

**Amnesty International**

**Statement to Working Session 3: Fundamental freedoms II, including:**

**Freedom of expression, free media and information, role of civil society in protection of human rights**

Amnesty International is concerned that human rights defenders across the OSCE region continue to be targets of intimidation, systematic harassment and serious human rights violations. As they struggle to campaign for the rights of others, their own freedom and safety come under attack. In some cases, the authorities try to silence them through torture, unfair trials and long prison terms. In the most extreme cases, they pay with their lives.

In the **Russian Federation**, earlier this year Russian President Medvedev set up a new Presidential Council for the Development of civil society institutions and human rights. In the first meeting he acknowledged the many problems NGOs, including human rights NGOs, are facing in Russia. He ordered a review of the law governing NGOs in the Russian Federation. The first set of changes to this law has been made and more are to come.

While we recognize the re-establishing of the Presidential Council and the initiative to amend the law on NGOs as positive steps, at the same time this year has seen unprecedented attacks on human rights activists in the Russian Federation. The murder of lawyer Stanislav Markelov and journalist Anastasia Baburova, the most recent murder of human rights activist Natalia Estemirova, and those of Zarema Saidulayeva and her husband Alik Dzhabrailov, have left deep scars in Russia's human rights community. The perpetrators of Anna Politkovskaya's murder remain at large. The shocking statement by President Ramzan Kadyrov after the killing of Natalia Estemirova, that her work was irrelevant and described her as a person who 'never had any honour or sense of shame', must be deplored. In this context we also must take very seriously other attacks on human rights defenders, such as the vicious beating of Lev Ponomarev from the For human rights Movement on 31 March, the death threats received by staff at Centre SOVA, which researches hate crimes and racist violence, those sent to the Mothers of Dagestan for human rights and the verbal threats made against colleagues of Natalia Estemirova at Memorial, prior to and after her murder.

The Russian President, the Prosecutor General and others have stated that these crimes are taken very seriously and Amnesty International would like to believe that the Investigative Committee under the Office of the Prosecutor General as well as other investigative bodies will have the power and political will to bring to justice those responsible for the murders of and attacks on human rights activists.

While we gather here, Chechen President Ramzan Kadyrov engages Natalia Estemirova's colleague in a court case accusing him of slander; Aleksei Sokolov, a member of the public control commission for places of detention in Yekaterinburg, has been detained for nearly five months already on charges of theft and robbery, which might have been fabricated against him in order to stop his human rights work, and Yuri Samodurov, the former director of the Sakharov Museum and Public Centre, is being accused of inciting hatred and is facing imprisonment together with art curator Andrei Yerofeev for showing the works of some of Russia's finest modern artists. If the Russian government is serious about strengthening civil society and protecting the right to freedom of expression, it has to do more than pay lip service to the human rights community. It has to stop those, who commit and condone crimes against civil society activists and who are out to attack freedom of expression. It must publicly support the work of human rights defenders.

In **Turkey**, human rights defenders continue to be subjected to judicial harassment, some of whom continue to be the subject of violent threats from unknown individuals or groups. In a number of cases police protection has been given to persons at risk.

In Istanbul certain human rights NGOs appear to be particularly at risk from closure, cases opened on the request of the Governor's Office. In one such case, after a long legal battle, the lesbian, gay, bisexual and transgender (LGBT) solidarity organization Lambda Istanbul was saved from closure after

its appeal to the Supreme Court of Appeals was upheld in April 2009. However, the wording of the reasoned judgment of the Supreme Court of Appeals suggested a further legal justification for the future closure of LGBT organizations, stating that encouraging others to become lesbian, gay, bisexual or transgender or making these sexual orientations become more widespread would undoubtedly be a cause for closure under the law on associations. Two other cases are pending based on complaints by the Istanbul Governor's Office: the closure of the Istanbul branch of the Human Rights Association (İHD) and of the religious-orientated human rights association, Özgür-Der.

In **Uzbekistan**, the situation for human rights defenders and independent journalists continues to deteriorate despite assertions by the authorities that freedoms of expression and association were not restricted and that independent NGOs and civil society activists could function freely.

Four years after the killing of hundreds of people in Andizhan, the authorities continued to refuse to allow an independent, international investigation into the Andizhan events. They asserted that two rounds of expert talks held with representatives of the European Union (EU) in December 2006 and April 2007 had addressed all the relevant issues. However, Amnesty International was concerned that these talks did not meet international standards for an effective, independent and impartial investigation and could not be substituted for them, and should therefore not be accepted by the EU as such. The failure of the Uzbekistani authorities to allow such an investigation was the reason behind the original imposition of sanctions by the EU in 2005 - a visa ban on 12 officials, an arms embargo and a partial suspension of the Partnership and Co-operation Agreement. Nevertheless in October 2008 the EU decided to lift fully the sanctions against Uzbekistan.

Some of the imprisoned human rights defenders convicted following the Andizhan events were released in 2008 under the terms of two separate amnesties; their releases were conditional, however. At least 10 human rights defenders remained in prison in cruel, inhuman and degrading conditions, having been sentenced to long prison terms after unfair trials. They had limited access to relatives and legal representatives, and reportedly they had been tortured or otherwise ill-treated. Some were reported to be gravely ill in prison, including prisoners of conscience Alisher Karamatov and Norboi Kholzhigitov. At least two human rights activists were sentenced to long prison terms in October 2008 on charges they claimed were fabricated in order to punish them for their human rights activities. One of them, Akzam Turgunov, a member of the banned secular opposition party Erk, claimed that he was tortured in pre-trial detention. In July 2009 independent journalist and human rights activist Dilmurod Said was sentenced to 10 years in prison - he claimed this was to punish him for his human rights activities.

Amnesty International was concerned that **Kyrgyzstan** may be joining the list of countries that seriously restrict the space for human rights defenders.

At the end of February 2009, Vitali Ponomarev, a prominent Russian human rights defender, was deported from Kyrgyzstan on arrival at the international airport in Bishkek and subsequently banned from re-entering the country for five years. Amnesty International is concerned that the deportation and ban were linked to the human rights work of Vitali Ponomarev, the director of the Central Asia department of the Russian human rights organization Memorial. The five-year entry ban and the deportation of Vitali Ponomarev are reminiscent of practices by Kyrgyzstan's neighbour Uzbekistan where the authorities have banned numerous human rights defenders, independent journalists and international organizations to prevent them from carrying out investigations into serious allegations of persistent human rights violations by security forces.

In **Serbia**, human rights defenders continue to be at risk from physical attacks on their lives and property by both state and non-state actors, and from verbal attacks, including by politicians and in the media. Leading women activists working on transitional justice and accountability for war crimes are particularly at risk. Defenders within the LGBT community are also at risk, including from threats against the Belgrade Pride which was to be held 20 September, but it did not take place.

## **Recommendations**

Amnesty International calls on the Participating States to:

- to ensure an enabling environment in which defenders can carry out their human rights work.
- publicly, loudly and clearly, condemn attacks on and killings of human rights defenders and ensure effective investigations of these acts.

Amnesty International calls on the OSCE, EU and the Council of Europe to:

- Ensure fast and reactive support and protection to human rights defenders at risk.