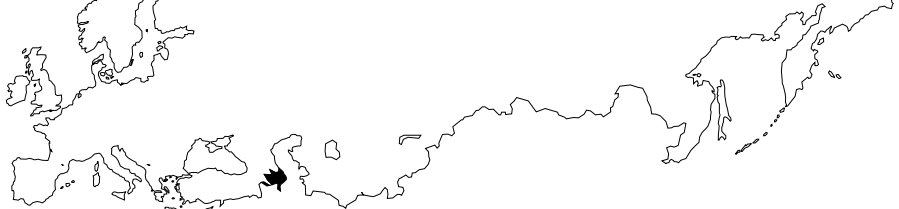




# **/ EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)**

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007



## / AZERBAIJAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

The year 2007 in Azerbaijan was marked by such a serious deterioration of human rights that in August 2007, during a session of the European Parliament Sub-Committee on Human Rights devoted to the European Neighbourhood Policy, the situation of human rights in Azerbaijan was described as “unacceptable” for the European Union<sup>1</sup>. In May 2007, the Institute for Peace and Democracy had also called on the Council of Europe to adopt sanctions against Azerbaijan because of the worsening situation of human rights in the country.

The situation of prisons in Azerbaijan has remained a matter of particular concern. In April 2007, the Parliamentary Assembly of the Council of Europe thus adopted Resolution No. 1545 on Azerbaijan’s compliance with its obligations, which emphasised the “persistent allegations of torture and poor treatment perpetrated mainly by law enforcement officials during police custody or preliminary investigation”<sup>2</sup>, a practice which remains largely unpunished. In June 2007, 38 inmates of the Qobustan prison who were previously sentenced to death carried out a hunger strike to alert the authorities on their detention conditions and to demand the implementation of the resolution, which also calls on the authorities to review the detainees’ sentences on a case-by-case basis. On November 18, 2007, Ms. Faina Kungurova, 33 years old and a member of the Democratic Party of Azerbaijan, was found dead at the central prison hospital, where she had been admitted a month before. Her death would have been caused by malnutrition.

---

1./ See August 27, 2007 hearing of the European Parliament Sub-Committee on Human Rights, during which the issue of human rights in Azerbaijan was raised, among other issues.

2./ See Resolution No. 1545 (2007) of the Parliamentary Assembly of the Council of Europe, April 16, 2007.

In 2007, freedom of expression has also been particularly restrained: pressure on the media intensified and several independent journalists who were critical of President Aliiev's administration were sentenced to long prison sentences for "defamation," "encouraging terrorist acts" or even "hooliganism." In this regard, Mr. Miklos Haraszti, the OSCE Representative on Freedom of the Media, reminded President Aliiev during his visit to Azerbaijan in April 2007 that Azerbaijan sadly held the record for the number of imprisoned journalists among OSCE countries, and called for a moratorium on criminal convictions of journalists. In response, the President included in his Presidential Pardon Decree the names of five journalists sentenced in 2006 and 2007. The Council of Europe and OSCE welcomed this gesture indicating, however, that other journalists should also be released.

### **Improvement in the legislative environment surrounding human rights defenders' activities**

Although the human rights situation remains particularly preoccupied in the country, progress has been observed in 2007 in terms of legislation and institutional reform. In December 2007, the creation of a Council of State support to NGOs was announced. It will consist of 11 members, including eight NGO representatives and four persons appointed by the President. Each member of the Board will oversee a special theme on human rights. It remains to be seen whether the institution will have genuine independence and be given concrete means to improve the situation of human rights.

On December 15, 2007, the Venice Commission of the Council of Europe discussed the draft amendments to the Azerbaijani law on freedom of assembly and agreed that the draft contained a number of significant improvements that will enable this law, if passed, to conform to European standards. The Commission nevertheless stressed that "due implementation of the law will then be crucial"<sup>3</sup>.

However, NGOs still face difficulties in obtaining registration: in 2007, the European Court of Human Rights examined five complaints filed by several NGOs, including a housing organisation in Baku, which

---

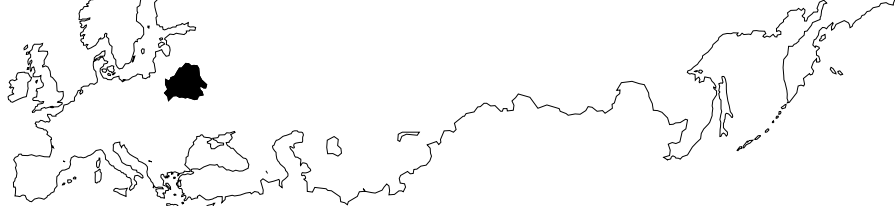
3/ See Opinion on the draft amendments to the law on freedom of assembly of Azerbaijan, adopted by the Venice Commission at its 73<sup>rd</sup> plenary session, Venice, December 14-15, 2007.

filed suit against Azerbaijan because of refusal of registration. One complaint was declared admissible, two complaints led to the conviction of Azerbaijan, the fourth case was settled out of court and one case was dismissed because of the death of the complainant.

### **Increased repression against defenders of freedom of expression**

Attacks on freedom of expression intensified in 2007 and human rights defenders who denounced the repressive measures used against independent journalists were regularly pressured. For example, in December 2007, the police raided the office of the Resource Centre on Human Rights, the only human rights NGO that exists in the autonomous Republic of Nakhichevan. This raid was linked to the arrest of Mr. **Ilgar Nasibov**, the husband of the chairwoman of the Centre, Mrs. **Malakhat Nasibova**, and correspondent for *Radio Free Europe / Radio Liberty*, who was accused of defamation against the police. The police seized the computers and all the working documents of the Centre. After a wave of protests in Azerbaijan and abroad, Mr. Nasibov was released in December 2007. Throughout the year, members of the Institute for Reporter Freedom and Safety (IRFS), a media-monitoring organisation, have been subjected to acts of reprisal by the police and security services.

Demonstrations for freedom of the press have also been violently dispersed in a systematic manner by the police. On June 14, 2007, nearly 50 journalists demonstrated in Baku to protest against the pressure of the authorities on the press. One person was wounded during the intervention of the police.



## / BELARUS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

In 2007, the authoritarian regime of President Aleksandr Lukashenko continued to repress all those who fight for democracy and respect of human rights in Belarus. According to the Human Rights Centre “Viasna”, 617 people were arrested and prosecuted for having participated in demonstrations. As in 2006, many demonstrations were violently repressed, and demonstrators were beaten by the police and then arrested. In addition, the Belarusian authorities did not hesitate to dismiss or exclude several defenders from the universities.

Freedom of expression was also hindered and the authorities repressed political opponents, in particular through administrative arrests followed by sentences of several days of imprisonment. Furthermore, several political opponents continued to serve long prison sentences.

Impunity remains widespread, particularly with regard to the lack of progress concerning the investigations into the disappearances of political opponents in 1999-2000<sup>1</sup>, and the possible involvement of high-ranking State officials in these activities. Furthermore, after the adoption of sanctions in April 2006, which were motivated by massive violations of human rights and the rule of law in Belarus – in particular after a referendum to amend the 2004 Constitution to allow the President to run for a third term – the serious irregularities which marked the 2006 elections and also the alarming situation of political opponents, the European Union extended sanctions in April 2007 against several Belarusian officials by extending a ban on

---

1./ Mr. Viktor Gontchar, a politician member of the opposition, and Mr. Anatoli Krassovsky, a businessman, disappeared on September 16, 1999. Mr. Yuri Zakharenko, former Minister of the Interior who joined the opposition, was abducted on May 7, 1999, and Mr. Dmitry Zavadsky, journalist and former cameraman for President Lukashenko, disappeared on July 7, 2000.

their access to European territory and by freezing their funds. Similar sanctions were also taken by the United States.

Belarus remains the last country in Europe to impose the death penalty. While the number of convictions and executions has not been made public, communications from the Department of Justice suggest that, in 2007, at least four people were sentenced to death.

Finally, political control over the institutions is almost absolute, and the judiciary and legislature are entirely subordinate to the executive branch. Moreover, the Committee on State Security (KGB) closely follows the activities of NGOs under the pretence of “state ideology,” a doctrine that is taught in universities and is even imposed on businesses. In this context, the promotion of democratic values by Belarusian defenders has generally earned them accusations of bias by the authorities, who tend to present their actions as being “politically motivated”.

### **Continued refusal to legal recognition of human rights organisations**

In 2007, the Belarusian authorities continued to refuse the registration of human rights organisations, thus maintaining them in a situation of illegality. This considerably reduces the scope of these organisations and compromises their effectiveness. Moreover, the absence of registration leaves open the possibility that members of these NGOs be threatened with criminal prosecution at any time for “working within the framework of an unregistered organisation” (Article 193 of the Criminal Code). In 2007, the Belarusian Helsinki Committee remained the only human rights NGO to have a legal status. Registrations were rejected under false pretences, as was the case with the association “Liquidator”, which defends the rights of the persons employed to seek remedies after the Chernobyl disaster who were subjected to radiations in the framework of their job, as well as the “For Freedom” association.

More generally, Belarusian authorities have continuously failed to comply with their obligations under the international human rights instruments that they have ratified. In July 2007, the United Nations Committee on Human Rights examined the case of the Human Rights Centre “Viasna”, which was dissolved in 2003, and urged the Belarusian authorities to register the organisation and to take action to stop viola-

tions of freedom of association<sup>2</sup>. Despite this decision, the Department of Justice refused to re-register Viasna in August 2007, a decision that was upheld on appeal by the Supreme Court in October 2007.

### **Preventive arrests on the eve of protests: a new legal “weapon” against human rights defenders**

As in 2006, the situation of human rights deteriorated in 2007, both on the occasion of local elections in January 2007 and during major protests. The year 2007, however, has been marked by the use of a new method of repression against human rights defenders: preventive arrests of supporters on the eve of protests, followed by short-term sentences of detention, which seriously hampered their activities in observing these events. In January 2007, Mr. **Pavel Levinaù**, a member of the Belarusian Committee of Helsinki, was arrested on the eve of local elections; he was a key organiser of the observation campaign in Vitebsk. Similarly, on the eve of demonstrations on March 25, 2007 to celebrate the anniversary of the proclamation of the People's Republic of Belarus, Mr. **Vladimir Vialitchkin** and Mr. **Valery Poutitsky**, members of Viasna, were arrested in Brest and Retchitsa, respectively. They were placed in preventive detention, charged with “hooliganism” and fined. In October 2007, on the eve of the “European March” demonstration in support of Belarusian solidarity with European countries, calling for greater respect for human rights, numerous people were arrested, including members of Viasna, the “For Freedom” association, and the Polish Union of Belarus. All of these preventive arrests were followed by administrative sentences.

### **Ban on demonstrations in support of human rights**

Freedom of assembly in Belarus continued to be severely hindered, as the authorities systematically prohibited demonstrations under false pretences, generally by evoking the difficulty to “maintain public order”. In August 2007, authorities in Grodno forbade Mr. **Raman Yourgel** and Ms. **Sviatlana Roudkoùskaïa**, members of the Belarusian Helsinki Committee, to organise a demonstration for the release of political prisoners. Besides, on September 23, 2007, the local branches of Viasna in Baranovichi, Vitebsk, Brest and Orsha were denied the right to

---

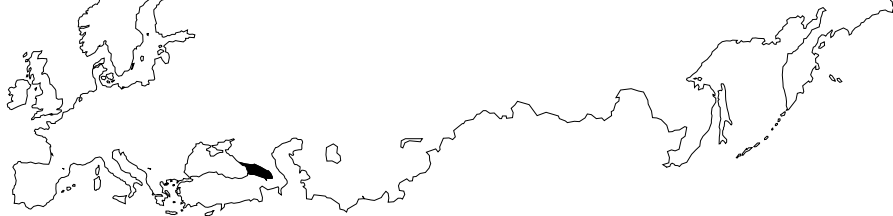
2./ See Communication n°1296/2004 of the United Nations Committee on Human Rights, July 24, 2007.

organise a celebration of the anniversary of the Universal Declaration of Human Rights.

### **Administrative sentences**

While in 2006 many defenders were sentenced to imprisonment by criminal courts, no Belarusian defender was sentenced in 2007, as these convictions were doubtlessly considered too high-profile and thus guaranteed to evoke strong reactions from the international community. The strategy therefore focused on using articles of the Administrative Code against defenders, such as those relating to “hooliganism”, “abuse in a public place” or “insulting a state officer”. Consequently, the overwhelming majority of arrests of defenders in 2007 were followed by fines and sentences of imprisonment not exceeding 15 days, with the majority of accusations entirely fabricated, and a conviction based solely on testimony from the police officers who had arrested these defenders.





## / GEORGIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

In 2007, Georgia experienced the most important political upheavals since the “Rose Revolution”, a popular movement which resulted in the regime change of 2003. These changes resulted in a negative impact on the overall situation of human rights.

The power of President Mikhail Saakashvili was contested because of his inability to carry out genuine democratic reforms and combat corruption, instrumentalisation of justice and police violence. Economic and social inequalities further increased because of the dire situation of the economy, which deteriorated following the economic blockade imposed by Russia in 2006.

Popular discontent reached a peak in September 2007, when former Defence Minister, Mr. Irakli Okruashvili, accused President Mikhail Saakashvili and his staff, without providing evidence, of being responsible for several crimes, including the assassination attempt against Georgian billionaire Mr. Badri Patarkatsishvili, owner of the largest opposition channel *Imedi*. These arguments were supported by the opposition, which organised large demonstrations on November 2, 2007 in Tbilisi to demand the resignation of the President and to call for early presidential elections. On November 7, police forces dispersed a demonstration of several thousand people with water cannons and tear gas, resulting in hundreds of casualties. Several journalists filming the police repression were severely beaten and their equipment was seized. The President declared a state of emergency and suspended several independent media groups, including *Imedi*, whose offices were raided by the police, equipment destroyed, and journalists beaten.

The state of emergency was lifted on November 16, 2007. On November 25, President Saakashvili resigned in order to campaign for future elections, leaving Mrs. Nino Burdjanadze, President of the Parliament, in charge of the interim.

In 2007, no progress was observed relating to the status of the separatist republics of South Ossetia and Abkhazia. Nearly 2,000 Russian peacekeepers continued to be stationed in Abkhazia, which has worsened the already tense relations between Russia and Georgia<sup>1</sup>. In August 2007, a new political crisis erupted between the two countries regarding the discovery in a region near Ossetia of a missile that was likely dropped by a Russian aircraft flying over the area.

### **Police violence against defenders during the dispersal of demonstrations**

Several Georgian human rights defenders who witnessed the many protests Georgia experienced in 2007 were victims of police violence. For example, on November 7, 2007, the Georgian Ombudsman, Mr. **Sozar Subari**, and a member of his staff were beaten by the police during the dispersal of the demonstration while trying to protect demonstrators from police violence.

### **Lawsuits against defenders who denounced the instrumentalisation of justice**

The human rights defenders who denounced the instrumentalisation of Georgian justice and challenged Court decisions have become the subject of judicial proceedings. On March 19, 2007, Mr. **Jaba Jishkariani**, a member of the Egalitarian Institute, was arrested and sentenced to 30 days in prison for “contempt of court”, after having protested in a juvenile court against the conviction of a minor to seven years in prison, despite the protests by UNICEF that this sentence was too heavy. Similarly, on June 12, 2007, the police arrested Mr. Jaba Jishkariani, Mr. **Davit Dalakishvili** and Mr. **Levan Gogichaishvili**, also members of the Egalitarian Institute, when they called for the release of political prisoner Mr. Irakli Batiashvili. They were charged with “violation of public order” and “resisting arrest”, and sentenced to 25 days in detention.

---

1/ Since the independence of Georgia in 1991, relations between Russia and Georgia have been precarious. In 1998, Georgia left the Security Convention of the Commonwealth of Independent States and requested to join NATO in 2002. In 2006, after Georgia dismissed four Russian diplomats accused of espionage, Russia halted deliveries of gas, blocked importation of Georgian products and began mass deportations of people with Georgian origin who were residing in Russia.



## / KAZAKHSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

In 2007, Kazakhstan carried out political reforms that aimed primarily at giving a democratic appearance to this key-partner of western countries in the field of energy. In reality, these reforms further strengthened the personal power of President Nursultan Nazarbayev. On May 18, 2007, the Parliament passed a constitutional amendment reducing the presidential term of office to two consecutive five-year terms, but stipulating that this limitation does not apply to the “first President of Kazakhstan”, in power since 1989. The few demonstrators who dared to protest against the indefinite presidency of Mr. Nazarbayev were arrested by the police. On June 18, 2007, a constitutional amendment was passed and provides that out of 107 deputies of the Lower House, 98 shall be elected by proportional representation. This should promote pluralism in theory, but in practice, opposition parties have experienced many setbacks. On the one hand, political parties Alga and Ata Meken were unable to obtain their registration. On the other hand, the Parliament approved an amendment banning political parties to form electoral alliances, when two opposition parties, Naghyz Ak Zhol and the Social Democratic Party, had just announced their intention to work together to increase their chances to be represented in Parliament. On June 20, 2007, the President dissolved the Parliament and moved forward the date of the legislative elections – scheduled to take place in 2009 – to September 19, 2007. The party Nour Otan, led by President Nazarbayev, won 88.4% of the vote and all the seats in Parliament.

In 2007, violent inter-ethnic conflicts erupted in several parts of Kazakhstan, as happened between people of Kurdish origin and Kazakhs in the south or between Chechens and Kazakhs in the village of Malovodnoe.

As in the past, corruption in the high echelons of power and presidential nepotism remain major problems. Finally, despite the situation of human rights and the fact that since 1989 no Kazakh election has

been recognised by the OSCE as free and democratic, Kazakhstan's bid was chosen for the presidency of the organisation in 2010.

### **An unfavourable environment for human rights activities**

If human rights NGOs are not directly targeted, they at least conduct their activities in a particularly difficult context in Kazakhstan. Restrictions on fundamental freedoms considerably hamper their ability to work. Numerous violations of freedom of expression have been recorded, especially during the election campaign, such as unequal access by candidates to the media, the overwhelming majority of which is controlled by the family of the President or his followers, as well as obstruction of websites, or pressure on independent journalists. Freedom of peaceful assembly was also flouted: according to the Centre for Social Technology, a sociological research centre that was established in 2005 and specialises in opinion polls, 96% of demonstrations that took place in 2007 in Kazakhstan were not authorised by the authorities.

On March 30, 2007, Ms. **Oralgaisha Jabagtaikyzy**, Director of the anti-corruption department of the newspaper *Law and Justice*, disappeared after having published an investigation on the inter-ethnic conflict in Malovodnoe and on the connections between people involved in this matter with representatives of the State and large businesses.

One case of prosecution against an NGO has been brought to the attention of the Observatory in 2007, that of the Association of Prison Services, which provides humanitarian aid as well as psychological and material assistance to the families of prisoners and former prisoners. On August 24, 2007, representatives of the National Security Committee searched the office of the organisation and seized all documents and computers, which completely paralysed its work. A search was also conducted at the home of Mr. **Andrey Sadoyan**, Executive Director of the organisation.



## / KYRGYZSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

The political crises that have taken place in Kyrgyzstan since the “Tulip Revolution” of May 2005 continued in 2007. The confrontation between President Kurmanbek Bakiev and Parliament led in particular to a series of constitutional reforms<sup>1</sup>. After innumerable cabinet reshuffles, a new “national union” Government was formed in April 2007, but several opposition leaders refused to join it. During the month of April, large demonstrations broke out in Bishkek, challenging the President’s actions and calling for democratic reforms. They were put down by the police, and a number of defenders and political opponents were arrested.

On June 28, 2007 the President approved the changes to the Criminal Code, and the abolition of the death penalty which had been promised in the aftermath of the “Tulip Revolution” came into force. The Kyrgyz human rights defenders welcomed the step forward, but drew the attention of the Government to the bad conditions of detention and the endemic practice of torture in prisons.

On October 21, 2007, new versions of the Constitution and the Electoral Code were adopted by a referendum, which results were contested by the international observers<sup>2</sup>. The changes brought to the Electoral Code two months before the parliamentary elections were clearly aimed at weakening the opposition and limiting its representation in the future Parliament. At the same time, a new presidential party, Ak Jol, appeared on the scene, and State funds allocated to the organisation of the elections were to a large extent used to promote the new party.

---

1/ The Constitution adopted on December 9, 2006, which proclaimed the Republic to be presidential and parliamentary, was immediately replaced on December 30, 2006, by a new version reinforcing the President’s authority.

2/ The OSCE observation mission stated in particular that “the parliamentary elections in Kirghizstan fell short of many international standards”. See Statement on the preliminary conclusions of the OSCE observation mission, December 17, 2007.

In addition, during the electoral campaign, several members of opposition parties and a number of NGO representatives stated that they had been subjected to pressure and intimidation on the part of the authorities; they also denounced unequal access to the media.

On December 16, 2007, Ak Jol obtained 71 seats out of 90, the Communist Party supporting the President eight seats, and the Social Democratic Party, representing the moderate opposition, 11 seats. The opposition party Ata Meken, despite scoring 8.29% of the vote, is not represented, as it obtained less than 0.5% in the Och agglomeration. The election results were contested by the opposition, which organised protest demonstrations in the capital, during which several members of the opposition, human rights defenders and journalists were arrested.

### **Difficulty in denouncing acts of torture, ill-treatments and corruption**

As in 2006, denouncing torture and corruption in Kyrgyzstan remained a dangerous activity in 2007, with the possibility of acts of reprisal. Following such denunciations, human rights defenders have been prosecuted, with campaigns of harassment by the police during investigations, as was the case throughout the year for Ms. **Valentina Gritsenko**, President of the “Spravedlivost” (“Justice”) NGO in Djalal-Abad, who had denounced the practice of torture by the police. Ms. **Arzykan Momuntaeva**, Director of the Talas regional office of the Coalition for Democracy and Civil Society, and Ms. **Lira Tantabaeva**, a member of the Women’s Movement and leader of the “Ayalzat” NGO, were arrested on May 26, 2007 and charged with “organisation of mass disturbances”, “use of force against a State official” and “attack on the life of a State official”, after they had denounced illegal practices on the part of local authorities and multinational corporations extracting gold in the area. The charges against them were subsequently dropped.

Defenders were also subjected to physical violence. For instance, on August 10, 2007, Ms. **Aziza Abdirasulova**, President of the Human Rights Centre “Kylym Shamy”, who took part in the first trial of police officers charged with torture, was attacked and hit by a group of women on leaving the court, with the police observing the scene with indifference. Likewise, on April 6, 2007 unknown persons attacked with stones Mr. **Ramazan Dyrlydaev**, president of the Kyrgyz Committee for Human Rights (KCHR), who had denounced corruption and accused

State leaders of being involved in such practices. In October 2007, unknown persons attempted to set fire to the KCHR office.

### **Harassment of defenders of political and social rights by the special services**

In 2007, representatives of the special services carried out multiple inspections of and “visits” to NGOs which denounce violations of political and social rights. Kyrgyz defenders belonging to the “For Reforms” movement, who strive to promote the democratisation of society, have thus aroused the “special interest” of the special services; such was the case for instance of Ms. **Asia Sasykbaeva**, Director of the “Interbilim” Centre, and of Ms. **Cholpon Djakupova**, Director of the “Adilet” legal clinic, both of them being activists in the “For Reforms” movement.

### **Legislative obstacles to freedom of assembly and reprisals against demonstrators**

The large number of protest demonstrations during 2007 led the authorities to multiply obstacles to peaceful gatherings. In November 2007, the Bishkek Town Council adopted restrictive regulations identifying the three places in the city where demonstrations would be allowed. Such a decision is contrary to the Constitution and to the ruling by the Supreme Court in 2004, stipulating that no agency could limit the right to peaceful assembly. The Coalition for Democracy and the civil society challenged the decision before the inter-district court in Bishkek.

Furthermore, human rights defenders charged with observing demonstrations have also become the victims of police violence and arbitrary arrests. In July 2007, just before the summit of the Shanghai Cooperation Organisation, the police dispersed a demonstration demanding the respect of the rights of the Uyghur minority organised by the “Democracy” NGO. The President of the organisation, Mr. **Tursun Islam**, and his son were arrested. Likewise, during the December 18, 2007 demonstration contesting the election results, 18 human rights defenders representing most of the Kyrgyz NGOs were arrested by the police and accused of disrupting “law and order by holding demonstrations”. Two days later, during another demonstration, Mr. **Maxime Kuleshov**, a member of the human rights NGO “World – the Light of Culture”, was arrested and beaten by the police.



# / RUSSIAN FEDERATION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

## Political context

In the Russian Federation, 2007 was marked by the perpetuation of a political system dominated by President Vladimir Putin and the ruling party, United Russia, which won the regional elections on March 11 and the general elections on December 2, 2007. The latter turned into a plebiscite, especially after the State Duma adopted an electoral system jeopardising the opposition's chances of being elected to Parliament (general application of the list system and an increase of 7% of the threshold percentage for representation), while the opposition parties and the NGOs were subjected to harassment. While no proper OSCE observation mission was able to follow the electoral campaign, and both the European Union<sup>1</sup> and OSCE criticised the way the elections were held, in particular because of the acts of harassment against members of the opposition and NGOs, the Russian authorities responded in a particularly aggressive manner to repeated criticism by the West, making no effort to avoid confrontation.

Furthermore, the deterioration of the human rights situation continued relentlessly all along 2007: the obstacles to freedom of the press carried on, the problem of the independence of justice did not diminish, demonstrations by the opposition were systematically put down and attacks against NGOs by the authorities multiplied. The level of violence remained very high, and the number of racist crimes continued to increase<sup>2</sup>. Torture and ill-treatment in police stations and detention centres as well as in the army were still routine practice, and the impunity of the authors remained flagrant. The situation in Chechnya remained very worrying, mainly because of total impunity for past

---

1./ See Statement by the Presidency on behalf of the European Union, Brussels, December 5, 2007.

2./ According to the SOVA Centre, from January 1 to September 30, 2007, 230 racist attacks were registered (against 180 in 2006), concerning 409 persons, of whom 46 died as a result of the attacks.



crimes, the rule of arbitrariness, and the economic and social situation. Chechnya continued to witness massive, repeated and extremely serious human rights violations, with very little recourse possible. These trends spread to the North Caucasus, in particular Ingushetia and Dagestan.

In 2007, Russia was the country with the second largest number of judgments issued against her by the European Court of Human Rights (ECHR). The Russian authorities however persist in considering that the Court's decisions are primarily "political"<sup>3</sup>, and their implementation has never gone beyond compensation for the victims. Furthermore, the decisions have had no effect on national case law, and the Russian authorities have never genuinely accepted the consequences of the rulings issued. In addition, Russia persists in refusing to ratify Protocol 14 of the ECHR, which would accelerate the treatment of claims.

### **Stigmatisation of NGOs by the authorities and harassment by the State administrative services**

In 2007 the authorities maintained their hostile attitude towards NGOs, whose activities were presented as being primarily political, mainly financed by the West, thereby serving foreign interests, and consequently constituting a threat to the State. In November 2007, President Putin went so far as to declare that those opposing the regime (in a context in which human rights defenders are often assimilated to political opponents) were "jackals" prowling "around foreign embassies"<sup>4</sup>.

Such hostile rhetoric was accompanied by practical measures designed to marginalise NGOs and to multiply obstacles against the creation of new associations. In December 2007, the Russian Civic Chamber initiated the creation of the Movement for the Defence of Human Rights "Man and the Law", whose ambition is to replace independent human rights NGOs, whose "dissident methods and appeals to the West" are considered to be out of date.

---

3./ See Statement by Mr. Vladimir Putin during the visit of the President of the Parliamentary Assembly of the Council of Europe, Mr. René van der Linden, in Moscow, January 11, 2007.

4./ See President Putin's speech at the Forum of Supporters on November 21, 2007.

In addition, in 2007 the Federal Registration Service (FRS) waged a full-scale offensive against human rights organisations, by multiplying the obstacles to the registration of new associations and by carrying repeated inspections of existing organisations. Such inspections have on several occasions paralysed the NGOs, obliging them to provide innumerable documents relating to all aspects of their activity. Some FRS inspections included a financial audit, a tax inspection or an inspection by Labour ministry officials, etc. Minor procedural violations were used by the FRS to issue “warnings”, to initiate administrative proceedings or to suspend the activities of the organisation. For instance, in June 2007, the Regional Court of Nizhny-Novgorod called for the removal from the official FRS register of the International Youth Human Rights Movement (YHRM) for “absence of activities”. Following inspections which were carried out in August and September 2007, the FRS accused the human rights organisation Citizen’s Watch and the environmental organisation “Bellona” of signing “false” commercial contracts and of evading taxes. The FRS considers that the mention of a donor’s name is advertising, and therefore accused the NGOs of developing a commercial strategy, which is forbidden.

### **Using the Law on the fight against extremism to silence NGOs**

The restrictive application of the Law on NGOs and the multiplication of inspections were accompanied in 2007 by the selective application of anti-extremist legislation. The charge of engaging in extremist activities continued to serve as a legal facade for repressing organisations whose activities disturbed the authorities, while at the same time numerous extremist groups were able to preach violence and racial hatred without hindrance. In January 2007, for instance, the Supreme Court confirmed the decision of the Regional Court of Nizhny-Novgorod to close down the Russian Chechen Friendship Society (RCFS). Also, on December 24, 2007 the General Prosecutor of the capital of Ingushetia lodged a complaint for “extremism” against the Voice of Beslan association, formed by the mothers of the children killed during the assault following the hostage-taking in the Beslan school (North Ossetia), in September 2004<sup>5</sup>.

---

5./ Early 2008 the association was closed down by a court decision.

In 2007 the anti-extremist legislation was further strengthened with the adoption on July 6, 2007, by the State Duma, of amendments to the Federal Act “on Countering Extremist Activities”, which in particular facilitate wire-tapping, broaden the definition of extremist crimes and ban the media from issuing any information on organisations considered to be “extremist”.

### **Legal proceedings against the NGOs that observed the elections**

As the OSCE had not been able to carry out an election observation mission, the local NGOs were the only independent observers able to follow the electoral campaign and denounce irregularities during the December 2, 2007 general elections. The day before the elections, the members of The Voice, an association comprising 281 NGOs with sections in 40 Russian regions for observing the elections, were subjected to unprecedented pressure on the part of the authorities. In Krasnoyarsk, the members of The Voice were summoned individually to the Interior Ministry Department. In Orel, Mr. **Dmitri Kraïukhin**, a member of The Voice, was arrested and accused of “hooliganism” and sentenced to a fine. On December 5, he was further charged for having disturbed the work of a polling station, where he had noted several procedural violations. In Irkutsk, the media engaged in a smear campaign against members of The Voice. In Samara, legal proceedings were initiated in May 2007 against Ms. **Ludmila Kuzmina**, President of the regional section of The Voice, who was accused of having used pirated computer programmes. The association offices remained closed for three months.

### **Violent repression against defenders denouncing human rights violations in the North Caucasus**

Persons daring to denounce enforced disappearances, abductions, acts of torture, extrajudicial executions and the impunity of their authors in the North Caucasus are exposed to extremely violent reprisals. For instance, in November 2007, Mr. **Farid Babaev**, a human rights defender in Dagestan and head of the regional list of the opposition party Yabloko, was shot dead. Also, in Ingushetia, during the night of November 23 to 24, 2007, Mr. **Oleg Orlov**, Chairman of the “Memorial” Human Rights Centre, and three journalists covering an opposition demonstration were abducted, beaten and threatened with death by armed men wearing masks.

## Aggressions against defenders fighting racism and xenophobia

In 2007, Russia continued to face serious problems of racism, for which the authorities bear some degree of responsibility. As Mr. Doudou Diène, United Nations Special Rapporteur on Contemporary Forms of Racism, pointed out, racist and xenophobic discourse is not only used by extremist parties but also by mainstream parties<sup>6</sup>. The way in which racist and xenophobic language has become part of everyday life has contributed to the increase in the number of racist crimes and aggressions. Human rights defenders denouncing racism are also subjected to physical attack on the part of extremist groups, who enjoy total impunity. In June 2007 for instance, Mrs. **Valentina Uzunova**, a lawyer, member of the “Russia Without Racism” NGO and an expert on racial issues and hate crimes, was attacked in St. Petersburg by an unknown woman dressed in camouflage. The assault took place on eve of a hearing in which Mrs. Uzunova was to appear as an expert witness against Mr. Vladislav Nikolsky, charged with “incitement to change the constitutional order” and racial hatred.

## Police repression against demonstrators

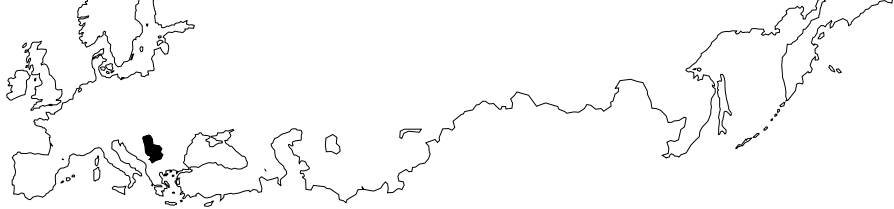
In 2007, there continued to be serious obstacles to the freedom of peaceful assembly, with frequent arbitrary arrests and use of force against demonstrators. Numerous demonstrations were dispersed by the police in all regions of the Russian Federation. Police repression mainly targeted political demonstrations, like when force was used against participants in the “Marches of Dissent”<sup>7</sup>, which took place in several cities. On April 14, 2007, police special intervention forces violently repressed the March in Moscow, and several demonstrators were severely beaten up or arbitrarily sentenced to administrative detention. Likewise, during the March organised on November 25, 2007 in St. Petersburg, which had not been authorised by the authorities, Ms. **Elia Polyskova**, President of the Soldiers’ Mothers of St. Petersburg,

---

6./ See Comprehensive Study by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented at the 5<sup>th</sup> session of the United Nations Human Rights Council, United Nations document A/HRC/5/10.

7./ Name given to the demonstrations organised on December 16, 2006 and April 14, 2007 in Moscow, on March 3 and April 15, 2007 in St. Petersburg and on March 24 in Nizhny-Novgorod by the United civic front, a coalition of various opposition movements. Numerous human rights defenders took part in the marches.

was detained for 11 hours and accused of “participation in an unauthorised demonstration” and “rebellion against the police”. In December 2007, she was sentenced to a fine of 500 roubles for “participation in an unauthorised demonstration”.



## / SERBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### **Political context**

The new coalition government formed in May 2007 by Mr. Vojislav Kostunica's Democratic Party of Serbia (DSS, nationalist), with President Boris Tadic's Democratic Party (DS, reformist) and Mr. Mladjan Dinkic's G17 Plus (neoliberal), firmly committed to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) and to take concrete measures to that end. In that respect, General Zdravko Tolimir, one of the most wanted war criminals, was arrested on May 31, 2007, and transferred to the ICTY. Following the arrest, and although Mr. Mladic and Mr. Karadjic are still at large, it has been possible to resume negotiations with the European Union on the possible accession of Serbia, which had been interrupted in May 2006 due to the lack of cooperation on the part of Serbia. However, defenders who denounce war crimes committed during the 1990s are still subjected to attacks and harassment, in a society that is increasingly divided over the question of transitional justice and cooperation with the ICTY.

Furthermore, ethnic tensions in Serbia are still very present, and sometimes lead to outbursts of violence. Such a situation fuels nationalist sentiments among the various communities, which hinders the work of all the women and men who denounce acts of discrimination and who work for the defence of human rights in Serbia. In addition, at the end of 2007, the question of the status of Kosovo had still not been settled. The last session of the United Nations Security Council in 2007, on December 19, came to an end without reaching an agreement, whereas Kosovo was threatening to make a unilateral declaration of independence, and the stability of the country was still extremely precarious.

### **Overall less repressive environment, but more targeted repression**

Following her visit to Serbia in September 2007, the Special Representative of the UN Secretary-General on the situation of human

rights defenders, Ms. Hina Jilani, noted that “attacks against human rights defenders have reduced in number and the environment is generally less repressive”<sup>1</sup>. In particular, draft legislation on associations was drawn up in consultation with the civil society organisations, in view of a submission to Parliament in 2008. Although the draft taken as a whole is a positive step, the text contains certain provisions that could lead to an excessively intrusive degree of State control over NGO activities.

Many defenders are still the target of attacks, in particular those working on war crimes and transitional justice, on national minorities and on the rights of lesbian, gay, bisexual and transsexual. Defenders are particularly vulnerable in rural areas far from the capital.

### **Acts of reprisal against defenders denouncing war crimes**

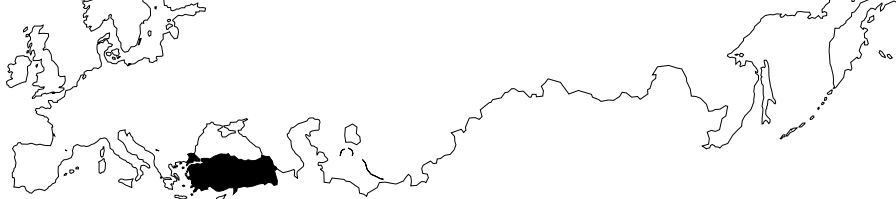
In 2007, defenders investigating war crimes so that justice be done for victims, and who seek to promote transitional justice, continued to be accused of being “non-patriotic” by extreme right-wing groups and certain branches of the Serbian authorities. They are therefore a privileged target for attacks. On April 14, 2007 for instance, unknown persons attempted to assassinate Mr. **Dejan Anastasijevic**, an independent journalist, by throwing a bomb into his bedroom. Mr. Anastasijevic is known for his investigations into war crimes and into the illicit activities of the police and secret services.

### **Attacks by nationalist groups during demonstrations**

Human rights defenders fighting against intolerance and for respect for human rights also continue to be subjected to attacks by extreme right-wing nationalist groups, particularly during demonstrations. In October 2007, for instance, some persons who had come to protest against a fascist march in Novi Sad were attacked with stones and bottles by members of an extreme right-wing groups. Likewise, in December 2007, a coalition of NGOs for a secularised State was demonstrating in Belgrade to denounce the increasingly clerical nature of the State and to call for freedom of religion was attacked by extreme right-wing demonstrators bearing badges depicting Ratko Mladic, and chanting slogans against foreigners and homosexuals.

---

1/ See Statement by the Special Representative of the UN Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, on her visit to Serbia, September 25, 2007.



## / TURKEY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

In Turkey, the year 2007 was undoubtedly marked by the murder, on January 19, 2007, of Mr. Hrant Drink, the founder and Editor-in-chief of the weekly newspaper *Agos*<sup>1</sup> and by the fight for justice led by his family and lawyers<sup>2</sup>. Political violence was also manifest when, on April 18, 2007, three people who worked for the protestant publishing company Zirve in Malatya had their throats cut. There were several arrests of extreme right-wing nationalists following these murders.

In 2007, vigorous armed conflict continued in the eastern provinces of the country, opposing the armed forces and the forces of the Kurdish Workers' Party (PKK). Many civilian areas were affected, but due to the inaccessibility of these regions, it is difficult to evaluate the consequences. This year the conflict also spread to Iraq, where Turkish armed forces carried out bombings and forays into the territory to fight the PKK. The conflict with the PKK also led to serious restrictions of freedoms of expression and association in particular, thus affecting individuals, the media and organisations defending the rights of the Kurdish population.

The year 2007 was also one of political and institutional crisis during the election of the President of the Republic by the Parliamentary Assembly. Indeed, the election of the sole presidential candidate, the Foreign Affairs Minister Mr. Abdullah Gül, candidate of the Justice and Development Party (AKP), was blocked by the Constitutional Court, which issued its ruling after the parliamentary opposition members decided to boycott the Assembly elections. This decision led to early legislative elections being called and which were held on July 22, 2007,

---

1./ See Observatory Annual Report 2006.

2./ The trial for his murder began on July 2, 2007 and 18 people were charged.



when the ruling AKP party won, holding 341 of the 550 seats. The Assembly elected Mr. Gül as President on August 28, 2007.

Although democratic expression played its full role in the outcome of this crisis, the persistent, omnipresent influence, even interference of the army in the civil and political life of the country, cannot be hidden. Ten years after the last military *coup d'état*, which until recently was a recurrent practice, Turkey remains marked by the considerable influence of the armed forces in the management of public affairs. The army still possesses broad powers to intervene in the case of the undefined notion of threats to national security, powers which are outside the control of the executive or the Assembly and which, in practice, are open to broad interpretation. The army also interferes in the exercise of freedom of expression and recognition of the rights of minorities, and even in the course of justice.

On the other hand, there have been notable advances in reducing the use of torture and the reduction to four days of the maximum period of detention in police custody, but these advances have proved to be limited in practice. For example, serious human rights violations, especially acts of torture, continue to be carried out with complete impunity by the police in the context of the fight against terrorism<sup>3</sup>. In addition, the adoption, on June 2, 2007, of amendments to the anti-terrorist law and to the law on the duties of the police and the authorities, risks creating a legal framework that would permit new human rights violations, in that recourse to preventive detention is extended and the police are allowed to open criminal proceedings without the authorisation of the Prosecutor.

### **Abusive sentencing of human rights defenders who exercise their right of peaceful assembly**

In 2007, many human rights defenders were sentenced for taking part in demonstrations calling for greater respect for human rights. On April 4, 2007, nine members of the Confederation of Public Sector Unions (KESK), including Mr. Alaaddin Dinçer and Mr. Emirali

---

3./ The Human Rights Foundation of Turkey (HRFT) noted that out of 452 people who had sought medical care from the Foundation in 2007, 320 people had stated that they had been tortured by agents of the State, as opposed to 252 in 2006.

**Simsek**, respectively President and Secretary General of “Egitim Sen”, **Mr. Bülent Kaya**, former President of the Municipality Workers Union (BES), **Mr. Köksal Aydın** and **Mr. Erkan Sümer**, respectively President and Secretary General of the Trade Unions of Public Employees in Health and Social Services (SES), **Mr. Bedri Tekin**, President of the Construction and Roads Workers’ Trade Union (YAPI YOL Sen), **Mr. Özgür Bozdoğan** and **Mr. Abdullah Çiftçi** Presidents of Egitim Sen Ankara Branches n°1 and n°2, and **Mr. Murat Kahraman**, Executive Committee member of Egitim Sen Ankara Branch n° 1, were each given suspended sentences of one year and three months’ imprisonment and a fine of 407 YTL (around 223 Euros), for “violating Law n° 2911 on Public Meetings and Demonstrations”. Proceedings against them had been started following the organisation in Ankara by Egitim Sen of a peaceful teachers’ demonstration that had been violently repressed by the police on November 26, 2005. Similarly, on June 7, 2007, **Mr. Ethem Acikalin**, **Mr. Mustafa Bagcicek** and **Mr. Hüseyin Beyaz**, respectively President, Secretary General and Accounts Secretary of the Adana branch of the Human Rights Association (*Insan Haklari Dernegi* - IHD), were sentenced by Adana Criminal Court n°1 to two years and eight months’ imprisonment for “inciting hatred and hostility” and “praising crime and criminals” (Article 215 of the Criminal Code). They had organised a demonstration in protest against the “Return to Life” campaign in December 2000<sup>4</sup> calling for punishment of those responsible for the resulting violations of rights.

### **Legal proceedings against human rights defenders: criminalisation of freedom of expression**

Despite the reforms carried out in recent years, the Criminal Code still includes many provisions that are destructive of freedom, particularly concerning the exercise of freedom of expression and freedom of the media<sup>5</sup>. Thus, the year 2007 in Turkey was marked by serious attacks on freedom of expression that seriously hindered human rights defenders in carrying out their activities, despite the fact that President Abdullah Gül announced on October 3, 2007 that he was in favour of amending Article 301 of the Criminal Code. This Article was again

---

4./ On December 19, 2000, the army had launched the military operation “Return to Life” in 22 prisons simultaneously throughout the country, to put an end to two months of hunger strikes by hundreds of political prisoners, resulting in the deaths of 31 people.

5./ See Observatory Annual Report 2006.

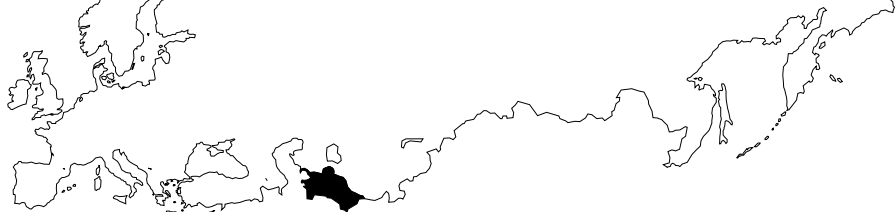
used far too frequently this year against defenders who condemn the human rights violations committed by the authorities. For example, on January 27, 2007, Ms. **Eren Keskin**, former Chairwoman of the Istanbul branch of IHD, was sentenced to six months in prison by the Tunceli Criminal Court of first instance for “denigrating Turkish identity” (Article 301 of the Criminal Code) after giving an interview to a German newspaper in June 2006, in which she had expressed her opinion on the influence of the Turkish army on the Government<sup>6</sup>. Ms. Keskin appealed against this decision and, on October 22, 2007, the Court of Appeal quashed the sentence. A new hearing took place on December 26, 2007 before the Criminal Court of the 3<sup>rd</sup> District of Kartal, and a second hearing was due to be held at the beginning of 2008.

A great number proceedings are still taken against individuals and sentences are issued for the expression of non-violent opinions, notably on the situation of minorities, including Armenian and Kurdish minorities. As an example, Mr. **Baskın Oran et İbrahim Kaboğlu**, eminent professors and former members of the Human Rights Advisory Board attached to the Prime Minister’s Office, saw the acquittal they had been granted in 2006 by the Ankara Criminal Court overturned in May 2007 by the 8<sup>th</sup> Chamber of the Appeal Court for having published in 2006 a report entitled *Rights of Minorities and Cultural Rights*, arguing in support of the rights of Turkish minorities. The Court of Appeal ruled that “the discussion of major and minor identity went beyond the limits of freedom of expression” and that “the expressions used had reached the dimension of a danger to society”<sup>7</sup>. They risk a five year sentence for “incitement to racial hatred”. Proceedings were still under way at the end of 2007.

---

6./ *Idem*.

7/ See Report of the Human Rights Agenda Association, *Turkey: Defend Human Rights Defenders*, March 2008.



## / TURKMENISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

Whereas Mr. Gurbanguly Berdymukhammedov, acting President since the death of the Turkmen dictator Saparmurat Niazov on December 21, 2006, promised both continuity and a break line with the regime, and in particular liberal reforms in the field of rights and freedoms, Turkmenistan is still an authoritarian and repressive country. Indeed, Mr. Berdymukhammedov was elected on February 11, 2007 with 89,2% of the vote, a performance worthy of his predecessor. During the election, the Chairman of the Electoral Commission stated that “he would do everything” to ensure that Mr. Berdymukhammedov won the elections<sup>1</sup>.

In 2007, the new President introduced some important reforms: he re-established a number of social guarantees, in particular the retirement pensions Mr. Niazov had abolished at the end of 2006, he allowed freedom of circulation within the country, and he improved diplomatic relations, both with the Commonwealth of Independent States (CIS) and with the West.

Yet, these liberal measures seem more to reflect the will to change the outside image of the country than to introduce genuine reforms. As a matter of fact, in 2007 the human rights situation did not improve. The national media are still muzzled, the foreign press is still banned, the Internet is entirely controlled by the special police, and independent journalists are subjected to multiple acts of pressure and harassment. In addition, nothing is known of the fate of the political prisoners sentenced in 2003 for an “attempted attack on the life of President Niazov”, whereas according to certain information, eight of them are said to have died in detention and the others would have been tortured. Lastly, the “black list” of persons banned from leaving the country

---

1./ See Press Release by *Radio Free Europe / Radio Liberty*, February 14, 2007.

apparently still exists, with 2,000 to 15,000 names, mainly of political and human rights activists.

### **Observing the human rights situation and denouncing violations: a high-risk activity**

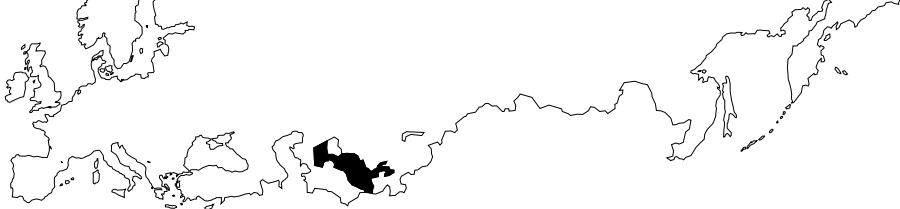
The international human rights organisations are still banned from settling on the Turkmen territory. What is even more serious is that there are very few national human rights NGOs operating in the country, and none of them have been able to obtain official registration. In addition, they have great difficulty in observing the situation regarding human rights and fundamental freedoms, as defenders are virtually unable to move freely throughout the country. Any contact between Turkmen defenders and foreigners can further be considered to be “treason”, and liable to criminal prosecution. During official visits of foreign delegations, defenders are systematically placed under house arrest. For instance, before the visit of the OSCE delegation in February 2007, in support of the preparation of the February 11, 2007 elections, which had expressed the wish to meet the representatives of the civil society, several defenders were summoned to the Ministry of National Security and warned of the dangers that would ensue for them, were they to have contacts with the delegation. Likewise, in May 2007 during the visit of Ms. Louise Arbour, UN High Commissioner for Human Rights, a person was arrested and over 10 persons placed under house arrest by the security services, including Ms. **Natalia Shabunz**, a member of the “Civic Assistance” association.

While the defence of human rights remains almost impossible, the activity is often carried out by a few independent journalists. In April 2007, for instance, the authorities refused Ms. **Sona Chuli-Kuli**, an independent journalist well known for her articles denouncing the situation of human rights in Turkmenistan, permission to leave the country to attend the Eurasian Media Forum in Alma-Aty. She was questioned by the national security service, the police searched her apartment and confiscated her computer; it was returned to her once she had signed a commitment not to work for foreign media.

### **Black-out on the fate of several human rights defenders held in detention**

At the end of 2007, the Turkmen authorities had still not instigated an enquiry into the death in prison on September 14, 2006 of

Ms. **Ogulsapar Muradova**, a correspondent of *Radio Free Europe / Radio Liberty*. The circumstances of her supposedly “natural” death remained unclear, while the marks on her body would seem to indicate that her death was due to torture or ill-treatment. Nor has any official information been given regarding the fate of Mr. **Annakurban Amanklychev** and Mr. **Sapardurdy Khajiev**, members of the Turkmen Helsinki Foundation, arrested at the same time as Mr. Muradova following their collaboration with French journalists, and sentenced to seven years’ imprisonment for “illegal possession of ammunition”.



## / UZBEKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2007

### Political context

In 2007, although the Uzbek authorities continued to implement extremely repressive policies, the European Union (EU) partly lifted, in November 2007, the sanctions against Uzbek leaders that had been decided in 2005 after the Andijan massacre (when hundreds of people were killed), although the authorities had still not carried out an impartial enquiry into the use of force during the event and despite the lack of significant progress regarding the human rights situation in the country. The EU also started a dialogue on human rights with the Uzbek authorities, of which the first phase took place in May 2007. The year ended in Uzbekistan with the re-election of Mr. Islam Karimov, in power since 1989, for a third term in office as President – although the Constitution provides a two-term limit – following an election which observers qualified as “openly non-competitive” and the result of which has not been recognised by the OSCE<sup>1</sup>.

Although the abolition of the death penalty, which came into force on January 1, 2008, is an important step forward, very little information is available on the fate of the prisoners formerly condemned to death and whose sentence has been commuted to life imprisonment. The conditions of detention in the Jaslyk penitentiary centre, where the former prisoners condemned to death are imprisoned, are such that they amount to inhuman and degrading treatment. In that respect, in November 2007 the United Nations Committee Against Torture expressed its concern about the numerous allegations of the routine use of torture in Uzbek prisons, the authors of which enjoy total impunity<sup>2</sup>.

---

1./ See ODIHR Press Release on the presidential elections in Uzbekistan, December 23, 2007.

2./ See Conclusions and Recommendations of the United Nations Committee Against Torture, 39<sup>th</sup> session, November 5-23, 2007.

In addition, defenders who denounce human rights violations and criticise publicly the President's authoritarian regime are constantly subjected to acts of psychological harassment and physical violence on the part of the police and agents of the National Security Service (SNB), or groups of violent civilians acting with the consent or at the instigation of the authorities.

### **Repression against freedom of peaceful assembly**

Every demonstration in favour of human rights gave rise to massive and vigorous arrests, followed by questioning accompanied by threats and physical violence, such as for instance the repeated arrests in January and February 2007 of members of the Human Rights Alliance of Uzbekistan.

### **A civil society muzzled with considerable violence**

In Uzbekistan, the repression mainly targeted the men and women who dared to criticise Government policy or investigate human rights violations committed by the Uzbek regime, in particular in relation to the Andijan events, numerous Uzbek defenders being forced into exile. Mr. **Kamil Ashurov**, a journalist and human rights defender, was attacked by an unknown man on May 18, 2007, because he had dared "criticise the President". The assault was allegedly filmed by SNB agents. In October 2007, Mr. **Alisher Saipov**, a journalist who was very critical of the Uzbek Government and who was following with particular attention the Andijan repression case, was assassinated in the street in Och (Kyrgyzstan), where he lived. The act of reprisal is thought to have been committed by the Uzbek security services. Also, on December 8, 2007, Constitution Day, Mr. **Yusuf Juma**, an Uzbek poet and dissident, who denounced in particular the Andijan massacre and Mr. Saipov's assassination, went out into the street with a banner calling for the resignation of President Karimov. The following night, Mr. Juma's house was machine-gunned by the special intervention police unit. Mr. Juma and his family had to flee, but on December 13, Mr. Juma and his son Bobur were arrested by the police and placed in the Tashkent temporary detention centre, where they were reportedly subjected to ill-treatment.

In a general way, human rights activities are subjected to a genuine criminalisation. For instance, Ms. **Umida Niazova** and Ms. **Gulbakhor Turaeva** were arrested in January 2007 on the Kyrgyzstan frontier, carrying documents on the Andijan events. They were accused of "transporting prohibited documents" (Ms. Niazova was also accused



of “illegally crossing the border”); they were sentenced respectively to seven and six years’ imprisonment. Thanks to the reaction of the international community, the EU in particular, which was at the time examining the renewal of the sanctions against Uzbekistan, their prison sentences were replaced on appeal by suspended sentences, on condition they plead guilty. In addition, it should be recalled that Ms. **Mukhtabar Tojibaeva**, president of the Ardent Heart’s Club, a human rights organisation based in Margilan, remains detained since October 2005, while her health is constantly declining, in particular due to the harsh conditions of her detention.

Lastly, the authorities also targetted the friends and families of defenders, in order to neutralise them; the method used is often arbitrary detention. For instance, in November 2007, Mr. **Ikhtior Khamroev**, son of Mr. **Bakhtior Khamroev**, an Executive of the Djizak section of the Human Rights Society in Uzbekistan (HRSU), who has been detained in a penitentiary centre since August 2006, was subjected to ill-treatment after having refused to admit to having committed a disciplinary offence. His sentence was extended by seven months.

### **Consequences on the Law on Amnesty for human rights defenders**

On November 30, 2007 the Upper Chamber of Parliament adopted a Law on Amnesty, which was published on December 1. According to Article 2, the law is supposed to apply to persons who have committed offences, wittingly or not, which do not endanger public security. Under Article 5, it also applies to persons sentenced for the first time to less than ten years’ imprisonment for having belonged to an illegal organisation and/or having developed activities endangering public security, on condition they have expressed the intention to “correct” their ways.

Following the adoption of the Act, numerous defenders in detention were accused by the prison administration of “breaking the rules”, clearly in order to exclude them from the amnesty. At the end of 2007, it had only applied to Mr. **Karim Bozorboyev**, a member of the “Ezgulik” human rights organisation, who had been arrested in October 2007 and sentenced to three years’ imprisonment for “financial fraud”. As of December 31, 2007, 20 other human rights defenders, including 11 HRSU members, had not been amnestied. However, a few defenders were released early in 2008.