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OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006

STATEMENT IN WORKING SESSION 1: FUNDAMENTAL FREEDOMS I

Freedom of expression, free media and information

Amnesty International's research indicates that many Participating States are failing to implement fully their commitments to protect the rights to freedom of expression.

Amnesty International is concerned at the sharp deterioration in freedom of expression in **Azerbaijan**, and in particular the killing, beating and intimidation of journalists. A series of violent attacks on journalists and the lack of thorough, effective and independent investigations into these incidents have had a chilling effect on the freedom of expression in the country. The fact that no one has been brought to justice for these attacks, and that in most cases the identity of the assailants remains unknown, contributes to a climate of impunity for assaults against journalists. In other cases allegations of the beating and harassment of journalists by law enforcement officials have yet to be thoroughly or independently investigated. The fact that many of the victims are closely linked to opposition parties and newspapers suggests a political context to these abuses which Amnesty International finds deeply alarming.

Concerns raised by Amnesty International include attempts by law enforcement or security forces to restrict freedom of expression during politically sensitive periods, such as election campaigns. On several occasions in the period preceding the 6 November 2005 parliamentary elections journalists covering demonstrations and rallies were assaulted and harassed despite being clearly identifiable as journalists through the wearing of armbands and/or press jackets.

Furthermore, Amnesty International is seriously concerned at the deployment of criminal defamation charges against journalists in Azerbaijan and their imprisonment as a result, most often after trials failing to comply with international fair trial standards. In the first two weeks of August alone the Minister of Internal Affairs brought separate lawsuits against four newspapers in Azerbaijan – all for defamation and 'insult of dignity and honour', and all aimed at independent or opposition newspapers.

In **Turkey** Amnesty International has called 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”.

Amnesty International considers that the provisions of Article 301 of the Turkish Penal Code do not fulfil the requirements of the permissible restrictions on the right to freedom of expression under international law. Its wide and vague terms mean that it may be applied arbitrarily to criminalize a wide range of peacefully-expressed dissenting opinion.

Amnesty International remains concerned about the steady flow of prosecutions that continue to be brought against a number of individuals in Turkey across the political spectrum. They include writers, journalists, publishers and human rights defenders. What characterizes all of them is that they have peacefully expressed opinions that are deemed to “denigrate” Turkishness, the Republic, parliament, the government, the judiciary or the security services. If imprisoned under Article 301, Amnesty International would consider them to be prisoners of conscience.

In **Belarus** there were numerous violations of the right to freedom of expression during the period before, during and after the Presidential elections which were held on 19 March 2006. Large numbers of peaceful demonstrators were detained and beaten by riot police and anti-terrorist forces during demonstrations following the elections. According to the human rights group Vyasna a total of 686 people were detained during the period 19-25 March. Members of the opposition faced harassment and restrictions on their right to freedom of expression. One of the Presidential candidates, Alyaksandr Kazulin, was sentenced to five and a half years imprisonment on 13 July 2006 for “hooliganism” and “the organization of group activities that breach public order or active participation in similar activities”. AI is concerned that these charges were part of an ongoing, systematic campaign of harassment, intimidation and obstruction by the Belarusian authorities against Alyaksandr Kazulin.

In **Moldova** there has been a worrying recent increase in violations of the right to freedom of expression. On 30 August, in the capital, Chisinau, nine members of an NGO which campaigns for freedom of expression, ‘Hyde Park’, were detained briefly while they were demonstrating for the erection of a monument to a Romanian writer. They were subsequently charged with participating in an unsanctioned meeting, despite the fact that they had been granted permission to hold the demonstration. They are facing trial over the coming weeks, and if they are sentenced AI will consider them to be prisoners of conscience.

In **Georgia**, on 29 June 2006, five activists of an NGO, ‘Equality Institute’, were detained by court guards when they protested in front of Tbilisi appeal court. The five were demanding the release of two journalists who were being tried in the court building, charged with “extortion”. The chairwoman of the court said at a press briefing later the same day that “the chair of the court has the right to deprive [people] of liberty if [they express] contempt of court and if the order is gravely violated”. Later that day the court sentenced the five men to 30 days’ imprisonment for “violating court order”, the maximum sentence provided for by this article. Reportedly, the

sentence was imposed without an oral hearing and the verdict was not subject to appeal. AI is seriously concerned at allegations that the men were targeted to punish them for exercising their right to freedom of expression.

In **Uzbekistan** the May 2005 events in Andizhan continued to be used as a pretext for tightening restrictions on freedom of expression, in the name of national security and the “war on terror”. In the build-up to the Andizhan anniversary parliamentarians called on journalists and politicians to start a media campaign to “repel information attacks” by “foreign political forces and media outlets”. As the authorities were consolidating their defences over the last 18 months, fewer and fewer independent or dissenting voices have been able to find an outlet to express their opinion without fear of reprisal.

With the introduction of tougher regulations for foreign media outlets in February 2006, and the closure of increasing numbers of independent foreign media and international non-governmental organizations in Uzbekistan in 2006, it has become ever more difficult to get access to independent sources of information. Civil society activists, including human rights activists and local independent journalists have continued to be threatened, assaulted, detained and forcibly confined to their homes. Several prominent human rights defenders, including Mutabar Tadzhibaeva and Saidzhakhon Zainabidinov, have been sentenced to long prison sentences for their alleged involvement in the Andizhan events after trials that fell far short of international fair trial standards. Amnesty International considers them prisoners of conscience.

In **Turkmenistan** the authorities have continued to detain and harass journalists, human rights activists and their relatives. They are accusing international organizations and diplomats, including representatives of the OSCE, of illegal activities and of fomenting discontent.

Ogulsapar Muradova, a correspondent for the US-funded Radio Liberty and member of human rights group the Turkmenistan Helsinki Foundation (THF), recently died in custody, following a trial which fell far short of international fair trial standards. There are strong indications that the charges brought against her and two others, Annakurban Amanklychev and Sapardurdy Khadzhev, were fabricated to punish them for their human rights activities.

Shortly after their detention high-ranking government officials, including the Minister of National Security and President Saparmurad Niyazov, made statements accusing the detained of “subversive activities”, and of being “traitors”. The accusations mainly related to attendance of human rights courses in Poland and Ukraine; the gathering and passing on of human rights-related information to the director of the THF in Bulgaria; and cooperation with foreign journalists from the BBC and the French media production company Galaxie Presse. At the same time the authorities accused several European diplomats based in the capital, Ashgabat, including an official of the OSCE, of aiding “the traitors”. A French Embassy official was accused of having passed on video equipment to Annakurban Amanklychev which, according to the authorities, he used for spying purposes and to “spoil” the image of Turkmenistan abroad.

Amnesty International is concerned at allegations that Ogulsapar Muradova was subjected to torture and ill-treatment in detention and supports calls made by the OSCE Chairman in Office on 15 September for a “full and impartial investigation into the circumstances surrounding her death” .

For more information on this case please see the distributed statement of AI for this session.

Recommendations

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

- 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, such as Article 301 of the Turkish Penal Code, 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.