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EUROPEAN DEMOCRATIC LAWYERS

ANNUAL REPORT FOR 2003 Of the Commission Défense de la Défense

The AED federation is formed by the following organisations of lawyers:

- RAV (Germany)
- SAF (France)
- ALA (Madrid and Malaga)
- SAD (Belgium)
- ACDDH (Barcelona)
- VSAN (Netherlands)
- Eskubideak (Bilbao)
- IDE (Italy)

Since January 2004 the coordinator of the Commission Defence of the Defence is

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In 2003 the coordinator of the Commission Defence of the defence changed. Hans Gaasbeek (VSAN) from Netherlands , who worked very involved a lot of years as coordinator of the commission, wanted to change and Silke Studzinsky took on the work with the agreement of all member organisations.

The meetings of the commission in 2003 have been held the 1 st February in Rome, the 26 th April in Barcelona, the 27 th June in Berlin and the 15 th November in Paris.

The Commission has come into contact with many European and Human Rights Organisations in the cases of threatened colleagues and cases of fundamental Human Rights violations in the juridical procedure.

In 2003 many lawyers were harassed or even worse. We observed a lot of violations of fundamental Human Rights violations in the juridical procedures:

In short, we acted in the following countries and cases:

1.

Guantanamo and the prisoners after 9-11-2001

The commission is very worried about the situation of the prisoners held in Guantanamo by the US- authorities.

They are held more than 2 years in isolation without any access to lawyers or knowledge of the charges and without knowing when they will be released.

In November 2003, the Supreme Court decided in cases of Kuwaiti, Australian and British prisoners, that they will investigate until next Summer, if the Guantanamo base will be longer a rightless territory.

The colleagues in the Spanish state organised coordinated demonstrations in front of the US embassy and consulates by expressing our concerns about the violations of fundamental rights of the prisoners.

In the name of the AED and the commission, a protest letter has been written to the UN commission on Human rights in Geneva, also to the American embassies and to the Foreign Ministry.

Along with the protest against the Human right violations, we reclaimed the obligations of every ratifying party according to the Geneva Conventions to sue those who violate the convention. That means the obligation for every party to prosecute the suspects in their own national courts, if they are not sued where the crimes have been committed.

2.

Colombia

One of the main areas of work in 2003 concerned Colombia.

Worldwide, we observed the very bad work conditions for lawyers in Colombia. There are a lot of cases in which lawyers have been harassed, threatened, abducted and murdered, but not only lawyers but also a lot of members of the trade unions and other defenders of Human Rights have been victims of attacks of military and Para – military forces in Colombia.

This year the contacts to national and international supporting groups of Human rights defenders in Colombia began to increase. We organised an event with the colleague Jorge Eliciér, living in the exile in Brussels, member of the Columbian embassy, Peace Brigades International in cooperation with the bar.

We took part in the national and international campaign initiated by “avocats sans frontières” and FIDH (Federation internationale des droits des hommes).

Writing protest letters to the authorities in Colombia, including protests in front of the embassies, preparing now events in February while Uribe, the president of Colombia will visit Europe, always in close cooperation with the colombian colleagues in Europe and Colombia.

Members of the lawyers collective “José Alvear Restrepo” have been harassed and attacked by armed forces. José Absalon Achury has been murdered in May after being abducted.

We ask for impartial investigations and protection of lawyers and Human Rights defenders.

3.

Peru

We are concerned about the situation of the colleagues in Peru. Condemned by the press and the courts being member of the armed forces, they have been forced to leave their country, like for example Gilmer Alarcón Requejo, living now in the exile in Madrid . Writing protest letters to the authorities and demanding for guaranties of security and protection and access to a trial with all fundamental rights.

4.

Iran

Also in 2003 we remarked a long tradition in the persecution of lawyers in Iran , arbitrary detentions and violations of fundamental rights. The actual alarming situation in Iran shows the importance to support the Human Rights defenders.

The colleague Qasem Sh'leh Sa'di, lawyer and political science professor in Teheran, has been detained in February 2003, held in the Evin prison, first without any contact to his family or to a lawyer. “Reason” for arresting him was an open letter criticising the Leaders' policy.

After some weeks he has been released.

5.

Mexico

The daily situation in Mexico for lawyers and Human Rights defenders is being harassed and attacked, like for example in the cases of Bárbara Zamora, Pilar Noriega and Leonel Guadalupe Rivero Rodriguez.

After the murder of the lawyer and Human Rights defender Digna Ochoa in 2001, the commission defence of the defence often requested impartial investigations, always criticising the lack of protection of lawyers and Human Rights defenders in Mexico .

The embassy of Mexico informed about the investigation in the case of murder of the lawyer Digna Ochoa. The result presented in their report was that there were no evidences of murder but supposing that it could have been a suicide.

The indicia told the contrary.

We protested and requested again an impartial investigation of the case like also the

international commission of experts did.

They stated the weakness of the investigations and the lack of credibility. Evidences had been moved or removed and the lack of techniques methods caused the failure of the investigations.

6.

Tunisia

Continuing the work of the commission, the situation in Tunisia demanded, also in 2003, our attention.

Writing protest letters to the Tunisian embassy where we expressed our concerns of hindering lawyers in practicing their work by harassing them included physical attacks. We observed the continuing violations of the right of expression, demonstration and association of our colleagues and Human rights defenders.

A trial against lawyers who stroked took place by charging them for illegal striking.

At last

We intensified contacts with the League of Human Rights of Tunisia who visited Berlin .

At the same time, Tunisia is an accepted cooperation partner in the anti-terrorism fight of

Europe . Ex.: the German ministry of Interior deepened the cooperation in security laws without mentioning the desolated Human Rights situation.

7.

Turkey

Violations of Human Rights in Turkey continued.

The European Court of Human Rights condemned Turkey several times for the application of torture. Turkey has to pay compensation for the victims.

The sentence against Öcalan has been reviewed by the European Court .

The AED took part in the protest campaign against the continuing hindrance of the defence counsel of Öcalan. The access to their client has been often prevented.

8.

Algeria

In close cooperation with Algeria-watch, evoked the participation of the commission in a lot of Human Rights violations, demanding the guarantees in the juridical procedures. We took part in investigations of the case of the monks who had been abducted and then

murdered in 1996. Actually new reports stated the conspiracy of the Algerian authorities in this case, which seemed to be before a crime committed by Islamic Fundamentalists.

9.

Spanish state

We are often observing, that freedom of expression, manifestation and association isn't still guaranteed in a lot of countries and leads to persecution of lawyers and other Human rights defenders being held rightless in prisons or being accused in trials without international guarantees.

This happens not only in the “third world countries” or in those with a dictatorship.

One focus of our work in 2003 was the treatment of the political prisoners who are held without international guarantees and the violation of the right of expression, association and manifestation in the Spanish state.

Two delegations in cooperation with the National Lawyers Guild (NLG) from the United States to the Basque Country and to Madrid took part.

The first in April 2003 concerning the lack of fundamental rights of the prisoners, for example being held in “incommunicado” isolation without a lawyer of their choice and the prosecution of defence lawyers for conspiracy, because they are defending in “terrorist”-cases.

The second one was in September 2003 being aware of the ban of the medias and parties.

The final reports will be soon presented in the European Parliament and will be also available on the website of the RAV (www.rav.de)

Coordinator of the commission defence of the defence of the AED

Silke Studzinsky

Berlin, 31.12.2003