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EUROPESE DEMOKRATISCHE ADVOKATEN
EUROPEAN DEMOCRATIC LAWYERS

Annual Report for 2005

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)
- IDF (Italy)

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The meetings of the commission in 2005 have been held 22nd of January in Lyon, 22nd of May in Malaga and the 8th of October in Naples.

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 2005 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 secret places in the world by US- and also British authorities.

They are held more than 4 years in isolation without any real access to lawyers or knowledge of the charges and without knowing when they will be released.

The last new provision of the US (November 2005) permits limited court review of decisions by the flawed combatant status review tribunals and some military commission convictions. But the amendment still preclude habeas corpus petitions and does not permit judicial review of challenges regarding abusive treatment or challenges by those detained without any process.

Since August 2005 more than 200 detainees in Guantanamo are in hunger strike to struggle for their rights. They need urgent international support.

Allegations of CIA plane layovers in Europe, the impermissible seizures of terror suspects, and secret CIA detention centres have prompted a flurry of investigations by European nations.

Also European states make use of results of interrogations under torture even if they do not participate directly.

Italy's chief anti-terrorism prosecutor Spataro demanded European arrest warrants against 22 present and former CIA operatives on kidnapping charges, following revelations that the CIA abducted an Egyptian cleric from Milan in 2003.

2.

Colombia

We continued in 2005 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.

We intervened against the Colombian law “Justice and Peace” which provides impunity for the Para-military and is not at all appropriate to achieve a solution of the conflict- in contrary

We supported an open letter to the EU in order to stop the EU support for the Colombian government and to demand impartial investigations of the crimes.

We wrote protest letters against the continuing harassment of Soraya Gutierrez, lawyer in the collective José Alvear Restrepo and really at risk.

Also the lawyer Ernesto Molina Gordillo has been victim of an attempt of murder. Three bullets have been fired into his leg, arm and face. Now he is in stable physical conditions. He defended an alleged member of the FARC.

We asked always for impartial investigations and protection of lawyers and Human Rights defenders and to guarantee the rights to the defence.

We held meetings with Columbian human rights lawyers like Judith Maldonado und Melissa Ballesteros from the lawyers collective Luis Carlos Perez working closely with the collective José Alvear Restrepo to strengthen the co-operation and to stress our support of their struggle.

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.

Tunisia

Continuing the work of the commission, the situation in Tunisia demanded, also in 2005, 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 protested against the arrest of the lawyer Mohamed Abbou in March 2005 and later his condemnation to 3 years and 6 months for “disseminating false information”. He criticised the Tunisian government, the ongoing system of injustice and the inhuman conditions in the Tunisian prisons.

Jan Hofdijk observed the trial for the Netherlands section of lawyers without borders. After participating in a wide hunger strike of a lot of political prisoners in October 2005 we are very worried about his physical situation in the moment.

We also protested when our colleague Radhia Nasraoui could not visit her client in the prison and demanded to guarantee the right of the defence counsel to have access to the client.

4.

Philippines

We are also concerned about the extrajudicial killings of Mr. **Diosdado “Ka Fort” Fortuna**, president of the Filipino Employees Union, chairman of the Unity of Workers in Southern Tagalog – May First Movement (PAMANTIK-KMU) and chairman of Anakpawis-Southern Tagalog, and of Ms. **Victoria Samonte**, regional vice-president of May First Movement, Caraga section (KMU-CARAGA), president of the Andres Soriano College Employees Union, chairperson of ACT-BISLIG, president of Drivers and Operators of Cumawas and Bliss (two districts of Bislig) Association (DOCUBA), general secretary of the Bislig City Alliance of Transport Association (BCATA), and president of the Castillo Bagong Lipunan Homeowners Association (CBLHA).

We wrote to the authorities and embassy of the Philippines and demanded for impartial investigations and protection for human rights activists.

5.

China

The lawyer Guoting Guo defended journalists and human rights defenders. Therefore the Chinese authorities imposed the ban on him to continue his profession as lawyer for one year.

He has been threatened by the Chinese authorities. His telephone was tapped.

We wrote to the Chinese embassy to express our concerns and we demanded to suspend immediately this measure.

6.

Kashmir

Thanks to Hans Gaasbeek who continued with “Lawyers without borders”, Netherlands, the work for and with our colleagues from Kashmiri.

The daily working conditions of our Kashmiri colleagues are accompanied by harassments, attacks and disappearing. The colleagues feel very isolated and alone in their struggle.

This year the honorary membership of the Netherlands section of Lawyers without borders has been granted to Parvez Imroz, lawyer in Srinagar (Kashmir) and member of the Jammu and Kashmir High Court Bar Association for his tenacity and his brave daily struggle to improve the Human rights situation in Jammu and Kashmir.

For 2006 the support of our colleagues in Kashmiri will be one of the main areas of our work.

7.

France

Our colleague France Moulin was arrested for a violation of the “law of Perben” and we intervened with appeals for her release and the amendment of the law which affects the freedom of our profession.

The Basque lawyer Unai Errea has been arrested from April 2005 until December 2005 in France where he defended an alleged member of ETA. He has been imputed for delivering a message into the prison.

We demanded his immediate release. There was not any prove for the charge.

8.

Spanish state

We have often observed, 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.

But as well in Europe we find similar violations.

In 2005 one of the main area of our work was the observation of the macro process 18/98 in Madrid. Among the accused are several colleagues.

We organised with the support of the Berlin Bar an event to inform about the trials and the background. In the German press appeared three articles about the case 18/98 and our observations. In Madrid and in Barcelona platforms have been founded to enlighten about the violations of the accused and the defence.

You find the final assessment of the trial against SEGI-HAIKA-JARRAI and also individual reports also about the ongoing trial on the web-site www.ehwatch.org.

Coordinator of the commission “Defence of the Defence” of the AED

Silke Studzinsky

Berlin, 8. Januar 2006