



# EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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# REGIONAL ANALYSIS WESTERN EUROPE<sup>1</sup>

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
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In 2010, the European Union (EU) took concrete steps to enhance the protection of human rights defenders in third countries: as of December 2, 2010, human rights defenders' Focal Points had been appointed within EU delegations or member-States' embassies in over 80 countries, and local implementation strategies of the EU Guidelines on Human Rights Defenders had been developed in over 70 countries. Yet, a number of shortcomings remained, as human rights defenders on the ground were sometimes not aware of the appointment and/or contacts of such Focal Points, and were – in some occasions – not sufficiently involved in the elaboration process of local implementation strategies. In addition, as of April 2011, the “Shelter Cities” initiative initiated by the Czech Presidency of the EU in 2009 – which proposed that cities in EU member-States provide shelter to human rights defenders at risk from non-EU countries – had still not been translated into concrete acts.

Concerns were expressed by the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) on worrying trends such as the criminalisation of migrants<sup>2</sup>, discrimination against Roma<sup>3</sup> or restrictions to press freedoms<sup>4</sup>. In particular, the stigmatisation of the Roma community remained a top issue, in a context of removal operations carried out by the Governments of *France*, *Sweden* and *Denmark* in 2010<sup>5</sup>, or the anti-Roma violence that erupted in *Hungary*, the *Slovak Republic* or the *Czech Republic*<sup>6</sup>.

These trends directly impacted on the freedom of action of human rights defenders and the nature of the environment in which they operate. They

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1/ The countries of Western Europe include the Member States of the European Union and the States Parties to the European Free Trade Agreement. Turkey is also included in this region owing to the historic nature of its negotiations with the EU.

2/ See Council of Europe Commissioner for Human Rights, *Issue Paper: Criminalisation of migration in Europe – Human rights implications*, February 4, 2010.

3/ See OSCE Press Release, May 6, 2011.

4/ See Parliamentary Assembly of the OSCE Press Release, May 3, 2011.

5/ See European Roma Rights Centre, *Factsheet: Roma Rights Record 2011*, April 8, 2011.

6/ See European Roma Rights Centre Press Releases, April 14, 2011 and April 29, 2010.

were subjected to direct attacks and threats from non-State actors, amid growing nationalism and extremism. Furthermore, the continuing adoption of restrictive laws, motivated by security concerns, impacted negatively on the ability of many human rights defenders to carry out their activities. Sexual rights defenders and their organisations also faced administrative or judicial restrictions, and attacks by extremist groups, as well as those exposing corruption. Restrictions to trade union activities were reported in some countries.

## **Obstacles to the activities of defenders of migrants' rights**

### **Judicial and administrative harassment against defenders of migrants' rights**

Judicial and administrative harassment directed against specific groups or individuals who defend the rights of migrants increased (*Belgium, Cyprus, France, Poland*).

In *Cyprus*, Mr. **Doros Polykarpou**, Executive Director of Action for Support, Equality and Antiracism (KISA), an NGO working against xenophobia and racism in Cyprus, was informed by the police on March 23, 2011 that he would be sued on charges of “rioting and participating in an illegal assembly” in relation to a festival organised in November 2010 in Larnaca known as the Rainbow Festival, an annual anti-racism multicultural event co-organised by KISA. Though KISA had secured all relevant authorisations for the Festival, which took place in the area specifically indicated by the authorities, participants were attacked by individuals who had gathered for a march organised by the Greek Resistance Movement. Some of the individuals reportedly launched racist insults against Turks, Jews, Muslims, refugees and undocumented migrants. Insults were also directed at KISA under the slogan “axe and fire against KISA’s dogs”. Police reportedly failed to maintain the march at a safe distance from the Festival. Instead of arresting the attackers, the police arrested five refugees and two Cypriots who were attending the Festival. At the end of April 2011, a trial was due to open<sup>7</sup>.

Harassment against those opposing the degrading treatment of migrants about to be deported by air also remained a major trend in 2010 and early 2011 in *Belgium* and *France*. In *France*, Mr. **André Barthélémy**, President of Acting Together for Human Rights (*Agir ensemble pour les droits de l’Homme* - AEDH), has been subjected to judicial harassment since 2008, on charges of “incitement to rebellion” and “obstructing the movement of

<sup>7</sup> / See KISA.

an aircraft” after he intervened, on board of an aircraft, in favour of two Congolese nationals about to be forcibly removed. On December 4, 2010, the Paris Court of Appeal confirmed the 2009 decision of the Court of First Instance to sentence him to a 1,500 euros fine, albeit reduced to 400 euros. In *Belgium*, on September 17, 2010, the investigation was closed into the case of Messrs. **Serge Fosso**, **Philippe Leonardon** and **Claude Moussa**, who had been beaten and brutally removed on April 28, 2008 from a Brussels Airlines flight to Douala, and held in custody after they had loudly denounced, before the plane took off, the violations of the rights of a passenger about to be deported. As of April 2011, they were waiting whether charges would be issued by the Deputy Royal Prosecutor or if the latter would dismiss the case.

Human rights defenders were also arrested in connection with peaceful demonstrations of solidarity towards migrants. In *Belgium*, on April 28, 2011, about thirty human rights defenders chained themselves to the 127 bis detention centre of Steenokkerzeel to voice their opposition against the collective deportation of sixty rejected asylum seekers through a joint Frontex return flight to the Democratic Republic of Congo (DRC), and to express their solidarity with the returnees. Many of the demonstrators were arrested by the police amid breaches of the right to peaceful assembly<sup>8</sup>. Already on February 27, 2011, about twenty peaceful demonstrators who had gathered in front of Vottem detention centre to express their disagreement with Belgium’s immigration policy had been arrested on “administrative grounds”<sup>9</sup>. In *Poland*, Mr. **Robert Biedroń**, one of the leaders of Poland’s Campaign Against Homophobia (PCAH), was arrested and brought in a police car where he was handcuffed and brutally beaten by police officers, on November 11, 2010. The arrest occurred after he participated in an anti-fascist demonstration organised by the 11 November Coalition<sup>10</sup> as a counter-event to the “Independence March” organised by two extreme nationalist groups (the National Radical Camp - ONR, and the All-Polish Youth - MW), in Warsaw. During twenty hours of custody, Mr. Biedroń was never notified the reason of his arrest. The next day, he was released and notified that he had been charged for “battery against the police”, together with ten other persons arrested and charged on the same basis. As of April 2011, the hearing had not been scheduled yet. Meanwhile, Mr. Biedroń lodged a complaint against the police for

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8 / See Belgian League for Human Rights (*Ligue belge des droits de l’Homme*) Press Release, April 29, 2011.

9 / See Relief Red Belgium (*Secours Rouge Belgique*) Press Release, February 28, 2011.

10 / Since 1989, the Coalition has been organising anti-fascist events on 11 November, Poland’s Independence Day.

“misconduct” but the charges were rejected, which he appealed. As of April 2011, no judicial decision had been issued. Overall, 33 persons were arrested, eleven had accepted to pay fines, and as of April 2011, five were to face a trial for “attempting to block a legal demonstration” (i.e. the “Independence March”)<sup>11</sup>.

### **Defamation, violence and threats against defenders of migrants' rights**

While judicial and administrative harassment remained the main action taken against defenders of migrants' rights, direct attacks, sometimes violent ones, were reported in 2010 and early 2011 (*Cyprus, France*).

In *France*, the association Calais Migrant Solidarity (CMS) reported repeated destruction of material and cameras of their members by the police. In February 2010 for instance, a removal operation from a hangar legally rented by some activists ended up in some violent confrontation with the police and severe injuries against one of the members of CMS who was beaten up by French riot policemen (*Compagnie Républicaine de Sécurité - CRS*). On April 5, 2010, Mr. **Steven Greaves**, a freelance photo journalist, was attacked and beaten several times by a CRS agent armed with a baton to prevent him from filming a harsh removal operation from a squat of African migrants in Calais. On March 23, 2011, a female activist was arrested during another removal operation and taken into custody for six hours, then charged with “violence against a person holding public authority”, punishable by up to three years in jail and a fine of 45,000 euros<sup>12</sup>. Numerous acts of verbal sexual harassment from policemen towards female activists were mentioned as well, in addition to insults such as “sluts”, “ugly” and “whores” shouted for instance on November 26, 2010 during a violent police raid at the “Africa House”, a squat where African migrants live in Calais, or to body searches on women by male policemen, on January 5, 2011 again during a raid at the Africa House<sup>13</sup>.

In *Cyprus*, very serious accusations, considering the context prevailing in the country, were made against KISA by MPs and other politicians, which were relayed in February 2010 through the media such as the *Alithia* and *Politis* newspapers, which took up the declarations made by Mr. Averof Neofytou, member of the House of Representative and Deputy President of the Democratic Rally (DISY), the main conservative political party in Cyprus, during a discussion at the Parliamentary Committee on Development Plans and Public Expenditure Control initiated by right wing

11/ See League-Europe.

12/ She was discharged on June 16, 2011. The Public Prosecution did not appeal the decision.

13/ See No Border.

MPs on alleged abuse of the welfare system by asylum seekers, and where he alleged that KISA “controls the Ministerial Committee competent for matters on asylum ...[and] it sets up the agenda of the said Committee”, trying to make KISA responsible for what he called the “serious abuse of the welfare system”. On October 29, 2010, in an article published on *antistasi.org*, the website of the extremist group Greek Resistance Movement, KISA was described as an enemy to its country. Furthermore, Mr. Zacharias Koulias, then MP of the Democratic Party (DEKO), a centre-right political party, in a number of TV programmes on November 8 and 15 and December 1, 2010, accused KISA of “provoking” the events at the Rainbow Festival in Larnaca, and of fanaticising the Festival goers<sup>14</sup>. Furthermore, Mr. Nicos Anastasiades, MP and President of DISY, when asked at a press conference held in Larnaca on November 5, 2010 on his party’s proposals on migration policy, about the anti-Muslim, anti-Jewish and anti-refugee mobilisations, answered that he was not seeing any rise of racism and added: “Those who provoked are some organisations that claim to represent migrants”. These comments were relayed on March 11, 2011 by, amongst others, the online newspaper *iKypros*. Furthermore, members of KISA were directly accused by Mr. Zacharias Koulias of “damaging” the national identity, and of benefiting financially from the support they provide to migrants. Likewise, on March 4, 2011, again on *antistasi.org*, one of the organisers of the racist march and attack against the Rainbow Festival published an article entitled “Polykarpou stripped”, preceded by a photograph of a stripper on a pole. In the same article, it was stated that: “Mr. Polykarpou is a phenomenon of anti-hellenism, anti-nationalism and islam-lust”, and that “defenders of the rights of Muslims are brought to Cyprus in order to change the demography [of the country]”. The article also accused Mr. Doros Polykarpou and KISA members such as a lawyer member of the Steering Committee, of getting “thousands of euros from migrants and asylum seekers [...] 10,000 euros for an asylum application and 15,000 euros for an application for Cyprus citizenship [...] for persons from third-world and Arab countries, [while] for the Russians the tariff goes up to 1,700,000 euros”. Moreover, many persons involved in KISA’s activities were on various occasions the direct targets of intimidation and pressures in regard to their administrative status as foreigners in Cyprus, or to their professional activities<sup>15</sup>.

Furthermore, in *Greece*, the investigation into the attack in 2009 against Ms. **Konstantina Kuneva**, a Bulgarian migrant worker who is the General Secretary of All Attica Union of Cleaners and Domestic

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14/ See above.

400 15/ See KISA.

Workers (PEKOP), was officially archived in July 2010 by the Prosecutor of Athens. Ms. Kuneva had been violently attacked in August 2009 with sulphuric acid. She lost the use of one eye in addition to severe injuries in the stomach, larynx and oesophagus, as her aggressors forced her to drink acid. Due to serious allegations of lack of prompt investigation, the Prosecutor then asked to resume the investigation, which was still ongoing as of April 2011.

### **Blocking the access of human rights NGOs to funding**

Another manner to restrict the activities of defenders of migrants' rights was limiting their access to resources in *Cyprus*. Despite the fact that KISA is the only NGO providing free information, advice, mediation and legal representation services to thousands of refugees, migrants, victims of trafficking and of racism and violence every year, this organisation was not only not adequately financially supported but also deprived of funding allocation under EU programmes. Indeed, KISA implemented a European Refugee Fund project in 2007 and was supposed to be granted the EU funds related to this project by the Government. However, though the first financial audit made in December 2008, carried out by the Accounting Department of the Asylum Service, approved the expenses of KISA for the implementation of the project, a second administrative audit was made in January 2009 by another committee consisting of eligibility officers of the Asylum Service, which concluded that KISA had not processed some of the beneficiaries' files properly, leading to the decision not to reimburse KISA's expenses. In January 2010, the Ombudsman examined this case and advised the Asylum Service to re-examine its decision in order to facilitate the payment. However, the grant was not processed as recommended by the Ombudsman, and KISA therefore asked its lawyer to file a case before the District Court for violation of the contract by the Asylum Service, which was still pending as of April 2011. This action left KISA with a debt of about 70,000 euros, which until now seriously undermines the operational capacity and potential of the organisation and constitutes a real threat for its financial collapse. Similarly, in August 2010, the Rainbow Festival, which has been the most emblematic multicultural event co-organised by KISA for years, was denied access to the funding dedicated to multicultural activities under the European Integration Programme For Third Country Nationals 2007/2013 because, according to the selection committee of the Migration Department, KISA's application for the Rainbow Festival did not score the best results. No further explanation was provided to KISA<sup>16</sup>.

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16 / See KISA.

## Judicial harassment against defenders of Roma people

In the context of the stigmatisation of the Roma community, in some countries the defenders of the rights of the Roma community continued to be subjected to judicial harassment and violence (*Czech Republic, Italy*).

In the *Czech Republic*, on April 9, 2011, about 200 Roma and Roma rights supporters gathered peacefully in the framework of a counter demonstration against an anti-Roma march organised in Krupka. The crowd was brutally dispersed by the police and many persons were injured. Seven demonstrators and counter-demonstrators were arrested by the police. The latter was accused of authorising the anti-Roma march through an area where many Roma reside and therefore putting them at risk of being attacked by the anti-Roma marchers as well as providing their “help and protection” to anti-Roma movements<sup>17</sup>.

In *Italy*, in the case of Messrs. **Roberto Malini, Dario Picciau** and **Matteo Pegoraro**, co-Presidents of the EveryOne Group, an organisation supporting Roma and refugees, accused of “libel” and “slander” in May 2009 due to their activities in favour of the rights of the Roma community, the Deputy Public Prosecutor of Pesaro ordered in November 2009 a formal investigation on the work of the organisation and on its co-Presidents. On June 18, 2010, the latter were notified their indictment for “slander”, which, under the Criminal Code, is sanctioned with two to six years’ imprisonment. The libel charge was however dismissed. As to April 2011, proceedings remain pending against the group for “falsely accusing others of the commission of a crime” in relation to a letter where they denounced an alleged discriminatory decision of the Pesaro social services against a Roma family. Furthermore, in February 2010, Messrs. Malini and Picciau had been sentenced to a prison term, later commuted into a payment of a fine of 2,100 euros for “obstructing the police in the course of their duty”, on the basis of a “criminal decree” signed by the Office of the Magistrate for Preliminary Investigations of Pesaro, which allows a magistrate to sentence a person on the basis of the Prosecutor’s submission only, without hearing the accused.

## Harassment of trade unionists and environmental activists

In some European countries (*Montenegro, Turkey*), trade unions were sometimes hampered in their right to demonstrate, while some workers were even dismissed for being unionised. In *Montenegro*, trade unionists were repeatedly subjected to acts of intimidation to counter strike

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17/ See Civil society members of the Czech Government Inter-Ministerial Commission for Roma Community Affairs Press Release, April 14, 2011.



movements. For instance, Ms. **Sandra Obradovic**, President of a trade union in the Aluminium Plant - Podgorica (KAP) unit and a member of the Secretariat of the Union of Free Trade Union of Montenegro (UFTUM), was dismissed following her participation in a round-table discussion organised by a local anti-corruption NGO about the privatisation of Montenegrin companies. Previously, she had been victim of mobbing by her employer. As an example, she was assigned to use an office located more than one kilometre from her working place and she was assigned a “companion” who was following her and noting her trade union and professional work from 7 a.m. to 5 p.m. More generally, the Confederation of Trade Unions of Montenegro reported cases of employers bullying unionised staff members by threatening, for instance, to impose fines on strikers<sup>18</sup>. In *Turkey*, despite the adoption of new laws which should ensure greater respect of the right to collective bargaining and the right to strike, the Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Trade unions activists also continued to be repeatedly harassed when they advocated for greater respect of labour rights.

Environmental defenders were also subjected to restrictions. On March 17, 2011, ten Greenpeace activists from Belgium, British, Dutch and French nationality were sentenced by the Criminal Court of Brussels to a one-month suspended imprisonment and to a 1,100 euro fine, for having “disturbed” the European Summit held in Copenhagen on December 10, 2009, whereas the activists had simply entered the summit and then opened a banner entitled “EU: save Copenhagen”, in connection with the “Klimaforum” held in the Danish capital at the same time. On April 20, 2011, the Greenpeace activists decided to lodge an appeal against what they consider as being a breach of freedom of speech in favour of the right of the environment<sup>19</sup>.

### **New laws and measures that could restrict the activities of human rights NGOs**

Recent modifications in some European countries’ legislations in the past months could potentially restrict civil liberties and impact on the capacity of human right defenders to operate (*Ireland, France and the Republic of Macedonia*). Thus, in *Ireland*, the Government passed a law that entered into force on February 1, 2010 as part of the Defamation Act. The law states that blasphemy shall be fined to up to 25,000 euros. Article 36 defines blasphemy as publishing or uttering “matter that is

18/ See Confederation of Trade Unions of Montenegro.

19/ See Belgium League for Human Rights Press Release, March 18, 2011.

grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion”. Although the text also entails the obligation for defendants to prove their allegations by the elements of “genuine literary, artistic, political, scientific, or academic value”, this law opens some doors to judicial harassment against some statements or positions that could be considered by some as offensive, such as advocacy for lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. As a reaction to heavy criticism against the new provision by civil society organisations, the Ministry of Justice Mr. Dermot Ahren suggested to organise a referendum to remove the reference to blasphemy from both the Irish Constitution and to repeal the Defamation Act. As of April 2011, however, the referendum had not been scheduled yet<sup>20</sup>.

Furthermore, laws were adopted that could increase the surveillance of those who conduct human rights activities. In *France*, despite the outcry of the public opinion against the creation of a police data base to process private data for public security grounds, which led to the withdrawal of a bill which intended to create a police file known as the Documentary, Exploitation and Use of General Information (*Exploitation documentaire et valorisation de l'information générale* - EDVIGE) in November 2008, the Ministry of Interior, Overseas Territory and Territorial Governments stood firm with its position and passed Decree 2009-1250 on the “creation of a new automatic processing system of personal data in relation to administrative investigations linked to public security” in November 2009. The Decree foresees, *inter alia*, that the mere membership to a trade union, or some political, religious or philosophical ideas could justify refusing access to certain positions. An appeal to cancel the decree was lodged by 13 NGOs on February 12, 2010. The case was still pending as of April 2011<sup>21</sup>. In the *Republic of Macedonia*, another law has been in discussion since June 2010 regarding electronic communication. This draft law, strongly criticised by NGOs and opposition parties, would amend the principle of inviolability of communication and the right to privacy, by foreseeing exceptions to this principle decided by the Ministry of Interior without a court decision. The law would create many opportunities for the interception of electronic communications in a complete lack of accountability and transparency from the authorities when doing so. Private companies would be required, moreover, to provide appropriate interfaces to allow monitoring. Human rights defenders’ activities could be affected by these new measures<sup>22</sup>.

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20/ See Irish Pen Press Release, March 22, 2011.

21/ See French League for Human Rights (*Ligue française des droits de l'Homme*).

22/ See Human Rights House Sarajevo Press Release, June 15, 2010.

## Harassment and threats against human rights defenders in the Balkans

In the Balkans, acts of harassment and intimidation against outspoken defenders continued (*Bosnia and Herzegovina, Serbia*). In *Serbia*, on January 8, 2010, the apartment of Mr. **Marko Karadzic**, the State Secretary at the Ministry for Human and Minority Rights, was broken into. Nothing was stolen but only 150 euros, reinforcing the belief that this act of intimidation aimed at warning Mr. Karadzic against his activities in favour of human rights. Mr. Karadzic is known for defending the rights of marginalised groups in society, particularly Roma and members of the LGBTI community, and has campaigned for the adoption of an Anti-Discrimination Law. Mr. Karadzic had already been subjected to anonymous threats and smear media campaign in 2009. An investigation was carried out but had failed to provide any result as to April 2011<sup>23</sup>. In *Bosnia and Herzegovina*, Mr. **Enver Murgic**, a member of the Helsinki Committee for Human Rights and a former acting President of the organisation, was fired on January 14, 2010 from his workplace at the Centre for Culture and Education in Vledika Kladuza by the Director of the institution. Whereas the reasons for the dismissal were not mentioned, it is assumed by the Helsinki Committee for Human Rights that Mr. Murgic was fired because of his human rights activities<sup>24</sup>.

## Harassment of human rights defenders engaged in the fight against impunity

In 2010–2011, those who fought against impunity of human rights violations were subjected to acts of intimidation including judicial harassment and death threats (*Spain, Turkey*).

In *Spain*, Mr. **Baltasar Garzón**, a Judge sitting at the Second Chamber of the Supreme Court, has been facing judicial harassment since 2009 in relation to his investigation over crimes against humanity, especially enforced disappearance, perpetrated during Franco's dictatorship. In May 2009, a complaint had been lodged by far-right groups– Clean Hands and Freedom and Identity (*Manos Limpias* and *Libertad y Identidad*) relying on the 1977 Amnesty Law. On February 2, 2010, the Investigative Judge of the Second Chamber of the Supreme Court decided to proceed with the judicial investigation carried out against Mr. Garzón, regardless of the fact that the Amnesty Law itself provides, in its Article 1, that amnesty is not applicable in cases of “grave violence against the life or personal integrity of several persons”. Judge Garzón was indicted in April 2010

23/ See Centre for Peace and Democracy Development.

24/ See Helsinki Committee for Human Rights in Bosnia and Herzegovina.

for exceeding his authority when investigating crimes committed by the Franco regime that were included in an amnesty and suspended on 14 May 2010, pending trial. On March 24, 2011, Judge Garzón filed a complaint to the European Court of Human Rights (ECHR) challenging the lawfulness of the prosecution against him. As to April 2011, no date has been set for a trial because Judge Garzón's legal team has challenged the impartiality of most of the seven judges who would oversee his trial.

In *Turkey*, dozens of human rights defenders were again subjected to judicial harassment. This was particularly the case of members of the Human Rights Association (İHD), who have been detained and prosecuted within the framework of the alleged anti-terrorist "KCK" operations as well as members of the Human Rights Foundation of Turkey (TIHV).

### **Obstacles to the freedom of peaceful assembly and intimidation of LGBTI rights defenders**

In 2010–2011, attacks on LGBTI rights defenders continued. Besides, some attempts were made in many countries to restrict freedom of assembly for gay pride's marchers (*Croatia, Finland, Lithuania, Serbia, Sweden, Turkey*), thus leading the Council of Europe's Commissioner for Human Rights to comment on the issue<sup>25</sup>.

In *Croatia*, in June 2010, an anti-gay rally was organised by an ultra-right youth organisation to counter the Gay Pride. A dozen of anti-gay protesters attacked the parade leading to the injury of three participants<sup>26</sup>.

*Finland* was a particular focal point of anti-gay actions that targeted defenders of LGBT rights. During the Gay Pride organised in Helsinki on July 3, 2010, tear gas and/or pepper spray were sprayed at the participants by persons who are reportedly connected to extreme far right groups. More than eighty persons reported symptoms due to the tear gas and pepper spray, including babies and young children. Six persons were arrested and were charged on March 1, 2011 with "assaults" against 87 individuals, "detention of illegal weapons", "violation of political freedoms" of 71 people and "violation of freedom of assembly". As of April 2011, the case was about to be brought to courts<sup>27</sup>. In addition, on July 8, 2010, a

25/ See Council of Europe Commissioner for Human Rights Statement, June 2, 2010.

26/ See Report submitted by the Lesbian Group Kontra and Iskorak to the International Lesbian, Gay, Bisexual, Trans and Intersex Association – Europe (ILGA-Europe) as part of the *2011 Report on Hate Crimes* submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights, March 31, 2011.

27/ See Seta Helsinki Metropolitan Area (*Helsingin seudun Seta ry*), a Helsinki-based LGBT organisation and the organiser of the "Helsinki Pride".

few days after the Gay Pride, the offices of the LGBTI organisation Seta Helsinki Metropolitan Area (Helsingin seudun Seta ry”) were vandalised, with windows broken, and swastikas and crosshairs painted on the walls. A few days before the pride, the organiser of the North Pride, which was held on June 22-25, 2010, had also received a phone call threatening with a bomb blast during the pride if the event was not cancelled. Eventually no bomb exploded, but such blackmail was taken very seriously by the LGBTI community and by the police, which investigated so as to assess whether it was safe to organise the march. The situation was considered as safe and no further action was deemed necessary by the police. Furthermore, in October 2010, one week after a student union took position in favour of LGBTI equality rights, Molotov cocktails were thrown at the union’s building while homophobic statements were sprayed on the fences. Finally, on the night between December 25 and 26, 2010, the windows of the offices of the local LGBT association in Jyväskylä were broken<sup>28</sup>.

In *Sweden*, after the opening of the Third Transgender Council held in Malmö in October 2010, three delegates from Turkey were attacked by teenagers on their way back to their hotel while returning from a party in an LGBTI club. Alerted, the police came to write a report. Once back to their hotel, the three persons were then summoned at the police station. However, the police verbally abused them, while making fun of their dressing manner as transgenders. Translation was not provided all the time. These abuses against overtly transgendered activists were reported to the Ombudsperson. Subsequently, the Malmö section of the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) local LGBTI organisation, in co-operation with Transgender Europe, filed a complaint with the police. The case was pending as of April 2011<sup>29</sup>.

In *Lithuania*, homophobic and transphobic initiatives gained in strength at the political level, thereby sadly confirming an anti-LGBTI climate already perceptible in previous years. On April 13, 2011, the Human Rights Committee of the Republic of Lithuania rejected a draft amendment (XIP 2595) to the Code on Administrative Offence, which was aiming at sanctioning “the propagation of homosexual relations in public”. Strong criticism had been uttered by some human rights organisations, the President of the Republic of Lithuania herself<sup>30</sup>, and the European Parliament<sup>31</sup>, while the Legal Committee considered the amendment was

28 / See Report submitted by the Lesbian Group Kontra and Iskorak to ILGA-Europe, *op. cit.*

29 / See RFSL Malmö.

30 / See ILGA-Europe Press Release, November 11, 2010.

31 / See European Parliament Press Release, January 19, 2011.

acceptable if the reference to “homosexuality” was removed. Eventually, a second draft (XIP 2595 (2)) was submitted to the plenary assembly of the Parliament by the initiator of the draft, Mr. Gražulis, on April 22, 2011, reading that “public contempt of the constitutional moral values and the family framework established by the Constitution, organisation of events contrary to the society’s moral values, shall incur a fine of one thousand to three thousand litas (300 to 900 euros)”. As of late April 2011, the draft still needed to be approved by the Assembly, which was to examine the text on June 16, 2011<sup>32</sup>. In such a context, on May 8, 2010, the Vilnius District Administrative Court suspended the authorisation given to the Vilnius municipality to hold the Baltic Pride march “For Equality”. Only after a decision by the Supreme Administration Court was issued, which turned down the District Administrative Court’s decision, could the event be held, albeit under heavy police presence to protect the peaceful marchers against aggressive protesters who had gathered around the pride. The Baltic pride march was attended by about 500 people, including many European members of Parliament as well as by Ministers from EU member States. Aggressive protesters largely outnumbered the LGBTI demonstrators, with almost 2,000 people shouting, spraying tear gas and throwing stones at the marchers. Nineteen anti-pride demonstrators were arrested. Two Lithuanian MPs (Mr. Kazimieras Uoka from the centre-rights Homeland Union and Christian Democrats, and Mr. Petras Gražulis, from the Order and Justice Party) were involved in the violence, resulting in the General Prosecutor of Lithuania asking Parliament to lift their parliamentary immunity in June 2010. This request was rejected in October, 2010 after a voting by Parliament on this matter<sup>33</sup>. Moreover, direct threats were professed by Mr. Uoka, a Lithuanian MP, against the Centre of Equality, on a TV programme on January 19, 2011, stating that “if your institute gives more attention to the defence of these values [e.g. LGBTI rights], believe me, your centre will be “driven away’ from Lithuania”<sup>34</sup>.

In *Serbia*, a Pride March was organised in Belgrade on October 10, 2010, with the utmost police protection possible. Already the day before the march, the office of Women in Black, a very active and prominent feminist and anti-military organisation, had been attacked due to their support to the Pride and because it was believed they would host some of the guests

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32/ See Lithuanian Centre for Human Rights.

33/ See Report submitted by the Lithuanian Gay League to ILGA-Europe as part of the 2011 Report on Hate Crimes submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights on March 31, 2011.

408 34/ See Lithuanian Centre for Human Rights.

attending the Pride March<sup>35</sup>. Indeed, 6,000 hooligans surrounded the event and attacked the police, confrontations which resulted in 249 arrests, 131 detentions and 160 persons being injured. Following the investigation that was carried out in December 2010, 83 persons were indicted for “violent behaviour”. On February 12, 2011, seven accused were sentenced by the High Court to a four-month imprisonment for “violent behaviour”. Two cases were still pending as of April 2011 against two members of far-right organisations involved in the violence, Mr. Misa Vacic, Spokesperson of the 1389 Movement<sup>36</sup>, and Mr. Mladen Obradovic, leader of Obraz movement, who were also prosecuted for threats and attacks against the pride in 2009. These proceedings are seen by LGBTI organisations as extremely important as it is the first time that Article 387 or the Criminal Code on racial and other discriminations is used in cases involving sexual orientation and gender identity issues. However, two witnesses testifying against Mr. Vacic were subjected to death threats in 2010 in connection with their role in the organisation of the 2009 pride in Belgrade<sup>37</sup>.

In *Turkey*, LGBT human rights defenders and organisations continued to face obstacles to their activities in 2010-2011, including closure, and acts of violence or intimidation by law enforcement agents or non State actors, often in impunity.

### **Abuse of power against defenders by companies in a dominant position in France (strategic lawsuit against public participation - SLAPP)**

In 2010 and 2011, human rights defenders in *France* were confronted to private companies that subjected them to judicial harassment in reprisals for critical statements. For instance, the Network for Alert and Intervention for Human Rights (*Réseau d’alerte et d’intervention pour les droits de l’Homme* - RAIDH), a human rights organisation, launched a vast campaign against the use of Taser guns by the police, resulting in the company SMP “Technologies Taser France” to take legal actions against RAIDH for the “abuse of freedom of expression” and “disparagement of the trademark and trade name Taser”. On October 27, 2008, the Paris Court of First Instance had dismissed all claims by SMP Technologies, a judgment against which the company lodged an appeal before the Court

35/ See Helsinki Committee for Human Rights in Serbia.

36/ The 1389 Movement is a nationalist Serb group which promotes Serbian culture and identity, territorial sovereignty, praising Orthodox religion. It opposes the independence of Kosovo as well as the candidacy to enter the EU.

37/ See Helsinki Committee for Human Rights in Serbia and information submitted by Labris to ILGA-Europe for the 2011 Report on Hate Crimes submitted by ILGA-Europe to the OSCE Office for Democratic Institution and Human Rights on March 31, 2011.

of Cassation. On September 8, 2010, the Paris Court of Appeal again dismissed all claims by SMP Technologies, a judgment against which the company lodged an appeal before the Court of Cassation on December 10. SMP Technologies finally gave up this last appeal before the Court of Cassation. Furthermore, on October 26, 2010, SMP Technologies lodged individual complaints for “defamation” following the publication of an article written by Ms. **Chloé Le Prince**, a journalist, and published two years earlier in the online newspaper *Rue 89*. Complaints for defamation were lodged at the Paris Court of First Instance by the President of TASER France, against members of RAIDH and other individuals, including Messrs. **Arnaud Gaillard**, Vice-President of RAIDH and **Rony Brauman**, also President of Doctors Without Borders (*Médecins sans frontières* - MSF), Ms. Le Prince, the newspaper *Rue 89*, *Rue 89* Information Website and Mr. Frederic Defrasne Poydenot, former development manager of SMTP Technologies<sup>38</sup>. As to April 2011, the complaint was pending. In another case, on July 9, 2010, the First Instance Court of Paris cancelled the proceedings lodged by the French company Bouygues against four webmasters who, in 2004, had published documents on their websites - *Pajol*, *Indymedia*, *CNT* and *Anti-Ad Network - Réseau Anti-Pub* - denouncing the involvement of the industrial group in the construction of detention centres during a one-week action against detention centres. The four webmasters were accused in January 2005 by Bouygues of “direct provocation” and of “calling for destruction, degradation, and dangerous damage to the people”<sup>39</sup>.

### **Attacks against journalists denouncing human rights abuses and corruption**

In 2010-2011, a high number of journalists were subjected to acts of harassment after they exposed human rights violations (*Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Latvia, Turkey*).

In *Bosnia*, Mr. **Bakir Hadziomerovic**, Editor-in-chief of *BiH TV* programme “60 Minutes”, which exposes links between politicians and organised crime, has also been receiving repeated anonymous threats since November 2009 directed against himself as well as his family. An investigation was opened by the Banja Luka police, which gave him 24-hour protection. However no suspect had been arrested as of April 2011<sup>40</sup>.

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38/ See RAIDH.

39/ See Group of Information and Support to Immigrants (*Groupe d'information et de soutien des immigrés* - GISTI) Press Release, May 27, 2010.

410 40/ See Human Rights Watch World Report 2010.



In *Bulgaria*, on February 14, 2011, a bomb exploded in front of the headquarters of the weekly newspaper *Galeria* in Sofia. It is assumed that the explosion targeted the newspaper for its reports on corruption cases involving high rank officials. Another media company in Bulgaria, *TV Skat*, was targeted by similar attacks (Molotov cocktails) twice in 2010, in the cities of Varna and Burgas. Though investigations were conducted, to date they had not brought any result<sup>41</sup>.

In the *Czech Republic*, on March 11, 2011, masked members of the military police raided the premises of the State TV station, with a warrant from the Public Prosecutor, in search of a 2007 report held by journalist **Karel Rozanek**, well-known for investigating on corruption cases, which had then caused the dismissal of the Head of the Military Intelligence, Mr. Miroslav Krejcik. In 2007, this report, the content of which remains unknown, had led to the dismissal of the Head of the Military Intelligence, Mr. Krejcik. Furthermore, the circumstances of the dismissal, and especially the role played by the then incumbent Defence Minister, Ms. Vlasta Parkanová, remained unclear and led to the opening of an investigation. The Prosecutor in charge of investigating the dismissal case gave a warrant to the military police to confiscate the report which, as reported by the then District Court Judge, was still classified when it ended in Mr. Rozanek's hands. The judge himself disapproved the raid as he, at no point, asked "for the confiscation of the whole office". The Head of the Military Intelligence, who had been suspended by the Minister of Defence shortly after the event on March 11, 2011, returned to his position on April 28, 2011<sup>42</sup>.

In *Latvia*, on April 16, 2010, Mr. **Grigorijs Nemcovs**, publisher of the most important Russian-speaking newspaper *Million* and owner of the local TV station *Million*, was shot dead by an unknown person. Mr. Nemcovs had worked a lot, as a journalist, on investigating cases of corruption and criminality in the country. He was also an activist and Deputy Mayor of Daugavpils, whose support played a major role in the success of the civil society movement People of Latgale, which represents the large Russian and Polish communities living in Latgale region, at the border with Russia<sup>43</sup>. Moreover, on January 1, 2010, the office of a Riga-based newspaper *Neatkarīga Rita Avīze* and its publishing house had been broken into. The newspaper has been reporting on many political and

41/ See International Press Institute Press Release, February 14, 2011.

42/ See *Czech Position.com* Article by Jones T., April 15, 2011. See also Czech News Agency Article, April 29, 2011.

43/ See Reporters Without Borders (RSF) Press Release, April 18, 2010.

business corruption cases while covering issues linked with the Attorney General's as well as the Latvian and Russian oligarchy<sup>44</sup>.

In *Turkey*, journalists and writers were arrested after they reported on the prosecution on an alleged ultra-nationalist network with links to State institutions, known as the Ergenekon case and other issues related to the rights of minorities.

**Urgent Interventions issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet**

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
FRANCE	Mr. André Barthélémy	Judicial harassment	Joint Press Release	October 28, 2010
SPAIN	Judge Baltasar Garzón	Judicial harassment	Press Release	March 23, 2010
			Press Release	May 3, 2010
			Press Release	May 19, 2010
			Joint Press Release	May 26, 2010

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# TURKEY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, in the run-up to a referendum held in September 2010 and general elections due in June 2011, repression intensified against voices critical of the Government, in particular on the Kurdish issue. Dozens of human rights defenders were again subjected to judicial harassment for denouncing impunity of serious human rights violations, defending sexual rights, investigating on ultra-nationalist networks, advocating for labour rights or defending the right to conscientious objection. Some were prosecuted within the framework of anti-terrorist operations and subjected to prolonged pre-trial detention. The Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Human rights defenders were again subjected to death threats in impunity, while several trials for the past murder of defenders had continued.

## Political context

In 2010-2011, the political agenda was dominated by a constitutional reform successfully led by the ruling Justice and Development Party (AKP), the Government's so-called "democratic opening" to address the Kurdish issue, multiple investigations into alleged coup plans and the run-up to the general elections to be held in June 2011, with Turkey's human rights record failing to improve significantly.

Promised by AKP when it took power, a major reform to the 1982 Constitution was sanctioned by referendum in September 2010 with a majority of 58%. In the process, the ruling party failed to consult opposition parties and civil society<sup>1</sup> on the content of the reform and failed to address the Kurdish issue. Nonetheless, the reform was significant in that it lifted immunity from prosecution for military and public officials for crimes committed during and after the September 12, 1980 coup, reduced the role of military courts, increased executive authority over the judiciary, changed the composition of the Constitutional Court and the powerful Higher Council of Judges and Prosecutors, introduced the right of individual petition to the Constitutional Court, which is scheduled to enter into force on September 23, 2012, established an Ombudsman office, partially lifted some restrictions to trade union rights for the public

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1/ Several meetings took place with some NGOs, but these organisations were selected in accordance with their "political stance".

sector and allowed positive discrimination in favour of women, children, veterans, persons with disabilities, and the elderly. Moreover, apart from the constitutional reform, the Government also submitted, in February 2010, a draft law to the Parliament regarding the establishment of the Turkish Independent Human Rights Institution. On July 23, 2010, the Parliament adopted amendments to the antiterrorism laws that limit the prosecution of minors under the laws, reduce punishments for illegal demonstrations and meetings, and allow for the release of minors who had been previously convicted under the laws, thus resulting in the release of hundreds of children from prison.

The conflict with the Kurdistan Workers' Party (PKK), a militant guerilla group, continued to cause numerous human rights violations, though the PKK renewed ceasefire declarations throughout 2010. Clashes with the Turkish armed forces continued. On February 28, 2011, PKK ended the unilateral ceasefire arguing that AKP had shown unwillingness to solve the Kurdish issue politically. The violent repression of demonstrations in the east and south east of Turkey – organised to protest against several events that curtailed the participation of major Kurdish personalities to the political life on suspicion of terrorism – continued throughout 2010 and 2011<sup>2</sup>. These events included in particular the Constitutional Court's decision in December 2009 to ban the Kurdish Democratic Society Party (DTP), mass arrests and prosecutions in 2009-2011 of approximately 1,000 officials from the DTP and its successor, the Peace and Democracy Party (BDP), including mayors and elected officials, as well as journalists, writers and human rights defenders, for their alleged membership to the Union of Kurdistan Communities (KCK), a body said to be the "urban front" of the PKK and the High Election Board's decision on April 18, 2011 to ban the participation of several Kurdish politicians to the June parliamentary elections<sup>3</sup>.

Moreover, hundreds of politically motivated trials were ongoing or initiated in 2010-2011, particularly against leftist groups and right-wing networks – in addition to Kurdish personalities or groups – on charges of

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2/ In 2010, the Human Rights Association (İHD) reported that two people died and 69 were wounded due to police violence against demonstrators. See İHD Press Release, November 8, 2010.

3/ In the framework of the so-called KCK operation, since April 2009 and as of April 2011, a total of approximately 2,500 Kurdish personalities would have been arrested, with 900 having been remanded in detention, to dismantle the so-called KCK terrorist network. Fifteen related trials were pending to date in the courts of Diyarbakir, Adana, Van, Erzurum and Izmir, for alleged membership to the KCK. The main trial opened on October 18, 2010 before the Diyarbakir Heavy Penal Court No. 6 against 152 defendants, including a large number of publicly known defendants.

membership or support of illegal organisations or other charges. Indeed, in 2010, trials into alleged right-wing conspiracies to trigger a military coup opened or continued. As of April 2011, over 500 people, including politicians, ex-military officials, business and media personalities, had been taken into custody and nearly 300 formally charged with membership to the network, which the prosecutors claimed had been responsible for virtually every act of political violence committed over the last thirty years in Turkey. But, on another note, progress in investigating the link between the suspects and past human rights violations remained slow<sup>4</sup>.

The Government continued to limit freedom of expression, in particular in the press and on Internet<sup>5</sup>, through the use of constitutional restrictions and numerous laws. Individuals in many cases could not criticise the State and the Government publicly without risking of criminal investigation or prosecution, particularly those who criticised the military, the military service, the Kurdish problem, or the Armenian problem, leading to self-censorship in Turkish media<sup>6</sup>.

In this context, violations of the right to life and the right to a fair trial, the prohibition of arbitrary detention, torture and ill-treatment, freedoms of association, expression and peaceful assembly as well as freedoms of religion remained frequent. Furthermore, security forces frequently initiated counter-cases for resisting arrest against persons who alleged torture or abuse. Lengthy criminal proceedings and pre-trial detention remained a particularly acute problem as close to half of all detainees were either awaiting trial or awaiting a final verdict on their cases.

### **Ongoing judicial harassment against human rights defenders and their organisations**

In 2010-2011, dozens of human rights defenders in Turkey were again subjected to judicial harassment. This was particularly the case of members of the Human Rights Association (İHD), who have been detained and

4/ See İHD.

5/ More than 7,000 websites would currently be blocked in Turkey. See Reporters Without Borders (RSF) Press Releases, November 3, 2010 and April 29, 2011.

6/ Kurdish publications continued to be banned. The number of convicted under the Anti-Terror Law multiplied by six since 2009 (220 people tried in the scope of freedom of speech and freedom of opinion in 2010, including 104 journalists). See *BIA News Centre Report, BIA 2010 Media Monitoring Report-Legal Landscape of 2010 Dominated by Anti-Terror Law*, March 28, 2011. Moreover, in April 2011, an OSCE study established that 57 journalists were detained in Turkey, 10 journalists were awaiting trial, while between 700 and 1,000 proceedings were ongoing putting charged journalists at risk of imprisonment. The report confirms that most of the journalists are convicted or sued on the basis of Anti-Terror Law. See OSCE Media Freedom Representative Study, April 4, 2011.

prosecuted within the framework of the alleged anti-terrorist “KCK” operations. Mr. **Muharrem Erbey**, lawyer and General Vice-President of İHD and President of its Diyarbakır Branch, as well as Mr. **Arslan Özdemir** and Ms. **Roza Erdede**, İHD members in Diyarbakır, who have worked closely with associations of families of the disappeared and been defending unresolved cases of extrajudicial killings and enforced disappearances in the region, were among the 152 Kurdish personalities prosecuted on accusation of “being a member of an illegal organisation” and are facing a minimum sentence of 7.5 to 15 years of prison. The trial, which opened before the Sixth Special Heavy Penal Court of Diyarbakır on October 18, 2010, was ongoing as of the end of April 2011. Messrs Muharrem Erbey and Arslan Özdemir have been remanded into custody since December 23, 2009 and Ms. Roza Erdede since April 2010 and are respectively detained in Diyarbakır D type prison and Diyarbakır E type prison<sup>7</sup>. In the context of the same operation, on March 16, 2010, Ms. **Vetha Aydın**, President of İHD Siirt branch, and Mr. **Abdullah Gürgen**, Executive Board member of the same branch, were arrested at their home. On the same day, the police raided the offices of İHD Siirt branch and confiscated material concerning the activities of the association and its members, including the association’s hard disk, files and CDs as well as some letters sent by prisoners regarding human rights violations in detention. This material and equipment was later returned after the authorities had made a copy. On March 17, 2010, Mr. Abdullah Gürgen was released from the Siirt police headquarters, but he was later charged with “membership to an illegal organisation”. One year later, on March 15, 2011, Ms. Vetha Aydın was released for lack of evidence. However, charges of “membership to an illegal organisation” were still pending against her as of April 2011. Criminal harassment against other İHD members was ongoing in 2010-2011. For instance, as of April 2011, Ms. **Filiz Kalaycı**, a lawyer and a member of İHD Executive Board, along with Messrs. **Hasan Anlar**, İHD Deputy Secretary General, **Halil İbrahim Vargün**, former İHD Treasurer, and **Murat Vargün**, İHD member, remained prosecuted on charges of “being a member of an illegal organisation”. Four criminal cases against Messrs. **Ethem Açıklım**, former President of İHD Adana Branch, and **Mustafa Bağcıçek**, Secretary General of the same branch, who decided in December 2009 to leave Turkey and seek asylum abroad,

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7/ The investigation and trial have raised a series of fair trial concerns, including illegal surveillance and tapping, prolonged pre-trial detention and limitations on access by defendants and their lawyers to the evidence against them. The trial has been delayed in part because the court has consistently denied many of the defendants’ right to address the court in Kurdish, their mother-tongue and because the court refused to examine the defendants’ conditions of detention. On April 26, 2011, after several defence lawyers stood out to protest violations of their clients’ right to a defence, the court appointed new lawyers and adjourned until May 10, 2011.

also remained pending as of April 2011<sup>8</sup>. On July 24, 2010, Mr. **Rıdvan Kızgın**, an İHD board member, died of cancer as several criminal cases were ongoing against him. He was last sentenced in 2010 by the Supreme Court of Appeals to seven years and six months of prison and an arrest warrant was issued, but the police could not arrest him until he left the hospital. In addition, on May 1, 2010, İHD Ankara branch was threatened with armed attack if they did not stop their activities within one month via an e-mail. The İHD did not file a complaint and no investigation was carried out by the authorities<sup>9</sup>.

Members of other human rights organisations were also victims of judicial harassment. For example, on September 30, 2010, a criminal trial opened before the Second Criminal Court of First Instance of Kadıköy against Ms. **Şebnem Korur Fincancı**, President of the Executive Board of the Human Rights Foundation of Turkey (TIHV), and Mr. **Barış Yarkadaş**, General Publications Director of the information website *GerçekGundem.com*, on charges of “insulting a public official in the media in relation to his duty” as on July 22, 2009 the website published an interview given by Ms. Fincancı, where she openly criticised Ms. Nur Birgen, then the incumbent President of the Third Specialisation Chamber of the Forensic Medical Institute<sup>10</sup>. As of April 2011, the criminal cases were ongoing<sup>11</sup>. On January 11, 2011, a criminal case on charges of “attempting to influence the fair trial” was launched against Mr. **Sezgin Tanrikulu**, TIHV Diyarbakır Representative, in connection with a criticism he made on the *nolle prosequi* decisions of the Martial Court and Diyarbakır Heavy Penal Court No. 3 in the case of a man who had been killed by a sergeant in Diyarbakır province in 1994<sup>12</sup>. On February 11, 2011, he was acquitted<sup>13</sup>.

8/ In addition, on June 16, 2010, the Adana Heavy Penal Court No. 7 sentenced Mr. Açıkalın to ten months of imprisonment on charges of “making propaganda of an illegal organisation”, in connection with his participation in a press conference in December 2007 to commemorate the operation “Back to life”, which was carried out on December 19, 2000 by the Turkish security forces against twenty prisons at the same time to stop hunger strikes, which caused 28 prisoners dead and many wounded.

9/ See İHD.

10/ In 1998, Dr. Nur Birgen was banned from professional activities for six months by the Turkish Medical Association and was then prosecuted for issuing false certificates concerning seven persons detained in July 1995 who were allegedly victim of ill-treatments. In spite of this, the Ministry of Justice did not suspend her from her duties, reportedly on the grounds that she is a civil servant whose civil rights must be protected.

11/ See TIHV.

12/ *Idem*.

13/ See İHD.

## Ongoing harassment of trade unionists in a context of apparent lifting of restrictions to their activities

The adoption by referendum in September 2010 of the amendments to the Constitution resulted noticeably in granting civil servants and other public employees the right to collective bargaining. However, no collective agreement has been made since then, which means that collective bargaining is still not effective. Most importantly, the bans on strikes, lockout, and other forms of protest by workers were lifted. This apparent “détente” of the authorities towards workers’ protests was particularly perceptible on May Day 2010 when, for the first time since 1977, Taksim square in Istanbul was open to demonstrations. Besides, it is now possible to be part of more than one union in the same branch.

Yet, in practice, the Government remained reluctant to give space for protest from workers and many times demonstrations were countered with police violence. Trade unions activists also continued to be repeatedly harassed when they advocated for greater respect of labour rights. For example, Mr. **Ali Rıza Küçükosmanoğlu**, a member of the Confederation of Progressive Trade Unions (DISK) Executive Board and President of Nakliyat-İs trade union, was detained for one month between December 2009 and January 2010<sup>14</sup>. A criminal case was still pending as of April 2011. On February 3, 2011, the police violently intervened against workers who were peacefully protesting against a draft law that was discussed at the time at the Parliament and would affect labour rights. The demonstration gathered 10,000 people, with the most important Turkish trade unions being represented. Police used tear gas bombs against the demonstrators and detained approximately fifty demonstrators, who were released later. No complaint was lodged against police officers<sup>15</sup>. Finally, on October 22, 2010, the Izmir High Court yet again postponed its decision in the case concerning 31 public sector unionists, including leaders and members of the Confederation of Public Employees’ Trade Unions (KESK) or its affiliate Egitim-Sen. As of April 2011, the defendants remained charged for “being members of an illegal organisation”, for which they risk up to ten years of imprisonment. Since their arrest and detention in May 2009, the trial has been postponed four times. The next hearing will be held on October 21, 2011. All this time, the defendants have been under a travelling ban.

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14/ See DISK.

418 15/ See İHD Press Release, February 3, 2011.



## Harassment against journalists and writers denouncing human rights violations

In 2010-2011, a high number of journalists and writers were arrested after they reported on the prosecution on an alleged ultra-nationalist network with links to State institutions, known as the Ergenekon case and other issues. For instance, on March 3, 2011, Messrs. **Ahmet Şık** and **Nedim Şener**, two prominent writers and journalists who have been reporting for many years on human rights violations, were arrested and taken to the Metris prison in Istanbul pending trial, together with eight other journalists. They were accused of being members of Ergenekon. On March 17, 2011, the court rejected their request for provisional release. As of April 2011, the criminal investigation was ongoing and they remained in detention<sup>16</sup>. Moreover, in September 2010, Mr. **Orhan Miroğlu**, a journalist, received death threats by phone in connection with a book he had just published on the conditions of detention in the Diyarbakır prison<sup>17</sup>. On February 9, 2011, Ms. **Pinar Selek**, a writer and sociologist who defends the rights of women, disadvantaged communities and the victims of discrimination, including street children and the Kurd and Armenian minorities, who has been victim of judicial harassment for already twelve years, again appeared on trial before the Twelfth Chamber of the Istanbul High Criminal Court. After recess, the Court announced that it had decided to acquit Ms. Selek. This decision will again have to be reviewed by the High General Criminal Council of the Court of Cassation. Previously, on February 9, 2010, the High General Criminal Council of the Court of Cassation had called for a 36-year prison term for Ms. Selek on accusation of supporting the PKK and of causing a bomb explosion in Istanbul in 1998. As of April 2011, Ms. Pinar Selek remained in provisional release and the charges against her were still pending.

## Harassment and discrimination against LGBTI rights defenders

While in February 2011, the Government decided to remove sexual identity from the scope of the Draft Law on Combating Discrimination and Equality Committee, although this was part of the original draft<sup>18</sup>, human rights defenders and organisations defending the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued in 2010-2011 to face obstacles to their activities and acts of violence or intimidation by law enforcement agents or non State actors, often in impunity.

16/ See TIHV.

17/ See Bianet Press Release, September 8, 2010.

18/ See Istanbul LGBTT Dayanışma Derneği Press Release, February 2, 2011.

Several trials for closure were opened against LGBTI associations such as Lambda Istanbul, the Black Pink Triangle and other organisations in various cities. For instance, on February 9, 2010 a closure trial began against the Black Pink Triangle Association, which combats discrimination against the lesbian, gay, bisexual, travesty and transsexual (LGBT) people in Izmir province, on charges of “being contradictory to general moral and the structure of Turkish family”, following a complaint filed by the İzmir Governorate on October 16, 2009. On April 30, 2010, the court rejected the request for closure arguing that “LGBT persons also have the right to organise and to establish associations”<sup>19</sup>. Similarly, on January 3, 2011, the 12<sup>th</sup> Criminal Court of First Instance of Bursa decided to close the Rainbow Association<sup>20</sup> down following a criminal complaint filed by the Bursa Governorship on charges of “prostitution”. Ms. **Öykü Evren Özen**, President of Rainbow Association, was facing imprisonment of up to three years under charges of “opposing the Law on Associations” but was finally acquitted. The organisation filed an appeal, which was pending as of April 2011<sup>21</sup>.

In addition, LGBTI defenders were again constantly harassed by the police, which proceeded to incessant discriminatory identity checks. Those who complained against this practice were often arrested and charged of “resistance to the police”. Others who filed a complaint against the police for discriminatory identity check were in turn the subject of complaints by the police for “insult” and “harm to public order”. On June 19, 2010, Ms. **Naz (Burhan) Gudumen**, Ms. **Buse (Bülent) Kılıçkaya**, and Ms. **Selay (Derya) Tunç**, members of Pink Life LGBT Solidarity Association, were arbitrarily arrested by police officers while driving through the Seyranbaglari Mah neighbourhood in Ankara. They were taken to the police station and held for five hours before being released. Although the human rights defenders filed an official complaint for ill-treatment and insults with the Public Prosecutor, the latter dismissed their complaint and instead permitted charges against them for “resisting the police” and “damaging public property”. If convicted, they face up to three years in prison and limitations on their rights of parental guardianship. They could also be barred from public office or leadership within any political, public, or non-profit organisation. As of the end of April 2011, the trial against the three defenders was still ongoing since October 2010 before the Ankara 15<sup>th</sup> Criminal Court of First Instance. On May 17, 2010, five

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19/ See TIHV.

20/ Rainbow is the Association for the Development of Protection, Solidarity and Cultural Activities for Transvestites, Transsexuals, Gays and Lesbians (LGBT).

21/ See Bianet Article, January 5, 2011.

transgender members of the same organisation, including Ms. Kılıçkaya and Ms. Tunç, had been brutally assaulted and detained by Ankara's police. An Ankara court subsequently dismissed the case against the activists for lack of evidence and condemned the police officers' treatment of the women as "totally wrong"<sup>22</sup>. LGBTI defenders were also victims of violent attacks by non State actors, often in impunity. For instance, on February 26, 2011, one of the founders of Pink Life, Ms. **Gorkem K.**, was beaten and stabbed ten times. She remained under intensive care for fifteen days in a hospital<sup>23</sup>.

### **Fight against impunity concerning cases of abuses against human rights defenders**

Although many acts of violence against human rights defenders remained unpunished as of April 2011, 2010 saw some progresses. In June 2010, nineteen Turkish officials, among which police officials, prison managers, a doctor and prison guards, were found guilty of the murder of Mr. **Engin Çeber**, a prominent journalist and a human rights defender, who was tortured to death in custody in 2008. Mr. Engin Çeber was arrested after he took part in a protest against the death of a human rights activist shot by the police. Two police officers received a 7.5-year prison sentences and one police officer a 2.5-year imprisonment<sup>24</sup>. In January 2011, four years after the assassination of Turkish-Armenian journalist **Hrant Dink**, the Istanbul 6<sup>th</sup> Administrative Court found the Interior Ministry guilty of a "severe failure of duty" following the decision on September 14, 2010 of the European Court of Human Rights (ECtHR) to convict Turkey for the murder of the journalist. The Trabzon Governorship which, at the time, had not taken the threats of assassination seriously and had made no decision to ensure Mr. Dink's protection, was considered by the court to have failed in its responsibility of taking precaution and thus to protect the police's interests. The Turkish Ministry of Foreign Affairs did not appeal<sup>25</sup>. As for the reopening of the investigation in Turkey by the Interior Ministry in February 2009, there was apparently no major progress made as of February 2011, when the latest hearing was scheduled<sup>26</sup>.

Moreover, several persons who raised attention on the impunity that prevails around Mr. Dink's murder faced harassment and reprisals. Serious

22 / See International Gay and Lesbian Human Rights Commission (IGLHRC) and ILGA Press Release, February 25, 2011.

23 / See Pink Life.

24 / See Bianet.

25 / See ECHR, Dink vs. Turkey, Applications Nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, September 14, 2010.

26 / See RSF Press Release, February 3, 2011.

concerns were raised as whether the death of Mr. **Hakan Karadag**, one of the lawyers involved in the trial against the police in the case of Mr. Hrant Dink's murder, was a real suicide. Mr. Karadag was found hung, on June 4, 2010, at his home in Istanbul. He was previously directly threatened by Mr. Oğün Samast, who was suspected of Mr. Dink's murder<sup>27</sup>. Mr. Karadag had filed a complaint about this matter<sup>28</sup>. In addition, those who published investigative books or documentary were threatened, prosecuted or banned to display their work. On January 27, 2011, Mr. **Adem Yavuz Arslan**, a journalist, received death threats, including bullets in envelopes sent to him, after he published a book on Mr. Dink's killing<sup>29</sup>. Though he filed a complaint at the police, as of April 2011, he had not been informed of the launch of an investigation. On January 14, 2010, the screening of the documentary "19 January to 19 January" directed by Mr. Ümit Kıvanç for the third anniversary of the murder of Mr. Hrant Dink was banned by Ege University's (İzmir) Communication Faculty's Dean for "security" reasons<sup>30</sup>. Mr. **Nedim Şener**, a journalist of *Milliyet* newspaper, is facing a total of 28 years of imprisonment as two criminal proceedings were launched against him for publishing a book entitled "The Dink murder and the lies of the Intelligence", in which he unveiled negligence by the authorities before the Istanbul Criminal Court of First Instance No. 2 on charges of "attempting to influence fair trial", "insulting public officers" and "violating the confidentiality of the communication" and the Istanbul Heavy Penal Court No. 11 on charges of "getting confidential documents" and "targeting public servants" under Article 6 of the Anti-Terrorism Law. While on June 4, 2010, the Istanbul Heavy Penal Court No. 11 acquitted Mr. Şener, the other trial was pending as of April 2011<sup>31</sup>.

### **Harassment of defenders of the right to conscientious objection**

In 2010-2011, defenders of the rights of conscientious objectors continued to be prosecuted and detained. For example, on January 6, 2010, members of the Solidarity Initiative with Conscientious Objector Enver Aydemir, who was then detained since December 24, 2009, were stopped by the police after they made a public statement in Ankara province and arrested them. They were later released and nineteen of them were charged of "alienating people from military service" under Article 318 of the Criminal Code. On June 17, 2010, Ankara Criminal Court of First Instance No. 10 sentenced

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27/ The latter was sentenced on July 25, 2011 to 22 years' imprisonment.

28/ See TIHV.

29/ *Idem*.

30/ See Bianet.

31/ *Idem*.

Mr. **Volkan Sevinç** to eighteen months of imprisonment on charges of “insulting the police officers” and “alienating people from military service”, and Messrs. **Gökçe Otlı Sevimli**, **Halil Savda** and **Zarife Ferda Çakmak** to six months of imprisonment on charges of “alienating people from military service”. The other fifteen defendants were acquitted. An appeal was pending before the Supreme Court of Appeals as of April 2011<sup>32</sup>. In addition, on March 10, 2010, the Ankara Criminal Court of First Instance No. 17 began to examine a criminal complaint against Mr. **Ali Barış Kurt**, Editor of *www.emekdefteri.com*, in connection with articles that defended the right to conscientious objection to military service on charges of “alienating people from military service” under Article 318. On July 7, 2010, he was acquitted by the court<sup>33</sup>.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Ms. Filiz Kalayci and Messrs. Hasan Anlar, Halil İbrahim Vargün and Murat Vargün	Judicial harassment	Urgent Appeal TUR 001/0509/OBS 070.3	January 27, 2010
	Release / Judicial harassment	Urgent Appeal TUR 001/0509/OBS 070.4	January 29, 2010
Ms. Vetha Aydın and Mr. Abdullah Gürgen	Arbitrary arrest	Urgent Appeal TUR 001/0310/OBS 040	March 19, 2010
	Release / Judicial harassment	Urgent Appeal TUR 001/0310/OBS 040.1	April 5, 2011
Mr. Muharrem Erbey, Mr. Arslan Özdemir and Ms. Roza Erdede	Judicial harassment	Joint Press Release	October 20, 2010
Mr. Muharrem Erbey, Mr. Arslan Özdemir, Ms. Roza Erdede and Ms. Vetha Aydın	Judicial harassment / Arbitrary detention	Open Letter to the authorities	February 24, 2011
Mr. Muharrem Erbey, Mr. Arslan Özdemir and Ms. Roza Erdede	Judicial harassment / Arbitrary detention	Press Release	April 18, 2011
Centre of Social Action, Rehabilitation and Readjustment for the Victims of Torture (SOHRAM-CASRA)	Burglary	Urgent Appeal TUR 144/1210/OBS 144	December 9, 2010
Ms. Pinar Selek	Judicial harassment	Press Release / Audio-visual testimony	January 18, 2011
	Acquittal / Judicial harassment	Press Release	February 9, 2011

32/ See TIHV and İHD.

33/ See Bianet.

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# REGIONAL ANALYSIS EASTERN EUROPE AND CENTRAL ASIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010 and early 2011, human rights defenders in Eastern Europe and Central Asia continued to operate in a difficult, often hostile and dangerous environment.

The climate of impunity that continued to reign for serious human rights violations and crimes under international law threatened independent human rights work and the ability of human rights defenders to document abuse. The lack of accountability and respect for the rule of law remained acute in *Georgia, Kyrgyzstan, the Russian Federation and Uzbekistan*, especially in the autonomous Chechen Republic and in Ingushetia where arbitrary detentions, extrajudicial executions, enforced disappearances, torture and other forms of ill-treatment continued to be accompanied with impunity. In an environment of limited judicial independence and executive interferences into the judiciary, there was insufficient protection against the arbitrary use of powers. International remedies remained therefore in many of the countries in the region, the only feasible avenue for vindicating their rights effectively. This was particularly evident in relation to the role of the security and intelligence services that factually operate outside an effective system of checks and balances.

The period was marked by the further consolidation of authoritarian rule in the region (*Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan*). The situation particularly deteriorated in *Belarus*, where the presidential elections held on December 19 ended up in a violent crackdown against the opposition and the civil society. *Ukraine* further moved to authoritarian rule with allegations of a number of politically motivated persecutions. In addition, in the context of the democratic transitions in North Africa, the authorities of countries in the region started to react particularly strongly to the exercise of the right to freedom of assembly. In *Azerbaijan* and *Georgia*, anti-governmental protests in 2011 were followed by a wave of politically-motivated acts of repression and crackdowns on peaceful demonstrators.

Furthermore, the authorities in the region used a variety of means, including restrictive legal frameworks, to limit freedom of expression through licensing regulations, Internet restrictions and other forms of media control. Independent media outlets were subjected to interferences and in some cases, closed (*Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan*).

The influence by the international community on countries of the region (*Belarus, Turkmenistan, Uzbekistan*) has led to no significant improvement. In *Turkmenistan* and *Uzbekistan*, the economic and security interests continued to limit the pressure to improve the human rights situation. Moreover, the proximity to war-zones of Afghanistan and the presence of foreign military bases were other reasons for the development of cooperation with the West. After a thaw in relations with *Belarus* since 2008, the European Union imposed sanctions against the country at the beginning of 2011, as a response to the post-electoral wave of repression. However, the pressure against human rights defenders continued. Although the international community had high expectations of *Kazakhstan's* 2010 Chairmanship of the Organisation for Security and Co-operation in Europe (OSCE), it brought no improvements to the human rights situation. The authorities introduced on the contrary, a series of measures restricting freedoms of the Internet and the media and protecting the officials from defamation, and the President from any prosecution.

### **Obstacles to human rights defenders' freedoms of association and peaceful assembly**

In 2010-2011, the authorities in the region continued to resort to a variety of restrictive laws to impede the work of human rights defenders with the aim to control civil society organisations and by lending to the arbitrary use of powers. This included laws on non-governmental organisations (NGOs), tax laws and assembly laws. National security laws and policies also continued to impose a restrictive framework for human rights defenders' activities, including counter-terrorism or extremism laws. In *Belarus, Turkmenistan* and *Uzbekistan*, human rights NGOs continued to work without official registration, risking prosecution under the Criminal Code (*Belarus*). In *Azerbaijan*, the Government put in place stricter rules for registering NGOs. The authorities of *Georgia* also tightened control over the NGOs working on issues related to South Ossetia and Abkhazia in the context of the post-war with the *Russian Federation*. In some countries (*Azerbaijan, Georgia, the Russian Federation*), State control over the funding of the NGOs, and the multiple attempts by the authorities to discourage and frustrate them from receiving funding from foreign donors, was a way to hamper civil society's activities. In *Ukraine*,

although the legal framework in which human rights defenders operated remained restricted, a draft law on freedom of association discussed by the Parliament could improve the registration of NGOs. Turkmen human rights defenders were for their part on several occasions denied access to OSCE meetings dedicated to human rights by the *Kazakhstan* Chairmanship, because the Turkmen authorities objected their participation.

Throughout the region, it also remained difficult to organise and hold peaceful meetings dedicated to human rights issues. In *Armenia*, while a new Law on Assembly was adopted in 2011, freedom of assembly often remained limited in practice. A draft Law on Peaceful Assemblies was also adopted at first reading in *Ukraine*, providing a number of improvements while but still falling short of international standards, and several peaceful rallies held in favour of the defence of human rights were also repressed. In *Belarus*, *Kazakhstan*, the *Russian Federation* and *Uzbekistan*, it remained practically impossible to obtain permission from the authorities to hold a peaceful meeting. Human rights defenders taking part in peaceful assemblies also faced acts of violence perpetrated by law-enforcement authorities, arrested, and sometimes imprisoned or fined (*Azerbaijan*, *Belarus*, *Georgia*, the *Russian Federation*, *Uzbekistan*). In *Uzbekistan* the fines were so heavy that human rights defenders were not able to afford.

### **Increasing pressure on human rights defenders in the context of elections and of internal violence**

In 2010-2011, election periods led to an increase of interferences and threats to human rights defenders, who were easily and often falsely equated with the opposition and subsequently subjected to hindrances and acts of harassment. The pressure on defenders particularly increased in *Belarus* following the December elections. In *Azerbaijan*, defenders were particularly exposed after the November 2010 elections. In *Kyrgyzstan*, the environment after the ethnic clashes in the south of the country, remained extremely volatile for human rights defenders. Those who monitored human rights violations committed during the clashes and worked to protect the Uzbek minority were particularly subjected to harassment. The climate of national security threats also led to the portrayal of human rights defenders as unpatriotic and as threatening national security and stability (*Belarus*, *Georgia*, *Kyrgyzstan*). Moreover, in a number of countries of the region, the climate for human rights defenders either renders rigorous human rights work difficult or leads to levels of self-restraint or self-censorship on sensitive human rights issues.



## Judicial harassment of human rights defenders throughout the region and ill-treatment in detention

Throughout the region, human rights defenders continued to be subjected to judicial harassment and arbitrary detentions as reprisals for their activities (*Azerbaijan, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Uzbekistan*). *Uzbekistan* remained the country with the highest number of human rights defenders serving long prison terms, most often in strict regime colonies. Furthermore, due to the poor conditions of prison facilities and acts of ill-treatments against them, in most cases, their health drastically deteriorated. In *Turkmenistan*, the exact number of political prisoners and prisoners of conscience, including human rights defenders, remained unknown as the prisons remained closed to international and local observers. In *Kazakhstan, Kyrgyzstan* and the *Russian Federation*, some human rights defenders also continued to serve their sentences often with allegations of ill-treatment in detention. Some of them were refused parole or applications for early release (*Kazakhstan, the Russian Federation, Uzbekistan*).

### Assaults and threats left unpunished

In 2010 and early 2011, human rights defenders faced threats and assaults from both State and non-State actors in several countries of the region (*Georgia, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, Uzbekistan*). Turkmen human rights defenders working in exile reported death threats and harassment by the authorities. In both *Turkmenistan* and *Uzbekistan*, human rights defenders' families and acquaintances were frequently threatened. In several countries such as the *Russian Federation, Ukraine* and *Uzbekistan*, human rights defenders were physically abused. Some attacks were carried out by – or in the presence of – law enforcement authorities. In the *Russian Federation*, human rights defenders were targeted in connection to the investigation of environmental degradations and alleged corruption. In addition, activists defending the rights of lesbian, gay, bisexual and transgender people (LGBT) as well as combating discrimination and racism, were again victims of violence by neo-Nazi groups. Defenders documenting cases of corruption were also targeted in *Georgia, Tajikistan* and *Ukraine*, where a journalist disappeared. In most of the cases, these threats and attacks were not investigated. In the *Russian Federation*, only one out of the several cases of assassination of human rights defenders reached to the hearing stage resulting in a final verdict.

## Ongoing surveillance and defamation campaigns against human rights defenders

Human rights defenders were also subjected to ongoing surveillance and defamation campaigns. In Nakhchivan Autonomous Republic and in *Azerbaijan* in general, but also in the Chechen Republic (*Russian Federation*), *Belarus*, *Georgia*, *Kyrgyzstan* and *Uzbekistan*, human rights defenders were subjected to defamation campaigns orchestrated by the authorities. Some were stigmatised as “enemies of the people” (*Kyrgyzstan*), “traitors” and “Russian spies” (*Georgia*), “enemies” and “Armenians” (*Azerbaijan*), as “working for Western donors” and “lobbying sanctions against the authorities” (*Belarus*), as “minorities protectors” and “anti-Russian” (*Russian Federation*), and as “traitors” and “terrorists” (*Uzbekistan*). Such defamation campaigns aimed at discouraging human rights defenders to carry out their activities and to encourage violence against them by the population.

Human rights defenders were also put under strict surveillance in almost all countries of the region. Their ability to communicate freely was particularly undermined in *Azerbaijan*, *Belarus*, *Turkmenistan* and *Uzbekistan*, as their phone lines were tapped and their e-mails controlled. In addition, during the presidential election campaign in *Belarus*, human rights defenders – especially those monitoring the elections – were subjected to long checks at the border and confiscation of materials. Human rights defenders were also harassed by the customs in *Azerbaijan* and *Uzbekistan*.

## Obstacles to freedom of movement of human rights defenders

A number of obstacles to human rights defenders’ freedom of movement were observed in 2010 and early 2011, in some countries of the region. In *Uzbekistan*, security services regularly followed or put Tashkent-based human rights defenders under house arrest, or impeded those working in the regions from coming to the capital. In *Turkmenistan* and *Uzbekistan*, they were often denied the right to leave the country. One Turkmen journalist from *RFL* who lives in exile was denied entry into his homeland. In these countries, the authorities were particularly vigilant of people having contacts with foreigners. *Belarus* also ordered several Russian human rights defenders monitoring the human rights situation at the national level to leave the country.

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# ARMENIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010, proposed amendments to the NGO Law remained of concern as they might restrict freedom of association. In addition, while a new Law on Assembly was adopted in 2011, providing for a better protection of freedom of assembly, peaceful gatherings remained restricted in practice in 2010. On a positive note, 2010 was also marked by the end of judicial proceedings against three human rights defenders.

## Political context

From June 14 to 18, 2010, the United Nations (UN) Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya, undertook her first country visit to Armenia. At the end of her mission, she expressed her concerns about documented cases of ongoing violence, assaults, intimidation, harassment and stigmatisation of human rights defenders, in particular journalists documenting human rights violations. Her main concerns focused on illegitimate restrictions on freedom of association that could be triggered by the new draft NGO Law, impediments to freedom of assembly, restrictions on demonstrations and rental of meeting spaces, restrictions on freedom of expression, as well as impunity of abuses against defenders<sup>1</sup>.

Moreover, on May 6, 2011, Armenia underwent its Universal Periodic Review (UPR) before the UN Human Rights Council, which recommended to Armenia, *inter alia*, to: “effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders; ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice”; and also to “review its legislation and practices in order to guarantee the free exercise of the right to assembly and freedom of expression, without any limitations other than those permitted by international law; fully respect and promote freedom of expression; and guarantee freedom of expression and assembly for all political parties, media and human rights defenders”<sup>2</sup>.

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1/ See Statement of the UN Special Rapporteur on the situation of human rights defenders, June 18, 2010, and Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Mission to Armenia*, UN Document A/HRC/16/44/Add.2, December 23, 2010.

2/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Armenia*, UN Document A/HRC/15/9, July 6, 2010.

As of April 2011, the Armenian authorities had still not fully investigated neither the deaths and injuries that occurred during the clashes of March 2008 when excessive police force was used against demonstrators in the capital Yerevan in the wake of the presidential election<sup>3</sup>, nor the allegations of ill-treatment in police custody and violations of due process. However, the political prisoners<sup>4</sup> who had remained detained since the 2008 events were all released following a presidential amnesty passed on May 26, 2011.

Among positive legal initiatives, on May 18, 2010, a package of amendments to the Civil Code, the Criminal Code and the Criminal Procedure Code decriminalising libel and insult was signed into law<sup>5</sup>. However, concerns remain for the independence of the media, in particular as fines for libel or insult at the civil level were increased almost by twice, creating the risk for media outlets of bankruptcy or closure. Among negative legal developments however, on June 10, 2010, the President signed into law the “Amendments and Supplements to the Law on Television and Radio”, which give the National Commission on Television and Radio (NCTR) broad powers to revoke TV licenses and impose programming restrictions, thus undermining the diversity of TV channels. Despite numerous calls made by national and international NGOs, only small editorial changes were introduced into the bill. In application of this new law, in January 2011, the number of TV channels broadcasting in the capital was reduced from 22 to 18<sup>6</sup>. The print and online media remained more pluralistic but their reach is limited to the educated population living primarily in the

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3/ The clashes had led to the death of ten people and hundreds wounded.

4/ In 2001, the Secretary General of the Council of Europe appointed a panel of experts to determine the criteria for identifying political prisoners in Armenia and Azerbaijan. According to Council of Europe experts, “a person deprived of his or her personal liberty is to be regarded as a political prisoner if: “(a) The detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights (ECHR) and its protocols, in particular freedom of thought, conscience, religion, expression, information, assembly and association; “(b) The detention has been imposed for purely political reasons, unrelated to any offence; “(c) Due to political motives, the length of detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of; “(d) Due to political motives, he or she is detained in a discriminatory manner as compared with other prisoners; “(e) The detention is the result of proceedings that were clearly unfair, and this fact appears to be tied to political motives on the part of the authorities. See Secretary General of the Council of Europe, *Cases of alleged political prisoners in Armenia and Azerbaijan*, Document SG/Inf (2001)34, October 24, 2001.

5/ See HO-98-N Decree (amending Criminal Code) and HO-97-N Decree (amending Civil Code), dated May 18, 2010. See Civil Society Institute (CSI).

6/ In July 2010, implementing the new law, the NCTR, whose members are appointed by the President, declared a contest for broadcasting licenses. The results of the contests were announced on December 16 and 23, 2010. Broadcasters which are critical of the current administration, like *A1+*, *GALA* (Gyumri) and *ALM* television companies were not granted a license on the digital broadcasting network.

cities. The Committee to Protect Freedom of Expression (CPFE) also reported numerous cases of physical violence against journalists and pressure on the media mainly by law enforcement bodies<sup>7</sup>.

### **Possible legal obstacles to freedom of association**

As of April 2011, amendments to the NGO Law that were adopted by the Government on September 23, 2009 and tabled before the Parliament on October 1, 2009, remained of concern as they might restrict freedom of association. In particular, the amendments would request the re-registration of NGOs in case of change of address or change of the executive body of the organisation<sup>8</sup>. According to the draft NGO Law, NGOs would also be required to publish their financial information, their sources of income, the number of their members on a monthly basis, as well as the copies of all tax reports already submitted to tax offices. The bill also provides the necessity to publish the names of all the individuals involved in the leadership of the organisation, as well as any change that might occur in this leadership. The draft law, if adopted, would therefore put a considerable burden on NGOs, which would probably need to seek additional financial and human resources. Discussions of the draft NGO Law were postponed until the 2011 fall session of the National Assembly.

### **Legal improvements but persisting obstacles to freedom of peaceful assembly**

On April 14, 2011, a new Law on Assembly was adopted, which contains a number of improvements. First, it provides that if for some reasons the administrative authority decides to forbid the organisation of an assembly at a date, an hour or in a place mentioned by the organiser in its notification, the administrative authority and the organiser of the assembly can meet and negotiate and find a compromise of the date, place, and other related issues. The law also explicitly mentions that the State or local governmental bodies and public officials must comply with the principles of proportionality and with the fundamentals of administrative action, provided in the Law on Fundamentals of Administrative Action and Administrative Proceedings. The law nonetheless provides that freedom of assembly can be restricted when it is justified by public interest and

7/ See Committee to Protect Freedom of Expression (CPFE), *Annual Report 2010 on the Situation with Freedom of Speech and Violations of Rights of Journalists and Media in Armenia*, February 2011.

8/ Following her country visit in June 2010, the UN Special Rapporteur on Human Rights Defenders pointed in that regard that this requirement contradicted the recommendations of the Committee of Ministers of the Council of Europe (CM Rec 2007 14) on the legal status of NGOs in Europe, which stipulate that approval from the State is not required for changes to the statute of an organisation. See UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Mission to Armenia*, UN Document A/HRC/16/44/Add.2, December 23, 2010.

the protection of constitutional rights and freedoms of others. Concerns remain about its Article 19(3), according to which an assembly can be banned if it is organised at a distance from the residence of the President of the Republic, the National Assembly, Governmental buildings or courts or penitentiary institutions, which can “threaten their regular operation”, not defining the distance which could be considered as threatening.

In spite of these legislative developments, in 2010, freedom of peaceful assembly remained restricted. The access of demonstrators to places where rallies usually take place remained in some instances restricted in practice. On May 28 and May 31, 2010, the police impeded the access of activists who were marching towards Liberty Square to protest against the fact that this square (where most demonstrations have been organised in the past few years) had been *de facto* closed to gatherings since the 2008 clashes. On May 31, the confrontation with the police lasted an hour and was accompanied by insults from both sides. Some individuals in civilian clothes joined the ranks of the police. Seventeen demonstrators were taken to the police station. Three of them, namely Ms. **Ani Gevorgyan**, correspondent for the *Haykakan Zhamanak* newspaper, her brother, Mr. **Sargis Gevorgyan**, an opposition activist, and Mr. **Davit Kiramijyan**, another opposition activist, were arrested and then prosecuted. The other fourteen were immediately released without charge. Ms. and Mr. Gevorgyan were charged on the basis of Article 316.1 of the Criminal Code (“violence against a Government representative”), before being released on parole on June 3, 2010, after they attested in written that they would not leave the country. Mr. Kiramijyan was charged on the basis of Article 258.3 of the Criminal Code (“hooliganism committed by a group of persons or organised group”). On June 3, 2010, the Court of First Instance of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan issued a decision of detention as a preventive measure against him. On July 2, 2010, the Court then decided to release him on parole, after he attested in written that he would not leave the country. In November 2010, the case against Ms. Gevorgyan was closed at the pre-trial stage. On December 28, 2010, the Court of First Instance sentenced Messrs. Kiramijyan and Gevorgyan to two years of imprisonment, with probation. Both appealed the decision but, as of April 2011, the Court of Appeals had not issued its decision yet. Moreover, in the evening of May 31, 2010, after the confrontation, the policemen forcefully pushed away from Kentron police station the representatives of human rights organisations and other political and human rights activists who had come to request the release of those arrested<sup>9</sup>.

## End of judicial proceedings against three human rights defenders

In 2010, judicial proceedings were dropped against three human rights defenders who had been prosecuted because of their activities. The proceedings that had been opened for “disrespect of court” (under Article 343.1 of the Criminal Code<sup>10</sup>) against Mr. **Mushegh Shushanyan**, the lawyer of five people arrested during the events of March 2008, were annulled after the Constitutional Court stated on January 14, 2010 that Article 343.1 contradicted the Constitution. The case against Mr. Shushanyan was then closed on January 22, 2010. On February 5, 2010, the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts decided to acquit Mr. **Arshaluys Hakobyan**, a member of the Armenian Helsinki Association and press photographer, for absence of evidence<sup>11</sup>. He had been charged with “violence against a Government representative”. During the trial, Mr. Hakobyan claimed that he had been beaten and ill-treated in custody. Although he filed a complaint, the court never ordered an investigation. Likewise, on March 11, 2010, the charges brought against Ms. **Mariam Sukhudyán**, an environmental activist from the organisation “SOS Teghut”, were dropped. She had been criminally charged for “defamation” on August 11, 2009, after she had reported a case of sexual harassment on national television *Haylur TV*<sup>12</sup>. On June 24, 2010, Ms. Sukhudyán filed a complaint with the office of the Prosecutor General, alleging the illegitimate and ungrounded character of the charges against her. However, on September 4, 2010, the Special Investigation Department refused to open a case. Ms. Sukhudyán appealed this decision before the Court of First Instance of the General Jurisdiction and the Court of Appeals but both courts rejected her appeals on December 23, 2010 and February 1, 2011 respectively. On March 12, 2011, another appeal was lodged before the Court of Cassation, which later dismissed the case, arguing that there was no violation of procedural or material law. On the other hand, on February 7, 2011, the Court of the General Jurisdiction of Kentron and Nork-Marash Administrative Districts dismissed Ms. Mariam Sukhudyán’s complaint for violation of her right to presumption of innocence, demanding one million Armenian drams (about 2,000 euros) in damages against the Head of the Republic of Armenia police, Mr. Alik Sargsyan, and the Head of Police Information and Public Relation Department, Mr. Sayat Shirinyan, for having slandered her in public in 2008.

10 / Article 343.1 provides *inter alia* for fines and/or for one month in detention against lawyers for “disrespect of court” in case they would not appear at court sessions or would disobey instructions of the judge.

11 / Mr. Arshaluys Hakobyan had been arrested in June 2009 following his activities as an observer of the Yerevan municipal elections, and released on bail in October 2009. See Observatory Annual Report 2010.  
12 / The first case was initiated on August 11, 2009 for “defamation”, then on August 15, the charges were changed to “falsely reporting a crime”, and on October 21, the crime was re-qualified as “defamation” again.

**Urgent Intervention issued by The Observatory from January 2010  
to April 2011**

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Arshaluys Hakobyan	Acquittal	Joint Press Release	February 16, 2010



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# AZERBAIJAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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Following the November 2010 parliamentary elections, human rights defenders were assimilated to the opposition, in particular when they monitored the electoral process and violations committed at the occasion of the repression of demonstrations in March-April 2011. Lawyers who represented members of the opposition and other voices critical of the regime, were also targeted. In addition, the death in detention of one defender remained in impunity. Human rights defenders operating in the Nakhchivan enclave continued to be subjected to pressure, threats and attacks carried out in total impunity. Finally, freedom of association was further restricted, including that of foreign NGOs.

## Political context

The human rights situation in Azerbaijan deteriorated in the context of the November 2010 elections and March-April 2011 protest movements. The parliamentary elections that took place on November 7, 2010 confirmed the control of President Ilham Aliyev's Yeni Azerbaijan Party (YAP), which has been in power since 1993, over all political institutions. The Organisation for Security and Co-operation in Europe (OSCE) declared the elections non democratic as "limitations of media freedom and the freedom of assembly and a deficient candidate registration process further weakened the opposition and made a vibrant political discourse almost impossible"<sup>1</sup>. Only registered NGOs were able to monitor the elections, excluding the main experienced domestic monitor – the Election Monitoring and Democracy Studies Centre (EMDSC).

March and April 2011 were marked by several peaceful demonstrations inspired by the events in the Arab countries and organised by the opposition in Baku, demanding the resignation of the President and, after the first arrests of activists, demanding the release of political prisoners.

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1/ During these elections, only one single candidate of the major opposition parties was elected. See OSCE Office for Democratic Institutions and Human Rights (ODIHR), OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament International Election Observation Mission Statement of Preliminary Findings and Conclusions, *Parliamentary Elections in Azerbaijan, November 7, 2010*, November 8, 2010 and OSCE ODIHR Election Observation Final Report, *Republic of Azerbaijan - Parliamentary elections - November 7, 2010*, January 25, 2011.

Demonstrations were banned on the pretext that they violated public order laws and were violently repressed by the police<sup>2</sup>.

2010 and 2011, like in previous years, were marked by severe violations of freedom of speech, including on-line media, and repression of all independent journalists and bloggers. Criminal defamation and other charges, as well as acts of intimidation, assaults and detention were used to intimidate and punish journalists expressing dissenting opinions or when they were investigating abuses<sup>3</sup>. Political opponents critical of the President, were also subjected to acts of reprisals. During January 2011, more than forty members of the Islamic Party and believers were arrested on criminal charges including “attempt of coup d’état”, “preparation of terror” and “illegal possession of weapons” after the leader of the Islamic Party, Mr. Movsum Samedov, criticised the President during a meeting held on January 2, 2011<sup>4</sup>.

Corruption remained widespread as well as arbitrary arrest and detention, torture and ill-treatment, in full impunity. Several dozens of political prisoners were still held in the country. In addition, since 2009, tens of thousands of people have been affected by the illegal demolition of their private houses by the Government, mainly in the centre of Baku, to build a new presidential residence, entertainment centres and parks, etc<sup>5</sup>.

### **Impunity in Mr. Novruzali Mammadov’s death in detention**

As of April 2011, impunity regarding the death in detention of an Azeri human rights defender continued to prevail. On January 27, 2010, the Nasimi District Court decided to stop the civil lawsuit filed for violation of the right to life against the Ministry of Finance, the Justice Ministry’s Penitentiary Services, the Chief Medical Office of the Justice Ministry, the High Security Colony No. 15 and the Penitentiary Service’s Treatment Facility by the widow and the son of Mr. **Novruzali Mammadov**, an advocate of the rights of the Talish minority living in the south of Azerbaijan<sup>6</sup>.

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2/ Members of the opposition, especially the youth considered as the organisers, were arrested on the eve of the first protest and unfairly tried by courts on administrative or criminal charges. As of April 2011, twelve people remained in detention in connection with the protests. See Human Rights Centre of Azerbaijan (HRCA).

3/ See Institute of Peace and Democracy (IPD) as well as Institute for Reporters’ Freedom and Safety (IRFS) Press Release, March 17, 2011.

4/ See IPD.

5/ These actions were accompanied by unlawful arrests and detentions of the residents, violence against them in police stations, confiscation and damaging of their belongings. See IPD.

6/ He was also the Head of the Talysh Cultural Center, Editor-in-chief of the *Talışi-Sedo* (Voice of the Talysh) newspaper, and Department Head of the Linguistics Institute at the Academy of Sciences.

Mr. Mammadov was wrongfully sentenced to ten years of prison on December 26, 2008 for “high treason” and “incitement to racial hatred”. He died in detention in suspicious conditions on August 17, 2009. The hearing before the Nasimi District Court had been postponed until the result of the examination, which came out on January 26, 2010, stating that the medical treatment given to Mr. Mammadov while in detention, was appropriate<sup>7</sup>. The plaintiffs’ lawyer appealed against the decision of the Nasimi District Court. On April 29, 2011, the Baku Appeals Court upheld the decision of Nasimi District Court of January 27, 2010.

### **Assimilation of human rights defenders to the opposition by the authorities and harassment of those monitoring elections and demonstrations**

Human rights defenders were particularly exposed after the November 2010 elections, as they were assimilated by the Government to the opposition. On February 1, 2011, at a meeting of the National Assembly of Azerbaijan, the speaker Mr. Ogtay Asadov said that too many Azerbaijani NGO representatives and human rights defenders had attended the session of the Parliamentary Assembly of the Council of Europe (PACE). He also warned: “You never hear anything positive from any of them. We have seen it before. It seems like they have all planned their speeches to be negative. We need to be more attentive to such issues”<sup>8</sup>.

Human rights defenders who monitored the November elections and the demonstrations of March and April were also particularly targeted. For instance, local journalists and defenders who observed and monitored the elections in the Nakhchivan Autonomous Republic, were not allowed to enter polling stations and faced pressure. As an example, Ms. **Malahat Nasibova**, *Turan Information Agency* reporter and Head of the Democracy and NGO Development and Resource Centre, and Mr. **Ilgar Nasibov**, a journalist reporting regularly on the human rights situation in Nakhchivan for the radio *Azadliq*, the Azerbaijani service of *Radio Free Europe / Radio Liberty* and member of the same NGO, faced physical pressure by the Chairman of the Precinct Election Commission, Mr. Samad Mammadov, while trying to enter polling stations<sup>9</sup>. In the evening of March 7, Messrs. **Mehman Huseynov** and **Abulfat Namazov**, two members of the Institute for Reporters’ Freedom and Safety (IRFS), were stopped at a traffic light, surrounded by individuals in civilian clothes and forced out of their car. Without stating the reason, the unknown men

7/ There is no independent medical expertise body in Azerbaijan.

8/ See IRFS Press Release, February 4, 2011.

9/ See Democracy and NGO Development Resource Centre and IRFS.

took the employees of the IRFS to Narimanov district police offices, where they were taken to the police chief's office for interrogation. Mr. Huseynov was interrogated on his *Facebook* account and several video clips he had posted on *YouTube* showing human rights violations committed at the occasion of the repression of demonstrations. The police officers asked whether he was involved in the organisation of the planned youth protest on March 11, 2011 in order to call for the resignation of the President. Mr. Namazov was also asked about the number of IRFS employees, their salaries, where IRFS Director, Mr. **Emin Huseynov**, lived, and his daily movements between home and work. The questions and comments made it clear that several IRFS employees, especially the IRFS Director and his family had been regularly monitored. Mr. Mehman Huseynov was also forced to give a written statement about his Internet activities. Both men were set free after being detained for two hours. The police had also visited the IRFS office two hours prior to their detention and asked questions about participants to an event organised on the same day by IRFS to discuss the arrest of youth activists in the framework of the demonstrations calling for the resignation of the President. In the evening of March 7, other IRFS employees were followed<sup>10</sup>. Furthermore, on March 18, one hour before the IRFS was to host a press conference on the arrests of youth activists who were sentenced to administrative detention, the police entered the offices, and a high ranking police officer questioned Mr. Emin Huseynov on the activities of the organisation. The entrances and exits of the offices were blocked by police officers in uniforms and civilian clothes. Moreover, there were dozens of police employees and undercover agents in Khagani and Rashid Behbudov streets, where the offices are located. Then the police left<sup>11</sup>. Moreover, on February 16, 2011, several officers in plain clothes from the Baku's Sabail district police arrested Mr. **Vidadi Iskenderov**, Head of the NGO "Promotion of Democracy Defence" and a member of the political opposition coalition, the Civic Movement for Democracy "Public Chamber", near his house and brought him to the Serious Crimes Investigation Department of the General Prosecutor office for an eight-hour interrogation, allegedly in relation to an incident that took place in November 2010 when he denounced election fraud in the Goychay region<sup>12</sup>. On April 2, 2011, he was arrested again while monitoring the opposition demonstrations and sentenced the following day by

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10 / See IRFS Statement, March 10, 2011 and South Caucasus Network of Human Rights Defenders Statement, March 11, 2011.

11 / See IRFS Press Release, March 18, 2011.

12 / The General Prosecutor's office had then opened a criminal investigation against him for "obstruction to voting" under Article 159.3 and "impeding the activities of voting commissions" under Article 160.1 of the Criminal Code. The criminal proceedings were quickly abandoned.

the Nasimi District Court to eight days of administrative detention under Article 310.1 of the Administrative Code for “disobeying orders of police”. On April 17, on his way to observe a protest organised by Public Chamber to denounce electoral frauds during the November 2010 elections, corruption and politically motivated arrests, he was again arrested and on April 18, the same court condemned him to fifteen days of administrative detention under the same article. On May 2, just before his release, he was transferred to the Investigatory Department for Grave Crimes of the General Prosecutor’s office, which had re-opened the November 2010 case. On the same day, the Nasimi District Court ordered Mr. Iskenderov to be placed in provisional detention for two months. Mr. Iskenderov was transferred to Baku investigation prison pending his trial. He is facing up to three years of prison<sup>13</sup>.

### Harassment of human rights lawyers

In 2010-2011, lawyers who represented members of the opposition and other voices critical of the regime also suffered from harassment. For instance, on February 4, 2011, Mr. **Osman Kazimov**, who has represented many prominent opposition figures from various parties and journalists, was suspended from the Azerbaijan’s Bar Association. On February 24, it filed a lawsuit to definitively expel Mr. Kazimov from the bar. The trial was postponed several times for various reasons, but was scheduled to begin on May 13<sup>14</sup>. As of April 2011, Mr. **Intigam Alyev**, President of the Legal Education Society, a human rights NGO, was also denied access to the Bar Association after he filed, in March 2010, a complaint before the European Court on Human Rights after having been sentenced of “damaging the honour and dignity of a judge” on July 15, 2009. This followed the publication of a book entitled “The Disciplinary Responsibility of Judges”, in which he criticised discrimination and bias in the judiciary system<sup>15</sup>.

### Administrative harassment against human rights defenders

In 2010-2011, human rights defenders faced restrictions and harassment by various State agencies. For instance, while Ms. **Leyla Yunus**, Director of the Institute of Peace and Democracy (IPD) and member of OMCT General Assembly, and her husband, Mr. **Arif Yunus**, Head of IPD Department of Conflict Resolution and Migration, were abroad between June and December 2010, two telephone landlines in the offices

13/ See IRFS Press Release, February 17, 2011, *Turan* Article, April 12, 2011 as well as IPD.

14/ The suspension means that Mr. Kazimov is not able to fully exercise his professional activities since February 4, 2011. See IPD.

15/ See *Contact.az* Article, April 6, 2011.

shared by IPD, the Azerbaijan Campaign to Ban Landmines (ACBL) and the Women Crisis Centre (WCC), were temporarily cut in August and October 2010, under the order of Yasamal Division of the Communication Ministry. The lines were restored in February 2011 following a court hearing and financial compensation was provided for the time when the lines were out of service<sup>16</sup>.

Some human rights defenders also faced harassment and acts of intimidation at the customs while crossing the border. For instance, in February 2011, Mr. Emin Huseynov was blocked twice by customs services. On February 1, 2011, upon return from a trip, he was held by customs officers for several hours without having access to water and food, and his belongings were searched by ten customs officers. One custom officer demanded a bribe of about 300 euros, which Mr. Huseynov refused to pay. The customs officers confiscated all his purchases – technical equipment (two TV cameras, two mobile phones, several car lamps and a car music player) and two old video cameras that he had listed in his customs declaration – for the total sum, according to Mr. Huseynov, of 1,300 euros, without providing him any document. On February 5, the State Customs Committee Chairman and four of his deputies asked Mr. Huseynov for a bribe of 1,200 euros in order to retrieve his equipment. On February 28, 2011, he appealed to the Anti-Corruption Commission and on March 28, to the Baku Administrative Economics Court No. 1<sup>17</sup>. As of April 2011, the appeal was still pending. On February 24, 2011, while passing the passport control on his way from another trip, an officer from the State Border Service informed him that his name appeared on a “blacklist”. On March 7, Mr. Huseynov filed a complaint against the State Border Service asking why he was held longer than other travellers. A hearing was scheduled for May 18, 2011<sup>18</sup>.

### **Further restrictions on the right to freedom of association**

The implementation of the June 2009 amendments to the Law on Non-Governmental Organisations, which require NGOs to register their grants with the authorities and foreign NGOs to reach agreements with the Government before opening offices in the country, brought further restrictions on freedom of association. As in 2009, the practice of denying registration to NGOs remained a major obstacle to freedom of association, thus cutting off their access to funding and restricting their ability to

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16 / Moreover, the demolition of the houses in the centre of Baku in the beginning of 2011 accidentally put in danger the existence of IPD, ACBL and WCC. See IPD.

17 / See *Caucasian Knot* Article, February 4, 2011 as well as IRFS Press Release, February 3, 2011.

18 / See IRFS Press Release, February 24, 2011.

work. On July 30, 2010, a coalition of 37 unregistered NGOs campaigning for changes to the registration rules and for State funding to be distributed more fairly, was denied permission by the city authorities of Baku to organise a protest outside the Ministry of Justice. After 18 attempts and a Supreme Court ruling in its favour issued in January, the Ministry of Justice was forced to register the NGO “Regional Centre for Human Rights and Enlightenment”, which was created in 2008<sup>19</sup>. Several other human rights organisations were refused registration in 2010, such as the EMDSC<sup>20</sup> and the “Human Rights and Media Monitoring” Public Union in Nakhchivan Autonomous Republic<sup>21</sup>.

Regarding foreign NGOs, on March 16, 2011, the Cabinet of Ministers adopted a Decree on the “conduct of negotiation and preparation and conclusion of an agreement related to governmental registration of branches and representations of foreign NGOs in the Republic of Azerbaijan”, which sets out the procedure of negotiation between the Azeri Government and foreign NGOs for registration in Azerbaijan in application of the June 2009 amendments to the Law on NGOs. As of its entry into force, foreign NGOs have to re-register before the Ministry of Justice, the Ministry of National Security and the Ministry of Foreign Affairs and the Government Committee on Religious Communities (if the NGO deals with religion). They have to demonstrate that they support “the Azerbaijani people’s national and spiritual values” and to commit not to be involved in religious and political propaganda. The decree does not specify any time limit for the procedure<sup>22</sup>. In March 2011, the Ministry of Justice ordered branches of some international organisations to cease their activities, arguing that these organisations had not agreed with the Azerbaijani authorities on their activities in accordance with the June 2009 amendments. In that context, the Human Rights House Azerbaijan, partner of the international Human Rights House Network (HRHN), was closed down following an order of the Ministry of Justice issued on March 10, 2011. The Human Rights House Azerbaijan had neither received any prior warning nor any complaint about the activity reports submitted regularly to the authorities. The organisation was accused of breaching the June 2009 amendments to the Law on NGOs, which require all international groups or their local affiliates in Azerbaijan to sign separate agreements with the Government,

19/ See HRCA.

20/ In August 2010, the Supreme Court of Azerbaijan rejected in cassation the appeal filed by the EMDSC following the refusal of the Ministry of Justice to register the NGO.

21/ Founded on May 5, 2010, the NGO sent its registration documents to the Ministry of Justice on May 20, 2010. See IRFS.

22/ See the Institute of Media Rights.

in order to be allowed to operate. On March 16, the HRNH sent a letter to the Ministry of Justice to demand explanations about the closure but as of April 2011, it remained unanswered. In April 2011, the Government also closed the Baku offices of the US-based National Democratic Institute (NDI), which received on March 7, an official notice from the Ministry of Justice that it could not operate in Azerbaijan without official registration. NDI, active in elections monitoring since the mid-1990s<sup>23</sup>, has been denied registration at least three times since 2006. The office has since been closed and sealed, and the staff sent on leave. As of April 2011, negotiations with the Government were ongoing<sup>24</sup>.

Another worrisome development were the amendments to the Administrative Code that were adopted by the Parliament on February 11, 2011, which oblige NGOs to submit to a financial audit. This costly measure will further encumber NGOs which, should they fail to pass this evaluation, will be fined from 500 to 2,500 manats (about 432 to 2,000 euros)<sup>25</sup>.

### **Continuing acts of harassment against human rights organisations in Nakhchivan Autonomous Republic**

Human rights defenders operating in the Nakhchivan enclave, where the local Government is particularly authoritarian, continued to be subjected to pressure, threats and attacks carried out in total impunity. They were also regularly slandered in the media, which accused them of being “traitors of the State”, “selling information to foreign countries” and “damaging the image of the Nakhchivan Autonomous Republic at the international level”<sup>26</sup>. In addition, international human rights organisations were not allowed to visit nor to open offices in the region. The Democracy and NGO Development Resource Centre was particularly targeted. On January 5, 2010, after a physical assault on December 15, 2009 against two of its members, Messrs. Ilgar Nasibov and **Vafadar Eyvazov**, the Democracy and NGO Development Resource Centre was subjected to a tax inspection launched by the Nakhchivan Autonomous Republic Tax Ministry without sufficient grounds. It terminated in April 2010, after nothing illegal had been found. During the inspection, Mr. Eyvazov was taken in a car to a deserted place and beaten by unknown persons demanding him to stop public activism. In April 2010, the authorities also launched a smear media

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23/ The NDI sponsored the Azeri Centre for Monitoring Elections and Democracy.

24/ See *Eurasia.net* Article, April 19, 2011.

25/ See HRCA as well as Council of State Support to NGOs under the President of the Republic of Azerbaijan Statement, February 16, 2011.

26/ See Democracy and NGO Development Resource Centre and IRFS.



campaign against the Centre, trying to discredit it and accusing its members of being “traitors” and “spies”. Moreover, on December 16, 2010, a group of human rights defenders, including Ms. Malahat Nasibova and Messrs. **Elman Mamedov, Hakimeldostu Mehdiyev and Rasul Jafarov**, IRFS members, were stopped in the village of Pusyan, in the region of Sharur, as they were leaving after visiting a former parliamentary candidate’s family, victims of a police attack on December 14, 2010. The entrances and exits of the village were blocked by three cars. Several men in civilian clothes suddenly appeared in front of the group’s car, but the driver was able to keep going without hitting anyone. The car’s bonnet was damaged by stone-throwing while passing a barricade. Later they received threatening phone calls from unknown persons. The police did not investigate the incident. Finally, since March 15, 2011, the owner of the offices rented by the Democracy and NGO Development Resource Centre has refused to extend their lease following pressure exercised by the local authorities<sup>27</sup>.

### **Urgent Interventions issued by The Observatory from January 2010 to April 2011**

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Democracy and NGO Development Resource Centre	Harassment	Urgent Appeal AZE 002/1209/OBS 196.1	January 8, 2010
Mr. Novruzali Mammadov	Impunity	Urgent Appeal AZE 001/0808/OBS 139.7	February 2, 2010
Human Rights House Azerbaijan	Closure	Urgent Appeal AZE 001/0311/OBS 034	March 15, 2011

27/ See Democracy and NGO Development Resource Centre and IRFS.

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# BELARUS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, the working environment of human rights defenders remained very restrictive and the situation deteriorated after the December elections. Several organisations were still denied legal status. Searches and confiscation of property were conducted by the police. Peaceful assemblies were also banned, leading to the arrest and judicial harassment of human rights defenders. Several foreign human rights defenders were also prevented from entering the country.

## Political context

Belarusian authorities continued in 2010-2011 to exert undue pressure against civil society and independent media. The situation deteriorated dramatically following the presidential elections on December 19, 2010, which failed to meet key international standards for democratic elections<sup>1</sup>. The election process was characterised by a number of improvements, including the registration of eight opposition candidates who could campaign more freely than during the previous presidential campaign and a decrease in repression, raising hope for increased freedom and space for civil society. The process however deteriorated on the election day and the following days when peaceful demonstrations against the unfair conduct of the election were violently dispersed and hundreds of persons arrested<sup>2</sup>. This was accompanied by a sharp increase of politically motivated repression and human rights violations against members of opposition parties, independent civil society and media. In 2010-2011, the number of political prisoners reached an unprecedented high number during the 16-year reign of President Aliaksandr Lukashenko.

In the aftermath of the events of December 19, some 700 people were arrested and most of them sentenced to up to fifteen days of prison on

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1/ See Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE), *Election Observation Mission Final Report - Presidential Elections in the Republic of Belarus*, December 19, 2010.

2/ In the evening of the election day, the police brutally dispersed participants of a mass demonstration in Minsk. By the morning of December 20, several hundred persons were detained, including seven presidential candidates. Many of those detained were beaten, including five presidential candidates. Detention and arrest of rally participants and supporters of opposition candidates continued during the following days. As of April 2011, four presidential candidates and approximately three dozens of their supporters remained in pre-trial detention facilities and under house arrest, charged with "organisation of" or "participation" in violent mass protest. See Viasna Centre for Human Rights (Viasna).

administrative charges for the participation in unauthorised demonstrations, a reminiscent of the old soviet legal system<sup>3</sup>. In addition, criminal cases under Parts 1 and 2 of Article 293 of the Criminal Code (“mass riots”), Part 3 of Article 339 (“hooliganism”) and Article 370 (“insulting national symbols”) were instituted against approximately three dozens people. As of April 2011, seven had been sentenced to prison and the others were awaiting trial, facing up to fifteen years of imprisonment<sup>4</sup>.

Freedom of expression was also denied in many ways. During the post-election events, at least 27 journalists from both Belarusian and foreign agencies were arrested<sup>5</sup>. Twenty-one journalists were reportedly beaten and the equipment of many journalists was severely damaged<sup>6</sup>. In the evening of December 19, the Government also severely restricted the right of citizens to receive and disseminate information by blocking the major opposition websites as well as the use of Google. In the following days, hundreds of people whose mobile phones were switched on during the demonstration, were summoned by the police for interrogation.

Relations with international organisations and the European Union had initially improved prior to the elections, but deteriorated following the post election clamp down<sup>7</sup>. On December 31, 2010, the authorities decided not to extend the mandate of the Organisation for Security and Co-operation in Europe (OSCE) office in Minsk<sup>8</sup>. In January 2011, the OSCE Representative on Freedom of the Media, Ms. Dunya Mijatovic, was refused a visa to visit the country. On January 20, 2011, the European Parliament adopted a strong-worded resolution condemning “the repression of the peaceful demonstrations by the authorities” and calling on the EU to impose “targeted economic sanctions” as well as a “visa ban” against Belarusian officials, members of the judiciary and security officers

3/ In most cases, hearings were closed to the public and lasted a quarter of an hour. The majority of those who were convicted on administrative charges were denied the possibility to appeal.

4/ See Viasna Press Release, March 3, 2011.

5/ Thirteen journalists were arrested on administrative charges for ten to fifteen days. Seven journalists, who are also members of the Belarusian Association of Journalists (BAJ), were accused on criminal charges. See BAJ.

6/ See BAJ.

7/ Reaffirming its policy of engagement towards Belarus, including in the framework of the Eastern Partnership, the EU had planned to offer Belarus a joint interim plan in order to compensate the lack of the Partnership and Cooperation Agreement and the Joint Action Plan that is not signed with Belarus since it is not a full participant of the European Neighbourhood Policy. The Council of Europe also considered re-establishing Belarus’ special guest status. See European Council, *Conclusions on Belarus*, 3041st Foreign Affairs Council Meeting in Luxembourg, October 25, 2010.

8/ See Ministry of Foreign Affairs of Belarus Statement, December 31, 2010.

involved in the post-election crackdown<sup>9</sup>. Similarly, the United States State Department imposed on January 31, 2011, new sanctions in response to what it called a “brutal crackdown”, significantly expanding the number of officials and their families banned from travelling to the US. It also revoked licences that had temporarily authorised Americans to engage in transactions with two subsidiaries of the largest State-owned petroleum and chemical conglomerate in Belarus.

### **Ongoing denial of the right to freedom of association**

Throughout 2010–2011, independent human rights organisations continued to be confronted with systematic refusals of registration, exposing organisations to criminal sanctions if they chose to continue their activities. For instance, the branch of the Viasna Centre for Human Rights (Viasna) in Brest, “Brestskaya Viasna”, was denied registration twelve times. Viasna continued to work openly without official registration risking prosecution under Article 193.1 of the Criminal Code<sup>10</sup>. On February 14, 2011, Mr. **Ales Bialiatski**, President of Viasna and FIDH Vice-President, was summoned by phone to the office of the Public Prosecutor, where he received a written notification stating that the activities of Viasna were illegal since the organisation was not registered with the Ministry of Justice. It further stipulated that criminal proceedings could follow. On March 30, Mr. Bialiatski appealed the warning before the Minsk Tsentralny District Court. The appeal was still pending at the end of April 2011. Moreover, the Belarus Helsinki Committee (BHC), one of the few formally registered human rights organisations, was threatened with being closed down. On January 19, 2011 the NGO received a written warning from the Ministry of Justice for violating the Law on Civic Organisations and Mass Media and for spreading dubious information discrediting the law enforcement and justice agencies of Belarus. At issue was a letter that the BHC sent on January 11, 2011 to the UN Special Rapporteur on the Independence of Judges and Lawyers, detailing the intimidation faced by lawyers representing opposition leaders arrested on December 19, 2010. According to Article 29 of the Law on NGOs, the decision to dissolve an organisation requires two warnings issued by the Ministry of Justice for the same offence during the year.

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9/ See European Parliament Resolution P7\_TA(2011)0022, January 20, 2011. The Parliament added that lifting of these measures should be conditional upon the release of the members of the opposition, and suggested that further targeted economic sanctions against the Belarusian Government should be considered, such as a freeze of all financial aid provided by the International Monetary Fund, the European Investment Bank and the European Bank for Reconstruction and Development.

10/ Article 193.1 of the Criminal Code criminalises activities “as part of an unregistered organisation”, punishable by a fine or a prison sentence from six months to two years.

## Obstacles to the holding of peaceful assemblies

In 2010, freedom of peaceful assembly continued to be violated, as human rights defenders and organisations were repeatedly prohibited to gather. Most peaceful demonstrations that took place were violently repressed by law enforcement officials, and demonstrators were subjected to arrests and judicial harassment. For instance, on March 23, 2010, Mr. Ales Bialiatski was arrested along with three other Viasna members, Mr. **Valiantsin Stefanovich**, Ms. **Iryna Toustsik** and Mr. **Siarzhuk Sys**, while protesting in Minsk against the recent execution of Messrs. Andrei Zhuk and Vasil Yuzepchuk. The UN Human Rights Committee had previously issued interim measures requesting the authorities not to carry out the execution of Mr. Yuzepchuk while the case was pending before the Committee. Messrs. Bialiatski, Stefanovich, Sys and Ms. Toustsik were taken to the Leninski Police Department of Minsk and charged with “violation of public event procedures” under Article 23.34 of the Administrative Code. While Mr. Sys was released in the evening, Mr. Bialiatski, Mr. Stefanovich and Ms. Toustsik were detained at the Leninski Police Department of Minsk until the following morning. The next day, the Leninski District Court in Minsk sentenced the three defenders to a fine and released them. On August 28, 2010, Mr. **Raman Kislyak**, a member of the opposition movement “For Freedom”, was arrested by the local police while distributing leaflets commemorating the International Day of the Disappeared. The brochures called upon the local citizens to support Belarus’ ratification of the International Convention Against Enforced Disappearances<sup>11</sup>. The police tried to forcefully take his fingerprints at the Leninski district police department of Brest. As a result, the law-enforcement officers injured his right hand. He was then released without charge. On April 1, 2011, Mr. Kislyak filed two complaints with the Prosecutor General and the Prosecutor of the Leninski district of Brest related to the abuse suffered in custody<sup>12</sup>.

## Searches by the police of human rights defenders and confiscation of their property

In 2010, some human rights organisations suffered a series of searches by the police as a result of their human rights activities. For instance, on April 30, 2010, the offices of Viasna in Navapolatsk, headed by Mr. **Zmitser Salaeu**, were subjected to a search and Mr. Salaeu’s computer was confiscated under the pretext that neo-Nazi slogans had appeared on the walls of houses in the town. These actions came as Mr. Salaeu had made several

11/ This issue remains very sensitive for Belarus since the disappearance of four of Mr. Lukashenko’s political opponents in the years 1999 - 2000, which has never been properly investigated.

12/ See Viasna Press Releases, March 30 and April 1, 2011.

unsuccessful appeals to the police concerning these slogans including on the wall of his office. In the end, Mr. Salaeu was not charged and the police later pressed charges against local skinheads, accused of vandalism<sup>13</sup>.

Human rights defenders were also subjected to searches and confiscation of documents at the border between Lithuania and Belarus. On October 5, 2010, part of the stickers and brochures bearing the mention “Say NO to death penalty” transported across the border between Lithuania and Belarus by members of the campaign “Human rights defenders against death penalty”, Ms. Iryna Toustsik and Ms. **Palina Stepanenka**, also a member of Viasna, was confiscated at the border post Kamennyi Log. The two defenders were not charged but the materials were never returned. In November 2010, there was another seizure of documentation intended for short-term observers of the elections that were transported across the Lithuanian border by Mr. Zmitser Salaeu and another member of Viasna, Mr. **Uladzimir Labkovich**. More than one hundred copies of the manual were sent for expertise on suspicion of “damaging the interests of the State and the existing constitutional system”. The two human rights defenders were not charged but the customs did not return the documentation<sup>14</sup>.

### **Repression of defenders following the December elections**

Following the presidential elections of December 19, 2010, dozens of human rights defenders, including those not directly involved in election monitoring, were submitted to pressure from the authorities, including searches and interrogations by KGB officers in relation to criminal investigations on “participation in mass unrest and organisation of mass unrest” and “disorderly conduct” opened in the aftermath of the demonstration on the electoral results. For example, on December 19, 2010, Mr. **Aleh Hulak**, Chairman of BHC and Coordinator of the election monitoring campaign “Human rights defenders for free election”, was arrested by riot police as he left a peaceful rally held in Minsk. He was subjected to inhuman conditions of detention, having to spend a full day in a truck for convicts without having access to food and toilets. The following day, he was brought to court on charges of violation of Article 23.34 of the Administrative Code, before being released in the evening. As of April 2011, the charges were still pending. On December 20, 2010, during the night, about a dozen policemen in plain clothes raided the office of Viasna. Twelve computers, five laptops and documentation were seized by the police and never returned. Its members were at that time finishing up the analysis of data collected by 600 independent election observers

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13/ See Viasna.

448 14/ *Idem*.

in the framework of the monitoring project run jointly with the BHC. Messrs. Valiantsin Stefanovich, Uladzimir Labkovich, **Andrey Paluda**, Zmitser Salaeu, Siarzhuk Sys, **Uladzimir Mikalaeu**, **Aleh Zhlutka**, **Kanstantsin Staradubets**, **Vital Charniauski** and Ms. **Nasta Loyka** were arrested and released without charge three hours and a half later. Previously, at around 7 a.m. on the same day, five men in plain clothes had tried to open the lock of Viasna offices. They explained to Messrs. Bialiatiski and Stefanovich, who had arrived at the premises that they were looking for Mr. Labkovich who, according to their information, was in the office. Since the five men refused to identify themselves, the defenders did not let them in. On December 21, a search of the home of Mr. **Aleh Volchek**, Head of the Belarusian organisation “Legal Aid to the Population”, was conducted by the KGB. Mr. Volchek was then brought to the KGB for interrogation before being released without charges. His computer and personal video archive were confiscated and had not been returned as of April 2011. On December 24, 2010, Mr. **Mikalay Matskevich**, an ecologist and member of the Centre for Legal Transformation, a human rights NGO, and of the International Youth Human Rights Movement, and Ms. **Volha Damarad**, also a member of the International Youth Human Rights Movement, were arrested during a peaceful protest near a temporary detention facility in Minsk, organised to express solidarity with those detained on December 19. They were sentenced to ten days of administrative detention, in the absence of their lawyers. On December 28, 2010 and January 5, 2011, Mr. **Uladzimir Khilmanovich**, a human rights defender and journalist in Hrodna, was questioned by the KGB about his participation in the demonstration of December 19. On December 29, 2010, Ms. **Elena Tankacheva**, Head of the Centre for Legal Transformation, was summoned to the KGB for interrogation. After that, KGB officers came to her house and carried out a search. They seized documents related to her human rights activities and her SIM card. The same day, the offices of Viasna Mladechna section were also raided. All computers, USB-keys and CD-ROMs were confiscated. As of April 2011, the documents and materials seized had not been returned<sup>15</sup>.

Harassment against human rights defenders continued in January 2011. Dozens of human rights defenders were interrogated as witnesses, their homes and offices searched and some material or equipment confiscated, in particular, photos, videos, computers and SIM cards, in the framework of the criminal investigations that followed the December 19 elections. For example, on January 4, 2011, unidentified persons claiming to be members

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15 / *Idem*.

of the KGB attempted to enter the house of Ms. Nasta Loyka. As her mother refused to let them in they left. However, they returned during the night and threatened to break Ms. Loyka's door. After the search of her house, she was brought to the KGB for interrogation as a witness in a criminal case of mass riot. On February 4, 2011, Ms. Nasta Loyka received a call from an investigator from military counterintelligence. He refused to give his name and said the he would show his work identification when they met. When Ms. Nasta Loyka tried to find out what exactly would be needed from her, he responded that he wanted to invite her for an interview. She refused, demanding an official summons. After numerous calls, Ms. Loyka agreed to meet with the counterintelligence investigator. On February 15, she met the investigator during fifteen minutes, who proposed her to cooperate with the investigation by identifying people she knows in photographs and video materials, which she refused<sup>16</sup>. On January 5, 2011, four KGB officers searched the office of the BHC, based on a warrant which said that the organisation may possess documents in connection with the events of December 19. Two computers were seized. Directly following the raid, the flat of Mr. Aleh Hulak was also searched<sup>17</sup>. As of April 2011, the materials seized had not been returned. On January 6, 2011, a search was carried out by KGB officers in the office of the NGO "Legal Initiative" in Homel. The apartment of Mr. **Leanid Sudalenka**, a member of this organisation, was also searched<sup>18</sup>. On January 17, 2011, during another raid on the headquarters of Viasna, KGB officers confiscated Mr. Ales Bialiatski's computer, some old papers and several CD-ROMs. As of April 2011, the materials and documents seized had not been returned. On January 27, 2011, Mr. Valiantsin Stefanovich was invited by telephone for a "talk" to KGB Minsk office. He refused since he had not received any official summons<sup>19</sup>.

In addition, the regime attempted to tarnish the image of human rights defenders by assimilating them to the opposition or by accusing them of working for "Western donors". On January 14, 2011, the information website *Sovetskaya Belorussiya* (Soviet Belarus) published an article entitled "Behind the Curtains of One Conspiracy", in which it accused the opposition to the regime of being controlled and financed by foreign powers to cause harm to the country. The same article contained alleged quotes from a Skype chat between Mr. Ales Bialiatski and a donor as well as an alleged

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16/ *Idem.*

17/ *Idem.*

18/ See Committee on International Control, *Analytical Review No 1-1, December 2010 - January 2011*, January 12, 2011.

19/ See Viasna.



copy of a contract with another donor. Below, the author of the article insinuated that the funds mentioned as being allocated for human rights activities, were misused for other purposes. In April 2011, a media campaign was launched against Mr. Bialiatski and several of his colleagues. Belarusian national television showed programmes during prime time hours about the illegality, harmfulness, and moral corruption of his human rights activities. Specifically, it was mentioned that people like him “dance on the bones of the Motherland,” and that he is “problem number one” for Belarus.

### **Obstacles to foreign human rights defenders’ freedom of movement in the context of the post-election crackdown**

Several foreign human rights defenders were deported or denied access to the country in the context of the post-election crackdown. The situation was sharply aggravated after the beginning of court proceedings launched against key political opposition leaders in relation to the December 19 events. On April 20, 2011 around 4 a.m., Ms. **Marina Tsapok**, an Ukrainian citizen member of the International Observation Mission in Minsk and Coordinator of the Kyiv Informational Center of the Committee on International Control over the Human Rights Situation in Belarus, was stopped at the “Teryukha” frontier post of the Ukrainian-Belarus border and taken off the train, as she was on her way to Minsk. The border police officer explained to her that she was denied entry to Belarus, but he did not specify the reasons of that denial, and no written document was handed to Ms. Tsapok. She was expelled back to Kiev with the 7 a.m. morning train. The same had happened in March 2011 to Mr. **Maxim Kitsyuk**, a Ukrainian citizen, representative of the International Observation Mission, and Mr. **Andrey Yurov**, a Russian citizen, Head of the Committee on International Control over the Situation with Human Rights in Belarus.

### **Urgent Interventions issued by The Observatory from January 2010 to April 2011**

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Messrs. <b>Ales Bialiatski, Valiantsin Stefanovich, Siarzhuk Sys</b> and Ms. <b>Iryna Toustsik</b>	Arbitrary arrest / Judicial harassment	Press Release	March 23, 2010
	Release / Sentencing	Press Release	March 24, 2010
Messrs. <b>Valiantsin Stefanovich, Vladimir Labkovich, Andrey Paluda, Zmitser Salaeu, Siarzhuk Sys, Uladzimir Mikalaeu, Aleg Zhlutka, Kanstantsin Staradubets, Vital Charniauski, Aleh Hulak</b> and Ms. <b>Nasta Loyka</b>	Administrative charges	Press Release	December 20, 2010

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Mr. Ales Bialiatski / Viasna	Arbitrary arrest / Search	Press Release	January 17, 2011
	Search and seizure / Judicial harassment	Urgent Appeal BLR 001/0111/OBS 004	January 18, 2011
	Obstacles to freedom of association	Urgent Appeal BLR 003/0211/OBS 021	February 16, 2011
Belarus Helsinki Committee (BHC)	Obstacles to freedom of association	Urgent Appeal BLR 002/0111/OBS 008	January 26, 2011
Messrs. <b>Andrey Yurov</b> and <b>Maxim Kitsyuk</b>	Expulsion / Obstacles to freedom of movement	Urgent Appeal BLR 004/0311/OBS 038	March 18, 2011
<b>Ms. Marina Tsapok</b>	Obstacles to freedom of movement	Urgent Appeal BLR 005/0411/OBS 067	April 20, 2011

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# GEORGIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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2010 and the beginning of 2011 saw no improvement in the situation of human rights defenders in Georgia. NGOs continued to face growing hindrances to their activities. Threats, attacks and defamation campaigns targeted human rights defenders working on issues related to the consequences of the August 2008 war with the Russian Federation, who exposed corruption or who defended minorities' rights. In addition, obstacles to freedom of peaceful assembly through arrests, detentions and sentencing remained commonplace.

## Political context

The situation of human rights did not improve in 2010-2011 in Georgia. In particular, the citizens' right to peaceful assembly was largely violated, as the police dispersed various peaceful protests organised by human rights activists and members of the opposition, often leading to arrests and convictions for "hooliganism". The opposition was regularly persecuted. For instance, members of a new opposition group, the Georgian Party, created in November 2010, were harassed even before the party could hold its founding congress<sup>1</sup>.

More broadly, in 2010 the war with the Russian Federation in August 2008 continued to have an impact on the enjoyment of some fundamental freedoms in the country. Indeed, the alleged war crimes on both sides were not investigated, and the right of the public to receive information on this issue remained limited. The media in Georgia remained extremely biased. If the written press is more diverse, the majority of the TV stations still represent the interests of the Government.

The year was also marked by the adoption of several alarming amendments undermining privacy rights of the citizens, limiting their right to receive information and expanding police powers. For example, the police now have the right, on the basis of the amendment to the Law on Police adopted in September 2010, to monitor any person in the street under "reasonable suspicion", which can lead to a full search without permission from a judge or a prosecutor and without a search protocol in emergency situations. The term "reasonable suspicion" is not specified nor the time

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1/ See *Radio Free Europe/Radio Liberty* (RFE/RL).

limit for the examination, and the person undergoing the monitoring does not receive a specific legal status and procedural rights<sup>2</sup>. Human rights defenders could be affected by this provision. The new addendum to the General Administrative Code adopted in July 2010, limits the “third-party” access to information about cases involving the Georgian Government in supranational courts<sup>3</sup>. In general, the pressure by prison officials on European Court of Human Rights (ECHR) applicants increased in order to coerce a person to withdraw a case and to prevent others from applying. In addition, some prisoners who were released according to decisions of the ECHR were jailed again for different charges<sup>4</sup>. As of April 2011, there were reportedly up to sixty political prisoners in the country<sup>5</sup>. Another problem that tarnished Georgia’s human rights record was torture, ill-treatments and assassinations while in detention. According to human rights groups, 142 prisoners died while in custody in 2010<sup>6</sup>.

### Legal hindrances to NGOs activities

The year 2010 was marked by two worrying developments concerning the work environment of NGOs. Indeed, since the Law on “Engagement through Cooperation” came into force on October 15, 2010, in the framework of the official strategy of the Government in relation to the separatist territories, international and local NGOs need an agreement of the State to implement projects related to Abkhazia and South Ossetia. This measure might put in danger urgent humanitarian actions and other legal or monitoring activities carried out by NGOs<sup>7</sup>. Moreover, the new Tax Code, which entered into force on January 1, 2011, increased the taxation of the grant-funded activities from 12 to 20 %<sup>8</sup>. Most NGOs planned their budget and activities several years ago, in accordance with the lower tax rate. The amendments will reduce the ability of NGOs to implement certain projects and to attract qualified professionals. Several human rights NGOs, among them the Georgian Young Lawyers Association (GYLA), “Article 42 of the Constitution” and the Human Rights Centre (HRIDC), appealed on July 14, 2010 to the Parliament and the Government but they had received no answer as of April 2011<sup>9</sup>.

2/ See Human Rights Centre (HRIDC) Annual Human Rights Report 2010 *Restricted Rights*, March 14, 2011 as well as Georgian Human Rights NGOs Urgent Appeal, September 27, 2010.

3/ See Georgian Young Lawyers Association (GYLA).

4/ See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

5/ *Idem*.

6/ See HRIDC.

7/ See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

8/ 20% is a tax rate applied to profit-oriented activities. NGOs activities are not profit oriented. See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

9/ See HRIDC Annual Human Rights Report 2010, *Restricted Rights*, March 14, 2011.

## Defamation and threats against human rights defenders

In 2010, human rights defenders were victim of smear campaigns, threats and attacks for exposing corruption in the regions, monitoring the consequences of the war of August 2008, or defending minorities' rights. Some were even accused of being Russian spies and received death threats. For instance, on January 22, 2010, as Mr. **Saba Tsitsikashvili**, a regional correspondent for HRIDC in Shida Kartli region and Editor of the regional newspaper *Kartlis Khma* (Voice of Kartli), was visiting the regional administration office to obtain public documents concerning administrative and organisational expenses spent by the regional administration in 2009, a security guard blocked his way at the entrance. Security guards then assaulted him physically and verbally, forcibly kicking him out of the building. The journalist had officially requested such public documents several days before, in conformity with Georgian legislation<sup>10</sup>. He lodged a complaint before the police, which one remained pending as of April 2011<sup>11</sup>. On February 10, 2010, Mr. **Vakhtang Komakhidze**, a well-known investigative journalist in Georgia<sup>12</sup> and a member of the South Caucasus Network of Human Rights Defenders, received death threats from the authorities against himself and his family due to his professional activities following his visit to South Ossetia. In December 2009, together with two other representatives of the civil society, he had travelled to the disputed region to gather materials for his documentary film concerning the Russia-Georgia war of August 2008. He met with South Ossetian NGOs, families affected by the war and Mr. Kokoity, *de facto* leader of South Ossetia. After the visit, Mr. Komakhidze highlighted that the documentary would disclose many issues yet unknown to the wide public. Because of the persistence of death threats against him, Mr. Komakhidze decided to leave Georgia and to apply for political asylum in Switzerland. On February 22, 2010, an article was published in the newspaper *Versia* which reported that "the Counter-Intelligence Department started to expose spies working in Georgia, [and that] law enforcement officers will pay particular attention to the spies comfortably sitting in so-called NGOs". The article then referred to Mr. **Arnold Stepanian**, founder of the Public Movement "Multinational Georgia",

10/ On December 15, 2009, the Shida Kartli Regional Governor had presented an annual report on the work carried out by the regional administration to foreign ambassadors and NGOs. Ten minutes before the start of the presentation, Mr. Tsitsikashvili had distributed copies of an article he had written, in which he reported bonuses and other financial allowances received by the Regional Governor. The assault of January 22 might be related to that event.

11/ See HRIDC.

12/ Mr. Komakhidze runs an investigative reporting production studio, Studio Reporter, which has produced a number of documentaries exposing serious human rights violations committed or condoned by the Government of Georgia, falsified elections, corruption, political prisoners, etc.

who works on minorities' rights, claiming that the latter had sent so-called coded messages to security services of the Russian Federation in the past. *Real TV* television channel later used the arguments of the newspaper article in one of its TV reports about Mr. Stepanian. He lodged a complaint at the police, which one remained pending as of April 2011<sup>13</sup>.

### **Obstacles to freedom of peaceful assembly**

The beginning of 2011 was characterised by violations of freedom of assembly. Human rights defenders were regularly arrested on administrative charges and sentenced to heavy fines. On January 4, March 25, April 4 and May 7, 2011, peaceful protests held in the capital in favour of the respect of prisoners' rights, ended up with arrests of human rights defenders and members of the opposition. For most of them, the court discussed possible administrative charges during the night, and the judges refused to view video recordings of the events and issued their decisions only on the basis of testimonies of policemen. For instance, on March 25, 2011, the Patrol Police Department of the Ministry of Internal Affairs dispersed a peaceful protest rally calling for the respect of prisoners' rights<sup>14</sup> organised by the National Public Movement of Resistance (NPMR) and the Media Union "Obiektivi" within the framework of the NPMR Campaign to Promote Prisoners' Rights, in front of the Ministry of Corrections, Probation and Legal Assistance in Tbilisi. The police subsequently arrested Messrs. **Merab Chikashvili**, leader of the human rights organisation "Ratom" (Why), **Giorgi Kharabadze**, member of Ratom, **Otar Bekauri**, member of the youth human rights organisation "Ara" (No), **Vladimir Sadgobelashvili**, leader of the NGO movement "Motherland, Language, Faith", as well as Messrs. **Giorgi Burjanadze**, **Besik Tabatadze** and **Akaki Chikovani**, members of the political organisation People's Assembly. All were accused of "blocking the Kazbegi avenue", and "committing a disobedience to legal orders or instructions of law enforcement" as stipulated in Article 173 of the Code of Administrative Offences. On March 25 and 26, the Chamber of Tbilisi City Court sentenced Messrs. Chikashvili and Kharabadze to twenty days' imprisonment at the Tbilisi detention centre, Messrs. Burjanadze, Tabatadze, Sadgobelashvili, and Bekauri to a fine of 400 laris (about 165 euros), and Mr. Chikovani to ten days in jail for violating Article 173. They all appealed their sentencing, which was still pending as of April 2011. The organisation of the rally complied with legal requirements, as a prior notification of the holding of the rally had been delivered to the City Hall in adherence with the requirements of the

13/ See Public Movement "Multinational Georgia" and HRIDC.

14/ Cases of arbitrary detention of prisoners, political prisoners, bad sanitary conditions, overcrowding of prisons, cases of ill-treatment and torture sometimes leading to the death of prisoners.

Law on Assembly and Demonstrations, and since the blocking for a short period of time of the Kazbegi avenue – due to the amount of participants – was a natural and predictable fact. Furthermore, officers of the patrol police were actually not entitled to urge participants to stop the rally, even in the event of a breach of the law, since it is actually a prerogative of the local municipality, pursuant to Paragraph 4 of Article 111 of the Law on Assembly and Demonstrations. On May 7, 2011, the police dispersed a peaceful marching protest organised near the house of a local police official who was accused of corruption, in Rustavi. The exact aim of the protest was to reveal concrete cases of corruption and in particular the involvement of the local police chief in corruption cases. On the pretext that an unknown person punched a policeman, the police arrested about a dozen demonstrators, including Messrs. **Levan Chitadze**, **Davit Dalakishvili**, **Mirian Janiashvili**, **Giorgi Paresashvili** and **Nika Lapiashvili**, members of Ara, and **Gocha Tedoradze**, **Vasil Balakhadze**, **Shalva Makharashvili**, **Gia Nozadze**, **Gela Nakashidze**, **Kakha Salukvadze** and **Nika Samkharadze**, all members of People’s Assembly. They were immediately charged with “minor hooliganism” and “disobedience to law enforcement agents”, and sentenced to between seven and thirty days of administrative detention or fined 400 laris (about 165 euros)<sup>15</sup>. They all appealed their sentencing, but the case was still pending as of April 2011.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Vakhtang Komakhidze	Threats / Judicial harassment	Joint Press Release	February 22, 2010
Ms. <b>Ketino Goginashvili</b> and Messrs. <b>Merab Chikashvili</b> , <b>Giorgi Kharabadze</b> , <b>Otar Bekauri</b> , <b>Giorgi Burjanadze</b> , <b>Besik Tabatadze</b> , <b>Vladimir Sadgobelashvili</b> , <b>Akaki Chikovani</b> , <b>Ada Marshania</b> , <b>Shota Glurjidge</b> , <b>Ketevan Goginashvili</b> , <b>Tengiz Ghlonti</b> , <b>Genadi Kekelia</b> , <b>Irakli Tsikolia</b> and <b>Gocha Chkhaidze</b>	Obstacles to freedom of assembly / Arbitrary arrest and detention / Judicial harassment	Urgent Appeal GEO 001/0411/OBS 059	April 7, 2011

15 / Messrs. Levan Chitadze, Gocha Tedoradze and Vasil Balakhadze were sentenced to thirty days' imprisonment; Messrs. Davit Dalakishvili and Shalva Makharashvili, to fifteen days in prison; and Messrs. Gia Nozadze, Gela Nakashidze and Kakha Salukvadze, to seven days' imprisonment. Messrs. Nika Samkharadze, Mirian Janiashvili, Giorgi Paresashvili and Nika Lapiashvili were fined 400 laris. See HRIDC.

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# KAZAKHSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, the situation of human rights and their defenders did not improve despite Kazakhstan's chairmanship of the Organisation for Security and Cooperation in Europe (OSCE). In particular, the legal environment for human rights defenders remained restrictive. Legal provisions likely to hamper the right to freedom of expression were indeed introduced in 2010 and the Law regulating freedom of peaceful assembly still allowed authorities to arbitrarily prevent demonstrations. Furthermore, two prominent human rights defenders were still serving prison terms after having been denied parole applications, though both complied with conditions required in similar cases.

## Political context

In 2010-2011, President Nursultan Nazarbayev's Nur Otan party maintained almost complete control over the political sphere. In January 2010, during the first month of the chairmanship of the Organisation for Security and Co-operation in Europe (OSCE) by the Republic of Kazakhstan, the Parliament asked the President, who has been in office for more than twenty years, to call a referendum that would extend his term of office to 2020, skipping the 2012 and 2017 elections required by the Constitution. When Kazakh civil society, foreign countries<sup>1</sup> and the OSCE<sup>2</sup> scorned the plan, Mr. Nazarbayev decided to call instead for an early presidential poll to be held, nearly two years ahead of schedule. During the elections that took place on April 3, 2011, the acting President received 95,55% of favourable votes. The elections fell short of the OSCE's standards for democratic elections, as there was no genuine opposition candidate against Mr. Nazarbayev. Many citizens were allegedly compelled to vote to counter an initiative launched by the opposition and civil society organisations calling for the boycott of the elections<sup>3</sup>.

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1/ See United States Mission to the OSCE Ambassador Statement on Plans for a Referendum in Place of Presidential Elections in Kazakhstan, January 20, 2011, and EU High Representative Catherine Ashton Statement A039/11, February 1, 2011.

2/ See OSCE Press Release, January 14, 2011.

3/ See OSCE / ODHR International Election Observation Mission Report, *Statement of Preliminary Findings and Conclusions on Early Presidential Election in the Republic of Kazakhstan*, April 3, 2011 and Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHRR) Report, *Report on 2011 Early Presidential Elections in Kazakhstan*, April 5, 2011.



The chairmanship of the OSCE unfortunately benefited neither the human rights situation nor human rights defenders in the country, contrary to the promises made by Foreign Minister Tazhin in November 2007 at the Madrid meeting of the OSCE. The Kazakh authorities not only failed to deliver the promised press freedom reform in line with international standards, but they also introduced a series of legal reforms that further restricted freedoms of Internet and the media, and that shielded Government officials from public scrutiny. Indeed, though the Constitution and the law provide for freedoms of speech and the press, the Government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions<sup>4</sup>, and criminal and administrative charges to control the media and limit freedom of expression. Pro-government articles continued to dominate the media, as a majority of media outlets are either owned by the Government, the President's family or loyal associates, or receive subsidies from the Government. Judicial actions against journalists and media outlets reporting on sensitive issues, including libel and defamation suits filed by Government officials or individuals put up by them subjected media staff and outlets to bankrupting fines and prison terms and contributed to the suspension of media outlets and self-censorship on sensitive issues<sup>5</sup>. The Government also limited individual's ability to criticise the country's leadership with the adoption of a privacy law in December 2009, which expanded privacy rights for Government officials<sup>6</sup>.

In addition, in May 2010, the Kazakh Parliament adopted amendments to the constitutional laws "On the leader of the Nation" introducing a new Article 317.1 to the Criminal Code protecting the President and his family from insult, defamation, changing facts of biography, profanation of their portraits and providing them with immunity against all offences during Mr. Nazarbayev's presidency and after as a "leader of the Nation". Furthermore, the amendments also provided for Mr. Nazarbayev the right

4/ Since March 2010, the Service to React to Computer Incidents created in December 2009 to implement the law on Internet and control the content of the Internet media, has shut down a great number of websites and blogs. See IBHRR.

5/ In 2010, seven local journalists were prosecuted for libel. A total of 54 civil lawsuits, including 24 from State officials and 21 from private citizens, were brought against media outlets and claimed moral damages amounting to 7,5 million tenge (about 35,887 euros). During the year, five journalists were also serving prison sentences. See IBHRR and International Foundation for Protection of Freedom of Speech "Adil Soz".

6/ The new law, vaguely worded, bans publication of information about an "individual's life" while imposing penalties such as the closure of the media or organisation that published the information and the imprisonment of offenders to up to five years. During the first half of 2010, 44 defamation claims were filed, half of them by Government officials. See International Foundation for Protection of Freedom of Speech "Adil Soz".

to decide as last resort on issues of exterior and internal policies even after he has left his function<sup>7</sup>. The new legislation risks to be used against any voice dissenting with the President or his policies and also foresees that during the life of Mr. Nazarbayev the change of power is legally impossible, thus excluding any sort of pluralism in political life.

In 2010-2011, reports of torture or other ill-treatment remained widespread and impunity for such human rights violations persisted, despite the Government's promises to adopt legislative and institutional reforms for the prevention of torture in the National Human Rights Action Plan, approved in the President's Resolution No. 32-36.125 on May 5, 2009. In 2010, only four persons were sentenced for using torture. The remaining cases of torture are still unsolved and unpunished<sup>8</sup>.

### **Judicial and administrative harassment against imprisoned human rights defenders**

In 2010-2011, two prominent human rights defenders were still serving prison terms after being denied parole applications, though both complied with conditions required in similar cases. As of April 2011, Mr. **Evgeniy Zhovtis**, Director of the Kazakhstan International Bureau for Human Rights and the Rule of Law (IBHRRL)<sup>9</sup>, was still serving his four-year imprisonment term in a colony, following a trial marred by numerous violations of the right to a fair trial<sup>10</sup>. In October 2009, Mr. Zhovtis was found guilty of causing death in a traffic accident despite extenuating circumstances and public statements by the victim's family that the charges should not be pursued. On April 26, 2010, the Supreme Court of Kazakhstan refused to review the verdict. Mr. Zhovtis decided not to appeal to the Supreme Court for the review of the sentence. After having served one-third of his four-year sentence, Mr. Zhovtis requested early release. On January 18, 2011, the parole application was denied by the Commission of the Correctional Institution OV 156/13, on the grounds that he "had not mended his ways and needed to continue serving his term", though Mr. Zhovtis complied with conditions applied in similar cases - he provided legal support to other prisoners, participated in cultural events, and paid

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7/ This law is in line with the Law on the First President adopted in 2001 that allows Mr. Nazarbayev to deliver speeches on the national radio and television even when he is out of the office.

8/ See The Coalition of NGOs Against Torture, *Report 2010*, April 7, 2011.

9/ Mr. Zhovtis is also a member of several expert committees before Kazakh authorities and a member of the Council of Experts of OSCE.

10/ In 2010, Mr. Zhovtis' case was also submitted to the UN Human Rights Committee.

compensation to the victim's family<sup>11</sup>. Similarly, as of April 2011, investigative journalist and labour rights defender, Mr. **Ramazan Esergepov**, also Chief Editor and Founder of the *Alma-Ata Info* newspaper, continued to serve a three-year imprisonment term in retaliation for his activities related to awareness raising on public corruption in Kazakhstan<sup>12</sup>. As of April 2011, he remained detained in Taraz City Standard Regime Penal Colony No. 158/2, over 500 kilometres away from the Almaty area where his family is located. Mr. Esergepov petitioned several times for early release and for transfer to a less strict penal colony. All requests were denied by the Kazakh authorities, including the last one on September 24, 2010, which was denied without explanation by the Administrative Commission of Standard Regime Penal Colony No. 158/2. During his detention, Mr. Esergepov has lacked appropriate medical attention for a cardio-vascular problem. He was also refused family visits on numerous occasions.

### Ongoing obstacles to freedom of peaceful assembly

While the 1995 Law on the Organisation and Holding of Peaceful Meetings, Gatherings and Demonstrations continued to allow local authorities to ban assemblies “in light of local conditions” or relegate them to peripheral locations, several human rights defenders were sanctioned in 2010 for staging, participating or monitoring public protest actions. For example, on January 27, 2010, Ms. **Roslana Taukina**, Head of the human rights NGO “Journalists in Trouble”, was charged under Part 3 of Article 373 of the Administrative Code, for repeated “violation of legislation on organisation and conduct of peaceful assemblies, rallies, processions, pickets and demonstrations” and ordered to pay 70,650 tenge (about 350 euros) by the Special Inter-District Administrative Court of Almaty for participating in a flash mob in Almaty on January 6, 2010 organised in support of journalists imprisoned in retaliation for exercising their profes-

11/ In order to be released ahead of schedule, Mr. Zhovtis needs to receive the support of the colony administration. The colony parole board mentioned two penalties that had been received in correctional colony OV 156/13. Mr. Zhovtis received the first one in November 2009 when he refused to sign a work contract, and the second one in July 2010 for watching television outside prescribed hours. Mr. Zhovtis filed an appeal against these penalties. Both penalties were annulled by decision of the court by the time of the parole application submission. The colony parole board also mentioned the refusal of Mr. Zhovtis to participate to a Law and Order division in the colony. In law, participation to this division is voluntary.

12/ In particular, he wrote an article in November 2008 in *Alma-Ata Info*, asserting that a regional official of the National Committee of Security (KNB), intelligence services, had sought to influence a local prosecutor and judge in a criminal tax evasion case, involving a local distillery. Following a trial marred with violations of the right to a fair trial, Mr. Esergepov was sentenced in August 2009 to three years of prison in a standard regime penal colony and an additional two-year suspension from journalism.

sional activities<sup>13</sup>. In 2010, Ms. Taukina also learned that on July 15, 2009, she was tried in absentia for participating in a demonstration to protest against the limitation of the freedom of the press that took place in Almaty on June 24, 2009. On February 19, 2010, the City Court of Alma-Aty rejected her appeal<sup>14</sup>.

### **Urgent Intervention issued by The Observatory from January 2010 to April 2011**

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Mr. Evgeniy Zhovtis	Continued arbitrary detention	Press Release	July 6, 2010

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13/ See IBHRRL Report, *Freedom of Peaceful Assembly in Kazakhstan: Authorisation Denied*, December 2010.

462 14/ See Adil Soz Press Release, January 27, 2010.

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# KYRGYZSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, human right defenders continued to operate in difficult conditions, especially due to the political instability in the country after the change of power in April 2010. Their situation dramatically deteriorated following the ethnic violence and serious human rights violations that occurred in the south of the country in June 2010. Some defenders were persecuted on fabricated charges. At the end of June 2010, the pressure exerted on members of NGOs, independent journalists and lawyers representing ethnic Uzbek that the authorities accused of crimes in the context of the ethnic clashes, became systematic. Those responsible for such threats, whether private or governmental, did not suffer any consequences and remained unpunished.

## Political context

On April 7, 2010, a protest movement held in Bishkek to demand the release of fourteen opposition leaders arrested on April 6 was violently repressed by the police and the special forces, leaving 87 people killed and 600 wounded, and forcing President Kurmanbek Bakiyev to abandon his office on April 15. In June 2010, ethnic Uzbek and Kyrgyz violently clashed in the southern regions of Osh and Jalal-Abad, leaving approximately 438 people killed according to Government sources<sup>1</sup>, and thousands wounded<sup>2</sup>. As a result, hundreds of thousands of civilians fled their homes requiring protection, humanitarian aid, food, medicine and shelter<sup>3</sup>. The authorities failed to provide protective measures needed by the population and organised mop-up operations from June 21 to 23 marked by violence, primarily against the Uzbek population. According to the authorities, more than 5,000 criminal cases were brought in relation to the June events, mainly targeting ethnic Uzbek. In about 3,500 cases, the investigation was suspended and suspects not found<sup>4</sup>. The cases in which investigations and trials went forward were marred with allegations of police abuse and violations of the right to a fair trial.

In the context of economic instability and the June ethnic clashes, the Interim Government headed by Ms. Roza Otunbayeva failed to ensure

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1/ Among the identified bodies, 108 were Kyrgyz and 268 Uzbek. See General Prosecutor office Report, June 7, 2011.

2/ See General Prosecutor office Report, January 25, 2011.

3/ According to UNHCR, 275,000 people were displaced.

4/ See General Prosecutor office Report, January 25, 2011.

the respect of human rights. In the prevailing instability, especially in the south of the country, human rights violations were still taking place with impunity even months after the end of the violence. The investigation into the April events was unfortunately put off the political agenda. In parallel, the change of Government was marked by attacks against supporters of the former President. Members of Parliament elected in 2007, particularly members of the “Ak Jol” presidential party, were among the first to be subjected to threats and violation of the right to peaceful assembly. Journalists from Uzbek ethnicity were also harassed by the police and the authorities, who accused them of working to destabilise the country<sup>5</sup>. As for the investigations into the June violence, the National Investigation Commission, and the investigation commissions of the Kyrgyz Ombudsman (both in their reports of January 2011) as well as of Parliament (in its report of June 2011) gave all an ethnically biased analysis, putting the responsibility of the violence on the Uzbek minority, while the Independent International Commission of Inquiry into the events in the southern part of the Kyrgyz Republic (*Kyrgyzstan Inquiry Commission - KIC*), which was mandated by the President of the Kyrgyz Republic to explore the facts and circumstances, causes and aftermath of the tragic events of June in the south of Kyrgyzstan and headed by the Special Representative for Central Asia of the OSCE Parliamentary Assembly, Mr. Kimmo Kiljunen, concluded that the Kyrgyz Government was responsible for failing to protect Kyrgyz citizens and that crimes against humanity were committed in impunity. On May 26, 2011, about one month after KIC’s report became public, the Kyrgyz Parliament officially declared the Head of the Commission *persona non grata*, prohibiting his entry into Kyrgyzstan.

Earlier in the year, in March 2010, the authorities censored the media to forestall the mobilisation of the opposition at the occasion of the fifth anniversary of the “Tulip Revolution”. These measures were lifted the day after power changed hands. However, during the June clashes, the Interim Government restricted the flow of information in order to “preserve the inter-ethnic peace” and instructed the media on how to communicate on the events<sup>6</sup>. Several media outlets were also nationalised in order to establish a stricter control of the content of their programmes.

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5/ See Citizens Against Corruption (CAC), “Kylm Shamy” Centre for Human Rights Protection and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

On June 27, 2010, a referendum on the new Constitution took place. The OSCE deployed a limited observation mission due to security concerns. Despite several shortcomings, it was conducted in peaceful conditions. However, in a situation of massive internal displacement, and an atmosphere of fear and intimidation compounded by arrests of prominent public figures from the Uzbek community, participation in the south was lower than in the rest of the country. As a result, more than 90% of those who voted approved the new Constitution, which confirmed Ms. Roza Otunbayeva as Interim President until December 31, 2011 and led to the dismissal of the judges of the Constitutional Court<sup>7</sup>. In addition, the October 2010 parliamentary elections were declared to comply overall with international standards by the OSCE despite the lacking environment for free elections in the south of the country<sup>8</sup>. The fact that campaign materials and ballots were produced only in Russian and Kyrgyz languages additionally limited the ability of ethnic Uzbek to engage in the electoral process. Five political parties successfully passed the threshold to gain seats in the Parliament. Among them, the new opposition party to the Interim Government, Ata-Jurt party, won the majority of seats but failed to win an absolute majority.

### **Reprisals against human rights defenders investigating violations committed in the south**

Members of human rights NGOs and independent journalists monitoring human rights violations committed during the ethnic clashes in June 2010 and working to protect the Uzbek minority, were particularly subjected to harassment by various groups, notably State officials and criminal gangs. Human rights defenders of Uzbek origin were under particular threat as they were labelled and perceived as disloyal, whereas defenders of Kyrgyz origin were frequently accused of being “traitors” to their own people. For instance, the representative of the President in the Parliament, Mr. Beknazarov Azimbek, former member of the Interim Government responsible for coordinating law enforcement agencies, the Prosecutors’ offices and the judicial system declared at the beginning of June 2010 that “human rights defenders and human rights NGOs get their noses everywhere to receive grants”. As of June 14, Mr. Tursunbek Akun, the Kyrgyzstan Ombudsman, started accusing Ms. Aziza Abdirasulova, Director of the Centre for Human Rights “Kylm Shamy”, her husband who also works for the same NGO, Mr. Zhanyzak Abdirasulov, and Ms. Tolekan Ismailova,

7/ See OSCE/ODIHR Limited Referendum Observation Mission Report, *The Kyrgyz Republic Constitutional Referendum of June 27, 2010*, July 27, 2010.

8/ See OSCE/ODIHR International Election Observation Mission Report, *The Kyrgyz Republic Parliamentary Elections of October 10, 2010*, December 20, 2010.

Director of the organisation “Citizens Against Corruption” (CAC), of being “unpatriotic” for wanting to disclose information on the events. On June 16, he gave a press conference in Bishkek accusing Ms. Abdirasulova and Ms. Ismailova of being “traitors” who are “monitoring Uzbek districts only”. Following these accusations, a slander campaign was launched against the three human rights defenders in the media, who were presented as “traitors to the nation”. On June 18, 2010, Ms. Tolekan Ismailova was accused of “not being a Kyrgyz” by the Mayor of Osh, at the occasion of President Otunbayeva’s visit to Osh. Moreover, on June 28, 2010, Ms. Ismailova and Ms. Abdirasulova were summoned for interrogation at the Osh Regional Prosecutor’s office as witnesses in a criminal case<sup>9</sup>. This incident was used as a pretext to intensify the slander campaign against CAC and Kylum Shamy. On the same day, the President of the “Ar-Namys” party and other people warned CAC members that criminal gangs were out to hunt Ms. Ismailova and other defenders. President Otunbayeva also called Ms. Ismailova and warned her that she should leave Osh immediately<sup>10</sup>. Following the publication of a report by Human Rights Watch (HRW) on August 17, 2010, Mr. Tursunbek Akun accused Ms. Aziza Abdirasulova of deliberately giving partial (pro-Uzbek) information to HRW representatives. Finally, on February 4, 2011, the Ministry of Internal Affairs pressed charges against Ms. Abdirasulova for “defamation”<sup>11</sup>. This followed an interview she gave to the *Deutsche Welle* on November 17, 2010, during which she had revealed that “law-enforcement agents, in particular policemen, were the first to use weapons leading to deaths during the violent clashes”, referring to official documents from the Prosecutor’s office, the Military Prosecutor and the Ministry of Internal Affairs. The Ministry subsequently decided to drop the charges<sup>12</sup>.

Human rights defenders investigating violations committed in the south, were also subjected to arbitrary detention and judicial harassment. On June 16, 2010, Mr. **Azimjan Askarov**, Director of the human rights organisation “Vozdukh” (Air), based in the city of Bazar-Korgon, in the province of Jalal-Abad, who had been documenting police ill-treatment

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9/ Among other issues, they were interrogated on information erroneously published by the website [www.24.kz](http://www.24.kz), which mentioned Ms. Ismailova and Ms. Abdirasulova as its sources. Ms. Ismailova subsequently made a disclaimer as soon as she learnt that the figures mentioned were erroneous and the information was corrected on the same day.

10/ When Ms. Ismailova learned that people had been making enquiries about her children and grandchildren, she decided to leave temporarily Kyrgyzstan with her family. They returned after the parliamentary elections on October 13, 2010.

11/ Ms. Abdirasulova was also a former member of the National Investigation Commission, of which she resigned.

12/ See CAC.



of detainees and monitoring the human rights situation in Jalal-Abad, in particular the violent events that took place in Bazar Korgon in June 2010, was arrested by agents of Bazar Korgon police. He was arrested for allegedly having urged ethnic Uzbek, along with other leaders of the Uzbek community, to take as a hostage the district official who had ordered the blockade of the Bishkek-Osh highway and having attacked police officers causing the death of one of them<sup>13</sup>. On September 15, 2010, Mr. Askarov was sentenced to life imprisonment, along with seven ethnic Uzbek, by the Bazar Korgon District Court for “hostage-taking”, “complicity in murder”, “incitement of racial hatred”, and “participation and organisation of mass disorder”. Alleging that the latter had suffered acts of torture in custody<sup>14</sup>, his lawyer asked for a medical examination, which was denied. On November 10, 2010, the Tash Kumyr City Court in Nooken upheld on appeal Mr. Askarov’s life sentence, following a trial marked by irregularities. On January 31, 2011, the Judge of Bishkek Supreme Court accepted to examine new evidence in the criminal case, including evidence showing that Mr. Askarov was not present at the scene when the incidents took place, and the hearing was suspended. The final hearing was to be held on April 12, 2011, but was further postponed pending the results of an investigation on the conditions of detention. As of the end of April 2011, the trial was still suspended *sine die*.

International observers were not spared by reprisals. During the international fact-finding mission sent by FIDH to Kyrgyzstan from June 20 to 28, 2010, an “accident” occurred attesting that independent observers and human rights defenders were not welcomed in the region. On June 27, 2010, members of the mission, Mr. **Ales Bialiatski**, President of the Human Rights Centre “Viasna” (Belarus) and FIDH Vice-President, Ms. Aziza Abdirasulova, Ms. Tolekan Ismailova as well as Ms. **Oksana Chelysheva**, a Russian journalist, were victim of an accident near the village of Papan, Osh region. The screws on the back wheel of the car had been sawn through during a short period of time during which they had left the car. By chance, no one was hurt. A group of persons, unknown to them, approached their

13/ In the morning of June 13, 2010, in connection with inter-ethnic clashes in Osh, approximately 400 to 500 ethnic Uzbek gathered on a bridge in the village of Bazar Korgon, located on Osh-Bishkek highway. They were armed with firearms, iron bars, sticks and knives. The group blocked Osh-Bishkek highway and organised riots. As a consequence, an investigation task force was dispatched to the location, consisting of policemen of Bazar Korgon district. While attempting to prevent criminal actions, seven policemen were injured at varying severity, and one of them, Inspector Sulaimanov from the district police, received multiple stabs that led to his death.

14/ All of the defendants were subjected to acts of torture and ill-treatment by prison guards during custody and presented visible physical injuries.

car and told them that human rights defenders were not welcome in Osh because they “defended the rights of the Uzbek”<sup>15</sup>.

### **Reprisals against lawyers representing persons accused of crimes in relation to April and June 2010 events**

The trials against those accused of violence in the capital in April 2010 and in Osh in June 2010, were marked by numerous procedural violations and in some cases even beatings of the accused between hearings and in presence of judges. Lawyers representing the accused were also victim of assaults, slander and threats of death and sexual assault as reprisals. Threats against lawyers representing those accused in relation to the April 7, significantly increased during hearings of the trials that started on November 17, 2010 and were ongoing by the end of April 2011. For instance, lawyers from the NGO Legal Clinic “Adilet”, Ms. **Hurnisa Mahaddinova**, Mr. **Dastan uulu Ulan**, Mr. **Timur Kamyshorov** and Ms. **Cholpon Djakupova**, Director of the NGO, were subjected to death threats by members of the public attending the hearings. Lawyers of non-Kyrgyz origin were also victims of racist insults. Besides, the Presiding Judges systematically failed to ensure respect and order in the court room, and none of those who voiced insults and threats were expelled from the court room. On November 17, some plaintiffs even attempted to physically assault the lawyers. Law-enforcement agencies intervened and the accused was then evacuated from the court room. Adilet addressed numerous letters to the President and the law-enforcement agencies to complain and request protection, but to not avail as of April 2011. The Minister of Justice even threatened to disbar lawyers who had complained about the conditions of the trial<sup>16</sup>. Similarly, in Osh, lawyers defending the accused in criminal cases that followed the June 2010 violence were threatened and sometimes even assaulted. For instance, on September 30, 2010, during a hearing held in the military unit of the Interior Ministry in Osh, lawyer Mr. **Tair Asanov** and his colleagues were beaten by a crowd. Yet, the Presiding Judge and the military personnel failed to intervene. Since then, Mr. Asanov has received numerous death threats<sup>17</sup>. On October 11, 2010, during a hearing in Osh, unknown people also attacked lawyer Mr. **Tashtemir uulu Almaz**. On October 14, 2010, during another hearing in the military unit of the Interior Ministry in Osh, lawyers Ms. **Dinara Turdumatova**, Ms. **Nazgul Suyunbaeva**, Mr. **Ravshan Sadyrov** and Mr. **Kurbanychbek Joroev** were assaulted by the public who was attending

15/ See CAC, Kylum Shamy and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

16/ See Adilet.

17/ See CAC Press Release, September 30, 2010.

the hearing after the Prosecutor had made commentaries like “Uzbek are at fault (...) you started it (...)”. They complained to the Department of Internal Affairs of Osh but as of April 2011, they had not received a reply. In addition, in all cases, despite notably complaints sent by CAC to the Prosecutor’s office, as of April 2011, no investigation had been conducted by the authorities, no protection measures granted to lawyers, and the Bar Association had failed to react<sup>18</sup>.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
	Positive developments on freedom of assembly	Press Release	March 3, 2010
Mr. Azimjan Askarov	Arbitrary detention / Judicial harassment	Press Release	June 18, 2010
		Urgent Appeal KGZ 001/0910/OBS 109	September 16, 2010
		Press Release	November 16, 2010
		Urgent Appeal KGZ 001/0910/OBS 109.1	January 31, 2011
		Urgent Appeal KGZ 001/0910/OBS 109.2	February 11, 2011
Ms. Tolekan Ismailova and Ms. Aziza Abdirasulova	Judicial harassment	Open Letter to the authorities	June 30, 2010

18/ See CAC.

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# RUSSIAN FEDERATION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In the context of the fight against terrorism and extremism, the authorities severely limited human rights defenders' freedoms of expression and peaceful assembly in 2010-2011. The legal and administrative framework for NGOs also remained unfavourable, and several defenders face criminal "defamation" charges as a result of their work. Impunity for the assassinations of prominent human rights defenders continued as the cases remained unresolved, while physical attacks and threats against human rights defenders continued.

## Political context

While President Dmitry Medvedev continued throughout 2010 to express his commitment to improve human rights and the rule of law in the Russian Federation, 2010-2011 saw continuous restrictions on freedoms of expression and peaceful assembly. Dissenting voices were still considered as a threat and stifled. Peaceful demonstrations were dispersed with excessive force and accompanied by arbitrary arrests.

Responding to public outcry about police violence and corruption, on February 7, 2011, President Dmitry Medvedev signed into law a Bill on Police Reform, in order to restore the trust of the population in the law enforcement institutions. However, the reform did not contain the necessary safeguards to put an end to police abuses and corruption<sup>1</sup>. In addition, in prison, the condition of detention deteriorated, notably with an increase of allegations of torture and ill-treatment. Health, nutrition and sanitation quality remained low and overcrowding was also common, while the refusal of the prison administration to provide medical treatment resulted in at least one death in 2010.

While the year was marked by bomb attacks in March 2010 in the Moscow subway and in January 2011 at Domodedovo airport, reportedly caused by suicide bombers from the Caucasus region, the Law on Combating Extremism was frequently misused to restrict the legitimate exercise of freedom of expression. Some religious organisations and their followers, political parties or politicians, civil society groups and activists, as well as some media outlets and journalists, were particularly targeted.

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1/ According to the bill which took effect on March 1, 2011, over one million police officers were to undergo re-certification, to eliminate poor performers and reward the best with higher salaries.

Various law enforcement agencies focused their investigations notably on libraries, schools, Internet service providers, publishers and random users of Internet forums, in search of alleged extremists, to improve their statistics in the declared “fight against extremism”<sup>2</sup>. In July 2010, the authorities also introduced new provisions providing for an increased punishment for “extremism” and an expanded mandate for the Federal Security Service (FSB), which may now order individuals, organisations and media outlet to stop activities deemed “extremist” by the FSB<sup>3</sup>. Furthermore, in the context of the fight against terrorism, cases of racially-motivated violence increased, while at the same time more people were convicted for inciting extremism<sup>4</sup>. The authorities failed to take adequate measures to effectively fight against racially-motivated violence<sup>5</sup>.

The security situation in the North Caucasus, where the Islamist insurgency still operated, remained volatile with continuing acts of violence particularly in Chechnya and the neighbouring regions of Dagestan, Ingushetia, Kabardino-Balkaria and North Ossetia. The lack of accountability and conformity with the rule of law was particularly acute in these regions, where arbitrary detentions, torture, extrajudicial killings and enforced disappearances by law enforcement and security agencies continued in impunity.

### Impunity for the killings of human rights defenders

In 2010-2011, the Russian authorities failed to solve a number of assassinations and violent attacks against human rights defenders that had occurred during the previous years. As a result, the civil society continued to operate in a climate of fear and impunity following the killings notably, of Mr. **Nikolai Girenko**, a minority rights defender and anthropologist in Saint-Petersburg, in June 2003; Ms. **Anna Politkovskaya**, prominent *Novaya Gazeta* journalist, in October 2006; Ms. **Natalia Estemirova**, a member of the Human Rights Centre “Memorial” in Grozny, in July 2009; Mr. **Stanislav Markelov**, a human rights lawyer from Moscow, and

2/ See Centre for Information and Analysis “SOVA” (SOVA) Analysis, *Inappropriate enforcement of anti-extremist legislation in Russia in 2010*, April 11, 2011.

3/ As a response for the March bombing in the Moscow subway, a bill extending the powers of the FSB (formerly the KGB) was submitted to the State Duma by the Government in April 2010 and entered into force in October 2010. It granted the FSB with the right to give warnings to individuals related to public incitement to extremist activities. On April 2, 2011, the President also presented a bill under which penalties for extremism would be increased, including bans to occupy some positions within the administration under Article 280 “Calls for extreme activities”, 282.1 “Organisation of extremist society” and 282.2 “Organisation of activities of extremist organisation” of the Criminal Code. See SOVA Analysis, *Inappropriate enforcement of anti-extremist legislation in Russia in 2010*, April 11, 2011.

4/ See SOVA Press Release, June 9, 2011.

5/ See Anti-Discrimination Centre Memorial (ADC).

Ms. **Anastasia Baburova**, *Novaya Gazeta* journalist who was accompanying him, in January 2009; Ms. **Zarema Sadulayeva** and her husband Mr. **Alik (Umar) Dzhabrailov**, in August 2009. As of April 2011, those responsible for these killings had not been brought to court with one exception, the assassination of Mr. Markelov and Ms. Baburova, who were murdered by right-wing extremists<sup>6</sup>.

### **Violent attacks and threats against human rights defenders combating discrimination, racism and right-wing extremist groups**

The situation in the Russian Federation remained characterised by a total impunity with regard to violent attacks and threats against human rights defenders who struggle against discrimination, racism and activities of extreme right-wing movements. Once again, they were subjected to harassment by both governmental and non-State groups<sup>7</sup>.

In particular, human right defenders defending the rights of lesbian, gay, bisexual and transgender people (LGBT) were again victims of violence by neo-Nazi groups. For instance, on October 30, 2010, five LGBT human rights defenders<sup>8</sup> in the city of Tomsk were attacked by eight masked individuals, while they were distributing leaflets in the streets calling for tolerance towards LGBT people. On November 9, 2010, a criminal case was opened by the District Department of Interior of Tomsk under Article 116 Part 2 (a) of the Criminal Code for “causing light damages to health on the basis of hooliganism”. On November 18, 2010, the five human rights defenders requested the Department of Interior and the District Prosecutor’s office to apply Article 116 Part 2 (b) “causing light damages to health on the basis of hate motives to a particular social group” but, on November 26, they received a negative response from the Prosecutor’s office as the investigation did not find evidence that the defenders belonged to a particular social group. The investigation was suspended on April 8, 2011 for lack of identification of an assailant<sup>9</sup>. In addition, during the interrogation of the human rights defenders in the course of the investigation, the police officer inquired primarily about how the information about the assault had reached international monitoring organisations.

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6/ On April 28, 2011, Mr. Nikita Tikhonov, a neo-Nazi and one of the founder of the nationalist magazine *Russkiy Obraz* (Russian image), and his girlfriend Ms. Evgenia Khasis, a member of “Russkiy Verdict” Project for the Defence of Neo-Nazis People, were convicted of “murder”. On May 6, 2011, the Moscow City Court sentenced Mr. Tikhonov to life imprisonment for the murders of Mr. Stanislav Markelov and Ms. Anastasia Baburova. Ms. Khasis, who acted as a lookout, was sentenced to 18 years in a penal colony for her role in the killing.

7/ See ADC Memorial.

8/ The names of the defenders are not disclosed for security reasons.

9/ See International Youth Human Rights Movement.

Moreover, in the context of growing nationalism, antifascist activists were harassed by both law enforcement agencies and non-State actors. In 2010, Ms. **Anastasia Denisova**, President of “ETHnICS”, a Krasnodar-based youth group promoting tolerance, also a member of Memorial as well as of the Citizens’ Union for a Green Alternative (GROZA) and of the coordinating council of the International Youth Human Rights Movement, continued to be subjected to repeated acts of harassment. On January 11, 2010, her apartment was searched by police officers from the Krasnodar Crimes Department, who were allegedly looking for pirate software as part of an investigation on “terrorism”. They seized her laptop, external hard drive and flash memory. On January 12, Ms. Denisova was summoned for interrogation to the Krasnodar Police Department of Internal Affairs, where she was informed that she was suspected of “violation of copyright” as well as of “appropriation, storage, transportation of pirated copies for sale purposes”. The criminal case against her was terminated on April 19, as the investigation concluded that she had not committed any offence. Likewise, on November 3, 2010, the Department for the Fight Against Extremism conducted a search of the apartment of Mr. **Philipp Kostenko**, an employee of the Anti-Discrimination Centre “Memorial” (ADC Memorial) in Saint Petersburg. It took place on the eve of the action “Protect the city from fascism” that he organised on November 4. During the search, the officers confiscated materials and flyers related to the anti-fascist action. In 2010 and 2011, members of ADC Memorial were on several occasions threatened and stigmatised as “Russophobes” by neo-Nazi groups. Calls to send threatening text messages to ADC Memorial were displayed at the end of 2010 in the “life journal”<sup>10</sup> of a person hiding his or her identity and in the life journal of the Movement Against Illegal Immigration<sup>11</sup>. They were accompanied by photos and phone numbers of several ADC Memorial members. For instance, in December 2010, Ms. **Stefania Kulaeva**, an employee of ADC Memorial working on a programme for the promotion and protection of the Roma population, was accused on these blogs of “aiding mass genocide of the Russian population, traffic drugs and providing protection to the criminal Roma ethnic community”. Similarly, at the same period, Ms. **Olga Abramenko**, Head of ADC Memorial, was accused on the same blogs of “aiding and providing legal support to Roma drug dealers in exchange for a small profit from

10 / The life journal is a virtual community where the users can keep a blog under the form of a journal or a diary.

11 / The Movement Against Illegal Immigration is a Russian nationalist organisation fighting against illegal immigration. Since its creation in 2002, it organised a number of anti-immigrants rallies throughout Russia. On April 18, 2011, the Moscow City Court banned the movement accusing its leaders of extremist activities. The organisation appealed against the decision.

the sale of heroin". Both also received anonymous text messages during the night, containing death threats, threats of assault and insults, which were sent through the website of *Megaphone*, a Russian telecom operator that enables to send text messages to mobile phone without being identified. Furthermore, at the end of 2010 and beginning of 2011, the blog on the website *www.fontanka.ru* displayed a lot of slandering materials and called for the physical elimination of several human rights defenders who were listed on the blog, among them Ms. Kulaeva, Ms. Abramenko, Ms. **Galina Kozhevnikova** from SOVA Centre, and Mr. **N. Svanidze**, a journalist. Following all those threats, ADC Memorial did not file a complaint because, during the defamation campaign they were subjected to on various blogs in 2009, the Department for the Fight Against Extremism had failed to provide them any protection measures<sup>12</sup>.

### **Continued judicial harassment of, assault and threats against human rights defenders denouncing prison conditions or providing support to people denouncing police corruption**

In 2010-2011, in the context of considerable debate on police reforms, those who denounced police abuses and prison conditions faced judicial harassment. On August 18, 2010, Mr. **Aleksei Sokolov**, President and Founder of the organisation "Pravovaja Osnova" (Legal Basis), former member of the Non-Governmental Commission of Observation of Places of Detention in the Sverdlovsk region and well-known for denouncing torture in Russian prisons, was sentenced in appeal by the Regional Court of Sverdlovsk to three years in prison in a high security colony<sup>13</sup>. Mr. Sokolov lodged a second appeal<sup>14</sup>. On August 26, 2010, Mr. Sokolov was transferred to the FGU IZ-54/1 Remand Centre in Novosibirsk, Western Siberia, where he was ill-treated by the administration of the prison. As a result, on the same day, Mr. Sokolov was ordered to serve his sentence further away, allegedly for security reasons, in a colony located in the Krasnoyarsk region of Siberia, more than 2,000 kilometres from Yekaterineburg, where his family and lawyer live. Mr. Sokolov filed several parole applications, which were rejected on November 14, 2010 and April 13, 2011 by the Regional Court of Krasnoyarsk for allegedly having committed two viola-

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12/ See ADC Memorial.

13/ Mr. Sokolov is detained since May 13, 2009 for his alleged participation in a robbery in 2004 in Bogdanovich, after a suspect jailed for another crime confessed having committed this robbery with him, in exchange for a reduced term of imprisonment and conditional release. No further element beside this testimony was reportedly brought before the court as evidence and testimonies by other witnesses were rejected by the Judge.

14/ On May 13, 2011, the Court of Sosnovoborski of Krasnoyarski confirmed the guilt sentence but reduced by two months the term of Mr. Sokolov.



tions of the internal order<sup>45</sup>. On December 28, 2010, the complaint against his transfer to Novosibirsk was rejected by the Leninskiy District Court of Yekaterinburg. Mr. Sokolov also challenged the decision of the court to transfer him to the colony in Krasnoyarsk, which was rejected on January 21, 2011. Mr. Sokolov filed an appeal, which had not been examined at the end of April 2011.

Human rights defenders defending people who denounced police corruption were also targeted. On February 27, 2010, Mr. **Vadim Karastelev**, a lawyer and Head of the Novorossiysk Human Rights Committee, was brutally beaten by two unidentified men in Novorossiysk and seriously injured. He was then transferred to a hospital, where he underwent surgery. Afterwards, he was not given neither information on his condition nor any treatment. Mr. Karastelev was then forcefully discharged from the hospital just five days after the assault and while his health condition was still very poor. During his stay at the hospital, Mr. Karastelev was provided police protection for only one day. An investigation was opened by the police for “minor bodily injuries”. On March 10, 2010, the arrested suspect was released from custody. Moreover, on February 19, the police had prevented Mr. Karastelev from distributing leaflets inviting the public to come to a meeting in support of his client former Major Alexei Dymovsky, who was sacked, harassed and arrested in 2010 after publicly denouncing corruption in law enforcement agencies in November 2009. The meeting, which was due to take place a few days later, had been officially sanctioned by local authorities. Mr. Karastelev was condemned the same day to seven days of imprisonment and a fine of 2,000 roubles (about 50 euros) for “organising a public meeting without informing the authorities” and for “refusing to follow police orders” under Article 19 Part 3 of the Administrative Code. He was released on February 26, the day before the assault. Several months prior to the attack, Mr. Karastelev had on many occasions received threats against himself and his family through the Internet and by phone, accompanied by demands to stop campaigning on behalf of the former Major. Despite his requests to the authorities to investigate the threats and to provide protection to himself and his family, no action was undertaken. By the end of March 2011, Mr. Karastelev and his family left the Krasnodar region. On April 23, 2011, when his wife Ms. **Tamara Karasteleva**, Director of the Novorossiysk Human Rights Committee, returned briefly to Novorossiysk, she received an invitation for a “talk” with the Criminal Investigation Department of Novorossiysk. The policemen who came to her apartment said that the Ministry of Internal Affairs was taking interest

in an “extremist organisation” and that they were thinking Ms. Karasteleva was one of its members. Furthermore, the policemen asked for information about their children without providing any reason. Ms. Karasteleva decided not to go to the police and to leave the country. Several other members of the Novorossiysk Human Rights Committee also received similar invitations for a “talk”. Another member of the NGO, Mr. Yuriy Mosha, also left the country<sup>16</sup>.

### **Judicial harassment against human rights defenders on charges of defamation**

In 2010-2011, several lawsuits for defamation were launched against human rights defenders, seemingly in an attempt to silence them. Thus, Mr. **Oleg Orlov**, Chairman of the Executive Board of Memorial and winner of the European Parliament’s 2009 Sakharov Prize for the Freedom of Thought, was subjected to judicial harassment on charges of “libel”, both at the civil and criminal levels<sup>17</sup>. On January 21, 2010, Mr. Orlov was condemned by the Moscow City Civil Court to pay 20,000 roubles (about 460 euros) in damages to Chechen President Mr. Kadyrov. Mr. Kadyrov also initiated a lawsuit against Ms. **Ludmila Alexeeva**, Chairwoman of the Moscow Helsinki Group and also winner of the Sakharov Prize, after she said during a press conference on May 23, 2009 that the Chechen President was to be blamed for the policy of abductions and murders in the Republic. Although on February 9, 2010, the Chechen President publicly announced that he would drop the criminal proceedings he initiated against Mr. Orlov and Ms. Alexeeva, on June 18, Mr. Orlov was informed that the charges against him were still pending and that the case had been transferred to the Ministry of Internal Affairs of the Moscow region for further investigation. He was summoned to appear on July 6, 2010 before the same institution, which declared not to be aware of Mr. Kadyrov’s public statement. On September 13, 2010, the criminal trial opened before the Court No. 363 of Khamovniki District of Moscow. As of April 2011, about ten hearings on the case had already taken place and proceedings were still ongoing, thus impeding Memorial to continue its human rights monitoring activities in a favourable climate<sup>18</sup>.

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16 / See Novorossiysk Human Rights Committee.

17 / On August 13, 2009, Mr. Kadyrov had filed a criminal complaint against Mr. Orlov for defamation under Parts 2 and 3 of Article 129 of the Criminal Code after the publication of a statement by Mr. Orlov on July 15, 2009 in which he indicated he believed the Chechen President was responsible for the murder of Ms. Natalia Estemirova. A criminal investigation had been opened on October 20, 2009.

18 / On June 14, 2011, the Moscow Khamovniki District Court acquitted Mr. Orlov, stating that his statement on Chechen President’s responsibility in the assassination of Ms. Estemirova did not constitute slander.

In addition, while Mr. Vadim Karastelev was in hospital following his assault on February 27, 2010, the Head of the police of the city of Novorossiysk filed a civil suit against him for “libel”, on the basis of critical statements Mr. Karastelev made against him in the media for not investigating mass human rights violations in the region, ordering the illegal telephone tapping of human rights defenders and lawyers, impeding peaceful demonstrations, etc. The Head of the police demanded that Mr. Karastelev withdraw his comments and asked him 100,000 roubles (about 2,500 euros) in damages. On April 13, 2010, Primorsky District Court of Novorossiysk ordered Mr. Karastelev to pay the Head of the police 50,000 roubles (about 1,250 euros) and a fine of 3,500 roubles (about 88 euros). He appealed but the Krasnodar Regional Court confirmed the verdict. Mr. Karastelev paid the fine on December 31, 2010<sup>49</sup>.

### **Continued insecurity for defenders in the North Caucasus, particularly in Chechnya and Dagestan**

Despite the insecurity they face in the region, human rights defenders in the North Caucasus continued to monitor and denounce grave human rights violations committed in the context of the fight against terrorism, particularly in Chechnya and Dagestan. Named “enemies of the people” by Chechen Government officials, including the Chechen President, human rights defenders in Chechnya faced continuing acts of intimidation. For example, on July 3, 2010, in an interview on the TV channel *Grozny*, Mr. Kadyrov declared that: “(...) They are getting big salaries from the West and in order to report on their activities they write all kinds of nonsense and filth on Internet. (...) They are the enemies of the people, enemies of the law, enemies of the State”. In this interview, Mr. Kadyrov specifically targeted Mr. Oleg Orlov as well as employees of Memorial office in Guedermes. On February 7, 2010, three human rights lawyers, Messrs. **Dmitry Egoshin, Roman Veretennikov and Vladislav Sadikov**, members of the Joint Mobile Group that investigates human rights violations in the Chechen Republic, were arbitrarily arrested by the police while they were conducting an investigation in Shali district. During the entire night they spent in the local police station, the activists were individually questioned about their activities, and more specifically about the conduct of their investigation in Shali. They were released the following day, without charge. During their detention, they did not have access to a lawyer and they could only contact by phone colleagues outside the Chechen Republic.

19/ See Novorossiysk Human Rights Committee.

Human rights defenders in Dagestan also continued to work in a climate of severe insecurity. On June 17, 2010, lawyer Ms. **Sapiyat Magomedova**<sup>20</sup> from “Omarov and Partners”, a law-firm known for taking on cases related to human rights violations, such as torture, summary executions and abductions, was physically attacked by four Interior Department (GOVD) special militia agents (OMON) in Khasavyurt Police Department, while she was attempting to meet her client who had been arrested earlier the same day<sup>21</sup>. On July 1, 2010, an investigation was opened against the four police officers for “abuse of power” (Sub-point (a), Part 3 of Article 286 of the Criminal Code). Yet, on July 2, 2010, a criminal case against Ms. Magomedova was initiated for “assault and battery of authority representative” (Article 319 of the Criminal Code). On November 29, 2010, she lodged a complaint for the failure by the Russian police to investigate the attack under Article 25 of the Code of Criminal Procedure. The investigation periods for both cases were prolonged until March 2011. As of the end of April 2011, the investigation of the attack suffered by Ms. Magometova remained at standstill, and those responsible were yet to be brought before justice.

### **Obstacles to the right to freedoms of association and assembly**

Freedom of association was constantly hindered in 2010–2011, particularly by the administrative authorities. In September 2010, the General Prosecutor’s office launched an unprecedented wave of inquiries into foreign-funded NGOs working in Moscow and several other cities. Moreover, examinations to check “the conformity of the activity of the NGOs” were conducted in violation of the legislation on NGOs. In all cases, NGOs had insufficient time to prepare the numerous required documents, in most cases only several hours. On September 13 to 16, forty NGOs, including the Moscow Helsinki group, Russian Transparency International and Memorial, received a visit from the Moscow Prosecutor’s office. As of April 2011, no action had been taken then by the authorities following this campaign, which the NGOs interpreted as an attempt to intimidate them<sup>22</sup>.

2010–2011 were also marked by obstacles to freedom of peaceful assembly. In support of Article 31 of the Constitution, which guarantees

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20/ Ms. Magomedova sent four applications to the European Court of Human Rights related to the violations of her clients’ rights by detectives from the Prosecutor’s office of Khasavyurt.

21/ Ms. Evtomirovaya had lodged a complaint in the past against a police officer for abuses sustained by the latter, and had been indirectly warned by the investigator in charge of the case not to be too vocal about that case otherwise she would be arrested.

478 22/ See Russian NGOs’ Petition, September 21, 2010.

freedom of assembly, Strategy-31<sup>23</sup> organised a series of civic protest on the 31<sup>st</sup> of each month. Several human rights defenders, including Mr. Oleg Orlov, Mr. **Lev Ponomarev**, Director of the Public Movement “For Human Rights”, Mr. **Yuri Dzhibladze**, President of the Centre for Development of Democracy and Human Rights, Mr. **Igor Kalyapin**, Head of the Committee Against Torture in the city of Nizhny Novgorod, Ms. **Nadezhda Nizovkina** and Ms. **Tatiana Stetsura**, participants of the Human Rights House Network project “Electronic Human Rights Education for Lawyers”, as well as Buryatian journalists and lawyers, who had joined the protest, were arrested on several occasions throughout 2010 on charges such as “disobeying orders” or “participating in a non-registered demonstration”. Some, as Mr. Dzhibladze, were fined from 1,000 to 2,000 roubles (about from 23 to 47 euros), others, as Mr. Ponomarev, Ms. Nizovkina and Ms. Stetsura, were condemned to between three and fifteen days in prison. As of the end of April 2011, all had been released but some remained judicially harassed, as Mr. Kalyapin. In 2010-2011, activists from the Campaign for the Defence of the Khimki Forest who have set up a camp to protest development projects were also denied their right to peaceful assembly and fined<sup>24</sup>. For instance, on July 23, 2010, forty to fifty private security guards hired by the highway construction company and a gang of ultra-rightist hooligans assaulted a group of environmental activists. The police, called by Ms. **Evgenia Chirikova**, Coordinator of the Campaign for the Defence of the Khimki Forest, failed to intervene at first. Then, the special force OMON arrived on the spot and arrested seven activists instead of the attackers, as well as two journalists, Ms. **Elena Kostyuchenko**, from the *Novaya Gazeta*, and Mr. **Yuri Timoveyev**, a reporter from the Prague-based *Radio Liberty*, who were taken to a police station nearby. Ms. Kostyuchenko sustained a neck injury as a result of a violent blow at the time of the arrest. Mr. Timoveyev was subsequently released for lack of evidence, as well as Ms. Kostyuchenko, who was summarily tried on the same day and acquitted. On August 4, 2010, Ms. Evgenia Chirikova was convicted and fined for “holding an unauthorised rally” and “resisting the police”. On February 1, 2011, Ms. **Alla Chernysheva**, an active member

23/ Strategy-31 is a series of civic protests in support of the right to peaceful assembly. Initiated by Mr. Eduard Limonov, one of the leaders of “The Other Russia” coalition, it was later supported by human rights organisations, including the Moscow Helsinki Group and the “Memorial” Human Rights Centre and others. The protests are held in large cities on the 31st of each month.

24/ Since 2006, the Campaign for the Defence of the Khimki Forest is opposing plans to build a highway to connect Moscow to St. Petersburg that would pass through the Khimki forest. Local residents opposed the project arguing that it is a protected part of the Moscow’s “green belt” designed to counterbalance the city’s pollution and to protect wildlife. As plans have continued forward, environmental activists set up a camp in the forest, which suffered several attacks in 2010-2011.

of the same campaign, was detained in Khimki, for allegedly holding a fake bomb to a protest rally on the same day. This pretext legitimated the dispersion of the rally by the authorities. She was released six hours later, without charge.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Ms. Anastasia Denisova	Continuing acts of harassment	Urgent Appeal RUS 008/1009/OBS 150.1	January 15, 2010
	Withdrawal of the charges	Urgent Appeal RUS 008/1009/OBS 150.2	May 20, 2010
Mr. Aleksei Sokolov	Arbitrary detention / Judicial harassment	Closed Letter to the authorities	January 18, 2010
	Assaults in detention	Urgent Appeal RUS 005/0509/OBS 080.4	January 21, 2010
	Arbitrary detention / Judicial harassment	Open Letter to the authorities	May 12, 2010
	Sentencing in appeal and repeated assaults	Urgent Appeal RUS 005/0509/OBS 080.5	September 20, 2010
Mr. Oleg Orlov	Judicial harassment	Urgent Appeal RUS 006/1109/OBS 164.1	January 22, 2010
	Withdrawal of criminal complaint	Press Release	February 12, 2010
	Judicial harassment	Press Release	June 18, 2010
Mr. Oleg Orlov and Ms. Natalia Estemirova	Judicial harassment / Impunity	Press Release	July 7, 2010
		Joint Press Release	July 13, 2010
		Press Release	November 26, 2010
Messrs. Oleg Orlov, Lev Ponomarev, Yuri Dzhibladze, Edouard Limonov, Boris Nemtsov and Yashin Ilya	Obstacles to freedom of peaceful assembly	Press Release	February 5, 2010
Ms. Ludmila Alexeeva	Withdrawal of criminal complaint	Press Release	February 12, 2010
Messrs. Dmitry Egoshin, Roman Veretennikov and Vladislav Sadikov	Arbitrary arrest	Press Release	February 12, 2010
Mr. Vadim Karastelev	Violent assault and judicial harassment	Urgent Appeal RUS 001/0310/OBS 038	March 16, 2010
Ms. Sapiyat Magomedova	Assault	Open Letter to the authorities	June 25, 2010
Ms. Natalia Estemirova, Ms. Zarema Sadulayeva and Mr. Alik Dzhabraïlov	Impunity	Joint Press Release	July 13, 2010
Ms. Evgenia Chirikova and Mr. Yaroslav Nikitenko	Arbitrary arrest and judicial harassment	Urgent Appeal RUS 002/0810/OBS 099	August 12, 2010

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Five LGBT human rights defenders	Assault	Urgent Appeal RUS 003/1110/OBS 133	November 8, 2010
Ms. Evgenia Chirikova	Administrative harassment	Urgent Appeal RUS 001/0211/OBS 026	February 25, 2011
Mr. Igor Kalyapin	Arbitrary arrest / Release / Judicial harassment	Urgent Appeal RUS 002/0411/OBS 057	April 4, 2011
	Threats / Slander	Press Release	April 27, 2011

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# TAJIKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, human rights defenders in Tajikistan continued to face severe restrictions resulting amongst others, in self censorship. While the human rights situation in the country remained poor, it was also insufficiently addressed outside the country. Furthermore, two human rights defenders were arbitrarily arrested in 2010.

## Political context

2010-2011 was marred by continuing human rights violations in areas ranging from elections, freedom of the media, freedom of religion to women's rights, freedom from torture and ill-treatment, arbitrary detention and violations of fair trial, in a context marked by extreme poverty. The elections in the lower chamber of Parliament on February 28, 2010 ended up with an overwhelming victory of the pro-presidential People's Democratic Party of Tajikistan, receiving more than 70% of seats. Despite minor positive steps like the greater representativeness of the election commissions, the Organisation for Security and Co-operation in Europe (OSCE) noted that Tajikistan failed to meet many important criteria for free and fair elections<sup>1</sup>. Furthermore, the State television, primary source of information in Tajikistan, did not allocate enough space to cover the campaign. The more diverse printed media covered more vigorously the election-related topics, but its reach was limited by low circulation outside of the main cities.

Moreover, on several occasions in 2010, the authorities restricted the right of citizens to receive and disseminate information, including by blocking the major opposition websites or by slandering media outlets and journalists that were not in line with the official media coverage, first on the eve of the legislative elections held on February 28, 2010 and then in September 2010, in the context of intensification of the counter terrorism operations in the eastern part of the country, following the military operation

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1/ Notably, there was a high level of family and proxy voting, and cases of ballot stuffing. The minority parties were able to register far fewer candidates than the ruling one, due to the unduly high electoral deposit. Women were marginalised as candidates. See ODIHR, Parliamentary Assembly of OSCE and European Parliament, Election Observation Mission Joint Statement on preliminary findings and conclusions - Republic of Tajikistan, Parliamentary Elections, February 28, 2010.



of the Government against Islamist militants in Kamarob valley<sup>2</sup>. Given the severe restrictions, journalists frightened to openly criticise the authorities and exercised self-censorship.

Torture and ill-treatments of detainees also remained a serious problem, in particular in pre-trial detention. In the absence of effective and independent complaint mechanism, torture and ill-treatment remain unaddressed. Moreover, assessing the precise dimension of such violations was complicated by the absence of permissions of Tajik and international observers to monitor prison conditions in the country. Tajikistan's record in implementing decisions of the United Nations Human Rights Committee equally remained poor.

### Judicial harassment of two human rights defenders

In 2010, two human rights defenders were victims of judicial harassment. On November 23, 2010, Mr. **Makhmadyusuf Ismoilov**, an independent journalist who works for the weekly newspaper *The Nuri Zindagi (Ray of life)*, based in Dushanbe and known for denouncing mismanagement, poor social and economic policies, as well as abuse of power by the regional Government, law enforcement agencies, and the judiciary, was arrested for violation of four articles of the Criminal Code<sup>3</sup>. Arrested in the remote Soghd region where he had been working to promote circulation of the newspaper, he is facing a prison sentence up to two and a half years. The charges do not refer to any specific article written by Mr. Ismoilov and mention no specific plaintiff. On November 29, 2010, the Editor of the newspaper received an official letter from the Asht District Prosecutor's office, demanding copies of all articles written by Mr. Ismoilov. As of April 2011, the latter remained held in a detention facility in the city of Khujand, in the north of the country, and the investigation was still ongoing<sup>4</sup>. Moreover, a Kyrgyz human rights defender, who was exiled in Tajikistan, was detained without reason during three months. On February 26, 2010, Mr. **Nematillo Botakuziev**, a member of the Kyrgyz human

2/ See National Association of Independent Mass Media in Tajikistan (NANSMIT) Report, *Report on Freedom of Speech in Tajikistan*, March 2010. Moreover, in October 2010, the Minister of Defence published an Open Letter in the State media accusing the independent media that - contrary to the State media - tried to provide some coverage of the attack of governmental troops by Islamist militants in September 2010 of "supporting terrorism". As a result, publishing houses refused to print the newspapers.

3/ Article 135 Part 2 on "defamation", Article 136 Part 1 on "breach to a person's right to dignity", Article 189 on "incitement to nationalistic, racial, ethnic or religious hatred" and Article 250 on "extortion".

4/ See Bureau on Human Rights and Rule of Law.

rights centre Justice-Truth<sup>5</sup>, was reported missing after he went to the United Nations High Commissioner for Refugees (UNHCR) office in Dushanbe. On March 13, 2010, it was discovered that Mr. Nematillo Botakuziev was being held in a detention facility in Dushanbe. Police agents reportedly had stopped Mr. Botakuziev on the street and checked his documents. Because Mr. Botakuziev did not have identification documents with him, the police pulled him into their car and took him to the detention facility. Accordingly, Mr. Botakuziev who had recently suffered a heart attack, was subjected to repeated beatings while in detention. Neither the lawyer hired by the UNCHR nor the one hired by his family were allowed to speak to Mr. Botakuziev during his detention. In March 2010, he was reportedly transferred from the Dushanbe detention facility to the headquarters of the National Security Committee. On April 13, 2010, the General Prosecutor, during an interview given to a journalist, stated that Mr. Botakuziev was only kept in detention in order to identify the reason of his presence in Tajikistan. Mr. Botakuziev was released on May 25, 2010 without charge but acts of ill-treatment, which had allegedly been inflicted to him in detention, had not been investigated as of April 2011.

### **Urgent Intervention issued by The Observatory from January 2010 to April 2011**

<b>Name</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Mr. Nematillo Botakuziev	Arrest / Judicial harassment	Press Release	March 16, 2010

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5 / Mr. Botakuziev's work focused on issues related to the ethnic Uzbek community and people accused of religious extremism in southern Kyrgyzstan. He arrived in Tajikistan in February 2010, after he had been hiding in Kyrgyzstan since October 2008, as he was accused of organising a violent protest in the centre of Nookat and prosecuted on fabricated charges, reportedly for denouncing the repression of this demonstration by Kyrgyz security forces before international media and NGOs.

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# TURKMENISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, the authorities continued to deny to human rights defenders, the right to form associations. They further blocked foreign websites reporting on the human rights situation in Turkmenistan, and international human rights organisations were denied access to the country. While several human rights defenders were serving prison terms, their families as well as that of other human rights defenders forced into exile, faced acts of reprisals. Turkmen human rights defenders living in exile suffered death threats and were prevented by the Turkmen authorities from participating in OSCE meetings.

## Political context

In 2010-2011, the human rights situation in Turkmenistan, known as one of the most repressive regimes in the world, did not improve. The authorities continued to suppress any – even moderate – expressions of dissent. An unknown number of political prisoners continued to be arbitrarily detained following unfair trials, and the right to freedoms of expression, association, peaceful assembly, movement and religion were subjected to severe restrictions. Independent civil society and media could not operate openly. The use of Internet and telephones was under strict surveillance, while the cost for Internet access remained one of the highest in the world and the use of Internet cafés was only possible by providing a passport. Furthermore, Turkmen passport holders had even more limited access to websites than foreigners. Internet media outlets criticising the Government and social networks such as *Facebook* and *Twitter* remained blocked<sup>1</sup>. Moreover, people who visited foreign countries or whose children are studying abroad continued to be seen as suspicious and harassed by law enforcement agencies<sup>2</sup>.

Under the pressure of the international community, President Gurbanguly Berdymuhammedov declared the creation of a multi-party system as an objective on May 14, 2010, referring to the possibility of registering a newly created farmer “Daikan” party, loyal to the regime<sup>3</sup>. However, the Law on Political Parties had not been adopted as of April 2011. Turkmenistan held local elections in December 2010 but, like during all previous elections, the

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1/ See Turkmen Human Rights Initiative (THRI) Press Release, February 6, 2011.

2/ See THRI Press Releases, August 8 and December 15, 2010, and January 25, 2011.

3/ See *News.ru* Article, May 14, 2010.

ruling Democratic Party, which controls all institutions, remained the only registered political party. Moreover, on October 27, 2010, the Chairman of the Central Election Commission called for the Turkmen President to keep his seat for life.

In the run-up to international visits made by the Turkmen President to western countries, such as in France on February 1, 2010, human rights defenders lobbied for addressing Turkmenistan's human rights record. However, the economic interest in the region, the rich gas reserves and the Trans-Caspian gas pipeline project "Nabucco" remained a priority for the European Union (EU) and the United States<sup>4</sup>. From April 26 to 30, 2011, a delegation of the European Parliament visited Turkmenistan in order to assess whether the human rights situation would allow the EU to upgrade relations by signing a Partnership and Cooperation Agreement (PCA) between the EU and Turkmenistan. The final decision was expected in June 2011<sup>5</sup>.

### **Denial of freedom of association**

The 2003 Law on Public Associations, which gives to the Government the complete control over the activities and funding of non-governmental organisations (NGOs), remained in force in 2010-2011. Although nearly one hundred associations are officially registered with the Ministry of Justice, in reality they are only Government approved organisations or mouthpieces. No independent human rights NGO is registered in the country. This reflects the authorities' fear of losing the slightest control over the social, political and economic life of the country. In addition, the climate of repression makes it virtually impossible for independent NGOs to operate. Almost no organisation has therefore applied for registration in recent years. Human rights activists are factually deprived of their right to form an association. They are obliged to work in clandestine and subjected to strict controls, such as the surveillance of telephone calls and e-mails. Human rights activists are also frequently summoned by the intelligence services. Their family members are also subjected to similar repressive measures. Pressure is particularly placed on defenders and journalists who have contacts abroad. Websites of NGOs monitoring the human rights situation in Turkmenistan from abroad, were also blocked, such as the website of the Turkmen Human Rights Initiative (THRI), exiled in Austria.

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4/ In addition, the United States continued to import oil from Turkmenistan, while Boeing provided airplanes to the Turkmen Government. See *New Europe Article*, February 6, 2011.

5/ In 1998, the signing of an agreement was initially frozen over human rights concerns. See *European Parliament Press Release*, April 20, 2011.

Moreover, international human rights organisations continued to face obstacles in carrying out their monitoring activities by having their requests to enter the country denied. In addition, the visit made by the UN Special Rapporteur on Freedom of Religion or Belief in 2008, was the first ever visit to the country by a UN body that was authorised by the Government, despite numerous requests formulated by a great number of UN Special Procedures, including the Special Rapporteurs on Human Rights Defenders, Torture, the Right to Education, the Right to Health, the Independence of Judges and Lawyers, the Right to Freedom of Opinion and Expression, Extrajudicial, Summary or Arbitrary Executions, Violence Against Women and the Working Group on Arbitrary Detention, which have all been pending for several years.

### **Continued detention of several human rights defenders**

In 2010-2011, several human rights defenders remained detained, including Messrs. **Annakurban Amanklychev** and **Sapardurdy Khajiev**, who worked for the Turkmen Helsinki Foundation for Human Rights and who were held in Turkmenbachi prison as of April 2011. They were both sentenced to seven years' imprisonment in August 2006 for "purchasing, possessing and selling illegally ammunitions or weapons" after they had worked together on a documentary entitled "*La dictature de Niyazov – Turkmenistan : au pays des ténèbres*" ("The Niyazov dictatorship – Turkmenistan: in the country of shadows") for the French TV channel *France 2*. On February 19, 2010 and 2011, they applied for amnesty on the occasion of the National Flag Day, on the eve of which the President grants amnesty to prisoners every year. Yet, they were again not granted amnesty. In addition, relatives of Messrs. Amanklychev and Khajiev, even distant cousins, saw their telephones bugged, were placed on a "blacklist" and were not allowed to leave the country.

### **Death threats against human rights defenders living in exile and their families**

Over the past years, several Turkmen human rights defenders were forced to live in exile due to various acts of harassment they faced as reprisals for their human rights activities. Yet, several of them continued to be subjected to death threats from the Turkmen authorities. For instance, in 2010, Mr. **Farid Tukhbatullin**, Director of THRI, based in Austria, received death threats from the authorities on several occasions, while his relatives in Turkmenistan were constantly harassed. Forced into exile since 2003, he has since then been an active participant in several international human rights meetings to address the situation in Turkmenistan. Some of his interviews were broadcast in the whole of Central Asia. On June 5, 2010, following a presentation he had made the day before on the situation in

Turkmenistan in the office of the National Endowment for Democracy (NED) in Washington D.C., members of the National Security Ministry office in the city of Dashoguz, where Mr. Tukhbatullin was living before going into exile, visited local schools, inquiring where his sons studied and about their classmates, teachers and friends<sup>6</sup>. At the beginning of October 2010, Mr. Tukhbatullin was informed by two different anonymous sources that the Special Service of Turkmenistan were planning to execute him<sup>7</sup>. In addition, on October 1, 2010, THRI's website was hacked and a lot of the content, including the English language section, could not be displayed during several days. As a consequence, THRI had to change its website host<sup>8</sup>.

### **Obstacles to the participation of Turkmen human rights defenders in OSCE meetings**

In 2010, Turkmen human rights defenders faced on several occasions obstacles to their participation in meetings of the Organisation for Security and Co-operation in Europe (OSCE), because the Turkmen Government objected to their participation<sup>9</sup>. On October 19, 2010, during a conference of the OSCE in Vienna, the Turkmen Ministry of Foreign Affairs attempted to prevent the participation of Mr. Farid Tukhbatullin. When the OSCE refused, the Ambassador of Turkmenistan left the conference room<sup>10</sup>. Similarly, on October 4, 2010, Mr. **Annadurdy Hajiev**, co-founder of the Turkmen Helsinki Foundation for Human Rights, who lives in exile in Bulgaria, was refused entry to the premises of the OSCE Review Conference in Warsaw dedicated to human rights, because the Turkmen Government had objected to his participation. Mr. Tukhbatullin declined travelling to Warsaw when he learnt that he might also face difficulties registering to the conference<sup>11</sup>. On November 29, 2010, several members of civil society, including Mr. Hajiev, were refused participation in the Parallel OSCE Civil Society Conference in Astana, Kazakhstan, due to the Turkmen authorities' objection<sup>12</sup>. Mr. Tukhbatullin who had been authorised to register, decided not to go after being informed of death threats

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6/ His two sons, Ruslan and Eldar, are residing on refugee status with their father in Vienna helping him in his human rights activities. See THRI.

7/ See International Social-Ecological Union Open Letter, November 10, 2010 as well as THRI Press Release, October 13, 2010.

8/ See THRI.

9/ Under OSCE rules, a State has a right to object to the participation of a member of the civil society but only if it can prove that this person advocates or was engaged in violence, including terrorist activities.

10/ See THRI.

11/ *Idem*.

12/ Kazakhstan, who was the chair-in-office of OSCE in 2010, refused to facilitate the registration of Turkmen activists when Turkmenistan objected to their presence at OSCE review meetings in Warsaw and Vienna.

against him. In addition, the Kazakh authorities reportedly denied visa to two Turkmen civil society activists without disclosing their names<sup>13</sup>.

### Harassment of journalists who denounced human rights violations

In 2010-2011, independent journalists denouncing human rights violations and their families continued to be subjected to various forms of harassment. On December 30, 2010, during the night, a group of ten to twelve unknown young men threw stones at the house of Ms. **Kurbansoltan Atshilova**, a journalist of the *Radio Free Europe/Radio Liberty (RFE/RL)*. She immediately contacted the police department of Ashgabat's Chandybil district. She received a reply saying that no police cars could assist her because during the holiday season, all patrol vehicles were used to ensure the security of the country's leaders. Her call was not registered. When she threatened to file a complaint, the police officer recommended her to submit it at her place of employment, apparently hinting at her cooperation with the *RFL/RL*, which is viewed as a hostile radio station by the Turkmen authorities. Ms. Atshilova contacted the Presidential Council, the Interior Ministry, the Public Prosecutor's office and other governmental agencies but as of April 2011, the attack had not been investigated. She and her family have been living under the pressure of the special services for several years.

The freedom of movement of human rights defenders also continued to be severely curtailed through the refusal to issue passports and exit visas. Some individuals were reportedly blacklisted and prevented from leaving the country. On May 19, 2010, Turkmenistan's Migration Office in Ashgabat banned Mr. **Allamourad Rakhimov**, a Prague-based *RFE/RL* journalist and native of Turkmenistan, from entering the country although he had a valid visa. Mr. Rakhimov, a Canadian citizen, was planning to come in vacation in his home village in the south-east Mary province. He has not visited Turkmenistan for 11 years<sup>14</sup>. On some occasions, defenders' relatives were deprived of the right to access education and employment. On June 12, 2010, Ms. Atshilova's son committed suicide after having been denied a permit to exit the country by Turkmenistan's State Migration Service. After failing to find employment, he intended to go abroad to raise more to support his family. He had sent multiple applications but only received permission *post mortem* in August 2010<sup>15</sup>.

13/ See Turkmen Civil Society Open Letter to the Parallel OSCE Civil Society Conference, November 29, 2010.

14/ See *RFL/RL* Article, May 21, 2010.

15/ See THRI Press Releases, August 17, 2010 and January 4, 2011.

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# UKRAINE

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, a journalist reporting on corruption disappeared and several human rights defenders were victims of judicial and administrative harassment as well as threats, physical assault, attempt to commit in a psychiatric institution and searches. In addition, several peaceful rallies held in favour of the defence of human rights were repressed. Although the legal framework in which human rights defenders operated remained restricted, a draft law on freedom of association discussed by the Parliament could improve the registration of NGOs. A draft Law on Peaceful Assemblies was also adopted at first reading providing a number of improvements but still falling short of international standards.

## Political context

The February 2010 presidential election put an end to the political turmoil that affected Ukraine in recent years. Yet, the first year of the presidency of Mr. Viktor Yanukovich, leader of the Party of Regions, was marked by severe restrictions on democratic freedoms and civil liberties as upon taking office, Mr. Yanukovich ensured strengthened presidential control over the legislature, the police, the judiciary, the Security Services of Ukraine (SBU), the Public Prosecutor's office and local administrations<sup>1</sup>. In addition, in December 2010, several members of the former Government were arrested and accused of "abuse of power"<sup>2</sup>.

While the international community welcomed the new stability, it expressed concern over restrictions being placed on fundamental freedoms, in particular on freedom of expression<sup>3</sup>. Indeed, 2010 was marked by many new cases of pressure put on journalists, political activists and human

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1/ After his election, the President appointed to key high level positions within the judiciary, police and SBU individuals close to him. A judiciary reform that was seen as harmful to the courts' independence was also enacted in July 2010. Before the local elections of 2010, a new electoral law ensuring the presidential party's victory was adopted. On September 30, 2010, the Constitutional Court decided to annul the 2004 amendments to the Constitution that had shifted powers to the Parliament, depriving the Parliament of the power to appoint and dismiss cabinet ministers. See Ukrainian Helsinki Human Rights Union (UHHRU).

2/ Including the former Minister of Economy, the former Prime Minister and leader of the *Batkivshchyna* party, the former Minister for Transport and Communications and Deputy Head of the State Customs Service, the former First Deputy Minister of the Ministry of Justice, and the former Interior Minister. As of April 2011, some remained detained.

3/ See Parliamentary Assembly of the Council of Europe (PACE) Resolution, October 5, 2010, as well as European Union Progress report on implementation of the European Neighbourhood Policy, *Country*



rights defenders and a serie of politically motivated criminal prosecutions<sup>4</sup>. A number of newspapers, independent journalists and writers reported being harassed and subjected to searches, documents confiscations and interrogations by law enforcement agencies after criticising the Government, local authorities and representatives of the ruling party.

Another acute problem that tarnished Ukraine's human rights record, was the unexplained deaths of several people while in police custody. During 2010 and the beginning of 2011, more than fifty people have died in police stations<sup>5</sup>. In addition, corruption and the arbitrary use of powers remained a serious concern within the police and other law enforcement agencies.

### **Legal developments on freedoms of association and peaceful assembly**

On November 1, 2010, Draft Law No. 7262-1 on Public Organisations was registered in the Parliament of Ukraine. The current 1992 Law On Citizen Associations poses many obstacles to the registration of civil society organisations, in particular as associations may only defend the interests of their members or constituency<sup>6</sup>. It also unduly restricts types of activities that may be undertaken, for example selling their own publications or services and reinvest the proceeds in the organisation's activities or institutional capacity and the geographical scope of the association. The draft law, which was still pending adoption as of April 2011, would simplify the registration procedure and allow citizens to unite to discuss social and community issues. In particular, it envisages the registration of public organisations in three business days, instead of up to forty days with the current law. Finally, public organisations will not only be able to protect the rights of their constituencies, but also any other public interests, including human rights and environmental activities.

Moreover, in June 2010, the Parliament adopted at first reading, a draft Law on Peaceful Assemblies, which had not been adopted in final reading as of April 2011, due to the negative opinion of the Venice Commission of the Council of Europe on the current draft. According to the Commission,

4/ See UHHRU Statement, December 22, 2010.

5/ See Kharkiv Human Rights Protection Group (KHRG) Open Letter to the President, March 30, 2011 as well as UHHRU.

6/ A civil society organisation may only be involved in defending the rights of its own members and is not entitled to engage in human rights protection.

the draft contains some improvements<sup>7</sup>, while it fails amongst others, to “reflect sufficiently the presumption in favour of holding assemblies and the proportionality principle”<sup>8</sup>. In particular, a provision should be included in the draft law requiring the authorities to give immediate written confirmation of receipt of notification in all cases; it should be explicitly mentioned in the law that a failure by the authorities to provide timely confirmation will be tantamount to acceptance of the assembly; the liability and penalties for lack of adherence to the law should be clearly set out; in principle, every public space should be seen fit to host an assembly; the prohibition of assembly in the immediate vicinity of high risk facilities should be limited to areas closed to the public, the draft law should clearly define and limit actions connected with keeping the peace and security during assemblies that can be taken by the law enforcement bodies; it should also specify that officials can use force only as a last resort in proportion to the aim pursued, and in a way that minimises damage and injury.

### **Disappearance of a journalist reporting on corruption**

In 2010, a journalist reporting on corruption disappeared. On August 11, 2010, Mr. **Vasyl Klymentyev**, Editor-in-Chief of the Kharkiv-based *Noviy Stil* newspaper, known for being critical of the administration, went missing. At the time of his disappearance, the journalist was investigating several high-profile corruption cases involving local officials. Before disappearing, he was allegedly threatened as well as offered bribes for not disclosing sensitive information. A police officer who was a potential witness equally disappeared subsequently. He had taken Mr. Klymentyev to the Pechenizke water reservoir to take photographs of a property owned by the Regional Director of Taxes, Mr. Stanislav Denysyuk, and three other local officials, including a former member of the SBU. On August 17, 2010, Mr. Klymentyev’s mobile phone was found near the Pechenizke water reservoir. Mr. Klymentyev’s partner, Ms. Valentina Udovenko, was also harassed. His lawyer’s apartment was searched on September 2, 2010 by police officers and members of the local special forces. He lodged a formal complaint, which had led to no result as of April 2011. Ms. Udovenko’s apartment was also repeatedly searched, for instance on September 2, 2010. Several days later, as she intended to participate in a

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7/ These include: the change in the title, which now only mentions “peaceful assemblies” instead of “peaceful event”, the recognition of simultaneous assemblies, counter demonstrations and spontaneous assemblies; the clarification and extensions regarding the organiser of a public assembly; and the provisions concerning the possibility of receiving legal protection in case of restriction of assemblies and other violations of the right to freedom of peaceful assembly. Furthermore, the procedure of restriction of peaceful assemblies was amended and delegated to the courts.

8/ See European Commission for Democracy Through Law (Venice Commission), OSCE/ODHIR Joint Opinion on the Law on Peaceful Assemblies of Ukraine, Document CDL(2010)099, October 8, 2010.

press conference to be held in Kiev about her partner's disappearance, she was ordered by the local authorities not to leave Kharkiv. As of April 2011, the investigation into the disappearance of Mr. Klymentyev was suspended<sup>9</sup>.

### Harassment and assault against human rights defenders

In 2010, several human rights defenders faced judicial harassment as a way to obstruct their human rights activities. They were also subjected to physical assaults, to which the authorities failed to adequately respond. For instance, on September 8, 2010, Mr. **Ruslan Zabily**, an historian working on political persecution during the Soviet Union, Head of the National Memorial Museum of Victims of the Occupation Regimes "Tyurma na Lonskoho" in Lviv, was arrested by six officers belonging to the SBU and taken to their headquarters for approximately fourteen hours, before being released. The officers did not identify themselves and Mr. Zabily was not informed either of the reasons of his detention nor of charges against him. During the time of detention, he was not granted access to his lawyer. His personal computer containing historical material and academic research was confiscated and not returned to date. One month after his arrest, the case was classified for security reasons, and Mr. Zabily was interrogated again in February 2011 by the SBU. He then found out that he was accused of "attempting to reveal a State secret" and "intending to commit a crime" under Article 328 and Part 1 of Article 15 of the Criminal Code. As of April 2011, a criminal investigation against Mr. Zabily remained clouded in secrecy. It remains unclear which documents in his possession at the time of his arrest present a threat to the State if revealed<sup>10</sup>. In 2010, Mr. **Andriy Fedosov**, Head of a monitoring project in psychiatric institutions run by the mental disability rights organisation "Uzer", based in Evpatoria, was the victim of several acts of harassment. On May 11, 2010, he was beaten by unknown assailants in Evpatoria. He had to stay in bed for three days following the attack. From February to April 2010, Mr. Fedosov had been filming poor living conditions at several governmental psychiatric institutions in the Crimea region. He also reported cases of unlawful confinement in psychiatric institutions, cases of torture and ill-treatment of patients. On April 25, 2010, he had received anonymous threats of physical assault over the phone demanding him not to publicise his findings. On April 26, he gave a press conference on this issue. Though alerted, the police reportedly failed to take action. After the assault, he filed a complaint at the police but the assault was not investigated. Moreover, in July 2010, Mr. Fedosov was detained for one day

9/ See Institute of Mass Information (IMI) and Reporters Without Borders (RSF) Press Releases, September 9 and 10, 2010.

10/ See UHHRU.

in relation to an offence allegedly committed by him when he was 15 years old<sup>11</sup>. In October 2010, Mr. Fedosov was informed by the Ministry of Internal Affairs that a financial inspection into his organisation's accounts was underway at the request of an anonymous person. The police tried to interrogate Mr. Fedosov several times, including once when he was home on sick leave. Every time he refused to respond so the policemen left. He was asked for the statute of the organisation and its financial documents. Following the intervention of the Ukrainian Helsinki Human Rights Union (UHHRU), the police of Evpatoria finally decided not to continue the inspection<sup>12</sup>. On October 29, 2010, Mr. **Andriy Bondarenko**, a trade union activist and defendant of workers' rights in Vinnitsa, south west Ukraine, was ordered by the Vinnitsa Regional Court of Appeals to undergo a 30-day compulsory psychiatric examination after sending multiple complaints to the Prosecutor's office about violation of workers' rights. The prosecutors cited his "excessive awareness of his own and others' rights and his uncontrollable readiness to defend these rights in unrealistic ways" as a problem<sup>13</sup>. A psychiatric examination scheduled for December 13, 2010 did not take place as Mr. Bondarenko refused to submit to the examination. In December 2010, his lawyer lodged an appeal before the High Court on Criminal and Civil Cases, but the hearing had not been scheduled as of April 2011<sup>14</sup>.

The work of human rights defenders was also paralysed by searches and confiscation of important documentation and equipment. For instance, on October 15, 2010, at 11 p.m., the police raided the office of the Vinnitsa Human Rights Group under the pretext of investigating pornography distribution by the group's Coordinator, Mr. **Dmytro Groisman**, who provides support to asylum-seekers and campaigns against torture and ill-treatment of migrant workers. Mr. Groisman's flat was searched with the authorisation of the court whereas the office of the Vinnitsa Human Rights

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11/ On May 12, 2000, in the village of Litin in the Vinnitsa region, a sports school was robbed. Mr. Fedosov was later accused of the robbery. On September 20, 2010, the charges against him were dropped since it was proven that he was in a closed children's hospital at the time and could not have committed the alleged crime.

12/ See Uzer and UHHRU.

13/ Since 2007, the Vinnytsya Prosecutor's office had asked local health authority officials four times to request compulsory psychiatric examination of Mr. Andriy Bondarenko but the Leninskiy Court of Vinnitsa had always denied their request. Yet, Mr. Bondarenko underwent voluntarily three examinations in August 2007, August 2010 and October 2010, all of which confirmed that he was mentally healthy. In August 2010, the Prosecutor's office accused him of forging the data during the examination. On August 31, 2010, the Leninskiy Court of Vinnitsa dropped the criminal charges.

14/ The High Court on Criminal and Civil Cases subsequently ruled out the decision to submit Mr. Bondarenko to a psychiatric examination. The Prosecutor's office demanded the hospitalisation again but the new case had not been examined as of April 2011. See UHHRU.

Group, located in the same building, was searched without judicial authorisation. During the search, financial reports, confidential information about clients and refugee cases, including written confidential correspondence between the Vinnitsa Human Rights Group and the European Court of Human Rights regarding three cases, were seized. The police reportedly confiscated over 300 items including files of the UN High Commissioner on Refugees, CD-ROM, USB-sticks and a laptop. As of April 2011, the documents and equipment had not been returned and the investigation remained pending<sup>15</sup>.

### **Ongoing obstacles to freedom of peaceful assembly**

In 2010, several peaceful rallies held in favour of the defence of human rights were repressed. For instance, in May 2010, Ukrainian environmental activists acting to prevent deforestation of Gorky Park in Kharkiv, a 1,800 hectare, forest park, were denied the right of peaceful assembly and expression. On May 20, 2010, under the order of the Kharkiv City Council plans to build a new road and commercial leisure facilities, loggers began clearing trees in Gorky Park. Yet, the order of Kharkiv City Council disregarded formal procedures such as conducting a public consultation by the State Environment Protection Department in 2007 and procurement of land allocation and land inspection certificates. During the first week alone, the loggers cut down 20% more trees than permitted by a decision of the Executive Committee. On May 20, local citizens and environmental activists therefore started a 14-day peaceful protest. They gathered in the park and attempted to stop the falling by standing in front of the trees, sitting in the trees, and chaining themselves to the trees. On May 28, security guards started to break up the human chain formed by the demonstrators. As a result of a clash between the activists and the police, a dozen activists were arrested, including environmental activists Messrs. **Andrei Yevarnitsky** and **Denis Chernega**. They were taken to the Dzerzhinsky district police station, where they were held approximately eight hours before being brought before a judge. Eight people, including the two environmental activists, were charged with “not following legal orders of a police officer”. Messrs. Yevarnitsky and Chernega received the longest sentences, that is fifteen days in “administrative” detention. The other activists were sentenced to a few days’ imprisonment. On June 18, the sentences of Messrs. Yevarnitsky and Chernega were reduced on appeal to nine days. They were released the same day as they had already completed 21 days of detention. Similarly, on June 2, a peaceful protest of 200 people was dispersed by force by the crew of woodcutters,

15/ See Vinnitsa Human Rights Group Press Release, November 18, 2010.

security guards employed by the City Council and employees of a construction company. Over fourteen days of protest, several demonstrators and journalists suffered injuries caused by being beaten, wire traps set by the guards and falling from trees caused by the guards. The police took no action to protect them. They were also subjected to threats and insults<sup>16</sup>. On each occasion, they lodged complaints but the authorities failed to ensure their safety and to open an investigation. On October 12, 2010, the police attempted to arrest Mr. **Oleksiy Verentsov**, a lawyer and leader of the local human rights NGO “Vartovi Zakonu” (Guards of the Law), during a peaceful protest against the lack of progress in criminal and other cases concerning citizens’ rights that lasted for several days in front of the Regional Prosecutor’s office. As the crowd started chanting “Shame!”, ultimately he was not arrested. Two days later, on October 14, 2010, Mr. Verentsov and his colleague Mr. **Ihor Tanychkevych** were arrested on charges of violating Articles 185 and 185.1 of the Code on Administrative Offences, in particular for “disregarding lawful instructions by a police officer to cease the demonstration in absence of a permit”. However, under Article 39 of the Ukrainian Constitution, a permit is not required for peaceful demonstrations. During the court hearing held on October 14, 2010 before the Halytsky District Court in Lviv, Mr. Oleksiy Verentsov’s and Mr. Ihor Tanychkevych’s lawyer was not granted access to the courtroom and the witnesses were not interrogated. The hearing lasted about one hour. Messrs. Verentsov and Tanychkevych were sentenced to three days of prison for “breaching the order of conduct of a peaceful assembly”. On October 18, Mr. Verentsov appealed the decision of the court only after being released since he was not allowed to see his lawyer earlier. On October 27, the Court of Appeal rejected it. Mr. Tanychkevych also lodged an appeal on October 18 and the Court of Appeal ruled out the decision of the first instance court, opening the way for a criminal investigation against Mr. Tanychkevych. On December 14, the Prosecutor’s office finally decided not to file criminal charges against him. On the same day, the Prosecutor’s office also decided not to bring charges against police officers and members of the court as he denied the claim that Mr. Verentsov’s rights had been violated during his arrest. Mr. Verentsov’s lawyer lodged an appeal before the European Court on Human Rights for unlawful detention. The application was pending as of April 2011<sup>17</sup>.

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16/ See Kharkiv Human Rights Protection Group Open Letter to the Human Rights Commissioner of the Council of Europe, June 7, 2010.

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# UZBEKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010-2011, human rights defenders remained seriously threatened through the authoritarian rule of President Islam Karimov. Many defenders continued to serve long prison terms and were subjected to poor conditions of detention and obstacles to their visiting rights. Others remained in exile. Human rights defenders faced serious obstacles to exercise their freedoms of expression, association and peaceful assembly. The general lack of space for any form of political or social dissent, the widespread corruption and the lack of an independent judiciary created an environment in which defenders were regularly harassed by law enforcement and State security agencies without any recourse.

## Political context

In 2010-2011, freedoms of expression, peaceful assembly and association remained highly restricted, including under the pretext of the fight against terrorism and religious extremism. The control of the Government over broadcast media was again tightened. Major independent websites were partially or completely blocked. Social networks were also periodically cut off<sup>1</sup>. Journalists, civil society activists and opposition members continued to be harassed, ill-treated and prosecuted for attempting to communicate information on the country's socio-political situation or voicing an opinion dissenting with Government's policy. The Government's security policy also permitted close surveillance of the population, in particular civil society activists, who were followed in the street, their communications monitored and their homes placed under surveillance. Again, no human rights organisation nor any political party was registered in the course of the year.

With a judiciary lacking independence, there was no check on the Executive. Impunity thus remained the rule. There were no independent investigation into human rights violations. This remained also true in regards to the May 2005 Andijan massacre. The criminal justice system, which is not only corrupted but also subject to the orders and control of the executive and security services, made possible an increase of arrests and convictions on political grounds. As of April 2011, dozens of Government critics and political opponents, including several human rights defenders,

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1/ See Reporters Without Borders (RSF) Report, *Internet Enemies 2011 - Uzbekistan*, March 11, 2011.

continued to serve long prison terms on trumped-up charges<sup>2</sup>. In addition, reports of torture or other ill-treatment of detainees continued with no accountability.

### **Continuing arbitrary detention of human rights defenders in inhuman conditions**

While Mr. **Farkhad (Farkhodhon) Mukhtarov**, a member of the Uzbekistan Human Rights Alliance (*Pravozashchitni Alians Uzbekistana - PAU*), was released on the eve of a visit to Uzbekistan of the United States Secretary of State, Ms. Hillary Clinton, on December 2, 2010, after having served sixteen months of a four-year sentence on charges of “fraud” and “bribery”, as of April 2011 several human rights defenders were still serving long prison terms following unfair trials. None of them was included in the amnesties granted on the eve of the Independence Day, on September 1, or of the Constitution Day, on December 8<sup>3</sup>. Those detained included: Mr. **Solijon Abdurahmanov**, a journalist detained since 2008 in prison colony U/Ya 64/61, near Karshi, Kashkadarya region; Mr. **Yusufjon Jumaev** (alias **Yusuf Jumaev**), poet, writer and Head of the human rights organisation “Sahroi Sherlar” (Lions of the Deserts), detained since 2007 and held in prison colony U/Ya 64/71, Jaslyk, Karakalpak Republic<sup>4</sup>; Mr. **Agzam Turgunov**, Executive Director and Founder of “Mazlum” (Suppressed) Human Rights Centre, detained since 2008 and held in prison colony U/Ya 64/49 of Karshi; Mr. **Abdurasul Hudoynazarov**, Chairman of the Angren city branch of the human rights organisation “Ezgulik” (Solidarity), detained since 2006 and held in the U/Ya 64/21 strict regime prison colony in Bekabad, Tashkent region; Mr. **Nasim Isakov**, member of the Jizzakh regional branch of the Human Rights Society of Uzbekistan (HRSU), detained since 2005 and held in prison colony U/Ya 64/3 in Tavaskai, Tashkent region; Mr. **Jamshid Karimov**, member of the Jizzakh regional branch of HRSU, detained in a psychiatric hospital since 2006 and held at Samarkand psychiatric hospital; Mr. **Zafar Rahimov**, a member of the Kashkadarya regional branch of HRSU, detained since 2007; Mr. **Yuldash Rasulov**, a member of the Kashkadarya regional branch of HRSU detained since 2007 and held in prison colony U/Ya 64/25, Bukhara region; Mr. **Ganikhon Mamatkhanov**, a member of the Committee for the Protection of Individual Rights and of the Independent Human Rights Society in Uzbekistan, detained since 2009 and held in prison colony

2/ See Human Rights Society of Uzbekistan (HRSU).

3/ They were commonly attributed by the colony administration fabricated violations of “prison internal rules” to be considered in breach of amnesty criteria. See HRSU.

4/ Mr. Jumaev was released on May 19, 2011 and left for the USA to be reunited with his family after being forced to give up his Uzbek citizenship.



U/Ya 64/47, in Kiziltepa near Kharshi; Mr. **Azamjon Formonov**, Chairman of the Syrdarya regional branch of HRSU, detained since 2006 and held in strict regime prison colony U/Ya 64/71, Jasylyk; Mr. **Maxim Popov**, Educator and Director of the Uzbek NGO Izis working on HIV prevention, detained since 2009 and held in prison colony U/Ya 64/29, in Navoi; Mr. **Khabibilla Okpulatov**, a member of the Ishtikhan regional branch of HRSU, detained since 2005 and held in the U/Ya 64/45 strict regime prison colony in Almalik, Tashkent region<sup>5</sup>; Mr. **Norboy Kholjigitov**, member of the Ishtikhan regional branch of HRSU, detained since 2005 and held in prison colony U/Ya 64/61 in the village of Shaihali near Karshi; Mr. **Alisher Karamatov**, Head of the Mirzaabad regional branch of HRSU, detained since 2006 and held in the U/Ya 64/18 medical facility until January 2011 when he was transferred to prison colony U/Ya 64/49 of Karshi; Mr. **Gaybullo Jalilov**, a member of the Karshi regional branch of HRSU and a fighter for the right to freedom of conscience in Uzbekistan, who was sentenced on January 18, 2010 to nine years in prison, held in the strict regime colony in Sadovyi, Tashkent region<sup>6</sup>; Mr. **Dilmurod Saidov**, a journalist and member of Ezzulik, detained since 2009 and held in prison colony of strict regime U/Ya 64/36 in Navoi.

Moreover, the above-mentioned defenders continued to serve their prison sentences in very poor conditions of detention and were subjected to ill-treatment, resulting amongst others in the serious deterioration of their health. In addition, during inspections conducted by the International Committee of the Red Cross (ICRC), human rights defenders in poor health were hidden by the colony's administration. Visiting rights of their relatives were also severely restricted. For example, Mr. Gaybullo Jalilov's health seriously deteriorated. During the summer of 2010, Mr. Jalilov, who suffers from a nervous breakdown and kidney disease, reportedly received a heavy blow by a colony guard in the ear that left him nearly deaf on both ears after he refused to sing with other prisoners the hymn of the Republic of Uzbekistan. As to Mr. Norboy Kholjigitov, he was interrogated about a letter he sent to the President on May 5, 2010 asking to be transferred to a prison clinic for medical treatment, and subsequently accused of violating eight internal rules of the prison<sup>7</sup>. On August 11, 2010, his wife who was visiting him in the prison was interrogated by the National Security Services (SNB)

5/ On December 25, 2009, his lawyer sent an appeal to the Supreme Court of Uzbekistan. As of April 2011, he had not received any reply.

6/ On August 4, 2010, Mr. Jalilov received an extension of his sentence to an additional two years, one month and five days under Articles 159.3 and 244.2 Part 1 of the Criminal Code, based on a new witness testimony. On September 28, 2010, the Kashkadarya Regional Criminal Court upheld in appeal this sentence.

7/ For example "wearing dirty clothes".

about the letter her husband had sent to the President, and threatened. She was then requested to leave the prison after the first day of her two-day visit. During a visit of the ICRC representatives conducted from January 24 to 28, 2011 to the prison colony U/Ya 64/61, Mr. Kholjigitov was placed in a solitary confinement cell of the Kasan local police precinct of Kashkadarya region, where he was kept until January 28, before being brought back to the U/Ya 64/61 colony. At the same period, the colony's chief medical practitioner had prescribed him to be placed in a medical facility, but the head of the colony administration refused. Similarly, on January 22, 2011, Mr. Azamjon Formonov was transferred for a few days to the U/Ya 64/SI-9 prison in Nukus, Karakalpak Republic, at the time of an ICRC visit<sup>8</sup>. The health of Mr. Alisher Karamatov, who suffers from tuberculosis he developed in detention, continued to deteriorate throughout 2010 as he did not receive appropriate medical care. In addition, he was not authorised to call home whereas each prisoner is normally entitled to four calls per year. On August 10, 2010, his wife was permitted to visit him for 40 minutes instead of the three-day visit she was normally entitled to, allegedly because of "a too great number of visitors"<sup>9</sup>. In December 2010, after meeting with ICRC representatives, Mr. Karamatov was harassed by law-enforcement agencies<sup>10</sup>. Mr. Khabibilla Okpulatov's health also deteriorated. His eyesight became worse, he lost a lot of weight and had difficulty to walk due to the numbness of his right leg. Besides, Mr. Okpulatov was subjected to constant acts of harassment and humiliation<sup>11</sup>.

### Ongoing judicial harassment against human rights defenders

Human rights defenders also continued to be subjected to persecution and judicial harassment as reprisals for their human rights activities. On February 10, 2010, Ms. **Umida Ahmedova**, a photographer and filmmaker, was found guilty by the Mirabad District Court in Tashkent of "slander" and "insult", under Articles 139 and 140 of the Criminal Code respectively, regarding her book of photographs entitled "Women and Men:

8/ See Jizzakh regional branch of HRSU Press Release, February 24, 2011.

9/ There are 18 visiting rooms for 3,000 prisoners. Similarly, on January 5, 2010, instead of three days, she could only see him one day. See Jizzakh regional branch of HRSU Press Release, January 12, 2010.

10/ He received a visit from an officer of the SNB, who asked many questions about his relatives. The Superintendent of the colony U/Ya 64/49 also met him, asking why he had spoken badly about the conditions in the colony to the ICRC representatives. See Jizzakh regional branch of HRSU Press Release, January 12, 2010. When the ICRC visited Mr. Karamatov again mid-March 2011, they were this time accompanied by three members of the Uzbek police. See HRSU.

11/ For instance, he was not allowed to write and receive letters, neither to use the library nor pray. On the eve of the amnesty dedicated to the Day of Independence on September 1, 2010, the administration of the colony attributed two violations of internal rules to him. They allegedly found a cigarette butt in his bed and accused him of growing a beard. At the end of December, he received five similar accusations, among them one for allegedly using a dirty towel.

From Dawn to Dusk” as well as her documentary films “Women and Men in Customs” and “Rituals and Virginity Code”. The judge announced that he would not apply a sentence as she was amnestied in honour of the 18<sup>th</sup> anniversary of Uzbekistan’s independence. On March 11, 2010, Ms. Ahmedova appealed the conviction before the District Court of Appeals of Tashkent. Ten days later, she lodged another appeal before the Supreme Court of Uzbekistan. As of April 2011, she still had not received any reply. On February 7, 2011, Mr. **Tursunbek Turazode**, a member of the Tashkent regional branch of Ezgulik and a journalist, was arrested by policemen of the Internal Affairs Directorate of Syrdarya district on accusations of “fraud”. On April 8, the investigation was closed and the case was referred for trial. No date had been scheduled as of the end of April 2011<sup>12</sup>.

### **Harassment of human rights defenders by law-enforcement agencies**

In 2010-2011, human rights defenders and their relatives were again constantly harassed by law-enforcement agencies, in particular by SNB agents, and were imposed heavy fines exceeding by dozens their income that they were not able to pay. They most often received summons that did not specify what they were accused of and stood trial *in absentia*, receiving court decisions by post. Human rights defenders regularly brought complaints before the Prosecutor General’s office and other institutions, but none of them responded to their queries<sup>13</sup>. For instance, on April 21, 2010, Ms. **Tatyana Dovlatova**, a member of PAU, received a visit of five policemen in plain clothes, who tried to enter her house, saying they were gas workers. When she requested a receipt, they said she was on the “wanted” list and demanded her to come to the Khamzinsky police department of Tashkent. When she refused to let them in, they entered the house by force without a search warrant. They tried to make her go to the police department, despite the fact that she was recovering from a serious surgery. They left her alone only when doctors arrived in an ambulance and said she could not be transported. The following days, Ms. Dovlatova received several visits by the district police but she refused to go to the Khamzinsky police department because of her health condition<sup>14</sup>. In some cases, SNB agents attempted to intimidate specifically women human rights defenders through pressures against their family members. For example, at the end of February 2011, members of the SNB of Kashkadarya region asked relatives of Ms. **Bashorat Khidirova**, a member of the human rights NGO “Birdamlik” (Solidarity) in Karshi,

12/ See Ezgulik Press Release, February 9, 2011.

13/ See Jizzakh regional branch of HRSU and PAU.

14/ See PAU.

to beat her and her colleague Ms. **Gulshan Karaeva**<sup>15</sup>. On February 23, 2011, two officers from the Municipal Department of the Interior of Jizzakh visited the home of Mr. **Bakhtiyor Hamraev**, a human rights defender in Jizzakh, and without providing any reason asked to check all of Mr. Hamraev's documents, including his passport and title deed for his house. They left after he refused to provide these documents<sup>16</sup>. In March 2011, Ms. **Saida Kurbanova**, Chairwoman of Pahtakor district branch of HRSU, Jizzakh region, was subjected to pressure on several occasions following the publication of an article related to poor conditions in Pahtakor birth centre. On March 15, 2011, a police officer of the village of Chamanzor came to Ms. Kurbanova's house and demanded her to accompany him to the Head of the Pahtakor District Department of Interior. Ms. Kurbanova refused to go without receiving a summon and without being accompanied by a lawyer. The police came three times to the house of Ms. Kurbanova and requested her to come to the police department to write a letter of explanation about the articles she had written but she refused<sup>17</sup>.

Human rights defenders were also regularly searched at the border, on some occasions in the absence of witnesses and on others in the presence of non-independent witnesses. For instance, on March 24, 2011, members of PAU Ms. **Elena Urlaeva**, Chairwoman, Ms. **Gavkhar Berdieva**, Ms. **Sharifa Tuychibaeva**, Ms. **Victoria Bajenova**, Messrs. **Vladimir Husainov**, **Akramhodja Mukhiddinov**, **Hayitboy Yakubov** and **Yuldash Ali Husainov** as well as **Bakhodir Namazov**, Chair of the Committee for the Release of Prisoners of Conscience and Director of HRSU, were searched at the passport control and customs of Tashkent airport while returning from a human rights seminar in Kazakhstan. Ms. Bazenova was searched by a policewoman and an employee of the customs for an hour in the presence of two witnesses. During the search of Mr. Husainov's luggage, a customs officer took away his notebook. He confiscated all business cards that Mr. Husainov had received during the seminar. He read through the notes he had taken and returned them. Ms. Urlaeva was brought to a special interrogation facility, where there was a camera and a recorder. A policewoman started unpacking Ms. Urlaeva's bags shouting at her. Ms. Urlaeva felt sick and asked for a doctor. The policewoman ignored her request but, when her state of health became critical, she called an ambulance. The policewoman gave her a copy of the search protocol that read that nothing illegal had been found. They were all allowed to leave<sup>18</sup>.

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15/ See PAU Press Release, February 27, 2011.

16/ See Jizzakh regional branch of HRSU Press Releases, February 23 and March 17, 2011.

17/ See Jizzakh regional branch of HRSU Press Release, March 15, 2011.

18/ See PAU Press Release, March 24, 2011.

## Violations of freedom of movement, including the right to leave one's own country

Human rights defenders continued to regularly face difficulties in obtaining an exit visa that is required for leaving Uzbekistan. For instance, **Mr. Dmitry Tikhonov**, a member of PAU, who provides legal assistance to victims of human rights violations in the town of Angren, Tashkent region, was not able to obtain an exit visa from the Ministry of Internal Affairs for almost ten months. On May 26, 2010, he applied to the Department of Exit and Entry and Citizenship of the Department of Interior of Tashkent region for a temporary exit visa. As he did not receive a reply, he renewed his request several times. On November 4, he appealed to the Mirza-Ulukbek Civil Court of Tashkent against the three administrations responsible for the grant of visas. On March 23, the Tashkent Region Court of Appeals rejected his complaint. However, a day prior to the hearing, Mr. Tikhonov received a phone call from the administration of the Department of Exit and Entry and Citizenship of Tashkent region according to which the Interior Ministry had granted him a visa, which he received on March 24<sup>19</sup>. As of April 2011, several human rights defenders had not received an exit visa, including Ms. Saida Kurbanova, who has been waiting for such a visa since April 2008, **Mr. Mamir Azimov**, Chairman of the Jizzakh regional branch of HRSU, and **Mr. Uktam Pardaev**, Chairman of the Jizzakh regional branch of the Independent Human Rights Association of Uzbekistan<sup>20</sup>.

## Violations of freedom of peaceful assembly

On the eve of May 13, 2010, the day of commemoration of Andijan events, as well as on national holidays and days of visits by foreign politicians, such as the visit in April 2010 and 2011 of the United Nations Secretary General Ban Ki-moon, human rights defenders in Tashkent were systematically prevented by law-enforcement agents from leaving their homes or impeded to access meetings organised to denounce the human rights situation in the country. They were also kept in police department until the evening and then released without charges. Human rights defenders working in the regions were often impeded from coming to the demonstrations that took place in the capital. They were forced to leave buses or cars and brought back home by the police. For instance, on May 13, 2010, officers of the special forces prevented **Ms. Salomata Boimatova**, **Ms. Zoe Yangurazova**, **Ms. Gavkhar Ismoilova**, **Ms. Tatyana Dovlatova**, **Messrs. Rasuljon Tadjibaev**, **Akramhodja Mukhiddinov**, **Vladimir Husainov**, members of PAU, and **Mr. Anatolii Baraksin**, a member of

19/ See PAU.

20/ See Jizzakh regional branch of HRSU.

HRSU, Ms. Elena Urlaeva as well as Mr. Bakhodir Namazov, from leaving their homes. For example, Ms. Urlaeva tried to leave her house but she was stopped by policemen and brought back home, where she was guarded by the Chief of Mirzo-Ulukbek Interior District Anti-Terrorism Department of Tashkent and two of his colleagues. Again, on August 31 and September 1, 2010, Ms. Elena Urlaeva, Ms. Tatyana Dovlatova, Messrs. **Gulshan Karaeva**, member of PAU in Karshi, Bakhodir Namazov, Akramkhodja Mukhiddinov and **Abdullo Tadjibai-Ugly**, active in promoting fair and transparent elections, were put under house arrest or placed under strict control by secret services agents. On September 2, 2010, Ms. Urlaeva sent a collective complaint to the Presidential Administration and the General Prosecutor's office but, as of April 2011, she had not received any reply.

### Closure of HRW office in Uzbekistan

While no independent Uzbek human rights NGO was registered in 2010-2011, on March 10, 2011, the international NGO Human Rights Watch (HRW) was informed about the closure of its office in Tashkent after 15 years in Uzbekistan. The Government had been trying to interfere with its work for years by denying visas and work accreditation to its staff. In December 2010, Mr. **Steve Swerdlow**, Director of HRW Tashkent office, was denied accreditation by the Ministry of Justice to represent HRW in the country. These acts may be related to HRW's role in collecting evidence on human rights abuses committed during and since the 2005 Andijan repression<sup>21</sup>.

### Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. <b>Norboy Kholjigitov, Khabibulla Okpulatov, Salijon Abdurahmanov, Yusuf Juma, Alisher Karamatov, Agzam Turgunov, Abdurasul Hudoynazarov, Nasim Isaqov, Jamshid Karimov, Mashrab Jumaev, Zafar Rahimov, Yuldash Rasulev, Dilmurod Sayidov, Farkhodkhon Mukhtorov, Ganikhon Mamatkhanov and Gaybullo Jalilov</b>	Arbitrary detention / Bad health conditions	Open Letter to the authorities	January 27, 2010
		Open Letter to the authorities	September 16, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Gaybullo Jalilov	Sentencing / Judicial harassment / Arbitrary detention	Urgent Appeal UZB 010/1209/OBS 183.1	December 3, 2010
Ms. Umida Ahmedova	Judicial harassment	Urgent Appeal UZB 011/1209/OBS 197.1	February 16, 2010
Mr. Dmitry Tikhonov	Assault	Urgent Appeal UZB 001/0310/OBS 030	March 4, 2010
Ms. Salomat Baymatova, Ms. Zoe Yangurazova, Ms. Gavkhar Ismoilova, Ms. Elena Urlaeva, Ms. Tatyana Dovlatova, Messrs. Rasuljon Tadjibaev, Akramkhodja Mukhiddinov, Anatolii Baraksin, Bakhodir Namazov, Vladimir Khusainov, Gaybullo Jalilov, Nasim Isakov, Norboy Kholjigitov, Khabibilla Okpulatov, Yuldosh Rasulov, Azamjon Formonov, Jamshid Karimov, Zafar Rakhimov, Alisher Karamatov, Salijon Abdurakhmanov, Yusuf Jumaef, Agzam Turgunov, Dilmurod Saidov, Farkhad Mukhtarov, Abdurasul Khudoynazarov, Ganikhon Mamatkhanov and Maxim Popov	Acts of harassment	Press Release	May 26, 2010
Messrs. Gulchan Karaev, Bakhodir Namazov, Akramkhodja Mukhiddinov, Dmitry Tikhonov, Abdullo Tadjibai-Ugly, Ms. Tatyana Dovlatova and Ms. Elena Urlaeva	Obstacles to the freedom of peaceful assembly / Arbitrary arrest / Release / Threats / House arrest	Open Letter to the authorities	September 16, 2010