



Euro-Mediterranean Human Rights Network

Annual report of Activities

1998

INTRODUCTION

In December 1997, 40 members of the Euro-Mediterranean Human Rights Network (EMHRN/the Network) gathered for the second General Assembly in Copenhagen: They adopted the Statutes and Plan of Action of the Network, and elected the Executive Committee (EC). They agreed that the main purpose of the Network is to:

- 1) support and publicize the universal principles of human rights as expressed by all international instruments on human rights and by the Barcelona Declaration, signed by the governments of the 15 states of the European Union and 12 Southern Mediterranean states and territories (the "Partner States") in November 1995 in Barcelona;
- 2) strengthen, assist and coordinate the efforts of its members to monitor the Partner States' compliance with the principles of the Barcelona Declaration in the field of human rights and humanitarian concerns;
- 3) support the development of democratic institutions, the promotion of the rule of law, human rights and human rights education in the Euro-Mediterranean region.

They furthermore agreed that the EMHRN should respect the individual activities and needs of the members; be flexible and give particular attention to organisations deprived of basic elements to carry out their activities; build on existing projects and initiatives in the region rather than duplicate these; and facilitate and enhance the work of its members without becoming a new regional organisation in itself.

The General Assembly also decided upon an organisational structure¹ and a work programme as means of strengthening dialogue and synergy between members, and to consolidate the EMHRN as a credible human rights network vis-à-vis the Euro-Mediterranean Partnership (EMP).

This report covers the first year of activities of the EMHRN. More precisely, and because the third General Assembly was delayed, it covers the period from 1 January, 1998, to 1 March, 1999.

The Plan of Action states the priority issues of the EMHRN as: *freedom of opinion and expression, thought and conscience, and assembly and association, as well as the protection of refugees and the respect for human dignity, including freedom from racism, xenophobia and intolerance*. It outlines a work programme consisting of three fields of activities:

- a) documentation, information, and dissemination, b) dialogue, lobbying, and campaigning, and c) general education, capacity building and the protection of human rights defenders.

However, since activities related to the priority issues and the work program are closely interrelated it will not be possible to structure the report according to the headlines of the Plan of Action.

¹Based on a General Assembly, an Executive Committee and a Secretariat

Instead, the report will describe:

- 1) The overall strategy of the EC in the past year, as well as the constraints it encountered in implementing its activities.
- 2) Activities in relation to country issues
- 3) Activities in relation to EMP mechanisms
- 4) New members
- 5) Various other activities.

In conclusion, it will wind up the threads by evaluating the activities of the Network in relation to the objectives set out in the Plan of Action.

1. OVERALL STRATEGY AND CONSTRAINTS

The EMHRN Plan of Action stated in 1997 that "since the signing of the Declaration human rights conditions in the Euro-Mediterranean region have continuously given rise to grave concerns. For example, in parts of the region press freedom is eroded by governments, in other parts torture and extrajudicial executions are systematically practised. In several countries freedom of association is under attack or severely hampered, human rights defenders are intimidated or harassed, and women's rights are denied. In some cases rights to movement are arbitrarily restricted, more generally they are systematically impeded. Protection standards for refugees and the right to seek asylum are in general insufficient, and racism and discrimination towards third country nationals are widespread".

The overall situation can hardly be said to have improved in 1998 despite some positive developments, including releases of prisoners and the UN's adoption of the Human Rights Defenders Declaration in December 1998.

The crisis in the Middle East Peace process still hampers the work of human rights organisations as security issues have been used by governments to distract attention from human rights abuses and marginalise human rights activists. The signing of The Arab Convention against Terrorism by the members of the Arab League was a setback for the efforts to develop regional approaches to the fight against terrorism and political violence based on international human rights standards. The Strategy Document on the policy of the EU with regard to migration and asylum presented by the Austrian Presidency of the EU, 1 July 1998, was a step in the wrong direction concerning the safeguard of protection standards for asylum seekers and for migrants rights.

The work of the EMHRN has been shaped by the overall situation in the region, and it has been guided by the following considerations:

- 1) Particular attention should be given to new developments that might affect the whole region negatively.
- 2) Particular attention should be given to countries where human rights defenders are deprived of basic means to act.
- 3) Mechanisms should be developed to influence the EMP on human rights issues in collaboration with other human rights NGOs.
- 4) The EMHRN should act according to its means.

EC initiatives in 1998

The first meeting of the EC took place in Copenhagen, April 3-4, 1998, following news that the Network's EU contract was due to be released shortly². During the meeting, the EC gave shape to a one-year program of activities:

Within the field of documentation, information and dissemination it was decided to organise a three-days training seminar in Brussels on the human rights dimension of the Barcelona process. In continuation hereof, the EC planned to invite European parliamentarians, international human rights NGOs and Network members to a workshop on how to make bilateral Association Agreements instrumental in protecting and promoting human rights (see below). Finally, it was decided to establish a EMHRN Web site and to develop the Newsletter format once an information officer was appointed.

Within the field of dialogue, lobbying and campaigning the EC agreed that future activities first and foremost should build on the conclusions of the two events in Brussels. It was furthermore suggested that the EMHRN be represented at key conferences on Euro-Mediterranean issues. Finally, it was decided that lobby and campaign activities should be developed on country issues in relation to the human rights clause of the bilateral association agreements. Ms Sa'eda Kilani was subsequently asked to participate in an initiative on press freedoms in Jordan. (see below).

Within the field of general education, capacity building and the protection of human rights defenders the EC welcomed two projects proposals. The first aimed at evaluating the outcome of human rights education in the region in order to develop

²In December 1997, the Steering Committee received indications from Brussels that the Commission was positive to an application from the EMHRN, and that formal decision would be taken in February. In early February the Commission informed the EMHRN that the first reading of proposals for 1998 activities was scheduled for mid-February and that the dates for the second reading were not yet fixed. In early March the Network was told that its application had been recommended for a second reading, due to take place in April. Finally, at a meeting on April 20 the Commission formally decided to grant the Network 472.111 ECU for its first year's activities.

new strategies³. The second aimed at assisting Mediterranean NGOs in their work related to UN's international treaty bodies in Geneva⁴. Both projects were felt to concord with the spirit of Network, i.e. to learn from one another and to collaborate under a common umbrella. Finally, the EC discussed how to develop a credible approach to the protection of human rights defenders. In the short term it was decided to act according to its means and to send a mission of inquiry to Tunisia for the appeal process of Mr Khemais Ksila, Vice President of the Tunisian League for Human Rights (see below).

Two months after the Copenhagen meeting most above mentioned activities had to be postponed due to the freezing of EU funds:

On June 10, the Commission informed that it temporarily suspended funding for MEDA Democracy projects except for contracts which were already in the pipeline. The suspension of the budget line followed the EU Court of Justice's judgement of May 12, concerning implementation without a legal basis of appropriations entered in the 1995 budget under the heading of measures to combat poverty and social exclusion within the Union. The Court took the view that only insignificant measures could be put into effect without prior adoption of a legal basis.

The upshot was that the Commission decided to temporarily suspend a whole series of programmes. In all, budget lines of an estimated 500 Million ECU were frozen by the Commission. These included programmes to combat poverty and social exclusion, co-funding projects with NGOs in developing countries, programmes to fight racism and xenophobia, and the EU programmes to support human rights and democracy⁵.

On June 28, half of the EC members were able to meet in Paris to prepare a contingency plan for the EMHRN⁶. They decided to promptly start a campaign to urge the EU institutions to find an immediate solution to the problem of the suspended budget lines. Secondly, it was decided to give financial priority to the maintenance of the Secretariat and to postpone planned Network activities until funds were released by the EU. Thirdly, it was agreed to move on with low costs activities already decided upon while speeding up the work of diversifying funding sources.

³Developed by 80.20 Education and Acting for a Better World, Ireland, the Human Rights Centre in Essex and the Cairo Institute for Human Rights Studies.

⁴Proposed by the International Service of Human Rights, the Mediterranean Centre for Human Rights and the Danish Centre for Human Rights.

⁵A proposal for establishing a legal base for human rights and democracy programmes has been pending since July 1997.

⁶The plan was subsequently approved by all EC members.

On June 17, Kamel Jendoubi and Marc Schade-Poulsen had been in Strasbourg to inform the EU Parliament about the situation of the Network. On June 30, Abdelaziz Bennani and Marc Schade-Poulsen went to Brussels to meet Xavier Prats-Monné⁷, Brussels based NGOs and representatives of the permanent European delegations in Brussels.

In July, the secretariat forwarded press releases and letters to the international press, NGOs, EU representatives, and the Austrian Presidency, and urged the EU institutions to find a quick solution to the problem while recalling that the credibility of the EU was at stake. Several members of the Network took action on its behalf and forwarded letters of protest to the EU institutions. Subsequently the situation of the Network was raised at the meeting of Presidents of EU Parliament committees, June 19, at the meeting of the Maghreb delegation, June 30, and in preparatory EuroMed Council meetings.

On June 23 representatives of Parliament, the Council Presidency and the Commission (the Trialogue) met to examine how to resolve the deadlock. On July 15, the European Commission took stock of the verification of budget lines without legal basis. The operation enabled the Commission to totally or partly unblock 75 budget lines out of some 100 temporarily suspended including the MEDA Democracy Programme.

By the end of July the Network was informed that its grant application had been reforwarded to the budget department for a contract to be drawn up. However, it was not notified that the budgetary services of the General Directorate 1B were under reconstruction.

When the Commission staff resumed work after the August holidays, the secretariat succeeded in locating the person in charge of the EMHRN contract. It was informed that computers had not yet been installed in the offices of the new Common External Service and that 3 months of files had accumulated on her desk. Further inquiries revealed that the DGB1 expected the contract to be drawn up in mid-November.

Meanwhile, the second ordinary EC meeting took place in Cairo, October 9-10⁸ where the EC resumed the discussions of the Copenhagen meeting. It decided to initiate preparations for the third General Assembly and to hold it in Stuttgart on the occasion of the EMP Summit in order to increase the visibility of the EMHRN, and to stress the need for strengthening the dialogue between civil society and the officials of the EMP.

⁷Advisor on Mediterranean policies of former Vice President of the Commission, Manuel Marin.

⁸Khader Shkirat was not able to attend the meeting. At the last moment he was denied entry into Egypt by the authorities.

The EC also discussed how the Network should work on migration and refugee issues without duplicating the work of existing networks. The issue of the protection of human rights defenders was raised again with a specific concern for the situation of the Tunisian League for Human Rights. Finally, the EC agreed upon the overall structure of the annual report and established a time schedule for activities during the first half of 1999. The latter had to be altered again around New Year because of further delays in the EU funding.

The Network received the EU contract on February 4, 1999, with a letter kindly referring to our application of 22 September 1997. According to our information it is the first contract that was released for human rights projects since the Commission's decision to unblock funds in July 1998.

In conclusion, the EC's work has been seriously constrained by administrative problems and procedures within the EU. It has only been able to sustain activities in 1998 because of financial support from the Danish Ministry of Foreign Affairs to which we hereby express our gratitude. At the same time, several steps were taken to establish the EMHRN as a credible human rights network.

2. COUNTRY ACTIVITIES

In the past year the EMHRN has worked on issues related to Jordan, Egypt, Tunisia and Syria.

Freedom of expression in Jordan

In November 1997, Jordan signed an Association Agreement with the European Union within the framework of the Barcelona process.

With the signing of the Agreement, Jordan strengthened its commitment to uphold universal human rights, as it had done previously when ratifying the International Covenant on Civil and Political Rights. Article 2 of the Agreement states that all provisions of the agreement should be based on respect for democratic principles and fundamental human rights.

Despite its commitments, Jordan promulgated a new Press and Publications Law (PPL) on September 1, which grants the authorities broad powers over the press, limits journalists access to information, and restricts the activities of independent research institutes. The Jordanian Parliament's endorsement of the PPL followed a year during which Jordan had witnessed a steady deterioration of press freedoms.

The EC felt that the PPL enforces a general development towards deteriorating press freedoms in South Mediterranean countries and decided to take action on the

PPL.

Ms Sa'eda Kilani, individual member of the Network, was subsequently encouraged to write a report on the PPL and to take it to the European Parliament.

After Sa'eda Kilani had written a first draft in September, administrators of the European Parliament (EP) were invited to organise a seminar in the (EP) in cooperation with the Network and other human rights organisations.

At a preparatory meeting in October, the administrators explained that the seminar would most likely not be well attended by European Parliamentarians (MEPs). Instead they recommended that the EMHRN arranged meetings between Sa'eda Kilani and key MEPs in order to urge the latter to pass an urgent resolution at the December session.

Encouraged by these suggestions, the Network contacted several human rights organisations which had previously worked with Sa'eda Kilani and asked them to support her work. Three weeks followed with fruitful and constructive discussions between New York, London, Paris, Copenhagen and Amman, and in early November Sa'eda Kilani's final report was published by the Network with the support of ARTICLE 19; Centre for Media Freedom, Middle East and North Africa; the Committee to Protect Journalists; the International Federation of Human Rights Leagues (F.I.D.H.); Human Rights Watch; and Reporters sans Frontières, the latter later translated the report into French.

The report documents how the law imposes a regime of censorship in Jordan, grants the government extensive control over independent newspapers, allows the closure of newspapers for a variety of broadly-worded infringements and restricts the work of foreign and local research institutes and centres. In the final paragraph Sa'eda Kilani and the supporting organisations offer a series of key concerns and recommendations, specifically the need for Jordanian authorities to revoke the law.

On 17-18 November Sa'eda Kilani and Marc Schade-Poulsen visited the European Parliament where Kilani gave a press conference and met with MEPs. The latter were urged to pass an urgent resolution on the PPL since the provisions of the law were about to be implemented⁹.

Shortly after the publication of the report the Network received a letter from the Jordanian Ministry of Information in which the Director General criticised the report for being unbalanced, for relying on one biased source, for challenging the

⁹Meetings were arranged with Hadar Cars (V), Andre Soulier, (PPE), President of the Subcommittee on Human Rights; Magda Alvoet, EP rapporteur on Jordan, Mr Barros Moura (PSE), member of the Subcommittee on Human Rights, EP rapporteur on human rights, Ingo Friedrich (PPE), President of the Delegation for relations with the Machrek countries and the Gulf States, Jannis Sakellariou (PSE), member of the Committee on Foreign Affairs, Security and Defence Policy, Anna Terrón I Cusi (PSE) Vice president of the Delegation for relations with the Machrek countries and the Gulf States, Aline Pailler, member of the Bureau of GUE/NGL, Pierre Pradier (ARE), Hadar Cars and Kyrsti Virrankoski (ELDR)

Jordanian Parliaments authority, and for misquoting the law. In conclusion, however, the Director General invited the supporting organisations to Jordan to assess the reality of the press sector.

In a joint reply the supporting organisations welcomed the invitation of the Jordanian government and repeated their deep concern about restrictions on freedom of expression while pointing to key features of the law being the reason for their concern.

A second letter was forwarded by the Network in which it assumed the full responsibility for supporting the report and point by point revoked the issues raised by the General Director. Both the letter of the Director General and of the Network were extensively quoted in the Jordanian press. They were subsequently forwarded to the European Parliament with an EMHRN proposal for an urgent resolution and a press dossier compiled by Sa'eda Kilani.

In November, the MEPs were largely in favour of passing an urgent resolution on the PPL. However, despite intensive efforts especially by the Liberals and the Green Party groups, the motion on Jordan was not found urgent enough to be among the only five out of 28 proposed resolutions to be presented at the December session .

The lack of support was primarily due to the socialist group insisting on meeting with a Jordanian government representative before supporting any such resolution. The Radicals and the Left groups, initially supportive of the motion, decided to wait for the outcome of such a meeting. In Strasbourg the Socialist group met with the Jordanian ambassador in Brussels, who assured that Jordan intended to apply the press law in a lenient way and stressed that the government would not hesitate to propose amendments of the press law to the parliament if needed.

The Socialists discussed Jordan at a group meeting, deciding it was too early to pass a resolution since they felt a dialogue had been initiated between the Jordan Press and Publications Department and the signing organisations to the report.

However, the Network continued its lobbying efforts to have the motion on Jordan adopted for the January session and contacted human rights organisations based in Brussels to obtain support of its initiative. The Radicals, the Liberals and the Green Party were supportive. However, again the Christian-Democrats and the Socialists insisted that the time was not right for such a step due to the promises made by the Jordanian ambassador.

While we regret that a resolution on Jordan was not passed, we nevertheless feel that the EMHRN succeeded in raising awareness among European Parliamentarians of the deteriorating situation of press freedom in Jordan. We also believe that the Jordanian government has become cautious before taking any further steps.

The report and the exchange of letters between the Network and the Jordanian Ministry of Information produced headlines in Jordanian newspapers and the Jordanian government realised that there is international attention on the Law.

We thank the colleagues who supported the campaign. We feel that the initiative has been worthwhile and that the joint effort did have an impact in Jordan as well as in the European Parliament.

Freedom of association in Egypt

The EC has closely followed the attempts in Egypt to marginalise the human rights movement all the while the Egyptian government is preparing to sign an association agreement with the EU. A new Draft Law on Associations and Private Institutions (LAPI) is pending which if endorsed will influence the work of human rights organisations in the south Mediterranean countries negatively.

On December 1, 1998, the Secretary-General of the Egyptian Organisation for Human Rights, Hafez Abu Sa'da, was arrested by the Egyptian authorities charged with three criminal offenses of 1) dissemination abroad of false information harmful to Egypt's national interests; 2) accepting funds from a foreign country for the purpose of carrying out acts harmful to Egypt; and 3) receiving donations without obtaining permission from the Egyptians authorities.

The charges related to a report published in September of this year by EOHR on human rights violations in the village of Kosheh and the fact that EOHR received financial report from the human rights committee of the British Parliament.

The EMHRN joined the international campaign for the release of Hafez Abu Saeda. On December 4, 1998 it published a press release expressing the Network's belief that any human rights organisations should have the possibility to monitor, document and freely disseminate information about violations in order to carry out its task as an independent organisation. We called for an immediate release of Hafez Abu Sa'da, and that all charges against him be dropped as well as against the EOHR lawyer, Mustafa Zeidan.

Furthermore, the EMHRN collaborated with the F.I.D.H. and the OMCT (World Organisation Against Torture), by appointing Bénédicte Chesnelong for a mission to Cairo to inquire into the conditions of the arrest of Hafez Abu Saeda. The report was published in January 1999 by F.I.D.H. sponsoring the mission.

In January, 1999, the Network consulted with its colleagues in Egypt concerning the Network sponsoring a follow-up mission to inquire into the pending trial against Hafez Abu Saeda (who was released on December 6, 1998).

The Egyptian organisations encouraged the EMHRN to attend EOHR's court hearing to obtain legal status on 7 February, and to inquire into the latest development of the APIL, as well as the pending trial against Hafez Abu Saeda.

As mentioned in the FIDH report of January 1999, the EOHR has, since its establishment, in vain attempted to obtain the Egyptian authorities' authorisation, required by law. As it has neither been expressly refused nor granted, the EOHR and its activities are tolerated, but at any moment the authorities can point to the absence of this authorisation. The EOHR had to bring administrative proceedings to get its position determined. These proceedings were adjourned from one hearing to another until February 7, 1999 where the merits of the case would be considered.

Since Spring 1998 NGOs in Egypt have furthermore been under threat of the Draft LAPI to replace the Association Law no 32 of 1964 which imposes a strict state control on associations. The Draft Law was prepared in secrecy by the Ministry of Social Affairs and prohibits, amongst other, associations from carrying out any political activities falling under the laws governing political parties, or any activity that is political by nature. It will thus allow the authorities to intervene in order to prohibit activities which may be linked to political activities, for example intellectual debates, monitoring of public elections, etc.

The draft law furthermore grants the administrative authority the right to approve or refuse any association's request to join any Arab or international gathering. In addition, boards of directors will be formed by a majority of Egyptian nationals, with a maximum of 25% non-Egyptians, with no differentiation between associations active on a local level and those on a regional level. Finally, it gives the Ministry of Social Affairs the right to request the dismissal of particular nominees for the board.

The EMHRN mission was composed of Gilles Manceron, historian and member of the Executive board of the French League for Human Rights, and Thomas Rothpfeffer, Swedish lawyer and trained human rights trial monitor. They were also appointed by the F.I.D.H. During their stay in Cairo, February 5-10, 1999, they attended the EOHR court hearing before the Higher Administrative Court where Thomas Rothpfeffer was admitted as an official observer.

They furthermore had talks with representatives of the Egyptian human rights organisations. The team was able to meet the President of the People's Assembly in Egypt, the deputy Assistant to the Foreign Ministers for Human Rights, the Advisor to the Minister of Justice and member of the Drafting Committee of the Law on Associations and Private Institutions, and the Advisor to the Minister of Social Affairs. Finally they had talks with representatives of the Delegation of the European Commission in Egypt, and several European embassies.

The report will be published shortly in collaboration with F.I.D.H. and will comment

on a revised Draft Law project, a copy of which the team received by the Egyptian authorities during their meetings in Cairo. We thank Gilles Manceron and Thomas Rothpfeffer for their committed work in Cairo, as well as our Egyptian colleagues and F.I.D.H for their cooperation.

Human rights defenders: the appeal process of Khemais Ksila and the situation of the Tunisian League for Human Rights

During the past year, the EC has followed the situation of the Tunisian League for Human Rights with particular concern. Due to constant pressure and harassment by the Tunisian authorities, the working conditions of the League have deteriorated throughout 1998. The Tunisian authorities are characterised by having a developed human rights discourse, for example in relation to women's rights, while at the same time systematically employing extra-legal means to harass human rights defenders. Tunisia is also the first country to have held an Association Council with the EU after the signing of an Association Agreement. If it succeeds to completely marginalise the Tunisian human rights activists it will create a dangerous precedence that might affect human rights activists in other countries.

In April, the Executive Committee decided to send a mission of inquiry to Tunisia to attend the appeal process of Mr Khemais Ksila, Vice President of the League and to inquire into the situation of the League, as well as the situation of Ms Radhia Nasraoui, lawyer and member of the Tunisian Bar Council.

On February 11, 1999 Mr Khemaïss Ksila was sentenced to three years imprisonment for "defamation against the authorities, propagation of false information disturbing public order and inciting citizens to transgress the laws of the country". Recently three members of the Executive Committee Fadhel Ghedamsi, Abdelkarim Allagui and Salah Zeghidi have been subject to constant monitoring and shadowing by the police. During the month of February the President of the League, Mr Taoufik Bouderbala, was summoned for an interrogation by the Public Prosecutor regarding the text of a Declaration which mentioned the situation of fundamental rights and liberties in Tunisia.

Mr Moncef Marzouki, former president of the League, and an individual member of the Network, remained deprived of his passport and was denied his right to carry out his profession as a hospital physician. His brother, Mr Bedoui, had two months prior been sentenced to six months in prison for resisting the forces of order. Ms Radhia Nasroui, who is widely known for her activities in defence of prisoners of conscience in Tunisia, had been subject to measures of serious intimidation. Proceedings against her began on 30 March 1998. She was accused of a number of offences, the most serious of which "maintaining connections with a terrorist organisation".

The delegation consisted of Mr Hans Kjellund, advocate of the High Court of

Denmark, and Mr Mohammed Anik, member of the Casablanca Bar Council.

Prior to the departure of the team, the Network forwarded a letter to the Ministers of the Interior and of Justice asking them to meet Mr Kjellund and Mr Anik but our letters were met with no reply.

During their stay, the team of the mission attended the appeal process of Mr Khemaïs Ksila on 11 April 1998, and was constantly shadowed by the police during its meetings with the League.

In the court, the prosecution obtained for a stay of the proceedings until 25 April 1998 for the alleged reason that the original criminal record was missing from the documents of the case.

The Executive Committee therefore decided to send Mr Kjellund and Mr Anik on a new mission to follow the second court trial on April 25, 1998. Again, a letter was forwarded to the Ministers of the Interior and of Justice asking for a meeting, and again with no result.

During the second court hearing the original criminal record was no longer missing, however, a new auxiliary judge had been appointed. The council for the defence asked for the postponement of the trial and a retake of the procedures referring to article 165 of the Penal Code Procedures according to which only judges having assisted at all deliberations can vote and deliberate. The court refused the demand and the defence withdrew from court. Mr Ksila's sentence was thereafter confirmed without deliberations.

The report of the mission documents the political nature of the process against Mr Ksila, and it clearly spells out that the process runs counter to Tunisia's international human rights obligations, including the Association Agreement with the EU. In July, the report was forwarded to the EU Commission, the Committee of High Officials of the EMP, members of the European Parliament, the press and the members of the Network.

It was followed-up by a letter to the EU representations in Brussels, urging them to put the human rights violations in Tunisia on the agenda as an explicit point during the first Association Council between Tunisia and the EU.

We thank Hans Kjellund and Mohammed Anik for their professional work and we regret that the report was not followed-up by a mission to the EU institutions at a time when the Network had to deal with the freezing of EU funds.

However, in February 1999 the Network co-sponsored a trip for representatives of the League to Denmark, Sweden, France, the Netherlands and Brussels during which they submitted projects to human rights agencies and briefed them about the human rights situation in Tunisia. They also met with the EC in order to explore different options for future cooperation.

Human rights defenders in Syria: the case of Nizar Nayyounf

In October, the EMHRN was asked by Human Rights Watch to join an international campaign for Nizar Nayyounf.

Syria is the only country in the Euro-Mediterranean region where human rights activists are denied all rights to organise. Therefore the EC felt that it was particularly important to join the campaign and decided at its meeting in Cairo to send a mission of inquiry to Syria. Mr Per Stadig, Lawyer and member of the International Committee of Jurists, Sweden, and Mr Muhammed Mandour, Hospital Director and coordinator of the Arab Regional Working Group for Human Rights, Egypt, kindly volunteered for the mission

Nizar Nayyounf, a journalist, writer and human rights activist, is a leading member of the independent Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF) which is a member of the EMHRN. He was imprisoned in 1992 for practising his internationally recognized right to free expression with regard to the human rights situation in Syria, and is currently serving a 10-year prison sentence. According to information made public by Reporter sans Frontières in August 1998, he is gravely ill and might die unless he receives immediate treatment for Hodgkin's disease. Nevertheless, the Syrian authorities have refused to grant Nayyounf the necessary treatment unless he pledges to refrain from political activity and renounces alleged "false statements" he made about the human rights situation in Syria.

In a letter addressed to the Syrian Ministers of Foreign Affairs, of the Interior, of Justice and of Health, respectively, November 4, 1998, the Network asked for all necessary steps to be taken in order to let Nizar Nayyounf receive unconditional medical treatment. We also asked that his case be dealt with in a just and human manner, and that a mission of inquiry may visit Nizar Nayyounf in prison. In a press release, November 11, 1998, the Network informed the press, the High Officials of the EMP, the EU Commission and EU Parliamentarians about Nizar Nayyounf's situation and the mission of inquiry.

On December 10, 1998, the Network received a letter from the Syrian Ambassador in Cairo which, according to our knowledge, is the first addressed to a human rights organisation by the Syrian authorities with details about the situation of a Syrian prisoner of conscience. Concerning the health situation of Nayyounf, the ambassador explained that Nizar Nayyounf had been transferred to hospital and that his complaints were due to a rupture in the spine (a disc). The ambassador regrettably underscored that Nayyounf is a member of an organisation which consists of extremist and illegal groups committing crimes against state security by distributing material that violates Syrian law, within the region. He argued moreover that Nayyounf's confessions were made without pressure or coercion and that allegation

of torture or neglect in medical treatment of any prisoner in Syria is not true since Syria adheres to all international conventions and treaties concerning human rights and freedom.

In a reply, of December 12, 1998, the Network thanked the ambassador for his detailed reply and noted that there were important discrepancies between information in his letter and the information the Network had received.

We explained that the CDF was established in 1989 by intellectuals, lawyers, journalists and human right activists with the objective of promoting human rights in Syria. In 1991, the CDF became a member of the renowned F.I.D.H and in 1997 of the EMHRN. During 1991 and 1992 more than 250 members of the CDF were arrested in what seems an attempt to crack down on the organisation.

We furthermore wrote that according to our sources, Nizar Nayyounf gave himself up on January 10, 1992, after his wife and three-year-old daughter were arrested instead of him. On March 17 he was sentenced by a military court to ten years in prison, charged with membership in an illegal organisation and distribution without permission of leaflets critical of the government. The proceedings of the court did not meet international fair trial standards, and the conviction and sentence were not reviewed by a higher tribunal, as required under international law.

Finally, we noted that since our information did not seem to correspond, misunderstanding and misinformation could be eradicated by allowing our mission to visit Nizar Nayyounf and as such a joint work could be furthered towards the common goal of respect for the international recognised human rights standards.

The letter has not been answered by the Syrian government. We believe, however, in the importance of continuing exchange of letters with the Syrian authorities and will follow-up on Nizar Nayyounf's case.

3. GENERAL WORK IN RELATION TO THE MECHANISMS OF THE EMP

In the past year the EMHRN has worked on different levels in relation to EMP in order to:

- 1) Promote awareness of its human rights dimension.
- 2) Promote awareness of the need to create monitoring mechanisms on human rights by the EMP in collaboration with human rights NGOs.
- 3) Establish EMHRN as a credible human rights network.

Racism, xenophobia, migration and refugees

During the past year the EC has discussed how to develop a Network strategy which could add constructively to work already done by organisations such as ECRE, Migrants Forum of the EU, the European Network against Racism, and the visa campaign of the French and Belgium human rights leagues.

The EC is of the opinion that the EMHRN distinguishes itself as being a North-South network which considers the whole Euro-Mediterranean region as its area of concern. It therefore has a potential for dealing with issues such as freedom of movement; readmission agreements; the respect of human rights in the combat of terrorism and political violence; and with South-South migration.

In this spirit, the EC members have represented the EMHRN at several key conferences on migration and refugee issues. The most important in relation to the EMP was probably the Round Table organised by the Churches' Commission for Migrants in Europe, the Mediterranean Citizens' Forum and the Migration Policy Group in The Hague, February 19-20, 1999. The Workshop aimed at presenting recommendations from the NGOs to the EuroMed experts meeting on migration and human exchange, The Hague, 1-2 March, 1999 which will report back to the EMP Summit in Stuttgart. The recommendations of the Workshop constitute an important platform for future work and will be distributed during the General Assembly.

The Wilton Park Conference

The EMHRN was also represented at the Wilton Park Conference: *Strengthening Democracy and Respect for Human Rights* which reported back to the Summit of the EMP in Palermo, June 1998.

The report from the Conference stressed the importance of civil society working with governments towards progress in the areas of strengthening of democracy and human rights. It acknowledged that non-governmental organisations have an important role to play in building democratic consensus, and that networks, and contacts with similar organisations as the EMHRN, are particularly useful. The report was summarised in the EMHRN Newsletter and also constitutes a platform on which to build future work.

The Stuttgart events

At the EC meeting in April 1998, it was decided that the third General Assembly was to be held in Palestine. However, due to the temporary suspension of EU funding the meeting of the General Assembly had to be postponed, and instead the EC decided in Cairo that the Network should be present in Stuttgart on the occasion of the EMP Summit in order to increase the visibility of the EMHRN and NGOs working in the

field of human rights.

Prior contacts had been made to the German government which revealed that six months ahead of the Stuttgart Summit no decisive plans were yet on the sketch board. Due to the short time left to prepare a Civil Forum, the EC agreed that the Network should not take the lead in organising such an event. It was decided that it should 1) hold the third General Assembly of the Network in Stuttgart; 2) identify German partners who could assist the Network in preparing the General Assembly; 3) announce the readiness of the Network to coordinate a human rights event in continuation of the General Assembly ; 4) prepare a Policy Paper in consultation with its members and submit it to the Partnership governments before the Summit. Finally, it was agreed that urgent issues to be dealt with in Stuttgart should include: a) human rights in conflict resolution, b) the relation between civic and political rights and social and economic development, c) migrants and refugees rights and freedom of movement, and d) the need for strengthening dialogue between civil society and the EMP.

Shortly thereafter the EMHRN was informed that the Forum des Citoyens de la Méditerranée (FCM) also had made plans for Stuttgart, and it was decided to coordinate activities.

In the meantime German colleagues facilitated contacts in Germany, and the upshot was that the Friedrich Ebert Foundation agreed to organise a conference in Stuttgart on Human Rights and Citizenship in the Mediterranean in coordination with the Network and the FMC.

The organisers had to wait until late February for financial guarantees from the German government and the EU Commission. Despite the short time left to arrange the event and despite limited funding available, the EC felt that it was important to participate in the coordination of the conference, and that participation in the General Assembly and the Conference together was worthwhile for its members.

We thank Mr Werner Lottje, Diakonisches Werk, the Friedrich Ebert Foundation and the Forum des Citoyens de la Méditerranée for their willingness to support and collaborate with the EMHRN

Brussels seminars

In April 1998, the EC prepared two events to take place early summer in Brussels: 1) a training seminar on the human rights dimension of the Barcelona process; 2) a reflexion seminar/workshop on Article 2 of the bilateral Association agreements.

The aim of the training seminar was to inform the participants about the provisions and principles of the Barcelona process, and to encourage exchanges between members of the Network as well as between participants and representatives of the

EMP and the EU. The program was finalised early June, and included speakers from the EU Commission, the European Parliament, EMP governments, international human rights organisations and the EMHRN. Sessions were planned on: The relation between the Commission, the EU Parliament, and the Council of Ministers; the historical background to the EMP; the role of the Commission in the Barcelona process; the functioning of the European Parliament and the EuroMed Parliamentary Forum; the human rights programs of the EU; project implementation and funding in the EuroMed region; local and regional experiences in lobbying the mechanisms of the EU and the EMP; and finally workshops on how to move forward in the context of the Barcelona process.

The reflexion seminar was planned to take place in the European Parliament and aimed at discussing how to develop more detailed norms and criteria in the application of the human rights clause of the Association Agreements between the EU and its Mediterranean Partners. EU Parliamentarians were invited to the meeting as well as members of the EMHRN and international human rights NGOs.

As mentioned above, in June 1998 both events had to be postponed because of the freezing of EU budget lines.

4. NEW MEMBERS

The EC has in the past year welcomed the following organisations and individuals as new members of the Network:

As full members: Arab Organisation for Human Rights in U.K.; Centre for Media Freedom, Middle East and North Africa, UK; Espace Associatif, Morocco; Foundation for Human & Humanitarian Rights, Lebanon; Italian Refugee Council, Italy; Palestinian Centre for Human Rights, Gaza, PNA;

As associate members: Amnesty International, European Union; Euro-Arab dialogue from below (Ead), Netherlands; and the Libyan League for Human Rights.

As individual members: Mr Madjid Benchikh, Law Professor, Algeria; Mr Hans Kjellund, Lawyer, Denmark; Mr Moncef Marzouki, Former President. Tunisian League for the Defence of Human Rights; Ms Christine Merkel, German UNESCO Committee, Germany.

We thank them for their interest in joining the Network and look forward to fruitful cooperation in the future.

The EC has with regret noted that many members have not yet paid their

membership fees and decided to determine which steps to be taken on this issue after the third General Assembly. The EC has also noted that only few members have presented a report of their activities related to the EMHRN Furthermore it has decided to draft a proposal for by-laws that specify admission criteria..

5. OTHER ACTIVITIES

Annual report

The EC has drafted an outline of the Annual Report. The report will seek to analyse the Barcelona process from a human rights perspective based on country cases and key issues. It will not aim at repeating work already done by international human rights organisations. Due to capacity reasons the first annual report will be modest but at the same time reflect the structure of future reports.

Several members have offered to contribute to the annual report. We are grateful for their support, and articles are now being prepared. However, it is also clear that some members have difficulties in meeting dead lines due to heavy work load. The EC therefore proposes to publish the annual report in the form of compilations of articles. For a draft outline, see annex 3.

Newsletter

The Network has published five issues of a Newsletter (about 100 copies each). From an initial 2 pages it has grown to about 8 pages and now includes sections on 1) The Network, 2) The human rights dimension of the Barcelona process, 3) Human rights defenders, 4) News from the members 5) Conferences. Due to capacity reasons, the Newsletter does not yet appear on a regular basis.

Funding

Contacts have been made to funding agencies in France, the U.K., the Netherlands, Sweden, Denmark and Switzerland. In November 1998, the EMHRN sponsored a visit of Khader Shkirat and Abdelaziz Bennani to Sweden where they presented the objectives of the EMHRN to representatives of funding agencies and human rights NGOs. Eva Norstroem arranged the meetings. We believe these initial contacts will help the Network to consolidate its finances in the future. Priority is given to secure professional translation of the Network documents into all three working languages.

Officers of the Network

At the meeting in Copenhagen the EC elected its officers¹⁰. Saïd Essoulami and Philip Rudge were appointed as Network advisors and Marc Schade-Poulsen was appointed as the Executive Director. Marc Schade-Poulsen has been the only full time employee of the EMHRN in 1998. Due to the delays in EU funding it has not been possible to employ an information officer as planned.

Camilla Strandsbjerg was employed as part time student assistant (15 hours per week) until November 1, 1998. Between April 15 and August 1, 1998, Karen Ormstrup Soendergaard worked as part time student assistant. She was succeeded by Kathrine Roemhild on August 15. Marit Floe Joergensen succeeded Camilla Strandsbjerg on November 1.

CONCLUSION

In conclusion, the Plan of Action will be used in order to evaluate the work of the EMHRN.

The Plan of Action identified as priority issues: freedom of opinion and expression, thought and conscience, and assembly and association, as well as the protection of refugees and the respect for human dignity, including freedom from racism, xenophobia and intolerance.

In the past year the Network has worked on freedom of expression in Jordan and freedom of association in Egypt.

We believe that the work on Jordan produced results and that the type of action we opted for can be used in future campaigns on for example the LAPI in Egypt. We also believe that if a similar approach had been used in relation to the Tunisia report, we might have obtained more results.

As regards the issue of racism, xenophobia and intolerance, the Network has not yet produced results on the ground. The EC has concentrated its efforts on defining the specificity of the Network and has contributed actively to debates on the issue at key meetings and conferences.

¹⁰Lobbying: Kamel Jendoubi.; Capacity building: Bahey El Din Hassan and Morten Kjaerum. Human rights education: Bahey El Din Hassan Migration and refugees: Eva Norström and Stefano Leszczynski. Freedom of expression, assembly and association: Abdelaziz Bennani. Annual report: Driss El Yazami. Protection of human rights defenders: Khader Shkirat. Membership applications: All members of the Executive Committee. Finances: Khader Shkirat. Fundraising: Morten Kjaerum and Khader Shkirat. Internal dialogue and administration: Morten Kjaerum.

Documentation, information and dissemination: The Plan of Action states that the Network aims at promoting dialogue on human rights issues in the region, and to strengthen human rights awareness by inviting individuals, organisations and institutions to become new members. Furthermore its activities should be based on i) a computerised information service, ii) an annual report, iii) an annual seminar and iv) publications related to the seminars.

The Network has admitted new members who are believed to become important assets for the EMHRN. It has published five Newsletters and has systematically fed the members, officials of the EMP, the press and interested individuals and organisations with news about the Network's activities.

Due to delays in funding the Network has not yet been able to organise an annual seminar, publish an annual report, nor to establish a computerised information service.

Dialogue, lobbying and campaigning: The Network has become renowned by officials and representatives of the EMP institutions, and by international and regional human rights agencies. The Network has been represented at all key conferences and seminars on human rights and civil society aspects of the Euro-Mediterranean region. The preparations of the two postponed seminars in Brussels, the campaign in relation to the freezing of EU budget lines, the actions on Jordan, Tunisia, Egypt and Syria, and the involvement in the Stuttgart events has increased communication, dialogue and co-operation with the EU Commission, the EU Parliament, representatives of the EU council and the EMP countries. The Network is furthermore grateful for the support from Amnesty International, Article 19, F.I.D.H., Human Rights Watch, the Friedrich Ebert Foundation, the Heinrich Böll Foundation, the Committee to Protect Journalists, local committees of the International Commission of Jurists, The International Federation of Human Rights Leagues, International Service for Human Rights, the Observatory for the Protection of Human Rights Defenders, Reporters sans Frontières, Euro-Arab Dialogue from Below, the Cairo Institute for Human Rights Studies, The European Institute for Research on Mediterranean and Euro-Arab Cooperation, Forum of the Mediterranean Citizens, and Migrants Forum of the EU, and least but not last, the positive feed-back it has received from member organisations.

General education, capacity building and the protection of human rights defenders: The Network has not produced significant results in the field of general education and capacity building although the two above mentioned projects are still pending. We believe that the unpredictable delays in EU funding has been a major obstacle. The members of the Network have simply not had the occasion to meet under the EMHRN umbrella to discuss how they could develop common projects or use the Network to strengthen their work on the ground.

On several occasions the EC discussed how to develop an efficient programme for the protection of human rights defenders. These discussions have not reached a

conclusion yet. Although members of the Network have initiated collaboration with the Tunisian League under the umbrella of the EMHRN, it is still too early to evaluate the outcome of this initiative.

In conclusion, we believe 1998 has been a year where EMHRN activities have been seriously impeded by delays in EU funding, but also a year where the first steps were taken towards establishing the EMHRN as a credible human rights network.

ANNEX 1. MAIN PUBLICATIONS, LETTERS AND PRESS RELEASES IN 1998

February	Newsletter (English and French)
March	Newsletter (English and French).
April	Newsletter (English and French).
7 April:	Press release on the EC meeting in Copenhagen (English and French).
8 April: .	Letters to the Tunisian ministers of Justice and Interior (French)
8 April	Press release on the mission to Tunisia (English, French and Danish)
24 April	Press release on the mission to Tunisia (English, French and Danish).
May	Diffusion of report from the second general assembly (130 copies, English version)
25 May	Letter of invitation to the Brussels training seminar (English and French)
25 May - 10 June	Invitations to speakers at the training seminar (English and French).
3 June	Letter of invitation to the Brussels seminar on Article 2 (English and French)
15 June	Letter to the Network members, participants at the Brussels seminars, speakers as well as to the European Parliament on the postponement of the Brussels seminars (English and French)

2 July	Letter to the representations of the EU countries in Brussels before the first Association Council between the EU and Tunisia (English)
5 July	Letter to the Austrian EU Presidency on the freezing of EU budget lines (English)
7 July	Letter to the members on the freezing of EU budget lines (English and French).
8 July	Press release on the freezing of EU budget lines (English and French).
9 July	Publication of report from Tunisia (French) (forwarded to the members, EU parliamentarians, EU troika, Follow-up committee of the Barcelona process, Tunisian ministers, etc.).
July/August	Publication of Newsletter (English and French)
August/ September	Letters about the Network to funding agencies (English).
September	Diffusion of the report from the Second General Assembly (50 copies, French version)
15 October	Press release from the EC meeting in Cairo (Arabic, English and French)
4 November	Two letters of reply forwarded to the Director General of the Jordan Press and Publications Department on behalf of the EMHRN and international NGOs (English).
11 November	Press release concerning Nizar Nayouf's and the EMHRN mission to Syria (English, French and Arabic).
12 November	Publishing of report on the Jordan Press and Publication Law (English).
16 November	Press release on Sa'eda Kilani's press conference in the European Parliament (English and French).
17 November	Press release on the Jordan report (English and French)
1 December	Second letter to thSyrian Embassies in Cairo and Bonn concerning Nizar Nayouf's case and the EMHRN mission (English).
4 December	Press release concerning the arrest of Hafez Abu Sa'da.
7 December	Forwarding of press dossier on the Jordan Press and Publications Law to the European Parliament.

12 December	Reply to letter from the Syrian embassy in Cairo concerning Nizar Nayouf's case and the EMHRN mission (English).
End of December	Publishing of Newsletter (English and French).
End of December	Forwarding of draft policy paper for the Stuttgart meeting to Network members (English and French).
January	Distribution of Jordan report in French
8 February	Letter of information to EMHRN members (English and French) concerning the Stuttgart meeting.

ANNEX 2. TRAVELS FINANCED BY THE NETWORK

April: Two missions to Tunisia composed of Hans Kjellund and Mohammed Anik in relation to the appeal process of Khemais Ksila

27-29 April: Stefano Leszczynski's participation in the *First Mediterranean Meeting of National Institutions for the Protection and Promotion of Human Rights*, Marrakech.

7-10 June: Marc Schade-Poulsen and Eva Norström's participation in the LAW's conference "50 Years of Human Rights Violations: Palestinians Dispossessed, Jerusalem.

12-15 May: Marc Schade-Poulsen's travel to Strasbourg and Brussels to prepare the Network's two Brussels seminars.

17 June: Marc Schade-Poulsen and Kamel Jendoubi's travel to the European Parliament in Strasbourg to meet with administrators of the political parties.

27-30 June: Marc Schade-Poulsen and Abdelaziz Bennani's travel to Paris and Brussels to meet Driss El Yazami and Kamel Jendoubi and representatives of EU institutions.

14 October: Marc Schade-Poulsen's visit to Brussels to meet administrators of the EP parties, the Commission, the German Representation in Brussels, and Pax Christi.

18-19 October: Mourad Allal's participation in Bruno Kreisky and Dr Karl Rennes seminar on the Euro-Mediterranean Partnership.

19-22 October: Marc Schade-Poulsen's participation in the Wilton Park Conference *The Euro-Mediterranean Dialogue: Taking the Pulse* (part financing).

9 November: Marc Schade-Poulsen's meeting in Paris the Citizens Forum of he

Mediterranean to coordinate Stuttgart event.

15-18 November: Khader Shkirat and Abdelaziz Bennani's visit to Stockholm to meet human rights organisations and funding agencies.

17-18 November: Marc Schade-Poulsen and Sa'eda Kilani's visit to the European Parliament.

26 January: Marc Schade-Poulsen's visit to Brussels at the Friedrich Ebert Foundation to prepare the conference for the Stuttgart summit.

2 February. Marc Schade-Poulsen's visit to Paris and Brussels to discuss respectively plan of action for the Tunisian Human Rights League and to make a presentation on the Stuttgart summit at the human rights coordination meeting at the EP.

5-9 February: Mission to Egypt composed of Gilles Manceron and Thomas Rothpfeffer.

23 February: Marc Schade-Poulsen and Driss El Yazami's visit to Brussels to prepare Stuttgart Conference.

25 February- 4 March: Part financing of the Tunisian League's round-trip to Europe.

The EMHRN has furthermore been represented at the following conferences:

10-12 May: *Strengthening Democracy and Respect for Human Rights*, Wilton Park.

12-15 September: *Social Deficit and Tensions in the Euro-Arab relations*, Rome

27-30 November: *The Moroccan Community settled abroad and human rights*, Tangiers

9-10 December: *Citizenship and the human rights of migrants in the European Union*, Brussels.

19-20 February: *Round table on migration and human exchange*, The Hague.

ANNEX 3. ANNUAL REPORT - OUTLINE FROM MARCH 1999

1. Introduction

- i) A short summary of the Partnership since Barcelona, November 1995
- ii) Presentation of the EMHRN
- iii) Presentation of main topics of the report

2. Policy paper/ recommendations

3. Human rights in the build-up of the Euro-Mediterranean Partnership

- i) The human rights situation in Tunisia and the EU: (Tunisia is the first country where an Association Agreement has been ratified by all EU states, and a first Association Council meeting has been held).
- ii) The role of the EU in promoting human rights in Turkey after establishing the Customs Union.
- iii) The case of Algeria: A country negotiating an Association Agreement with the EU.
- iv) Peace and human rights in the Euro-Mediterranean region.

4. Key human rights aspects of the Barcelona process

- i) Freedom of expression in the Euro-Mediterranean region with a specific focus on countries having signed an Association agreement with the EU.
 - ii) Freedom of association in the Euro-Mediterranean region with a specific focus on countries having signed an Association agreement with the EU.
 - iii) Violence against women in the EuroMed region.
 - iv) Human rights education in the EuroMed region.
 - v) Trade, aid and human rights in the EuroMed region.
 - vi) Racism, freedom of movement, citizenship and undocumented migrants.
 - vii) Rights of refugees and human rights standards in the Barcelona process.
- 5) Strengthening the institutional dimension of human rights in the Barcelona process.