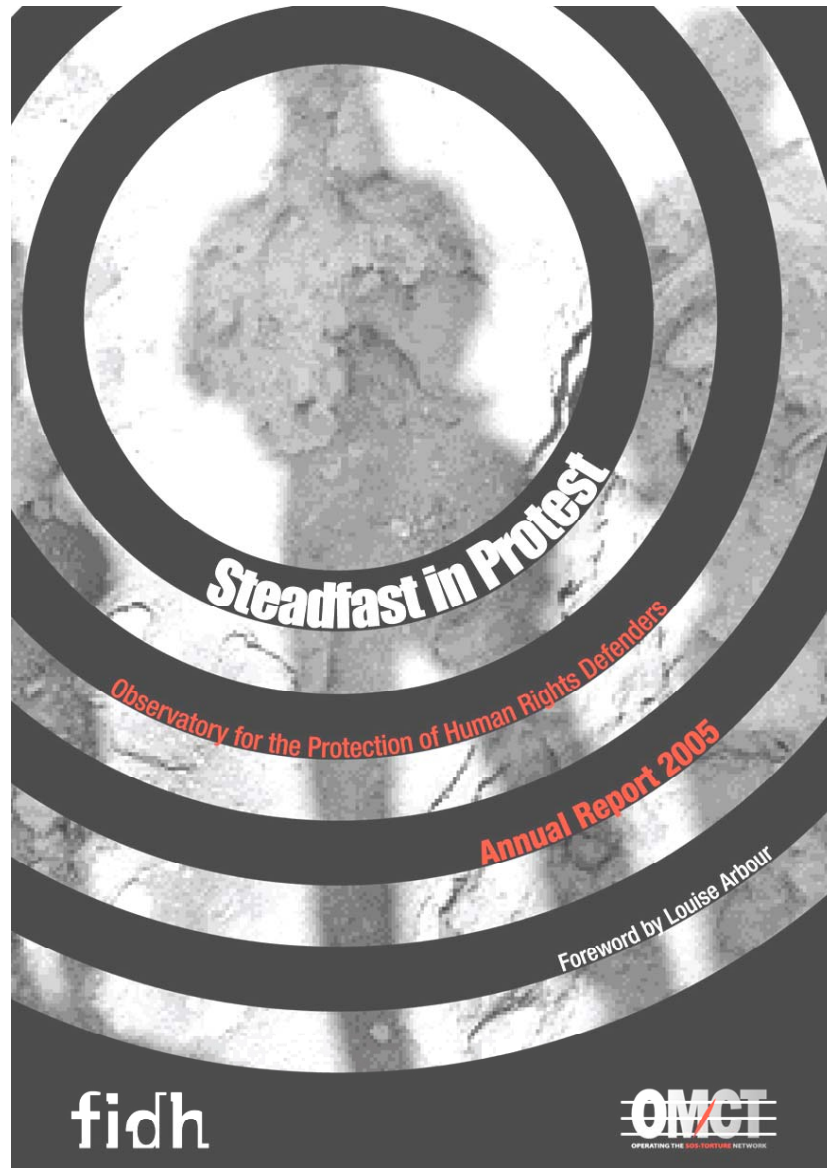


The Observatory

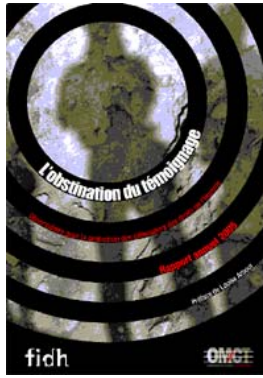
for the Protection of Human Rights Defenders

Embargo : March 22, 2006

Annual Report 2005



527 p.



A message from Shirin Ebadi

Nobel Peace Prize Winner 2003

On the occasion of the presentation of the 2005 Annual Report of the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT).

Paris, 9th March 2006

(Embargo: 0h01 GMT 22nd March 2006, date of publication of the Annual Report)

I wished to issue a message on the occasion of the publication of the Annual Report of the Observatory for the Protection of Human Rights Defenders.

This report is a result of the programme led by the FIDH (International Federation for Human Rights) and the OMCT (World Organisation against Torture). It once more paints a bleak picture of the defence of universal rights as a high-risk activity in nearly one hundred States.

The overall picture presented in this 2005 report reflects a worldwide human rights situation that is sadly becoming harder. It is clear that arbitrary policies are gaining ground. It is urgent and of international importance to mobilise for the respect of the freedom of expression and of association, on which human rights defenders base their actions daily. I congratulate the FIDH and the OMCT for being at the forefront of this combat.

Mobilization pays off: in Iran my friend and colleague Soltani, a lawyer and human rights activist, was freed last Sunday after seven months in prison. But the real situation in my country is of great concern. For example, Gandji, a human rights defender and journalist, is held in arbitrary detention for the sixth consecutive year. And the NGO that we created, the Defenders of Human Rights Centre in Iran, has still not been officially recognised.

All the attention that will be given to the current Observatory Annual Report will directly help the cause of defenders throughout the world who are punished for the sole reason that they call for the respect for universal human rights.

It was important for me to stress this today.

Shirin Ebadi.

THE OBSERVATORY for the Protection of Human Rights Defenders

A JOINT PROGRAMME OF FIDH AND OMCT

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among **Human Rights defenders** and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

Main activities:

- systematic alert of the international community
- observation of judicial proceedings and direct legal assistance
- international missions of investigation and solidarity
- sustained action and lobbying with various regional and international intergovernmental institutions

The Observatory's activities are based on the consultation and the co-operation with national, regional, and international non-governmental organisations.

The annual report is a compilation of all cases of repression against Human Rights defenders, and which are referenced by The Observatory over the past year.

FIDH

The **International Federation for Human Rights (FIDH)** is an international nongovernmental organisation for the defence of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 141 national affiliates throughout the world. FIDH facilitates each year the access and use of existing international mechanisms to more than 200 representatives of its member organisations, and also relays and supports their activities on a daily basis.

FIDH has either consultative or observer status with the United Nations, the UNESCO, the Steering Committee for Human Rights (CDDH) of the Council of Europe, the International Organisation of the Francophonie, the African Commission for Human and Peoples' Rights, the International Labour Organisation and the Commonwealth.

Website: www.fidh.org

OMCT

Created in 1986, the **World Organisation Against Torture (OMCT)** is currently the largest international coalition of NGOs fighting against torture, summary executions, forced disappearances and all other types of cruel, inhuman or degrading treatment. It co-ordinates the SOS-Torture network that is made up of 282 nongovernmental organisations in more than 90 countries and seeks to strengthen and accompany their activities on the field.

Website: www.omct.org

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la Protection des Défenseurs des Droits
de l'Homme

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

Steadfast in Protest

Annual Report 2005
of the Observatory for the Protection
of Human Rights Defenders
(FIDH / OMCT)

EXECUTIVE SUMMARY

Embargo : March 22, 2006

Paris – Geneva, March 6 2006

“The strength of human rights defenders stems from their faith in their fight, their perseverance, and their solidarity beyond borders [...]. The Observatory [for the Protection of Human Rights Defenders] is an indispensable link in ensuring that the international community never forgets the men and women who are fighting to defend our rights”.

Louise Arbour
United Nations High Commissioner for Human Rights
Author of the foreword of the Report

“The action of the Observatory is essential. By presenting the human rights violations committed against defenders to the entire world, the Observatory helps to provide us a real protection. Every day, it gives human rights defenders the strength to carry on their action”.

Lida Yusupova
Coordinator of the Memorial office in Grozny, Chechnya

On March 22, 2006, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) publish the Annual Report 2005 of their joint programme, the Observatory for the Protection of Human Rights Defenders.

This report addresses the cases of 1,172 defenders oppressed¹ and obstacles to freedom of association, in nearly 90 countries around the world². These men and women, in spite of the tremendous risks they face, persist in denouncing the human rights violations that they witness, striving to preserve justice and respect for fundamental freedoms.

1 These figures correspond to the cases recorded by the Observatory in its 2005 Annual report, which is not exhaustive. Indeed, it brings attention to cases, situations and trends that only shed light on the most known cases of human rights abuses.

2 The report contains an analysis of the situation of human rights defenders in each region of the world. These analyses are followed by a compilation of all cases dealt with by the Observatory in 2005 with updates of the cases listed in the 2004 report.

I. Defending human rights : urgent commitment, dangerous action

This year again, the list is long of the women and men who risked everything in order to promote and defend human rights.

In 2005, human rights defenders continued to act in a national and international context dominated by: the multiplication of extraordinary measures taken on behalf of the fight against terrorism, the failure of democratic transition in many countries, the persistence of conflicts and serious violations of international humanitarian law (attacks, rapes, acts of torture, massacres, etc.), the resurgence of religious extremism and intolerance, increasing inequality due to the abusive effects of globalisation, etc.

Even though the legitimacy of their action is increasingly recognised by the international community, the repression they are subjected to continues and indeed is growing. Techniques of repression are becoming more and more widespread, while the authors of such violations enjoy complete impunity.

In 2005, many defenders were victims of acts that were particularly violent. The Observatory recorded in its report:

- 117 cases of assassinations or assassination attempts ;
- 92 cases of ill-treatment or torture;
- 56 physical attacks;
- 142 death threats.

Other defenders were or remained detained: in 2005, 315 cases of arbitrary detentions were recorded all over the world.

Some States, such as North Korea or Equatorial Guinea, were little or not covered in this report: the systematic nature of the repression makes any human rights activity very difficult if not impossible.

II. Control and marginalisation of independent civil society

Once again, in 2005, many States made extensive use of legislation in order to toughen conditions for NGO registration, to facilitate their suspension or dismantling, or to limit their access to foreign financing.

- In Belarus, some amendments to the Law on "Public Associations" and to the Criminal Code, which were adopted at high-speed in December 2005, forbid any activity within a non-registered organisation and provide for heavy sanctions against those who contravene these provisions, as well as against those who transmit to a foreign State or to a foreign organisation "information on the political, economic, military or international situation of Belarus".

- In Iran, recent measures taken by the administration, as well as the repression of "cyber-dissidents" and bloggers, demonstrated a will to reinforce control over the Internet. Besides, repression of freedoms of expression and association became more severe in 2005, rendering human rights activities nearly impossible in the country.

- In Nepal, a new Code of Conduct was introduced in November 2005, which obliges social organisations to work with local and national governmental agencies and provides for arbitrary modalities of suspension or dismantling of NGOs.

- In the Russian Federation, amendments to the Law on non-making profit organisations, the Law on Public Associations and the Law on Closed territorial administrative entities, were adopted in December 2005. These amendments restrict the possible activities of international or foreign NGOs in the country, toughen the conditions of registration for national NGOs and strengthen the authorities' power of interfering in their activities.

- In Sudan, a presidential decree entitled "Organisation of Humanitarian Activities Act" was signed on August 4, 2005 and submitted as a Bill for examination before Parliament in November 2005. This text, which imposes very restrictive conditions for the registration of NGOs, was adopted in an amended version on February 20, 2006.

These attempts to control civil society were accompanied by moves to ostracise independent NGOs.

- For instance, in Tunisia, access to human rights organisations and news websites, as well as online discussion forums and independent Tunisian news agencies were frequently blocked by State authorities, which also regularly disrupted international media and NGOs websites relating to the World Summit on the Information Society (WSIS) convened in Tunis from 16 to 18 November 2005. Censorship further remained widespread throughout the country, as all articles were to be submitted to the Ministry of the Interior for authorisation prior to diffusion. Moreover, the Citizens' Summit on the Information Society (CSIS), due to be held in the fringe of the WSIS, had to be cancelled following the

authorities' refusal to make a conference room available and the intimidation campaign against hotel directors to dissuade them from offering accommodation to the CSIS participants.

Finally, among the many methods employed to marginalise independent organisations, smear campaigns have become an instrument of choice for some leaders.

- In the DRC, in the context of political tensions heightened by the government's decision to extend the transition period, the African Association for the Defence of Human Rights (ASADHO) / Katanga section, was dubbed "a corrupt organisation that works against the interests of Katanga province [and whose goal is] to plunge the province into misery (...)", after the organisation denounced the authorities' lack of political will to sanction Congolese militaries who had violated human rights in Kilwa, in October 2004.

- In Mexico, the President of the Commission on Human Rights of the State of Oaxaca, Mr. Sergio Segreste Ríos, stated in March 2005 that "radical groups are forming a network [...] in order to transform the Commission into a body that is subjected to blackmail and that responds to specific interests", referring to human rights and pro-democracy movements.

III. Human rights defenders and the fight against impunity

In 2005, human rights defenders involved in the fight against impunity continued to be subjected to acts of retaliation.

- In Brazil, on February 12, 2005, Sister Dorothy Mae Stang, representative of the Pastoral Commission for Land and an activist of the National Movement for Human Rights (MNDH), was assassinated. She was particularly involved in fighting against the impunity of the landowners, who perpetrate acts of violence against landless peasants and their defenders in the State of Pará.

- In the Central African Republic, several victims of sexual violence, who gave their testimonies on the occasion of a conference of the International Criminal Court jurisdiction, organised in September by FIDH and the Central African League for Human Rights (LCDH), were seriously threatened and intimidated in order to dissuade them from publicly denouncing human rights violations in their country.

- In Peru, Mr. Salomon Lerner Febres, Chairman of the Truth and Reconciliation Commission, was threatened along with several dozens defenders, witnesses, victims, judges and prosecutors in August 2005, due to their investigations into crimes and human rights violations that were perpetrated in Peru in the last two decades.

IV. Human rights defenders in times of internal crisis and armed conflict

Defending human rights during political or armed conflicts remains extremely dangerous: not only general insecurity renders the defenders' activities of monitoring and investigation very risky, but also their denunciations and protective efforts are also increasingly considered as being opposed to the government or to one of the parties to the conflict.

- Colombia remained once more one of the most dangerous country in the world for human rights defenders who denounced the government's policy on security and human rights. While all parties to the conflict (security forces, paramilitaries and guerrillas) were guilty of violations of human rights and international humanitarian law, the paramilitaries were responsible for most of the exactions against defenders campaigning against impunity.

- In Iraq, a great number of attacks and kidnappings by extremist militias and/or non-identified groups created an utterly insecure environment for defenders. According to the Committee to Protect Journalists (CPJ), 23 journalists and media support workers were killed in the country in 2005 in relation to their professional activity.

- In Israel and the Palestinian Occupied Territories, human rights defenders continued to be directly affected by the Israeli-Palestinian conflict due to the recurrent obstacles and severe hindrances to the freedom of movement imposed by Israeli authorities in the Occupied Territories, such as the "separation Wall".

- In the Russian Federation, among the most targeted NGOs were those which dared to criticise the official Russian policy in Chechnya, where serious human rights violations were still perpetrated. Defenders who attempted to denounce this situation became a target, such as the members of the Russian-Chechen Friendship Society (RCFS) in Nizhny Novgorod, who faced serious judicial and financial harassment.

- In Sudan, some members of the African Union (AU) mission who had been sent to observe the ceasefire in Darfur were kidnapped and killed on October 8, 2005. Besides, the authorities

increasingly refused to grant visas to international NGOs that wanted to investigate into the respect for human rights in the field.

The situation has also been particularly dramatic in countries undergoing a difficult political transition.

- In Ethiopia, at least 75 people were killed and about 200 were wounded, mostly from gunshots, during two periods of repression in May and November 2005, while demonstrating against the victory of the Ethiopian People's Revolutionary Democratic Front (EPRDF – the ruling party) in the legislative elections. Defenders who sought to denounce these violations were accused of "high treason" and even "genocide", which is liable to death penalty.

- In Togo, in May 2005, about fifty members of the youth of the Rally of the Togolese People (RPT, ruling party) and members of the Togolese Armed Forces burst into the premises of the Togolese League for Human Rights (LTDH) and threatened to kill its members, interrupting a press conference that was held to present a report entitled "Terror strategy in Togo (II); a short but bloody reign".

V. Defenders of economic, social and cultural rights

In many countries, defenders of economic, social and cultural rights were targeted while they were seen as an obstacle to economic growth. Trade union freedoms were breached in many countries and trade union leaders were victims of many acts of retaliation. In this regard, *Colombia* continued to hold the sad world record for the number of trade activists assassinated.

Similarly, defenders of indigenous communities and of the environment were targeted in Latin America and in Asia.

- In Chile, several leaders and defenders of the rights of the Mapuche, who claim their rights to their ancestral lands and oppose peacefully to logging companies, remained detained under the Law against terrorism and were sentenced to five to ten years' imprisonment.

- In China, labour leaders were regularly arrested and sentenced to terms of imprisonment or of Re-education Through Labour (RTL). One of them, Mr. Hu Shigen, a trade union activist involved in the Preparatory Committee of the China Free Trade Union (CFTU), who was sentenced to 20 years' imprisonment in 1994 for "subversion", would be suffering from critical health problems, after 13 years in prison.

- In Colombia, according to the National Union School of Colombia (ENS), from January 1 to July 10, 2005 29 unionists were assassinated, 205 were victims of death threats, four were victims of attempted murder, 25 were subjected to harassment, four were kidnapped, 44 were arbitrarily arrested and ten were forced to leave their homes and workplaces because of the threats they had received.

- In Djibouti, between September 24 and 26, 2005, the National Police Forces (FNP) arrested over 160 persons, including trade union leaders and unionists following a general strike of Djibouti harbour workers from September 14 to 17, 2005. Twelve trade union leaders, who were arrested and imprisoned, were dismissed or given early retirements. On October 2, 2005, the Djibouti Court of First Instance ordered their release. The Djibouti Public Prosecutor, however, appealed this decision.

Finally, many acts of violence are perpetrated against those fighting in favour of the rights of cultural or sexual minorities.

- In Jamaica, activists fighting for the rights of people living with HIV/AIDS as well as gays and lesbians were also regularly threatened and subjected to harassment, and did not receive any protection. For instance, the body of Mr. Steve Harvey, defender of the rights of people living with HIV/AIDS and member of AIDS Support for Life (JASL) since 1997, was found the day before World AIDS Day, on 30 November 2005. He was allegedly attacked by four men who kidnapped him before killing him with two bullets in his back and in his head.

- In Turkey, persons defending the rights of Kurdish, Armenian and Alevi minorities continued to be subjected to judicial proceedings, such as the association Democracy for Kurdish Culture and Solidarity in Diyarbakir, which was closed down in July 2005 in the framework of judicial proceedings linked to the publication of a clause in their statutes on education and the distribution of their documents in Kurdish. Furthermore, article 301 of the new Turkish Criminal Code (June 2005), relating to the denigration of the "Turkish identity", was used on numerous occasions to sanction people, including journalists who dared to speak about the 1915 Armenian genocide.

- In Uganda, lawmakers voted an amendment to the Constitution making same-sex marriage an offence liable to judicial proceedings. In the night of July 20, 2005, the home of Mrs. Victor Juliet Mukasa, President of the Sexual Minorities in Uganda (SMUG), a prominent NGO advocating for the rights of homosexuals in the country, was attacked by members of a local community council in the outskirts of Kampala. Documents relative to the activities of the organisation were confiscated.

VI. Human rights defenders oppressed – geographical analysis

The Observatory's 2005 Annual Report describes the cases of 1,172 defenders repressed in about 90 countries. It also analyses the trends of repression against defenders and strategies employed by a certain number of protagonists, beginning with States, to punish them for their action. The variety of means of repression against them is wide: assassinations, forced disappearances, acts of torture, ill-treatments, death threats, arbitrary arrests and detentions, judicial proceedings, adoption of restrictive legislation, etc.

In *Africa*, defenders acted within the context of serious conflicts and political crisis that continued to characterise the African continent this year, and faced numerous obstacles to their freedom of expression. In this context, their security was at risk: 2 defenders were killed in the DRC and 24 were victims of ill-treatment in the entire region. Moreover, the Observatory recorded 148 cases of arbitrary arrests and 86 cases of judicial proceedings. Besides, the dysfunctional nature and the lack of an impartial judicial system often hinder the sanctioning of perpetrators of human rights violations.

In *Asia*, the degree of repression against defenders remained particularly high. Defenders were subjected to 120 arbitrary arrests and detentions, most of which in *China*, *Iran* and *Nepal*. Their situation deteriorated in the *Philippines*, where 21 cases of assassinations or assassinations attempts were recorded; it also deteriorated in *Iran* and *Cambodia*. The degree of repression remained such that there was no independent human rights NGO in *Burma*, *Laos*, *North Korea* or *Vietnam*. In *China*, defenders were confronted to a systematic repression of their activities.

In *Europe and the Commonwealth of Independent States (CIS)*, the repression of the independent civil society was further strengthened: Very restrictive laws were adopted regarding freedoms of association and expression (*Belarus*, *Kazakhstan*, *Russian Federation*), which may very adversely and harshly affect independent civil society in 2006. Moreover, three defenders were victims of assassination or assassination attempts in the *Russian Federation* and defenders were subjected to many judicial proceedings or defamation campaigns in particular in *Kyrgyzstan*, the *Russian Federation* or in *Turkey*. In *Uzbekistan*, the events of Andijan gave an additional excuse to the authorities to further silence civil society and repress everyone who dared to oppose the regime. It remained totally impossible to defend human rights in *Turkmenistan*.

In *Latin America*, human rights remained subjected to a very violent repression. Assassinations, acts of torture, forced disappearances and death threats were the everyday treatment that dozens of activists must endure. In *Colombia* in particular, the Observatory recorded 47 cases of assassinations of defenders. 15 others were kidnapped or tortured. Many of them were also subjected in the entire region to arbitrary detentions (61), following made up trials based, sometimes, on accusations of rebellion or terrorism. Thus, 55 judicial proceedings were initiated against defenders in Latin America in 2005. In *Cuba*, freedom of expression remained harshly sanctioned, and many defenders were detained. The "Ladies in White", wives or relatives of prisoners of conscience who demonstrate on a regular basis in favour of their release, were barred from leaving the country in order to receive, on December 14, 2005, the Sakharov 2005 prize that was awarded to them.

In the region of *North Africa and the Middle East*, freedoms of association and peaceful assembly were blatantly breached in several countries, in particular in *Bahrain* and *Tunisia*, where defenders were victims of ill-treatment. Some States continued moreover to impede the creation of independent human rights NGOs (*United Arab Emirates*, *Libya*, *Oman*, *Qatar*, *Saudi Arabia*), while some others went on hindering the legal recognition and functioning of NGOs by blocking overseas fund transfers, such as in *Syria* and *Tunisia*. All over the region, the Observatory recorded 47 arbitrary arrests and 42 judicial proceedings, aiming for most of them at sanctioning the defenders' freedom of expression.

Cases of defenders repressed in 2005 due to their activities

Colombia

**Soraya Gutiérrez Arguello,
President of the « José Alvear Restrepo » Lawyers Collective:
repeated death threats against a defender and her family.**

On May 13, 2005, Mrs. Soraya Gutiérrez Arguello received a package at her home containing a mutilated and dislocated doll that had been burnt in certain areas. The doll, which referred directly to her eight-year old daughter, was accompanied with a message indicating « you have a very beautiful family, be careful not to sacrifice them ».

These threats against Mrs. Arguello are just an example of the death threats that colombian human rights defenders receive every day, be they lawyers, trade unionists or defenders of indigenous communities. In general, these threats are anonymous or signed by paramilitary groups. They are not only addressed to and not only aim at defenders, but also to their families.

**Democratic Republic of Congo:
Break-in, theft and fire of the house of
Mr. Dismas Kitenge Senga,
President of the Lotus Group**

In the night of 2 to 3 July 2005, some armed individuals broke into the house of Mr. **Dismas Kitenge Senga**, in Kisangani. Although members of the Special Presidential Security Group (GSSP) were posted a few meters away from the house, they stole valuable goods and threatened Mr. Kitenge's family to come back if he did not give up his "political activities".

On June 2005, Mr. Kitenge Senga had denounced the human rights violations perpetrated by GSSP members during the violent dispersal of a demonstration on 30 June 2005, when five to ten persons died and many others were wounded.

In the night of 22 to 23 September 2005, a few days after Mr. Kitenge had taken part in a press conference on human rights violations, widely broadcast by several radios, his house was burnt down by several unidentified men who first vainly tried to force the front door open.

Uzbekistan

**Tolib Yakubov and Urshida Togaeva,
respectively president and member of the Human Rights Society of Uzbekistan
(HRSU) : death threats and violent reprisals**

In 2005, the persecution of Mr. **Tolib Yakubov** continued. These reprisals increased sharply at the end of the year, targeting particularly the members of his family: in November, the apartment of his son-in-law, Mr. Azamzhon Farmanov, was ransacked and then set on fire, in Gulistan.

On the next day, the body of his nephew was discovered, chopped to pieces, in Djizak. By the end of 2005, Mr. Yakubov was still being constantly followed by several men everywhere he went.

In September 2005, an unknown person visited the home of Mrs. **Urshida Togaeva** on three occasions, asking her son where she was. As she was absent, the man pronounced threats against her before her son.

At the end of September, while Mrs. Togaeva was visiting her daughter, these men followed her and hit her in the stomach, threatening her and her family with death. Mrs. Togaeva lost consciousness and was hospitalised on 26 September 2005, where she remained in a coma for three days.

China

Mr. Zheng Enchong, or the arbitrary detention of a lawyer, defender of economic and social rights

Arrested on 6 June 2003, Mr. Zheng Enchong, a Shanghai lawyer involved in the defence of rights of displaced persons in the framework of urban redevelopment projects, was sentenced by the Shanghai Second Intermediate People's Court in October 2003 to three years in prison and deprivation of his political rights for one year, on charges of "illegally providing State secrets to entities outside of China". He was in particular accused of having sent two documents to the Human Rights in China organisation (HRIC), based in the United States.

Since January 2004, Mr. Zheng Enchong has been detained in the "high security" wing of the Tilanquiao prison, where he has been regularly victim of physical violence. For instance, Mr. Zheng was reportedly beaten after requesting a piece of paper on which to report the names of more than 200 people who died in connection with their forced relocation in urban redevelopment projects.

Furthermore, in March 2005, Mrs. Jiang Meili, his wife, was arrested along with her sister, Mrs. **Jiang Zhongli**, by security police, and detained at the Beicai Dispatch Station in Pudong Xinqu District, without being presented with an arrest warrant.

On 28 October 2005, the Zhabei District Court in Shanghai prohibited Mrs. Jian Meili from leaving the country, although she was to receive a prize in the name of her husband in Germany.

Occupied Palestinian Territories Ziyad Muhammad Shehadeh Hmeidan, in arbitrary and indefinitely renewable detention

At the end of May 2005, Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a voluntary for the Palestinian human rights NGO Al-Haq, was arrested at Qalandiya checkpoint, between Ramallah and Jerusalem, before being transferred to the Moscobiyya detention centre, in Jerusalem.

Three days later, the military court ordered that his detention be held for another 18 days. At the end of this period, the court decided to issue a six-month administrative detention order - indefinitely renewable – on the basis of a "secret file" that Israeli authorities would possess.

In July 2005, Mr. Hmeidan was transferred to the Ansar III (Ketziot) detention centre located in the Negev Desert, where detention conditions are known to be particularly poor.

On 14 November 2005, ie., nine days before his release, Israeli authorities renewed his administrative detention order for another six months.

By the end of 2005, Mr. Hmeidan remained thus detained without any charges nor evidence supporting his detention.