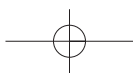
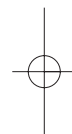
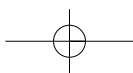
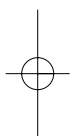
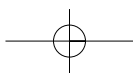
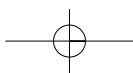


HUMAN RIGHTS DEFENDERS IN A  
«SECURITY FIRST» ENVIRONMENT





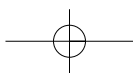
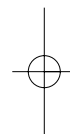
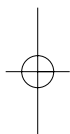


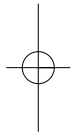
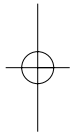
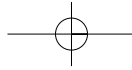
**Observatory for the Protection of Human Rights  
Defenders / FIDH and OMCT**

**Human Rights Defenders  
in a «Security First» Environment**

**Annual Report 2003**

Foreword by Shirin Ebadi  
Nobel Peace Prize





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Anne-Laurence Lacroix, Alexandra Kossin, Sylvain de Pury and Eric Sottas (OMCT).

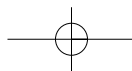
The Observatory thanks Marjane Satrapi, author of comics, for her collaboration to this report, as well as all the partner organisations of FIDH and OMCT, as well as the teams of these organisations.

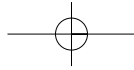
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## FOREWORD

by Shirin Ebadi  
2003 Nobel Peace Prize

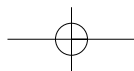
*After the wave of arrests in the 1980s, which forced human rights defenders into exile or long prison sentences with loss of civic rights, it was particularly difficult to resume the fight for fundamental freedoms in Iran.*

*Nevertheless during the 1990s some of us, lawyers and human rights defenders, took the risk of engaging in the struggle, notably by defending political and opinion prisoners and victims of violations of human rights, in particular women and children.*

*Following the series of murders of politicians and intellectuals in 1998, a number of journalists, writers, intellectuals, academics and university students joined the movement in order to denounce the flagrant and systematic violations of fundamental rights and freedoms, and the impunity enjoyed by their authors, the political leaders and the security forces.*

*It is in such a context that dozens of activists were arrested and sent to prison, including myself, following summary trials held by special courts, always sitting in camera. Our lawyer friend Nasser Zarafshan, who received a 5-year prison sentence, and two journalists and human rights defenders, Akbar Ganji and Hassan Youssefi Eshkevan, are still in prison. And yet the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998, stipulates that «Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.» (Article 1).*

*In all too many States, however, these provisions are not complied with: Human rights defenders are daily subjected to persecution, violence, threats, arrests and arbitrary detention. How can we correct such abuse and make the international human rights instruments effective? How can we halt the rise of arbitrariness and the erosion of rights that globalisation or the abuse of anti-terrorist powers by opportunistic States bring in their wake? The primacy of inter-*



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*national human rights law still needs to be put into practice, while human rights defenders often find themselves to be the last defence against arbitrariness.*

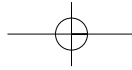
*The increasing international mobilisation for respect of «all rights for all» gives me reason for hope. All over the world men and women are rising to denounce the arbitrariness of States, economic powers or armed groups that pay little heed to the public interest. The struggle of these men and women for strengthening the Rule of Law and democracy is a long one, but it is clear that important victories have been achieved by these anonymous citizens. At the same time, their courage, their determination and the aptness of their action are sufficiently effective to produce in return a backlash of repression and silencing by their opponents. More the action of defenders is effective at the national, regional and international levels, more the repression against them is flagrant.*

*It is crucial that we should all mobilise our forces in order to ensure that these defenders are protected, so that they can continue the fight for all rights to be respected.*

*The Observatory for the Protection of Human Rights Defenders contributes to this mobilisation designed to ensure that their role is recognised and that they receive the protection they need.*

*I myself received the support of the Observatory. On the occasion of the publication of this annual report I wish to bear witness to the importance of the support and the solidarity extended to me when I was fighting a lone battle, or completely isolated in prison. The action of the Observatory was decisive and indispensable. Such initiatives truly contribute to strengthening the protection of human rights defenders. This report unfortunately illustrates how much such protection is still necessary: let us mobilise our forces so that they can continue their action.*

Shirin Ebadi,  
Iranian Human Rights Defender,  
20<sup>th</sup> January 2004



## LET'S JOIN FORCES! TESTIMONIES

«I believe this is not only good news but also an important step in the struggle for the release of the boys. The Observatory scored here a big victory for all those believing that human rights are universal».

Message of Matania Ben Artzi, father of Jonathan, received on 16<sup>th</sup> January 2004 after the decision of the United Nations Working Group on Arbitrary Detention, to which the Observatory had submitted the cases of the detention of Jonathan Ben Artzi, Noam Bahat, Matan Kaminer and Adam Maor for refusing to serve the Israeli army, which it considered arbitrary.

«Thanks to its excellent work of denunciation, the Observatory makes us feel less alone in the fight to defend human rights».

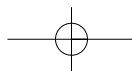
Adriana H. Cuéllar Ramírez, Colombian human rights defender, member of the Lawyers' Collective «José Alvear Restrepo» (CCAJAR). Colombia, 23<sup>rd</sup> January 2004.

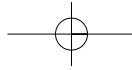
«All the team of Viasna wishes to thank the Observatory, whose prompt reaction - by issuing an urgent appeal after our liquidation - was instrumental in alerting the international community on the very day following our trial».

Viasna. Belarus, 23<sup>rd</sup> January 2004.

«I wish to thank you for the work you are doing, as well as the work of all the team of the Observatory for the protection of human rights defenders. This protection mechanism has demonstrated its efficiency once more».

Algerian League for the Defense of Human Rights (LADDH). Algeria, 17<sup>th</sup> December 2003.





#### TESTIMONIES

«I would like to thank the Observatory for looking after us, human rights defenders in Cameroun. I have been able to know peace thanks to the Observatory. Indeed, their appeals and press releases have made it possible for me to move freely since 2000 to today. This gives me the strength to carry on. Thanks to this organization's actions, defenders don't have to hide to carry out their activities. We are deeply attached to the Observatory. It is always watching over us».

Madeleine Afité, President of the ACAT-Littoral. Cameroon, 26<sup>th</sup> December 2003.

«Thanks so much for your support and solidarity, which contribute to giving its true meaning to the work in favor of human rights».

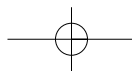
Suaram. Malaysia, 22<sup>nd</sup> August 2003.

«I wish to thank you and express you my profound gratitude for your mobilization and your unfailing support during the hardship I had to suffer in my long fight against the dictatorship of Algiers. This friendly support has deeply touched me».

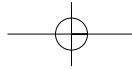
Dr. Salah-Eddine Sidhoum. Algeria, 23<sup>rd</sup> October 2003.

«I don't know how to express my deep gratitude for the support and assistance I have received from the Observatory for the protection of human rights defenders. The urgent appeals were instrumental in helping me raise awareness with the relevant authorities».

N'Sii Lunda Shandwe, CODHO. Democratic Republic of Congo, 6<sup>th</sup> February 2003.







## INTRODUCTION

### HUMAN RIGHTS DEFENDERS IN A «SECURITY FIRST» ENVIRONMENT

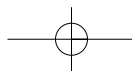
«Human rights defenders stand in the front lines of protection, casting the bright light of human rights into the darkest corners of tyranny and abuse. They work to safeguard the rule of law, to reduce violence, poverty and discrimination, and to build structures for freer, more equitable and more democratic societies. It is to them that many victims of human rights violations turn in their hour of need.» Message from Kofi Annan, United Nations Secretary General, on the occasion of Human Rights Day, 10<sup>th</sup> December 2003.

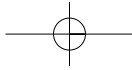
Despite the tribute paid by the United Nations Secretary General to the action of the human rights defenders, in over 80 countries such action has to contend with an increasingly hostile environment.

#### **Security: an obsession**

The overriding priority given by States to security is reflected in the increase in arbitrary decisions and in challenging human rights. The fight against terrorism, legitimate and necessary as it is, is all too often diverted from its prime objective in order to serve the sole interests of regimes that show scant respect for human rights. President Alvaro Uribe of Colombia put the matter in a nutshell: «General, take command of the Air Force in order to vanquish terrorism. Do not let the human rights traffickers hold you back or deceive you, let the full power of the Colombian Air Force do this great nation the service of ridding us once and for all of this nightmare.»

In such a context, defending the right to a fair trial, the presumption of innocence or the prohibition of torture are considered by many States to be beside the point. Human rights defenders who extol the univer-





## INTRODUCTION

salinity of human rights, who combat the death penalty or who denounce liberticidal legislation enacted by their States, find it increasingly difficult to make their message heard.

From Chechnya to Colombia, from Algeria to Israel, the same State logic is invoked in order to justify human rights violations in the name of the peoples' security interests. Such a pernicious approach leads to new political alliances and is often well received by the international community.

### **Human rights defenders in conflict situations**

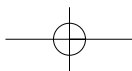
Human rights defenders are prize targets in long standing conflicts. In many countries, such as the Democratic Republic of Congo, Colombia, Indonesia or the Philippines, to name but a few instances, the parties to the conflict aggressively challenge the neutrality of the human rights organisations. These are presented at best as obstructing their «pacifying» or «revolutionary» action, depending on the case, at worst of embracing the cause of their opponents.

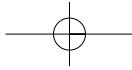
In 2003 the representatives of intergovernmental and humanitarian organisations were targeted by extremist groups. The death of Sergio Vieira de Mello, United Nations High Commissioner for Human Rights, along with several of his colleagues, following a terrorist attack against the UN headquarters in Iraq, durably shocked the international community, just as did the assassination of a representative of the UN High Commissioner for Refugees in Afghanistan.

### **Mobilisation of the civil society**

In the face of increasing arbitrariness, violence and inequalities, the civil society has continued to mobilise. The world-wide or regional success of the social Forums and the anti-war movements bears witness to this expansion and to the new forms taken on by citizens' mobilisation.

At the international level the civil society has won some important victories, in particular in the fight against impunity. In 2003 the International Criminal Court started to operate, the African Court of Human Rights was officially established, and the UN pursued its activities aimed at the adoption of a treaty on forced disappearances. Another area in which the civil society can claim a success is the greater





## HUMAN RIGHTS DEFENDERS IN A «SECURITY FIRST» ENVIRONMENT

account taken of economic, social and cultural rights: at long last the responsibility of the economic actors is under discussion.

The Nobel Peace Prize for 2003 awarded to Shirin Ebadi, an Iranian human rights defender, is in this respect a tremendous encouragement for all human rights defenders.

### Reactions of intergovernmental bodies

2003 also saw increased mobilisation of certain regional intergovernmental bodies. After the Inter-American Commission on Human Rights in 2001, it is now the turn of the African Commission on Human and Peoples' Rights to create a «Focal point» on human rights defenders. OSCE has made freedom of association a priority, just as the European Union under the Irish presidency (January 2004). These positive measures adopted by intergovernmental bodies - belatedly, despite the well known urgency of the question of defenders - must not mask the fact that certain States are becoming less active in promoting and protecting human rights.

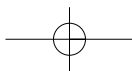
### 2003 - a sombre record

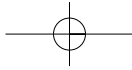
The Observatory's annual report<sup>1</sup>, by presenting the cases of repression against 576 human rights defenders and 80 NGOs in near 80 countries, highlights the seriousness of the defenders' situation and the recurrent obstacles they are up against.

In many countries the physical and psychological integrity of defenders is under direct threat (torture, death threats, aggression, assassination). During the year defenders have been killed in the Philippines, in Nepal, in Indonesia, in Russia, in Guatemala, in Honduras and in Colombia. Defenders are also subjected to judicial harassment and pla-

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<sup>1</sup> The complete list of cases dealt with during the year by the Observatory, as well as the follow-ups of the cases dealt with during previous years, are grouped compiled together, preceded by an analysis for each region. This year these compilations put the emphasis on certain specific countries, on the basis of information gathered during investigation missions organised during the year in Cameroon, Zimbabwe, Russia, Belarus, Pakistan. This report is not meant to be exhaustive.

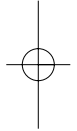




## INTRODUCTION

ced in detention on the basis of fallacious or arbitrary charges or accusations, as in China, Vietnam, Iran, Kazakhstan, Belarus, Democratic Republic of Congo, Guinea-Bissau. Other more pernicious methods are also employed to neutralise them: slander and smear campaigns (Cameroon, Colombia), police surveillance and intimidation (Syria, Tunisia), obstacles to employment (Morocco, Uzbekistan), restrictions on freedom of movement (Occupied Palestinian Territories, Malaysia). Lastly, in order to tighten the screw still further on the defenders, States are adopting restrictive legislation on freedom of association, of assembly and of demonstration that paralyses their action (Russian Federation, Belarus, Zimbabwe).

At a time when universal human rights standards are being eroded, the reluctance of States to guarantee that the principles laid down in the UN Declaration on Human Rights Defenders<sup>2</sup> shall be applied to defenders, is hardly surprising. The aim to contribute to a world freed of inequalities, violence and poverty is alas still very much on the agenda. In that respect the protection of defenders is a *sine qua non* condition for that aim to be achieved.



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<sup>2</sup> See p. 334.

