



The Observatory
for the Protection
of Human Rights Defenders

Media Kit: Steadfast in Protest

Annual Report 2010

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Steadfast in Protest



Souhayr Belhassen
FIDH President

"A true society, where discussions and debates are an essential technique, is a society full of risks"¹. These few words of the American historian Moses I. Finley strongly summarise the spirit of this twelfth Annual Report of the Observatory. Drawing up an inventory of the situation of human rights defenders in the world in 2009, this report illustrates forcefully the difficulty and danger of promoting the exchange of ideas, pluralism, protection of fundamental freedoms and the democratic ideal, on all continents.

Who controls the civil society ensures the outcome of elections

A motto that many States seem to have applied literally this year

One who speaks of democracy and rule of law in contemporary societies immediately refers to the right of peoples to choose freely their leaders by vote. A right whose implementation requires the combination of different elements - respect for freedoms of association and expression, transparency, freedom of information, freedom of assembly - without which no election could be recognised as free and fair. So many elections took place worldwide in 2009, and many of these ballots did not meet these requirements. Few leaders in authoritarian countries (but also in some countries said to be more "democratic") have agreed to play the game of pluralism. On numerous occasions, we witnessed a muzzling of the opposition, media subservience and sometimes even blatant constitutional amendments, designed to maintain Heads of state in power.



Eric Sottas
OMCT Secretary
General

"This report illustrates the difficulty and danger of promoting the exchange of ideas, pluralism, protection of fundamental freedoms and the democratic ideal, on all continents"

In such context, human rights defenders were once again subjected to considerable pressure, when they did not pay with their lives for their commitment. The role they have played in these electoral processes accentuated an already pronounced repression against them, such as in *Iran, Nicaragua* or *Tunisia*.

Some States provided little or no space for the freedoms of association, assembly and expression. In some others, like *Saudi Arabia*, the establishment of independent human rights organisations is prohibited. In *Libya*, the Criminal Code even provides the death penalty for anyone belonging to a banned group. In other States, the creation of associations is subjected to prior administrative authorisation.

Such practices have the effect of hindering the work of human rights defenders and organisations, especially at election time. In *Armenia* and *Azerbaijan* for instance, election observers were repressed or prevented from doing their work, while in *Nicaragua*, associations that denounced the rigging of the elections were targeted by authorities throughout the year. In addition, many defenders found themselves at the forefront of the crackdown for opposing flawed elections or pre-elections practices (*Democratic Republic of Congo, Mauritania, Nigeria*), for exposing post-election violence (*Kenya, Zimbabwe*), or for calling for free elections (*Sudan*) and respect for democratic principles (*DRC*). On every continent, serious attacks on freedom of assembly took place during such periods, and resulting in some cases in mass arrests of defenders (*Iran*).

1. See Moses I. Finley, *Democracy Ancient and Modern*, 1973, Rutgers University Press. Non official transcription.

The media: a double-edged sword

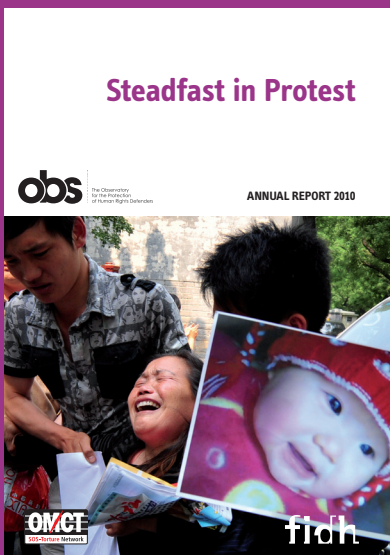
Restrictive press codes, control and surveillance of emails...The range of measures to muzzle the media is extremely broad. In *Kenya, Russia, Somalia* and *Sri Lanka*, many journalists were murdered or arbitrarily detained in 2009. Other media were suspended, or agreements reached with their distributors, so that concerned emissions could no longer be accessible.

Fragility of some intergovernmental mechanisms

Is it a coincidence that the protection mechanisms of some inter-governmental organisations are subject to repeated attacks from their member States? Many countries are still refusing to extend invitations to certain UN Special Procedures that have requested it (*Pakistan, Uzbekistan, Zimbabwe*). This hostility can also be found within the UN Human Rights Council and at the UN General Assembly, where the reports of some mechanisms are under increasingly virulent attack.

At the regional level, the situation is equally disturbing. Within the Organisation for Security and Cooperation in Europe (OSCE), *Russia, Uzbekistan* and other Central Asian countries make use of all their influence to discredit NGOs participating each year in the "Human Dimension Implementation Meetings". Moreover, much remains to be done for the decisions of the African Commission on Human and Peoples' Rights (ACHPR) to be implemented effectively by its member States. The emerging mechanisms within the Association of Southeast Asian Nations (ASEAN) is meanwhile facing considerable challenges. Finally, the degree of implementation of EU external policy instruments – such as its Guidelines on Human Rights Defenders – unfortunately continues to often depend on political or economic considerations.

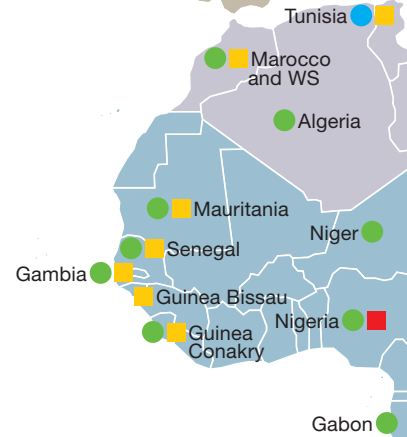
This Annual Report, which also addresses the situation of defenders in Western European countries, shows that even in the most accomplished democracies – or those which consider themselves as such – vigilance must remain the order of the day, and shows that the defence of fundamental rights can be questioned anytime, for purposes of questionable policies, or of a greater control of social bodies. It shows how defenders, everywhere, play an important role as a bulwark against arbitrariness and abuse, and that they remain, more than ever, a cornerstone of the rule of law.



The Observatory for the Protection of Human Rights Defenders

The Observatory for the Protection of Human Rights Defenders is a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) created in 1997. This action programme is based on the belief that strengthened co-operation and solidarity among human rights 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 of which defenders are victims. The Observatory has a two-pronged approach : intervention to prevent or find solutions in repressive situations, and a contribution to international mobilisation to acknowledge human rights defenders' activities and the need for their protection at both regional and international levels.

The situation of human rights defenders



SUB-SAHARAN AFRICA



The year 2009 was marked by an increase in assassinations of defenders in countries such as *Burundi, DRC, Kenya, Nigeria, Republic of the Congo, and Somalia*. The intensification of repression against defenders was facilitated through systematic denigration by certain Heads of state (*Gambia*).

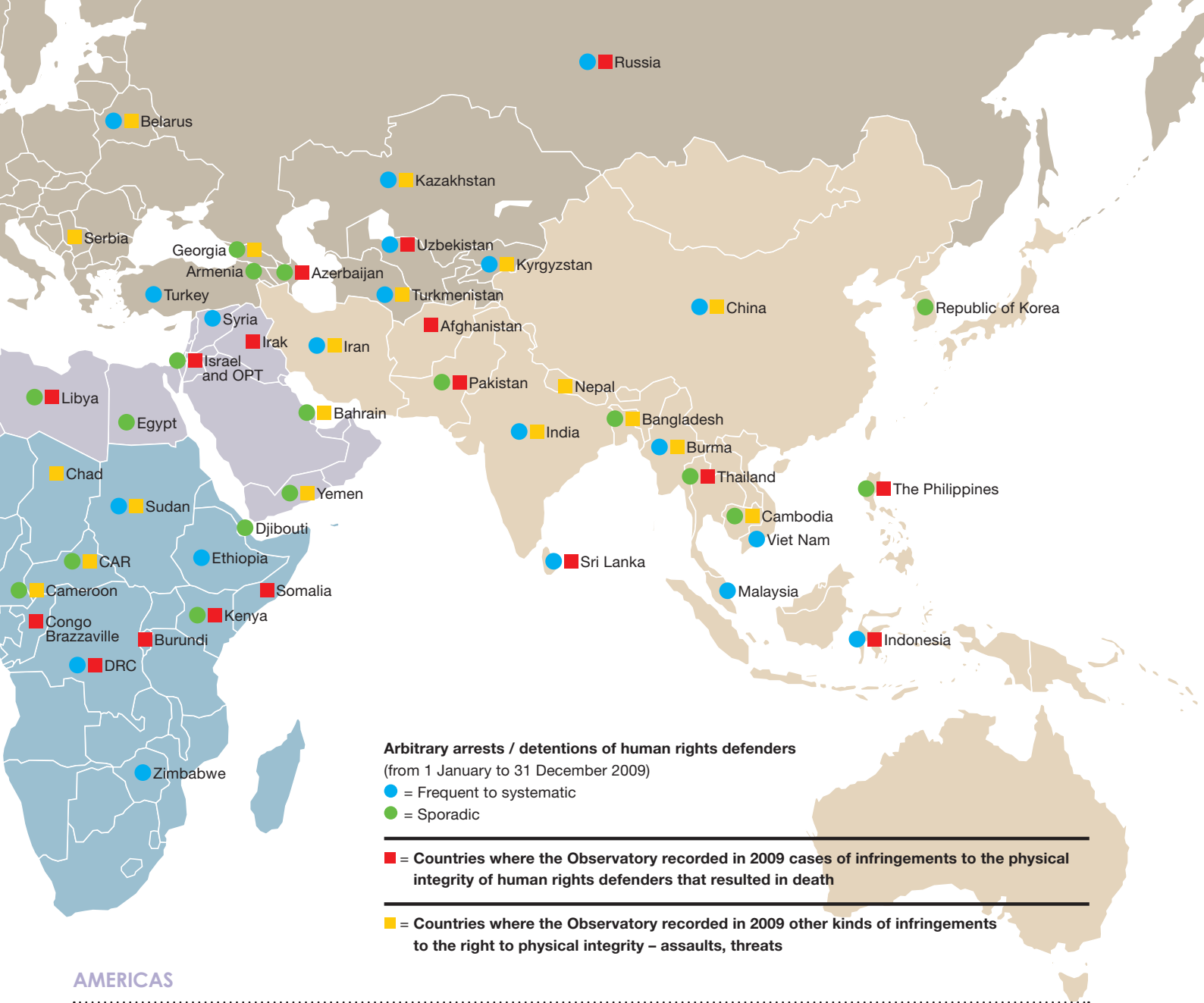
In 2009, human rights defenders were particularly repressed at election time or during political crises which marked out the region. This was the case in *Guinea-Conakry* following the violent repression of September 28, 2009. Defenders were also found at the forefront of the repression during crisis situations related to contested elections (*Mauritania, Nigeria, Republic of the Congo*). Those who denounced post-election violence (*Kenya, Zimbabwe*) or called for free elections (*Sudan*) were assimilated to the opposition and threatened, arrested, attacked or harassed.

In countries affected by conflict or in post-conflict situations, the obstacles against defenders were maintained in 2009 and humanitarian personnel continued to be exposed to considerable risks (*Somalia, Sudan*).

Defenders fighting against impunity and defending the **rights of victims**, especially those before the International Criminal Court (ICC) were also violently repressed, victims of threats, acts of harassment and intimidation (*Central African Republic, DRC, Sudan*).

The repression of defenders of **economic, social and cultural rights** on the continent increased, especially against those who exposed corruption. Some of them were murdered (*DRC, Burundi, Kenya, Nigeria*), others received death threats (*DRC, Cameroon*), or were assaulted (*Guinea Bissau*), or arrested (*Cameroon, Kenya, Nigeria*). **Freedom of union movements** also continued to be hampered in several countries on the continent (*Djibouti, Ethiopia, Gambia, Zimbabwe*).

While **freedom of the press** has gained ground in some countries like *Senegal*, journalists were killed during the exercise of their functions (*Kenya, Somalia, Republic of the Congo*). Moreover, several States continue to criminalise press offences (*Cameroon, Mauritania, Niger, Republic of the Congo, Rwanda*). **Freedom of expression** also remained restricted around the issue of armed conflict (CAR) and States censor the media at electoral time (*DRC, Niger, Sudan*) and use them to broadcast denigrating remarks on activities in the defence of human rights.



AMERICAS



In 2009 the situation of human rights and their defenders in the Americas and the Caribbean remained serious. The American continent was shaken by the first coup d'état since the fall of the military dictatorships during the 1980s: the June 28, 2009 coup in *Honduras* took the entire continent by surprise, it also reminded us that building democracy is a constant challenge.

Whilst some States on the continent showed their willingness to bring to justice those responsible for the crimes committed during the dictatorships, defenders and organisations **fighting against impunity** continued to be subjected to threats that aim to hinder their demands for justice (*Argentina, Chile, Colombia, Guatemala, Honduras, Mexico, Peru*).

Furthermore indigenous communities are often subject to violations of their **land rights** or are violently expelled from regions that are of economic interest. These violations were clearly demonstrated in practices that include the criminalisation of social protest and arbitrary detentions (*Brazil, Chile, Ecuador, Guatemala, Peru*), threats (*Guatemala, Mexico, Peru*), and even ill-treatment and assassinations of defenders and community leaders (*Chile, El Salvador, Guatemala, Mexico, Peru*).

In some countries, the defence of **labour rights** remained a very risky business (*Colombia, Guatemala, Honduras, Venezuela*).

Colombia was once more the most dangerous country in the world to be a trade unionist. According to the Colombian United Workers' Federation, 46 trade union leaders were assassinated in 2009.

Women human rights defenders were also the subject of attacks and threats, particularly those who reported violence against women and worked on demanding respect for sexual and reproductive rights (*Colombia, Guatemala, Mexico, Nicaragua*). Moreover, defenders of **lesbians, gays, bisexuals y transsexuals (LGBT) rights** were victims of violence and suffered as the result of the lack of State commitment to guarantee their right to freedom of expression and to ensure their protection (particularly in *Colombia and Honduras*).

In 2009, the lack of security faced by **journalists** committed to reporting human rights violations and corruption was of particular concern in some Latin American countries (*Bolivia, Ecuador, Haiti, Mexico, Nicaragua, Venezuela*).

In an increasingly militarised environment, human rights defenders who denounced arbitrary actions and abuse by **the police and the army** as well as the actions of illegal armed groups remained subject to serious threats (*Brazil, Colombia, Guatemala, Honduras, Mexico*).

ASIA



Elections that took place in various Asian countries in 2009 were marred by human rights violations and acts of intimidation (*Afghanistan* and *Indonesia*). Repression of post-election protests in *Iran* resulted in mass arrests in the ranks of peaceful demonstrators, including hundreds of political activists and leaders, journalists, student activists and human rights defenders.

In *Burma*, the military junta carried out a campaign to eradicate all opposition on the eve of the 2010 elections.

In such a context, many governments continued to restrict **freedoms of expression, assembly and association**, as well as control access to information and to exert censorship (*Afghanistan, Bangladesh, Cambodia, China, Iran, Malaysia, Sri Lanka, Thailand* and *Viet Nam*). Several Asian countries invoked national security arguments to clamp down on democracy and fundamental freedoms while various repressive legislations remained in force, thereby maintaining a restrictive environment for human rights activities (*Malaysia* and *Sri Lanka*). In other countries, the introduction of several new pieces of legislation contributed to worsen an already restrictive environment for human rights (*Bangladesh, Cambodia, Indonesia* and *Pakistan*).

Human rights lawyers suffered a consistent pattern of abuses in *Burma* and *China*. In *Vietnam* they were charged with "conducting propaganda" or detained. Lawyers in *Cambodia, Iran, Pakistan* and *Sri Lanka* were also victims of acts of harassment, death threats or attacks.

In addition, human rights defenders and NGOs remained targeted for denouncing extrajudicial killings, corruption and other human rights violations, particularly when they were committed by police, security and armed forces, as well as for fighting against impunity that accompanies such abuses (*Bangladesh, India, Nepal, The Philippines, Sri Lanka* and *Thailand*). Defenders fighting impunity also continued to be perceived by authorities as possible threats and demonised as "terrorists", "separatists" or supporters of "anti-State forces" (*The Philippines, Sri Lanka, Thailand*) and were victims of judicial harassment (*Indonesia*).

Women human rights defenders faced threats and harassment (*Nepal, Afghanistan*) and were again victims of acts of intimidation in *India*. Moreover, **religious' and minorities' rights defenders** faced again harassment and violence, particularly in *India* and *Pakistan*. They remained also subjected to acts of reprisals (*Bangladesh, China, Viet Nam*) and were arbitrarily detained (*Iran*).

Finally, **land rights defenders** and forced eviction petitioners continued to be arbitrarily arrested and detained in countries such as *Bangladesh, Burma, Cambodia, China, Indonesia, Malaysia* and *Pakistan* whereas defenders of the environment continued to be victims of assassinations and other forms of attacks in *Thailand*, reprisals (*India*), repression measures (*Bangladesh*) or harassment (*The Philippines*).

EASTERN EUROPE / CENTRAL ASIA



The absence of political pluralism in the majority of the countries of the region continued to foster the emergence of increasingly authoritarian

governments for which human rights defenders are perceived as a threat (*Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Uzbekistan*).

Furthermore, attempts of rapprochement by the international community to extricate certain particularly repressive countries from their isolation have borne no fruit (*Uzbekistan, Belarus, Turkmenistan*). Despite its election to the Presidency of the Organisation for Security and Co-operation in Europe (OSCE) in 2010, *Kazakhstan* showed little willingness to improve the human rights situation.

Once again this year, defenders were subject to death threats or attacks in most countries in the region (*Azerbaijan, Georgia, Kazakhstan, Russia, Turkmenistan, Uzbekistan*). In *Russia*, these acts of violence have gone as far as the murder of six human rights defenders with total impunity.

In *Belarus* and in *Russia*, **defenders who fight against xenophobia** were victims of threats and acts of violence committed by members of extreme right organisations, going as far as

the murder of defenders (*Russia*). Defenders of **lesbian, gay, bisexual and transgender (LGBT) rights**, were once again this year victims of violence (*Georgia, Serbia*).

In recent years, States in the region have put in place a legal arsenal to control strictly **freedoms of association and peaceful assembly**. In such context, new restrictive laws were adopted on the media (*Belarus, Kazakhstan*), freedom of association (*Azerbaijan*) and freedom of assembly (*Georgia, Kyrgyzstan*). In general, the issue of registration of associations remained a major concern (*Turkmenistan, Uzbekistan* and *Belarus, Azerbaijan*) and it has also become extremely difficult, or totally impossible to hold peaceful meetings (*Belarus, Turkmenistan, Uzbekistan*), even in self-styled democratic countries (*Georgia, Serbia*).

States also tried to restrict the work of defenders by establishing an excessive system of surveillance and placing obstacles in the way of exchanges with their partners abroad (*Belarus, Kyrgyzstan, Turkmenistan, Uzbekistan, Russia*).

Finally, **defenders who fight against impunity** remained a favourite target of repression (*Azerbaijan, Georgia, Russia*). Furthermore, the work of defenders remained extremely difficult in conflict or post-conflict zones (*Georgia, Russia, Uzbekistan*) with strengthened drastic security policies (North Caucasus).

NORTH AFRICA / MIDDLE EAST



Defamation campaigns, judicial harassment, acts of violence, enforced disappearances, arbitrary detention, torture, murders...the repression continued throughout the region in 2009.

In *Algeria* and in *Tunisia*, the presidential elections resulted in various measures to muzzle any voice of protest. Moreover, the ongoing state of emergency in *Algeria, Egypt, Syria* and in *Yemen* in the province of Sadaa subjected human rights defenders to emergency legislation. Finally, in States affected by armed conflicts, the authorities used those disorders to restrict the activities of defenders (*Israel and the Occupied Palestinian Territory (OPT), Yemen*). Thus, defenders who denounced violations committed in the context of armed conflicts were arrested by the authorities (*Israel/OPT*) and prosecuted, accused of sympathising with an armed insurgency or separatist movement (*Morocco and Western Sahara, Yemen*).

In some countries, human rights movements could not be constituted openly (*Libya, Saudi Arabia*). In several States, **the formation of an association** is further subject to obtaining prior administrative authorisation (*Bahrain, Egypt, Jordan, Libya, Syria*). Moreover, in countries where no administrative authorisation is required to carry out activities within an association, the authorities may refuse to enforce that law (*Algeria, Morocco and Western Sahara, Tunisia*).

In 2009, human rights defenders were subjected to defamation campaigns launched as a part of a global strategy aiming at **criminalizing the human rights movement** (*Bahrain, Morocco, Tunisia*). Furthermore, the use of repressive laws for political purposes was reinforced by the instrumentalisation of judicial proceedings: trials before courts of exception, use of "evidence" obtained through torture (*Bahrain, Egypt, Syria, Tunisia, Yemen*).

In other countries, the practice of enforced disappearances (*Syria, Yemen*), torture (*Bahrain, Egypt, Libya, Tunisia, Yemen*) and administrative detention without charge or trial (*Egypt, Israel*) remained also widespread.

Many human rights defenders were prevented from leaving the national territory or arrested following their participation to human rights conferences abroad (*Egypt, Israel, Saudi Arabia, Syria, Tunisia*). The authorities increased the surveillance of defenders in their private and family life (*Algeria, Israel/OPT, Tunisia*).

Freedom of the press continued to be flouted. Newspapers were seized or banned from broadcasting (*Algeria, Morocco, Yemen*), media centres were closed by the authorities (*Israel/OPT, Syria, Tunisia*) and journalists were prosecuted (*Algeria, Bahrain, Egypt, Morocco, Syria, Tunisia, Yemen*).

WESTERN EUROPE



In 2009, Western European countries continued to adopt strong policy instruments in favour of the protection of human rights defenders. In April 2009, the Council of Europe adopted a resolution calling national parliaments to "support assistance and protection measures for human rights defenders at risk".

Within the EU, 2009 was also marked by the "Shelter Cities Initiative", a move that was considered as a sign of political will to protect human rights defenders from third countries. It aims at identifying EU cities that would be ready to host human rights defenders, namely for security or medical reasons. However, as of late 2009, the initiative had still not been formally adopted by EU Member-States.

In spite of these policies in favour of human rights defenders' protection abroad, the situation of human rights activists within Western European States remained concerning to some extent. A number of defenders continued to face obstacles to their activities, in particular those defending **migrants' rights**.

In *France* for instance, the debate over the necessity to reform the legislation in order to lift obstacles to the defenders of the rights of migrants was an important public issue in 2009. The vagueness of the provisions concerning the offence of "giving assistance to illegal residency" exposes defenders of migrants' rights to the risk of judicial harassment.

In some countries of the region, **the issue of ethnic minorities**, and in particular of Roma people, remained a very sensitive one in 2009. In that context, those defending their rights remained subjected to acts of judicial harassment and intimidation (*Greece, Italy*).

Defenders of **economic and social rights** were also subjected to various acts of harassment. In *Turkey*, the trade union movement faced systematic repression of peaceful protests and trade union leaders were victims of arbitrary arrests and unfair trials.

Under the pretext of better protecting public order, **the right to privacy for citizens and the exercise of civil liberties** continued to be threatened in *France* in 2009, with the creation within the Ministry of Interior, of a file gathering, *inter alia*, data related to "public activities" or to "political, religious, philosophical or trade-union motives" possibly "incompatible with the exercise of certain duties or missions". The scope of this text gives the authorities the power to gather any personal information on active representatives of civil society, including human rights defenders.

Finally, in *Spain*, **the fight against impunity** of international crimes came under attack in 2009, as judge **Baltasar Garzón** faced judicial harassment for his attempts to investigate crimes against humanity committed under the Franco dictatorship.

Testimonies of Human Rights Defenders

AFRICA

An Ethiopian journalist who was forced into exile

"While performing my duties, I have been facing intimidation, harassment and I was followed by Governmental security forces. (...) Because of this continuous harassment, I was forced to quit my job. Last February, I learned from credible sources that I was going to be arrested by the Government. I had to leave my country in order to save my life. I would like to thank the Observatory who offered me financial support and advice for my resettlement."

Floribert Chebeya, President of the "Voix des sans voix", assassinated in June 2010



"It is with joy that I am finally able to enter in contact with you after our release from detention at Kin Maziere, Headquarters Branch for the General Information and Special Services of Police. I thank you a lot for your support and the mobilisation that contributed to our release. Our families and organisations are relieved."

Email received from Floribert Chebeya after his release on March 17, 2009. Floribert and three other human rights defenders had been arrested on March 15, 2009 following a press conference on the institutional crisis in the DRC. Arbitrarily detained, they were subjected to inhumane and degrading treatments.

On June 1st, 2010, Floribert went missing after a meeting with the General Inspection of the National Police. On the June 2, 2010, his dead body was found in a car on the road outside Kinshasa. Despite the appeal launched by the Observatory calling for an independent investigation, the Congolese authorities have not shed light on the circumstances of his presumed murder.

ASIA

U Aung Htoo, Secretary General of the Burma Lawyers' Council, Burma



"My family and I were provided protection by the Observatory for the Protection of Human Rights Defenders. Thanks to this programme, as a human rights defender, I feel encouraged to continue struggling for human rights not only in Burma but also across the world and I feel more prepared to sacrifice for the human rights cause."

During the seminar organised by Mr. U Aung Htoo on Burma in Bangkok in May 2009, the Burman authorities issued an arrest warrant against him and attempted to kidnap him in a hotel in Bangkok. The Observatory assisted him in hiding, moving from one hotel room to another and helped him to hide in Bangkok for three weeks. Thanks to the Observatory he remained hidden in a safe place together with his family and fled Bangkok for exile in Sweden.

EUROPE AND CENTRAL ASIA

Anastasia Denisova, President of ETHnICS, Russia



"Yesterday evening my lawyer received an answer from the Prosecutor's office that the case against me was closed because of the absence of a body of a crime in my actions, they even said that an official apology on behalf of the Prosecutor had been sent to me. I would like to express my sincere gratitude to all those who took part in the campaign in my defence and for all the actions that have been undertaken. I am still a little bit tense because I did not see the documents in my hands."

President of ETHnICS, a Krasnodar-based youth group promoting tolerance in Russia, Anastasia has been the object of repeated acts of harassment. In October 2009, government agents tried to arrest her and a criminal investigation was opened against her for "illegal use of copyright objects or neighbouring rights". She was then blocked at the airport of Krasnodar and prevented from participating in a human rights conference. As Anastasia feared reprisals, she was forced to leave Krasnodar.

AMERICAS

Aida Quilcué, Chief Council of the Cauca Regional Indigenous Council (Consejo Regional Indígena del Cauca - CRIC), Colombia



"It has been very difficult but, with the support of my people and of all of you, we keep on defending our rights. The categorical position adopted by the international community has been very important and contributed to reduce oppression a little."

Despite the assassination of her husband, Edwin Legarda, in December 2008, Aida Quilcué pursues her fight for the respect of the rights of indigenous peoples in Colombia.

Raúl Hernández Abundio, member of the organisation of the "Indigenous People Me'phaa" (Organización Pueblo Indígena Me'phaa - OPIM)



"I am detained for defending, together with my other fellows, the rights of my people and for yearning for more dignity for the Me'phaa communities. I thank the Observatory for the Protection of Human Rights Defenders, which accompanied me and paid attention to my situation since the beginning. I know it is going to lead to my release, soon, and that I will then be able to be with my family and to pursue my work in the defense of my people."