



AVOCATS EUROPÉENS DÉMOCRATES  
ABOKATU DEMOKRATA EUROPARRAK  
EUROPÄISCHE DEMOKRATISCHE RECHTSANWÄLTE  
ADVOCATS EUROPEUS DEMOCRATES  
ABOGADOS EUROPEOS DEMOCRATAS  
AVVOCATI EUROPEI DEMOCRATICI  
EUROPESE DEMOKRATISCHE ADVOKATEN  
EUROPEAN DEMOCRATIC LAWYERS

## Annual Report 2006

### **Commission Defence of the Defence of the European Democratic Lawyers (EDL)**

The EDL federation is constituted by the following lawyers' organisations:

- ACDDH (Barcelona)
- ALA (Madrid, Malaga, Almeria)
- Eskubideak (Bilbao)
- IDF (Italy)
- LTI (Italy)
- SAD (Belgium)
- SAF (France)
- RAV (Germany)
- VSAN (Netherlands)

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During the year 2006 the Commission has met on the following occasions: on the 20<sup>th</sup> and 21<sup>st</sup> January in Brussels, on the 5<sup>th</sup> May in Berlin and on the 15<sup>th</sup> and 16<sup>th</sup> September in Rome.

The Commission continued to collaborate with numerous European and International Human Rights Organisations on cases concerning threatened colleagues or violations of fundamental Human Rights violations in the juridical procedure.

In 2006 many lawyers were harassed or suffered an even worse treatment. We have also observed numerous violations of fundamental Human Rights in juridical procedures.

Briefly, we have acted in the following countries and cases:

### 1. Kashmir/ India

The Commission dedicated its energy in 2006 mainly to the situation of lawyers in Kashmir/India. From the 18<sup>th</sup> to the 22<sup>nd</sup> of April, 2006 a delegation composed by the EDL, Lawyers without Borders (Netherlands) and IKV (Interchurch Peace council) visited Srinagar in Kashmir and reported on the working conditions of lawyers. A comprehensive report has been published on the EDL web-site ([www.aed-edl.net](http://www.aed-edl.net)).

In the ongoing conflict about 700,000 soldiers are deployed in the state of Jammu and Kashmir and along the “line of control”. The rate of daily acts of violence against civilians is increasingly high.

Kashmiri lawyers who are working on human rights cases face several extraordinary laws which aim to combat terrorism but violate the Indian constitution as well as international (humanitarian) law and treaties. Furthermore lawyers continually risk being harassed and threatened. Some of them have been murdered.

The lawyers’ battle against impunity has often been hindered by the Indian authorities. The courts are unwilling to investigate cases of human rights violations amongst the civilian population. The victims as well as the lawyers who defend them are the target of threats. In cases of defence of alleged “terrorists” the lawyers are often identified with their clients.

Lawyers in Kashmiri work in a highly isolated environment. International organisations do not have official access to the region and hence, the current situation remains unknown. The lawyers are often refused a passport and are not able to leave the country.

On October 2006, *Parvez Imroz* received the Price Ludovic Trarieux in Bordeaux on – inter alia – our suggestion. But he could not personally attend the ceremony because the Indian authorities refused to issue him a passport.

Our efforts to put pressure on them were to no avail.

On 12<sup>th</sup> and 13<sup>th</sup> September, 2006 the Kashmir Centre in Brussels invited us to a global discussion on Kashmir in the European Parliament. We had the opportunity to present our findings which are the most up-to-date and comprehensive at the moment.

## 2. Colombia

In 2006 we continued our work from past years concerning the ongoing Human Right violations in Colombia.

Generally, we have observed the very bad working conditions for lawyers in Colombia. There are numerous cases in which lawyers have been harassed, threatened, abducted and murdered. Not “only” lawyers but also members of trade unions and other defenders of Human Rights and social movements have been victims of attacks of military and para – military forces in Colombia.

Once again, the lawyers from the “Corporación Colectivo José Alvear Restrepo” faced a campaign of threats. We intervened with several letters to embassies and governmental authorities and demanded the protection of the lawyers and an effective and impartial investigation of the cases.

## 3. Tunisia

Once more the situation in Tunisia has demanded our attention and we have continued the work of the commission in this respect. We have sent protest letters to the Tunisian embassy and Tunisian authorities to express our concern for the continuous hinderance of lawyers in practicing their work. This harassment has included physical attacks.

Once more we have protested against the continuing arrest of the lawyer Mohamed Abbou who has been convicted to 3 years and 6 months for “disseminating false information”. He has criticised the Tunisian government, the ongoing system of injustice and the inhuman conditions in the Tunisian prisons. On the 11<sup>th</sup> March, 2006 he went on a hunger strike to protest the conditions of emprisonment.

The Tunisian Human rights organisation (Ligue Tunisienne des Droits de l’Homme) have also been continuously threatened and intimidated. In May 2006 they were physically hindered to hold their congress. The access to the building had been closed with barriers and the participants were molested by the security forces.

The EDL took action and protested against theses measures and demanded the government stop the ongoing human rights violations. (see: [www.aed-edl.net](http://www.aed-edl.net)- commission defence of the defence)

#### 4. Guantánamo and the prisoners after 9.11.

##### Torture in Iraq, Guantánamo and other places

The commission is very worried about the situation of prisoners held mainly by US and the British government forces in Guantánamo and other (secret) places in the world.

Some of them have been held for more than 5 years in isolation without any real access to lawyers, knowledge of the charges against them and without knowing when they will be released. The new Military Commission Act (MCA) from October 2006 further deprives detainees of the right to challenge their detention in U.S. courts.

We oppose the Military Commission Act because of provisions that deny fundamental due process principles. Immediately after the passage of the law in October, the Justice Department informed the courts they no longer had the power to hear hundreds of habeas corpus challenges filed by detainees.

The EDL joined legal proceedings in Spain against the secret CIA flights involved in rendition cases and charges against Rumsfeld and others for torture cases in Abu Ghraib and Guantánamo.

#### 5. France

Our Basque colleagues Unai Errea and Itziar Larraz have been convicted on the 20<sup>th</sup> of December 2006 to four and three years of imprisonment and the prohibition of living in French territory and practising the law-profession for a term of 10 years for the crime of membership of an armed organization and introduction of illegal documents to their clients in prison. Both were taken to prison on the spot.

Delegates of the SAF and Eskubideak have acted as observers to the trial and protest measures will be engaged in immediately.

#### 6. Spanish state

In 2006 we continued the observation of the macro process 18/98 in Madrid which started in November 2005. Among the accused are several colleagues.

Reports about the ongoing trial are included in the web-site [www.ehwatch.org](http://www.ehwatch.org).

The decision of the Supreme Court in Spain on November 2006 against the Basque Youth Organisations Jarrai, Haika and Segi has reversed the sentence of the Audiencia Nacional. It stated that these organisations should have been convicted for terrorism.

In the light of this decision a conviction for terrorism for the accused is expected in the current trial 18/98 as well. The commission will continue with their active work on this issue.

#### 7. Philippines

We are also concerned about the continuing attacks against lawyers involved in cases against the poor and the oppressed in Philippines. The commission will mainly dedicate its work in the coming year to the lawyers and members of the legal profession in the Philippines.

Coordinator of the commission “Defence of the Defence” of the EDL

Silke Studzinsky

Berlin, December 2006