

Steadfast in Protest

Foreword by Roberto Saviano



The Observatory
for the Protection
of Human Rights Defenders

ANNUAL REPORT 2009



fidh

/ STEADFAST IN PROTEST

OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

FIDH / OMCT

/ STEADFAST IN PROTEST

ANNUAL REPORT 2009

Foreword by

Roberto Saviano

And with the testimonials of

Anwar Al-Bunni,

Bakhtior Khamroev,

Aída Quilcué,

Amir Mohamed Suliman,

Sousan Tahmasebi

Drafting, editing and co-ordination:

Alexandra Poméon, Hugo Gabbero, Juliane Falloux and Antoine Bernard (FIDH)
Delphine Reculeau, Carlos Pampín García, Anne-Laurence Lacroix and Éric Sottas (OMCT)

The Observatory thanks all partner organisations of FIDH and OMCT, as well as the teams of these two organisations.

Distribution: This report is published in English, French, and Spanish in its entirety. A translation in Russian is available for the section on Europe and the Commonwealth of Independent States. The North Africa and Middle East region is also available in Arabic.

Copyright: The World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) authorise the free reproduction of extracts of this text on condition that the source is credited and that a copy of the publication containing the text is sent to their respective International Secretariats.

Graphic Design: Bruce Pleiser

Photographer: FIDH / Gaël Grilhot

Printing: Éléna Ferran

FIDH – International Federation for Human Rights

17, Passage de la Main-d'Or

75011 Paris – France

Tel. + 33 (0) 1 43 55 25 18

Fax. + 33 (0) 1 43 55 18 80

fidh@fidh.org / www.fidh.org

OMCT – World Organisation Against Torture

8, Rue du Vieux-Billard, Case postale 21

1211 Genève 8 – Switzerland

Tel. + 41 (0) 22 809 49 39

Fax. + 41 (0) 22 809 49 29

omct@omct.org / www.omct.org

/ FOREWORD

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Roberto Saviano

Italian journalist and writer

Human 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 and in tears, of veiled women shouting, of new massacres and sometimes new protests, new UN interventions, just as useless as the previous ones. 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, democracies making a concession to States that are still on their knees, poorly developed and deformed. As though the question of human rights were always asked somewhere else, in concrete terms, as though it is still, and always will be, someone else's problem.

Sometimes it is difficult to prove that, on the contrary, the problem affects us all, wherever we are, not just for moral reasons or because of a pang of conscience. It must be demonstrated that the world is one and indivisible and that our borders, our democratic constitutions are not enough to protect us against the forces that govern this world in reality and for whom the Charter of Human Rights is just a scrap of paper.

This publication is a tribute to the women and men who, during this year of 2008, sometimes risking their lives, have fought because they are inhabited by the idea that human rights concern us all. This year,

in addition to armed conflicts, electoral or institutional crises, and the fight against the multiple “terrorisms”, the battle for respect of human rights has been profoundly marked by a global food crisis and a global financial crisis.

The financial crisis is sinking the economies of all the industrialised countries and risks having a lasting effect on the fragile economies of the developing countries and plunging them all into an abyss whose depth no one can measure or imagine. Above all, no one is able to assess how long the fall will last, nor the pain the shock will cause on impact.

The most healthy businesses are struggling or going under and we have even stopped counting the people who find themselves unemployed or at least poorer, consumption is declining inexorably and anyone or anything that succeeds in finding a place in this vicious circle can suddenly seem like a safety valve. Usurious credit rates are resorted to because there is no longer access to credit lines from banks, and in general we have stopped worrying about the origins of capital, investments or finances – wherever they come from, they are now welcomed as manna from heaven and that is one of the most dangerous phenomena.

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?

While it is true that somebody always profits from moments of crisis, the ‘somebody’ at the present time is above all the economy of crime. In the face of the abdication of responsibility of the institutions whose job it is to manage the State, particularly the judicial and executive authorities, organised crime is taking advantage of complacent deregulation and developing a parallel economy. This criminal economy – transnational and global, as is the crisis itself – sells arms to Africa to buy coltan today and diamonds yesterday, to smuggle drugs that are destined for

the most remote markets, and brings about the fall of State leaders. The massacres during which human rights are trampled seem in most cases to be triggered by religious ideologies, ethnic hatred, or mere ferocity and thirst for power: they hide their true smell, the smell of the blood they cause to flow. This blood stinks of money. Always. In every case. Not just in Africa but in Europe too, and in the Balkans. Where very often militia leaders who slit the throats of civilian populations from rival ethnic groups were at the same time in control of illicit trafficking between themselves, between colleagues. Business is business, as usual.

In countries where crime is rampant, criminal organisations suppress human rights and constrain any possibility of developing freedom. Often these organisations eventually become one – or almost one – with the political power. Organised crime will never accept the rule of law, as is abundantly proven by our own mafias, which the rest of the world regards as a reality and a founding myth. The criminal economy is currently prospering and progressing, its people and its assets turning up in every country in the world. It is like a cancer gnawing at the very foundations of our democracies. Human rights are in danger everywhere.

In this environment of decline, organised crime eventually undermines weak States, imposing its bloody and brutal logic. It exacerbates inequalities, developing a parallel economy in which human life is of no value. Human rights defenders who condemn the violations and abuses often find themselves in the firing line of the perpetrators of these crimes.

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.

This is why there is no more current debate today than the debate on human rights. It is the fundamental debate that should permit us to define what a human being is, where his or her path leads and, above all, to confirm once again that where there is no freedom to be, to speak, to express oneself, to decide one's own destiny, a human ceases

to be a human. The year we are experiencing is perhaps the one when, because of the crisis, every citizen realises that human rights are a daily requirement, not just in countries that are distant or imaginary, deserts or bombed-out worlds. Human rights are part of the air we breathe, and giving up knowing, understanding and acting means completely giving up one's self, other people and giving up the future of what we will be.

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.

/ INTRODUCTION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

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.

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. When this is not done purely and simply by prohibiting all forms of peaceful protest against the economic and social decisions of Governments. In *Djibouti*, the logic is taken to its furthest extreme, with the creation of puppet union confederations that are completely subservient to the Government in power. Methods that are pernicious and endanger unions that are really independent, whose members are regularly harassed or dismissed and so deprived of any means of support. A particular illustration of this phenomenon is the repression of activists in the Gafsa mining basin, in *Tunisia*. Demonstrations against the workers' worsening living conditions were very severely repressed throughout 2008 and resulted in the arrest and trials of more than 200 people, including many union leaders. After seven months of proceedings and following trials that were marred with flagrant irregularities, over thirty leaders of the Gafsa movement were given sentences of up to eight years' imprisonment.

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. Arbitrary arrests, judicial harassment, almost Orwellian surveillance of their activities: this was the price paid by the barefoot lawyers who, in spite of everything, try to protect the weakest against forced evictions, destructive industrial projects, where the arbitrary decisions of local despots still weigh heavily.

“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 func-

tioning. 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”. Accusing critical organisations of playing the game of enemy powers, of being “imperialist puppets”, or “traitors to the country” is certainly a familiar tune. Castro has kept on humming it since 1969, and nowadays the chorus of Presidents Chavez and Ortega has taken up the refrain.

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. In this respect, if it weren't so tragic, intensified repression against human rights defenders might almost seem to be a kind of homage to their fighting spirit and effectiveness.

Regression of democracy

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, especially since it appears to be representative of a more general wave of restrictions of the rights of defenders in States that up to now

were considered exemplary in this field. 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.

/ METHODOLOGY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

The 2009 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis by region of the situation in which human rights defenders operated in 2008. The analyses are followed by country fact-sheets, which provide for the political context that prevailed at the national level during the year, and the most prevalent forms of repression against defenders, which are duly illustrated by concrete cases. However, given the amount of information gathered for the “Western Europe” region, it was decided to treat cases of obstacles for defenders in the regional analysis rather than in separate fact-sheets.

The regional analyses and country fact-sheets presented in the printed report are supplemented, in the form of a CD-Rom attached to the report, by regional compilations that cover all cases handled by the Observatory during 2008, as well as follow-up on some cases from previous years. The cases presented reflect activities of alert, mobilisation and support carried out by the Observatory on the basis of information received from member organisations and partners of FIDH and OMCT¹. We would like to take this opportunity to express our appreciation and heartfelt thanks for their collaboration and their vital contributions.

This Annual Report is not exhaustive insofar as it relies on information received and addressed by the Observatory in 2008. In some States, systematic repression is such that it renders impossible any independent activity or organised defence of human rights. In addition, some conflict situations also make it extremely difficult to isolate trends of repression that aim exclusively at human rights defenders. Situations that are not covered by this report are nevertheless referenced as much as possible in the regional analyses.

1./ See Annex 1, p. 506.

/ ACRONYMS MOST FREQUENTLY USED IN THE REPORT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

ACHPR	African Commission of Human and Peoples' Rights
AIDS	Acquired Immune Deficiency Syndrome
ASEAN	Association of Southeast Asian Nations
AU	African Union
CIS	Commonwealth of Independent States
CoIDH	Inter-American Court on Human Rights
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
ILO	International Labour Organisation
HCR	United Nations High Commissioner for Refugees
LGBT	Lesbiens, Gays, Bisexuals and Transgenders
NAFTA	North American Free Trade Agreement
NGOs	Non-Governmental Organisations
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