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 ABOGADOS EUROPEOS DEMOCRATAS
 AVVOCATI EUROPEI DEMOCRATICI
 EUROPESE DEMOKRATISCHE ADVOKATEN
 EUROPEAN DEMOCRATIC LAWYERS

Annual Report for 2004

Of the Commission Defence of the Defence Of the European Democratic Lawyers (AED)

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

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

The coordinator of the Commission Defence of the Defence is

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The meetings of the commission in 2004 have been held 24th of January in Barcelona, 2nd of April in Milan, 19th of June in Madrid and the 1st of October in Bordeaux.

The Commission continued with the contact to many European and International Human Rights Organisations in the cases of threatened colleagues and cases of fundamental Human Rights violations in the juridical procedure.

In 2004 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.

Guantánamo and the prisoners after 9-11-2001- torture in Iraq, Guantánamo and other places

The commission is very worried about the situation of the prisoners held in Guantánamo and other places in the world by US- and also British authorities.

They are held more than 3 years in isolation without any real access to lawyers or knowledge of the charges and without knowing when they will be released.

Even after the decision of the Supreme Court in June this year the US-Authorities denied at last to implement it.

After the proposal of the Commission Defence of the Defence the AED demonstrated in Madrid the 18th of June in front of the embassy of the United States and gave a letter to the ambassador criticizing the situation of the prisoners, expressing our concerns about the violation of their fundamental rights. There have been present about 60 lawyers in Madrid. A documentation of the demonstration, press reaction and an interview with a Professor of International Law you find on the homepage of the RAV. (in German and Castellan)

After this demonstration all associations continued the protest while contacting their Foreign Ministries and the US-Embassies to intensify the pressure.

We repeated the 10th of December, the international day on Human Rights, in Den Haag, Madrid, Brussels and Berlin demonstrations in front of the embassies of the United States condemning again the human right violations. Every day knew torture cases are brought up. 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.

At last on 30th of November the RAV made a complaint in Germany against Rumsfeld and others for being responsible for the torture cases in Abu Ghraib.

2.

Colombia

We continued in 2004 our work from last year concerning the ongoing violations in 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, not “only” lawyers but also a lot of members of the trade unions and other defenders of Human Rights and social movements 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 participated in different events concerning these violations and intensified the contacts to threatened lawyers who informed us very close.

The national and international campaign initiated by “avocats sans frontières” and FIDH (Federation internationale des droits des hommes) has been prolonged until October this year. Writing protest letters to the authorities in Colombia, including protests in front of the embassies, we organized a demonstration in February while Uribe, the president of Colombia visited Europe, always in close cooperation with the Colombian colleagues in Europe and Colombia.

We produced a radio emission with interviews of Columbian colleagues which have been transmitted in the Spanish State and in Germany. They are now on the web-Site of the RAV. Members of the lawyers collective “José Alvear Restrepo” have been harassed and attacked also in 2004 by armed forces.

For example protest letters against the arrest of Daniel Prado, lawyer of Luz Perly Córdoba, and Human Rights defender or murdering of the lawyer Carlos Bernal and the abduction of the lawyer Jaime Gómez in April this year or the harassment against Efraín Cruz Gutiérrez in September of this year or Teresa Sierra Gomez, also a lawyer who has been object of acts of harassments.

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

But like a result and success of the mentioned campaign the cases against lawyers were less this year. But nevertheless the harassments against Human Rights defenders, trade union representatives and other activists continue.

3.

Nepal

We are also concerned about the situation of our colleagues in Nepal. For example the arbitrary and unlawful detention of the lawyer Basu Dev Sigdel by security force personnel in his office in Bafal, Kathmandu in January 2004 without informing him of the reasons of the arrest and without any informations given to his family.

4.

Peru

Thanks to A.L.A. who made a large report on the Human Rights violation in Peru. They state a better situation than during the dictatorship but still the lack of democratic structures in legislation and judicial procedures.

5.

Mexico

The daily situation in Mexico for lawyers and Human Rights defenders is being harassed and attacked, like for example in the case of the lawyer Luz Estela Castro who is working in abduction and murdering cases.

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.

6.

Tunisia

Continuing the work of the commission, the situation in Tunisia demanded, also in 2004, our attention.

Writing protest letters to the Tunisian embassy and Tunisian authorities 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.

7.

Kashmir

Thanks to Hans Gaasbeek who visited in September 2004 Kashmir, with Avocats sans frontières, Netherlands, his journey was the beginning of cooperation between Kashmiri lawyers and lawyers from Germany and the Netherlands.

The daily working conditions of our Kashmiri colleagues are accompanied by harassments, attacks and disappearing. The colleagues feel very isolated and alone in their fight and are very glad to have now this contact to avocats sans frontières and the AED/RAV.

8.

Algeria

In close cooperation with Algeria-watch observing a lot of Human Rights violations in Algeria we demanded the guarantees in the juridical procedures. We took part in the 32nd session of the TPP (Tribunal permanent des peuples), held in Paris from 5th to 8th of November (see www.algerie-tpp.org) where the court condemned continuing human rights violations in Algeria between 1992 and 2004.

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 without rights 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 was the observation of the trial against the German Gabriele Kanze extradited by Switzerland to the Spanish authorities in January of 2003. An international delegation has been present in Madrid on 29th of November 2004. Again we had to criticise the ongoing use of declarations under torture by the court and that the Spanish State uses an extended time (until 4 years) of custody again in the name of the fight against terrorism. Like often in these cases a large part of the indictment has been dropped down later in the trial. But it has been used to gain the extradition. She had been released the same day of the trial with a sentence to 2 years and 8 months, exactly the same time she spent already in custody and extradition detention. (See: <http://kanze-info.so36.net>, in German and Castellán)

At the beginning of 2005 the ongoing case 18/98 will be tried. Eskubideak presented in 2002 already a book about the facts assumed by instruction judge Garzón. The commission will observe the trial in which 62 persons are now accused at the Audiencia Nacional in Madrid, 16 of them are nearly 4 years in custody. Under the accused persons there are also several of our colleagues.

10.

Next activities

To strengthen the work of the commission we are going to demand the consultative status at the UN-Commission of Human rights.

Coordinator of the commission defence of the defence of the AED
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