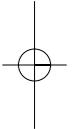
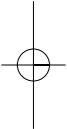


EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)



THE SITUATION OF HUMAN RIGHTS DEFENDERS

Human rights defenders working in many European and CIS countries faced a difficult environment in which there were still many restrictions to the exercise of the freedoms of association, speech and peaceful assembly.

In 2004, human rights defenders in the *Russian Federation* and Central Asian countries (*Kazakhstan, Kyrgyzstan, Uzbekistan*) found themselves in a situation increasingly dominated by the "security-first" concept applied in the fight against terrorism, extremism and separatism. Authorities in these countries used security-first as a pretext for reinforcing their power, and as a result human rights were pushed aside. Besides, the dictatorship in *Turkmenistan* left practically no room for independent associations to manoeuvre.

In *Belarus*, where an authoritarian regime is in power, civil society remained active but weakened by the wave of closures of independent associations in 2003. Members of associations attempting to work towards democratisation were still under constant pressure. Dissident voices in *Ukraine* were muffled, particularly during the November 2004 presidential elections. In countries of the Caucasus region, human rights defenders carried out their activities in a highly charged political context (*Armenia, Azerbaijan*). In *Georgia*, the new authorities - which came to power as a result of the December 2003 Revolution of Roses - strengthened their hold on the country, and independent associations - which remained neutral during the revolution - were ostracised. It should also be pointed out that the mobilisation of civil society at the heart of the democratic transition in Georgia had a "domino effect" in the region. Neighbouring countries, like *Kyrgyzstan* and *Uzbekistan*, feeling threatened by a similar phenomenon, tightened their grips on their own civil societies.

Human rights defenders in the *Balkans* were also still up against many obstacles in denouncing exactions committed during the war in

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former Yugoslavia, while the authors of these exactions continued to benefit from impunity.

The situation in *Turkey* is worthy of note. Much progress was made at the legislative level, within the framework of discussions on opening negotiations for Turkey's entry in the European Union. However, the situation on the ground remained worrisome and it is important to remain extremely vigilant vis-à-vis the application of these legislative changes.

Also not to be forgotten are human rights defenders in conflict and post-conflict areas. Defenders in *Chechnya* were still at great risk, insofar as the conflict there is far from resolved - despite Russian authorities' efforts to make the international community believe the contrary.

Finally, it is important to remember that activists fighting for the rights of minorities, against trafficking in human beings and against far right groups were particularly targeted, above all by violent nationalist groups which, in most cases, act with complete impunity.

Abuse of the "security first" concept and the erosion of human rights

Abuses related to the security context - and their impact on human rights defenders - were primarily noted in the CIS. Indeed, on the one hand, measures adopted in some countries in the name of the fight against terrorism or extremism directly affected or might affect human rights defenders. On the other hand, activists were in some cases accused of terrorist links, as part of a general smear campaign to discredit them.

"Security first" was given even greater importance in 2004. A series of highly condemnable events provided the leaders of some countries - which were already lax with respect to regard for the rule of law -with a pretext for establishing or reinforcing their power in the name of security. For example, following the series of terrorist attacks that took place between 28 and 30 March 2004 in *Uzbekistan*, the President of the country, Mr. Islam Karimov, was immediately supported by the United States in his claim that the attacks had been carried out by members of al-Quaeda, even though many experts believe they were an internal reaction to social and economic conditions within the country. In the *Russian Federation*, the explosion of two planes on 24 August 2004, the

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terrorist attack in Moscow on 31 August 2004 and the hostages taken on 3 September 2004 in Beslan (Northern Ossetia) - act for which Chechen war lord Chamil Bassaïev claimed responsibility - gave President Vladimir Putin a further excuse to extend his power. On 13 September 2004, the Russian President announced a series of measures that constituted a new stage in the erosion of the rule of law in Russia (suppression of the direct election of governors of provinces and presidents of Republics, changes in the means of electing deputies to the Duma, greater media censorship).

The fight against terrorism was also one of the main subjects addressed in meetings between member States of the Shanghai Co-operation Organisation (SCO)¹, an organisation founded in 2001 on the theme of security. At the 4th summit meeting of the SCO in Tashkent, Uzbekistan, on 17 July 2004, a regional anti-terrorist Structure was officially inaugurated as a permanent organ of the SCO. The purpose of the Structure is to provide a tool to help the six member States cooperate in the fight against the "three forces of evil: terrorism, separatism and extremism". The final communiqué of the meeting of the Prime Ministers of SCO member countries, which was held on 23 September 2004 in Bishkek, Kyrgyzstan, on the theme of economic cooperation and terrorism, made no mention of respect for human rights and fundamental freedoms.

The Council of Europe's Committee of Experts on Terrorism drew up a draft Convention on the prevention of terrorism, which raises serious concerns with regard to the respect of human rights. Indeed, the lack of references to the key notions of international and European human rights law², and the lack of precisions in the definition of "terrorist offences" and of "terrorism", entails risks of drifting into infringement of fundamental freedoms. Moreover, the first draft of the text was

1 The Shanghai Co-operation Organisation includes Kazakhstan, Kyrgyzstan, the Republic of China, the Russian Federation, Tajikistan, Uzbekistan.

2 The provisions of this draft Convention remain far beyond the guarantees provided for by international and European law with regard to crucial issues relative to the fight against terrorism, such as the respect for the right to a fair trial, the fight against torture and other cruel, inhuman and degrading treatments, the principle of non-discrimination, the protection of the right to asylum and the abolition of death penalty.

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elaborated by intergovernmental bodies of the Council without prior consultation with civil society.

Besides, CIS member States also severely criticised the Organisation for Security and Co-operation in Europe (OSCE) during an informal meeting that took place during the CIS summit meeting on 3 July 2004 in Moscow. Leaders of nine of the twelve CIS member countries³ addressed a letter to the OSCE criticising the organisation for placing too much importance on democracy and human rights. The letter insisted on the fact that this attitude "significantly limits" the organisation's capacity to counter other threats. The OSCE was also accused of violating the principle of non-interference, of applying "double standards" in its policies and of "selective attention on certain States". Lastly, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) was criticised for not taking into account "the realities and specific features" of individual countries in its electoral observation activities. The nine countries also sent a similar letter to the OSCE after the CIS summit meeting in Astana (Kazakhstan) in September 2004. In addition, at the 12th OSCE Council of Ministers in Sofia (Bulgaria) on 6 and 7 December 2004, the leader of the Uzbekistan delegation insisted on the "necessity of OSCE's adaptation to the essentially new conditions of regional and global security, elimination of disbalance among three dimensions of Organisation's activity by increasing the importance of military-political, economic and ecologic components", thereby leaving aside the human dimension. The Russian Minister of Foreign Affairs, Mr. Sergei Lavrov, repeated these calls and insisted on the "need for comprehensive reform". With the exception of a critical reaction on the part of the American delegation, the OSCE as an organisation did not publicly respond to the accusations formulated by the CIS States.

In this context of human rights marginalisation, it became even more difficult for human rights defenders to act, particularly since some States proposed legislation that clearly limited basic freedoms and might directly affect their room to manoeuvre.

³ Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldavia, the Russian Federation, Tajikistan, Ukraine, Uzbekistan. Azerbaijan, Georgia and Turkmenistan did not co-sign the text.

In *Kazakhstan*, an anti-extremism bill presented to Parliament on 10 April 2004 might impact negatively on the activity of human rights defenders. Article 13 of this bill states that the organisers of demonstrations and meetings will be held responsible for the participation of "extremists". This disposition, which could be applied arbitrarily, might discourage the organisation of meetings. In addition, amendments to certain "legislative texts on questions related to extremism" were proposed on 12 April 2004. The amendment to Article 374 of the Administrative Code holds leaders and members of associations responsible if their activities go beyond those stated in association bylaws.

In the *Russian Federation*, an anti-terrorist bill was adopted by the Duma on 16 December 2004 at first reading. Among other dispositions, the bill provides for the "declaration of a 60-day state of emergency" if a terrorist attack is simply "suspected", along with the cancellation of the right to demonstrate and obstacles to freedom of movement. The bill also provides for serious restrictions to the freedom of the press, particularly when covering violent attacks: a "designated" speaker is to be the only authorised source of information during anti-terrorist operations. The bill in fact legalises practices already implemented in similar cases. The attempted poisoning of Mrs. Anna Politkovskaia, reporter at the independent biweekly *Novaiia Gazetta*, when she attempted to go to Beslan to propose her help in discussions with hostage takers, should not be forgotten. Mr. Andrei Babitski, reporter at *Radio Free Europe*, was also arrested as he was on his way to Beslan, upon arriving from his Prague-Moscow flight. He was held for several days and fined for "provoking security agents".

Last but not least, a link between human rights defenders and extremism or terrorism was sometimes fallaciously established simply to discredit activists. At the 23 October 2004 meeting of the *Kyrgyzstan* Security Council, the country's President, Mr. Askar Akaev, asked security agencies to take more severe action against terrorism and religious extremism. He also criticised the "so-called human rights defenders" who "attempt to present the judicial proceedings against [the religious party] Izb-Ut-Tahir as a means of repressing discordant views, even though [in Kyrgyzstan] no one is incarcerated for their opinions". *Turkish* Prime Minister Mr. Tayyip Erdogan, for his part, declared before the parliamentary assembly of the Council of Europe on 6 October 2004 that "the people who affirm that ideologically motivated acts of torture exist in Turkey are people with links to terrorist organisations".

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A civil society criminalised and muzzled

2004 was characterised by an increase in the number of attempts to paralyse civil society. These attempts were part of a strategy to limit NGOs' room to manoeuvre, and included the adoption of a number of restrictive legislative measures, the opening of judicial proceedings to close down NGOs or at least weaken them through financial sanctions. They also included attempts to isolate NGOs using smear campaigns and other means of ostracism.

In *Azerbaijan*, some NGOs were still having problems getting registered. This was the case of the Committee of Homeless and Deprived Baku Residents despite the Constitutional Court's May 2004 verdict in its favour.

In *Belarus*, the wave of suppression of NGOs, which reached its height in 2003 with the closing of 51 NGOs through judicial means⁴, continued into 2004 with the closure of 21 associations during the first semester of 2004, among which the Independent Society of Legal Research and the Centre for Constitutionalism and Comparative Legal Studies. Proceedings were also brought against the few remaining NGOs such as, for example, the Belarus Helsinki Committee⁵. The creation of restrictive legislative measures continued with the adoption, on 4 October 2004, of presidential decree No. 495, which eliminated the fiscal benefits that NGOs and political parties previously received on rents⁶. A law complicating procedures for registering political parties and NGOs, particularly with regards to the number of members required, was believed to be in the works for adoption in 2005.

In *Georgia*, independent NGOs were somewhat ostracised. Following the election of Mr. Mikhail Saakashvili to the position of President of the Republic, presidential powers were extended by constitutional amendments in February 2004 (power to dissolve the parliament, to appoint and dismiss judges, etc.). According to the

⁴ See international fact-finding mission report *Belarus: The 'liquidation' of the independent civil society*, April 2004.

⁵ See Compilation of cases below.

⁶ *Idem*.

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constitution, the amendments should have been published prior to their passage to allow for public debate, but this requirement was not met. In addition, independent NGOs such as the Human Rights and Documentation Center (HRIDC) and Former Political Prisoners for Human Rights were excluded from the Council for the Control of the Penitentiary System, which was established by the government in August 2004, while organisations close to the government - which participated actively in bringing Mr. Saakashvili to power during the Revolution of Roses - were given a place in the Council.

In the *Russian Federation*, the situation of NGOs worsened during the year 2004, as noted by an Observatory-mandated mission to Russia in 2003 and May 2004⁷. At the same time, executive powers were progressively extended at all levels (constitutional, media, civil society). A number of measures to better control civil society were expected to be adopted in 2005, in particular a bill on "taxes and tax collection" adopted by the Duma at first reading on 5 August 2004⁸. At the end of September 2004, President Putin signed a decree concerning "additional State measures to support the human rights movement in Russia". This decree provides, in particular, for the creation of a national Committee for the Defence of Human Rights in Russia and the integration of human rights NGOs in the work of consultative instruments created by the President's representatives at the regional level. Although the apparent purpose of this text is to consolidate civil society and respect for human rights, the real goal may be to better control NGOs by restricting their independence.

Russian NGOs had even less room to manoeuvre since the parliamentary elections of December 2003, because they had no longer relays within the Duma, and their means to sensibilise the Russian population diminished as censorship of independent media intensified. In addition, many smear campaigns - orchestrated at the highest State level and often involving NGOs' sources of funding - were launched against

⁷ See international fact-finding mission report *Russia: Human Rights Defenders Faced with the 'Dictatorship of the Law'*, September 2004, the preliminary conclusions of which were also published in the 2003 annual report.

⁸ See Compilation of cases below.

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independent NGOs. Their purpose was not only to discredit NGOs with the population, but also to divide and weaken them⁹.

In *Turkmenistan*, where independent civil society was given very little room to manoeuvre - particularly since the attempted assassination of President Mr. Saparmurat Niyazov in 2002 - the repressive law on "public associations"¹⁰ adopted in October 2003 resulted in a drastic reduction in activities carried out by NGOs attempting to act independently. Members of these NGOs, fearing the penal sanctions provided for by the law - up to two years in prison - limited their action, and some foreign donors reduced their funding to avoid subjecting the NGOs to reprisals. In October 2004, a presidential decree obliged NGOs receiving foreign aid to re-register with the Ministry of Justice and to register all foreign donations and subsidies with the State service on foreign investment, which is under the control of President Niyazov. These measures were somewhat modified by the adoption on 2 November 2004 of a law decriminalising activities in the framework of unregistered NGOs.

In *Uzbekistan*, some organisations had trouble obtaining legal recognition. These included Mothers Against the Death Penalty and Torture, created in 2000 by Mrs. Tamara Tchikounova, the mother of a man executed for a murder he confessed to under torture. Mrs. Tchikounova also received death threats as a result of her activities. In addition, numerous decrees restricting the freedom of association were adopted in 2004¹¹. In February, for example, a decree providing for the transfer of all NGO funds of foreign origin to two national banks was adopted. Now NGOs must obtain agreement from the government before they can access their funds. A decree adopted in December 2003, according to which international NGOs based in Uzbekistan were obliged to re-register with the Ministry of Justice and the Ministry of Foreign Affairs, resulted, in April 2004, in a refusal to re-register the section of the Open Society Institute (OSI). Pushing this NGO to the sidelines, probably as a consequence of the role played by the OSI in the Georgian Revolution of Roses, seemed to be a direct

⁹ *Idem.*

¹⁰ See Annual Report 2003.

¹¹ See Compilation of cases below.

result of the impact produced by this event in countries in the region¹². The independent news agency *Institute for War and Peace Reporting (IWPR)* was also denied accreditation for 2004.

The law on associations that became effective in October 2004 in *Turkey*, was an exception to this generally repressive context. The new law, which followed a number of positive amendments adopted in preceding years as part of discussions for opening negotiations for Turkey's entry in the European Union, recognised the right of any individual to create an association without prior authorisation, and eliminated the need to obtain official authorisation before receiving funds from abroad¹³. It is important, however, to remain vigilant vis-à-vis the actual application of this law as Turkish human rights defenders were still being systematically harassed through the judicial system¹⁴ and many associations and unions were repressed, particularly those defending the rights of minorities, Kurds in particular. For example, Egitim Sen, the largest union of high school and university professors, was taken to court and threatened with closure because its bylaws included the sentence "each person has the right to receive an education in his or her native language". Last but not least, the decision on 7 December 2004 of the President of the Izmir Bar association to close the association's Torture Prevention Group was troubling. The purpose of the Group was to provide, with the help of the many lawyers belonging to the Bar, for legal assistance to victims of torture who wished to bring charges against their torturers. One of the reasons given by the President of the Bar was that the Group received funds from the European Union, which he considered to "be attempting to divide Turkey", "in the name of human rights".

The right to broadcast information on human rights

The right to circulate information on human rights or to criticise State policy was extensively flouted in 2004.

¹² *Idem.*

¹³ *Idem.*

¹⁴ *Idem.*

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In *Armenia*, five journalists were beaten in April 2004 during demonstrations organised by the opposition parties, while they were filming acts of violence committed by a group of twelve men against protesters.

In *Azerbaijan*, Mr. Eldar Zeynalov, chairman of the Human Rights Centre of Azerbaijan (HRCA), and Mrs. Leyla Yunus, member of the Institute for Peace and Democracy, were accused of supporting terrorists and of providing false information to the European institutions, after having sent a list of political prisoners to the Special Rapporteur on political prisoners of the Parliamentary Assembly of the Council of Europe in May 2004¹⁵.

In *Bosnia-Herzegovina*, Mr. Branko Todorovic, president of the Helsinki Committee for Human Rights in Bosnia and Herzegovina (HchrBH), received death threats after having published articles in the press denouncing the lack of political will on the part of the government to arrest former war criminals, and the absence of result in the enquiry into an attack on a human rights defender in 2003¹⁶.

In the *Russian Federation*, the Kazan Human Rights Center (KHRC) was subjected to several investigations after having issued two publications on torture in the State of Kazan in May 2004, and some of its members received threats. Some Russian NGOs were also specifically targeted by smear campaigns in May 2004, after having published information on the situation in Russian prisons¹⁷.

In *Ukraine*, the son of Mr. Andriy Volynets, president of the Ukraine Confederation of Free Trade Unions, was abducted and violently beaten by his kidnappers on 7 March 2004, following a press conference given by his father on the violation of trade union rights in Ukraine.

In *Uzbekistan*, on 11 June 2004 the government signed a decree making it compulsory for NGOs to obtain prior approval from the authorities for all their publications. Furthermore, Mr. Tulkin Karaev, a journalist and a member of the Human Rights Society of Uzbekistan (HRSU), was detained for questioning in December 2004, after having met with OSCE observers¹⁸.

15 *Idem.*

16 *Idem.*

17 *Idem.*

18 *Idem.*

Obstacles to the freedom of peaceful assembly

In *Belarus*, the demonstrations organised in memory of certain disappeared political opponents were repressed. On 7 May 2004, Mr. Dzimtry Salawyow, chairman of the Viasna office in Navapolatsk, was arrested while participating in a peaceful demonstration in the centre of Navapolatsk in support of the families of disappeared members of the political opposition. On 16 September 2004, Mrs. Tatiana Revyaka, a member of Viasna, and Mr. Garry Pogoniaïlo, vice-president of the Helsinki Committee for Human Rights, were arrested while participating in a similar peaceful assembly. Similarly, demonstrations against the referendum organised by Mr. Alexander Lukashenko on 17 October 2004 were severely repressed. Such was the case of a demonstration organised in the centre of Minsk, repressed by the anti-riot police against political opponents, defenders and journalists. Forty persons were arrested and accused of participating in an unauthorised demonstration. Among them were two members of the Maladi Front (Youth Front), an organisation of young Belarus activists working for democratic changes. Both were sentenced to 10 to 15 days of administrative detention.

In *Kyrgyzstan*, a demonstration denouncing the detention of an opponent, Mr. Felix Kulov, was put down in Bishkek, on 15 April 2004, and several human rights defenders were arrested¹⁹. Furthermore, a new law amending the act "on the right of citizens to demonstrate peacefully, unarmed, and to organise freely assemblies and demonstrations" was passed on 23 November 2004. This law specifies that prior authorisation must be applied for at least nine days in advance, and that demonstrations "in the proximity" of the residences of the President or the Prime Minister or close to law courts or prisons are forbidden. Also, demonstrations are not allowed to continue beyond 11 pm, which rules out any long-term action.

In the *Russian Federation*, a new law "on meetings, assemblies and demonstrations" was passed by the Duma on 4 June 2004, limiting the number of venues for such events and making it difficult to plan them²⁰.

¹⁹ *Idem*.

²⁰ *Idem*.

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These obstacles could well be reinforced if the new anti-terrorist legislation was passed (see above).

In *Uzbekistan*, there were serious obstacles to the freedom of peaceful assembly, in particular in the town of Djizak. Several assemblies organised by the HRSU were broken up by force between October and December 2004. In particular, HRSU president, Mr. Tolib Yakubov, was beaten on 29 November 2004, when he was on his way to one of these assemblies. The purpose of these demonstrations was to lodge a peaceful protest against the human rights violations committed by representatives of the local and regional authorities²¹, and against the impunity they enjoy.

Defenders in armed conflict or post-conflict situations

It is worth out underlining the situation of defenders in conflict situations.

Those who defend human rights in Chechnya, or who speak out on such questions in other regions of the *Russian Federation*, still found themselves living in very dangerous circumstances. For instance, on 16 January 2004 the body of Mr. Aslan Sheripovich Davletukaev, a volunteer with the Society of Russian-Chechen Friendship (SRCF), was found near Gudermes, bearing traces of torture²².

This situation was all the more serious in that the defenders still operated almost completely cut off from the outside world. The few representatives of international humanitarian or human rights NGOs who dared enter the territory of Chechnya were subjected both to censorship from the Russian State and violence from certain Chechen groups. Mrs. Miriam Jevikova for instance, a Slovak journalist employed by the Organisation for Aid to Refugees, was taken hostage on 1 January 2004, when she was on her way from Pyatigorsk to Vladikavkaz. She was only released at the end of November 2004.

The situation deteriorated in *Ingushetia*, where there were numerous attacks and disappearances. In August 2004, the Chechen Committee for National Salvation, a human rights NGO based in Nazran, received a request to close down from the office of the Ingushetia Prosecutor, fol-

²¹ *Idem.*

²² *Idem.*

lowing the issuing of several press releases on the human rights situation in Chechnya. The Prosecutor desired that the releases be examined, so that their "extremist" nature be recognised.

Lastly, Russian NGOs that criticised President Putin's policy in Chechnya were not immune from retaliation. The Union of the Soldiers' Mothers Committees was subjected to serious smear campaigns, and to an investigation launched by a conservative member of the Duma. The Association of the Soldiers' Mothers of Saint - Petersburg was also being prosecuted²³.

Lawyers involved in defending Chechen civilians were subjected to serious reprisals. Mr. Stanislas Markelov, for instance, a lawyer acting for Mr. Zelimkhan Mourdalov, a Chechen student who died following acts of torture, was violently attacked by five men on 16 April 2004. No criminal investigation was initiated following his complaint, and the police officers considered that the medical certificate certifying the presence of cranial injuries was a forgery.

The security and rights of human rights defenders were also attacked in other countries where post-conflict or crisis situations prevailed.

In *Serbia-Montenegro*, defenders who denounced the acts of violence committed in Kosovo in March 2004 were subjected to smear campaigns in the press, and journalists working for the independent television channel *B92* were violently attacked²⁴. It was still difficult to denounce certain exactions committed during the war; the threats against Mrs. Svetlana Djordjevic, following the publication in July 2003 of her book *Witness Reports on Kosovo*, which described human rights violations committed by the police in Kosovo in 1998 and 1999, were a striking example of this. And on 3 May 2004, Mr. Masan Lekic, a *B92* journalist, was attacked while engaged on an enquiry on Mr. Milorad Lukovic, the main suspect in the assassination of former Prime Minister Mr. Zoran Djindjic in 2001.

In *Georgia*, four young members of the pro-democratic movement *Kmara!* (Enough!) were abducted in January 2004 by officers of the local Adjara authorities, and two of them were beaten up. These events occurred in the context of serious tension between the Georgian autho-

²³ *Idem.*

²⁴ *Idem.*

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rities and the authorities of the autonomous Republic at the beginning of the year, when Mr. Aslan Abashidze, the Adjara leader, restored the state of emergency on 7 January 2004. Journalists working for the *Rustavi 2* channel were also violently attacked by groups linked to the same local authorities in January and March 2004²⁵.

Lastly, regarding the situation in Nagorno-Karabakh, Mr. Mikael Danyelian, co-ordinator of the Armenia Helsinki Association, was attacked in Erevan, in *Armenia*, after having expressed himself publicly on the relations between Armenia and Azerbaijan in the framework of the conflict. In *Azerbaijan*, Mr. Avaz Hasanov, Director of the Society for Humanitarian Research, was accused of having betrayed national interests in pro-government media in June 2004. The accusations followed his enquiries into the disappearances, hostage-takings and prisoners of war in Karabakh and Armenia. On 10 June 2004, after returning from a mission, his office in Baku was visited by a group of young nationalists belonging to the Karabakh Liberation Organisation. Mr. Hasanov received insults and death threats.

Defenders of minorities' and antifascists' rights

Special attention must finally be paid to defenders of minorities, and to defenders engaged in fighting fascist and extreme-right movements.

In *Georgia*, the 11-year old daughter of Mr. Nugzar Sulashvili, president of the International Union "Centre for the rights and security of foreign citizens and migrants", was victim of an attempt to abduct her on 26 May 2004. The event occurred following the publication by a Georgian newspaper of information that Mr. Nugzar Sulashvili had communicated confidentially to a parliamentary committee on cases of human trafficking and illegal migrations.

In *Serbia-Montenegro*, a citizen, Mrs. Natalia Lazic, was seriously threatened in October 2004 following her public denunciations of the authors of sexual abuse inflicted on a Rom youth. In addition, anti-Semitic graffiti were found on the door of the Humanitarian Law Center (HLC) in the night of 4 November 2004, accusing Mrs. Natasha Kandic, director of the Center, of being "a lackey of Jewish Zionism".

25 *Idem*.

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Two swastikas, and the mention "Serbia for the Serbs", were signed by the fascist group "Combat 18".

The situation was particularly serious in the *Russian Federation*, where there was a spectacular increase in xenophobic and nationalist aggressions. The defenders involved in denouncing such attacks were seriously threatened in 2004. On 20 June 2004, Mr. Nikolai Girenko, leader of the Commission of the rights of minorities of the Scientific union of Saint-Petersburg, was assassinated²⁶. Later, death threats were sent to several antifascist activists, such as Mr. Dimitri Kraïoukhine, an executive of the "United Europe" NGO, and main witness for the prosecution in the trial of the neo-Nazi organisation, "National Union of Russia". Likewise, on 23 August 2004 Mr. Andrey Yurov, an executive of the Youth Human Rights Movement (YHRM), and Mrs. Ludmilla Alexeeva, an executive of the Moscow Helsinki Group, received threatening letters at their offices, signed by the head of the Slav Union, a neo-Nazi organisation. The threats referred to the assassination of Mr. Girenko. The day before the closing down of the Slav Union website, which the YHRM had obtained, the representatives of the Slav Union appealed to all nationalists and neo-Nazis to use violence against human rights defenders and antifascists. It should be emphasised that human rights defenders received no support from the Russian authorities, which minimised the attacks on foreigners in Russia, refusing to recognise them as racist acts.

Mobilisation of the international community

United Nations (UN)

The Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani, presented the report of her visit to Macedonia from 26 to 30 January 2003²⁷ to the 60th Session of the Commission on Human Rights. She paid a visit to Turkey in October 2004, of which the conclusions will be presented in 2005. She also solicited a request for a visit to the Russian Federation. Her repeated requests to Belarus, Turkmenistan and Uzbekistan were still not answered at the end of 2004.

²⁶ *Idem.*

²⁷ See United Nations document E/CN.4/2004/94/Add.2.

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During its 60th Session, the Commission on Human Rights passed a resolution on the human rights situation in Belarus²⁸. In particular, the Commission requested the government of Belarus to "release scientists and other individuals detained for politically motivated reasons; to cease harassment of non-governmental organisations, political parties, trade unions, independent media and democracy and human rights activists; to undertake a review of domestic laws and practices regarding the compulsory registration of NGOs [...]" and to "co-operate fully with all mechanisms of the Commission, including by extending invitations [...] to the Special Representative of the Secretary General on Human Rights Defenders". The Commission also decided to "appoint a Special Rapporteur [...] to establish direct contacts with the government and with the people of Belarus with a view to examining the situation of human rights in Belarus [...] and to report to the Commission at its 61st session". The Observatory contributed to the resolution in particular through the presentation of its mission report on Belarus²⁹ at a briefing on 13 April 2004, and the participation of Viasna President to this session.

The Commission also adopted a resolution on Turkmenistan "reaffirming that improving security and the fight against terrorism should be conducted in full respect of human rights and democratic principles", noting with grave concern "the abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedom of thought, expression, assembly and association, and harassment of their families". The Commission urged the government of Turkmenistan to "remove the new restrictions on the activities of public associations, including non-governmental organisations, stipulated in the new Law on Public associations³⁰, to "enable non-governmental organisations, particularly human rights organisations, and other civil society actors to carry out their activities without hindrance" and lastly requested "[...] the Special Representative of the Secretary General on Human Rights Defenders to consider visiting Turkmenistan" and called upon the government of Turkmenistan to "facilitate such a visit".

28 See Resolution 2004/14 of the Commission on Human Rights.

29 See Report of the international fact-finding mission, *Belarus, The 'liquidation' of the independent civil society*, April 2004.

30 See Annual Report 2003, chapter on "Europe and the CIS".

European Union

On 15 June 2004, the Council of the European Union (EU) adopted the Guidelines³¹ on human rights defenders. In so doing the Council recognised the role of defenders, and supported the principles enshrined in the Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations in 1998. The purpose of the Guidelines, according to the EU Annual Report on Human Rights, is to "put forward concrete suggestions designed to improve EU action [regarding support to defenders]", in the framework of the Common External and Security Policy (CESP). They entrust EU missions in third countries with an important role, and emphasise the need to include the question of the situation of defenders in the dialogue between the EU, the third countries and the regional organisations.

The Observatory welcomes the adoption of these Guidelines, the implementation of which could lead to real progress. Ever since its creation in 1997 the Observatory has never ceased to urge the EU to draw up an instrument of this kind; it has contributed to its preparation, in particular by submitting a series of recommendations to the members of the EU Council Working Group on Human Rights (COHOM) in March 2004. The Observatory also participated, on 30 March 2004 in Brussels, in a meeting of international NGOs on this theme, and in a meeting organised in Dublin on 12 May 2004 by the Irish Presidency of the EU, attended by international NGOs involved in such matters and delegations of all member States. Finally, the Observatory participated in the EU NGO Forum on the implementation of the Guidelines, on 9-10 December 2004, and contributed to the drafting of a Handbook on the implementation of the Guidelines by EU representations and member States in third countries.

The Observatory stresses the need to increase budgetary appropriations for protecting defenders, and urges that an effort be made to harmonise the arrangements applicable in EU member States for the temporary protection of human rights defenders in danger. In that respect, the European Commission could draw up a binding legal instrument, instituting a coherent regime for receiving defenders on a temporary basis. Lastly, the Observatory stresses the need to establish a co-ordina-

³¹ See annex to the present report.

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tion body within COHOM, which would be responsible for the permanent monitoring of the implementation of the Guidelines, to ensure their full implementation.

As to the positions adopted, however, in 2004, the EU was far less critical of Central Asian countries, in particular Kazakhstan, Kyrgyzstan and Uzbekistan during its meetings with these countries in the framework of the co-operation councils: on no occasion was the situation regarding human rights openly criticised, contrary to earlier years, although the situation on the ground continued to deteriorate. No mention of human rights violations nor of the situation of human rights defenders were made neither in the joint declarations published at the end of the EU-Russia Summit on 25 November 2004.

The Presidency issued three declarations³², however, expressing concern about the situation of the independent media in Ukraine, and about the lack of result in the enquiry into the assassination of Mr. Georgiy Gongadze, an Ukrainian journalist assassinated in 2000³³.

In a resolution adopted on 15 December 2004, on the eve of the meeting of EU Heads of State on the opening of accession negotiations with Turkey, the European Parliament expressed "its unconditional support for the civil society organisations and actors operating in Turkey in defence and promotion of fundamental rights and freedoms; call(ed) on the Council and the Commission to strengthen cooperation with such organisations in the process of monitoring Turkey's compliance with the political criteria of Copenhagen"³⁴.

In the EU member States, the Observatory supports the implementation of the German and Belgian resolutions adopted in 2003 by the respective parliaments of both countries, instituting a special regime for the support of defenders in danger. The Observatory is a member of a co-ordination group composed of several international NGOs and Belgian parliamentarians, which was set up in September 2004 for ensuring the follow-up of the resolution passed on 13 February 2003 by the Foreign Affairs Committee of the Belgian Chamber of Deputies on human rights defenders (doc. 50 2060/006).

32 See EU Council Declarations 7186/04, 12452/04 and 12696/04.

33 See Annual Report 2002.

34 See Resolution P6_TA-PROV (2004) 0096.

Organisation for Security and Co-operation in Europe (OSCE)

The Observatory organised, jointly with the International Helsinki Federation for Human Rights and the International League of Human Rights, a parallel event on the freedom of association in the CIS countries during the OSCE Human Dimension Implementation Meeting held in Warsaw, 4-15 October 2004. Defenders from Georgia, Belarus, the Russian Federation and Turkmenistan were able to describe the situation regarding the freedom of association in their country. The Observatory also facilitated the presence of a representative of the office of the Special Representative of the UN Secretary General on Human Rights Defenders.

The Observatory also intervened under the item of the agenda on the freedom of assembly and association. The Observatory welcomed the setting up, in December 2003, of a programme on the freedoms of association and peaceful assembly in the CIS, in the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE. The Observatory also drew attention to the strengthening of the legislative arsenal designed to restrict the exercise of the freedom of association and peaceful assembly in certain countries, such as the Russian Federation, Belarus and Uzbekistan.

In its recommendations, the Observatory called upon the OSCE to extend the mandate of the programme of the ODIHR, recommending in that respect that a "focal point" or a Special Rapporteur be created, with the task of: reacting publicly and immediately to cases of violations committed against defenders; solicit and question States, and answer them. This mechanism should also evaluate legislation on the freedom of association. The 12th Ministerial Council, held in Sofia, Bulgaria, on 6-7 December 2004, met in an inauspicious atmosphere, hostile to human rights - confirming *a contrario* the need to mobilise OSCE bodies for the protection of defenders.

Council of Europe

On 21 October 2004, Mr. Peter Schieder, President of the Parliamentary Assembly of the Council of Europe, condemned "the arrest of demonstrators [...] during assemblies of opposition supporters" following the referendum organised by President Mr. Alexander Lukachenko on 17 October 2004. Mr. Schieder declared that "measures

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of repression and intimidation are aimed at all independent voices, in particular the media and those who act to promote human rights".

On the initiative of the Observatory, a working group entitled "Protection of Human Rights Defenders" was set up in the Human Rights Grouping, comprising several international NGOs with participatory status with the Council of Europe. The aim of the working party is to promote the necessary protection of human rights defenders in the various bodies of the Council of Europe. Among the recommendations sent to these bodies, the Council of Ministers was in particular asked to "take into consideration the situation of human rights defenders when preparing its visits to each member State, and again when drafting the conclusions and recommendations in the report of the visit". The members of the Parliamentary Assembly were also asked to "take up the question of human rights defenders, to adopt a public stance on the issue through declarations in writing, to appoint a Rapporteur with a view to drafting a recommendation or a resolution on the subject, and to invite, in that context, the Special Representative of the UN Secretary General on Human Rights Defenders to address the Assembly". Lastly, the working group asked the Advisory Committee of the Framework Convention for the Protection of National Minorities to take into consideration the situation of defenders acting in favour of the rights of minorities, during the examination of the reports submitted to it under Article 25§1 of the Framework Convention for the Protection of National Minorities. Finally, the Observatory continued to convey to the Commissioner for Human Rights of the Council of Europe information on human rights defenders in member States.

HUMAN RIGHTS DEFENDERS HARASSED

AZERBAIJAN

Arbitrary detention of Mr. Ilgar Ibrahimoglu³⁵

On 3 December 2003 the District Court of Nasimi in Baku issued a notice of detention of Mr. **Ilgar Ibrahimoglu**, co-ordinator of the Centre for the Protection of Conscience and Religious Freedoms (DEVAMM) and secretary general of the International Religious Liberty Association (IRLA) in Azerbaijan, for "active participation" in the political disturbances that arose in the aftermath of the presidential election in 2003. This notice, which in principle can be revoked at any moment, resulted in his provisional detention until his trial.

On 2 April 2004 the Court of Heavy Crimes gave Mr. Ibrahimoglu a suspended sentence of five years in prison. He was released the same day.

Subsequently, the Baku airport border police prevented him on three occasions from travelling abroad to attend international organisations' meetings, although his sentence carried no ban on leaving the Azerbaijani territory. On 13 September 2004, Mr. Ibrahimoglu was prevented from going to the Organisation for Security and Co-operation in Europe (OSCE) Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, held in Brussels on 13 and 14 September 2004.

³⁵ See Annual Report 2003 and Urgent Appeal AZE 003/1203/OBS 068.1.

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On 6 October 2004, he was unable to attend the OSCE Human Dimension Implementation Meeting held in Warsaw from 4 to 15 October 2004, although he previously took care to inform the Minister of Justice of his trip in a letter dated 5 October 2004.

He was again notified of this ban when he attempted to travel to Warsaw for the same meeting on 13 October 2004.

The harassment of Mr. Ibrahimoglu took place against a background of repression of DEVAMM. Indeed, since April 2004, the police attacked the Juma Mosque - headed by Mr. Ibrahimoglu - on several occasions during prayer and used violence to arrest the faithful. The public media regularly accused Mr. Ibrahimoglu and the Juma community of protecting Western interests, demanding that Mr. Ibrahimoglu choose between his activities as a human rights defender and his religious responsibilities.

Smear campaign against Mr. Eldar Zeynalov and Mrs. Leyla Yunus³⁶

From May 2004 on, a smear campaign was launched in the pro-Government media against Mr. **Eldar Zeynalov**, director of the Human Rights Centre of Azerbaijan (HRCA), and Mrs. **Leyla Yunus**, a member of the Institute for Peace and Democracy, after they both presented a list of Azerbaijani political prisoners to Mr. Malcolm Bruce, the Rapporteur on political prisoners of the Parliamentary Assembly of the Council of Europe (PACE), on 10 May 2004 during his trip to Azerbaijan. On 19 May 2004, they also presented the same list to Mr. Andreas Gross, PACE Special Rapporteur on Azerbaijan.

The electronic media, pro-Governmental television channels such as *ANS-TV*, *Space* and *Lider* as well as several newspapers notably accused Mr. Zeynalov and Mrs. Yunus of supporting terrorists and members of the "Chechen resistance movement" and of disseminating false information to European institutions.

This smear campaign started again following discussions, during the October 2004 PACE session, focusing on possible recommendations for

³⁶ See Annual Report 2003.

sanctions against Azerbaijan, due in particular to the detention of six political opposition leaders whose release has been demanded by the Council of Europe for several years. The radio station *Europa* notably broadcast a report by the pro-governmental Member of Parliament, Mr. Maqsd Ibrahimbeyov, accusing Mrs. Yunus of being a Russian spy.

Sentencing of Mr. Ramil Djarchiyev³⁷

Mr. **Ramil Djarchiyev**, a member of the Qazakh Human Rights Resource Centre, was arrested on 17 October 2003, as part of the fierce repression of those who denounced the irregularities in the presidential election of 15 October 2003. He had then been accused of "disturbing public order" (Article 220.1 of the Criminal Code) and of "resistance or violence against representatives of the authorities" (Article 315.2).

On 26 March 2004 the Court of Heavy Crimes gave Mr. Djarchiyev a suspended sentence of three years imprisonment. He was released the same day. However, he was not allowed to resume his activities as a History teacher in the village of Chayli, and was thus forced to find another job.

Halt to proceedings against Mr. Ilqar Altay³⁸

In December 2003, one of the Baku district courts halted the judicial proceedings against Mr. **Ilqar Altay**, an independent legal expert who took part in many missions investigating the human rights situation in Azerbaijan and who headed the Committee for the Protection of the Rights of Mr. Agazade, leader of the Umid party, who was arrested during the presidential elections in October 2003. Mr. Altay had been accused of "resisting the police" in October 2003.

³⁷ *Idem.*

³⁸ *Idem.*

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BELARUS

At the beginning of 2004, the Minister of Justice officially announced that 51 organisations had been closed down through judicial proceedings in the course of 2003, when several decrees severely restricting freedom of association were also adopted³⁹.

This repressive trend continued in 2004.

Restrictive tax legislation⁴⁰

On 4 October 2004, presidential decree n° 495 of 30 September 2002 was modified to abolish the property rent tax benefits granted to NGOs and political parties. NGOs and political parties that rent offices must from now on pay the same rents as commercial organisations, an impossible situation for many of them. Furthermore the health and epidemiological services and local administrative authorities must give prior authorisation for the use of private homes as offices.

Crackdown on independent NGOs⁴¹*Continued harassment of Viasna*

Although the registration of the human rights NGO Viasna was cancelled through legal proceedings in 2003, its members remained active and consequently continued to be subjected to harassment in 2004.

Harassment of Mr. Dzimiry Salawow

On 1 March 2004, the office of the Navapolatsk prosecutor informed Mr. **Dzimiry Salawow**, chairman of the Viasna office in Navapolatsk, that if he were to represent or act on behalf of Viasna he could face charges.

On 7 May 2004, Mr. Salawow was arrested in the Navapolatsk city centre whilst participating in a peaceful demonstration urging for the

³⁹ *Idem.*

⁴⁰ *Idem.*

⁴¹ See Annual Report 2003, Press Release of 22 April 2004 and Report of the international fact-finding mission: *Belarus: The 'liquidation' of independent civil society.*

circumstances of the disappearance of political opposition members in 1999 and 2000 to be publicly clarified. He was charged under Article 167.1 of the Code of Administrative Offences, which punishes "violations against order, organising and participating in mass demonstrations".

On 10 May 2004, the Navapolatsk Court of Justice acquitted him on grounds that no administrative offence had been committed.

On 24 June 2004, Mr. Salawyow was arrested again while he was distributing leaflets against the referendum decreed by President Lukashenko on the renewal of his term of office. On 19 August 2004, the Administrative Commission of the Navapolatsk Executive Committee took legal action against Mr. Salawyow with the Navapolatsk court under Article 173.3 of the Code of Administrative Offences, which forbids the "distribution of published material that does not carry the publisher's imprint". The Navapolatsk court then revoked this decision, considering that the Commission had not respected procedural rules.

On 14 October 2004, the same Commission again charged Mr. Salawyow on similar grounds. He was sentenced to a fine of 95,000 roubles (34 euros).

Arrest of Mr. Valentin Stefanovitch

On 1 September 2004, Mr. **Valentin Stefanovitch**, a lawyer and vice-president of Viasna, was arrested whilst trying to defend a schoolboy who was violently beaten up by the security forces during a peaceful demonstration held in Minsk. This demonstration was organised by school students to claim for the right to education in the Belarus language. Mr. Stefanovitch was taken to the police station and released the same day with no explanation.

Harassment of the Brest branch

On 29 September 2004, the police entered the Viasna offices in Brest without a warrant and confiscated 137 copies of a booklet listing the violations of human rights perpetrated in Brest in 2003 and 2004. Mr. **Vladimir Vyalichkin**, president of the branch, was accused of "carrying out activities for an unregistered organisation" under Article 167.10 of the Administrative Code.

As at the end of 2004, the case was still pending.

EUROPE AND THE CIS

*Harassment of the Helsinki Committee for Human Rights*⁴²*Judicial proceedings against the Helsinki Committee for Human Rights*⁴³

In August 2003, the Belarus Helsinki Committee for Human Rights (BHC) received a warning from the Ministry of Justice for using letter-head paper and a stamp failing to comply with the statutes of the association.

The BHC was accused of tax fraud following an investigation carried out by the Moscow District in Minsk tax inspectors between August 2003 and January 2004. These accusations related to funds received from the European Union's Technical Assistance Programme (TACIS) between 2000 and 2002. The Tax Inspection of the Moscow District in Minsk based its decision on Decree No. 8, adopted in March 2001, providing for the "Receipt and Use of Foreign Financial Assistance" and the "omission to register foreign financial assistance" (Article 12). However, in accordance with the General Rules agreed by Belarus and the European Union in the "Memorandum on Financing" of 10 May 2004, this financing is exempt from tax and Decree No. 8 does not apply to foreign financial aid allocated under this programme.

On 27 January 2004, the Committee, required to pay 385,000,000 Belarus roubles (135,000 euros) by the Tax Inspection of the Moscow District of Minsk, appealed against this decision to the Minsk Tax Inspection.

On 29 March 2004, the Minsk Tax Inspection overruled the first decision and referred the case to the Tax Inspection of the Moscow District in Minsk, which reduced the amount to be paid to 155,000,000 roubles (55,520 euros). The BHC lodged an appeal against this decision with the Minsk Economic Court, which heard the case on 1, 9 and 14 June 2004. During the hearings, the Tax Inspection based its arguments on Presidential Decree No. 460, adopted on 22 October 2003, which refers to the "obligation to obtain the approval of the national authorities prior to the implementation of any national agreement". The BHC argued that the Decree had been adopted after the signature and imple-

⁴² See Annual Report 2003.

⁴³ See Annual Report 2003 and Urgent Appeals BLR 001/0604/OBS 046 and 046.1.

mentation of the TACIS programme and that consequently it did not apply in this case, whilst the Tax Inspection stated that the Committee should retroactively comply with the terms of the Decree. The BHC also contested the impartiality of a senior official of the Ministry of Economy who was called as an independent expert by the judge.

On 23 June, after several hearings, the Economic Court dismissed the decision of the Minsk Tax Inspection and ordered the Moscow District Tax Inspection in Minsk to refund the money that had already been paid by the BHC (190,000 roubles - 67 euros), stating that the latter had acted in complete legality.

Nevertheless, as at the end of 2004, the BHC remained subject to financial investigations carried out by the Ministries of Justice, Tax, Economy and Foreign Affairs.

Furthermore, on 17 March 2004, on the basis of the findings of the investigation by the Moscow District Tax Inspection in Minsk, the Department of Financial Investigation of the Ministry of Finances opened a criminal case against Mrs. **Tatsiana Protsko**, president of the BHC, and Mrs. **Tatsiana Rutkevitch**, BHC chief accountant, for tax evasion. Both of them risk up to seven years' imprisonment and confiscation of their possessions. As at the end of 2004, the proceedings against Mrs. Protsko and Mrs. Rutkevitch remained pending.

Also, during summer, the Belarus public television channel *BT* broadcast a report accusing Mrs. Protsko of having purchased a car and a home using money that had been obtained through tax evasion. She initiated legal proceedings against *BT* arguing for the defence of her dignity, honour and professional reputation. However, the Minsk District Court refused to register her complaint.

Lastly, following the announcement of the organisation of a referendum on the renewal of the term of office of the Belarus President, the BHC wrote to the State authorities and the Supreme Court on 6 September 2004 to point out that the presidential decree for holding this referendum was anti-constitutional. The Supreme Court deemed the BHC action illegal and on 16 September 2004, the Ministry of Justice approached the Court to wind up the BHC. The Supreme Court suspended the investigation due to lack of evidence and referred the request back to the Ministry of Justice for further information. As the Ministry did not respond to the Court's request within the notified two-week period, the case was finally closed.

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Harassment of Mr. Garry Pogoniaïlo and Mrs. Tatiana Revyaka

On 16 September 2004, Mr. **Garry Pogoniaïlo**, vice-chairman of the BHC and the lawyer for several families of disappeared, and Mrs. **Tatiana Revyaka**, a member of Viasna, were arrested whilst participating in a peaceful gathering in front of the Prosecutor's office in commemoration of the fifth anniversary of the disappearance of Mr. Viktor Gontchar, former Vice-President of Parliament and former director of the Central Committee of Elections, and of Mr. Anatoly Krasovsky, a businessman close to Mr. Gontchar. They were distributing booklets on the report by Mr. Christos Pourgourides, Special Rapporteur of the Council of Europe, which formed the basis for the adoption of a resolution by the Parliamentary Assembly of the Council of Europe during in its April 2004. Mr. Pourgourides' report, in particular, recommended adopting sanctions against Belarus due to the lack of progress in clearing up the murders of Mr. Youri Zakharenko, former Minister of the Interior who disappeared on 7 May 1999, of Messrs. Gontchar and Krasovski, who disappeared on 16 September 1999, and of the journalist Dimitri Zavadski, who disappeared on 7 July 2000.

The police took Mr. Pogoniaïlo and Mrs. Revyaka to the Minsk Central Department of Internal Affairs and accused them of contravening Article 173.3 of the Code of Administrative Offences which prohibits the "distribution of publications that carry no reference to the publisher and aim at harming society and the State, and the rights and interests of citizens".

They were both released after three hours of detention, and sentenced by the Administrative Committees of the General Administration to pay a fine of 95,000 roubles (34 euros).

Moreover, on 30 November 2004, Mr. Garry Pogoniaïlo was informed that he was being prosecuted by the Minsk Prosecutor's Office for accusing the President of the Republic of having committed "serious crimes" punishable under Article 267.2 of the Criminal Code. In an interview with a journalist of the Swedish television channel *TV4* on 18 August 2004, Mr. Pogoniaïlo accused President Lukashenko of being likely involved in the disappearance of several opposition members and denounced the lack of rigour in the investigation process. Customs officials confiscated the videocassette of the interview from the *TV4* journalist when he left Belarus. This case remained pending as at the end of 2004.

Judicial liquidation of the Minsk Independent Society of Legal Research⁴⁴

The Minsk Independent Society of Legal Research was dissolved on 29 January 2004 for violation of Article 72 of the Code of Civil Procedure, on grounds that this Article forbids NGOs to represent one of the parties during a trial.

In the course of 2003, the Society had received three warnings for granting legal consultations to non-registered NGOs and for representing associations that were being prosecuted. These three warnings resulted by law in a liquidation lawsuit.

Civil Initiatives' dissolution remains in force⁴⁵

On 17 June 2003, the NGO "Civil Initiatives" had filed a complaint with the United Nations Human Rights Committee following its legal disbanding.

In spring 2004, the Human Rights Committee requested the Belarus Government to justify the liquidation of this NGO. However, no reply had yet been received by the Commission as at the end of 2004 and the dissolution of this organisation therefore remained in force.

Detention of Mr. Yuri Bandazhevski⁴⁶

Mr. **Yuri Bandazhevski**, an internationally renowned scientist specialising in medical research on nuclear radioactivity and former director of the Medical Institute in Gomel, revealed in his research the harmful effects of the Chernobyl disaster on the population of Belarus, in contradiction with the official claims by the authorities. He also criticised the misuse of Health Department funds, which he said should have been used for research in this area.

On 18 June 2001, Mr. Bandazhevski was sentenced to eight years imprisonment on the grounds that he sought bribes from the parents of pupils at the Gomel Institute.

⁴⁴ See Annual Report 2003.

⁴⁵ *Idem.*

⁴⁶ *Idem.*

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On 31 May 2004, the Belarus Criminal Court commuted his prison term into a "restriction of freedom" sentence for good conduct.

At the end of 2004, Mr. Bandazhevski was living in Gyzgany, Grodnesnk district, where he is obliged to work as a guard in a local collective farm (kolkhoze), whereas the complaint he filed with the United Nations Human Rights Committee had still not been examined.

BOSNIA-HERZEGOVINA**Attack on the Helsinki Committee for Human Rights and threats against its president⁴⁷**

On 7 February 2004, Mr. **Branko Todorovic**, president of the Helsinki Committee for Human Rights in Bosnia and Herzegovina (HchrBH) based in Sarajevo, received death threats on his telephone answering machine. These threats accused him of being a NATO agent and warned him that if he went into hiding his family would be targeted. This followed the publication of an article on 3 February 2004 in the Banja Luka newspaper *Nezavisne Novine*, in which Mr. Todorovic had accused the Minister of the Interior, Mr. Zoran Djeric, of a lack of political will in the arrest of persons suspected of war crimes. Mr. Todorovic had also denounced, in a television broadcast on the RTRS channel on 6 February 2004, the lack of result in the investigation of the aggression of Mr. **Mladen Mimic**, president of the Milici Citizens' Association, who had been attacked in March 2003⁴⁸.

On 6 February 2004, Mr. **Dragan Jerinic**, editor-in-chief of *Nezavisne Novine*, also received death threats on his mobile phone, warning him he would be killed if he continued to publish Mr. Todorovic's writings.

On 8 February 2004, the Minister of the Interior stated that the police denied any involvement in these threats.

⁴⁷ See Urgent Appeal BIH 001/0904/OBS 074.

⁴⁸ See Annual Report 2003.

HUMAN RIGHTS DEFENDERS HARASSED

As at the end of 2004 investigations into these threats had produced no result.

On 26 September 2004, the office of the Helsinki Committee was burgled. Hard disks containing information on ongoing investigations were stolen together with a camera. However valuable equipment, including new computers that contained no files on the Committee's activities, was left untouched.

As at the end of 2004 the investigation into this burglary had produced no result.

On 22 November 2004, the home of Mr. Todorovic in Bijeljina was also burgled. Nothing was stolen, which leads to the theory that this was an act of intimidation. As at the end of 2004 this investigation had produced no result.

GEORGIA

Trial of the alleged murderer of Mr. Giorgi Sanaya⁴⁹

On 30 July 2004, the Tbilisi Regional Court confirmed the decision of 9 July 2003, by which the District Court of Tbilisi Gldani-Nadzaladevi sentenced Mr. Grigol Khurtsilava, a former state security officer, to 13 years in prison for the murder of Mr. **Giorgi Sanaya**. Mr. Sanaya, a journalist for television channel *Rustavi 2*, which regularly denounced Government corruption, was murdered on 26 July 2001.

On 24 November 2004, the appeals chamber of the Supreme Court examined the appeal lodged by Mrs. Rhatuna Chkhaidze, Mr. Sanaya's widow, to identify the person(s) behind the murder of Mr. Sanaya, and to requalify the crime, described as a common law crime, as a political crime.

However, on 6 December 2004, the criminal appeal chamber dismissed the political nature of the murder and indicated that

⁴⁹ *Idem*.

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Mr. Khurtsilava had murdered Mr. Sanaya because Mr. Sanaya had tried to sexually harass him. The ruling contradicts Mr. Khurtsilava's statements during the initial trial that he had mistaken Mr. Sanaya, whom he did not know, for another man.

Continued harassment of television channel *Rustavi 2*⁵⁰

On 29 December 2003, a rocket was fired onto the premises of channel *Rustavi 2*, damaging the building. No result of the inquiry had been made public at end-2004.

On 4 February 2004, the television channels *Rustavi 2* and *Mze* simultaneously stopped broadcasting their highly popular political debate program, following a decision by the Government, which gave no explanation.

In Adjara, as part of the serious tensions that occurred at the beginning of 2004 between the newly elected Georgian authorities and the authorities of the autonomous republic, *Rustavi 2* journalists were targeted by the local authorities. During the night of 7 January 2004, members of the security forces prevented Mr. **Irakli Shetciruli**, a journalist at *Rustavi 2*, from crossing the administrative border of Chokoli. Mr. Shetciruli had just finished a report on the arrest of members of the youth movement "Kmara!" (Enough!). On 5 March 2004, Mr. **Vakhtang Komalhidze**, a journalist at *Rustavi 2* in Tbilisi, was violently beaten by several men, and the video tapes he was transporting in his car were stolen. After these events, two police officers were initially arrested then released shortly afterwards, with the result that these acts of violence remained unpunished at the end of 2004.

Legislation restricting the participation of independent NGOs in the Penal System Supervision Council⁵¹

On 11 August 2004, a new Penal System Supervision Council was introduced by presidential decree, entitling the members of some NGOs to visit penal detention centres when they wish and without need for a prior authorisation. The new Council replaces the former

⁵⁰ *Idem.*

⁵¹ *Idem.*

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one, established by the Ministry of Justice in 2000 and abolished in April 2004. The Council's function has not changed, however, the criteria according to which the new members were selected were not clearly defined and it seems that the choice was arbitrary. Council members include performers and members of NGOs that supported the members of the new Government during the Revolution of Roses and who now occupy high-ranking positions in the Georgian Government or Parliament. By contrast, independent organisations such as Former Political Prisoners for Human Rights and the Human Rights Documentation and Information Centre (HRIDC) were not selected for the Council, despite their applications, and now find themselves ostracised.

In the same context, threats were also made against members of both organisations.

In summer 2004, Mrs. **Nana Kakabadze**, president of Former Political Prisoners for Human Rights, received anonymous death threats by phone "if she didn't stop her activities". After the Revolution of Roses, this NGO revealed around 100 cases of torture and inhumane and degrading treatment in prisons. It also systematically reacted to Government pressure on and persecution of journalists and the media. The coordinator of the Rustavi branch of the NGO, Mr. **Levan Sakhvadze**, was beaten up on 4 May 2004 by unidentified assailants.

At the beginning of November 2004, Mr. Nicanadinadze, head of the legal department of the State Chancellery and advisor to the Prime Minister, telephoned the HRIDC, to ask the centre to cease its activities concerning the right of refugees. He indicated that the Centre might "have problems" if it refused to comply. Mr. Nicanadinadze accused the HRIDC of belonging to a political organisation and causing trouble for the Government.

Finally, inquiries conducted after attacks on and burglaries of the offices of the Foundation for the Defence of Human Rights in April 2003 had not produced any results as of end 2004.

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Release of Mr. Giorgi Mshvenieradze⁵²

Mr. **Giorgi Mshvenieradze**, a representative of the Georgian Young Lawyers Association in Kutaisi, was arrested on 7 December 2003, while he was observing the Parliamentary elections. He was released several days later by decision of the court in Kobuleti, after he was pardoned by Mr. Aslan Abashidze, the former leader of the autonomous republic of Adjara. He had been sentenced to three months in preventive custody, after revealing major violations of electoral procedures at some polling stations⁵³.

At the end of the elections, the OSCE declared that the Autonomous Republic of Adjara was one of the Regions where irregularities had been most flagrant. Several NGO representatives were attacked, notably in Kobuleti, and 51 observers were prevented from carrying out their vote-counting operations under pressure from members of the Electoral Commission.

KAZAKHSTAN**Surveillance of Mr. Sergei Duvanov⁵⁴**

In March 2003, Mr. **Sergei Duvanov**, editor-in-chief of the newsletter *Human Rights in Kazakhstan and the World*, published by the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHRL), was sentenced to three-and-a-half years' in prison. On 29 December 2003, the District Court of Kaskelen reduced Mr. Duvanov's sentence. He was placed under surveillance in the Zarechnoye penal colony near Almaty.

On 15 January 2004, the Court decided that Mr. Duvanov could return home. After lengthy negotiations with KIBHRL, the penal colo-

⁵² *Idem*.

⁵³ *Idem*.

⁵⁴ See Annual Report 2003 and Urgent Appeal KAZ 001/0802/OBS 053.3.

ny of Almaty allowed Mr. Duvanov to resume his activities at the organisation.

However, he remained under surveillance and his working hours were clearly defined. He also had to report regularly to the authorities and was unable to attend certain public events, on the alleged grounds that he had been convicted of raping a minor.

On 26 August 2004, the District Court of Almaty acquitted him and all his rights were reinstated.

KYRGYZSTAN

Continued harassment campaign against KCHR and its members⁵⁵

Continuing prosecution of KCHR⁵⁶

The Kyrgyz Committee for Human Rights (KCHR) remained deprived of its legal status since it was "replaced" in November 2003 by an organisation with the same name. The new organisation was formed by former members of the KCHR who evidently have close ties to the Government. These members announced at a press conference on 25 August 2003, the appointment of a new board of directors of KCHR. On 28 November 2003, the Ministry of Justice registered the "new" KCHR in place of the "genuine" KCHR.

On 21 September 2004, the "genuine" KCHR was informed of the Bishkek City Court and Bishkek Regional Court's decision ordering the committee to pay \$5,276.50 (4,100 euros) in connection with several complaints filed by a former employee of KCHR, Mr. Eliseev, in 2001 and 2002. Since 1997, Mr. Eliseev has filed numerous complaints against KCHR, which led to a real hounding by the courts, clearly aimed at financially weakening the association. KCHR had to pay

⁵⁵ See Annual Report 2003.

⁵⁶ See Annual Reports 2002 and 2003 and Urgent Appeal KGZ 002/0803/OBS 044.4.

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numerous fines and its property was also confiscated on several occasions, pursuant to the sentences passed.

Questioning of Mr. Asanaliev Makanbet

On 23 February 2004, Mr. **Asanaliev Makanbet**, coordinator of KCHR in the Issyk-Kul district, was summoned by the district administration of internal affairs. He was questioned about pamphlets criticising Mr. Askar Akaev, President of Kyrgyzstan, and his family. Mr. Makanbet replied that he was unaware of the existence of the pamphlets.

Mr. Makanbet was subsequently summoned by the national security service of Issyk-Kul district, where Lieutenant-Colonel Emil Abylgaziev and Senior Lieutenant Samat Mamadaliev accused him of working to "divide" society, and asked him to stop working for KCHR. He was released the same day.

Harassment and acts of violence against close relatives of Mr. Ramazan Dyryldaev⁵⁷

In the evening of 3 July 2004, Mrs. **Ainura Aitbaeva**, daughter of Mr. **Ramazan Dyryldaev**, president of KCHR currently in exile, was assaulted at her home. Unknown individuals entered her apartment, where she was with her two children, and violently beat her up, until she lost consciousness. The assailants left without taking any valuables. She was subsequently admitted to hospital suffering from trauma and remained there for 11 days.

On 4 November 2004, Mrs. Aitbaeva was assaulted again. While walking home with her husband, two men in a car, who looked like the men who had assaulted her on 3 July, ran over her. She did not file a complaint with the police, because the complaint she had filed after the previous assault had not led to an inquiry.

End of 2004, Mrs. Aitbaeva decided to flee Kyrgyzstan and sought refuge abroad.

On 22 October 2004, the home of Mrs. **Gulmira Tokombaeva**, wife of Mr Dyryldaev, in Ankara, Turkey, was burgled after she received phone calls from a suspicious source. Nothing was stolen. Mrs. Tokombaeva did not receive any information about any inquiry.

⁵⁷ See Annual Report 2003 and Urgent Appeals KGZ 002/0803/OBS 044.3 and 044.5.

Abduction and acts of torture against Mr. Tursunbek Akunov⁵⁸

On 16 November 2004, Mr. **Tursunbek Akunov**, president of the Human Rights Movement of Kyrgyzstan, was abducted, after responding to a summons by members of the National Security Services in Bishkek. He was locked in a cell for two weeks, remaining blindfolded for most of the time. He remained unconscious for his first three days in custody, after being hit on the head and forced to breathe in an unknown gas. Mr. Akunov stated that he recognised members of the National Security Services and the Ministry of the Interior, one of whom had often been sent in the past to monitor demonstrations in which Mr. Akunov participated.

On 1 December 2004, Mr. Akunov was found near Bishkek Hospital, suffering from severe head pain. Soon after his admission to hospital on a stretcher, Mr. Akunov was questioned by the police about the circumstances of his disappearance. The security forces immediately took control of the hospital entrance, only permitting Mr. Akunov's wife and a few colleagues to enter after lengthy negotiations. The doctors found Mr. Akunov to be suffering from profound psychological trauma and would probably need to receive medical treatment at home.

Since 1 November 2004, Mr. Akunov and his colleagues had been collecting signatures in downtown Bishkek, demanding the resignation of Mr. Askar Akaev as President of Kyrgyzstan for failing to comply with democratic principles.

The authorities denied that Mr. Akunov was the victim of a forced disappearance. At a press conference on 2 December 2004, Mr. Busurmankulov, spokesperson for the Ministry of the Interior, and Mr. Mamyrov, director of the National Security Services, stated that they suspected Mr. Akunov of attempting to attract publicity and discredit the judicial authorities. In particular, they tried to prove that Mr. Akunov's testimony was incoherent and that he took himself to hospital. As of the end of 2004, an inquiry into the veracity of his testimony was in progress.

⁵⁸ See Urgent Appeals KGZ 001/1104/OBS 088 and 88.1.

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Harassment of Mrs. Aziza Abdurasulova⁵⁹

On 26 November 2004, Mrs. **Aziza Abdurasulova**, president of the human rights NGO "Kylым Shamy", which was, in particular, investigating Mr. Akunov's disappearance, attended an appointment made by a supposed telephone operator to receive a prize. A person who introduced himself as Mr. Daniyar Saparbekov, an officer from the criminal police, accused her of possessing a stolen telephone and attempted to force her into his car. Mrs. Abdurasulova managed to escape. She was subsequently contacted by phone by Mr. Kadyraliev, deputy director of the Bishkek criminal branch and by Mr. Taalai Duishenbiev, deputy director of the Bishkek police, who asked to meet her. Mrs. Abdurasulova refused, on the grounds that she had not been presented with an official summons.

On 29 November 2004, at a press conference organised by Mrs. Abdurasulova, Colonel Bursurmankulov Joldoshbek, president of the press service of the Ministry of the Interior accused her of trying to draw attention to herself by claiming to have escaped from an attempted abduction by the police.

Repression of a peaceful demonstration⁶⁰

On 15 April 2004, 18 people were arrested and taken to the Department of Internal Affairs in Pervomaiskiy Rayon after a peaceful demonstration organised in support of Mr. Felix Kulov, director of the Ar-Namys opposition party, currently serving a seven-year prison sentence. Those arrested were reported to include Mrs. Aziza Abdurasulova, who was beaten and mistreated during her detention, Mr. Tursunbek Akunov and Mr. **Tolekan Ismailov**, director of the Civil Society Against Corruption. All of them were released the same day. Mr. Akunov was charged with "hooliganism" (Article 394 of the Administrative Code), "disobeying the law or an order given by a member of the police force" (Article 371) and "organisation of a meeting or demonstration" (Article 392). The Pervomaiskiy Court sentenced Mr. Akunov to a fine of 1,000 soms (20 euros).

⁵⁹ *Idem.*

⁶⁰ See Open Letter to the Kyrgyz authorities, 7 May 2004.

RUSSIAN FEDERATION

Since his election as President of the Russian Federation, Mr. Vladimir Putin has put the restoration of order at the core of his political project, which he himself has called the "Dictatorship of the Law".

The concrete implementation of this project has translated into a growing tendency to control governmental and nongovernmental actors. In this context the Russian State intends to restore order in terms of relations with civil society and associative movement, as was established by an international fact-finding mission mandated by the Observatory in September and December 2003, and again in May 2004⁶¹.

Vladimir Putin has undertaken a policy of rapprochement between the State and the many non-profit associations created since the demise of the USSR, intending to ensure the efficiency, rationalization and co-ordination of the activities of the State and the associations. In reality, this may express a will to control the associations, particularly those devoted to the defence of human rights in the country.

The methods used by the Russian authorities to control the associations effectively consist primarily in strengthening the legislative arsenal. In addition, the Russian Government uses the pretext of the financial support provided by some of the major Russian businessmen to certain human rights associations in order to discredit the latter. Finally, the many pressures and direct attacks on human rights defenders are carried out with the greatest impunity.

In the meanwhile, human rights defenders have lost the little support on which they could still count in the Duma and are concerned about the crushing domination, within the Parliament, of the nationalist and patriot parties that are facilitating the adoption of laws severely restricting fundamental liberties. They are also gradually losing their intermediaries within the independent media, which is itself increasingly controlled, and therefore find it more and more difficult to make their activities known by the population.

⁶¹ See report of the international fact-finding mission *Russia: Human Rights Defenders faced with the 'Dictatorship of Law'*, September 2004 and Press Release, 12 October 2004.

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Indirect obstacles to the activities of human rights defenders

Restrictive legislation

Renewed tax pressures⁶²

A draft law on taxation and tax collection was adopted at first reading by the Duma on 5 August 2004. Three readings are required for the final adoption of this text.

This draft law provides for the list of organisations whose subsidies are exempt from tax to be extended to include Russian foundations, whereas this exemption only applied to international organisations and foundations so far. This means *de facto* that the subsidies of foundations that are not included in the list will be taxed and there is every indication that this list will be drawn up based on arbitrary criteria.

Furthermore, the new bill provides that NGOs, if they wish to benefit from the tax exemption provided by the law, must register their subsidies with a special commission. This commission has been in existence since 1999, but registering was optional.

Restrictive legislation on demonstrations⁶³

A new law on "meetings, rallies and demonstrations" was adopted by the Duma on 4 June 2004 and signed by President Putin on 21 June 2004. In spite of a revision of the initial draft which was considered to be too restrictive, this law seriously limits freedoms of assembly and demonstration and creates considerable obstacles to the planning and holding of such events. A request for prior authorisation, including the programme of the event on an hour by hour basis, must be submitted to the authorities at least ten days in advance, and there is a ban on demonstrations close to the residence of the President of the Republic, to court rooms and to prisons. As no safety guidelines are specified in this law, there are left to the discretion of the authorities. Furthermore, demonstrations may not take place after 11:00 p.m., thereby banning all long-term demonstrations. Finally, local authorities are allowed to chan-

⁶² *Idem.*

⁶³ See Press Release, 13 July 2004.

ge the location of the event and inform the organisers of this decision only three days in advance. This law contravenes Article 31 of the Russian Constitution that states that every Russian citizen has the right to demonstrate freely if he is not armed.

Creation of a National Committee for the Protection of Human Rights⁶⁴

At the end of September 2004 President Putin signed a decree relating to "additional state measures for supporting the human rights movement in Russia" and providing for the creation of a National Committee for the Protection of Human Rights in Russia and the integration of human rights NGOs in the work of the consultative bodies created by representatives of the President at regional level. This Committee was established on 9 November 2004 and took over the Presidential Human Rights Commission. It is composed of former members of this Commission as well as members of Russian human rights NGOs. Although the outward aim of this new piece of legislation is to consolidate civil society and the respect of human rights, there is a fear that it is in fact just another way of controlling more effectively the movement of NGOs.

Smear campaign against independent NGOs⁶⁵

In 2004, NGOs were targeted by virulent smear campaigns orchestrated at highest State level. These campaigns mainly focused on NGOs' sources of funding and inclined to compare their members with criminals. These campaigns not only aimed at discrediting human rights defenders in the eyes of the population but also at weakening them by establishing a pernicious distinction between "good" and "bad" NGOs.

- On 7 May 2004, during a press conference on the situation of Russian prisons, General Valerii Kraev, head of the General Direction of Sentence Enforcement of the Ministry of Justice, declared that human rights

⁶⁴ See report of the international fact-finding mission *Russia: Human rights Defenders faced with the 'Dictatorship of Law'*, September 2004 and Press Release, 12 October 2004.

⁶⁵ See Open Letter to the Authorities, 24 May 2004, Press Release, 28 May 2004 and Report of the Fact-Finding Mission referred to above.

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NGOs were funded by "criminal groups". He also accused certain NGOs of destabilising the Ministry of Justice by putting pressure on the prison administration system and by disseminating false information in the press. General Kraev declared that his accusations were based on information obtained through "phone tapping" and "on the Web", without going into greater detail. He also stated that 163 organisations "claiming to defend human rights" were in fact financed by oligarchs, and he specifically mentioned the following NGOs: the Tchelabinsk and Ural branches of Amnesty International, the Irkutsk Civil Information Initiative, the All-Russian Public Movement for Human Rights and the Committee in Support of the Detainees. He also mentioned that it was possible to work with more than 360 other human rights organisations, including the Moscow Helsinki Group and the Committee for Civil Rights, thus making a distinction between "good" and "bad" associations. These declarations followed the condemnation by these NGOs of the poor conditions of detention in Russian prisons. Mr. **Lev Ponomarev**, head of the Movement for Human Rights, immediately filed a complaint against General Kraev for slander. During a press conference held on 14 May 2004, General Kraev denied having accused Mr. Ponomarev and his NGO. In late 2004, the Moscow Zamoskvoretsky Court was investigating the case and a hearing was scheduled for 21 January 2005.

- On 26 May 2004, Mr. Vladimir Putin stated in his speech to the upper chamber of the Duma that the "main objective of some of these organisations is to receive funds from influential foreign foundations, while for others the aim is to serve dubious groups and commercial interests". Mr. Putin added that when it came to violations of human rights and "to the real interests of the people, these organisations remain silent. And there's nothing happenstance about that; they simply cannot bite the hand that feeds them". These words referred in particular to businessmen Boris Berezovsky and Vladimir Gousinsky, both in exile, and to Mikhail Khodorkovsky, currently in prison. All three were being prosecuted for fraud, which the NGOs condemned as being due to the fact that they were well-known political opponents.

- On 19 July 2004, in a radio interview, the patriarch of Smolensk and Kaliningrad Cyrille, head of the foreign affairs department of the Russian Orthodox Church, asked the human rights movement to find new leaders, and claimed that "the most well-known so-called human

rights organisations do not like Russia. They try to find human rights violations all over this country, but never investigate into violations against Russians in Baltic countries and in the North Caucasus or elsewhere." He added that newly-elected leaders of such associations should "be able to face up to bureaucrats, to be incorruptible and not even to think of accepting foreign subsidies"⁶⁶.

Direct attacks on defenders and human rights defence associations

Saint Petersburg

*Extrajudicial execution of Mr. Nikolay Girenko and death threats against Mrs. Stephania Koulaeva*⁶⁷

On 20 June 2004, Mr. **Nikolay Girenko**, head of the Minority Rights Commission of the Saint Petersburg Scientific Union and president of the Ethnic Minority Rights Association, one of the most active organisation fighting against racism in Saint Petersburg, was murdered at his home by unidentified individuals who rang his doorbell and shot him dead through his house door while enquiring after the identity of the visitors. This murder was a reprisal against the work carried out by Mr. Girenko, who was known for his expertise provided at trials of fascist groups, including of Skinheads, in Saint Petersburg and all across Russia.

Since the murder of Mr. Girenko, Mrs. Matvienko, Mayor of Saint Petersburg, has declared on regular occasions during press conferences that this murder was a criminal act and had no political significance.

As at the end of 2004, the investigation into Mr. Girenko's assassination had produced no result.

A few days after Mr. Girenko was killed, Mrs. **Stephania Koulaeva**, president of the Anti-Fascist Commission and of the Northwest Centre for Social and Legal Protection of Roma (Memorial Saint Petersburg), received several telephone calls threatening her with death. The

⁶⁶ See report of the international fact-finding mission, *Russia: Human rights Defenders faced with the 'Dictatorship of Law'*, September 2004.

⁶⁷ See Urgent Appeal RUS 003/0604/OBS 049.

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authors of these threats alluded in particular to Mr. Girenko's assassination, saying that this was "just a start" and she was next on their list. The next day, the door to her apartment was covered with swastikas and insults. When Mrs. Koulaeva filed a complaint, the police advised her to leave Saint Petersburg for a few months, but she nevertheless stayed at home.

As at the end of 2004, none of the results of the investigation had been made public.

*Continued judicial harassment of the Association of Soldiers' Mothers of Saint Petersburg*⁶⁸

The legal proceedings for defamation initiated in June 2003 by Mr. Bukin, director of the Nachimov military school, against the Association of Soldiers' Mothers of Saint Petersburg⁶⁹ and the newspaper *Smena*, are still pending. *Smena* had published information supplied by the association concerning the physical and psychological torture of pupils, and these acts had already been acknowledged by Mr. Kuroedov, admiral of the Russian fleet, who had stated that the officers responsible had been punished. The Kuibychev Court had adjourned the trial until 18 January 2005.

Moreover, in 2003, an enquiry had been opened against Mr. Bukin by the general prosecutor at the request of the mothers of the pupils, so that the crimes of torture should be recognised. The Court announced that the results of this investigation would be made public at the end of January 2005.

Finally, on 17 July 2004, the prosecutor of the Kalinin district of Saint Petersburg opened a criminal investigation against Mr. **Sergueï Mikhailov**, an orthopaedic doctor who worked as medical expert with the Association of Soldiers' Mothers of Saint Petersburg. Dr. Mikhailov was accused of "complicity" in cases of desertion. At the end of 2004, the proceedings were ongoing.

⁶⁸ See Annual Report 2003.

⁶⁹ In 2004, the Association of the Soldiers' Mothers of Saint Petersburg was awarded the Aachen Peace Prize.

*Attacks on Mr. Vladimir Schnittke*⁷⁰

On 26 September 2003, Mr. Vladimir Goliakov was arrested in relation to the investigation into the attacked on 14 August 2003 on Mr. **Vladimir Schnittke**, president of the Saint Petersburg Memorial association, and two of his colleagues. Mr. Goliakov was arrested after Memorial had hired private detectives because of police inaction in the investigation. Another assailant identified by detectives was left free.

On 22 June 2004, Mr. Goliakov was given a suspended sentence of five years imprisonment by the Kuibyshevsky Federal Court of Saint Petersburg for the attack on M. Schnittke, and was then released. The political nature of the attack was not acknowledged.

On 11 December 2004, Mr. Schnittke was attacked a second time. He was hit on the head with a club at the entrance to his home. His laptop computer was stolen from him and he suffered from cerebral trauma. An investigation was opened, which remained ongoing as at the end of 2004.

*MOSCOW**Judicial proceedings against members of the Sakharov Museum*⁷¹

Following a resolution of the Duma dated 2 September 2003, the Moscow Prosecutor initiated legal proceedings against Mr. **Yuri Samodorov**, executive director of the Sakharov Museum, Mrs. **Ludmila Vasilevskaya**, in charge of the exhibition "Beware, Religion" and Mrs. **Anna Mikhailchouk**, one of the artists in the exhibition, for contravening Article 282.2 of the Criminal Code ("incitement to racial, ethnic and religious hatred"). On 25 December 2003, the investigator for the Moscow prosecutor's office, Mr. Tsvetkov, indicted the artists and organizers of "incitement to hatred" and of attacking the dignity of certain religious groups.

In the course of these proceedings, the defence of the Sakharov Museum members refused to acknowledge the expert report on the exhibited works of art produced by non-specialist experts, and requested on several occasions that the Court mandate new experts. The

⁷⁰ See Annual Report 2003.

⁷¹ *Idem*.

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Court always refused to take this request into account and endorsed the first expert report.

Many witnesses were heard during sessions held in November and December 2004, including those responsible for vandalising the exhibition on 18 January 2003, and who were released shortly after the events. On 22 August 2004, the trial of the attackers was closed for lack of grounds for prosecution.

Mr. Samodorov, Mrs. Vasilevskaya and Mrs. Mikhalchouk have been banned to leave the city of Moscow since 25 December 2003. The judge announced that the verdict would be returned in February 2005.

*Smear campaign against the Union of Soldiers' Mothers Committees*⁷²

On 19 October 2004, Mr. Viktor Alksnis, deputy of the Duma and member of the "Rodina" ("motherland") party, introduced a request to the Duma for opening an investigation into the funding of the Union of Soldiers' Mothers Committees. Since its creation in 1991, this organisation has regularly condemned the human rights violations perpetrated within the Russian army, and actively advocates for a peaceful resolution of the conflict in Chechnya. On 13 October 2004, the Union published a statement titled *Give peace a chance* in support of initiating negotiations between the Russian authorities and representatives of the Chechen separatists.

On 20 October 2004, Mr. Alksnis justified his initiative in a radio interview, during which he accused the Union of "undermining Russian defence capabilities" and of being "funded by the West for at least the past ten years". Mr. Alksnis stated that the members of the Committees were not soldiers' mothers but "political professionals who received a salary, who head hundreds of offices throughout Russia and organised propaganda activities".

On the evening of 20 October 2004, Mr. Alksnis repeated his accusations on *NTV*, one of the main Russian television channels. He accused the organisation of receiving 15 million dollars a year from abroad for "anti-military promotion and for helping citizens to avoid military service".

On 22 October 2004, during another press conference, Mr. Alksnis announced that he had lodged a complaint with the Ministry of Justice

⁷² See Urgent Appeal RUS 006/1004/OBS 081.

and the General Prosecutor in the name of the Duma, so that an enquiry into the Union's funding could be opened.

At the beginning of December 2004, inspectors from the economic crimes police department showed up at the organisation's headquarters and requested its financial documents. The organisation complied with this request; however it later learnt that the documents had been sent to Mr. Alksnis.

As at the end of 2004, this case remained pending.

Repression of NGOs in the Krasnodar Region

Judicial proceedings against the Krasnodar Centre for the Defence of Human Rights⁷³

The Krasnodar Centre for the Defence of Human Rights, headed by Mr. **Vassily Rakovitch**, has been subjected to suspension proceedings since 2002 under the 2002 law against extremism, for having carried out "activities contrary to the statutes of the organisation".

In February 2004, the Russian Federal Supreme Court referred the case to the Krasnodar Regional Court for re-examination into the background of the case. Following a longer period than legally allotted, the Court ruled that the activities of the Centre should not be suspended and decided that 1,500 roubles (41 euros) should be paid to the Centre as partial refund of the trial costs.

In October 2004, the Centre took the case to the Supreme Court of Appeal to demand the refund of the full amount of the trial costs (50,000 roubles - 1,385 euros). Following referral of the case by the Supreme Court, the Krasnodar Regional Court ruled that 2,000 roubles (55 euros) should be refunded to the Centre, which again appealed this decision. As at the end of 2004, the case remained pending.

In the meanwhile, in 2003, the Krasnodar Centre for the Defence of Human Rights referred to the European Court of Human Rights about the suspension order. The Centre was at the end of 2004 considering modifying this request to ask the ECHR to also rule on the refund of its legal costs.

⁷³ See Annual Report 2003 and Report of the International Fact-Finding Mission *Russia: Human rights Defenders faced with the 'Dictatorship of Law'*, September 2004.

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*Harassment of Mrs. Tatiana Roudakova*⁷⁴

On 17 May 2004, Mrs. **Tatiana Roudakova**, leader of the Mothers' Civil Organisation for the Protection of Prisoners, was arrested in the Republic of Adygheya, Krasnodar region, while she was on her way to penal colony An5/1, accompanied by family relatives of detainees and her driver, in order to verify information alleging ill-treatment of the prisoners. A policeman got into their car and forced them to drive to the police station. Mrs. Roudakova and her car were searched without a warrant. Mrs. Roudakova was then taken to the office of the Prosecutor, who informed her that a criminal investigation had been opened against the detainees in the colony for possession of weapons and drugs and that she would be called in as a witness. The authorities also accused her for demonstrating in front of the penal colony from 1 to 10 May 2004, with the sole aim of distracting the attention of the wardens from the traffic that was being organised amongst the prisoners.

As of the end of 2004, the enquiry against her remained pending.

Since then, a smear campaign was launched against Mrs. Roudakova and her organisation in the Krasnodar and Moscow media, which presented Mrs. Roudakova as an alcoholic and a drug addict and asserted that she was accused in a case of arms and drug trafficking. Mrs. Roudakova filed several complaints for attack on her dignity against several newspapers and television channels.

In October 2004 she won her case against the director of the Press Service of the Republic of Adygheya Department of Sentence Enforcement. As of the end of 2004, the other complaints she lodged had not been brought to trial.

*Repression against the Kazan Human Rights Centre and its members - Tatarstan*⁷⁵

On 5 May 2004, members of the Security Division of the Ministry of the Interior asked for a copy of a report published by the Kazan Human

⁷⁴ See report of the international fact-finding mission *Russia: Human rights Defenders faced with the 'Dictatorship of Law'*, September 2004.

⁷⁵ See urgent appeal RUS 001/0604/OBS 045.

Rights Centre (KHRC), entitled *Torture in Tatarstan, Facts and Figures*, to be forwarded to the Ministry for editing prior to publication.

On 6 May 2004, the KHRC held a press conference for launching another report entitled *The Law and Its Victims, Torture in Tatarstan*, released jointly with Khater, a publishing company. This report is a compilation of articles that were published on human rights violations perpetrated by the Tatarstan police, and based on 140 complaints filed between April and May 2004. Pressure was put on local journalists attending the conference to limit dissemination of the report. On 7 May 2004, the second broadcast of the press conference held on 6 May was cancelled, while it had already been broadcast in the previous evening during the *Time of Kazan*, a programme on television channel *Varian T*. The cancellation by the channel's managers was justified by the journalist's and chief editor's alleged lack of objectivity.

On 13 May 2004, the Ministry of the Interior opened a judicial inquiry into fraudulent use of Khater's logo, on the basis of a complaint filed by Khater, which denied being associated with the publication of the book. Several days earlier, however, Khater had informed KHRC that they had encountered "problems" relating to the publication of the book. On 1 December 2004, the Arbitration Court of the Republic of Tatarstan dismissed Khater's complaint.

Within the framework of this investigation, the Office for the Fight against Economic Crime (OFEC) of the Ministry of the Interior, started auditing KHRC's accounts on 14 May 2004, in the absence of the KHRC director, Mrs. **Natalia Kablova**. The audit, which covered financial documents, lists of KHRC members, as well as professional activities and family information of KHRC employees, did not reveal any irregularities.

Furthermore, on 25 May 2004, the Ministry of Justice's Head Office for the Republic of Tatarstan announced the official launch of an investigation concerning the activities of KHRC, starting on 1 June 2004. The one-day enquiry did not reveal any misappropriation of funds.

The human rights defenders working with KHRC and their families also received threats. An F-1 grenade was found near the apartment door of Mr. **Vladimir Chikov**, father of the former KHRC president Mr. **Pavel Chikov**. Mr. Vladimir Chikov had also been contacted by the Office of Economic Crime Department on 17 May 2004, in connection with the audit of KHRC accounts.

An investigation into the presence of the grenade was opened and then suspended *sine die*, since the instigators could not be identified.

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On 27 May 2004, KHRC premises were broken into and ransacked after a press conference denouncing the harassment of KCHR was organised jointly by KHRC, the Nizhny Novgorod Committee Against Torture and the Civil Verdict Foundation. Two men wearing masks and gloves broke into the premises, destroyed computers, a scanner and a television set, and then fled.

An official inquiry was opened and then suspended *sine die* as the two individuals were not identified.

*Repression against NGOs in Chechnya and Ingushetia**The Society of Russian-Chechen Friendship targeted⁷⁶*

- Abduction, torture and extrajudicial execution of Mr. Aslan Sheripovich Davletukaev⁷⁷

On 10 January 2004, Mr. **Aslan Sheripovich Davletukaev**, a volunteer with the Society of Russian-Chechen Friendship (SRCF), who had been investigating human rights violations in Chechnya since 2000, was abducted from his home in the village of Avtury in Shali Region, Chechnya, by around 50 soldiers from the Russian armed forces.

On 16 January 2004, Mr. Davletukaev's body was found by the roadside by a Russian army patrol, near the city of Gudermes. His body showed evidence of torture and mutilation. His arms and legs were broken, and there was evidence of wounds caused by a blunt metal object. Mr. Davletukaev was killed by a bullet in the head.

Two criminal inquiries were opened. The Shali Prosecutor opened an investigation into Mr. Davletukaev's abduction, whereas the Gudermes Prosecutor opened an enquiry into his murder. The two investigations were merged and then suspended *sine die* in August 2004, since the perpetrators could not be identified.

- Threats against Mr. Imran Ezhiev⁷⁸

Mr. **Imran Ezhiev**, president of the SRCF Information Centre in the Northern Caucasus and regional coordinator of the Moscow Helsinki

⁷⁶ See Annual Report 2003.

⁷⁷ See Urgent Appeal RUS 001/0104/OBS 006.

⁷⁸ See Urgent Appeals RUS 001/0303/OBS 012.1 and 012.2.

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Group, came under tighter surveillance in January 2004. He was constantly followed, and his home and office in Ingushetia were permanently watched by four vehicles without registration plates. The surveillance was mainly related to his enquiry into the murder of Mr Davletukaev.

On 29 January 2004, Mr. Ezhiev, accompanied by Mr. **Khamchiev Kuchiev** and Mr. **Adlan Ibragimov**, two other SRCF members, were arrested by a group of armed men wearing military uniforms, as they were driving to meet Mrs. Ella Pamfilova, head of the Presidential Human Rights Commission, in order to visit Chechen refugee camps in Ingushetia. They were then taken to the police station in Sunzhenskoye, in the village of Sleptosovskaya, Ingushetia, where Mr. Ezhiev was violently beaten up and threatened with death. In addition, one of the policemen offered to release them if they "confessed" several unsolved thefts. In the end, they were released later in the day on Mrs. Pamfilova's request.

When Mr. Ezhiev tried to file a complaint for arbitrary detention with the Ingush Ministry of the Interior on 5 February 2004, Mr. Alayaludin Kutyeu, Vice-Minister of the Interior, told him that the police had complied with the law that stipulates that only State representatives are entitled to visit refugee camps.

In March 2003, Mr. Ezhiev had been abducted in Chechnya by masked individuals while investigating human rights violations. He had been released after three days of detention as a result of international pressure⁷⁹.

- Hampering dissemination of SRCF newspaper

On 11 March 2004, after the Territorial Division of the Ministry of Communication filed a complaint against the newspaper *Pravozaschita*, published jointly by the Nizhny Novgorod Human Rights Society and SRCF, officers from the financial crime investigation division of the Nizhny Novgorod regional police seized 5,000 copies of the newspaper from the Riyad Balakhna printing company. The police officers presented a search warrant for the printers' storage facilities and completed a declaration of temporary seizure of all equipment and financial documents. The newspaper covers events in Chechnya and this particular

⁷⁹ See Annual Report 2003.

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edition contained articles criticising the action of the Russian authorities, notably that of President Vladimir Putin in Chechnya.

In May 2004, the Sovietsky District Court in Nizhny Novgorod ruled on the territorial division's complaint, accusing the newspaper of failing to provide the full names of the newspapers' founders, and sentenced the editor-in-chief to a fine of 500 roubles (13 euros). The Court ruled that the seized copies should be returned, which was done several days later.

- Illegal search and arbitrary detention⁸⁰

On 12 July 2004, police officers entered SRCF premises in Karabulak, Ingushetia, without a warrant. More than 20 armed men searched the third floor of the building, while other officers guarded the entrance, including the chief of police of the Republic of Ingushetia, Mr. Ruslan Khamkhjoyev. The police confiscated computer equipment and documents (testimony of victims of human rights violations by the Russian federal forces in Chechnya, the names of the suspects and the details of vehicles used for abductions), before making the people present sign a blank document, evidently a search warrant.

Shortly afterwards, armed men found two empty jars of powder and Mr. **Khamzat Kuchiyev**, SRCF correspondent who was in the premises, was taken to the Department of Internal Affairs of Karabulak on suspicion of "terrorist activities". Mr. Kuchiyev was released the same day, after Mrs. Pamfilova called the President of Ingushetia, on Mr. Ezhiev's request. Mr. Ezhiev was advised not to file a complaint about these events.

However, the SRCF lodged a complaint with the Ingushetia and Karabulak Prosecutors' offices, denouncing the illegality of the search of 12 July 2004, the arbitrary detention of Mr. Kuchiev and the fabrication of evidence. Mr. Ezhiev expressed his fear that the jars of powder had been placed in their office deliberately by the police.

At the end of 2004, no official investigation had been opened.

Abduction of Mrs. Fatima Gazieva and Mr. Ilyas Ataev⁸¹

On 3 September 2004, Mrs. **Fatima Gazieva**, co-founder of the human rights organisation Echo of War, and her husband Mr. **Ilyas Ataev**, were

⁸⁰ See Urgent Appeal RUS 004/0704/OBS 059.

⁸¹ See Urgent Appeals RUS 005/0904/OBS 067 and 067.1.

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abducted by armed men in Kalinovskaya, Naur Region, Chechnya. They were taken to Shelkovskaya district, then to the military base in Hancala. While being detained, Mrs. Gazieva was questioned about her activities at Echo of War. She and her husband were released the next day.

Harassment of members of Memorial in Nazran⁸²

In February 2003, an armed group went to the permanent address in Grozny of Mrs. **Libkhan Bazaeva**, one of the directors of Memorial's office in Nazran, Ingushetia, to find her. The house had been bombed in October 1999 by the Russian air force and is inhabitable since then. On two different occasions - in October and November 2003 - a group of masked men broke into Mrs. Bazaeva's family home in Grozny, and terrorised the people present. Not having found Mrs. Bazaeva, they left again. The many letters that Memorial had sent to the Russian authorities asking for an inquiry into the attacks at her family home since October 2003 had received no positive reply.

In October 1999, the column of Chechen refugees, with which Mrs. Bazaeva and her family were travelling, was bombed by the Russian air force and Mrs. Bazaeva lost all her possessions. When the inquiry into the bombing was closed for lack of results, Mrs. Bazaeva referred the matter to the European Court of Human Rights (ECHR). In January 2003, her complaint was judged admissible; the first hearing took place on 15 October 2004.

SERBIA-MONTENEGRO**Harassment of the Helsinki Committee for Human Rights in Serbia⁸³**

On 26 March 2004, the offices of the Helsinki Committee for Human Rights in Serbia (HCHR), based in Belgrade, were searched by

⁸² See Annual Report 2003 and Letter to the Prosecutor General of the Russian Federation, 11 May 2004.

⁸³ See Open Letter to the authorities of Serbia-Montenegro, 5 May 2004.

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the military police on an order issued by the magistrate M. Vuk Tufegdžic.

During the search, copies of the book *Military Secret* were seized. The book contains the minutes of the meetings of the Supreme Military Council from 1999 - 2000 on the activities carried out by the Government of the Federal Republic of Yugoslavia against the opposition. At the end of 2004, the confiscated books had still not been returned.

The author of the book, Mr. **Vladan Vlakovic**, was charged with "divulging military secrets" (art. 224§1 and § 2 of the Criminal Code) and placed under temporary detention on 18 March 2004, immediately after the publication of his book. Although he was set free on 16 April 2004, the formal charges brought against him were not lifted. In late 2004, the case was part of the case brought against General Perisic, an opponent of the Government who was accused of revealing confidential information to members of the US armed forces.

Kosovo: a forbidden subject*Defamation of NGOs⁸⁴*

Following the resurgence of violence in Kosovo in March 2004, a defamation campaign was launched in a certain number of newspapers and television channels against some female members of human rights NGOs. Mrs. **Natasha Kandic**, director of the Humanitarian Law Centre (HLC), Mrs. **Sonja Biserko**, director of the Helsinki Committee for Human Rights, Mrs. **Biljana Kovacevic**, director of the Committee of Jurists for the Protection of Human Rights, and Mrs. **Borka Pavicevic**, director of the Centre for Cultural Decontamination were all personally attacked after having accused the Government of Serbia and the police of being the instigators of the violence. They were all accused of dealing in politics and of having no compassion for the Serbs who were also victims of violence in Kosovo; they were called "unpatriotic". On 28 March 2004, Mr. Vojislav Kostunica, the Prime Minister of Serbia, declared on the television station *BK TV* that it was because of NGOs that Serbia had a poor image.

⁸⁴ See Open Letter to the authorities of Serbia-Montenegro, 28 September 2004.

This hostile attitude was also directed to journalists who exposed human rights violations. On 28 March 2004, a bomb was found under a vehicle belonging to a team of television journalists working for the independent television station *B92*. They had just come back from Kosovska Mitrovica in Kosovo, where they had been covering the violence that had led to the death of approximately 30 people.

*Assault and threats against Mrs. Svetlana Djordjevic*⁸⁵

On 27 June 2004, Mrs. **Svetlana Djordjevic**, a journalist specialised in Kosovo, was assaulted in her home in Vranje, by a masked assailant who poured a liquid substance into her mouth, injected her with an unknown substance and threatened her with death if she did not publicly state that what she had written was not true. The assailant left her unconscious with a red rose in her hand, the symbol of the former Serbian secret service. He told that she "had fifteen days to publicly state, on channel *B92*, that everything [she] had written or said was a lie." He added that it was a "warning", that "[they] did not play around and would be back". Mrs. Djordjevic was then taken to the hospital.

Mrs. Djordjevic is the author of a book entitled *Witness Reports on Kosovo*, which was published by HLC in July 2003. The book describes human rights violations committed by the Kosovo police in 1998 and 1999 (expulsions, ill-treatment, the executions of Albanian civilians and the burning down of their homes). The book lists the names of the persons who carried out these acts.

After the attack, Mrs. Djordjevic left her home in order to protect her family and requested special protection from the police. The members of the police force who were assigned to protect her were however the same people who accused her of treason. The situation continued to worsen, forcing Mrs. Djordjevic to leave her home. She was living in hiding since the latter part of 2004.

⁸⁵ *Idem*.

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TURKEY**Legislation on freedom of association⁸⁶**

2004 was marked by many changes in the legislation relative to freedom of association.

At the beginning of the year, two particularly restrictive circulars were issued. The first one, dated January 2004, stipulated that associations and foundations would only be given provisional authorisation to collaborate with foreign organisations. Moreover, each year, organisations have to furnish authorities with a description of all of the activities they have undertaken with foreign organisations. Public meetings attended by foreigners have to be reported to the General Directorate for Security. The second circular, published in May 2004 by the General Directorate of Foundations, stipulated that foundations were required to request authorisation to participate in calls for projects financed by international organisations, including the European Commission.

Both circulars were issued despite the fact that draft legislation on associations was being debated by Turkish Parliament. New Law No. 2953, went into force on 22 November 2004 and constitutes a major step forward for Turkish associations and foundations. The restrictions put into force by the circulars were to be revised early in 2005, for the purposes of compliance with new legislation.

The main changes brought about by Law No. 2953 are as follows:

- Acknowledgement of the right of all persons, including moral persons - except the members of the Turkish armed forces, security officers and civil servants in certain circumstances - to found an organisation; the need for prior authorisation no longer applies.
- Prior authorisation is no longer required to open branches of an organisation abroad, to become affiliated with a foreign organisation or to meet with foreigners.
- Local authorities no longer have to be informed of general assemblies.

⁸⁶ *Idem.*

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- Governors have to issue warnings before starting legal proceedings against organisations.
- Local law enforcement agencies are not allowed to enter the premises of organisations without prior authorisation from the courts.
- Authorisation is no longer required to receive funds from abroad, although district governors have to receive prior notification.
- Criminal sanctions against organisations for "breaching" their statutes have been lowered.

However, the new Criminal Code described as "Euro-compatible" by the European Commission, and approved in September 2004 will go into force in April 2005 and it still contains repressive provisions that may affect human rights defenders. In particular, article 302 comprises most of the provisions of article 159 of the former Code, which has been widely criticised and used as the basis for legal proceedings against human rights defenders on numerous occasions. Article 302 provides for prison sentences for "insulting the Turkish identity, the Government and military institutions". Article 306 provides for long sentences for activities against "national interests". Article 216 was written in the spirit of the amendment introduced in 2002 to article 312, stipulating that a person can only be punished for "inciting hate" in cases where his words constitute "clear and imminent danger". However, human rights defenders continued to be charged on the basis of the amended article, as can be seen from the case of the organisation Gök-Der, described below.

The IHD and its members targeted

Headquarters and the Ankara Branch

Search of IHD's Ankara premises⁸⁷

On 6 March 2003, the headquarters of the Human Rights Association (IHD) in Turkey and the offices of their branch in Ankara were raided by the special anti-terror forces on instructions from the

⁸⁷ *Idem.*

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Security Court, as part of a preliminary investigation and proceedings for "aiding an illegal organisation" (article 169 of the Criminal Code).

In 2004, after having examined the documents seized, the prosecution office of the State Security Court decided that the case did not fall under the jurisdiction of the Court and the case was referred to the ordinary Prosecutor's general office. The case was dismissed and closed.

Proceedings against 46 members of IHD Board of Directors⁸⁸

46 members of the IHD Board of Directors who had been charged with "possession of prohibited documents" (article 526/1 of the Criminal Code), following a police raid on organisation's premises in January 2001, appealed to the High Court after having been sentenced to pay a fine of 249,130,000 Turkish liras (146 euros) each. In 2004, the High Court accepted their appeal and they were acquitted.

*Istanbul Branch**Harassment of Mrs. Eren Keskin⁸⁹*

On 14 October 2004, the court issued an arrest warrant for Mrs. **Eren Keskin**, a lawyer and former president of the Istanbul branch of the IHD. The arrest warrant was issued after she failed to provide the judge with a statement in a case dating from July 2002, in which she is accused of "inciting hatred" (article 312 of the Criminal Code). At the end of 2004, this arrest warrant had still not been revoked.

Besides, on 8 April 2002, following a speech made in Germany during which she described how women in Turkish prisons were the victims of sexual assault, Mr. Fathi Altayli, a journalist, said on the radio that he would willingly sexually assault her. Mrs. Keskin lodged a complaint. In March 2004, the Sisli Criminal Court of First Instance N°3 sentenced Mr. Altayli to pay a fine of 500 billion Turkish Lira (292 euros).

Mrs. Kiraz Biçici sentenced⁹⁰

The conviction against Mrs. **Kiraz Biçici**, head of the Istanbul Branch of the IHD, was revoked at the end of 2003. Mrs. Biçici was sentenced to

⁸⁸ See Annual Report 2003.

⁸⁹ *Idem.*

⁹⁰ *Idem.*

a 45-month prison term for "providing support to various illegal organisations, including the PKK", in an interview that was retransmitted on *Media TV*, during which she spoke about type F prisons⁹¹.

*Bingöl Branch*⁹²

Mr. **Ridvan Kizgin**, president of the Bingöl Branch, and Mr. **Fevzi Abkulut**, secretary of the same branch, were acquitted of breaking the law on demonstrations (Law No. 2911). They had been arrested for attending, as observers, a press conference organised by the Kurdish party HADEPP in 2002. They were held for two months. Despite the acquittal, the members of the Bingöl branch of the IHD were still under pressure from the authorities and Mr. Kizgin still had 35 charges pending against him as of the end of 2004.

*Diyarbakir Branch*⁹³

On 21 June 2003, during a demonstration organised in the Benusen quarter of Diyarbakir, certain representatives of human rights organisations took the floor and made reference to their commitment to a peaceful and democratic solution to the Kurdish conflict as well as general amnesty for militants in prison.

Following these events, the State Prosecutor of the Republic of Diyarbakir opened a judicial investigation. The heads of human rights organisations were heard by law enforcement authorities and brought before the State Security Court in Diyarbakir.

On 27 April 2004, the Observatory appointed a *chargé de mission* to serve as an observer during the trial of Messrs. **Selahattin Dermitas**, president of the Diyarbakir Chapter, **Ali Önc**, spokesperson for the Platform for Democracy in Diyarbakir, and **Nejdet Atatay**, member of the Platform. They had all been accused of violating article 312-2 of the Criminal Code, "inciting hatred and animosity".

⁹¹ Type of prisons built in 2000 where prisoners are kept in absolute solitary confinement.

⁹² See Annual Report 2003.

⁹³ See Annual Report 2003 and Report of judicial observation mission, *Turkey: two human rights defenders face trial*.

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On that date, due to the absence of the State Prosecutor, the presiding judge decided to provide the prosecution with a copy of the arguments to that he could reply. The judge also asked the Prosecutor for additional information.

On 25 May 2004 the court reached a verdict, acquitting Mr. Dermitas and the other two co-defendants.

Legal proceedings against HRFT members*Charges brought against the members of the Board of Directors of the HRFT⁹⁴*

On 28 July 2003, the General Directorate of Foundations started legal proceedings before the Ankara Civil Court of first instance against nine members of the Board of Directors of the Human Rights Foundation in Turkey (HRFT). Charges were filed against Messrs. **Yavuz Önen**, president, **Selim Olcer**, secretary general, **Sabri Dokuzoguz**, treasurer, and **Mehmet Vurale**, **Mustafa Cinkilic**, **Gunseli Kaya**, **Sukran Irencin**, **Okan Akhan**, **Sedat Aslantas**, members.

The members of the Foundation were all formally accused of:

- collecting donations on the Internet without prior authorisation;
- translating into English and circulating to the international community the "Special Report on the Problem of Prisons in Turkey", drawn up by the Foundation's documentation centre;
- turning over documents on forced disappearances and summary executions in Turkey to the United Nations Special Rapporteur on extra-judicial, summary and arbitrary executions;
- turning over documents on type F prisons and on police operations in prisons in December 2000 to the Rapporteur on Turkey in the European Parliament;
- transmitting to the Human Rights Commissioner of the Council of Europe an evaluation report assessing the human rights situation in Turkey, and providing information on forced migration.

On 9 March 2004, the Civil Court of the first instance No.5 in Ankara heard the case. Because the Directorate, who had started the

⁹⁴ See Annual Report 2003.

proceedings, was not present at the hearing, the Court ruled to close the case on the basis of article 409/5 of the Code of Judicial Procedure. As the plaintiff did not appeal the ruling within the three months provided for by the law, the case was definitely closed.

*Charges brought against Mr. Alp Ayan*⁹⁵

On 10 December 2003, the Observatory had appointed an observer at the trial of Mr. **Alp Ayan**, a psychiatrist and member of the HRFT Centre for the Rehabilitation Victims of Torture in Izmir, before the Izmir High Criminal Court. The Court had decided to postpone the trial to 3 March 2004, so as to hear testimony from new witnesses and from a woman who had also been indicted. Mr. Alp Ayan was charged with "insulting the Ministry of Justice" (article 159 of the Criminal Code), in a statement he made to the press on 10 February 2001, during which he spoke out against a police operation carried out against prisoners on 19 December 2000 that led to the death of 32 people.

On 26 April 2004, the Court acquitted Mr. Alp Ayan.

*Charges brought against Mr. Alp Ayan and Mrs. Günseli Kaya*⁹⁶

The Observatory appointed a *chargé de mission* to act as an observer during the trial of Mr. **Alp Ayan** and Mrs. **Günseli Kaya**, both members of the HRFT. They were brought before the Aliaga Criminal Court of first instance on 26 January 2004. Charges were brought against them, and others, on the basis of articles 32-1 and 32-3 of Law 2911 relative to meetings and demonstrations, for "using violence to resist law enforcement officers" during the funeral of Nevzat Ciftci, a prisoner killed during police operations on 30 September 1999. They had been attacked by a group of policemen who wanted to keep them from attending funeral services. Sixty-nine persons had been arrested, and 14 persons, among them M. Alp Ayan and Mrs. Günseli Kaya, had been placed in custody pending trial for four months. The trial date was moved forward to 13 February 2004.

⁹⁵ See Press Release, 15 December 2003.

⁹⁶ See Open Letter to the Turkish authorities, 30 January 2004 and Press Release, 16 February 2004.

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On that date, and after a trial that lasted four years, Dr. Alp Ayan was sentenced to a prison term of 18 months and one day. Mrs. Günseli Kaya, and 28 other persons under indictment, were sentenced to a prison term of 18 month. Mr. **Adnan Akin**, who had also been indicted, was sentenced to a three-year prison term. All of the others were acquitted. At the end of 2004, the case was still pending before the highest court of appeals.

Legal proceedings against Messrs. Alp Ayan and Mehmet Barindik

On 10 June 2002, Messrs. Alp Ayan and **Mehmet Barindik**, an executive member of the trade union LIMTER-IS, had been sentenced to prison terms of one year and one day and one year, respectively, on the basis of article 159 of the Criminal Code. The case was referred to the Supreme Court for evaluation of some expressions used in the press release that both men had read in public, with respect to the amendments made to article 159, on 2 August 2002. Criminal Chamber No.9 of the Supreme Criminal Court had reversed the decision made by Izmir Criminal Court No.4. On 19 June 2003, during the hearing, the prosecution requested for an acquittal because the expressions that had been used could not be described as "criticism". The court, however, maintained the one-year prison term to which both human rights defenders had been sentenced and the case was referred back to the Supreme Court.

The Supreme Court referred the case back to the Izmir Criminal Court who then acquitted both human rights defenders on 16 September 2004, on the basis that the statements they had made did not violate the amended 2002 version of article 159.

Legal proceedings against Messrs. Alp Ayan and Ecevit Piroglu⁹⁷

The Observatory appointed a *chargé de mission* to act as an observer during the trial of Mr. Alp Ayan and Mr. **Ecevit Piroglu**, former member

⁹⁷ See Annual Report 2003 and *Report of the judicial observation mission, Turkey: two human rights defenders face trial.*

of IHD Izmir Branch, which was held on 26 April 2004 before the Izmir Criminal Court of first instance. They stood accused of "insulting the armed forces and the Minister of Justice", in connection with a statement they had published in February 2001, protesting human rights violations committed by the police in Type F prisons. Both men were acquitted.

Legal proceedings against Mr. Yavuz Önen

On 24 September 2003, the office of the Izmir State Prosecutor appealed to the Highest Court of Appeals, asking the Court to quash the decision of the Izmir Criminal Court of the first instance that acquitted Mr. **Yavuz Önen**, president of the HRFT. Mr. Önen had been sentenced to a prison term and a fine - the sentence was subsequently commuted to a heavy fine - on 27 March 2001 for having expressed his indignation with respect to the charges brought against Mrs. Kaya and Mr. Ayan in an article published in the daily *Cumhuriyet* on 19 January 2000. He had been acquitted by the Izmir Criminal Court of first instance on 23 September 2003 after having entered an appeal.

The trial was still underway at the end of 2004.

Conviction of the president of GÖC-DER⁹⁸

Mrs. **Sefika Gürbüz**, president of the Turkish NGO GÖC-DER (Immigrants for Social and Cultural Co-operation), and **Mehmed Barut**, member of GÖC-DER were charged, under article 312/2 of the Turkish Criminal Code, with "inciting hostility and hatred on the basis of class, race, religion, beliefs, and regional origin". The charges were brought for statements made during a press conference organised by GÖC-DER in April 2002 for the presentation of a report on the forced displacement of the Kurdish population.

On 19 January 2004, the Observatory appointed a *chargé de mission* to act as an observer during the trial, which was brought before the State Security Court in Istanbul. The Court sentenced Mrs. Sefika

⁹⁸ See Press Release, 21 January 2004.

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Gürbüz, to a fine of 2,180 million Turkish liras (1,280 euros). Mr. Mehmet Barut was acquitted.

The court convicted Mrs. Sefica Gürbüz despite the fact that the amendment made in August 2002 to article 312/2 restricted its application. Since that date, no one can be convicted on the basis of this article unless the incitement in question risks endangering the peace and public order.

Mrs. Sefica Gürbüz appealed the decision to the highest appellate court (Cour de cassation).

At the conclusion of 2004, the case was still pending.

TURKMENISTAN

Continued harassment of Mrs. Natalia Shabunts⁹⁹

On 26 August 2004, members of Special Services did not allow Mrs. **Natalia Shabunts**, director of the human rights NGO Civic Dignity, to board a plane for northern Turkmenistan, where she was to participate in a seminar organised by the US organisation Consortium International. No explanation was provided.

On 27 August 2004, Mrs. Shabunts filed a complaint with the Ministry of National Security and requested that her name be taken off the "black list", a list of persons who are not allowed to travel freely inside of Turkmenistan or abroad.

In September 2004, reacting to international pressure, the authorities decided to allow Mrs. Shabunts to travel abroad but maintained restrictions concerning travel inside Turkmenistan.

⁹⁹ See Annual Report 2003.

UNITED KINGDOM

Progress on the investigation into the murders of Mr. Patrick Finucane and Mrs. Rosemary Nelson¹⁰⁰

On 21 January 2004, the High Court of Justice in Belfast admitted the application of the families of Mrs. **Rosemary Nelson** and Mr. **Patrick Finucane** to reverse the decision of the Secretary of State for Northern Ireland, Mr. Paul Murphy. On October 2003, Mr. Murphy had refused to make public the report by Canadian judge Peter Cory, mandated by the British and Irish Governments to inquire into collusion between members of the British security forces and Northern Irish paramilitaries in the murders of Mrs. Rosemary Nelson and Mr. Patrick Finucane¹⁰¹.

Judge Cory's report, which recommended in particular the opening of a public inquiry into the two murders, was finally made public on 1 April 2004. At the same time, the British Government announced its determination to appoint a panel as soon as possible to inquire into the murder of Mrs. Nelson. However, they refused to open a public inquiry into the murder of Mr. Finucane.

On 16 November 2004, Mr. Murphy announced the members of the panel that would inquire into the murder of Mrs. Nelson. The Secretary of State declared that the "inquiry will have full powers to compel disclosure of documents and attendance of witnesses". He added that the panel would start working as soon as possible.

Concerning the Finucane case, the Government agreed to re-examine the case once the trial in progress is over, contrary to Judge Cory's recommendations and although a legal decision of October 1999 establishing that a criminal trial in progress should not prevent a public inquiry into collusion by the British security services.

¹⁰⁰ *Idem.*

¹⁰¹ Mrs. Nelson, a lawyer and member of the Committee on the Administration of Justice (CAJ), was murdered on 15 March 1999 in Lurgan, Northern Ireland. Mr. Finucane, a lawyer known for his views in favour of human rights, was murdered in Belfast in 1989.

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In this respect, the trial of Mr. Kenneth Barrett, a suspect arrested in 2003, began on 13 September 2004. On 16 September 2004, after pleading guilty from the opening of the trial, the accused, a former loyalist paramilitary, was given a life sentence for the murder of Mr. Finucane.

On 23 September 2004, although there was no longer any obstacle to opening a public inquiry, the Secretary of State for Northern Ireland announced that an inquiry would be opened only on the basis of a new law that would have to be passed by Parliament and not on the basis of the law that usually governs public inquiries (Tribunal of Inquiry Act /1921).

On 26 November 2004, the British Government released its Inquiries Bill. The bill has been strongly criticised because it severely restricts the independence of public inquiries. Indeed, the Government, and no longer the Parliament, has oversight of public inquiries and the text gives the Government the power to define the mandate of an inquiry, to appoint the presiding judge, to close some hearings to the public, and to prevent the publication of evidence or of the inquiry's findings. Mr. Finucane's family has announced that they will not collaborate in an inquiry based on such a law.

UZBEKISTAN**Restrictive legislation on freedoms of association and expression¹⁰²***Additional registration procedures*

In December 2003, a decree was passed requiring international NGOs working in Uzbekistan to register with the Ministry of Justice and the Ministry of Foreign Affairs by 1 March 2004. The deadline was subsequently extended to 1 April 2004. Previously, accreditation with the Ministry of Foreign Affairs was sufficient. According to the Uzbek

¹⁰² See Open Letter to the Uzbek authorities, 13 August 2004.

authorities, this is the enabling decree for the law on NGOs and non-commercial organisations passed in May 1999, which stipulates, in Article 21, that "international NGOs (...) must be registered with the Ministry of Justice of the Republic of Uzbekistan". The authorities justified the adoption of the decree by the growing number of international NGOs in Uzbekistan and by the need to combat terrorism.

Another decree, which came into force on 27 May 2004, stipulates that NGOs working to defend women's rights must now register with the governmental Committee for Women's Affairs, under the authority of the Vice Prime Minister, by 1 November 2004. The decree does not list any criteria for the registration of NGOs that must comply with this measure, nor the reasons for this campaign.

Restrictions on NGOs' funding

In February 2004, a decree was passed, which requires all NGO funds from foreign donors to be transferred to the National Uzbek Bank or Asaka Bank. Furthermore, NGOs must now obtain prior approval from the Government to access their funds.

Restriction on NGOs' freedom of expression

In February 2004, the definition of the crime of treason, provided for by Article 157 of the Criminal Code, was extended to include the "dissemination of secret information to organisations". This Article could be used as an instrument of repression against human rights defenders.

On 11 June 2004, the Government signed a decree requiring NGOs to obtain approval from the authorities for all their publications.

Closure of the Tashkent branch of the Open Society Institute¹⁰³

On 14 April 2004, the authorities closed the Tashkent branch of Open Society Institute (OSI). The Ministry of Justice refused to renew OSI's accreditation on the basis of the decree passed in December 2003, obliging international NGOs working in Uzbekistan to register with the

¹⁰³ See Open Letter to the Uzbek authorities, 26 May 2004.

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Ministry of Justice and the Ministry of Foreign Affairs by 1 March 2004 (see above), particularly for the reason that the material distributed to Uzbek universities "discredited the Government's policies".

Violence against members of HRSU / Hampering freedom to demonstrate peacefully¹⁰⁴

One week before a peaceful demonstration planned for 1 June 2004 near the premises of Uzbek television, to protest against the impunity enjoyed by representatives of the police force, Mr. **Bakhodir Tshriev**, a member of the Human Rights Society of Uzbekistan (HRSU) in the city of Chakhrisabz, Kachkadarin region, and organiser of the demonstration, was stopped by four individuals, who forced him out of his car and violently beat him up. He lost consciousness and spent two weeks in hospital in a serious condition. Once he returned home, Mr. Tshriev was placed under de facto house arrest. Every time he went out, he was immediately taken to the police station by officers standing guard outside, even though no warrant was ever shown to him.

On 15 October 2004, between 25 and 30 people met in front of the regional administration building in Djizak to peacefully demonstrate against human rights violations (beatings, arbitrary arrest and detention) committed against farmers in the region by the police and representatives of the local authorities. A group of 50 people in plain clothes, including Messrs. Ergashev and Mamatkul, directors of collective farms and State farm enterprises, with prior assault convictions, surrounded the demonstrators. They cornered them near a fountain, grabbed several posters, tore them up and threw them into the fountain. Some of the demonstrators were beaten, including the children of one farmer currently in custody. Instead of stopping the violence, the police who were there arrested some of the demonstrators. Mr. **Bahtier Hamraev**, president of the regional branch of HRSU in Djizak, Mr. **Djuma Hazratov**, president of the regional branch of HRSU in Arnasai, and Mr. **Mamaradjab Nazarov**, president of the regional branch of Ezgulik, a human rights NGO based in Zarbdorskiy, were arrested for infringing

¹⁰⁴ See Open Letter to the Uzbek authorities, 28 October 2004 and urgent appeal UZB 001/1204/ OBS 092.

Article 201(violent demonstrations) of the Administrative Code, and taken to the police station in Djizak, where they were questioned. They were released the same day.

On 5 November 2004, a representative of the Tashkent police warned Mr. Tolib Yakubov, president of HRSU, that the organisation should cease its activities or be disbanded.

On 20 November 2004, Mr. Tolib Yakubov notified the regional Prosecutor in Djizak that a demonstration would be organised on 29 November 2004 in front of the Djizak regional administration building, to protest against the impunity enjoyed by the police and the judicial authorities, and against the arbitrary nature of certain judicial inquiries opened by the Prosecutor's office.

On 28 and 29 November 2004, representatives of the regional administration building went to Mr. and Mrs. Yakubov's home to persuade them to cancel or postpone the meeting.

On 29 November 2004, as Mr. and Mrs. Yakubov were heading to the demonstration, their car was stopped by police officers stationed near their home. The car keys and posters were seized. As they were walking towards the Prefecture, they were assaulted by two men. Mr. Yakubov was thrown to the ground and violently beaten. One of the men took all Mrs. Yakubova's remaining posters.

Mr. Yakubov finally managed to get up and join the demonstration. All the surrounding streets had been closed off. Mr. Yakubov asked for permission to meet the regional Prosecutor, and was able to speak with him outside the regional administration building. In particular, Mr. Yakubov asked the Prosecutor why some of the complaints he had filed concerning human rights violations had not been taken into account by his office. The Prosecutor left without answering.

In the evening of 29 November 2004, the Yakubovs' home was placed under surveillance by the military.

On 7 December 2004, as Mr. Yakubov and his son, Mr. **Olim Yakubov**, were walking to the now daily demonstration in front of the Djizak regional administration building, they were stopped by Mr. Karim Soatova, president of the Djizak Council of Elders. More than 100 people in plain clothes, on the orders of Mr. Soatova, surrounded them and threatened them verbally, insulting them and asking them not to take part in the demonstration. These people then took Mr. Yakubov and his son to the premises of the local administration where they were asked to explain the purpose of the

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demonstration. The people present told them they were "a disgrace to the Uzbek people".

On 7 and 8 December 2004, the demonstration was interrupted after Mr. Ravcham Mouchitdinov, Prosecutor for Djizak region, agreed to discuss the issue of arbitrary detentions. On 9 December 2004, Mr. Mouchitdinov met Mr. Yakubov, but the situation was not resolved and Mr. Yakubov decided to organise more demonstrations.

On 10 December 2004, five members of HRSU, Mr. Talib Yakubov, Mr. Olim Yakubov, Mr. **Mamir Azimov**, Mrs. **Hurshida Togaeva** and Mrs. **Saida Kurdonova**, as well as Mrs. Gulsora Ubaidullaeva and Mrs. Mavjuda Sultonova, gathered to demonstrate. Mrs. Julia Kim, an employee of the American embassy, was present to observe the demonstration. However, as soon as she left, a group of men and about 10 women who looked like prostitutes tore up and destroyed their placards. Representatives of the Djizak administration and the Department of Internal Affairs observed the entire scene without intervening. As they tried to flee the provocation, the demonstrators were violently beaten by the women. The demonstrators rushed to the nearest police station (Police Station No.8) for help. The police station, usually always open, was shut. The women caught up with the demonstrators and beat them again.

On 11 December 2004, an inquiry was opened by the Djizak Department of Internal Affairs against the group of women who perpetrated the violence against the demonstrators. The authorities summoned several demonstrators to give evidence and undergo a medical examination, but did not actually receive them in the end.

Prosecution of Mr. Olim Yakubov¹⁰⁵

The trial of Mr. Olim Yakubov, son of Mr. Tolib Yakubov, following a complaint for beatings and injury filed by Mrs. Arzoumanyanyan in 2003, began in October 2003. The inquiry showed that Mrs. Arzoumanyanyan had been contacted by Mr. Rakhim Richov, a police officer in Tashkent, before filing her complaint. The case was closed in January 2004.

¹⁰⁵ See Annual Report 2003.

Detention of Mr. Muidinjon Kurbanov¹⁰⁶

On 16 February 2004, Mr. **Muidinjon Kurbanov**, director of the regional branch of HRSU in Zarbdor and head of the Coalition of Human Rights Organisations, was arrested after the police claimed to have found weapons, drugs and documents belonging to the Hizb-Ut-Tahir Party in his home. Everything suggests that these items had been placed in his home previously. He was accused of violating Article 248 of the Criminal Code ("possession of weapons and narcotics"). Mr. Kurbanov was unable to meet his lawyer until 19 February 2004. The lawyer denounced the strong psychological pressure on his client during custody. Mr. Kurbanov allegedly "admitted" his guilt after an interrogation by six police officers.

In March 2004, the Zarbdor Criminal Court found Mr. Kurbanov guilty and sentenced him to a fine of 272,000 sums (200 euros). The clemency of the decision can be attributed to the strong pressure of national and international NGOs and journalists. The decision is unusual as the Court usually gives up to 15 years prison sentences in similar cases of arms or drug trafficking. Mr. Kurbanov had previously been involved in defending small farmers, victims of official corruption.

On 3 September 1998, Mr. Kurbanov had been arrested by the Djizak authorities on false charges of possessing narcotics. He had been detained incommunicado for three weeks, tortured, then sentenced to three years in prison. He had been released at the end of 1998 during an amnesty.

Harassment of Mr. Tulkin Karaev¹⁰⁷

On 15 April 2004, Mr. **Tulkin Karaev**, correspondent for the *Institute for War and Peace Reporting (IWPR)* and the Iranian radio station *Voice of the Islamic Republic*, a member of HRSU and founder of the Organisation for the Protection of the Rights and Freedoms of Journalists in Uzbekistan, was threatened. The threats followed articles he wrote on anti-terrorism measures in Uzbekistan. Officers from the national security service accused him of disseminating "false information" and threa-

106 *Idem.*

107 *Idem.*

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tened to have him prosecuted if he did not cease his publications. The threats were not however acted on.

On 11 December 2004, a lieutenant from the army came to Mr. Karaev's home in Karshi. He did not give his identity, but ordered the journalist to come to the army post at 9 am. Mr. Karaev was received by three military personnel and was criticised for having met and spoken to two OSCE observers in Karshi on 10 December. The soldiers asked Mr. Karaev to write a note detailing the content of the conversation. When the journalist refused, the soldiers threatened to put drugs in his pocket, a method used frequently by the security services to fabricate charges. They then asked two people to draft a report on Mr. Karaev's refusal to obey a legal request from the military.

The soldiers then sent a note to the head of the municipal office of the Interior, stressing that they had witnessed the journalist's refusal to obey a legal request from the military.

Mr. Tulkin Karaev was taken to the office of the Ministry of the Interior in Karshi and later released.

Detention of Mr. Ruslan Sharipov¹⁰⁸

Mr. **Ruslan Sharipov**, founder of the Union of Independent Journalists of Uzbekistan, was the target of continued repression for several years for his articles denouncing human rights violations in Uzbekistan.

Mr. Sharipov was sentenced in appeal on 25 September 2003 to four years in prison after having been found guilty - after a trial marred by irregularities - of homosexual behaviour, inciting minors to engage in antisocial behaviour, and of having sexual intercourse with minors.

On 23 June 2004, after a closed hearing, the Khamzincki District Court (Tashkent region) commuted the sentence of four years' imprisonment to two years' hard labour in the penal colony of Tavaksai, in the city of Bukhara. In September 2004, before being transferred, Mr. Sharipov escaped and was granted political asylum in the United States.

On 25 November 2004, Mr. Sharipov was awarded the 2004 press freedom prize by the World Association of Newspapers (WAN).

108 *Idem.*