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**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**HUMAN RIGHTS DEFENDERS**

**Report of the Special Representative of the Secretary-General, Hina Jilani**

## Summary

This report is the fifth annual report to the Commission on Human Rights presented by Hina Jilani, Special Representative of the Secretary-General on human rights defenders. It is submitted pursuant to Commission resolution 2004/68.

Section I of the report describes the Special Representative's activities during the course of 2004. As summarized in this section, these activities included raising individual cases of concern with Governments, country visits to Angola and Turkey, as well as a follow-up visit to Colombia, and collaboration with United Nations bodies, regional intergovernmental institutions and with non-governmental organizations (NGOs).

Section II analyses trends and patterns in the cases of concern taken up by the Special Representative with States over the year. In 2004, 316 communications were sent to Governments concerning reported violations against 895 human rights defenders and 165 NGOs, in connection with their human rights work. This section examines groups of defenders that are particularly targeted, moments of vulnerability, categories of reported violations and the perpetrators of those violations. The last part of section II provides an analysis of government responses to her communications.

In section III, the Special Representative analyses the situation of human rights defenders in the 13 countries concerning which she has sent the highest number of communications during 2004.

Section IV examines the situation and role of human rights defenders in the context of international peace and security. The Special Representative argues that, by exercising their right to promote and strive for the protection and realization of human rights, human rights defenders play an important role in the promotion of peace and security.

The report concludes with a number of recommendations.

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## **Introduction**

1. This report is the fifth annual report to the Commission on Human Rights submitted by the Special Representative of the Secretary-General on human rights defenders, Hina Jilani. It is submitted pursuant to Commission resolution 2004/68. Section I describes the Special Representative's activities during the course of 2004. Section II describes the trends in the situation of human rights defenders through the analysis of communications sent to States over the reporting period. Section III examines the specific situation of defenders in 13 countries where over 8 communications were sent by the Special Representative in 2004 through the analysis of the cases taken up and the government responses provided. Section IV examines the role that human rights defenders play in conflict and peace-building and the impact of such situations on their work and safety.

### **I. ACTIVITIES**

#### **A. Urgent appeals and allegations**

2. From 9 December 2003 to 9 December 2004, the Special Representative sent 316 communications on over 331 cases, including jointly with other mandates, regarding some 895 defenders and 178 organizations working on human rights.

3. She notes with concern the continued increase in the number of communications sent from 235 in 2003 to 316 this year. As noted in her 2003 report to the Commission, (E/CN.4/2004/94) while this growth may in part reflect the increased visibility of her mandate, she is concerned at the continued increase in reports of serious violations of the rights of human rights defenders throughout the world, which attests to the continuing need for their effective protection and the implementation of 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 (Declaration on Human Rights Defenders).

#### **B. Country visits**

4. During the reporting period the Special Representative undertook two country visits. In the context of her 2004 focus on Africa, she visited Angola from 16 to 24 August. She also carried out a visit to Turkey from 11 to 20 October. Separate reports on those visits have been submitted to the current session of the Commission as addenda to the present document.

5. In 2004, the Special Representative has requested an invitation from the Government of the Russian Federation and reiterated her requests to the Governments of Belarus, Chad, Egypt, India, Indonesia, Nepal, Tunisia, Turkmenistan, Uzbekistan and Zimbabwe. She hopes to receive favourable responses shortly in order to carry out official visits in the course of 2005. She thanks the Governments of the Democratic Republic of the Congo, Nigeria and Senegal for responding favourably to her request and hopes that dates for her visit can soon be agreed on. She expresses her appreciation to the Government of Colombia for making itself available to follow up on her 2001 visit during her trip to Bogotá in October. She hopes that such follow-up visits to other countries visited previously can be further explored in 2005.

### **C. Cooperation with the United Nations system and other intergovernmental organizations**

6. The Special Representative has continued her efforts to work in cooperation with all bodies of the United Nations as well as with regional intergovernmental organizations.
7. In that context, she was invited to participate in a consultation organized by the newly established Focal Point on human rights defenders of the African Commission for Human and Peoples' Rights, Ms Janaiba Johm, held in March in the Gambia to examine possible methods of work, objectives and cross-fertilization. She welcomes this new cooperation with the African regional mechanism and hopes that it can be furthered next year.
8. The Special Representative has also sought to further her cooperation with the European Union (EU). She participated in a consultation in May 2004 about the draft EU guidelines on human rights defenders and welcomes their adoption. She is encouraged by the continued efforts of the EU to work at their effective implementation. In this context, the Special Representative thanks the Governments of Ireland and the Netherlands for their active support in the dissemination of the norms enshrined in the Declaration.
9. The Special Representative also attended the World Forum on Human Rights organized by the United Nations Educational, Scientific and Cultural Organization in Nantes, France, in June and a meeting on national human rights institutions in September in the Republic of Korea organized by the National Human Rights Commission of the Republic of Korea in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR). She also participated in a forum entitled "New ignorance, new literacies - learning to live together in a globalizing world" organized by UNESCO in Barcelona, Spain.
10. She continued to develop her ties with the Organization for Security and Cooperation in Europe (OSCE). In that context, she was invited to participate in the OSCE Human Dimension meeting held on 13 October in Warsaw, which focused in part on freedom of association, a theme addressed in her 2004 report to the General Assembly (A/59/401). One of her staff was in attendance, which provided a good opportunity for interactions with civil society and government representatives from the region.

### **D. Cooperation with NGOs**

11. The Special Representative has continued to interact with NGOs at the international and local levels.
12. In 2004, the Special Representative and her staff participated in several meetings, training courses and seminars organized by civil society. Owing to her heavy schedule, she was unfortunately not able to attend all events personally but tried to have one of her staff be present. In 2004, the Special Representative was invited to the Third Latin American Consultation on Human Rights Defenders and the Biennial Conference of the International Commission of Jurists, which focused on human rights and counter-terrorism. The Special Representative wishes to thank the NGOs that organized those meetings and made her participation possible.

### **E. Other activities**

13. In November 2004, the Special Representative presented her annual report to the General Assembly, which focused on her concern at the increasing restrictions imposed by States on the freedom of association, through the passing of extremely restrictive and cumbersome legislation regulating freedom of association, and the deliberate use of the courts by some States as a means of curtailing this right and closing down or silencing organizations. The report described the increasing tendency by States to adopt "NGO laws" to regulate the work of non-governmental organizations - legislation which, in many instances, has been used to restrict human rights activities in violation of the Declaration.

## **II. TRENDS IN THE SITUATION OF HUMAN RIGHTS DEFENDERS**

14. This section of the report provides an analysis of alleged violations against human rights defenders as reflected in the communications sent by the Special Representative to Governments from 9 December 2003 to 9 December 2004. Communications relied on information received by the Special Representative from several sources, including international and national NGOs, trade unions, individuals, professional associations and human rights units of the United Nations in various countries. It is cross-checked to ascertain its veracity. The analysis of trends contained in this section provides an overview of the situation of human rights defenders in countries from which relevant information was received. It does not constitute an exhaustive account of the situation of defenders worldwide. Nevertheless, as in previous years, the overall comparative reading of communications yields evident patterns and characteristics with regard to the types of violations committed against human rights defenders, moments of vulnerability, and categories of alleged perpetrators.

15. During the reporting period, the Special Representative sent 316 communications, including 251 jointly, concerning over 330 cases and regarding at least 895 defenders and over 178 NGOs. The communications related to all regions of the world: the Americas (32 per cent), Asia (21 per cent), North Africa and the Middle East (17.5 per cent), Europe and Central Asia (16.5 per cent), and Africa (13 per cent).

### **A. Which defenders are being targeted, and where?**

16. Cases concerning human rights defenders being targeted because of the activities of the NGOs of which they are members continue to form the majority of communications sent this year. Out of 895 individuals targeted, 692 were members of NGOs.

17. In 2004, human rights defenders were targeted in their professional capacity as journalists (54), lawyers (37) and doctors (2). Trade unionists (27), relatives of victims (21) and civil servants (3) have also encountered serious hostility as a result of their activities. A marked increase must be noted in the number of students targeted owing to their activities in defence of human rights (75). However, of these 75 students, 45 were arrested at the same event.

18. The Special Representative notes with concern an increase in the number of cases of serious violations against journalists. In particular, journalists have been abducted, received death threats, and in some cases been killed after the publication of articles denouncing human

rights violations. The Special Representative expresses her deep concern over this increasing trend, especially in light of the killing of journalists in Bangladesh and Nepal. Such cases were communicated to the Governments of Algeria, Argentina, Belarus, Chad, Colombia, Cuba, the Democratic Republic of the Congo, Ecuador, Ethiopia, Guatemala, Iran (Islamic Republic of), Iraq, Maldives, Mexico, Myanmar, Serbia and Montenegro, Sudan, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Uzbekistan and Zambia.

19. Of concern to the Special Representative is the notable increase in attacks against relatives of human rights defenders. In some instances, a change in the strategy appears to have occurred, with certain States now resorting to indirect targeting in order to pressure defenders. In one case, the brother of a trade unionist, his wife and son were shot at in their home.

20. The targeting of international humanitarian workers, particularly in the context of ongoing and post-conflict situations, has continued, with killings and abductions of international workers from United Nations agencies and international relief organizations. At least six humanitarian workers have been killed this year and four others abducted.

21. While in most instances defenders continue to be targeted as human rights activists in connection with their efforts to uphold general human rights norms, States have also shown an increased sensitivity to a number of specific human rights issues.

22. Human rights defenders have been disproportionately targeted in relation to their work on indigenous and land rights in Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, India, Indonesia and Mexico.

23. Cases show that defenders have also been disproportionately targeted in connection with their activities against torture and inhumane treatment in Bahrain, Cameroon, Chile, Sri Lanka, the Sudan, the Syrian Arab Republic, Tunisia and Uzbekistan.

24. Defenders working on democratic rights continued to be the subject of violations, especially in the context of elections. Others were targeted for demanding an end to emergency laws and calling for political reform during demonstrations. Such cases were reported in Azerbaijan, Bangladesh, the Democratic Republic of the Congo, Indonesia, the Libyan Arab Jamahiriya, Saudi Arabia, the Syrian Arab Republic and Uzbekistan.

25. Defenders working to uphold the rule of law or calling for an end to impunity have also been targeted as a result of their work in Algeria, Bangladesh, Brazil, Chile, China, Honduras, Jamaica, Mexico, Pakistan, Peru, the Russian Federation, Serbia and Montenegro, the Sudan, Venezuela and Uzbekistan. In one instance, a defender due to testify was allegedly threatened by his former commanding officer and told to conceal the truth.

26. Defenders working to uphold the rights of minorities and freedom of religion have suffered particularly harsh treatment this year and their status as defenders has been repeatedly denied. Many have been labelled "terrorists" by State authorities and perceived as a threat to the integrity of the State. Cases of this type were reported in Azerbaijan, Bangladesh, Haiti, Iraq and the Russian Federation.

27. Violations have also taken place against human rights defenders working on a wide array of issues including women's rights, peace, disappearances, and lesbian, gay, bisexual and transgender issues.

### **B. Moments of vulnerability**

28. Information received in 2004 continues to illustrate the existence of definite circumstances and occasions when the vulnerability of human rights defenders is particularly heightened.

29. An overwhelming number of communications sent by the Special Representative in 2004 concerned human rights defenders targeted before, during, or just after publicizing human rights issues. As in 2003, the communications continue to reflect this trend with 82 reports of attacks on defenders at the time of publication of reports, articles, petitions, open letters, radio broadcasts, public statements and campaigns denouncing human rights violations. In one case, the office of a human rights organization was raided and its equipment stolen or damaged following the publication of a book concerning alleged acts of torture carried out by police.

30. Forty-six cases accounted for defenders targeted in the context of the investigation of human rights abuses. For example, a journalist was abducted from his home and killed after helping the police investigate cases involving organized crime. Violations against defenders acting as witnesses in court cases are numerous, especially where it is very likely that the rule of law will be enforced, or when defenders cooperate with national and international judicial and other authorities. In one case, a human rights defender was forced into hiding after being accused of "selling his country to foreigners" following his participation in the Commission on Human Rights in 2004.

31. Participation in conferences, workshops and meetings, and travel to and from these events continues to provide occasions for special targeting of defenders. In 2004, the Special Representative sent 32 communications in this regard. In one case, a man and wife, both living with HIV/AIDS and due to travel to petition against inadequate health care, were arrested and detained, thereby preventing their travel. Cases of this nature were reported in Algeria, Azerbaijan, China, the Democratic Republic of the Congo, Ecuador, Malaysia, Nepal, the Sudan, the Syrian Arab Republic and Tunisia.

32. Peaceful public demonstrations, rallies and strikes to denounce violations continue to be moments of particular vulnerability. Defenders continue to be increasingly targeted in the run-up to demonstration and to suffer from the use of excessive force by authorities during peaceful protests. Communications sent in this respect in 2004 included a case where protesters were surrounded by 30 anti-riot police for three hours before being arrested and another where riot police allegedly fired tear gas into the crowd, wounding protestors. States have put undue limitations on the right to dissent, limiting the opportunity of peaceful protest, and used such limitations as a basis for arrests and arbitrary detentions before, during, and in the aftermath of such events. Communications have been sent in this respect to Argentina, Bahrain, China, Cuba, Ecuador, Guatemala, Israel, Malaysia, Maldives, Morocco, Pakistan, Peru, the Russian Federation, the Sudan, the Syrian Arab Republic and Zimbabwe.

33. Lastly, the run-up to and organizing of elections has also been a time of particularly adverse action against defenders. In one country, NGOs were placed on a “watch list” in the run-up to the elections as their investigations were seen as a potential danger to the country’s security.

### **C. Types of violations allegedly committed against human rights defenders**

34. The Special Representative notes with grave concern an increase in the number of reports of serious human rights abuses against defenders and a notable shift away from low-level targeting, such as intimidation and harassment, to more serious violations, such as attacks on and threats to the physical integrity of defenders. In particular, the Special Representative is alarmed by the number of reported killings this year, with at least 47 defenders killed.

#### **1. Using the law to violate human rights: arrest, detention, prosecution and imprisonment of human rights defenders**

35. The majority of communications sent by the Special Representative to Governments this year concerns cases of human rights defenders who were arrested (80), detained (78), prosecuted (50) or held incommunicado (36) in connection with their activities in the defence of human rights.

36. Human rights defenders worldwide have been arrested and detained, many without warrants, for investigating or reporting on human rights abuses, holding peaceful demonstrations, participating in workshops, travelling and making critical statements against the authorities. Many were detained without charges only to be released days, in certain instances weeks later without having had access to a lawyer, medical care, or to a judicial process, nor being informed of the reason for their arrest. In one case, a defender charged with murder was imprisoned for 3 years, during which time his trial was postponed 18 times; he was released without charge. Others still remain in detention, and may be at risk of torture or other forms of ill-treatment.

37. State authorities have continued to use the courts and restrictive legislation to deter defenders from carrying out their work and punish them for their activities. In particular, defenders have faced charges of “inciting rebellion”, disseminating “false information” and “damaging the country’s reputation” for reporting on the internal human rights situation at international human rights events. Increasingly, defenders have been accused of terrorist activities, subversion, aiding and abetting illegal organizations, endangering the integrity of the State for acts such as making public statements, publishing reports or participating in demonstrations. In other instances, criminal charges have been fabricated against them.

38. While a number of court cases against defenders resulted in acquittals, many others resulted in their conviction, with penalties ranging from fines to life imprisonment. In 2004, examples include a defender, who was denied legal representation during his trial, being sentenced to 21 years’ imprisonment for violating press and security laws after writing a statement against the de facto house arrest of political activists which was broadcast on the radio.

39. Legal proceedings against defenders have become multiple, repeated and lengthy. An increasing number of defenders and their organizations have been charged in several cases or face extremely long procedures, with some defenders on or awaiting trial for years.

40. Communications sent this year have continued to reflect the worrying trend noted last year of Governments' drafting and passing new restrictive legislation to regulate the creation and operation of NGOs, resulting in the criminalization of activities in the defence of human rights. Such laws provide the basis for charging, detaining and sentencing defenders and allow States to unduly monitor and interfere in NGO activities. Communications sent in 2004 also highlight the adverse impact of restrictive legislation on NGOs. In one case, an NGO was shut down by the Government owing to the refusal by the Ministry of Justice to renew its registration based on a 2003 presidential decree. Prior to the closure, members of staff received death threats and were subjected to other forms of intimidation. Communications were sent regarding such cases to Belarus, Rwanda, Turkmenistan, Uzbekistan and Zimbabwe.

41. Partly as a result of such laws, defenders have had to pay exorbitant fines or bails. In one case, a defender was arrested and detained after meetings with trade unionists and later released after paying bail of £2,000. In another case, a defender was fined \$200 for publishing articles on a web site which voices strong opposition to the Government. In the past year, incidents of this nature have been reported in Belarus, Democratic Republic of the Congo, Iran (Islamic Republic of), Malaysia, Morocco, Tunisia, Turkey and Uzbekistan.

42. The Special Representative reiterates her concern, expressed at length in her 2004 report to the General Assembly, over the increasing restrictions imposed by States through legal means to curtail freedom of association and the growing use by States of the legal system to harass human rights defenders and hinder their work. Such harassment has resulted in defenders' reputations being undermined and in their time and financial resources being diverted from their human rights work.

## **2. Violation of the rights to life and mental and physical integrity**

43. Compared to 2003, the number of cases sent in 2004 regarding the most serious forms of violations against defenders has increased, in particular cases concerning human rights defenders killed (26), those on whose life attempts have been made (14), those assaulted (39), kidnapped or abducted (15), tortured or otherwise ill-treated (30), and those who have received threats (93).

44. The Special Representative has sent communications on 26 cases regarding the killing of 47 human rights defenders in 2004. Defenders working on labour rights, environmental and land issues have paid a particularly high price in this respect. In one case, the president of a trade union working to improve labour conditions in the garment industry was shot in broad daylight as he stood at a newspaper stand.

45. Defenders have been subjected to ill-treatment such as beatings with electric batons, being blindfolded, tied to chairs and sprayed with tear gas. At a demonstration, the police reportedly used rocks, pebbles, electric batons and tear gas against students protesting against a

decision by their dean to refuse to establish a student union. In another case, human rights defenders were detained by the security forces and driven to a police point where plastic bags were put over their heads whilst they were submerged in water and beaten. Such abuses have occurred while defenders were being arrested and en route to their places of detention.

46. A number of detained defenders have been held in poor conditions without access to food, water, or medical care. Others have been held incommunicado or in solitary confinement with no access to their relatives or legal counsel. Defenders have equally been subjected to ill-treatment and torture while in custody. Thirty-nine members of an NGO working with sexual minorities on sexual health, including HIV/AIDS, and campaigning for the rights of sexual minorities were reportedly arrested and deprived of food and water for the first 15 days of their detention; four were allegedly forced into a police van, beaten and raped.

47. Defenders have had shots fired at their homes, offices and cars. Some have had to flee for their lives while being chased by unknown armed individuals on motorbikes. Peace activists have been shot or otherwise killed by regular armed forces. Defenders have been abducted at gunpoint by military and plain-clothes officers or have faced armed attacks on their vehicles and homes. Some have been shot dead in front of their houses or offices, in hospitals and sports clubs. In one case, the house of a community leader working for the defence of indigenous people's rights was reportedly burned down, killing her uncle, also a community leader.

48. Human rights defenders have also had to live in fear for their safety and that of their families. Repeated anonymous phone calls and letters have explicitly threatened them with arrest, disappearance and death in an attempt to deter them from investigating cases of abuse, continuing to publish articles on police brutality or testifying in a murder case. In one case, the wife of a defender received flowers by courier containing a grenade. Defenders have also been insulted and verbally assaulted in connection with their activities.

49. As in previous years, the majority of cases concerning defenders who have been the subject of such attacks against their person came from Latin America, where at least 15 defenders were killed and many threatened (45) or otherwise assaulted (30). Allegations of such violations were received from Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Peru and Mexico.

50. Asia remains the second region in terms of cases sent concerning defenders killed (11), threatened (20), or otherwise assaulted (11). Communications in this respect were sent to the Governments of Bangladesh, Cambodia, India, Malaysia, Indonesia, Iran (Islamic Republic of), Nepal, Pakistan, the Philippines, Thailand and Viet Nam.

51. There has also been an increase in the number of communications sent concerning serious threats against the physical integrity of defenders in Europe and Central Asia, in particular, killings (2), death threats (11), torture (9), physical assaults (8), and kidnapping (2). The Special Representative has sent communications in this regard to Armenia, The former Yugoslav Republic of Macedonia, Kyrgyzstan, the Russian Federation, Serbia and Montenegro, Sri Lanka and Uzbekistan.

52. Defenders in the Arab States and Israel have also faced serious threats against their physical integrity, including killings (1), attempted killings (1), death threats (5), torture (4), physical assaults (4), and kidnapping (2). Communications in this regard were sent to Algeria, Iraq, Israel and Tunisia.

53. The Special Representative has also received allegations of such violations from defenders in the Central African Republic, Chad, Côte d'Ivoire, Senegal, the Sudan and Zambia.

### **3. Intimidation and harassment campaigns**

54. In 2004, defenders have continued to suffer from defamation campaigns orchestrated by Governments and private actors. In some cases, senior State officials have publicly linked defenders to rebel or terrorist groups, labelled them "enemies of the people", or questioned their morals. In one instance, an official from the Ministry of Justice accused human rights organizations of being financed by criminal networks and disseminating false information in the media. The president of the same country accused some human rights groups critical of his record of serving the interests of "dubious organizations". Other government agencies have allegedly printed leaflets disclosing the personal contact details and pictures of defenders in relation to acts of terrorism. For instance, after a bomb attack in the Moscow metro a leaflet was reportedly published with defenders' names and photographs, linking them to a terrorist attack; these were allegedly displayed in police stations and several other public places throughout the city.

55. This type of harassment of human rights defenders bears serious repercussions for their physical and psychological integrity: it stigmatizes them, places them at risk, and in some cases has impelled them to give up their work to go into hiding. While in many cases accusations were proven wrong, no public apology was forthcoming. Such attacks constitute grave attempts to undermine the credibility and integrity of human rights work in the public eye.

56. Defenders have also been targeted professionally to silence or punish them for their action. Lawyers, judges and doctors have faced disciplinary proceedings from their professional boards, been sanctioned, lost their jobs, and at times had their licences taken away for offering legal counsel or reporting human rights abuses.

57. In many countries, defenders have continued to face daily surveillance, including being followed by plain-clothes officers, having armed men in cars watching their homes and offices, and having their phones tapped. Others have been summoned to report to the police on a regular basis and repeatedly interrogated about their organization and work.

58. Defenders' offices have been raided, vandalized and shut down. In one case, over 20 armed members of the military police arbitrarily raided the office of an NGO, seizing computer equipment and papers addressed to it and other organizations. Having found a black ink cartridge and presuming that it was an explosive, officials arrested and detained a defender for terrorist activities. He was subsequently released without charge. Defenders have had their documents, clients' files and photographs confiscated and not returned to them. Incidents of this nature have been reported in Bangladesh, Bahrain, Burundi, Colombia, Costa Rica, Egypt, Guatemala, Honduras, Indonesia, the Russian Federation and Viet Nam.

59. Defenders have continued to confront limitations to their freedom of movement and their right to access information. Some have been barred from travelling abroad, have had their travel documents seized, been refused access to planes and detained at airports in order to prevent them from reporting about the human rights situation in their country to international forums and bodies. Others have been refused visas and barred from access to places of human rights abuses, victims and clients. In one case, despite a court authorization, a community council was prevented from photographing conditions of detention in a penitentiary by the prison staff, who forced them to leave the prison and terminate their visit. Defenders have encountered such obstacles in Algeria, Azerbaijan, Brazil, China, the Democratic Republic of the Congo, the Sudan, the Syrian Arab Republic and Tunisia.

60. In connection with the restrictive legislation regulating freedom of association in a growing number of countries, defenders have been harassed with regard to administrative requirements to register and legalize their organization. Governments have passed new laws requiring all NGOs to re-register, allowing them to selectively deny legal status to NGOs critical of government policies. Defenders have also seen their work hindered by burdensome administrative authorization and reporting requirements, not only for holding demonstrations and strikes but also for internal meetings. Human rights organizations have continued to be threatened with closure by local courts on complaints from government ministries for minor administrative irregularities. In one case, agents of the Ministry of Health entered the offices of a health and rehabilitation centre for victims of torture and domestic violence and confiscated patients' files. A complaint was filed against the centre, accusing it of using a clinic for "prohibited purposes", which could result in its closure. Human rights defenders have faced such difficulties in Belarus, Egypt, the Syrian Arab Republic, Tunisia, Turkmenistan, Uzbekistan and Zimbabwe. The Special Representative is particularly concerned about defenders being prevented from forming and operating organizations and existing ones being closed down. Such practices and restrictive laws have forced defenders to continue their work without legal protection, to terminate their activities and, in some cases, even to flee their country.

#### **4. Lack of response from the authorities and impunity for abuses against defenders**

61. Defenders have frequently had no response from the authorities to their situations or complaints, resulting in impunity for those abusing their rights. Police forces have failed to intervene to stop assaults against defenders by private actors and have stood by and allowed the perpetrators of violations to escape without trying to apprehend them. In some cases, defenders have been interrogated, investigated and detained for having reported such incidents. In one case, it was reported that police in proximity to a defender who had been shot on his way home from work failed to intervene.

62. Judicial authorities worldwide continue to show an alarming leniency towards suspected perpetrators of abuses against defenders, in particular where the alleged perpetrators are members of the security and armed forces. Of the 128 cases sent by the Special Representative in 2004 of violations by the security and armed forces, only 2 resulted in convictions. Information received shows that the majority of cases brought by defenders are still pending. Overall, Governments have shown little willingness to hold their agents accountable.

63. The Special Representative remains deeply disturbed at this trend, which indicates that impunity for human rights abuses against defenders remains unacceptably high. Far from fulfilling their duty of protection, a number of States seem to criminalize the activities of defenders and tolerate, and in some cases legitimize, the abuses perpetrated against them.

#### **D. Perpetrators**

64. Roughly half of the communications sent by the Special Representative concern abuses reportedly committed by police and security forces worldwide, such as the riot police, gendarmes, intelligence forces and immigration officials. Police and security forces have been particularly involved in serious forms of abuse such as physical assaults, arbitrary detention, ill-treatment in custody and surveillance.

65. The Special Representative reiterates her concern this year with regard to the increasing number of communications (75) concerning the targeting of defenders by the judicial system, government bodies such as the Ministries of Social Affairs, the Interior and Justice and, in some cases, even the parliament. This worrying trend confirms the institutionalization of the targeting of defenders noted in her 2004 report to the Commission.

66. In an alarming number of cases (74), the identity of the perpetrators remains unknown, owing to lack of interest in investigating complaints by State agencies. This is typically the case for violations of the gravest nature, including killings, attempted killings, kidnappings and death threats. Such a situation generates a climate of impunity for violations committed against defenders and weakens the ability of the State to ensure their protection.

67. Military, paramilitary and rebel armed forces continue reportedly to be responsible for abuses against defenders in many cases (69), particularly in regions facing armed conflict or growing rebellion. Armed forces are mainly responsible for killings, serious injuries, disappearances and incommunicado detentions.

68. Finally, information received in the past year also pointed to private actors as perpetrators (7).

#### **E. Outcome of cases and overview of government responses**

69. During the course of 2004, the Special Representative received follow-up information from Governments and NGOs which allowed her to draw further conclusions on communications sent.

70. While in many cases follow-up communications on continued violations were sent to Governments, the Special Representative is pleased to note that in a few cases, violations have ended. Out of the 114 cases concerning detention, at least 12 resulted in the release of the defenders concerned. In six cases, human rights defenders were acquitted of the charges against them.

## **1. States' responsiveness to communications**

71. Of the 316 communications sent by the Special Representative this year, 139 replies had been received as of 9 December 2004. This number represents a slight decrease in the percentage of responses received for the same period last year. It must be noted that cases sent in 2004 may still be responded to in the course of 2005. Indeed, during the course of 2004, 60 responses were received concerning communications sent in 2003, bringing the total number of responses received last year to 163 for 235 cases sent. The Special Representative welcomes the replies to her communications that she has received.

72. Governments in Europe and Central Asia responded most frequently, with 36 responses received for 52 communications sent (a 69 per cent response rate), followed by the Arab States and Israel which responded to an increased number of communications in 2004: 22 responses to 45 communications sent (a 43 per cent response rate). The Special Representative received 47 responses from the Americas, representing a 46 per cent response rate. From Asia, she received 33 responses to 76 communications (a 43 per cent response rate). The lowest number of government responses in 2004 came from Africa (10), which represented a 24 per cent response rate.

## **2. Types of arguments included in government responses**

73. An analytical reading of responses received provides clear trends and patterns in the arguments cited by Governments.

74. In the vast majority of responses received, Governments indicate a willingness to cooperate with the international and regional mechanisms, in particular the Inter-American Commission of Human Rights. Many report that steps have been taken to bring the alleged perpetrators to justice and to ensure the protection of the victims, including investigations, risk assessments and the arrest of perpetrators. In one case, an inter-institutional team was set up to investigate killings, provide bodyguards and carry out additional patrols of the area.

75. Nevertheless, a number of defenders refused to take advantage of police protection programmes because, in a majority of cases, victims allege that the violations were committed by the police and military or with their active complicity.

76. Most responses report investigations to be ongoing and that perpetrators have only been indicted; in two cases perpetrators were convicted and sentenced. The Special Representative welcomes these efforts and encourages all Governments to continue them. She notes with concern, however, that even where violations against defenders are recognized by Governments, the level of impunity continues to be extremely high.

77. Almost a quarter of the responses received in 2004 cite national law as justification for the alleged violations, or as the benchmark against which Governments' compliance with human rights norms should be judged. Responses frequently claimed that States were acting in the interests of national peace and security, and the facts alleged were often reworded, using national law to legitimate action taken against defenders for the purpose of maintaining "public order".

The Special Representative would like to draw the attention of States to article 3 of the Declaration on Human Rights Defenders which emphasizes that “domestic law consistent with the Charter of the United Nations and other international obligations of the State ... is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities [in defence of human rights] should be conducted”.

78. Forty-six of the responses received declared that the facts reported in the communication were inaccurate and provided alternative facts. In one case, the facts were denied with vehemence by claiming that the defender “is an affiliate of a terrorist organization, which under the guise of a welfare association used the above situation to organize those suspended students for its mission against peace and security”. Interestingly, in all but 2 of the 15 responses to cases concerning allegations of torture or ill-treatment, States have denied the allegations.

79. A worrying number of responses questioned the credibility of the defenders concerned and denied any link between the alleged violation and human rights work. Several Governments explicitly linked human rights defenders to terrorist activities or violent and politically motivated acts. Cases of reported robberies, kidnappings and attacks against homes where the perpetrators are unknown were often considered to be common crimes.

80. In 14 of the responses received, Governments failed to address the incidents reported in the communications. In one case, concerning a human rights defender who was arrested and ordered to report to the security forces headquarters every day from 9 a.m. until 10 p.m., the Government refused to acknowledge that holding a defender for over 11 hours a day for an undefined period of time amounted to detention. Other Governments ignored allegations of torture or provided partial responses.

81. The Special Representative notes that responses in which Governments acknowledge responsibility for wrongdoings towards defenders are particularly rare, with only seven responses received in this respect. In one case, four policemen were arrested and are currently in prison awaiting trial.

### **III. COUNTRY-SPECIFIC FOCUS**

82. This section of the report analyses the trends in the situation of human rights defenders of 13 countries which have been the subject of 8 or more communications from the Special Representative in 2004: Brazil, China, Colombia, Ecuador, Guatemala, Iran (Islamic Republic of), Mexico, Nepal, Russian Federation, Sudan, Syrian Arab Republic, Tunisia, Turkey and Uzbekistan. The Special Representative sent a total of 171 communications to these Governments, to which she received 68 responses.

83. Trends described below are not an exhaustive account of the situations of human rights defenders in these countries, nor do the countries cited necessarily represent places where the situation of defenders is the gravest. The analysis reflects those situations which have found voices to relay them during the reporting period. In her 2006 report, the Special Representative will review all country situations for which she has received information during her six years as a mandate holder.

## **1. Africa**

### **Sudan**

84. The Special Representative sent 18 communications to the Sudan relating to 24 defenders, most of them journalists, lawyers or members of non-governmental organizations. A majority of the violations occurred in the context of the ongoing conflict, with defenders being targeted for perceived anti-State activities.

85. Defenders in the Sudan are reported to have suffered primarily from arbitrary arrests, detention, torture and ill-treatment at the hands of the security forces, in particular the National Security Agency, while working in Nyala, Zalingy and northern Darfur. Arrests typically occurred after the publication of a report denouncing human rights violations in Darfur or criticizing the use of torture by the authorities, but also during demonstrations in Khartoum or upon the return of defenders to the country. A majority of defenders are reported to have suffered torture and other forms of ill-treatment during their detention and were held incommunicado. Few arrests resulted in actual charges being pressed against defenders. While many defenders were released, a number remain unaccounted for.

86. The Special Representative thanks the Government for its two responses to her communications. She regrets the absence of replies to the others, which prevented her from taking into consideration the Government's analysis of the alleged violations referred to in her communications. She reiterates her serious concern about violations committed against human rights defenders in the Sudan and invites the Government to take all necessary measures to ensure respect for the rights enshrined in the Declaration.

## **2. The Americas and the Caribbean**

### **Brazil**

87. During the reporting period, the Special Representative sent eight communications to the Government of Brazil. Most cases concerned defenders working on indigenous, land and labour rights as well as denouncing police abuses.

88. At least four Brazilian defenders have been killed this year: three lawyers from the Ministry of Labour, assassinated during a routine inspection of an estate, and one inspector from the Ministry after his investigation of complaints concerning alleged illegal mining. The Special Representative is extremely concerned about such acts, most of them perpetrated against State officials. Defenders in Brazil also received numerous death threats in connection with their work and faced attacks against their safety. In one case, a defender was threatened following the publication of a report concerning torture and other ill-treatment by the police. Typically, perpetrators have not been identified or made accountable for their action, which results in increased impunity and creates a climate of fear and insecurity for those defending human rights.

89. The Special Representative thanks the Government of Brazil for its one response, but regrets the absence of replies to her other communications. She calls on the Government to ensure the protection of defenders in the country.

## **Colombia**

90. The Special Representative sent 31 communications to the Government of Colombia regarding 50 defenders, most of them members of trade unions, lawyers or journalists. A majority of the alleged violations occurred in the context of the internal conflict in Colombia.

91. The Special Representative notes with extreme concern the deterioration of the situation of defenders in Colombia this year. At least 10 defenders have been killed in 2004; another 10 have been abducted, assaulted, or had their houses attacked. Numerous raids have been carried out by paramilitaries on the offices of human rights organizations and the homes of defenders. Defenders have received a plethora of death threats which in such a context must be taken seriously. Defenders have also suffered from defamation campaigns, including from State authorities, including the distribution of leaflets asserting that they have links with the guerrillas. Such attacks increase the vulnerability of defenders by placing them at greater risk of attack. Most violations have occurred as reprisals for publicizing abuses committed by the paramilitaries and to hinder investigations to bring the guilty to justice. A number of violations have also occurred in the context of defending labour rights against private actors. Torture and other ill-treatment were reported as well. Nearly half of the reported violations were carried out by paramilitaries.

92. The Special Representative received responses to 18 of her 31 communications. She thanks the Government for its cooperation. She welcomes the measures taken by the Government to investigate many of the alleged violations referred to in her communications, but remains concerned that the vast majority of cases are still pending, no perpetrators having been identified or brought to justice. As a result, she cannot but conclude that impunity for those perpetrating abuses against defenders continues. She wishes to thank the Government for giving her the opportunity to follow up on the implementation of the recommendations made in her 2001 country visit report while she was in Colombia in October 2004. The conclusions of her findings, providing a more detailed overview of the steps taken by the Government to address the situation and outstanding problems, are contained in the Colombia section of addendum 1 to this report.

## **Ecuador**

93. The Special Representative sent 10 communications to the Government of Ecuador in 2004. Most of the defenders were targeted in connection with their work in the defence of indigenous, land and labour rights, in particular in the context of oil extraction by international private companies.

94. The majority of cases concerned threats at gunpoint, beatings and threats by phone. Reports indicate that attacks occurred after defenders voiced public criticism, in particular regarding free trade and private contractual agreements to extract oil on alleged indigenous territory. In a few instances, the use of torture or other ill-treatment was reported in connection with defenders working on the rights of gays, lesbians and transsexuals. In many cases the perpetrators were not identified, but the police were reportedly involved in a few cases, notably those relating to defenders of gay rights.

95. The Special Representative regrets that at the time this report was finalized, the Government had not transmitted any reply to her communications.

### **Guatemala**

96. In 2004, the Special Representative sent 16 communications to the Government of Guatemala relating to 31 defenders, mostly journalists, trade unionists and indigenous leaders. A majority of violations occurred in relation to their work on land and community rights and on the rule of law and impunity.

97. Defenders faced serious assaults against their safety: at least two defenders were killed in connection with their work on economic and cultural rights. Many defenders were threatened, had their offices and homes raided and their documents and material confiscated. Several journalists were beaten by the police while attempting to document the excessive use of force during a demonstration. For the most part, the police, security forces and armed groups were reported to be the perpetrators.

98. The Special Representative received one response from the Government of Guatemala. She welcomes the steps that have been taken to bring this case to the attention of the Inter-American Commission of Human Rights, but regrets the absence of replies to her many other communications.

### **Mexico**

99. The Special Representative sent 11 communications on 13 defenders to the Government of Mexico.

100. For the most part, defenders in Mexico faced death threats and intimidation in connection with their demand for accountability for past abuses and the public denunciation of violations by the police. One key witness in a case against the police was killed, shot 15 times. In another instance, several indigenous defenders received death threats from the police after registering a complaint about a death in custody. The police have been reported to be the perpetrators in many of the cases transmitted, but in a significant number of others the perpetrators have yet to be identified.

101. The Special Representative thanks the Government of Mexico for its 10 replies, which attest to its willingness to cooperate constructively with her mandate. She welcomes the measures taken by the Government to investigate most cases, as well as the protective measures taken in some instance. She also welcomes the release of one defender who was arrested. She remains concerned, however, that none of the perpetrators has yet been brought to justice, and calls on the Government of Mexico to investigate complaints against members of law enforcement forces and to take all necessary measures to ensure the accountability of those implicated in violations of the rights of defenders.

### **3. Europe and Asia**

#### **China**

102. In 2004, 10 communications were sent to China concerning 18 human rights defenders, mostly working on civil and political rights.

103. Arbitrary arrests and detention, including incommunicado detention, constitute the majority of reported violations against defenders. Many defenders were arrested by police to prevent demonstrations or meetings to commemorate the fifteenth anniversary of the June 1989 pro-democracy protests in Tiananmen Square. The information received indicates that a few defenders were sentenced to lengthy imprisonment, including for life, for pro-democracy activities and defending freedom of religion. Defenders also faced risks of torture and ill-treatment in connection with their detention. The police and the security forces are reported to be the primary perpetrator of the violations.

104. The Special Representative received three responses from the Government of China. Unfortunately, translations were not available in time to be included in this report.

#### **Islamic Republic of Iran**

105. The Special Representative sent nine communications to Iran concerning five defenders.

106. Reported violations against defenders relate to arrest, imprisonment and ill-treatment in detention. Some of the violations occurred in connection with demands for civil and political rights and accountability of the Government. One defender was allegedly tortured or otherwise ill-treated in prison following his interview with the BBC on reported political corruption in Iran.

107. The Special Representative received responses from the Government of the Islamic Republic of Iran to all of her communications. She thanks the Government for its replies and willingness to cooperate with her mandate. She notes, however, that the alleged violations were in part denied or not commented upon in the replies.

#### **Nepal**

108. Ten communications were sent by the Special Representative in 2004. A number of the cases involved journalists, peace activists and local leaders in the context of the ongoing conflict with the Communist Party of Nepal (CPN) (Maoist).

109. Defenders in Nepal faced a deterioration of their situation, with at least three killed. Many defenders were victims of arbitrary arrests and detentions. Some defenders working on gay rights were allegedly detained, beaten and raped by the police. The information received indicates that defenders have suffered from violations at the hands of both the Government and CPN after having been labelled as terrorists, spies, or accused of supporting the other side.

110. The Special Representative regrets that at the time this report was finalized, the Government had not transmitted any reply to her communications.

## **Russian Federation**

111. The Special Representative sent 14 communications to the Government of the Russian Federation concerning 15 individual human rights defenders and 3 NGOs. Most of the reported violations occurred in the context of the ongoing conflict in Chechnya and were perpetrated against defenders working to expose the human rights situation in the region.

112. Defenders faced serious challenges this year. At least two defenders working on minority rights and the violation of human rights in Chechnya were killed. Unknown individuals also allegedly abducted defenders working on such issues, a number of whom were arrested by the police and accused of terrorist and extremist activities. Also of concern to the Special Representative are the defamatory statements or literature issued by senior State officials and security forces linking human rights organizations with criminal and terrorist activities. As a result, defenders became more vulnerable and stigmatized as “enemies”. Other reported violations include raids on NGO offices and detentions. Most attacks against defenders followed the publication of reports on minority rights and expressions of concern regarding human rights violations in Chechnya.

113. The Special Representative received 10 responses to her 14 communications. She thanks the Government for its numerous responses, which attest to its willingness to cooperate with her mandate. The Special Representative welcomes reports that investigations into the murders and abduction of defenders have been opened and that in one case criminal proceedings were initiated against the suspected perpetrator. She remains concerned, however, about the numerous cases still pending where no suspects have been identified. She also notes that in a number of cases the Government denied that the reported incidents had occurred, or that it was linked to the defence of human rights, and challenged the qualification of certain victims as human rights defenders.

## **Turkey**

114. The Special Representative sent eight communications to Turkey in 2004 and conducted an official visit to the country in October. A separate report has been submitted to the Commission as an addendum to this report (E/CN.4/2005/101/Add.3).

## **Uzbekistan**

115. Eight communications were sent to Uzbekistan, relating to six individual human rights defenders and two NGOs.

116. Defenders in Uzbekistan confronted arbitrary arrest and interrogation in relation to their human rights work and saw their freedom of movement curtailed. NGOs were denied registration and shut down. Many of the violations occurred in connection with defenders' work on torture and demands for civil and political rights.

117. The Special Representative thanks the Government of Uzbekistan for responding to almost all of her communications, which attests to its willingness to cooperate with her mandate. She notes that in the cases of NGO registration, the Government stated that organizations concerned were illegal and had no right to carry out their activities. In line with her 2004 report

to the General Assembly, she encourages the Government to review its legislation regulating freedom of association, in order to provide for an environment conducive to the work of defenders in conformity with the Declaration.

## **5. Arab region and Israel**

### **Syrian Arab Republic**

118. Eight communications were sent to the Government of the Syrian Arab Republic regarding six defenders and one NGO in relation to activities on democratic, civil and political rights.

119. The information received in 2004 indicates that defenders have faced frequent arbitrary arrests and detention in connection with demonstrations and demands for democratic reforms. Defenders were prevented from travelling abroad to participate in conferences and meetings on human rights; others were accused of anti-State activities and a human rights organization was denied registration. Reports point to the security forces as the primary perpetrators of these acts.

120. The Government responded to two of the eight communications sent by the Special Representative. She notes that the alleged violations were partly denied or not commented upon in the replies, and that the Government referred to its national law as justification for reported incidents.

### **Tunisia**

121. The Special Representative sent 11 communications to the Government of Tunisia, relating to 17 individual human rights defenders and 1 NGO.

122. Reported violations against defenders included attacks and surveillance by the police, denial of legal registration of NGOs, and lack of access to information and funding. In most cases members of the police were designated as the perpetrators.

123. The Government of Tunisia responded to 1 of the 11 communications sent by the Special Representative. She thanks the Government for its response, but regrets the absence of replies to her other communications. She reaffirms her concerns about the alleged violations referred to in her communications to the Government of Tunisia.

## **IV. HUMAN RIGHTS DEFENDERS AND PEACE AND SECURITY**

124. As indicated in the above analysis, many of the violations perpetrated against human rights defenders occur in the context of armed conflict, in particular internal conflict. In this respect, the Special Representative expresses her conviction that, in addition to strengthening the implementation of human rights standards globally, human rights defenders contribute to the core goals of the United Nations by playing an important role in United Nations efforts to maintain peace and security worldwide and in restoring them where a breach has occurred. This conviction is corroborated by an analysis of the role played by human rights defenders in four situations that have been on the agenda of the Security Council in the past two years: the Democratic Republic of the Congo, Sudan, the Middle East, including the Palestinian question, and Haiti.

125. The situation of human rights defenders in the Democratic Republic of the Congo documents in a dramatic manner the correlation between a long-lasting breach of international peace and the vulnerability of individuals and organizations engaged in the defence of human rights. As evidenced in addendum 3 to the Special Representative's 2004 report to the Commission (E/CN.4/2004/94), numerous Congolese NGOs are active in organizing and expressing the civilian population's request for peace in the war-torn country, as well as on behalf of victims of arbitrary arrests, rape and torture. This activity, however, exposes them to a pattern of harassment, particularly arrest and detention, at the hands of the police and armed forces.

126. The Special Representative also received numerous reports concerning the arrest and detention of human rights defenders engaged in bringing to an end the armed conflict and the attacks against the civilian population in Darfur, the Sudan. These include the reported arrest of the chairman of the Sudanese Peace Forum; the arrest of two mayors of villages in Northern Darfur after they met officials of the International Committee of the Red Cross to report on human rights violations committed by Government-backed militias; and the reported arrest and incommunicado detention of five lawyers who participated in protests denouncing lack of shelter and food in Darfur. Reports also included arrests, incommunicado detentions and severe ill-treatment of members of the Sudan Organization against Torture.

127. As to the Palestinian question, in resolution 1544 (2004) of 19 May 2004, the Security Council "condemn[ed] the killing of Palestinian civilians that took place in the Rafah area" and was "gravely concerned by the recent demolition of homes committed by Israel, the occupying Power, in the Rafah refugee camp". In a communication to the Government of Israel on 21 May 2004, the Special Representative sought clarification regarding the attack against civilians demonstrating against the demolition of houses. In 2003, the Special Representative had already drawn the attention of the Government of Israel to the reported killing of a civilian opposing the bulldozing of Palestinian homes and of two civilians seeking to protect the population of Palestinian settlements during military operations. The spectrum of attacks against human rights defenders reported to the Special Representative in the course of the past two years in relation to the Palestinian question is, however, significantly broader. It includes, in particular, instances of detention of representatives of Palestinian NGOs. The Special Representative believes that the quest for a durable peaceful solution to the Palestinian question cannot be successful in the absence of respect for human rights and for the right of individuals and associations to act in defence of human rights.

128. With regard to Haiti, the Special Representative observes that cases brought to her attention in the course of the last two years provide evidence that lawyers and journalists are being targeted for demanding an end to impunity for past crimes.

129. On the basis of the role played by human rights defenders in the above situations and of numerous other reports, the Special Representative has identified several ways in which human rights defenders play a vital part in United Nations efforts to maintain and restore peace.

130. By advocating peacefully for the respect of fundamental rights, human rights defenders search for a peaceful solution to political, ethnic and social tensions. Many of the countries currently afflicted by civil strife have a history of missed opportunities to find a peaceful solution

to long-lasting tensions. As evidenced by her reports to the Commission, those missed chances regularly include an oppressive reaction by the Government to the grievances voiced by human rights defenders. The Special Representative therefore believes that by strengthening and protecting human rights defenders, the United Nations can considerably enhance the chances of finding a solution to conflicts, based on dialogue, participation and justice, before they break out into armed violence.

131. Because human rights violations tend to intensify when political, ethnic or social struggles start sliding towards the outbreak of armed conflict, the information gathered and reported by human rights defenders on human rights violations in their communities can be used as a useful early warning system to alert the international community to a developing threat to peace. Human rights defenders should be protected in the interest of preserving a functional early warning system in every country. Because human rights defenders advocate for a peaceful solution to political, ethnic and social tensions that have the potential to break out into armed conflict, an increase in attacks against human rights defenders in a country can in itself also serve as an early warning.

132. Information received by the Special Representative in the past four years indicates that once an armed conflict breaks out human rights defenders become particularly vulnerable and are disproportionately affected. Human rights defenders continue to speak out peacefully against the oppression of political, religious and ethnic minorities, to denounce war crimes or abuses committed in law enforcement, to document them as journalists or to assist victims as lawyers and doctors. But, in a polarized environment, opposing warring parties often fail to distinguish between continued peaceful human rights advocacy and support to violent acts by the enemy. Governments challenged by armed independence movements and rebellion, or by terrorist acts tend to label legitimate defenders' activities as anti-State, threatening security and supporting terrorist organizations. Similarly, insurgents tend to perceive human rights defenders who denounce all violations equally as supporters of the Government's cause. As a result, defenders are harassed, intimidated, arrested and detained, tortured and assassinated. By silencing peace activists and other human rights defenders, however, the parties to a conflict suppress a voice which, because of its positive message and the peaceful means employed to convey it, could play a central role in restoring peace.

133. Finally, in the aftermath of widespread human rights violations that often accompany armed conflict and other civil strife, human rights defenders act on behalf of victims demanding justice for past abuses. As a result, human rights defenders are targeted by groups who, because of their involvement in past violations, are opposed to demands for accountability. Newly established Governments, weak during a fragile transition, are frequently unable or unwilling to adequately protect human rights defenders. The Special Representative notes, however, that in situations of political transition, bringing to justice the perpetrators of human rights violations committed by the former regime or uncovering truth about past abuses can be a prerequisite for durable peace and stability. Human rights defenders have an important role to play in this respect, as monitors of past abuses and advocates of victims. Strengthening and protecting human rights defenders is therefore an important contribution to transitional justice efforts, and thereby to sustainable peace and security.

134. In the preamble to the Declaration on Human Rights Defenders, the General Assembly recognized the relationship between international peace and security and the enjoyment of human rights. By exercising their right to promote and to strive for the protection and realization of human rights, defenders play an important role in the promotion of peace and security.

## V. RECOMMENDATIONS

135. **The Special Representative urges States to give full and practical recognition to the positive role played by human rights defenders in finding a peaceful solution to political and social conflicts and, as a consequence:**

(a) **To respect the peaceful expression of demands concerning land and indigenous rights, labour rights, minority rights and democratic rights as legitimate exercise of the right enshrined in the Declaration on Human Rights Defenders to promote and strive for the protection and realization of human rights;**

(b) **To show restraint in the policing of public gatherings in order to ensure peaceful venues for dissent and expression of demands for fundamental rights;**

(c) **To refrain from stigmatizing and discrediting the work of human rights defenders in public statements, and to publicly rectify statements that prove to be inaccurate.**

136. **In situations of armed conflict, and particularly civil strife, the Special Representative:**

(a) **Urges Governments and other warring parties to refrain from targeting human rights defenders and to distinguish between peaceful public expression of dissent and armed rebellion;**

(b) **Calls on all United Nations organs and agencies to pay particular attention to the protection of human rights defenders in their work.**

137. **The Special Representative also calls on States:**

(a) **To review their legislation in order to ensure its conformity with the Declaration on Human Rights Defenders, as suggested in the conclusions of her report to the General Assembly at its fifty-ninth session;**

(b) **To implement their laws in a manner that guarantees a positive environment for the defence of internationally recognized human rights;**

(c) **To conduct training of the judiciary, the law enforcement agencies and other branches of Government in this respect;**

**(d) To take steps to ensure prompt and effective accountability of those who have committed human rights violations, especially against human rights defenders, through appropriate disciplinary, civil and criminal proceedings, thereby ending impunity for attacks against human rights defenders, where it is prevalent.**

**138. The Special Rapporteur reiterates her call on States to create regular forums for consultation between State authorities and human rights defenders in order to strengthen dialogue.**

**139. The Special Rapporteur assures States of her willingness to provide them with any support they may need in the implementation of the above recommendations, within the limitations of her mandate and resources.**

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