

Steadfast in Protest

OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

FIDH / OMCT

Steadfast in Protest

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FOREWORD

Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has aimed to render effective these rights for all, be they civil, political, economic, social or cultural.

Although the 1950s and 1960s were characterised by an unprecedented normative effort, which led to the adoption of fundamental covenants, the years that followed were dedicated to implementing these treaties and to monitoring the respect of standards recognised by the international community.

In this context, human rights defenders have played an irreplaceable role in protecting victims and denouncing abuses. Their commitment has exposed them to the hostility of dictatorships and the most repressive governments, whose practices they called into question.

In 1998, on the occasion of the 50th anniversary of the Universal Declaration, the situation had degraded to the point where the United Nations General Assembly adopted a declaration recalling the legitimacy of the fight carried out by defenders, and requesting that all States of the world respect fundamental rights and the actions of those who defend them: the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

This Declaration – which is essential to clearly lay down State obligations regarding this issue – was completed in 2000 with a mechanism of international protection in the form of a Special Representative of the Secretary General on Human Rights Defenders.

In the framework of my functions at the head of the United Nations, I have already had the opportunity to highlight the remarkable work carried out by the Special Representative, Ms. Hina Jilani, and to evoke her essential contribution on this issue. The reform that I led during the last

years of my mandate should, through the Human Rights Council, further reinforce the weight and influence of this mechanism.

However, the protection of victims is only possible thanks to the concerted action of an organised civil society. The international intergovernmental system, which establishes a framework and intervenes in cases of massive violations, would not be able to guarantee respect for human rights on a daily basis and in all circumstances. Indeed, it is close to the victims and in the shortest timeframe possible that action must be undertaken.

Yet, this action, which is not only legitimate but essential, is too often hindered or repressed – sometimes brutally – by those whose abuses it calls into question. The initiative taken in 1997 by two non-governmental organisations, the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), to create the Observatory for the Protection of Human Rights Defenders constituted a major step towards helping victims and their defenders. Year after year, their urgent interventions, field missions and the observations of trials against human rights defenders have greatly contributed to ensuring better protection for defenders.

The report that the Observatory releases each year while international bodies debate on the measures to adopt has contributed – thanks to its quality and rigour – to reinforce the role of defenders and, consequently, to improve the protection offered to victims.

Much remains to be done, as shown in the 2006 Report, which, unfortunately, continues to present grave violations aimed at criminalising and imposing abusive restrictions on the activities of human rights defenders.

I congratulate the Observatory and its two founding organisations for this remarkable work, and I invite all actors to conform to the rules adopted in 1948.

Mr. Kofi Annan

Former Secretary General of the United Nations Organisation (1997 - 2006)

INTRODUCTION

*"I am just one human
being among many [...].
I live in the present noting
down what I see"*¹.

Anna Politkovskaya

On October 7, 2006, Ms. Anna Politkovskaya, a journalist for *Novaya Gazetta* and an untiring human rights activist, was assassinated at her home in Moscow, in the *Russian Federation*. Her crime: revealing publicly and tirelessly the fate suffered by the most oppressed, in particular victims of the war in Chechnya and soldiers' mothers.

This murder shattered international public opinion, but 2006 was marked by other tragic assassinations of anonymous human rights defenders. On June 26, 2006 for instance, Mr. Wilfredo Cornea, head of a peasants' rights defence organisation in the *Philippines*, was murdered at his home in the Mulawin Hacienda by two unidentified individuals. On April 28, 2006, the body of Mr. Thabet Hussein Ali, leader of a health-sector trade union, was found riddled with bullets in Baghdad, in *Iraq*, after having been tortured. On September 13, 2006, Mr. Gregorio Izquierdo Meléndez, a leader of the Permanent Committee for the Defence of Human Rights in *Colombia*, was murdered in the Arauca region. In *Thailand*, Mr. Thares Sodsri, an environmental rights activist in the Rachaburi region, has been missing since December 1, 2006. It is feared that he has been murdered.

These dramatic situations represent only a tiny proportion of the cases registered by the Observatory for the Protection of Human Rights Defenders, which has documented the situation of 1,311 human rights defenders targeted by acts of repression in close to 90 countries in 2006².

1. See *Putin's Russia*, The Harvill Press, 2004.

2. See statistics p. 625.

When defenders do not pay for their commitment with their own lives, their physical and psychological integrity, and freedom, are endangered. Death threats, torture and ill-treatment, arbitrary arrests and detentions, defamation campaigns are the daily experience of scores of men and women who defend human rights and fundamental freedoms.

Who are those responsible?

States, who should be the first to protect defenders, are often those sponsoring repression against them. This is the case when acts of repression are perpetrated by members of intelligence services, the police or the army; when the lack of independence of the judiciary is such that it embodies a deliberate intention to punish all dissident voices; or when laws aimed at restricting defenders' freedom of action are enacted, in flagrant violation of international human rights law. This is also the case when, exploiting exacerbated nationalist sentiments, authorities libel human rights defenders as terrorists, extremists or enemies of the State, therefore discrediting them and giving a free hand to the perpetrators of violence against them. Lastly, States are responsible when they are guilty of criminal negligence, failing to do all that is in their power to protect defenders.

Non-State actors (armed opposition groups, paramilitary groups, death squads, ultra-nationalist groups, multinational corporations, land owners, etc.) are also behind reprisals, often very violent, against defenders who are considered as obstacles to their "projects" or ideologies. States often play an indirect role that is just as significant when they foster a climate of impunity or act as accomplices to these militia and paramilitary groups.

The law, an instrument of arbitrary treatment

2006 saw the consolidation of a growing trend: using the legislative arsenal to repress freedoms of association, expression and peaceful assembly in States that consider independent civil society as a threat. This method, which is a formidable tool for blocking the activities of human rights defenders, seems to have become generalised, via the adoption of restrictive laws on associations, which impede the registration of organisations, limit their capacity to receive funds, facilitate official interference in internal organisational matters and criminalise

defenders (*Belarus, Cambodia, India, Nigeria, Peru, Russian Federation, Sudan, Uganda, Uzbekistan, Venezuela, Vietnam*).

Elsewhere, the adoption of anti-terrorist (*Bahrain, Jordan*) and anti-extremist legislations (*Philippines, Russian Federation, Sri Lanka*) that, among others, limit freedoms of expression and peaceful assembly, also hamper the defenders' activity. The same holds for recently enacted state-of-emergency laws (*Nepal, Philippines*). Such laws are already used by many States to restrict fundamental freedoms, in particular in North Africa and Middle East countries (*Algeria, Egypt, Syria*).

It must also be underlined that some States tolerate no expression whatsoever of dissent, including *Libya*, certain Arabian Gulf countries (*Oman, Saudi Arabia, United Arab Emirates*), *Burma, Laos, Turkmenistan, Equatorial Guinea* or *Eritrea*.

Conflicts and political crises: defenders as collateral victims

Defenders operating in conflict or post-conflict situations continued to be at great risk, due not only to the overall insecurity affecting civilian populations but also and primarily due to accusations of partiality levelled against them by the parties to the conflict, whose exactions were denounced by defenders.

In the *Philippines*, the number of extra-judiciary executions of defenders who denounced violations committed by the government and the army rose dramatically. Likewise in *Sudan*, defenders who revealed massive human rights violations perpetrated in the Darfur region suffered reprisals. In *Colombia*, defenders continued to be caught between guerrilla forces, paramilitary groups and government authorities. In this context, they were the victims of severe violence and/or repeatedly accused and detained for "rebellion". In *Iraq*, defenders were the target of armed militia forces. In *Israel* and the *Occupied Palestinian Territories*, they continued to face extreme difficulties, particularly hampering their freedom of movement. In these and other countries (*Afghanistan, Sri Lanka*), the situation of humanitarian staff was particularly critical.

In post-conflict situations, defenders who called for appeasement of confrontation were also subjected to retaliatory measures. In this respect, increased arbitrary arrests and threats were observed in *Burundi*. In *Syria* as well, massive arrests were carried out in May after the signature

of the Damascus-Beirut/Beirut-Damascus Declaration by nearly 500 Syrian and Lebanese intellectuals and defenders, calling for normalisation of relations between Lebanon and Syria.

Finally, human rights defenders were subjected to serious acts of harassment in contexts of difficult political transition, where once again their impartiality was challenged. This was the case in the *Democratic Republic of Congo*, where defenders were accused of belonging to different political camps, and in *Bangladesh* during the pre-electoral period. Likewise in *Ethiopia*, defenders continued to suffer the consequences of the waves of repression that followed the contested legislative elections in 2005.

The fight against impunity, a factor of increased vulnerability

Particularly exposed were defenders who investigated past crimes so that the perpetrators of the most serious violations be punished. As a matter of fact, the quest for truth and justice undeniably increases the vulnerability of human rights defenders.

This was the case for activists in *Algeria* who criticised the adoption of the Charter for Peace and National Reconciliation, which grants amnesty to the authors of human rights violations committed during the internal conflict that wracked the country after 1992. In *Argentina*, several defenders were threatened after they denounced the disappearance of Mr. Jorge Julio López, a key witness in the trial of Mr. Miguel Osvaldo Etchecolatz, former director general of the Investigations Department of Buenos Aires and prosecuted for crimes against humanity committed under the military dictatorship. In *China*, the Tiananmen Mothers remained subjected to repeated harassment. Defenders in *Uzbekistan* who tried to shed light on the May 2005 events in Andijan continued to be vigorously repressed. People who investigated crimes committed in Ituri, in order to collaborate with pending investigations before the International Criminal Court, were threatened in the *Democratic Republic of Congo*. Likewise, in the *Balkans*, activists who called for the arrest of war criminals so they can be judged by the International Criminal Tribunal for the former Yugoslavia (ICTY) were also subjected to reprisals.

Defending social, economic and cultural rights:
a high-risk commitment

In a world characterised by an ever-widening inequality gap between North and South countries, by unbridled economic growth and its uncontrolled consequences in “emerging” countries such as India or China, and by the relegation of whole segments of the population in the process of reallocation of the profits derived from the exploitation of natural resources – phenomena that engender both violence and impoverishment – those who fight for economic, social and cultural rights were the first targets of repression.

Trade union rights were flouted, or non-existent, in many countries, especially in Asia (*China, South Korea*), the Middle East (*Saudi Arabia, United Arab Emirates*), and *Djibouti*. Trade union leaders, seen as obstacles that keep businesses, including multinational corporations, from operating “properly”, were the victims of violence, generally committed by private security companies, and often with the complicity of local and/or national authorities. Many were assassinated in *Colombia* and in the *Philippines*. Moreover, in *Iran*, several union leaders victims of the success of trade union movements that have been increasingly present and active were detained for long periods of time.

More generally, those who protested against precarious living conditions, linked in part to corruption and economic mismanagement, were the targets of severe repression (*Congo-Brazzaville, Democratic Republic of Congo, Niger, Zimbabwe*). Social protest movements in Latin America, which have grown to unprecedented proportions in past years, were subjected to a repression and use of force that have been more and more disproportionate, as illustrated by the tragic events in *Oaxaca, Mexico*.

In this context, defenders of the rights of indigenous peoples (*Colombia, Chile, Ecuador*), land rights (*Brazil*) and the right to protection of the environment (*India, Guatemala, Honduras, Thailand*) were particularly targeted. Many peasant leaders were killed in the *Philippines*, often in connection with conflicts over land reform.

Likewise, in Asia in particular, the lawyers and defenders of thousands of families who were the victims of forcible and violent expulsion as the results of urban renewal and industrial expansion projects were harassed, pursued and arbitrarily detained. This was the case in *Bangladesh, Cambodia, China, Thailand* and *Vietnam*.

Defenders of ethnic and sexual minority groups were particularly repressed. In the *Russian Federation*, defenders of minority rights and anti-fascist militants were more than ever subjected to violence, in an atmosphere of escalating xenophobia. In *Turkey*, the proponents of the Kurd and Armenian minorities were also the object of reprisals, as shown by the assassination of Mr. Hrant Dink, editor-in-chief of the Turkish-Armenian paper *Agos*, on January 19, 2007. Likewise, defenders of sexual minorities were subjected to violence, defamation and restrictions of their freedom of association on all continents. For instance, in Africa, some laws appear to have been adopted to prevent the creation of organisations for the defence of homosexuals (*Nigeria, Uganda*). In the Americas, defenders of the rights of gays, lesbians, bisexuals and transsexuals continued to face discrimination, when they were not confronted with escalating homophobia (*Argentina, Honduras, Jamaica, Salvador*).

Women defenders doubly targeted

Women who defend human rights were subjected to attacks on more than one front. As the main defenders of women's rights in countries where these rights are denied on cultural, social or religious grounds, these women defenders were on the frontline. This was the case in countries like *Afghanistan, Pakistan* and *Iran*. In *Iran*, for instance, several peaceful gatherings to protest against the discriminatory status accorded to women were violently dispersed. Women's rights groups were also targeted in Latin America. In *Colombia*, the women who dared to work for the reconstruction of the social fabric, without going through paramilitary groups who seek to control certain cities or regions and whose social rules are profoundly misogynous, were subjected to very serious reprisals. For instance, Ms. Yamile Agudelo Peñalosa, a member of the Women's Popular Organisation (OFP) in Barrancabermeja, was tortured and sexually abused, before being killed in March 2006. In *Peru* and *Nicaragua*, the organisations committed to fighting for abortion rights confronted serious difficulties. In *Guatemala*, the Ixqik Women's Association continued to face harassment and threats, in retaliation for its defence and legal support to the victims of gender violence. In Africa, OCODEFAD members in the *Central African Republic* received dire threats in reaction to their fight against impunity, in particular for sexual crimes in times of conflict.

Regional and international protection

Awareness of the need to more effectively protect human rights defenders throughout the world seems to be shared today by a growing number of actors within regional and international organisations, as witnessed by the contributions made to this report by Mr. Kofi Annan for the United Nations, Ms. Salamata Sawadogo and Ms. Reine Alapini-Gansou for the African Commission on Human and Peoples' Rights (ACHPR), Mr. Santiago Canton for the Inter-American Commission on Human Rights (IACHR), Mr. Thomas Hammarberg for the Council of Europe, Mr. Abdou Diouf for the International Organisation of the Francophonie (OIF), Mr. Christian Strohal for the Organisation for Security and Co-operation in Europe (OSCE) and Mr. Michael Matthiessen for the European Union. We thank them warmly for their testimony. This trend is welcomed by the Observatory, of which a main activity is the mobilisation of the international community to create mechanisms to protect human rights defenders.

In particular, at the Annual Human Dimension Implementation Meeting of OSCE, in October 2006, the Office for Democratic Institutions and Human Rights (ODIHR) announced the creation of a special office dedicated to the protection of defenders, as of early 2007. A Supplementary Human Dimension Implementation Meeting that was held in March 2006 contributed to this initiative.

A similarly important step was taken in November 2006 at the Colloquy on Human Rights Defenders organised by the Council of Europe's Commissioner for Human Rights, in collaboration with the Directorate General of Human Rights. The Commissioner for Human Rights was "strongly encouraged to develop the role and the capacity of his Office in this respect so as to achieve an effective mechanism to protect human rights defenders in urgent cases". In addition, the Legal Affairs Commission of the Council of Europe's Parliamentary Assembly designated a Special Rapporteur on this issue, on the basis of a draft resolution submitted by the Observatory.

These significant new initiatives supplement existing protection mechanisms. Prominent among these is the Special Representative for Human Rights Defenders of the Secretary General of the United Nations, whose mandate was extended this year for a one-year period, in the framework of the reform of human rights protection mecha-

nisms at the United Nations. The 2006 report drawn up by Ms. Hina Jilani outlines, in extremely well documented details, the “outstanding events” regarding the situation of human rights defenders that were compiled during the six years of her mandate. This impressive document is representative of the highly rigorous and exemplary work carried out by the Special Representative over the six – soon to be seven – years of her term. One of the major challenges of 2007 will be the renewal of this mandate, which is of crucial importance for defenders throughout the world.

At the regional level, existing mechanisms such as the Special Unit for Human Rights Defenders at the IACHR, and the ACHPR Special Rapporteur on Human Rights Defenders in Africa continued their activity, in a particularly difficult context for the African Commission as its independence was strongly contested by the African Heads of State.

In the European Union (EU), 2006 was marked by a strong increase in the number of public statements expressed by the European Parliament and the EU Council on the situation of Human Rights Defenders in certain countries. 2006 also saw the evaluation of the implementation of the EU Guidelines on Human Rights Defenders, two years after their adoption in June 2004. In this respect, the Observatory emphasises the importance and essential nature of this instrument, but notes that it is still not sufficiently well known, either to defenders, EU field delegations or Member States’ missions.

Finally, the Observatory would like to highlight the extent to which the silence of democratic States, regardless of regions, contributes to giving credit to the repression against defenders. While the mobilisation of many States has increased, much remains to be done. Effective protection means a public commitment in favour of defenders, but also the implementation of concrete measures, including, in the last resort, assistance to help defenders leave certain countries and obtain temporary asylum. This commitment is still too often lacking.

As the Observatory celebrates ten years of existence, this report wishes to render a forceful homage to the women and men who fight for the respect of the rights of all humans.

Because they challenge the foundations of authoritarian regimes and certain economic interests in the name of international human rights law, because they fight to see the authors of the most serious

and unacceptable crimes punished, and because they combat all forms of discrimination, it is more than ever necessary to recall the essential role played by these highly courageous men and women.

It is incumbent upon all of us to support their action for the respect of human rights for all.

Methodology

The 2006 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis of the situation of human rights defenders in each region of the world. These analyses are followed by compilations of all the cases dealt with by the Observatory in 2006, and by updated information on cases from the 2005 Report.

In addition to reporting the repression affecting individuals or groups, this report also aims at analysing trends of the repression targeting defenders and the strategies implemented by a number of actors, first among them being States.

The cases studied reflect the alert, mobilisation and support activities conducted by the Observatory, on the basis of information received from member organisations and partners of FIDH and OMCT³. However, the list of cases (presented here as statistics in annex⁴) is not exhaustive, especially as in some States systematic repression is so widespread that any organised human rights activity is impossible.

In addition to alert and analysis activities, the Observatory pursued its effort to mobilise the international community to promote the creation of protection mechanisms⁵. The Observatory's action has been successful, as we have seen, in a certain number of cases, and this growing mobilisation of international bodies must be supported and encouraged. This is why the Observatory has wished to devote a significant part to the action of these mechanisms, and to gather testimony from representatives of their implementing bodies. Their crucial contributions follow hereafter.

3. See p. 631.

4. See p. 625.

5. See FIDH and OMCT websites for more information on these different mechanisms.

**THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS
AND HUMAN RIGHTS DEFENDERS**

The desire of civil society actors and of the African Commission on Human and Peoples' Rights (ACHPR) to better promote and protect the rights of human rights defenders has met with some normative success. The adoption of the United Nations Declaration on Human Rights Defenders in 1998, of the Grand Baie Maurice Declaration in 1999 and of the Kigali Declaration in 2003, is significant in that respect. The Grand Baie Maurice Declaration has the ambition to be the corollary of the United Nations Declaration: through its plan of action, the African States affirm the principles of universality, indivisibility and interdependence of human rights. The Kigali Declaration, which reaffirms the attachment of the States to the aims of the United Nations, stressing the importance of the respect for, the promotion and the protection of human rights, in accordance with the provisions of the African Charter on Human and Peoples' Rights (hereafter the African Charter), is also of great importance for human rights defenders.

Furthermore, in the same way as human rights bodies in other parts of the world, the ACHPR was born of the need to afford adequate protection to human rights. Under Article 45 of the African Charter, it has a protective mission that now gives it considerable visibility, with the presence of numerous NGOs and States at each of its sessions.

In connection with its protective mission, the Commission receives communications, and has by now dealt with hundreds of cases, in which it has handed down about 400 decisions. In that respect, the Commission welcomes the fact that, from now on, the long-awaited African Court on Human and Peoples' Rights will fill the need for a jurisdiction whose rulings will be binding.

The Commission has also set up special procedures for better protection of certain specific rights, basing itself on the legal foundations of the African Charter, which enable the Commission to have recourse to other methods and strategies for protecting human rights. During the past ten years, the Commission has adopted a number of resolutions, several of which set up special mechanisms, including the Special Rapporteur on human rights defenders in Africa. This mandate, which was instituted in June 2004 and renewed in December 2005, and to which the Observatory for the Protection of Human Rights Defenders made a significant contribution, is so far the only regional one in existence; it is complementary to that of Ms. Hina Jilani in the United Nations system.

The recurring issues that have captured our attention in the framework of this mandate are the following: the role of national commissions in the protection and the promotion of the rights of human rights defenders in Africa, the role of the media in the protection and the promotion of the rights of human rights defenders in Africa, the situation of human rights defenders in countries which are in conflict or in a post-conflict situation, the situation of women defenders in Africa, the information and training of human rights defenders to use their different means of actions.

The creation of this mandate responded to the scope of the prejudice inflicted on human rights defenders and the negation of the rights of such persons or groups of persons, who have chosen to participate in the development of our continent through a strong commitment in favour of fundamental freedoms. In many such struggles, the persons concerned lost their life, or at least their life plan.

We want to speak out boldly that each human rights defender who loses his or her life in such action is a loss for the whole of mankind.

There are still major challenges to be met: our aim must be to anchor democracy and good governance in a context where human rights are flouted and despised. Another challenge is to have the courage to fight against impunity in a conflict or post-conflict environment, which prevails in many States, such as Sudan, Uganda and Côte d'Ivoire.

To meet these challenges, the ACHPR is facing a number of difficulties, mainly of a material kind; the Commission, which is so far the only body established by treaty for implementing the rights guaranteed by the African Charter on Human and Peoples' Rights, is sorely lacking in logistic and human facilities, which is detrimental to the sustainable nature of its mission. This is a handicap for attaining our common aims, including the protection of human rights defenders. Paradoxically, it is also an additional reason for human rights actors to work in partnership, to gather their efforts whenever possible, in order not only to build on what has been achieved, but also to strengthen their action. To this extent, cooperation between the ACHPR and the Observatory is essential.

Ms. Salamata Sawadogo
President of the African Commission on Human and Peoples' Rights

Ms. Reine Alapini-Gansou
Special Rapporteur on Human Rights Defenders in Africa

THE COUNCIL OF EUROPE AND HUMAN RIGHTS DEFENDERS

Human rights defenders must be able to criticize

It still happens that governments hit back when their human rights record is questioned and not seldom they aim at the messengers instead of addressing the problems. In my work I have been surprised that leading politicians so often talk negatively – in private or even publicly – about human rights defenders in their own country.

Human rights NGOs, journalists and even ombudsmen have been accused of being unpatriotic after reporting human rights violations or having communicated with international organizations or media abroad. Factual errors, even minor ones, have sometimes been used to prove that such defenders are irresponsible or act in bad faith. This attitude only harms the ongoing effort to advance a serious dialogue on human rights.

The UN began discussions on the issue of government interference and attempts at silencing human rights activists some thirty years ago, and eventually adopted a declaration in support of human rights defenders in 1998.

At that moment, all basic civil and political rights were already part of the body of internationally accepted human rights standards. However, this declaration was instrumental in focusing the attention on the *implementation* of those rights. Indeed, this declaration was an important step in trying to give teeth to principle documents on human rights, but – despite that – unfortunately many grave problems persist.

Human rights defenders continue to be deprived of basic freedoms such as the freedom of movement, expression, assembly or association.

Some are threatened with criminal prosecution and made victims of unfair trials. Some are arrested and tortured, and others are even executed. Many voices have been silenced and continue to be silenced.

When the text of the UN declaration was adopted, UN Secretary General Kofi Annan memorably said that “When the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe”.

That is why solidarity with human rights defenders is particularly critical. In such efforts we can be inspired by the lives and achievements of human rights defenders who have set an example for all of us.

One of them is Andrei Sakharov, who was still alive when the declaration was agreed upon. Even when he was locked up in an apartment in Gorky, he continued to write appeals for prisoners of conscience in the Soviet Union and other countries. The spirit of his work and the values he represented are still felt today. The strength and devotion of people like him will keep us going ahead on this difficult road.

Mr. Thomas Hammarberg
Human Rights Commissioner of the Council of Europe

**THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS
AND HUMAN RIGHTS DEFENDERS**

Human rights were formally born in Latin America with the adoption of the American Declaration of the Rights and Duties of Man in May of 1948, a couple months before the adoption of the Universal Declaration of Human Rights. A few decades later, during the sixties, seventies and beginning of the eighties, the region was characterized by the struggle against the massive and systematic violations of human rights that took place under the military dictatorships in South America and in the civil wars of Central America.

The tireless work of human rights defenders during the dictatorships demonstrated their capacity to save thousands of lives, and since then their activities have been essential in the defence of rights. Throughout these decades, human rights defenders have persisted to denounce the human rights violations that they witness even during internal armed conflicts, in spite of the tremendous risks they face.

Partly as a result of the fight of human rights defenders the region, with the exception of Cuba, is now universally ruled by governments elected by the people. Nonetheless, their work as guardians of our rights continues to be essential. Human rights in Latin America are usually associated with the struggle against disappearances, torture and extra-judicial executions. Yet these common perceptions should not overshadow the status of human rights as the essence of democracy. Human rights stand for equal justice, and they represent the need to leave poverty and oppression in the past. The work of human rights defenders is crucial in the process of strengthening democracies, and thus any democratic society should not only protect but also encourage human rights activities. For this reason, the day-to-day problems that human rights defenders face have been a matter of particular interest

in the work of the Inter-American Commission on Human Rights (IACHR).

Since it was established, the Inter-American Commission on Human Rights has followed the work of, supported, and expressed its recognition for those who, with their work, have helped create the conditions for the development of human rights. In March of 2006, as required by the General Assembly of the Organization of American States (OAS), the Commission published a comprehensive study on the situation of human rights defenders in the Americas, identifying the patterns of violations of those who work in the defence of human rights in the region, and at the same time highlighting the special risk faced by some groups of defenders.

The Commission verified in its report that attacks, threats, and harassment, used as an instrument to thwart and hinder the work of human rights defenders, constitute a pattern that can be discerned in many countries of the region. Some of these violations are committed by illegal armed groups with the acquiescence or tolerance of the states in which they act. The violation of the home and other arbitrary or abusive entry to the offices of human rights organizations is another common way of diminishing the actions of human rights defenders. Furthermore, judicial actions, smear campaigns and official statements against defenders are constantly used to prevent or hamper their work.

This situation has especially affected trade union leaders, who are particularly exposed during periods leading up to changes in rights in their unions; campesino and community leaders, who stage or organize public demonstrations; indigenous leaders, who defend the rights of their peoples; and judicial officers, especially to the extent they bring cases on human rights violations. Women human rights defenders have also faced severe hardships when seeking to promote and protect women's rights, a situation exacerbated by their historical disadvantages. Acts directed at these groups send an intimidating message to society as a whole, discouraging victims of human rights violations from lodging complaints and dissuading other human rights defenders to maintain the search for justice.

Not only should violence targeting human rights defenders be eliminated, but the work of these defenders should be facilitated and promoted. The fundamental role played by human rights defenders in guaranteeing democracy and the rule of law needs to be recognized publicly and unequivocally by every State. This can only become true if States recognize the importance of the work carried out by human rights defenders as a matter of public policy, strengthening domestic mechanisms of justice and eradicating impunity over violations committed against them.

National, regional and international non-governmental and inter-governmental organizations need to join their efforts to call upon attention states to take urgent action to stop impunity of the acts of repression and violence against those who fight for the respect of human rights. The work of the Observatory for the Protection of Human Rights Defenders, created by the World Organisation Against Torture and the International Federation for Human Rights, constitutes an essential mechanism to ensure the effective development of the work of human rights defenders and this annual report on the occasion of the United Nations Human Rights Council represents an enormous contribution to the protection of their rights, and thus to the promotion of human rights in the hemisphere.

Mr. Santiago A. Canton
Executive Secretary of the Inter-American Commission on Human Rights

**THE INTERNATIONAL ORGANISATION
OF THE FRANCOPHONIE
AND HUMAN RIGHTS DEFENDERS**

The Declaration of Bamako, adopted on November 3, 2000 by the Ministers and Heads of Delegation, of which the major importance as a normative instrument and a reference with regard to democracy, rights and freedoms, was confirmed by the Heads of State and Government of countries sharing the use of the French language at their 9th Summit in Beirut in October 2002, expresses the principles and commitments of Francophonie around four crucial themes:

The consolidation of the rule of law, the organisation of free, honest and transparent elections, a calmed political scene, and the interiorisation of the culture of democracy and respect for human rights. These goals are also highlighted as factors of peace and sustainable development in Article 1 of the new “Francophonie Charter”, resulting from the work of the Antananarivo Ministerial Conference in November 2005.

In this process, endorsed by the 11th Summit in Bucharest in September 2006, the protection of human rights defenders is of crucial importance, in view of the decisive role played by defenders in all mentioned areas.

This point was emphasised in the Programme of Action appended to the Declaration of Bamako, which specifies that the Francophonie aims at “consolidating the active role of NGOs in the area of democracy and human rights”, giving stronger support to “the initiatives and field projects developed [by them] for the promotion of the culture of human rights, democracy, good governance and peace”, and also to “the activities of networks grouping them together with national, regional and international NGOs” (chapter III-5). More

specifically, it was planned that it should give “support to human rights defenders, making use in particular of the specialised structures and instruments” (chapter IV, Item 3)¹.

This priority was recently reaffirmed, both during the Bamako + 5 Symposium in November 2005, and in the Declaration adopted in Saint-Boniface (Canada), on May 14, 2006, in the framework of the Ministerial Conference on “the prevention of conflicts and human security”. In that context, States and Governments undertook “to promote the action of human rights defenders and to guarantee their protection” (Article 31).

The principle of the “responsibility to protect” endorsed by the Conference reinforces the mechanism designed to follow-up the commitments enshrined in the Bamako Declaration. Chapter V specifies that “in the case of a breakdown of democracy or serious human rights violations”, the Secretary General, in liaison with the various bodies of the Francophonie, is authorised, for the sake of prevention, to take specific measures both on the basis of information transmitted by the Francophone Observatory for practices of democracy, rights and freedoms, and on the basis of “communications” from the INGOs recognised by the international community, in particular by the Francophonie, who thereby perform a noteworthy function.

Nevertheless, despite this array of measures that has been progressively consolidated, and the development of a diversified Francophone mechanism for the promotion and protection of human rights, based in particular on the vitality and solidarity of institutional networks, but also on a renewed partnership with civil society and other international organisations concerned, such as the United Nations High Commissioner for Human Rights, it would appear that respect for these rights in the French-speaking area still suffers multiple shortcomings, in violation of the commitments ensured by both international and regional treaties and in the Declaration of Bamako.

1. Non-official translation.

The unduly large number of cases dealt with this year by the Observatory for the Protection of Human Rights Defenders bears witness to this: assassinations, death threats, acts of harassment, smear campaigns are the daily lot, including in Francophone member countries, of those who struggle for the rule of law, democracy, peace, or who fight impunity, simply because of their commitment. In 2006 alone, the Observatory carried out 66 urgent interventions relating to acts of repression inflicted on human rights defenders in 14 member countries, mainly on the African continent, and in two countries with Francophonie observer status.

This is why, aware of the major challenges to be met and desiring to mobilise in greater depth all the actors capable of contributing to a significant improvement of the situation of all human rights and freedoms, the International Organisation of the Francophonie is determined to continue to support the action of the Observatory.

First, insofar as it plays a vital role in alerting and protecting, in emergency situations, human rights defenders who are in danger, especially as recurring acts of reprisal against defenders can well constitute, or at least contribute to, a crisis or breakdown of democracy.

Also because such an action can be conducive to the establishment of a genuine policy of prevention and peaceful settlement of conflicts, in which defenders can usefully fulfil their role safely and freely.

Lastly, and I express this wish, because such protective action can help to anchor, in all minds and in law, the appreciation of the important role played by these activists, women and men, in the defence of universally recognised values.

Mr. Abdou Diouf

Secretary General of the International Organisation of the Francophonie

**THE ORGANISATION FOR SECURITY
AND COOPERATION IN EUROPE
AND HUMAN RIGHTS DEFENDERS**

Ever since the signing of the Helsinki Final Act in 1975, the 56 participating States of the Organization for Security and Co-operation in Europe (OSCE) have committed themselves to an impressive body of obligations on protecting human rights, ensuring the rule of law, and making pluralistic democracy the only form of government. The implementation of these promises, however, remains a daily challenge and is, all too often, lacking. The situation of human rights defenders is a key reality check in this regard. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has been actively supporting human rights defenders for many years. Within its mandate to assist participating States in implementing their OSCE commitments, the ODIHR has used its expertise to educate human rights workers, build the capacity of NGOs, set up institutions to protect human rights defenders, and encourage participating States to create a legal environment favourable to their work. We have also welcomed ever-increasing numbers of human rights defenders to the annual Human Dimension Implementation Meeting in Warsaw, which provides them with an open forum to highlight the very real dangers and challenges they face in their daily work.

A careful reading of the OSCE commitments shows that though the term "human rights defender" is not used as such, the commitments cover many important aspects of their work. Examples include the universal right to freely seek, receive and impart views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views, to study and discuss the observance of international human rights standards, and to develop and discuss means to enhance their implementation. OSCE States have also specifically committed themselves to guaranteeing freedom of association

with respect to groups that monitor human rights. They are to be allowed unhindered access to communication both within their countries and from abroad, and possess the right not only to co-operate with other groups and individuals, but also to solicit, receive and use voluntary financial contributions from both national and international sources.

It is unacceptable that these binding commitments are not always fully implemented and in some cases blatantly violated. In our recently published report *Common Responsibility*, presented to the OSCE Ministerial Council in December, the ODIHR noted that while the framework for civil society had improved in a number of States, the recent past has been marked by a visible trend of alienation between human rights defenders and state authorities. Human rights defenders are even at times portrayed by authorities as “enemies of the state” in an attempt to sway public opinion against their activities. We noted that in a number of OSCE States, human rights defenders continually work under unacceptable pressure from state authorities and face restrictions on the exercise of their freedoms of expression, association and assembly. There are still too many cases in which human rights defenders are subject to unnecessary bureaucratic burdens, arbitrary detentions, assaults, ill-treatment, or defamation campaigns.

In response to this trend and in order to co-ordinate our efforts office-wide, in 2006 the ODIHR set up a special focal point on human rights defenders and national human rights institutions. It will concentrate our capacity-building efforts through human rights education and training, promote the dissemination of the *ODIHR Guidelines on Freedom of Assembly* (to be published in the first half of 2007), and work with OSCE missions to monitor the situation of human rights defenders. The ODIHR is currently in the process of developing a tool-kit on freedom of association to provide practical assistance for the implementation of this right so vital to human rights defenders. The focal point will also monitor and follow up on the situation of human rights defenders within the ODIHR’s monitoring mandate, and co-operate closely with other international organisations active in the OSCE region. Furthermore, we will seek to create networks amongst human rights defenders as a means of enhancing both the

quality of their work and the documentation of violations of their rights.

With regard to national institutions, the ODIHR will assist the creation of independent national human rights institutions in conformity with the United Nations Paris Principles, and will work to further strengthen such institutions where they already exist. Such independent expert bodies can be effective tools for addressing the many challenges human rights defenders face at the national level, and the ODIHR will encourage them to take up individual cases as well as thematic issues.

I wish to congratulate the Observatory on its activities – we regularly use your valuable and credible information in our work to monitor the implementation of OSCE commitments. The efforts of the Observatory and other human rights NGOs will continue to assist us greatly in our work to ensure that human rights defenders can do their work in a constructive and tolerant atmosphere, free from fear and intimidation. The creation of such an environment, vital to the maintenance of security throughout the OSCE region, is the duty and responsibility of all OSCE participating States, to be realized both individually and collectively.

Mr. Christian Strohal

Director of the Office for Democratic Institutions and Human Rights
of the Organisation for Security and Cooperation in Europe

THE EUROPEAN UNION AND HUMAN RIGHTS DEFENDERS

The high importance the European Union attaches to the issue of human rights defenders is clearly laid out in the “EU Guidelines on Human Rights”, covering a set of five guidelines including death penalty, torture, human rights dialogues, children and armed conflict and human rights defenders¹.

The “Guidelines on Human Rights Defenders”, adopted by EU Ministers in June 2004, state in their first sentence that “support for human rights defenders is already a long established element of the European Union’s human rights external relations policy”. The EU has actively promoted the operational part of the guidelines on human rights defenders including monitoring, reporting and assessment as well as active support by EU diplomatic missions for them. The EU also actively and continuously engages in promoting respect for human rights defenders in relations with third countries and in multilateral fora. Another important aspect in protecting defenders is the support for Special Procedures of the UN Human Rights Council (HRC), which will hopefully be confirmed by members of the HRC before the end of their mandates in June 2007. In this context the EU emphasized in the course of 2006 the importance of the mandate of the UN Special Representative of the Secretary General on the situation of human rights defenders, and the crucial role she played in implementing the UN Declaration on human rights defenders.

In 2006 the EU continued to carry out demarches and publish declarations for the protection of defenders in several countries, where their protection is not provided for as requested by international rules

1. See website of the Council of the EU <http://www.consilium.europa.eu/Human-Rights>.

and regulations on human rights (including Iran, Uzbekistan, Syria, China, Russia). The Personal Representative of the Secretary General and High Representative for Human Rights as well as other EU actors met with many human rights defenders during the whole year.

A first review of the implementation of the EU Guidelines on human rights defenders was approved by the Political and Security Committee and welcomed by the Council in its conclusions in June 2006. The summary analysis and recommendations of this review were based on contributions from Member States, the Commission, replies from EU Heads of Mission in 79 countries, and an exchange of views with international NGOs, including the Observatory for the Protection of Human Rights Defenders. The recommendations focus on the issues of awareness raising and training of EU actors, increasing external publicity of the Guidelines and EU efforts to implement them, strengthening coordination and sharing of information by EU Missions, and effective support and protection of human rights defenders. The document is publicly available². In this review the Council also underlines the importance the EU attaches to continued access and active participation of human rights defenders and NGOs in the work of the HRC from the outset.

During 2006 a special campaign on Women Human Rights Defenders was launched in over 60 countries with five main objectives³. The EU engages to ensure that women are equally entitled to exercise the right to defend human rights, that the specific risks of women human rights defenders are addressed, and that awareness is raised for their specific protection needs. The EU also intends to develop and strengthen networks of women human rights defenders and give recognition, visibility and support to their contribution to building and strengthening a culture of human rights.

Even though the Council acknowledged in its conclusions on the review “the progress made towards the implementation of the

2. See website of the Council of the EU <http://register.consilium.europa.eu/pdf/en/06/st10/st10111.en06.pdf>.

3. For detailed information see the EU Annual Human Rights Report: <http://register.consilium.europa.eu/pdf/en/06/st13/st13522-re01.en06.pdf>.

Guidelines” it also “underlines the need to continue efforts to further increase the level of awareness amongst all relevant EU actors at the Brussels, capitals and mission level about the existence, purpose, content and operational application of the Guidelines”.

Mr. Michael Matthiessen⁴

Personal Representative for Human Rights of the Secretary General
of the Council of the European Union /
High Representative for the EU's Common and Foreign Security Policy,
Mr. Javier Solana (January 2005 - January 2007)

4. His successor as Personal Representative for Human Rights has been Ms. Riina Kionka since January 29, 2007.

TESTIMONIALS



“The Observatory’s contribution to the struggle of defenders of economic, social and cultural rights in Djibouti has been of crucial importance. It has revealed to the world the grave and blatant human rights violations perpetrated by the government, and has brought the situation of defenders in this country to the eyes of international and regional institutions, and of the international press. In this sense, the Observatory has helped protecting the physical integrity of Djiboutian defenders, despite increasing repression”.

Hassan Cher Hared, secretary for international relations of the Djiboutian Workers' Union (UDT), was forced into exile after having been arrested several times, detained and prosecuted for his commitment to labour rights.



“A thousand thanks for your attention and interest. Your statements and the subsequent mobilisation of the international community have been very important, and have provoked a reaction from the authorities who subsequently contacted us and other organisations. Once again, thank you for all you have done for us here”.

Luis Jairo Ramírez H, executive secretary of the Permanent Committee for Human Rights (CPDH) in the Arauca region of Colombia, has been harassed and particularly threatened for several years.



“Thanks to the financial assistance of the Observatory, Ms. Mukhtabar Tojibaeva’s daughter was able to visit her mother, abusively detained in the psychiatric ward of Tashkent prison. After New Year, she was suddenly granted a visitor’s permit. Your action was certainly not unrelated to this. She is most grateful to you”.

A friend of the family of **Mukhtabar Tojibaeva**, president of the “Ardent Hearts’ Club” organisation in Uzbekistan, who was sentenced to eight years’ imprisonment on March 6, 2006 and held in the psychiatric wing of Tashkent prison.



“Thank you for your support. I greatly appreciate the efforts expended by the Observatory to ensure we were given a fair trial”.

Former president of ZimRights, laureate of the Martin Ennals Award for Human Rights Defenders in 2006, **Arnold Tsunga** is systematically harassed and persecuted because of his fight for the rule of law in his country.



“Defending human rights means consciously assuming the risk of exposing oneself to the power of those who violate these rights. Each year, the Observatory gives us a painful compilation of these risks that result in deaths, disappearances, persecutions, defamation campaigns and personal attacks against these men and women, defenders of human rights, throughout the world. Each case touches and affects us, but we continue to fight against injustice and impunity. We are not alone in this struggle: the encouragement, the force of condemnation, the solidarity reflected in the Observatory’s report comfort us in our commitment and make us feel that we are fully and wholly participating in this combat for a true and just cause”.

Vilma Nuñez de Escorcía, president of the Nicaragua Centre for Human Rights (CENIDH), whose members were subjected to defamation this year, and in some cases to ill-treatment.



“Immense thanks for your urgent action with regard to my situation and that of my son. I am happy that I have friends like you in the world. With my respects to all”.

Bakhtior Khamroev, president of the Djizak section of the Human Rights Society in Uzbekistan (HRSU), was a victim of ill-treatment in August 2006. In September 2006, his son was sentenced to three years' imprisonment.



“The Observatory’s support has proved very encouraging in my battle against the arbitrariness of the Israeli military and judicial systems. Its presence at my trial hearings, and its urgent actions regarding my situation, have helped me keeping up the fight, by showing me that I was not alone. History will prove that human rights organisations are on the side of humanism and justice”.

Jonathan Ben Artzi was sentenced and imprisoned from April 2004 to 2006 for refusing to serve in the Israeli army. He was released at the end of his sentence.



“On the rare occasions when my family and close friends could visit me in prison, they whispered that the Observatory had asked the Syrian government to do this or that, that it had had recourse to other organisations or mechanisms to take the steps necessary for my release, or that joint action had been undertaken to protect human rights defenders in Syria. Turning back to my cell, several feelings mingled inside of me: the most distinguished among them was that I no longer felt like a straw in a blowing wind. I thank all these organisations who have achieved the impossible to give me back my freedom”.

Ali Shahabi, a writer and human rights defender in Syria, was arbitrarily detained for five months, including several weeks in solitary confinement. He was released on January 9, 2007 by virtue of a presidential pardon.



“Thank you very much for the splendid job done by the Observatory during its mission to Saint-Petersburg. We have campaigned to attract the local government’s attention to the report and bring it to the public eye. Please render our thanks to the members of the Observatory, in particular the chargés de mission we met”.

Reaction of **Boris Pustyntsev**, president of Citizens' Watch, in the Russian Federation, after the March 2006 publication of the report drawn up by the international fact-finding mission sent by the Observatory to investigate into attacks on human rights defenders in Saint-Petersburg.