

Amnesty International

Statement to Working Session 12: Freedom of expression, free media and information

Amnesty International is concerned that many Participating States continue to fail to implement fully their commitments to protect the rights to freedom of expression, assembly, media and information.

A number of people who have spoken out against human rights violations in **Russia**, including human rights activists, lawyers and journalists, have been killed or faced discrimination, most likely as a result of the work they were doing.

In January this year, Stanislav Markelov, a lawyer who had been working closely with Anna Politkovskaya, was shot dead in Moscow. Anastasia Baburova, a journalist, was gunned down at his side.

Attacks against those working to protect human rights are common in the North Caucasus . On 15 July, Natalia Estemirova of the Memorial Human Rights Centre was abducted in Grozny. Her body was found later the same day in Ingushetia.

In an interview with Radio Liberty shortly after the Natalia's murder, President Kadyrov dismissed her work as irrelevant and described her as a person who 'never had any honour or sense of shame'.

It is utmost important that the investigations into the killings of Natalia Estemirova, Stanislav Markelov, Anastasia Baburova and Anna Politkovskaya are conducted in an independent and impartial manner, and, where grounds exist, do not stop short of investigating possible links with government officials, including the highest government officials.

In **Turkey**, the increasingly arbitrary application of existing legislation in criminal prosecutions has led to further limitations being placed on freedom of expression. Anti-terrorism legislation is used particularly widely in this regard. Amendments to Article 301 of the Penal Code have failed to prevent it being used to unfairly limit freedom of expression. Individuals within certain groups, including lawyers, journalists, writers, publishers, human rights defenders and political activists, especially those who are members of the pro-Kurdish Democratic Society Party, are subjected to frequent criminal prosecution. Critical speech regarding the question of minorities in Turkey, commonly the Kurds and Armenians, or criticism of state institutions, especially of the armed forces, most frequently result in prosecution.

In **Tajikistan**, in October of last year, the Tajikistan National Association of Independent Media (NANSMIT) called for the repeal of legislation that allows for criminal prosecution of libel and slander. Slander remained a criminal offence, carrying a sentence of up to two years' imprisonment, and insulting the President carried a sentence of up to five years' imprisonment. The law treats online news outlets in equal measure as print and broadcast media.

Such legislation has curbed freedom of expression. It has led to prosecution of journalists who criticized the authorities. Such prosecutions have had a chilling effect on the independence of the media, leading to increased self-censorship by journalists, and strengthening the government's control over the media.

The rights to freedom of expression and association are at serious imminent risk in **Azerbaijan** as the country's parliament, the Milli Mejlis, deliberates on further restrictions on the media and civic society by reinforcing the changes adopted in March 2009 to the Media Law. Amnesty International believes that these legislative changes would have a severe impact on civil society and the media, which could come under even more intense scrutiny and control.

In **Belarus**, human rights groups and opposition organizations face considerable obstacles when they attempt to register with the state, and unduly stringent controls on their activities. Nasha Vyasna (Our Spring), formerly known as Vyasna, has been denied registration for the third time. On 12 August 2009

the Supreme Court of Belarus upheld a decision taken by the Ministry of Justice to refuse registration to Nasha Vyasna. The organization which was founded on 15 June 1999 was closed down on 28 October 2003 by the Supreme Court on the recommendation of the Ministry of Justice which claimed that invalid documents had been presented for registration in 2003, and that the leaders of the human rights organization had violated Belarusian legislation while monitoring the presidential elections in 2001. The founders of *Vyasna* have since applied for re-registration on 23 July 2007, 26 January 2009 and 25 April 2009, and have been refused each time. Among the reasons cited for the refusal were: the fact that the goals of the organization were vague, there were spelling mistakes and errors in the list of founders, the group's members had previous convictions on administrative charges, the name of the organization was missing from one document, the headquarters of the organization were too cramped, and most recently the second half of the name of the organization was not in line with the statute of the organization.

In **Moldova**, on 22 February 2008 the parliament passed a new law on assembly which came into force on 22 April. According to the OSCE/ODIHR Expert Panel on Freedom of Assembly the new law was a "significant improvement" that "may well serve as an example of good practice in the OSCE region." However, Amnesty International remains concerned that despite these progressive provisions, police and local authorities continue to unduly restrict the exercise of the right to freedom of peaceful assembly. According to monitoring carried out by a local non-governmental organization, the Resource Centre for Human Rights (CReDO), police presence at demonstrations, the number of detentions and the use of force by police have increased since the new law came into force. People were prevented from demonstrating peacefully or detained for short periods if they did, although most prosecutions brought by the police were not upheld by the courts.

In June the journalist Jeta Xharra, managing editor of the Balkan Investigative Reporting Network (BIRN) in **Kosovo**, was subject to threats to her life, including in the media, following a broadcast of the weekly programme "Life in Kosovo" (Jeta në Kosovë) on Radio Television Kosova (RTK) on 28 May 2009, which focussed on the right to freedom of expression in Kosovo. The authorities failed to denounce these threats to Jeta Xharra's life or take steps to ensure her protection.

In **Montenegro** in May independent journalists and human rights NGOs expressed concern about Prime Minister Milo Djukanović's public statement that they were "clandestine and open opponents, grumblers and insecure people". On 10 March 2009, university professor Milan Popović was questioned by the Chief State Prosecutor following the publication of an article which alleged links between Milo Djukanović and organized crime and other human rights violations. Following the conviction in April of an accomplice in the murder of former *Dan* editor Duško Jovanović, the newspaper received numerous threats, including a bomb-scare on 5 May, and an attack on premises in Bijelo Polje.

Recommendations:

Amnesty International calls on the Participating States to:

- Respect and protect the human rights of independent civil society activists and journalists, ensuring that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations
- Refrain from passing – or, where already in place, abolish – any legislation, which exceeds the permissible restrictions on the right to freedom of expression under international law, and leaves the way open for the criminalization of a wide range of peacefully-expressed dissenting opinion.