



IHF Intervention to the 2006 OSCE Human Dimension Implementation Meeting

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Human Rights Defenders under Attack

The past twelve months have witnessed increasing pressure on independent human rights defenders in several OSCE participating States. The pressure has taken various forms, ranging from bureaucratic hindrances, to arrests and prosecution under fabricated charges, and in some cases to physical attacks on outspoken activists. The situation of human rights NGOs has deteriorated dramatically in **Belarus**, the **Russian Federation** and **Uzbekistan**, and the long-time repression of independent human rights activities in Turkmenistan escalated in August with a mock trial against three human rights defenders and the death in custody under highly suspicious circumstances of one them. This process of repression, if it is not swiftly reversed, will have profoundly negative consequences for human rights, democracy and freedom not only in these countries but also elsewhere in Eastern Europe and Central Asia.

In **Belarus**, it has been common practice since 2005 to close down public organizations or suspend their activities under a court ruling. Others organizations have been forced to wind down their activities fearing reprisals as many types of typical human rights work is prohibited under law. The recently adopted amendments to the Belarusian Criminal Code and the Code of Criminal Procedure regarding “actions aimed against a person and public security” further limit the already narrow space left for criticism in Belarus. Almost all organizations and individuals that have been dealing with human rights have now been forced to work illegally and underground.

The situation of the Belarusian Helsinki Committee (BHC) – which at this writing remains the only legally registered independent human rights NGO that can still operate nation-wide – escalated dramatically at the end of 2005 and in the run-up to the March 2006 presidential elections. In September 2006, the BHC lost a case in the Supreme Economic Court, which means that the authorities can go ahead and re-open a criminal case under tax evasion charges (which the IHF believes are fabricated) against the BHC leadership. At the same time, the Ministry of Justice submitted a lawsuit to the Supreme Court demanding suspension of the BHC activities.¹

Pressure on human rights NGOs continues to escalate also in **the Russian Federation**. A new law² on NGOs that is expected to greatly restrict the activities of Russian NGOs and foreign human rights organizations operating in Russia under the pretext of combating terrorism and stabilizing society, came into force in the summer of 2006. In order to justify the new law, a media campaign against the Moscow Helsinki Group (MHG) and other eleven human rights groups was initiated in late 2005 and there were rumors of the State Duma having requested that criminal proceedings be initiated against

¹ Information from the Belarusian Helsinki Committee, September 2006. For background information, see IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan*, 30 March 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4221.

² Federal Law №18-ФЗ “On Amendment to some federal legal acts of Russian Federation”, signed on the 16 January 2006, in force from 18 April 2006

all NGOs that have been put on a black list by the FSB.³ As the result of the media campaign, regional authorities refused to cooperate with local MHG offices, which have in several instances been denied access to monitor prisons. The MHG has filed two cases under defamation provisions against two TV channels that had been spreading false information about the MHG in their programs. In one of the cases hearings are scheduled to start on 28 September 2006.⁴ The Justice Ministry has also reportedly asked a Moscow court to order the closure of the Russian Human Rights Research Centre. The move was officially justified as a response to the NGO's failure to register any information about its activities for the last five years.⁵ As of mid-September no court proceedings had been initiated pending an official statement from the tax inspectors.⁶

In recent years, the most dangerous region for human rights defenders has been the **North Caucasus**, but reports of harassment and persecution have also been received from other regions, especially from Krasnodar, Kalmykia, Tatarstan, and some cases from St. Petersburg. Chechnya has remained a taboo topic: the most endangered human rights activists in Europe are those in Chechnya and the adjacent regions of the North Caucasus who have sought justice locally or who have submitted complaints about human rights abuses in Chechnya to the European Court of Human Rights (ECtHR).⁷

Russian authorities continue to target human rights defenders through false prosecutions. For example, Stanislav Dmitrievsky, editor of a human rights newspaper and managing director of the Russian-Chechen Friendship Society (RCFS), a human rights organization based in Nizhny Novgorod, was convicted on 3 February 2006 of inciting ethnic hatred under counter-extremism laws for publishing articles calling for peace in Chechnya.⁸ The sentence was upheld by a higher court.

Recently, the Moscow-based human rights NGO International Protection Centre (IPC) and its founder, human rights lawyer Karinna Moskalenko, have been targeted by Russian authorities in an attempt that appears to aim at crippling the IPC through administrative measures. The Federal Tax Service Inspectorate (FTSI) demands for the center to pay 24% profit tax on all its projects between 2002 and 2004, totaling a payment of around 4,580,000 rubles (approximately €133,600, including back taxes and a fine of 1,510,000 rubles) – a sum that the IPC cannot afford to pay. The IHF believes that in this case financial laws are misused against politically inconvenient human rights defenders: Karinna Moskalenko and the whole IPC are punished for taking cases of human rights violations to the ECtHR.⁹

While it is still too early to draw conclusions about perpetrators and motives, the killing of journalist and human rights defender Anna Politkovskaya on Saturday 7 September, links up with the pattern of repression against human rights defenders involved in the Chechen conflict. In 2004 the International Helsinki Federation and the Norwegian Helsinki Committee published a report on cases of such persecution in the years from late 1999 to mid 2004. Among the cases were 13 killings, 6 enforced disappearances, 19 instances of torture and a number of other violations, none of which had been properly investigated. The killing of Politkovskaya confirms the impression that the Russian Federation has utterly failed to fully ensure the protection of human rights defenders.

The government of **Turkmenistan** has a long history of persecuting dissidents and of silencing those who dare speak out about the widespread human rights violations in the country. The commonly used

³ IHF, "IHF Protests the Smear Campaign against the Moscow Helsinki Group - NGOs Face Prosecution," 25 January 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4178.

⁴ Information from the Moscow Helsinki Group, 25 September 2006.

⁵ BBC, "Russia 'to close rights group'," 28 January 2006, <http://news.bbc.co.uk/2/hi/europe/4658026.stm>.

⁶ Information from the Moscow Helsinki Group, 25 September 2006.

⁷ For more information, see IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan*, 30 March 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4221.

⁸ HRW, "Russia: Activist's Conviction Hurts Freedom of Expression", 4 February 2006, <http://hrw.org/english/docs/2006/02/04/russia12604.htm>

⁹ IHF/Moscow Helsinki Group, "Russia: Apparently Politically Motivated Tax Order Threatens the International Protection Centre," 14 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4285.

methods include intimidation, arbitrary arrest and detention, fabricated charges and torture. The most recent developments confirm this trend.

On 14 September 2006 Turkmen journalist and human rights defender Ogulsapar Muradova died in custody while serving a prison sentence. Turkmen Security officials insisted that Muradova's death was natural even though her relatives claim that they saw clear signs of torture on her body. The family's requests for a medical examination of the body by an independent physician was rejected.¹⁰ Muradova, as well as two other associates of the Turkmenistan Helsinki Foundation, Annakurban Amanklychev and Sapardurdy Khajiev, was convicted to six years' imprisonment on apparently politically motivated charges by a closed court in Ashgabat on 25 August 2006.¹¹

On 13-14 September 2006, Tadjigul Begmedova, chair of the Bulgaria-based Turkmenistan Helsinki Foundation for Human Rights, also received threatening visits by officials from the Turkmen Ministry of National Security in their homes in Ashgabat.¹² The officials reportedly pledged to "wipe out" all "enemies of the nation," an expression frequently used by Turkmen authorities to stigmatize those who speak out against about official policies and those associated with them. Turkmen authorities have also increasingly targeted family members of human rights activists and opposition leaders living abroad, including through the use of threats, interrogation, arbitrary detention, torture and ill-treatment and imprisonment after unfair trials.

In the aftermath of the Andijan massacre, the government of **Uzbekistan** launched a crackdown on human rights defenders, employing all methods of intimidation – searches, phone-taps, arrests, beatings, and unfair, politically motivated trials.¹³ While groups that threatened to report and investigate the events in Andijan were snuffed out thanks in part to violations of due process – leaving, as of July 2006, only two registered human rights organizations – participants in the Andijan protest have also been victimized and sentenced to prison terms in unfair trials.¹⁴

Most recently, there have been staged displays of "national outrage" against Uzbek human rights defenders. On 18 August 2006, Bakhtiyar Khamroev, a regional leader of the Human Rights Society of Uzbekistan, was attacked in his apartment by a group of women who denounced him as a traitor.¹⁵ Police watched the incident and did not intervene until Khamroev had sustained a severe injury. Upon intervening, the police did not arrest any of the attackers. All of this took place, moreover, as Khamroev was meeting with British diplomats. This was the second time Khamroev was attacked by such a group in just over a year.

The environment has become so dangerous for members of civil society that some of its most prominent members have fled, including Talib Yakubov, chairman of the Human Rights Society of Uzbekistan and a 2001 recipient of the IHF's Recognition Award.

¹⁰ IHF, "Imprisoned Turkmen Journalist and Human Rights Defender Dies in Custody", 14 September 2006, available at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4302

¹¹ IHF, "Turkmenistan: Human Rights Activists Sentenced to Prison Terms", 25 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4289.

¹² IHF, "New Cases of Intimidation of Relatives of Exiled Turkmen Opposition Leaders and Human Rights Activists", 15 September 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4304

¹³ IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America: Report 2006 (Events of 2005)*, p. 493, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255.

¹⁴ See IHF intervention on the independence of the judiciary and the right to a fair trial, p. 25.

¹⁵ IHF, "Noted Uzbek Human Rights Defender, Bakhtiyar Khamroev, Beaten as Police Watch," 22 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4287.

Recommendations

1. To the government of **Belarus**:

- Withdraw all legal proceedings that it has initiated to restrict legitimate human rights activities and order all public authorities to refrain from measures to limit such activities. As the first step to this effect, the government should drop all legal cases against the Belarusian Helsinki Committee and its members that it has been launched under legal provisions that violate international standards for the freedom of expression, association and assembly;
- Abrogate the amendments to the Belarusian Criminal Code, the Code of Criminal Procedure, regarding “actions aimed against a person and public security,” and other restrictive legal provisions, and renounce any plans to further reduce the narrow space left for legitimate human rights activities.

2. To the government of the **Russian Federation**:

- Take prompt measures to stop the persecution of human rights NGOs and individual activists – especially those dealing with the crisis in Chechnya – through amending federal legislation affecting NGOs. This includes revoking all provisions that provide for discretionary powers to authorities to restrict the freedom of association and the activities of human rights NGOs, and revoking the law “On Amendments to Some Legal Acts of the Russian Federation”;
- End and publicly condemn arbitrary administrative and legal measures targeting human rights NGOs, as well as physical and verbal harassment and intimidation of their members, and further ensure that all alleged abuses are thoroughly investigated by independent bodies, the results published, and violations adequately remedied;
- Insist that regional and local authorities abide by the federal laws that guarantee the right to peaceful association, and freedom of expression in the media, in line with the Constitution of the Russian Federation and international human rights standards, and take efficient measures against those authorities who prevent others from exercising this right;
- Guarantee the security of witnesses and applicants to the European Court of Human Rights.

3. To the government of **Uzbekistan**:

- Amend legislation and regulations to lift all restrictions limiting freedom of association of human rights defenders and allow for the registration of local human rights groups, without discrimination, so that they can work freely and without fear of legal and criminal sanctions or reprisals;
- Investigate all reported cases of attacks against human rights defenders, making it publicly clear to law enforcement officials and all other authorities that such attacks will not be tolerated, and warn public officials against making defamatory statements against defenders;
- Immediately release all human rights defenders detained for their legitimate activities and refrain from prosecuting on the basis of spurious or fabricated charges laid against them;

- Put an end to the misuse of forceful confinement to psychiatric institutions and involuntary treatment without sound medical reasons of human defenders and other critics of government policies;
 - Allow access to Andijan to an independent international expert group so that they are able to conduct an effective investigation of the events that took place and the ensuing trials;
 - Co-operate more closely with the OSCE, in particular with the OSCE office in Tashkent and its human rights activities.
4. To the government of **Turkmenistan**:
- Conduct an independent investigation into the death of human rights defender Ogulsapar Muradova;
 - Refrain from all measures to obstruct independent human rights activities and harass families and friends of human rights defenders in exile;
 - Release promptly and unconditionally all human rights defenders currently held in custody, including Annakurban Amanklychev and Sapardurdy Khajiev.
5. To the **OSCE**:
- Establish a mechanism – in the Office for Democratic Institutions and Human Rights (ODIHR) for example – that takes responsibility for early warnings and rapid response in emergency cases concerning persecution of human rights defenders;
 - Avoid the isolation of Belarus, give it a high priority on the OSCE human rights agenda and develop programs aimed towards providing moral and financial support to civil society in Belarus and opportunities for international cooperation in the field of human rights. Strengthen the presence of the OSCE delegation in Belarus, make its work more visible and meaningful for the society as a whole, and take a more active stand on the human rights situation in Belarus;
 - Encourage the Uzbek government to issue invitations to visit the country to the following UN special procedures representatives: Special Representative of the Secretary-General on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the promotion and protection of human rights while countering terrorism;
 - Remind the Russian Federation of the need to re-establish the OSCE Advisory Group to Chechnya with a strengthened mandate concerning the monitoring of the human rights situation, including cooperation with, and protection of, the local human rights defenders.
6. To all governments of the **OSCE participating States**:
- Address human rights issues in bilateral and multilateral contacts with the Turkmen and Uzbek authorities and make clear to the Turkmen government that its human rights record affects the countries relations with other states;

Release all human rights defenders currently held in custody, including Annakurban Amanklychev and Sapardurdy Khajiev.