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Address and recommendations at the working session 5 “Rule of Law II”

Dear moderator, ladies and gentlemen,

The cases I'll speak about come from Russia, however the recommendations relate to all the OSCE participating States.

In Russia, the authorities frequently fail to tell terrorists from suspicious groups. The way they use anti-terrorist and anti-extremist legislation against their political opponents and religious minorities is completely against recommendations on countering violent extremism and radicalization that lead to terrorism made by prominent international institutions, including OSCE.

The fate of the Hizb ut-Tahrir political party is the best illustration. Hizb ut-Tahrir is a radical Islamist organization which is mainly preoccupied of propaganda. The Hizb's goal is the establishment of the single Caliphate, a totalitarian state covering the whole world and ruled exclusively by Shari'ah Laws; thus, the party's aims run contrary to the basic human rights and the states may oppose Hizb up to banning its activities. However, Hizb does not practice or prepare violence and avoids direct calls to action addressed to its members. Meanwhile, in Russia it was mistakenly banned as a terrorist organization. At present, followers of Hizb ut-Tahrir face the most active prosecution and are being sentenced to up to two dozen years prison terms just for the fact of participation in the party. Thus, the punishments they receive are extremely disproportionate. The investigation of the cases against Hizb followers often entails gross human rights violations, including the use of torture.

In Ukraine Hizb ut-Tahrir is not banned and it was somewhat popular with part of Crimean Tatars before the annexation. The fact was used by the Russian authorities as a pretext for ordering permanent raids, searches, detentions, arrests and interrogations, sometimes with the use of violence, following the North Caucasian model in the peninsula.

Further, several cases against amorphous groups of activists opened in different Russian regions have been a matter of specific concerns. The defendants have been charged with preparing mass unrest, however the charges are questionable and the investigations are far from being transparent.

Thus, eleven left activists in Penza and St. Petersburg who allegedly joined an anarchist group called “Set” (the “Network”) have been charged with involvement in

a terrorist association. The investigators have used torture and psychological pressure to persuade some of the defenders to confess.

Likewise, members of the “New Greatness” group charged with participation in an extremist association have not performed any substantial activities. The case has obvious elements of provocation since it turned out that three of the ten members were law enforcement agents infiltrated into the group.

Recommendations

SOVA Center reiterates a number of crucial points of the [Vienna Declaration on Preventing Security Measures from Eclipsing Human Rights](#) prepared by the Civic Solidarity Platform and adopted by the participants of the OSCE Parallel Civil Society Conference in 2017

and calls on OSCE participating States to:

- provide clear and narrowly phrased definitions of prohibited activities in any specific counter-terrorism and counter-extremism legislation, with robust and transparent enforcement and independent oversight. Any restrictions on human rights (such as freedom of expression or freedom of assembly) should be proportionate and demonstrably necessary to protect the rights of others, national security or public order;
- strictly follow international standards for fair trials and for the treatment of detainees;
- end impunity for violations of human rights while fighting terrorism and extremism ensuring effective investigation of all cases of alleged violations and bring perpetrators to justice;
- promote regular independent monitoring of the quality of counter-terrorism policies and practices in all OSCE participating States against OSCE human dimension commitments, as this is a matter of concern for and may have direct impact on all States.