



The Observatory
for the Protection
of Human Rights Defenders

Media Kit

Steadfast in Protest

Annual report 2009
Forewords by Roberto Saviano

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International Federation for Human Rights



Organisation Mondiale Contre la Torture

Steadfast in Protest

The price of involvement

By Souhayr Belhassen and Eric Sottas



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Repression of demonstrations, trade union members arrested, NGOs under surveillance: for years these facts have been related to situations of economic and social imbalance and inequity. The rise in social discontent linked to the world economic crisis has increased the repression recorded in recent years. In inverse proportion to the fall of the stock exchanges, the inflation of freedom-killing practices and laws relating to the control of the social body was one of the significant characteristics of the problems encountered by human rights defenders in 2008. From Tehran (Iran) to Harare (Zimbabwe), via Seoul (Republic of Korea) and Buenos Aires (Argentina), criminalisation of social protest has become more intense, increasingly affecting the so-called democratic countries. A situation that is all the more unacceptable in that it is coupled with attacks on all other forms of peaceful challenges of Government policies that impact human rights.

«criminalisation of social protest has become more intense, increasingly affecting the so-called democratic countries succeeded without the determination and courage of the victims, their families, their lawyers»

Social tension – Although a sense of proportion is called for in observation of the level of violations, a tension that is alarming is spreading in the countries or continents most seriously affected by this economic and social upheaval. We all have in mind the images of the hunger riots that shook the African continent and Haiti at the beginning of 2008. All of them were severely repressed and resulted in numerous obstacles to the freedom of expression and the freedom to demonstrate, and arbitrary arrests. A backlash that affected all the protesting bodies, starting with the continent's human rights organisations. Worse still, in Latin America, disproportionate use of force in reaction to social movements led to real bullets being fired on demonstrators (Peru), and even to the assassination of leaders of social movements (Colombia, Guatemala, Honduras).

The systematic obstruction by certain States of any form of social protest can sometimes be measured in a very concrete manner, through the obstacles put in place against the emergence of independent union representations. (...) All over the world, this tension has had repercussions on the freedoms of assembly, association and expression, exceeding by far the context of the defence of labour rights or social rights alone. In China, current events showed us the extent to which the illusions still fostered by some people concerning the hypothetical positive contribution of the Olympic Games to the human rights situation vanished once and for all. And defenceless defenders paid for their commitment, often in the firing line in the fight against the ravages of corruption. (...)

“Vultures of the 21st century” – Furthermore, the crisis is an additional element in making NGOs financially fragile. It provides an excellent reason for restricting civil society's room for manoeuvre. Although the financial effort devoted to strengthening security policies, especially in the field of new technologies, is not diminishing in general, even during a crisis period, funding lacks cruelly for NGOs to carry out their mandate under good conditions. Additionally, the increase in laws or draft laws that aim to control or even ban foreign funding (particularly in Cambodia, in Ethiopia, in Indonesia or in Jordan) are in many respects an obstacle to their functioning. This is the perspective in which the words of the Minister for Agriculture of Peru must of course be taken when he termed national NGOs as “vultures of the 21st century”, accusing them of wanting to receive “more money from abroad”. (...)

Of course, violations are not restricted solely to the criminalisation of social protest; in many countries repression also affects all those who fight against any form of attack on freedoms. Humanitarian workers and journalists in conflict zones, lawyers or election observers are also concerned by this gradual suffocation of freedoms. Repression aimed at defenders of

marginalised populations - women, migrants, indigenous populations and ethnic, religious and sexual minorities - has also increased in the context of this crisis. Is it coincidental that these new problems arise when defenders are increasingly successful in their initiatives in the fight against impunity? No one can say exactly, but it must be agreed that 2008 will go down in History as a unique year in the annals of Justice, whether national or international. The official application to the International Criminal Court for a warrant for the arrest of a Head of State in office in Sudan, preparation of the trial of the Khmers Rouges in Cambodia, and the trial of former President Fujimori in Peru: none of these complex cases could have succeeded without the determination and courage of the victims, their families, their lawyers and the organisations that represent them. (...)

Démocratic regression – Clearly to a lesser degree, but one that is worrying as it symbolises a real regression, defenders are also faced, in certain countries such as France, with reinforced control of their action as well as with deterrent measures and practices. In 2008, the increase in obstacles against the “helpers” of the illegal immigrants known as “sans-papiers” - including the criminalisation of assistance to foreigners - was particularly worrying. (...) Roberto Saviano, who has honoured us with his foreword to this year’s edition, makes us also think on the link between the economic crisis, organised crime and human rights defence, especially in Italy.

To end on an optimistic note, this report also refers to countries in which the overall situation has improved, in spite of the difficulties. Some States, such as Bangladesh, Bolivia, Burkina Faso, Mali or Zambia, have seen an increase in opportunities for citizens to debate freely on public policies. But here again, these few victories are of course the result of long work, often little publicised, of making the population and the authorities aware of the need to improve the situation of fundamental rights. These few improvements are largely due to the devotion and commitment of thousands of women and men throughout the world. It is more important than ever, during these times of crisis, to support them in their work.

Presentation of the Observatory

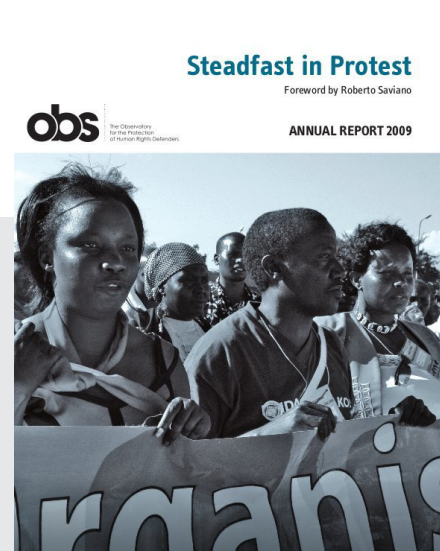
The Observatory for the Protection of Human Rights Defenders

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 main actions of the Observatory can be summarised as follows:

- **Systematic alert of the international community through urgent appeals, letters to the authorities and press releases.** In 2008, the Observatory issued **421 urgent interventions** concerning various abuses against **690 human rights defenders** (assassinations, ill-treatments, tortures, arrests and arbitrary detentions, instrumentalisation of justice, defamation campaigns...) and **83 NGOs in 66 countries**.
- **In 2008, the Observatory mandated 12 international fact-finding, legal and judicial observation missions.**



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Successful actions:



UZBEKISTAN:

Mutabar Tadjibaeva, released and free to move

Mutabar Tadjibaeva, Director of the human rights organisation “Ardent Hearts’ Club” and Laureate of the 2008 Martin Ennals Award for Human Rights Defenders, was arrested on October 7, 2005, amid the extremely harsh wave of repression carried out by the Uzbek authorities against human rights defenders following the Andijan events (August 2005), when hundreds of unarmed civilians had been injured and killed.

She was sentenced following an unfair trial to 8 years’ imprisonment for “extortion” and “membership to an illegal organisation”, and suffered ill-treatments in prison. Such treatments were so harsh that her release had become a vital issue. On June 2, 2008, she was released for health reasons. The Observatory for the Protection of Human Rights Defenders actively intervened, jointly with other organisations, for her release by pressuring the Uzbek Government.



MALAYSIA:

Irene Fernandez acquitted after 13 years of court battle

After 13 years of legal battle, Ms. Irene Fernandez was acquitted by the High Criminal Court of Kuala Lumpur on November 24, 2008.

As a co-founder and Executive Director of Tenaganita, an NGO working with migrant women and promoting their rights and welfare, she had been arrested in March 1996 following the publication of a report entitled “*Abuse, Torture and Dehumanised Conditions of Migrant Workers in Detention Centres*”.

She had been sentenced on October 16, 2003 to two months’ imprisonment, and had appealed this decision. The date of the audience in appeal had been postponed several times, due to the disappearance of important files, computer viruses (...) All over these years, the Observatory for the Protection of Human Rights Defenders has got mobilised and sent in particular an international observer to attend the trial.



EGYPT:

The CTUWS free to act again

19 June 2008: the Observatory for the Protection of Human Rights Defenders published its 2007 Annual Report. A press conference takes place in the Egyptian capital. The media spiel was so intense that a representative of the Ministry of Social Affairs came to attend. One must say that the situation of the human rights defenders, especially lawyers and magistrates, is sensitive in Egypt.

Under the guise of the state of emergency, continuously renewed since 1981, the Egyptian authorities have maintained an extremely repressive regime against them: the Centre for Trade-Unions and Workers’ Services (CTUWS) had thus been forbidden by the Ministry of Social Affairs. It is undoubtedly thanks to the presence of video cameras that the representative of the Ministry took the floor in the middle of the press conference to announce (...) the right of the CTUWS to act freely.

Key facts

Number of cases addressed by the Observatory in 2008

France

In France, the policy establishing performance targets for interpellations of people having helped irregular migrants continued: the targets for 2008 amounted to 4,500 interpellations of "helpers".

Uzbekistan

In 2008, in Uzbekistan, the Observatory denounced 28 cases of arbitrary detentions*

Syria

In Syria, the 12 signatories of the Damascus Declaration* remain arbitrarily detained. Moreover, the Syrian Centre for the Media and Freedom of Expression reported in 2008 102 travel bans issued by the authorities against defenders.

China

In 2008, in China, the Observatory denounced 23 cases of arbitrary detention and 9 cases of torture and/or ill-treatments.

Colombia

In 2008, according to the *Central Unitaria de Trabajadores de Colombia*, 49 Trade-Unionists have been murdered in Colombia. An increase of 25 percent over the previous year.

Zimbabwe

In 2008, in Zimbabwe, the Observatory denounced 35 cases of arbitrary detentions and 3 cases of enforced disappearances*.

SUB-SAHARAN AFRICA

Arbitrary arrests, threats, violence, judicial proceedings: repressive practices against African human rights defenders continued and intensified in 2008.

While some African States have for some years tolerated the freedom of expression of human rights defenders (Burkina Faso, Mali, Togo, Zambia), others on the contrary have remained completely opposed to any independent examination of the human rights situation, as is the case, for example, of Eritrea or Equatorial Guinea. In other countries, owing to the absence of the rule of law, as in Somalia, or the tense attitudes of authoritarian regimes striving to remain in power, such as in Cameroon, Gabon or Zimbabwe, or in conflict or post-conflict situations such as in Burundi, the Central African Republic (CAR), Chad, the Democratic Republic of Congo (DRC) or Sudan, defenders have been targeted for denouncing human rights violations and the ongoing impunity, and have often been considered as political opponents, terrorists or agents working for the West.

In 2008, again, too many Governments attacked the freedoms of peaceful assembly (Kenya, Mauritania, Nigeria, Uganda, Zimbabwe) and of association (Angola, Rwanda, Uganda, Zimbabwe), and many defenders were targeted by particularly serious and repeated acts of repression, notably arbitrary arrests and detentions, threats, judicial proceedings and direct acts of violence (Burundi, Cameroon, CAR, Chad, DRC, Kenya, Republic of the Congo, Sudan, Uganda, Zimbabwe).

Testimonial



Of Amir Mohamed Suliman, Director of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), Sudan

*"On November 26, 2008, I was arrested by the National Intelligence and Security Services (NISS), with two other human rights activists, **Osman Hummaida** and **Abdel Monim Aljak**. During our detention, we suffered torture and harassment because of our presumed links with the International Criminal Court (ICC). I was left in particular with members of the NISS. They took out sticks and black pipes and ordered me to stay standing in front of a cabinet. They started yelling at me to get me to confess to the whereabouts of the suitcase and laptop of Osman Hummaida, saying otherwise they would torture me. An officer of the NISS then came and took me to another office, where I found two officers and Osman Hummaida, who was in a state of extreme fatigue, lack of sleep and who had been subjected to torture. They took me into the corridor, and within a few minutes, brought in Abdel Monim Aljak, who bore signs of torture and could not stand. The officer set an ultimatum to return the bag and the computer before 11am the next day or the torture would continue. I therefore brought what was asked to me. I was then released but Osman stayed in custody until November 28, 2008.*

International support, first and foremost that from the Observatory for the Protection of Human Rights Defenders, allowed us to regain our freedom. However, the work to be done to build a Sudan that respects human rights is still immense. In , early 2009, just days before the announcement of the decision of the ICC to issue an arrest warrant against President Al-Bashir, the KCHRED was closed down and its assets were frozen. I myself had to leave my country."

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Testimony

Of Ms. Aída Quilcué, Chief Council of the Cauca Regional Indigenous Council (CRIC), Colombia

"The assassination of my husband, José Edwin Legarda, was carried out within a "false positive" operation, a specific case of extrajudicial execution in Colombia, where members of the armed forces assassinate peasants or civilians in marginalised areas and dress them up as guerrilla members in order to present them as guerrilleros. Such operation was orchestrated by the authorities to demonstrate to the national and international public opinion that terrorists had infiltrated the National "Minga" for Social and Community Resistance.

In Colombia, it is very complicated to obtain justice since the system is often in the Government's pay. As of now, my husband's case was not yet brought before a court.

The solidarity expressed by human rights organisations and their denunciation of acts undertaken against the indigenous movement have been and remain essential insofar as they provide us with true support when the indigenous movement was faced with critical situations. Their action is indeed a way to put pressure upon the Colombian Government".



AMERICAS

In 2008, human rights defenders had to face the increasing hostility of the authorities, in a context of dissatisfaction from the population related to the management of social issues by Government.

Institutional fragility, upsurge of social claims, conflicts related to land and management of natural resources, excessive violence in the framework of the fight against drug traffickers, it is in this context that defenders in many Latin-American countries had to deal with the increasing hostility of the authorities: smear campaigns from Governments (Colombia, Cuba, Nicaragua, Peru, Venezuela), monitoring of NGOs activities (Chile, Colombia, Cuba, Ecuador, Honduras, Mexico, Nicaragua, Peru, United States of America), investigations on their funds (Brazil, Nicaragua, Peru), instrumentalisation of the judicial system in order to sanction defenders' activities (Brazil, Chile,

Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Venezuela).

In addition, human rights defenders involved in the fight against impunity were again the target of acts of harassment, threats and even murder attempts (Argentina, Brazil, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Peru). In the same way, many defenders again paid dearly, sometimes with their lives, for their fight for workers' rights and for trade union freedoms (Chile, Colombia, Guatemala, Honduras).

The women and men who defended women's rights and tried to obtain compensation and justice for the victims of sexual violence and their families were also the target of many acts of repression in several of the region's countries (Argentina, Salvador, United States, Mexico). Women defenders were also exposed to arbitrary arrests and judicial proceedings and faced death threats (Nicaragua).

ASIA

In 2008, impunity for the reprisals against human rights defenders remained the rule

Acts of repression against human rights defenders in 2008 by both State and non-State actors remained widespread in Asia. In particular, defenders seeking to expose violations (past or present) by the authorities or armed opposition groups, and seeking redress for such violations, were victims of extrajudicial killings (Bangladesh, Cambodia, Nepal, Philippines, Sri Lanka, Thailand); arbitrary arrests and condemnation to harsh prison sentences were also registered in several countries in the region (Cambodia, Indonesia, Iran, Malaysia, Viet Nam).

Furthermore, impunity remained the rule for acts of reprisals committed against defenders in the entire region, the perpetrators, be they state or non-State actors, continuing to go unpunished.

Testimonial

From Ms. Sousan Tahmasebi, A member of the One Million Signatures Campaign, in Iran

"To address the disparity between the social and legal status of women, we started a Campaign, called the "One Million Signatures Campaign". Despite the peaceful and civic nature of the approach we use in the Campaign, we have systematically faced security pressure.

In relation to a peaceful protest we organised in June 12, 2006 in support of women's rights, I was charged with endangering national security and sentenced to two years in prison, six months of which is mandatory. My case is still in appeal. On the day of my trial, along with four others, our friends gathered outside the courtroom to support us. When police began arresting them, we too exited the courtroom and were arrested. Thirty-three women's rights activists were imprisoned on that day.

International organisations like the Observatory have always been very supportive of Campaign activists. Such organisations play a critical role in bringing national and international attention to our cause".

NORTH AFRICA / MIDDLE EAST

The use of law to hinder and criminalise defenders' activities increased in 2008

Human rights defenders were not spared in the persistent and resurgent internal conflicts in certain countries: they were subjected to assassinations (Iraq), arbitrary detentions (Yemen) and obstacles to their freedom of movement (Israel/Occupied Palestinian Territories).

In addition, several countries in the region remained under a state of emergency and human rights defenders continued to be tried by special courts set up through emergency legislation (Egypt, Syria).

There was also widespread recourse to the law to restrict defenders' fields of activity and to criminalise their work or silence them. Several countries armed themselves with a legislative arsenal intended to restrict freedoms of peaceful assembly (Algeria, Bahrain, Egypt) and of association (Bahrain, Egypt, Jordan, Kuwait, Syria). Other countries, such as Libya and Saudi Arabia, still did not recognise or, as was the case with Qatar, Oman and the United Arab Emirates, continued to severely restrict the right to freedom of association. Arbitrary judicial proceedings against defenders were legion, on the basis of common law provisions (Algeria, Morocco, Tunisia, Yemen), emergency legislation (Syria) or anti-terrorism laws (Bahrain).

Added to this were smear campaigns (Bahrain, Tunisia), arbitrary arrests and routine obstacles to freedom of movement (Bahrain, Israel/Occupied Palestinian Territories, Syria, Tunisia, Yemen), physical attacks (Tunisia), torture (Bahrain, Egypt) and enforced disappearances (Syria). In certain of the region's countries, the almost systematic repression of any dissenting voice acted as a dissuasive to any attempt to embark on public human rights activities and put those who tried to do so in considerable danger (Libya, Saudi Arabia). The absence of any independent human rights organisations in most of the Gulf States, with the exception of Bahrain and Kuwait, additionally made it difficult to monitor human rights violations on a daily basis.

Testimonial of Anwar Al Bounni, Syria, Director of the Human Rights Training Centre, arrested in May 2006

"I think that the direct cause of my arrest was my appointment as Director of the Human Rights Training Centre, a centre that was opened at the initiative of the European Commission in February 2006 and closed the following March, shortly before my arrest in May 2006. The pretext used for the arrest was that I was one of 250 Syrians who signed the Beirut-Damascus Declaration on Syrian-Lebanese relations, and that I had revealed the death of a detainee under torture. I was detained by the State Internal Security branch after being kidnapped in the street in front of my home. I was beaten at branch headquarters before appearing before the Public Prosecutor the next day, where I was accused of spreading "false information damaging to the morale of the nation", and of "belonging to international organisations", referring to the Human Rights Training Centre.

Once we were in prison my companions and I were separated from each other, each of us in a wing holding common law detainees. All of this to prevent us from communicating or meeting. Some detainees were appointed to watch us constantly and to annoy and even threaten us. I was beaten up by one of the criminals, directly encouraged by the prison managers; he even tried unsuccessfully to kill me. The prison management also put pressure on the prisoners to make false accusations against us, and we were brought before the court again on new charges. All visits by our family members are monitored. It is forbidden to exchange documents with the latter, or to bring in books or belongings, or to receive visits by friends. What we hope from those who are concerned about and act on behalf of human rights, is that the question of detainees remains one of their priorities and that they pressurise the Syrian authorities for their release."



Testimony of Bakhtior Khamroev, President of the Djizak branch of the Human Rights Society of Uzbekistan (HRSU)

"Today the human rights defence movement in Uzbekistan is experiencing the most difficult time in its history. No one can say how long Islam Karimov's cruel political regime will last. This regime has almost entirely suppressed democratic and religious opposition; it has eliminated all contestation and wishes to eradicate the human rights movement. Although the country's leaders often ignore the demands of the international organisations, these appeals represent the only hope for the safety of those people who are prosecuted: under international pressure, the authorities sometimes shrink back, by releasing for example certain human rights activists held in detention".

EASTERN EUROPE AND CENTRAL ASIA

Throughout 2008, repression against human rights defenders increased in the region, albeit to very different degrees depending on the country: some of them were marked by a manifestly abrupt halt of the democratisation process, and others, by a tightening of repression. Furthermore, while attempts of *rap-prochement* by Belarus and Turkmenistan - two of the most repressive regimes in the region - with the European Union in order to establish stable economic relations foreshadowed a possible improvement of the situation of human rights defenders in these countries, this hope did not materialise.

Generally speaking, bad human rights practices proliferated, particularly in the Russian Federation, as well as in a number of neighbouring countries, particularly in Central Asia (Kyrgyzstan, Turkmenistan, Uzbekistan). A worrying evolution of the overall political situation in Armenia, Georgia, Kyrgyzstan and Azerbaijan was also noted in 2008, which, consequently, led to a deterioration of the situation of defenders.

Most countries in the region continued to share an enduring post-Soviet legacy, characterised by the persistence of similar police and judicial structures that hindered the administration of a fair justice and therefore a genuine independence of the judiciary, corruption, challenges of democratic transition, total

or almost-total absence of independent press. Thus, in Belarus, Turkmenistan and Uzbekistan, all critical voices continued to be systematically repressed by the authorities, and the ability of defenders to operate was seriously hampered. Moreover, several repressive practices inherited from the past, such as the confinement of defenders in psychiatric asylums to silence and intimidate them, were still implemented in Azerbaijan (one defender confined in May 2008) and Uzbekistan (one defender remained detained in psychiatric asylum at the end of 2008).

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WESTERN EUROPE

In a certain number of States in the region, for several years now, there has been a trend to increase the number of obstacles placed against the defence of migrants' rights - which in some cases has led to the criminalisation of the assistance provided to undocumented aliens. In France, in

Spain and in Ireland, certain legal or statutory provisions that are either in force or in the process of being adopted have, in 2008, allowed the beginning of the criminalisation of activities in the defence of the rights of migrants.

The hostility of the police towards any action in defence of or solidarity with migrants increasingly made itself felt when illegal migrants were deported by air. Persons expressing their indignation at the acts of violence against migrants have often been forced by the police to leave the plane, and some have been held in custody, and even prosecuted (Belgium, France). Moreover, defenders of migrants rights were also victims of harassment during

peaceful gatherings of solidarity towards migrants (Cyprus, Sweden).

The obstacles to the fundamental freedoms of defenders of the rights of lesbian, homosexual, bisexual and transgender persons (LGBT) were still present in 2008 in a certain number of Western European States. In Lithuania and Latvia in particular, the proximity of the State to the Church and the influence of religion on civil society encouraged the crystallisation of a generally hostile climate towards defenders of LGBT rights.

In Turkey, defenders of minority rights had to operate in a very restrictive, even repressive environment owing to a strong current of nationalism, and were regularly subjected to acts of harassment, even of a judicial nature.

In Italy, human rights defenders denouncing the negative consequences of mafia groups on civil liberties again found themselves in the line of fire in 2008. The situation of Mr. Roberto Saviano, who through his book *Gomorra* denounced human rights violations caused by the criminal activities of the Neapolitan mafia, remained critical throughout the year 2008: escorted 24 hours a day, Mr. Saviano received new death threats in October 2008 and left Italy in late 2008, fearing for his safety.

Foreword by Roberto Saviano: extracts

« **H**uman rights: whoever pronounces these words in our Western democracy seems to be chanting a traditional litany, a sacred litany, certainly, but one that we now listen to with a distracted ear. Something to be spoken, repeated and celebrated, a ritual habit. Respected but nothing more. At worst, television forces on us a humanitarian slot about distant countries, nations with uncertain names whose borders seem to be drawn using a ruler, like those of deepest Africa; talks to us of regions in the Middle East where we now see images of children who are bleeding (...). But in most cases: nothing. Human rights seem to have become a domain for specialists, paper shufflers in specialist agencies or independent NGOs. The West does not often feel concerned by these problems and when it claims to be interested, it is as though it is giving a gift to a second-class country (...). As though the question of human rights were always asked somewhere else (...).



Let us not forget those women and men who fight for freedom, equality and justice. Together, we can and must see that this fight imprisons no one but sets us all free.

*Yet international law reminds us that it is the primary responsibility of States **not only to fight against human rights violations, but also to protect the human rights defenders** who denounce these violations and to ensure a favourable environment in which they can carry out their work.*

The "crises" in 2008 have already resulted in an increase in social protest movements. In Cambodia, Cameroon, South Korea, Tunisia, Colombia, Zimbabwe and elsewhere, women and men have poured onto the streets to demand respect for their social and economic rights, and the peaceful leaders of these demonstrations are too often the targets of repression. Is this a taste of what is in store for us in the framework of the current crisis and the social movements to which it will legitimately lead?

