decade. In 1993, during the 49th Session of the United Nations Human Rights Commission in Geneva he denounced the situation of Bhutanese people and refugees.

On 16 October 2001, after 25 days of detention, Mr. Pradhan appeared for his first hearing before the District Court of Chandragari, Jhapa, where his lawyers asked for his release on bail. The bail was rejected by the Court because Mr. Pradhan is a refugee and not a Nepalese citizen. He is now being held in judicial custody. On 11 November 2001, Mr. Pradhan filed a written petition to the Appeals Court of Ilam against the verdict of the District Court of Chandragari. On 23 November 2001, there was a preliminary hearing in the Appeals Court of Ilam about Mr. Pradhan's case. The Appeals Court asked the District Court of Chandragari to submit the original legal documents concerning the murder of R.K.Budhathoki. The second hearing was initially to take place on 4 January 2002 and eventually took place on 18 January 2002. The Appeals Court maintained the District Court decision and refused to release him on bail. As a consequence, Mr. Pradhan is still kept in custody in Chandragari.

State of the investigation in the case of the assault on Mr. Siwakoti Chintan¹³

No official enquiry, investigation, or informal enquiry has been undertaken by the Nepalese authorities in the case of Gopal Siwakoti Chintan, executive director of INHURED (International Institute for Human Rights, Environment and Development) who was attacked in Kathmandu on 17 January 2001. He filed a formal complaint with Anamnagar police office on 18 January 2001. He had already

13. See Annual Report 2000

been arrested by the police three years ago and kept in custody for 11 days. It also should be remembered that, for many years, media have routinely published unsubstantiated charges against him. As a consequence of this assault, Mr. Chintan, has considerably reduced his human rights activities.

Furthermore, it should be noted that on 26 November 2001, the Nepalese authorities declared a State of Emergency, thus enhancing pressure against human rights organisations.

PHILIPPINES

Investigation into the raids against DINTEG and CHRO offices¹⁴

The offices of the Cordillera Indigenous People Law Centre (DINTEG) and of the Cordillera Human Rights Organization (CHRO) were broken into for the third time on the 29 November 2000, after already having been raided on 7 February and 29 September 2000.

The staff reported all these incidents to the local police. The police in their investigation recorded the first two incidents as robbery and the last as attempted robbery. The perpetrators of these three raids left no traces or fingerprints. The allegations by the police insinuated that a staff member who had been mis-appropriating funds belonging to the institution had simulated the raids to cover up his offence. DINTEG also filed a separate complaint with the Commission on Human Rights, who then sent one of its collaborators to interview members of the DINTEG-CHRO organizations. So far, the perpetrators have not been identified, which leads DINTEG-CHRO to suspect that someone in the neighbourhood may have been spying on them and passing information on their activities and schedules to the military, prompting them to move to new premises. Since then, the authorities have provided no further information regarding this case.

On 14 August, 2001, the DINTEG office received a dubious fax message from an

14. See Annual Report 2000

unknown source stating that the military had deployed agents inside the Cordillera Peoples Alliance (CPA) and its network organizations. The CPA is a partner organization of DINTEG-CHRO. It also mentioned names of certain media and alleged members of the CPA as military agents. Anonymous letters are reportedly the trademark of the military to sow intrigues and disunity within organizations.

All these events strengthen the belief that the three raids on the DINTEG-CHRO offices were ordered by the military with the intention of harassing this NGO and sabotaging its services, as well as gathering "evidence" that could be used to eventually crackdown on progressive organizations and institutions. It should be remembered that during these raids, all the files of DINTEG-CHRO were stolen, including diskettes and computer files.

South Korea
ASIA

SOUTH KOREA

Continuing harassment against members of KCTU¹⁵

In June 2001, the South Korean Government issued an arrest warrant for Mr. Dan Byuong-ho, President of the Korean Confederation of Trade Unions (KCTU), because of his involvement in leading the KCTU campaign for workers' rights. Following the Asian economic crisis, the International Monetary Fund's subsequent prescriptions for crisis management and the Government's general structural adjustment programme, the KCTU has been at the centre of trade unions' and workers' responses to problems of reduced employment and wages.

Dan Byuong-ho had previously been imprisoned for his role in the KCTU, but was released in August 1999 as a part of a general presidential amnesty. At that time, he still had two months and four days left of his sentence. In the light of the escalation of arrests and imprisonment of trade union members and leaders carried out by the government, an agreement was reached between the KTCU and the government on 2 August 2001, with the assistance of a mediator. Under the terms of this

agreement, Mr. Dan Byuong-ho would return to prison to serve the remainder time of his suspended sentence, in return for the government ending the wave of arrests and foregoing bringing new charges against Mr. Dan Byuong-ho for his alleged crimes in leading the KCTU's campaign in 2001. Following this agreement, Mr. Dan Byong-ho was put in jail.

On 28 September 2001, only a few days before his expected release on 3 October, the government issued a new arrest warrant, enabling them to hold him in detention for a further period of time for investigation and trial. Since then, Mr. Dan Byuong-ho has remained in prison. Government officials are now denying the terms of the agreement.

In the three years and ten months of President Kim Dae Jung's time in office, 650 workers and trade union activists and leaders have been arrested and imprisoned. In 2001 alone, the number of imprisoned unionists has so far reached 205.

South Korea
ASIA

Liberation of hotel industry union leaders¹⁶

The conflict opposing the members of the Lotte Hotel Workers' Union to the Hotel management has come to an end. On 20 August 2000, the management agreed to seek a negotiated solution, by reaching an agreement with the Lotte Hotel Workers' Union. This agreement acceded to the trade union's principal demands, notably the cancellation of all illegal and disciplinary measures against the union and the granting of permanent status to temporary workers after three years' service. The three union leaders, Mr. Jung Joo-uhk, Mr. Kwon Soon-young and Mr. Cho Ghil-seung, who had been kept under detention were released. Similar agreements were also reached in the case of the Hilton and Swiss Grand Hotels in Seoul.

SRI LANKA

Arbitrary arrest of Mr. Thivyan Krisnasamy¹⁷

On 2 July 2001, Mr. Thivyan Krisnasamy, the former secretary of the Jaffna University Students Union, was arrested by the Sri Lankan Army in Inuvil, Sri Lanka. Mr. Krisnasamy was arrested while on his way back to his home in Jaffna, after having visited relatives. Mr. Krisnasamy was severely assaulted at the time of his arrest. He was then moved to a detention facility at a military base in Kankesanthurai. He is accused of being a member of the Liberation Tigers of Tamil Eelam (LTTE) and conducting "subversive activity." Initially, the military claimed that he was in possession of dangerous weapons at the time of his arrest, although this was later refuted by the base's commanding officer, Major General Susil Chandrapala on July 9, 2001. Media reports, allegedly stemming from the military, also claimed that the Army had seized equipment including a Photostat machine, a generator, a computer, a printer, etc., from Mr. Krisnasamy's house, following a search, although these reports are also apparently false, with the seized equipment having actually been confiscated from a nearby telecommunications center that was reportedly suspected of involvement with the LTTE.

He received a visit by his mother around three days after his arrest, and was also later visited by a group of student representatives and university officials, who claim that Mr. Krisnasamy had visible traces of torture on his face and hands. In response to his arrest, students at Jaffna University began boycotting classes, which eventually led to the university being closed down by the authorities on 10 July for an indefinite period, in a bid to end protests against the security forces. Several other Tamil universities, schools and government and provincial offices closed down to protest against Thivyan Krisnasamy's arrest and the closing of Jaffna University.

He is kept under judicial remand under section 7 (2) of the Prevention of Terrorism Act for possession of arms and failure to provide information about terrorist activities. Mr. Krisnasamy was allegedly tortured during his detention, in order to force him to make a false confession that he was involved with the LTTE, which could then be used against him as evidence in a trial. Under Sri Lanka's Prevention of Terrorism Act, confessions made while in detention are admissible as evidence. Thivyan Krisnasamy is reportedly having difficulty moving his limbs as a result of the torture. On 25 July he was reportedly

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produced before the Jaffna Magistrate and was remanded until 14 August. He filed a fundamental rights application against torture, unlawful arrest and detention. The Supreme Court ordered him to go before the Judicial Medical Officer for a medical report. At the end of 2001, he was still in detention.

Mr. Krisnasamy is involved in the "Tamil Upsurge" movement, a non-violent movement that is protesting against the State Armed Forces, demanding self-determination for the Tamils and calling for an end to the current conflict. Since 1996, Mr. Krisnasamy has also reportedly been active in protesting against large scale disappearances in Jaffna, incidents involving sexual violations of Tamil women by the Sri Lankan Armed Forces and killings of students and journalists. He also participated in rescuing Tamil civilians trapped in Pallai at the height of the conflict. This has likely resulted in him being targeted by the Sri Lankan Authorities, and led to his arrest. According to reports made by fellow students, death squads armed with pistols had already threatened to kill him on two occasions.

Vietnam
ASIA

VIETNAM

Administrative detention of two Buddhist monks¹⁸

Monks of the Unified Buddhist Church of Vietnam (EBUV) have been subjected to systematic repression on the part of the Vietnamese authorities for many years because of their commitment to religious freedom, human rights and democracy in Vietnam.¹⁹

In May 2001, the Vietnamese authorities reinforced their surveillance around the domicile of Mr. Thich Quang Do, President of Vien Hoa Dao - Institute for the Propagation of Dharma of the EBUV - in Ho Chi Minh Ville, as well as around the place of detention of Mr. Thich Huyen Quang, another member of EBUV, who is forced to live in the shed of a pagoda in the province of Quang Ngai.

On 1 June 2001, 30 policemen accompanied by local officials informed Thich Quang Do at the Zen Tanh Minh Monastery, where he lives, that by decision of the

18. See urgent appeals VTN 001/0105/OBS 042 and 042.1

19. See Annual Reports 1999 and 2000

Security (Cong An, a branch of the Ministry of Public Security) he was being put into “administrative detention” for a period of two years, as of 31 May 2001, and he was therefore forbidden from leaving the monastery.

No motive has been given for this decision which is based on the 31/CP decree, the aim of which is to suppress any possible « threat to national security ». It deprives the detainee of any right to appeal against his detention, which has been decided on without any trial or intervention by a judge. Since the publication of this decision, 10 policemen have occupied the monastery to keep a watch on Thich Quang Do, a policeman is posted in front of his room and about 100 others are outside. In addition, the telephone lines of a number of EBUV pagodas have been disconnected, the pagodas have been surrounded and several monks have been summoned by Security.

This situation was the consequence of a letter written by Thich Quang Do to the authorities on 29 March 2001, in which he asked for the release of Thich Huyen Quang who has been in detention without charges since 1982 for having defended fundamental freedoms and democracy. Thich Quang Do, who was a nominee for the 2001 Nobel Peace Prize, has already been in detention for over 20 years and has been arrested twice since October 2000. In his letter, Thich Quang Do announced that if Thich Huyen Quang remained in detention, he would head a EBUV delegation to bring Thich Huyen Quang back to his home in Ho Chi Minh Ville.

On 27 November, 1997, members of the security forces of the Quang Nai province informed Thich Huyen Quang that he was officially «released» from administrative detention, however, the security forces continue to prevent Thich Huyen Quang from returning to his home, in contradiction with decree 51/CP according to which a person who has completed his sentence can return to the place in which his residence permit had previously been established.

Finally, during the fall of 2001, Security Police stepped up controls around Thich Huyen Quang's pagoda and subjected the monk to intensive «working sessions» (interrogations) to pressure him to sign papers «voluntarily» requesting to be moved from Nghia Hanh to the Nguyen Thieu Monastery in Binh Dinh. The authorities claim that the move will enable Thich Huyen Quang to have better access to medical care, but it is in fact an attempt to placate international opinion whilst placing the dissident monk under stricter police control.

Condemnation of Father Nguyen Van Ly²⁰

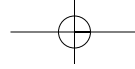
Father Nguyen Van Ly was arrested in his church at An Truyen, near Huê on 17 May 2001, as he was preparing to say mass. He was taken to an unknown destination by members of the security forces until the date of his trial on 19 October 2001. In November 2000, Father Van Ly had led a vast campaign for freedom of religion in Vietnam that had found a large echo nationally and internationally as it had been circulated on the Internet.

Before his arrest, Father Nguyen Van Ly was held in administrative detention for nearly three months for having conveyed a report on religious freedom in Vietnam to members of the International Commission on Religious Freedom of the US Congress, which was in session on 13 February 2001. This measure was taken according to decree 31/CP of 1997 which permits the placing in administrative detention for 6 months to 2 years of any person suspected of endangering national security, without any prior legal proceedings. Since transmitting this report, Father Van Ly was the victim of a smear campaign orchestrated by the authorities and broadcast by the media. On 10 May 2001 he was served with an order forbidding him from exercising his religious functions « throughout the period of his house arrest ».

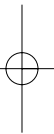
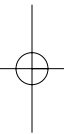
On 19 October 2001, Father Nguyen Van Ly, was condemned to 15 years in prison and 5 years of house arrest as foreseen by article 30 of the Penal Code for having « undermined national solidarity » and « disobeyed the order for his house arrest ». Father Van Ly was condemned by the Popular Tribunal of Thien-Hue province. Two of the 15 years to which he has been condemned are based on his refusal to obey the order prohibiting him to preach.

The trial of Father Van Ly did not respect the right to a fair and equitable trial or his procedural rights. He was not allowed to choose a lawyer or to receive any visits during his 5 months detention. Moreover, due to the smear campaign conducted against him in the official media, his right to the presumption of innocence was severely impaired.

20. See urgent appeal VTN 001/0105/042.2



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Human rights defenders in Europe and the CIS

By presenting the information received over the course of the year by the Observatory, this analysis highlights the gravity of the situation in the Community of Independent States (CIS). However, as illustrated by the compilation of urgent cases that have been processed in 2001, human rights defenders have also occasionally suffered harassment elsewhere in Europe, as in Croatia and Bosnia, and as evidenced in the disproportionate scale of the repression against anti-globalization demonstrations. Lastly, in Turkey, those who dare express their opinions about sensitive questions such as the Kurdish issue, Islamism, and the army continue to be arbitrarily prosecuted.

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Repression in the CIS and fight against terrorism

Established in the wake of the disintegration of the Soviet empire and independent since 1991, central Asian countries are governed by authoritarian regimes which have proved unable to cope with the economic and social deterioration. In Turkmenistan, where the same president has been in office since 1991, the autocratic regime has hindered any form of political transition. Kazakhstan has aggressively sought to neutralize dissent. While Tajikistan, Uzbekistan and Kyrgyzstan have established different political systems, the fight against extremist movements ranks high among their common priorities. Following four years of civil strife, Tajikistan has designed an innovative form of power sharing with the democratic/islamic opposition parties. Although Kyrgyzstan made a brief attempt at democratization, it has since reverted to a more authoritarian regime. In Uzbekistan, the authorities use the threat of nationalism and « fundamentalism » to reinforce their autocratic rule. In this context, "fundamentalism", a vague and undefined notion, is used to describe the armed gangs of the Islamic Movement of Uzbekistan (IMU), the Islamic Renaissance Party (PRI), the banned Hizb ut-Tahrir peaceful political movement, and at times islamic supporters. For the last few years, governments in

this region have, in the name of fighting against these different movements, perpetrated serious human rights violations (arbitrary arrest and detention, unfair trials, torture, etc.)

Belarus, Ukraine and Russia have set up strong presidential regimes. In its report on Belarus¹, the Observatory has described the Belarus regime as “a caricature of autocracy.” In Russia’s case, its continued drift towards authoritarianism has been exacerbated by the conflict in Chechnya.

Lastly, Caucasian states are still torn by unresolved ethnic and separatist pressures and conflicts.

Generally speaking, a rather high level of state violence remains the common feature of the CIS states. The executive power is far-reaching and, in order to suppress all forms of dissent, it relies heavily on the security apparatus and intelligence forces, which are entirely submitted to its sole authority and perpetrate serious abuse in total impunity. In addition, in all these countries, corruption is rampant.

Given this situation, whenever they organize and publish information, advocates of democracy and the rule of law represent a particularly vulnerable group.

In 2001, two major events have increased this vulnerability and provided the CIS governments with new pretexts to intensify their repressive strategies.

On June 14 and 15, 2001, China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan established the Shanghai Cooperation Organization, which aims at improving regional cooperation in order to fight against “terrorism, extremism and separatism.” This organization intends, in particular, to step up military cooperation and to create a regional anti-terrorism center in Bishkek. Repression against vulnerable groups has thus become legitimized on a regional scale. One of the first consequences of this cooperation was the arrest of Dodojan Atovulloev, a Tajik

1. Report of international enquiry mission. « Belarus : A caricature of autocracy, the civil society in a stranglehold ». September 2001

journalist, while he was in transit in Moscow. Editor-in-Chief of Tcharpgy Ruz, Dodojan Atovulloev has spent the last seven years in exile. The fate suffered by the Uighurs also deserves to be highlighted. This overwhelmingly muslim turkish-speaking minority in China’s Xinjiang province and in neighbouring central Asian countries has been the target of official Chinese repression since 1996. In October 2001, five Uighur nationalist activists have been found guilty of “splittism” and sentenced to death.

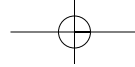
The September 11 events and the launching of an international coalition against terrorism have taken a particular significance in the region. The intricate play of regional and international alliances reflects first and foremost domestic interests. The US administration’s identification of the Islamic Movement of Uzbekistan as a target of the military intervention in Afghanistan has strongly increased the risk that any form of dissent be characterized as a criminal offence. In addition, the security-based approach of various European countries, such as the adoption of an anti-terrorist law by the United Kingdom in mid-December, is a real encouragement for authoritarian states to use similar legislation to commit human rights violations.

HUMAN RIGHTS DEFENDERS CAUGHT BETWEEN A ROCK AND A HARD PLACE

Freedom of association in the CIS and in Europe

Designing diverse methods to curb the right to freedom of association has been a striking common feature among the CIS countries.

Turkmenistan ranks first in terms of repression. Exercizing the right to freedom of association has proved impossible. Support or action in favour of human rights is systematically repressed, to such an extent that human rights defenders do not have any room for action, be it through associations (there are none) or individually. Although there are a handful of independent organizations in Uzbekistan, these have not been officially registered and their members are systematically repressed.



In Belarus and Kyrgyzstan, although human rights defenders may take action, individually or in association with others, their activities are constantly hampered by measures taken from the legal, judicial and administrative authorities or by the police.

In other CIS countries, freedom of association is generally guaranteed, yet the exercise of this right can be curtailed or denied whenever political tensions arise, such as in Georgia, Ukraine, Kazakhstan and Azerbaijan. Human rights defenders are thus facing many risks and are not free from occasional harassment.

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Among the rights that guarantee freedom of association for individuals or organizations, some are more frequently violated in the CIS countries and in Europe :

- The right to set up organizations is mainly limited by arbitrary measures regarding the registration procedures. This is one of the most common practices used by the governments of the CIS countries in order to neutralize independent organizations. Such measures are the basis of systematic strategies, for example in Uzbekistan, in Belarus or in Russia, where registering an organization is no mere administrative formality, but rather the necessary pre-condition to any action carried out in association with others. Because they cannot be officially registered, organizations are unable to rent office space, open a bank account or sign contracts. Victims of such abuse include NGOs and trade unions alike. In Belarus, as in Ukraine, the conditions which organizations are required to meet are excessively restraining, and a number of trade unions have been obliged to discontinue their activities.

In European countries, NGOs may be compelled to close down or to suspend their activities because of a judicial decision or simply based on a decision of the administration. Turkey provides a good illustration of this kind of practice. There has been an increasing number of prosecutions against various sections of the Human Rights Association (IHD) in order to force them to stop their operation and to punish their members. Also in Turkey, according to the Law on Association N°2908, affiliation to an international organization and participation in its activities is conditional to the approval of the Ministry of Foreign Affairs and the Ministry of the Interior.

Furthermore, political and economic authorities have implemented strategies of

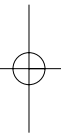
interfering with the organizations. This is particularly striking in the case of trade unions in Belarus and Kazakhstan (pressures in times of internal elections, creation of trade unions by company managements, harassment of union members to coerce them into quitting the labour organizations they have joined, etc.).

- The right to meet and the right to peaceful assembly has been systematically curtailed in many CIS countries, such as in Belarus and Kyrgyzstan. However, last year, these practices have spread to European countries as well. In the Czech Republic, police violence against the demonstrations held during the September 2000 IMF and World Bank meetings were committed on a wide scale.² In Italy, demonstrations held during the G-8 Summit in Genoa in September 2001 also led to disproportionate police brutality, notably when some 200 police officers raided the general headquarters of the Genoa Social Forum.

- The right to know, seek, obtain, receive and hold information is often restricted. Seizure of equipment and of documents represents a systematic practice in Uzbekistan, Belarus, Turkey and Georgia. NGO offices are frequently broken into. Such limitations also affect the right to freedom of expression. In the most repressive CIS countries, individuals who conduct investigations on the ground or carry out advocacy work within the civil society face arbitrary arrest and detention, prosecution, harassment and intimidation and even, in certain cases, extra-judiciary execution (see below).

- Lastly, the right to receive funding, including from abroad, is repeatedly violated. The case of Belarus, which is presented in detail in this report, is particularly striking—according to a presidential decree, the right of NGOs, trade unions and independent media to obtain any form of financial aid is severely restricted. Similarly, the new Election Law adopted in October 2001 in Kyrgyzstan bans foreign aid dedicated to the purpose of election monitoring. Lastly, in Turkey, financial support from foreign donors is conditional to official approval when the recipient is an NGO. Such strategy in fact favours GONGOs (governmental non-governmental organizations), a growing phenomenon in this region. A pernicious practice, the establishment of

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GONGOs aims inter alia at discrediting the activities of independent organizations on the domestic, regional and international scenes.

Violation of the right to life and impunity

2001, like 2000, was characterized by an increase in the number of acts jeopardizing the right to life of individuals striving for the protection of human rights. These acts have been committed in total impunity.

Journalists represent one of the main targets of such violent acts³ (Georgyi Sanaya, a Georgian journalist, was murdered in July 2001 ; Georgiy Gongadze, the editor-in-chief of the Ukrainian *Ukrainkay Pravda*, has disappeared since September 2000; and Dimitri Zavadsky, a cameraman with the Russian public television channel ORT has disappeared since July 2000).

In conflict areas, and primarily in Chechnya, both activists and journalists have suffered serious violations of their right to life. Viktor Popkov died as a result of the wounds inflicted to him on April 2001, when his humanitarian convoy was fired at by a machine-gun near the Alklan-Kala village. Luisa Betergirieva, a member of the Russian-Chechnyan Friendship Society was killed at the Argun checkpoint on December 13, 2001, while Umar Musaev, one of her colleagues, was injured. Both were heading towards Argun in order to enquire into the operations led a few days earlier in this town by the federal army. Since the fall 2000, Mr. Imran Ezhiev, who heads the Ingush section of this organization and manages a refugee camp in Landare, has been repeatedly detained by the Russian army without having ever been charged or indicted. In September 2001, he was arrested at the border between Ingushetia and Chechnya and led to the Atchkhoi Martan Komandature. His release, two months later, was a result of international pressure. His brother was murdered on December 17, 2001. In September 2001, Anna Polittkovskaia, a journalist with *Novaia Gazeta*, received death threats and was compelled to live in exile after she published articles on the Chechnyan war. NGO access to the Chechnyan territory is still restricted, and conditional

to the approval of the Chechnyan administration – which has been set up by the Russian authorities – and to the arbitrary decision of the army.

In their overwhelming majority, these acts have remained unpunished. After one year and a half, the investigation on the murder of Ukrainian journalist Georgiy Gongadze has yet to produce any result. Concerning the death of Georgyi Sanaya in Georgia, not a single suspect has been identified and the offices of the television channel were recently raided by the police. In the Dimitri Zavadski case, four individuals have been indicted. They have been charged with murders and armed assaults. Their trial opened on October 24, 2001, and is being held behind closed doors. According to the official thesis, the case involves an act of personal vengeance allegedly committed by a former member of the special detachment of Interior Minister Almaz.

In the majority of these cases, collusion between the administration and the police is evident. The lack of independence of the judiciary means that any search for truth is highly hypothetical. The same applies to the violations perpetrated against human rights defenders in Chechnya, as the Russian police has shown no interest in prosecuting individuals guilty of the most serious abuses against civilians. These cases can be compared to the murder of two lawyers in Northern Ireland, Pat Finucane and Rosemary Nelson, in 1989 and 1999 respectively. These murders remain unpunished to this day.

Instrumentalization of the judiciary

Instrumentalizing the judiciary is yet another method commonly used by governments against human rights defenders.

Both Turkey and Kyrgyzstan have become experts in the art of instrumentalizing the judiciary. For instance, in Turkey, no less than ten proceedings have been initiated against the members of the Istanbul section of the IHD. Several proceedings have also been initiated against Akin Birdal, the honorary president of IHD and vice-president of FIDH, after he expressed support for the reestablishment of peace in South-Eastern Turkey. 16 intellectuals have been prosecuted in four different

courts for a similar reason, namely, the publication of *Freedom of Thought 2000*, a collection of an essay and 60 articles that had been previously censured. This year again, the Human Rights Foundation of Turkey (HRFT) has been repeatedly targeted by the authorities. Two legal proceedings have been initiated against their center in Diyarbakir, based on an array of restrictive and security-minded laws: article 159 of the criminal code (insults against the armed forces), laws on terrorism, assembly, demonstrations, etc.

REGIONAL PROTECTION OF HUMAN RIGHTS DEFENDERS

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OSCE

The final report of the 1989 Vienna meeting on security in Europe specified that “the participating States respect the right of their citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms”. The final report of the 1990 Copenhagen conference was even more precise and listed a number of rights : the rights to receive and impart information on human rights, the right to develop and discuss ideas for improved protection of human rights and better means for ensuring compliance with international standards, the right to freedom of association, the right to receive resources from domestic or international donors, and the right and the duty to protect human rights defenders.

It is now time for the OSCE to take a new step forward and adopt a specific protection mechanism geared towards human rights defenders. This mechanism should be mandated to process information brought to its attention, to send communications to governments, to make appropriate recommendations, including in matters of legislation, and to submit an annual report to the Permanent Council. This mechanism should be based on existing structures within the OSCE, notably on the missions mandated by the organization, which play a crucial role in facilitating dialogue between NGOs and governments in cases where human rights defenders are being harassed or find themselves at risk and in need of direct support. In

the fulfilment of its mandate, such mechanism should work in close cooperation with the Special Representative of the Secretary-General of the United Nations for Human Rights Defenders.

The Observatory made this proposal during the additional meeting on « Human Rights : Advocates and Defenders », that took place in Vienna on October 22 and 23, 2001. This meeting was the first one ever to be dedicated to the protection of human rights defenders within the OSCE. It provided a welcome opportunity for NGOs and governments to exchange their views on this topic. The non official recommendations that were adopted reflect the expectations of the civil society vis-a-vis OSCE in terms of support and protection.

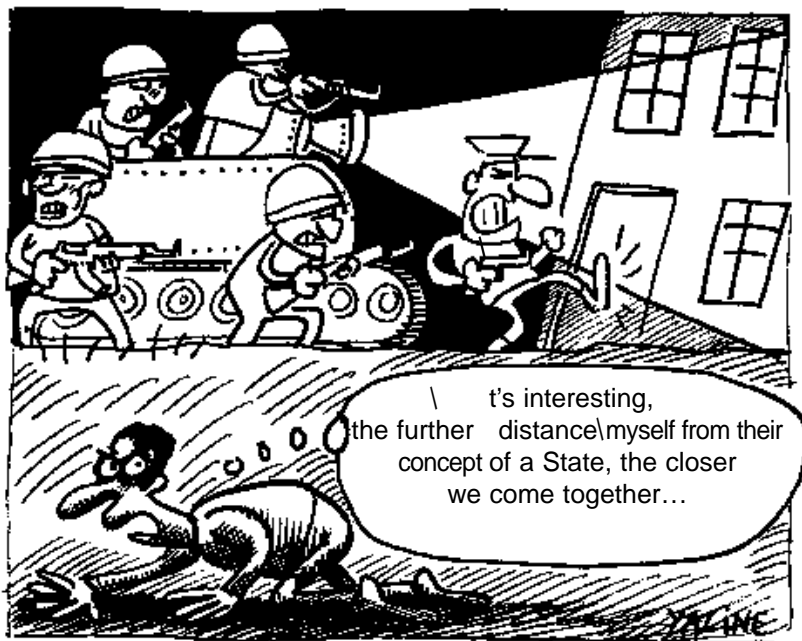
Unfortunately, these recommendations have failed to translate into anything concrete. The meeting of the Council of Ministers, which took place soon afterwards, in December, and whose role is usually to make assessments and identify general trends, failed even to raise the subject of human rights defenders, not to mention adopting recommendations concerning concrete protection measures. This was a missed opportunity.

The Vienna conference represented a first step. On the basis of the recommendations made by FIDH and OMCT member organizations, the Observatory will continue to push for the creation of a protection mechanism for the OSCE region. We remain confident that OSCE will eventually join a process that has already been put in motion by other regional organizations, such as the Inter-American Commission on Human Rights.

European Union

In its 2001 annual report, the European Union ranked the protection of human rights defenders 9th on its list of priority areas, and reaffirmed this commitment at various intergovernmental fora, including at the UN Commission on Human Rights and during the Vienna OSCE conference. This approach followed the European Union Forum on Human Rights, when the workshop on the protection of human rights defenders (December 2000) was attended by Ms. Hina Jilani, the Special

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— The political dissident —

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Representative for the Secretary-General of the United Nations for human rights defenders. However, the recommendations adopted during this meeting failed to lead to any concrete follow-up.

Although some of these recommendations were reaffirmed by the European Parliament, they have failed, again, to result in any concrete move. The July 5, 2001, resolution of the European Parliament on human rights and the human rights policy of the European Union deals with the issue of human rights defenders in paragraph 126, which invites all states to take concrete measures to protect human rights defenders against all forms of aggression. The resolution also requests the European Union embassies and offices in third countries to intervene if necessary to support and protect human rights defenders. Also in the same resolution, the European Parliament invites Turkey to protect human rights defenders from all forms of harassment.

In addition, following the third session of the cooperation council between the European Union and Kyrgyzstan, the European Union issued a press release to express concern about the recent developments of the situation faced by the Kyrgyz Committee on Human Rights.

THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS DEFENDERS

The Special Representative of the Secretary General of the United Nations on Human Rights Defenders, Ms. Hina Jilani, conducted her very first country mission in Kyrgyzstan, from July 30 to August 4, 2001. During the press conference she gave on August 4, she declared that the authorities had not allowed her to meet with Mr. Turgunaliyev, the president of the Guild of Prisoners of Conscience (GCP), who received a 16-year prison sentence in 2000 for having allegedly plotted an assault against President Akaev. Within weeks, on August 20, this activist was granted a presidential pardon. Ms. Jilani will submit her report to the 58th session of the UN Commission on Human Rights.

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Furthermore, during the International meeting on human rights and democratization held in Dubrovnik on October 8-10, 2001, Ms. Hina Jilani launched an appeal to the states of Europe, Central Asia and Caucasus. Citing information conveyed to her attention, she stated that human rights defenders and their families and friends in these parts of the world are victims of serious violations : physical assaults, threats and intimidation, legal harassment, and curbs on the rights to freedom of association, assembly, information and movement. The Special Representative also identified the lack of actual implementation of international and regional human rights standards as a recurrent problem in the region.

BELARUS

Legislative, administrative, police and judicial restrictions on the exercise of the freedom of association and action by the human rights defenders have further increased in 2001, in particular just before the presidential elections of 9 September. An international investigation mission mandated by the Observatory visited Minsk in July 2001¹.

Restrictions on the right to set up organisations

Since the adoption in 1999 of Presidential decree n°2, the setting up of an organisation involves an extremely stringent registration process. All human rights organisations and trade unions, including those which were already legally registered, are obliged to register under the new system, the provisions of which are particularly restrictive. If they do not, they are dissolved. At the beginning of 2000 the Ministry of Justice re-registered 28 trade unions out of 42, and around 1316 NGOs out of 2500.

On 24 August 2001, for instance, the Ministry of Justice declared illegal the activities of a grouping of NGOs, Independent Observation, the aim of which had been to organise a parallel vote count during the presidential elections.

On 3 December, the Supreme Court, acting on a plea by the Ministry of Justice, decided to cancel the registration of the Union of Belarus Students, a decision linked to the Union's activities during the elections. The reasons given by the Court were: the Union's participation in political activities, the distribution of documents of a political nature, and the absence of the full name of the organisation on its letter-box.

Restrictions on the right to join an organisation and participate in it

There are a variety of obstacles of this nature.

Trade unions, for instance, are faced with various forms of interference in the orga-

¹ See Observatory mission report «Belarus: the caricature of autocracy; the civil society caught in a stranglehold » September 2001

nisation of their internal elections, and with the setting up of unions controlled by company management.

Furthermore, independent organisations and their members are subjected to constant harassment: tax inspections, theft of equipment, telephone tapping, aggression and acts of intimidation.

For example, the accounts of the Belarus Trade Union Federation were frozen for two months in connection with a tax inspection, which ended on 16 August 2001.

In July the Minsk offices of the Helsinki Committee were burgled three times.

Several members linked to the Independent Observation organisation were prosecuted following the presidential elections. On 30 October 2001, Mr Andrei Osmolovitch was fined an amount corresponding to two months' salary for "hooliganism". In September, the Moskovskij (Minsk) district public prosecutor's office initiated criminal legal proceedings against Mr. Mikhnov, a member of the Belarus Language Society and an independent observer during the elections, on the basis of article 191 of the penal code for "obstructing the work of the electoral commissions". The offence is punishable by a three years' prison sentence. The proceedings were initiated after Mr. Mikhnov lodged a complaint for falsification of election results at polling station n°45 at Moskovskij.

Restrictions on the right to solicit and receive funds

Presidential Decree n°8 adopted in March 2001 instituted a full system of authorisations, placed under the authority of the President, for any foreign financial support for the activities of NGOs, trade unions and independent media. Any form of aid (monetary or material) is subject to obtaining a registration certificate delivered by the Department of Humanitarian Aid, which is directly controlled by the President. In addition, foreign aid given free cannot be used for the preparation and the holding of events of a political or social nature, such as elections and referendums, nor for the holding of public meetings, assemblies, street processions, demonstrations, strikes; nor for the conception and distribution of electoral campaign material or the organisation of seminars and other forms of mass campaigns among the population.

As an example, at the beginning of July 2001, the computers, received as foreign

aid, belonging to the editorial office of the newspaper Volny Gorad in the town of Kritchev, were confiscated, the authorities alleging that they were being used without prior authorisation from the Department of Humanitarian Aid.

Restrictions on the right to seek and publish information on all Human Rights

The independent press is placed under the direct control of the President and his presidential administration (limited access to official information, instructions to government enterprises and agencies to avoid providing independent media with advertising revenue, government control of the large printing works, price discrimination for the printing and distribution of newspapers, confiscation of publications ...). The newspaper Dien was a victim of the system. In July 2001, the state-owned printing works that were supposed to print the newspaper refused to print 50,000 extra copies of an issue in which there was an interview of a leading member of the presidential administration, responsible for financial matters, who had fled to Moscow. At the same time the editorial offices of the paper were burgled twice. During the night of the 23 July all the material necessary for the publication of an edition on the disappearances in Belarus was stolen.

In 2001, Mrs Louneva, a journalist who is very involved in the defence of human rights, was physically threatened. She surprised some individuals unknown to her who were trying to enter her 6th floor apartment. They dragged her forcibly to the elevator, and then opened a window in the corridor to indicate what would happen to her if she continued her activities.

Under the law on the press and other mass media, the authorities are empowered to censor any media spreading statements defamatory to the honour and dignity of the President of the Republic and of other persons in positions of responsibility within the Executive (article 5 of the law). They can also punish the publication of information about non-registered NGOs, political parties and trade unions. The law prohibits the spreading of "State secrets" and other information endangering the economic, political and moral security of the country. In the case of the publication of an article deemed to be contrary to these provisions, the State Council for the

press or the Public Prosecutor can issue an admonishment. A second admonishment issued in the same year for a similar offence empowers the court to force the offending media to close down. For instance, in August 2001, the Public Prosecutor's Office put before the Supreme Economic Court a request that the Grodno newspaper Pahonia be closed down, although it had only received one admonishment by the State Committee on the Press. In September, the Prosecutor's Office initiated a second action against the newspaper for the publication of defamatory information on the President. Issue n°36, printed on 4 September, was confiscated in the framework of the enquiry. The State Council for the press issued a new admonishment, which it later withdrew considering that on examination of the incriminated issue, the charges were unfounded. Yet the newspaper was closed down on 12 November.

Sometimes the censorship is direct. On 31 August 2001, the deputy-director of the State Council for the press applied direct censorship to two special issues of the Predprinimatelskaya Gazeta. A few days earlier the same agency had suspended printing of the newspaper Rabochy. Also in August, 100,000 copies of the newspaper Belarushkaya Malazozhnaya were seized.

Restrictions on the freedoms of assembly and demonstration

These freedoms are governed by particularly restrictive legal provisions. In Minsk, for instance, authorised demonstrations (including strikes) can generally only be staged in one single location, designated by the authorities, situated 3 km from the town centre. Applications for the right to stage a demonstration have to be filed 15 days beforehand, without any guarantee of acceptance. Inscriptions on banners are strictly controlled (they have to be registered) and the use of certain symbols (such as the historical Belarus flag) is forbidden. Decree n° 11 adopted in May 2001, a few months before the presidential elections, prohibits ordinary citizens and other non-registered movements from organising such demonstrations, and substantially lengthens the list of reasons for banning demonstrations. Furthermore, the police often have recourse to brutal treatment of peaceful demonstrators, of whom some are then prosecuted for "hooliganism". For example,

following the "Mental Health" events organised by the non-violent movement "Aurochs", 32 young people were arrested and imprisoned. Several demonstrators were beaten. Some received a three-day prison sentence under article 167 (10) of the administrative code, on the use of the name of a non-registered association and the penalties incurred.

Recently, on 8 November, the police (OMON) violently dispersed young militants, members of NGOs or political parties, who had assembled peacefully on the Kurapaty site, where there had been massacres during the Stalinist purges of 1937-1941. They were demonstrating against the authorities' plan to build a motorway over the memorial site. Ten people were arrested, and many demonstrators were seriously injured.

Belarus

EUROPE AND THE

Legal action against Mr. Yuri Bandazhevsky, and his imprisonment

On 18 June 2001, Mr Yuri Bandazhevsky, a scientist of world repute specialised in medical research on nuclear radioactivity, dean of the Gomel State Institute of Medicine, was given an eight years' harsh prison sentence for allegedly having asked students' parents for bribes. The main testimony for the prosecution was refuted during the trial by the very person who had given it. The accused had revealed in his research the harmful effects of the Tchernobyl disaster on the population of Belarus, contradicting the official version put out by the authorities. He had also criticised the fact that within the Ministry of Health funds that should have been spent on research in the field were misappropriated and diverted to other uses. The request for a presidential reprieve submitted by Mr Bandazhevsky was rejected by the President of the Republic, without any reason being given. The Supreme Court, to whom the counsel for defence submitted a plea for procedural violations, refused to hear the case.

Harassment of Mrs. Vera Stremkovskaya

Mrs. Vera Stremkovskaya, a lawyer, president of the Centre for Human Rights Association, has defended several political opponents, and for that reason is subjected to various forms of pressure. She has in particular been punished by the

State College of Lawyers, which is controlled by the Ministry of Justice, and with which it is compulsory to register to be able to exercise the profession. Her licence, which had reached the five years expiry date, was only renewed following vigorous protests, and "on condition she no longer defended political opponents". She is prosecuted for slandering the representatives of the State after a trial involving the director of a Kolkhoze accused of having reformed the system. In August 2000, Mrs Stremkovskaya was condemned to pay 500\$ damages. On 25 November 2001, the Minsk court reviewed her complaint and referred the case to the Moscow district court.

Bosnia-
Herzegovina/
Rep. Srpska

EUROPE AND THE

BOSNIA-HERZEGOVINA/ REPUBLIKA SRPSKA

Harassment of independent journalists²

On 10 July 2001, Mrs Natasa Tesanovic, Alternative Television manager, Mr Zoran Popovic, ATV news editor, and Mr Aleksandar Trifunovic, chief editor of the Banja Luka magazine Buka, received letters threatening them with death. The letters sent by a group calling itself "avengers of 5th of October", accused ATV of treason and collaboration with the Americans. ATV had recently devoted a programme to the arrest and transfer to the International Criminal Tribunal for former Yugoslavia. (ICTY) at the Hague of the former President of the Federal Republic of Yugoslavia, Mr Slobodan Milosevic. The aim of the programme had been to alert public opinion to the importance of the fight against impunity and of efforts to determine the truth. It was also to remind the authorities of their obligation to co-operate with the ICTY. An enquiry has been initiated.

CROATIA

2. See Letter addressed to the Republika Srpska authorities on 18 July 2001

██████████ against a lawyer: Status of the enquiry³

Mr Srd Jaksic, a lawyer well-known for the legal assistance he gave to the victims during the war, was attacked in Dubrovnik on 30 December 2000. Three masked men fired on him, seriously wounding him. The next day his wife and daughter were also attacked, without the police intervening, although they had been warned. The police delayed in collecting evidence immediately after the incidents. An enquiry was initiated, but at the end of December 2001, Mr Jaksic had received no information on its results, nor even on how it was progressing.

During the past year, Mr Jaksic has suffered no new act of harassment.

Croatia

EUROPE AND THE

FEDERATION OF RUSSIA

Mr Dik Altemirov, a militant well-known for his commitment in favour of the respect for human rights and for the right to self-determination of the people of Chechnya by peaceful means, was arrested in Grozny on 24 May 2001 by the Russian federal forces, and detained in a location that was not communicated. He was accused of having participated in illegal armed groups and of having been in contact with "extremist" leaders. Following verifications, he was released the same day.

Threats against a journalist⁵

On 20 February, Mrs Anna Politkovskaia, a Russian journalist working for the weekly *Novaia Gazetta* and author of many articles on the exactions perpetrated by the Russian forces in Chechnya, was arrested by Russian soldiers in the south of Chechnya for having, according to the spokesman for the Russian forces in Chechnya, "violated the accreditation procedures and the rules imposed by the

military command". She was then transferred to the Russian command at Khankala, near Grozny, and was later expelled from the Republic of Chechnya two days after her arrest. All her notes and photographs were confiscated.

Furthermore, in September 2001, Mrs Anna Politkovskaia received death threats. This was in particular the case after an article of hers filed on 10 September in which she mentioned specifically Serguei Lapin, a Russian officer responsible for exactions against Chechnyan civilians. Mrs Politkovskaia received an e-mail mid-September informing her that officer Lapin was coming to Moscow to avenge himself. The latest threat received on 10 October was signed "Kadet", the officer's nickname. The threats could also be linked to information provided by Mrs Politkovskaia about a Russian helicopter shot down in September 2001, causing the death of ten Russian military. In her article she hinted that the helicopter could have been shot down by the Russian forces themselves, whereas the official Russian version was that it had been shot down by Chechnyan soldiers.

In view of the serious nature of the threats Mrs Politkovskaia was protected by bodyguards, and her employer, the newspaper *Novaia Gazetta*, asked her not to leave her home. In October, however, the threats forced her to take refuge temporarily abroad.

Present situation regarding legal proceedings against Mr Grigory Pasko

Mr Grigory Pasko, military correspondent for the *Journal of the Russian Fleet*, was arrested in November 1997 for the crime of high treason, following the broadcasting by a Japanese channel of one of his reports about the dumping of nuclear waste and the promotion of certain generals. He was liable to be sentenced to prison for 15 to 20 years. On 20 July 1999 the high treason charges were dropped by the Vladivostok military tribunal, but he was found guilty of abuse of function and sentenced to three years' imprisonment. He was released after serving 20 months, thanks to an amnesty law on « minor sentences ». His lawyers lodged an appeal, and so did the FSB, considering that the sentence was too lenient.

On 21 November 2000, when the appeal was heard, the military section of the Supreme Court decided to refer the case back to the Vladivostok military tribunal.

Fed. of Russia

EUROPE AND THE

After having been postponed twice, the trial opened on 11 July 2001. On 13 December the Prosecutor of the Vladivostok military tribunal called for a nine years' prison sentence and the stripping of his rank of captain (second rank) and of his military honours. On 25 December, the tribunal sentenced Mr Pasko to 4 years' imprisonment and stripped him of his military attributes, depriving him of the right to a pension. He was immediately placed in detention. His lawyers and the FSB have lodged an appeal with the Supreme Court.

Continued harassment of an NGO⁷

Georgia

EUROPE AND THE

The prosecution refused to take any action on the complaint lodged by the Glastnost Foundation after a police raid on its offices in August 2000.

In particular, in June 2001, Mr Grigoriants, president of the Foundation, was detained at the Sheremtievo airport when he was about to leave for Washington to attend a conference organised by the Carnegie Endowment for International Peace; in August the association's Website was pirated and blocked for several days.

GEORGIA

Targeting NGOs⁸

remises of the Liberty Institute were broken into and its equipment was stolen, in particular floppy disks containing information about an investigation on corruption. An enquiry was only initiated on 21 August. On 17 November, Mr Givi Targamadze, a member of the association, was attacked by Mr Levan Pirveli, a member of parliament, who had been accused by Mr Targamadze of taking bribes. The parliamentarian fired on Mr Targamadze, who was unhurt.

7. See Annual report 2000

8. See Annual report 2000 and Urgent Appeal GEO 001/0111/OBS 095

On 6 July 2001, Mr Zviad Mamasakhlisi, a member of the Independent Society for Human Rights in Georgia (ISHRG)⁹, and one of his friends were attacked by five members of the police who beat them up in the street and in the police station.

On 19 November 2001 the premises of the Marneuli regional office of the Association for the Protection of Human Rights and Rights of Prisoners of Georgia were broken into. Equipment and documents were stolen. The enquiry initiated by the police has to date produced no result. On 15 May the apartment of Mr Giorgi Lagidze, president of the organisation, was also broken into, and documents were stolen.

Independent media are also subjected to acts of harassment. In July 2001 Mr Géorgyi Sanaya, main anchorman of the Rustavi 2 channel, engaged in denouncing the endemic corruption of the regime, was assassinated in circumstances that have still not been elucidated. In October the police raided Rustavi 2, supposedly in connection with a tax inspection, despite the fact that a few days earlier the organisation had provided proof that the accounts were in order.

KYRGYZSTAN

Targeting the KCHR and its members

Legal proceedings against the KCHR¹⁰

Since 1998, the Kyrgyz Committee for Human Rights (KCHR) has been subjected to recurring lawsuits, based on successive complaints lodged by a former KCHR staff member, Mr Eliseev, who had been fired in 1997 for unauthorised absences.¹¹ These complaints, obviously orchestrated by the authorities, were designed to neutralise the action of the KCHR, which they succeeded in doing.

In the framework of these proceedings equipment is constantly being confiscated

9. See Annual Report 2000 - 10. See Urgent Appeal KGZ 001/0106/OBS 048 and Annual Report 2000

Kyrgyzstan

EUROPE AND THE

in KCHR offices, such as was the case on 14 March and 29 May 2001. On 29 May equipment costing 8,000 US\$ was seized in the Bishkek and Talas offices.

Furthermore, on 31 May 2001 the Bishkek regional court condemned KCHR to pay Mr Eliseev the sum of 1,600 US\$ as compensation. This court decision appears to be the nineteenth in the Eliseev case, bringing the total amount KCHR has had to pay Mr Eliseev up to approximately 8,000 US\$.

In addition, on 8 February 2001 the Bishkek regional court initiated legal proceedings against the KCHR on the basis of a complaint lodged by Mr Botaliev, presumed to be a national security agent, challenging the legal registration of the KCHR on 20 June 1996. In 1998 Mr Botaliev had been put at the head of a bogus organisation that had replaced the KCHR, taking its name, when the KCHR had temporarily been deprived of its legal existence by decision of the Ministry of Justice.¹²

- Legal action against Mr Ramazan Dyrlydaev¹³

The legal proceedings initiated on 7 April 2000 against Mr Ramazan Dyrlydaev, president of the KCHR, are still pending. Mr Dyrlydaev is accused of "not respecting a court decision" (article 338 of the penal code) and could receive a sentence of up to two years' imprisonment, and a large fine.

The action is linked to the refusal of the KCHR to pay a fine to Mr Eliseev and to return his work card (a document which is not in the possession of the KCHR). The complaint dates from a period when the KCHR had been replaced by a bogus organisation.

In the framework of these proceedings a warrant for the arrest of Mr Dyrlydaev was issued in July 2000. He therefore decided to take refuge in Austria, from where he now runs the KCHR.

On 17 August 2000 the Bishkek prosecutor decided to suspend the proceedings for lack of proof. On 20 October the Bishkek regional court refused to examine Eliseev's complaint. However in November 2000 Mr Kojonaliev, responsible for the case in the regional department of the militia, told Mr Dyrlydaev's lawyer that he had not received instructions allowing him to drop the charges. And on 26

11. See Annual Report 2000

12. See Annual Report 2000

13. See Annual Report 2000

December 2000 the Supreme Court quashed the decision of the Bishkek regional court and referred the case back to it. On 5 February 2001 the Bishkek court decided that Eliseev's complaint was in order and should be examined.

Mr Dyrlydaev, like the other members of the KHCR, is also subjected to a smear campaign waged by the most senior representatives of the authorities, who reproach him, in particular through the media, for spreading false information designed to tarnish the image of Kyrgyzstan abroad.

- Legal action against Mr Mambetaipov¹⁴

On 20 November 2001 Mr Eleman Mambetaipov, in charge of administrative matters in the KCHR, was sentenced to one year's probation for misappropriation of equipment, during which he was placed under the surveillance of the militia. This decision follows the appeal lodged by Mr Mambetaipov on 14 July 2000 after having been condemned to a six months' suspended prison sentence by the Bishkek regional court.

- Legal proceedings against Messrs Eden and Albert Korgoldoev¹⁵

A smear campaign was launched by the authorities against Mr Albert Korgoldoev, former KCHR co-ordinator for the Jalal-Abad region. He was forced to take refuge in Austria in February 2001, when a warrant for his arrest was issued in connection with proceedings against him for "hooliganism", an offence punishable by a five years' prison sentence¹⁶. While he was in Vienna seeking political asylum, a member of the Austrian immigration department informed him that the Kyrgyz authorities were making him out to be a criminal, and were requesting his extradition in order to judge him. Mr Korgoldoev however obtained political asylum.

On 13 May, around midnight, plain clothes members of the militia visited his mother at her home, and the family was threatened with expulsion.

His brother, Mr Eden Korgoldoev, who replaced him as co-ordinator at the KCHR

14. See Annual Report 2000

15. See Urgent Appeals KGZ 001/0005/OBS 36. 11 and KGZ 001/0005/OBS 36.12

16. See Annual Report 2000

Jalal-Abad office, was taken in for questioning with four other members of the KCHR, Messrs Abdunamat Karydbekov, Semenovich Nugnov Semen, Alexander Sudakov and Anarguli Korgoldoevaya, during the demonstrations on 1 May 2001. Prosecuted on the basis of articles 371 and 392 of the administrative code, Mr Eden Korgoldoev received a fine of 2,000 soms on 17 May, and the four other KCHR members received smaller fines the next day.

- Questioning and legal proceedings against Mr Adymamat Kadyrbekov¹⁷

Mr Adymamat Kadyrbekov, a KCHR member, was questioned by members of the government militia in Jalal-Abad on 12 June 2001. When he showed his identity card, one of the militiamen told him that "he had had enough of all these defenders of the law". He was then handcuffed and transferred to the Municipal Bureau for internal affairs. During the transfer he was beaten by the militiamen. He tried to defend himself, but he was subsequently charged with assaulting representatives of authority.

On 17 September Mr Kadyrbekov was sentenced to three years' imprisonment, following proceedings during which it was apparent that the evidence had been forged and the witnesses subjected to pressure. Neither the arguments put forward by the defence nor the certificates stating that he had suffered grievous bodily harm were taken into account. He was not sent to jail but remains under the surveillance of the militia and could be arrested at any moment.

During the night of 7 October 2001 several persons wearing masks, probably members of the militia, entered the domicile of Mr Kadyrbekov, struck him, and ordered him to stop his activities in the defence of human rights.

- Detention of Mr Normagan Arkabaev¹⁸

On 27 June 2001, the KCHR office at Osh was closed down and Mr Normagan Arkabaev, the office co-ordinator, was arrested. He was accused of libel for a non-

published article that he had written on the illegal appropriation of land by the director of the National Security Services (NSS) of the Osh region, and on corruption of officials.

His assistant, Mrs Gulynara Asanova, who had been under surveillance for some time, was told to report to the NSS on 28 June.

On 29 June, Mr Arkabaev was transferred to a preventive detention establishment. He was accused of "incitement to the seizing of power and the destruction of the existing constitutional system" (article 297 of the Penal Code). After a hunger strike that he started on 3 July, and that had made him very weak, Mr Arkabaev was released on 18 July 2001, on condition he did not leave the country. The Osh office was re-opened, but documents were confiscated.

On 14 August, the Osh district department of the Security Services announced that the investigation undertaken in the framework of the legal proceedings against him was closed for lack of sufficient evidence.

In October, Mr Arkabaev was unable to obtain a visa from the Austrian and German embassies at Bishkek, when he was due to attend the OSCE conference on "Human Rights: Lawyers and Defenders" in Vienna on 21-22 October.

- Absence of any investigation into the aggression against Mr Tynaliev¹⁹

The aggression in January 2001, against Mr Tynaliev, KCHR co-ordinator for the Issik-Kul region, led to no investigation whatsoever. He was attacked by five men on the road back from a meeting in the village of Chon-Sary-Oy. One of them threatened to kill him, with a knife on his throat, and told him to stop meddling in their affairs.

Detention of Mr Ravshan Gapirov²⁰

On 20 September 2000 Mr Ravshan Gapirov, Director of the Kara-Suu Human Rights Centre "Justice and Truth" (Pravosudie Istina) was violently assaulted by a member of

the militia, after having protested against the arrest and detention of several participants in a conference on terrorism in the south of Kyrgyzstan, which had been attended by numerous human rights defenders from the Osh and Jalal-Abad regions. He was subsequently prosecuted for hooliganism and fraud. He was arrested on 13 November, and on 28 February 2001 sentenced to two years' imprisonment. He was released on 3 May 2001 after paying a fine of 3,000 soms (60 US\$).

In September-October 2001, Ravshan Gapirov was again prosecuted for "illegal preparation, purchase possession and transport of a large quantity of drugs", after the militia had found hashish in his bag. The hashish had probably been placed in his belongings following a heated exchange he had had with the Kara-Suu deputy-prosecutor, and more generally in connection with the accusations levelled at him by the local authorities because of his activities in the defence of human rights in the region. This method is often used by the authorities in order to prosecute people they consider to be a nuisance. On 24 October, Mr Gapirov was sentenced to 13 years' imprisonment and immediately incarcerated. At the end of 2001 he is still in prison.

Refusal to register the Guild of prisoners of conscience, release of Mr Turgunaliyev²¹

Mr Topchubek Turgunaliyev, director of the Guild of prisoners of conscience, and a leader of the Erkindik party, who was sentenced to 16 years' imprisonment on 1 September 2000 for allegedly fomenting an attack on the life of President Akaev, received a presidential reprieve on 20 August 2001.

However the Guild of prisoners of conscience, which includes journalists and politicians who are systematically harassed by the authorities, has still not obtained its legal registration. A refusal was notified by the Ministry of Justice on 23 May 2000 on the grounds, inter alia, that "the association aims at defending the rights of political prisoners and dissidents, whereas, under the constitution of , there can be no discrimination against a person's rights and freedoms for political reasons".

20. See Urgent Appeals KGZ 005 / 0011 / OBS 118.02 and Annual Report 2000

21. See Annual Report 2000

Legal proceedings against the NGO coalition²²

The legal proceedings initiated by Mr Alymbai Sultanov, member of Parliament, against the NGO coalition for Democracy and the Civil Society, remain pending. Mr Sultanov accuses the coalition of having insulted him, and is claiming damages of 5 million soms (about 100 000 US\$). The trial opened on 29 September 2000.

TURKEY

TARGETING OF THE IHD AND ITS MEMBERS

Legal proceedings against Mrs Eren Keskin²³

On 18 December 2000, Mrs Eren Keskin, a lawyer and the president of the Istanbul section of the Human Rights Association (IHD), was prosecuted under article 159 of the penal code for "insulting the armed forces of the State". The proceedings were subsequent to an article in favour of some Mothers of Peace, who were apparently tortured in October 2000 on their way back from the north of Iraq where they had talked to the PKK and the PUK to try to put an end to the fighting. Mr Erdal Talas, the editor of the newspaper that had published her article, is also prosecuted on the same grounds. At the end of December the case is still pending.

Legal proceedings against Mr Akin Birdal²⁴

Mr Akin Birdal, president of honour of the IHD and vice-president of the FIDH, has had numerous legal proceedings initiated against him for his statements in favour of peace, or on the fate of minorities in Turkey, such as the action against him in

22. See Annual Report 2000

23. See Annual Report 2000

February 2001. All the proceedings are still pending, no decision having been handed down in 2001.

- Proceedings against the IHD (national headquarters based in Ankara) and its members²⁵

On 25 January 2001, by decision of the Court that had ordered the opening of an enquiry, the IHD national headquarters were searched and numerous documents were seized, on the grounds that the organisation had allegedly received funds from the Greek government without the authorisation of the authorities. The trial opened on 19 March 2001 in the Ankara Court of the First Instance n°24, on the grounds that the association had acted "beyond the aims specified in its Statutes by engaging in political activities". The prosecution called for the closing down of the IHD headquarters under article 37/1 of the law on associations. During the hearing it was decided to adjourn the proceedings until 5 May in order to allow time for the prosecutor of the State Security Court to carry out a thorough parallel enquiry on the leadership of the association.

On 24 September, after having found that those investigations were not finished, the Court decided not to wait for the results, and to sum up the case and refer it to the prosecutor. On 24 October, the Court acquitted the IHD.

However the State Security Court enquiry of the members of the management of the association is still pending at the end of 2001.

- Proceedings against the Ankara section and its members²⁶

In the framework of the activities undertaken by the IHD following the events in the prisons in December 2001, on 11 January the prosecutor's office of the State Security Court initiated legal action against the Ankara section, charging the members of the bureau with "giving support to an illegal organisation". The following persons were also charged on the basis of article 169 of the penal code: the president, Lütfi Demirkapi, the members of the bureau İlhami Yaban, İsmail Boyraz, Erol Direkçi, Mesut Cetiner, Zeki Irmak, Rıza Resat Cetinbas, the members of the "pri-

soners" commission, Ali Rıza Bektas, Saniye Simsek, Ekrem Erdin, Gökçe Otlı and lastly Selim Necati Ort. The prosecutor also called for the closing down of the section in accordance with article 7/4 of law n° 3713 on the fight against terrorism.

The trial opened on 13 February 2001 before the State Security Court. The next hearing will take place on 19 February 2002.

- Reprisals against other sections

Istanbul section

No fewer than 10 legal actions have been initiated against members of this section; which, among other incidents, was raided on 2 October 2001 after a demonstration.

Mention can be made in particular of the case which was tried on 28 February 2001²⁷ by the Beyoğlu First Instance Penal Tribunal n°7, involving Mrs Eren Keskin, lawyer and president of the Istanbul section of the IHD, as well as Kırız Biçici, Mukaddes Alatas, Leman Yurtsever, Oya Taman, Gülseren Yoleri, Filiz Yücel (Karakus), Neriman Deniz, Saban Dayanan, Mehmet Ali Dnci, Nimet Tanrikulu, Ümit Efe, Kivanç Sert, Elif Çamyar, Ali Durmus, Sait Gürsoy, Gülizar Tuncer, Keles Öztürk, Bedri Vatanserver, Recep Yılbasi, Dogan Genç, Hüseyin Karabulut, Kemal Bozkurt, Zehra Yılmaz, members of the section, and Hürriyet Sener, Secretary of the Human Rights Foundation of Turkey (Istanbul section). Prison sentences of 4 to 12 years were called for, under articles 258 and 312/1 of the Penal Code, based on alleged "organisation of unauthorised meetings", "activities contrary to the Law on Associations" and "resistance opposed to officers in the exercise of their duties". This followed the organisation by the IHD on 17 December 2000 of a demonstration on the theme "Respect for Human Rights". During the hearing the prosecutor asked the Court to desist and refer the case to the State Security Court. The Court rejected the request and the case is still pending at the end of December 2001.

Furthermore on 15 November²⁸, an unknown armed man, linked to the National Movement Party (MHP), entered the premises of the Istanbul office and threatened to kill all the persons present. He was finally brought under control by the police. On 14 November, the same man had attacked two sections of the HADEP party in

24. See Annual Report 2000 - 25. See Urgent Appeal TUR 003/0301/OBS 025 - 26. See Urgent Appeal TUR 002/003/OBS 019

27. See Urgent Appeal TUR 002/003/OBS 019

Istanbul, injuring two members of the party. He was arrested by the police and released the same day. Finally, a demonstration of solidarity in front of the IHD headquarters was dispersed by the police, injuring several persons.

Van Section

On 19 December 2001, the section was closed by Government decision for breaking the law, the section having harboured hunger-strikers. Legal proceedings were opened against the executive members of the section. They were acquitted by the Court on 29 June 2001, and the section was able to re-open on 13 July.

Turkey

EUROPE AND THE

Malatya section

The Malatya section has been closed since December 2001. The case is pending before the Malatya First Instance Court.

Gaziantep section

This section remains closed by decision of the Gaziantep First Instance Court on 7 December 2000.

Izmir section

The section was closed for 10 days on 2 January 2001 by decision of the Izmir First Instance Court. In addition 37 legal proceedings were initiated in 2001 against the whole of the section membership.

Bursa section

The section, which was closed in December 2000, re-opened in November 2001. Proceedings against the executives are under way before the Court.

Batman section²⁹

28. Letter addressed to the Prime Minister, 21 November 2001

In a letter sent on 3 December 2001 to the IHD the deputy-governor of Batman mentioned that the president, Mr Sadi Ozdemir, and seven members of the bureau of the section were suspended from office because some of the section's members had in the past been the subject of legal proceedings, and some had been convicted. Such a suspension is contrary to the provisions of article 312 of the penal code.

Bingöl section³⁰

On 30 November 2001 the police raided the IHD premises at Bingöl. Forms filled in by victims of human rights violations in the province, monthly reports, monthly bulletins from the IHD central office, and press releases were confiscated. Several members were insulted and threatened by the police, who tried to arrest Mr Rydvan Kyzgyn, president of the section, and two other persons present, Mrs Fadime Becerikli and Mrs Sabih Arslan. Mr Kyzgyn also received a document signed by the governor of Bingöl, dated 30 November, informing him that it had been officially decided to suspend him from office as president under article 45 of the law on associations, which stipulates that "all buildings, premises or annexes (...) can be inspected at all times by the Ministry of the Interior (...). During the inspection, the person in charge of the inspection can temporarily suspend from office the president or any member of the management or of the staff who refuses to give access to a safe, (...), to answer questions, to allow access to the offices, premises or annexes." The raid took place following the organisation by the Bingöl section's women's committees of a training seminar on "Women and violence", on the association's premises. The association had refused access to the seminar to police officials who had come to record the proceedings, because the seminar was not open to the public.

Since 13 April 2001, when the section was opened, it has been raided four times by the police. On 17 October the association's seal was confiscated, which prevents it from receiving subscriptions and donations.

Rize section

29. Letter addressed to the Prime Minister, 17 December 2001

30. Letter addressed to the Prime Minister, 17 December 2001

Turkey

EUROPE AND THE

The legal action initiated on 21 December 2000 against the executive members of the section for violation of the law on demonstrations and meetings, ended on 18 October 2001 with the acquittal of the IHD for lack of proof.

Proceedings initiated against members of the Mus and Mardin sections are still pending at the end of December 2001.

Mersin section

Two legal actions have been initiated by the office of the prosecutor at Mersin, aimed at the dissolution of the section. The two cases were first examined separately in February and March 2001 by Court n°2 at Mersin, and then together at a joint hearing on 3 July. The proceedings are still pending at the end of December 2001. The president of the section, Mr Ozkan Gultap, and several members of the management are still the subject of various legal actions following the publication of press releases.

- An IHD enquiry mission obstructed³¹

On 8 August 2001 several organisations, including the IHD, the Turkish Union of Chambers of Architects and Engineers, the Human Rights Foundation of Turkey, the Association for Human Rights and Solidarity with Oppressed People, the Confederation of Public Sector Unions, the Diyarbakir Democracy Platform, organised a mission of enquiry on alleged acts of torture, of eviction of villagers, and an embargo on food, in particular in the village of Beytusebap. The members of the mission were stopped by the police at the entrance of Sirnak, and their rolls of films, hand-written notes and recorded testimonies were confiscated.

During the mission the police questioned all the members of the mission, and arrested a young villager, Mr Rasim Asan, aged 18, who had asked the mission to take him back home after having delivered his testimony on the events in the village. He was kept in detention and forced to sign a declaration to the effect that the IHD had paid him for his testimony. He was immediately imprisoned and charged under article 159 of the penal code. During his hearing before the prosecutor no notice was

taken of the medical reports establishing that he had been tortured. He is prosecuted along with Mr Osman Baydemir, vice-president of the IHD. The last hearing took place on 11 December 2001 and the next one is scheduled for 31 January 2002.

THE TARGETING OF THE HRFT AND ITS MEMBERS

- Legal proceedings against Mrs Günseli Kaya and Dr Alp Ayan³²

Mrs Kaya, a teacher and secretary of the Human Rights Foundation of Turkey (HRFT) at Izmir, and Dr Ayan, a psychiatrist at the HRFT rehabilitation centre for victims of torture, both also members of the IHD, were arrested on 30 September 1999 on their way to the funeral of one of the victims of the massacre of prisoners at the Ankara central prison on 26 September. They were charged, along with 12 other persons, under article 32§3 of the law on meetings and demonstrations, with opposing, "with coercion, violence, threats, attack or resistance" a police decision, and under article 7§2 of the anti-terrorist law with, in particular, assistance to "the members of a terrorist organisation". They were released on 20 January 2000. Their trial is still pending. The 14th hearing, which should have taken place on 25 December 2001, was again postpone to 21 February 2002.

In addition to these proceedings, many other legal actions have been initiated against Mrs Kaya and Dr Ayan, which are also pending.

- Legal proceedings against Mr Veli Lök

Mr Veli Lök, a surgeon and HRFT delegate at Izmir, was prosecuted for having expressed himself on the subject of the proceedings initiated against Dr Ayan and Mrs Kaya, before any decision of justice had been handed down. On 19 June 2000 Mr Lök was sentenced to one month's imprisonment and a fine of 60 million Turkish lira. The prison sentence was commuted to a total fine of 120 million Turkish lira. The sentence was suspended. Mr Lök appealed to the Court of Cassation. At the

end of 2001 the appeal is still pending.

- Legal proceedings against Mr Önen³³

Mr Yavuz Önen, president of the HRFT, is being prosecuted for having written an article in the daily newspaper Cumhuriyet on 19 January 2000 in which he expressed his indignation at the proceedings initiated against Mrs Kaya and Dr Ayan. Like Mr Lök, he is accused of having expressed, through the press, his opinion on Court decisions before the Court had made a decision on the basis of article 30/2 of the law on the press. The trial began on 13 July 2000. On 27 March 2001 he was finally sentenced by the Izmir Criminal Court n°2, along with the editor of the Cumhuriyet newspaper, Mr Fikret İlkiz, to one month's imprisonment and a fine of 91 million Turkish lira. The prison sentence was commuted to a fine of 182 million Turkish lira. Both defendants have appealed to the Court of Cassation.

Mr Önen is also being prosecuted, along with 15 other persons, for the publication of the book "Freedom to Thought 2000".

- Search and investigations concerning the Diyarbakir Centre³⁴

The HRFT Centre for the Rehabilitation of Victims of Torture at Diyarbakir was searched on 7 September 2001. The police seized files, documents and computer files, and also confidential medical files that are essential for the work of the HRFT. Those files were returned on 10 October.

Two preliminary investigations were initiated against the Centre³⁵. The incriminations concerning the HRFT were announced publicly on 25 October by the office of the prosecutor of the Diyarbakir State Security Court. The HRFT was on the one hand accused of "aiding and giving refuge to members of the PKK, a terrorist organisation" and on the other hand of "setting up a rehabilitation centre without permission and having in its possession censored articles". The investigation on the first count was terminated without any further action being taken. On the second count, the judicial authorities decided not to initiate any proceedings and to trans-

fer the case to the office of the prosecutor at Diyarbakir. The latter, in a notification issued on 26 November, declared that the representative of the section, Mr Sezgin Tanrikulu, would have to pay a fine. The management of the Centre refused to pay the fine, and is expecting further legal action to be taken against it.

On 25 October, a further inspection took place, this time in the HRFT offices at Ankara. Two inspectors of the general directorate for foundations asked to see the files and documents concerning the Diyarbakir Centre. The HRFT had already been inspected twice in May 2001.

Legal proceedings against 16 intellectuals³⁶

16 intellectuals are being prosecuted in four different legal actions for publishing the book "Freedom to Thought 2000", representing a book and 60 censored articles. They could receive prison sentences of 7 to 15 years and fines of 100 to 300 million Turkish lira. The proceedings concern the following persons: Vahdettin Karabay, Salim Uslu, Siyami Erdem, Hüsnü Öndül, Yavuz Önen, Cengiz Bektas, Atilla Maras, Yılmaz Ensaroglu, Zuhul Olcay, Lale Mansur, Sanar Yurdatapan, Ali Nesin, Erdal Öz, Ömer Madra, Eyten Mahçupyan and Sadik Tasdogan.

Before the Military Court of Chief Office of the General Staff.

The 16 intellectuals were charged with inciting people not to perform their military service. The trial opened on 23 May 2001. On 7 September they were acquitted.

Before the Istanbul State Security Court.

They are charged with publishing prohibited articles fostering hatred, helping the PKK, disseminating separatist propaganda and violating the law on the press. They were all acquitted on 13 February 2001. On 18 June 2001 the Court of Cassation quashed the decision for 15 of the defendants. The only acquittal upheld was that of Sadik Tasdogan. A new hearing took place before the Istanbul State Security Court on 27 September, and a second one on 20 December.

Before the Penal Court of First Instance

The 16 intellectuals are charged with "insults to religion". The trial started on 20 February 2001 before the Penal Court of First Instance and continued on 9 May before the Uskudar Penal Court of First Instance n°2, and then on 14

33. See Annual Report 2000

34. See Urgent Appeal TUR 006/1109/OBS 074

35. Urgent Appeals TUR006/0109/OBS 074.1

36. See Urgent Appeals TUR 004/0106/OBS046 and TUR 004/0106/OBS 046.1

September. The trial was adjourned until 13 December, and then until 16 January 2002.

Before the Criminal Court

They are charged with “insult to the quality of being a Turk, to the Republic, to the Parliament, to the government, to the ministries, to the judiciary authorities or to the government forces linked to the army”. The trial opened in April 2001. The next hearing is scheduled for 19 February 2002.

United Kingdom
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UNITED KINGDOM

Present position of the enquiry on the death of Mrs Rosemary Nelson³⁷

In the framework of the investigation into the death, on 15 March 1999 in Lurgan, Northern Ireland, of Mrs Rosemary Nelson, a barrister and a member of the Executive Board of the Committee on the Administration of Justice (CAJ), several arrests were made, but no one has been charged.

Furthermore it appears that the police took no action on the threats concerning Mrs Nelson seven months before her death, and of which the Minister of Security and [REDACTED] in Northern Ireland) had been informed. In the light of the refusal of the authorities to give the CAJ any explanation on how the case had been followed up by the competent departments, at the end of 2000 the CAJ lodged a complaint with the Ombudsman against the Chief Constable for not having made the appropriate investigations into the threats. The enquiry is in progress.

During the examination of the United Kingdom in October 2001, the United Nations Committee on Human Rights recommended that full, public and transparent enquiries be carried out on several cases brought to its attention, including that of Mrs Nelson, and of Mr Pat Finucane, a barrister killed in 1989.

In December 2001 the United Nations Special Rapporteur for the independence of

judges and lawyers also expressed concern following the murder, on 12 December, of Mr William Stobie, the main witness in the Finucane case. This police informer had twice warned the police that the murder of Mr Finucane was imminent. The Rapporteur considers that the murder of Mr Stobie could be connected with that of the lawyer, the aim being to prevent him from co-operating in the event of a public enquiry.

UZBEKISTAN

Continued harassment of Mrs Elena Urlayeva³⁸

Mrs Elena Urlayeva, a member of the Human Rights Society of Uzbekistan (HRSU), was arrested by the militia on 19 February 2001. The documents in her possession, publications on human rights and confidential recordings of victims, which were going to be the basis of individual complaints before United Nations committees, were confiscated because of their “anti-constitutional” nature. Her passport was also taken. During her detention she was forced to sign a declaration in [REDACTED] who organised a coup d’état. To this date none of the documents taken have been returned to her.

Furthermore, in the night of the 8-9 March, Mrs Urlayeva’s apartment was sprinkled with petrol. She and her family were asleep when the fire broke out. It seems that this action was related to her participation in a strike picket near the town hall.

Mrs Urlayeva was arrested again by the militia on 6 November in the Parliament building, where she had just lodged a complaint with the Ombudsman, Mrs S. Rashidova. All the persons present were evacuated on to the street. The militia then declared they had discovered some dangerous white powder (suspected of being a biological weapon) in an envelope in Mrs Urlayeva’s possession. It was immediately transferred to the infectious diseases department of the municipal hospital for tests.

Uzbekistan
EUROPE AND THE

She was then taken to the Chilanzar Regional Department for internal affairs. She stayed there 72 hours before being referred to a Chilanzar court on 12 November. The judge refused to hear the case for lack of evidence. Another judge however decided to keep her in detention for five more days for alleged administrative misdeeds committed in the Parliament building. During her detention she was subjected to strong psychological pressure. The analysis of the powder having revealed that it was harmless, Mrs Urayeva was released on 14 November. Nevertheless an enquiry into the mental health of Mrs Urayeva is being pursued.

Uzbekistan
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Arrest and death in detention of Mr Shovruk Ruzimuradov³⁹

Mr Shovruk Ruzimuradov, head of the Kashkadar'ya department of the HRSU, was arrested by the district Department of the Interior on 12 June 2001. His house was searched by several armed men, without any warrant being shown. Several articles and documents were confiscated, along with equipment belonging to the HRSU, and books and documents. The telephone was cut off.

During the search Mr Razimuradov's mother, wife, sister and daughter were beaten violently. According to the mother, the police hid pamphlets emanating from a religious party to incriminate him.

Mr Razimuradov was then detained incommunicado, and on 7 July 2001 his death in detention, very probably following acts of torture, was announced.

His family received no compensation for the death of the head of the family, although the law provides for such compensation.

Despite several requests by HRSU members, no independent enquiry has so far been initiated.

Refusal to register the HRSU⁴⁰

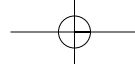
Since its creation in 1992, the Human Rights Society of Uzbekistan (HRSU) has on numerous occasions had its registration refused. The association still has no legal personality, although its activity is internationally recognised. On 5 November 2001,

the HRSU held its third Congress (Kurultay), and on 29 November filed its fifth application for registration with the Ministry of Justice.

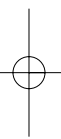
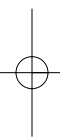
Absence of any investigation into the death of Mr Turahanov⁴¹

Despite repeated requests by the HRSU, no enquiry has been opened on the death of Mr Ahmadhon Turahanov, an activist for the economic and social rights of the citizens of the town of Namangan. He had been arrested in December 1998, found guilty of hooliganism in February 1999, and found dead in the Sangorod detention centre on 19 June 1999.

Uzbekistan
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MAGHREBAND THE MIDDLE EAST



Situation of human rights defenders in the Maghreb and The Middle East

The human rights movement in the Maghreb/Middle East zone has developed considerably over the last decade: the number of independent associations has increased and they have become internationally well integrated. However, defending human rights in the zone is a real challenge.

MAGHREB AND THE MIDDLE

Human rights defenders operate in a climate which is hostile to them for two reasons: all the countries in the zone are governed, to varying degrees, by regimes characterized by oppression, the muzzling of any dissenting voices and particularly restrictive legislations in terms of the exercise of fundamental freedoms. Secondly, the universality of human rights is regularly questioned. For the record, let us just recall that out of the 26 co-signatories of the restrictive interpretation of the United Nations Declaration on Human Rights Defenders, 12 countries – practically half – were from that zone¹.

This gives rise to endless difficulties for defenders carrying out their activities and setting up recognized associations.

In addition, the consequences of the terrorist attacks of 11 September 2001 strengthen the suspicion and discredit with which they are faced. These events provide the authorities with a further pretext for accusing the human rights defenders of supporting terrorist movements directly or indirectly. This pretext provides backing for States like Algeria or Tunisia which, for many years now, have been invoking their fight against terrorism in establishing their regime. It comes at just the right

1. On 10 December 1998, the day following the approval of the Declaration on Human Rights Defenders by the General Assembly of the United Nations, 26 States, headed by Egypt, signed an interpretative statement on the text. This statement reaffirmed the primacy of national legislations over international instruments, thus calling the whole basis of the approved Declaration in question.

time for others, like Jordan, which avail themselves of this situation to strengthen the strategy of repression.

OBSTACLES TO FREEDOM OF ASSOCIATION

Obstacles to the right to set up organizations and receive funds

The freedom to set up associations is obstructed in all countries throughout the zone, to varying degrees, through legislations of a particularly restrictive nature.

In a certain number of countries where freedom of expression is non-existent and no political dissent possible, no activity in defence of Human Rights is possible and no independent association can be established. This is the case with Iraq, the United Arab Emirates, Saudi Arabia, Oman and Libya. The only persons and organizations daring to speak out against human rights violations in their countries are forced into exile.

In the other countries, setting up organisations is subject to an authorisation or declaration regime, frequently used by States in an arbitrary way. Thus, some associations which have been active for some time and are recognized internationally are not able to gain legal status, like the Egyptian Organisation for human rights (EOHR), the Committees for the Defence of Human Rights and Freedoms in Syria (CDF) and the National Council for Freedom in Tunisia (CNLT). The Tunisian Human Rights League (LTDH) has had its legal registration called into question following its last Congress in September 2000².

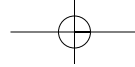
Bills before parliament in several countries show that this practice is still current: in Egypt, a draft bill provides that to obtain legal status an NGO requires authorisation by the authorities. It also provides that the authorities may do away with an NGO without prior legal investigation. In Morocco, the draft reform of the Code of public liberties that went before parliament for scrutiny in November 2001 contains few amendments compared with current legislation: the establishment of associations

remains subject to authorization, and is limited by the requirement to obtain a receipt from the authorities. If within two months the receipt has not been obtained, the association concerned may refer the matter to the Court, which is not in itself sufficient guarantee because of possible instrumentalisation of justice. In Yemen, the new law on associations, in force since February 2001, provides that the registration of an organisation is valid if the ministry has not stated a view within a month, which represents some progress with respect to the 1963 legislation.

To these restrictions on the right to establish associations must be added the obstacles to receiving funds from abroad. In many countries, the associations are unable to receive foreign finance without prior authorization from the authorities, otherwise they are liable to prosecution on the pretext they are acting on behalf of foreign powers, usually western. Thus in Egypt, Dr Saad Eddin Ibrahim, director of the Ibn Khaldoun Centre for Human Rights, was sentenced to seven years imprisonment in May 2001 for having received subsidies from the European Union, under military decree No 4 of 1992 adopted under the law on the state of emergency (1981). The new draft bill on associations retains this ban on receiving foreign funds without prior authorization from the authorities. In Yemen, the new associations bill provides that while NGOs do not need the approval of the authorities to receive funds from abroad, they are required to request approval for the organisation of any events financed by foreign funds.

Some progress is, however, to be noted in Bahrain as part of significant reforms following the arrival in power of the new Emir in 1999. On 27 February 2001, the Bahrain government authorized the establishment of the Bahrain Human Rights Society (BHSR). Furthermore, against the background of the return home of hundreds of refugees, the members of the Committee for the Defence of Human Rights in Bahrain (CDHRB), who have been working in exile for several years, have been authorized to return and work in the country. These developments correspond to the abolition of the law on national security. However, a number of provisions of the criminal code remain contrary to freedom of association.

2. See Annual Report 2000, text by Anouar Kousri on "The case of Tunisia, Strategies and methods used by the Tunisian authorities"



Freedom of assembly and demonstration

Apart from the closed countries where the exercise of individual freedoms is completely suppressed, the countries where cases of obstacles in the way of freedom of assembly and demonstration are particularly flagrant are:

Algeria, where gatherings of the families of disappeared persons are regularly dispersed, usually with violence.

Tunisia, where meeting places (association headquarters or defenders' homes) are invariably ringed by dozens of policemen preventing participants from entering, with regular use of force.

Morocco, where the draft reform of the Code of public freedoms, which could have been the occasion to clearly affirm the right to meet and demonstrate, brings very little by way of amendments to the current Code of freedoms that has permitted the arrest and prosecution of NGO members, trade unionists and unemployed graduates over the last few years.

Lebanon, where a sit-in organized on 9 August 2001 by opposition movements in front of the Law Courts was heavily cracked down. The participants were protesting against the wave of arrests of political opponents that had taken place between 5 and 8 August, during which 200 persons including seven lawyers and a member of the Lebanese Human Rights Foundation had been arrested, held and ill-treated.

Jordan, where a law on public meetings came into force in August 2001 on a provisional basis. This law, considered yet more restrictive than the previous 1953 law, requires written authorisation from the prefect which may be issued only 24 hours before the meeting is held.

Finally Syria, where a training seminar organized by the CDF bringing together 50 members of civil society and academics, was banned in April 2001.

Freedom of expression

The defenders' right to publish information on human rights issues is all the more restricted since this is an area where freedom of expression is under threat.

In Yemen, at a time of increasing government pressure on the independent and opposition press in 2001, the first issue of Huquq al-Insan (Human Rights) in April came under a publication ban by the Ministry of Information. The ban was lifted however in May.

In Tunisia, the newspaper Kalima devoted to human rights has been online since November 2000 but no authorization has yet been issued for the printed version. In Egypt, the EOHR publication entitled "Human Rights", was suspended in January 2000 by a decision of the prefect of Cairo along with 13 other papers and is still forbidden.

MOST COMMON FORMS OF REPRESSION

Harassment, intimidation

The forms of repression most frequently used against human rights defenders in the Maghreb/Middle East is characterized by relatively systematic harassment or intimidation applied with zeal by the police and intelligence services. The case of Tunisia illustrates the most flagrant use of this strategy: the defenders are constantly trailed, their private and professional telephone lines cut off or bugged and family members, including children, followed or intimidated. Some CDF members in Syria are regularly summoned to appear before the intelligence departments. In Algeria the defenders find their telephone lines being bugged and they are sometimes followed. This underhand and pernicious pressure is mainly aimed at reminding the defenders that they do not have a free hand in carrying on their activities. It is also designed to destabilize them psychologically in what might well be called a war of nerves. It should be noted that some countries like Morocco, Lebanon, Jordan and Egypt seem to spare defenders this type of pressure.

Legal proceedings

Legal proceedings enable defenders' activities to be sanctioned in States where justice is largely instrumentalised for political purposes as in Algeria (defenders engaged in combating impunity), in Egypt (for the receipt of foreign funds) or Morocco (defenders combating impunity, and trade unionists).

Smear campaigns

Smear campaigns against human rights defenders aim both at destabilizing them

and denigrating them in the eyes of the population. These campaigns orchestrated by the authorities are usually run by the official media. The human rights defenders find themselves being identified as spies (the case of Saad Eddin Ibrahim in Egypt), as “traitors to the Arab cause” (case of Souhayr Belhassen in Tunisia) or islamists (case of Mohamed Smain in Algeria and Adnan Al-Hajjar in Israel). Some defenders of women’s rights (Nawal el Saadaoui in Egypt, Hakima Chaoui in Morocco) find themselves the subject of campaigns organized by Islamic movements accusing them of undermining Islam.

Hindrances to freedom of movement

Defenders in some countries are hindered in terms of their freedom of movement, in particular in Tunisia, where they have had their passports withdrawn. CDF members have also been prevented from leaving Syrian territory to take part in international conferences on several occasions. Lastly, the Israeli authorities regularly refuse Palestinian human rights defenders permission to leave the Palestinian territories or, if permission is occasionally granted, it comes too late for the trip to be made.

Obstacles to exchange of information with the outside

Another tactic employed by the States to hamper defenders’ activities is to cut them off from the outside world so far as possible by limiting access to telecommunication facilities. Obstacles to the use of the Internet are quite flagrant. In some countries (Saudi Arabia, the United Arab Emirates or Oman), its use is strictly restricted by servers filtering access to sites considered to be unreliable. In Tunisia, access to certain sites such as Amnesty International, FIDH, OMCT or Reporters without Borders is jammed intermittently. Telephone lines to international NGOs or Tunisian defenders in exile are also rendered inaccessible on an ad hoc basis.

Finally, in Syria any exchange of E-mails with addresses abroad without prior authorization may be punished by prison sentences and access to the Internet made almost impossible for private individuals³.

3. See Reporters without Borders

INTERNATIONAL AND REGIONAL ACTIONS

International protection

- United Nations

The Special Representative of the UN Secretary General on Human Rights Defenders and the Special Rapporteur on the Independence of Judges and Lawyers published a press release on 25 May 2001, expressing their concern to the Egyptian Government over the trial and conviction of Saad Eddin Ibrahim with 27 codefendants by the Supreme State Security Court on 21 May 2001.

The United Nations Group on arbitrary detention, to which the Observatory referred the case of Mustapha Adib, stated in its opinion reached on 3 December 2001 and made public on 10 January 2002 that “the detention of Mustapha Adib is arbitrary, inasmuch as it is contrary to Articles 9 and 10 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights”. The working group called on the Moroccan government to “take the necessary measures to remedy the situation and bring it into line with the norms and principles set out in these instruments.”

Regional protection

- African Commission on Human and Peoples’ Rights

On 7 April 2001, at its 29th Regular Session in Tripoli, the African Commission on Human and Peoples’ Rights adopted a resolution on the situation of the defenders of human rights in Tunisia. It “requests the chairman of the Commission to write to the President of the Republic of Tunisia to convey his concern with respect to the situation of human rights defenders in Tunisia” and “offers to send, if appropriate, a mission headed by the commission chairman to use its good offices to find a solution to the question of the suspension of the activities of the Tunisian League for the Defence of Human Rights”.

- European Union (EU)

The Euro-Mediterranean partnership resulting from the Barcelona Declaration of 28 November 1995 involves the commitment of the Euro-Mediterranean States to respecting Human Rights and fundamental freedoms and to "guaranteeing the effective legitimate exercise of such rights and freedoms, including freedom of expression and freedom of association for peaceful purposes".

Under this partnership, association agreements were concluded between the EU and the Mediterranean States. On 29 November 2001, the European Parliament ratified an association agreement between the EU and Egypt. In its resolution on the conclusion of this agreement, the Parliament "invites the Council and the Commission to develop concrete measures to assess at regular intervals the observance of Article 3 (human rights clause) by all parties to the Euro-Mediterranean agreement with a view to determining verifiable progress with regard, more particularly, to regular and impartial monitoring of developments in the field of human rights and the extent to which human rights militants are free to act and speak in defence of the rights of others." However, the bilateral discussions under association agreements already in effect (Morocco, Tunisia, Israel) have not yet created any precedent in respect of a monitoring mechanism with reference to the human rights clause.

Furthermore, on 14 June 2001, the European Parliament adopted a resolution on the human rights situation in Egypt, mentioning particularly the cases of Saad Eddin Ibrahim and Nawal El Saadaoui, asking that "Mr Ibrahim should receive a fair hearing", expressing its support for the "Ibn Khaldoun Centre for development and democracy" and asking the Commission to "continue to support its initiatives".

- Civil society initiatives at regional level

Lawyers and civil society representatives from the Arab countries meeting on 9 and 10 May 1990 adopted the Declaration of principles and norms on freedom of association in Arab countries, known as the "Amman Declaration". This declaration highlights the need to observe the principle of freedom of association set out in Article 20 of the Universal Declaration of Human Rights and the majority of the Arab constitutions.



— The political activist —

The FIDH organized, as part of the Observatory programme, a regional seminar in Beirut (19-22 September 2001) on "action for the defence of human rights in the Euro-Mediterranean and finance issues". This seminar brought together a number of representatives of civil societies in the region, financial backers supporting their activities and representatives of the EU Member States and the European Commission.

In their recommendations to the financiers, the participants considered that they should: augment their financial support for civil society with political support, joining in alongside the human rights defenders; develop specific policies and procedures for supporting the associations taking international human rights law as the sole reference, so that the lack of legal recognition of an association would be no obstacle to its being financed; being capable of meeting certain emergency situations requiring rapid, momentary assistance to support defenders in difficulty or associations whose existence is threatened through financial difficulties.

Participants also emphasized the importance for NGOs of establishing fresh tools for spreading human rights culture so as to reach a wider audience in the region and counter government control of the media; diversify their sources of finance so as to keep their independence; systematically referring cases of violations to

the Special Representative of the Secretary General of the United Nations for Human Rights Defenders and ask her to call on governments in the region to authorize her to carry out enquiries in situ when the situation is critical.

ALGERIA

Algeria

MAGHREB AND THE MIDDLE

Harassment of Mr. Mohamed Smain

Mr. Mohamed Smain, head of the Relizane section of the Algerian League for the Defence of Human Rights (LADDH), was arrested on 23 February 2001 on his return from a trip to France after having, among other things, alerted the Algerian press to the discovery and exhumation of mass graves by the gendarmerie and the militia of Fergane (former mayor of Relizane) on 3 February 2001. Released at the end of February, he was placed under judicial control and his identity cards, travel documents and driver's license were confiscated.

At the end of 2001 his papers had still not been returned - which seriously restricts his freedom of movement and work - and he was still required to report to the offices of the gendarmerie.

On October 28, 2001, Mr. Smain was summoned to the office of the national gendarmerie in Relizane and told to "refrain from leaving the city limits" of the municipality under the judicial control applying to him. This summons was issued after LADDH provided humanitarian assistance to the employees of the EGER Company who had been on a hunger strike since October 15.

In October 2001, Mr. Smain was also the victim of a smear campaign by the regional daily L'Echo d'Oran, as part of a process of equating human rights defenders with terrorists.

Finally, Mr. Smain was ordered to appear in court in Relizane on 29 December. He is charged with libel based on a complaint filed by Fergane and eight members of the latter's militia, after Mr. Smain implicated Mr. Fergane in the affair of the mass graves. During the hearing, to which the Observatory mandated an observer, the Prosecutor

1. See Annual Report 2000; Letter to the Algerian authorities dated 19 July 2001; Urgent Appeal DZA 003/0005/OBS 047.02

asked for a one year in prison sentence and a fine of 5,000 dinars.

Harassment of members of the families² of the disappeared and their defenders

In the course of 2001, the families of the disappeared continued to meet in Constantine to call for an investigation of the disappearance of their relatives and were harassed and threatened with retaliation.

In early 2001, Mr. Sofiane Chouiter, a lawyer working for the families of the disappeared in Constantine and a member of LADDH, was constantly tailed by two plainclothes policemen wherever he went and during all of his daily activities. It seems that these acts of harassment have now ceased.

Mrs. Naïma Saker, coordinator of the families of the disappeared in Constantine, was also the target of repeated acts of intimidation.

On 8 November, a demonstration by approximately 100 members of the families of the disappeared was dispersed by force. As family members arrived at the willaya (prefecture) in Constantine at approximately 9:30 a.m. for their regular Thursday meeting, which is always held at the same place, several dozen policemen in uniform ordered them to leave. Four women were beaten with sticks and others were insulted and threatened with retaliation if they continued to demonstrate. Mrs. Naïma Saker was dragged from a telephone booth where she was attempting to sound the alarm on this violent dispersal.

Harassment of Mr. Mahmoud Khelili³

In 2001 pressure continued to be put on Mr. Mahmoud Khelili, a lawyer and the President of the National Union of Algerian Lawyers. His office is under constant surveillance by two policemen and he is occasionally followed. He has also been threatened with expulsion by the Public Property Management Office and by the tax authorities. His telephone line is frequently cut and it is alleged that his telex is being tapped by the General Direction of National Security (Direction générale de

2. See Annual Report 2000 and Urgent Appeal DZA 001/0301/OBS 018

3. See Annual Report 1999

Algeria

MAGHREB AND THE MIDDLE

la sûreté nationale).

EGYPT

EOHR and its members targeted

- Refusal to register the EOHR⁴

On 1 July 2001, the Administrative Court overturned the decision by the Ministry of Social Affairs which had refused on 30 July 2000 to register the Egyptian Organisation for Human Rights (EOHR) as an NGO, postponing an examination of the registration indefinitely. The EOHR presented the Court's decision to representatives of the administration - the Governor of Cairo, Ministry of Social Affairs, Ministry of the Interior - asking them to apply the decision by granting to EOHR a formal registration number with the Ministry of Social Affairs. However, to date no action has been taken by the Ministry in response to the request for registration.

- Suspension of the EOHR publication⁵

Circular No. 1484 received by EOHR on 19 January 2000 informing it of the decision to suspend 14 newspapers, including the EOHR publication entitled Human Rights, is still in force. This decision is based on Decree No. 592 issued by the Prefect of Cairo dated 20 September 1999. The EOHR publication and the 13 others are thus still officially prohibited.

- Legal proceedings against Mr. Hafez Abu Sa'ada⁶

Legal proceedings initiated against Mr. Hafez Abu Sa'ada, Secretary General of the EOHR, remain pending. Mr. Abu Sa'ada is charged before an Emergency Supreme Court for State Security (ESSSC) with having accepted a subsidy of US\$ 25,000

from the British Embassy to support EOHR activities in favour of women's rights. He faces a sentence of seven or more years in prison under Military Decree No. 4 of 1992 adopted under the State of Emergency (1981) which prohibits collection and receipt of foreign donations without prior permission from the authorities.

The EOHR's bank transferred the money received to the Ministry for Social Affairs at the request of the judge. The British Embassy asked representatives of the Egyptian authorities to return the money to EOHR but the request was denied. The money was finally returned to the Embassy.

Conviction and detention of Dr. Saad Eddin Ibrahim

Dr. Saad Eddin Ibrahim, Director of the Ibn Khaldoun Center for Development Studies and Professor of Political Sociology, was sentenced, on 21 May 2001, to seven years in prison by the Emergency Supreme Court for State Security (ESSSC) under Military Decree No. 4 of 1992. The verdict was handed down at the end of the last hearing in a trial, which began on 18 November 2000 and was attended by a lawyer mandated by the Observatory.

Dr. Ibrahim had been charged in the summer of 2000 with receiving funds from abroad without prior authorisation (the funds in question were a subsidy received from the European Union under its MEDA-Democracy program); tampering with election documents; propagating false information harmful to the interests of Egypt and extortion.

27 other people, most of them members of NGOs, including the Ibn Khaldoun Center and the Egyptian Women Voters Support Center, who were summoned with him on similar charges, received prison sentences of between 1 and 3 years and suspended sentences. Mrs. Nadia al-Nur, Financial Director of the Center, was sentenced to 2 years in prison, as were Mr. Khaled Fayad, Head of Programs and Mr. Oussama Hammad, Accountant. Mrs. Magda El Bih, a member of the Municipal Council who temporarily assisted the Center, was sentenced to 5 years in prison as was Mr. Mohamed Hussein Amara, a policeman alleged to have supplied docu-

7. See Annual Report 2000; Legal observation report "Legal and judicial assaults on human rights defenders in Egypt", May 2001; Press release of 22 May 2001

ments to the Centre.

Dr. Saad Eddin Ibrahim, who like the other convicted persons has been in prison since 21 May 2000, lodged an appeal with the Cassation Court which has jurisdiction to rule only the procedure and not on the merits of the case. The Observatory mandated an observer to the hearing before that Court set for 19 December. The hearing has been postponed to 16 January 2002.

There is a second legal proceeding against Dr. Ibrahim on charges of espionage. At the end of 2001, the Ibn Khaldoun Center remains closed.

Egypt

MAGHREB AND THE MIDDLE

Legal proceedings against Mrs. Nawal El Saadaoui

In April 2001 an Islamist lawyer, Nabih El Wahch, directly petitioned the Civil Status Court in Cairo asking it to annul the marriage of Mrs. Nawal El Saadaoui, a writer and distinguished defender of women's rights, on grounds of heresy leading to apostasy.

This complaint was filed following publication on 6 March 2001 of an interview with Nawal El Saadaoui in the El Midan weekly in which the journalist distorted her statements - particularly those on the wearing of the veil, inequality in inheritance and the rites of pilgrimage to Mecca - making her appear to be a heretic.

The lawyer based his petition on Hisba case law which in certain Moslem countries authorizes any believer to file proceedings against another believer if he considers the latter to have committed an offense against Islam.

The justice administration recorded the lawyer's request as required by the Constitution, even though the procedure he had followed was not consistent with the relevant law. The law governing Hisba, as amended in 1996 (Law No. 3 of 1996) requires a person to first file a complaint with the Prosecutor who then has sole authority to decide how the complaint should be handled.

In parallel with these proceedings before the Court, the lawyer also filed a petition with the Prosecutor on 18 April 2002 which the Court rejected on 23 May 2001.

On 18 June 2001, at the Court hearing, to which the Observatory had mandated an

8. See judicial observation mission report "Human rights defenders targeted by religious extremism. The legal action taken against Nawal El Saadaoui" / November 2001 and urgent appeals EGY 001/0105/OBS 041 and EGY 001/0105/OBS 041.1

observer, counsel for Nawal el Saadouï argued nullity of procedure based on Law No. 3 of 1996 on the organization of actions based on Hisba, and Nabih El Wahch challenged the constitutionality of this law, arguing that it violates Article 2 of the Egyptian Constitution which provides that "Islam is the religion of the State, Arabic is its official language and the principles of Islamic Sharia are the primary source of the laws." At the conclusion of the hearing the Court handed down an interlocutory decision in which it called on all parties to present, at a hearing set for 9 July, written conclusions on the points raised, so that the General Counsel could respond to the issue of the unconstitutionality of the procedure requiring that any legal action based on Hisba be first submitted to the Prosecutor.

On 30 July, following postponement of the 9 July hearing, the Court rejected the case on grounds of procedural irregularities, deeming Law No. 3 to be constitutional and thus the direct legal action filed with the court by Nabih El Wahch to be in violation of the law.

Closure of the Sudan Human Rights Organization in Cairo

On 23 June 2001, the authorities ordered the Cairo-based Sudan Human Rights Organisation, SHRO-Cairo⁹, which has operated in that city since 1991, to cease its activities and close the organization within 24 hours, failing which the police forces would call upon. No official reason was given for the decision which seems to have been taken as part of a move to improve bilateral relations between Egypt and Sudan. The members of SHRO-Cairo were thus forced to close down their organization and some of them had to seek refuge abroad. SHRO-Cairo remained closed at the end of 2001.

Law on associations¹⁰

The new bill on associations, drafted in 2000, is still being debated. The bill includes most of the provisions of the Civil Associations Act 153 of 1999, which aimed to restrict the freedom of action of NGOs by submitting them to increased control

9. See Annual Report 1999 - 10. See Annual Report 2000

Egypt

MAGHREB AND THE MIDDLE

by the authorities. This Act was held unconstitutional by the Constitutional High Court on 3 June 2000 on grounds of procedural irregularities relating to its enactment. The Constitutional High Court had also examined three other points: provisions relating to disputes which must be referred to a civil and not an administrative jurisdiction, the system of authorization to which NGOs are submitted, and finally the penal sanctions to which the active voluntary workers in NGOs are liable.

ISRAEL

Israel

MAGHREB AND THE MIDDLE

Detention of a Palestinian activist¹¹

Mr. Adnan Al-Hajjar, a Palestinian coordinator of the legal department of the Al-Mezan Human Rights Center, was arrested on 23 April 2001 by Israeli border guards as he was returning to his home in Gaza from a conference organized by the Arab Research and Training Center (ARTC).

According to his lawyer, the arrest is connected to his activities as a lawyer involved in defending human rights. A number of newspapers, including the Maariv Newspaper and the Jerusalem Post, as well as a number of radio stations attempted to establish a link between Mr. Al-Hajjar and the terrorist organization of Osama Bin Laden, insinuating that Mr. Al-Hajjar had been going for the first time to the Palestinian territories where he was planning to set up a structure to support the Bin Laden's organization.

Mr. Al-Hajjar was released on 23 May 2001 after being held for one month without being charged. During his detention he was subjected to lengthy interrogations lasting, at times, 20 hours, and was deprived of sleep and food.

JORDAN

11. See Urgent Appeals ISR 001/0501/OBS 036 and 036.01

_____ of Mr. Nidal Mansour from the Jordan Press Association¹²

On 5 February 2001, the High Court upheld the decision by the Jordan Press Association - JPA - to expel for life Mr. Nidal Mansour, editor-in-chief of the weekly Al Hadath newspaper and President of the Center for Defending the Freedom of Journalists - CDFJ. The JPA had decided to expel Mr. Mansour on 5 September 2000, claiming that he had received funds for his center from abroad and that "he was not working full-time as a journalist". Membership in JPA being mandatory in order to work as a journalist (see Law on the Press and the publications and Statutes of JPA), Mr. Mansour had to leave his job as editor-in-chief and has since been devoting himself to the activities of the CDFJ.

Mr. Bilal al-Tal, Mr. George Hawatmeh and Mrs. Mahassen Al Imam, journalists, were ultimately not expelled from JPA.

LEBANON

_____ of freedom of assembly¹³

In April 2001, the Lebanese authorities decided to ban a rally called by the Committee of Relatives of Kidnapped and Disappeared Persons in Lebanon scheduled to take place in Beirut on 12 April. This rally was to be a peaceful one and was intended as a demonstration for democracy, human rights and national reconciliation.

Legal proceedings against Mr. Muhamad Mugarby

The legal action taken against Mr. Muhamad Mugarby, a lawyer and member of the Bar in Beirut, who is known for his commitment to the fight against corruption in the Lebanese justice system, remains pending. Mr. Mugarby is accused of "libel

12. See 2000 Annual Report

13 See Letters to the Minister of the Interior and the Director of the General Security of 12 April 2001

against the judicial authorities" in connection with statements he made at press conferences held on 14 October 1999 and 19 April 2000 and at a workshop on 24 February 2000 on the causes of corruption in the Lebanese justice system.

MOROCCO

36 human rights activists¹⁴

Morocco

MAGHREB AND THE MIDDLE

The 36 human rights activists, members of the Moroccan Association for Human Rights (AMDH) and the Truth and Justice Forum, who had been arrested on 9 December 2000 as they were preparing to attend a sit-in in front of the Parliament building in Rabat, were sentenced on 16 May 2001 to three months in prison and fines of 3,000 dirhams for "taking part in organizing a banned demonstration". The sit-in was intended to call, in particular, for an independent commission to determine the truth about the disappeared.

The observers mandated by the Observatory during the lower court hearing on 28 February and during the first court of appeals hearing on 17 September reported that the rights of the defense were not respected during the proceedings. The lower court in particular refused all requests made by the defense, including the calling of several political office holders and policemen as well as witnesses who could have proven the misstatement of facts presented by the criminal investigating police. The police claimed that the demonstration had effectively taken place, whereas the accused had in fact been prevented from reaching the place set for the rally by large numbers of police forces deployed in the adjacent streets. Moreover the court refused to allow the accused to speak on several occasions. In addition, the Public Ministry unlawfully refused to order medical expert reports for the persons charged who requested them and who bore visible traces of violence due to the ill treatment to which they were subjected during their arrests.

The 36 activists were finally acquitted by the Rabat Court of Appeals on 21 November 2001.

14. See Annual Report 2000; Press release of 17 May 2001; Urgent Appeal MAR 002/0012/OBS 126.01

Libel and intimidation campaign against Mrs. Hakima Chaoui¹⁵

A libel and intimidation campaign was set in motion in March 2001 against Mrs. Hakima Chaoui, a member of the AMDH and a poet, in particular after she read one of her poems about women's rights on the radio on the occasion of International Women's Day (8 March).

In an article dated 21 March, the Attajdid newspaper accused Mrs. Chaoui of insulting the Prophet, basing this accusation on fraudulent verses, which the newspaper had tacked onto her poem. The false accusations were then repeated and propagated by Imams in a number of Moroccan mosques.

Furthermore, in the late summer of 2001 Mrs. Chaoui received anonymous telephone calls making threats and particularly crude and obscene insults. These calls followed a conference at which she was to speak on 5 August at the invitation of trade unions and political and civic organizations on the topic "The national plan for integrating women in the development process, constraints and outlook". She was prevented from taking the floor by organized disorder and shouting inside the lecture room by persons claiming to belong to the "Justice and Development" Islamist party. When she tried to defend herself she was confronted and assaulted.

At the end of 2001 the telephone threats appeared to have ceased and an investigation is under way to identify those responsible for these actions.

Continued detention of Captain Adib¹⁶

Captain Mustapha Adib, sentenced on 6 October 2000 to two and a half years in prison following an iniquitous trial before the permanent military court of Rabat on charges of having denounced illegal traffic of fuel within the Army to his superiors, remains in detention. He has been in prison since 5 December 1999.

The Observatory has submitted the case to the United Nations Working Group on Arbitrary Detention.

In its statement dated 3 December 2001 and made public on 10 January 2002, the Working Group declared that "Mustapha Adib's deprivation of liberty is arbitrary

15. See Urgent Appeal MAR 003/0109/OBS 075 - 16. See Annual Report 2000

Morocco

MAGHREB AND THE MIDDLE

since it is contrary to articles 9 and 10 of the Universal Declaration of Human Rights and to articles 9 and 14 of the International Covenant on Civil and Political Rights," provisions that stipulate the right to a fair and equitable trial". The Working Group asked the Moroccan Government to "take the necessary measures to rectify the situation by ensuring that it conformed with the norms and principles prescribed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights".

Legal proceedings against members of ANDCM¹⁷

Morocco

MAGHREB AND THE MIDDLE

The appeal of the 22 members of the National Moroccan Association of the Qualified Unemployed (ANDCM), who were arrested on 18 and 19 June 2000 following a peaceful demonstration continues to be postponed and had still not taken place at the end of 2001. On 2 July 2000, three of the accused were sentenced to two months in prison and 19 others received two-month suspended sentences.

EVITIMA unionists sentenced¹⁸

20 workers of the EVITIMA factory were condemned in appeal to a two-month suspended imprisonment sentence and a 500 dirhams fine on 12 December 2001. On 23 September 1999, 13 of them had been sentenced to 1 to 8 months in prison and 7 of them to a 4-month suspended sentence, as well as a 500 dirhams fine. They had been arrested on 2 September 1999 during a protestation sit-in and sentenced under article 288 of the Penal Code, that restricts the right to strike. They appealed before the Cassation Court.

This sit-in had been violently repressed by the security forces and the employers' militia. Several employees had been ill-treated inside the factory and had filed a complaint against their persecutors. Their complaint had been registered but the trial has been postponed several times. The next audience is due to take place on 28 February 2002.

17. See Annual Report 2000 - 18. See Annual Report 1999

PALESTINE

Harassment of defense lawyers¹⁹

On 19 November 2001, lawyers from the Palestinian Centre for Human Rights – PCHR, who had filed a request to visit 19 political detainees they legally represent, were denied access to the central prison in Gaza by the Chief of Police.

SYRIA

Pressure against CDF²⁰

On 9 October 2001, Mr. Aktham Naisseh, President of the Committees for the Defence of Human Rights and Freedoms in Syria (CDF), was notified that he had been ordered to appear the next day at the "Palestine" section of the intelligence services after circulating a petition at an FIDH seminar in Beirut concerning arrests that had taken place in Syria in early September. In addition, on 5 November he was prevented from travelling to Belgium where he was to attend a seminar on human rights at the invitation of the Euro-Mediterranean Human Rights Network. At the airport he was told that he was not allowed to leave the country, even though he had an exit visa and administrative authorization to travel abroad. He was summoned to appear the next day at the "Palestine" section of the intelligence services. He had received a similar ban in January 2001 when he was to travel to Morocco to attend the FIDH Congress.

Another member of the CDF, Mrs. Dunia Kwala, was unable to obtain an exit visa to attend the seminar held in Brussels in November 2001.

In addition, CDF activists are regularly trailed and their telephones are tapped. The CDF are still not legally recognized despite requests filed with the relevant authorities. They manage to meet, but without authorization. In April 2001, a seminar orga-

19. See Urgent Appeal PAL 001/0111/OBS 094

20. See Urgent Appeal SYR 001/0111/OBS 093 and 2000 Annual Report

Palestine

MAGHREB AND THE MIDDLE

nized by the CDF in Damascus on promoting human rights in Syria, which was to bring together international and regional experts, was banned.

Harassment of Mr. Nizar Nayyounf²¹

Mr. Nizar Nayyounf, a journalist and former CDF member detained since 1992, was released on 6 May 2001 and now lives abroad. Nevertheless an arrest warrant was issued against him in September 2001; he is charged with "attempt to illegally change the Constitution" and "publication of false information abroad".

In addition, his family is subjected to constant harassment. In mid-October two of his brothers were fired from their teaching jobs after refusing to bow to pressure to disavow Mr. Nayyounf. A third brother, a student, was threatened with having his diploma denied to him if he refused to condemn the statements made by his brother.

Tunisia

MAGHREB AND THE MIDDLE

TUNISIA

Targeting of the LTDH and its members

- Legal proceedings against LTDH²²

On 14 November 2000, a legal action challenging the conditions of the preparation and the development of the fifth Congress of the Tunisian League for Human Rights (LTDH) was taken by four Congress participants who had not been elected to the Executive Committee and whose links with the authorities were obvious. On 12 February 2001 the Court pronounced the cancellation of the fifth Congress of the League and asked the former Executive Committee to convene a new Congress.

At the same time, within the framework of this same case, summary proceedings were opened on 25 November 2000 with the aim of putting the League under legal

21. See 2000 Annual Report

22. See Urgent Appeal TUN 004/0106/OBS 056

administration (sequestration). On 27 November, it was decided that all activities of the League Executive Committee would be suspended and the League sealed off. On 30 November, an administrator was appointed to manage the League.

On 21 June 2001, the Tunis Appeals Court upheld the 12 February 2001 ruling of the lower court to cancel all decisions taken by the last LTDH Congress, with respect to both resolutions and the bodies established under them.

The Executive Committee elected by the fifth Congress, which had announced that it intended to follow a completely independent line of action, was thus deprived of legal standing.

Paradoxically the Appeals Court also asked this same Executive Committee to organize, within one year, a new Congress. The activities of the League are thus confined to organizing this Congress.

Finally, the Appeals Court decided to suspend the mission of the administrator appointed in November 2000. The members of the League were thus able to again occupy their premises; however, their activities remain hampered by the decision of the Court.

The Executive Committee of the League has lodged an appeal with the Cassation Court.

- Investigation of Mr. Slaheddine Jourchi²³

The investigation started in late December 2000 against Mr. Slaheddine Jourchi, first Vice-President of the LTDH, for "disseminating false information" and "failure to comply with a judicial decision" remains pending. The investigation begun after Mr. Jourchi, as Vice-President of LTDH, signed an LTDH press release on 11 December 2000, which referred in particular to the various activities being carried out at international, regional and national level to show solidarity with LTDH.

- Investigation of Mr. Mokhtar Trifi²⁴

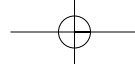
Mr. Mokhtar Trifi, President of the LTDH, appeared before the investigating magistrate on 10 March 2001 to answer charges of "disseminating false information liable to

23. See Annual Report 2000

24. See Urgent Appeal TUN 002/0103/OBS 017

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disturb the peace” and “failure to comply with a judicial decision” (non-compliance with regard to the decisions of the 5th Congress of the LTDH). When the judge refused to transfer the hearing to a room large enough to hold all the lawyers, the lawyers decided to withdraw. Mr. Trifi refused to answer questions without his lawyers present. He was again summoned to appear before the investigating magistrate on 3 April 2001. The investigation remains pending.

- Harassment of Mr. Anouar Kousri²⁵

The surveillance and harassment to which Mr. Anouar Kousri, Vice-President of the LTDH, has been subjected by both the secret service and the special police forces intensified in March 2001. On 13 March in particular, a policeman threatened him with the words: “You won’t get away from us.”

This activity relates in particular to Mr. Kousri’s commitment as a lawyer of the family of Ridha Jeddi, who died of the effects of torture. Two policemen being prosecuted for murder in the case were sentenced by the lower court to two years in prison. The day after the appeal hearing was held on 20 April 2001, Anouar Kousri was confronted by agents of the intelligence services as he was going to a meeting of the National Council for Freedoms in Tunisia (CNLT) being held at that organization’s headquarters.

These acts of harassment have continued since then. His friends and members of his family, in particular his three daughters aged 10, 16 and 18, have also been subjected to intimidation. His home and office are under constant surveillance and strong pressure is being put on some of his clients to force them to stop using his services.

- Aggression and libel campaign against Mrs. Souhayr Belhassen²⁶

Mrs. Souhayr Belhassen, Vice-President of the LTDH, was the victim of aggression by the police in Tunis on 14 April 2001 as she was returning from a stay in Europe during which she attended the meeting of the United Nations Commission on Human Rights in Geneva and met with representatives of the European Union.

25. See urgent appeal TUN 002/0301/OBS 022

26. See urgent appeal TUN 003 / 0401/OBS 034 and letter to the Tunisian authorities dated 11 October 2001

On her arrival at the airport, all Mrs. Belhassen’s documents, including FIDH documents, LTDH documents and the 2000 annual report of the Observatory, were confiscated. As she was leaving the airport two policemen in civilian clothes attacked her and insulted her in very crude terms.

When Mrs. Belhassen went to the police station to file a complaint relating to these actions, the police refused to register her deposition. The confiscated documents were not returned.

On 20 April, she was again stopped and attacked by members of the security forces deployed to bar access to the headquarters of CNLT where several activists and defenders were to meet.

In addition, in September and October 2001, Mrs. Belhassen was the victim of a virulent defamatory press campaign. She has been accused of “betraying the Arab cause” because she participated in an international mission of enquiry mandated by FIDH and the Human Rights Alliance on the human rights situation in Iraq.

- Smear campaign against Mr. Khémaïs Ksila²⁷

Since July 2001, Mr. Khémaïs Ksila, Secretary General of LTDH, has been the victim of anonymous defamatory leaflets and a particularly virulent press campaign accusing him of sexual harassment.

On 17 September a complaint was filed by Miss Abidi, a secretary at the LTDH, against Mr. Ksila with the court in Tunis accusing him of attempted rape by a superior. On 25 September the case was referred to the senior investigating magistrate who took testimony from Miss Abidi the same day. Shortly afterwards a journalist with Chourouk, a newspaper with close ties to the authorities, published several elements of the case, reported his interview with the senior investigating magistrate and stated that several members of the LTDH Executive Committee were going to be questioned.

The way in which the case was disclosed in the press and the virulence of the media campaign before and during the filing of the complaint are completely at odds with the presumption of innocence and the confidentiality of investigations.

The Observatory points out that Mr. Ksila and his family have been subjected to

27. See urgent appeal TUN 008 / 0111 / OBS 090

constant harassment (arbitrary detention, professional bans, administrative and police harassment) for the last 6 years.

- Harassment of Mr. Hichem Gribaa²⁸

During the night of 3 August 2001, unknown persons broke into the Tunis office of Mr. Hichem Gribaa, former Vice-President of LTDH, and destroyed equipment. Mr. Gribaa's office equipment, including two printers, a fax machine, two telephones and a typewriter, was stolen. The contents of file boxes were scattered. An investigation was initiated but no results have been notified to date.

For several weeks, especially starting in late March, Mr. Gribaa was constantly trailed by the police. The surveillance now seems to have subsided.

Tunisia

MAGHREB AND THE MIDDLE

Harassment of members of CNLT

- Legal proceedings against Mr. Nejjib Hosni²⁹

In November 2000, after pleading in a case known as "l'affaire des agonisants", Mr. Nejjib Hosni, a member of the National Council for Freedoms in Tunisia (CNLT), was sentenced to fifteen days in prison for "disregarding a ban on practicing [the law]". Arrested on 21 December 2000, he was kept in detention on 5 January 2001 for a duration of 5 and a half years under a decision of the authorities who revoked the conditional discharge which had been decided in his favour more than 4 years before.

On 23 January 2001 Mr. Nejjib Hosni was again sentenced to 15 days in prison "for illegally working as a lawyer".

Yet in May 2000, following numerous protests on his part, Mr. Hosni had again been authorized to practice by the Council of the Order of Lawyers, which released a document in which it claimed that Mr. Hosni was on the official list lawyers.

Mr. Nejjib Hosni was finally given a Presidential pardon on 12 May and released from the Kef prison the following night. However, he is regularly summoned by the

police and pressure is regularly put on his clients, thus virtually preventing him de facto from working as a lawyer.

- Proceedings against Dr. Moncef Marzouki³⁰

Dr. Moncef Marzouki, former spokesman of CNLT and former President of LTDH, a professor of medicine, was sentenced on 30 December 2000 to eight months in prison for belonging to an illegal association and to four months in prison for spreading false information. Dr. Marzouki and his lawyers decided not to appeal this sentence, as they considered, in light of the lower court proceedings, that he would not be given a fair trial. The Prosecution, on the other hand, deeming the sentence insufficient, did appeal for a stiffer sentence. The appeal hearing was held on 24 June 2001. On 7 July, the day of the verdict, Dr. Marzouki was ultimately given a one year suspended prison sentence.

Dr. Marzouki nevertheless continued to be the target of systematic harassment: an unmarked police car was parked 24 hours a day in front of his home, he was trailed everywhere he went, his telephone line was repeatedly cut. Up until late November 2001 he was not allowed to leave the country, even though he had obtained a professorship in France at the University of Bobigny (in July 2000, Dr. Marzouki had been fired from his job at the University in Sousse and since that time he had been living without financial resources or compensation). On 30 November 2001, the Prosecutor of the Appeals Court in Tunis lifted his travel ban. He went to Paris in December 2001.

- Attack on Mrs. Khedija Cherif³¹

Mrs. Khedija Cherif, a founding member of CNLT and of the Tunisian Association of Democratic Women (ATFD), a former Vice-President of LTDH, was twice assaulted by the police in March 2001. On 1 March, as she was on her way to a meeting of CNLT at the home of Mrs. Ben Sedrine, Mrs. Cherif was stopped by plainclothes policemen who told her she was prohibited from attending the meeting. When she

Tunisia

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28. See urgent appeal TUN 006/ 0108 / OBS 069

29. See urgent appeal TUN 001/0101/OBS 004.02

30. See open letter to the Tunisian authorities dated 26 June 2001

31. See urgent appeal TUN 003/0401/OBS 034

protested against the illegal prohibition, Mrs. Chérif was insulted and then attacked by several policemen who struck and slapped her on the face and chest. On 10 March she was again assaulted by the police as she was leaving the Palais de Justice where she had gone to support Mr. Mokhtar Trifi who had been summoned by the investigating magistrate. She was thrown down and dragged along the ground and the file she was carrying was confiscated. The Prosecutor to whom she went to lodge a complaint refused to record it.

- Arrest of Mrs. Sihem Ben Sedrine³²

In June 2001, legal proceedings were initiated against Mrs. Sihem Ben Sedrine, spokesperson for the National Council for Freedoms in Tunisia (CNLT), Director of the on-line newspaper Kalima and Secretary General of the Observatory for the Freedom of the Press, Publishing and Creation (OLPEC). This legal action follows her appearance on the London-based Arabic television network Al Mustaqilla on 17 June in which she discussed, among other things, corruption and torture in Tunisia.

Mrs. Ben Sedrine was arrested on 26 June 2001 as she deplaned in Tunis and charged with “disseminating false news liable to disturb the peace” and “offending the judicial institution”, and placed in detention at Manouba prison. The arrest of Mrs. Ben Sedrine occurred one week after that of Mr. Mohamed Moadda, President of the Movement of Democratic Socialists (MDS), following his appearance on the Al Mustaqilla channel. At the end of 2001 he remained in detention.

The charges against Mrs. Ben Sedrine were confirmed on 5 July by the investigating magistrate. She was provisionally released on 11 August 2001 after 47 days in detention mainly as a result of national and international pressure. However, she may at any time be arrested again because her case is still not closed.

As she was to return to London to appear on Al Mustaqilla on 2 September in a program on the Mediterranean Games, she was forbidden to leave the country.

In addition, Mrs. Ben Sedrine was forced to close the “Aloés” publishing house which she heads, filing for bankruptcy. The authorization for a newspaper she hopes to publish is being denied.

On 4 December, her car was ransacked.

Shortly after Mrs. Ben Sedrine appeared on Al Mustaqilla, its Director Mr. Mohammed el Hachmi Hamdi received telephone threats. In addition, a complaint was lodged against the Al Mustaqilla channel with the Independent Television Commission (ITC) in the United Kingdom by a Tunisian judge, Jedidi Ghnia. The complaint was turned down by the ITC on 23 October 2001 on grounds that the statements made by Sihem Ben Sedrine “had not incited viewers to crime or disorder”. However, on 17 December Mr. Hachmi Hamdi was informed that a second complaint had been filed with the ITC in connection with the “Espace francophone” program broadcast on 2 December in which Mrs. Sihem Ben Sedrine discussed the causes of her arrest in an interview with Reporters Without Borders.

Since the end of the first quarter of 2001, Mr. Hamdi has been the target of a defamatory campaign orchestrated by the official Tunisian media and several members of his family have been summoned to the Sidi Bouzid police station. This extremely virulent campaign has also targeted Mr. Mohammed Charfi, former President of the LTDH, as well as two defenders living in France, Mr. Kamel Jendoubi, President of the Committee for the Respect of Human Rights and Freedoms in Tunisia (CRLDHT) and Mr. Khémaïs Chammari, who was forced into exile.

- Questioning of Mr. Omar Mestiri³³

On 7 September 2001, Mr. Omar Mestiri, a member of CNLT, was roughed up as he was attempting to enter the office of Mr. Raouf Ayadi, Secretary General of CNLT and a member of the Council of the Order of Lawyers. Mr. Ayadi’s office had just been cordoned off by approximately fifty plainclothes policemen. Mr. Mestiri was then taken to the Bab Souika police station and released two hours later in the woods. The cordoning off of Mr. Ayadi’s office followed that of the “headquarters” of the CNLT a few hours previously by several plainclothes policemen who denied access to everyone not working there.

The ATFD targeted³⁴

The members of the Tunisian Association of Democratic Women (ATFD) are being put under constant pressure. The ATFD was in particular targeted in the days following its 5th Congress on 7 and 8 December 2001, in a new libel and destabilization campaign in the press.

Oppression of members of RAID

- Harassment against Mr. Fathi Chamki³⁵

Mr. Fathi Chamki, President of RAID (Gathering for an International Alternative to Development, the Tunisian section of the International Movement ATTAC), imprisoned for one month in April and May 2000 as part of a legal proceeding on charges of “disseminating false news liable to disturb the peace” and “belonging to an unrecognized association”, continues to be the target of harassment by the Tunisian authorities, particularly the intelligence services. On 2 May 2001, Mr. Fathi Chamki was confronted by three plainclothes policemen who had been patrolling virtually all the time in front of his home. The day before, his eight-year-old son had been intercepted by two persons who held his hands and asked him questions about his family.

On 28 December 2001, his residence under construction was burglarized and all the plumbing and electrical equipment taken.

His telephone line is regularly cut and his e-mail intercepted.

- Restrictions on movement of Mr. Sadri Khiari³⁶

On 19 June 2001, Mr. Sadri Khiari, a member of the Coordinating Committee of RAID and a founding member of CNLT, was prevented from travelling to Paris where he was to present his thesis - although he had just recovered his passport which had been confiscated a year earlier - on grounds that he would be the subject of legal proceedings in cases going back to March 1997 and March 2000. His lawyer, Mrs. Radhia Nasraoui, unsuccessfully attempted to obtain information about these proceedings.

34. See Urgent Appeal TUN 001/0201/OBS 002 - 35. See Urgent Appeal TUN 001/0201/OBS 001 and Annual Report 2000 - 36. See Urgent Appeal TUN 007/0109/OBS 079

Mr. Sadri Khiari was again prevented from travelling to Aix-en-Provence, France, where he was to attend a symposium, on 24 September 2001. He was turned back at Tunis airport by a plainclothes policeman who told him that he was banned from leaving the country by order of the investigating magistrate.

On 28 December a burglary was committed at his family home. Nothing was stolen.

Assault on Mr. Nizar Amami³⁷

On 26 December 2001, Mr. Nizar Amami, a member of the Coordinating Committee of RAID, was assaulted and injured in broad daylight in front of his home by three persons who fled in a car.

- Dismissal of Judge Mokhtar Yahyaoui³⁸

After being summoned on 13 July by the deputy inspector general of the Ministry of Justice, Mr. Mokhtar Yahyaoui, President of the 10th Chamber of the Tunis Court of First Instance, learned on 16 July that he had been suspended from the bench and that the payment of his salary had been stopped starting as of 14 July by decision of the Ministry of Justice. This sanction was a response to a letter he had written on 6 July to the President of the Republic, which was published on 8 July and in which he denounced the lack of independence of the Tunisian justice system and its utilization for political purposes.

Mr. Yahyaoui was then summoned by the Disciplinary Board of the Magistrature on 2 August, the only body with authority to take a decision of that type under the applicable procedures. However, on 1 August 2001 following a major national and international solidarity movement, the Ministry of Justice informed Mr. Yahyaoui of its decision to reinstate him and to restore the payment of his salary. The case was adjourned sine die by the Disciplinary Board. In early August, the Observatory mandated a solidarity mission in the Yahyaoui case.

On 20 December 2001, however, Mr. Yahyaoui was ordered to appear before the Disciplinary Board for “failure to meet professional obligations” and “offenses

37. See Urgent Appeal TUN 001/0201/OBS 001

38. See Urgent Appeals TUN 005/0107/OBS 063 and TUN 005/0107/OBS 063.01; press release of 31/12/2001; Article on the Judge Yahyaoui in the first part of this report.

against the honor of the magistrature". On 29 December, the date of his summons, to which the Observatory mandated an observer mission, Judge Mokhtar Yahyaoui was disbarred by the Disciplinary Board.

The Observatory has submitted the case to the United Nations Special Rapporteur on the Independence of Judges and Lawyers.

Harassment of Mrs. Radhia Nasraoui³⁹

Mrs. Radhia Nasraoui, a lawyer who is a member of the Council of the Tunis Order and the wife of Mr. Hama Hammami, spokesman of the Communist Workers' Party of Tunisia (PCOT) who was forced underground, continues to be harassed. Mrs. Nasraoui has been constantly trailed, her home is under surveillance by several policemen and her telephone lines are regularly cut or tapped. In addition, her daughters have been regularly intimidated. On 8 May 2002, as she was returning from Paris, she was stopped at Tunis Airport and all her documents were confiscated - reports of Reporters Without Borders, Amnesty International bulletins and other articles concerning the repression in Tunisia. In August her car was sabotaged following an incident when sugar was poured into its gas tank. These acts of harassment intensified in December 2001.

Acts of intimidation against two observers from Amnesty International⁴⁰

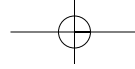
On 29 September 2001, Mr. Jérôme Bellion-Jourdan and Mr. Philip Luther, Amnesty International representatives assigned to observe the appeals trial of Dr. Moncef Marzouki, were forced into a car without licence plates by plainclothes policemen as they were coming from a meeting with a Tunisian human rights defender. One of them was physically assaulted by one of the policemen. All their personal belongings, files and computers were confiscated before they were released.

Harassment of Mr. Taoufik Ben Brik and Mr. Jalel Zoghlami⁴¹

39. See urgent appeal TUN 001/0201/OBS 002 and Annual Report 2000

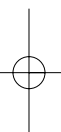
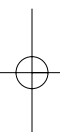
40. See letter to the Tunisian authorities dated 11 October 2001

Mr. Taoufik Ben Brik, a journalist, has continued to be targeted for harassment by the Tunisian authorities, especially after the publication abroad of his most recent book *Chronique du Mouchard* in November 2001. His home is encircled every day by the special police forces, he is trailed, and his family members are also subjected to acts of intimidation. The cars of his wife and his sister were ransacked on 23 November and 20 December 2001 respectively. His brother, Mr. Jalel Zoghlami, a journalist and member of CNLT, continues to be harassed.



Annex I

Strengthening International Protection



Resolution on Human Rights Defenders

Adopted by the United Nations Commission on Human Rights
On 26 April 2000, during the 56th session

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extrajudicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on mechanisms for the effective promotion and implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

2. Calls upon all States to promote and put into effect the Declaration;

3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all

parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish co-operation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies to better protect human rights defenders and follow-up on these recommendations;

4. Urges all Governments to cooperate with and assist the Special Representative of the Secretary-General in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;

5. Requests the Secretary-General to provide the Special Representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;

6. Requests the Special Representative to submit annual reports on his/her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;

7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and Protection of Human Rights";

8. Recommends the following draft decision to the Economic and Social Council for adoption:

Resolution E/CN.4/RES/2000/61

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On 18 August 2000, the Secretary General appointed Hina Jilani from Pakistan as his Special Representative on Human Rights Defenders.

Contact:
Fax: + 41 22 917 91 06
Email: manstett.hchr@unog.ch

ANNEX I

Declaration on Human Rights Defenders

Adopted by the United Nations General Assembly
on 9 December 1998

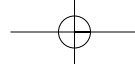
Declaration on the Right and Responsibility of Individuals, Groups and Organs of
Society to Promote and Protect Universally Recognized Human Rights and
Fundamental Freedoms

ANNEX I

The General Assembly,
Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,
Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, (see Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23), chap. II, sect. A.) In which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, Resolution 217 A (III),



1. Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

2. Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of « Human Rights : A Compilation of International Instruments ».

85th plenary meeting
9 December 1998

ANNEX I

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights Resolution 2200 A (XXI) - annex, as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international co-operation to fulfil this obligation according to the Charter,

Acknowledging the important role of international co-operation for, and the valuable work of individuals, groups and associations in contributing to, the effective eli-

mination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

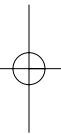
Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

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2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

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Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, 2 the International Covenants on Human Rights³ and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

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3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or

ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

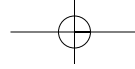
Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

General Assembly Resolution 53/144

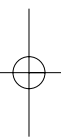
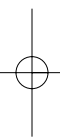
LIST OF ABBREVIATIONS

International instruments



Annex II

Partner Organisations and Contributors¹



of the Observatory :

International NGOs

Agir Ensemble pour les Droits de l'Homme	Africa
Amnesty International	Union Interafricaine des Droits de l'Homme
Avocats Sans Frontières (ASF)	(UIDH)
Comité pour la Protection des Journalistes (CPJ)	Asia
Confédération Internationale des Syndicats Libres (CISL)	Asia Human Rights Commission
Fédération Internationale d'Action des Chrétiens pour l'Abolition de la Torture (FIACAT)	Asian Center for the Progress of Peoples (ACPP)
Frontline	Forum Asia
Human Rights Documentation Center (HRDC)	South Asian Human Rights Documentation Centre (SAHRDC)
Human Rights Watch (HRW)	America
International Commission of Jurists (ICJ)	Comisión Latinoamericana por los Derechos y Libertad de los Trabajadores y los Pueblos (CLADEHLT)
International Gay and Lesbian Human Rights Commission (IGLHRC)	Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
International Rehabilitation Council for Torture Victims (IRCT)	Organización Regional Interamericana de Trabajadores (ORIT)
Minority Rights Group	Europe
Peace Brigades International	Equipo Nizkor
Reporters Sans Frontières (RSF)	Institute for War and Peace Reporting (IWPR)
Réseau des Citoyens (RCN)	
Service International pour les Droits de l'Homme	
Social Alert International	

Regional NGOs

Maghreb and the Middle East

Euro-Mediterranean Human Rights Network (EMHRN)

National NGOs

Algeria
Collectif des Familles de Disparus en Algérie
Ligue Algérienne de Défense des Droits de l'Homme (LADDH)

Argentina

Asociación Madres de la Plaza de Mayo
Centro de Estudios Legales y Sociales (CELS)
Comité de Acción Jurídica (CAJ)
Solidarité avec les Mères de la Place de Mai (SOLMA)

Bangladesh

Bangladesh Human Rights Commission (BHRC)
Bangladesh Rehabilitation Centre for the Victims of Torture (BRCT)
National Garment Workers Federation

Belarus

Association des journalistes du Belarus
Charte 97
VIASNA

Bolivia

Assemblée Permanente des Droits de l'Homme de Bolivie (APDHB)
Centro de Estudios Jurídicos e

Investigación Social (CEJIS)
Movimiento Sin Tierra

Brazil

Centro de Justiça Global (JC)
Grupo Tortura Nunca Mais
Justice and Peace Brazil
Movimento dos Trabalhadores Rurais Sem Terra (MST)
Movimento Nacional dos Direitos Humanos (MNDH)

Burkina Faso

Mouvement Burkinabé des Droits de l'Homme et des Peuples (MBDHP)

Burundi

Ligue Burundaise des Droits de l'Homme (ITEKA)

Cameroon

ACAT-Cameroun
Mouvement pour la Défense des Droits de l'Homme et des Libertés (MDDHL)

Chad

Association Tchadienne pour la Promotion et la Défense des Droits de l'Homme (ATPDDH)
Ligue Tchadienne des Droits de l'Homme (LTDH)

Chile

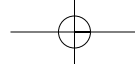
Comite de Defensa de los Derechos del Pueblo (CODEPU)

Comision Chilena de Derechos Humanos	Organización Nacional Indígena de Colombia (ONIC)
Colombia	Sindicato de Trabajadores y Empleados Universitarios de Colombia (SINTRAUNICOL)
Asociación Campesina del Valle del Río Cimitarra (ACVC)	
Asociación de Familiares de Detenidos Desaparecidos de Colombia (ASFADDES)	Congo-Brazzaville
Asociación Nacional de Ayuda Solidaria (ANDAS)	Observatoire Congolais des Droits de l'Homme (OCDH)
Central Unitaria de Trabajadores (CUT)	
Centro de Investigación y Educación Popular (CINEP)	Croatia
Collectif des Droits de l'Homme Semillas de Libertad (CODEHSEL)	Civic Committee for Human Rights (CCHR)
Comité Permanente por la Defensa de Derechos Humanos (CPDH)	
Comité de Solidaridad con los Presos Políticos (CSPP)	Cuba
Corporación Colectivo de Abogados "José Alvear Restrepo" (CCAJAR)	Comisión Cubana de Derechos Humanos y Reconciliación Nacional
Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)	
Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)	Czech Republic
Corporación Servicios Profesionales Comunitarios (SEMBRAR)	Environmental Law Service (ELS)
Instituto Popular de Capacitación (IPC)	
Red Nacional de Iniciativas por la Paz y Contra la Guerra (REDEPAL)	Democratic Republic of Congo
Organización Feminina Popular (OFP)	Association Africaine de Défense des Droits de l'Homme (ASADHO)
Organización Indígena de Antioquia	Collectif des Jeunes Solidaires du Sud-Kivu (COJESKI)
Organización Internacional de Derechos Humanos – Acción Colombia (OIDHACO)	Comité des Observateurs des Droits de l'Homme (CODHO)
	Elimu
	Groupe Justice et Libération
	Groupe Lotus
	Journalistes en Danger (JED)
	Ligue des Electeurs
	Voix des Sans Voix (VSV)

Ecuador	Comisión de Derechos Humanos de Guatemala (CDHG)
Assemblée permanente des Droits de l'Homme (APDH)	Coordinación Nacional de Derechos Humanos en Guatemala (CONADEHGUA)
Fundación Regional de Asesoría en Derechos Humanos (INREDH)	Familiares de Desaparecidos de Guatemala (FAMDEGUA)
	Fundación Myrna Mack
Egypt	Grupo de Apoyo Mutuo (GAM)
Cairo Institute for Human Rights Studies (CIHRS)	GuaUnidos
Egyptian Center for Women's Rights	
Egyptian Organisation for Human Rights (EOHR)	Haiti
Hisham Mubarak Center for Law	Haitian Human Rights Organizations Platform (POHDH)
Ibn Khaldoun Center	National Coalition for Haitian Rights (NCHR)
Ethiopia	Honduras
Ethiopian Human Rights Council (EHRC)	Comité para la Defensa de los Derechos Humanos (CODEH)
Gambia	India
Section Amnesty International	Naz Foundation International
	People's Vigilance Committee on Bonded Child
Georgia	
Independent Society for Human Rights in Georgia (ISHRG)	Indonesia
	Association Démocratie Indonésie Libertés (ADIL)
Greece	Pusat Informasidan Jaringan Aksi Reformasi (PIJAR)
Greek Helsinki Monitor	
	Iran
Guatemala	Ligue pour la Défense des Droits de l'Homme en Iran (LDDHI)
Alliance against Impunity	
Casa Alianza	
Centro de Estudios, Información y Bases para la Acción Social (CEIBAS)	
Centro de Investigación, Estudios y Promoción de los Derechos Humanos (CIEPRODHI)	

Jordan	Centro de Derechos Humanos
Jordan Society for Human Rights (JSHR)	"Miguel Agustín Pro Juárez" (PRODH)
Mizan	Ciudadanos en Apoyo a los Derechos Humanos Asociación Civil (CADHAC)
Sisterhood Is Global Institute	Comisión mexicana de defensa y promoción de los derechos humanos (CMDPDH)
Kenya	Ligue Mexicaine pour la Défense des Droits de l'Homme (LIMEDDH)
Kenya Human Rights Commission (KHRC)	Réseau National des Organisations Civiles des Droits de l'Homme "Todos los Derechos para Todos"
Kyrgyzstan	
Kyrgyz Committee for Human Rights (KCHR)	
Lebanon	Morocco
Fondation des droits de l'Homme et du droit humanitaire Liban (FDDHL)	Association Marocaine des Droits Humains (AMDH)
Soutien aux Libanais détenus arbitrairement (SOLIDA)	Forum Vérité Justice
	Organisation Marocaine des Droits Humains (OMDH)
Liberia	
Liberia Watch for Human Rights	Nepal
	Informal Sector Service Center (INSEC)
Malaysia	International Institute for Human Rights, Environment and Development (INHURED)
Suaram	People Forum for Human Rights and Democracy
Mauritania	
Association Mauritanienne des Droits de l'Homme (AMDH)	Nicaragua
	Centro de Derechos Humanos Ciudadanos y Autónomos de la Costa Atlántica (CEDHEHCA)
Mexico	Centro Nicaraguense de Derechos Humanos (CENIDH)
Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México (AFADEM – FEDEFAM)	Cooperativa de Mujeres de Mulukulu
Centro de Derechos Humanos "Fray Bartolomé de Las Casas"	Coordinación Civil para la Reconstrucción
	Sí Mujer

Nigeria	Republic of South Korea
Movement for the Survival of the Ogoni People (MOSOP)	Korean Confederation of Trade Union
	Russia
	Fondation Glasnost
Northern Ireland	Memorial
Committee on the Administration of Justice (CAJ)	
	Rwanda
	Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme (LIPRODHOR)
Pakistan	
Human Rights Commission of Pakistan (HRCP)	Senegal
	Organisation nationale des droits de l'Homme (ONDH)
Palestine	Rencontre africaine des droits de l'Homme (RADDHO)
Al-Haq	
Al-Mezan Centre for Human Rights	Sudan
Palestinian Centre for Human Rights (PCHR)	Sudanese Human Rights Group (SHRG)
Palestinian Human Rights Monitoring Group (PHRMG)	Sudanese Victims of Torture Group (SVTG)
Palestinian Society for the Protection of Human Rights and the Environment (LAW)	
	Switzerland
Peru	Bruno Manser Funds (Association des Peuples de la Forêt Pluviale)
Asociación Pro Derechos Humanos (APRODEH)	
Coordinadora Nacional de Derechos Humanos (CNDH)	Syria
	Comités de Défense des Libertés Démocratiques et des Droits de l'Homme en Syrie (CDF)
Philippines	
Alliance for the Advancement of People's Rights (KARAPATAN)	Tanzania
PREDA Foundation	Lawyers Environmental Action Team (LEAT)
TFDP/Task Force Detainees of the Philippines	Legal and Human Rights Center (LHRC)



Tunisia

Association Tunisienne des Femmes
Démocrates (ATFD)
Centre pour l'Indépendance de la Justice
(CIJ)
Comité pour le Respect des Libertés
et des Droits de l'Homme en Tunisie
(CRLDHT)
Conseil National pour les Libertés
en Tunisie (CNLT)
Ligue Tunisienne des Droits de l'Homme
(LTDH)
Section Tunisienne du Mouvement
International ATTAC (RAID)

Turkey

Association des Droits de l'Homme (IHD)
Human Rights Foundation of Turkey
(HRFT)
Uganda
Foundation for Human Rights Initiative

Uzbekistan

Human Rights Society of Uzbekistan
(HRSU)

Vietnam

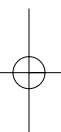
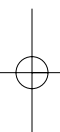
Comité Vietnam pour la Défense des Droits
de l'Homme (CVDDH)

Zimbabwe

Zimbabwe Human Rights Association
(ZimRights)

ANNEX II

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Annex III

The Observatory for the Protection of Human Rights Defenders: an FIDH and OMCT joint programme

Activities of the Observatory

The Observatory is an action programme based on the conviction that strengthened co-operation and solidarity among defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

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With this aim, the Observatory seeks:

- a) a mechanism of systematic alert of the international community on cases of harassment and repression against defenders of human rights and fundamental freedoms, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- d) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations, that work for human rights around the world;
- e) sustained lobbying with various regional and international intergovernmental institutions, especially the United Nations (UN), and more particularly the Special Representative of the Secretary General on Human Rights Defenders, the Organisation of American States (OAS), the Organisation of African Unity (OAU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and the International Labour Organisation (ILO).

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the “operational definition” of human rights defenders adopted by the OMCT and FIDH: “Each person victim or risking to be the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments”.

To ensure its activities of alert and mobilisation, the Observatory has a system of communication devoted to defenders in danger.

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This system, known as the Emergency Line, is accessible through:

Email : observatoire@iprolink.ch

Tel : + 33 (0) 1 43 55 20 11 / Fax : + 33 (0) 1 43 55 18 80 (FIDH)

Tel : + 41 22 809 49 39 / Fax : + 41 22 809 49 29 (OMCT)

Animators of the Observatory

From the headquarters of FIDH (Paris) and OMCT (Geneva), the Observatory's Programme is supervised by Antoine Bernard, Executive Director of FIDH and Eric Sottas, Director of OMCT. The programme managers are : for OMCT, Laurence Cuny, Head of the Programme on Defenders of OMCT, and for FIDH, Juliane Falloux, Head of the FIDH's Desk for Eastern Europe, and Catherine François, Programme Officer of FIDH. With the assistance of Clemencia Devia Suarez, Michael Anthony, Patricia Bell, Blaise Bonvin, Anne-Laurence Lacroix, Elsa Le Pennec, Sylvain Mange, Katharine Mann and Mariano Said for OMCT, as well as Sara Guillet, Alexa LeBlanc, Emmanuelle Duverger, Isabelle Brachet, Antoine Madelin, Marie de Coune, Gaël Grilhot, Simia Amadi Thoolen, Isabelle Chebat, Tiphaine Havel, Rosa Sanchez, Nicolas Barreto-Diaz, Elin Wrzoncki, Ji Sook Lee

and H el ene Desoldt for FIDH.

The Observatory's activities are assisted by the local partners of the FIDH and the OMCT.

Operators of the Observatory

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FIDH

The International Federation for Human Rights (FIDH) is an international non-governmental organisation for the defence of the human rights enshrined in the Universal Declaration of Human Rights of 1948.

Created in 1922, it includes 115 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in more than one hundred countries.

FIDH has either consultative or observer status with the United Nations Economic and Social Council, UNESCO, the Council of Europe's Permanent Committee, the African Commission for Human and Peoples' Rights, the « Organisation internationale de la francophonie », and the International Labour Organisation.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in Brussels and in Geneva. FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

The International Board is comprised of: Sidiki Kaba, President; Catherine Choquet, Driss El Yazami, Anne-Christine Hubbard, Claude Katz, Fran ois-Xavier Nsanzuwera, general secretaries; Philippe Vallet, Treasurer; and Dobian Assingar (Chad), Akin Birdal (Turkey), Hafez Habu Saada (Egypt), Karim Lahidji (Iran), Lucie Lemonde (Canada-Quebec), Siobhan Ni Chulachain (Ireland), Vilma N u ez de

Escorcia (Nicaragua), Jose Rebelo (Portugal), Cheikh Saad Bouh Kamara (Mauritania), Francisco Soberon Garrido (Peru), Raji Sourani (Palestine), Thierno Sow (Guinea), Alirio Uribe (Colombia), Michel Tubiana (France), Vo Van Ai (Vietnam), Vice-Presidents.

America: Al Bronstein; for Asia: Joseph Gathia, Sanjeewa Liyanage, Ravi Nair, Elisabeth P. Protacio and Khalida Salima; for Europe: Panayote Elias Dimitras, Nazmi Gür, Hélène Jaffe, Tinatin Khidasheli and Frauke Seidensticker; for Middle East and Maghreb: Mohammad Abu-Harthieh, Hassam Moosa, Radhia Nasraoui and Lea Tsemel.

OMCT

Created in 1986, the World Organisation Against Torture (OMCT) is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and all other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of 250 non-governmental organisations in 85 countries and seeks to strengthen and accompany their activities on the field. On a daily basis, its urgent appeals reach more than 90.000 governmental institutions, non-governmental institutions, associations as well as other pressure and interest groups. This urgent information is divided into the general programme and specific programmes (children, women, economic, social and cultural rights, racism and defenders). OMCT also provides urgent assistance (judicial, medical and/or social) to victims of torture and submits each year more than thirty alternative reports on countries, which are examined before the different United Nations mechanisms.

Two delegations of the International Secretariat have been appointed to promote activities in North America and Europe. OMCT has either consultative or observer status with the United Nations Economic and Social Council (ECOSOC), the International Labour Organisation (ILO), the African Commission on Human and Peoples' Rights and the Council of Europe.

Its Executive Council is composed of: Elisabeth Reusse-Decrey, President, Denis von der Weid, Vice-President, Olivier Mach, Vice-President, José Domingo Dougan Beaca, Treasurer, Dan Cunniah, Frej Feniche, Alphonse Mac Donald, and Christine Sayeg. Delegates Assembly, elected in December 2001 is composed of twenty four members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Guillaume Ngefa and Osman Hummaida; for Latin America: Ernesto Alayza Mujica, Helio Bicudo, Alberto León Gómez, and Alicia Pérez Duarte; for North

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Thanks

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