

# fidh

International Federation for Human Rights



## STRATEGY WORKSHOP

**How to respond to human rights  
violations committed in the context  
of the fight against terrorism**

**April 6-7, 2010, Yerevan, Armenia**

Article 1: All human beings are born free and equal

in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has

the right to life, liberty and security



Cover Picture: A US militant suspect shouts from a police prison van as he and others depart from an anti-terrorist court following a hearing in Sargodha on February 2, 2010. Five young American men detained in Pakistan for alleged links to Islamist extremist groups swore their innocence on February 2, saying they were being «set up» and tortured in jail. The men, aged between 18 and 25 and including two Pakistani-Americans, were arrested in Sargodha, Pakistan, in December. They are accused of trying to contact Al-Qaeda-linked groups and plot attacks against Pakistan and its allies.

Introduction-----	4
I. Cross-cutting issues-----	7
1. A vague definition of the crime of terrorism -----	7
2. The fight against terrorism undermines the fundamental principles of criminal law -----	8
II. Possible avenues for action to respond to human rights violations committed in the context of the fight against terrorism-----	12
1. Cross-disciplinary mobilisation-----	12
2. Mobilisation at the national level-----	13
3. Mobilisation at the regional level-----	15
4. Mobilisation at the international level -----	16
III. Annexes-----	17
List of participants-----	17
Workshop programme-----	20

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# Introduction

No region of the world is exempt from violations committed in the name of counter-terrorism policies. While counter-terrorism policies should aim to increase the security and protection of the individual through the State, the measures adopted by States to counter terrorism themselves often pose serious challenges to human rights and the rule of law.

Some countries already had a structured anti-terrorism policy before September 11, 2001, but 9/11 was a real turning point and an accelerator: counter-terrorism policies multiplied and became harsher. Several democratic States cut down on some of the fundamental freedoms (freedom of expression, of assembly, of religion, etc.) and endorsed torture as an alleged means to prevent terrorism, while non-democratic regimes committed serious and sometimes massive abuses in the name of countering terrorism, attacking the physical and moral integrity not only of persons suspected of terrorism (summary executions, torture in secret places, disappearances, etc.), but also at times against their own civilian population. In addition such policies were and continue to be widely used to legitimise the repression of the opposition, of independence movements and also of human rights defenders and journalists. Harassment and prosecution of journalists who report human rights violations committed in the framework of the fight against terrorism hinder the possibility for informed public debate on the question. Since September 2001 these authoritarian regimes have found increasing acceptance of and even support for such practices among governments of democratic States, including financial support without proper checks and balances.

The effectiveness of a broad range of present policies for countering terrorism is not only doubtful; some of these policies have arguably even helped to reinforce radical movements, or have prepared the ground for the emergence of future terrorists. The stigmatisation of certain categories of persons - including illegal migrants - as well as the use of torture or ill-treatment to obtain confessions; and the fabrication of trumped-up cases of terrorism, all contribute to a growing radicalism.

Respect for human rights and the rule of law must be the bedrock of the global fight against terrorism, States should ensure that any measures taken to counter terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian

law. Still, some inter-governmental anti-terrorist agreements, particularly regional ones, have a negative impact on human rights. The Shanghai Cooperation Organisation, comprising China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan (with several observer States: India, Iran, Pakistan and Mongolia) illustrates such a negative example: Under the 2001 Shanghai Convention on combating terrorism, separatism and extremism, member States undertake to prosecute persons targeted by another member State (mutual recognition of terrorist acts) while granting impunity to members of a partner's law enforcement agencies in the case of a crime committed in another country of the alliance. In other words, asylum will be refused to a person who is wanted by a member of the alliance, and that person will be extradited. At the European level, the Framework decision on the European arrest warrant provides for a highly speeded up procedure and reduced defence rights, and covers both terrorism and unauthorised presence of aliens- a pernicious mixture. For the Human Rights NGOs, the definition of terrorism in the June 2002 Framework Decision is too extensive.<sup>1</sup>

With the arrival of the Obama era and the hopes it has kindled, the language has changed. Will the words translate to radical changes in policies? The pursuit of the war in Afghanistan; the delay in closing down Guantanamo; and the continued existence of secret detention centres, such as the one at Bagram Airbase in Afghanistan, already seem to indicate that American policy has not fundamentally changed.

Against this background, FIDH and the IRCT decided to organise a Strategy Workshop, in the framework of a joint EU-funded three-year project on the prevention of torture in the context of the fight against terrorism. This workshop took place in Yerevan (Armenia) on the eve of the FIDH World Congress, on 6-7 April 2010. It brought together 25 local NGOs from 20 countries, including 16 NGOs that are participating in the implementation of this project, as well as NGOs from other countries that are also tackling this challenge (see list of participants in annex).

The objective of the workshop was to allow the NGOs to explain the difficulties they have been facing in promoting respect for human rights in the framework of the fight against terrorism, and ways to overcome or circumvent them. It also provided the opportunity to further discuss whether and how they envisage to continue working on this issue in the

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1. See notably. [http://www.eerstekamer.nl/eu/commentaar/20011112/aanbiedingsbrief\\_bij\\_commentaar\\_op/document](http://www.eerstekamer.nl/eu/commentaar/20011112/aanbiedingsbrief_bij_commentaar_op/document)

future, what their expectations are and what kind of support they could benefit from from international NGOs such as FIDH and IRCT.

The exchanges that took place during the workshop showed that the human rights challenges in the context of counter-terrorism measures are similar in all regions of the world to varying degrees. Participants also identified concrete ways for NGOs to fight more efficiently human rights violations perpetrated in the framework of the fight against terrorism. These possible avenues for action are available at national, regional and international levels (see last section on Recommendations).

# I. Cross-cutting issues

## 1. A vague definition of the crime of terrorism

In order to combat a phenomenon, one has to define it. However, defining terrorism is a complex task – as is shown by the difficulties encountered by the United Nations in drafting an international convention on combating terrorism. So far, an universally agreed definition of terrorism does not exist. The lack of a precise definition is harmful in two ways: the fight against terrorism is not targeted with accuracy, which impairs its effectiveness; and can be misused for the purpose of parallel agendas, e.g. combating political opposition and demands.

The distinction between resisting oppression and terrorism is still problematic today. Likewise, the question of the recognition of state terrorism remains. In addition, related acts are criminalised with equally ill-defined contours, for example criminal conspiracy linked to terrorist activities, and the offence of participating in a terrorist organisation. In such cases, one does not have to have committed a so-called terrorist act to receive a heavy sentence. At the European level, after the criminalisation of incitement to terrorism, an offence has been introduced that is even less precise: provocation to terrorism.<sup>2</sup>

The absence of an international definition helps to give States carte blanche to take whatever measures they deem appropriate in the interest of national security. As a result, in a large number of countries the definition is put to devious use. The workshop's participants found that failing an international definition, national legislations should be based on the definition proposed by the UN High-Level Panel appointed by Kofi Annan.<sup>3</sup>

That said, any definition of “terrorism” will inevitably be open to political abuse and should therefore be accompanied by effective safeguards to

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2. EU Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism.

3. “Any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004) that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.”, See report by the Secretary General's high level panel on threats, challenges and changes <http://www.un.org/secureworld/>

prevent that it be used to quell legitimate political activities. Several participants in the workshop noted that ordinary criminal legislation is often sufficient to prosecute crimes that are labelled as “terrorist”.

## **2. The fight against terrorism undermines the fundamental principles of criminal law**

The field related to the fight against terrorism is forever broadening, leading to the development in numerous countries of special emergency criminal law, applicable in an increasing number of cases. This takes the form of introducing procedures of emergency legislation into ordinary criminal law. The exception becomes the rule, thereby significantly reducing human rights guarantees in general and the right to a fair trial in particular. The following are some of the most commonly seen violations of the fundamental principles of criminal law:

**Individual (not collective) liability.** The offence of “participating in an organisation”, which now frequently appears in criminal codes, means that a heavy sentence can be inflicted on a person who has committed no act of terrorism, but who is guilty of the offence of belonging to a group labelled as “terrorist”. In the case of a criminal conspiracy, all participants in the group are considered to be the principal author of the offence.

Furthermore, according to several participants in the workshop, in some countries, relatives of terrorism suspects are being subjected by the authorities to detention – and sometimes ill-treatment and torture – to reveal the whereabouts of the wanted person, or to incite that person to give himself up of his own accord in order to stop his family’s ordeal. Some workshop participants referred to this as a “kinship or family offence”. In some countries even minors are imprisoned.

**- The principle of the legality of offences and sentences.** Owing to the lack of any clear and satisfactory definition of “terrorism” at international and national levels, there is often uncertainty as to whether a given act is reprehensible or not, and it is often difficult to foresee whether an act will or will not be violating the law. The definition of terrorist offences is often based only on the intent, and not on a characterised material element (an act). In some legal systems prevention of a terrorist act is interpreted very broadly and allows for scenarios under which a person can be arrested for having sent an sms, browsed a webpage or set up a website. The field of application of such offences leaves the door open to a very broad margin



of interpretation by the investigating authorities and the court and might lead to misuse, such as the criminalisation of social protest movements or of NGO activities.

**- The proportionality principle.** The length of time a person is held in custody should be in proportion to the danger represented by that person, and the sentence should be in proportion to the seriousness of the offence committed. In the context of counter-terrorism measures, however, it is often the case that mere suspected intent leads to long-term – sometimes indefinite – custody, *de jure* or *de facto*, thus representing a serious distortion of the principle of proportionality. Indeed, in several countries there are examples of intent leading to the maximum sentence.

**- The reasonable time principle.** Persons suspected of terrorism are often held in custody without trial far beyond the legal limit. Legislation is often passed in order to extend that limit. Conversely, legal processes are sometimes so rapid to they preclude the possibility of a fair trial.

**- The principle of the presumption of innocence.** The language used by the authorities of some countries sometimes refers to the “elimination” of suspected terrorists, even before they are brought to trial. In numerous cases persons are prosecuted for their intentions and *de facto* presumed guilty from the outset. Common anti-terrorism measures also include intense monitoring of citizens and civil society with an increasing number of databases and wire-tapping operations as a notable example. The so-called “black lists” of individual terrorists and terrorist groups bear witness to this trend. The United Nations, the European Union, the Shanghai Cooperation Organisation, as well as a number of States maintain such lists. They are typically held by administrative departments, and the reason to put someone on a list is not always provided, nor is the decision always communicated to the person or group concerned. It is not always possible to appeal against one’s name being put on a list, nor are the lists reviewed after a fixed period of time.

**- The right to defense** involves a certain number of guarantees, including access to a lawyer of one’s choice. In particular, lawyers shall not be associated with their clients or their clients’ causes as a result of discharging their functions.<sup>4</sup> A lawyer appearing for a murderer will never be suspected of being a murderer, but it is not unusual for a lawyer defending an alleged

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4. UN Basic Principles on the Role of Lawyers, para. 18, available at <http://www2.ohchr.org/english/law/lawyers.htm>

terrorist to be suspected of being a terrorist himself, or of being sympathetic to the ideology of extremist groups (as shown by the recent controversies in the United States concerning the lawyers of Guantanamo detainees<sup>5</sup>).

- **The principle of Habeas Corpus**, under which it must be possible to check the legality of the detention. There are more and more **secret places of detention**, which lend themselves to the practice of torture, as they escape the mechanisms designed to verify the legality of the detention. A global study on secret detention conducted by four UN Special Procedure mandate holders<sup>6</sup> and submitted to the UN Human Rights Council in February 2010 confirms this unfortunate trend and notes, among other things, the following: “[E]very instance of secret detention is by definition incommunicado detention. Prolonged incommunicado detention may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment, and may in itself constitute such treatment”. The study concludes that “international law clearly prohibits secret detention, which violates a number of human rights and humanitarian law norms that may not be derogated from under any circumstances. If secret detention constitutes enforced disappearances and is widely or systematically practiced, it may even amount to a crime against humanity. However, in spite of these unequivocal norms, secret detention continues to be used in the name of countering terrorism around the world.”

- **Absolute prohibition of torture and extrajudicial killings.** The fight against terrorism has brought with it an upsurge of serious attacks on the physical and psychological integrity of persons, such as extrajudicial executions, enforced disappearances and torture – in particular for eliciting information and obtaining confessions. Indeed, the “War on Terror” brought in its wake a series of legal meanderings from democratic States, such as the Bush administration’s so-called “Torture memos” that de facto made legal a range of interrogation techniques – including “waterboarding” – which clearly fell within the UN Convention Against Torture definition of torture. Moreover, while torture has been and continues to be a widespread means to extract information and/or confessions from alleged terrorists, it also continues to be widely practiced by non-democratic countries to send a general message to all citizens of the danger of involving oneself with any opposition group, legitimate or not.

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5. See <http://liveshots.blogs.foxnews.com/2010/03/03/exclusive-unknown-doj-lawyers-identified/>

6. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

- **The procedural guarantees for terrorist suspects are undermined by the lack of control on operating agencies.** This is due to the variety of actors involved (intelligence services, army, private militia connected to the military, national police with intelligence techniques, foreign intelligence services, etc.), the secrecy surrounding procedures and the fact that such agents sometimes benefit *de jure* or *de facto* from immunities. It is therefore extremely complicated to establish the chain of command and responsibility and to hold perpetrators of human rights violations accountable.

- **The use of intrusive methods that can constitute a violation of privacy,** in particular telephone wiretapping and infiltration. Modern information technology is more and more frequently used to silence the media and critical voices, to set up new databases (for instance the Passenger Name Record (PNR), a system existing between the United States and the European Union and within the European Union, or the SWIFT system for the transmission of banking data).

- **Judges and prosecutors are often subservient and not fully independent,** This is particularly visible in cases considered to be sensitive, such as terrorism cases. In addition, the balance of the powers of the State is affected to the detriment of the judiciary with more power wielded by the executive, including the police, the intelligence agencies and the army. The crimes in question often fall within the jurisdiction of **special or military courts**, where there is generally a greater risk of partiality.

- In dozens of countries across the world **detention conditions are profoundly inhumane.** In connection with the abovementioned report on secret detention the UN SR on Torture has stated that “[...] in many countries the general conditions of detention in police locks-ups, pre-trial detention facilities, prisons, psychiatric hospitals and special detention facilities for illegal immigrants amount to cruel and degrading treatment<sup>7</sup>. In addition to the human suffering they cause, inhumane detention conditions arguably increase the risk that a released prisoner might engage in violent activities as an act of revenge against the regime that caused his ordeal.

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7. [http://www.swissinfo.ch/eng/index/Torture\\_expert\\_blasts\\_Human\\_Rights\\_Council.html?cid=8454360](http://www.swissinfo.ch/eng/index/Torture_expert_blasts_Human_Rights_Council.html?cid=8454360)

# II. Possible avenues for action to respond to human rights violations committed in the context of the fight against terrorism

The challenges facing NGOs to respond to human rights violations perpetrated in the framework of the fight against terrorism are numerous, and require a variety of responses:

## **1. Cross-disciplinary mobilisation**

- Partnerships at all levels:

Partnerships are essential, at the national, regional and international level, including with community-based organisations, which in some countries can be the only ones to be active in the field of human rights violations committed in the framework of the fight against terrorism. Coalitions must be set up, new synergies must be found, and alliances must be built.

- Communication on the question must be improved:

The message must be disseminated that defending the rights of persons suspected of having committed acts of terrorism does not imply that one embraces their cause or that one accepts their rhetoric. Emphasis must therefore be put on respect for judicial procedure and the right to apply to the courts: “We are not friends of terrorism, but we are friends of Human Rights”.

Furthermore, victims of the fight against terrorism do not necessarily adhere to or might even violate the universal principles of human rights. They are not by definition human rights defenders, and we must be conscious of this and not treat them as if they were: this would merely foster the confusion that sometimes equates defence of Human Rights with terrorism.

Such a communication effort must target public opinion: the context and the challenges facing NGOs in their action for respect for Human Rights in the

necessary fight against terrorism must be clearly set out. It is important to counter the rhetoric of States that manage to justify their illegal acts in the eyes of public opinion in the name of security. It must be demonstrated that far more people lose their lives due to the action or inaction of States than through terrorist attacks against the civilian population. Human Rights should be presented as an integral part of the fight against terrorism, a mobilising factor, and not an obstacle. They are not part of the problem, but part of the solution.

An alliance with the established media as well as with independent journalists, bloggers etc. is crucial in this regard. They are crucial in mobilising public opinion – and thus to exercising pressure on policy-makers – in favour of human rights and against the “security-before-rights” discourse that figures so prominently in the debate and practices around counter-terrorism measures. Wherever possible civil society organisations should redouble their efforts to create such alliances; intensify their dialogue with the media; invite individual journalists to follow their work; and facilitate their access to compelling stories that convey their perspective and arguments. While the challenges of doing so are many, for the reasons mentioned above, such an effort is not only desirable but essential to the success of any endeavour to challenge the notion that the objective of fighting terrorism justifies any means.

Lastly, it is important to distinguish between fundamentalism and religious extremism/radicalism, and to communicate effectively on the issue. Most States fail to make such a distinction.

- The causes of terrorism must be addressed:
- Poverty in itself cannot explain the strengthening of radical movements and the multiplication of terrorist attacks. Persistent discrimination, including discrimination against minorities, corruption and daily violations of the law also provide a breeding ground for movements that use terrorism as a key means to achieve their goals. Governments should be incited to address these deep-lying causes, often generated by their own policies.
- The question of the financing of terrorism must also be addressed, and the sources of funding identified and denounced.

There are also lines of approach that are specific to national, regional or international environments.

## **2. Mobilisation at the national level**

- Documenting violations remains an important factor for mobilisation, complementing existing initiatives, such as those of the International

Commission of Jurists (ICJ). In that respect, it is worthwhile to strengthen the capacities of local actors, whether for documenting violations – including via forensic examination – observing trials or drawing up reports. This implies in particular reinforcing the capacity of local NGOs to acquire and use effective databases for listing violations.

- Educating the media to be sensitive to such issues, encouraging them to report systematically and thoroughly on Human Rights violations and to help to break the cycle of impunity by giving publicity to violations – “accountability through public exposure” (see above)

- Fighting the impunity enjoyed by perpetrators of Human Rights violations committed in the framework of the fight against terrorism, in particular by campaigning for the setting up of independent bodies for investigating violations, and by making more use of the national remedies for countering illegal practices. This in particular implies:

- Sending observers to emblematic trials, which international NGOs are able to do;
- Giving legal assistance to persons prosecuted for terrorist acts;
- Proposing mechanisms for monitoring military activities;
- Calling for the setting up of mechanisms for protecting victims from possible retaliation if they bear witness to the violations they were subjected to;
- Proposing the networking of lawyers defending persons prosecuted for acts of terrorism;
- Mobilising and raising the awareness of independent national Human Rights agencies.

- At the legislative level,

- Mobilising against the adoption of anti-terrorist legislation restricting abusively rights and freedoms;
- Encouraging the adoption of legislation prescribing systematic filming of interrogations;
- Insisting that it should not be possible to prosecute minors under anti-terrorist legislation;

- Organising training operations for the authorities, in particular on torture;

- Asking the Government:

- To give humanitarian NGOs access to civilian populations in conflict zones;

- To ratify the relevant international conventions (United Nations Convention Against Torture, International Convention for the Protection of All Persons Against Enforced Disappearance, for instance);
- To protect, as is incumbent on the State, populations from attacks by non-state groups, to provide effective legal remedies, and to investigate and prosecute those responsible; the authorities cannot shift the blame for serious Human Rights violations by saying that it is the non-state groups that are responsible (such as the Taliban);
- Attacks by extremist groups, in particular against women, must be denounced.

### **3. Mobilisation at the regional level**

- Where regional courts exist (such as the European Court of Human Rights or the Inter-American Court for Human Rights), they serve as a bulwark against certain violations; the local NGOs and lawyers should therefore make more use of them;
- Other regional bodies for the protection of Human Rights, however weak and recent they may be, should be mobilised (ASEAN's Intergovernmental Commission on Human Rights, the Arab Human Rights Committee of the League of Arab States);
- Regional agreements on the fight against terrorism should be called upon to comply with existing obligations under international Human Rights law, the obligation of non-refoulement in particular (the Shanghai Cooperation Agreement being a case in point). The same holds true for intraregional agreements, such as between the European Union and certain third countries.
- Transparency of the conclusion and the content of such agreements should be called for;
- Exchanges of experience among NGOs from different countries should be arranged on how to determine the chain of responsibility, in particular when secret services or certain sectors of the army are involved in violations;

#### **4. Mobilisation at the international level**

##### In the United Nations

- Civil society organisations should contribute to effort to agree on a definition of terrorism. Efforts have been initiated by the UN High-level Panel appointed by Kofi Annan. Failing a stable legal definition, it may be necessary to question the relevance and opportunity of the concept of “terrorism” itself;
- Reports on human rights violations committed in the context of counter terrorism measures should be submitted to UN bodies, in particular the Treaty Bodies and the Special Procedures, and advocacy activities should be undertaken towards them;
- Visits by the appropriate UN Special Procedures to the country concerned should be called for;
- Various international NGOs started asking for more transparency and the establishment of procedural safeguards in relation to the lists of terrorist groups and individuals. Such approach should be continued, on the basis of the United Nations’ decision to appoint an ombudsman for hearing complaints from persons or groups appearing on such lists<sup>8</sup>;
- The continuation and the strengthening of the UN Special Procedures should be called for, including the funds at their disposal;
- The Security Council’s Counter-terrorism Committee should be called upon to take greater account of Human Rights in its work;
- The UN Special Procedures should be encouraged to interact more with the Counter-terrorism Committee;

##### Other influential external actors

- Advocacy towards States that finance the fight against terrorism should be carried out, calling on them to include an explicit Human Rights dimension in their approach;
- Increased transparency of military agreements and cooperation in the fight against terrorism should be called for;
- Actions/campaigns, coordinated worldwide, should be waged on specific and targeted themes linked to the respect for Human Rights in the framework of the fight against terrorism.

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8. UN Security Council Resolution 1904 (2009), which created the mandate of an Office of the Ombudsperson, enabling individuals or entities who believe they were wrongly listed to request delisting.



# III. Annexes

## List of Participants

6-7 April 2010, Yerevan

### **Bahrain**

Bahrain Center for Human Rights (BCHR), Mr. Nabeel Rajab, Vice-President

### **Bangladesh**

ODHIKAR, Mr. Ahmed Ziauddin, Advisor

Ain O Salish Kendro (ASK), Mr. Md. Nur Khan Liton, Director for Investigations

### **Burma**

Altsean-Burma, Ms. Debbie Stothard, Coordinator

### **China**

Human Rights in China (HRIC), Ms. Sharon Hom, Executive Director

Human Rights in China (HRIC), Ms. Sarah McKune, Law Officer

### **Croatia**

Civic Committee for Human Rights, Mr. Zoran Pusic, Chairperson

### **Indonesia**

The Alliance of Independent Journalists, Ms. Eva Danayanti, Program Manager

### **Jordan**

Amman Center for Human Rights Studies (ACHRS), Mr. Atef Aresheh, International Relations Coordinator

### **Kenya**

Kenya Human Rights Commission (KHRC), Ms. L. Muthoni Wanyeki, Executive Director

Independent Medico Legal Unit (IMLU), Ms. Joan Nyanyuki, Executive Director

**Laos**

Mouvement Lao pour les Droits de l'Homme (MLDH), Ms. Vanida S. Thephsouvanh, President

**Mauritania**

Association Mauritanienne des droits de l'Homme (AMDH), Ms. Fatimata Mbaye, President

**Morocco**

Association Médicale de Réhabilitation des Victimes de la Torture (AMRVT), Dr. Abdelkrim El Manouzi, President

**Netherlands**

Liga voor de Rechten van de Mens, Mr. Mohamed Zyad

**Pakistan**

Human Rights Commission of Pakistan (HRCP), Ms. Asma Jahangir, Chairperson

**Philippines**

Philippine Alliance of Human Rights Advocates (PAHRA), Edeliza Hernandez, member of PAHRA's national executive committee and Executive Director of the Medical Action Group (MAG)  
Balay Rehabilitation Center, Mr Ernesto A. Anasarias, Executive Director

**Russian Federation**

Memorial, Ekaterina Sokiryanskaya, Researcher  
Human Rights Institute, Moscow , Elena Ryabinina, Researcher

**Syria**

Damascus Center for Human Rights Studies, Mr. Radwan Ziadeh, Director

**Thailand**

Union for Civil Liberty (UCL), Danthong Breen, Chairperson

**Tunisia**

Association Tunisienne des Femmes Démocrates (ATFD), Ms. Khadija Cherif, Honorary President

## **United States of America**

Center for Constitutional Rights, Ms. Katherine Gallagher, Staff Attorney

## **Uzbekistan**

Anonymous speaker

## **Yemen**

Human Rights Information and Training Center, Ezzadin Saeed Ahmed  
Al-Asbahi, Chairman

Hood, Mr. Mohammed Naji Saleh Alaw, Director

Sisters Arabic Forum for Human Rights, Ms. Amal Basha, Director

## **Other participants and experts**

Mr. Dan Van Raemdonck, FIDH Vice-President in charge of the fight  
against terrorism

Ms. Florence Bellivier, FIDH Secretary General in charge of death  
penalty and criminal justice

Ms. Anne Le Huerou, chargée de mission of FIDH

Mr. Kiril Koroteev, chargé de mission of FIDH

Ms. Sophie Bessis, Deputy Secretary General of FIDH

## **IRCT staff**

Ms. Miriam Reventlow, Legal Advisor, IRCT

Mr. Sune Segal, Head of Communications, IRCT

## **FIDH staff**

Mr. Emmanouïl Athanasiou, Head of Asia Desk

Ms. Isabelle Brachet, Director of Operations and Asia Director

Ms. Marie Camberlin, Head of Middle East and North Africa Desk

Ms. Stéphanie David, Middle East and North Africa Desk Director

Mr. Antoine Madelin, Director to IGOs

Mr. Marceau Sivieude, Africa Director

Mr. Shiwei Ye, Permanent Representative to the ASEAN

# Workshop programme

## **TUESDAY 6 APRIL**

9.00 - 9.15: Welcome address, presentation  
of the objectives of the workshop

Dan Van Raemdonck, FIDH Vice-president and Sune Segal, Head of  
Communications, IRCT

9.15-9.30: Main activities carried out by IRCT and FIDH on the issue of  
human rights violations perpetrated in the framework of the fight against  
terrorism in the target countries

Dan Van Raemdonck and Sune Segal

## **SESSION 1: SELECTED COUNTRY PRESENTATIONS ON OBSTACLES MET AND STRATEGIES USED AT LOCAL LEVEL**

Moderator: Abdelkrim El Manouzi, President of Association Médicale  
de Réhabilitation des Victimes de la Torture (AMRVT)

9.30-9.40: Mauritania

Fatimata Mbaye, President of Association Mauritanienne des Droits de  
l'Homme (AMDH) and Vice-Président of FIDH

9.40-9.50: Pakistan

Asma Jahangir, Chairperson of Human Rights Commission of Pakistan  
(HRCP)

9.50-10.00: Bangladesh

Ahmed Ziauddin, Advisor to Odhikar and Md. Nur Khan Liton, Director  
for Investigations, Ain O Salish Kendro (ASK)

10.00-10.30: Discussion/Reactions from the participants, based on their  
experience in their own country

10.30-10.45: Coffee Break (served in the meeting room)

Moderator: L. Muthoni Wanyeki, Executive Director of the Kenya  
Human Rights Commission (KHRC)

10.45-10.55: Russia

Anne Le Huerou, FIDH chargée de mission and Elena Ryabinina,  
Researcher at the Human Rights Institute

10.55-11.05: Yemen

Mohammed Naji Saleh Allaw, Director of Hood Organization

11.05-11.45: Discussion/Reactions from  
the participants, based on their experience  
in their own country

## SESSION 2: STRATEGIES AVAILABLE AT INTERNATIONAL LEVEL

Moderator: Antoine Madelin, FIDH Director of Intergovernmental  
Organizations' Activities

11.45-12.15: Identification of key external leverages and relevant  
methods of action

Kenya: Joan Nyanyuki, Executive Director of the Independent Medico  
Legal Unit (IMLU)

Philippines: Maria Natividad Hernandez, member of Philippine Alliance  
of Human Rights Advocates (PAHRA) National Executive Committee  
and Executive Director of the Medical Action Group (MAG)

Indonesia: Eva Danayanti, Program Manager, The Alliance of  
Independent Journalists

12.15-12.45: Discussion

12.45-13.00: Concluding remarks: Florence Bellivier, FIDH Secretary  
general and Miriam Reventlow, IRCT Legal Advisor

## **WEDNESDAY 7 APRIL**

14.00-15.30: Justice and the responsibility of non-state actors (Panel IV)

Moderator: Alice Mogwe, Director, DITSHWANELO, Botswana

Debaters:

Katherine Gallagher, Center for Constitutional Rights (CCR / USA)

Maria Natividad Hernandez, Philippine Alliance of Human Rights Advocates, (PAHRA / Philippines)

Asma Jahangir, Human Rights Commission of Pakistan (HRCP / Pakistan)

Alirio Uribe, Colectivo de Abogados José Alvear Restrepo (CCAJAR / Colombia)

15.30-15.45: Coffee Break

15.45-17.45 Respect of Human Rights in the fight against terrorism

Case studies: Human rights challenges from the situation in Yemen, China, France and Uzbekistan:

Amal Basha, Director, Sister's Arabic Forum for Human Rights (SAF/ Yemen),

Sharon Hom, Executive Director, Human Rights in China (HRIC/ China) and Sarah McKane

Jean-Pierre Dubois, President of the Ligue des droits de l'Homme et du citoyen (LDH/France)

- Uzbek speaker

Facilitator: Luis-Guillermo Perez, Secretary general of FIDH

Rapporteur: Dan Van Raemdonck, Vice-President of FIDH

### Establishing the facts – Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

### Supporting civil society – Training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

### Mobilising the international community – Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

### Informing and reporting – Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.



**The IRCT is the umbrella for more than 140 independent torture rehabilitation organisations in over 70 countries. Each year our members treat more than 100,000 torture survivors and their families. IRCT's mission is to promote and support the rehabilitation of torture victims and work for the prevention of torture.**

IRCT's work can be divided into three mutually reinforcing areas: offering rehabilitation services to torture survivors; countering impunity for perpetrators and promoting justice for survivors; and raising awareness among policy-makers and citizens.

The IRCT has special consultative status with the UN Economic and Social Council and the UN Department of Public Information, and participatory status with the Council of Europe.

### International Rehabilitation Council for Torture Victims

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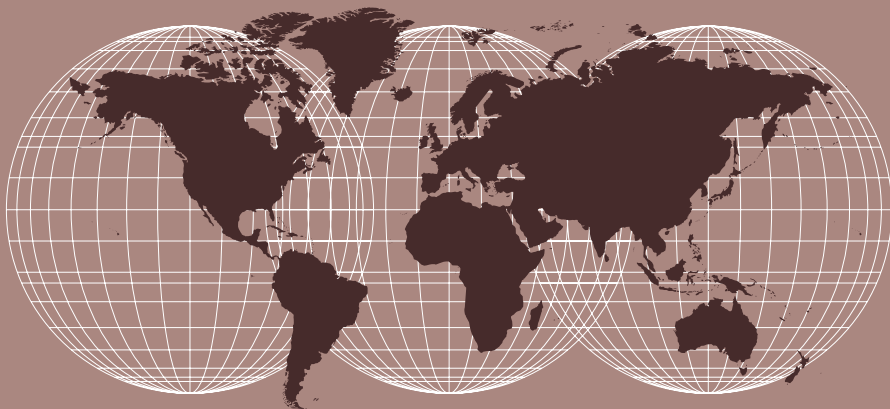
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**FIDH**  
represents **164**  
**human rights organisations**  
on **5 continents**



of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be

## ABOUT FIDH

- FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.
- A broad mandate  
FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.
- A universal movement  
FIDH was established in 1922, and today unites 164 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.
- An independent organisation  
Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.