



11 September Aftershock: the case of Human Rights Defenders

Report of the
*Meeting of Human Rights Defenders at the OAC,
Crete, 18-21 September, 2002*

with a perface by Hina Jilani



ΟΡΘΟΔΟΞΗ
ΑΚΑΔΗΜΙΑ ΚΡΗΤΗΣ

ΟΡΘΟΔΟΞΗ ΑΚΑΔΗΜΙΑ ΚΡΗΤΗΣ



• Martin Ennals Foundation

***Blessed are those who are persecuted in the cause of right;
the kingdom of Heaven is theirs. (Matthew 5,10)***

In a period of increased insecurity there is more need than ever to generate public support for the values of human rights. It is good to recall that the Universal Declaration of Human Rights (UDHR) states that every individual and every individual organ of society shall strive by teaching and education to promote respect for these rights and freedoms.

*This booklet was produced as a result of the retreat "11
September Aftershock: the case of Human Rights Defenders",
held at the OAC, Crete, 18-21 September, 2002*

The text of the concluding statement is also available:

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11 September Aftershock: the case of Human Rights Defenders

Report of the

Meeting of Human Rights Defenders at the OAC, Crete, 18-21 September, 2002

This meeting was organised with support from:

- The European Commission
- NOVIB, the Netherlands
- Marangopoulos Foundation for Human Rights
- Human Rights Defenders Office
- Observatory for the protection of Human Rights Defenders

A.K.P. - dokimi

Preface

The addition of the mandate on human rights defenders to the United Nations human rights system has made a considerable contribution in sharpening the focus on the situation of those working for the defense of human rights. Political, social and economic conditions that result in human rights abuse also impact on the security and facility with which human rights defenders can carry out their work. Engagement of the civil society in initiatives not only for analyzing the impact of global events and trends on the situation of human rights but also to assess their effects on activities for promotion and protection of human rights indicates the importance and relevance of the mandate.

Trends emerging from the events in New York on 11 September 2001 have raised serious concerns over erosion of human rights norms and weakening of the rule of law. Human rights defenders engaging in advocacy or activism against the perpetuation of these trends have themselves become targets of abuse. In the light of the different problems that these defenders are now confronting a consultation focusing on the issue of security and human rights is a timely and useful initiative. The meeting of human rights NGOs and defenders at the Orthodox Academy in Crete is the beginning of a process for identifying appropriate approaches to deal with threats to security in a manner that reinforces the commitment to human rights.

I have noted, with appreciation, the sound recommendations that have emerged from a skillful analysis of the information and experiences shared during this consultation. Communication and documentation of information is of the critical importance for the various mechanisms to devise strategy and take action for the protection of human rights and ensure the safety of defenders. Participants have given due emphasis to the increased vulnerability, in the current global environment, of groups such as refugees, asylum seekers and migrants. I am particularly encouraged by the conclusion of the meeting that measures for protection of human rights defenders within the regional human rights systems, and increased cooperation and coordination with the United Nations system, offer better potential for effective protection of human rights defenders. This conclusion complements the approach that I have taken in the implementation of my mandate, and indicates to me the need to increase efforts for building the necessary links. Initiatives such as the Crete consultation are an important contribution to efforts being made to halt trends that could intensify the crisis of security by threatening values of human rights. The challenges that the situation poses demand greater involvement of the civil society in preserving these values. Human rights defenders would be in the frontline of this defense. Measures to secure their safety must gain priority in the human rights domain.

Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders.

Introduction

The Orthodox Academy of Crete (OAC) and the Martin Ennals Foundation (MEF) organised a retreat, from 18-21 September 2002, for over 30 Human Rights Defenders (HRDs) and experts to compare notes and analyse the impact of the 11 September 2001 events on their work. The European Commission under its programme DG/EAC contributed to the part concerning the European region, while NOVIB from the Netherlands, made a major contribution to widen the group with people from developing countries. Organisational support and financial assistance were obtained from the Marangopoulos Foundation for Human Rights from Greece, the Human Rights Defenders Office of the International Service for Human Rights in Geneva and the Observatory for the Protection of Human Rights Defenders in Paris.

Human Rights Defenders are not alone in suffering the consequences of the change in climate that occurred as a result of the events in New York on 11 September 2001 and the reaction by Governments all over the world. However, they are in the frontline when it comes to defending the core values (such as human rights and democracy), which the anti-terrorist drive claims to ultimately protect. They are the lynchpin in the system. As the Executive Director of the Inter-American Commission on Human Rights stated in his introduction during the retreat: "The Commission [the IACHR] has verified that constant risks to life have a chilling effect on the work of human rights defenders and as a result, they might be forced to refrain from carrying on their activities. When that happens, not only does the attack leave the rights of the defender unprotected, in addition, either part or an entire community, are left without representation and protection."

Much of the value of the meeting was in the free and informal exchange of views among participants, which was one of the primary aims of the retreat. The sensitivity of the topic required an approach that would let individuals speak their mind without any fear of consequences. Still, the well-worded findings and concrete recommendations in the Concluding Statement, which obtained the consent of all participants, are of wider interest. This booklet expects to reach many more international and national organisations as well as individuals concerned with respect for human rights and justice, which remain the ultimate arrows in the quiver of the fight against terrorism.

Alexandros Papaderos, General Director OAC
Hans Thoolen, Chairman MEF

December 2002

Concluding Statement

11 September Aftershock:

the case of Human Rights
Defenders

*Meeting at the OAC, Crete,
18-21 September, 2002*

From 18-21 September 2002, over 30 human rights defenders (HRDs) and international experts met at the Orthodox Academy of Crete, to assess the impact of the 11 September 2001 events on their work. They reflected on the damage done to the cause of HRDs, but also explored opportunities for promoting respect for human rights in the new context

The retreat was organised by the **Orthodox Academy of Crete**, in close collaboration with the **Martin Ennals Foundation**, the **Marangopoulos Foundation for**

Human Rights from Greece, the **Human Rights Defenders Office of the International Service for Human Rights** (Geneva) and the **Observatory for the Protection of Human Rights Defenders** in Paris, a joint programme of the **International Federation for Human Rights** (FIDH) and the **World Organisation Against Torture** (OMCT). It also received financial support from the **European Commission** (DG/EAC) and **NOVIB** from the Netherlands.

FINDINGS

The events of 11 September 2001 have created conditions in which it has become more difficult for Human Rights Defenders (HRDs) to do their work. In this context, the participants made a number of general points:

In many countries, anti-terrorist measures have increased secrecy and caused HRDs to be denied access, thus seriously hampering their capacity to defend the rights of others.

The *direct* effects of the 11 September aftermath on the activities of HRDs differ from country to country. In some, new and sometimes far-reaching national security legislation or

administrative measures are being considered or have been introduced by governments. This is worrisome even though in some of these countries the legislatures acted effectively to limit the introduction of measures to restrict human rights and the work of HRDs. In a few cases, national courts have successfully challenged new legislation, administrative measures and government practices since 11 September on human rights grounds and sought to end some abusive practices, which restrict the work of HRDs.

More generally the international campaign against terrorism has given repressive governments new justifications for policies that violate human rights, but the effects on HRDs have often been more indirect. In these countries legal and administrative measures that obstruct the work of HRDs were either already in existence and have simply been activated with greater vigour in an anti-terrorist and national security context, or were law and measures that some governments had wanted to introduce anyway but could now be pushed through with less opposition.

Arbitrary detentions, denial of habeas corpus, unfair trials, increased and unregulated surveillance, constraints on

freedom of association and expression, unwarranted seizure of funds, extraditions and expedited removals without safeguards, are among the most problematic areas to have emerged since 11 September, especially for individuals and groups that belong to 'suspect' minorities.

HRDs are themselves sometimes the target of smear campaigns by their own governments or other actors in society who claim they are associated with terrorist activities.

Where terrorist acts are committed, governments are entitled to take action to protect the lives and liberties of citizens, democratic institutions and human rights more generally. Measures to prevent and punish terrorist acts should protect human rights, democracy, and human security; measures that undermine these fundamental values can be expected to be counterproductive.

In the longer term, HRDs will need to address wider causes of political alienation and violence. In this context the participants stressed the importance of sustained human rights education, and efforts to improve the quality of the media's reporting of human rights issues. While recognizing

that no simple link can be made between poverty and political violence, the participants also recognised that social marginalisation and economic injustice create conditions in which political violence is more likely to occur. In consequence, work to promote social and economic security is no less important than work to promote political justice, and HRDs should therefore give renewed attention to the protection and promotion of economic, social and cultural rights.

Participants also expressed concern over other changes in government policies in the aftermath of 11 September 2001 that would adversely affect HRDs, including:

Travel restrictions: HRDs will be affected by measures restricting travel and visa applications. Some HRDs have already been denied visas on the grounds that they are associated with 'terrorism'.

Diplomatic support: There are indications that some governments are becoming more reluctant to speak out in support of human rights work and protect HRDs in countries where terrorist activities are widespread. Withdrawal of political support will expose HRDs in such countries to additional risks.

Funding: Fears were expressed that government and intergovernmental donors would restrict financial support for HRDs from certain countries in the post 11 September political climate.

Refuge: Further tightening of asylum procedures and severe reductions in the number of resettlement cases, are likely to affect HRDs at risk.

Access: There was particular concern that in some countries, HRDs have been refused access to individuals seeking refugee status, especially since 11 September.

A number of meetings, mostly organised at the regional level by non-governmental organisations, have reported on the negative impact of 11 September 2001 on the work of HRDs, while the latest Report by the UN Special Representative for Human Rights Defenders, Ms Hina Jilani, provides a global overview of the problems encountered in this context. Cases are nevertheless under-reported for a variety of reasons, and participants therefore felt that stepping up careful documentation is essential.

RECOMMENDATIONS

1. The participants agreed that HRDs should impartially condemn all deliberate and indiscriminate attacks against civilians, wherever these occur, including the attacks of 11 September 2001, and should do so in relation to violations of international human rights and humanitarian law.
2. The participants reaffirmed that the proper and most effective response to such attacks is an approach based on international law. The participants welcomed the creation of the International Criminal Court, which establishes individual criminal responsibility for, inter alia, crimes against humanity whether these are State sanctioned or the actions of groups.
3. When anti-terrorist legislation is drafted, at national, regional or international level, HRDs are often excluded and should be consulted. The UN Security Council should include the Office of the High Commissioner for Human Rights and the UN Special Representative of the Secretary-General on HRDs in its deliberations on anti-terrorist issues.
4. HRDs should actively promote the UN Declaration on Human Rights Defenders, to ensure that the work of HRDs is understood to be legitimate, and to ensure that all those who defend human rights - economic, social, and cultural, as well as civil and political - are understood to benefit from its protection. Governments should also be encouraged to disseminate the UN Declaration on HRDs and to conform with its provisions. The mandate of the UN Special Representative of the Secretary-General on HRDs should be therefore fully supported.
5. The participants welcomed the creation by the Inter-American Commission on Human Rights of a Special Unit for HRDs, which should be fully supported by governments in the Americas, and also recommended that the African Commission on Human and Peoples' Rights and the Council of Europe should establish as soon as possible a similar focal point or unit. Such initiatives should be pursued by other regional organisations including the OSCE.

6. The participants would welcome greater interaction among the United Nations and regional inter-governmental mechanisms and with the UN Special Representative of the Secretary-General on HRDs, and suggested that a joint meeting between them should take place as soon as possible to examine the situation of HRDs and coordinate efforts towards the promotion and protection of HRDs.

7. HRDs should also improve cooperation and networking among themselves, and in particular should improve their links with domestic legal and civil rights organizations, in order to ensure that vulnerable people are afforded maximum legal protection in accordance to international human rights standards.

8. In this respect, participants expressed particular concern about the vulnerability of individuals detained under anti-terrorist legislation. All persons held in detention should have prompt access to lawyers and other HRDs to ensure that their fundamental human rights are respected.

9. They also called on governments and media to protect the rights of refugees.

Certain media and government officials have unfairly implied or stated that refugees pose a general threat to security, even though asylum seekers are already subject to very restrictive procedures.

10. HRDs should establish effective protection measures for HRDs who are at risk in the countries in which they work. They should also ensure that arrangements exist to facilitate their entry into safe countries (including the provision of economic and practical assistance), where this becomes necessary.

11. The participants reaffirmed the importance of accuracy, transparency and impartiality in the work of HRDs.

*OAC, Kolymbari,
Saturday, 21 September 2002*

Human Rights Defenders Retreat at the OAC in Crete, 18-21 September 2002

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The **Orthodox Academy of Crete (OAC)** was inaugurated in 1968 when the Greek dictatorship was at its height and the founders expressed their belief that repressed people should have a voice. The basic mission of the OAC is to promote dialogue and to be a bridge between the Orthodox Church and the world. Based on the tradition of Socrates and Plato and of the Orthodox Christian spirit of ecumenical openness, the OAC does not set boundaries in that dialogue. As an offer from the Church to modern man, it remains accessible to all creeds and welcomes every one without discrimination. With the organisation of conferences and other activities, the OAC encourages mutual understanding to lead to reconciliation, consolidation of peace and human progress. The OAC cooperates with other institutions that want to use the facilities and experience of the OAC.

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The **Marangopoulos Foundation for Human Rights (MFHR)** was created in 1977 and its basic objectives are the research, study, protection and promotion of recognised fundamental human rights and freedoms. The MFHR takes a special interest in human rights education and training and the raising of public awareness. To reach its aims, the MFHR – on its own or in cooperation with others - organises courses, lectures, seminars in Greece and abroad, grants scholarships, undertakes research, makes public the results of studies and fact-finding missions and takes public position on human rights topics.

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The **Martin Ennals Foundation** was created in 1993. Its vision is that those who strive to defend human rights are able to pursue respect for human rights, free from fear of attack, repression, threats and harassment. To achieve this, the Foundation wants to enhance the visibility and protection of human rights defenders and to build awareness and recognition for their work, through publicity and support, principally by granting of an annual award. The *Martin Ennals Award for Human Rights Defenders* is given annually by a Jury composed of the world's ten leading international human rights NGOs.

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The **Human Rights Defenders Office** (HRDO) was created as an integral part of the International Service for Human Rights (ISHR) in October 2000. It focuses on providing advice and facilitating access of HRDs to relevant international human rights mechanisms; promoting the development of regional and sub-regional protection mechanisms; disseminating information and provide training on practical means to enhance the protection of HRDs; organising seminars and other events to enable human rights defenders to analyse the dangers and obstacles to their work and find appropriate solutions; and helping develop networks of HRDs and NGOs at local, regional and international levels.

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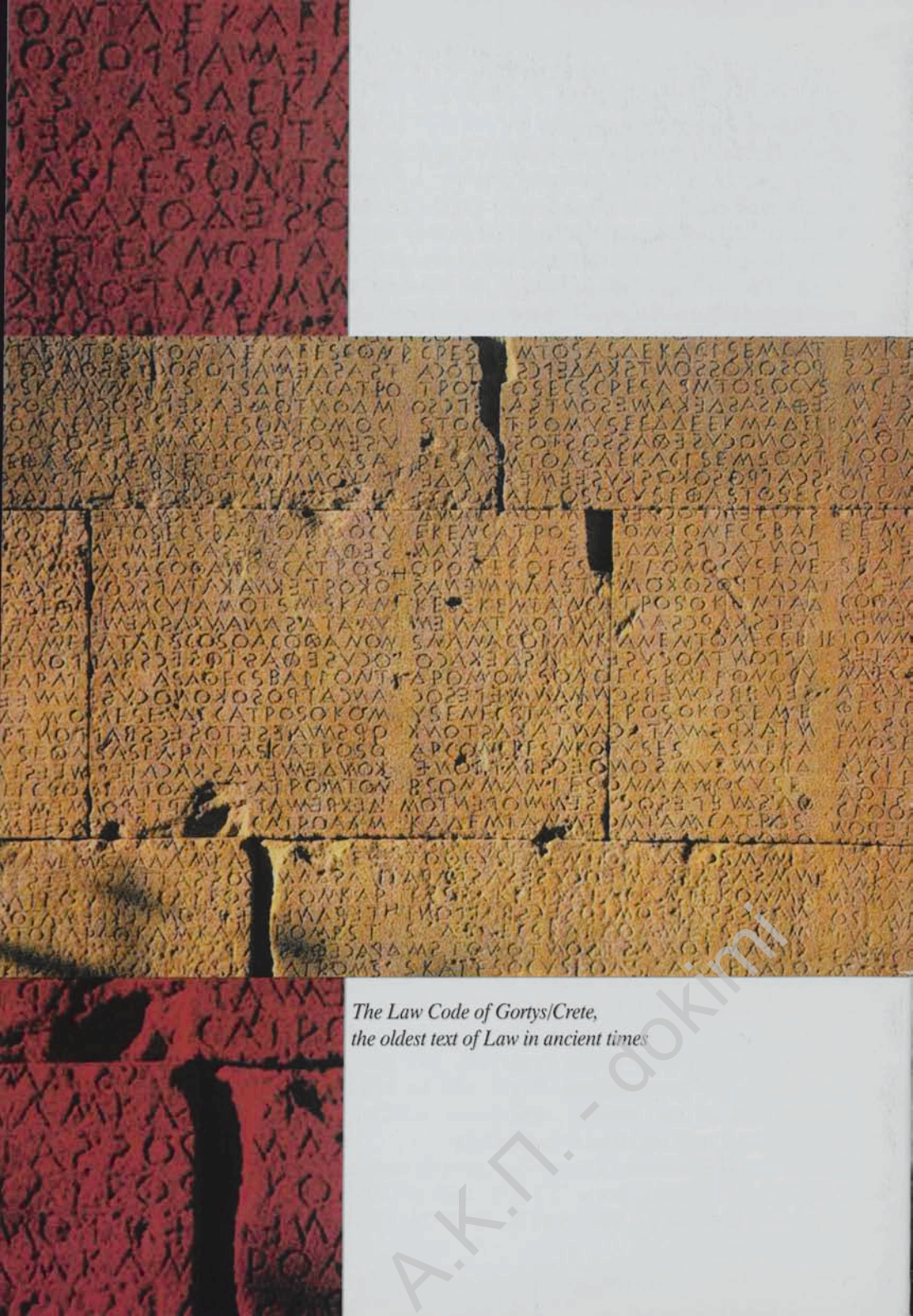
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The **Observatory for the Protection of Human Rights Defenders** is a joint project of two international human rights organisations: the International Federation for Human Rights (FIDH - www.fidh.org) and the World Organisation Against Torture (OMCT - www.omct.org). Its priorities are: (a) a systematic alert on violations of rights and freedoms of HRDs and urgent intervention when required, (b) trial observation and legal assistance, (c) personalised direct aid to HRDs in serious cases, (d) publication of an annual report on HRDs, and (e) lobbying with international and regional organisations.

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*The Law Code of Gortys/Crete,
the oldest text of Law in ancient times*