



Steadfast in Protest

Foreword by Hina Jilani

Annual Report 2007

Observatory for the Protection of
Human Rights Defenders

/ STEADFAST IN PROTEST

OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

FIDH / OMCT

/ STEADFAST IN PROTEST

ANNUAL REPORT 2007

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/ FOREWORD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Ms. Hina Jilani

Special Representative of the United Nations Secretary-General
on the Situation on Human Rights Defenders (2000-2008)

2008 marks, together with the sixtieth anniversary of the Universal Declaration of Human Rights, the tenth anniversary 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 (or Declaration on human rights defenders) adopted by the United Nations General Assembly. In 2000, the General Assembly and the Secretary-General entrusted me with the task of promoting and implementing this Declaration. As my time as Special Representative of the Secretary-General on the situation of human rights defenders is now coming to an end, it is particularly timely for me to reflect on these past years and look ahead at the challenges that still remain to be addressed.

During my eight-year tenure, I presented 34 reports, of which 21 to the Commission on Human Rights, 7 to the General Assembly and 6 to the Human Rights Council. I conducted 14 country visits to 12 countries (Angola, Brazil, Colombia, Guatemala, Indonesia, Israel and the Occupied Palestinian Territory (OPT), Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Nigeria, Serbia including Kosovo, Thailand, and Turkey). I sent over 2,000 communications to 120 countries on the situation of over 3,300 defenders, 22 percent of whom were women defenders. Finally, I issued over 40 press releases raising concern over the situation of human rights defenders in 28 countries.

These figures evince my choice to adopt a broad definition of human rights defenders in accordance with the Declaration on human rights defenders, which states that people who, individually or with others, promote and strive for the realization of human rights are human rights defenders. I paid special attention to the challenges faced by women

human rights defenders who need additional protection measures to work in a secure environment. I also highlighted the plight of defenders who enjoy less protection and are more at risk of violations, such as defenders defending economic, social and cultural rights as well as rights of indigenous peoples, minorities, and lesbians, gays, bisexuals and transgenders (LGBT).

I am particularly pleased that under my tenure, the Declaration on human rights defenders has gained increased visibility, and that direct reference to this text is made in several documents and instruments at the international, regional and national levels. Based on the rights and principles set out in the Declaration, I conducted in-depth studies of thematic areas that contributed to the development and articulation of the human rights discourse on defenders, and the identification of sets of recommendations and guidelines to facilitate the implementation of the Declaration.

These past eight years also saw the flourishing of vibrant national civil societies as well as the establishment and development of regional and international networks and coalitions of human rights defenders that refer to the mandate as their protection mechanism. These are developments I strongly encouraged. I also actively supported the establishment of regional human rights mechanisms and the adoption of normative frameworks for the protection of human rights defenders, such as the Special Rapporteur on human rights defenders of the African Commission on Human and Peoples' Rights and the 2004 European Union Guidelines on human rights defenders.

However, several challenges still remain for the effective protection of human rights defenders. First of all, a sustained focus by all stakeholders on the situation of vulnerable groups of human rights defenders must continue. Of special importance is the gender dimension of the risks encountered when defending human rights. A lot has been accomplished and the momentum must be kept up. A greater degree of cooperation between the mandate of human rights defenders and States, particularly those which are less responsive, is further to be achieved. Finally, regional human rights mechanisms must be empowered and fully supported by all actors in order to ensure that human rights defenders enjoy the protection and legitimacy of a committed regional human rights framework.

Since its establishment in 1997 by the International Federation for Human Rights and the World Organisation Against Torture, the Observatory for the Protection of Human Rights Defenders has relentlessly denounced acts of harassment and intimidation against human rights defenders throughout the world which impede their legitimate and non-violent activities in defence of human rights. I welcome the commendable work of the Observatory, and encourage it to continue its efforts in advocating a safe environment for all human rights defenders.

/ INTRODUCTION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Over the past 60 years, the Universal Declaration of Human Rights has been promoted every day by women and men who bear witness on behalf of victims and demand justice for the weakest. From Andrei Sakharov to Digna Ochoa, from Shirin Ebadi to Hu Jia or Nelson Mandela, these human rights defenders contributed and still contribute to ensuring that the Declaration is a reality in the daily life of all.

The most important aspect of the Annual Report, which we have now published for nine years, is probably to provide an understanding of current events in relation to the situations that are experienced by human rights defenders. It is precisely because this correlation between the situation of human rights defenders and that of the societies in which they live is obvious, because a worsening of the conditions in which they act or live prefigures a de facto general deterioration in freedoms in their countries, that this year we have decided to change the format of the publication and to place the analysis of the forms of repression to which defenders are subjected in their political context, which is indissociable from the combats they lead for human rights and fundamental freedoms¹.

A new Annual Report, then, but one that basically, sadly, confirms the tendency observed in recent years, i.e. the continuing repression of defenders ever more harshly. Once again this year, the little and partial progress that has been noted has again been counterbalanced at best by a stagnation, and at worst by a deterioration in the situation of human rights and fundamental freedoms. Without being pessimistic, the situation of these rights and freedoms as well as of their defenders described in this Annual Report for 2007 is scarcely or not at all satisfactory.

1./ See methodology below.

In a majority of the countries covered in this Report, the defence of human rights and fundamental freedoms is as complex and full of risk as ever. Although it is difficult to obtain precise statistical data for each country, many defenders still currently lose their lives because of their commitment. And although the international and regional inter-governmental mechanisms for the protection of human rights and the increasing media coverage of cases of human rights defenders who are in danger henceforth permit improved protection for many of them, they are nonetheless subjected to constant harassment and laws that are destructive of freedoms, which prevents them from carrying out their activities serenely.

How can psychological support be provided to the victims of international crimes and other serious human rights violations when it is impossible to travel within a country that is prey to war? Can one develop an effective programme of prevention against sexual crimes when threatened with death for being a member of an association? Who today can afford to make a regime to face up to its responsibilities, without being subjected in one way or another to violence by groups that are totally dedicated to the regime, or even by an extremely scrupulous State body that is likely to find all kinds of reasons for refusing to “register” your organisation? What reserves of artfulness must internauts draw on to escape the ever-present “Big Fire Wall”, which has probably become the most effective anti-democracy virus nowadays, potentially benefiting from the de facto support of the sector’s huge multinationals?

Arbitrary arrests, sentences handed out following unfair trials, or placements under house arrest continued this year, all constraints on the activities of hundreds of human rights defenders throughout the world. Subjected to verbal and physical violence by the authorities, private armed groups or the henchmen of such-and-such a regime, defenders have to cope with all kinds of accusations, each more extravagant and unfounded than the others. In addition, the obsession with “security” henceforth takes precedence over the requirement for citizens’ liberty, including within the most democratic States, and those who refuse to accept this have to face appalling criticism. The year 2007 also confirmed the tendency to criminalise social protest in many of the world’s countries.

Local or regional conflicts, the fight against terrorism, cultural relativism or, more simply, an election period that is uncertain for the Government in office: there are many factors – and just as many pretexts – to explain these securitarian tactics of retreat. There is no point in going over them all here, but we may nevertheless take note that these developments have considerable repercussions on the international system of human rights protection, which is prey to attempts to weaken it. We should stand back and realise how far we have come and the progress that has been made in recognising defenders and protecting them at regional and international level, progress that is due to all these defenders, to the mobilisation of civil society throughout the world, and also to Ms. Hina Jilani, to whom it is our duty to pay deserved tribute here.

In December 1998, following years of negotiation, the United Nations General Assembly adopted a Declaration on Human Rights Defenders² as part of the festivities to mark the 50th anniversary of the Universal Declaration of Human Rights. The mandate of Special Representative of the Secretary-General of the United Nations on Human Rights Defenders was subsequently created. Ms. Hina Jilani held this position for nearly eight years and contributed to a clear definition of the status of “human rights defender”.

Ms. Hina Jilani firstly contributed to promoting the idea that human rights defenders cannot merely be reduced to lists of organisations, however respectable they might be, but that the quality of defender is acquired through activities carried out on behalf of the rights of others. During her mandate Ms. Jilani also often stressed the fact that defenders do not need to have specific rights. The category of defender should not be defined in terms of legal identity but on the basis of the types of violations committed against them. By repressing defenders, the authorities of the countries concerned seek not only to prevent or restrict the exercise of rights recognised in international law, but also try to prevent the victims on behalf of whom defenders intervene from benefiting from the national and international solidarity that they deserve. The defence of defenders aims to maintain the indispensable

2/ 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”.

link between victims who attempt to make their voice heard and the bodies that are charged with protecting their rights.

Finally, conscious that the most effective action is carried out as close to the victim as possible, Ms. Hina Jilani worked alongside the Observatory for the Protection of Human Rights Defenders to reinforce or to create the regional mechanisms intended for the protection of defenders.

Indeed, the last ten years have been ten years of drawing up mechanisms for the protection of human rights defenders, and today, in Africa, the Americas and Europe, these undeniably work. The Observatory, which contributed to their establishment, welcomes them and notes that this international and regional protection today permits improved knowledge of situations that were previously concealed. But in recent years the international context that has contributed to releasing States from their obligation to condemn – even formally – unacceptable practices (torture, arbitrary arrests, etc.), has also permitted the same States to circumvent their obligations with regard to the protection of defenders. The latter are therefore now increasingly subject to legislative abuses at local level, and to friendly understandings at international level that aim to damage their capacity to act.

Human rights defenders are often victims of their own success in the field and are consequently subject to a backlash on the part of the most repressive States, against which we must react immediately if we want to avoid a risk of regression.

This year, the sixtieth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the Declaration on Human Rights Defenders should therefore be, for us and for all those who take risks in the field to defend the rights and freedoms promoted in these Declarations a year in which to rejoice and to wish long life to these texts that are the core of the human rights protection system established since the Second World War. Yet, current events world-wide are there to remind us how often the needle veers to red with regard to access to fundamental rights and freedoms. And the main indicator is certainly that of how human rights defenders are able to act in the field.

/ METHODOLOGY

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The 2007 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis, country by country, of the political context that prevailed in 2007 and the most prevalent forms of repression against human rights defenders, illustrated by cases of individual or collective repression. These analyses are supplemented, in the form of a CD-ROM attached to the Report, by a compilation covering all cases handled by the Observatory, updates of cases from the 2006 Report, and certain cases that were not addressed but whose importance required them to be included in this report. The cases presented reflect activities of alert, mobilisation, and support conducted by the Observatory on the basis of information received from member organisations or partners of the FIDH and OMCT¹. We take this opportunity to express our appreciation and heartfelt thanks for their valuable collaboration and their vital contributions.

This Annual Report is not exhaustive, insofar as a number of countries are not addressed. This reflects our choice to focus on situations effectively dealt with by the Observatory. In addition, in some States, systematic repression is such that it renders impossible any independent activity or organised defence of human rights, as is the case in North Korea or Libya. On the other hand, conflict situations in countries such as Iraq or Afghanistan make it extremely difficult to isolate trends of repression aimed exclusively at human rights defenders. These situations are, however, subject to other activities conducted by the Observatory, such as advocacy with intergovernmental organisations and States. The report does not reflect the possible – and too rare – positive measures or practices, which does not mean they do not exist. Rather, the Report is a reflection of the protection mandate of the Observatory, and its actions in cases of repression against human rights defenders.

1./ See Annex 1 p. 298.

/ THEY MUST KNOW THAT THEY ARE NEVER ALONE

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Ms. Barbara Hendricks,

Opera Singer, United States of America

Human rights defenders are born of necessity, the necessity to take a stand and the inability to stay silent.

Human rights defenders are the body, the voice and conscience of our family of humanity.

From the heart and soul of this body of humanity has sprung the Universal Declaration of Human Rights.

They stand for all of us as they put themselves in harm's way, are arrested, harassed and killed as they stand not only for their own particular causes but also for the respect, promotion and defence of human rights for all of us.

They stand when others will not or cannot. They stand because their only other choice is a life without freedom and maybe even death.

They depend on our solidarity and support. They must always know that they are never alone. We must support them every step of the way not because they need us but more importantly we need them.

Since the adoption of the Universal Declaration of Human Rights in 1948 there have been many successes but the situation continues to deteriorate in many countries. We know that hard won freedoms and advances can be lost in the blink of an eye. We must all remain on our guard. Freedom is not given, it is earned and demands a constant vigilance. The fight is never won but the fight is essential to our human destiny. Humankind is forever at the crossroads and the direction toward tyranny and injustice is too easily travelled. When we are para-

lysed by fear we allow power hungry leaders, sometimes with little or no resistance, to move us down the slippery slope of so-called protections for our own good that land us to a situation in which our most self evident freedoms that we haven taken for granted are gone. The voices that warn us of these dangers, the voices that fight to establish freedoms where they have never existed are the voice of the human rights defenders. Without individual human rights defenders, human rights treaties risk remaining a dead letter.

I am an active patron of the Martin Ennals Award for Human Rights Defenders (MEA). We are inspired by dedication that its namesake Martin Ennals, a pioneer of the modern human rights movement showed throughout his life for the defence of human rights.

Created in 1993, this award is granted annually to someone who has demonstrated an exceptional record of combating human rights violations by courageous and innovative means. The fact that the 10 most important human rights organizations, including both the International Federation for Human Rights and the World Organisation Against Torture, are on the Jury, is an inspiring symbol of cooperation among NGOs. The 17 Laureates of the MEA are not the only human rights defenders that deserve our support, but they have an exemplary function (see www.martinennalsaward.org) and help to legitimize the work all of human rights defenders, who are nowadays often painted as troublemakers or even worse as helping “terrorism”. When you see what these people have had to endure for their belief, you realise that the Observatory is a crucial tool in the worldwide fight for human rights. We must continue to give our full support to these courageous defenders by helping to shed light on their struggles and by defending human rights of those nearest us, in our homes, at our workplace and in our communities, everyday in every way and with the means that we have. Let us also not forget to honour our fallen defenders whom we have not been able to protect, for it is on their bloodied shoulders that we all are able to stand in order to continue the fight.

/ ALTERNATIVE PATHS FOR THE GOOD OF HUMANITY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Mr. Adolfo Pérez Esquivel
Nobel Peace Prize, 1980, Argentina

Humanity needs to create a “new social contract”. It is reaching a limit, one at which the pacts, the international protocols and the conventions sanctioned and approved by the United Nations must undergo a more profound analysis, and create control and prevention instruments for the defence of the human rights of individuals and peoples.

In the past six decades, i.e., since the proclamation of the Universal Declaration on Human Rights by the United Nations, we have witnessed progress in many areas. Regrettably, in others, human rights violations continue in countries that were the engines and the promoters of the achievements of the past. A concrete example is the United States of America, which systematically violates human rights and justifies the use of torture. We could also mention Israel, China, Burma, African countries and, in Latin America, Colombia and Mexico, among others. Often, the victims of these violations include human rights defenders, who embrace their ethical commitment with generosity and responsibility, standing next to their fellow man and their peoples.

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), is a fundamental and necessary contribution to the conscience of the international community and to the organisations that are responsible for preventing human rights violations and ensuring their protection around the world.

Convened by the United Nations, the Vienna World Conference on Human Rights (1993) advanced the process of reflection and

understanding of human rights in their integrity. There, concepts on the environment, development and the self-determination of peoples were elaborated. However, if we look at the global situation, we are necessarily preoccupied. We demand that international and national organisations assume their responsibilities with regards to the conflicts humanity currently faces. We have not yet created control and prevention instruments. I believe that States must make political decisions in order to achieve this goal.

Many human rights defenders are attacked and sometimes murdered by groups and Governments that attempt to silence the voices that denounce grave human rights violations. The impunity with which they act, as well as the frequent complicity of judicial authorities, allow these aberrant practices to continue.

Today, this persecution is evident in countries like Guatemala, El Salvador, Honduras, Colombia, and in African countries like Rwanda and Congo, as well as in others that were mentioned above, such as Burma and China. Let us not forget the prison conditions and murders in Afghanistan and Iraq, and in the American military base in Guantánamo, Cuba. The serious risks human rights defenders take make a compelling case for the need to strengthen the instruments that protect their lives and security.

In the framework of this brief discussion, it is necessary to deepen and improve the structure of the United Nations, which is currently debilitated by great powers that continue to use the veto to hinder sanctions against ongoing violations they commit against the human rights of individuals and peoples.

The Observatory not only gathers these indicators and calls for reflection; it also searches for alternative paths for the good of humanity.

/ UNSUNG HEROES

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Mr. José Ramos-Horta

President of Timor-Leste, Nobel Peace Prize Laureate, 1996

Over the years, as I knocked doors around the world begging to be heard, strolled the long corridors of the Palais des Nations in Geneva or the UN Headquarters in New York, waiting and accosting young and presumptuous diplomats who seemed always in a hurry, with no time to see a little character like myself, there was a group of humble, professional, dedicated people who had time for me – they were the Human Rights Defenders.

Today I am writing this small introduction for the Annual Report 2007 of the Observatory for the Protection of Human Rights Defenders (a joint programme of OMCT and FIDH), as a modest tribute to these unsung heroes who in their home countries struggle daily with bravery, facing arbitrary arrest, imprisonment, sometimes torture and death, to safeguard the basic human rights of fellow human beings.

In Asia, Africa, Latin America, North America, Europe, the work of human rights defenders often go unnoticed. Of course in democratic countries with a strong rule of law, civil society and free media, the work of human rights defenders is less risky and is well supported in goods and grants that enable them to have an impressive operational machinery, abundant staff; easy access to media, and to lobby the US Congress, the United Nations, the European Union, etc. They circulate in cocktail parties, attend Hollywood functions and rub shoulders with movie stars like George Clooney, Angelina Jolie and others. I never managed to get that close.

The brothers and sisters in remote places like Burma or Chad do not have these luxuries. They operate in rundown offices, cook their own cheap meals or buy them from a street food stall, move around town in beaten-up cars, and must always be alert. Many languish in jails around

the world. Some are dead. Indonesian human rights defender Munir was poisoned to death in a first class seat in the Indonesian national airliner Garuda. Beware of invitations from flight attendants or pilots to move you from your miserable coach seat to first class.

It is highly unlikely that the UN General Assembly and Human Rights Council would want to extend further assistance and protection to human rights defenders. But the Secretary-General and High Commissioner for Human Rights might wish to look into ways to further assist them as they do have some prerogatives to take independent initiatives to assist human rights defenders. Nordic countries and the European Commission should increase assistance to them.

Today I am the Head of State in a newly-independent country still struggling to consolidate peace and democracy. On day one of independence in 2002 as Minister for Foreign Affairs, I led the process in my own country to have our National Parliament ratify all major International Human Rights Conventions. Pursuant to our Treaty obligations we have submitted two reports to the Treaty bodies. How many Western democracies have done this?

In closing, I bow to my unsung heroes.

/ ACTORS FOR PEACE

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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The Most Reverend Desmond Mpilo Tutu

Archbishop, Nobel Peace Prize Laureate, 1984
South Africa

For decades, South Africa was probably one of the countries in which human rights violations were both the gravest and most widespread.

The generalised system of apartheid negated the very principle on which the Universal Declaration of Human Rights was built, i.e. equality between all human beings regardless of their race, sex or birth. Having made inequality between men a law, the apartheid regime could only maintain itself by violence and force. The inversion of values was so extensive that the demand for legality appeared as a crime and its denial as a right.

Faced with this situation, there was considerable pressure to respond to oppression with the same tools oppression used to impose itself. Strong convictions and a deep attachment to ethical and fundamental values were needed to fight for human rights while respecting the principles of non-violence and of peaceful conquest of denied rights. The women and men who embarked on this long journey towards the rule of law did not allow themselves to resort to violence in order for justice to triumph. They believed in the power of persuasion and in the need to anchor their action in a framework that called for the respect of the other, despite the other's own lack of respect.

By doing so, these women and men became victims that were even more easily repressed, as they refused to use the means of their oppressors. Their actions had to incite an active minority of their fellow citizens – notably within the white minority – to support their demands and to unite in their struggle. These human rights defenders, who acted to protect not their own rights but rather all the rights of all people, also suffered the exactions of an unjust power. And yet they played a funda-

mental role, not only in the protection and support they brought to the leaders of the anti-apartheid struggle, but also as bridges between these human rights activists and the members of their own communities, who began to realise that the system was not only unjust but also doomed.

When the moment came for the transition to a democratic regime that would respect all South Africa's children, there was a terrible risk that the majority – which had been a victim for such a long time – would revolt and seek revenge. Everyone both expected and dreaded the conflict that many experts believed was inevitable. If modern South Africa was able to emerge without bloodshed, it is first and foremost because of leaders like Nelson Mandela, who after years of illegal detention in inhumane conditions provided examples of authorities who were attached to human dignity and to the rule of law, for which they had always fought. And yet, realistically, if the message was received by the white minority whose blindness had perpetuated a heinous regime for so long, it is perhaps thanks to the human rights defenders who had incessantly called for a sense of human dignity within this community. Human rights defenders are not only the protectors of those who fight for justice when it is denied – they are also indispensable factors of pacification when it finally triumphs.

/ CHINA: MAJOR SETBACKS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Mr. Wei Jingsheng

Writer, 1996 Laureate of the Sakharov Prize
for Freedom of Thought, China

In the last a couple years, Chinese human rights have experienced minor progresses in some areas, but over all major setbacks.

The minor progresses are reflected by all death sentences being approved by the Supreme People's Court. Since the era of Deng XiaoPing, the authorisation and approval of the death sentences were given to the provincial courts, even district courts, which resulted in massive abuses of the use of death sentences. For their own political motivations or revenge purposes, many local officials expanded the use of death penalties, even making faults and wrongful cases for personal and selfish gains. The death penalty in China represents more than 3/4 of the whole world.

Under the pressure of the public opinions, both internationally and within China, especially the mobilisation of various NGOs, the Chinese Government had to face this issue seriously. Finally, starting last year, the right to approve the death penalty returned to the Supreme Court. According to the unpublished estimation of the Chinese jurisdictional department, in the next few years, the number of death penalty sentences will be reduced rapidly, the difficulty for the local officials to make related false and wrongfully cases will be increased. This is a major achievement of the global efforts for the promotion of human rights.

However, in almost all the other areas, Chinese human rights conditions have suffered major setbacks, in particular in two areas.

1. Major setbacks in the areas of freedom of speech

Because of sanctions and penalties against various media professions being adopted in order to cut and modify information according to the Chinese Communist Party (CCP), the freedom of press has reduced to the lowest level of the world. Besides, the freedom of commentaries was restricted to meet the propaganda standard of the CCP, especially electronic media. Beside self-censorship, China also has the strongest Internet blockage. Information that does not meet the standard of the CCP's propaganda is very hard to reach the Internet users.

People of various media who try to break through this speech blockage (such as journalists, editors, freelance reporters) often suffer cruel assaults, such as losing jobs, being beaten by the Mafia, or even sent to jail. What should be underlined in particular are the Western businesses' help to the CCP agencies' efforts of searching the dissidents, as well as blockage of the Internet, which resulted in jail sentences against innocent people.

2. Severe repression against human rights defenders

The collective rights defending activities of the Chinese people have been developing rapidly in the folder of several times every year, both in number and scale, which resulted in the creation of many rights lawyers and group leaders. Because of their leadership and consultancy, the effectiveness of the rights defending activities was increased in larger scale as well. This is a particular case in China: because the Government does not take the responsibility to protect the people, because more and more officials are accomplices of the evil forces, people have to organise themselves to protect their own rights and thus produce their own leaders.

Meanwhile, CCP's repression against the rights movement has come from the traditional, without certain rule type, into the systematic repression that have its goal, and rules to follow. On one hand, there are newly equipped, most modern military police of 200,000 that cooperate with local polices and are composed into a large and strong repression system that specifically targets people's rights activities. On the other hand, the CCP tries to destroy all the leaders and right defending people by severely torturing the detained rights defenders, in an effort to destroy them both physically and mentally. Many political prisoners were destroyed both ways, thus losing their ability to make a living.

In particular, last year the Chinese Government's repression has rapidly upgraded, in an effort to make sure there is no dissident voices from the people during the 2008 Olympics. The repression scale has been expanded into the Western sportsmen, media and tourists. In a few Western countries, this kind of repression of dissident voices has been relayed by some Western politicians, such as: Belgium, England and New Zealand who tried to repress their sportsmen to express their political opinions during the Olympics.

We have reasons to believe, it is not just the Chinese people who suffer the repression; the repression is expanding towards every corner of the world.

/ ACRONYMS MOST FREQUENTLY USED IN THE REPORT

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| | |
|---------------|--|
| ACHPR | African Commission of Human and Peoples' Rights |
| AIDS | Acquired Immune Deficiency Syndrome |
| ASEAN | Association of Southeast Asian Nations |
| CIS | Commonwealth of Independent States |
| ECHR | European Court on Human Rights |
| EU | European Union |
| FIDH | International Federation for Human Rights |
| HIV | Human Immuno-Deficiency Virus |
| IACHR | Inter-American Commission on Human Rights |
| ICC | International Criminal Court |
| ILC | International Labour Conference |
| ILO | International Labour Organisation |
| LGBT | Lesbiens, Gays, Bisexuals and Transgenders |
| NATO | North Atlantic Treaty Organisation |
| NGOs | Non-Governmental Organisations |
| OCHA | Office for the Coordination of Humanitarian Affairs |
| OHCHR | Office of the High Commissioner for Human Rights |
| OMCT | World Organisation Against Torture |
| OSCE | Organisation for Security and Cooperation in Europe |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |
| UNICEF | United Nations Children's Fund |



/ AFRICA

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/ BURUNDI

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Political context

Whilst implementation of the comprehensive ceasefire agreement, signed on September 7, 2006 by the Government of Burundi and the rebels, has been blocked since the National Liberation Forces (*Forces nationales de libération* - FNL) left the negotiating table in July 2007, the presence of the Party for the Liberation of the Hutu People - National Liberation Front (*Parti pour la libération du peuple hutu - Forces nationales de libération* - PALIPEHUTU-FNL) in the west of the country led to human rights violations in 2007 by both the rebels and the security forces¹.

The year 2007 had begun, though, with a glimmer of hope for political stability with the release of five of those accused of plotting a coup in 2006, including the former Head of State, Mr. Domitien Ndayizeye, and three journalists from the radio stations *Isanganiro* and *Radio publique africaine*. However, delays in implementing the agreement with the FNL and the destitution of the President of the ruling power, the National Council for the Defence of Democracy – Force for the Defence of Democracy (*Conseil national pour la défense de la démocratie – Force de défense de la démocratie*) have provoked a crisis inside this party which paralysed the Parliament and other national institutions. Under pressure from civil society and the country's international partners, the opposition parties agreed to selective participation in parliamentary sessions². The political crisis was finally resolved with the constitution of a new Government in November 2007.

1./ The Integrated Office of the United Nations in Burundi (BINUB), which replaced the UN Mission in Burundi on January 1, 2007, referred to these human rights violations in its weekly reports. As an example, in the week of December 3 - 7, 2007, 238 cases of violations by representatives of the Burundi national police were counted, as well as five cases of violations by agents of the National Defence Force and five cases by agents of the National Intelligence Service. Other reports included evidence of violations committed by the FNL.

2./ See Second Report of the United Nations Secretary-General on BINUB, November 23, 2007.

As part of the process of reconstructing the country and the consolidation of peace, the new Government has to tackle the issue of transitional justice and bring to light the serious human rights violations committed since the start of the civil war in 1993. In March 2007, it was agreed to set up a tripartite commission for the organisation of popular consultations. This commission is made up of six people representing the State, civil society and the international community. The establishment of a transitional justice mechanism was the main objective of the visit by the United Nations High Commissioner for Human Rights from May 19 to 23, 2007. Civil society organisations notified the High Commissioner, however, that it would be difficult to consider any kind of justice as long as the security situation was not ensured.

Threats and attacks against defenders who denounce torture practised by State agents

In its Final Conclusions in February 2007, the United Nations Committee Against Torture expressed its alarm at reports that torture is a widespread practice. It also noted its concern about reprisals, intimidation and threats made against human rights defenders, particularly against persons who report acts of torture and ill-treatment, and requested the State to take steps to ensure their protection³.

Despite these Recommendations, in 2007 several NGO members were threatened, intimidated or subject to beatings by the authorities they dared to accuse, primarily police agents. Thus, on February 23, 2007, Mr. **Alexis Nzisabira**, a member of the Iteka League (*Ligue Iteka*), was beaten by the Head of the Internal Security Police for having reported acts of torture that the latter would have carried out. Similarly, on March 18, 2007, Mr. **Emile Mbokoka**, an observer for the Iteka League, was intimidated and threatened verbally by an internal security police agent because of an article that had appeared on the organisation's website on March 16, 2007 on cases of torture carried out by agents of the police force.

3./ See Conclusions and Recommendations of the Committee Against Torture, United Nations document CAT/C/BDI/CO/1, February 15, 2007.

Acts of intimidation against defenders who report corruption and trafficking in natural resources

Corruption remained a major problem in Burundi, although it is not considered as such by all State representatives⁴. This year, the Observatory for the Fight Against Corruption and Economic Embezzlement (*Observatoire de Lutte contre la Corruption et les Malversations Economiques* - OLUCOME) continued to be subjected to blackmail and intimidation for having denounced the lack of transparency in mineral extraction in the north of the country and the complicity of Burundi administration officials in smuggling activities. On December 9, 2007, the International Anti-Corruption Day, OLUCOME reported that it was dealing with more than 470 corruption cases and spoke of threats made against other institutions such as the *Radio publique africaine*. During the award of a prize by OLUCOME to the former Minister of Good Governance for his work in the fight against corruption, the latter, addressing his successor, saluted the role of NGOs, mentioning the Iteka League, the Observatory of Government Action (*Observatoire de l'action gouvernementale* - OAG) and other organisations and encouraged him to continue this collaboration. Sadly, this positive approach remains too isolated.

Acts of reprisals against defenders who report abuses of power

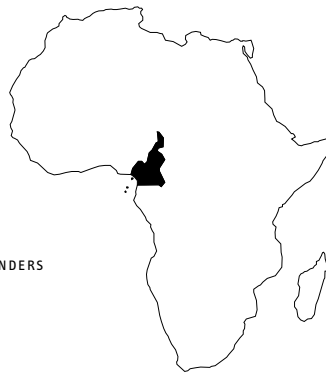
Criticism by Burundi human rights defenders of the authorities' abuse of power led to reprisals against them: Mr. **Alexis Ndayiragije**, a correspondent of *Radio sans frontières Bonesha FM* in Gitega province, was arrested in April 2007 for broadcasting information about the hijacking of supplies destined for the poor people of one of the country's provinces; another journalist, Mr. **Karihungu Amissi**, was threatened for reporting the destitution of a district chief by the authorities. Mr. **Pierre Claver Mbonimpa**, Chairman of the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues* - A.PRO.D.H), was questioned by the Prosecutor of the Republic on May 18, 2007

4/ The European Union invited the Government of Burundi to establish once and for all principles for the efficient and transparent management of State affairs (See Declaration by the Presidency on behalf of the European Union, November 27, 2007).

for speaking of the delay in handling the case of the killers of nearly 30 people in Muyinga province in the north of the country.

Obstacles to reports of human rights violations committed by the PALIPEHUTU-FNL

There is also a price to pay for reporting human rights violations committed by PALIPEHUTU-FNL rebels (thefts, murders and rapes). Mr. **Evariste Nzikobanyanka**, a journalist with *Radio publique africaine*, was threatened by a PALIPEHUTU-FNL member for broadcasting information concerning the killing of two of the movement's members by their companions in arms at the beginning of April 2007.



/ CAMEROON

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Although the legislative and municipal elections held on July 22 and September 30, 2007 gave President Paul Biya, who had been in power since 1982, a large majority in the Assembly, the opposition parties and NGOs denounced the election as fraudulent and several appeals were made against the results. In addition, in his end of year speech the President spoke in favour of modifying article 6.2 of the Constitution, which limits presidential mandates to two consecutive seven-year terms of office, which would allow him to seek one or more further terms.

According to the United Nations¹, in development terms the country had not yet managed to make any significant improvement regarding its citizens' living conditions by the end of 2006, despite overall good economic performances. The same situation was true in 2007.

Cameroon is still faced with serious problems of democratic deficiency and of governance, notably due to deficiencies in the management of public affairs, to corruption, to impunity, to the obstacles to civil society participation in public life and to recurrent human rights violations, especially of economic and social rights (access to resources, public services, work, health, education, housing, etc.).

Threats made against defenders who condemn massive corruption

There was no significant progress in 2007 in Cameroon in the fight against the massive corruption that affects all sectors of public life, despite ratification of the United Nations Convention Against Corruption, the adoption of specific provisions as part of the revision

1./ See the United Nations System Common Country Assessment based on the Cameroon Government's Poverty Reduction Strategy Document (*Document de stratégie de réduction de la pauvreté*), December 2006.

of the Criminal Code in January 2007 and the creation of the National Anti-Corruption Commission (*Commission nationale anti-corruption* - CONAC) in March 2006.

Indeed, human rights defenders who report corruption are currently vulnerable to reprisals carried out with the complicity of the State apparatus. The Cameroon House for Human Rights (*Maison des droits de l'Homme du Cameroon* - MDHC) and its Head Coordinator, Ms. **Madeleine Afité**, were harassed after reporting abuses and manipulations carried out by the police, notably in numerous cases of corruption in which they were involved. Surveillance, verbal and telephone threats as well as telephone bugging were used, for example, to try and prevent MDHC from pursuing its investigations into the follow-up to the independent enquiry into the death of Ms. Laurence Vergne in January 2007. MDHC had stated that a top official of the legal system was protecting one of the suspects arrested by the police, a gang chief involved in organised crime. Ms. Afité was also subjected to police harassment, including being called before the military examining magistrate and questioned about the organisation's methods, its information sources and in particular its legitimate authority to carry out investigations, as well as its motivations in taking action that "destroys the image of Cameroon outside the country". In parallel, the authorities threatened to carry out a campaign to stigmatise NGOs in the national media and threatened her with legal proceedings.

Continued judicial harassment and intimidation of defenders

The threat of legal proceedings is used against defenders with the aim of dissuading them from carrying out their activities. It is used in particular against those who are considered as leaders, in order to intimidate other defenders. In September 2007, a demonstration against judicial insecurity was forbidden at the last minute by the Public Prosecutor of Maroua. The latter threatened to undertake proceedings against Mr. **Abdoulaye Math**, Chairman of the Movement for the Defence of Human Rights and Freedoms (*Mouvement de défense des droits de l'Homme et des libertés* - MDDHL), holding him responsible for not preventing some associations from demonstrating as they had not received information about the ban. Another instance is that of the trial before the Appeal Court of the Far North of one of the association's members, Mr. **Adama Mal-Sali**, for "defamation and slanderous denunciations" against a village chief (who had refused him permission

to gather witnesses' evidence of human rights violations), which has continued since 2006. In 2007, hearings were postponed on four occasions because of the non-appearance of the village chief or of witnesses. This practice illustrates the poor operation of the justice system and the obstacles to defenders' freedom of action, which is likely to discourage them from carrying out missions.

In addition, defenders, who are generally regarded as political opponents, regularly suffer abuse from State agents and come up against recurrent obstacles to obtaining information, especially in places of deprivation of liberty. Arrests have sometimes been used as a form of intimidation: Messrs. **Jean Marc Bikoko**, **Hervé Yao André Benang** and **Jules Patrick Mvondo Essiga**, and Ms. **Brigitte Tamo**, members of the Confederation of Civil Service Trade Unions (*Centrale syndicale du secteur public*) were arrested on November 28, 2007 after organising union action for the raising of civil servants' salaries. They were all freed several hours later. A sign of the suspicion in which human rights organisations are held is the infiltration by intelligence agents and informers of their premises and of activities organised by them (conferences, debates, forums, etc.).



/ CENTRAL AFRICAN REPUBLIC

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, the security situation in the capital Bangui was stabilised, thanks to the presence of the Multinational Force in the Central African Republic (*Force multinationale en Centrafrique* – FOMUC), of the Economic and Monetary Community of Central Africa, and to the French detachment “Boali”. However, the situation has deteriorated in the north-west of the country, where armed rebellion movements are confronting the Government forces of General François Bozizé, exposing the civilian population to multiple abuses. Already beyond the control of Government security forces and exposed to banditry and roadblocks, the region has experienced the arrival of members of the presidential guard of former President Patassé, disappointed with the exclusion of the latter from the electoral process, who joined the People's Army for the Restoration of the Republic and Democracy (*Armée populaire pour la restauration de la République et la démocratie* – APRD).

In the northeast, in the region known as “the three borders” (Chad, Sudan and the Central African Republic), Government security forces have continued to oppose the rebels of the Democratic Front of the Central African People (*Front démocratique du peuple centrafricain* – FDPC) and the Union of Democratic Forces for Unity (*Union des forces démocratiques pour le rassemblement* – UFDR). After taking control of the area in November 2006, the rebels were fought off by the Central African armed forces with support from the French army.

Under agreements between the Government and rebels signed in February 2007 in Sirte and April 2007 in Birao, the President appointed two rebel leaders – Mr. Zakaria Damane and Mr. Abdoulaye Miskine – as advisers to the Presidency, despite the fact that the latter has been accused of international crimes perpetrated in 2002 that may fall within

the jurisdiction of the International Criminal Court. Indeed, on May 22, 2007, the Prosecutor of the ICC announced the opening of an investigation into serious crimes committed in the Central African Republic (CAR) between 2002 and 2003, including sexual violence on a large scale.

In addition, as an indication of the tension among the authorities, in May 2007 the Minister of State in charge of Communication and National Reconciliation was replaced after the projection of a film on the assassination of Captain Thomas Sankara of Burkina Faso screened at the National Assembly in the framework of the International Human Rights Film Festival, under the pretext that the film could be damaging to the country's relations with Burkina Faso.

On September 25, 2007, the United Nations Security Council adopted Resolution 1778 authorising the establishment of the United Nations Mission in the Central African Republic and Chad as part of a multidimensional operation to restore security conditions necessary for the voluntary and sustainable return of refugees and those displaced by conflict in the region¹. The mission is complemented by a European Union force, EUFOR Chad/CAR, whose mission is to contribute to the protection of civilians in danger, especially refugees and displaced persons, to facilitate the delivery of humanitarian aid by improving safety in the area of operations, and to contribute to the protection of United Nations personnel and infrastructure. The deployment is expected to begin in February 2008.

Threats against defenders of victims of international crimes

Generally speaking, human rights defenders, because of their work of reporting violations, are subjected to pressure and harassment and intimidation by Government officials who consider them as political opponents in order to degrade them. More specifically, those who defend the right of victims of international crimes committed in the Central African Republic since 2002 and want to provide victims a place in the political dialogue have been exposed to serious threats that have also affected their families. Defenders are also accused of tarnish-

1./ This mission is the pendant of the UNAMID, African Union/United Nations Hybrid Operation in Darfur (Sudan).

ing the country's image abroad by disclosing information on human rights violations. The President of the Organisation for Compassion and Development of Families in Distress (*Organisation pour la compassion et le développement des familles en détresse - OCODEFAD*), Ms. **Bernadette Sayo**, was forced into exile after unknown persons in civilian clothes accosted her in the street and threatened to kill her on February 1, 2007, together with Mr. **Nganatouwa Goungaye Wanfiyo**, a lawyer and President of the Central African League of Human Rights (*Ligue centrafricaine des droits de l'Homme*). Similarly, Mr. **Matthias Morouba**, a lawyer who defends many human rights defenders as well as victims of human rights violations, suffered various forms of pressure throughout the year, including threatening phone calls asking him to withdraw from certain cases. Threats have also been made against members of his family. Mr. Morouba has been accused of defending his clients "against the authorities."

/ CHAD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

In 2007, owing to the extension of the conflict in Darfur, to the east of the country, there were about 235,000 Sudanese refugees in Chad, and about 170,000 Chadians forcibly displaced. The “Janjawid” militia committed serious crimes against the populations on both sides of the frontier: summary executions, acts of torture, sexual violence, looting, etc. And whilst the violence between communities was increasing, echoing the exactions in Darfur, the confrontation between various Chadian rebel groups based in Darfur and the army intensified. In addition, the Syrte Peace Agreement, signed on October 25, 2007 between the Government and the rebels – the United Front for Democratic Change (*Front uni pour le changement* - FUC), the Alliance of Resistant Democrats (*Alliance des démocrates résistants* - ADR), the Chadian Democratic Rally (*Rassemblement démocratique tchadien* - RDT) and the Union of the Chadian People for National Reconstruction (*Union du peuple tchadien pour la reconstruction nationale* - UPTRN) – did not last, and by November fighting had broken out again near the Sudanese refugee camps.

In an attempt to pacify the region, on September 25, 2007, the United Nations Security Council adopted Resolution 1778 authorising the constitution of a “multidimensional” force in eastern Chad and in the northeast of the Central African Republic (CAR). The United Nations Mission in CAR and in Chad (MINURCAT) will be responsible for the protection of the refugees, the internally displaced persons and the endangered civilian populations, and also for creating a favourable environment for human rights and the rule of law, while a European Union military operation, the European Force (EUFOR), will be responsible for the protection of the endangered civilian populations, for facilitat-

ing the delivery of humanitarian aid and for protecting United Nations and international NGOs personnel, such as Doctors Without Borders Spain (*Médecins sans frontières Espagne* - MSF), whose personnel was attacked in N'Djamena in December 2007¹.

Stigmatisation of defenders and impossibility of denouncing human rights violations, in particular those committed in eastern Chad

It is extremely difficult to denounce human rights violations in such conditions, especially as the Government rejects any criticism liable to question its authority. Defenders are systematically stigmatised and exposed to physical attacks, in particular when they denounce human rights violations, especially in eastern Chad, on the Sudanese border. At a press conference held in the middle of December 2007, for instance, the Minister for the Interior threatened to put an end to the activities of NGOs and independent journalists if they continued to criticise Government policies and action in the east of the country. Such remarks confirm the policy of harassment and intimidation of journalists who publish articles on violations of human rights and international humanitarian law in the area. Thus, Mr. **Bénoudjita Nadjikimo**, publisher of the *Notre Temps* newspaper, was arrested on December 14, 2007 without a warrant and charged with “incitement to tribal hatred”, on the grounds that he had published an article denouncing human rights violations in eastern Chad.

Furthermore, as in previous years, human rights defenders continued to be stigmatised and assimilated to political opponents or criminals. An example of this is provided by remarks made by the Minister for Culture and Artistic Development in his native village, Moundou, early January 2008, against defenders who had come to intervene in an inter-community conflict: “There is no territory for human rights organisations. Chad belongs to the Chadian authorities. I shall never tolerate human rights associations defying the State in western Logone”. Such declarations can only encourage acts of intimidation and attacks against defenders, which are committed with total impunity.

1./ See United Nations Press Release, “Attacks against aid workers impeding humanitarian relief in eastern Chad”, December 27, 2007.

Trade union leaders are also subjected to repression. In June 2007, repression against trade unions intensified following a public sector strike organised by the Interunion association (*Intersyndicale*) calling for a revaluation of the civil service index, a rise in the minimum wage, a very substantial increase in retirement pensions, and family allowances adapted to the cost of living. From the start, the workers involved in the strike were subjected to pressure, and on June 5, 2007, the headquarters of the Chadian Teachers' Union (*Syndicat des enseignants du Tchad*), a member of the Interunion association, were occupied by the police and the gendarmerie. In addition, on May 27, 2007, the passport of Mr. **Djibrine Assali**, Secretary General of the Chad Trade Union Federation (*Union des syndicats du Tchad - UST*), was confiscated as he was about to take a flight to Geneva (Switzerland), where he was to attend the International Labour Conference².

2./ See Press Release by the International Trade Union Confederation (ITUC), June 5, 2007.



/ CÔTE D'IVOIRE

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Signs of reprieve came in 2007 with the signature of the Ouagadougou Agreement in March 2007, which brought Mr. Guillaume Soro, Leader of the New Forces (*Forces nouvelles* - FN) and author of the attempted *coup d'état* in 1999, to the position of Prime Minister in the new transitional Government. In addition, presidential elections, which have been postponed several times since 2005, are due to take place in June 2008. The United Nations Security Council Resolution 1765, adopted on July 16, 2007, reiterated the importance placed by the international community on the holding of free elections.

Signs of progress came with the dismantling of the confidence zone (a buffer zone between the north and south) and the President's visit in the north of the country at the end of November 2007. At the end of December, delays in the disarmament programme however triggered protest movements by the former rebels. NGOs condemned the arrests and executions carried out on December 27, 2007 in FN administered zones, which could have damaged the peace process. The FN responded by accusing the NGOs of being manipulated by insurgent elements aiming to weaken them from within.

The NGOs also condemned the February 2007 agreement between the Government and Trafigura, the company involved in the toxic waste scandal^{1/}, which provides that the latter shall pay the State 150 million euros in return for legal proceedings being dropped. Apart from the denial of justice that this agreement represents for victims, the State

1./ On September 6, 2006, a boat had poured more than 400 tons of highly toxic waste into the port of Abidjan, resulting in sixteen deaths, according to Government sources. Several State representatives had been complicit in the affair, highlighting corruption problems and causing the Prime Minister of the time to resign, though he has since returned to his position. Human rights organisations intervened to demand that investigations be carried out so that the guilty parties might be punished.

indemnity process has been particularly criticised by NGOs and victims because of its many weaknesses: an ambiguous selectivity amongst the victims, minimal compensation and slow procedures have all discredited the process. In June 2007, a complaint was filed with the “Tribunal de Grande Instance” in Paris on behalf of 20 victims of the waste discharge against two French Directors of Trafigura who had been released by Ivorian authorities. At the end of 2007, the preliminary enquiry that was opened following filing of the complaint was still under way.

Attack against NGO premises

In May 2007, the headquarters of the Ivorian Human Rights League (*Ligue ivoirienne des droits de l'Homme - LIDHO*) in Abidjan was vandalised by a group of students and young patriots in response to an appeal by the Secretary General of the Student Federation of Côte d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire - FESCI*). The attackers even held a meeting in front of the League headquarters, insulting its members, calling them “traitors” and “enemies of the power”. LIDHO was blamed for having loaned its premises to striking teachers. This reason was visibly no more than a pretext, as LIDHO has frequently condemned the many acts of violence and harassment carried out by FESCI on the campus of Abidjan University over the past years. No arrests have been made, despite the presence of the police on the premises. The complaint filed by LIDHO with the Prosecutor of the Republic against the FESCI Secretary General has not been followed up and witnesses have never been called by the Prosecutor's services, proving that these organisations can act again with impunity against defenders².

2./ The Special Rapporteur of the African Commission on Human and People's Rights (ACHPR) on Human Rights Defenders in Africa, Ms. Reine Alapini-Gansou, expressed her “profound concern” following reports of an “attack against the *Ligue ivoirienne des droits de l'Homme* (LIDHO) and *Action pour la protection des droits de l'Homme* (APDH) on 21 May 2007 by members of the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI)” (See Press Release dated June 6, 2007).



/ DEMOCRATIC REPUBLIC OF CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The period of political transition initiated by the 2002 Global and All-Inclusive Pretoria Agreement ended with the achievement of one of its goals: the holding of presidential elections. On December 6, 2006, the elected President Joseph Kabila took oath. On February 5, 2007, the new Government, led by Mr. Antoine Gizenga, was officially announced, and on February 24, 2007, his programme was adopted by the National Assembly. The elections were vigorously supported by the international community, in particular the European Union, at the expense of the other commitments specified in the Agreement that were necessary for the peace and security of the country, i.e. the reinforcement of the rule of law, measures to counter impunity for the most serious crimes, and the reunification of the armed groups within a national army. "Elections at all costs" thus marked the stop of a transition that ended up by being no more than a name.

Insecurity is still rampant in Kinshasa, and in the east of the country, in the Ituri district, South Kivu and North Katanga. And furthermore, since 2007, there is a violent conflict in North Kivu between General Laurent Nkunda's dissident troops and the Democratic Republic of Congo (DRC) Armed Forces (*Forces armées de RDC - FARDC*). Interference of neighbouring countries and the fight for the control of natural resources also contribute to the war in the area.

The civilian populations are the first victims of such violence, as they are exposed to executions, enforced disappearances, acts of torture and

ill-treatment, arbitrary arrests, looting, etc¹. In addition, acts of rape and sexual violence, made commonplace by years of war, are committed massively and systematically, especially in the conflict zones. These violations are perpetrated with total impunity as much by Government personnel, mainly members of the FARDC and the Congolese national police, as by the militia and armed groups, in particular the Democratic Liberation Forces of Rwanda (*Forces démocratiques de libération du Rwanda*), the Mai-Mai and General Nkunda's troops².

Moreover, the judicial system suffers from a total absence of independence and impartiality. This is constantly denounced by local NGOs, which stress the need to rebuild the judicial system, to guarantee its independence, and to introduce legal reforms to ensure that perpetrators of crimes, particularly the most serious crimes, are effectively prosecuted and brought to trial. In that respect, it is worth noting that on October 19, 2007, following an enquiry, the International Criminal Court (ICC) issued a warrant for the arrest of Mr. Germain Katanga, head of the rebel troops, who committed serious human rights violations in Ituri in 2002 and 2003.

In such a context, the task of human rights defenders is particularly difficult. The Congolese authorities are extremely sensitive to activities that could adversely affect their credibility and image abroad, and denunciation of human rights violations is carried out in an environment that is exceedingly dangerous for defenders. This year again, they have paid a heavy toll: assassinations, clandestinity, exile and persecution. In 2007, the Special Rapporteur of the ACHPR on human rights defenders in Africa published four press releases on the situation of defenders in the DRC, out of a total of seven for 2007, which shows how precarious their situation is.

1./ The scope of acts of sexual violence was denounced by all the observers who went to DRC during the year, among them the United Nations Special Rapporteur on violence against women, its causes and consequences (See Report on a mission to the Democratic Republic of Congo, United Nations document A/HRC/7/6/Add.4, February 28, 2008). The Committee for the Elimination of Racial Discrimination also referred to the situation in its concluding observations (See United Nations document CERD/C/COD/CO/15, August 17, 2007).

2./ See the monthly reports of the United Nations Mission in DRC (*Mission de l'Organisation des Nations unies en RDC – MONUC*), www.monuc.org.

Assimilation of defenders to political opponents and accusations of tarnishing the image of the country

Human rights defenders who denounce violations of fundamental freedoms and international humanitarian law are often considered to be sympathisers of one of the existing forces, and are repeatedly subjected to threats, harassment and intimidation from the national authorities and members of armed groups. Such for instance was the case of Mr. **Dismas Kitenge Senga**, President of the Lotus Group (*Groupe Lotus*) based in Kitangi, who was attacked on October 18, 2007 by a group of students, after he had made statements to the media calling for peace talks between the Government and General Laurent Nkunda's rebels. The students, echoing the militaristic positions of the Chief of State, accused him of supporting General Nkunda and therefore of being a "traitor to the nation". In addition, on October 5, 2007 several members of Solidarity for Katanga (*Solidarité katangaise*), an organisation presided over by the Minister for Humanitarian affairs, gathered in front of the offices of the Katanga section of the African Association for the Defence of Human Rights (*Association africaine de défense des droits de l'Homme - ASADHO*), chanting hostile songs.

Moreover, defenders continue to be systematically questioned by Government agents, such as those belonging to the General Directorate for Migrations (*Direction générale des migrations - DGM*), following travels abroad for human rights activities, and accused of tarnishing the image of the national institutions. For instance, Mr. **Kabala Mushiya**, former Senior Official of the National Observatory for Human Rights (*Observatoire national des droits de l'Homme - ONDH*) and Secretary General of the Committee for Democracy and Human Rights (*Comité pour la démocratie et les droits de l'Homme - CDDH*), was detained on September 2, 2007 at his arrival at Kinshasa airport by six DGM agents, who questioned him on the human rights activities that he had recently engaged in during a stay in Europe. During the interrogation, Mr. Kabala Mushiya was accused of having deteriorated the national image abroad and of having criticised the DRC institutions. Likewise, the Minister for the Press and Information publicly called Journalists In Danger (*Journalistes en danger - JED*) "antipatriotic", after it had denounced, during a press conference, alterations to two bills restricting the freedom of the press.

Threats against defenders fighting impunity and the shortcomings of the judicial system

In 2007, as in the past, defenders taking part in ICC investigations, or more generally in the fight against the impunity enjoyed by warlords and heads of militia, were subjected to smear campaigns and threats. One of the leaders of Justice Plus, for instance, left the country, and the other members of the organisation continued to receive threats following their criticism of the conditions under which the Kisangani trial of the former warlords was conducted.

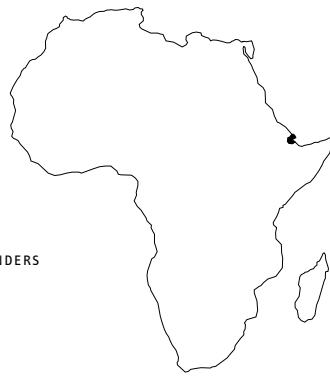
Also, several NGOs, including JED, received threats for having denounced the failings of military justice, and particularly the haste with which it operated, the contradictory statements of the suspected murderers, and the absence of material proof and of motive in connexion with the enquiry into the murder, on June 13, 2007, of Mr. Serge Maheshe, a radio journalist working for the *Radio Okapi*, sponsored by the UN. Members of JED also continued to be harassed following the publication, in 2006, of an enquiry on those presumed to be responsible for the assassination of the journalist Franck Ngyeke, in November 2005.

Harassment of defenders denouncing the bad management of natural resources

On several occasions the United Nations Independent Expert on the DRC called on the Government to accentuate the fight against trafficking in natural resources and their illegal exploitation³. The matter remains extremely sensitive and, as before, the defenders who denounced the bad management of natural resources by the Congolese authorities, and in particular the contracts signed with foreign mining companies, had problems with the authorities. For instance, Mr. **Willy Loyombo**, a member of the Lotus Group in Opala and President of the Organisation for the Settling, Literacy and Promotion of Pygmies (*Organisation pour la sédentarisation, l'alphabétisation et la promotion des Pygmées* - OSAPY), an NGO based in Kisangani, and also a member of the Civil Society Network in Charge of Monitoring and Managing Natural Resources (*Réseau de la société civile en charge de la surveillance et de la gestion des ressources naturelles*), is actively

3./ See Report by the Independent Expert on the human rights situation in the DRC, United Nations document A/HRC/4/7, February 21, 2007.

engaged in promoting the revision of the unfair contracts signed by local companies, which violate the rights of local communities and environmental rights. As a consequence he is constantly harassed and threatened by the local authorities, who accuse him of stirring up the population against the companies. Likewise, Mr. **Georges Ningo**, a member of the Coordination of Associations Promoting and Defending Human Rights in Isangi (*Coordination des associations de promotion et de défense des droits de l'Homme à Isangi*), was threatened on several occasions by the local authorities and the police. Late 2007, he was wanted by the Prosecutor's office of the Kisangani Court for "inciting the local population to rebellion", whereas he was defending the right of the communities to reap some benefit from the operations of the Imbolo-based timber company SAFBOIS.



Political context

With the prospect of parliamentary elections on February 8, 2008, the authorities further tightened their stranglehold on human rights defenders, especially trade union members, insofar as they are the last independent members of a civil society that is under control and publish evidence of the oppressive nature of the Djibouti regime. By demanding improvement of polling methods that permit the winner of the parliamentary elections to hold all the seats at the National Assembly¹, defenders have clearly demonstrated by which means the coalition of parties that forms the Government, the Union for the Presidential Majority (*Union de la majorité présidentielle* - UMP), remains in power.

2007 was also marked by the International Labour Conference (ILC) firm urging of the Djibouti authorities to comply with their international obligations on the rights to freedom of association, which were systematically violated, and to end repression of union members². Various committees of the 96th Session of the ILC also called for the revocation of several provisions of the Labour Code that came into effect in January 2006³, and which seems to have been drawn up to reinforce the methods of pressurising the unions, for the reinstatement of union members who had been dismissed and for respect for trade union freedom.

Systematic muzzling of the union movement

In 2007, union officials continued to be the target of multiple acts of harassment, primarily through judicial proceedings and wrongful

1./ The electoral list system in a single round of voting strongly favours the majority party. Thus, despite an official score of around 30% in the previous parliamentary elections, opposition parties were not represented in Parliament.

2./ See in particular the Report of the Committee on the Application of Standards and the Credentials Committee, 96th session of the International Labour Conference, June 2007.

3./ See Observatory Annual Report 2006.

dismissal. Thus, by the end of 2007, judicial proceedings based on accusations of “supplying information to a foreign power”, “secret contacts with a foreign power” and “outrage to the President” that were instituted in March 2006 against Mr. **Adan Mohamed Abdou**, Secretary General of the Djibouti Labour Union (*Union djiboutienne du travail* - UDT), Mr. **Hassan Cher Hared**, UDT International Relations Secretary, Mr. **Mohamed Ahmed Mohamed**, Head of Legal Affairs of the Port Workers’ Union (*Union des travailleurs du port* - UTP), and Mr. **Djibril Ismael Egueh**, Secretary General of the Maritime and Transit Service Union (*Syndicat personnel maritime et du service de transit* - SP-MTS), were still pending⁴. Since then, Mr. Hassan Cher Hared and Mr. Djibril Ismael Egueh, who suffered harassment in their work, have left the country. The International Labour Organisation (ILO) Committee on Freedom of Association considered in its latest report that the dismissal of Mr. Cher Hared in September 2006 was a serious case of violation and “urge[d] the Government to launch an inquiry without delay [...] and, if it is found that the dismissal was based on anti-union grounds, to reinstate [him] and pay him any wage arrears owed to him”⁵. At the end of 2007, the Djibouti Government has still not responded to this decision.

The authorities also resorted to other forms of action to prevent union officials from denouncing their abuses. Since they were charged in February 2006, the travel documents of Mr. Mohamed Ahmed Mohamed and Mr. Djibril Ismael Egueh have been held by the intelligence services. Telephone bugging and the interception of mail also remained common. For example, several UDT complaints addressed to the ILO were intercepted. However, during the ILC in June 2007, the Government agreed to receive a direct contact mission due to take place as from January 21, 2008. On May 3, 2007 the Government also refused entry visas to an international trade union solidarity mission⁶.

4./ These proceedings were subsequent to participation in a training course led by an Israeli union confederation and the filing of a complaint concerning the retirement and wrongful dismissal of union officials.

5./ See 348th Report of the Committee on Freedom of Association, paragraph 560 (b), November 2007.

6./ The Committee on Freedom of Association urged the Government to respond to allegations of barring a mission from entering, and arresting and interrogating the only member of the mission allowed to enter the country - an ILO official. (See 348th Report of the Committee on Freedom of Association, paragraph 560 (c), November 2007).

A further tactic used to weaken lawful unions was the creation, with the agreement of the Ministry of Employment and National Solidarity, of a fake union made up of members close to the authorities and secret service agents, with the intention of discrediting the allegations of union members during conferences and international meetings.

Arbitrary arrests of defenders in the run up to the elections

With the approach of the elections in February 2008, human rights defenders were increasingly the target of acts of intimidation. In December 2007, the President of the Djibouti League of Human Rights (*Ligue djiboutienne des droits humains* - LDDH), Mr. **Jean-Paul Noël Abdi**, was again arrested after the publication of a statement reporting the corruption of the ruling authorities and the risk of electoral fraud during the polls. His transfer to the Nagad detention centre, 40 kilometres from the city of Djibouti, which is officially used to hold persons due to be escorted back to the border, is an illustration of the methods used against human rights defenders, journalists or other persons the authorities consider as opponents. In the course of the year, Mr. Abdi had already been the object of proceedings for “defamation”, “divulging false news” and “slandering denunciation” following the publication of a press release questioning the role of the military authorities in cases of summary executions of civilians during fighting in January 1994, and condemning the rape of a young girl by an army corporal in 2007. Mr. Abdi was only released following the intervention of the Observatory, which appointed Mr. Michel Tubiana as his defence lawyer and who highlighted the unfair nature of the trial and of the judicial procedure⁷. These irregularities were also condemned by the Special Rapporteur of the African Commission on Human and People’s Rights (ACHPR) on Human Rights Defenders in Africa⁸. Finally, the authorities also confiscated his passport on March 11, 2007, the day of his release, to prevent him from attending a human rights conference.

7/ On April 11, 2007, the Djibouti Court of Appeal sentenced Mr. Jean-Paul Noël Abdi to one year in prison, including 11 months’ suspended sentence and a fine of 300,000 Djibouti francs. He appealed against the sentence on June 24, 2007.

8./ See Press Release on the harassment of Mr. Jean-Paul Noël Abdi by the Special Rapporteur of the ACHPR on Human Rights Defenders in Africa, March 16, 2007.



/ EQUATORIAL GUINEA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Despite the 1991 Constitution that legalised the multiparty system, the Democratic Party of Equatorial Guinea (*Partido Democrático de Guinea Ecuatorial*) maintained its hegemony over the country, whose economy is based on substantial oil resources. Symbolically, on December 31, 2007, in his end of year speech, President Obiang Nguema Mbasogo, while speaking about the parliamentary elections scheduled for March 2008, asked parties for “transparency, legality, nationalism, and consensus with the Government to prove their political maturity to international public opinion and to avoid absurd interventions by those who believe themselves the masters of democracy”. This intervention reveals the insincerity of public statements calling for the return of exiles with promises of tolerance and reintegration in the country.

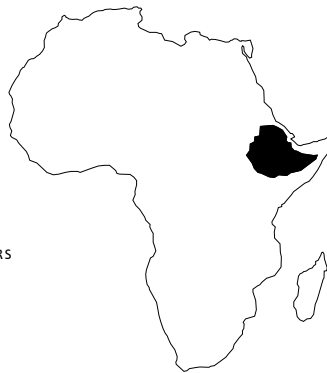
In addition, the Concluding Observations of the United Nations Human Rights Committee, which had reviewed the situation in the country in the absence of a report in 2004 – no report has been submitted since 1988 despite State obligations –, remained on the agenda. The Committee expressed its concern over the systematic use of torture and ill-treatment by law enforcement officials, as well as arbitrary detentions, including those in quasi-illegal detention centres¹. The judiciary is also characterised by a complete lack of independence. If a law has since been passed in 2006 to prevent, prohibit and punish torture, it seems to be largely ignored².

1./ See the Concluding Observations on the situation of civil and political rights in Equatorial Guinea by the United Nations Committee on Human Rights, UN document CCPR/CO/79/GNQ, August 13, 2004.

2./ See Law n° 6/2006, adopted on November 2, 2006.

**A total lack of freedom for defenders,
particularly trade unionists**

Despite the ratification of ILO Conventions on freedom of association, the Government has not submitted a report since 1998, does not recognize independent unions and denies them registration. For example, the Trade Union of Workers of Equatorial Guinea (*Unión Sindical de Trabajadores de Guinea Ecuatorial*) is obliged to carry out its activities underground, and the Independent Union of services (*Sindicato Independiente de Servicios*) could not be regularised because the Government is opposed to the word “independent”. This situation renders any denunciation of working conditions impossible.

/ **ETHIOPIA**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007**Political context**

Despite the Peace Agreement signed in 2000 and the establishment of a United Nations Mission to Ethiopia and Eritrea, the peace process remained in stalemate in 2007 due to constant arguments over demarcation of the border between the two countries. In December 2006, Ethiopia embarked on military intervention in Somalia on the pretext of supporting the federal transitional Government against the advances of the insurgent Union of Islamic Courts, who demanded the return to “Great Somalia”. Its army was still present in the country at the end of 2007. Its status as an ally in the war against terrorism meant that it was very little criticised for human rights violations in Somalia and in the fighting against the Ethiopian rebel movements, or for its policy of repression of human rights defenders.

Furthermore, in spite of constitutional guarantees of press freedom and freedom of information, the Ethiopian Government maintained strict control over Internet access and on-line media. The sole access provider is State-run. Access to political blogs and human rights information is blocked but information is often available on other sites and no sanctions have so far been taken against the authors, often Ethiopian, of articles posted on these sites¹.

Obstacles to freedom of association

In September 2006, the Minister of Justice had issued an official memorandum on NGO registration to a very restricted distribution list, stating that henceforth NGOs should present their programme of proposed activities to a committee made up of representatives from eight Ministries, and sign agreements with Government agencies to obtain or renew their licenses. It appeared that a bill on NGOs was about to be finalised without consulting civil society organisations.

1/ See the OpenNet Initiative country file on Ethiopia.

Sentencing of human rights defenders who contested the validity of the 2005 elections

In 2007, defenders continued to suffer the consequences of the wave of arrests and judicial proceedings following the violent repression by the security forces of demonstrators who contested the validity of the parliamentary elections held on May 15, 2005 and the victory of the ruling party, the Ethiopian People's Revolutionary Democratic Front. Several trials came to an end this year but the harassment of certain defenders, who refused to sign a declaration recognising the unconstitutional nature of the demonstrations, continued.

In December 2005, more than a hundred people, including Messrs. **Kassahun Kebede**, a member of the Ethiopian Teachers' Association (ETA), **Daniel Bekele**, Director of the Action Aid programme in Ethiopia, and **Netsanet Desmissie**, founder of the Organisation for Social Justice in Ethiopia (OSJE), were accused of "conspiracy", "inciting to armed rebellion", "outrage against the Constitutional order", "high treason" and even "genocide", for having dared to contest the validity of the outcome of the 2005 parliamentary election. On several occasions, the Observatory condemned the many irregularities of the judicial procedure against them as well as the Prosecutor's address, asking for application of the death penalty.

In April 2007, under the watch of the international community, the Ethiopian Federal High Court ordered the acquittal and release of many of the accused, including Mr. Kassahun Kebede. Several newspaper editors and journalists were also acquitted and released. On July 20, 2007, the President pardoned 38 of the 43 who had been sentenced, after they acknowledged in writing having resorted to unconstitutional methods to overthrow the Government. Messrs. Bekele and Desmissie, who had refused to sign this declaration, appealed to the Supreme Court. Their release on bail was consistently refused and, on December 26, 2007, following a trial that was postponed several times, they were finally found guilty of having provoked and prepared attacks on the Constitution. They were sentenced to two and a half years in prison.

Obstacles to humanitarian stakeholders operating in conflict zones

The Ethiopian regime is in conflict with the Ogaden National Liberation Front and the Oromo Liberation Front in the south, and

the Ethiopian People's Patriotic Front (EPPF) in the north. In these regions, the authorities do not tolerate any condemnation of violations of human rights and humanitarian law, including arbitrary arrests and disappearances of civilians. Thus, the International Committee of the Red Cross (ICRC) and Doctors Without Borders (*Médecins sans frontières* - MSF) were accused of supporting the Ogaden National Liberation Front and expelled in August 2007. Several defenders were also treated as members of the Ethiopian People's Patriotic Front and were even forced to confess under torture that they belonged to this group.

Obstacles to freedom of association for the Ethiopian Teachers' Association (ETA)

In 2007, the Government continued to interfere with ETA activities and to harass and repress its members. The ETA case dates back more than ten years and concerns the obstacles to the legal right of teachers to freely organise themselves without Government interference. At present, two unions exist, the old ETA and the new ETA, created by the authorities. Meetings of the old ETA have again been prevented this year, its equipment has been confiscated and several of its members arrested and tortured.

One of the practices of the Ethiopian authorities has been to allocate union contributions to the new ETA through a system of direct debit from salaries, despite the protests of teachers. Teachers who condemned the practice were penalised. Furthermore, in its last ruling on June 21, 2007, the Federal High Court confirmed that the legal status of the new ETA allowed it to hold the financial assets of the old ETA. With respect to this, in November 2007, the ILO Committee on Freedom of Association called on the Government "to fully observe the right of [the original] ETA to organise its internal administration free from interference by the public authorities and to provide a full and detailed reply in respect of the numerous and serious allegations [...] of repeated Government interference and harassment, arrest, detention and torture of ETA members for over a decade"².

2./ See 348th Report of the Committee on Freedom of Association, paragraph 695, November 2007.

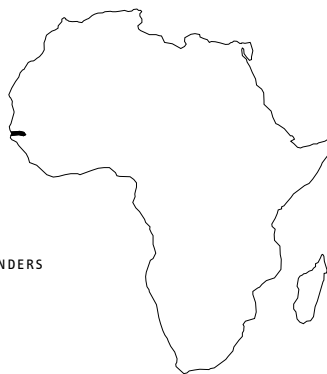
Furthermore, Mr. **Anteneh Getnet**, member of the ETA Addis Ababa Regional Council, Mr. **Meqcha Mengistu**, Chairperson of the ETA's branch in East Gojam and member of the ETA Committee responsible for the Implementation of an HIV/AIDS education programme, Mr. **Woldie Dana**, an ETA leader, Ms. **Wibit Legamo**, the wife of the latter, and Mr. **Berrhanu Aba-Debissa**, an ETA leader, were arrested in May, June and August 2007 and accused of being EPPF members. After being held at Kaliti prison in Addis Ababa, they were released on bail on December 20, 2007. Mr. Getnet and Mr. Mengistu were tortured in prison and forced to sign false confessions. The court dismissed the false confessions but did not order an investigation into the allegations of torture³.

Obstacles to defenders' access to information in zones of rebellion

In Ethiopia, the work of NGOs is constantly hindered by a number of factors, primarily the difficulty of obtaining information from public authorities. As an example, the Government is very suspicious of anyone who tries to collect information on human rights violations in zones of rebellion, thus creating an environment in which impunity persists. This task has become practically impossible in the Oromo region. For instance, on August 23, 2007, Mr. **Fekadu Negeri**, Mr. **Tefsa Burayu** and Mr. **Ibsa Wake**, members of the Executive Committee of the Ethiopian Human Rights Council (EHRCO) for the Nekmte region, were arrested and then released without being charged, illustrating the police practice of abusing preventive detention on the pretext of needing extra time for the investigation. Moreover, Mr. **Abdi Abate**, a member of EHRCO, was still in prison at the end of 2007, accused of belonging to the Liberation Front.

3/ "In view of the seriousness of the allegations concerning the torture of Messrs. Getnet and Mengistu during their detention to make them confess their membership in an illegal organisation, the long period of detention, the vague nature of the charges, their release on several occasions without any explanation as to the reasons for their detention only to be rearrested, the Committee urges the Government to initiate without delay an independent inquiry, to be led by a person that has the confidence of all the parties concerned, to fully clarify the circumstances surrounding their successive arrests and detentions, determine responsibility if it is found that they have been subjected to maltreatment and punish those responsible" (See 348th Report of the Committee on Freedom of Association, paragraph 695, November 2007).

/ GAMBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007**Political context**

The party of President Yaya Jammeh, the Alliance for Patriotic Reorientation and Construction, obtained a large majority in the legislative elections held in January 2007. Moreover, an amendment of the Local Government Act voted by Parliament on October 31, 2007 aims to extend once again the powers of the President by authorising him to dissolve municipal councils and to relieve councillors of their functions. It is in this context that, in December 2007, the two main opposition parties, the United Democratic Party (UDP) and the National Reconciliation Party (NRP), brought an action before the Supreme Court to ban the Independent Electoral Commission from organising the municipal and rural elections planned for January 2008.

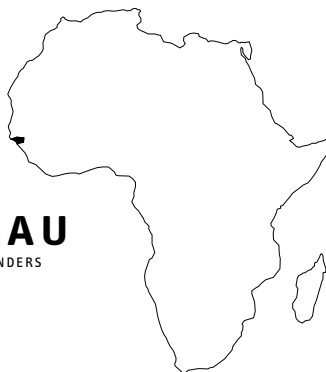
In addition, the Gambian Government is responsible for the considerable violations of fundamental freedoms that have increased since the attempted *coup d'état* on March 15, 2006. The Government, which hosts the African Commission on Human and Peoples' Rights (ACHPR), and which in 2002 had not deigned to send representatives to the examination of its country situation by the United Nations Human Rights Committee, continued to restrict the freedoms of expression and of the press, to intimidate and harass defenders and to hold political prisoners in detention. In view of the repeated, persistent violations of human rights in Gambia, several African and international NGOs have led a campaign for many years calling for ACHPR headquarters to be relocated to a country that has greater respect for human rights.

In addition, freedom of the press has been greatly restricted since the National Media Commission was set up in 2002, the revocation of the National Media Act on December 13, 2004 and the adoption, the following day, of the Criminal Code Amendment Bill. The Commission is appointed by the Government and has the power to grant licences and to force journalists to disclose their sources of information.

An extremely hostile context for defenders

In spite of the feeling of vulnerability of human rights defenders with regard to the political climate in the country, the latter continue their denunciation of, *inter alia*, arbitrary detentions which go beyond the 72 hours' delay provided for by the Constitution for detainees to be presented before a judge. As an example, on October 6, 2007, two members of the international secretariat of Amnesty International and the Gambian journalist **Yahya Dampha** were arrested and placed in detention during their visit to detention centres. They were released on bail two days later, their passports were confiscated and they were obliged to report to the police daily, before being unconditionally released on October 12. At no moment were they given an explanation regarding the reasons for their detention. This illustrates the extremely hostile context in which human rights defenders operate in Gambia.

It is also worth recalling that the murder, in December 2004, of Mr. **Deida Hydera**, the Gambia correspondent for *Agence France Presse* (AFP) and for Reporters Without Borders (*Reporters sans frontières* - RSF), and the co-owner of the newspaper *The Point*, still remains unpunished. Mr. Hydera was known in particular for his commitment to the freedom of the press and to human rights, and had notably, a few days prior to his death, published two articles in his paper criticising the adoption of two particularly restrictive laws of the press that were secretly signed in December 2004 by the President of the Republic.



/ GUINEA-BISSAU

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In Guinea-Bissau, the year 2007 was marked by increased social and political tensions and by economic decline. The United Nations Secretary-General expressed his concern regarding the heightening of political tensions following the murder, on January 4, 2007, of the former Naval Chief, Commodore Lamine Sanha, and the intervention of security forces during civil society demonstrations organised in protest against this killing¹. This intervention resulted in the death of a young man and in several participants also being injured.

On March 12, 2007, a National Stability Pact was concluded between the three main political parties – the African Party for the Independence of Guinea and Cape Verde (*Partido Africano da Independência da Guiné e Cabo Verde* - PAIGC), the Party for Social Renewal (*Partido da Renovação Social* - PRS) and the United Social Democratic Party (*Partido Unido Social Democrático* - PUSD). According to the terms of the Pact, the post of Prime Minister should revert to a PAIGC member and ministerial positions would be allocated on the following basis: 40% for PAIGC, 40% for PRS, 17% for PUSD and 3% for other parties and members of civil society. Legislative elections should be held in October or November 2008.

On July 10, 2007, the Security Council also expressed its concern at “the alarming increase in organised crime, drug trafficking and the proliferation of illicit small arms” in the country².

In addition, while collusion between the PRS and the military since the end of the civil war in 1998 has led to increasing interference

1./ See Statement of the United Nations Secretary-General, United Nations documents SG/SM/10877, AFR/1502, February 13, 2007.

2./ See Security Council Press Statement, <http://www.un.org/News/Press/docs//2007/sc9075.doc.htm>, July 10, 2007.

by the military corps in political and governmental affairs, especially since both groups are made up of Balanta figures³, the decision of the President, in October 2007, to relieve the Minister of the Interior of his duties and to appoint a member of the PRS reinforced the sense of military pressure and army interference in political matters. It has in fact been shown that the increase in tensions between the Chief of Armed Forces and the Minister of the Interior led to the dismissal of the latter and his replacement by a PRS candidate who was supported by the military.

In this context, civil society organisations operate in a hostile environment, a climate of mistrust, fear and insecurity. Judicial action is used to block the work of human rights defenders as well as acts of intimidation. Judicial proceedings are regularly brought against them, notably for defamation. Furthermore, peaceful gatherings are regularly banned, thus seriously threatening freedom of expression, press freedom and freedom of assembly.

Legal proceedings and other forms of harassment against human rights defenders involved in the fight against impunity

In December 2007, the Parliament approved a draft law providing for an amnesty for all crimes and offences committed from “politico-military” motivations in Guinea-Bissau and abroad prior to October 6, 2004. The massive approval given to this bill, which was opposed by civil society organisations, appeared to result from the general fear of reprisals by security agents, clearly showing the lack of political will to combat impunity, and further exposing defenders involved in this struggle⁴.

The case of Mr. **Mario Sá Gomes**, Chairperson of the Guinea Association of Solidarity with Victims of Miscarriage of Justice

3./ The Balantas are a tribe of Guinea Bissau. With the support of the military, the PRS took control of all strategic sectors of the country in 1998: the Ministry of Internal Administration, the border security troops, the police of public order, etc.

4./ With respect to this, the UN Secretary-General noted “concerns by civil society organisations regarding what they saw as pressures relating to freedom of the press and freedom of expression in connection with their reports on drug trafficking” (See Security Council Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, United Nations document S/2007/576, September 28, 2007).

(*Associação Guineense de Solidariedade para com as Vítimas de Erro Judicial - AGSVEJ*), is a perfect illustration of such pressure. During 2007, the latter received summons from State bodies on at least 14 occasions, especially from the office of the Prosecutor General, concerning his actions in condemning drug trafficking and politically motivated crimes. The Prosecutor General filed a complaint against Mr. Sá Gomes for “false accusations”, obliging him to present himself once a week to the judicial authorities. On July 11, 2007, the Prosecutor General issued a warrant for his arrest following a radio interview in which he condemned drug trafficking and called for a reform of the judiciary. The UN Peace-Building Office in Guinea-Bissau (UNOGBIS) sheltered him and intervened with the Government to obtain the latter’s assurance of concrete protection for him.

Restrictions on freedom of peaceful assembly and reprisals against human rights defenders who took part in demonstrations

In 2007, at least two legally organised demonstrations were disturbed by acts of repression carried out by State security forces using tear gas and attacking civilians and a journalist. This was the case with the demonstration organised in January by the Civil Society Movement (*Movimento da Sociedade Civil*), which brings together several NGOs such as the Guinean League of Human Rights (*Liga Guineense dos Direitos Humanos*) and other bodies, trades unions, the chamber of commerce, etc., to sound the alarm concerning the ever-increasing levels of crime and insecurity. This march had been called following a declaration that placed responsibility for this situation with the President of the Republic.

In addition, trade unions organised several public sector strikes, particularly strikes by teachers, protesting against the non-payment of wages, or military veterans protesting against the non-payment of their pensions. In retaliation, trade union officials continued to be exposed to acts of harassment because of their involvement in trade union activities. Some were brutalised during demonstrations, as was the case with a member of the Guinea-Bissau Transport Union who was seriously injured by the police rapid intervention forces during a peaceful gathering on November 1, 2007.



/ GUINEA CONAKRY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The beginning of 2007 in Guinea Conakry was marked by an indefinite general strike called by several trade unions on January 10, to protest against the high cost of living, corruption, impunity for financial crimes and more generally bad governance. After a repressive confrontation, the strike quickly turned into a movement of popular revolt against the regime of President Lansana Conté, who has been in power for 23 years, and the protesters' claims broadened to include the separation of powers, strengthened independence of the judiciary and real political change. The strike was initiated after the President himself freed in December 2006 Mr. Mamadou Sylla, a businessman accused of misappropriation of funds at the Central Bank, who had been imprisoned in the Conakry civil prison.

The demonstrations of January and February 2007 were violently repressed by the security services and the army, and resulted in the declaration of a state of emergency and a heavy human toll, with nearly 200 dead and more than 1,500 injured¹.

As a result of negotiations, an agreement was reached on January 27, 2007 on the formation of a new Government with a Prime Minister of consensus who has extensive executive powers for a transitional period of three years, during which legislative and presidential elections should be held. The agreement also creates an independent commission of inquiry charged with shedding light on the abuses committed during the period of repression of 2006 and 2007 (summary executions, arbitrary detention, rape, etc.). Tension further increased when President

1./ In its Resolution P6_TA(2007)0057, adopted on February 15, 2007, the European Parliament strongly condemned the "disproportionate and excessive use of force by the Guinean security forces during the recent demonstrations in various parts of the country, which resulted in the death of many civilians, the wounding of several demonstrators and the detention of trade union leaders and others".

Conté appointed one of his close friends, Mr. Eugène Camara, to the post of Prime Minister on February 9, 2007. This appointment, seen as a provocation, stirred popular riots. The general strike was finally suspended as a result of the appointment of Mr. Lansana Kouyate as Prime Minister on February 27.

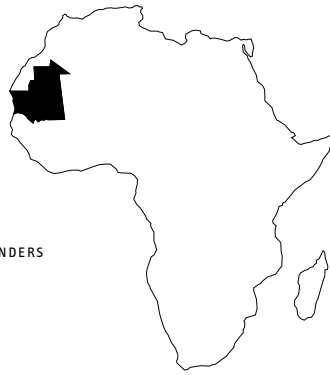
In late 2007, tension remained high because of non-compliance with the January 27, 2007 road map, the increase in the cost of living, and the postponement of the legislative elections, which were initially scheduled for December 2007 but postponed in 2008 because of delays in the establishment of the National Independent Electoral Commission (*Commission nationale électorale indépendante* - CENI) demanded by the opposition. Similarly, the persistence of impunity for perpetrators and those responsible for human rights violations remains a major obstacle to the restoration of social peace, trust and rule of law in Guinea Conakry.

Trade unionists in the line of fire from authorities

Trade unionists and trade union leaders have been one of the main targets of the authorities because of their role in the mobilisation and articulation of social and peaceful protests at the beginning of the year. The Red Berets (*Bérets rouges*), the guards of the President of the Republic that are led by his son, Mr. Ousmane Conté, were particularly active in the repression of defenders of economic and social rights, in particular by ransacking the offices and computers of some unions and beating up many trade unionists. Thus, a score of union leaders, including Dr. **Ibrahima Fofana**, Secretary General of the Workers' Union of Guinea (*Union syndicale des travailleurs de Guinée* - USTG), and Ms. **Hadja Rabiou Diallo**, Secretary General of the National Confederation of Guinean Workers (*Confédération nationale des travailleurs guinéens* - CNTG), have been repeatedly arrested and severely beaten.

To that extent, Ms. Reine Alapini Gansou, Special Rapporteur of the ACHPR on human rights defenders in Africa, expressed "deep concern following the information received regarding the harassment of human rights defenders during their union activities in Guinea"².

2./ See Press Release on the situation in Guinea by the Special Rapporteur of the ACHPR on human rights defenders in Africa (Unofficial translation).



Political context

The election of President Sidi Ould Cheikh Abdallahi on April 19, 2007, following the first election recognised as democratic since the independence of Mauritania in 1960, has resulted in many expectations from both the population and the international community engaged in a program of support for good governance and civil society, which was heavily repressed under the former regime.

The new President has pledged to eliminate the “humanitarian backlog”, a consequence of racial and ethnic crises that divided Mauritanian society in the 1980s and 1990s. In this regard, the adoption of new laws and national consultations are currently under way on the following issues: the right of return for black Mauritanians who were deported to Senegal and Mali in April 1989; the right to truth and justice for families of victims of summary executions and acts of torture committed under the “de-negrification” carried out within the administration and the army; the prohibition and criminalisation of slavery and all forms of exploitation. The participation of civil society in these debates is essential to demonstrate real political will and consolidate democracy.

Participants in the national days of consultations and mobilisation for the return of deportees and the settlement of the humanitarian backlog, which were held on November 20, 21 and 22, 2007 under the leadership of the Ministry of the Interior, recommended the creation of structure which could take the form of a truth and reconciliation commission to defend the rights of victims. In support of the fight against impunity – which the amnesty law weakened – this struc-

ture would contribute to the consolidation of the rule of law and help prevent abuses such as torture under cover of counter-terrorism¹.

In connection with the adoption of the law criminalising slavery, adopted on August 8, 2007 by Parliament², anti-slavery organisations and other associations have also asked the Government to implement measures and set up accompanying structures for the payment of reparations and for the rehabilitation of victims. In mid-October, for the first time in the country's history, a master was imprisoned for the crime of slavery on two young children in the Assaba region, a precedent which could pave the way for other cases. However, a significant drawback was raised by associations: under this law, the burden of proof lies with organisations that work with victims, and these organisations could be prosecuted for having filed slanderous complaints. The possibility of claiming damages is thus severely limited for the victims and is not yet open to organisations that support these victims.

The questioning of an initiative to ease the legal framework for NGOs

For defenders, the biggest challenge remains the definition of a legal framework governing their activities. Because this framework no longer corresponds to democratic developments, it has become urgent to adapt it. In early 2007, a consensus text was endorsed by civil society organisations³. The text aimed to abolish the system of prior authorisation, which had allowed discretionary interference by the authorities in the activities of associations, thus putting them into legal insecurity, and provided instead for the establishment of a declaratory system based on objective criteria and for the limitation of the role of the competent authority to the verification of the compliance of registration applications with the law. It also provided for control by a judge at every stage

1./ In the "Case of the Islamists", several of the 25 suspected terrorists arrested in 2005, 2006, and 2007 were tortured by law enforcement agents. On June 5, 2007, the Criminal Court of the Regional Court in Nouakchott acquitted 24 of the 25 accused, rejecting any confession obtained under torture.

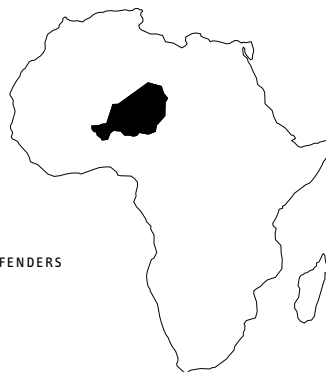
2./ Those who violate this law now face a sentence of five to ten years' imprisonment, plus a fine of between 500,000 and one million Ouguiyas (1,500 to 3,000 Euros).

3./ As part of the European programme to support civil society, a national validation workshop of the participatory study on the legal framework governing civil society organisations and mechanisms for dialogue between the State and civil society in Mauritania was held in Nouakchott on January 17 and 18, 2007.

of the existence of an NGO (constitution, functioning, dissolution), and allowed NGOs to act as civil parties in areas where they have expertise, as in the case of the law criminalising slavery.

Since then, the Government, through the Ministry Responsible for Relations with Parliament and Civil Society, has taken a step backwards. A new text was presented at a workshop on the legal framework and ethics of civil society, held on October 26 and 27 by the Ministry, with support from UNDP. The text tends towards the monitoring of the organisations. In one statement, 22 workshop participants recalled the participatory approach conducted in 2006 and the consensus text approved. They called for the respect of principles already adopted, as well as for a consultation with the Government regarding the preliminary bill, prior to its adoption and transmission to Parliament. The main points raised concerned the return to a system of prior authorisation, the centralisation of the registration of associations through a single window system, the requirements and conditions for reporting, the possibility of dissolving an organisation through administrative action (and no longer only judicial), and the impossibility of belonging to different networks. These administrative obstacles to the functioning of associations would tend to make them completely dependent on the whim of the Government, without acknowledging their role. The obligation to make the participation in this dialogue dependent on an inscription at the headquarters of the Support Fund to the Professionalisation of National Non-Governmental Organisations (*Fonds d'appui à la professionnalisation des organisations non gouvernementales nationales* - FAPONG) was also seen as a form of intrusion into the internal management of associations and another example of the liberty-killing nature of this text.

The bill, which was expected to be submitted to the parliamentary session at the end of the year, was still in the drawers of the Ministry of Relations with Parliament and Civil Society at the end of 2007.



/ NIGER

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, Niger witnessed an appeasement of its social situation, particularly following the signing in February 2007 of a comprehensive agreement putting an end to the severe food crisis of 2005, which had led to a surge in prices and a profound economic and social crisis, as a result of financial adjustment measures decided by the authorities¹. The agreement was signed by the Government of Niger and the Coalition Against the High Cost of Living (*Coalition contre la vie chère*), which gathers associations from civil society, under the direction of the National Commission for Social Dialogue (*Commission nationale de dialogue social* - CNDS). Several essential goods and services, such as water, electricity, health care, gas and fuel, experienced increases in price, sometimes up to 50% of the original cost.

However, February 2007 also saw the creation of an armed group, the Nigerian Movement for Justice (*Mouvement des Nigériens pour la justice* - MNJ), which calls for the respect of the 1995 agreements signed by the Government² and a better distribution of wealth, including income from uranium, as well as accompanying measures for families displaced because of the exploitation of the uranium deposits. The MNJ has carried out several attacks on Government targets in the north of the country, and clashes with security forces have resulted in numerous deaths. In addition, the Nigerian army has been reportedly responsible for numerous summary executions of civilians during reprisals to attacks by the MNJ.

1./ Accusations of State responsibility for the surge in prices in 2005 resulted in repression against protest leaders, notably through arbitrary detention and acts of harassment against some of them.

2./ The Peace Agreements of 1995 put an end to the revolt of the first rebellions of the 1990s in the north. They provided for the socio-economic reintegration of the Tuareg and the priority hiring of indigenous local mining companies as well as the redistribution of income from mining in the region.

The year 2007 was also marked by an upsurge in attacks on freedom of expression. The conflict zone in the Agadez region has been forbidden for journalists since August 2007, and several foreign and local journalists who have attempted to obtain and disseminate information on the rebellion have been arrested this year. For example, Mr. Moussa Kaka, a correspondent for *Radio France Internationale* and Director of the privately owned *Radio Saraouniy*, has been detained since September 20, 2007. He is accused of “complicity in plotting against the authority of the State” for having had regular contacts with the MNJ. Another journalist, Mr. Ibrahim Manzo Diallo, Editor of the bimonthly private publication *Air Info*, published in Agadez, was also indicted on October 29 for “criminal association” because of his alleged links with the rebellion. In late 2007, he was still detained in the Agadez civil prison.

Impossibility to denounce violations taking place in the northern conflict

In Niger, non-governmental organisations that denounce the serious human rights violations caused by the conflict and call for peace through negotiations instead of a military solution suffered threats and intimidation. Thus, throughout August 2007, the Niger Association for the Defence of Human Rights (*Association nigérienne pour la défense des droits de l'Homme - ANDDH*) and its leaders, as well as several other members of human rights organisations, such as Alternative Citizens' Spaces (*Alternative espaces citoyens*), the Collective of Organisations Defending Human Rights and Promoting Democracy (*Collectif des organisations de défense des droits de l'Homme et de promotion de la démocratie - CODDHD*), the Network of Development Agencies and Organisations of Defence of Human Rights and Democracy (*Réseau des organisations de développement et de défense des droits de l'Homme et de la démocratie - RODDAD*), the Collective of Organisations Defending the Right to Energy (*Collectif des organisations de défense du droit à l'énergie - CODAE*), the Coalition for Transparency in the Extractive Industries “Publish What You Pay,” (*Coalition pour la transparence dans les industries extractives “publiez ce que vous payez”*) and the Network of Organisations for Transparency and Fiscal Analysis (*Réseau des organisations pour la transparence et l'analyse budgétaire - ROTAB*), received threatening emails from unidentified authors.



REPUBLIC OF THE CONGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Parliamentary elections held in the summer of 2007 were boycotted by several opposition parties and marred by numerous irregularities during the poll. As a result, it was logical that the presidential party of Mr. Denis Sassou Nguesso, the Congolese Labour Party (*Parti congolais du travail*) again obtained a majority in Parliament. According to the conclusions of the election observation mission led by the Coordinating Electoral Support Group (*Coordination d'appui au processus électoral*), a platform bringing together members of Congolese civil society, the provisions of the Electoral Code were not respected. The independence of the National Election Organisation Commission (*Commission nationale d'organisation des élections* - CONEL), which was rather belatedly set up, was put into question and the President of CONEL himself recognised that there had been problems in Brazzaville and Pointe-Noire¹.

The country is still faced with serious problems of corruption. In June 2007, an Anti-Corruption Observatory (*Observatoire de lutte contre la corruption*) was created to monitor and assess the implementation of anti-corruption measures and reforms especially in the oil, mining and forestry sectors. This body was to include nine members from the Government, civil society and the private sector. However, defenders who report cases of corruption remain vulnerable to threats and reprisals by the authorities.

1/ See Report of the Congolese Human Rights Observatory (*Observatoire congolais des droits de l'Homme* - OCDH), *Contentieux électoral : Silence complice et prolongement de la mascarade par la cour constitutionnelle*, October 19, 2007.

Campaign to discredit NGOs linked to the case of the “Beach” disappearances

In 2007, the legal and political repercussions of the case of the “Beach”² disappearances and the work of the NGOs on behalf of victims’ families – primarily the Congolese Human Rights Observatory (*Observatoire congolais des droits de l’Homme* - OCDH) – have again made the latter targets of the authorities, which have instituted campaigns to discredit them. Indeed, for several years, the authorities and the media under their control have likened the actions of OCDH and the Collective of the Families of Missing Persons (*Collectif des familles de disparus*) in the case of the Beach disappearances to anti-patriotic actions of destabilisation. For example, at the time of the request for authorisation to commemorate the Beach victims in November 2007, the Minister of Communication described this initiative as “an attempt to resume civil war in the Congo”. Furthermore, on January 10, 2007, following the French Court of Appeal’s decision to reopen legal proceedings in France in the “Beach” missing persons case, President Sassou Nguesso, during an interview on national television, threatened the initiators of the procedure with reprisals. On January 16, 2007, the Citizens’ Force Association (*Association force citoyenne*), created by the Ministry of Communication, also protested in front of the French Embassy. A newspaper close to the Government further described Mr. **Marcel Touanga**, Chairman of the Association of the Parents’ of People Arrested at the Beach and Missing (*Association des parents des personnes arrêtées au Beach et portées disparues*), and parent of one of the Beach victims of enforced disappearance, who lives in exile in France, as “either a weeping father or a father greedy for money or power”.

2./ In December 1998, because of the civil war, several hundreds of thousands of people fled the battles and the violence committed by armed groups in the Congolese capital. Most of these displaced persons went to the Pool, a tropical forest zone to the south of Brazzaville, whilst others crossed the river and took refuge in the Democratic Republic of the Congo (DRC). Between May 5 and 14, 1999 large scale disappearance of people returning to Brazzaville via the river port at Beach was organised by the Congolese authorities after the signing of a tripartite agreement between the DRC, the Republic of the Congo and the Office of the High Commissioner for Refugees (HCR) defining a humanitarian corridor designed to guarantee their safety. However, on their arrival in Brazzaville, they were arrested for interrogation by public agents, separated from their relatives and executed. Over 50 people disappeared on May 5, 1999 and over 200 on May 14, 1999. Investigations established that over 300 people disappeared in this case.

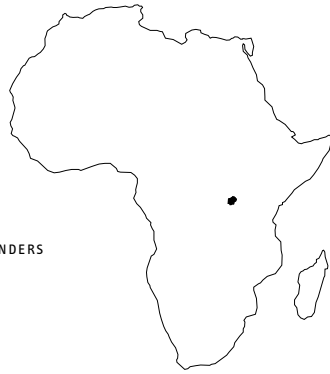
The Government also made use of a pro-Government organisation, the National Association for the Defence of Migrants and Women (*Association nationale pour la défense des migrants et des femmes - ANEDEM-F*), to denigrate OCDH activities during the 42nd Session of the African Commission on Human and Peoples' Rights (ACHPR) in Brazzaville in November 2007 and to cast doubt on the number of missing persons mentioned in the organisations' reports. In addition, the Ministry of Security and Public Order used the argument of the risk of disturbing public order to ban the commemoration of the missing people of Beach by NGOs and victims' families, which should have taken place on November 13, 2007 in marge of the ACHPR, though it had been authorised by the Prefect of Brazzaville.

Defenders threatened and accused of tarnishing the country's image

Defenders were attacked on several occasions by the authorities in 2007 because of their activities, the publication of reports and press releases referring to human rights violations in the country. As an example, following a press release on July 17, 2007 reporting discrimination against indigenous pygmy minorities, a State representative described OCDH members as "irresponsible people seeking the sensational". These accusations doubled in virulence when, according to the authorities, reports affected the country's image. Thus, at the beginning of the year, national police chief Colonel Ndengue gave instructions to forbid Mr. **Christian Mounzeo** and Mr. **Brice Makosso**, Coordinators of the "Publish What You Pay" Coalition (*Coalition "publiez ce que vous payez"*), which demands the transparent management of revenue from the extractive industries, from leaving the country. Similarly, on December 4, 2007, following the publication of articles on corruption in the forestry sector, the representative of the Forestry Economy Ministry attacked Congolese NGOs, accusing them of being "manipulated by international organisations to tarnish the country's image".

/ RWANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

In 2007, the 1994 genocide and grave human rights violations committed in the Great Lakes region continued to weigh on Rwanda's relations with the international community. Tensions have persisted between Rwanda and the Democratic Republic of Congo (DRC), and President Paul Kagame has been accused by the Congolese Government of supporting the rebel group of dissident General Laurent Nkunda in the east. The latter has in fact justified the fighting against the Congolese army in order to create a protected zone for Tutsis in the Kivus from attacks by the Interhamwe (Hutu militias present on Congolese territory since the end of genocide). During the second half of the year, tensions between the two countries eased to a certain extent, and Rwanda and the DRC even signed a joint statement on regional stability on November 9, 2007.

The situation in the country also remains marked by national reconciliation efforts and trials of those suspected of involvement in the 1994 genocide, particularly before Gacaca Courts¹. The task is immense and difficult since these courts, created in 2001 to accelerate the trial of more than 100,000 people detained since the genocide, issue a community-based form of justice that is often far from international standards, particularly with regard to respect for the rights of defence in localities where perpetrators of the genocide and survivors coexist. The security of survivors, witnesses and judges is not guaranteed and several of them have been attacked or killed, each time putting at risk the delicate balance between ethnic groups. In this regard, at the end of 2006, President Paul Kagame made a statement on the radio to warn those responsible for such attacks and called on the population to ensure the protection

1./ More than 250,000 persons acting as judges in nearly 10,000 courts in the country.

of witnesses and judges. In 2007, the warnings continued, but they have not prevented further killings, albeit fewer².

Acts of harassment of human rights defenders who denounced the malfunctions of the Gacaca Courts

Human rights defenders who followed trials before the Gacaca Courts and denounced their malfunctions were subjected to constant harassment. In general, questioning the authorities exposed the defenders to retaliation or to accusations of “genocidal ideology.”

A network of observers has been set up to examine Gacaca conditions for a fair trial, and has noted irregularities in several districts. Echoing those findings, NGOs have denounced the use of summary and hasty justice in order to meet the deadline originally set for December 31, 2007 and extended to March 2008; corruption and the abuse of power by basic authorities (villages and cells) in some districts, who use the courts to settle personal scores and intimidate witnesses; numerous procedural irregularities (lack of respect for the rights of the defence, lack of material evidence), and the undue delay in the execution of judgments. Their members have been threatened or interrogated by the authorities or the security services with impunity. The conviction of Mr. **Francis Xavier Byuma**, President of an NGO working on children’s rights, is emblematic. Mr. Byuma was sentenced on May 27, 2007 to 19 years’ imprisonment for complicity in genocide by a Gacaca Court, as the Chairman of this tribunal was the subject of an investigation carried out by his organisation. Despite this obvious conflict of interest, attempts to challenge the President of that court were denied. His only recourse now lies with the National Service for the Gacaca Courts.

Similarly, several members of NGOs were questioned by the authorities following publications on the conduct of the cases before the courts. Human rights facilitators who informed witnesses about their rights and encouraged them not to use false testimony were also beaten. In this regard, the Observatory would like to emphasise that, for the safety of defenders and their families, any specific information on their identity, their organisations or even the places where these events were held cannot

2./ See Press Release of the organisation Ibuka, www.ibuka.ch.

be disclosed, which demonstrates the intensity of the repression against them.

Threats against NGOs accused of jeopardising the process of national reconciliation

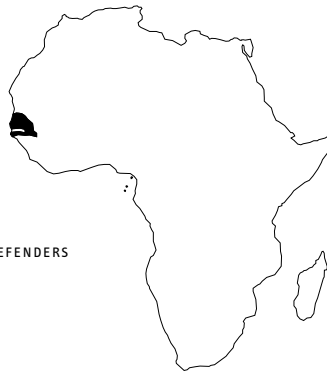
Several NGO employees were interrogated by the Directory of Military Intelligence on their publications and investigations into abuses by the ruling authorities. At least a dozen cases of defenders and journalists harassed and intimidated by the authorities were identified in 2007 but, again, for security of the defenders and their families, no details about them can be revealed. It should also be remembered that since 2004 many human rights defenders and their families have had to leave the country for fear of reprisals. In addition, while it has not made progress this year, a bill designed to strengthen supervision by the State regarding activities and publications of NGOs is still under discussion in Parliament and remains a threat to the freedom of expression of civil society organisations.

Bill governing the activities of international NGOs working in Rwanda

A bill setting out the procedures for registration, recruitment of personnel, and conduct of activities of international NGOs established in Rwanda was adopted by the Council of Ministers on July 26, 2006. It became applicable in accordance with a ministerial Decree on October 12, 2007 but has not been passed by Parliament or promulgated by the President.

The purpose of this bill is to require greater involvement from international NGOs in the development of national capacity. However, in order to achieve this objective, several provisions in the text affect the independence of NGOs. NGOs will, for example, have to comply with the development plans of districts or obtain prior authorisation from the ministry whenever they wish to expand their sphere of operation. This means that in case of an expansion of activity to cope with an emergency, they might find themselves at odds with the obligation to submit a report every three months, which is required in the event of changes in activity. In general, the bill leaves too much room for arbitrary decisions and imposes too many obligations on NGOs without consultation. For example, in the event of termination of activities, the international NGO will have to transfer, in the form of a gift, its

equipment and materials to Rwandan organisations involved in similar activities, with the consent of the ministry concerned, but without even the choice of the partner. The Government may also make the decision to halt the activities of international NGOs by giving three months' notice, and the employment of expatriate staff must be approved by the ministry, taking into account the expertise required in a given sector and the qualifications of the staff proposed.



/ SENEGAL

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The re-election of Mr. Abdoulaye Wade to the presidency of the Republic in the first run of the February election was the dominant event in the public life of Senegal in 2007. When he came to power in 2000, Mr. Wade enjoyed overwhelming popular support and a comfortable majority in the National Assembly, thanks to the victory of his party, the Democratic Senegalese Party (*Parti démocratique sénégalais* - PDS), and of his allies in the parliamentary elections in 2001; however the country's economic situation and the politico-institutional crisis¹ changed the political balance. The parliamentary elections held on June 3, 2007 were indeed won by the presidential party, allied to several small parties in the Sopi Coalition, but signs of division appeared in the presidential camp and the opposition, which had come together in a united front against what was judged to be autocratic power, boycotted the elections. A sign of growing tension was the fact that several presidential candidates received threats², and the President of the National Assembly, Mr. Maki Sall, was subjected to strong pressure to resign, following the Assembly's proposal to organise a hearing of the Chairman of the board of control of the National Agency for the Organisation of the Islamic Conference (*Agence nationale de l'organisation de la conférence islamique* - ANOCI), who is none other than the President's son.

The country has long been considered to be an example of democracy in Africa and of respect for the independence of the media. It would appear however that the threshold of tolerance of free forms

1./ The parliamentary elections were postponed twice; they were planned initially for May 2006, and then postponed in order to be linked to the presidential elections. Finally the two elections were held in February and June 2007.

2./ In particular Mr. Moustafa Niass, Mr. Amath Dansokho, Mr. Ousmane Tanor Dieng and Mr. Idirssa Seck, who were severely called into question by the President of the Republic.

of expression, particularly when those in power are challenged, has decreased in recent years, and that protection of fundamental rights has deteriorated.

The delay in implementing the mandate given by the African Union “to put Hissène Habré on trial, on behalf of Africa” also led to doubts about the real will of the Government to deal with the case and to fight impunity. The Senegalese Minister of Justice did indeed announce, in July 2007, that the former Chad dictator would be judged by the Criminal Court, but at the end of 2007 no date had been fixed³. The disproportionate budget advanced for covering the costs of the trial, supposed to be partly covered by the European Union, would appear to be a dilatory move designed to delay the trial. Since then two important judicial reforms have however been passed by the National Assembly: the integration into domestic law of the provisions of the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and a reform of the Criminal Court allowing for an effective right of appeal, two measures that had for a long time been called for by the legal profession and human rights defenders.

The economic situation also caused considerable tension. 2007 was marked by trade union or student demonstrations, which were put down, leading to fears that the freedom of peaceful assembly could be increasingly restricted. For instance, in November 2007, a demonstration protesting against the high cost of living, in particular against the increase of prices of staple commodities and against the prohibition of street vendors, was repressed, despite the fact that the trade union organisations had been authorised to organise the march.

3./ Former Chad President Hissène Habré is suspected of over 40,000 political assassinations and systematic acts of torture committed between 1982 and 1990. Living in Senegal, he was indicted pursuant to a complaint lodged by Chadian victims, on the basis of the universal jurisdiction of Senegalese courts for crimes of torture. The Supreme Court first ruled that the Senegalese courts did not have jurisdiction. Following the mandate given by the African Union, Senegal passed a law in February 2007 allowing Senegalese courts to judge the most serious crimes, in particular crimes of torture, on the basis of universal jurisdiction.

Intimidation of defenders and smear campaigns against them

In addition to interrogations by the Criminal Investigation Division (*Division des investigations criminelles* - DIC), which the authorities try to use in order to criminalise political and public action, NGOs are constantly faced with public statements by the authorities calling them into question, with the aim of discrediting their action. For instance, during a press conference in July 2007 on clandestine migration of Senegalese, the Minister of the Interior, Mr. Ousmane Ngom, declared that “the human rights organisations such as the African Engagement for the Defence of Human Rights (*Rencontre africaine pour la défense des droits de l’Homme* - RADDHO) have no longer any reason to exist”. The Secretary General of this organisation, Mr. **Alioune Tine**, was questioned several times by the police concerning arms found in the association’s premises by a plainclothes policeman. The arms, decommissioned and stored by the association, had in fact been allocated by the general staff of the army in the framework of sensitisation campaigns for destroying weapons organised by RADDHO since 2003, in order to contribute to the establishment of lasting peace in Casamance. In the past, RADDHO had already received serious threats. It seems that the affair was orchestrated in order to discredit the action of the association in the eyes of public opinion and hinder its activities.

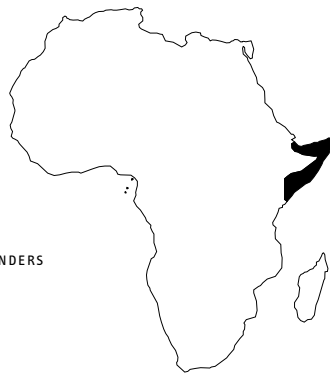
Censorship of any criticism of the authorities

For several years, Government officials have been practicing a form of censorship against a number of authors, journalists and intellectuals who criticise the regime, by blocking their works. When they are published abroad, they are stopped by the customs and sent back to the publisher. Publishers in Senegal refuse to print such works, for fear of reprisals, in particular tax harassment.

It would appear that a further step was taken in 2007. The Dakar Prosecutor General initiated legal proceedings against a journalist, Mr. **Abdoulatif Coulibaly**, in connexion with his last book, whereas the last three, which were banned, had not led to judicial proceedings. The author, the publishing house and the distributor were charged with “distribution of defamatory and insulting works” attacking the Director of the Senegalese national lottery. And yet the book, which is about the relations between the authorities and the lottery, was sent by the author to the National Commission Against Corruption, which in a

report published on November 12, 2007 called for the Director of the lottery to be tried for corruption.

Several journalists were also arrested following articles critical of the Head of State or the army, such as Mr. **Pape Amadou Gaye**, responsible for the *Courrier du jour*. The latter was arrested by the DIC on November 1, 2007 after his newspaper had published an article calling on the Government to assume the responsibility for finding solutions to the problems caused by the rise in prices, expressing the view that the army was the only authority capable of obliging the Government to do its duty. On November 6, 2007, he was charged with committing an “offence against the Head of State liable to endanger State security, and an act that could lead to the disobedience of the army”. He was placed in detention, and then released on November 8, 2007. The major role that seems to have been played by the President and the Government, first in initiating proceedings against the journalist and then in having the case dropped by the Prosecutor, leads to fears of increasing interference by the executive in judicial affairs, seriously jeopardising the independence of the Senegalese justice.



/ SOMALIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In January 2007, the troops of the Transitional Federal Government (TFG), backed by the Ethiopian army, regained control over the capital, Mogadishu, and over most of the central and southern parts of Somalia that had formerly been controlled by the Union of Islamic Courts (UIC). The change had no effect on the security of the population. On the contrary, violence and instability increased with the fighting between the insurgents and the TFG/Ethiopian forces. Both sides were guilty of serious violations of human rights and international humanitarian law: bomb blasts, blind firing of mortars, suicide attacks, firing on the crowd. It is estimated that street fighting caused the death of several hundred civilians. Admittedly, in March 2007, following the adoption of Resolution 1744 by the United Nations Security Council, 1,600 troops belonging to the African Union Mission to Somalia (AMISOM) arrived in the country, but their presence did not stop the violence.

Between October and November 2007, fighting further intensified, causing many deaths among the civilian population. Cases of rape, abductions and looting have been reported. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), at the end of the year, around a million and a half persons were in urgent need of assistance and protection.

At the end of 2007, no political solution had been found, and calls for dialogue with the insurgents continued to be thwarted by the demand for the prior withdrawal of the Ethiopian army.

Obstacles to humanitarian action

In such a context of war, the humanitarian organisations are facing considerable obstacles in carrying out their work, in particular in their efforts to protect the civil society: constant checks of their movements, ambushes and robbery of humanitarian convoys, high taxes levied on

humanitarian assistance, acts of harassment, arbitrary arrests, abductions. The abduction on December 26, 2007 of two members of Doctors Without Borders (*Médecins sans frontières* – MSF), Ms. **Mercedes Garcia**, a Spanish doctor, and Ms. **Pilar Bauza**, an Argentine nurse in Bossasso, the capital of the Puntland, in the north of the country, drew media attention to the situation of violence and anarchy that has existed in Somalia throughout the year. The two women were released on January 2, 2008¹.

The delivery of humanitarian aid by sea is also made difficult by the resumption of piracy off the coasts of Puntland and Southern Somalia, used as a means to finance the war effort. Military escorts have not prevented several vessels from being attacked, jeopardising for instance the activities of the World Food Programme.

Physical attacks and arbitrary arrests of defenders

Anyone attempting to mention publicly the serious violations of human rights and international humanitarian law committed in connexion with the conflict in Somalia runs the risk of being targeted by serious acts of reprisal. For instance, an eminent defender, Mr. **Isse Abdi Isse**, Director of the KISIMA Organisation for Peace and Development, was shot dead on March 14, 2007 while attending a conference held with the support of UNICEF on the socio-psychological support for children affected by the civil war, drought and floods².

The parties to the conflict are clearly bent on silencing human rights organisations. In such a situation, independent journalists try to fill the gap by denouncing human rights violations, becoming in turn the subjects of serious exactions. Consequently, most of those responsible for independent media have left the country. For instance, according to the Somalia Press Freedom Observer, eight journalists were killed in 2007, half of them in targeted assassinations carried out by contract

1./ See MSF Press Releases, December 27, 2007 and January 2, 2008.

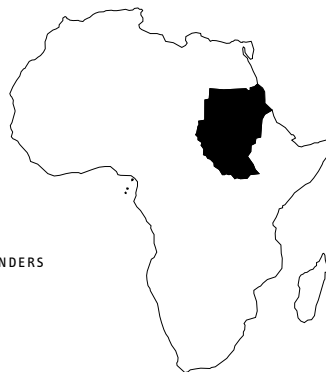
2./ See Press Release by the East and Horn of Africa Human Rights Defenders' Network (EHAHRD-Net), March 16, 2007.

killers³. Among them were important media personalities, including the Co-founder of *Radio Horn/Afrik* and the Director of the publishing conglomerate *Shabelle Media*. In addition, fifty-three journalists were arrested. And early in the year three journalists, Mr. **Ali Abdi Dini**, Mr. **Mohamed Omar Sheikh Ibrahim** and Mr. **Ibrahim Mohamed Rashid Farah**, were arrested in Somaliland and sentenced to two years' and five months' imprisonment in an unfair trial, after they had published in the *Haatuf* newspaper a series of articles accusing the President of Somaliland of nepotism and corruption. Mr. **Yusuf Abdi Gabobe**, editor of *Haatuf*, was sentenced to two years' imprisonment for "obstruction". The newspaper's publishing licence was withdrawn. And lastly, on December 16, 2007, a French cameraman, Mr. **Gwenlaouen Le Gouil**, was kidnapped by an armed group while making a film on clandestine emigration in Puntland. He was released on December 24.

3/ The eight journalists killed were: Mr. **Ali Mohammed Omar**, Mr. **Mohammed Abdullahi Khalif**, Mr. **Abshir Ali Gabre**, Mr. **Ahmed Hassan Mahad**, Mr. **Mahad Ahmed Elmi**, Mr. **Ali Iman Sharmarke**, Mr. **Abdulkadir Mahad Moallim Kaskey** and Mr. **Bashir Nur Gedi**.

In this regard, the Presidency of the European Union "strongly condemn[ed] the killing of two journalists in Somalia and reiterate[d] its support to all who work to promote freedom of expression and strive for impartial media and accurate information. Mahad Ahmed Elmi and Ali Iman Chamarke were prominent voices in Somalia whose work was essential to promote democracy and reconciliation" (See Press Release 12389/07 (Press 190), *Declaration by the Presidency on behalf of the European Union condemning the killings of two Somali journalists*, August 21, 2007).

Likewise, in its Resolution P6_TA(2007)0544, adopted on November 15, 2007, the European Parliament "condemn(ed) the TFG's systematic harassment of journalists, its closure of media outlets and its failure to investigate the killing of journalists, all of which have deeply damaged independent reporting in Somalia".



/ SUDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In Sudan, the political situation continued to be dominated in 2007 by the conflict in Darfur, and although the international community multiplied its initiatives throughout the year (arrest warrants issued by the International Criminal Court (ICC), follow up by the Expert Group of the United Nations Human Rights Council, authorisation to launch the hybrid United Nations – African Union peace keeping operation¹), in the absence of cooperation on the part of Omar El Bashir's Government and of adequate resources, human rights violations continued on a large scale.

The United Nations estimate that since the beginning of hostilities, in February 2003, between governmental forces allied to the “Janjawid” militia and the armed movements, the conflict has made over 200,000 victims, and that at least two million persons have been displaced inside the country or towards neighbouring countries (mainly Chad)². The internally displaced persons (IDPs) live in camps, where they are exposed to attacks by the militia, as are also the human rights or humanitarian organisations on the spot.

This year, these camps have been subjected to particularly violent and repressive controls. Sudanese Government forces have arrested numerous tribal representatives and leaders. Several incidents have occurred, for instance in the Kalma camp. For the ICC Prosecutor, the

1./ In July 2007, the United Nations Security Council authorised the deployment of the hybrid UN-AU operation in Darfur (UNAMID), which officially replaced the African Union Mission in Sudan (AMIS) on December 31, 2007. With 20,000 troops and over 6,000 police and civilian personnel, it should be the largest operation staged by the United Nations. At the end of 2007, however, it was blocked by the refusal of Sudan to allow entry to certain non-African elements due to join the mission, and by security issues.

2./ See Press Release by the United Nations Press Centre, *Deadly attacks in South Darfour spark UN call for independent inquiry*, May 18, 2007.

dismantling of the camps, the murder and the arbitrary arrest of local civilian leaders “suggests coordinated efforts to foster instability in the larger camps and reduce support for IDP camp leaders”³. In November 2007, the Human Rights Council Expert Group, chaired by the Special Rapporteur for the Sudan, also handed in its final report, referring to “insufficient disarming of the militia” and “numerous attacks against villages and camps”⁴.

In December 2007, in his enquiry on the crimes committed in Darfur, the ICC Prosecutor also denounced the total lack of cooperation on the part of Sudan⁵. On the contrary, out of the two arrest warrants issued by the ICC, one of the suspects was released and the other, Mr. Ahmed Harun, present Minister for Humanitarian affairs, was appointed Vice-Chairman of the Committee charged with examining complaints relating to human rights violations in Darfur; he was also given the responsibility of following the deployment of the peace-keeping forces.

Lastly, the Government has continued to hinder access to and circulation of information on the situation in Darfur. In addition to restrictive legislation on freedom of expression, the authorities strive to prevent any publication on the human rights situation in the country, and in particular on human rights violations in Darfur and on the need to fight against the impunity enjoyed by the authors of the most serious crimes. Several acts of censorship have thus been performed by the secret services against newspapers in Arabic, including *Ray al Shaab*, *Al Sudani*, *Al Sabafa*, *Al Ayaam* and *Al Meidan*.

3./ See Sixth Report by the ICC Prosecutor to the United Nations Security Council pursuant to Resolution 1593 (2005), which obliges the Sudanese Government to cooperate with the Court, December 5, 2007.

4./ See Final Report on the human rights situation in Darfur of the Group of experts, United Nations document A/HRC/6/19, November 27, 2007. The Group of experts was established by the Human Rights Council on March 30, 2007.

5./ See Statement and Sixth Report of the ICC Prosecutor to the United Nations Security Council on developments in his enquiry in Darfur, December 5, 2007.

Humanitarian workers attacked with impunity

Mid-November there were from 12,500 to 15,800 humanitarian workers in Darfur⁶, who were still working under conditions of extreme insecurity. Targeted attacks by the security forces or the militia occur daily, and take the form of vehicle holdups, looting of food convoys, attacks against offices, abductions, shot, and sexual aggressions. According to the figures published by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in 2007, 77 humanitarian convoys were attacked, NGO and AMIS premises were burgled or attacked 93 times, 147 humanitarian workers were kidnapped, 10 received threats and 13 were killed⁷. Furthermore, the Expert Group of the Human Rights Council denounced the expulsion of the Director of the CARE organisation in August 2007. In all, 11 humanitarian workers appear to have been expelled since the beginning of 2007, without any justification being given by the Government.

Despite the signature on March 28, 2007 of a joint press release by the UN and the Sudanese Government on the facilitation of humanitarian aid, the attitude of the authorities towards the humanitarian workers – and especially the refusal to grant visas, the expulsions without justification, or the banning of access to certain places – also sends a strong message of impunity to the authors of the attacks, and increases the dangers to which the workers are exposed.

Harassment of NGOs and obstacles to the freedom of association

In November 2007, the security forces launched what is no less than a harassment campaign against the personnel of the Khartoum Centre for Human Rights and Environmental Development (KCHRED) and against other defenders in the capital. This took the form of repeated visits by the National Security Service to KCHRED members working in the freedom of expression section, and to a member of the financial department. The questioning related to foreign financing, money transfers, etc. The regional offices of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture continue to receive repeated visits

6./ See Report by Expert Group mentioned above.

7/ These figures include the drivers recruited by the United Nations (see OCHA Geneva, Report on incidents in 2007 by the geographical coordination and monitoring section).

from the security forces. Such interference in the affairs of the NGOs raises serious issues of confidentiality and security of victims' files. In addition, in March 2007, pursuant application of the Organisation of Humanitarian and Voluntary Work Act, the executives of the Amel Centre were summoned and questioned by the Humanitarian Aid Commission. Following the interrogation, the Centre was temporarily closed for "administrative verification" reasons, before resuming its activities in May 2007⁸.

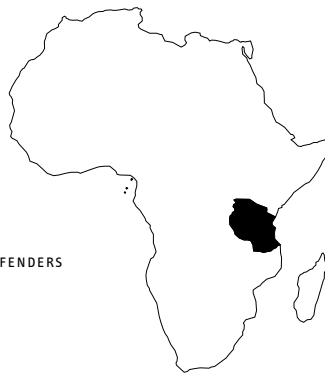
Acts of harassment against defenders fighting for the rights of populations affected by the building of two large hydroelectric dams

In 2007, the construction of two large hydroelectric dams at Meroe/Hamadab and Kajbar, in the northern valley of the Nile, was the origin of a series of violent confrontations between the local populations and the security forces, causing the death of several civilians. The defenders who intervened to defend the rights of the affected populations were severely put down. For instance, Messrs. **Alam Aldeen Abd Alghni**, **Emad Merghni Seed Ahmed** and **Abd Allah Abd Alghume**, lawyers who were participating in one of the demonstrations in the village of Farraig (Halfa municipality), in order to study the legal aspects of the question, and Mr. **Mugahid Mohamed Abdalla**, a journalist covering the demonstration, were arrested on June 13, 2007. They were released on August 19.

Likewise, during the same demonstration, the police and the security forces opened fire on demonstrators opposing the dam, killing four people and seriously wounding thirteen others. The internal intelligence services arbitrarily detained around forty leaders of the Nubian community and at least five journalists, two lawyers and a university professor. These persons were detained for two months, without having access to their family, nor to a lawyer. They were released on condition

8./ In that respect, the Expert Group and the United Nations Committee on Human Rights, which this year examined the Report of the Sudan, expressed concern that numerous organisations and defenders are not able to carry out their activities freely, and are often subjected to harassment, intimidation and arbitrary detention by Government agents. The Committee on Human Rights also denounced the consequences of the 2006 Organisation of Humanitarian and Voluntary Work Act (See Concluding Observations of the Committee on Human Rights, UN document CCPR/C/SDN/CO/3, August 29, 2007, and the Report of the Expert Group mentioned above).

they would not continue their mobilisation against the dam. Several members of the Committee Against the Building of the Kajbar Dam (CABKD) were also arrested and questioned on several occasions by the police. They have reportedly been subjected to ill-treatment.



/ TANZANIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007 the President, Mr. Jakaya Kikwete, was faced with a number of challenges, in particular the fight against corruption, economic development, and structural and institutional reforms. Thus, negotiations were launched between the ruling party, the Party of the Revolution (*Chama Cha Mapinduzi* – CCM), and the Civic United Front – CUF (opposition), with the aim of responding to the need for a legal and electoral reform in the semi-autonomous island of Zanzibar. The issue became acute with the political tension that emerged on the occasion of the general elections – parliamentary and presidential – held in Zanzibar in 2005. The victory of the CCM candidate was contested by the CUF, which called for new elections and the setting up of a transitional national union Government. There followed considerable disturbances and outbreaks of violence, and NGOs were prevented from reporting the acts of violence committed both by the opposition and the security forces. Since then, obstacles such as refusal to grant registration have hindered the NGOs in the archipelago, and associations based on the continent were refused authorisation to enter the territory¹.

Apart from the specific case of Zanzibar, human rights defenders are increasingly victims of violations of their rights, which most often take the form of selective judicial proceedings initiated against them with the aim of hindering their activities.

Fallacious legal proceedings designed to hinder defenders' activities

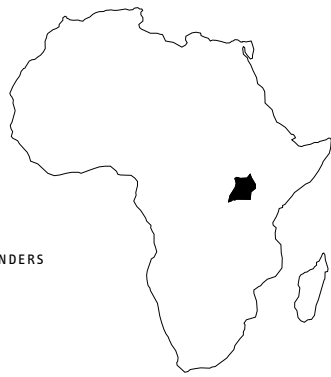
In Tanzania, defenders are often assimilated to political opponents, and are treated with the utmost suspicion by the authorities, which

1./ See country file on Tanzania of the East and Horn of Africa Human Rights Defenders' Project (EHAHRD-Net).

hinders their work of denouncing human rights violations. In most cases the legal proceedings are pure fabrication, aimed at obstructing their work and deterring them from persisting in their activities. The case of **Reverend Eliya**, a defender in the Morogoro region who in particular denounced female genital mutilation among the Massai tribes, is an illustration of the method used: in retaliation, the Massai asked the police to initiate an enquiry on the defender, going so far as to offer a financial contribution. In the end the charges had to be dropped, as there was no real evidence. This type of action serves to intimidate defenders, but it also has a deterrent effect on the victims. By harming the reputation and the credibility of the defenders, and therefore the trust of the population in them, the authorities sever the ties that are indispensable for gathering information.

Judicial harassment has also been used against defenders of the rights of populations exposed to forced eviction from their land, in particular the right to be consulted, to benefit from re-housing arrangements and to the compensation supposed to go with them. In February 2007, the police questioned the members of a mission of the Legal Human Rights Centre (LHRC) to the north of the country. The mission was acting pursuant to complaints filed by over 8,000 persons who had been evicted illegally. The grounds for the questioning were the organisation of illegal meetings and the fact that the authorities had not been informed of the activities the mission was planning to pursue. As it happens, the Commission for Human Rights and Good Governance, set up in 2001 by the Government, had already ruled that defenders are not obliged to inform local authorities of their arrival. These were therefore only pretexts for hindering their activities, for discrediting them and depicting them as “subversive” elements in the eyes of the population. Likewise, in January 2007, Mr. **Mashaka Said Fundi**, a human rights observer for LHRC in the Manyara region, Kiteto district, was arrested and accused of organising illegal meetings and encouraging the populations to resist. The legality of the arrest and the accusations were challenged before the court, and once again the proceedings were suspended for lack of evidence. The same method was used in the case of defenders who had mobilised in the defence of the rights of the Hadzabe population, threatened by the project of a foreign investor – Tanzania UAE Safari Ltd Company – to obtain a hunting concession. The NGOs referred the matter to the United Nations Independent Expert on minority issues and to the United Nations Special Rapporteur on the situation

of human rights and fundamental freedoms of indigenous peoples. Two activists, one of them being Mr. **Richard Baalow**, Spokesman for the Habdaze Minority Group, were arrested and then released in May, following the international mobilisation. This also led to the retreat of the Tanzania UAE Safari Ltd Company, which announced in November 2007 that it was dropping the project.



/ UGANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The country has remained highly militarised, partly because of the conflict raging in the north for over 20 years. However, two agreements were signed with the Lord's Resistance Army, on May 2 and June 29, 2007, which resulted in an improved security situation on the ground, especially in camps for displaced persons. These agreements have nonetheless been criticised by some civil society organisations for being vague with regard to the impunity of perpetrators of the most serious crimes, including doubts regarding the cooperation of Ugandan authorities with the International Criminal Court (ICC), which has issued four arrest warrants against suspected rebel leaders responsible for war crimes and crimes against humanity. The arrest warrants had not been executed in late 2007.

In recent years, more progressive laws were adopted on access to information (Access to Information Act, 2005), prisons (Prisons Act, 2006) and magistrates (Magistrate's Court - Amendment - Act, 2007). In contrast, and despite a recommendation by the United Nations Committee Against Torture, which considered the report of Uganda in 2005, no legislation criminalising torture has been adopted¹. Moreover, human rights NGOs and the Uganda Human Rights Commission (UHRC) continued to denounce cases of torture and ill-treatment perpetrated with impunity by security forces, including those by the military intelligence command and the repression of violent crimes unit.

Restrictions on freedom of association and assembly

Though it has not been used this year to hinder the work of NGOs, the NGO Registration – Amendment – Act², which was adopted in

1./ See Conclusions and Recommendations by the Committee Against Torture, United Nations document CAT/C/CR/34/UGA, June 21, 2005.

2./ For more details, see Annual Report 2006 of the Observatory.

2006, remains a threat to the autonomy and independence of civil society organisations that criticise State actions.

Moreover, the exercise of freedom of assembly was threatened due to the prohibition of any gathering in the central district of Kampala, following demonstrations organised by opposition parties that took place in the first half of 2007. Other areas of the country have been declared “forbidden zones” by the Minister of the Interior pursuant to the adoption on November 2, 2007 of Statutory Instrument No. 53. In these regions, it is unlawful for any person to hold meetings, and a number of events have been banned or repressed because of this. For example, in April 2007, the National Association of Professional Environmentalists (NAPE) organised a demonstration to call for the protection of the equatorial rainforest of Mabira that was likely to be sold to an investor. The demonstrators did not follow the agreed upon route, and punishment was harsh and disproportionate; police forced demonstrators to get back to the authorised route, which resulted in the death of three participants.

Attacks against defenders of LGBT rights

Again this year, NGOs and human rights defenders were confronted with violence and discrimination for defending the rights of sexual minorities. Indeed, the Criminal Code still considers homosexuality a crime under sections 140, 141 and 143 and, in July 2005, the legislature passed an amendment to the Constitution making marriage between people of the same sex a punishable act. Since then, defenders of gay rights have been increasingly repressed. Thus, in November 2007, Ugandan and Kenyan defenders for the rights of lesbians, gays, bisexuals and transgenders (LGBT), including representatives of the NGO Sexual Minorities in Uganda (SMUG), an NGO beacon in the field of gay rights in the country, were prevented by the police to speak at “Speakers Corner” of the Commonwealth Heads of Government Meeting (CHOGM) held in Kampala from November 23 to 25, 2007. “Amakula”, a general organisation based in Kampala, has also been the subject of discrimination due to the screening of a film addressing the issue of homosexuality during the CHOGM.

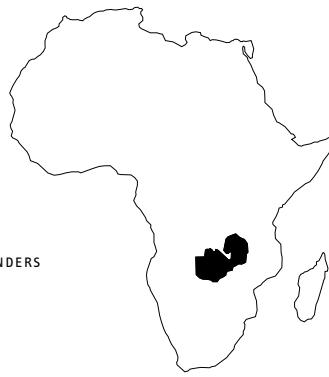
Muzzling freedoms of expression and of the press

In 2007, the media and journalists were especially targeted with repression. In addition to the legislative arsenal, which continues to

limit their freedom (including the Law on Electronic Media in 1996, and the Anti-Terrorist Act of 2002), a systematic determination by the Government to silence any critical coverage of the conflict in the north has emerged. For instance, on March 1, 2007, three journalists, Mr. **Sam Matekha**, from *Radio Simba*, Mr. **Wokulira Sebagala**, from *Radio Sapientia*, and Mr. **Charles Sekajja**, from *Ddembe FM*, were attacked by police while covering the trial of members of the Peoples' Redemption Army³ before the Supreme Court.

The Anti-Terrorist Act is also a threat in that it criminalises any attempt by a journalist to meet or speak with persons or groups regarded as terrorist; the penalty for those who violate the law is the death penalty. The law also prohibits the disclosure of any information which might prejudice an investigation on matters of terrorism. This particularly affects the ability to cover the conflict in northern Uganda as well as abuses committed by the security forces and thus constitutes a serious obstacle to any denunciation of human rights violations.

3./ Rebel group based in 2004 in eastern DRC that led armed operations in northern Uganda.



Political context

On August 31, 2007, the law establishing the National Constitution Conference, demanded by the opposition and numerous civil society organisations, was submitted to Parliament and adopted by President Mwanawasa. This enabled the setting up, in December 2007, of the Constitution Review Commission, composed of 462 members and scheduled to sit for twelve months. However, several opposition parties, trade unions, churches and associations, in particular women's associations, refused to participate, denouncing the takeover of the process by those in power, under the leadership of President Mwanawasa and his party – the Movement for Multi-Party Democracy – and also the indemnities allocated to each participant, 250 US dollars per day, in a country where most of population lives on less than one dollar per day.

Furthermore, as noted by the United Nations Human Rights Committee in its concluding remarks in July 2007, defamation of the President and publication of false information are still considered as crimes, and not as offences in the Criminal Code¹. Journalists continue to be arrested and prosecuted under such provisions for publishing articles denouncing human rights violations by the Government. The same application of repressive legislation could well befall human rights defenders.

Freedom of association threatened by a bill on NGOs

In 2007, defenders were heavily mobilised against a new bill submitted to Parliament on July 17, 2007 by the Minister for Justice, with the announced aim of making the organisations more transparent. Not having been consulted during the preparation of the bill, the civil society organisations denounced the new legislation as being a manoeuvre by the State to silence them, and to erode the role of civil society.

1/ See United Nations document CCPR/C/ZMB/CO/3/CRP.1, 19th session, July 23, 2007.

The latter is indeed regularly accused of engaging in political activities under cover of human rights. The introduction of the law might be linked to the National Constitution Conference, and designed to silence the NGOs which were reluctant to be involved in the process².

Several provisions of the bill reveal the intention to control NGOs. For instance, the text institutes “the registration and coordination of NGOs” (including international NGOs with offices in Zambia), and empowers the Minister of the Interior to set up a committee composed of 10 members of the Government and two representatives of the civil society, all appointed by the Government, to discuss a code of conduct for NGOs, and to harmonise their activities for the development of Zambia.

Up till now, NGOs registered with the Company Register. The Government had few powers for interfering with the affairs of NGOs, and suspension involved a lengthy judicial procedure, as in the case of the Southern African Centre for Constructive Resolution of Disputes (SACCORD)³. The new bill also imposes annual re-registration and the suspension of NGOs failing to present quarterly reports.

On July 31, 2007, several international NGOs with offices in Zambia sent a joint letter to the Vice-President, expressing concern about the impact of the proposed bill on their work. They regretted the lack of consultation and expressed their concern in particular about the lack of recognition of the positive role of the civil society, the discretionary powers given to the Minister for the Interior and the manner in which

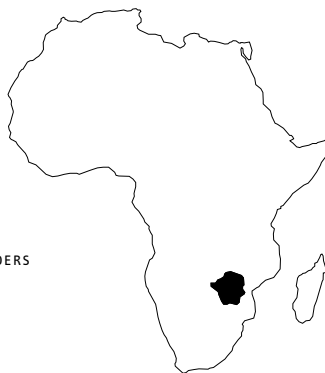
2./ In particular the “Oasis Forum”, comprising: the Law Association of Zambia (LAZ); the three main churches: the Zambia Episcopal Conference, the United Church of Zambia and the Zambia Evangelical Fellowship; the NGO Coordinating Committee and other civil society organisations.

3./ In 2006 the Government suspended SACCORD’s registration, but later the Supreme Court ordered its reintegration. The proceedings continue, as this year the Government has again suspended the registration, but this time the Court has allowed the NGO to continue its activities pending judgement.

members of the Committee were appointed⁴. The result of the mobilisation was that the Government postponed the presentation of the bill. In a report published on December 4, 2007, a coalition of national NGOs proposed amendments to the bill bearing on responsibility for relations with the NGOs, which should be given to the Ministry responsible for Community Development and Social Welfare, on the composition of the Committee responsible for NGOs (four members appointed by the Ministry, six by the NGO Congress, and a member of the Company Register). The obligation to submit a report should be annual, not quarterly⁵. Lastly, regarding foreign financing as grounds for suspension, the coalition called for the withdrawal of the provision, or for the drawing of a list of countries from which NGOs should not accept financial help. There have been no consultations in connexion with the report, and the NGOs have simply been informed that the bill was to be presented again during the January 2008 parliamentary session.

4./ See Observations and Concerns about the proposed NGO Bill 2007, Lusaka, July 31, 2007, submitted in particular by the following NGOs: Save the Children Norway, Diakonia, Harvest Help (UK), Christian, Children Fund Inc, National women's lobby group, Voluntary Services Overseas (V.S.O.), Dan Church Aid, Norwegian Church Aid, Society for Femininity, Habitat for Humanity, KEPA (Service Centre in Zambia for Development and Cooperation, Finland) and MS-Zambia (Danish Association for International Cooperation).

5./ See submission by the civil society on the proposed bill on NGOs, CPSR/NGOCC/ZCSD, 2007.

/ **ZIMBABWE**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007**Political context**

Despite the economic situation of the country, the regional and international criticism and the 27 years Robert Mugabe had been in power, on March 30, 2007 the central committee of the Zimbabwe African National Union - Patriotic Front (ZANU-PF) chose him as candidate for the 2008 presidential elections. It was also announced that parliamentary elections would be held in 2008.

In that respect, a campaign of intimidation, designed to destroy the structures of the opposition and the civil society and to make sure of the results of the parliamentary and presidential elections, is under way. This also implies increased repression against human rights defenders.

Furthermore, as recalled by the European Parliament, “the country’s political and economic situation has now been deteriorating for eight years and Zimbabweans continue to face serious food shortages, with the World Food Programme providing emergency food aid to 1.5 million Zimbabweans in the first three months of 2007 but calculating that over 4.5 million suffer from malnutrition”, with 80% of the population living below the poverty line¹.

Use of restrictive legislation to impede freedoms of association and peaceful assembly

In 2007, several restrictive laws, in the first place the Public Order and Security Act (POSA), denounced by Ms. Hila Jilani, Special Representative of the Secretary-General on the situation of human rights defenders², have continued to be used to violate the freedoms

1/ See Resolution P6_TA(2007)0172 of the European Parliament on Zimbabwe, April 26, 2007.

2./ See Report by the Special Representative of the Secretary-General on the situation of human rights defenders – Summary of cases submitted to governments and replies received, UN document A/HRC/4/37/Add.1, March 27, 2007.

of assembly, movement and association. This year the authorities have gone even further than POSA, banning public demonstrations in certain districts of Harare for three months, while POSA only authorises such restrictions for periods not exceeding one month. The ban led to massive demonstrations organised on March 11, 2007 by the Save Zimbabwe Campaign, calling on the Government to show more respect for human rights, which resulted in 49 arrests. The police also used force against leaders of the political opposition and of the civil society, seriously injuring several, among them Mr. **Lovemore Madhuku**, President of the National Constitutional Assembly (NCA)³. The same day Mr. **Gift Tandare**, a NCA activist, was killed by the police, which also opened fire during his funeral, seriously wounding two persons⁴.

In addition, there are a number of administrative obstacles to the setting up of an NGO. The system provides that funds allocated to an NGO can be expropriated, and this seriously disrupts its activity and threatens its independence. When an NGO deposits money in a bank, the financial police require that it be transferred to the Federal Bank of Zimbabwe. The NGO has to solicit the Federal Bank for any activity requiring funds. Considerable time can elapse before obtaining an answer, and it can happen that the activity cannot be carried out, thereby creating a situation in which the NGO fails to satisfy the requirements of the donor. Also, the funds are released at an exchange rate fixed by the Government, and not at market rates, the Government thereby appropriating part of the funds received by the NGOs.

3/ See Statement by the Zimbabwe Association of Doctors for Human Rights (ZADHR), March 14, 2007.

4/ This brutal crackdown was denounced by Ms. Reine Alapini-Gansou, Special Rapporteur of the ACHPR on human rights defenders in Africa, in a Press Release issued on March 28, 2007. Likewise, the Presidency of the European Union condemned "the violent break-up of a peaceful rally [...] of the Save Zimbabwe Campaign, during which one participant was killed, one was injured and many [...] were arrested and in some cases abused". The EU Presidency also condemned the violent and continued repression of the freedoms of opinion and assembly, and of fundamental freedoms (See Statement by the Presidency of the European Union, March 12, 2007).

Continued restrictions to the freedom of the press before the 2008 elections

While journalists were continuing to work in Zimbabwe in a very repressive legislative context⁵, in the run-up to the 2008 elections the control of the press was reinforced by a combination of legislative and intimidating measures targeting journalists. On August 3, 2007 President Mugabe signed the Interception of Communications Act, which authorises interception by the Government of telephone communications, e-mails and fax messages in order to protect national security, without prior authorisation by the courts. Journalists and human rights defenders are particularly vulnerable to such measures.

Also, in April 2007, the Government drew up a “black list” of 15 names of members of the opposition, journalists and human rights defenders, including Messrs. **Arnold Tsunga**, President of the Zimbabwe Human Rights Association (ZimRights), Executive Director of Zimbabwe Lawyers for Human Rights (ZLHR) and administrator of the radio station *Voice of the People* (VOP), Lovemore Madhuku and **Raymond Majongwe**, Secretary General of the Progressive Teachers’ Union of Zimbabwe (PTUZ), accused of “working hand in hand with forces hostile to Zimbabwe”, and reportedly kept under close surveillance. Three journalists on the list – Messrs. **Gift Phiri**, **Abel Mutsakani** and **Bill Saidi** – were attacked in 2007. In July, in South Africa, three armed men fired on Mr. Mutsakani, wounding him severely, and in February 2007 Mr. Saidi was sent a bullet in an envelope. Mr. Gift Phiri was put on trial for “publication of false information” and “practice of journalism without official accreditation”. The charges were dropped in July and August 2007.

Harassment of defenders denouncing forced evictions

In 2007 forced evictions and the consequences of the “Murambatsvina”⁶ operation remained a sensitive issue, and defenders who denounced

5./ In July 2006, the new Criminal Code (Codification and Reform) came into force, significantly increasing the already heavy sentences specified in POSA and the Access to Information and Protection of Privacy Act (AIPPA). For further information, see Annual Report 2006 of the Observatory.

6./ In May 2005 the Government of Zimbabwe launched an “urban cleansing” operation known as “Murambatsvina”. It was described as a programme to enforce the municipal edicts designed to put an end to all forms of “illegal activities, such as illegal sales and structures and illicit cultures”, *inter alia* in the cities.

abuses were placed under constant surveillance by the authorities. Mr. Arnold Tsunga, for instance, was arrested on his return from the World Social Forum held in Nairobi from January 20 to 25, 2007. He had taken part in a workshop entitled “Progress and obstacles in the struggle for the exigibility and justiciability of economic, social and cultural rights”, and had spoken on the theme: “Resisting violations of fundamental rights – the case of mass evictions in Zimbabwe”.

Arrests of defenders denouncing the economic situation

The protest movements against the deterioration of the country’s economic situation and the rise in the cost of living have continued to be put down with force, as in the case of the movements initiated by the Zimbabwe Congress of Trade Unions (ZCTU) and by the Women of Zimbabwe Arise (WOZA), for denouncing the rise in prices and the general deterioration of living conditions. 56 members of WOZA were arrested on April 23, 2007 and detained for two days⁷. Once again POSA was used against them, on the pretext that the intention to organise a public demonstration had not been notified to the regulation authority.

In that respect, Ms. Alapini-Gansou, the Special Rapporteur of the African Commission on Human and Peoples’ Rights (ACHPR) on Human Rights Defenders in Africa, expressed her concern at allegations she had received of acts of violence and harassment against members of WOZA during a peaceful and silent march the NGO had organised in Bulawayo on June 6 2007, for the launch of its campaign “Ten steps to a new Zimbabwe”⁸. Likewise, in the report she presented to the 62nd session of the United Nations General Assembly, dedicated to freedom of peaceful assembly, Ms. Hina Jilani recalled that since 2003 she had sent six urgent appeals reporting allegations of violations that occurred during protests organised by WOZA. Ms. Jilani stated that she “remain[ed] concerned about the situation of defenders in Zimbabwe, including women defenders, as the repeated communications and statements of both experts indicate a pattern of harassment

7/ In this respect the European Parliament declared itself “deeply concerned by the news that 56 women belonging to Zimbabwe’s NGO ‘Women of Zimbabwe Arise’ were arrested on 23 April 2007 and that ten of their babies were jailed with them” (See Resolution P6_TA(2007)0172 of the European Parliament on Zimbabwe, April 26, 2007).

8./ See Press Release by the Special Rapporteur, June 18 2007.

of human rights defenders that has persisted over the last few years. The shadow report on Zimbabwe to the African Commission alleges that WOZA members have been arrested on more than 20 occasions between 2003 and 2007 for engaging in peaceful demonstrations”⁹.

9./ See Report by the Special Representative of the United Nations Secretary-General on the situation of human rights defenders, UN document A/62/225, August 13, 2007.



/ AMERICAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

/ ARGENTINA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



Political context

In 2007, in a context of deepening of democracy, repression against the social protest movements that followed the 2001 economic crisis has however continued to intensify. The vast majority of the demonstrations ended with a disproportionate use of force by the police and/or security forces. In numerous cases firearms were used, and physical violence even went to the extent of using knives on demonstrators. There were also arbitrary detentions without any prior judicial decision, and persons were held in custody for longer than allowed by the law.

In 2006, progress had been made, with the first sentences against the authors of crimes against humanity committed during the military dictatorship (1976 – 1983) – after the Supreme Court in 2005 had cancelled the laws prohibiting investigations and trials relating to crimes committed during this period¹ – and pronounced at the same time as the completion of the reforms of the National Supreme Court of Justice, thus enabling the advent of a genuine justice to deal with human rights violations committed during the dictatorship. Nevertheless, despite the progress made and in view of the large number of trials initiated, serious obstacles appeared, in particular to the principle that the authors of the violations should be judged in a reasonable lapse of time. In fact, out of the 222 trials opened since 2005, only 17 persons had been sentenced at the end of 2007.

In addition, Mr. Jorge Julio Lopez, a key witness in the trial of the former Director of the Buenos Aires police, Mr. Miguel Etchecolatz, accused of crimes against humanity committed during the military dictatorship, disappeared on September 17, 2006, and is still missing;

1./ The “Full Stop” Law (1986) and the “Due Obedience” Law (1987), which exempted the security forces from any legal proceedings, were cancelled in June 2005.

this shows the absence of a suitable policy for the protection of persons linked to trials: families, witnesses and human rights defenders.

Threats, aggressions, breaking and entering, intrusions: a variety of obstacles in the fight against impunity and corruption

During 2007, a certain number of human rights defenders and witnesses engaged in the fight against impunity received threats of various kinds, including against their families, and were subjected to verbal and physical acts of aggression. On April 9, 2007 for instance, Mr. **Pablo Gabriel Salinas**, a human rights lawyer, received an anonymous letter containing threats and insults aimed at himself and his family. Mr. Salinas regularly condemns bad conditions of detention, torture and ill-treatment in the prisons of the Mendoza province. He also defends victims of police brutality, extrajudicial killings and other human rights violations committed by members of the security forces.

The climate of insecurity is accompanied by equally disturbing incidents, such as breaking into the offices of several organisations and the theft of equipment (computers, fax machines, archives, etc.), in order to remove information on human rights violations. On June 26, 2007, two armed persons broke into the offices of the Committee for the Defence of Health, Professional Ethics and Human Rights (*Comité de Defensa de la Salud, la Ética Profesional y los Derechos Humanos - CODESEDH*) in Buenos Aires. A computer containing evidence and archives relating to several ongoing trials against the dictatorship were stolen, as well as a videotape.

Journalists denouncing the corruption of the authorities were not spared either. On September 3, 2007, Mr. **Sergio Poma**, owner of *Radio FM Noticias* and of a local press agency, was found guilty of “insults” towards the Governor of Salta (northwest), whom he had accused of embezzlement, and was sentenced to one year’s imprisonment. Likewise, an independent journalist, Ms. **Claudia Acuña**, was subjected in July 2007 to police and judicial harassment after having revealed, in the press and in a book, the existence of a prostitution

network in Buenos Aires operating under the control and the threats of certain authorities².

Freedom of association endangered by an amendment to the Criminal Code

Despite the progress made in 2006 with the improvement in the working conditions of human rights defenders, the approval by the national Senate, on June 6, 2007, of an amendment to the Criminal Code proposed by the Government, referring to a category of “illicit associations” whose characteristics would easily fit any organisation according to needs or circumstances, is very disquieting.

According to Article 213 ter, a sentence of 5 to 20 years’ imprisonment would apply to any person participating in an illicit association whose aim, by committing an offence, was to terrorise the population or to oblige a Government or an international organisation to undertake an action or to refrain from doing so. According to the same text, the illicit association in question would be characterised by having “a plan of action for propagating ethnic, religious or political hatred”, by being “organised in international operational networks”, or by having at its disposal “arms of war, explosives, chemical or bacteriological agents or any other appropriate means of endangering the life or integrity of an indeterminate number of persons”. This means that under the above – mentioned Article 213 ter, it is possible that participants in a protest, or the organisers, or their organisations be prosecuted in the future for acts of terrorism.

It is therefore very much to be feared that the new law will soon become the main argument for repression invoked by security forces for sanctioning any criticism of a Government policy by defenders, although at the end of 2007 it had not yet been used for that purpose.

Continuation of the criminalisation of social protest

In 2007, the trend towards the criminalisation of social protest in Argentina was confirmed. In 2007, around 5,000 trials were under way against trade union leaders and defenders of economic and social rights, like for example the trial opened against the leaders of the Association

2./ See Reporters Without Borders (RSF).

of State Workers (*Asociación de Trabajadores del Estado - ATE*), prosecuted for having organised demonstrations in support of workers and the unemployed.

In certain regions, the disproportionate use of violence was added to the criminalisation, as shown by the murder by police officers, on April 4, 2007, of Mr. **Carlos Fuentealba**, a member of the Neuquén Association of Teachers (*Asociación de Trabajadores de la Educación de Neuquén - ATEN*), during a strike for better wages in Neuquén.

Also, several organisations have denounced attempts by members of the police and military security and intelligence forces to infiltrate demonstrations or protests, in order to identify the leaders of the organisations, and also to provoke incidents liable to justify repressive measures and arrests of activists or leaders.

/ BOLIVIA

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Political context

Since Mr. Evo Morales, the first indigenous President of the country, came to power in January 2006, the Government has worked for the adoption and implementation at both national and local level of a number of reforms to improve economic, social and cultural rights (especially the collective rights of indigenous peoples and peasant communities), to reinforce the fight against corruption, etc. This process was marked by the draft of a new Constitution to be put to a vote by referendum in 2008.

But there have also been strong reactions to these reforms and in 2007 several strikes and other forms of protest followed one after another over a period of months with almost no interruption¹. The work of the Constituent Assembly, set up in August 2006 to draft a new Constitution, exacerbated tensions between President Morales and his conservative opponents (often members of the traditionalist oligarchy), who claimed greater independence for the regions they governed. Thus, in Cochabamba in January 2007, supporters of Mr. Evo Morales started a movement to obtain the resignation of Mr. Manfredo Reyes Villa, Governor of the Cochabamba region and an opposition member who called for greater independence from central Government. These demonstrations resulted in violence, with dozens of people injured². At the beginning of 2007, the opposition also launched a campaign calling on the Assembly to consider transferring the national Government and

1./ The Observatory for Human Rights and Social Policies (*Observatorio de Derechos Humanos y Políticas Sociales*) noted 300 such demonstrations in 2007 (See *Los derechos humanos en la Bolivia del 2007. Documento trabajo*, January 2008).

2./ These acts were condemned by the Presidency of the European Union (EU), in a statement made on January 16, 2007 which called on "all parties to resolve their differences in a spirit of tolerance and dialogue while fully respecting human rights, democratic principles and institutions, and to refrain from acts of violence".

Congress headquarters, currently in La Paz, the presidential stronghold, to Sucre, in Chuquisaca department.

As of August 2007, one year after the Constituent Assembly was set up, no text had yet been approved. A law was therefore adopted to allow its work to continue until December 14, 2007 and the debate on the transfer of the capital was temporarily set aside so that progress could be made. This decision led to violent opposition in Sucre and sessions had to be suspended. A new protest movement took place in Sucre on November 24 and 25, 2007 with violent clashes between demonstrators and police, resulting in the death of three people³.

On December 9, 2007, the Constituent Assembly at last approved the final version of the new Bolivian Constitution, despite opposition from four provinces led by traditional elite groups (Santa Cruz, Tarija, Beni and Pando), who held referenda on their regions' autonomy, in contravention of the Constitution.

It is to be noted that Bolivian justice continues to be confronted by a true institutional crisis, in particular due to the lack of possibility of recourse and its lack of independence from the political authorities.

Finally, although 60% of the population is indigenous, the native and peasant communities continue to be victims of discrimination, servitude and forced labour⁴, in an environment in which land distribution is marred by corruption, irregular practices and institutional weakness.

A framework for human rights defence that is favourable but in need of improvement

The Bolivian legislative framework promotes freedom of association, since Bolivia has accepted, either through ratification or adherence, the principal regional and international legal human rights mechanisms and

3./ The EU Presidency deplored "the tragic events [...] in Sucre", and expressed the wish that "Bolivia can find a path of unity and consensus in the framework of the Constituent Assembly" (See EU Presidency Statement on the Current Situation in Bolivia, November 26, 2007).

4./ At least 600 Guaraní families would reportedly be affected by servitude or forced labour. See Report of the Inter-American Commission on Human Rights (IACHR), *Access to Justice and Social Inclusion: the Road towards Strengthening Democracy in Bolivia*, Document OEA/Ser.L/V/II, Doc. 34, June 28, 2007.

the basic texts established by the International Labour Organisation, including those that respectively relate to the freedom of association and protection of the right to organise (Convention n° 87, 1948) and the right to organisation and collective bargaining (Convention n° 98, 1949).

However, beyond the favourable attitude of the Government to social movements of all kinds, it is not rare for organisations to be hindered in their activities by organisations set up in parallel by the authorities or by regional and municipal Governments. They encounter obstacles such as refusal or restriction of access to public information, delays in administrative procedures, prolonged postponement of proceedings related to claims on the defence of fundamental rights and freedoms, etc.

Acts of repression and attacks on defenders of the rights of indigenous peoples and peasant communities

In Bolivia, defenders of the right to land and those who support the claims of indigenous peoples and peasant communities are the principal targets of acts of reprisal carried out mainly by the people or groups they oppose, i.e. the land-owners. In this respect, the Pro-Santa Cruz Civic Committee (*Comité Cívico Pro Santa Cruz*) distinguished itself on several occasions by racist acts against the indigenous population. An extreme right-wing citizens' obedience movement bringing together rich landowners in particular, the Committee supports the regional Governors' policy of autonomy, which aims to concentrate control of the resources of the regions concerned in the hands of a corrupt elite group.

The Pro-Santa Cruz Civic Committee opposed the adoption by the Constituent Assembly of a simple majority voting system, as opposed to a two-thirds majority vote. At the end of 2006, after the strike that followed the announcement of the decision, the group carried out several acts of reprisal against people and organisations that had not supported the movement, including the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* - APDHB). On January 16, 2007, Mr. **Adalberto Rojas**, APDHB President, went to the Santa Cruz law courts to report acts of reprisal and was threatened and insulted. On January 21, 2007, Ms. **Fabiana Aguilar**, Secretary of the APDHB in Santa Cruz, was insulted and threatened by members of the Pro-Santa Cruz Civic Committee who went to the organisation's offices and announced that they would sell the premises.

/ BRAZIL

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Political context

Since the beginning of the 1990s, Brazilian legislation has undergone progressive changes in favour of various fundamental freedoms. Criteria for the protection of human rights have been embodied in the 1988 Federal Constitution (Article 5): *inter alia* the freedom of expression (Chapter IX), the right to respect for private property (Chapter XI), freedom of peaceful assembly (Chapter XVI), freedom of association (Chapter XVII). More recently, under President Lula's Government, social advances have also been made, such as a scholarship system to enable children to go to school or the adoption of a law against domestic violence, in 2006.

However Brazil is still strongly marked by violence, accompanied by corruption and omnipresent impunity. Human rights violations by the police are frequent, especially against the most deprived populations, particularly in Rio de Janeiro and São Paulo. The members of these security units, placed under the supervision of the Federated States, are untrained, and commit exactions that include acts of torture and extrajudicial killings, in a context in which paramilitary militias control the "favelas". In addition, there is a tendency to suppress social protest movements, and the existence of death squads (armed militia linked to organised crime, and composed in particular of acting and former police officers) that impose their "rule", with total impunity.

Another crucial problem in Brazil is linked to land. There are still many landless peasants, and around 8,000 people continue to work in conditions of servitude, as Congress had still not, at the end of 2007, taken a decision on a draft constitutional reform providing for the confiscation of land when servile working conditions are shown to exist. It should however be stressed that a major step forward was taken in 2007, with the release of 5,974 persons subjected to servile working conditions, notably following action by the Ministry of Labour and

Employment¹. On the other hand, expulsions continue, and entities linked to the main economic actors, such as transnational corporations, promoters of agricultural trade, large landowners or consortia for the construction of large infrastructure projects multiply abuses and illegal practices in the name of regional development. According to the Indigenous Missionary Council (*Conselho Indigenista Missionário - CIMI*), 76 indigenous persons were killed in 2007 – as against 40 in 2006 – in conflicts mostly related to land ownership or the exploitation of natural resources.

In this context, and despite the introduction by the Government in October 2004 of a National Programme for the Protection of Human Rights Defenders, which was an important step in the right direction but which has not led to a concrete improvement in their protection, defenders continue to be subjected to attacks and acts of harassment, even if there is no formal obstruction to their work. Furthermore, although protective measures for defenders were to have been introduced initially in the three States of Pará, Espírito Santo and Pernambuco, at the end of 2007 no real progress in terms of procedures or methods for granting protection, or strategies for increasing public awareness of the defender's problem had been observed². In a more general way, the protection measures granted by the Inter-American Commission for Human Rights (IACHR) were rarely implemented, because on the one hand they are not a priority for the Government, and secondly because no specific institution is clearly singled out for having authority to act in the matter. The national police, for instance, which should be the best placed for protecting human rights and their defenders, and for investigating cases of violations, do not meet the requirement. Therefore the persons who should benefit from precautionary measures, as defined by the IACHR, remain unprotected.

1./ See "Justiça Global" and 2007 Report of the Pastoral Land Commission (*Comissão Pastoral da Terra - CPT*).

2./ There is still no specific training for police officers called upon to escort defenders under threat (and the defenders are reluctant to accept protection offered by the local police, because they do not feel safe), nor a budgetary policy for funding the three States mentioned above, nor even a consensus on which body should be responsible for the implementation of the National Protection Programme.

Defenders of the right to land: the main target of attacks and criminalisation

Defenders acting in favour of a more equitable distribution of land, and who are thereby up against the large agricultural producers who have no hesitation in recruiting private security organisations for defending their interests, and also groups who engage in illegal logging, are regularly subjected to threats and acts of intimidation on the part of these armed groups, which enjoy total impunity. In addition, it is not unusual for security firms, which operate like armed militia, to offer a reward for the elimination of persons who play an active role in the defence of human rights and land rights. On October 21, 2007, Mr. **Valmir Mota de Oliveira**, a member of the Landless Land Workers Movement (*Movimento dos Trabalhadores Rurais Sem Terra - MST*) and of “Via Campesina”, two movements active in the promotion of agrarian reform and the right to land, was killed during the peaceful occupation by Via Campesina of an estate owned by a multinational corporation, Syngenta, in Santa Terasa do Oeste, in the State of Paraná, which used it for transgenic cultivation tests³. Since the beginning of the year, the MST leaders had been subjected to death threats and acts of intimidation. Likewise, in October 2007, three men were reportedly recruited by the landowners of the State of Pará to kill Brother **Henri de Rosiers**, lawyer of the Pastoral Land Commission (*Comissão Pastoral da Terra - CPT*) in Xinguara, in exchange for a sum estimated at 50,000 Brazilian reals (around 20,000 Euros)⁴.

Acts of reprisal against defenders fighting impunity and corruption

Defenders fighting against the impunity enjoyed by the authors of exactions or who denounce corruption and other illegal activities on the part of the authorities are not spared either. In December 2006, Mr. **Erwin Krautler**, Bishop of the Xingu region, human rights activist in the State of Pará and President of the CIMI, received telephone death

3./ Such a practice is challenged because the land concerned has been identified as possible land for establishing landless land workers in the framework of the agrarian reform. The estate had already been occupied for over a year by the same group, as a means to accelerate the process initiated by the State Government designed to ensure that the land be used in the framework of the agrarian reform, and be the object of measures for the protection of the environment. From the ecological point of view, the land is important, because it is close to the Iguaçu National Park.

4./ See Pastoral Land Commission (CPT).

threats. This was after Mr. Krautler had made several denunciations concerning authors of sexual abuses, child prostitution in the region, and the impunity of the authors of the murder of Sister **Dorothy Stang**, a missionary representing CPT and an activist in the National Human Rights Movement (*Movimento Nacional de Direitos Humanos* - MNDH). Indeed, at the end of 2007, no date had been fixed for the trial of Mr. Regivaldo Gavao, presumed author of the assassination of Sister Stang, who had been released in June 2006, despite the fact that the other presumed author has been sentenced on May 15, 2007 to 30 years' imprisonment.

The authors of these attacks are usually linked to organised crime, and often benefit from the complicity of police officers or corrupt politicians. On May 5, 2007, Mr. **Luiz Carlos Barbon Filho**, a columnist with the weekly *Jornal do Porto* and the daily *JC Regional*, was assassinated after having, in one of his articles, accused four company directors and five civil servants from Porto Ferreira (State of São Paulo) of sexual abuse of teenagers, in 2003. Members of the Porto Ferreira military police were reportedly involved in the assassination. On May 25, 2007, Mr. Koïchiro Matsuura, Director General of the United Nations Organisation for Education, Science and Culture (UNESCO), condemned the assassination⁵. Lastly, on November 22, 2007 an unknown man fired on Mr. **João Alckmin**, host of the "Show Time" programme on *Rádio Piratininga*, in São José dos Campos (State of São Paulo), wounding him in the neck, the arm and the back. Mr. Alckmin regularly denounces trafficking in slot-machines in the region, and the complicity between the Mafia and certain police officers.

5./ See <http://www.un.org/apps/news/story.asp?NewsID=22688&Cr=unesco&Cr1=journalist>, May 25, 2007.

/ CHILE

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Political context

Ten years after the departure of General Pinochet, Chile today has a modern democratic system under the presidency of Ms. Michelle Bachelet, the country's first woman President. Deep scars remain, however: very few officials of the military regime have been tried for the crimes against humanity committed during the quarter of a century of dictatorship, and the antiterrorist law adopted under the regime of General Pinochet is still in force, despite its non-compliance with international and regional human rights standards. In addition, by the end of 2007, Chile was one of the few Latin American countries not to have ratified the status of the International Criminal Court.

One of the major challenges facing the State of Chile today is that of the rights of the indigenous populations opposed to despoilment of their lands to the benefit of the State and the major corporations that exploit natural resources. The indigenous populations claim ownership of their ancestral lands and condemn the land boundaries imposed by privatisation, as well as the over-exploitation (especially of forests) and the industrialisation that threatens the way of life of their communities.

The indigenous communities are amongst the poorest and the most marginalised in the country. All the ethnic groups together represent a little less than 5% of the population of Chile, of which the largest community is the Mapuche people. Yet, despite the existence of Law n° 19.253, signed in 1993, which deals specifically with the rights of indigenous peoples (*Ley indígena n° 19.253*), the Constitution of Chile has not yet been modified to take this into account and Chile has still not ratified the International Labour Organisation (ILO) 1989 Convention n° 169 on Indigenous and Tribal Peoples. In practice, lands that are claimed are under constant surveillance by security guards who are often guilty of abusing the indigenous communities, and a process of criminalisation of Mapuche land claims activities may be witnessed.

Finally, the year 2007 in Chile was marked by severe police repression of student demonstrations in May, June and October 2007 that called for changes in the educational system. These demonstrations led to violent clashes with the police and the arrest of hundreds of demonstrators for a short period.

The criminalisation of social protest: defenders of the rights of indigenous peoples as particular targets

In Chile, social and political protests and demands are often subject to repression and their instigators are the target of harassment, legal proceedings, arrests, arbitrary detentions and ill treatment in detention. In recent years, there has been a rise in social conflicts involving representatives of indigenous communities, essentially the Mapuche community, which hold public demonstrations during which communication routes are generally blocked or the lands which are claimed are occupied. This is the background to the continued imprisonment in 2007 of several Mapuche leaders who were sentenced in 2006 under the anti-terrorist law, including Ms. **Patricia Troncoso Robles** and Mr. **Florencio Jaime Marileo Saravia**¹, who went on hunger strike for 100 days from October 10, 2007 after the non-respect of commitments made by the Government in 2006 to reform the anti-terrorist law.

In addition, at the end of 2007, Ms. **Juana Calfunao Paillalef**, *lonko* (a traditional position of authority) in the “Juan Paillalef” Mapuche community (in Cunco commune, Temuco), was waiting for a decision from the Constitutional Court regarding incidents that had taken place in the Temuco Court in November 2006². She faced a 15-year prison sentence. Furthermore, between August 7 and October 9, 2007, Ms.

1./ See Observatory Annual Report 2006.

2./ On November 15, 2006, the Temuco Court of Appeal had confirmed the guilt of Ms. Juana Calfunao Paillalef for “public disorder” after her run-in with the police in January 2006. When the verdict was announced, several indignant members of the “Juan Paillalef” Mapuche community had started to protest noisily. The police then physically attacked Ms. Juana Calfunao in the court, provoking a violent confrontation between the police and the Mapuche, some of whom physically attacked court representatives. Ms. Calfunao had then been placed in detention on charges of “threats against the authorities, unknown damage, slight injury and the theft of one of the enquiry files” [relating to the confrontation between Ms. Calfunao and the police in January 2006]. Ms. Juana Calfunao Paillalef had additionally been accused of “threats” against one of the Prosecutors. On November 20, 2006, the Oral Criminal Court in Temuco had sentenced Ms. Juana Calfunao to 150 days in detention for “public disorder” (See Observatory Annual Report 2006).

Juana Calfunao Paillalef and her sister, Ms. **Luisa Ana Calfunao**, went on hunger strike to draw attention to the rights of the Mapuche people and to demand the ratification of ILO Convention n° 169 by Chile.

/ COLOMBIA

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Political context

In 2007, the internal armed conflict that has lasted for more than 40 years continued, with multiple acts of violence committed by all parties to the conflict, whether the security forces, the paramilitary forces operating with the support of the army or the guerrilla groups, in particular the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC) and the National Liberation Army (*Ejército de Liberación Nacional* - ELN). The civil population continued to be the main victim of the conflict, with thousands of civilians subjected to constant violations of international humanitarian law (armed attacks, extrajudicial killings, enforced disappearances, torture, threats, forced displacements, hostage-taking, etc.), all carried out with the greatest impunity. Colombia has the highest number of internally displaced persons in the world¹, particularly from the indigenous and Afro-Colombian populations from the various regions of the country.

In addition, in 2007 the “para-politics” scandal resulted in the trial and imprisonment of 21 politicians linked to the paramilitary. Since most of these politicians belonged to the presidential party, the President tried to destabilise the Supreme Court in October 2007 by accusing its members of corruption.

Although President Álvaro Uribe Vélez was re-elected in 2006 on the strength of a promise to remedy insecurity and reinforce State authority, Colombia nevertheless remains mired in an internal armed conflict that opposes the State and the main guerrilla organisations, whilst the army continues to develop paramilitary structures, even though the latter are

1./ Three million displaced people according to the United Nations (See Report by Mr. Walter Kälin, Representative of the Secretary-General on the human rights of internally displaced persons; document A/HRC/4/38/Add.3, January 24, 2007).

undergoing a process of “demobilisation”. In reality, this process has led to a de facto amnesty for most of the members of the paramilitary groups that have either agreed to negotiate or accepted a show trial of leaders of these groups under the umbrella of the Justice and Peace Law². Thus, “demobilised” members of the paramilitary continue to threaten small farmers, indigenous peoples, union members and human rights defenders.

Colombia is also one of the countries where the greatest number of human rights defenders are murdered. According to the Colombian Commission of Jurists (*Comisión Colombiana de Juristas* - CCJ), 44 defenders were killed in 2007, including 39 trade union members. Although in 1997 the Interior Minister had established a “protection programme for human rights defenders, trade union members, journalists and leaders of social organisations”, especially for defenders who are victims of threats, created with the support of the United States Government, it is regarded with suspicion by most of the people it is designed to benefit. Indeed, these protection measures in the main consist of supplying armed escorts, generally agents of the Security Administration Department (*Departamento Administrativo de Seguridad* - DAS), who are sometimes accomplices in intimidating the people they are supposed to protect. Therefore, many human rights defenders feel protected more by the pressure and support of the international community than by the measures put in place by the Government³.

Stigmatisation of human rights activities

Whilst the great majority of the acts of violence committed against defenders (threats, attacks, harassment, even killings or enforced di-

2./ Many members of paramilitary groups supported by the army and other illegal armed groups have been “demobilised” under Law 975 of 2005 (known as the Justice and Peace Law), which was approved by the Colombian Congress on June 21, 2005 and ratified by the Government in July 2005. This law guarantees de facto impunity and that crimes committed by the paramilitary and members of other illegal armed forces during the civil war in the country would be forgotten.

3./ In its Conclusions of November 19, 2007, the Council of the European Union noted “the additional means that have been made available by the Colombian government to protect human rights defenders, witnesses, journalists, trade unionists and other persons at risk. Nevertheless, attacks against such individuals continue. Therefore, the Council urges the Colombian Government to continue adopting concrete measures to protect those people at risk and to put an end to impunity. Protection of human rights defenders should be given special attention”.

sappearances) remain unpunished⁴, in 2007 the authorities continued to speak of defenders often in aggressive terms – especially of those who condemn the violence committed by armed protagonists – and to discredit their activities, accusing them of having links with the guerrillas. On October 17, 2007, President Álvaro Uribe Vélez declared to magistrates of the Inter-American Court of Human Rights during its 31st Extraordinary Session, which took place in Bogotá from 17 to 20 October, that “every time members of the guerrilla and their followers feel that they can be defeated, they resort to appeals against human rights violations”. These declarations, in addition to accusations made at Tierralta (Department of Córdoba), on February 3, 2007, comparing human rights defenders to “terrorists dressed in civilian clothes”, were the origin of a considerable increase in threats by the paramilitary against dozens of civil society organisations⁵. For instance, in February 2007, the FARC threatened several human rights organisations that they would become “military targets” if they did not support “the popular movement for the resignation of Uribe, which would open the way for the formation of a new Government”⁶. Judicial proceedings were also regularly instituted against human rights defenders who were accused of “rebellion”, as was the case with Mr. **Andrés Gil**, Mr. **Oscar Duque**, Mr. **Evaristo Mena** and Mr. **Mario Martínez**, members of the Cimitarra River Valley Peasants’ Association (*Asociación Campesina del Valle del Río Cimitarra - ACVC*) in Barrancabermeja, who were arrested on September 29, 2007 by military officers and DAS agents.

Defenders who fight against impunity targeted by parties to the conflict

The violence unleashed against defenders is most frequently the result of the stand they take against the armed conflict and the illegal and arbitrary actions taken by whether civil, military or police authorities, and the abuses committed by armed groups. While President Uribe

4./ See Observatory International Fact-Finding Mission Report, *Colombia: Las tinieblas de la impunidad: muerte y persecución a los defensores de derechos humanos*, July 2007.

5./ See National Association for Solidarity Assistance (*Asociación Nacional de Ayuda Solidaria - ANDAS*), February 2007.

6./ In a Press Release issued on February 8, 2007, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia and the International Labour Organisation’s Permanent Representation in Colombia strongly condemned threats made to 70 NGOs, unions and social organisations.

continues to give priority to the demobilisation of tens of thousands of members of the paramilitary group United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia* - AUC), in line with the Justice and Peace Law, human rights defenders continued to be targeted by groups involved in the conflict, including the demobilised paramilitary groups, which reorganised themselves under different names. Many NGOs received threats from “new” paramilitary groups: for example, in March and June 2007, several organisations in the department of Nariño received e-mail threats from the paramilitary group New Generation Black Eagles (*Nueva Generación Águilas Negras*), accusing them of being “terrorists shielding behind human rights” and declaring them as military targets⁷. Similarly, on May 25, 2007, members of the Liberty Legal Corporation (*Corporación Jurídica Libertad* - CJL), in Medellín, were threatened with being declared to be “military targets” if they did not give up their activities in support of the fight against impunity.

It is also extremely frequent for organisations and defenders who file complaints against the violence committed by the military to be victims of reprisals. For example, on January 22, 2007, the Bogotá headquarters of the Permanent Assembly of Civil Society for Peace was violently attacked by unknown persons who stole the main computer containing the organisation’s archives, in particular complaints filed against paramilitary groups and documents appealing for compensation for victims. Even more serious is the fact that many such defenders have paid with their lives in their search for justice and truth, as was the case of Ms. **Yolanda Izquierdo Berrío**, leader of the People’s Housing Organisation (*Organización Popular de Vivienda* - OPV), who was killed on January 31, 2007 after becoming the Head of a group of victims

7/ In a Press Release published on March 23, 2007, the Office of the OHCHR in Colombia once more expressed its concern “regarding death threats made by members of the [paramilitary group] New Generation against human rights defenders in Nariño department” (Unofficial translation).

of the paramilitary⁸. In addition, on March 30, 2007, Ms. **Jahel Quiroga Carillo**, Director of the Corporation for the Defence and Promotion of Human Rights “REINICIAR” (*Corporación para la Defensa y Promoción de los Derechos Humanos “REINICIAR”*), was informed of a plot to kill her. On November 26, 2007, three unknown persons fired three times at the building where she lives.

Defenders of economic, social and cultural rights particularly targeted by a violent repression

Acts of violence also target defenders of union rights, women, the poor, persons displaced during armed conflict and ethnic minorities.

Peasant and trade-union leaders

In June 2006 the Tripartite Agreement on Freedom of Association and Democracy was signed under the auspices of the International Labour Organisation (ILO), providing for the permanent presence of the latter in the country from January 2007 in order to monitor the Government’s commitment to the implementation of freedom of association and to assess the progress made in the investigations into killings of union members. Despite the signature of this Agreement, the situation of union leaders remained of considerable concern in 2007, as they continued to be victims of serious acts of harassment, from persecution and threats to extrajudicial killings. According to a report by several NGOs, 2,515 union members have been killed in Colombia, since 1986, 20% of whom were union leaders. These crimes remain unpunished

8./ In a Press Release issued on February 1, 2007, the Office of the OHCHR in Colombia condemned the “violent death of Yolanda Izquierdo Berrío” although she had “alerted the competent regional authorities of threats against her” (Unofficial translation).

Likewise, the IACHR expressed its “repudiation of the murder of Ms. Yolanda Izquierdo, who had appeared as a victim of the armed conflict in Colombia at the open hearings in the case of the paramilitary leader Salvatore Mancuso, in accordance with the [...] ‘Law of Justice and Peace’. [...] Mrs. Izquierdo was a leader of the complaints lodged by hundreds of small farmers against the seizure of their land by members of the AUC in the department of Córdoba [...]”. The IACHR added that “having received death threats since December 2006, [she] had repeatedly requested protection from the authorities, who ignored those requests” (See Press Release 4/07, February 2, 2007).

in 95.6 % of cases⁹. In 2007, the United Confederation of Workers (*Central Unitaria de Trabajadores de Colombia* - CUT) recorded 32 killings of union members between January 1 and November 13, 2007. The National Union School of Colombia (*Escuela Nacional Sindical* - ENS) recorded 38 killings between January 1 and December 1, 2007.

Many trade-union leaders continued to be murdered because of their activities, as was the case with Mr. **Leonidas Silva Castro**, murdered on November 2, 2007 in the town of Villacaró (Norte de Santander); Mr. **Jairo Giraldo Rey**, murdered on November 3, 2007 in the town of Toro (Valle del Cauca); Ms. **Mercedes Consuelo Restrepo Campo**, killed on November 7, 2007 in Cartago (Valle del Cauca); and Mr. **José Jesús Marín Vargas**, a member of the National Union of Food Industries Workers (*Sindicato Nacional de Trabajadores de las Industrias de Alimentos* - SINALTRAINAL), murdered on November 22, 2007, in the town of Dosquebradas (Risaralda). Union leaders also continued to receive death threats: for example, Mr. **Domingo Flórez**, Mr. **Nelson Pérez**, Mr. **Luis Eduardo García** and Mr. **Luis Javier Correa Suárez**, four leaders of SINALTRAINAL in Bucaramanga, received death threats on several occasions in 2007, especially from the Black Eagles.

Associations of peasants and their leaders were also targets of reprisals, especially by the paramilitary and members of the FARC: thus, on May 14, 2007, Mr. **Francisco Puerta**, a peasant leader, was murdered in Antioquia.

Women's' rights organisations

Organisations that work to defend women's rights, in particular the League of Displaced Women and the Women's Popular Organisation (*Organización Femenina Popular* - OFP), were not safe from attacks

9./ See United Confederation of Workers (*Central Unitaria de Trabajadores* - CUT), General Confederation of Labour (*Confederación General del Trabajo* - CGT), Confederation of Workers of Colombia (*Confederación de Trabajadores de Colombia* - CTC), Confederation of Pensioners of Colombia (*Confederación de Pensionados de Colombia* - CPC), with the cooperation and support of the National Union School (ENS) and the Colombian Commission of Jurists (CCJ), "*Evaluación de la aplicación del Acuerdo Tripartito: mandato, estructura, funcionamiento y financiación de la presencia permanente de la OIT en Colombia*", presented at the 96th International Labour Conference, May 2007.

carried out by any of the groups that participate in the conflict. After receiving threats in December 2006, in which the authors stated that they would attack their relatives, the sister of an OFP member was kidnapped in February 2007 and detained for over a month. Likewise, on November 4, 2007, two men entered the home of OFP leader Ms. **Yolanda Becerra Vega** in Barrancabermeja, physically attacked her and threatened to kill her, ordering her to leave Colombia within 48 hours¹⁰.

Defenders of the rights of indigenous peoples

Leaders of indigenous and Afro-Colombian communities also remained targets of reprisals motivated by the explicit desire of the paramilitary to destroy these communities' structures. Several legal cases were brought against Mr. **Armando Pérez Araújo**, a lawyer specialising in defending the rights of populations affected by the mining industry such as peasant and indigenous Afro-Colombian groups in the region of La Guajira. Leaders of the San José de Apartadó Peace Community also continued to be subject to intimidation on a regular basis.

10./ The Office of the OHCHR in Colombia condemned "the attack and the death threats against Ms. Yolanda Becerra", recalling that "for several years the OFP has benefited from protection measures granted by the Inter-American Commission of Human Rights", "which did not prevent it from receiving continual and frequent threats due to its work for the promotion and defence of women's rights" (See Press Release of November 6, 2007. Unofficial translation).



/ CUBA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Despite the transmission of power from Fidel Castro to his brother Raul in July 2006, and the latter's election to the Presidency on February 24, 2008, the human rights situation on the island of Cuba has not undergone much change. Some notable improvements must be mentioned, however, such as the release of prisoners of conscience, and a rapprochement with Spain in 2007. Nevertheless, Cuba remains a dictatorial and centralised regime, which has not signed the Human Rights Charter¹, and where the freedoms of expression, association and movement are practically inexistent.

The Cubans are still victims of the consequences of the United States' embargo on the island, although the European Union lifted its sanctions in 2005. In addition, in June 2007, the United Nations Human Rights Council decided not to renew the mandate of the Personal Representative of the United Nations High Commissioner for Human Rights on the situation of human rights in Cuba.

Furthermore, in Cuba, the men and women who dare defy the authorities and denounce human rights violations were still, in 2007, subjected to multiple acts of harassment, and their freedoms of association, expression, peaceful assembly and movement were restricted in a

1./ However, in February 2008 the authorities committed to sign at the latest in April 2008 the two International Covenants on economic, social and cultural rights, and civil and political rights (See 2nd session on human rights matters in the framework of the bilateral consultations with Spain, February 12, 2008).

variety of ways². Numerous political dissidents, independent journalists and human rights defenders continued to be imprisoned, suspected in particular of “counter-revolutionary activities” or of “presupposed social dangerousness” (*estado peligroso*), a provision of the Criminal Code often used against dissidents and that allows the authorities to arrest and imprison them on the grounds of the “potential risk” they could represent for society. At the end of 2007, there were at least 55 prisoners of conscience in Cuban prisons.

No freedom of association in practice

Promotion and protection of human rights is still not recognised as a legitimate activity, and is still considered to be a threat to the proper functioning of the State. Although freedom of association is embodied in the Constitution, the Labour Code and the Law on Associations (Law 54, December 27, 1985), in practice the independent human rights organisations still have no legal status.

Multiple acts of harassment against human rights defenders

In 2007, defenders continued to be subjected to systematic acts of harassment: threats, arrests, and/or arbitrary detentions, physical assaults, systematic surveillance, wire-tapping of their telephone conversations, etc. The offices of NGOs, and the private homes of their members, were regularly broken into and searched, and their equipment was usually confiscated. The authorities also frequently had recourse to “acts of repudiation”, acts of repression and intimidation by para-police elements, which consists mainly in the formation of groups of persons led by Government agents taking up a position in front of the defenders’ homes, shouting insults, even attacking them physically. This is mostly at the instigation of the authorities and their “Civilian Rapid Action Brigades” (*Brigadas de Respuesta Rápida*).

2./ To that extent, the European Parliament, considering that “dozens of independent journalists, peaceful dissidents and defenders of human Rights [...] are still being held in jail, some of them seriously ill [...]”, “regret[ted] the failure to respond to the call of Parliament and the Council for the immediate release of all political prisoners and prisoners of conscience”, “demand[ed] that the Cuban authorities permit members of the political opposition, human rights activists and all citizens to travel abroad freely and return freely to Cuba” (See Resolution P6_TA(2007)0288 adopted by the European Parliament on June 21, 2007).

Members of the “Ladies in White” organisation (*Damas de Blanco*), an association of women and wives of Cuban political prisoners that campaigns for the release of political prisoners and prisoners of conscience, are regularly subjected to acts of harassment and intimidation, and even physical assaults. The members of the Cuban Human Rights Foundation (*Fundación Cubana de Derechos Humanos*) are also specially targeted. For instance, its President, Mr. **Juan Carlos González Leiva**, is still under strict surveillance, particularly with regard to his telephone communications and the visits he receives. In addition, on August 26, 2007, Mr. González Leiva was arrested and beaten by several soldiers at the “Amalia Simoni” hospital in Camagüey, and also by members of the State security force, as he had come to interview the adopted son of a political prisoner. Likewise, on November 21, 2007, Mr. **Juan Bermúdez Toranzo**, National Vice-President of the Foundation, was arrested at his home, where several members of the Cuban Foundation for Human Rights were on a hunger strike to demand the release of all Cuban political prisoners. Messrs. **Osmar Osmani Balmán del Pino**, Delegate of the Foundation in the San Miguel del Padrón municipality, **José Luis Rodríguez Chávez**, Vice-President of the Foundation in Havana, and **William Cepero**, President of the Foundation in Habana Vieja, were also arrested. Later, all the persons arrested were released, except Mr. Bermúdez Toranzo, who was still in detention in Havana at the end of 2007.

It should also be recalled that while, in 2007, several defenders were released, like Mr. **Francisco Chaviano González**, President of the National Council for Civil Rights in Cuba (*Consejo Nacional por los Derechos Civiles en Cuba - CNDCC*)³, this does not seem to reflect an improvement in their situation, as most of them had already served their full sentence, or almost, or were released for medical reasons. Many defenders and journalists who were arrested in March 2003, during an unprecedented wave of repression against the civil society, were still detained at the end of 2007, some of them serving prison

3./ This organisation collects information on disappearances of Cubans at sea, when they try to leave the country. Mr. Chaviano had been arrested in Havana in May 1994, and accused of “revealing secrets related to State security” and of falsifying public documents. He was released on bail on August 10, 2007, after having served thirteen years and three months of his sentence (see Coalition of Cuban-American Women – *Coalición de Mujeres Cubano-Americanas*).

sentences of over 20 years⁴ – including Mr. **Oscar Elías Biscet**, founder and President of the Lawton Foundation, an independent human rights organisation in Cuba, and Mr. **Normando Hernández González**, Director of the Camagüey College of Independent Journalists (*Colegio de Periodistas Independientes de Camagüey* - CPIC) – in most cases in extremely bad conditions. Some of the prisoners have serious health problems.

Very limited access to information and repression against independent journalists.

Access to information remains extremely limited, as the whole of the written press, radio and television remain under State control, and use of the Internet is severely regulated to prevent it from being used for “counter-revolutionary” purposes.

In such a context, independent journalists who try to promote and defend human rights in Cuba are also subjected to repression. For instance, Mr. **Armando Betancourt**, a collaborator of the *Nueva Prensa Cubana* site and founder of the underground magazine *El Camagueyano*, was sentenced on July 3, 2007 to one year and three months’ imprisonment for “breach of the peace”, after having been detained for over a year without being judged. He had been arrested on May 23, 2006 while interviewing families that the police were trying to dislodge from a garbage dump in Camagüey, and who were protesting against the violent methods used. Mr. Betancourt was released on August 20, 2007, after serving his full sentence⁵.

Obstacles to the freedom of peaceful assembly

Any peaceful gathering for the promotion or defence of human rights is also repressed. For instance, on January 16, 2007, Mr. **Ramón Velázquez Toranzo**, a journalist with the independent agency *Libertad*, was arrested for having demonstrated peacefully, on December 10, 2006, for more freedom of expression. On January 19, he was sentenced by the City Court of Las Tunas to three years of supervised parole for

4./ Most were organisers of the “Varela Project”, which proposed a referendum on the freedoms of expression and association, the possibility of setting up a business, the release of all political prisoners and changes in the electoral law.

5./ See Coalition of Cuban-American Women.

“presupposed social dangerousness”⁶. Because he did not comply to this sentence, Mr. Velázquez Toranso was again arrested on January 23. By the end of 2007 he remained detained at the forced labour camp of La Piedra. Likewise, on September 27, 2007, around thirty persons who were taking part in a demonstration in Havana calling for the immediate and unconditional release of all political prisoners and prisoners of conscience were arrested, before being released the morning after. The organisers of the event, including Ms. **Marta Beatriz Roque Cabello**, President of the Assembly for the Promotion of Civil Society (*Asamblea para la Promoción de la Sociedad Civil* - APSC), were among the persons arrested.

6./ *Idem.*



/ ECUADOR

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The accession of Mr. Rafael Correa to the Presidency of the Republic on January 15, 2007, after winning the presidential election on November 26, 2006, gave rise to the hope that his election might put an end to the great political instability that had reigned in the country since 1997. Indeed, three Presidents were removed from power between 1997 and April 2005 and Ecuador had undergone a dramatic institutional crisis in 2004 and 2005 when, in December 2004, the Parliament decided, under pressure from the Government, to dismiss all the Supreme Court judges and replace them with judges under the influence of the authorities in power. This decision, followed by the irregular annulment of proceedings against the three dismissed former Presidents, was greeted with general indignation. The economic crisis and the increase in poverty due to the frenetic liberalisation of public institutions resulted in a general uprising in April 2005, bringing about the fall of President Gutiérrez in the same month.

The Government was elected under the presidency of M. Rafael Correa on the basis of a programme of constitutional, economic and social reforms and, with this in mind, the people of Ecuador voted on April 15, 2007 in favour of reforming the Constitution and the State institutions, granting full power to the Constituent Assembly. The parliamentary elections held on September 30, 2007 resulted in 70% of the Assembly seats being held by the Government movement. From then on, all decisions would be voted by simple majority and ratified by referendum.

However, in 2007, the indigenous populations remained the main victims of repression and human rights violations, especially in their conflicts with the multinational mining and petroleum companies. The main social conflicts are fuelled by the mining projects (of wood, petrol and minerals) set up in indigenous territories and protected nature

zones without prior consultation with the populations that are affected by these projects.

Defamation campaign and reprisals against defenders of the right to the environment

Once again this year, human rights defenders, community leaders and ecologists who condemn Government policies and the harm done by the mining industries were the targets of threats and acts of intimidation. This was the case in particular of environmental NGOs whose leaders actively participated in protests against the extraction activities (minerals, hydrocarbons, wood, etc.) of national and international private companies, that have a harmful effect on the environment and the inhabitants of the surrounding areas. On December 1, 2007, President Correa publicly stated on a national TV channel that “communities that protest are no more than terrorists”, that “whoever is opposed to the development of the country is a terrorist” and that ecologists are “romantics” who “want to destabilise the Government” and are “the principal enemies of [his] project”. President Correa also announced there would be “zero tolerance for [those people] who want to strike and generate chaos” with the aim of “paralysing the country’s development” and he promised that these people would be punished “with all the severity that is legally permitted”. He also confirmed that the Government was carrying out an investigation into the persons “who were hidden behind [these movements]”. The Government had unofficially hinted that it would investigate the organisation “Ecological Action” (*Acción Ecológica*). However, as at the end of 2007, there was no official knowledge of proceedings against the organisation.

In this context, defenders of the right to the environment were sometimes targets of physical attacks, as was the case of Mr. **Jaime Polivio Pérez Lucero**, leader of a small farmers’ defence association in García Moreno parish, who was threatened on August 4, 2007 after opposing a copper-mining project in the Intag area of Imbabura province. Villagers are particularly concerned about the effects the project might have on the environment of the region, a nature reserve where most inhabitants make a living from agriculture.

The criminalisation of social protest and legal proceedings against defenders who protest against projects for the exploitation of natural resources

The lack of any prior consultation with peasant and indigenous communities gave rise throughout the year to peaceful protest movements against the impact of mining industries on the environment and the population's means of subsistence. The army and the police systematically used excessive force to repress these demonstrations. On October 4, 2007, the army used violence to disperse a peaceful protest in Tiguino parish in the south of Orellana (Ecuadorian Amazon) calling for compensation from the Petrobell company after the contamination of a nearby river as a result of the company's drilling activities.

Furthermore, at the end of November 2007, communities in Dayuma parish in Orellana province started protests calling for the application of the agreements signed in 2005 by the Government with the State company "Petroproducción"¹ and for compensation for environmental damage caused by petrol leakage that had poisoned the region's soil and water. On November 29, 2007, the Government decided to reinforce the contingent of armed forces already present at the petroleum sites. On the same day, the President of the Republic removed the Executive Director of Petroproducción from office, replacing him with an army officer and declaring a state of emergency in Orellana province, suspending the freedoms of expression, movement, assembly and association. In addition, armed forces were deployed throughout the province and the Law on National Security (*Ley de Seguridad Nacional*) was decreed, permitting the trial by military tribunal of persons arrested. All demonstrations were banned, even peaceful protests. On November 30, 2007, demonstrations were violently broken up by the military, which also arrested around 40 people, including Mr. **Wilmer Armas**, Vice-President of Dayuma parish, who was accused of "terrorism" and transferred to Tena prison. The state of emergency was lifted on December 11, 2007.

1/ Under this agreement, the Government had undertaken to tarmac all the main roads of the province, including those linking the capital city, Coca, to all the main towns in Dayuma parish. Only 30% of the final project had been carried out.

This was the context in which legal proceedings were taken against many defenders because of their human rights activities, notably on the grounds of “sabotage”, “terrorism” and “rebellion”. Most of these proceedings were instigated by the national and transnational companies that exploit natural resources and consider that social leaders and environmental defenders present obstacles to their activities. As an example, on December 10, 2007, Mr. **Alberto Timbelo** and Mr. **Julio Granado**, members of the “Ángel Shigre” Network of Community Leaders (*Red de Líderes Comunitarios Ángel Shingre*), were arrested and accused of “rebellion” after distributing leaflets on International Human Rights Day in defence of the small farmers’ community in Dayuma, in the Orellana region. Similarly, Ms. **Aida Astudillo Durán**, Mr. **Franklín Reinoso Ruíz**, Mr. **Marco Ochoa Durán** and Mr. **Tarquino Cajamarca Mariles**, four members of the Coalition for Life and Nature (*Coordinadora en Defensa de la Vida y la Naturaleza*) in the canton of Limón Indanza, Morona Santiago province, were accused of “sabotage”, “terrorism” and “using explosives” after they took part in a march on March 6, 2007 calling for an end to the Hidrotambo hydroelectric project². The police used violence to break up this march and four warrants were issued for the arrest of these defenders.

In addition, on September 21, 2007, judicial proceedings for “rebellion” were brought against Ms. **Nathalie Weemaels**, a Belgian citizen and Spokeswoman of the Committee for Water Without Arsenic (*Comité pro-Agua Sin Arsénico* - CPASA) of the Tumbaco area of Quito, after reports were sent to city hall and to the drinking water management company (EMAAP-Q) following the discovery of very high levels of arsenic in the drinking water. The Committee called for medical examinations for the population and compensation for the harmful effects of the consumption of water containing high levels of arsenic, and for improvement in water quality. Legal charges against Ms. Weemaels were still pending at the end of 2007.

2./ This project had been set up without prior consultation with the communities and had serious consequences including the forcible displacement of the population with no compensation and/or any real possibilities of resettlement.

/ EL SALVADOR

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Nearly sixteen years after the signature of the peace agreements that put an end to the armed conflict that raged in El Salvador from 1980 to 1991, the enforced disappearances, the arbitrary detentions, the acts of torture and other human rights violations committed during the civil war remain unpunished. El Salvador refuses in addition to ratify the Statute of the International Criminal Court. Investigations have been either inexistent or ineffective, and defenders demanding respect for the right to justice, to truth and to reparation for the victims receive threats. The Government further justifies the lack of investigation by the existence of the 1993 Amnesty Law, which, according to the authorities, is an integral part of the peace process, which made reconciliation possible among the Salvadorian population.

At the same time El Salvador continues to be marked by a very high level of violence, due in particular to the high rate of impunity and corruption, and the presence of gangs of young delinquents, the “maras”, whose emergence is linked to the poverty and inequalities which are still blatant in this small Central American country. The situation has caused mass emigration, which admittedly led to the sending of “remesas” (sums of money the diaspora send to their families), but which has also weakened the family structure. In addition, broad social sectors remain on the fringe of the socio-economic improvements that have taken place. It would also appear that the “death squads” are back.

Furthermore, on October 29, 2007, the Supreme Court ruled that the International Labour Organisation Convention n° 87 on Trade Union Freedoms was unconstitutional, on the grounds that trade union freedom could not apply to civil servants.

Criminalisation of human rights activities, in particular through the application of the Special Law to Counter Acts of Terrorism

In this context, social protest movements are numerous, but the State's response has been repression, in particular through the application of the Special Law to Counter Acts of Terrorism against demonstrators and defenders of economic, social and cultural rights.

The Special Law to Counter Acts of Terrorism, passed in September 2006, provides for exceptionally severe prison sentences for, *inter alia*, "attacks on the security of the State" (Article 1), "attacks on the security of ports, maritime transport, inland waterways, lakes, civil aviation and airports" (Articles 17 to 20), and "attacks against civil servants", "insofar as the acts committed against them are aimed at the office or activity they perform" (Article 5). In addition, causing a disturbance in public services, in traffic on the main highways of the national territory, or in Government buildings is an aggravating circumstance (Article 34 g). Such a broad qualification makes it possible to incriminate persons taking part in a peaceful march, in demonstrations or other activities considered as acts of dissidence, breaches of the peace and threats to national security.

It is in such a context that in 2007 several human rights defenders engaged, *inter alia*, in the fight against water privatisation carried out by rural communities, in pressing for improvements in health care, in the fight against corruption and for trade union freedoms, were subjected to acts of repression on the part of the authorities, with in particular violent interventions carried out systematically by the police during demonstrations. On July 2, 2007, members of the national civil police and of the Unit for the Maintenance of Law and Order (*Unidad de Mantenimiento de Orden - UMO*) used force to disperse a large demonstration organised in Suchitoto by the civil society of the Cuscatlán department, in the north of the country. This was on the occasion of the visit of President Elías Antonio Saca, in protest against the policy to privatise fundamental public services, including water. Several participants, including old persons and children, were beaten or injured by rubber bullets, and others had respiratory problems caused by tear gas. Fourteen members of Salvadorian civil society organisations, including Ms. **Marta Lorena Araujo Martínez**, Ms. **Rosa María Centeno Valle**, Ms. **María Aydee Chicas Sorto** and

Ms. **Sandra Isabel Guatemala**, members of the Association of Rural Communities for the Development of El Salvador (*Asociación de las Comunidades Rurales para el Desarrollo de El Salvador - CRIPDES*), were arrested and accused of “acts of terrorism” and “illegal association”. The 14 persons were released on bail at the end of July 2007, and all were acquitted in February 2008.

Furthermore, on September 4, 2007, Ms. **Noemi Barrientos de Pérez**, Ms. **Elsa Yanira Paniagua**, Ms. **Miriam Ruth Castro Lemus**, Ms. **Ana Luz Ordóñez Castro**, Ms. **Ana Graciela de Carranza** and Messrs. **Nehemias Armando Cantaderio**, **Jorge Emilio Pérez** and **Manuel de Jesús Trejo Artero**, leaders of the Union of Salvadorian Health Employees (*Sindicato de Gremio de Trabajadores/as de Enfermería de El Salvador - SIGEESAL*), were arrested after having organised, in August 2007, a peaceful demonstration in support of the strikes organised in the country’s hospitals, notably the San Vicente hospital, in protest against the increasing insecurity and the privatisation of the health system nationwide, and against corruption in the hospital environment. The eight persons were released on September 9, 2007, but at the end of 2007 they were still charged with “breach of the peace”, with aggravating circumstances. The preliminary hearing had been postponed to February 5, 2008, and on that date, they received sentences preventing them from leaving the country and from carrying out trade union activities for two years.



/ GUATEMALA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

/ AMERICAS

Political context

The year 2007 was marked by the presidential, legislative and municipal elections on September 9, 2007, followed by the second round of the presidential election on November 4, 2007, won by Mr. Álvaro Colom Caballeros, of the National Unity of Hope (*Unidad Nacional de la Esperanza* - UNE). These elections were characterised by a growing climate of insecurity in Guatemala and were notably preceded by a wave of violence against election candidates and political party members¹.

More than ten years after the internal conflict that had bloodied Guatemala between 1960 and 1996, which constituted the greatest genocide in Latin America in the 20th century – against indigenous populations, mainly Mayas – the main challenge for the Guatemalan authorities remained that of fighting against impunity for serious violations of human rights committed in the past and more recently. They must also combat violence linked to organised crime, delinquency and to the illegal, clandestine security groups and “social cleansing” gangs, as well as gangs of youths or “maras”. In addition, the security forces are often themselves responsible for violence and accused of corruption and drug trafficking. On February 19, 2007, three Salvadorian members of the Central American Parliament (*Parlamento Centroamericano* - PARLACEN) and their driver were murdered 40 kilometres from Guatemala City. On February 25, four police officers suspected of

1./ With regard to this, the Inter-American Human Rights Commission (IAHRC) expressed “its deep concern regarding the serious acts of violence that have taken place in the context of the electoral process underway in Guatemala [...] more than 50 politically motivated murders of candidates, political activists and their family members” (See Press Release n° 47/07, August 31, 2007).

committing these murders were killed in the El Boquerón high security prison where they had been jailed four days earlier².

The use of torture is still frequent in Guatemala and conditions of detention remain deplorable, notably due to prison over-population, corruption of prison wardens, abuses by the discipline and order committees, insufficient budget and the increase in the number of conflicts between rival and in “social cleansing” in prisons.

The year 2007 was also marked by the decision of the Guatemala Constitutional Court on December 12, 2007 to refuse to extradite Mr. Angel Anibal Guevara Rodríguez, former Defence Minister, and Mr. Pedro García Arredondo, former police chief, who, together with five other Guatemalan high officials, were wanted in Spain for “genocide”, “torture”, “enforced disappearances” and “extrajudiciary killings” during the conflict. This decision reinforced the impunity already enjoyed by former generals and officials of this period, including General Efraín Ríos Montt.

In this context, a major event was the ratification by the Guatemalan Congress on August 1, 2007 of the agreement signed in December 2006 by the Government with the United Nations establishing the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala - CICIG*). The CICIG was created to investigate and dismantle criminal organisations that were responsible not just for generalised crime in Guatemala, but also for the paralysis of the judiciary system due to its infiltration by State institutions. Further objectives of the CICIG, which, at the Government’s request, has a renewable two-year mandate, are that of

2./ In relation to these events, the European Parliament noted that “whereas [...] several thousand homicides are committed every year in Guatemala but arrests are made in only 2 % of cases; whereas trade unionists (such as Pedro Zamora in Puerto Quetzal), peasant leaders and their families have also been killed earlier in 2007, and threats, break-ins and burglaries are suffered by witnesses of cases of genocide under investigation, as well as by the legal representatives of genocide victims and by different human rights organisations”, saying that it “expects the Guatemalan government to guarantee full independence, liberty and security to the Guatemalan judicial authorities in their investigation of these crimes” and called on “the Guatemalan Government to adopt measures to protect the judicial agents, the victims of crimes against humanity who are seeking justice, the human rights activists, and the witnesses who can help the trials progress”(See European Parliament Resolution P6_TA(2007)0084, March 15, 2007).

strengthening the criminal justice system and recommending policies to fight criminal organisations³.

In 2007, human rights defenders were again victims of reprisals and attempts to intimidate them in order to dissuade them from continuing their activities. In 2007, the Human Rights Defenders Protection Unit - Guatemala (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos - Guatemala* - UDEFEGUA-Guatemala) recorded 195 cases of threats or attacks against human rights defenders⁴.

The murder of trade union leaders

The year 2007 saw an increase in violence against trade union leaders, who often lost their life because of their fight for workers' rights. In 2007, UDEFEGUA-Guatemala recorded threats to or attacks against 25 union members. Furthermore, two of the nine defenders murdered in 2007 were union leaders. On January 15, 2007, Mr. **Pedro Zamora**, the Secretary General of the Trade Union of the Workers of Quetzal Port Enterprise (*Sindicato de Trabajadores de la Empresa Portuaria Quetzal* - STEPQ), in Puerto Quetzal, was killed. Mr. Zamora had been particularly active in negotiating the collective bargaining agreement on working conditions as well as in the constant battle for the reinstatement of a group of workers who had been abusively dismissed⁵. Likewise, on September 23, 2007, Mr. **Marco Tulio Ramírez Portela**, a member of the Guatemalan Banana Workers Union of Izabal (*Sindicato de Trabajadores Bananeros de Izabal* - SITRABI), and brother of the SITRABI Secretary General, was murdered in Izabal.

3/ The Presidency of the European Union welcomed "the decision of the Guatemalan Congress, on August 1st, to establish the International Commission Against Impunity in Guatemala, as a matter of urgency, and would like to congratulate the Parliament, Government and the people of Guatemala for this action. [...] [T]he EU also acknowledges the importance of human rights defenders in combating cultures of impunity on violations of human rights and fundamental freedoms" (See EU Presidency Statement, August 3, 2007).

4/ See UDEFEGUA-Guatemala, *Vencendio barreras, Informe sobre Situación de Defensoras y Defensores de Derechos Humanos. Enero a Diciembre del 2007*, January 2008. In 2006, the Unit had recorded 277 cases of threats or attacks against defenders.

5/ On January 19, 2007, the IACHR condemned "the murder of Mr. Pedro Zamora, Secretary General of the *Sindicato de Trabajadores de la Portuaria Quetzal* [...]" and urged "the Guatemalan state to investigate this serious incident and to try and punish those responsible" (See IACHR Press Release n° 3/07, January 19, 2007)

Reprisals against defenders who fight against impunity

In 2007, all those seeking to defend the right to justice for the victims of violence and to fight against impunity continued to be subjected to attacks and threats. Mr. **Freddy Peccerely**, Mr. **José Suasnavar**, Mr. **Omar Bertoni** and Ms. **Bianka Peccerely**, members of the Guatemalan Forensic Anthropology Foundation (*Fundación de Antropología Forense de Guatemala* - FAFG), an NGO that documents and reports on human rights violations and unsolved murders, received a death threat by e-mail on May 25, 2007. On May 28, 2007, Mr. Peccerely again received an e-mail containing insults and threats. Likewise, on August 13, 2007, Mr. **Sergio Fernando Morales**, the human rights ombudsman, was travelling in an official vehicle when his security staff informed him that his car was on fire. When he arrived at his home, Mr. Morales received a message on his mobile phone in relation to these events, which occurred during the national debate on the adoption of the CICIG by Congress.

Intimidation of defenders of environmental rights and indigenous peoples

Defenders of environmental rights and indigenous peoples are not safe from threats and harassment, especially when these men and women fight against the consequences of the massive exploitation of energy resources by the country's companies. Furthermore, the authorities have also contributed by encouraging these acts of intimidation. During a press conference on January 10, 2007, Vice President Eduardo Stein indicated that the Government saw organised crime and the environmental movement as the "main sources of ungovernability". He made particular reference to the organisations opposed to the construction of the Xalala and Serchil hydroelectric dams in the Quiché and Alta Verapaz departments.

In January 2007, Mr. **Flaviano Bianchini**, a volunteer with the "Madre Selva" Collective and an environmental rights defender, received telephone death threats on several occasions. In addition, following the publication of the Collective's report, the Vice-Minister of Energy and Mines, Mr. Jorge García, stated that "the study [of the Collective] does not comply with the nationally and internationally recognised protocols for the collection and analysis of samples". He added that he would send a copy of the report to the Public Ministry in order to ascertain whether legal proceedings could be brought against Mr.

Bianchini for having made an “invalid report”. Similarly, on February 2, 2007, Mr. **José Roberto Morales**, Coordinator of the Indigenous People’s Rights department of the Centre for Legal Action on Human Rights (*Centro de Acción Legal en Derechos Humanos - CALDH*), was kidnapped while he was driving home in a CALDH vehicle. His kidnappers threatened him with death but abandoned him a little while later in an area close by.

Harassment of women defenders

Women who seek to promote and defend the rights of women and the victims of sexual violence were also subjected to multiple acts of harassment and violence, and their aggressors had sometimes no hesitation in attacking their families. In March and April 2007, members of the Institute of Comparative Studies in Criminal Sciences (*Instituto de Estudios Comparados en Ciencia Penales - ICCPG*) received death threats on several occasions, as was the case with Ms. **Paola Barrios**, an ICCPG investigator into the conditions of detention of women and gender violence, and Ms. **Mónica Teleguario Xitay**, a lawyer for the ICCPG, who were both working on the case of the rape of a woman by members of the National Civilian Police. In addition, on June 3, 2007, Mr. **José Corrado Gómez**, the son of Ms. **Edith Corrado Gómez**, a member of the Awareness-Raising Team with the Association of Ixqik Women (*Asociación de Mujeres Ixqik*) in Péten, and the grand son of Ms. **María Cristina Gómez**, in charge of the Pastoral of Women for the Communities of Santa Ana and of Chal, was murdered by two armed men in Chal (Petén Department). One of the murderers then targeted Ms. Edith Corrado and wounded her arm. Ms. María Cristina Gómez was shot as she was trying to protect her daughter. She died immediately. These events occurred on the eve of a meeting between the Association of Ixqik Women and the Office of the Public Prosecutor in order to denounce, in particular, acts of harassment perpetrated against members of the association.

Increase in searches and burglaries at NGO premises

In 2007, the offices of many NGOs were searched and burgled, apparently in order to hinder and obtain information about their human rights activities. For example, between February 3 and 5, 2007, the offices housing the National Human Rights Movement (*Movimiento Nacional de Derechos Humanos - MNDH*), the Human Rights Defenders Protection Unit (*Unidad de Protección de*

Defensoras y Defensores de Derechos Humanos - UPD-MNDH) and the Communication for Art and Peace association (*Comunicación para el Arte y la Paz* - COMUNICARTE) were broken into. Their archives were searched and more than ten computers were stolen, together with video equipment and documents on the work of these organisations. Similarly, on April 5, 2007, the headquarters of the Irish organisation TRÓCAIRE, the Spanish Association for Cooperation with the South (*Asociación para la Cooperación con el Sur* - ACSUR Las Segovias), the Guatemalan Collective for Power and Local Development (*Colectivo Poder y Desarrollo Local* - CPDL) and CARE International, in Guatemala City, were broken into. Computer and video equipment were stolen, containing important information on the work of these four organisations, which filed complaints. No other objects of value disappeared.

/ HAITI

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In 2007, the Haitian Government took a number of initiatives in line with its stated objective of consolidating the rule of law and democracy following the election in February 2006 of President René Préval, after two successive postponements of elections. The Government has undertaken a programme of judicial reform and has sought to improve the situation of magistrates and to fight against corruption. In this framework, the United Nations Convention Against Corruption was ratified and the President has called on the population to fight against this scourge, declaring the year 2007 as “the year against corruption” during his speech at the National Palace on May 18, 2007. In addition to the establishment of the National Commission on Disarmament, Dismantling and Reintegration (*Commission nationale sur le désarmement, le démantèlement et la réintégration* – CNDDR) in September 2006, which targets various armed gangs operating in the country, the authorities have also continued their policy of training police officers and of increasing police personnel. Some neighbourhoods that were, until 2006, controlled by armed gangs have been pacified, in particular through missions carried out jointly by the Haitian national police and agents of the United Nations Mission for Stabilization in Haiti (*Mission des Nations unies pour la stabilisation en Haïti* - MINUSTAH)¹. Without minimising the deterioration of Haitian institutions and the impact on the country's public life, it is undeniable that the reform of the security sector has at least helped to depoliticise the police and has put an end to the repression of political opponents and attacks on the freedom of the press, which were regularly practised by the police under the regime of President Aristide (1995-2004).

1./ In October 2007, the United Nations Security Council voted unanimously to extend the United Nations Stabilization Mission in Haiti until October 2008, and in September 2007 the United Nations Human Rights Council renewed the mandate of the Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti.

However, despite some progress, the situation of human rights has remained extremely precarious in the country. The problem of insecurity is still a major concern and violence remains endemic, particularly by the presence of criminal gangs, which often act with the complicity of the national police. In 2007, the National Network for Human Rights (*Réseau national de défense des droits humains* - RNDDH) counted 246 cases of kidnapping, 352 cases of murder, including 22 police officers, and 467 cases of gender-based violence, including 31 cases of rape reported to the State University of Haiti hospital².

The perpetrators of such abuses are rarely prosecuted, as the courts have only limited resources and the judicial system is characterised by its lack of independence, widespread corruption and failure to comply with procedures³. Furthermore, the conditions for detainees have been steadily deteriorating: overcrowding, deterioration of health conditions, violence between prisoners, prolonged pre-trial detention, etc.⁴.

2./ In the absence of reliable official data, cases identified by NGOs measure the magnitude of violations in Haiti, in particular the level of disturbing crimes with sexual characteristics. The fact remains that the real number of human rights violations in Haiti remains undervalued.

3./ After its visit to Haiti from April 16-20, 2007, the Inter-American Commission on Human Rights (IACHR), while stressing the efforts made by the Government, reported that “the current system and the absence of a state sponsored legal aid service continue to constitute challenges for the respect of human rights and the effective access to justice by the Haitian population” (See Press Release No. 24/07, April 20, 2007).

4./ Following his visit to Haiti from June 17-20, 2007, Mr. Florentín Meléndez, President of the IACHR and Rapporteur on the rights of persons deprived of liberty in the Americas, “observ[ed] with extreme concern the persistent high numbers of persons in prolonged pretrial detention, who in many cases are detained for periods longer than the possible sentences for the crimes of which they are accused. According to the latest statistics of the Direction of the Prison Administration, the month of June 2007, 84% of the prison population had not been judged or formally charged. In this regard, it is important to stress that in the cases observed by the Commission in Port-au-Prince, the percentage of persons in detention without having been convicted is estimated at 98% for children in the Prison for Minors in Delmas; 95% in the case of women deprived of liberty in Petion-ville; and 96% in the case of persons deprived of liberty in the National Penitentiary” (See Press Release No. 32/07, June 21, 2007). Similarly, the IACHR reported that it is “seriously concerned with the conditions in Haiti’s National Penitentiary and police station holding cells. The National Penitentiary, built to hold no more than 800 people, is currently holding more than 2,500 detainees, some 2418 of which are still awaiting trial” (See Press Release No. 24/07, April 20, 2007).

The year 2007 has not seen progress in the enjoyment of economic, social and cultural rights: in 2007, 70% of the population was unemployed and prices of commodities steadily increased (at the end of 2007, prices of staple commodities had increased by 20 to 50%).

Acts of retaliation and serious threats against defenders struggling against impunity

In 2007, human rights defenders in Haiti were often subjected to reprisals when they sought to denounce human rights violations and fight against the widespread impunity in the country. Human rights defenders have also been the target of criticism from some parliamentarians because of their opposition to the possible return of the death penalty in Haiti.

Several members of the Savanette Human Rights Committee (*Comité des droits humains de Savanette*), including Mr. **Dérilus Mérilus**, have received death threats after the Committee obtained the re-incarceration of an alleged rapist on October 5, 2007. On October 16, 2007, the Public Prosecutor decided to release the accused. In addition, in November 2007, Mr. **Joseph Guylor C. Delva**, President of the Independent Commission in Support of the Investigation of Murders of Journalists (*Commission indépendante d'appui aux enquêtes relatives aux assassinats de journalistes - CIAPEAJ*), introduced in August 2007 by the President, was followed by unknown persons while he was travelling by car in Port-au-Prince. He then had to leave the country temporarily. Since his return on November 25, 2007, he has continued to receive threats.



/ HONDURAS

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Political context

In 2007, the Government of Mr. Manuel Zelaya adopted several texts which, among other things, aim to emphasise the fight against corruption, guarantee free access to information, and strengthen law enforcement and security. Initiatives have also been taken to reduce poverty and improve access to education and medical care.

Despite these efforts, demonstrations have continued throughout the years to protest, in particular against the Government's policy regarding mining (damage to health and the environment due to open mining; disregard of ancestral rights of indigenous communities, particularly the Garifuna communities, etc.). The authorities have generally responded by violence to these demonstrations.

In addition, the country faced a surprising rise in violence and crime linked in part to petty crimes but also to organised crime, drug traffickers and gangs (*maras*), activities in which police were very often involved (illegal trafficking, kidnappings for ransom, etc). In this regard, it should be noted that a special bill relative to the national police (*Ley Especial de Policía Nacional*) was submitted in early May 2007 to Parliament, primarily to instil a sense of security within the population. However, at present, this bill, which has not been submitted to the people, does not guarantee the full control of the penitentiary institution and of the general direction of investigation by civilian bodies instead of the military or the police. It considerably weakens the position of the National Security Council (*Consejo Nacional de Seguridad*) and thus citizen participation in monitoring and evaluating public security issues. Lastly, the project further criminalises freedom of expression

within the national police to deter staff from denouncing internal acts of corruption¹.

Regarding freedom of expression, a Law on Transparency and Access to Public Information (*Ley de Transparencia y Acceso a la Información Pública*), which was approved by Congress in November 2006, entered into force on January 19, 2007, but its implementation has been postponed for one year to allow the institutions concerned to comply with it. The law aims to establish mechanisms to guarantee the right of citizens to take part in the management of public affairs, to render effective the transparent management of the State and its relations with individuals, and to combat corruption. The National Institute for Access to Public Information (*Instituto Nacional de Acceso a la Información Pública* - IAIP), whose creation was provided by law, was also introduced in August 2007. This independent body is responsible for handling requests for information on the Government and for overseeing the implementation of the law.

Finally, it is regrettable that the precautionary measures of protection granted by the Inter-American Commission on Human Rights (IACHR) for people at risk, including human rights defenders, are only very rarely implemented by Honduran authorities.

Acts of retaliation against defenders fighting impunity and corruption

In 2007, defenders who denounced the corruption within State institutions and fought against impunity found themselves on the front line of repression. On June 20, 2007, the Centre for the Prevention, Treatment and Rehabilitation of Victims and Families of Victims of Torture (*Centro para la Prevención, Tratamiento y la Rehabilitación de víctimas de Tortura y sus familiares* - CPTRT) received death threats targeting several human rights defenders, lawyers and journalists, accusing them of being a “social nuisance”. These threats were probably linked to the struggle waged by these human rights NGOs against corruption within the General Directorate of Criminal Investigation

1./ See Letter to the authorities from the Committee of Families of Prisoners and Disappeared in Honduras (*Comité de Familiares de Detenidos-Desaparecidos en Honduras* - COFADEH), April 23, 2007.

and the prison system. Many cases of corruption were also revealed by the press, which has also suffered reprisals against its journalists. Mr. **Martín Omar Ramírez**, a journalist for *La Tribuna*, received threats after publishing, on September 7, 2007, an article on “maras” members and their possible links to the police, and following an investigation into alleged corruption within the Honduran Institute of Social Security (IHSS). Some journalists have had to flee the country following threats². For example, on November 23, 2007, Mr. **Geovanny García**, a journalist for the television channel *Canal 13*, had to leave the country after receiving death threats. He had already been forced to flee Honduras in October, following an assassination attempt against him, after publishing an investigation into alleged corruption by senior officials of the Ministry of Public Works in connection with the tarring of streets³.

Several journalists have also been the target of criminal prosecutions for “offences against honour.” As pointed out by Special Rapporteur Mr. Ambeyi Ligabo, “offences against good reputation” continue to be considered as offences in the Honduran Criminal Code. This prompts journalists to exercise self-censorship for fear of prosecution if they denounce human rights violations or acts of corruption by authorities⁴. Legal proceedings were initiated on September 28, 2007 by the Director of the public telecommunications company Hondutel against Mr. **Renato Álvarez** and Ms. **Rossana Guevara**, from the television channel *Televisión Centro*, Ms. **Melissa Amaya** and Mr. **Juan Carlos Funes**, of *Radio Cadena Voces*, Mr. **Carlos Mauricio Flores**, Editor-in-chief of *El Heraldo*, and Mr. **Nelson Fernández**, Editor-in-chief of *La Prensa*, after they rebroadcasted information alleging serious acts of corruption by Hondutel⁵. On October 4, 2007, several Honduran courts

2./ Following his visit to Honduras, which took place from November 26-30, 2007, Mr. Ambeyi Ligabo, United Nations Special Rapporteur on the right to freedom of opinion and expression, “strongly condemn[ed] the assassination of a journalist, Mr. **Carlos Salgado**, and the voluntary exile of two other journalists, Mr. Geovanny García and Mr. **Dagoberto Rodríguez**, who ran away for fear of being assassinated”, stressing the “impact of organized crime in the exercise of the right to freedom of opinion and expression”. The Special Rapporteur also said he was “concerned by the impunity of the perpetrators of these acts” (See Press Release of the UN, December 6, 2007).

3./ See Joint Press Release by PROBIDAD and the International Freedom of Expression Exchange (IFEX), December 10, 2007.

4./ See United Nations Press Release, December 6, 2007.

5./ See IFEX Press Release, October 1, 2007.

unanimously concluded that the complaints filed against Mr. Alvarez, Mr. Funes, Mr. Mauricio, Ms. Guevara and Ms. Amaya were inadmissible.

Attempts to intimidate defenders of the rights of indigenous and peasant communities, particularly in connection with the protest against the exploitation of natural resources

In 2007, indigenous leaders continued to be subjected to harassment. Indigenous communities, like the Garifuna community, of African origin, have been fighting for several years for the respect of their rights to the lands they occupy, in part because the natural resources present on the territory, particularly timber, are exploited by national and international corporations. Members of the Garifuna community have been the target of multiple threats and intimidation that appear to be linked to their struggle to retain their rights over these lands. For example, on April 14, 2007, Ms. **Joselyn Lizet Rivas**, daughter of Ms. **Jessica García**, a leader of the Garifuna community, was attacked by unidentified assailants who fired on the taxi in which she was riding⁶. In 2006, Ms. Jessica García was the target of a campaign of harassment and received death threats⁷. Additionally, on October 4, 2007, officials from the Department of Homeland Security arrested Mr. **Wilfredo Guerrero**, a member of the Garifuna community in San Juan Tela particularly active in defending the rights of his community, even though Mr. Guerrero had been granted precautionary measures of protection (*medidas cautelares*) by the IACHR in July 2006⁸. After a few hours of detention, Mr. Guerrero was released without charges.

Because claims relating to indigenous rights are generally linked to requests for environmentally friendly exploitations of natural resources, defenders who expose abuses of national and international corporations in the use of these resources are often targeted. Aboriginal communities and environmental groups have organised large-scale demonstrations to protest against governmental policy regarding mining, which, according to them, led to an absence of real consultation and constituted a threat to the environment and health of people living

6./ See the Organisation for Black Honduran Fraternity (*Organización Fraternal Negra Hondureña - OFRANEH*).

7./ See Annual Report 2006 of the Observatory.

8./ See OFRANEH Press Release, October 4, 2007.

near mining sites. Thus, on July 17, 2007, demonstrations were held across the country to protest against open mining and to require the adoption of a new law governing mining. These demonstrations were violently repressed by police in certain areas, particularly in Quarter 6 of Mayo, in Macuelizo, in the department of Santa Bárbara, and in Siguatepeque, in the department of Comayagua. These incidents resulted in the arbitrary detention of some 50 to 70 people, including Messrs. **Justo Sorto** and **Pablo Munguía**, journalists at *Radio La Voz Lenca* and *Radio Progreso*, and members of the general coordination of the Civic Council of Indigenous Organisations (*Consejo Cívico de Organizaciones Indígenas Populares* - COPINH), who were arrested and physically abused in Siguatepeque while covering the event⁹. In August, during a press conference, the Civic Alliance for Democracy (*Alianza Cívica por la Democracia* - ACD) and the Committee of Families of Prisoners and Disappeared in Honduras (COFADEH) denounced the threats and harassment against members of the ACD, as well as the existence of a campaign to discredit the Most Reverend **Luis Alfonso Santos**, Bishop of Copan, a figurehead of the popular movement against mining in the western region¹⁰.

Discrimination against defenders of LGBT rights

In Honduras, defenders of the rights of lesbians, gays, bisexuals and transgenders (LGBT) continued to be subjected to discrimination and harassment because of their activities. On March 18, 2007, Mr. **Donny Reyes**, Treasurer of the Rainbow Association (*Asociación Arcoiris*), an organisation for LGBT rights, was arbitrarily arrested by police in Comayagüela. He was beaten by the police and then taken to a police station. They left him more than six hours in a cell where other detainees beat and raped him repeatedly, apparently with the encouragement of a policeman¹¹. On April 20, 2007, one of his colleagues, Mr. **Josef Fabio Estrada** (*alias* Debora), coordinator of a group in the association devoted to transgenders, was attacked in Tegucigalpa by a group of five men. Police officers who were nearby encouraged the attackers to beat him and arrested him on the grounds of creating a “public scandal” and

9./ See Press Release of COPINH, July 17, 2007, and Joint Press Release of the COFADEH and the Civic Alliance for Democracy (ACD), July 25, 2007.

10./ See COFADEH.

11./ See Arcoiris.

“breach of security”. He was released after eight months of detention. In May 2007, the association was forced to move because of the magnitude of police harassment to which it was subjected.



/ MEXICO

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Political context

After his appointment as President in 2006, following a disputed election with multiple charges of fraud, Mr. Felipe de Jesus Calderón Hinojosa, from the National Action Party (*Partido Acción Nacional - PAN*), and his Government took a hard-line approach in 2007, with a strong propensity to repress any form of protest. Moreover, contrary to the National Programme for Human Rights, developed in 2005 in consultation with civil society and the United Nations High Commissioner for Human Rights, the new Programme was introduced in 2007 without providing NGOs with a real opportunity to give input, and the High Commissioner was excluded from its elaboration.

Some legislative progress was made, such as the adoption of texts on the sexual exploitation of children, a law to prevent, punish and eradicate violence against women, and a law on the prevention and sanctioning of trafficking in persons. There have been mixed results regarding freedom of expression: on April 12, 2007, President Felipe Calderón promulgated the decriminalisation of “slander,” “offence” and “defamation” at the federal level, which requires the Mexican States to amend their legislation accordingly. However, a stronger trend of repression against journalists was witnessed.

In March 2007, President Felipe Calderón submitted a draft constitutional reform that is particularly repressive with regard to criminal justice, insofar as it establishes an exceptional regime for the fight against organised crime and expands the powers of the Public Ministry. This draft allows in particular the Ministry to monitor telephone communications, conduct searches, and impose house arrest without a warrant. However, it should be noted that the reform also provides for the establishment of an accusatory criminal procedure that is oral, adversarial and public, the creation of judges responsible for supervising the legality of processes within the Public Prosecutor’s Office, a strengthening of the rights of the defence, and the consecration of the constitutional rights

of the defence, including the right to the presumption of innocence, to an adequate defence and to remain silent. In late 2007, the project had still not been adopted.

While torture remains a common practice in Mexico, the judicial system too often fails to provide justice for the victims of human rights violations and violent crimes. In addition, many prisoners remain detained without being sentenced, usually waiting for years before trial, which has led to overcrowding.

Throughout the country, the presence of the army has been strengthened under the guise of the fight against organised crime, in violation of international and regional human rights law. For example, in the State of Chiapas, the security forces' mandate was enlarged to cover claims of indigenous peoples, creating tension in the region.

Finally, in the State of Oaxaca, social conflict which began in June 2006 with calls for improved working conditions and the resignation of the Governor continued, as did arbitrary arrests, threats, violence and acts of intimidation against supporters of the People's Assembly of the Peoples of Oaxaca (*Asamblea Popular de los Pueblos de Oaxaca* - APPO)¹.

Acts of intimidation against defenders denouncing arbitrary detention and abuse by law enforcement officers

In 2007, those who sought to expose arbitrary detentions, abuses and atrocities committed by the security forces were victims of multiple reprisals. For example, on May 28, 2007, Ms. **Pilar Mayem Arellanes Cano**, a lawyer and member of the Liberation Committee of November 25, which provides legal support to prisoners, and who also served for the Collective of Lawyers Victims or Representing Victims of Arbitrary Detention (*Colectivo de Abogados y Abogadas Víctimas y de Víctimas de Representantes Detenciones Arbitrarias*), was harassed and threatened with death several times by six unknown persons. Mr. **Alejandro Cerezo Contreras**, Mr. **Francisco Cerezo Contreras** and Ms. **Emiliana Cerezo Contreras**, founding members of the Cerezo Committee, an organisation working to defend the rights of political

1/ See Annual Report 2006 of the Observatory.

prisoners and prisoners of conscience in Mexico, also received death threats on several occasions in 2007. These threats were made following the denunciation by the Cerezo Committee of the arrest and disappearance of two activists of the Democratic People's Revolutionary Party (*Partido Popular Revolucionario Democrático* - PDPR) during demonstrations that took place in the city of Oaxaca in May 2007.

On September 6, 2007, the body of M. **Ricardo Murillo Monge**, an activist for the Civic Front of Sinaloa (*Frente Cívico Sinaloense*), an NGO known for denouncing cases related to public safety and conditions of detention in prison in the golden triangle conflict zone, was found near the Prosecutor's office of the State of Sinaloa. Mr. Murillo Monge investigated cases of abuse committed by security forces in operations carried out against organised crime.

In addition, journalists who denounced police officers suspected of corruption and implication in organised crime also paid with their lives for their investigative work². On April 6, 2007, Mr. **Amado Ramírez Dillanes**, a journalist at *Radiorama*, was murdered in Acapulco (State of Guerrero). Mr. Ramírez was known for his investigations into alleged links between the police and drug traffickers. Similarly, Mr. **Saúl Martínez Ortega**, Director of the magazine *Interdiario* and journalist from the daily *Diario de Agua Prieta* (State of Sonora), was found dead on April 23, 2007, in the State of Chihuahua. Mr. Saúl Martínez Ortega, who was abducted on April 16, was investigating the kidnapping and murder, on March 13, 2007, of one of his sources of information, a former city police officer from Agua Prieta.

Reprisals against defenders of the right to environment and the rights of indigenous communities

Defenders who have sought to defend the right to environment and the rights of indigenous communities, rights which are often in opposition with powerful economic interests, have been subjected to multiple acts of harassment, threats, physical assaults, prosecution, etc. On May 15, 2007, Messrs. **Aldo Zamora** and **Misael Zamora**, both sons of Mr.

2./ In this regard, the Inter-American Commission on Human Rights (IACHR) held a meeting on the freedom of expression in Mexico during its 128th session (July 16-27, 2007), and expressed its concern for the lack of security for journalists and for the alarming rise in murders, attacks and threats in the last several years (See Press Release n° 40/07, August 1, 2007).

Ildefonso Zamora and activists against the illegal logging of National Park lagoons in Zempoala, were victims of an armed attack in Santa Lucia, Department of Ocuilán, State of Mexico. Mr. Aldo Zamora died and his brother Misael was very seriously injured. Two of the suspected assailants were known to be involved in the illegal logging of trees. Similarly, on July 4, 2007, Mr. **Santiago Perez Alvarado**, a lawyer and community leader of the Mazahuas, was arrested and severely beaten by four men in civilian clothes. Mr. Perez Alvarado, who supports the peasants and indigenous peoples from the Toluca Valley and from the south-east of Mexico State in their fight against various water and development projects, was taken to prison, where he was released the next day due to insufficient evidence. However, he was arrested once again in relation to another case pending in the Temascaltepec district, where he was then transferred.

Acts of harassment against defenders of the rights of workers, peasants and migrants

Defenders of the rights of workers, peasants and migrants have not been spared from repression. On April 9, 2007, the lifeless body of Mr. **Santiago Rafael Cruz**, organiser of the Peasant Worker Forum (*Foro Laboral del Obrero Campesino AC - FLOC*), an organisation defending the rights of workers based in the United States, was found in FLOC offices in Monterrey (State of Nuevo León). Additionally, on several occasions, members of the organisation Without Borders (*Sin Fronteras*), which provides support for migrants and actively participates in the creation of adequate policies on migration, were harassed by members of the National Migration Institute (*Instituto Nacional de Migración - INM*). The INM thus produced a report denigrating the work of Without Borders after the organisation lodged a complaint against the Institute because of limitations on access to lawyers at the Mexico DF immigration centre. On May 20, 2007, an assistant of the NGO was subjected to an identity check at the Mexico City airport while she was boarding a flight to Tapachula to conduct a survey on security conditions and the situation of teenagers in selected immigration centres in this city.

Acts of harassment against women human rights defenders

Mexican women who fight for women's rights and their right to justice have also experienced numerous acts of intimidation to discourage them from pursuing their activities. Members of the association "May

Our Girls Go Home” (*Nuestras Hijas de Regreso a Casa*), an organisation which campaigns for justice for women abducted and murdered in Ciudad Juarez (Chihuahua), have been subjected to insults, threats and harassment because of their activities. For example, on June 10, 2007, Ms. **Maria Luisa Garcia Andrade** and Ms. **Marisela Ortiz Rivera**, members of the association, received threats and insults by e-mail. On 22 June, Ms. Ortiz received death threats once again³. Likewise, on May 7, 2007, Ms. **Lydia Cacho Ribeiro**, President of the Crisis Centre for Victims – Centre for Full Attention to Women (*Centro de Crisis para Víctimas – Centro Integral de Atención a las Mujeres - CIAM*) in Cancún (State of Quintana Roo), was the victim of an assassination attempt. On May 2, 2007, Ms. Cacho had testified at the trial of a contractor sued for child prostitution and trafficking of children. The contractor had threatened her at the hearing.

3./ See “Nuestras Hijas de Regreso a Casa”.



/ NICARAGUA

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/ AMERICAS

Political context

On January 10, 2007, Mr. Daniel José Ortega Saavedra, leader of the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN), became President of the Republic after a controversial election. Mr. Ortega was elected on November 5, 2006 with only 38% of the votes, as provided by a pact made in 2000 with the leader of the Liberal Constitutional Party (*Partido Liberal Constitucionalista* - PLC), which, *inter alia*, lowered the majority required in the first run of the ballot.

A real concentration of power was then witnessed. The President's wife, Mrs. Rosario Murillo, in addition to coordinating communication at the Presidency of the Republic, is also Executive Secretary of the National Council for Economic and Social Planning (*Consejo Nacional de Planificación Económica Social* - CONPES), and is in charge at national, departmental and local level of the new Citizens' Power Councils (*Consejos del Poder Ciudadano* - CPC), which aim is to establish a link between State institutions and the people.

In 2007, the Government also took certain normative and institutional measures, some of which aimed at greater transparency in the public administration and more effective control of corruption, mainly through better access for citizens to information about the management of State institutions and agencies. Measures were also taken to improve access to primary education, medical care, and to combat poverty.

Poverty however is still the rule among the people: the richest 10% of the population absorbs 30% of the national income, while the poorest 40% only gets 10% of the income. Criminality remains at a high level, particularly in connection with drug trafficking networks, and the police are guilty of exactions, notably during detention. In addition, the families of victims get no protection: Ms. Villanueva Delgado Obando, for example, was killed on March 20, 2007 on her way to the

Nueva Guinea Court in order to support her sons, who were tortured during detention. The prison population increased by 14% compared to 2006, and is detained in decrepit and insalubrious prisons. At the end of October 2007, according to the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos - CENIDH*), there were 6,701 persons detained in the country's eight penitentiary centres, of which 1,290 were in preventive detention and 5,411 were serving their sentence.

The judicial system is still in the hands of the political parties (FSLN and PLC in particular) and influential economic and religious sectors. Such a climate, which encourages influence peddling and vote-catching, does nothing to guarantee fundamental rights such as the principle of equality before the law, and fosters corruption of the judicial system.

Concerning the freedom of information, on May 16, 2007 the Parliament of Nicaragua passed Law 621 on Access to Public Information (*Ley de Acceso a la Información Pública*), which came into force on December 20, 2007. Although the law is a real step forward, in practice it does not seem to reflect an opening on the part of the Government, despite its enthusiastic reception. Information within the Government appears to be increasingly controlled and centralised, as evidenced by the role of the President's wife, who is in charge of communication for all the ministries and the main Government initiatives, which are carried out with the utmost discretion.

Smear campaigns against human rights defenders

In 2007, human rights defenders were exposed to considerable criticism on the part of Government officials, to the extent of discrediting their work. Early in 2007, for instance, the judicial authorities waged a smear and defamation campaign against CENIDH. The Human Rights Prosecutor in particular, Mr. Omar Cabezas Lacavo, stated publicly that the action of the organisation "disgusted" him, and asserted that organisations such as CENIDH "set themselves up in districts and towns only in order to attract journalists". And on July 21, 2007, during the closing ceremony of the São Paulo Forum, President Ortega accused the civil society organisations of paying people to take part in demonstrations calling for better social conditions and more respect for human rights. Such accusations were in particular aimed at the "Civil Coordination" (*Coordinadora Civil*), which plays a central role

in the fight for democratisation, fair redistribution of wealth, citizen participation, reduction of poverty and against corruption. In addition the organisations, including CENIDH, were accused of “defending delinquents” and of “having joined the opposition”.

Acts of intimidation against defenders of women’s rights

In 2007, defenders of women’s rights, in particular the right to therapeutic abortion, were subjected to acts of intimidation designed to deter them from taking action. Following the adoption in 2006 by the National Assembly of Law 603 criminalising therapeutic abortions, as an exemption from an existing article of the Criminal Code, various civil society organisations fighting against the exemption lodged an appeal on January 8, 2007 on the grounds that the law was contrary to the Constitution. In addition, a number of organisations, including the Women against Violence Network, the Women’s Autonomous Movement, the Feminist Movement and CENIDH, waged in 2007 a campaign against the new Law through demonstrations, sit-ins and television announcements. The Law was nevertheless ratified on September 13, 2007 and written into the new Criminal Code.

As a result, the members of these organisations were subjected to acts of reprisal, judicial proceedings in particular, as was the case for nine leaders of women’s and childhood defence organisations¹; two complaints were lodged against them in October 2007 with the Public Prosecutor by the Executive Director of the Nicaraguan Association for Human Rights (*Asociación Nicaragüense Pro Derechos Humanos - ANPDH*)², for “offences against the administration of justice”, “dissimulation of the crime of rape”, “criminal conspiracy” and “apology of crime”.

Reprisals against defenders fighting corruption and exactions committed by security forces and the authorities

In 2007, defenders attempting to denounce the corruption prevailing in Government bodies were subjected to acts of intimidation and harassment. Mr. Gerardo Miranda, for instance, former FSLN MP,

1./ Ms. Ana María Pizarro, Ms. Juana Antonia Jiménez, Ms. Lorna Norori Gutiérrez, Ms. Martha María Blandón, Ms. Luisa Molina Arguello, Ms. Martha Munguía Alvarado, Ms. Mayra Sirias, Ms. Yamileth Mejía Palma and Ms. Violeta Delgado Sarmiento.

2./ ANPDH is an organisation chaired by Bishop Abelardo Matta, head of the Catholic Church and leader of the anti-abortion movement in Nicaragua.

lodged a complaint for “defamation”, and the General Prosecutor of the Republic threatened to launch legal proceedings against Mr. **Carlos Fernando Chamorro**, a journalist who, on May 27, 2007, had broadcast in his television programme *Esta Semana* a report denouncing acts of corruption supposedly committed by Mr. Miranda and other FSLN leaders. In addition, the official media waged a smear campaign against the journalist, calling him for instance “a Mafia stealer of land”.

Furthermore, the men and women who fought impunity and denounced exactions committed by the police and the authorities were also subjected to acts of reprisal. For instance, Mr. **Marcos Carmona**, Executive Secretary of the Permanent Commission for Human Rights (*Comisión Permanente de Derechos Humanos - CPDH*), has constantly received death threats since June 2006, when CPDH lodged a complaint with the General Prosecutor of the Republic against the leaders of the Sandinista Government of the 1980s, accusing them of being the presumed authors of crimes against humanity committed against the Miskita communities. In February and March 2007, Mr. Carmona received several death threats by telephone and e-mail.

Acts of harassment against defenders of environmental rights

In 2007, defenders of environmental rights were also subjected to repression. Mr. **Pablo Antonio Centeno Madrigal**, a member of the CENIDH “Padre César Jérez” Human Rights Promotion Network (*Red de Promotores de Derechos Humanos del CENIDH “Padre Cesar Jerez”*), and of the “Yes to Life” Environmentalist Movement in the city of León (*Movimiento Ambientalista “Si a la Vida”*), as well as a leader of the Sutiava indigenous community, was twice arrested, in January and July 2007, and prosecuted for “setting fire to the San Antonio sugar cane company”, in connection with facts dating back to January 23, 2007. Mr. Centeno is known for his activities in favour of the right to the environment, and in particular for having denounced the damage caused to the environment and public health by the San Antonio company. Mr. Centeno was finally acquitted on August 13, 2007.

/ PERU

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Political context

In 2007, although some progress was made in the judicial proceedings against military personnel responsible for exactions committed (in particular extrajudicial killings and enforced disappearances) during the conflict between the Shining Path Movement and the Peruvian army from 1980 to 2000, President Alan García's Government continues to display a lack of political will to fight against the impunity enjoyed by the authors of such crimes. This was reflected, among others, in the inadequacy of resources allocated to the judiciary and the Public Prosecutor's office, which led to the ineffectiveness of the protection measures provided for the representatives of justice, the victims, the witnesses of exactions, and their families. Impunity thus remains the rule, and enquiries have often been thwarted by the lack of cooperation on the part of the military.

It should however be stressed that the efforts of the Peruvian prosecutors to bring to justice in Peru former President Alberto Fujimori, who was arrested in Chile in November 2005, finally met with success in September 2007, when the Supreme Court of Chile authorised Mr. Fujimori's extradition. The latter is in particular charged in connection with his supposed responsibility in the extrajudicial killing of 15 persons in the Barrios Altos district of Lima in November 1991¹, and in the enforced disappearance and the murder of nine students and a faculty member in the La Cantuta University in July 1992². Mr.

1./ On November 3, 1991, fifteen people lost their lives and four others were wounded following the incursion into the Barrios Altos suburb of Lima of a paramilitary squad identified as being the Colina group, composed of members of the Peruvian armed forces. The massacre is symbolic of the human rights violations committed during Fujimori's presidency.

2./ On July 18, 1992, a professor and nine students belonging to the Lima National University, known as "La Cantuta", were the victims of forced disappearance after abduction, committed by a paramilitary group. The incident became notorious for the impunity enjoyed by the authors, and for having been an argument in favour of Mr. Alberto Fujimori's extradition from Japan in 2003.

Fujimori's extradition and the opening of his trial at the end of the year was seen as being highly symbolic of the prospect of success in the fight against impunity, and the establishment of the rule of law and democracy in Peru.

Since Mr. Alan García's election to the Presidency of Peru on June 5, 2006, the Government has made four attempts to reintroduce the death penalty, which was abolished in 1979. In January 2007, Parliament rejected one of the proposals, which was to reintroduce the death penalty for terrorist crimes. Three other projects, one of which concerns persons guilty of having assassinated or raped a minor, were still under discussion in Parliament at the end of 2007.

Furthermore, on July 22, 2007, the President promulgated several decrees (including Decrees n° 982, 983, 988, 989) formalising the criminalisation of social protest, including peaceful demonstrations.

Law 28925: obstacles to freedom of association remain, despite some provisions having been declared unconstitutional

On August 29, 2007, the Lima Constitutional Court ruled that the provisions of Law 28925, modifying Law 27692 establishing the Peruvian Agency for International Cooperation (*Agencia Peruana de Cooperación Internacional* - APCI), a decentralised body supervised by the Ministry of Foreign Affairs, were unconstitutional. The provisions concern the obligation to register international funding of private origin, the penalty for NGOs guilty of "breach of peace, and attacking private or public property" to be struck off the register, and the prohibition for the executives of these organisations to carry out functions related to the implementation of international cooperation projects. Law 28925 had been published in the official journal on December 8, 2006. Law 28875, passed on August 15, 2006, had already paved the way for increased State interference in the affairs and aims of NGOs³.

Assassinations and threats against journalists fighting corruption

In 2007, journalists daring to denounce corruption on the part of the authorities and the police paid the price of their commitment.

3./ For further information, see Observatory Annual Report 2006.

Such was the case of Mr. **Miguel Pérez Julca**, a journalist with *Radio Éxitos*, assassinated on March 16, 2007 in Jaén (Cajamarca province), after he had declared, during one of his broadcasts, that he was going to disclose the names of Jaén police officers who had ties with drug traffickers and who protected criminals. On September 10, 2007, Mr. **Julio César Mendoza Escobar**, a journalist with *Radio Candela*, in Yurimaguas, also received threats and an attempt was made on his life after he had denounced acts of embezzlement involving municipal personnel, including the Mayor of Alto Amazonas.

Reprisals against defenders fighting impunity

This year again, lawyers and human rights organisations fighting the impunity enjoyed by authors of the massacres committed during the 1980 – 2000 conflict were subjected to numerous acts of harassment and smear campaigns. On March 10, 2007, the lawyers belonging to the National Human Rights Coordinating Committee (*Coordinadora Nacional de Derechos Humanos - CNDDHH*) were qualified as “communists disguised as lawyers”, “fools manipulated by senderism” and “recycled communists” by Mr. Jorge del Castillo, Head of the Government and Chairman of the Special High Level Commission for the implementation of the recommendations of the Truth and Reconciliation Commission.

In addition, several defenders received death threats owing to their search for justice and truth, such as Ms. **Iskra Chávez Loaiza** and Ms. **Evelyn Zevallos Enriquez**, respectively Chairperson and lawyer member of the Association for Life and Human Dignity (*Asociación por la Vida y la Dignidad Humana - APORVIDHA*), in the region of Cusco, who received death threats on March 29, 2007⁴. Likewise, on December 10, 2007, the lawyers and families of the victims of the Barrios Altos and La Cantuta massacres were verbally attacked while they were preparing to attend the first day of the trial of former President Fujimori, charged with human rights violations. The aggressors were reportedly following instructions given to them by a former colonel of the Peruvian army. Furthermore, on December 18, 2007, the Association for Human Rights (*Asociación Pro Derechos Humanos -*

4./ APORVIDHA is in particular investigating the assassination in 1984 of 34 peasants in Lucmahuayo, the authors of which are said to belong to the army.

APRODEH) received a phone call in which Ms. **Gloria Cano**, a lawyer representing the Barrios Altos and La Cantuta victims, and members of APRODEH were threatened with death.

Acts of harassment against defenders of the rights of communities affected by mining and forestry exploitation projects

In Peru, the members and leaders of indigenous communities regularly confront mining companies on their territory, their main complaint being the harmful effect of mining operations on the environment and their way of life. In return, those leaders and others who defend their rights are subjected to acts of reprisal. On December 14, 2007, for instance, the Baños del Inca Court condemned Mr. **Neptalí Quispe Sánchez**, a lawyer specialising in defending peasant communities affected by mining operations and environmental leaders, to 30 months' imprisonment, a 30-month ban on the practice of his profession, and a deposit of 5,000 new soles for civil reparation, for "fraud" and "falsification". On March 15, 2007, Mr. **Javier Rodolfo Jahncke Benavente**, a member of the Muqui Network (*Red Muqui*), a coalition of 19 organisations defending the rights of rural and indigenous communities affected by mining projects, received death threats. Lastly, certain members of the Inter-ethnic Association for the Development of the Peruvian Forest (*Asociación Interétnica de Desarrollo de la Selva Peruana - AIDSESEP*) also received threats following their action against the depredations of the Amazonian forest. Thus, Mr. **Robert Guimaraes Vásquez**, Vice-President of AIDSESEP, received death threats on several occasions, of which logging companies are thought to be the instigators.

/ VENEZUELA

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Political context

In 2007, President Hugo Chávez, who has been in power since 1999, continued his reforms for a “21st century socialism” after being re-elected in December 2006. Although the reforms succeeded in reducing poverty, democracy remains fragile, owing to the existing political and social tensions. In reality, President Chávez mainly sought to reinforce his authority. As soon as he was re-elected, he asked the National Assembly to grant him the right to legislate through the *Ley habilitante*, by which he can issue decrees that have force of law. On February 1, 2007, the law was published in the official bulletin, granting the President the right to legislate for 18 months. The law has nevertheless made some advances possible, and enabled the President to present his plan for the re-nationalisation of certain enterprises responsible for telecommunications, water management and energy.

President Chávez also proposed 69 constitutional amendments that *inter alia* gave him unlimited authority to declare a state of emergency without the prior approval of the Supreme Court of Justice, and to suspend certain constitutional guarantees such as the right to a fair trial or access to information in a state of emergency. One amendment allowed the President to be re-elected several times. On the other hand, some amendments represented social progress: the working day was limited to six hours, the right to citizenship and the multi-ethnic origin of Venezuela were recognised, State financing of electoral campaigns was regulated, etc. These amendments were rejected by 51% of the population in a national referendum held on December 2, 2007.

Some of the corrupt police forces are controlled by the Government, others by the opposition, and they confront each other, which often leads to exactions committed against the population, with extrajudicial executions, while conditions of detention in the prisons are very unsatisfactory. According to the Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones*), in 2007 498 inmates died a

violent death, and 1,023 were injured¹. This is due in particular to the lack of security and the corruption of the prison wardens, who allow armed gangs to control the prisons. The origin of the violence is also to be found in the overcrowding and the deterioration of the penitentiary infrastructure.

In 2007, a vigorous debate took place on freedom of expression, on the occasion of the non-renewal of the broadcasting licence of the private audiovisual group *Radio Caracas Televisión* (RCTV), one of the oldest and largest in Venezuela, which expired on May 27, 2007. President Chávez reproached in particular *RCTV* for supporting the 2002 coup. The station now broadcasts over the cable network. In this regard, the IACHR and the European Parliament voiced concerns for freedom of expression².

Smear campaigns against defenders

In 2007, certain NGOs were criticised in public and attacked by members of the Government and persons close to it, accusing them *inter alia* of “betraying the nation” for having accepted international cooperation funds, in particular from the United States. On May 4, 2007, Messrs. **Carlos Correa** and **Rafael Chavero**, Coordinators of the Public Space Association (*Espacio Público*), were accused in the pro-Government newspaper *Papeles de Mandinga* of “betraying the nation” and of being “scum”, following the presentation of their report on the situation of freedom of expression in Venezuela in 2006. They were in particular reproached for being financed by the United States³.

In that respect, while regretting not having been able to visit Venezuela owing to lack of cooperation on the part of the State, IACHR deplored especially “the increasing number of threats and attempts on the life

1./ See Venezuelan Prison Observatory, *Situación carcelaria en Venezuela, Informe 2007*, January 2008.

2./ The European Parliament (See Resolution P6_TA(2007)0216 adopted on May 24, 2007), the Presidency of the European Union (See Declaration on May 28, 2007) and the Inter-American Commission on Human Rights (See Press Release n°29/07, May 25, 2007), expressed concern about the freedom of expression in Venezuela.

3./ See Venezuelan Human Rights Education-Action Programme (*Programa Venezolano de Educación-Acción en Derechos Humanos - PROVEA*), *Informe anual, octubre 2006 - septiembre 2007, Situación de los Derechos Humanos en Venezuela*, December 2007.

and physical well-being of human rights defenders” and “the other obstacles human rights defenders face, such as public discrediting by officials of the State [...] and the difficulty they have when attempting to get access to information”⁴.

Acts of reprisal against defenders denouncing exactions committed by law enforcement officers

In 2007, defenders denouncing exactions committed by law enforcement officers, primarily the police, were subjected to various acts of intimidation and harassment. On November 3, 2007 Mr. **Benjamín García**, legal representative of the “Guardians of Justice” Committee (*Comité “Guardianes de la Justicia”*), and his son were assaulted by a policeman belonging to the municipal police in Sucre. The aggression would appear to be linked to a complaint lodged by the Guardians of Justice Committee against two municipal police officers. Likewise, Mr. **Alcides Rafael Magallanes**, Coordinator of the Anzoátegui Human Rights Foundation (*Fundación de los Derechos Humanos de Anzoátegui*), received a death threat on February 27, 2007 from a policeman in Bolívar, after having denounced extrajudicial executions committed by the police in the State of Anzoátegui⁵.

Defenders fighting corruption, victims of acts of harassment and attacks on their physical integrity

Defenders fighting corruption are also subjected to acts of harassment and attacks on their physical integrity. For instance, on February 10, 2007, Mr. **José Luis Urbano**, President of the Civil Association for the Defence of the Right to Education (*Asociación Civil Pro Defensa del Derecho a la Educación*), was fired on and wounded in Barcelona, in the State of Anzoátegui, after having criticised publicly irregularities in the educational system and the quality of education given to deprived children in his State, and denounced cases of alleged corruption. A short time before, Mr. Urbano had received death threats⁶. As for Mr. **Miguel Salazar**, Director of the political weekly *Las Verdades de Miguel*, his trial for “aggravated defamation” opened on April 18, 2007 in Caracas, for having published at the end of 2003 a column on cases of corruption

4./ See IACHR Report for 2007, Chapter IV.

5./ See PROVEA, Electronic Bulletin n°182, February 24 – March 5, 2007.

6./ See PROVEA, Electronic Bulletin n° 181, January 19 – February 18, 2007.

and human rights violations in the State of Guárico (Centre). Under the Criminal Code, Mr. Miguel Salazar could receive a two to four years' prison sentence and a fine of up to 320,000 dollars⁷.

Obstacles to the freedom of assembly and repression of demonstrations

In 2007, the authorities continued to repress, prohibit or disrupt popular demonstrations, in particular those relating to protests against the non-renewal of the *RCTV* broadcasting licence, trade union claims and the right to public services. On August 27, 2007, the police dispersed with force the inhabitants who were demonstrating in front of the Maripa police station for the release of 12 minors under arrest, injuring eight persons with lead bullets. Likewise, on March 13, 2007 a students' demonstration protesting in Caracas against the non-renewal of the *RCTV* licence was violently repressed by the police, who fired lead bullets on the crowd and used tear gas. Lastly, on June 26, 2007, a group of workers who were trying by peaceful means to take over the installations of the "Pío Tamayo" sugar company in order to obtain better working conditions, were repressed by the Iribarren municipal police, injuring six persons with lead bullets and tear gas, and arresting 13 persons⁸.

7/ See PROVEA, Electronic Bulletin n°184, April 1-22, 2007.

8./ See PROVEA, *Informe anual, octubre 2006 - septiembre 2007, Situación de los Derechos Humanos en Venezuela*, December 2007.



/ ASIA

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Political context

Following the proclamation of the state of emergency by President Iajuddin Ahmed on January 11, 2007, after several weeks of violent election-related clashes between supporters of the former coalition in power and those of the opposition parties, the elections that should have taken place on January 22 were postponed sine die and a new caretaker Government was set up with the support of the army. Many people have been arrested since then, notably in the framework of the fight against corruption, including top officials from the two main political parties, the Bangladesh Nationalist Party (BNP) and the Awami League. According to the organisation Odhikar, 395 people – mainly political activists – arrested under the state of emergency on the basis of the 1974 Special Powers Acts (SPA) were still being held in January 2008. Furthermore, at least 35 journalists were victims of attacks in 2007 and 13 were arrested. Therefore, a climate of auto-censorship currently dominates most of the media.

On January 12 and 25, 2007, the President issued two decrees, the Emergency Powers Ordinance and the Emergency Power Rules (EPR), which severely curtail freedoms of movement, assembly, association and expression. These two texts confer considerable powers on the bodies responsible for the implementation of law, in particular the power to arrest without a warrant any person suspected of attempting to participate in a “prejudicial act”, in infringements to the Emergency Power Rules, or in other offences punishable under criminal law. In addition, the 1974 SPA, which has been the basis for a number of cases of preventive detention without charges, now applies to crimes and offences defined under the EPR. Persons arrested for crimes against national security, including for the crime of corruption, may not ask to be freed on bail.

Reprisals against defenders who denounce acts of violence by the Government and the security forces

In 2007, the many acts of violence (arbitrary detentions, torture, extrajudicial killings, etc.) committed by the security forces – beginning with the army, the police and the Rapid Action Battalion (RAB) – continued with full impunity, especially since the provisions of the Emergency Power Rules are so broad that they leave the door open to such violations. In addition, the Government has on several occasions invoked emergency laws to arrest human rights defenders, sometimes on the basis of alleged “anti-State activities” in order to discredit their activities.

Thus, during the night of May 10, 2007, Mr. **Tasneem Khalil** was arrested at his home and detained for nearly 24 hours as a result of wide-ranging discussions on his blog about human rights and the role of the army, and his participation as a consultant in the drafting of several Human Rights Watch reports on extrajudicial killings committed by the security forces. Similarly, on October 24, 2007, Mr. **Jahangir Alam Akash**, a journalist and Regional Coordinator of the Bangladesh Institute of Human Rights (BIHR) and the Task Force Against Torture (TFT), was arrested in the middle of the night in the town of Rajshahi by members of the RAB. On May 3, 2007, a documentary that he had directed was shown on television, in which RAB members were accused of firing on a man who put up no resistance, at his home and in front of his family. Although he was released on bail at the end of November 2007, a new arrest warrant was issued against him on January 7, 2008. As for the Director of Odhikar, Mr. **Nasiruddin Elan**, he was taken on May 3, 2007 to naval headquarters, following an enquiry carried out by the organisation concerning suspicious deaths in custody. He was intimidated and threatened, then released. On December 4, 2007, Mr. **Hasan Ali**, an Odhikar member who carried out several inquiries into extrajudicial killings, was taken to Kushtia police station. He was released a few hours later without being given any explanation on the reasons for his arrest.

Obstacles to freedom of assembly

While the SPA already authorised the security forces to disperse or arrest any group of four or more people meeting in the same place, the EPR now prohibit any demonstration unrelated to “religious, social, State or Government authorised programmes”. Although these restric-

tions were partly lifted in Dhaka to allow certain political meetings to take place, they remained in force in the rest of the country, resulting in an environment that was not conducive to the preparation of free and fair elections. The EPR also restrict the activities of political parties and trade unions.

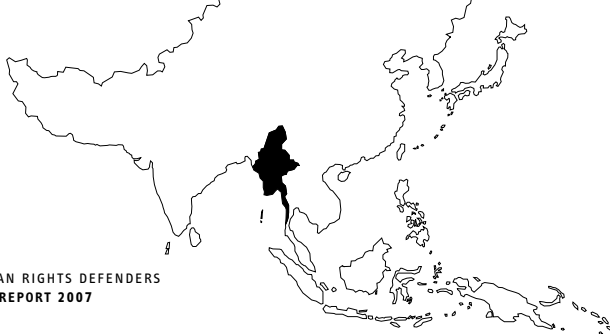
For instance, on August 21, 2007, in the aftermath of violent clashes between the army and students from Dhaka university, a march was organised on the Rajshahi university campus. On August 22, the students demanded the lifting of the state of emergency, the implementation of sanctions against the agents of the security forces responsible for the previous day's violence and police withdrawal from the campus. This demonstration was violently repressed and resulted in a curfew from August 22 to 27. The security forces arrested in particular professors from the universities of Rajshahi and Dhaka¹ and, on December 4, 2007, four of them – Messrs. **Moloy Kumar Bhoumik**, **Dulal Chandra Biswas**, **Sayed Selim Reza Newton** and **Abdullah Al Manun** – were sentenced to two years' imprisonment for taking part in the August 21 march, in violation of the EPR. In addition, several journalists were arrested and others were beaten while trying to cover the demonstrations, and the Government prohibited some of the media, including the TV channels *Ekushey Television* (ETV) and *CSB News*, from broadcasting “inflammatory” news and criticism of the Government on the basis of Article 5 of the EPR. Persons who violate the provisions of the EPR risk from two to five years in prison.

Other demonstrations were also repressed and certain participants arrested for violating the state of emergency. On September 3, 2007, a complaint was filed against 17 workers from a garment factory who had taken part in a demonstration to protest about their monthly wages, and 12 of them were arrested. Moreover, following a demonstration

1./ To that extent, the European Parliament expressed its deep concern “[...] about the disproportionate response of the military and the police against the student protests which erupted in late August 2007 at Dhaka university” and called for “the immediate release of the persons who have been arrested subsequent to the students’ and teachers’ unrest, including members of the teachers’ association Shikkhok Samity, i.e. **Anwar Hossain**, **Harun Ur Rashid**, **Saidur Rahman Khan** and **Abdus Sobhan**” (See European Parliament Resolution P6_TA(2007)0385 of September 6, 2007, on Bangladesh.).

organised in Borguna on December 2, 2007 which was attended by nearly 500 victims of cyclone Sidr² to call for adequate aid for victims, 12 demonstrators were arrested for violating the EPR.

2./ The cyclone hit Bangladesh on November 15, 2007, causing nearly 4,000 deaths and disappearances.



/ BURMA

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The most significant event of 2007 was undoubtedly the unprecedented peaceful protest movement since 1988, triggered by the Government's decision, on August 15, 2007, to increase the price of fuel, in spite of a socio-economic situation that had already largely deteriorated. The demonstrations called for improvement in the quality of life and for dialogue with the Government on political reforms. They began in Rangoon and quickly spread, bringing together tens of thousands of people. Led by Buddhist monks, they were violently repressed by the police, the army and members of the Union Solidarity and Development Association (USDA), the civil branch of the military Government. On the evening of September 25, 2007, the authorities ordered a curfew and began systematic raids into monasteries. Several thousands of people were arrested, including monks and students, as well as members of the 88 Generation Students Group and the National League for Democracy (NLD)¹.

The Burmese authorities' brutal repression was a reminder to the international community of the harshness of the Burmese military Government, led by the State Peace and Development Council (SPDC). It was strongly condemned, especially by Ms. Louise Arbour, High Commissioner for Human Rights², the United Nations Council

1./ According to the Assistance Association for Political Prisoners in Burma (AAPPB), as of December 1, 2007, 706 people remained in detention following the demonstrations, in addition to the 1,158 political prisoners who had been held prior to August 5, 2007.

2./ On October 2, 2007, Ms. Louise Arbour noted that "the peaceful protests we have witnessed in recent weeks [...] are only the most recent manifestations of the repression of fundamental rights and freedoms that have taken place for almost 20 years in Myanmar".

on Human Rights³ and its Special Procedures⁴, the United Nations Security Council⁵, the Governing Body of the International Labour Organisation (ILO)⁶, the Association of Southeast Asian Nations (ASEAN)⁷ and the European Union (EU)⁸.

Furthermore, Burma's National Convention, which was in charge since 1993 of drafting the principles of a new Constitution, ended its works on September 3, 2007, but excluded most of the political parties from the drafting process and prohibited by law any criticism of the convention.

In 2007, in spite of the climate of repression and of continued, serious and systematic violations, for the first time since 2003 the SPDC

3./ On October 2, 2007, during its fifth Special Session, the Human Rights Council adopted a resolution deploring "the continued violent repression of peaceful demonstrations in Myanmar" and urging "the Government of Myanmar to release without delay those arrested and detained as a result of the recent repression of peaceful protests" (See United Nations document A/HRC/S-5/L.1/Rev.1, October 2, 2007).

4./ On September 28, 2007, Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief, Ms. Hina Jilani, Special Representative of the Secretary General on the situation of human rights defenders, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment, Mr. Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar, and Ms. Leila Zerrougui, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, expressed their grave concern "over the growing number of reported deaths and serious injuries suffered by protesters and bystanders" (See United Nations Press Release, September 28, 2007).

5./ On October 11, 2007, the Security Council strongly deplored "the use of violence against peaceful demonstrators" and emphasised "the importance of the early release of all political prisoners and remaining detainees" (See United Nations Press Release SC/9139, October 11, 2007).

6./ The Governing Body "expressed its serious concern at the Government's crackdown in response to the recent peaceful protests" and "noted with deep regret the imprisonment of persons exercising their fundamental right to freedom of association and the freedom of expression it entails", "[calling on] the Government to immediately release those persons" (See 300th session of the Governing Body of the ILO, *Conclusions concerning Myanmar*, November 2007, GB.300/8(& Add.)).

7./ The ASEAN Ministers for Foreign Affairs demanded that the Myanmar Government "desist from the use of violence against demonstrators" and spoke of their "revulsion" on being informed that the demonstrations were being repressed by force (See Statement by ASEAN Chairperson, September 27, 2007).

8./ See Declaration by the EU Presidency of August 28, 2007 and European Parliament Resolutions P6_TA(2007)0384 and P6_TA(2007)0420 of September 6 and 27, 2007.

authorised the United Nations Special Rapporteur on the situation of human rights in Myanmar to visit the country as a result of the unprecedented international pressure put on the regime. However, the Rapporteur has not been able to return since then, nor has the Special Adviser to the Secretary-General of the United Nations, despite requests to do so made by the Security Council on November 14, 2007 and on January 17, 2008.

Repression of all human rights activities

In Burma, it remains almost impossible to carry out human rights activities due to the heavy repression that defenders continue to suffer. On May 21, 2007, for example, Ms. **Phyu Phyu Thin**, an HIV/AIDS activist, was arrested by the special police for protesting against the lack of access to antiretroviral drugs in Government hospitals, placed in detention at the Kyaikkasan Centre in Rangoon and was questioned about her activities. She was released on July 2, 2007, and at no time did the authorities inform her of the reasons for her detention⁹. Moreover, on July 24, 2007, six members of the association Human Rights Defenders and Promoters (HRDP) – Messrs. **Ko Myint Naing** (alias Myint Hlaing), **Ko Kyaw Lwin**, **U Hla Shien**, **U Mya Sein**, **U Win** and **U Myint** – were given from four to eight years prison sentences for “attempting to disturb public order”. On April 17, 2007, the six men had actively taken part to the organisation of a human rights training seminar.

Trade union leaders are also the focus of repression. For instance, on September 7, 2007, Messrs. **Thurein Aung**, **Kyaw Kyaw**, **Wai Lin**, **Myo Min**, **Kyaw Win** and **Nyi Nyi Zaw**, six defenders of the right to work and freedom of association, were found guilty of “inciting hate and contempt of the Government” and some were accused of being members of “illegal associations”¹⁰. Messrs. Thurein Aung, Kyaw Kyaw, Wai Lin and Nyi Nyi Zaw were arrested on May 1, 2007 after organising a May Day celebration and planning to organise discussions on subjects related to labour and freedom of association at the American Centre of the United States Embassy in Rangoon. This event was can-

9./ See AAPPB, July 2007.

10./ Messrs. Thurein Aung, Wai Lin, Myo Min and Kyaw Win were sentenced to 28 years in prison and Messrs. Nyi Nyi Zaw and Kyaw Kyaw were sentenced to 20 years.

celled immediately following these arrests. On May 10, 2007, Messrs. Kyaw Win and Myo Min were arrested while they were on their way to the border with Thailand with the intention of informing the international community about these arrests. Similarly, on November 28 2007, Mr. **U Tin Hla**, a member of the Federation of Trade Unions of Burma (FTUB) and the Burma Railway Union, was arrested together with his family at their home by the special police. The police accused Mr. U Tin Hla of having encouraged railway workers to join the September 2007 demonstrations.

In 2007, policy regarding the Internet and cyber dissidents, i.e. those defenders who use the Internet to promote human rights and democracy, continued to be extremely repressive. The *Myanmar Wide Web* sites, a national Intranet network composed of websites authorised by the regime, are the main sites – if not the only ones – to which Burmese have access. Furthermore, during the demonstrations in August and September, Internet connections were severely restricted, when they were not completely cut off, after Burmese citizens had used the Internet to send images and news of the violent repression of the demonstrations. Cybercafés in Rangoon were also closed down. On November 30, 2007, Mr. **Aung Gyi (aka) Aung Thwin** was arrested in a Rangoon cybercafé whilst sending photos taken the day before of security forces forcibly evicting the monks from Maggin monastery. Since these demonstrations, the authorities have tried to impose new restrictions on Internet use. The owners of cybercafés have thus been ordered to copy the data from their computers and send it to the special police each week¹¹.

11./ See US Campaign for Burma.



/ CAMBODIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Whilst Cambodia has witnessed impressive economic progress in recent years, considerable improvements are still required in strengthening respect for human rights within the country, particularly regarding the fight against impunity for crimes committed under the Khmer Rouge regime. The executive branch has still not undertaken necessary reforms, in particular in the field of the fight against corruption or improvements in justice administration. Over the last ten years the system has more and more come to resemble that of a single party regime that rejects any responsibility for serious human rights violations, in a context of total absence of rule of law.

Furthermore, in June 2007, the Extraordinary Chambers in the Courts of Cambodia (ECCC) approved the internal rules of the tribunal created to bring to trial the main leaders of the Khmer Rouge regime, which, for the first time in the history of international criminal justice, recognised the possibility for the victims to join the proceedings as civil parties. However, the tribunal's image was tarnished even before the beginning of the trial, which is planned for April 2008, due to allegations of corruption targeting the Cambodian staff of the tribunal.

Stigmatisation of human rights defenders and serious obstacles to their work

In 2007 the Government made constant attacks on defenders who dared to criticise its human rights policy. For instance, in May 2007, in response to a joint press release from NGOs, including the Cambodian League for the Promotion and Defence of Human Rights (LICADHO) and the Cambodian Human Rights and Development Association (ADHOC), expressing their concerns about the numerous human rights violations, the Interior Ministry Spokesman, Mr. Khieu Sopheak, reaffirmed that these organisations exaggerated the situation, explaining that it is their job to criticise the Government and that "if they don't say that things are bad, they don't get paid".

Cambodian defenders are not alone in being criticised by the Government. The UN Secretary-General's Special Representative for human rights in Cambodia, Mr. Yash Ghai, was thus subjected to virulent attacks by the Government throughout the year, just as his predecessors had been. On December 12, 2007, after the fourth official visit of the Special Rapporteur, Prime Minister Mr. Hun Sen indicated that he would no longer meet him, accusing him of being a "long term tourist". The Information Minister added that Mr. Ghai "represented the opposition parties rather than the United Nations". Mr. Ghai was also subject to acts of intimidation: on December 3, 2007, in Ratanakiri province, soldiers and police tried to interrupt a meeting between Mr. Ghai and villagers who denounced the confiscation of their lands, claiming that the Rapporteur had received no written authorisation from the local authorities. His terms of reference, however, allow him to travel freely throughout the Cambodian territory without prior authorisation.

Increased repression of defenders of the right to land, the environment and natural resources

In spite of various promises made by Mr. Hun Sen, multiple attacks on freedoms of expression and assembly continued to occur in 2007, in a context of illegal confiscation of land and massive forcible expulsions. The courts continued to prosecute, arrest and sentence people for crimes related to agricultural disputes, in most cases with no respect for the right to a fair trial. It is also extremely difficult for human rights organisations to document violations that occur during forced evictions. For example, in March 2007, members of ADHOC and the Cambodian Centre for Human Rights (CCHR) were arrested by the police and questioned about why they were observing the eviction of over 100 families at the Angkor temple complex in Siem Reap. They were released one hour later. On November 27, 2007 the police prevented the holding of a public forum in Ratanakiri province, organised by the CCHR to hear the complaints of victims of illegal confiscation of lands in the region. And in 2007, journalists and members of civil society were on several occasions prevented from observing evictions and were kept away from the sites, as occurred with the forced eviction of families in the district of Chroy Chanva in Phnom Penh, on November 7, 2007.

Organisations and defenders who condemn the illegal and abusive exploitation of natural resources, especially forests, were also victims of acts of intimidation and reprisals. For instance, on June 3, 2007, Mr. Khieu Kanharith, the Information Minister, declared that the Government had decided to prohibit the publication of the latest report of the environmental organisation Global Witness, arguing that any copies found inside the country would be confiscated¹. On June 4, 2007, Mr. Hun Neng, Governor of the province of Kompong Cham and brother of the Prime Minister, declared that if members of Global Witness came to Cambodia, he would “hit them until their heads are broken”. Moreover, on June 16, 2007, after publishing articles on deforestation in the province of Kompong Thom, Mr. **Lem Piseth**, a journalist with *Radio Free Asia*, received death threats by telephone. Mr. Piseth had to leave the country, fearing for his safety. These acts of reprisal sometimes go as far as killing: for example, on July 4, 2007, Mr. **Seng Sarorn**, a member of the Culture and Environment Preservation Association (CEPA), was killed at his home.

Furthermore, in July 2007, the Bar Association of the Kingdom of Cambodia sought to restrict the independence of Cambodian lawyers, particularly those working with NGOs that defend victims of land grabbing. The Bar Association, whose President is close to the Government, declared that lawyers could not be employed by NGOs or provide them with legal aid if the NGOs had not signed a memorandum of understanding with the Bar². Furthermore, on June 24, 2007 the Secretary General of the Bar, Mr. Ly Tayseng, publicly declared that the Community Legal Education Centre (CLEC), an NGO that provides legal aid to communities threatened with eviction, was operating in violation of “Bar Law” for not having signed such a memorandum. He added that two other NGOs – the Legal Aid of Cambodia (LAC)

1./ This report, entitled *Cambodia's Family Trees: Illegal logging and the stripping of public assets by Cambodia's elite*, was published on June 1, 2007. It accuses members of the Cambodian elite class, in particular close relations and associates of the Prime Minister, of pillaging natural resources.

2./ The stand taken by the Bar Association, which has no legal foundation, was announced shortly after Ms. Keat Kolney, the sister of the Finance Minister, had lodged a complaint, on June 19, 2007, against ten lawyers who were members of two NGOs that had filed a complaint against her in January 2007 for illegal land eviction. The trial received a great deal of media attention. As a result of Ms. Keat's complaint, the Bar began investigating the ten lawyers. By the end of 2007, seven of them had resigned from their NGOs.

and the Cambodian Defenders Project (CDP) – might also violate this law. The stand taken by the Bar Association has had a particularly damaging effect, with several lawyers preferring to resign from their positions within NGOs. It has also affected the availability of *pro bono* legal services to the poorest Cambodians, as less and less lawyers are available to provide their services.

Trade union leadership, a high-risk activity

In 2007, trade union leaders were again a favourite target for the authorities, notably because their activities are in opposition to considerable political and economic interests. Most acts of intimidation carried out against them took place during strikes or union demonstrations. An example is the arrest of Mr. **Eng Vanna**, President of the Free Trade Union of Workers (FTU) of the municipal cable television company in Phnom Penh, Mr. **Ly Seng Horn**, his Deputy, and Mr. **Pol Sopheak**, Representative of the Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC), in Phnom Penh in January 2007 during a demonstration calling for eight of their colleagues to be reinstated in their job, after being sacked in 2006 for forming a union. Union leaders were also subjected to serious physical violence: for instance, Mr. **Hy Vuthy**, President of FTUWKC at the Suntex factory, was killed in Phnom Penh in February 2007. Mr. Hy is the third FTUWKC member to have been killed in three years. To that extent, it is worth noting that whilst, in April 2007, the Appeal Court upheld the sentences of Messrs. Born Samnang and Sok Sam Oeun for the murder in 2004 of Mr. **Chea Vichea**, then President of FTUWKC, this decision was reached at the end of a trial marred by numerous irregularities and despite many proofs of the innocence of both men³.

Repression of defenders of religious freedom

In 2007, the Cambodian Government increased its repression of Khmer Krom monks attempting to defend their religious minority

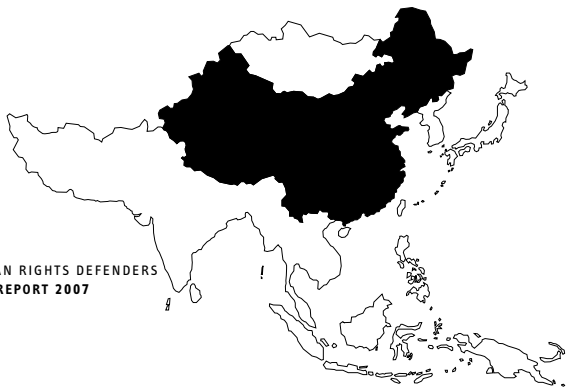
3./ On April 12, 2007, the Special Representative of the UN Secretary-General for human rights in Cambodia expressed his “deep regret over the decision of the Appeal Court [...] upholding the sentences of Born Samnang and Sok Sam Oeun” and called for an impartial investigation into the murder of Chea Vichea (See United Nations Press Release of April 12, 2007).

The International Labour Organisation (ILO) also expressed its grave concern following the decision of the Appeal Court (See Press Release ILO/07/11, *ILO statement on appeal hearing for the murder of Chea Vichea*, 12 April 2007). [See next page]

rights and end the persecution of their fellow monks in Viet Nam. Thus, on February 27, 2007, the police violently broke up a demonstration near the Vietnamese Embassy in Phnom Penh, which had been organised to protest against religious persecution in Viet Nam. In addition, on June 8, 2007, the Ministry of Cults and Religions and Supreme Patriarch Non Nget issued a directive ordering monks to refrain from engaging in peaceful demonstrations, since these would create “disorder”. Non Nget added that monks who took part in demonstrations would be “responsible before the law”.

In its 346th Report, published in June 2007, the ILO Committee on Freedom of Association also “strongly urge[d] the Government to reopen the investigation into the murder of Chea Vichea and to ensure that Born Samnang and Sok Sam Oeun may exercise, as soon as possible, their right to a full appeal before an impartial and independent judicial authority”, and to “institute immediately independent enquiries into [the murder of Hy Vuthy] [...]”.

Likewise, the European Parliament “condemn[ed] the killing of Hy Vuthy”, “urge[d] the Cambodian authorities to launch an urgent, impartial and effective investigation into the murders of Hy Vuthy, Chea Vichea, [...] and to bring the persons responsible to justice” and “to give Born Samnang and Sok Sam Oeun a prompt retrial which complies with international standards” (See European Parliament Resolution P6_TA(2007)0085 of March 15, 2007, on Cambodia).



Political context

The fact that Beijing will be the host of the Olympic Games in August 2008 had inspired the hope that progress would be made in the domain of human rights. This hope was very quickly dashed.

Indeed, throughout 2007, the Chinese authorities pursued their systematic violation of human rights and continued to muzzle all forms of dissident opinion against a backdrop of increasing social protests, in particular against the forced evictions of citizens from their homes, the expropriation of peasant farmers from their lands, unpaid wages, and local authority corruption. Repression of these protests was particularly virulent in the period preceding the 17th National Congress of the Chinese Communist Party, during which Mr. Hu Jintao was confirmed as Secretary General of the Party for five additional years.

In this context, lawyers became a favourite target for repression in 2007. In addition, censorship of the media and of Internet continued, with dozens of journalists and Internet users imprisoned by the end of 2007.

Furthermore, no reform has been undertaken to put an end to arbitrary detentions, which notably result subsequent to sentences of Re-Education Through Labour (RTL)¹. The use of torture and other ill-treatments also remains widespread. In addition, China remains the country where the greatest number of people is executed each year, even though statistics on sentencing and executions are classified State secrets. However, since January 1, 2007, the Supreme Court

1./ RTL is an administrative detention measure that permits the Public Security Bureau (PSB) to detain people for a maximum period of four years without judicial control. Detainees have no right to the assistance of a lawyer and may not appeal against these sentences. RTL is applied in the case of offences that are not sufficiently serious to be punished under the Criminal Code.

has been responsible for controlling the validity of all death sentences pronounced in China. This reform may have the effect of reducing the number of death sentences and of remedying some judicial errors.

China has also pursued its policy of repressing religious practice outside the State-recognised churches. In this regard, members of the Falun Gong spiritual movement are particularly targeted by the repression.

The Chinese Government pursued its policy of assimilation of Tibet, with the completion in 2006 of the railway line linking Lhasa to China, which will facilitate an increased presence of Chinese migrants in Tibet, the exploitation of the province's natural resources, and the militarisation of the region. The authorities also continued the repression of Tibetans protesting against violations of their minority rights. Thus, on August 1, 2007, the monk Ronggye A'drak was arrested and placed in detention in Lihang after speaking to a large crowd about the importance of the return of the Dalai Lama to Tibet.

A particularly restrictive environment for all human rights activities

In 2007, the Chinese authorities continued to use the legislative framework to silence all dissident voices, in particular through the arrest and prosecution of human rights defenders for crimes vaguely defined such as “endangering State security” (Articles 102-113 of the Criminal Code), which includes “inciting subversion of State power” (Article 105(2)), “disclosure of State secrets”, and “disturbing social order”.

Moreover, despite an increase in the number of NGOs in China, their freedom of action is seriously restricted, in particular in terms of registration requirements and fundraising. Any civil organisation must indeed obtain the prior approval and support of a Government or Party Department or a State-affiliated organisation working in the same field, before being allowed to submit a registration application to the Ministry of Civil Affairs (MOCA) and its local sections. As a consequence, many organisations operate with no legal status and are therefore subjected to possible closure, Government confiscation of their material and the arrest of their members.

Likewise, the freedom of peaceful gathering is also greatly restricted. According to a Circular published by the Ministry of Public Security

on April 5, 2000, when peaceful gatherings are “stirred up by hostile elements that [...] exploit the conflicts between different social groups”, it is the duty of the police to “immediately crack down on the perpetrators”. Article 11, section 5 of this Circular further states that “dangerous items, banners, leaflets and other items of illegal propaganda must be confiscated and those carrying them treated according to the law”². The Government has tried to intimidate and punish indiscriminately all those who have organised demonstrations, particularly protests against corruption, the collapse of the social State, pollution, forced evictions, or strike organisers. On January 19, 2007, for example, the police evacuated a sit-in organised by villagers protesting against the illegal sale of their land by the Government in Sanshan Village, Foshan, Guangdong Province. More than 40 demonstrators were beaten and arrested, including several elderly people³.

A harsher environment as the 2008 Olympic Games approach

The context related to the run-up to the Olympic Games in August 2008 has continuously strengthened an environment already hostile to human rights and their defenders. Throughout 2007, the authorities intensified their repression in order to silence civil society, in particular by increasing the number of “soft” detentions or house arrests (especially to prevent defenders living in the provinces from travelling to Beijing), arbitrary arrests and unfair trials of human rights defenders. Furthermore, on November 16, 2007, Mr. Liu Shaowu, Director of the Security Department of the Committee for the Organisation of the Beijing Olympic Games, announced to the media that demonstrations would be strictly forbidden during the Games. On September 22, 2007, Mr. **Gao Zhisheng**, Director of the Shengzi Law Firm, was driven away from his home by ten plainclothes State Security Protection Officers. On September 13, 2007, Mr. Gao had written an Open Letter calling on members of the American Congress to express their concerns regarding the human rights situation in China in the run-up to the Olympic Games. After having been detained *incumminicado* for over a month, he was driven back to his home, in Beijing, at the beginning of November. Mr. **Zhang Wenhe**, a democracy activist, was forcibly interned in a psychiatric hospital after carrying a banner

2./ See China Labour Bulletin.

3./ See Chinese Human Rights Defenders (CRD).

in October 2007 in the streets of Beijing, bearing the words “We want human rights and democracy, not fascist Olympic Games”. Mr. **Yang Chunlin** has remained held in detention since July 6, 2007 for having collected signatures for an Open Letter entitled “We want human rights, not the Olympics”. Mr. **Hu Jia** was also arrested on December 27, 2007 for “inciting subversion of State power” after publicly condemning the Government’s failure to keep its promise to promote and respect human rights, made on the occasion of its candidacy as the host of the Games⁴.

In such a context, the organisers of the Games have not been able to remind the host of its international commitment to the respect and promotion of human rights. On July 5, 2007 Mr. Hein Verbruggen, Chairman of the Beijing 2008 Coordination Commission, reportedly declared that “the way in which the Beijing Games are being used as a platform for groups with political and social agendas is often regrettable”. He further called on the Beijing Organising Committee for the Olympic Games (BOCOG) to “take steps to negate these agendas”. A few days later, Mr. Verbruggen publicly clarified his words, saying that he had merely advised NGOs not to “subordinate the Olympics to political ends”. However, on August 6, 2007 Mr. Jacques Rogge, President of the International Olympic Committee (IOC), stated in an interview given to the *Reuters* press agency, that it was “fully legitimate” for NGOs or other human rights associations to express themselves in parallel with the organisation of the Games.

Lawyers: a privileged target for repression

In 2007, just as in 2006, there was an increased repression of lawyers, who work in an environment that is hostile to their activities. For example, Article 306 of the Criminal Code, Article 38 of the Criminal Procedure Code, and Article 45 of the Lawyers’ Law authorise prosecutors to arrest lawyers for “perjury” and “false testimony” and to sentence

4./ To that extent, the European Parliament, in its Resolution P6_TA(2007)0622, adopted on December 13, 2007, expressed its strong concern “at the recent increase of political persecution related to the Olympics of human rights defenders, journalists, lawyers, petitioners, civil society activists, ethnic groups such as the Uighurs, and religious people of all beliefs, especially Falun Gong practitioners” and “call[ed] on the Chinese authorities to release these people immediately and to put an end to these human rights violations, as well as to the demolition of substantial numbers of houses without compensation to make way for the Olympic infrastructures”.

them to up to seven years in prison. Furthermore, Article 34 of the Lawyers' Law, amended in 2007, imposes new restrictions on their freedom of expression during hearings: thus chapter 4, Article 37, states that "when a lawyer speaks in defence of an accused party, he or she cannot be subject to legal action. The provision excludes, however, protections for lawyers' pleadings if they threaten State security, maliciously defame others, or seriously disturb order in the court"⁵.

There are many examples of lawyers held in detention and sentenced on the grounds of their human rights activities. Mr. **Zheng Enchong**, a Shanghai lawyer, has for instance been under house arrest since his release in June 2006 and has been subjected to multiple acts of harassment. Many lawyers also suffered physical assault, as is the case of Mr. **Li Heping**, who was beaten on September 29, 2007 by a dozen men for several hours. A few days before, police from the national protection and security unit of the Beijing Public Security Bureau (PSB) had verbally ordered him to leave the city with his family. Similarly, on October 23, 2007, Mr. **Wang Guirong**, who supported migrant workers in their attempt to obtain the payment they were owed for their work on the black market, was attacked with a knife and lost his left hand. Mr. **Chen Guangcheng**, a self-taught jurist, remained, at the end of 2007, in prison for his active role in bringing legal action against the abortion and forced sterilisation campaign to which thousands of women from Linyi City, Shandong Province, had been subjected. His prison sentence of four years and three months was confirmed in appeal in January 2007.

Repression of defenders of economic, social and cultural rights

In China, defenders of economic, social and cultural rights continued to pay a heavy price for their activities in support of the underprivileged and their opposition to powerful interest groups. The authorities' collusion – and even complicity – in the increasing number of attacks has also remained constant.

5./ Unofficial translation.

Defenders fighting against expropriations and forced evictions

In 2007, citizens who condemned forcible expulsions continued to be subjected to constant repression. Thus, on November 8, 2007, Mr. **Gong Haoming** was placed in detention for “intentionally revealing State secrets”. Mr. Gong has pursued legal action since 1996 against the Shanghai Government for violating the right to housing and property. On April 10, 2007, Messrs. **Liu Dehuo**, **Cui Yongfa**, **Chen Ningbiao**, **Chen Zhibiao**, **Shao Xixia**, **Guo Jianhua** and Ms. **Shao Xiaobing** were given prison sentences of between two and a half to four years after protesting in 2005 against forcible expropriations of land⁶.

Defenders of the right to environment

Defenders of the right to environment have not escaped repression. For example, on August 10, 2007, the Yixing Municipal Court sentenced Mr. **Wu Lihong**, an environmental activist and peasant farmer from Zhoutie township (Yixing City, Jiangsu Province), to three years in prison and a fine of 500 RMB (around 48 euros) for “extortion of money”. Since 1991, Mr. Wu has regularly complained to Government authorities about companies which pour industrial waste into Lake Tai. Likewise, Mr. **Sun Xiaodi**, who for the last ten years has denounced radioactive contamination from a uranium mine in the Gannan Autonomous Tibetan Prefecture in Gansu Province, has been subjected to constant acts of harassment, together with his family.

Defenders of the right to health and fighting against HIV/AIDS

Those who defend the right to health are also victims of acts of harassment. Ms. **Mao Hengfeng** is a symbol of such repression, a defender who campaigns against the single child policy and who, in January 2007, was sentenced to two and a half years in prison for “intentional destruction of property” for having broken a lamp in a hotel room where she had been placed in “soft” detention without a warrant on May 23, 2006.

HIV/AIDS activists are also targets of repression, especially those who question the public authorities’ responsibility in the evolution of the epidemic. Ms. **Li Xige** has remained under house arrest since 2006 as a result of her activities on behalf of women who have become HIV

6./ See CRD.

positive following blood transfusions in state-run hospitals between 1993 and 2001, most frequently during Caesarean births.

Defenders of workers' rights

Union freedom is still inexistent in China and it remains extremely difficult for workers to defend their rights. For example, on October 31, 2007 Mr. **Li Guohong**, a representative of workers laid off by the Zhongyuan petroleum company, was placed in administrative detention after visiting Puyang City, Henan Province, to obtain information on the judicial proceedings that dismissed workers considered initiating against the company. Mr. Li was due to be released on November 16, 2007 but the authorities sent him to an RTL camp for one and a half years. Furthermore, on November 20, 2007, Mr. **Huang Qingan**, a representative of the "Dangongzhe" Centre, an advice and support centre for workers in Shenzhen city, was attacked with a knife near the organisation's headquarters. The Centre itself had been sacked during two previous attacks, on October 11 and November 12, 2007. These acts appear to be linked to a much broader campaign against the Centre and especially against its activities in support of migrant workers⁷.

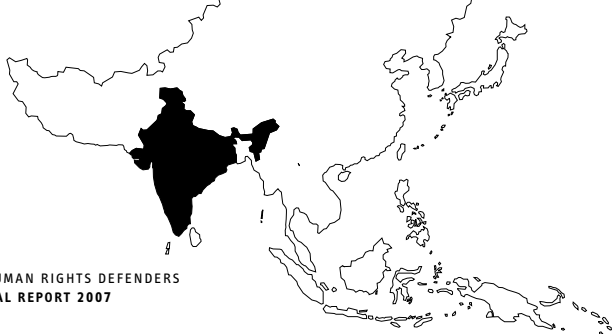
Obstacles to freedom of expression and repression of cyber-dissidents

The Chinese Government is always concerned about its image and keeps a tight control on any information that concerns it. Cyber-dissidents, i.e. defenders who use the Internet to promote human rights and democracy, are particular targets of repression⁸. The authorities have been able to master the technology that enables Internet sites and their content to be filtered and monitored. For instance, in Mianyang City, Sichuan Province, over 2,000 Internet sites and forums were closed down in November 2007 as part of a "campaign to combat pornography on Internet", but which was mainly targeting so-called "sensitive" websites, including the *China Citizens Monitor Net*, a website that fights corruption. Cyber-dissidents were also imprisoned and given

7/ See Press Release of the International Trade Union Confederation (ITUC), November 27, 2007.

8./ In its Resolution P6_TA(2007)0622, adopted on December 13, 2007, the European Parliament expressed its concern about "the surveillance and censorship of information on the Internet" and "call[ed] on the Chinese authorities to release [...] the [...] cyber-dissidents and web users imprisoned in China".

arbitrary sentences. Mr. **Zhang Jianhong**, aka Li Hong, founder and Editor-in-chief of the Internet site *Aegean Sea (Aiqinhai)*, which was closed down in March 2006, and a member of PEN, the association of independent writers, was sentenced to six years in prison on March 19, 2007 by the Ningbo Intermediate Court, for “inciting subversion of State power”.



/ INDIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, most of the 28 Indian States continued to be affected by internal armed conflicts¹. The parties to the conflicts in these highly militarised States frequently committed atrocities. These include extra-judicial killings by security forces, enforced disappearances, torture and ill-treatments, particularly during counter-revolutionary operations in Jammu and Kashmir, in Assam and Manipur, and in States where the security forces fought against Maoist insurrection.

Furthermore, the police and security forces continue to be protected by section 197 of the Criminal Procedure Code, which states that no court shall handle any offence alleged to have been committed by an official (including members of the armed forces) while acting in the course of duty without the prior authorisation of the Central Government, which is rarely granted. The army also benefits from further immunity under the Armed Forces Special Powers Act (AFSPA), which gives it full power in zones of armed rebellion, notably Kashmir and the North-Eastern States (including Manipur), regions that are affected by separatist uprisings².

Whilst India's rapid economic transformation has had considerable impact on the country and its growth, there is still considerable discrimination against the poorest and most marginalised groups, primarily the Dalits and Adivasis. Indeed, although the cast system is now illegal,

1./ Especially in the following States: Jammu and Kashmir, Assam, Manipur, Chhattisgarh, Malegaon, Mumbai, Varanasi, Madhya Pradesh, Gujarat, Uttar Pradesh, Goa, Rajasthan, Andhra Pradesh, Bihar, Jharkhand, Maharashtra, Orissa, Western Bengal.

2./ The AFSPA notably empowers soldiers with complete impunity to arrest, keep in detention and shoot at any person (Section 4.a) so as to "maintain public order" if the soldier has reasons to believe that he or she is an "insurgent". The act specifies that central Government authorisation is required to prosecute a member of the armed forces. Up to now, no soldier has been tried on the basis of this law.

it continues to have a strong influence on Indian society. The most vulnerable communities are regularly subjected to torture, ill-treatments, arrest and arbitrary detention, and often have no possibility of filing complaint and obtaining justice.

A restrictive environment for human rights activities

Foreign Contribution Regulation Bill (FCR)

In December 2006, the Government introduced the Foreign Contribution Regulation Bill (FCR) to replace the 1976 Foreign Contribution Regulation Act (FCRA). The FCR is even more restrictive than the current legislation, which already put serious constraints on NGOs registration and the reception of foreign funds³. Although the bill was due to be discussed by Parliament during its budget session in March 2007, it was still under consideration by the Standing Committee on Home Affairs at the end of 2007.

In particular, the FCR prohibits the acceptance and use of foreign contributions for “any activity prejudicial to national interests”. In addition, through the FCR, the Government would be able to control which organisations received foreign contributions, from whom, and for what purpose. The FCR also introduces a costly registration renewal requirement applicable every five years for NGOs receiving foreign contributions, whereas registration is free of charge and permanent under the FCRA. Lastly, the FCR sets a limit of 50% for the amount of foreign funds that NGOs can allocate for their administrative operations⁴.

Reaction of the National Human Rights Commission to the 2006 Observatory Annual Report

In a letter dated July 6, 2007, in response to the 2006 Observatory Annual Report, the National Human Rights Commission (NHRC)

3./ The FCRA restricts foreign contributions for NGOs by requiring them to register with the Interior Ministry and receive ministry authorisation prior to obtaining foreign funding. Human rights projects that the Government considers non-controversial, such as supplying aid to orphaned victims of AIDS, are approved relatively easily, while requests from NGOs attempting to document and denounce human rights violations and criticise the security forces (executions carried out by the security forces in Kashmir; torture of prisoners, etc.), are generally rejected, or given limited approval.

4./ For further details, see Observatory Annual Report 2006.

stated that it “disdainfully disagrees with the diatribes” of the report, which condemned the situation of human rights defenders in India and questioned their protection by the Indian State⁵. In the letter the NHRC denounced the allegations in the Observatory Report as being “completely unfounded” and tried especially to justify the need for the FCRA and the amendments made to reinforce it.

Reprisals against defenders who denounce exactions committed by the police and the armed forces

In 2007, defenders who investigate human rights violations so that their authors might be punished continued to be particularly vulnerable, especially in cases when the police and armed forces commit such exactions.

Thus, Dr. **Binayak Sen**, Secretary General of the Chhattisgarh State branch of the Peoples Union for Civil Liberties (PUCL) and PUCL National Vice-President, has been held in detention since May 14, 2007, accused of having links with the Naxalite Maoist guerrilla group. Shortly before his arrest, he had condemned the killing, supposedly by policemen, of 12 Adivasis on March 31, 2007. Furthermore, defenders who had provided assistance to victims of inter-community violence that took place in Gujarat in March 2002, during which over 2,000 people were killed, mostly members of the minority Muslim community, were threatened with arrest on several occasions by the Gujarat Government. Examples of this are Mr. **Rais Khan Pathan** and Ms. **Teesta Setalvad**, respectively Gujarat Coordinator and Secretary of Citizens for Justice and Peace. In addition, Ms. **Irom Chanu Sharmila** continues to be detained and to be on hunger strike since 2000 in protest against the AFSPA, which has been at the root of many cases of police violence in the State of Manipur⁶.

5./ See <http://www.nhrc.nic.in/Word-image.doc> for the complete version of the letter.

6./ Ms. Sharmila's activities had begun following the Malom massacre on November 2, 2000, when members of the Assam Rifles killed ten people at a bus stop near Imphal, on suspicion of being insurgents. Ms. Sharmila was first arrested in November 2000 by the Manipur police for “attempted suicide” (Section 309 of the Criminal Code), and has refused to eat or drink since then. Since the maximum sentence under Section 309 of the Criminal Code is one year's detention, Ms. Sharmila is released every year and rearrested the next day, for the same reasons.

Furthermore, several members of the National Project on Prevention of Torture in India (NPPT) have been subjected to acts of harassment by the security forces after denouncing abuses committed by them. Thus, on February 8, 2007, police arrested Mr. **Gopen Sharma**, District Human Rights Officer of the NPPT in Murshidabad District, West Bengal, and a member of the human rights organisation “Manabadhikar Suraksha Mancha” (MASUM), whilst he was investigating three cases of human rights violations committed by security forces. Mr. Gopen Sharma was released on bail on March 20, 2007.

Reprisals against defenders of economic, social and cultural rights

In a country characterised by unbridled economic growth and its uncontrolled consequences, and by the marginalisation of whole sections of the population regarding the redistribution of wealth obtained from the exploitation of natural resources, a phenomena that engender both violence and impoverishment, those who fought for economic, social and cultural rights were the first targets of repression.

Defenders of marginalised groups

In 2007, defenders who sought to defend marginalised groups, in particular the Dalits, continued to be victims of intimidation and harassment acts. For instance, on July 17, 2007, Mr. **Subash Mohapatra**, Director of the Forum for Fact-finding Documentation and Advocacy (FFDA), was arrested at the premises of the Chhattisgarh State Human Rights Commission while, at the Commission’s request, filing his comments on an investigation report concerning the case of a Dalit student whose grant had been seized because of his father’s debts⁷. Similarly, on December 4, 2007, Dr. **Lenin Raghuvanshi**, convener of the People’s Vigilance Committee on Human Rights (PVCHR)⁸ in Daulatpur, Varanasi (Uttar Pradesh), which works on behalf of the Dalit community, received telephone death threats after he had drawn attention

7/ As FFDA Director, Mr. Mohapatra has filed over 300 complaints with the Chattisgarh State Human Rights Commission, relating to human rights violations committed between 2001 and 2007. Mr. Mohapatra has also, on several occasions, brought into question the role of the Commission, criticising it for inefficiency and corruption.

8/ The PVCHR is a network of human rights bodies that campaign on various issues relating to the Dalit community, including the education of children, fair salaries, property title and the fundamental rights of members of this community.

to three cases of babies and young children starving in Uttar Pradesh, an issue closely related to the problem of caste discrimination, thus attracting general media attention to the Government of this State.

Defenders fighting for the rights of persons displaced by the construction of dams on the Narmada River were also subjected to numerous reprisals. The dams would affect the ecosystem and force the displacement of millions of poor peasants belonging mainly to tribal fishing communities and the Dalit caste. On March 22, 2007, 62 demonstrators who were taking part in a peaceful protest in New Delhi were arrested, including Ms. **Medha Patkar**, the founding Director of the Save the Narmada River Movement (*Narmada Bachao Andolan* - NBA), a coalition of local organisations fighting for the rights of persons who have been displaced because of the plan to build dams on the Narmada River.

Defenders fighting for improvements in working conditions

Defenders of workers' rights were also victims of repression. On September 26, 2007, for instance, a Bangalore Court judge issued an arrest warrant against members of the Clean Clothes Campaign (CCC), an association that fights for improved working conditions in the textile industries, and members of the India Committee of the Netherlands (ICN), an organisation whose aim is to provide information on the negative effects of globalisation policies on human rights in India. The arrest warrant was issued after a complaint filed by the company Fibres and Fabrics International (FFI) and its subsidiary Jeans Knit Pvt Ltd (JKPL), which had been accused of ill-treating their employees. In addition, on March 10, 2007, judicial proceedings, based on sections 427, 447 and 34 of the Criminal Code, were opened against Mr. **Phani Gopal Bhattacharjya**, Vice-President of MASUM, and 25 other members of the Indo Japan Steels Limited Employees Union, for having defended the rights of employees of this manufacturing company, which had closed in 1996 with no back-pay or compensation paid to workers.



/ INDONESIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Indonesia has made significant progress in human rights matters since the fall of Suharto's authoritarian regime in 1998, even if much remains to be done, especially in the areas of reinforcing the state of law and the fight against impunity. The legal and institutional framework for the promotion and protection of human rights was strengthened following constitutional changes in 2002, the adoption in 1999 of the Human Rights Act and of the Witness Protection Act in 2006, and ratification, in 2006, of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Similarly, the establishment of ad hoc human rights tribunals, of the National Human Rights Commission (*Komnas HAM*) and the National Commission on Violence Against Women (*Komnas Perempuan*) has been an important development in terms of protection and promotion of human rights, providing a framework in which defenders may carry out their activities.

However, these efforts have seen no subsequent concrete improvement in the human rights situation. In particular, the significance of military power has been notable since President Susilo Bambang Yudhoyono came to power in 2004.

One of the major problems confronting Indonesia is the impunity of those responsible for human rights violations, especially violations committed under the reign of President Suharto, who died in January 2008 without being prosecuted, and also violations committed in Timor-Leste in 1999, in Aceh and in East Papua. It is therefore regrettable that the Constitutional Court decided, in December 2006, to annul Law 27/2004, which mandated an Indonesian Commission of Truth and Reconciliation. Rights activists had challenged provisions allowing amnesty for perpetrators of severe human rights violations and limiting victims' ability to obtain compensation. However, the Court ruled that the whole law should be repealed as some of its articles violated the Constitution, and the annulment of individual articles would render the

rest of the law unenforceable. The annulment of the law left victims of past human rights violations without a compensation mechanism.

Human rights activities may be made criminal offences in the future

The State Secrecy Bill and a State Intelligence Services Bill were under consideration at the end of 2007. The State Secrecy Bill, which defines confidential information as any information that jeopardises state sovereignty or safety, could be used in particular to silence criticism of Government policy. The Bill on the State Intelligence Services (BIN) would extend the role played by BIN agents, allowing them to arrest any person “suspected” of being directly or indirectly involved in activities deemed to be a threat to the nation, although the notion of a “threat to the nation” remains very vague. The draft law is of concern since human rights defenders regularly come under pressure from BIN and civil groups linked to the armed forces.

Furthermore, whilst the Constitutional Court issued a ruling in December 2006 that declared as unconstitutional Articles 134, 136 and 137 of the Criminal Code, which punished insults to the President or Vice-President with a prison sentence of up to six years; and whilst, on July 17, 2007, the Court also declared as unconstitutional Articles 154 and 155 of the Criminal Code (defamation against the Government), the Government introduced certain restrictive articles into the Bill on the right to information that was discussed in Parliament at the end of December 2007. Amongst other provisions, the bill imposes severe penalties, including imprisonment, for those “abusing” their right to information. This could have a dissuasive effect on defenders.

Impunity for crimes committed against defenders

Crimes committed against defenders generally go unpunished. As an example, Mr. Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, expressed his concern in March 2007, following the acquittal by the Indonesian Supreme Court in 2006 of the main suspect in the death of Mr. **Munir Said Thalib**, co-founder of the Commission for Disappearances and Victims of Violence (KONTRAS), who was killed in 2004¹. Likewise, in June 2007, Ms.

1./ See United Nations Press Release, March 28, 2007.

Hina Jilani, Special Representative of the United Nations Secretary-General on the situation of human rights defenders, recalled that this case was a test of the Government's willingness to protect defenders in the country². Therefore, it is to be regretted that, although on January 25, 2008, the Supreme Court again sentenced the main suspect to twenty years' imprisonment, the responsibility of former senior executives of the State airline Garuda and high-ranked officials of BIN in this death has still not been recognised³.

A particularly critical situation for defenders in Papua

Whilst the situation of defenders has considerably improved in the Province of Aceh since the 2005 Peace Agreement between the Government and the rebels of the Aceh Liberation Movement (GAM), a very strong separatist movement exists in West Papua, where defenders continue to face risks inherent to the heavy militarisation of the province. Thus, they frequently face death threats, judicial proceedings for defamation because they denounce violations, but also accusations of treason, rebellion, links with the separatist movement or of being separatist and "selling human rights for OPM" (Free Papua Movement, a separatist group) to discredit them. Some members of local human rights associations have sometimes been forced to leave the province after being subjected to intimidation because of their activities.

After her visit to Indonesia from June 5 to 12, 2007⁴, Ms. Hina Jilani expressed her regret that human rights defenders working in Papua continued to be the focus of "acts of harassment and intimidation by the police, the army and the security forces in the country". Ms. Jilani also expressed her concern that "defenders working for the preservation of the environment and the right to land and natural resources frequently receive threats from private actors with powerful economic interests, but are granted no protection by the police". She also spoke of being disturbed by the fact that defenders who expose abuse by the authorities or the security forces were "labelled as separatists in order to undermine their credibility"⁵.

2./ See United Nations Press Release, June 12, 2007.

3./ See KONTRAS.

4./ During her visit, Ms. Jilani travelled to Jakarta, Jayapura (Papua) and Banda Aceh.

5./ See United Nations Press Release, June 12, 2007.

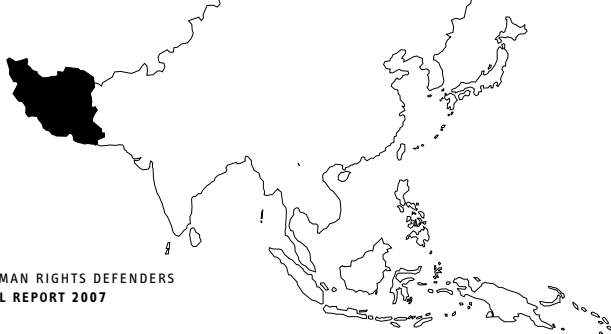
In addition, in 2007, a real campaign of systematic intimidation of defenders in Papua was set in motion, targeting especially those who had met with Ms. Jilani during her visit, to inform her of their working conditions, and also following the appointment of Colonel Burhanuddin Siagian as head of the army in the Jayapura District. The latter would indeed have declared on May 12, 2007 that he would not hesitate to “destroy” any person who continued to “betray the nation”⁶. It is against this background that Mr. **Yan Christian Warinussy**, Executive Director of the Institute of Research, Analysis and Development for Legal Aid (LP3BH) in Manokwari⁷, was placed under surveillance at his office and his home the day after his meeting with Ms. Jilani in Jayapura on June 8, 2007⁸. Following his meeting with Ms. Jilani on June 10, the Director of the National Human Rights Commission for Papua, Mr. **Albert Rumbekwan**, received numerous telephone messages threatening him and his family with death. Several men have also kept him under surveillance at his home and his office⁹.

6./ In 1999, Colonel Burhanuddin Siagian had publicly threatened to kill separatist supporters from Timor-Leste and gave the order to kill seven men in April 1999. Although on two occasions he was found guilty of crimes against humanity in Timor-Leste and was named a suspect by the commission appointed by Indonesia to enquire into human rights violations carried out in Timor at that time, Colonel Siagian has never been brought to trial.

7./ LP3BH frequently provides legal support to local activists involved in land-related disputes with foreign companies.

8./ See “Imparsial”.

9./ *Idem*.



/ IRAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Since Mr. Mahmoud Ahmadinejad came to power in 2005, following elections whose result was a foregone conclusion as the reformers had been excluded automatically by the Council of Guardians, a body appointed by the Supreme Guide, the Iranian President has constantly made use of extreme nationalism to distract the attention of the Iranians from the serious problems to which they are confronted.

2007 was a particularly dark year for freedoms in Iran, and was marked by the unprecedented repression of all actors of civil society¹. All dissident voices continued to be targets of repression, especially journalists, students, trade unionists, political opponents, university teachers and intellectuals, and moderate religious leaders, with recurring waves of arrests and arbitrary sentences. A number of newspapers and Internet publications were also banned and journalists were arrested and given extremely harsh sentences, especially those from the Kurdish province.

Use of the death penalty also increased considerably, with 265 people executed in 2007 (as opposed to 177 in 2006)², including persons who were minors at the time of the offence, in flagrant violation of international law. Aside from the application of capital punishment for so-called “sexual” crimes (adultery, homosexuality), there was also a considerable increase in the recourse to sentences of amputation and stoning.

1./ In its Resolution P6_TA(2007)0488, adopted on October 25, 2007, the European Parliament expressed its deep concern “about the dramatic increase in the repression of civil-society movements in Iran over the past year” and called on “the Iranian authorities to put an end to harsh repression against women’s rights defenders, [...] student movements, minority rights defenders, intellectuals, teachers, journalists, web loggers and trade unionists”.

2./ See the website of Mr. Emmadeddin Baghi, a human rights journalist: www.emmadbaghi.com.

The year 2007 also witnessed an increase in the repression of ethnic and religious minorities in the Islamic Republic of Iran: three Baha'is, arrested in Shiraz in May 2006 were sentenced to four years in prison in November 2007, allegedly for propaganda against the regime. One year suspended prison sentences were given to 51 others, conditional on attending classes given by the Islamic Propaganda Organisation. In reality, these people had taken part in a humanitarian project to provide educational support to poor children in Shiraz. The Azeri, Arab and Kurdish ethnic minorities were also targeted.

Despite the increasing level of repression by the authorities, civil society nevertheless remained dynamic and the "One Million Signatures Campaign", a movement calling for equal rights for men and women, continued to gain in popularity.

Repression of the "One Million Signatures Campaign"

The organisers of the One Million Signatures Campaign, officially launched in August 2006, continued to be subject to harsh repression. In 2007, the Observatory documented the cases of 44 men and women activists who were prosecuted for their activities on behalf of women's rights in Iran³.

It may be recalled that repression against them began in June 2006, when several dozen activists took part in a peaceful gathering on Haft e-Tir Square in Tehran to call for changes in the laws discriminating against women. This peaceful gathering had been violently repressed and several activists arrested then released on bail. In 2007, twelve of the women were sentenced to jail or to lashing. They appealed against these decisions. It may also be noted that the most severe sentences

3./ On April 5, 2007, Ms. Yakin Ertürk, United Nations Special Rapporteur on violence against women, its causes and consequences, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, expressed their concerns on being informed that Iranian security agents had arrested four women and one man in Teheran on April 3 while collecting signatures for a campaign to change laws that discriminate against women. They noted that "the arrest of the five persons [...] is not a singular incident, but forms part of an ongoing, worrying trend", insofar as "women and men who have peacefully demonstrated or otherwise stood up for gender equality and women's rights have been arrested or attacked [...]" (See United Nations Press Release, April 5, 2007).

were handed out to young students with no activist record, probably to discourage young people from joining the movement.

Once arrested, activists are detained arbitrarily, charged, and then released on very high bail, until their trial. Bail may be as much as 250,000 Euros, a sum that in principle is applied for the most serious crimes. Such amounts are in themselves a form of repression and intimidation.

Four activists of the Campaign were still behind bars at the end of 2007: Ms. **Ronak Safarzadeh** and Ms. **Hanna Abdi**, also members of the Azarmehr association in favour of Kurdistan women's rights, and Ms. **Maryam Hosseinkhah** and Ms. **Jelveh Javaheri**. These activists have been the targets of an intimidation and defamation campaign in pro-Government media.

Repression of defenders who are journalists from minority groups

At the end of 2007, many journalists who promote minority rights in the framework of their activities remained in prison, including four Kurdish journalists who defend human rights: Mr. **Mohammad Sadegh Kaboudvand**, Chairperson of *Voice of the People of Kurdistan*, a newspaper that defends the rights of Kurds, was detained awaiting trial; Mr. **Ejlal Ghavami**, from the same newspaper, was given a three year prison sentence in June 2007; Mr. **Abdolvahed Boutimar** and Mr. **Adnan Hassanpour**, two Kurdish journalists, were given death sentences in July 2007 in response to their articles demanding cultural rights for the Kurdish minority⁴.

Ongoing repression of trade union leaders

Repression of trade union movements continued in 2007. In March 2007, for instance, demonstrations called for by several trade unions were held, condemning the Iranian Parliament's refusal to adopt a draft

4./ On August 3, 2007, the European Union expressed its especial concern "about the death sentences on the two Kurdish journalists, Adnan Hassanpour and Abdolvahed Boutimar [...] [as well as] by the growing repression against all groups which exercise their right to freely express their opinions, in particular in Kurdish and Arab minority regions" (See EU Presidency Declaration on death sentences of Adnan Hassanpour and Abdolvahed Boutimar).

law on equal pay. As a result, in April 2007, several union headquarters were the target of attacks and closures. During these operations, several dozen union leaders were arrested, including Mr. **Mahmoud Salehi**, Spokesperson for the Organisation Committee to Establishment Trade Unions and former leader of the Saez Bakery Workers' Union, who was sentenced on March 11, 2007 to one year prison and a further three years' suspended sentence following his involvement in the organisation of the May 1, 2004 celebration in Saez, and whose poor state of health in detention required urgent medical treatment at the end of 2007.

On July 10, 2007, Mr. **Mansour Osanloo**, President of the Syndicate of Workers of Tehran and Suburbs Bus Company (*Sherkat-e Vahed*), was also imprisoned after being abducted on the orders of the Iranian authorities. He was subsequently charged with "threatening national security". He was still held in arbitrary detention at the end of 2007, despite needing constant medical attention due to his state of health. Mr. **Ebrahim Madadi**, Vice-President of the Syndicate, was also detained from August 9 to December 16, 2007. Mr. **Reza Dehghan**, a member of the Committee of Painters' Unions, was also jailed from November 18 to December 16, 2007 for having publicly supported Mr. Mansour Osanloo.

Political context

While 2007 marked the 50th anniversary of the independence of Malaysia, during which time the Government wanted to emphasise its strong economic development, no significant progress has been made in terms of the protection and promotion of human rights. In particular, the freedoms of expression and assembly have continued to deteriorate, the judiciary is still characterised by its lack of independence, and the Government has continued to use emergency laws that undermine fundamental freedoms, such as the Internal Security Act (ISA) of 1960, which allows for detention without trial, and the Emergency Ordinance (EO). The number of deaths during detention also remained high in 2007: in November 2007, the NGO SUARA Rakyat Malaysia (SUARAM) reported 10 deaths in custody, with no investigation opened into them.

When he came to power in 2003, Prime Minister Abdullah Badawi promised to fight corruption. However, in 2007, several cases of corruption broke out publicly but the perpetrators were not prosecuted. Allegations of corruption were thus brought against the Deputy Minister of Internal Security Mr. Johari Baharum, the Inspector General of Police Mr. Musa Hassan, and the Head of the Department of Commercial Crimes Mr. Ramli Yusuff.

Migrants and refugees have also continued to be subjected to grave violations of their human rights. In particular, the People's Volunteer Corps (*Ikatan Relawan Rakyat* - RELA), a group which was given broad powers in 2005 to arrest migrants and refugees, continued its large-scale raids throughout the year, despite overcrowding and deteriorating conditions in detention camps.

Obstacles to freedom of expression and repression against cyber-dissidents

While the Government continues to closely monitor the mass media, the year 2007 experienced a wave of web censorship and harassment by the authorities against “cyber-dissidents”, who were subjected to arbitrary arrests and police interrogations, or were at risk of being prosecuted on the basis of the ISA. For example, on July 24, 2007, the Deputy Minister of Justice, Mr. Nazri Abdul Aziz, said the Government would not hesitate to use the ISA, the Sedition Act of 1948¹ and Section 121b of the Criminal Code² to punish cyber-dissidents who deal with “too sensitive issues”. It is feared that this repression might be growing with the approach of elections scheduled for early 2008. For instance, Mr. **Nathaniel Tan** was detained for four days in July 2007 for having posted a link on his blog to a website publishing information described as a “State secret”, in connection with a corruption case involving Mr. Johari Baharum. He faces a maximum penalty of seven years’ imprisonment. The English-language newspaper *New Straits Times*, which supports the ruling party, decided in August 2007 to stop collaboration with Ms. **Zainah Anwar**, an activist for the rights of Muslim women and the Executive Director of the association Sisters in Islam (SIS), whose column addressed the issue of equality and justice for Muslim women³.

Non-governmental organisations also experience restrictions to their freedom of expression. For example, on May 15, 2007, ten copies of a book written by a member of the board of SUARAM, *May 13: Declassified documents of the Malaysian Riots of 1969*, were seized by agents of the Department of Homeland Security in a bookstore in Kuala Lumpur for “verification”. The book denounced the complicity of the State during the race riots of May 13, 1969.

1./ The Sedition Act criminalises “seditious” speech, with up to three years in prison and/or a fine of 5,000 Ringgit (approximately 1,044 Euros).

2./ Section 121b of the Criminal Code criminalises “war against the King” with the death penalty or life imprisonment.

3./ See Press Release of the International Freedom of Expression Exchange (IFEX), August 17, 2007.

Freedom of peaceful assembly under siege from all sides

In 2007, the Malaysian Government conducted an almost systematic repression of all public demonstrations that criticised governmental policy, particularly with regard to human rights. Peaceful rallies relating to the right to housing, the fight against impunity and corruption and the rights of Indian minorities have been violently dispersed by the police several times.

Thus, a demonstration organised on November 25, 2007 by Hindu Rights Action Force (HINDRAF) to protest against Government policies marginalising and discriminating against the Indian community was dispersed with tear gas and water cannons. HINDRAF had announced its intention to deliver a memorandum to the British High Commission in Kuala Lumpur to denounce the exploitation of Indians as a result of colonial and post-colonial oppression. More than 400 demonstrators were arrested, of which 99 were charged with “participation in an illegal meeting” and “riots”. Furthermore, after Prime Minister Abdullah Ahmad Badawi declared on November 27, 2007 that the ISA was likely to be used against any demonstrator arrested, five HINDRAF leaders were arrested on December 13, 2007 and prosecuted on the basis of Section 8(1) of ISA. Similarly, nine human rights lawyers were arrested on December 9, 2007 while trying to demonstrate in a celebration of International Human Rights Day. Accused of “participation in an illegal assembly” and “disobeying police orders” to disperse, they face up to two and a half years in jail.

In March 2007, the Commission on Human Rights of Malaysia (*Suruhanjaya Hak Asasi Manusia Malaysia* - SUHAKAM) concluded its report on the violent repression of a demonstration on May 28, 2006 against the increase in the price of oil in Kuala Lumpur, more commonly known as “Bloody Sunday”⁴. While the report recommended that several police officers should be prosecuted, no criminal proceedings had been initiated in late 2007. Conversely, on November 9, 2007, Mr. Siva Subramaniam, SUHAKAM Commissioner, said that the organisers of the demonstration on November 10, 2007 should have applied to the police for a permit, thus contradicting one of the recommendations of the Commission that “peaceful demonstrations

4./ See Observatory Annual Report 2006.

should be allowed without having to apply for permits". In addition, the Commissioner subsequently claimed that the police had not used violence and had acted in a professional manner at the event, despite numerous reports that the police had violently dispersed the crowd. Subsequently, the Commission explained that the statement only reflected the personal opinion of the Commissioner and not the official position of SUHAKAM with regard to freedom of peaceful assembly.

Obstacles for defenders of economic, social and cultural rights

Lack of freedom of association for defenders of the right to work

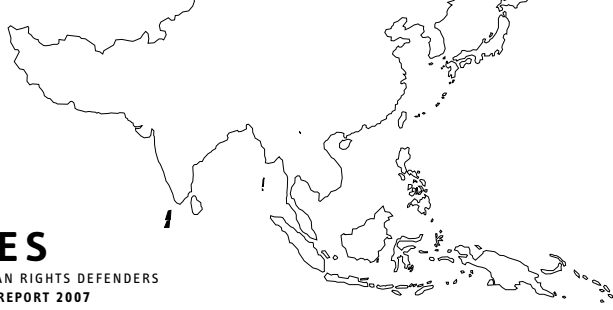
While the Malaysian Trade Union Congress (MTUC) was accused by the Deputy Prime Minister for Human Resources, Mr. Abdul Rahman Bakar, of being a "tool for the opposition parties", reflecting the difficult climate in which trade unions operate in Malaysia, the Lower House of Parliament (*Dewan Rakyat*) passed amendments to two laws on labour in August 2007: the Industrial Relations Act of 1967 and the Trade Unions Act of 1958. These amendments render the formation of unions even more difficult. In December 2007, the Upper House (*Dewan Negara*) adopted these amendments, which were approved by the King in January 2008.

Obstacles to freedom of movement for human rights defenders of indigenous people in Sarawak

Over the past fifteen years, 12 human rights defenders experienced obstacles to their freedom of movement when they wanted to enter the territory of Sarawak (Borneo)⁵. While most of these people were not officially informed of the reasons why their access was restricted, they discovered they had been placed on a "blacklist" because of their involvement in "activities against logging". Most had taken part in the campaign against the proposed hydro-electric dam in Bakun, which caused the forced displacement of nearly 10,000 indigenous persons as well as deterioration of the environment. For instance, on August 23, 2007, Mr. **Kua Kia Soong**, a member of the administrative board of SUARAM, was refused entry in the State of Sarawak, and escorted

5./ See SUARAM, *Memorandum to SUHAKAM - 44 Years of Nationhood: Malaysians still denied the right to travel abroad and within our own country!*, September 14, 2007.

back to Kuala Lumpur. One of the immigration officials of Sarawak had informed him that he was on “the blacklist because of his activities against the logging industry”. Mr. Kua Kia Soong is a staunch opponent of the Bakun dam project and had served on a fact-finding mission in 1999 on the conditions of indigenous people displaced in 1998-1999.



/ MALDIVES

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Politics in the Maldives continues to be largely dominated by President Maumoon Abdul Gayoom, who has been in power since 1978. In 2006, he committed himself to a programme of political and judicial reforms in order to create a modern democracy, through the first multiparty elections supposed to be held in October 2008. However, in 2007, the President slowed down the reform process. Facing a growing challenge from the opposition, the Head of State preferred to work with the conservatives, which has led to the resignation of several ministers.

Furthermore, freedoms of expression, association and assembly have continued to be subjected to numerous restrictions. In particular, the authorities have repeatedly repressed rallies organised by the opposition, which generally called for an acceleration of reforms, and police occasionally beat demonstrators. The authorities accused the demonstrators of hampering the reform process by their rallies which, according to the Government, unnecessarily threatened the public order.

Moreover, civil society in the Maldives lacks a legal framework within which it would otherwise be able to evolve. This explains in part the absence of a strong and active civil society, especially in the area of human rights. While a number of structures have been labelled “NGOs”, they are in reality principally sports or cultural clubs or committees established by the Government.

/ ASIA

Lack of legal recognition for most human rights organisations¹

In the Maldives, human rights organisations have encountered many difficulties in obtaining legal recognition; such was the case with the Maldivian Civil Society Network (MCSN), which since 2006 has networked several independent NGOs and works in an informal manner. Accordingly, the MCSN faces many obstacles, especially with regard to funding. Since its inception, the MCSN has been restricted in the number of activities it carries out due to limited funding. Similarly, registration was also refused to Maldives Aid, a local NGO registered with the British charity Friends of Maldives (FOM), which had provided support for the country's recovery after the tsunami in December 2006. Finally, the application for registration of the Human Rights Association of Maldives has remained unanswered since it was filed in 2005.

Obstacles to freedom of the press: journalists on the front line of repression

While civil society continues to face a number of difficulties in terms of organisation, it is more often journalists who take over when it comes to the denunciation of human rights violations. They find themselves at the forefront of repression exercised by the authorities in order to prevent them from publishing articles critical of the Government.

On January 21, 2007, the Government of Maldives adopted a Law on defamation, which imposes a fine of 5,000 Rufiyaas (approximately 247 Euros) on any newspaper found to be guilty of defamation. Presented by the Government as a means to better protect the honour and reputation of fellow citizens, the law provides an extremely broad definition of defamation, including for example the publication of facts that could damage the "honour" or "reputation" of a person, thus allowing further restrictions on freedom of expression and silencing of any criticism². Additionally, in August 2007, a law was passed which contained numerous restrictions on the freedom of the press. In particular, the law provides that words that could threaten the "sovereignty of the nation" or that could infringe on the maintenance of "public order" do not fall within the scope of freedom of expression.

1./ See Maldivian Detainee Network.

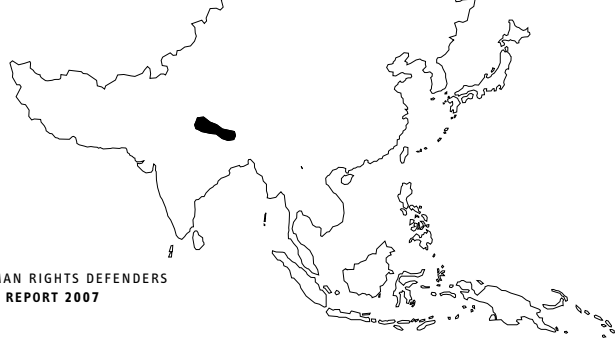
2./ See the Asian Centre for Human Rights.

In this context, journalists were regularly subjected to harassment. For example, on January 19, 2007, the American reporter **Phillip Wellman**, a correspondent for *Minivannews.com*, was expelled and banned from the country for a period of two years on the pretext that he did not have “valid permission”³. In April 2007, Messrs. **Zeena Zahir**, of the pro-Government newspaper *Miadhu*, **Adam Miqdad**, Editor-in-chief of the website *e-Sandhaanu*, and **Mohamed Nasheed**, a photographer for *Minivan*, were arrested at the funeral of Mr. Hussein Salah, a former prisoner found dead, with his face and body swollen⁴. In addition, journalists working for the opposition newspaper *Minivan* have continued to be subject to multiple forms of retaliation in 2007, generally by prosecution, as with the example of Mr. **Imran Zahir** and Ms. **Aminath Najeeb**, Editor. The latter was summoned to courts on several occasions in 2007. She was accused of “civil disobedience” after having published an article in September 2006 in which a journalist had denounced the abuses of the judicial system⁵.

3./ See Press Release of the Asian Centre for Human Rights, January 24, 2007.

4./ See Reporters Without Borders (RSF).

5./ See Maldivian Detainee Network.



/ NEPAL

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

It is indisputable that the restoration of the Nepali Parliament in April 2006, the end of the state of emergency which had been in force since February 1, 2005, and the signing in November 2006 of the Comprehensive Peace Agreement between the Government and the Communist Party of Nepal (Maoist) (CPN(M))¹, followed by the establishment of a Parliament and an interim Government in January and April 2007, have put an end to large-scale repression and led to a marked improvement in the situation of human rights in the country. Nevertheless, in late 2007, the country continued to find itself in a real political deadlock following the withdrawal of the CPN(M) from the Government on September 18, 2007, which led to the suspension of elections meant to create a Constituent Assembly, postponing them to April 2008.

Moreover, although the Maoists agreed in April 2006 to lay down their arms, rebel groups have proliferated across the country during this period of political transition. They have been taking advantage of the fragility of the rule of law and capitalising on the prevailing impunity in the country, thereby threatening the peace process and the work of human rights defenders.

In addition, there is concern that acts of intimidation against defenders will multiply with the approach of elections scheduled for 2008, in order to dissuade them, among other things, from monitoring the elections.

1./ Both sides were committed as part of the agreement to end more than a decade of conflict, to write a new constitution and to set up an interim Government.

Defenders combating impunity and corruption on the front line

Political instability prevailing in Nepal is all the more worrying because it is accompanied by a genuine unwillingness to ascertain responsibility for atrocities committed in the past as well as for those continuing. Therefore, those who seek reparation for the victims of these abuses or who denounce them face growing obstacles from both State and non-State actors. Indeed, defenders are the target of State agents, such as the police and armed forces who regularly seek to intimidate and threaten them.

Thus, Mr. **Jitman Basnet**, Secretary General of the Lawyer's Forum for Human Rights (LAFHUR), received death threats on several occasions in May and July 2007 following the publication of a book describing his detention at the Bhairabnath prison in 2004, and many cases of torture, rape and murder of prisoners perpetrated by the prison staff going unpunished. Similarly, on December 20, 2007, several members of the International Institute for Human Rights, Environment and Development (INHURED International) were insulted and threatened by a Colonel in the military barracks of Shivapuri, in Kathmandu, during a visit to inspect a place of suspected burial in the Shivapuri National Park. They were told by the Colonel that "there was nothing to see" and they were only trying to "conspire against the army and defame it".

Furthermore, NGOs and defenders, including journalists, who denounced the rampant corruption within the administration, are also regularly threatened by the authorities they accuse. For example, on October 7, 2007, a Superintendent of Police threatened to arrest Mr. **Bhuvaneshwor Adhikari**, Editor-in-chief of the *Tikapur Daily*, following the publication of an article alleging irregularities in the police administration on tax collection.

Defenders targeted by armed groups

When they were not themselves the direct victims of violence by armed groups, human rights defenders continued to work in a very precarious environment in 2007 because of the proliferation of rebel groups, such as the various factions of the Democratic Front for the Liberation of Terai (*Janatanrtik Terai Mukti Morcha* - JTMM) and Maoists.

In this context, Mr. **Madan Rimal**, Facilitator of the “Campaign for Peace” programme of the Informal Sector Service Centre (INSEC) in the district of Bardiya, was kidnapped on July 27, 2007 by six individuals who severely beat him, warned him that it was not in his interest to “conduct a campaign that ran counter to their interests,” and then left him unconscious. Similarly, on October 5, 2007, Mr. **Birendra Sah**, a journalist, was abducted and then killed by Maoists, after he repeatedly denounced abuses committed by them.

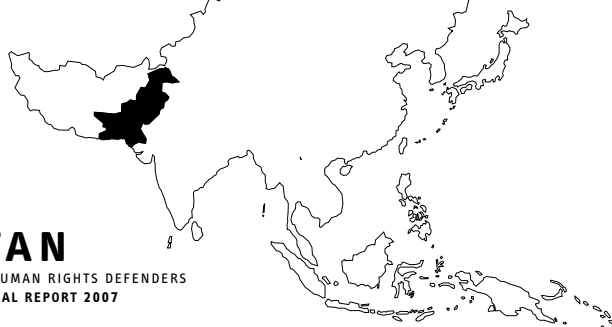
The situation of human rights defenders is particularly dire in the Terai region, in the south, where the major abuses (kidnappings, assassinations and other forms of violence) were committed by armed groups throughout the year. Thus, defenders who came out to observe the demonstrations that took place from January 16 to February 8, 2007, following the promulgation of the Interim Constitution and to denounce the marginalisation of the Madhesi community, an ethnic group that represents nearly 40% of the Nepalese people, have been subjected to intimidation. For example, two members of the NGO Advocacy Forum, Messrs. **Chumani Acharya** and **Balkrisna Achrya**, who had come to observe the demonstrations in Biratnagar (Morang district), were told by members of the political party “Madhesi Janaadhikar Manch” (MJM), the organiser of these events, that they “would not be responsible should something happen to them”².

Serious recrudescence of targeted attacks against defenders of the rights of women and Dalits

In 2007, defenders of the rights of women and Dalits were the target of attacks because of their activities in support of these groups. Thus, threats and harassment against members of the Women’s Rehabilitation Centre (WOREC) have repeatedly intensified during the year due to their denunciations of violence against women and their support for victims. Similarly, on August 22, 2007, several dozen women belonging to the Badi community, a small Dalit community in Nepal, were severely beaten and arrested during a demonstration in Kathmandu. The demonstration was calling for the rehabilitation of women victims of forced prostitution, the right to land, equal representation of candidates to the Constituent Assembly, and the establishment of courts

2./ See Advocacy Forum.

at all levels of Government to deal with issues of racial discrimination, untouchability, and the legal status of children who are denied citizenship certificates.



/ PAKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The year 2007 was a culmination of the deteriorating situation of human rights in Pakistan: systematisation of forced disappearances; widespread attacks against civilian populations during military operations, particularly in the framework of the fight against terrorism conducted in the north-west province; repression of movements demanding recognition of minority identity, especially in Baluchistan; restrictions on freedom of the press; arbitrary arrests of human rights defenders, etc. Furthermore, women and religious minorities (particularly the Ahmadi religious community) continued to be discriminated against by law. Moreover, women have continued to be victims of violence of all kinds (honour killings, rape, domestic violence, forced marriage).

The climax of this deterioration was the declaration, on November 3, 2007, of a state of emergency by President Musharraf, followed by a wave of arrests of journalists, lawyers, judges and political activists in the various provinces of the country¹.

1./ In this regard, on November 5, 2007, the High Commissioner for Human Rights, Ms. Louise Arbour, “voiced alarm at the suspension of fundamental rights and imposition of a state of emergency in Pakistan”, and by the fact that “leading judges, lawyers and political and human rights activists have been detained or placed under house arrest, including UN Special Rapporteur on freedom of religion and belief, Asma Jahangir” (See UN Press Release, November 5, 2007). Similarly, on November 6, 2007, Mr. Ban Ki-Moon, UN Secretary-General, called for “a return to democratic rule in Pakistan and the release of all detained political leaders and lawyers, as well as [...] Asma Jahangir” (See UN Press Release, November 6, 2007).

Furthermore, the Presidency of the European Union expressed that the EU was “deeply concerned with the declaration of the state of emergency and suspension of Pakistan’s constitution and fundamental liberties announced by President Musharraf on 3 November”, “[...] particularly [...] by reports of numerous arrests of leaders of political parties, lawyers, journalists, human rights defenders and representatives of civil society”. The EU then “call[ed] on the Government of Pakistan to take urgent action to [...] release all political prisoners, including members of the judiciary, as well as Ms. Asma Jahangir [...]” (See Press Release 14670/1/07 REV 1 (Press 254), P 97/07, November 8, 2007).

In a new drive to strengthen military control over the country, on November 10, 2007, General-President Pervez Musharraf promulgated an ordinance amending the Law on the Pakistani Army of 1952 and gave power to the military courts to prosecute civilians for a large number of offences under the Prevention of Anti-National Activities Act of 1974 and the Anti-Terrorism Act of 1997. Worse still, these amendments became effective with retroactive effect from January 1, 2003.

Additionally, Pakistani authorities have taken extremely severe measures against the media following the establishment of the state of emergency. Highly restrictive regulations for the written press and broadcast media were implemented, which prohibited reports on a number of so-called sensitive issues, such as suicide bombings, judicial procedures or matters “prejudicial to the ideology, security, sovereignty or integrity of Pakistan” or “prejudicing the Head of State, the army or institutions” with penalties including heavy fines, imprisonment and confiscation of equipment in the event of infringement.

Finally, even though the state of emergency was lifted on December 15, 2007, violations of human rights continued to be perpetrated. On December 27, 2007, the former Prime Minister and opponent Benazir Bhutto was attacked and killed as she was leaving a public meeting of her party. The attack also claimed the lives of more than fifteen people.

Attacks on the independence of judges and lawyers

In 2007, judges and lawyers were at the forefront of the repression against human rights defenders, especially those demanding respect for the independence of the judiciary, individual freedoms and fundamental rights.

On November 8, 2007, Ms. Gay J. McDougall, Chair of the Coordination Committee of Special Procedures, expressed concern about “the detention and house arrest of leading judges, lawyers and human rights defenders. This includes [...] Asma Jahangir, the Chief Justice of the Supreme Court, and other members of the Supreme Court who were also placed under house arrest when they refused to take the oath of allegiance to the Provisional Constitutional Order”. The Chair further stated “we are alarmed that a detention order remains in place against Hina Jilani, the Special Representative of the Secretary-General on the situation of human rights defenders”.

The crackdown began on March 9, 2007, when the President of the Supreme Court, Mr. **Iftikhar Mohammad Chaudhry**, was removed from his position by President Musharraf for having asked the executive branch to hand over to justice the cases of disappeared persons and produce evidence concerning them. The suspension of the senior magistrate, both arbitrary and contrary to the Constitution, led to protests by judges, lawyers and the civil society². After a wave of popular pressure, the Head of the highest court was returned to his post in July 2007. However, on November 3, 2007, after refusing to swear allegiance to the Provisional Constitutional Order (PCO) issued the same day by President Musharraf, Mr. Chaudhry was arrested and placed under house arrest. In late 2007, Judge Chaudhry and his family remained illegally held under house arrest. Fifty-nine other judges were dismissed from their posts for having refused to swear allegiance to the PCO.

Many lawyers were also arrested after the declaration of the state of emergency, and some of them were reportedly tortured, detained in secret places and deprived of contact with their families. While most of them have since been released, Mr. **Aitzaz Ahsan**, President of the Bar of the Supreme Court, Mr. **Muneer Malik** and Mr. **Tariq Mahmood**, two former Presidents of the same Bar, and Mr. **Ali Ahmed**, former Vice-Chairman of the Bar Council of Pakistan, were still in custody at the end of 2007.

Attacks against members of the Human Rights Commission of Pakistan in the framework of the state of emergency

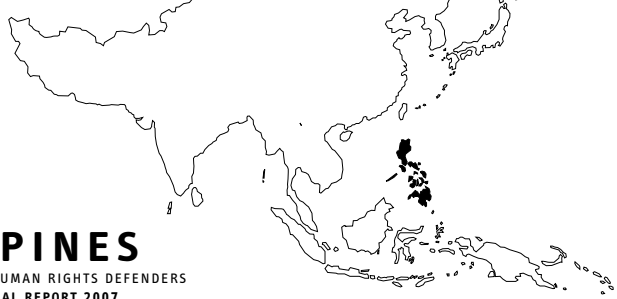
In Pakistan, the Human Rights Commission of Pakistan (HRCP) is one of the most virulent NGOs in the denunciation of human rights violations in the country, which is why it is usually first in line for repression by authorities.

Thus, in the aftermath of the establishment of the state of emergency, police invested the HRCP office in Lahore and arrested 55 people,

2./ On March 21, 2007, Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, and Ms. Hina Jilani expressed "serious distress about recent events in Pakistan" after that "on 9 March 2007, President Pervez Musharraf suspended the Chief Justice of Pakistan, Iftikhar Chaudhry [...]". The two experts said they were also "concerned about the excessive force used against peaceful demonstrators [who were denouncing this attack against the independence of the judiciary]" (See United Nations Press Release HR/07/42, March 21, 2007).

including Mr. **Syed Iqbal Haider** and Mr. **I. A. Rehman**, respectively Secretary General and Executive Director of the HRCP. They were released on bail two days later, but the charges against them were not dropped.

On November 3, 2007, Ms. **Asma Jahangir**, President of the HRCP and United Nations Special Rapporteur on freedom of religion or belief, was placed under house arrest, while Ms. **Hina Jilani**, Vice-President of the HRCP and UN Special Representative of the Secretary-General on the situation of human rights defenders, was subjected to a detention order. These orders were lifted on November 16, 2007, following a large international mobilisation on their behalf.



/ PHILIPPINES

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, the Philippines continued to witness a great number of extrajudicial executions. The main victims of these killings were left-wing political opponents, journalists, activists fighting against the mining companies, leaders and members of organisations of peasant farmers and fishers, of teachers' and women's associations, or of trade unions, which the authorities view as being close to the Philippine Communist Party and its armed wing, the New People's Army (NPA). According to the organisation PAHRA, 409 cases of arrest and arbitrary detention were registered between January 2001, the year in which Ms. Gloria Macapagal Arroyo became President of the Republic, and September 2007. 259 cases of enforced disappearance were also registered as of December 10, 2007¹. According to KARAPATAN, there were 68 victims of extrajudicial executions in 2007. Although the number of executions and cases handled by the Observatory has diminished in 2007, probably as a result of the national and international outcry resulting from the unprecedented degree of violence of preceding years, the words and actions of the authorities remain however the same and the political, social and legal organisations are still a favourite target for repression.

The Government has adopted a number of limited measures to put an end to extrajudicial killings. In January 2007, the independent commission set up in 2006 to investigate assassinations of journalists and activists – the Melo Commission – stressed in its report that certain members of the armed forces share responsibility for an unspecified number of killings by permitting and tolerating, even encouraging them. Furthermore, on September 25, 2007, the Supreme Court adopted a resolution authorising the recourse to *amparo*, which may be invoked by “any person whose life, liberty and security is violated or threatened

1./ See PAHRA, Statement on the Occasion of the 59th International Human Rights Day.

with violation by an unlawful act or omission of a State official or of a private individual or entity". The possibility of access to such recourse, which application is retroactive, constitutes undeniable progress.

However, impunity remains the rule in the Philippines. In particular, as Mr. Philip Alston, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, noted following his visit to the country in February 2007², no member of the armed forces, whose responsibility in a great many cases of extrajudicial executions or enforced disappearance is in no doubt, has been prosecuted. Indeed, the police are often reluctant to investigate violations involving the army. Furthermore, there is no effective witness protection programme, which explains why witnesses are reluctant to give evidence because of the considerable risks involved³.

Criminalisation of human rights activities under the pretext of the fight against terrorism and "communist insurrection"

In 2007, the Government continued its policy of criminalising and stigmatising human rights activities as part of the fight against terrorism and against the NPA. The Human Security Act (HSA), or anti-terrorism act, came into force on July 15, 2007, with the risk of reinforcing impunity in the country and further diminishing the protection of civil liberties. As a matter of fact, this law broadens the executive's powers and permits the indefinite detention of all persons suspected of having committed or taken part to terrorist acts (Article 19). It also broadly defines terrorism as committing an act punishable under any of a list of provisions with the intention of "creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the Government to give in to an unlawful demand" (Article 3). The new law also gives very broad powers to the Anti-Terrorism Council, which is made up of Government officials. In particular, it may order the speedy investigation and pursuit of any

2./ See United Nations document A/HRC/4/20/Add.3, March 22, 2007.

3./ In its Resolution P6_TA(2007)0171, adopted on April 26, 2007, the European Parliament "condemn[ed] in the strongest terms the murder of Mrs. Siche Bustamante-Gandinao, a dedicated human rights activist who was killed just days after testifying to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions", [...] "and call[ed] on the Philippine government to adopt measures to end the systematic intimidation and harassment of witnesses in connection with prosecutions for killings and to ensure truly effective witness protection [...]".

person accused of terrorism, freeze the assets and bank accounts of persons suspected of terrorism, and give monetary rewards to informers who might help terrorists to be arrested. The act does not address the issue of the eventual responsibility of members of the Anti-Terrorist Council for human rights violations they might commit in the exercise of their far-reaching powers⁴.

Furthermore, Government officials continued to label human rights defenders as “communists”, “left-wing” or “enemies of the State”, which encourages the reprisals carried out against them by army and paramilitary forces involved in counter-insurgent operations⁵. For instance, on November 2, 2007, Mr. **Ricardo Belamia y Beceril**, a member of the workers’ rights organisation Kilusang Mayo Uno (KMU) and the National Federation of Labour in Cebu, was arrested at his home and charged with “rebellion” by the Danao City Court. He was accused in particular of being an NPA leader.

Finally, in July and August 2007, during the Meeting of Ministers of the Association of Southeast Asian Nations (ASEAN) in Manila from July 21 to August 2, 2007, the Government drew up a blacklist banning around 500 people from entering the country, including expatriate Filipinos. Included in the list were members of foreign non-governmental organisations such as the Centre for Constitutional Rights (CCR), an American organisation, or Philippine organisations such as Gabriela/GabNet, a worldwide network of women who denounce human rights violations in the Philippines⁶.

4./ On March 12, 2007, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mr. Martin Scheinin, spoke of his concern that the law establishes “an overly broad definition [of terrorist acts] [...] incompatible with article 15 of the International Covenant on Civil and Political Rights”, and that “various bodies [are] authorized to review detention of an individual since some of these are members of the executive rather than an independent judicial body” (See United Nations Press Release, document HR/07/36/E, March 12, 2007).

5./ To that extent, the European Parliament stressed that “most of those killed, such as opposition party members, church people, community leaders, peasants, journalists, lawyers, human rights activists, trade unionists or simply witnesses of extra-judicial killings, have been accused by government representatives of being members of front organisations for illegal armed groups and “terrorists”” (See European Parliament Resolution P6_TA(2007)0171, April 26, 2007).

6./ See Press Releases of Gabriela, August 17, 2007, and Human Rights Watch, September 28, 2007.

Union and peasant leaders, a favourite target for repression

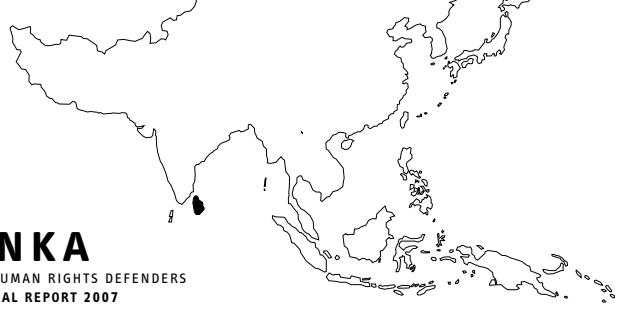
In 2007, as was the case in 2006, the killings of several peasant leaders were linked to the agrarian reform law. Police investigations are very inadequate in these cases and the rich and powerful landowning families benefit from total impunity. This is the case, for example, of Mr. **Franklin Cabiguin Labial**, a peasant leader who was shot and killed on August 10, 2007 in Mindanao. In July he had received death threats after he had queried the application of the Comprehensive Agrarian Reform Law and condemned the killings of peasants and indigenous people who had claimed their right to obtain a parcel of land. In 2007, numerous union and peasant leaders were also subjected to judicial proceedings, aggression and kidnapping.

Similarly, peaceful demonstrations protesting against conflicts linked to the agrarian reform were repressed on a regular basis. On September 7, 2007, several peasant farmers were injured when police used violence to disperse their peaceful rally in front of the headquarters of the Department of Agrarian Reform (DAR) in the city of Quezon and, on January 12, 2007, three trade union leaders were arrested during a peaceful demonstration in front of the Cebu International Convention Centre in the city of Mandaue and accused of “disobeying the security forces”.

Moreover, the Committee on Freedom of Association of the International Labour Organisation in its 346th Report recalled “that all practices involving the blacklisting of trade union officials or members constitute a serious threat to the free exercise of trade union rights [...]”⁷ and requested the Government “to keep it informed of the progress of the investigation to be carried out by the special joint fact-finding body concerning the killings of trade union leaders and members [...]” and “to give adequate instructions to the law enforcement authorities so as to eliminate the danger entailed by the use of excessive violence when controlling demonstrations”⁸.

7/ See International Labour Organisation (ILO), 346th Report of the Committee on Freedom of Association, *Complaint against the Government of the Philippines presented by the Federation of Free Workers (FFW) - Visayas Council*, June 2007.

8./ See ILO, 346th Report of the Committee on Freedom of Association, *Complaint against the Government of the Philippines presented by the Kilusang Mayo Uno (KMU) Labour Centre*, June 2007.



/ SRI LANKA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Since the resumption of hostilities in 2006 between the Government of President Mahinda Rajapakse and the Liberation Tigers of Tamil Eelam (LTTE), a group that has been fighting the army for more than 30 years for the creation of a State for the Tamil minority, the human rights situation in Sri Lanka has deteriorated dramatically, especially in the Jaffna peninsula. Enforced disappearances, extrajudicial killings, recruitment of child soldiers, torture, threats, and, in general, massive violations of human rights and war crimes have increased, resulting in a real climate of fear and insecurity throughout the country. The civilian population therefore found itself trapped in the crossfire between LTTE fighters – especially in the north and east of the country – and the security forces, assisted by the Tamil militia of the Eelam People's Democratic Party (EPDP). Additionally, it is feared that the official end of the cease-fire on January 2, 2008 will lead to a further escalation of violence.

Reprisals against defenders fighting impunity and corruption

In 2007, the safety of defenders considerably worsened, especially following denunciations of abuses committed by the parties in conflict, corruption and impunity, in a context where the number of attacks and threats from all parties to the conflict against them increased dramatically. Journalists have been particularly affected by acts of retaliation and intimidation because of their role in these denunciations. For instance, on February 26, 2007, Mr. **Dushantha Basnayake**, Spokesman and Chief Financial Officer of the Standard Newspapers Private Limited, which publishes the weekly *Mawbima*, was arrested and detained for more than two months. The weekly *Mawbima* is known for criticising the Government and denouncing human rights violations and corrup-

tion in Sri Lanka¹. On April 29, 2007, Mr. **Rajivarnam Selvarajah**, a reporter for *Uthayan* who regularly denounced enforced disappearances in Sri Lanka, was killed by a man passing on a motorcycle in Jaffna².

The Government has also contributed to the degradation of the environment in which defenders work, in particular by reducing the number of security personnel assigned to defenders at risk. In August 2007, the Government reduced the number of security staff working for *Sunday Times* journalist **Iqbal Athas** after he denounced the rampant corruption within the Government, particularly involving purchases linked to defence³. Similarly, on December 18, 2007, the Department of Defence withdrew the security assigned to Mr. **Mano Ganesan**, a Parliamentarian and the founder of the Civil Monitoring Commission on Extra-Judicial Killings and Disappearances (CMC), one week after he was awarded the runner up position for the United States Government's Freedom Defenders Award 2007.

Humanitarian workers on the frontline

In 2007, the increase in violence against humanitarian workers was accompanied by growing constraints and security restrictions imposed by the parties to the conflict: their vehicles and offices were raided, their visas and work permits were regularly issued late, and it became increasingly difficult to gain access to areas where the conflict continues. As a result, humanitarian agencies have decreased or suspended their activities, and some have withdrawn from areas at risk.

Many Sri Lankan aid workers have paid with their lives for their commitment. On June 1, 2007, Mr. **Karthakesu Chandramohan** and Mr. **Sinnarasa Shanmugalingam**, two Sri Lankan Red Cross volunteers in Batticaloa, were arrested by two men in civilian clothes claiming to belong to the Criminal Investigation Department (IDC). The next day, the bodies of the two men were found riddled with bullets in Kiriella,

1./ See Press Release of the Free Media Movement (FMM) and the International Freedom of Expression Exchange (IFEX), February 28, 2007.

2./ See FMM Press Release, December 24, 2007.

3./ See FMM E-Bulletin October 2007, November 1, 2007.

more than 40 km south of Colombo⁴. On July 23, 2007, an employee of the Danish Refugee Council, Mr. **Arumainayagam Aloysius**, was assassinated in Anaikkoaddai (Jaffna). He had previously worked for Halo Trust, an international demining organisation⁵. On September 26, 2007, Rev. **Nicholaspillai Packiaranjith**, who had worked to assist internally displaced persons, and who served as Regional Coordinator of the Jesuit Refugee Service (JRS), was killed by a mine explosion in Mallavi while transporting humanitarian supplies to a camp and an orphanage in Vidathalvu for those affected by the war. Finally, on December 14, 2007, Mr. **Sooriyakanthi Thavarajah**, an employee in the Jaffna section of the Sri Lankan Red Cross for many years, was abducted from his home in Jaffna by gunmen. His body was found two days later in Kaithady⁶.

The Government has also instituted more stringent regulations for international NGOs working in Sri Lanka⁷. While most of these NGOs were able to renew work permits for their employees, many delays in obtaining them were observed. In 2007, they also had to obtain permits from the police for their local staff. In late July 2007, the Commander of the security forces in the east, Mr. Parakrama Pannipitiya, summoned local and international NGOs in Vakarai, a region where many displaced persons settled in March 2007 at the initiative of the military, asking them not to undertake development activities without the permission of the Secretary of the District. He also called on security

4./ On June 4, 2007, the UN Secretary General “strongly condemn[ed] the abduction and murder of two workers of the Sri Lanka Red Cross Society” and reminded the parties to the conflict that “aid workers have a right to protection at all times”. Similarly, on June 7, 2007, Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, and Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, “strongly condemn[ed] the abduction and murder of two workers of the Sri Lanka Red Cross Society that occurred in Colombo on 1 June 2007 [...]”, underscoring that it reflected a “trend of deliberate targeting of aid workers [...]”. They also voiced concern that “the killings of humanitarian workers, including the 17 workers of Action contre la Faim, in August 2006, remain[ed] unsolved”.

5./ See Press Release of the Asian Centre for Human Rights (ACHR), April 25, 2007.

6./ See Press Release of the Red Cross, December 17, 2007.

7./ In late August 2006, a circular was issued by the Ministry of Defence asking for all humanitarian workers to register with the Ministry of Defence in addition to their registration with the Ministry of Social Protection (See Annual Report 2006 of the Observatory).

forces in the region to ensure that NGOs would not begin projects without due permission from governmental agencies⁸.

Stigmatisation of defenders, who are accused of being terrorists or supporters of the LTTE

In 2007, the Government established a policy to discredit, almost systematically, human rights activities, particularly by accusing defenders of being “supporters of the LTTE”, “traitors” or “enemies of the State”. On several occasions, the Government challenged the “allegations” of human rights defenders who dared to question its policy on human rights, saying they were “unfounded” and influenced by LTTE propaganda. Given the December 2006 Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations⁹, which criminalise “any act of complicity with the LTTE”, the assimilation of defenders with the LTTE could be extremely dangerous and can only seek to silence defenders.

For example, on October 2, 2007, a text published on the website of the Ministry of Defence and reprinted by a pro-Government newspaper accused journalist **Iqbal Athas** of being a “traitor” and of supporting the “psychological operations of the LTTE terrorists”. The article added that “anyone who tries to hinder public support for the security forces or attempts to undermine the loyalty of soldiers to their officers can only be seen as serving the terrorists’ cause.” As early as September 30, 2007, the Spokesman of the army, Brigadier Udaya Nanayakakara, had already accused Mr. Athas of “supporting terrorism” through some of his articles¹⁰. Similarly, following the session of the United Nations Human Rights Council in September 2007, the Government denigrated reports submitted by Sri Lanka and international civil society on attacks against religious leaders and places of worship, describing them as “isolated incidents” and “desperate attempts by a small number of NGOs to portray Sri Lanka as a country where religious leaders and

8./ See Press Release of the FMM, July 27, 2007.

9./ In particular, these regulations introduce broad and vague definitions for terrorist offences, which could criminalise human rights, particularly regarding freedoms of expression, association and assembly. It is feared that those seeking a peaceful solution to the conflict, humanitarian workers, human rights defenders, protesters or journalists could be prosecuted on the basis of these regulations (See Annual Report 2006 of the Observatory).

10./ See FMM E-Bulletin October 2007, November 1, 2007.

places of worship are subject to constant attack”. Further, on October 31, 2007, the Sri Lankan organisation Law & Society Trust, in collaboration with four other organisations, published a report documenting cases of extrajudicial killings and forced disappearances between January 1 and August 31, 2007. Following its publication, Minister for Human Rights Mahinda Samarasinghe referred, in an article published in the *Daily Mirror*, “to three NGOs that have compiled a list of people who they say have been kidnapped”. After the veracity of the report was discredited, the authors of the report were accused of “working for unknown parties – perhaps the LTTE”¹¹.

UN agencies and experts are not spared by these governmental policies of denial and stigma. Thus, following the official visit of Mr. John Holmes, United Nations Under-Secretary-General for Humanitarian Affairs, in August 2007, Prime Minister Ratnasiri Wickremanayake reported to Parliament that “the Government of Sri Lanka [...] reject[ed] the statement by Mr. John Holmes that Sri Lanka wasn’t safe for aid workers” and “[could] not help but get the impression that Mr. John [sought] to discredit the Government and tarnish its international image”. Similarly, the Ministries of Foreign Affairs and Defence have sought to challenge the UN expert’s statement, in a letter to the press and during a press conference on August 11 and 14, 2007, respectively.

11./ See Law & Society Trust, Civil Monitoring Commission and the FMM, *Second submission to the Presidential Commission of Inquiry and public on human rights violations in Sri Lanka: January - August 2007*, August 31, 2007.



/ THAILAND

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

More than a year after the *coup d'état* of September 19, 2006, which overthrew the elected Government of Mr. Thaksin Shinawatra, the martial law that was declared immediately afterwards by the Government of General Sonthi Boonyaratglin remains in force in several border provinces, especially in the north and south of the country, imposing severe restrictions on fundamental freedoms. On September 17, 2007, the Council for National Security (military junta) announced that martial law would remain in force in 27 provinces; at the end of 2007, 36 provinces continued to be governed by martial law. Furthermore, while the People Power Party (PPP) won the elections on December 23, it is feared that the military will retain practical control over public affairs.

At the same time, violence in the context of the armed conflict in southern provinces of Thailand, with a majority of Muslim population, has worsened in 2007; armed separatists continued to cause numerous civilian casualties, while the authorities engaged in arbitrary arrests and failed to investigate atrocities that were denounced in a timely fashion.

On December 21, 2007, the National Legislative Assembly adopted a Law on Internal Security which confers emergency powers to respond to threats to national security, even in the absence of a declaration of a state of emergency, to the Internal Security Operation Command (ISOC), an entity known for its military atrocities committed in the 1970s under the control of the Prime Minister. The ISOC is thus now able to restrict fundamental freedoms, since Article 17 authorises indefinite restriction on the freedoms of expression, assembly, association and movement, with no responsibility before the Parliament or courts (Article 22), as the ISOC is authorised to monitor, prevent, suppress or take corrective measures against any action seen as a threat to society. According to Article 19, any person who is recognised as representing

a threat to the security of the country is likely to be sentenced to a term of up to six months' detention in re-education camps, and it is feared that this provision could be abused in order to silence all dissenting voices. In addition, officials who commit human rights abuses on the basis of this law shall be immune from any prosecution (Article 23). As of late 2007, the King had not yet enacted this law.

Repression of any critical voice against the army and security forces

In 2007, defenders who sought to obtain redress for victims of human rights violations were regularly harassed, especially when those violations involved members of the security forces. While those who commissioned the disappearance in 2004 of Mr. **Somchai Neelaphaijit**, President of the Muslim Lawyers Association and Vice-Chairman of the Committee on Human Rights of the Lawyers Association of Thailand, had still not been identified or brought to justice by late 2007, his widow, Mrs. **Angkhana Wongrachen**, was threatened several times because of her persistence in demanding justice for her husband. Similarly, on October 10, 2007, Mr. **Ma-usoh Malong** was killed near his home in Tak Bai, Narathiwat. He was the husband of Mrs. **Yaena Solaemae**, known for her work with the victims and relatives of those who were killed as a result of anti-Government demonstrations in Tak Bai in October 2004¹. The assassination was seen as an attempt to intimidate and silence defenders who seek justice and compensation for those victims.

In this context, it is feared that the 2007 Law on Internal Security will be used against human rights defenders as an instrument of repression regarding denunciations of human rights violations committed by the army and security forces.

1/ On October 25, 2004, various units of the security forces had been mobilised to disperse Muslim demonstrators in front of a police station in the district of Tak Bai (province of Narathiwat). Seven demonstrators were shot dead at the scene while 78 others died of asphyxiation or were crushed during their transport to detention centres. While General Surayud Chulanont apologised publicly in November 2006, no member of the security forces has been brought to justice in this case.

Computer Crime Act and repression of “cyber-dissidents”

The Government continued to be very active in silencing “cyber-dissidents” and thousands of Internet sites, mainly political, were said to have been closed by order of the Ministry of Information and Communication Technology (MICT) for having denounced the coup d'état, such as the site of the September 19 Network against the Coup, which was closed twice². Additionally, the websites *www.prachathai.com* and *www.pantip.com* were temporarily closed after being warned to remove all criticism of military authorities from their pages.

Furthermore, on July 18, 2007, the Computer Crime Act came into force, undermining freedom of expression on the Internet. While the Act is primarily aimed at punishing piracy and Internet pornography, it also allows the police to seize computer equipment of persons suspected of posing a threat to national security and to prosecute them, which, in the absence of a clear definition, can lead to abuse, especially for those with a critical position of the Government. For instance, bloggers “Pichai Praya” and “Thonchan” were arrested on August 24, 2007 before being released on bail on September 6 and charged with “defamation” and “undermining the security of the country” (Section 14). The Thai authorities eventually dropped the charges against them for lack of evidence.

Serious violations of freedom of peaceful assembly

The martial law declared immediately after the coup d'état caused serious restrictions on public assemblies, as gatherings of more than five people were banned, the sanction being six months³. Thus, on May 13, 2007, 2,000 demonstrators in the province of Surat Thani, who were demanding that plots of land be allocated for poor farmers, were dispersed with tear gas, batons and water cannons³. Similarly, on July 22, 2007, the royal police violently dispersed a peaceful rally of more than 5,000 protesters, organised by the Democratic Alliance Against Dictatorship (DAAD), a coalition of more than 15 anti-coup organisations. The protest took place in front of the home of General Prem Tinsulanonda, who was suspected of being the main instigator

2./ See Joint Report of the Campaign for Popular Media Reform (CPMR) and Forum-Asia, *Thailand: One Year After the Military Coup and its Effects on the Three Freedoms*, September 19, 2007.

3./ *Idem*.

of the coup d'état of 2006, calling for the resignation of key players in this coup, the reintroduction of the 1997 Constitution, and immediate elections. On July 26, 2007, nine members of the DAAD who had participated in the rally were arrested, including Mr. **Jaran Dita-Apichai**, a member of the National Commission on Human Rights, and accused of “conspiring with more than ten people to create disorder in the city” and “disobedience towards law enforcement order”. On September 26, 2007, Mr. Jaran Dita-Apichai was removed from office by the National Legislative Assembly (NLA) for “acting against the interest of the unity of the State in a partisan fashion”. Similarly, ten human rights defenders were being prosecuted as of late 2007 following their participation, on December 12, 2007, in a demonstration before the Parliament in Bangkok, to protest attempts by the NLA to pass eight bills undermining civil liberties in Thailand, including the Law on Internal Security.



/ VIET NAM

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Despite having obtained several marks of international recognition, especially with its entry into the World Trade Organisation (WTO), its election to the United Nations Security Council, its removal from the American list of “Countries of Particular Concern” with respect to religious freedom and its hosting of the Asia-Pacific Economic Cooperation Summit (APEC) in November 2006, the Vietnamese Government nevertheless pursued its policy of repression of dissident voices in 2007. Particular targets are activists who demand political reforms that would enable a real protection of human rights and the establishment of democracy: religious leaders, trade union members, independent journalists, peasant farmers who protest against the enforced expropriation of land, and university members whose actions attempt to challenge the monopoly of the Vietnamese Communist Party.

A particularly restrictive legislative environment that is hostile to all human rights activity

Criminalisation of human rights activities

In spite of the recommendations of the UN Human Rights Commission (2002), of the Special Rapporteur on religious intolerance (1998) and the Working Group on Arbitrary Detention (1994), Viet Nam continues to criminalise human rights activities on the basis of Criminal Code articles that include particularly vague crimes such as “preventing the implementation of solidarity policies” (Article 87 of the Criminal Code), “profiting from democratic freedom to threaten State interests” (Article 258), “spying” (Article 80), or “conducting propaganda against the Socialist Republic of Viet Nam” (Article 88), which entail extremely heavy prison sentences. The Vietnamese authorities have again this year arrested several human rights defenders. Mr. **Nguyen Van Dai**, a lawyer, pro-democracy activist and founder of the Viet Nam Human Rights Committee, was thus sentenced on May 11, 2007 to

five years in prison for “conducting propaganda against the Socialist Republic of Viet Nam”. As for Father **Nguyen Van Ly**, he was sentenced on March 30, 2007 to eight years in prison on the same charges¹.

Furthermore, although, at the end of March 2007, Viet Nam strongly repealed Decree 31/CP on “administrative detention”, the authorities continue to arrest defenders and assign them to house arrest without trial, on the grounds of Ordinance 44 on “Regulation of Administrative Violations” which came into force on October 1, 2002 and fulfils the same function as the Decree, additionally permitting dissidents to be placed in psychiatric hospitals.

Obstacles to freedom of association

No truly independent NGO, association or free trade union exists in Viet Nam. There is only one official, party-controlled trade union, the Viet Nam General Confederation of Labour, which serves mainly to repress any strike movement.

Moreover, international NGOs may only operate in Viet Nam if they have Government approval and work under its control. In 2006 for instance, the Observatory was not permitted to carry out an international fact-finding mission and was forced to send mission investigators unofficially².

1./ To that extent, the Presidency of the European Union expressed its concern “that several peaceful human rights defenders [**Father Nguyen Van Ly**, and Messrs. **Nguyen Phong**, **Nguyen Binh Thanh**, **Nguyen Bac Truyen**, **Huynh Nguyen Dao**, **Le Nguyen Sang**, **Nguyen Van Dai**, **Le Thi Cong Nhan**, **Tran Quoc Hien**] have been arrested and given long prison sentences on charges of “conducting propaganda against the Socialist Republic of Viet Nam”” and requested “the government of Viet Nam to release all non-violent political activists who have simply exercised their rights to freedom of expression and association [...]” (See Declaration by the Presidency on behalf of the EU on the sentencing of human rights defenders in Viet Nam, May 15, 2007). Similarly, in its Resolution P6_TA(2007)0359, adopted on July 12, 2007, the European Parliament called for “the immediate and unconditional release of all individuals imprisoned for the sole reason that they have peacefully and legitimately exercised their right to freedom of opinion, freedom of expression, freedom of the press and freedom of religion [...]” and called on “the Government to put an end to all forms of repression of [these] people [...]”.

2./ See Report of the Observatory International Fact-Finding Mission, *Vietnam: Twelve human rights defenders have the floor*, April 2007.

Threats to the freedom of expression: repression of cyber-dissidents

Although the cyber-dissident **Nguyen Vu Binh** was released in June 2007, after being sentenced to seven years in prison in 2003 for publishing articles “of a reactionary character”, including one that was sent to the American Congress and provided evidence of human rights violations, the Vietnamese authorities nevertheless continued their strict control of Internet and severely repress defenders who use Internet to promote human rights and democracy. Thus, six cyber-dissidents who advocate democracy and fundamental freedoms were given prison sentences in May 2007 after being arrested under Article 88 of the Viet Nam Criminal Code, forbidding the dissemination of any “propaganda hostile to the Socialist Republic of Viet Nam”.

Ongoing repression of defenders of religious freedom

In 2007, there was continued, even increased, repression of leaders of the Unified Buddhist Church of Viet Nam (UBCV), a prohibited movement that peacefully promotes religious freedom, democracy and human rights. These leaders include **Thich Huyen Quang** and **Thich Quang Do**, who were more and more regularly subjected to house arrest, summons to police stations, arbitrary arrests, restrictions on their freedom of movement, etc. The members of 20 Provincial Committees of poor provinces, set up to assist deprived populations, were also regularly harassed, interrogated, arrested and threatened so that they resign from the committees in the provinces of Binh Dinh, Thua Thien-Hue, Dong Nai and Bac Lieu in particular.

Similarly, the Vietnamese authorities see the activities of the Khmer Krom monks as a threat to national integrity, in that they regularly inform the international community about violations of religious freedom by the Vietnamese regime. On November 8, 2007 for instance, Mr. **Tim Sa Khorn**, a Khmer Krom bonze and member of the Unrepresented Nations and Peoples’ Organisation (UNPO), was brought before the People’s Court of Justice of the An Giang Province, Southern Viet Nam, to be tried for “sabotaging the unification policy” under Article 87 of Viet Nam’s Criminal Code. Mr. Tim Sa Khorn was sentenced to one year of imprisonment and denied the right to appeal, in the framework of a trial that took place after four months of incommunicado detention.

Obstacles encountered by defenders of the rights of peasant farmers and workers

The authorities also used repression against peasant farmers who protest against corruption and the confiscation of lands by the State. Indeed, following the ban on demonstrations in front of public buildings (Decree 38/2005), the authorities have systematically made use of violence to control the growing protests of “Victims of Injustice”, i.e. the hundreds of thousands of peasants expropriated from their land by the State with no indemnity or with derisory compensation, and who regularly come from the rural regions to lodge complaints and demonstrate in front of Government buildings in Hanoi and Ho Chi Minh City.

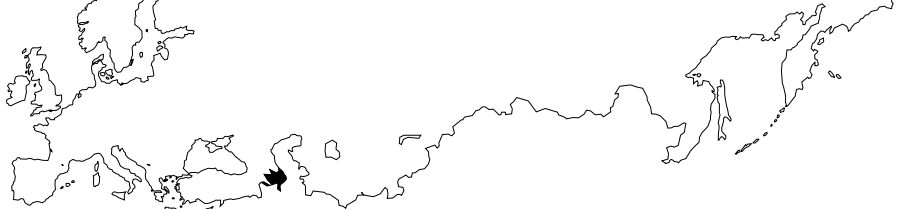
Moreover, since its creation in 2006, the United Workers-Farmers Organisation (UWFO) and its members have regularly been subjected to acts of harassment and some have been forced to carry on their activities secretly³. For instance, Mr. **Tran Quoc Hien** was arrested in January 2007, two days after being appointed UWFO Spokesperson. Four other UWFO leaders who had been arrested in November 2006 were sentenced to several years in prison in December 2007. On May 15, 2007, Mr. Tran Quoc Hien was in turn given a five-year prison sentence for “spreading anti-Government propaganda” and “endangering national security”.

3./ In a country in which trade unions are not authorised, the UWFO, which is not recognised by the Government, works for the protection and promotion of workers' rights, including the right to form or belong to a trade union without Government interference. The organisation also calls for justice for people whose lands or goods have been illegally confiscated by Government officials, and for an end to the use of cheap labour and dangerous working conditions.



/ EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



/ AZERBAIJAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The year 2007 in Azerbaijan was marked by such a serious deterioration of human rights that in August 2007, during a session of the European Parliament Sub-Committee on Human Rights devoted to the European Neighbourhood Policy, the situation of human rights in Azerbaijan was described as “unacceptable” for the European Union¹. In May 2007, the Institute for Peace and Democracy had also called on the Council of Europe to adopt sanctions against Azerbaijan because of the worsening situation of human rights in the country.

The situation of prisons in Azerbaijan has remained a matter of particular concern. In April 2007, the Parliamentary Assembly of the Council of Europe thus adopted Resolution No. 1545 on Azerbaijan’s compliance with its obligations, which emphasised the “persistent allegations of torture and poor treatment perpetrated mainly by law enforcement officials during police custody or preliminary investigation”², a practice which remains largely unpunished. In June 2007, 38 inmates of the Qobustan prison who were previously sentenced to death carried out a hunger strike to alert the authorities on their detention conditions and to demand the implementation of the resolution, which also calls on the authorities to review the detainees’ sentences on a case-by-case basis. On November 18, 2007, Ms. Faina Kungurova, 33 years old and a member of the Democratic Party of Azerbaijan, was found dead at the central prison hospital, where she had been admitted a month before. Her death would have been caused by malnutrition.

1./ See August 27, 2007 hearing of the European Parliament Sub-Committee on Human Rights, during which the issue of human rights in Azerbaijan was raised, among other issues.

2./ See Resolution No. 1545 (2007) of the Parliamentary Assembly of the Council of Europe, April 16, 2007.

In 2007, freedom of expression has also been particularly restrained: pressure on the media intensified and several independent journalists who were critical of President Aliiev's administration were sentenced to long prison sentences for "defamation," "encouraging terrorist acts" or even "hooliganism." In this regard, Mr. Miklos Haraszti, the OSCE Representative on Freedom of the Media, reminded President Aliiev during his visit to Azerbaijan in April 2007 that Azerbaijan sadly held the record for the number of imprisoned journalists among OSCE countries, and called for a moratorium on criminal convictions of journalists. In response, the President included in his Presidential Pardon Decree the names of five journalists sentenced in 2006 and 2007. The Council of Europe and OSCE welcomed this gesture indicating, however, that other journalists should also be released.

Improvement in the legislative environment surrounding human rights defenders' activities

Although the human rights situation remains particularly preoccupied in the country, progress has been observed in 2007 in terms of legislation and institutional reform. In December 2007, the creation of a Council of State support to NGOs was announced. It will consist of 11 members, including eight NGO representatives and four persons appointed by the President. Each member of the Board will oversee a special theme on human rights. It remains to be seen whether the institution will have genuine independence and be given concrete means to improve the situation of human rights.

On December 15, 2007, the Venice Commission of the Council of Europe discussed the draft amendments to the Azerbaijani law on freedom of assembly and agreed that the draft contained a number of significant improvements that will enable this law, if passed, to conform to European standards. The Commission nevertheless stressed that "due implementation of the law will then be crucial"³.

However, NGOs still face difficulties in obtaining registration: in 2007, the European Court of Human Rights examined five complaints filed by several NGOs, including a housing organisation in Baku, which

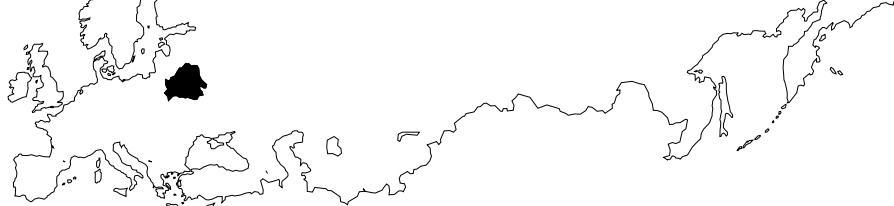
3/ See Opinion on the draft amendments to the law on freedom of assembly of Azerbaijan, adopted by the Venice Commission at its 73rd plenary session, Venice, December 14-15, 2007.

filed suit against Azerbaijan because of refusal of registration. One complaint was declared admissible, two complaints led to the conviction of Azerbaijan, the fourth case was settled out of court and one case was dismissed because of the death of the complainant.

Increased repression against defenders of freedom of expression

Attacks on freedom of expression intensified in 2007 and human rights defenders who denounced the repressive measures used against independent journalists were regularly pressured. For example, in December 2007, the police raided the office of the Resource Centre on Human Rights, the only human rights NGO that exists in the autonomous Republic of Nakhichevan. This raid was linked to the arrest of Mr. **Ilgar Nasibov**, the husband of the chairwoman of the Centre, Mrs. **Malakhat Nasibova**, and correspondent for *Radio Free Europe / Radio Liberty*, who was accused of defamation against the police. The police seized the computers and all the working documents of the Centre. After a wave of protests in Azerbaijan and abroad, Mr. Nasibov was released in December 2007. Throughout the year, members of the Institute for Reporter Freedom and Safety (IRFS), a media-monitoring organisation, have been subjected to acts of reprisal by the police and security services.

Demonstrations for freedom of the press have also been violently dispersed in a systematic manner by the police. On June 14, 2007, nearly 50 journalists demonstrated in Baku to protest against the pressure of the authorities on the press. One person was wounded during the intervention of the police.



/ BELARUS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, the authoritarian regime of President Aleksandr Lukashenko continued to repress all those who fight for democracy and respect of human rights in Belarus. According to the Human Rights Centre “Viasna”, 617 people were arrested and prosecuted for having participated in demonstrations. As in 2006, many demonstrations were violently repressed, and demonstrators were beaten by the police and then arrested. In addition, the Belarusian authorities did not hesitate to dismiss or exclude several defenders from the universities.

Freedom of expression was also hindered and the authorities repressed political opponents, in particular through administrative arrests followed by sentences of several days of imprisonment. Furthermore, several political opponents continued to serve long prison sentences.

Impunity remains widespread, particularly with regard to the lack of progress concerning the investigations into the disappearances of political opponents in 1999-2000¹, and the possible involvement of high-ranking State officials in these activities. Furthermore, after the adoption of sanctions in April 2006, which were motivated by massive violations of human rights and the rule of law in Belarus – in particular after a referendum to amend the 2004 Constitution to allow the President to run for a third term – the serious irregularities which marked the 2006 elections and also the alarming situation of political opponents, the European Union extended sanctions in April 2007 against several Belarusian officials by extending a ban on

1./ Mr. Viktor Gontchar, a politician member of the opposition, and Mr. Anatoli Krassovsky, a businessman, disappeared on September 16, 1999. Mr. Yuri Zakharenko, former Minister of the Interior who joined the opposition, was abducted on May 7, 1999, and Mr. Dmitry Zavadsky, journalist and former cameraman for President Lukashenko, disappeared on July 7, 2000.

their access to European territory and by freezing their funds. Similar sanctions were also taken by the United States.

Belarus remains the last country in Europe to impose the death penalty. While the number of convictions and executions has not been made public, communications from the Department of Justice suggest that, in 2007, at least four people were sentenced to death.

Finally, political control over the institutions is almost absolute, and the judiciary and legislature are entirely subordinate to the executive branch. Moreover, the Committee on State Security (KGB) closely follows the activities of NGOs under the pretence of “state ideology,” a doctrine that is taught in universities and is even imposed on businesses. In this context, the promotion of democratic values by Belarusian defenders has generally earned them accusations of bias by the authorities, who tend to present their actions as being “politically motivated”.

Continued refusal to legal recognition of human rights organisations

In 2007, the Belarusian authorities continued to refuse the registration of human rights organisations, thus maintaining them in a situation of illegality. This considerably reduces the scope of these organisations and compromises their effectiveness. Moreover, the absence of registration leaves open the possibility that members of these NGOs be threatened with criminal prosecution at any time for “working within the framework of an unregistered organisation” (Article 193 of the Criminal Code). In 2007, the Belarusian Helsinki Committee remained the only human rights NGO to have a legal status. Registrations were rejected under false pretences, as was the case with the association “Liquidator”, which defends the rights of the persons employed to seek remedies after the Chernobyl disaster who were subjected to radiations in the framework of their job, as well as the “For Freedom” association.

More generally, Belarusian authorities have continuously failed to comply with their obligations under the international human rights instruments that they have ratified. In July 2007, the United Nations Committee on Human Rights examined the case of the Human Rights Centre “Viasna”, which was dissolved in 2003, and urged the Belarusian authorities to register the organisation and to take action to stop viola-

tions of freedom of association². Despite this decision, the Department of Justice refused to re-register Viasna in August 2007, a decision that was upheld on appeal by the Supreme Court in October 2007.

Preventive arrests on the eve of protests: a new legal “weapon” against human rights defenders

As in 2006, the situation of human rights deteriorated in 2007, both on the occasion of local elections in January 2007 and during major protests. The year 2007, however, has been marked by the use of a new method of repression against human rights defenders: preventive arrests of supporters on the eve of protests, followed by short-term sentences of detention, which seriously hampered their activities in observing these events. In January 2007, Mr. **Pavel Levinaù**, a member of the Belarusian Committee of Helsinki, was arrested on the eve of local elections; he was a key organiser of the observation campaign in Vitebsk. Similarly, on the eve of demonstrations on March 25, 2007 to celebrate the anniversary of the proclamation of the People's Republic of Belarus, Mr. **Vladimir Vialitchkin** and Mr. **Valery Poutitsky**, members of Viasna, were arrested in Brest and Retchitsa, respectively. They were placed in preventive detention, charged with “hooliganism” and fined. In October 2007, on the eve of the “European March” demonstration in support of Belarusian solidarity with European countries, calling for greater respect for human rights, numerous people were arrested, including members of Viasna, the “For Freedom” association, and the Polish Union of Belarus. All of these preventive arrests were followed by administrative sentences.

Ban on demonstrations in support of human rights

Freedom of assembly in Belarus continued to be severely hindered, as the authorities systematically prohibited demonstrations under false pretences, generally by evoking the difficulty to “maintain public order”. In August 2007, authorities in Grodno forbade Mr. **Raman Yourgel** and Ms. **Sviatlana Roudkoùskaïa**, members of the Belarusian Helsinki Committee, to organise a demonstration for the release of political prisoners. Besides, on September 23, 2007, the local branches of Viasna in Baranovichi, Vitebsk, Brest and Orsha were denied the right to

2./ See Communication n°1296/2004 of the United Nations Committee on Human Rights, July 24, 2007.

organise a celebration of the anniversary of the Universal Declaration of Human Rights.

Administrative sentences

While in 2006 many defenders were sentenced to imprisonment by criminal courts, no Belarusian defender was sentenced in 2007, as these convictions were doubtlessly considered too high-profile and thus guaranteed to evoke strong reactions from the international community. The strategy therefore focused on using articles of the Administrative Code against defenders, such as those relating to “hooliganism”, “abuse in a public place” or “insulting a state officer”. Consequently, the overwhelming majority of arrests of defenders in 2007 were followed by fines and sentences of imprisonment not exceeding 15 days, with the majority of accusations entirely fabricated, and a conviction based solely on testimony from the police officers who had arrested these defenders.



/ GEORGIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, Georgia experienced the most important political upheavals since the “Rose Revolution”, a popular movement which resulted in the regime change of 2003. These changes resulted in a negative impact on the overall situation of human rights.

The power of President Mikhail Saakashvili was contested because of his inability to carry out genuine democratic reforms and combat corruption, instrumentalisation of justice and police violence. Economic and social inequalities further increased because of the dire situation of the economy, which deteriorated following the economic blockade imposed by Russia in 2006.

Popular discontent reached a peak in September 2007, when former Defence Minister, Mr. Irakli Okruashvili, accused President Mikhail Saakashvili and his staff, without providing evidence, of being responsible for several crimes, including the assassination attempt against Georgian billionaire Mr. Badri Patarkatsishvili, owner of the largest opposition channel *Imedi*. These arguments were supported by the opposition, which organised large demonstrations on November 2, 2007 in Tbilisi to demand the resignation of the President and to call for early presidential elections. On November 7, police forces dispersed a demonstration of several thousand people with water cannons and tear gas, resulting in hundreds of casualties. Several journalists filming the police repression were severely beaten and their equipment was seized. The President declared a state of emergency and suspended several independent media groups, including *Imedi*, whose offices were raided by the police, equipment destroyed, and journalists beaten.

The state of emergency was lifted on November 16, 2007. On November 25, President Saakashvili resigned in order to campaign for future elections, leaving Mrs. Nino Burdjanadze, President of the Parliament, in charge of the interim.

In 2007, no progress was observed relating to the status of the separatist republics of South Ossetia and Abkhazia. Nearly 2,000 Russian peacekeepers continued to be stationed in Abkhazia, which has worsened the already tense relations between Russia and Georgia¹. In August 2007, a new political crisis erupted between the two countries regarding the discovery in a region near Ossetia of a missile that was likely dropped by a Russian aircraft flying over the area.

Police violence against defenders during the dispersal of demonstrations

Several Georgian human rights defenders who witnessed the many protests Georgia experienced in 2007 were victims of police violence. For example, on November 7, 2007, the Georgian Ombudsman, Mr. **Sozar Subari**, and a member of his staff were beaten by the police during the dispersal of the demonstration while trying to protect demonstrators from police violence.

Lawsuits against defenders who denounced the instrumentalisation of justice

The human rights defenders who denounced the instrumentalisation of Georgian justice and challenged Court decisions have become the subject of judicial proceedings. On March 19, 2007, Mr. **Jaba Jishkariani**, a member of the Egalitarian Institute, was arrested and sentenced to 30 days in prison for “contempt of court”, after having protested in a juvenile court against the conviction of a minor to seven years in prison, despite the protests by UNICEF that this sentence was too heavy. Similarly, on June 12, 2007, the police arrested Mr. Jaba Jishkariani, Mr. **Davit Dalakishvili** and Mr. **Levan Gogichaishvili**, also members of the Egalitarian Institute, when they called for the release of political prisoner Mr. Irakli Batiashvili. They were charged with “violation of public order” and “resisting arrest”, and sentenced to 25 days in detention.

1./ Since the independence of Georgia in 1991, relations between Russia and Georgia have been precarious. In 1998, Georgia left the Security Convention of the Commonwealth of Independent States and requested to join NATO in 2002. In 2006, after Georgia dismissed four Russian diplomats accused of espionage, Russia halted deliveries of gas, blocked importation of Georgian products and began mass deportations of people with Georgian origin who were residing in Russia.



/ KAZAKHSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, Kazakhstan carried out political reforms that aimed primarily at giving a democratic appearance to this key-partner of western countries in the field of energy. In reality, these reforms further strengthened the personal power of President Nursultan Nazarbayev. On May 18, 2007, the Parliament passed a constitutional amendment reducing the presidential term of office to two consecutive five-year terms, but stipulating that this limitation does not apply to the “first President of Kazakhstan”, in power since 1989. The few demonstrators who dared to protest against the indefinite presidency of Mr. Nazarbayev were arrested by the police. On June 18, 2007, a constitutional amendment was passed and provides that out of 107 deputies of the Lower House, 98 shall be elected by proportional representation. This should promote pluralism in theory, but in practice, opposition parties have experienced many setbacks. On the one hand, political parties Alga and Ata Meken were unable to obtain their registration. On the other hand, the Parliament approved an amendment banning political parties to form electoral alliances, when two opposition parties, Naghyz Ak Zhol and the Social Democratic Party, had just announced their intention to work together to increase their chances to be represented in Parliament. On June 20, 2007, the President dissolved the Parliament and moved forward the date of the legislative elections – scheduled to take place in 2009 – to September 19, 2007. The party Nour Otan, led by President Nazarbayev, won 88.4% of the vote and all the seats in Parliament.

In 2007, violent inter-ethnic conflicts erupted in several parts of Kazakhstan, as happened between people of Kurdish origin and Kazakhs in the south or between Chechens and Kazakhs in the village of Malovodnoe.

As in the past, corruption in the high echelons of power and presidential nepotism remain major problems. Finally, despite the situation of human rights and the fact that since 1989 no Kazakh election has

been recognised by the OSCE as free and democratic, Kazakhstan's bid was chosen for the presidency of the organisation in 2010.

An unfavourable environment for human rights activities

If human rights NGOs are not directly targeted, they at least conduct their activities in a particularly difficult context in Kazakhstan. Restrictions on fundamental freedoms considerably hamper their ability to work. Numerous violations of freedom of expression have been recorded, especially during the election campaign, such as unequal access by candidates to the media, the overwhelming majority of which is controlled by the family of the President or his followers, as well as obstruction of websites, or pressure on independent journalists. Freedom of peaceful assembly was also flouted: according to the Centre for Social Technology, a sociological research centre that was established in 2005 and specialises in opinion polls, 96% of demonstrations that took place in 2007 in Kazakhstan were not authorised by the authorities.

On March 30, 2007, Ms. **Oralgaisha Jabagtaikyzy**, Director of the anti-corruption department of the newspaper *Law and Justice*, disappeared after having published an investigation on the inter-ethnic conflict in Malovodnoe and on the connections between people involved in this matter with representatives of the State and large businesses.

One case of prosecution against an NGO has been brought to the attention of the Observatory in 2007, that of the Association of Prison Services, which provides humanitarian aid as well as psychological and material assistance to the families of prisoners and former prisoners. On August 24, 2007, representatives of the National Security Committee searched the office of the organisation and seized all documents and computers, which completely paralysed its work. A search was also conducted at the home of Mr. **Andrey Sadoyan**, Executive Director of the organisation.



/ KYRGYZSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The political crises that have taken place in Kyrgyzstan since the “Tulip Revolution” of May 2005 continued in 2007. The confrontation between President Kurmanbek Bakiev and Parliament led in particular to a series of constitutional reforms¹. After innumerable cabinet reshuffles, a new “national union” Government was formed in April 2007, but several opposition leaders refused to join it. During the month of April, large demonstrations broke out in Bishkek, challenging the President’s actions and calling for democratic reforms. They were put down by the police, and a number of defenders and political opponents were arrested.

On June 28, 2007 the President approved the changes to the Criminal Code, and the abolition of the death penalty which had been promised in the aftermath of the “Tulip Revolution” came into force. The Kyrgyz human rights defenders welcomed the step forward, but drew the attention of the Government to the bad conditions of detention and the endemic practice of torture in prisons.

On October 21, 2007, new versions of the Constitution and the Electoral Code were adopted by a referendum, which results were contested by the international observers². The changes brought to the Electoral Code two months before the parliamentary elections were clearly aimed at weakening the opposition and limiting its representation in the future Parliament. At the same time, a new presidential party, Ak Jol, appeared on the scene, and State funds allocated to the organisation of the elections were to a large extent used to promote the new party.

1/ The Constitution adopted on December 9, 2006, which proclaimed the Republic to be presidential and parliamentary, was immediately replaced on December 30, 2006, by a new version reinforcing the President’s authority.

2/ The OSCE observation mission stated in particular that “the parliamentary elections in Kirghizstan fell short of many international standards”. See Statement on the preliminary conclusions of the OSCE observation mission, December 17, 2007.

In addition, during the electoral campaign, several members of opposition parties and a number of NGO representatives stated that they had been subjected to pressure and intimidation on the part of the authorities; they also denounced unequal access to the media.

On December 16, 2007, Ak Jol obtained 71 seats out of 90, the Communist Party supporting the President eight seats, and the Social Democratic Party, representing the moderate opposition, 11 seats. The opposition party Ata Meken, despite scoring 8.29% of the vote, is not represented, as it obtained less than 0.5% in the Och agglomeration. The election results were contested by the opposition, which organised protest demonstrations in the capital, during which several members of the opposition, human rights defenders and journalists were arrested.

Difficulty in denouncing acts of torture, ill-treatments and corruption

As in 2006, denouncing torture and corruption in Kyrgyzstan remained a dangerous activity in 2007, with the possibility of acts of reprisal. Following such denunciations, human rights defenders have been prosecuted, with campaigns of harassment by the police during investigations, as was the case throughout the year for Ms. **Valentina Gritsenko**, President of the “Spravedlivost” (“Justice”) NGO in Djalal-Abad, who had denounced the practice of torture by the police. Ms. **Arzykan Momuntaeva**, Director of the Talas regional office of the Coalition for Democracy and Civil Society, and Ms. **Lira Tantabaeva**, a member of the Women’s Movement and leader of the “Ayalzat” NGO, were arrested on May 26, 2007 and charged with “organisation of mass disturbances”, “use of force against a State official” and “attack on the life of a State official”, after they had denounced illegal practices on the part of local authorities and multinational corporations extracting gold in the area. The charges against them were subsequently dropped.

Defenders were also subjected to physical violence. For instance, on August 10, 2007, Ms. **Aziza Abdirasulova**, President of the Human Rights Centre “Kylym Shamy”, who took part in the first trial of police officers charged with torture, was attacked and hit by a group of women on leaving the court, with the police observing the scene with indifference. Likewise, on April 6, 2007 unknown persons attacked with stones Mr. **Ramazan Dyrlydaev**, president of the Kyrgyz Committee for Human Rights (KCHR), who had denounced corruption and accused

State leaders of being involved in such practices. In October 2007, unknown persons attempted to set fire to the KCHR office.

Harassment of defenders of political and social rights by the special services

In 2007, representatives of the special services carried out multiple inspections of and “visits” to NGOs which denounce violations of political and social rights. Kyrgyz defenders belonging to the “For Reforms” movement, who strive to promote the democratisation of society, have thus aroused the “special interest” of the special services; such was the case for instance of Ms. **Asia Sasykbaeva**, Director of the “Interbilim” Centre, and of Ms. **Cholpon Djakupova**, Director of the “Adilet” legal clinic, both of them being activists in the “For Reforms” movement.

Legislative obstacles to freedom of assembly and reprisals against demonstrators

The large number of protest demonstrations during 2007 led the authorities to multiply obstacles to peaceful gatherings. In November 2007, the Bishkek Town Council adopted restrictive regulations identifying the three places in the city where demonstrations would be allowed. Such a decision is contrary to the Constitution and to the ruling by the Supreme Court in 2004, stipulating that no agency could limit the right to peaceful assembly. The Coalition for Democracy and the civil society challenged the decision before the inter-district court in Bishkek.

Furthermore, human rights defenders charged with observing demonstrations have also become the victims of police violence and arbitrary arrests. In July 2007, just before the summit of the Shanghai Cooperation Organisation, the police dispersed a demonstration demanding the respect of the rights of the Uyghur minority organised by the “Democracy” NGO. The President of the organisation, Mr. **Tursun Islam**, and his son were arrested. Likewise, during the December 18, 2007 demonstration contesting the election results, 18 human rights defenders representing most of the Kyrgyz NGOs were arrested by the police and accused of disrupting “law and order by holding demonstrations”. Two days later, during another demonstration, Mr. **Maxime Kuleshov**, a member of the human rights NGO “World – the Light of Culture”, was arrested and beaten by the police.



/ RUSSIAN FEDERATION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In the Russian Federation, 2007 was marked by the perpetuation of a political system dominated by President Vladimir Putin and the ruling party, United Russia, which won the regional elections on March 11 and the general elections on December 2, 2007. The latter turned into a plebiscite, especially after the State Duma adopted an electoral system jeopardising the opposition's chances of being elected to Parliament (general application of the list system and an increase of 7% of the threshold percentage for representation), while the opposition parties and the NGOs were subjected to harassment. While no proper OSCE observation mission was able to follow the electoral campaign, and both the European Union¹ and OSCE criticised the way the elections were held, in particular because of the acts of harassment against members of the opposition and NGOs, the Russian authorities responded in a particularly aggressive manner to repeated criticism by the West, making no effort to avoid confrontation.

Furthermore, the deterioration of the human rights situation continued relentlessly all along 2007: the obstacles to freedom of the press carried on, the problem of the independence of justice did not diminish, demonstrations by the opposition were systematically put down and attacks against NGOs by the authorities multiplied. The level of violence remained very high, and the number of racist crimes continued to increase². Torture and ill-treatment in police stations and detention centres as well as in the army were still routine practice, and the impunity of the authors remained flagrant. The situation in Chechnya remained very worrying, mainly because of total impunity for past

1./ See Statement by the Presidency on behalf of the European Union, Brussels, December 5, 2007.

2./ According to the SOVA Centre, from January 1 to September 30, 2007, 230 racist attacks were registered (against 180 in 2006), concerning 409 persons, of whom 46 died as a result of the attacks.

crimes, the rule of arbitrariness, and the economic and social situation. Chechnya continued to witness massive, repeated and extremely serious human rights violations, with very little recourse possible. These trends spread to the North Caucasus, in particular Ingushetia and Dagestan.

In 2007, Russia was the country with the second largest number of judgments issued against her by the European Court of Human Rights (ECHR). The Russian authorities however persist in considering that the Court's decisions are primarily "political"³, and their implementation has never gone beyond compensation for the victims. Furthermore, the decisions have had no effect on national case law, and the Russian authorities have never genuinely accepted the consequences of the rulings issued. In addition, Russia persists in refusing to ratify Protocol 14 of the ECHR, which would accelerate the treatment of claims.

Stigmatisation of NGOs by the authorities and harassment by the State administrative services

In 2007 the authorities maintained their hostile attitude towards NGOs, whose activities were presented as being primarily political, mainly financed by the West, thereby serving foreign interests, and consequently constituting a threat to the State. In November 2007, President Putin went so far as to declare that those opposing the regime (in a context in which human rights defenders are often assimilated to political opponents) were "jackals" prowling "around foreign embassies"⁴.

Such hostile rhetoric was accompanied by practical measures designed to marginalise NGOs and to multiply obstacles against the creation of new associations. In December 2007, the Russian Civic Chamber initiated the creation of the Movement for the Defence of Human Rights "Man and the Law", whose ambition is to replace independent human rights NGOs, whose "dissident methods and appeals to the West" are considered to be out of date.

3./ See Statement by Mr. Vladimir Putin during the visit of the President of the Parliamentary Assembly of the Council of Europe, Mr. René van der Linden, in Moscow, January 11, 2007.

4./ See President Putin's speech at the Forum of Supporters on November 21, 2007.

In addition, in 2007 the Federal Registration Service (FRS) waged a full-scale offensive against human rights organisations, by multiplying the obstacles to the registration of new associations and by carrying repeated inspections of existing organisations. Such inspections have on several occasions paralysed the NGOs, obliging them to provide innumerable documents relating to all aspects of their activity. Some FRS inspections included a financial audit, a tax inspection or an inspection by Labour ministry officials, etc. Minor procedural violations were used by the FRS to issue “warnings”, to initiate administrative proceedings or to suspend the activities of the organisation. For instance, in June 2007, the Regional Court of Nizhny-Novgorod called for the removal from the official FRS register of the International Youth Human Rights Movement (YHRM) for “absence of activities”. Following inspections which were carried out in August and September 2007, the FRS accused the human rights organisation Citizen’s Watch and the environmental organisation “Bellona” of signing “false” commercial contracts and of evading taxes. The FRS considers that the mention of a donor’s name is advertising, and therefore accused the NGOs of developing a commercial strategy, which is forbidden.

Using the Law on the fight against extremism to silence NGOs

The restrictive application of the Law on NGOs and the multiplication of inspections were accompanied in 2007 by the selective application of anti-extremist legislation. The charge of engaging in extremist activities continued to serve as a legal facade for repressing organisations whose activities disturbed the authorities, while at the same time numerous extremist groups were able to preach violence and racial hatred without hindrance. In January 2007, for instance, the Supreme Court confirmed the decision of the Regional Court of Nizhny-Novgorod to close down the Russian Chechen Friendship Society (RCFS). Also, on December 24, 2007 the General Prosecutor of the capital of Ingushetia lodged a complaint for “extremism” against the Voice of Beslan association, formed by the mothers of the children killed during the assault following the hostage-taking in the Beslan school (North Ossetia), in September 2004⁵.

5./ Early 2008 the association was closed down by a court decision.

In 2007 the anti-extremist legislation was further strengthened with the adoption on July 6, 2007, by the State Duma, of amendments to the Federal Act “on Countering Extremist Activities”, which in particular facilitate wire-tapping, broaden the definition of extremist crimes and ban the media from issuing any information on organisations considered to be “extremist”.

Legal proceedings against the NGOs that observed the elections

As the OSCE had not been able to carry out an election observation mission, the local NGOs were the only independent observers able to follow the electoral campaign and denounce irregularities during the December 2, 2007 general elections. The day before the elections, the members of The Voice, an association comprising 281 NGOs with sections in 40 Russian regions for observing the elections, were subjected to unprecedented pressure on the part of the authorities. In Krasnoyarsk, the members of The Voice were summoned individually to the Interior Ministry Department. In Orel, Mr. **Dmitri Kraïukhin**, a member of The Voice, was arrested and accused of “hooliganism” and sentenced to a fine. On December 5, he was further charged for having disturbed the work of a polling station, where he had noted several procedural violations. In Irkutsk, the media engaged in a smear campaign against members of The Voice. In Samara, legal proceedings were initiated in May 2007 against Ms. **Ludmila Kuzmina**, President of the regional section of The Voice, who was accused of having used pirated computer programmes. The association offices remained closed for three months.

Violent repression against defenders denouncing human rights violations in the North Caucasus

Persons daring to denounce enforced disappearances, abductions, acts of torture, extrajudicial executions and the impunity of their authors in the North Caucasus are exposed to extremely violent reprisals. For instance, in November 2007, Mr. **Farid Babaev**, a human rights defender in Dagestan and head of the regional list of the opposition party Yabloko, was shot dead. Also, in Ingushetia, during the night of November 23 to 24, 2007, Mr. **Oleg Orlov**, Chairman of the “Memorial” Human Rights Centre, and three journalists covering an opposition demonstration were abducted, beaten and threatened with death by armed men wearing masks.

Aggressions against defenders fighting racism and xenophobia

In 2007, Russia continued to face serious problems of racism, for which the authorities bear some degree of responsibility. As Mr. Doudou Diène, United Nations Special Rapporteur on Contemporary Forms of Racism, pointed out, racist and xenophobic discourse is not only used by extremist parties but also by mainstream parties⁶. The way in which racist and xenophobic language has become part of everyday life has contributed to the increase in the number of racist crimes and aggressions. Human rights defenders denouncing racism are also subjected to physical attack on the part of extremist groups, who enjoy total impunity. In June 2007 for instance, Mrs. **Valentina Uzunova**, a lawyer, member of the “Russia Without Racism” NGO and an expert on racial issues and hate crimes, was attacked in St. Petersburg by an unknown woman dressed in camouflage. The assault took place on eve of a hearing in which Mrs. Uzunova was to appear as an expert witness against Mr. Vladislav Nikolsky, charged with “incitement to change the constitutional order” and racial hatred.

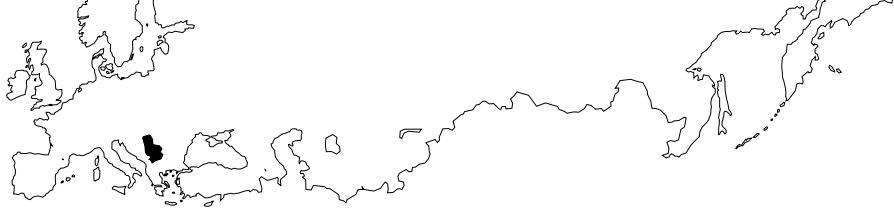
Police repression against demonstrators

In 2007, there continued to be serious obstacles to the freedom of peaceful assembly, with frequent arbitrary arrests and use of force against demonstrators. Numerous demonstrations were dispersed by the police in all regions of the Russian Federation. Police repression mainly targeted political demonstrations, like when force was used against participants in the “Marches of Dissent”⁷, which took place in several cities. On April 14, 2007, police special intervention forces violently repressed the March in Moscow, and several demonstrators were severely beaten up or arbitrarily sentenced to administrative detention. Likewise, during the March organised on November 25, 2007 in St. Petersburg, which had not been authorised by the authorities, Ms. **Elia Polyskova**, President of the Soldiers’ Mothers of St. Petersburg,

6./ See Comprehensive Study by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the 5th session of the United Nations Human Rights Council, United Nations document A/HRC/5/10.

7./ Name given to the demonstrations organised on December 16, 2006 and April 14, 2007 in Moscow, on March 3 and April 15, 2007 in St. Petersburg and on March 24 in Nizhny-Novgorod by the United civic front, a coalition of various opposition movements. Numerous human rights defenders took part in the marches.

was detained for 11 hours and accused of “participation in an unauthorised demonstration” and “rebellion against the police”. In December 2007, she was sentenced to a fine of 500 roubles for “participation in an unauthorised demonstration”.



/ SERBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The new coalition government formed in May 2007 by Mr. Vojislav Kostunica's Democratic Party of Serbia (DSS, nationalist), with President Boris Tadic's Democratic Party (DS, reformist) and Mr. Mladjan Dinkic's G17 Plus (neoliberal), firmly committed to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) and to take concrete measures to that end. In that respect, General Zdravko Tolimir, one of the most wanted war criminals, was arrested on May 31, 2007, and transferred to the ICTY. Following the arrest, and although Mr. Mladic and Mr. Karadjic are still at large, it has been possible to resume negotiations with the European Union on the possible accession of Serbia, which had been interrupted in May 2006 due to the lack of cooperation on the part of Serbia. However, defenders who denounce war crimes committed during the 1990s are still subjected to attacks and harassment, in a society that is increasingly divided over the question of transitional justice and cooperation with the ICTY.

Furthermore, ethnic tensions in Serbia are still very present, and sometimes lead to outbursts of violence. Such a situation fuels nationalist sentiments among the various communities, which hinders the work of all the women and men who denounce acts of discrimination and who work for the defence of human rights in Serbia. In addition, at the end of 2007, the question of the status of Kosovo had still not been settled. The last session of the United Nations Security Council in 2007, on December 19, came to an end without reaching an agreement, whereas Kosovo was threatening to make a unilateral declaration of independence, and the stability of the country was still extremely precarious.

Overall less repressive environment, but more targeted repression

Following her visit to Serbia in September 2007, the Special Representative of the UN Secretary-General on the situation of human

rights defenders, Ms. Hina Jilani, noted that “attacks against human rights defenders have reduced in number and the environment is generally less repressive”¹. In particular, draft legislation on associations was drawn up in consultation with the civil society organisations, in view of a submission to Parliament in 2008. Although the draft taken as a whole is a positive step, the text contains certain provisions that could lead to an excessively intrusive degree of State control over NGO activities.

Many defenders are still the target of attacks, in particular those working on war crimes and transitional justice, on national minorities and on the rights of lesbian, gay, bisexual and transsexual. Defenders are particularly vulnerable in rural areas far from the capital.

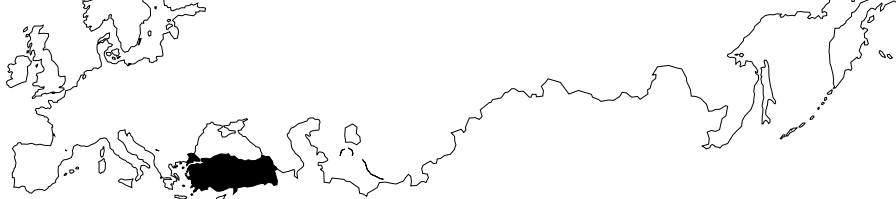
Acts of reprisal against defenders denouncing war crimes

In 2007, defenders investigating war crimes so that justice be done for victims, and who seek to promote transitional justice, continued to be accused of being “non-patriotic” by extreme right-wing groups and certain branches of the Serbian authorities. They are therefore a privileged target for attacks. On April 14, 2007 for instance, unknown persons attempted to assassinate Mr. **Dejan Anastasijevic**, an independent journalist, by throwing a bomb into his bedroom. Mr. Anastasijevic is known for his investigations into war crimes and into the illicit activities of the police and secret services.

Attacks by nationalist groups during demonstrations

Human rights defenders fighting against intolerance and for respect for human rights also continue to be subjected to attacks by extreme right-wing nationalist groups, particularly during demonstrations. In October 2007, for instance, some persons who had come to protest against a fascist march in Novi Sad were attacked with stones and bottles by members of an extreme right-wing groups. Likewise, in December 2007, a coalition of NGOs for a secularised State was demonstrating in Belgrade to denounce the increasingly clerical nature of the State and to call for freedom of religion was attacked by extreme right-wing demonstrators bearing badges depicting Ratko Mladic, and chanting slogans against foreigners and homosexuals.

1/ See Statement by the Special Representative of the UN Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, on her visit to Serbia, September 25, 2007.



/ TURKEY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In Turkey, the year 2007 was undoubtedly marked by the murder, on January 19, 2007, of Mr. Hrant Drink, the founder and Editor-in-chief of the weekly newspaper *Agos*¹ and by the fight for justice led by his family and lawyers². Political violence was also manifest when, on April 18, 2007, three people who worked for the protestant publishing company *Zirve* in Malatya had their throats cut. There were several arrests of extreme right-wing nationalists following these murders.

In 2007, vigorous armed conflict continued in the eastern provinces of the country, opposing the armed forces and the forces of the Kurdish Workers' Party (PKK). Many civilian areas were affected, but due to the inaccessibility of these regions, it is difficult to evaluate the consequences. This year the conflict also spread to Iraq, where Turkish armed forces carried out bombings and forays into the territory to fight the PKK. The conflict with the PKK also led to serious restrictions of freedoms of expression and association in particular, thus affecting individuals, the media and organisations defending the rights of the Kurdish population.

The year 2007 was also one of political and institutional crisis during the election of the President of the Republic by the Parliamentary Assembly. Indeed, the election of the sole presidential candidate, the Foreign Affairs Minister Mr. Abdullah Gül, candidate of the Justice and Development Party (AKP), was blocked by the Constitutional Court, which issued its ruling after the parliamentary opposition members decided to boycott the Assembly elections. This decision led to early legislative elections being called and which were held on July 22, 2007,

1./ See Observatory Annual Report 2006.

2./ The trial for his murder began on July 2, 2007 and 18 people were charged.

when the ruling AKP party won, holding 341 of the 550 seats. The Assembly elected Mr. Gül as President on August 28, 2007.

Although democratic expression played its full role in the outcome of this crisis, the persistent, omnipresent influence, even interference of the army in the civil and political life of the country, cannot be hidden. Ten years after the last military *coup d'état*, which until recently was a recurrent practice, Turkey remains marked by the considerable influence of the armed forces in the management of public affairs. The army still possesses broad powers to intervene in the case of the undefined notion of threats to national security, powers which are outside the control of the executive or the Assembly and which, in practice, are open to broad interpretation. The army also interferes in the exercise of freedom of expression and recognition of the rights of minorities, and even in the course of justice.

On the other hand, there have been notable advances in reducing the use of torture and the reduction to four days of the maximum period of detention in police custody, but these advances have proved to be limited in practice. For example, serious human rights violations, especially acts of torture, continue to be carried out with complete impunity by the police in the context of the fight against terrorism³. In addition, the adoption, on June 2, 2007, of amendments to the anti-terrorist law and to the law on the duties of the police and the authorities, risks creating a legal framework that would permit new human rights violations, in that recourse to preventive detention is extended and the police are allowed to open criminal proceedings without the authorisation of the Prosecutor.

Abusive sentencing of human rights defenders who exercise their right of peaceful assembly

In 2007, many human rights defenders were sentenced for taking part in demonstrations calling for greater respect for human rights. On April 4, 2007, nine members of the Confederation of Public Sector Unions (KESK), including Mr. Alaaddin Dinçer and Mr. Emirali

3./ The Human Rights Foundation of Turkey (HRFT) noted that out of 452 people who had sought medical care from the Foundation in 2007, 320 people had stated that they had been tortured by agents of the State, as opposed to 252 in 2006.

Simsek, respectively President and Secretary General of “Egitim Sen”, **Mr. Bülent Kaya**, former President of the Municipality Workers Union (BES), **Mr. Köksal Aydın** and **Mr. Erkan Sümer**, respectively President and Secretary General of the Trade Unions of Public Employees in Health and Social Services (SES), **Mr. Bedri Tekin**, President of the Construction and Roads Workers’ Trade Union (YAPI YOL Sen), **Mr. Özgür Bozdoğan** and **Mr. Abdullah Çiftçi** Presidents of Egitim Sen Ankara Branches n°1 and n°2, and **Mr. Murat Kahraman**, Executive Committee member of Egitim Sen Ankara Branch n° 1, were each given suspended sentences of one year and three months’ imprisonment and a fine of 407 YTL (around 223 Euros), for “violating Law n° 2911 on Public Meetings and Demonstrations”. Proceedings against them had been started following the organisation in Ankara by Egitim Sen of a peaceful teachers’ demonstration that had been violently repressed by the police on November 26, 2005. Similarly, on June 7, 2007, **Mr. Ethem Acikalin**, **Mr. Mustafa Bagcicek** and **Mr. Hüseyin Beyaz**, respectively President, Secretary General and Accounts Secretary of the Adana branch of the Human Rights Association (*Insan Haklari Dernegi* - IHD), were sentenced by Adana Criminal Court n°1 to two years and eight months’ imprisonment for “inciting hatred and hostility” and “praising crime and criminals” (Article 215 of the Criminal Code). They had organised a demonstration in protest against the “Return to Life” campaign in December 2000⁴ calling for punishment of those responsible for the resulting violations of rights.

Legal proceedings against human rights defenders: criminalisation of freedom of expression

Despite the reforms carried out in recent years, the Criminal Code still includes many provisions that are destructive of freedom, particularly concerning the exercise of freedom of expression and freedom of the media⁵. Thus, the year 2007 in Turkey was marked by serious attacks on freedom of expression that seriously hindered human rights defenders in carrying out their activities, despite the fact that President Abdullah Gül announced on October 3, 2007 that he was in favour of amending Article 301 of the Criminal Code. This Article was again

4./ On December 19, 2000, the army had launched the military operation “Return to Life” in 22 prisons simultaneously throughout the country, to put an end to two months of hunger strikes by hundreds of political prisoners, resulting in the deaths of 31 people.

5./ See Observatory Annual Report 2006.

used far too frequently this year against defenders who condemn the human rights violations committed by the authorities. For example, on January 27, 2007, Ms. **Eren Keskin**, former Chairwoman of the Istanbul branch of IHD, was sentenced to six months in prison by the Tunceli Criminal Court of first instance for “denigrating Turkish identity” (Article 301 of the Criminal Code) after giving an interview to a German newspaper in June 2006, in which she had expressed her opinion on the influence of the Turkish army on the Government⁶. Ms. Keskin appealed against this decision and, on October 22, 2007, the Court of Appeal quashed the sentence. A new hearing took place on December 26, 2007 before the Criminal Court of the 3rd District of Kartal, and a second hearing was due to be held at the beginning of 2008.

A great number proceedings are still taken against individuals and sentences are issued for the expression of non-violent opinions, notably on the situation of minorities, including Armenian and Kurdish minorities. As an example, Mr. **Baskın Oran et İbrahim Kaboğlu**, eminent professors and former members of the Human Rights Advisory Board attached to the Prime Minister’s Office, saw the acquittal they had been granted in 2006 by the Ankara Criminal Court overturned in May 2007 by the 8th Chamber of the Appeal Court for having published in 2006 a report entitled *Rights of Minorities and Cultural Rights*, arguing in support of the rights of Turkish minorities. The Court of Appeal ruled that “the discussion of major and minor identity went beyond the limits of freedom of expression” and that “the expressions used had reached the dimension of a danger to society”⁷. They risk a five year sentence for “incitement to racial hatred”. Proceedings were still under way at the end of 2007.

6./ *Idem*.

7/ See Report of the Human Rights Agenda Association, *Turkey: Defend Human Rights Defenders*, March 2008.



/ TURKMENISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Whereas Mr. Gurbanguly Berdymukhammedov, acting President since the death of the Turkmen dictator Saparmurat Niazov on December 21, 2006, promised both continuity and a break line with the regime, and in particular liberal reforms in the field of rights and freedoms, Turkmenistan is still an authoritarian and repressive country. Indeed, Mr. Berdymukhammedov was elected on February 11, 2007 with 89,2% of the vote, a performance worthy of his predecessor. During the election, the Chairman of the Electoral Commission stated that “he would do everything” to ensure that Mr. Berdymukhammedov won the elections¹.

In 2007, the new President introduced some important reforms: he re-established a number of social guarantees, in particular the retirement pensions Mr. Niazov had abolished at the end of 2006, he allowed freedom of circulation within the country, and he improved diplomatic relations, both with the Commonwealth of Independent States (CIS) and with the West.

Yet, these liberal measures seem more to reflect the will to change the outside image of the country than to introduce genuine reforms. As a matter of fact, in 2007 the human rights situation did not improve. The national media are still muzzled, the foreign press is still banned, the Internet is entirely controlled by the special police, and independent journalists are subjected to multiple acts of pressure and harassment. In addition, nothing is known of the fate of the political prisoners sentenced in 2003 for an “attempted attack on the life of President Niazov”, whereas according to certain information, eight of them are said to have died in detention and the others would have been tortured. Lastly, the “black list” of persons banned from leaving the country

1./ See Press Release by *Radio Free Europe / Radio Liberty*, February 14, 2007.

apparently still exists, with 2,000 to 15,000 names, mainly of political and human rights activists.

Observing the human rights situation and denouncing violations: a high-risk activity

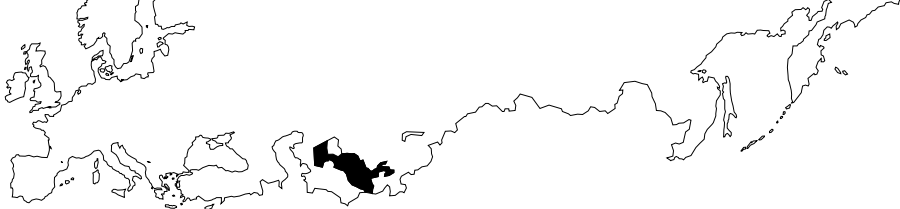
The international human rights organisations are still banned from settling on the Turkmen territory. What is even more serious is that there are very few national human rights NGOs operating in the country, and none of them have been able to obtain official registration. In addition, they have great difficulty in observing the situation regarding human rights and fundamental freedoms, as defenders are virtually unable to move freely throughout the country. Any contact between Turkmen defenders and foreigners can further be considered to be “treason”, and liable to criminal prosecution. During official visits of foreign delegations, defenders are systematically placed under house arrest. For instance, before the visit of the OSCE delegation in February 2007, in support of the preparation of the February 11, 2007 elections, which had expressed the wish to meet the representatives of the civil society, several defenders were summoned to the Ministry of National Security and warned of the dangers that would ensue for them, were they to have contacts with the delegation. Likewise, in May 2007 during the visit of Ms. Louise Arbour, UN High Commissioner for Human Rights, a person was arrested and over 10 persons placed under house arrest by the security services, including Ms. **Natalia Shabunz**, a member of the “Civic Assistance” association.

While the defence of human rights remains almost impossible, the activity is often carried out by a few independent journalists. In April 2007, for instance, the authorities refused Ms. **Sona Chuli-Kuli**, an independent journalist well known for her articles denouncing the situation of human rights in Turkmenistan, permission to leave the country to attend the Eurasian Media Forum in Alma-Aty. She was questioned by the national security service, the police searched her apartment and confiscated her computer; it was returned to her once she had signed a commitment not to work for foreign media.

Black-out on the fate of several human rights defenders held in detention

At the end of 2007, the Turkmen authorities had still not instigated an enquiry into the death in prison on September 14, 2006 of

Ms. **Ogulsapar Muradova**, a correspondent of *Radio Free Europe / Radio Liberty*. The circumstances of her supposedly “natural” death remained unclear, while the marks on her body would seem to indicate that her death was due to torture or ill-treatment. Nor has any official information been given regarding the fate of Mr. **Annakurban Amanklychev** and Mr. **Sapardurdy Khajiev**, members of the Turkmen Helsinki Foundation, arrested at the same time as Mr. Muradova following their collaboration with French journalists, and sentenced to seven years’ imprisonment for “illegal possession of ammunition”.



/ UZBEKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

In 2007, although the Uzbek authorities continued to implement extremely repressive policies, the European Union (EU) partly lifted, in November 2007, the sanctions against Uzbek leaders that had been decided in 2005 after the Andijan massacre (when hundreds of people were killed), although the authorities had still not carried out an impartial enquiry into the use of force during the event and despite the lack of significant progress regarding the human rights situation in the country. The EU also started a dialogue on human rights with the Uzbek authorities, of which the first phase took place in May 2007. The year ended in Uzbekistan with the re-election of Mr. Islam Karimov, in power since 1989, for a third term in office as President – although the Constitution provides a two-term limit – following an election which observers qualified as “openly non-competitive” and the result of which has not been recognised by the OSCE¹.

Although the abolition of the death penalty, which came into force on January 1, 2008, is an important step forward, very little information is available on the fate of the prisoners formerly condemned to death and whose sentence has been commuted to life imprisonment. The conditions of detention in the Jaslyk penitentiary centre, where the former prisoners condemned to death are imprisoned, are such that they amount to inhuman and degrading treatment. In that respect, in November 2007 the United Nations Committee Against Torture expressed its concern about the numerous allegations of the routine use of torture in Uzbek prisons, the authors of which enjoy total impunity².

1./ See ODIHR Press Release on the presidential elections in Uzbekistan, December 23, 2007.

2./ See Conclusions and Recommendations of the United Nations Committee Against Torture, 39th session, November 5-23, 2007.

In addition, defenders who denounce human rights violations and criticise publicly the President's authoritarian regime are constantly subjected to acts of psychological harassment and physical violence on the part of the police and agents of the National Security Service (SNB), or groups of violent civilians acting with the consent or at the instigation of the authorities.

Repression against freedom of peaceful assembly

Every demonstration in favour of human rights gave rise to massive and vigorous arrests, followed by questioning accompanied by threats and physical violence, such as for instance the repeated arrests in January and February 2007 of members of the Human Rights Alliance of Uzbekistan.

A civil society muzzled with considerable violence

In Uzbekistan, the repression mainly targeted the men and women who dared to criticise Government policy or investigate human rights violations committed by the Uzbek regime, in particular in relation to the Andijan events, numerous Uzbek defenders being forced into exile. Mr. **Kamil Ashurov**, a journalist and human rights defender, was attacked by an unknown man on May 18, 2007, because he had dared "criticise the President". The assault was allegedly filmed by SNB agents. In October 2007, Mr. **Alisher Saipov**, a journalist who was very critical of the Uzbek Government and who was following with particular attention the Andijan repression case, was assassinated in the street in Och (Kyrgyzstan), where he lived. The act of reprisal is thought to have been committed by the Uzbek security services. Also, on December 8, 2007, Constitution Day, Mr. **Yusuf Juma**, an Uzbek poet and dissident, who denounced in particular the Andijan massacre and Mr. Saipov's assassination, went out into the street with a banner calling for the resignation of President Karimov. The following night, Mr. Juma's house was machine-gunned by the special intervention police unit. Mr. Juma and his family had to flee, but on December 13, Mr. Juma and his son Bobur were arrested by the police and placed in the Tashkent temporary detention centre, where they were reportedly subjected to ill-treatment.

In a general way, human rights activities are subjected to a genuine criminalisation. For instance, Ms. **Umida Niazova** and Ms. **Gulbakhor Turaeva** were arrested in January 2007 on the Kyrgyzstan frontier, carrying documents on the Andijan events. They were accused of "transporting prohibited documents" (Ms. Niazova was also accused

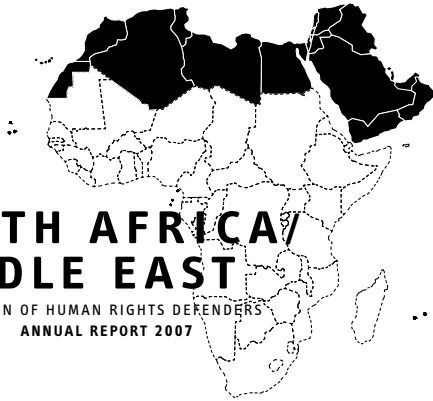
of “illegally crossing the border”); they were sentenced respectively to seven and six years’ imprisonment. Thanks to the reaction of the international community, the EU in particular, which was at the time examining the renewal of the sanctions against Uzbekistan, their prison sentences were replaced on appeal by suspended sentences, on condition they plead guilty. In addition, it should be recalled that Ms. **Mukhtabar Tojibaeva**, president of the Ardent Heart’s Club, a human rights organisation based in Margilan, remains detained since October 2005, while her health is constantly declining, in particular due to the harsh conditions of her detention.

Lastly, the authorities also targetted the friends and families of defenders, in order to neutralise them; the method used is often arbitrary detention. For instance, in November 2007, Mr. **Ikhtior Khamroev**, son of Mr. **Bakhtior Khamroev**, an Executive of the Djizak section of the Human Rights Society in Uzbekistan (HRSU), who has been detained in a penitentiary centre since August 2006, was subjected to ill-treatment after having refused to admit to having committed a disciplinary offence. His sentence was extended by seven months.

Consequences on the Law on Amnesty for human rights defenders

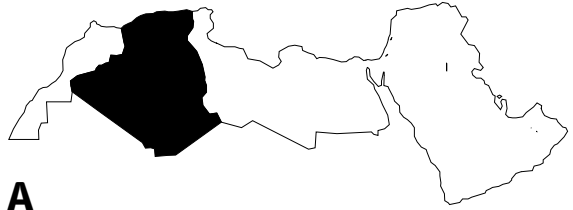
On November 30, 2007 the Upper Chamber of Parliament adopted a Law on Amnesty, which was published on December 1. According to Article 2, the law is supposed to apply to persons who have committed offences, wittingly or not, which do not endanger public security. Under Article 5, it also applies to persons sentenced for the first time to less than ten years’ imprisonment for having belonged to an illegal organisation and/or having developed activities endangering public security, on condition they have expressed the intention to “correct” their ways.

Following the adoption of the Act, numerous defenders in detention were accused by the prison administration of “breaking the rules”, clearly in order to exclude them from the amnesty. At the end of 2007, it had only applied to Mr. **Karim Bozorboyev**, a member of the “Ezgulik” human rights organisation, who had been arrested in October 2007 and sentenced to three years’ imprisonment for “financial fraud”. As of December 31, 2007, 20 other human rights defenders, including 11 HRSU members, had not been amnestied. However, a few defenders were released early in 2008.



/ NORTH AFRICA/ MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



/ ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

During the ten-year conflict that tore Algeria apart in the 1990s, 200,000 people were killed and thousands more were victims of enforced disappearances, kidnappings, rapes and acts of torture carried out both by armed groups and the security forces. The hope that one day responsibilities will be established and light will be shed on the fate of the victims of these systematic and grave violations lessens with each of the measures taken by the Algerian authorities. Indeed, measures have been taken in the completely opposite direction in recent years.

The “Civil Concord” and the “Charter for Peace and National Reconciliation” were adopted by referendum in 1999 and 2005 respectively. Their official aim was to put an end to internal conflicts, enabling many perpetrators of serious human rights violations to be granted amnesty. However, as of today, the authorities have given Algerian citizens no substantial information on the effect of the Civil Concord and the numbers of persons who have benefited from its provisions. The crimes of the past continue to weigh heavily on the political life of Algeria.

Despite maintenance of the state of emergency, which has been in force since 1992 and is intended to guarantee the safety of the population, the country is still the theatre of acts of violence, causing the death of dozens of civilians and members of the security forces each year.

In this securitarian environment, many obstacles prevent human rights defenders from organising and carrying out activities, despite the fact that the Algerian Constitution guarantees “individual or associative defence of the fundamental human rights and individual and collective liberties” (Article 33). Human rights defenders, including journalists and trade union members, are victims of acts of harassment and intimidation, smear campaigns and abusive judicial proceedings that have resulted in several receiving prison sentences. The fight against terro-

alism, which was intensified following the attacks in Algiers in 2007, has further reinforced this environment that is destructive of liberty.

Finally, the Algerian authorities continue to ignore requests for visits by several United Nations Special Procedures. In recent years, there has been no response to requests from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and freedoms while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on enforced or involuntary disappearances. However, the Special Rapporteur on violence against women, its causes and consequences, visited Algeria in January 2007 and, following a delay of several years, Algeria submitted in 2006 its periodic reports to the United Nations Human Rights Committee and the Committee Against Torture.

Obstacles to freedoms of association and peaceful assembly

Although the legal existence of associations has been governed by a declaratory system since the adoption of Law 90-31 in 1990, in reality it is arbitrary practice that prevails. Several human rights associations have been unable to file their registration documents and have therefore been denied legal existence, following rejection by the authorities. This has been the case with SOS-Disappeared (*SOS-Disparus*) since 2001. Moreover, a number of human rights associations, even those that are licensed, such as the Algerian Human Rights Defence League (*Ligue algérienne de défense des droits humains* - LADDH) and the Youth Action Movement (*Rassemblement action jeunesse* - RAJ), regularly encounter difficulties in organising meetings, finding premises, obtaining funding and carrying out their activities.

The authorities also generally flout freedom of peaceful assembly. Indeed, human rights associations are almost systematically prevented from organising peaceful demonstrations or public meetings in private venues. As an example, in February 2007 five associations for the defence of victims of the armed conflict – the Collective of Families of Disappeared Persons in Algeria (*Collectif des familles de disparu(e)s en Algérie*), SOS Disappeared, “Djazairouna”, the National Association of Families of Disappeared Persons (*Association nationale des familles*

de disparus - ANFD) and “Somoud” – had organised a seminar entitled “For Truth, Peace and Conciliation” in a hotel in Algiers, but were barred from entering. The Algerian authorities had also previously refused to grant access to the territory for the international experts invited to the event, including the lawyer Mr. **Roberto Garretón**, a member of the Chilean Organisation for the Defence of the Families of Political Prisoners (*Organización de Defensa Popular* - ODEP), and Mr. **Louis Joinet**, Independent Expert on the human rights situation in Haiti.

The Charter for National Peace and Reconciliation, a threat to defenders

In 2007, the authorities continued to ban all public debate on the consequences of implementing the Charter for National Peace and Reconciliation and its related implementation provisions. Many of its opponents were harassed, threatened and sometimes imprisoned. In addition, the texts implementing the Charter made any public discussion on the conflict a criminal act. Article 46 of the Ordinance 06-01 to implement the Charter provides for sentences of up to five years in prison for any work in favour of fostering truth and justice, and constitutes a direct threat to human rights organisations and to associations of families of disappeared persons that fight for truth and the rights of victims to justice and reparation. During consideration of Algeria’s periodic report in November 2007, the United Nations Human Rights Committee called for this Article to be repealed¹.

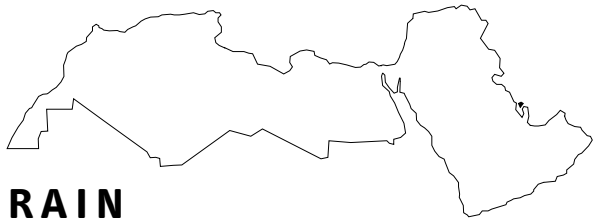
It is in this context that Mr. **Sofiane Chouiter**, a lawyer and a member of SOS Disappeared, was subjected to repeated intimidation, especially after public interventions on the international scene, and that he was notified that some of his activities were liable to classification as criminal offences, in particular under Article 46 of the Ordinance on implementation of the Charter. In June 2007, Mr. Chouiter was questioned by the police at Algiers airport on his return from a training course on transitional justice in Morocco. He had already been interrogated in March 2007 about his participation in the seminar “For Truth, Peace and Conciliation” organised in Brussels and on his hearing before the Human Rights Commission of the European Parliament. During his

1/ See Final Observations of the Human Rights Committee, United Nations document CCPR/C/DZA/CO/3, December 12, 2007.

trip, Mr. Chouiter had been interviewed in a programme broadcast by the *Al Jazeera* TV channel.

Abusive legal proceedings instituted against human rights defenders

In 2007, abusive judicial proceedings were instituted against numerous defenders, to dissuade them from continuing their human rights activities. On May 27, 2007 Mr. **Amine Sidhoum**, a lawyer and member of SOS Disappeared, was summoned regarding an article published in May 2004 in which he had referred to an “arbitrary decision” issued against one of his clients. On August 23, 2006, the Minister of Justice had filed a complaint against him for “discrediting a court’s decision” and for “contempt of a State institution”. Likewise, proceedings were instituted against Ms. **Hassiba Boumerdassi**, a lawyer for the Collective of Families of Disappeared Persons in Algeria, for having given a report to a client in prison without requesting the permission of the prison director. She was discharged on April 25, 2007. Mr. **Mohamed Smain**, Head of the Relizane branch of the LADDH, was sentenced in October 2007 to two months in prison for having condemned “fictitious crimes”. He had informed the press of the existence and exhumation of mass graves discovered by gendarmes and a local militia group (February 2001). Mr. Smain was however discharged of charges of “defamation and contempt”.



/ BAHRAIN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

After improvements in human rights in Bahrain in 2002, a year marked by the release of all political prisoners and recognition of the voting rights of women, calls from civil society during the year 2007 for the continuation of reforms seem to have remained unheeded. Political parties remain illegal in Bahrain. As a result, political “groups”, powerful and well-organised, have emerged as substitutes for political parties and are allowed to participate in elections. Furthermore, the border between political associations and human rights associations is sometimes very thin, insofar as the prohibition on the establishment of political parties led some political leaders to intervene within human rights associations. The full recognition of political parties would probably solve this problem.

The relative progress, made possible by an amendment to the Constitution and the Electoral Act of 2002, enabled the Islamist Sunni and Shiite parties to win seats in Parliament. However, amendments to the Constitution and the new Electoral Law – which seek to dilute the weight of the Shiite and the opposition vote – remain strongly contested.

Although the Constitution of 2002 provides for the independence of the judiciary, in practice the executive branch continues to exert pressure on the judiciary. Furthermore, the announcement of the creation of an independent national institution for the promotion and protection of human rights in November 2007, which aims to assist the Government in implementing policies relating to human rights, has still not led to improved conditions for human rights defenders to conduct their activities. Thus, the exercise of freedoms of association, expression, and assembly remains severely restricted.

Refusal to register independent human rights organisations

Act No. 21 of 1989 on Associations provides that any civil society organisation is subject to approval by the Ministry of Social Affairs, and prohibits the associations' involvement in politics. It also provides for a broad spectrum of governmental interference in their activities, such as financial control. In 2007, the Ministry of Social Affairs drafted a new law on civil society organisations that, in late 2007, had not yet been forwarded to the Shura Council and Lower House (the two parliamentary chambers). While it does contain improvements as to the existing law, several articles are contrary to international standards. For example, the Minister of Social Affairs will retain powers such as the right to close any organisation for a period up to 60 days by an administrative decision without providing justification.

In addition, several NGOs continue to face the authorities' refusal to be registered. The Bahrain Centre for Human Rights (BCHR) was still unable to secure its re-registration in 2007, and remains closed since 2004. Other groups, such as the Unemployed and Underpaid Committee (UUC) and the Bahrain Youth Human Rights Society (BYHRS), have been waiting since 2005 for registration authorisation from the Ministry of Social Affairs. In this context, Mr. **Mohammed Al-Maskati**, Director of BYHRS, was charged in November 2007 for "operating an unregistered association before receiving notification of the registration declaration". The trial of Mr. Al-Maskati was postponed to January 21, 2008. A few days before his arrest, members of the BYHRS received a notification from the Ministry of Social Affairs, asking them to halt their activities if they wanted to escape prosecution.

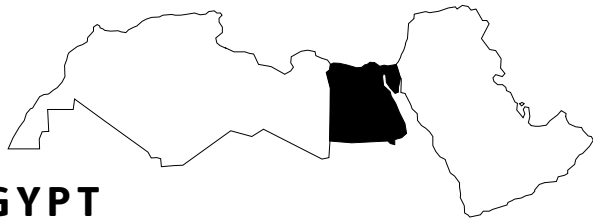
Acts of harassment against human rights defenders

In 2007, several human rights defenders were accused of threatening national security, and judicial harassment and frivolous claims continued. Furthermore, some defenders were victims of physical attacks and abductions to unknown locations, where they were beaten and arbitrarily detained. Activists of independent associations and their families were also monitored and subjected to repeated visits to their homes. They were harassed by telephone and e-mail, such as Mr. **Nabeel Rajab**, Vice-President of the BCHR, from July 1, 2007. Their communication was under surveillance and their equipment and documents were

regularly damaged or confiscated. They also sometimes faced obstacles when communicating with their international partners.

Brutal repression of a peaceful demonstration leading to arbitrary arrests of human rights activists

On December 17, 2007, during a peaceful demonstration commemorating the victims of past human rights violations, Mr. **Ali Jessim Meki**, a human rights defender working with the Al-Haq Movement for Freedom and Democracy, would have been attacked by special security forces while demonstrating peacefully. He died shortly after being returned home. Riots followed the death of the young man. The authorities seem to have taken advantage of this agitation to conduct, from December 21 to 28, 2007, a large campaign to arrest some sixty activists, including human rights defenders from the BYHRS and UUC who had not participated in the demonstration of December 17, nor in the riots that followed, but who had taken part to various public events in recent years for the respect of economic and social rights, and opposed restrictions on fundamental freedoms. The special security forces forcibly entered the homes of numerous activists, threatened their families, and confiscated their computers. These defenders were subject to detention, their lawyers were not able to attend the interrogations, and they suffered ill-treatment and torture. In late 2007, ten of them remained in detention.



/ EGYPT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The year 2007 was marked in Egypt by an important constitutional reform that resulted in the adoption of 34 amendments by referendum on March 26, 2007, therefore endorsing new hindrances on individual rights and freedoms. This reform led to sharp protests by civil society and opposition parties, which called in particular for a boycott of the referendum. The new Article 179 of the Constitution was of particular concern in this respect. Whilst giving unlimited power to the security forces to arrest and detain persons suspected of terrorism, it also permits the surveillance of postal and telephone communications without a legal warrant. This article further recognises the power of the Head of State to bring any person suspected of terrorism before “exception” courts. The risk of abuse inherent in these provisions is amplified by the fact that Article 86 of the Criminal Code provides such a broad definition of terrorism that acts carried out in the framework of the exercise of fundamental rights can be qualified as terrorist.

Furthermore, the Egyptian authorities maintain a repressive regime, using as a pretext the state of emergency, which has constantly been renewed since 1981. Whilst a law governing the fight against terrorism will in all probability replace the state of emergency in 2008, it is to be feared that it will continue to impose considerable restrictions on the exercise of fundamental freedoms, particularly on freedom of expression. This law should, amongst other things, reinforce supervision of the judiciary by granting extended powers to the security services for phone tapping, searches and extrajudicial arrests. Such restriction of judiciary prerogatives appears although since 2005 – a year in when a referendum, legislative elections and, for the first time, a “pluralist” presidential election were held – magistrates and NGO groups, including the National Campaign for Monitoring Elections and the Civil Society Election Monitoring Observatory, have initiated in 2007 unprecedented mobilisation in the battle for the independence of the judiciary.

Violations of the rights of human rights defenders have also remained numerous and repeated. The latter are in particular victims of the administrative and judicial harassment that is made possible by repressive legislation. Journalists and bloggers are also targets of such repression. During the year, nine legal proceedings were instituted against Mr. Ibrahim Essa, Editor-in-chief of the newspaper *Al-Dustour*, in particular following publication of an article on the health of the President of the Republic. On February 22, 2007 the blogger Mr. Kareem Amer was sentenced to four years in prison for “defaming President Mubarak” and for “insults to Islam”, after publishing articles on his blog condemning the regime’s abuses of authority.

Strengthening of State control of independent associations and abuse of the procedure of administrative closure of NGOs

The legal existence of associations is provided in Law No. 84, adopted by Parliament in 2002, which complements the already very restrictive provisions of Law No. 153 of 1999. The 2002 Law effectively places human rights organisations under the control of the Ministry of Social Solidarity and the security services. In addition, it provides for criminal sanctions against organisations that do not strictly comply with the registration process. In practice, this law restricts the right of association, although it is guaranteed by the Constitution, and permits the authorities to close down organisations that denounce attacks on fundamental freedoms. Such closures are carried out in a completely arbitrary manner, since the empowered authorities give no reasons and decisions are sometimes taken by mayors, which is not provided for by the law.

As an illustration, the Ministry of Social Solidarity demanded the closure of the Association for Human Rights and Legal Aid (AHLRA), an NGO specialised in legal assistance and support for victims of torture and which has condemned the use of torture in police stations on many occasions. Officially accused of financial offences in September 2007, the association’s website was closed down and its material and financial resources seized. Hearings have been postponed time and time again, and no verdict had yet been pronounced by the end of 2007. In order to continue its activities, AHLRA had to change its status and became a firm of lawyers, as did the Hisham Mubarak Law Center, an NGO with an identical mandate, which was obliged to take similar measures.

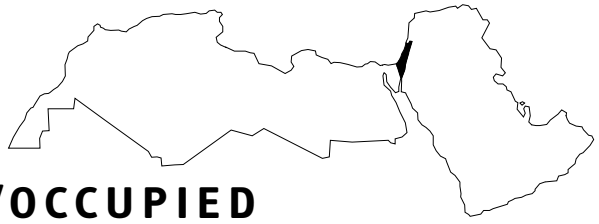
On March 29, 2007 the branch of the Centre for Trade Union and Workers Services (CTUWS) in the Qena Governorate of Upper Egypt was closed down by an administrative decision taken by the mayor of the city. The Centre was accused in particular of having organised demonstrations and strikes in the Delta region in December 2006 and January 2007, an accusation denied by CTUWS. Furthermore, on April 10, 2007, the Governor of El-Gharbiya ordered the closure of the Mahalla branch of CTUWS. Finally, on April 22, 2007, the police went to CTUWS headquarters in Helwan, Cairo, and ordered the closure of the offices on the basis of an administrative order from the Ministry of Social Affairs which gave as sole reason the rejection of registration by the Ministry of Security.

Proceedings for defamation and smear campaign against defenders

Defenders have once again this year been subject to proceedings for defamation on the grounds of Article 303 of the Criminal Code. In October 2007, Mr. **Kamal Abbas**, General Coordinator of CTUWS, and his lawyer Mr. **Mohamed Helmy** were sentenced to one year in prison for “slander” and “defamation”, after reporting corrupt management of a youth centre by the Chairman of the board.

Furthermore, certain organisations supported by the authorities started denigration campaigns against independent associations with the aim of damaging their credibility. In April 2007, the pro-Government Egyptian Trade Union Federation (ETUF) led a smear campaign against CTUWS.

Finally, the Egyptian regime took measures intended to create obstacles to exchanges and cooperation between Egyptian defenders and their colleagues in the region. As an example, Mr. **Mohamed Abdul Nabi Al Maskati**, Director of the Bahrain Youth Society for Human Rights (BYSHR), was prevented from taking part in a conference on youth and human rights held in Egypt in January 2007.



/ ISRAEL/OCCUPIED PALESTINIAN TERRITORY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Since the victory of the Islamic Resistance Movement (Hamas) in the legislative elections of January 2006, the Occupied Palestinian Territory, particularly Gaza, have repeatedly been the scene of clashes between Palestinian armed groups. These clashes led, in June 2007, to the occupation of Gaza by Hamas. These deadly internal struggles have been accompanied by numerous cases of extrajudicial executions of Palestinians by the Israeli army. According to the Palestinian Centre for Human Rights (PCHR), more than 650 Palestinian civilians, including 120 children, were killed in 2007 by Israeli armed forces. According to the Israeli organisation B'Tselem, 380 Palestinians were killed by the Israeli army in 2007.

The year 2007 was also marked by the continued firing of rockets from Gaza into the Israeli territory, and a suicide bomber attack on January 29, 2007 in Eilat. In addition, Israeli army Corporal Gilad Shalit, captured by Palestinian militants in Gaza on June 25, 2006, was still detained at the end of 2007.

Following the occupation of Gaza, Palestinian President Mahmoud Abbas declared a state of emergency in June 2007 throughout the territories controlled by the Palestinian Authority, dismissed Prime Minister Ismail Haniya, and formed a new Government to implement the state of emergency. Following this announcement, the United States, the European Union and Israel put an end to their economic embargoes on the Palestinian Authority.

In 2007, the already precarious humanitarian situation evolved into an unprecedented humanitarian crisis, exacerbated by the complete closure of Gaza by the Israeli authorities and the freezing of all relations between the Hamas administration and the Israeli Government.

Moreover, the presence of military blockades imposed by Israel created significant restrictions on the freedom of movement of Palestinian civilians in the Occupied Territory, and confiscation of customs duties by Israel caused a severe deterioration of living conditions for Palestinians. Therefore, poverty, dependence on food aid, health problems and unemployment of the Palestinian people reached record levels. Additionally, the Israeli army has refused to investigate the killings of Palestinian civilians, which reinforces the sense of impunity that prevails within the Israeli army. In July 2007, the Israeli Minister of Justice proposed an amendment to the Law on State responsibility to prohibit Palestinians from filing suits for reparations from the Israeli army¹. Furthermore, aerial bombardments by Israeli armed forces have intensified in the Gaza Strip, and illegal settlement in the West Bank has increased. Construction of the 700 kilometre-long wall between Israel and the West Bank has also continued. Hundreds of Palestinians were arrested and placed in administrative detention for “offences against State security”.

On the other hand, the release of Mr. Yoni Ben Artzi, the first Israeli conscientious objector to be prosecuted (in 2003) since the 1970s, has been an important step forward.

Obstacles to freedom of association

Human rights defenders face severe restrictions from Palestinian authorities on their activities, particularly in regard to their freedom of association. After announcing the state of emergency, President Abbas issued on June 20, 2007 a new Decree on freedom of association which critically increased the powers of the Ministry of Interior regarding the terms of closure of NGOs (Articles 1 and 2), and which stipulates that all NGOs must re-apply for registration (Article 3). The decree contradicts the right to establish organisations as guaranteed by Article 26 of the amended Fundamental Law of 2003 as well as international standards of human rights. On the basis of this Decree, the Minister of Interior of the Palestinian Government in Ramallah decided a few days later to dissolve 103 NGOs that had submitted their applications for re-registration, claiming that they had committed “legal, administrative and financial violations of Law No. 1 of 2000 on the solidarity of asso-

1/ See Human Rights Watch Annual Report 2008.

ciations and non-governmental institutions”. Of the 103 organisations, 56 had been closed in late 2007.

Arbitrary detentions and abusive prosecutions of defenders

In 2007, the Israeli authorities continued their policy of harassment against and arbitrary detention of human rights defenders in Israel and the Occupied Palestinian Territory. For example, Mr. **Mohammad Bsharat**, Executive Director of the Association “Nafha” for the Defence of Prisoners and Human Rights, was arrested in Nablus in August 2007, placed in custody, interrogated as to his human rights activities, and sentenced to six months’ imprisonment in October 2007. Established in conformity with the law and registered with the Palestinian Authority in 2006, Nafha is one of many NGOs that represent Palestinian prisoners before Israeli courts and defend the interests of Palestinian prisoners in Israeli prisons and detention centres. Mr. **Ziyad Hmeidan**, a field worker for Al-Haq, a Palestinian human rights NGO, was also kept in detention for almost two years without charge or access to a fair trial. He was finally released in March 2007. Additionally, Israeli human rights defenders may also be subject to improper lawsuits, as was the case with Mr. **Mordechai Vanunu**, an nuclear whistle-blower who was sentenced to six months’ imprisonment in June 2007 by the Jerusalem Correctional Tribunal for “breach of an administrative order” that prevents him from leaving the country and talking to foreign journalists.

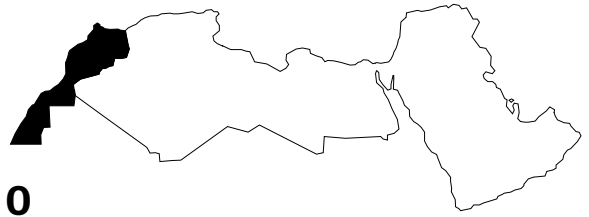
Serious obstacles to freedom of movement

Palestinian human rights defenders, much like the entire Palestinian population, are subject to severe restrictions on their freedom of movement, which hamper their activities and creates the feeling of being imprisoned in “closed military zones.” Mr. **Shawan Jabarin**, General Director of Al-Haq, brought a case before the Israeli Court of Justice for a decision to review the travel ban that had been imposed on him by the Israeli military authorities. Mr. Jabarin has faced multiple bans since May 2006, and was thus unable to attend the annual congress of the FIDH in Lisbon in April 2007 or an international conference on peace and justice in Germany in June 2007. At a hearing held on June 20, 2007, the Israeli military authorities argued that the West Bank had been a “closed military zone” since July 2, 1967, and that therefore people had no right to enter (for those who are outside) or leave the occupied territory. It was asserted that the possibility of exit or entry was subject to the discretion of the military authorities, who felt that

allowing Mr. Jabarin to travel abroad was a security risk for the State of Israel, given his “presumed political affiliations”.

The situation is even more precarious in the Gaza Strip. Mr. **Raji Sourani**, Director of the PCHR, was prevented from leaving the Gaza Strip to attend the “Conference of civil society in support of Israeli-Palestinian Peace” organised by the United Nations and held at the European Parliament in Brussels in August 2007. The refusal was one of many restrictions on freedom of movement for Mr. Sourani, who had been invited on numerous occasions by international NGOs, United Nations agencies and other international organisations, foreign ministries, but systematically prevented from travelling.

Israeli authorities have repeatedly restricted or prevented members of human rights organisations, international or Israeli, from entering Palestinian territory. A delegation sent by FIDH in July 2007 faced many difficulties before they were able to enter Gaza. Similarly, in October 2007, members of the Association for Civil Rights in Israel (ACRI) were banned from entering Zone A in the West Bank.



/ MOROCCO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Since King Mohammed VI came to power in 1999, Morocco has made important progress in promoting democracy and respect for human rights. The reform of the Family Code (*moudawana*) in 2004 was one of the signal reforms undertaken by Morocco. However, although it constitutes a considerable advance in terms of the management of family relationships, it does not establish full equality between men and women and there is still significant inequality in terms of inheritance, polygamy, divorce and legal guardianship.

The introduction of legislative reforms and the establishment of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER) in January 2004 have also been marks of the profound change the country has experienced in recent years. The goal of this commission was to provide a global policy for the issue of the serious human rights violations committed between 1956, the date of independence, and 1999, the date of the creation of the Independent Arbitration Commission, whose only mandate was that of compensation for victims. In December 2005, after two years of work, the IER presented its recommendations to the King, who ordered the immediate publication of the final report and entrusted the Advisory Council on Human Rights (*Conseil consultatif des droits humains* - CCDH) with its implementation. Since then, compensation and health care has been put into effect for nearly 10,000 victims recognised by the IER, as has a programme of community reparation for regions and communities collectively affected by serious human rights violations.

Nevertheless, at the end of 2007, the implementation of some important recommendations remained pending. These included abolition of the death penalty, ratification by Morocco of the Rome Statute of the International Criminal Court, primacy of international conventions over domestic law, and the reform of the Higher Judicial Council. Furthermore, there were continuing reports of persistent human rights

violations such as irregularities that occur during periods of custody, recourse to torture and ill-treatment in detention centres, as well as conditions of detention that cause concern.

The legislative elections held in September 2007, which were won by the Istiqlal Party, a member of the coalition Government, were marked by a high level of abstentions. This phenomenon was largely interpreted as being due to the discredit in which the people held the political class.

In 2007 there were repeated obstacles to freedom of the press in the country. Judicial proceedings were initiated against journalists accused of disturbing public order, as was the case with Mr. Hormat Allah and Mr. A. Ariri, journalists with the weekly newspaper *Al-Watan al-'an*, and several papers were seized, including the weekly paper *Nichane*. The latter was seized in August 2007 on the orders of the Prime Minister for “failing to respect the person of the King” and “expressions contrary to morals” after publishing an article entitled “Jokes: how Moroccans laugh at religion, sex and politics” in December 2006.

Hindrances to the freedom of peaceful assembly

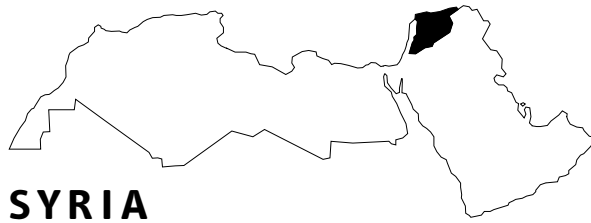
Security forces used violence to break up peaceful gatherings of human rights defenders and trade union members on several occasions. An example of this is the repression of the demonstration to promote trade union freedom held on May 26, 2007 and organised by the Democratic Labour Federation (*Fédération démocratique du travail*) and the General Workers' Union (*Union générale des travailleurs*) in Rabat. In addition, during demonstrations on May 1, 2007 seven protesters, members of the Moroccan Human Rights Association (*Association marocaine des droits humains - AMDH*), the National Association of Unemployed Graduates in Morocco (*Association nationale des diplômés chômeurs au Maroc - ANDCM*) and the Moroccan Workers' Union (*Union marocaine du travail - UMT*), were arrested in Agadir and Ksar El Kébir. Similarly, on June 15, 2007, the security forces used violence to break up a sit-in in Rabat organised by the National Solidarity Group for the May Day Detainees (*Instance nationale pour la solidarité avec les détenus du 1^{er} mai - INSAD*) to protest against the arrest and sentencing of activists who had taken part in the May Day demonstrations. Several AMDH officials and members were amongst those hurt. In Béni Mellal, another solidarity sit-in

ended with the arrest of ten people, including activist members of Attac Maroc, the AMDH, ANDCM, UMT and the Moroccan Truth and Justice Forum (*Forum marocain vérité et justice* - FMVJ). On August 9, 2007, heavy sentences from one to three years' imprisonment were pronounced against these demonstrators, who were accused of organising an "unauthorised assembly in a public place".

Continued repression of human rights activists and defenders in the Western Sahara

In 2007 the use of force against human rights activists and defenders in the Western Sahara was noted, as was the arbitrary detention of several of their members. Moreover, although negotiations on the question of the Western Sahara had resumed following the adoption of a United Nations Security Council Resolution on April 30, 2007 calling for direct negotiations between the parties, the issue appears to remain in stalemate¹.

1./ This United Nations Resolution was adopted after Morocco had proposed the creation of an "autonomous region of the Sahara", to which the Polisario Front responded with a proposal for independence that would guarantee Moroccan interests in the region. Several meetings followed during which the parties maintained their positions.



/ SYRIA

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Political context

The state of emergency that was imposed in 1962 remained in force in 2007, officially to ensure political stability and national security. The security context justifies daily checks and restrictions on Syrian citizens, especially civil society. Furthermore, the re-election of President Bashar Al-Assad for a second term in May 2007 with 97% of the vote, as well as legislative elections held in April 2007, confirmed the lack of pluralistic electoral life.

Although State intervention has led to the dissolution of political parties and independent associations, as well as to the control of all activities through coercive policies, the vitality of civil society has nonetheless experienced a revival, with the number of these organisations increasing between 2004 and 2007. In this context, on October 16, 2005, a broad coalition of activists for political reform issued the “Damascus Declaration for Democratic and National Change”, calling for the establishment of a political system that would respect the rights of citizens, ensure freedoms of expression and association, and put an end to discrimination based on religious or political grounds. Moreover, in May 2006, the Beirut-Damascus Declaration was signed by over 300 intellectuals and human rights defenders in Syria and Lebanon, calling for improved relations between the two countries.

Despite this dynamism, freedoms of expression and association continued to be strictly limited. A number of journalists and correspondents, including bloggers and cyber-dissidents, were arrested and harassed in 2007, in a context where the regime has continued to monopolise all media and the Internet. Furthermore, Syrian authorities use the pretext of national security to justify their stranglehold on the judiciary and the use of laws and practices that discriminate against various players in society, such as women, Islamists, or the Kurdish minority. In the name of national security, the authorities also justify the use of torture and ill-treatment inflicted with impunity on prisoners.

Refusal to register human rights organisations

Several human rights organisations were still unregistered in 2007 because of the systematic refusal of the Ministry of Social Affairs and Labour, in a context where the continued application of laws on the state of emergency means that registration reinforces the legal protection of human rights activists since any unregistered organisation could be prosecuted for violating various provisions restricting freedoms. Members of these organisations are still operating unlawfully, under the constant threat of being prosecuted and imprisoned on the basis of Article 71 of Act No. 93 on Associations, adopted in 1958 and under which all activity by an unreported association is punishable by three months' imprisonment and a fine. In addition, Article 288 of the Syrian Criminal Code provides for a sentence of up to three years' imprisonment against any person who, "without Government authorisation, becomes a member of a political or social organisation with an international character". Thus, the National Organisation for Human Rights in Syria (NOHR-S), which had submitted an application for registration to the Ministry of Social Affairs and Labour on April 4, 2006 and had been notified by Decree of refusal of registration (without reasoned opinion) on August 30, 2006¹, has filed an appeal on December 27, 2006 against the Decree. The case was not resolved in 2007, as the Ministry requested five consecutive reports in order for the court to conclude.

Heavy prison sentences for human rights defenders by the Damascus Criminal Court

In 2007, many human rights defenders were sentenced by the Damascus Criminal Court². For example, Mr. **Anwar Al-Bunni**, Director of the Damascus Centre for Legal Studies and President of the Committee for the Defence of Political Prisoners, and Mr. **Michel Kilo**, President of the Organisation for the Defence of Freedom of

1./ The NOHR-S appealed for clemency from the Ministry, which was also refused on November 2, 2006 and November 7, 2006.

2./ In this regard, the European Parliament, in its Resolution P6_TA(2007)0217 adopted on May 24, 2007, expressed in particular "its great concern at the recent verdict handed down to political prisoners and human rights activists in Syria which affects every political trend of the opposition" and "urge[d] the relevant Syrian bodies to reverse the abovementioned judgment, drop the charges still pending in the Military Court of Damascus and release all the abovementioned prisoners of conscience and political prisoners".

Speech and Press, were arrested in mid-May 2006 by security and intelligence forces after they signed the Beirut-Damascus Declaration. They were sentenced on May 13, 2007 respectively for “disseminating false or exaggerated information to weaken the spirit of the nation” and “weakening national ethics”, to sentences of five and three years’ imprisonment. Moreover, Mr. **Kamal Labwani** was arrested in April 2005 and sentenced in May 2007 by the Damascus Criminal Court to 12 years’ imprisonment for “communicating with a foreign country and inciting to undertake an aggression against Syria” after a visit by U.S. officials in 2005³.

Wave of arrests of members of the Initiative for the Damascus Declaration for Democratic and National Change

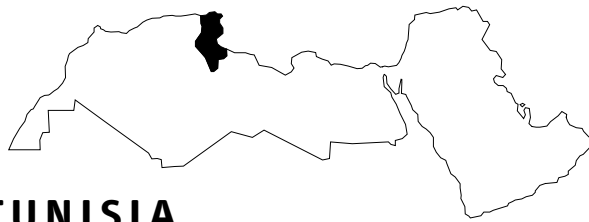
On December 9, 2007, Syrian security services conducted a series of arrests targeting more than forty activists in several cities in Syria in response to a meeting organised by the Initiative for the Damascus Declaration for Democratic and National Change on December 1, 2007. The meeting brought together 163 people in Damascus and led to the creation of the National Council of the Damascus Declaration, a collective movement that brings together political opponents but also human rights defenders. The arrests particularly targeted several members of the Committees for the Revitalisation of Civil Society in Syria, including Mr. **Fayez Sara**, a journalist, Mr. **Mohammed Haj Darwish**, a member of the Association of Human Rights in Syria, Mr. **Jaber Al-Shoufi**, Mr. **Akram al-Bunni** and Mr. **Ali Al-Abdullah**. All were charged on January 28, 2008 for having violated several provisions of the Syrian Criminal Code, particularly Sections 285 and 286 (on “the weakening of national sentiment”), 304, 306 and 327 (on the illegal activities of associations) and 307 (relating to racial hatred and inciting sectarianism). Some of these provisions provide for imprisonment sentences of at least seven years.

Likewise, on April 24, and May 14, 2007, the European Union Presidency “*expresse[d]* its regret that Anwar Al-Bunni, a prominent Syrian human rights defender, was sentenced to five years of detention in Damascus on 24 April 2007 for having disseminated human rights-related material”, “*expresse[d]* its profound concern over the three-year prison terms to which Michel Kilo, a Syrian intellectual, and Mahmoud Issa, a Syrian political activist, were sentenced by a criminal Court in Damascus on 13 May, 2007”, and stated that it was “deeply concerned by the repeated harassment of human rights defenders in Syria”.

3./ See Observatory Annual Report 2006.

Obstacles to freedom of movement

In 2007, several Syrian human rights defenders were faced with many obstacles to their freedom of movement in order to prevent them from attending regional or international workshops. For example, on January 11, 2007, security forces prevented Mr. Akram Al-Bunni from leaving Syria to attend a meeting in Belgium with representatives of the European Union to discuss the situation of human rights and human rights defenders in Syria. No official reason was provided. Likewise, Mr. **Jihad Msoti**, a member of the discussion forum *Al-Atassi*, created to promote the democratisation of the country, was arrested in November 2007, at the same time as several other Syrian human rights defenders, while attempting to travel to Cairo, Egypt, to attend a workshop organised by FIDH. Mr. **Radeef Mustafa**, President of the Kurdish Committee on Human Rights, Mr. **Mustafa Ouso**, Director of the Kurdish Defence Organisation of Human Rights and Fundamental Freedoms in Syria, and Mr. **Masho Hasan**, a member of the Executive Office of the Organisation of Human Rights in Syria, Mr. **Khalil Maatouk** and Mr. **Muhannad al-Husni**, lawyers defending human rights, have also been prevented from leaving the international airport of Damascus and thus participating in the workshop. For his part, Dr. **Ammar Qurabi**, President of the NOHR-S, was banned from travelling to Jordan, on November 19, 2007, to participate in a seminar on “the role of civil society organisations in political reforms in the Arab World,” organised by the Amman Centre for Human Rights Studies and the Aspen Institute of Berlin, without explanation being provided.



/ TUNISIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

The Democratic Constitutional Assembly (*Rassemblement constitutionnel démocratique* - RCD), the omnipotent presidential party, has largely dominated Tunisian political life since the accession to power of President Ben Ali, on November 7, 1987. The judicial system is largely under the sway of the executive power and magistrates who try to evade the pressures and interference of the latter are almost systematically repressed. In spite of a debate on the judiciary body in the Chamber of Deputies in May 2007, the Government nonetheless denies interference in the legal system, but continues to maintain its control over magistrates in particular by appointing the members of the High Judicial Council and multiplying acts of repression against members of the Tunisian Magistrates Association (*Association des magistrats tunisiens* - AMT).

The “Law to support international efforts to combat terrorism and money-laundering”, adopted in 2003, continued to be used for political purposes on the grounds of concerns over security. In fact, the use of this law gave rise in 2007 to numerous human rights violations, including arrests following participation in meetings or declarations made in opposition newspapers, vigorous searches and threats of reprisals by the political police, incommunicado detentions, etc.

In addition, State agents who are responsible for acts of torture and repression continue to enjoy impunity on the national territory. Torture is almost systematically used against persons arrested in the framework of the fight against terrorism. Acts of ill-treatment of political prisoners are also very regularly reported. For example, around 30 prisoners arrested during armed confrontation at the end of December 2006 – January 2007 between the security forces and groups of young people accused of belonging to Salafist movements, started a hunger strike at the Mornaguia civil prison in October 2007 to denounce the ill-treatment they suffered and to call for the respect of their rights.

Finally, the Tunisian authorities refuse to respond positively to the repeated requests for invitations by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Representative of the UN Secretary-General on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression as well as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Because human rights defenders condemn the human rights violations perpetrated by the authorities, they have to cope with the system of general aggression that has been put in place to stifle their activities. All stakeholders of civil society are targets of reprisals: journalists, students, members of opposition political parties, union officials, lawyers, magistrates and representatives of foreign organisations or the press.

Refusal to recognise numerous independent human rights organisations

Most of the 9,132 Tunisian associations registered in 2007 are at the mercy of the authorities. This situation enables the Government to congratulate itself on the vitality of Tunisian civil society. In this environment, the authorities try to discourage human rights defenders by continuing to refuse to grant legal recognition to many associations. Thus, the National Committee for Freedoms in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT), the International Association of Solidarity with Political Prisoners (*Association internationale de soutien aux prisonniers politiques* - AISPP), the Association for the Fight Against Torture (*Association de lutte contre la torture en Tunisie* - ALTT), the Centre for the Independence of Justice and Lawyers (*Centre pour l'indépendance de la justice et des avocats* - CIJA), the Assembly for Alternative International Development (*Rassemblement pour une alternative internationale de développement* - RAID-Attac Tunisia), the Union of Tunisian Journalists (*Syndicat des journalistes Tunisiens* - SJT) and the Observatory for Freedom of the Press, Publication and Creation in Tunisia (*Observatoire pour la liberté de presse, d'édition et de création en Tunisie* - OLPEC) have been refused registration for several years. However, legal recognition is no guarantee of protection for independent human rights associations.

Attempts to stifle NGOs and police harassment of defenders

Independent NGOs are constantly inspected, their premises regularly “visited”, their activists harassed, goods and documents damaged or ruined, their means of communication monitored and often cut off. Activists and their families continue to be subjected to ill treatment, constant harassment, physical attacks, arbitrary arrests, surveillance, attacks and other criminal acts. An arson attack was for instance made on the office of Mr. **Ayachi Hammami**, Secretary General of the Tunis section of the Tunisian League for the Defence of Human Rights (*Ligue Tunisian des droits de l’Homme - LTDH*) and Rapporteur on the independence of the judiciary for the Euro-Mediterranean Human Rights Network (EMHRN), on August 31, 2007. Legal proceedings are also frequently used. Thus, LTDH has been prevented from holding its congress since 2005¹. Since this date, the LTDH regional branches have encountered many obstacles to carrying out their activities and branch members have systematically been prevented from entering their offices. Likewise, on June 8, 2007, the police ransacked the CNLT offices, destroying important documents and a large part of its computer equipment. Finally, Mr. **Abderraouf Ayadi**, a lawyer and former member of the Council of the Bar Association and former CNLT Secretary General, was attacked by an officer of the political police in front of the Tunis court in April 2007, while he was preparing to plead in defence of detainees arrested under the terrorist law.

Restrictions on the freedom of movement of human rights activists

By forbidding human rights defenders to travel abroad, the regime wishes to prevent them from mobilising the international community regarding the human rights situation in Tunisia. This is illustrated by the case of Mr. **Mohamed Abbou**, a lawyer and CNLT and AISPP member, who was released on July 25, 2007 after 30 months in prison², but who was forbidden to take part in a programme on the *Al-Jazeera* television channel in London in August 2007. Similarly, on August 25, 2007, Mr. **Taoufik Mezni**, the brother of Mr. **Kamel Jendoubi**, President of EMHRN and of the Committee for the Respect of

1./ See Observatory Annual Report 2006.

2./ Mr. Abbou had been sentenced on March 1, 2005 after publishing articles on conditions of detention in Tunisia, comparing Tunisian jails to the prisons of Abu Ghraib. His trial was marred by numerous irregularities and Mr. Abbou had been tortured while he was held on remand.

Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT*), was prevented by the police from entering Tunis-Carthage airport to return to France, his country of residence for more than seven years.

/ ANNEXES

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/ ANNEX 1

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Partner organisations and contributors

International NGOs

- Action Against Hunger
- Agir ensemble pour les droits de l'Homme
- Amnesty International
- Article 19
- Association for the Prevention of Torture (APT)
- Centre de conseils et d'appui pour les jeunes en droits de l'Homme (CODAP)
- Committee to Protect Journalists (CPJ)
- Defence for Children International
- Doctors Without Borders (MSF)
- Education International
- Foundation Martin Ennals
- Frontline
- Global Rights
- Human Rights First
- Human Rights Information and Documentation System
- Human Rights Watch (HRW)
- Integrated Regional Information Networks (IRIN)
- International Centre for Trade Union Rights (ICTUR)
- International Commission of Jurists (ICJ)
- International Committee of the Red Cross (ICRC)
- International Crisis Group (ICG)
- International Federation for Actions by Christians for the Abolition of Torture (FIACAT)
- International Freedom of Expression Exchange (IFEX)
- International Gay and Lesbian Human Rights Commission (IGLHRC)
- International Lesbian and Gay Association (ILGA)
- International Rehabilitation Council for Torture Victims (IRCT)

- International Service for Human Rights (ISHR)
- International Trade Union Confederation (ITUC)
- International Union of Food Workers (IUF-UITA-IUL)
- International Youth and Student Movement for the UN (ISMUN)
- Ligue internationale pour les droits et la libération des peuples (LIDLIP)
- Minority Rights Group International (MRG)
- Norwegian Refugee Council (NRC)
- Open Society Institute (OSI)
- Pax Christi International
- Peace Brigades International (PBI)
- Reporters Without Borders (RSF)

Regional NGOs

Africa

- East and Horn of Africa Human Rights Defenders Project (EHAHRDP)

Americas

- CATTRACHAS
- Central Latinoamericana de Trabajadores (CLAT)
- Centro por la Justicia y el Derecho Internacional (CEJIL)
- Comisión Latinoamericana por los Derechos Humanos y Libertades de los Trabajadores y Pueblos (CLADEHLT)
- Comisión para la Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)
- Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM)
- Comunidad Gay Sampedrana
- Enlace Mapuche Internacional
- Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)
- Federación Luterana Mundial
- Grupo Arcoiris
- Grupo KUKULCAN
- One World América Latina
- Organización Regional Interamericana de Trabajadores (ORIT)
- Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)

Asia

- Asian Federation Against Involuntary Disappearances (AFAD)
- Asian Forum for Human Rights and Development (Forum Asia)
- Human Rights in Central Asia
- South Asian Human Rights Documentation Centre (SAHRDC)

Europe and CIS

- Association européenne pour la défense des droits de l'Homme (AEDH)
- Caucasian Institute for Peace, Democracy and Development (CIPDD)
- Osservatorio Informativo Indipendente sulla Regione Andina e il Latinoamerica (SELVAS), Italy

North Africa / Middle East

- Euro-Mediterranean Human Rights Network (EMHRN)
- Plateforme Euromed

National NGOs

Afghanistan

- Cooperation Centre for Afghanistan (Pakistan)

Albania

- Albanian Human Rights Groups (AHRG)
- Albanian Rehabilitation Centre for Trauma and Torture (ARCT)

Algeria

- Association des familles de disparus en Algérie
- Collectif des familles de disparus en Algérie (CFDA)
- Coordination nationale des familles de disparus (CNFD)
- Ligue algérienne de défense des droits de l'Homme (LADDH)
- SOS Disparu(e)s

Angola

- Central General de Sindicatos Independentes e Livres de Angola (CGSILA)

Argentina

- Abuelas de Plaza de Mayo
- Centro de Estudios Legales y Sociales (CELS)
- Comité de Acción Jurídica (CAJ)
- Comité para la Defensa de la Salud, la Ética Profesional y los Derechos (CODESEDH)
- Derechos Human Rights (USA)
- Equipo Argentino de Antropología Forense (USA)
- Fundación Servicio de Paz y Justicia (SERPAJ)
- Hijas e Hijos por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS)
- Liga Argentina por los Derechos del Hombre (LADH)

Armenia

- Civil Society Institute (CSI)

Australia

- Pax Christi Australia
- Survivors of Torture and Trauma Assistance (STTARS)

Austria

- Pax Christi Österreich
- Österreichische Liga für Menschenrechte (OLFM)

Azerbaijan

- Caucasus Centre for the Protection of Freedom of Conscience and Religious Beliefs (DEVAMM)
- Human Rights Centre of Azerbaijan (HRCA)
- Institute of Peace and Democracy

Bahrain

- Bahrain Centre for Human Rights (BCHR)
- Bahrain Human Rights Society (BHRS)

Bangladesh

- Bangladesh Human Rights Commission (BHRC)
- Bangladesh Rehabilitation Centre for Trauma Victims (BRCT)
- Hotline Human Rights - Bangladesh (HHRB)
- Human Rights Congress for Bangladesh Minorities (HRCBM)

- ODIKHAR
- PRIP Trust

Barbados

- Caribbean Rights / Human Rights Network

Belarus

- Comité Helsinki pour les droits de l'Homme
- Human Rights Center "Viasna"

Belgium

- ACAT - Belgique francophone
- ACAT - Belgique Vlaanderen
- Association fraternelle internationale (AFI-ICA-UFER)
- Justice and Peace
- Le Monde des droits de l'Homme
- Liga vorr Menschenrechten (LVM)
- Ligue des droits de l'Homme (LDHB)
- Ligue des droits de l'Homme de la République
- Pax Christi Vlaanderen
- Pax Christi Wallonie-Bruxelles

Benin

- ACAT - Bénin
- Enfants solidaires d'Afrique et du monde (ESAM)
- Ligue pour la défense des droits de l'Homme (LDDH)
- Tomorrow Children ONG

Bhutan

- Peoples' Forum for Human Rights and Democracy (PFHRB)
(based in Kathmandu, Nepal)

Bolivia

- Asamblea Permanente de los Derechos Humanos de Bolivia (APDHB)
- Asociación de Familiares de Detenidos Desaparecidos y Mártires por la Liberación Nacional (ASOFAMD)
- Centro de Estudios Jurídicos e Investigación Social (CEJIS)

Botswana

- The Botswana Centre for Human Rights (DITSHWANELO)

Brazil

- ACAT - Brazil
- Agencia de Noticias Direitos da Infancia (ANDI)
- Centre for the Study of Violence (CSV)
- Centro de Defesa da Criança e do Adolescente Yves de Roussan (CEDECA/BA)
- Centro de Defesa, Garantia e Promoção dos Direitos Humanos (IBISS)
- Centro de Justiça Global (JC)
- Comissão Pastoral da Terra (CPT)
- Conectas Direitos Humanos
- Conselho Indigenista Missionário (CIMI)
- Departamento Nacional dos Trabalhadores da CUT (DNTR-CUT)
- Federação dos Trabalhadores na Agricultura (FETAGRI)
- Justiça e Paz
- Movimento dos Trabalhadores Rurais Sem Terra (MST)
- Movimento Nacional de Meninos e Meninas de Rua (MNMMR)
- Movimento Nacional dos Direitos Humanos (MNDH)
- Sociedad Paraense de Defesa dos Direitos Humanos (SDDH)
- Terra de Direitos
- Tortura Nunca Mais - RJ

Bulgaria

- Assistance Centre for Torture Survivors (ACET)

Burkina Faso

- ACAT - Burkina Faso
- Mouvement burkinabè des droits de l'Homme et des peuples (MBDHP)

Burma

- Assistance Association for Political Prisoners in Burma (AAPPB)
- Burma Lawyers Council
- US Campaign for Burma

Burundi

- ACAT-Burundi
- Association des femmes juristes du Burundi (AFJB)
- Centre indépendant de recherches et d'initiatives pour le dialogue (CIRID)
- Comité d'action pour le développement intégral (CADI)
- Ligue burundaise des droits de l'Homme (ITEKA)
- Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME)

Cambodia

- Alliance for Freedom of Expression in Cambodia (AFEC)
- Cambodian Association for Development and Human Rights (ADHOC)
- Cambodian Centre of Human Rights (CCHR)
- Cambodian League for the Promotion and Defence of Human Rights (LICADHO)

Cameroon

- ACAT - Cameroun
- ACAT-Littoral
- Association for the Reconstruction of the Moko-Oh People (AFTRADEMOP)
- Maison des droits de l'Homme du Cameroun (MDHC)
- Mouvement pour la défense des droits de l'Homme et des libertés (MDDHL)
- Organe de la société civile (Os_civile)

Canada

- ACAT - Canada
- Human Rights Internet (HRI)
- Ligue des droits et des libertés du Québec (LDL)

Central African Republic

- ACAT - Centrafrique
- Ligue centrafricaine des droits de l'Homme (LCDH)
- Organisation pour la compassion et le développement des familles en détresse (OCODEFAD)

Chad

- Association jeunesse anti-clivage (AJAC)
- Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH)
- Collectif des associations de défense des droits de l'Homme (CADH)
- Ligue tchadienne des droits de l'Homme (LTDH)

Chile

- Centro de Documentación Mapuche, Ñuke Mapu
- Centro de Salud Mental y Derechos Humanos (CINTRAS)
- Centro Regional de Derechos Humanos y Justicia de Género
- Comisión Chilena de Derechos Humanos (CDH-C)
- Corporación de Promoción y Defensa de los Derechos del Pueblo (CODEPU)
- Fundación de Ayuda Social de Las Iglesias Cristianas (FASIC)
- Fundación de Protección a la Infancia Dañada (PIDEE)
- Observatorio de Derechos de los Pueblos Indígenas

China

- Asian Centre for the Progress of Peoples
- China Labour Bulletin
- Chinese Human Rights Defenders (CRD)
- Human Rights in China (HRIC)
- Tibetan Centre for Human Rights and Democracy (India)

Colombia

- Asamblea Permanente de la Sociedad Civil por la Paz
- Asociación de Abogados Laboralistas
- Asociación de Educadores de Arauca (ASEDAR)
- Asociación de Institutores de Antioquia (ADIDA)
- Asociación Nacional de Ayuda Solidaria (ANDAS)
- Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción (ANUC-UR)
- Central Unitaria de Trabajadores (CUT)
- Centro de Investigación y Educación Popular (CINEP)
- Colombia Campesina
- Comisión Colombiana de Juristas (CCJ)
- Comisión Intereclesial de Justicia y Paz (CJP)

- Comité Permanente por la Defensa de Derechos Humanos (CPDH)
- Comité Permanente para la Defensa de los Humanos “Héctor Abad Gómez”
- Comunidad de Paz de San José de Apartadó
- Coordinación Colombia Europa - Estados Unidos
- Corporación Colectivo de Abogados “José Alvear Restrepo” (CCAJAR)
- Corporación Jurídica Libertad (CJL)
- Corporación para la Defensa y Promoción de los Derechos Humanos (REINICIAR)
- Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
- Corporación Social para la Asesoría y Capacitación Comunitaria (COSPACC)
- Escuela Nacional Sindical de Colombia (ENS)
- Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO - CUT)
- Fundación Comité Regional de Derechos Humanos “Joel Sierra”
- Fundación Comité de Solidaridad con los Presos Políticos (FCSP)
- Instituto Latino Americano de Servicios Legales Alternativos (ILSA)
- Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE)
- Organización Femenina Popular (OFP)
- Organización Internacional de Derechos Humanos - Acción Colombia (OIDHACO)
- Proyecto Justicia y Vida
- Proceso de Comunidades Negras en Colombia (PCN)
- Sindicato Nacional de Trabajadores de las Industrias de Alimentos (SINALTRAINAL)
- Unión Sindical Obrera (USO)

Congo (Republic of)

- Association pour les droits de l’Homme et l’univers carcéral (ADHUC)
- Coalition congolaise publiez ce que vous payez
- Femmes congolaises chefs de famille et éducatrices (FCFE)

- Observatoire congolais des droits de l'Homme (OCDH)
- Rencontre pour la paix et les droits de l'Homme (RPDH)

Congo (Democratic Republic of)

- Action contre l'impunité pour les droits humains (ACIDH)
- Association africaine de défense des droits de l'Homme (ASADHO)
- Centre des droits de l'Homme et du droit humanitaire (CDH)
- Centre pour le développement et les droits de l'Homme (CDDH)
- Comité des observateurs des droits de l'Homme (CODHO)
- Coordination des actions de promotion de la paix et des droits de l'Humain (CAPDH)
- Femmes chrétiennes pour la démocratie et le développement (FCDD)
- Groupe évangélique pour la non-violence (GANVE)
- Groupe justice et libération
- Groupe Lotus
- Haki Za Binadamu-Maniema (HBM)
- Héritiers de la justice
- Journalistes en danger (JED)
- Justice Plus
- Les amis de Nelson Mandela pour les droits de l'Homme (ANMDH)
- Ligue congolaise des droits de l'Homme
- Ligue des électeurs (LE)
- Ligue de la zone Afrique pour la défense des droits des enfants et des élèves (LIZADEEL)
- Observatoire congolais des droits de l'Homme (OCDH)
- Observatoire national des droits de l'Homme (ONDH)
- Organisation pour la sédentarisation, l'alphabétisation et la promotion des Pygmées (OSAPY)
- Solidarité pour la promotion et la paix (SOPROP) - France
- Voix des sans voix (VSV)

Costa Rica

- Asociación Centroamericana de Familiares (ACAFADE)
- Asociación Servicios de Promoción Laboral (ASEPROLA)

Côte d'Ivoire

- ACAT - Côte d'Ivoire
- Ligue ivoirienne des droits de l'Homme (LIDHO)
- Mouvement ivoirien des droits humains (MIDH)

Croatia

- Civic Committee for Human Rights (CCHR)

Cuba

- Coalición de Mujeres Cubano-Americanas
- Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)
- Directorio Democrático Cubano
- Fundación Cubana de Derechos Humanos

Czech Republic

- League for Human Rights

Denmark

- Treatment and Counselling for Refugees (OASIS)

Djibouti

- Ligue djiboutienne des droits de l'Homme (LDDH)
- Union djiboutienne du travail (UDT)
- Union des travailleurs du port (UTP)

Dominican Republic

- Comisión Nacional de los Derechos Humanos (CNDH)

Ecuador

- Asamblea Permanente de Derechos Humanos del Ecuador (APDH)
- Centro de Derechos Economicos y Sociales (CDES)
- Centro de Documentación de Derechos Humanos "Segundo Montes Mozo" (CSMM)
- Comisión Ecuménica de Derechos Humanos (CEDHU)
- Comité de Familiares de Presos Políticos (COFPPE)
- Confederación de Nacionalidades Indígenas del Ecuador (CONAIE)

- Fundación Regional de Asesoría en Derechos Humanos (INREDH)

Egypt

- Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP)
- Arab Lawyers Union (ALU)
- Arab Program for Human Rights Activists (APHRA)
- Egyptian Organisation for Human Rights (EOHR)
- Hisham Mubarak Law Centre
- Human Rights Centre for the Assistance of Prisoners (HRCAP)
- Nadeem Center

El Salvador

- Comisión de Derechos Humanos de El Salvador (CDHES)

Ethiopia

- Action Aid Ethiopia
- Ethiopian Free Press Journalists' Association (EFJA)
- Ethiopian Human Rights Council (EHRCO)
- Ethiopian Teachers' Association (ETA)

Finland

- Finnish League for Human Rights (FLHR)

France

- ACAT-France
- Justice et paix
- Ligue des droits de l'Homme et du citoyen (LDH)
- Observatoire international des prisons
- Pax Christi France
- Pax Romana - Mouvement international des juristes catholiques
- Santé, éthique et libertés (SEL)
- Service œcuménique d'entraide (CIMADE)

Gambia

- Gambian Press Union
- International Society for Human Rights (ISHR)

Germany

- ACAT - Germany
- Diakonisches Werk der EKD - Human Rights Desk
- Internationale Liga für Menschenrechte (ILNR)
- Pax Christi Deutschland

Georgia

- Georgian Association to Facilitate Women's Employment (Amagdari)
- Georgian Young Lawyers' Association (GYLA)
- Human Rights Centre (HRIDC)

Greece

- Greek Helsinki Monitor (GHM)
- Ligue hellénique des droits de l'Homme (LHDH)
- Marangopoulos Foundation for Human Rights
- Rehabilitation Center for Torture Victims (RCTVI)

Guatemala

- Casa Alianza
- Central General de Trabajadores de Guatemala (CGTG)
- Centro para la Acción Legal en Derechos Humanos (CALDH)
- Comisiatura de los Derechos Humanos de Guatemala
- Comisión de Derechos Humanos de Guatemala (CDHG)
- Coordinación de ONG y Cooperativas (CONGCOOP)
- Coordinadora Nacional Indígena y Campesina Aconic
- Coordinadora Nacional de Organizaciones Campesinas (CNOC)
- Fundación para los Derechos Humanos en Guatemala (FHG)
- Grupo de Apoyo Mutuo (GAM)
- Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS - Guatemala)
- Justicia y Paz (USA)
- Movimiento Nacional de Derechos Humanos de Guatemala (MNDH)
- Projet Accompagnement Québec-Guatemala
- Unidad de Protección de Defensoras y Defensores de Derechos Humanos - Guatemala (UDEFEGUA-Guatemala)

Guinea-Bissau

- Liga Guineense dos Direitos Humanos (LGDH)

Guinea Conakry

- Organisation guinéenne pour la défense des droits de l'Homme (OGDH)

Haiti

- Centre œcuménique pour les droits humains (CEDH)
- Comité des avocats pour le respect des libertés individuelles (CARLI)
- Justice et paix
- Réseau national de défense des droits de l'Homme (RNDDH)

Honduras

- Asociación ANDAR
- Asociación Arcoiris
- Centro para la Prevención, el Tratamiento y la Rehabilitación de las Víctimas de la Tortura (CPTRT)
- Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH)
- Comité para la Defensa de los Derechos Humanos en Honduras (CODEH)
- Consejo Cívico de Organizaciones Populares e Indígenas (COPINH)
- Movimiento Ambientalista de Olancho (MAO)
- Organización Fraternal Negra Hondureña (OFRANEH)

India

- Centre for Organisation Research and Education (CORE)
- Committee for the Protection of Democratic Rights (CPDR)
- Committee on Human Rights - Manipur
- Commonwealth Human Rights Initiative (CHRI)
- Forum for Fact-finding Documentation and Advocacy (FFDA)
- India Center for Human Rights and the Law (ICHL)
- Jeevan Rekha Parishad (JRP)
- Manabadhikar Suraksha Mancha (MASUM)
- NGO Forum Combating Sexual Exploitation and Abuse of Children
- People's Watch

- People's Union for Civil Liberties (PUCL)
- People's Union for Democratic Rights (PUDR)
- Rural People's Sangam (RPS)
- Society for Rural Education and Development

Indonesia

- The Commission for Disappearances and Victims of Violence (KONTRAS)
- Human Rights Working Group (HRWG)
- Imparsial - The Indonesian Human Rights Monitor
- TAPOL - The Indonesia Human Rights Campaign

Iran

- Defenders of Human Rights Centre (DHRC)
- Ligue pour la défense des droits de l'Homme en Iran (LDDHI)

Iraq

- Iraqi Network for Human Rights Culture and Development (INHRCD)

Ireland

- Irish Council for Civil Liberties (ICCL)
- Pax Christi Ireland

Israel

- Association for Civil Rights in Israel (ACRI)
- B'Tselem
- HaMoked - Center for the Defence of the Individual
- Legal Centre for Arab Minority Rights in Israel (Adalah)
- Public Committee Against Torture in Israel (PCATI)
- The Association of Forty

Italy

- ACAT - Italy
- Liga Italiana dei Diritti dell'Uomo (LIDU)
- Pax Christi Italy
- Unione Forense per la Tutela dei Diritti dell'Uomo (UFTDU)

Japan

- Buraku Liberation and Human Rights Research Institute

Jordan

- Amman Centre for Human Rights Studies (ACHRS)
- Jordan Society for Human Rights (JSHR)

Kazakhstan

- Kazakhstan International Bureau for Human Rights and Rule of Law

Kenya

- Independent Medico-Legal Unit (IMLU)
- International Commission of Jurists (ICJ) - Kenya
- Kenyan Human Rights Commission (KHRC)

Kyrgyzstan

- Bureau on Human Rights and Rule of Law
- Kyrgyz Committee for Human Rights (KCHR)
- Civil Society Against Corruption

Kosovo

- Council for the Defence of Human Rights and Freedoms (CDHRF)

Kuwait

- Kuwait Human Rights Society (KHRS)

Laos

- Mouvement laotien pour les droits de l'Homme (MLDH)

Latvia

- Latvian Human Rights Committee (LHRC)

Lebanon

- Association libanaise des droits de l'Homme (ALDHOM)
- Fondation libanaise pour la paix civile permanente
- Foundation for Human and Humanitarian Rights in Lebanon
- Frontiers Center
- Khiam Rehabilitation Centre
- National Association for Lebanese Detainees in Israeli Prisons (NALDIP)

- Palestinian Human Rights Organisation (PHRO)
- Soutien aux Libanais détenus arbitrairement (SOLIDA)

Liberia

- Foundation for Human Rights and Democracy (FOHRD)
- Liberia Watch for Human Rights

Libya

- Libyan League for Human Rights

Lithuania

- Lithuanian Human Rights Association

Luxembourg

- ACAT - Luxembourg
- Pax Christi Luxembourg - Entraide d'église

Madagascar

- ACAT- Madagascar

Malaysia

- ALIRAN
- Suara Rakyat Malaysia (SUARAM)

Maldives

- Maldivian Detainee Network

Mali

- Association malienne des droits de l'Homme (AMDH)
- Association pour le progrès et la défense des droits des femmes (APDF)
- Comité d'action pour les droits de l'enfant et de la femme (CADEF)
- LAKANA SO

Malta

- Malta Association for Human Rights (MAHR)

Mauritania

- Association mauritanienne des droits de l'Homme (AMDH)
- SOS Esclaves

Mexico

- Academia Mexicana de Derechos Humanos (AMDH)
- ACAT - Mexico
- Asociación de Familiares de Detenidos-Desaparecidos y Víctimas
- Centro de Derechos Humanos "Fray Bartolomé de las Casas"
- Centro de Derechos Humanos "Fray Juan Larios"
- Centro de Derechos Humanos "Miguel Agustín Pro Juárez" (PRODH)
- Centro de Investigaciones Económicas y Políticas de Acción Comunitaria
- Centro Regional de Derechos Humanos "Bartolomé Carrasco Briseño"
- Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH)
- Comisión de Solidaridad y Defensa de Derechos Humanos (COSYDDHAC)
- Comité Cerezo
- Fomento Cultural y Educativo AC
- Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)
- Nuestras Hijas de Regreso a Casa
- Red Nacional de Organizaciones Civiles de Derechos Humanos "Todos por los Derechos Humanos"
- Servicio Internacional para la Paz (SIPAZ)

Moldova

- Moldova Helsinki Committee for Human Rights (MHC)
- League for the Defence of Human Rights of Moldova (LADOM)

Morocco

- Asociación de Familiares de Presos y Desaparecidos Saharais (AFAPREDESA), Spain
- Association marocaine des droits humains (AMDH)
- Forum marocain vérité et justice (FMVJ)
- Organisation marocaine des droits humains (OMDH)

Mozambique

- Liga Mocanbicana dos Direitos Humanos

Nepal

- Advocacy Forum Nepal
- Centre for Victims of Torture (CVICT)
- Forum for the Protection of Human Rights (FOPHUR)
- Informal Sector Service Centre (INSEC)
- Institute of Human Rights and Democracy (IHRD)
- International Institute for Human Rights, Environment and Development (INHURED)
- Group for International Solidarity (GRINSO)
- Women's Rehabilitation Centre (WOREC)

Netherlands

- ACAT - Netherlands
- Global Initiative on Psychiatry
- Liga Voor de Rechten Van de Menz (LVRM)
- Pax Christi Netherlands
- Studie-en Informatiecentren Mensenrechten

New Caledonia

- Ligue des droits de l'Homme de Nouvelle Calédonie

Nicaragua

- Centro Nicaragüense de Derechos Humanos (CENIDH)

Niger

- Association nigérienne de défense des droits de l'Homme (ANDDH)
- Collectif des organisations de défense des droits de l'Homme et de la démocratie (CODDH)
- Comité de réflexion et d'orientation indépendant pour la sauvegarde des acquis démocratiques (CROISADE)
- Comité national de coordination de la Coalition équité / qualité contre la vie chère au Niger
- Ligue nigérienne de défense des droits de l'Homme (LNDH)
- Timidria

Nigeria

- Civil Liberties Organisation (CLO)
- CLEEN Foundation
- Consulting Centre for Constitutional Rights and Justice (C3RJ)
- Media Rights Agenda (MRA)
- Prisoners Rehabilitation and Welfare Action (PRAWA)

Occupied Palestinian Territory

- Addameer
- Al-Haq
- Al-Mezan Center for Human Rights
- Defence of Children International - Palestine (DCI)
- Jerusalem Centre for Human Rights
- Palestinian Centre for Human Rights (PCHR)
- Palestinian Human Rights Monitoring Group (PHRMG)
- Ramallah Centre for Human Rights Studies (RCHRS)

Pakistan

- Human Rights Commission of Pakistan (HRCP)
- Human Rights Education Forum Pakistan (HREF)
- National Commission for Justice and Peace, Pakistan
- Umeed Welfare Organisation
- Voice Against Torture (VAT)
- World Peace Forum (WPF)

Panama

- Centro de Capacitación Social (CCS)

Peru

- Asociación Pro Derechos Humanos (APRODEH)
- Centro de Asesoría Laboral (CEDAL)
- Centro de Estudios y Acción para la Paz (CEAPAZ)
- Comisión de Derechos Humanos (COMISEDH)
- Coordinadora Nacional de Derechos Humanos (CNDDHH)
- Federación Nacional de Trabajadores Mineros, Metalúrgicos y Siderúrgicos del Perú (FNTMMSP)
- Fundación EcuMénica para el Desarrollo y la Paz (FEDEPAZ)
- Instituto de Defensa Legal (IDL)

Philippines

- Alliance for the Advancement of People's Rights (KARAPATAN)
- Episcopal Commission on Tribal Filipinos
- Free Legal Assistance Group
- GABRIELA - National Alliance of Women's Organisation in the Philippines
- KAIBIGAN-OCW Inc.
- KALAKASAN - Kababaihan Laban sa Karahasan
- Kilusang Mayo Uno Labour Center (KMU)
- Medical Action Group
- National Secretary of Social Action Justice
- Pax Christi Philippines
- Philippine Alliance of Human Rights Advocates (PAHRA)
- Regional Council on Human Rights in Asia
- Task Force Detainees of the Philippines (TFDP)

Poland

- Helsinki Watch Committee

Polynesia

- Ligue polynésienne des droits humains

Portugal

- Comissão para los Direitos do Povo Maubere
- Confederação Geral dos Trabalhadores Portugueses
- Pax Christi Portugal

Puerto Rico

- Pax Christi Puerto Rico

Romania

- League for the Defence of Human Rights (LADO)

Russian Federation

- Agora
- Caucasian Knot
- Centre des droits de l'Homme Mémorial
- Centre for the Development of Democracy and Human Rights
- Centre Sova
- Citizens' Watch

- Comité des mères de soldats de Saint-Pétersbourg
- Committee for the Protection of Human Rights Republic of Tartastan
- Mémorial Saint Petersburg
- Moscow Research Centre for Human Rights
- Mouvement "Pour les droits de l'Homme"
- Nizhny Novgorod Foundation for the Promotion of Tolerance
- Russian-Chechen Friendship Society (RCFS)
- Union des comités des mères de soldats

Rwanda

- Association pour la défense des droits de l'Homme et libertés publiques (ADL)
- Collectif des ligues pour la défense des droits de l'Homme (CLADHO)
- Forum des activistes contre la torture (FACT)
- Ligue rwandaise pour la promotion et la défense des droits de l'Homme au Rwanda (LIPRODHOR)
- Réseau international pour la promotion et la défense des droits de l'Homme au Rwanda (RIPRODHOR)

Senegal

- Organisation nationale des droits de l'Homme (ONDH)
- Rencontre africaine pour la défense des droits de l'Homme (RADDHO)

Serbia

- Anti Sex Trafficking Action (ASTRA)
- Centre for Peace and Democracy Development (CPDD)
- Comité yougoslave des avocats
- Helsinki Committee for Human Rights in Serbia
- Humanitarian Law Centre (HLC)

Sierra Leone

- Centre for Democracy and Human Rights (CDHR)
- Defence for Children International - Sierra Leone
- Forum of Conscience (FOC)

South Africa

- Human Rights Institute of South Africa (HURISA)

South Korea

- Korean Confederation of Trade Union (KFTU)
- Korean Government Employees' Union (KGEU)
- MINBYUN - Lawyers for a Democratic Society
- SARANBANG

Spain

- ACAT - Espagne / Catalogne
- Asociación pro Derechos Humanos de España (APDHE)
- Federación de Asociaciones de Defensa y de Promoción de los Derechos Humanos (FADPDH)
- Justicia y Pau
- Pax Romana / Grupo Juristas Roda Ventura

Sri Lanka

- Centre for Rule of Law
- Home for Human Rights (HHR)

Sudan

- Amel Centre for Treatment and Rehabilitation of Victims of Torture
- The Darfur Consortium
- Darfur Relief and Documentation Centre (DHRC)
- Khartoum Centre for Human Rights and Environment Development (KCHRED)
- Sudan Human Rights Organisation
- Sudan Social Development Organisation (SUDO)
- Sudan Organisation Against Torture (SOAT)

Switzerland

- ACAT - Switzerland
- Action de carême catholique suisse / Fastenopfer
- Antenna International
- Justice and Peace - Commission nationale suisse
- Ligue suisse des droits de l'Homme
- Pax Christi Switzerland
- Pax Romana Switzerland

Syria

- Comités de défense des libertés démocratiques et des droits de l'Homme en Syrie (CDF)
- Damascus Centre for Human Rights Studies (DCHRS)
- Human Rights Association in Syria (HRAS)
- National Organisation for Human Rights in Syria (NOHRS)
- Syrian Human Rights Organisation (SHRO)

Taiwan

- Taiwan Association for Human Rights (TAHR)

Tajikistan

- Bureau on Human Rights and Rule of Law
- International Centre of Non-commercial Law

Tanzania

- Centre pour l'éducation et la défense des droits de l'Homme (CEDH)
- Legal and Human Rights Centre (LHRC)

Thailand

- Union for Civil Liberty (UCL)

Togo

- ACAT-Togo
- Association togolaise de lutte contre la torture (ATLT)
- Ligue togolaise des droits de l'Homme (LTDH)

Tunisia

- Association de lutte contre la torture en Tunisie (ALTT)
- Association tunisienne des femmes démocrates (ATFD)
- Centre d'information et de documentation sur la torture en Tunisie (France)
- Comité pour le respect des libertés et des droits de l'Homme en Tunisie (CRLDHT)
- Conseil national pour les libertés en Tunisie (CNLT)
- Kalima
- Ligue tunisienne des droits de l'Homme (LTDH)

Turkey

- Centre d'action sociale, de réhabilitation et d'adaptation (SOHRAM)
- Human Rights Association (IHD)
- Human Rights Foundation of Turkey (HRFT)
- Legal Research Foundation (TOHAV)

Turkmenistan

- Turkmen Initiative for Human Rights (TIHR)

Uganda

- Foundation for Human Rights Initiative (FHRI)
- Human Rights and Development Torch
- Sexual Minorities in Uganda (SMUG)

United Kingdom

- ACAT - UK
- Anti-Slavery Society for the Protection of Human Rights
- Committee on the Administration of Justice (CAJ) - Northern Ireland
- Justice
- Justice for Victims of Human Rights Violence in Conflict
- Liberty
- Pax Christi - UK
- Quaker Peace and Service Abolition of Torture

United States

- Center for Constitutional Rights (CCR)
- Center for Human Rights and Constitutional Law
- Human Rights Advocates
- National Council of Churches - Human Rights Office
- Pax Christi USA
- World Organization for Human Rights

Uruguay

- Instituto de Estudios Legales y Sociales del Uruguay (IELSUR)
- Servicio Paz y Justicia - Uruguay

Uzbekistan

- Human Rights in Central Asia
- Human Rights Society of Uzbekistan (HRSU)

Venezuela

- Comité de Familiares de Víctimas del 27 de Febrero (COFAVIC)
- Comisión Latinoamericana por los Derechos y Libertades (CLADEHILT)
- Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)
- Observatorio Venezolano de Prisiones (OVP)
- Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA)
- Red de Apoyo por la Justicia y la Paz (REDAPOYO)

Viet Nam

- Comité Vietnam pour la défense des droits de l'Homme (CVDDH)

Yemen

- Human Rights' Information and Training Center (HRITC)
- Sisters' Arabic Forum for Human Rights (SAF)

Zimbabwe

- Catholic Commission for Justice and Peace
- Media Monitoring Project of Zimbabwe (MMPZ)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Human Rights NGO Forum
- Zimbabwe Lawyers for Human Rights (ZLHR)

/ ANNEX 2

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

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 belief 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.

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) international missions of investigation and solidarity
- d) a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- e) the preparation, publication and world-wide diffusion of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- f) sustained action with the United Nations (UN) and more particularly the Special Representative of the Secretary-General on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- g) sustained lobbying with various regional and international intergovernmental institutions, especially the African Union (AU), the

Organisation of American States (OAS), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States 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 at risk of being 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 the 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 established a system of communication devoted to defenders in danger.

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

E-mail : Appeals@fidh-omct.org

Tel. : + 33 1 43 55 55 05 / Fax : + 33 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 OMCT (Geneva) and FIDH (Paris), the Observatory's Programme is supervised by Eric Sottas, OMCT Secretary General, and Anne-Laurence Lacroix, Deputy Secretary General, and Antoine Bernard, FIDH Executive Director, and Juliane Falloux, Deputy Executive Director.

At FIDH, the programme is run by Clémence Bectarte, programme director, and Hugo Gabbero, programme officer, with the assistance of Isabelle Brachet, Emmanouil Athanasiou, Jimena Reyes, Delphine Raynal, Alexandra Koulaeva, Marceau Sivieude, Florent Geel, Tchérina Jérolon, Stéphanie David, Marie Camberlin, Alexandra Pomeon, Antoine Madelin, Grégoir Thery, Simia Ahmadi, Julie Gromellon, Damien Cousin, Gaël Grilhot, Karine Appy and Nicolas Barreto-Diaz. FIDH wishes to thank Macha Chichtchenkova, Laurence Cuny and Marie Brossier who assisted it for the writing of this report.

At OMCT, the Observatory is managed by Delphine Reculeau, programme director, with the assistance of Clemencia Devia Suarez. The OMCT also wishes to thank Laëtitia Sedou, from OMCT-Europe, Ms. Barbara Profeta and Mr. Fernando Mejia-Montoya, as well as the interns Caroline Nanzer and Ewelina Iacaccia, who assisted it for this report.

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

Operators of the Observatory

FIDH

The International Federation for Human Rights (FIDH) is an international non-governmental organisation for the defence of the rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 141 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, trial observation, mediation or training in over hundred countries. In the past few years, FIDH has developed with its partners organisations, an action programme for economic, social and cultural rights and for the promotion of international justice and helping victims to achieve greater justice. In recent years, FIDH has also adopted legal intervention as a mode of action.

FIDH has either consultative or observer status with the United Nations, UNESCO, the Steering Committee for Human Rights (CDDH) of the Council of Europe, the International Organisation of the Francophonie (OIF), the African Commission on Human and Peoples' Rights (ACHPR), the International Labour Organisation (ILO) and the Commonwealth.

FIDH is also in constant and systematic contact with the European Union and the United Nations through its permanent delegations in Geneva, Brussels, The Hague and New-York. Every year, FIDH facilitates 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: Souhayr Belhassen, President; Philippe Vallet, Treasurer; Yusuf Atlas (Turkey), Aliaksandr Bilaltski (Belarus), Amina Bouayach (Morocco), Juan Carlos Capurro (Argentina), Karim Lahidji (Iran), Fatimata Mbaye (Mauritania), Cynthia Gabriel (Malaysia), Vilma Nuñez de Escorcía (Nicaragua), Sorraya Gutierrez Arguello (Colombia), Raji Sourani (Palestine), Peter Weiss (United States), Tanya Ward (Ireland), Arnold Tsuanga (Zimbabwe), Dan Van Raemdonck (Belgium), Dismas Kitenge Senga (DRC), Vice-Presidents; and of Florence Bellivier, Olivier de Schuter, Driss El Yazami, Paul Nsaku Mukulu, Luis Guillermmo Perez, Secretaries General.

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 other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of 282 non-governmental organisations in more than 90 countries and seeks to strengthen and accompany their activities in the field. The structure of the SOS-Torture network has allowed OMCT to reinforce local activities while favouring the access of national NGOs to international institutions. Support is granted to individuals victims or potential victims of torture through urgent campaigns (notably in favour of children, women, and human rights defenders) and legal, social and medical emergency assistance. It is also more general in nature, through the submission of reports to the various United Nations mechanisms.

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

Its Executive Council is composed of: Olivier Mach, President; Yves Berthelot, Vice-President, José Domingo Dougan Beaca, Vice-President, Anthony Travis, Treasurer, Anna Biondi, Denis von der Weid, José Figueiredo, Elisabeth Reusse Warner and Christine Sayegh. The Assembly of Delegates, elected in December 2001, is composed of twenty one members. For Africa: Madeleine Afite, Innocent Chukwuma, Aminata Dieye, Osman Hummaida and Guillaume Ngefa; for Latin America: Ernesto Alayza Mujica, Helio Bicudo and Alberto León Gómez; for North America: Al Bronstein; for Asia: Joseph Gathia, Ravi Nair, Elisabeth P. Protacio and Khalida Salim; for Europe: Panayote Elias Dimitras, Nazmi Gür, Hélène Jaffe, Tinatin Khidasheli and Frauke Seidensticker; for North Africa and the Middle East : Hasan Moosa, Radhia Nasraoui and Lea Tsemel.

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"[...] under my tenure, the Declaration on Human Rights Defenders has gained increased visibility [...]. [...] However, several challenges still remain for the effective protection of human rights defenders. [...] Since its establishment in 1997 by the International Federation for Human Rights and the World Organisation Against Torture, the Observatory for the Protection of Human Rights Defenders has relentlessly denounced acts of harassment and intimidation against human rights defenders throughout the world which impede their legitimate and non-violent activities in defence of human rights. I welcome the commendable work of the Observatory, and encourage it to continue its efforts in advocating a safe environment for all human rights defenders."

Ms. Hina Jilani

Special Representative of the United Nations Secretary General on the Situation of Human Rights Defenders (2000-2008)

On the occasion of the 60th anniversary of the Universal Declaration on Human Rights and the 10th anniversary of the Declaration on Human Rights Defenders, the Observatory for the Protection of Human Rights Defenders (OMCT-FIDH) wishes to celebrate, through the publication of its Annual Report 2007, the steadfast protest of all human rights defenders throughout the world. These women and men continue to suffer severe repression in the exercise of their freedoms, as we mark this year the anniversary of the instruments in which these rights are enshrined.

The Observatory is a programme of alert, protection and mobilisation, established by the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) in 1997. It aims to establish a systematic response from the international community in the face of repression of defenders, and to end the isolation of these courageous activists.

