

Amnesty International

Statement to Working Session 16: Fundamental freedoms II, including: Freedom of expression, free media and information

Amnesty International's research indicates that many Participating States continue to fail to implement fully their commitments to protect the right to freedom of expression.

It has been nearly one year since the murder of Russian human rights journalist Anna Politkovskaya, whose killing was almost certainly linked to her work. While Amnesty International notes that several people suspected to be involved in her murder have been detained in August and September of this year, questions remain regarding the effectiveness of the investigation and the organization continues to call for an effective and thorough investigation into her murder while urging the **Russian** authorities at the same time to ensure that journalists and human rights defenders can conduct their work without fear of being harassed or persecuted. Impunity for crimes committed against journalists and human rights defenders is unacceptable.

Amnesty International has repeatedly expressed its concern that the Russian-Chechen Friendship Society (RCFS) as well as members of an associated organization, the Foundation for the Support of Tolerance, have been subjected to harassment and persecution by the Russian authorities because of the peaceful exercise of their right to freedom of expression. Amnesty International is convinced that the director of the RCFS (which is now registered in Finland), Stanislav Dmitrievskii, has been convicted and continues to be persecuted in the Russian Federation for the peaceful exercise of his right to freedom of expression. One of the witnesses in the trial of Stanislav Dmitrievskii, who spoke out in support of him, was Anna Politkovskaya. It is with great concern that Amnesty International notes the RCFS had been denied registration at a recent conference of the OSCE as the organization was branded by the Russian delegation at this conference as having been involved in acts of "terrorism and extremism".

The harassment, detention and imprisonment of youth activists by the **Belarusian** authorities has intensified in 2007. Amnesty International believes that the clampdown forms part of the government's continuing attempts to intimidate and obstruct youth activists, and civil society as a whole, from exercising their rights to freedom of assembly, association and expression. This year has seen dozens of youth activists being given prison sentences ranging from seven to 15 days, under both the Administrative and Criminal Codes, while many more have been detained. There have also been allegations of ill-treatment by Belarusian security forces.

Head of the opposition youth group *Young Front* and prisoner of conscience, Zmitser Dashkevich, who has become a focus of campaigning by Amnesty International youth around the world, was sentenced to one and a half years in November 2006 under Article 193.1 of the Criminal Code (organizing or participating in an activity of an unregistered non-governmental organization). Article 193.1 was added to the

Criminal Code in December 2005, and has been used since against civil society organizations and other outspoken critics of the government to curtail their rights to freedom of expression.

Harassment of human rights defenders and measures to limit freedom of expression continue to be reported throughout **Central Asia**. In **Kazakstan, Kyrgyzstan, Tajikistan** and **Uzbekistan** government officials, national and local, have used criminal libel suits in order to restrict criticism, limit freedom of expression and hamper the work of human rights defenders. Human rights NGOs in Kyrgyzstan have been taken to court by law enforcement officers for having published allegations of abuse and torture or other ill-treatment of detainees or suspects, particularly of female victims. Amnesty International has adopted as prisoners of conscience people who have been convicted for exercising their right to freedom of expression, including human rights defenders. Repressive actions to silence human rights defenders and journalists have been particularly harsh in Turkmenistan and Uzbekistan and show no sign of abating. In Uzbekistan the imprisonment, ill-treatment and harassment of individual human rights defenders have accelerated as a consequence of protests over the killings of hundreds of unarmed men, women and children in Andizhan on 13 May 2005. Some human rights defenders, such as Saidzhakhon Zainabitdinov, for example, have been prosecuted on charges that were reportedly fabricated, and sentenced to long prison terms after grossly unfair trials that denied basic rights of defence and failed to meet international legal standards. Despite the release of two human rights defenders, Umida Niazova and Gulbakhor Turaeva, in May and June, Amnesty International remains concerned that they were forced to plead guilty on appeal and to denounce other human rights defenders and human rights organizations in order to secure their freedom. Nor was their release unconditional - both women received suspended sentences and are unable to move freely or to leave Uzbekistan. Other human rights defenders have been confined in psychiatric hospitals as a form of detention and punishment, or physically assaulted, detained or otherwise harassed and threatened.

In **Turkmenistan** the media remains state-controlled. Access to certain internet sites remains banned and people trying to access information that is critical of the authorities risk repercussions. Human rights defenders and independent journalists cannot work openly and no opposition parties are allowed in the country. Prisoners of conscience remain imprisoned, as do dozens of political prisoners imprisoned following unfair trials.

In **Azerbaijan**, Amnesty International remains concerned by the continuing harassment of journalists who exercise their right to freedom of expression. This includes the prosecution of opposition and independent journalists and editors under libel and insult laws. In several cases journalists and editors were charged with libel for published allegations of corruption and abuse of office by state officials. In April one journalist was seriously assaulted by unknown men in the capital Baku; in September another journalist was reportedly beaten by police in the Autonomous Republic of Nakhchivan. Amnesty International also received persistent reports of the routine use by police of excessive force in preventing journalists from reporting or filming public events such as authorized and unauthorized opposition party rallies, and dispersing demonstrations organized by journalists.

In **Turkey** Amnesty International has continued to call for the repeal of Article 301 of the Turkish Penal Code on the grounds that it poses a direct threat to the fundamental

right to freedom of expression. Article 301, which was introduced with the legislative reforms of 1 June 2005, criminalizes “public denigration of Turkishness” and “public denigration of the Government of the Republic of Turkey, the judicial institutions of the State, the military or security structures”. Its wide and vague terms mean that it may be applied arbitrarily to criminalize a wide range of peacefully-expressed dissenting opinion.

On 19 January Turkish-Armenian journalist and human rights defender Hrant Dink was killed. Amnesty International believes that he was targeted due to his work as a journalist who championed freedom of expression. He had been prosecuted three times under Article 301 and in July 2006 received a six-month suspended sentence following an October 2005 conviction under the Article. The suspected gunman was alleged to have stated that he killed Hrant Dink after seeing him on television making statements which “denigrated Turkishness”.

In 2007 an increased number of cases were opened under Article 301 against individuals including writers, journalists and human rights defenders. While international attention has focused on Article 301 due to a number of high profile cases, more than 20 other articles within the penal code -- in their application -- provide unjust restrictions on the right to freedom of expression.

Recommendations

Amnesty International calls on the OSCE and its Participating States to:

- Stop the persecution of human rights defenders, and ensure that effective action is taken by the international community in support of those who courageously stand up for human rights.
- Insist on thorough, independent and impartial investigations into all incidents of killings, beatings and other human rights abuses committed against journalists. This is both urgent and necessary to counter the current climate of impunity for assaults on journalists and on all those who peacefully exercise the right to freedom of expression which exists in some Participating States.
- 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.