

Human Rights Defenders at Risk

Statement by the International Helsinki Federation for Human Rights

OSCE Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights, Vienna, 12-13 July 2007

The work of human rights defenders has received growing recognition in recent years, and steps have been taken at the international level taken to improve their protection. However, in spite of this, human rights defenders continue to face serious challenges in many parts of the OSCE region, and in some countries, the capacities of independent human rights groups are increasingly being reduced as part of government policies to shield themselves from criticism and to retain power.

The International Helsinki Federation for Human Rights (IHF) is carrying out a campaign in 2007 on behalf of human rights defenders at risk and will use this opportunity to raise its concerns about the situation of human rights defenders in Azerbaijan, Belarus, Russia, Turkmenistan and Uzbekistan.

AZERBAIJAN

Attacks on government critics and politically motivated arrests are long-standing problems in **Azerbaijan**. Among those vulnerable to intimidation and harassment are human rights defenders who seek to hold state authorities accountable to international standards. In a recent example, the family of a celebrated human rights activist was targeted.

- Akifa Aliyeva, who works for the Helsinki Citizens Assembly of Azerbaijan and was nominated for the 2007 Human Rights Defenders at Risk award of the NGO Front Line, has been subjected to near constant surveillance by police, other forms of harassment and threats to her life. The authorities have repeatedly tried to close down her organization.¹ In April 2007, two days after she presented a human rights report to the US Embassy in Azerbaijan, her son was arrested for traffic violations. His arrest and subsequent sentence of three days in jail for this minor traffic offense was believed to be an intimidation tactic intended to hinder Aliyeva's work.²

MEMBER AND COOPERATING* COMMITTEES IN:

Albania – Armenia* – Austria – Azerbaijan – Belarus – Bosnia-Herzegovina – Bulgaria – Canada – Croatia – Czech Republic – Denmark – Finland – France – Georgia* – Germany – Greece – Hungary – Italy – Kazakhstan – Kosovo – Kyrgyzstan – Latvia – Lithuania – Macedonia – Moldova – Montenegro – Netherlands – Norway – Poland – Romania – Russia – Serbia – Slovakia – Slovenia – Sweden – Switzerland – Tajikistan* – Turkmenistan* – Ukraine – United Kingdom – United States – Uzbekistan*

COOPERATING ORGANIZATIONS: THE EUROPEAN ROMA RIGHTS CENTER – HUMAN RIGHTS WITHOUT FRONTIERS – MENTAL DISABILITY ADVOCACY CENTER

Recommendations to the government of Azerbaijan:

- Welcome broad democratic debate and put an end to politically motivated harassment of those challenging government policies;
- Ensure that human rights defenders such as Akifa Aliyeva, and their families, enjoy adequate protection against violence and attacks.

BELARUS

In **Belarus**, far-reaching restrictions on civil society activities remain in place. By law all NGOs must be registered with the authorities to operate legally, and it is a crime punishable with up to two years in prison to organize or participate in the activities of unregistered organizations. Dozens of independent groups have been liquidated as legal entities on spurious grounds in the last few years and, as a result, most human rights organizations that continue their work in the country are operating outside of the protection of the law.³ The Belarusian Helsinki Committee (BHC), which is the only nation-wide human rights NGO that is still registered with the authorities, remains under threat of closure.

- In early 2007, the BHC was ordered evicted from its offices in Minsk without explanation, and faced liquidation as a legal entity because of loss of “legal address.”⁴ Following a wave of international criticism, the decision was reversed and the group’s lease was extended for another year by the presidential administrative service, which owns the building where the group rents space. Despite this, the BHC remains subject to heavy pressure. Its property was confiscated in December 2006,⁵ and a case to suspend the group on long-standing tax evasion charges is still pending.

While cracking down on independent civil society activities, the Belarusian government has encouraged the creation of pro-government civil organizations, which are formally independent but in practice are funded and controlled by the state.

Recommendations to the government of Belarus:

- Abolish all legal and practical restrictions on civil society activity that are not consistent with international human rights standards and allow for an uncomplicated and transparent process of re-registration for NGOs that have been arbitrarily deprived of their legal status;
- Terminate the long-running case against the BHC, return the group’s property and ensure that it can carry out its work without hindrance.

RUSSIAN FEDERATION

The situation of human rights groups in **Russia** has steadily deteriorated under the Putin regime, which has stepped up control over civil society in the name of preventing “extremist activities” and “foreign interference” in the political affairs of Russia.

The much publicized NGO law that entered into force in April 2006⁶ granted authorities broad powers to supervise and interfere in the work of NGOs and greatly increased the reporting burden of NGOs. All Russian NGOs and foreign NGOs operating in the country are now required to regularly submit detailed reports about their activities and finances to the Federal Registration Service. The reports should, inter alia, provide information about the number and composition of participants at any “main events” held and account for funds obtained both from domestic and foreign sources as well as their use⁷. Failure to submit required information may result in sanctions, including closure of an NGO.

A first deadline for submitting annual activity reports expired in April 2007. In order to meet the deadline, NGOs had to devote considerable resources to compiling and preparing the necessary paperwork – to the detriment of their regular activities – and some NGOs were overwhelmed by the new requirements and failed to hand in reports in time. The process for reviewing activity reports is currently under way; its outcome will be an important test for the implementation of the NGO law.

Human rights groups working on sensitive topics, such issues related to the conflict in Chechnya, are particularly vulnerable to harassment by authorities. The Russian-Chechen Friendship Society was closed down in January 2007 and its former staff members have received new threats because of their continued human rights engagement,⁸ and the International Protection Center (IPC) has faced a series of measures obstructing its work.

- The IPC, which has brought numerous cases of human rights violations in Chechnya to the European Court of Human Rights, was accused of unlawfully taking advantage of tax exemption provisions and ordered to pay huge back taxes and fines in July 2006.⁹ The case is still ongoing and the organization has been subjected to various administrative inspections in the past year. Moreover, its founder, Karinna Moskalenko, has been threatened by disbarment twice, most recently in April 2007 when the Russian prosecutor general made a request to this end, alleging that she had violated her professional duties.¹⁰ Following an investigation, the Moscow Bar Association eventually rejected this request in late June 2007.

Recommendations to the government of Russia:

- Revise the so-called NGO law and its implementing directives so as to simplify reporting requirements, and ensure that the law is not implemented in a way so as punish NGOs that have made bona fide efforts to comply with it;
- Publicly speak out against any form of harassment of human rights defenders and ensure that they can carry out their peaceful and legitimate work without intimidation, obstruction or undue interference irrespective of the nature of the topics they address.

TURKMENISTAN

The death of President-for-Life Saparmurat Niyazov in late 2006 gave rise to hopes for improvements in the situation of civil society groups in **Turkmenistan**. However, so far, no relaxation of previous policies has taken place, and only a few NGOs – most of which are in practice controlled by the state – are officially registered with the authorities. No independent

human rights organizations can openly work inside of the country and those who are critical of official policies remain highly vulnerable to persecution. There are reports indicating that the security services have recently stepped up their efforts to prevent any civil society activities considered to endanger public order, and that several resource centers providing information on non-governmental activity as well as public internet access have been closed down.¹¹

Demands for a broad amnesty have gone unmet, and scores of human rights activists and other dissidents who were jailed during the Niyazov era continue to serve prison sentences. The new government has also failed to take measures to ensure thorough investigations into past suspicious deaths in custody of political prisoners, such as that of Ogulsapar Muradova.

- Muradova, a journalist and human rights defender associated with the Bulgaria-based Turkmen Helsinki Foundation (THF), was sentenced to six years in prison on illegal weapons possession charges in a closed trial in August 2006. The following month she died in custody under unclear circumstances, with relatives reporting signs of possible torture on her body, such as a large wound on the head and strangulation marks on the neck.¹² Two other THF affiliates who were convicted together with Muradova, Annakurban Amanklychev and Sapardurdy Khadjiyev, remain imprisoned.

Recommendations to the government of Turkmenistan:

- Undertake urgent reforms to promote the free exercise of freedom of expression and association and to encourage the development of a true civil society inside of the country;
- Release promptly and unconditionally all human rights defenders currently held in custody, including Annakurban Amanklychev and Sapardurdy Khajiev, and conduct an independent investigation into the death of Ogulsapar Muradova.

UZBEKISTAN

The unprecedented crackdown on human rights defenders, political opponents, and independent journalists that was launched in **Uzbekistan** after the Andijan events continues unabated. Human rights defenders and their family members are treated as a “special category” by the authorities and routinely singled out for, inter alia, intimidation, surveillance, house arrest, denial of exit visas for travel abroad and defamation campaigns.¹³

- The Pakhtakor branch of the Human Rights Society of Uzbekistan (HRSU), an IHF affiliate, has recently been subjected to growing pressure. Several articles aimed at discrediting the organization have appeared in regional newspapers, and calls for the criminal prosecution of its members have been made allegedly in the name of “war veterans.” On 27 May 2007, a communal meeting reminiscent of the “people’s trials” of the Soviet era was held to declare its leader, Saida Kurbonova, a “traitor of the motherland.”¹⁴

More than a dozen human rights activists, who have been convicted on politically motivated charges ranging from fraud to “anti-constitutional” activities, remain in prison.¹⁵ Apparently

due to international pressure, two female human rights activists and mothers of small children who were convicted on trumped-up charges this spring were eventually released; however, the convictions against them still stand.

- Umida Niyazova, an independent journalist and human rights activist who has worked together with several international NGOs, was sentenced to seven years in prison on smuggling, illegal border crossing and other charges on 1 May 2007. A week later her sentence was commuted into a suspended one in an appeal hearing in which she “confessed” and “apologized.” Under the conditions for her release, Niazova must report regularly to police and observe a 10 p.m. curfew.¹⁶
- Gulbahor Turayeva, a medical doctor who has witnessed about civilian deaths during the Andijan events, was sentenced to six years in prison for “anti-constitutional” activities and other offences in April 2007. Shortly thereafter she was additionally fined for slander. On 12 June 2007, an appeals court reduced her sentence to a three-year suspended sentence and ordered her release.¹⁷

The post-Andijan crackdown has had a devastating impact on the civil society of Uzbekistan; many NGOs have been forced to close or significantly wind down their activities and many activists have fled abroad because of threats and pressure. The HRSU is one of the organizations most hardly affected; nine of its members are currently in prison and eight have fled abroad.¹⁸

Recommendations to the government of Uzbekistan:

- Immediately release all imprisoned human rights defenders and ensure that all individuals who have been prosecuted merely for exercising their right to freedom of expression and other fundamental freedoms are cleared of all charges;
- Take urgent and effective measures to put an end to the ongoing pattern of persecution of human rights defenders and their family members.

¹ Front Line: Defenders of Human Rights Defenders, “2007 Front Line Award for Human Rights Defenders at Risk,” 6 April 2007, at <http://info.frontlinedefenders.org/news/3680>.

² Pax Christi, “Azerbaijan-Alert: Son of Human Rights Defender Akifa Aliyeva Arrested,” 20 April 2007, available at <http://www.falkor.org/news/akifa.html>

³ For more background information, see the chapter on Belarus in IHF, *Human Rights in the OSCE region. Report 2007 (Events of 2006)*, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4387; and IHF, *Human Rights Defenders at Risk in Belarus, Russia and Uzbekistan*, December 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4354

⁴ See IHF, “Government Confiscates Property of the Belarusian Helsinki Committee,” 5 December 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4351

⁵ See IHF, “Government Confiscates Property of the Belarusian Helsinki Committee,” 5 December 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4351

⁶ Federal Law of the Russian Federation Introducing Amendments to Certain Legislative Acts of the Russian Federation (Nr. 18 Φ3), published 17 January 2007.

⁷ Addendums to the Decree of the Government of the Russian Federation № 212 dated April 15, 2006.

⁸ See “Statement of the IHF regarding the decision of the Russian Supreme Court to deny the appeal against closure of the Russian Chechen Friendship Society,” 23 January 2007, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4364; and IHF, “Russian Federation: Newspapers Seized and People Detained in Connection with the Planned ‘March of Dissent’ in Nizhny Novgorod,” 22 March 2007, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4381

⁹ See IHF and the Moscow Helsinki Group (MHG), “Russia: Apparently Politically Motivated Tax Order Threatens the International Protection Centre,” 15 August 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4285

¹⁰ See IHF Appeals to Russian Authorities to End Harassment against Human Rights Lawyer Karinna Moskalenko and Her Organization, 8 May 2007, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4398

¹¹ Institute for War and Peace Reporting, “Security Services Still Watching NGOs,” 10 May 2007, at http://www.iwpr.net/?apc_state=hrubbtm335471&l=en&s=b&p=btm&o=335472

¹² IHF, “Imprisoned Turkmen Journalist and Human Rights Defender Dies in Custody,” 14 September 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4302

¹³ IHF, *The Decimation of the Human Rights Community in Uzbekistan*, 26 February 2007, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4376.

¹⁴ Statement of the HRSU, 28 May 2007, at http://www.ihf-hr.org/cms/cms.php?sec_id=76&pag_id=84

¹⁵ For a list of human rights activists who were imprisoned as of May 2007, see Open Letter to the EU: “Continue the pressure on Uzbek government in order to free all prisoners of conscience,” 12 May 2007, published at <http://www.freedomhouse.org>

¹⁶ Human Rights Watch, “Uzbekistan: Human Rights Defender Released,” 8 May 2007, at <http://hrw.org/english/docs/2007/05/08/uzbeki15881.htm>

¹⁷ Frontline, “Uzbek human rights defender Gulbahor Turayeva freed from prison,” 14 June 2007, at <http://www.frontlinedefenders.org/node/1028>

¹⁸ Statement of the HRSU, 28 May 2007.