

## Amnesty International

### Statement for Working Session 2: Fundamental Freedoms II, including:

- Freedom of Assembly and Association

In the **Russian Federation**, the authorities continued to restrict freedom of assembly, which is most apparent from the way peaceful demonstrators are treated in Moscow and throughout the country. In accordance with the national law, organizers of a street rally must inform the local authorities in advance of a planned event, but no formal permission is required. The authorities are obliged to acknowledge the receipt of this information and respond to it. In their responses, they routinely place additional conditions or restrictions regarding location, timing or numbers of participants, thus places organizers in the invidious position of having either to abandon their demonstration, or accept the restrictions, or proceed with their original plans and run the risk of disruption and arrest. In practice, if no positive response from the authorities is secured, the police regards any street gathering, however peaceful and insignificant in numbers, as an unauthorized assembly, and there have been repeated incidents of peaceful street gatherings – some of them spontaneous – dispersed by police, often brutally and with excessive use of force. Some of the organizers and participants of such rallies have been arrested and sentenced to fines of between five and 15 days in detention, often in court proceedings in which judges reportedly refused to consider evidence in their defence and accepting statements by police, some reportedly fabricated, as the basis for the conviction.

Since December 2011 when numerous demonstrations took place in response to disputed Parliamentary election results, and following the Presidential election in March 2012 which prompted further street protests, thousands of peaceful protesters have been detained by police, and numerous allegations of police brutality made. In May, the legislation governing street gatherings has been altered, introducing significantly more severe penalties for violating the law on demonstrations. Together with the recent changes in the law on non-governmental organizations (NGOs) and re-criminalization of libel, these changes appear to indicate a clear trend towards the restriction of democratic space available to political and social movements in the Russian Federation.

In **Turkey** peaceful assemblies are frequently refused permission to go ahead due to arbitrary decisions by local representatives of the Ministry of the Interior. Excessive use of force by law enforcement officials against peaceful demonstrators is routine especially where demonstrations take place regarding controversial issues especially Kurdish rights and politics. Overly restrictive laws that have led to the closure of numerous political parties remain in force. Civil society organizations face excessive administrative scrutiny and in the case of LGBT rights organizations have faced closure in civil proceedings brought following complaints by the local representatives of Ministry of the Interior.

Registered and unregistered human rights groups continue to face prosecution and harassment in **Belarus**. On 4 August 2011, the Chair of the NGO Viasna Human Rights Centre (Viasna), Ales Bialiatski, was arrested. He was charged on 12 August with "concealment of income on a large scale" (article 243.2 of the Belarusian Criminal Code), and on 24 November he was sentenced to four and a half years' imprisonment. The charges related to the use of a personal bank account in Lithuania to support Viasna's human rights work. Viasna was derecognized by the Belarusian authorities in 2003 and as such was barred from opening a bank account in Belarus.

The law on Mass Events imposes unreasonable limits on freedom of assembly, and almost all requests to hold public demonstrations are refused. In August 2012 human rights activists were refused permission to hold a picket in support of Ales Bialatsky in Borisov to the North East of Minsk. All requests by human rights activists and political activists to hold public events have been refused for the last 10 years. Four prisoners of conscience are still in detention in connection with their participation in the mainly peaceful demonstration on 19 December 2010. Pavel Sevryarnets was sentenced to three years on 16 May 2011. Mykalau Statkevich was sentenced to six years on 26 May 2011. On 24 March 2011, Zmitser Dashkevich and Eduard Lobau were sentenced to two and four years respectively for hooliganism.

**In Georgia** over the past few months there have been several instances of opposition meetings curtailed by the outbreak of violence. Allegations that local government representatives and local police are acting as *agent provocateurs* raises concerns that some of these incidents were orchestrated by the authorities to prevent opposition party representatives meeting the local population. In May, city authorities in Kutaisi used water cannons to prevent opposition activists from carrying out a peaceful candle vigil to mark the city day celebration in Kutaisi.

**In Azerbaijan**, public protests continue to be banned in the centre of Baku and dispersed with violence on a regular basis. Persons who attempted to take part in peaceful rallies ahead of the Eurovision song contest last May were harassed, beaten and arrested.

In some participating states lesbian, gay, bisexual, transgender and intersex (LGBTI) people are discriminated against in their enjoyment of the right to freedom of assembly. Amnesty International is deeply concerned that in recent years, LGBTI Pride marches have not been authorized or have been inadequately protected by the police in several countries, including **Croatia, Hungary, Lithuania, Moldova, Russia and Ukraine**.

Across countries of the European Union, law enforcement officials required to police increasing number of demonstrations that have taken place in recent years in response to governments' austerity measures, are using methods that do not always follow international standards. Amnesty International has documented incidents involving the use of excessive force, abuse of "less lethal" weapons, such as chemical irritants and rubber bullets, obstruction of access to medical assistance and arbitrary detention in several countries including **Greece, Spain and Romania**. There have been frequent allegations of excessive use of force and ill treatment by law enforcement officials as they disperse crowds at these protests – even when the

majority of the people are peacefully exercising their right to assembly. In many such cases, criminal investigations into complaints against the officers who are alleged to have committed violations are not thorough, impartial or effective; in other cases no investigation is initiated at all. As more demonstrations take place, there is a possibility that, without deeper accountability for the police, further abuses will occur.

***Recommendations:***

Amnesty International calls on Participating States to:

- Amend, repeal and refrain from passing legislation that limits the rights to freedom of assembly and association;
- Ensure an end to arbitrary and discriminatory decisions made by authorities aiming at curtailing the rights to freedom of assembly and association;
- Take all necessary measures to prevent excessive use of force and other violations by law enforcement officials in demonstrations;
- Ensure that prompt, thorough, impartial and effective investigations are carried out into all allegations of excessive use of force and serious human rights violations by law enforcement officials;
- Release all prisoners of conscience [in Belarus] who were imprisoned for their participation in peaceful demonstrations.