

EUROPE AND THE COMMONWEALTH  
OF INDEPENDENT STATES (CIS)





## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

2006 witnessed the confirmation of strong tendencies of repression aimed at reducing – sometimes drastically – the capacity of independent civil society to operate in several countries in Europe and in the Commonwealth of Independent States (CIS). The strategies used by these States, in particular in several CIS member States (*Belarus, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan*) were aimed primarily at making national laws more restrictive in relation to freedom of association, thus making it easier to control independent civil society, which was frequently considered as a threat to the maintenance of ruling powers.

Freedoms of assembly and peaceful gathering were also flouted in many countries (*Azerbaijan, Belarus, Belgium, Georgia, Kyrgyzstan, Russian Federation, Uzbekistan*), whilst freedom of expression was still the most common reason invoked for repressing human rights defenders in the region, particularly when denouncing the lack of democracy or freedoms, fighting discrimination or even denouncing corruption or torture. Similarly, activists promoting universal values faced serious reprisals by nationalist and far-right groups, while State authorities failed to provide adequate protection.

Indeed, human rights defenders were still being subjected to serious retaliation as a result of their activities. Again in 2006, human rights defenders, including Ms. Anna Politkovskaya, a renowned journalist, were killed in the *Russian Federation*, where acts of violence recur each year. Defenders were further subjected to ill-treatment and acts of torture (*Belarus, Russian Federation, Turkey, Uzbekistan*), sometimes leading to death (*Turkmenistan*), death threats (*Moldova, Russian Federation*), smear campaigns (*Azerbaijan, Greece, Kyrgyzstan*), judicial proceedings and arbitrary arrests or detentions (*Russian Federation,*

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

*Turkey, Uzbekistan*), or constraints upon their freedom of movement (*Azerbaijan, Belarus*).

### **Obstacles to freedom of association**

In *Belarus*, the situation of independent human rights organisations continued to worsen following the entry into force, in December 2005, of restrictive amendments to the Criminal Code outlawing, in particular, activities within unregistered organisations. Messrs. Nikolai Astreyko, Tsimofey Dranchuk, Aleksandr Shalayko and Ms. Enira Bronitzkaya, members of the NGO Partnership, were the first to be prosecuted on the basis of these amendments and were sentenced, in August 2006, to various terms of imprisonment. All they had done was to announce, in February 2006, the creation of an organisation to monitor the conduct of the presidential elections on March 19, 2006.

The enforcement of these amendments is particularly worrying in a country where almost every independent NGO has been deprived of its legal status, since they were closed down by court order in 2003<sup>2</sup>. In 2006, the Belarus authorities continued in this vein and notably initiated proceedings to close down the Belarus Helsinki Committee (BHC), the last legally registered independent human rights NGO in Belarus.

In the *Russian Federation*, the new Federal Law on NGOs, adopted in December 2005, entered into force on April 17, 2006. This law, which received much criticism at the time of its adoption, provides for amendments to three Russian laws, mainly to restrain the capacity of international or foreign NGOs to operate in the country, to toughen the registration conditions for NGOs and to strengthen the powers of the authorities to interfere in their activities. The decree affecting the application of this Law came into force on the same day, and in particular stipulated that foreign and international NGOs had to take steps for their re-registration before October 17, 2006. The tedious amount of administrative procedures required by the law, combined with the unhelpful attitude of the registration services, that often demanded additional paperwork that was difficult or even impossible to obtain, meant that many NGOs were refused legal recognition because they could not fulfil all the necessary conditions within the

2. See Annual Report 2005.

given time-limit. Thus, on November 15, 2006, the Dutch NGO Teaching Russian Justice Initiative, which provides legal assistance to inhabitants of the Republic of Chechnya, was denied registration for its Moscow office on grounds that the documents submitted had not been signed by a competent person and “contained errors”. The office had to suspend its activities with immediate effect until its file was re-examined. This was also the case with other organisations such as Human Rights Watch (HRW), Amnesty International (AI) and Penal Reform International (PRI), which had their activities temporarily suspended<sup>3</sup>.

Some provisions of the Law on Combating Extremist Activities, which came into force in 2002, were also used in 2006 to hinder the activities of NGOs. For example, the Russian-Chechen Friendship Society (RCFS), based in Nizhnyi-Novgorod, was closed down by court order, on grounds that it had allegedly committed an extremist act by “omitting” to publicly and formally disapprove the “extremist” acts committed by its executive director, Mr. Stanislav Dmitrievsky, who had been convicted by the Sovetsky District Criminal Court in Nizhnyi-Novgorod a few months earlier.

In addition, the new legislative obstacles to freedom of association and the ensuing exploitation of the judicial system continued to be combined with many smear campaigns, orchestrated at the highest State level, aimed at discrediting independent organisations and their members. For example, on January 22 and 23, 2006, Mr. Sergei Ignachenko, an official representative of the Federal Security Bureau (FSB), accused several human rights NGOs, including the Moscow Helsinki Group (MHG), the Nizhnyi-Novgorod Committee Against Torture, the Centre for Democracy and Human Rights and the Eurasia Foundation, of being funded by the British secret services. Similarly, on September 27, 2006, Mr. Ramzan Kadyrov, Prime Minister of the Republic of Chechnya, asserted, in an interview with the Russian news agency *Novosti*, that human rights organisations in Chechnya lacked objectivity as they only “defended terrorists” without “caring about the fate of his relatives”. Such accusations, which grant a certain legitimacy to perpetrators of violations against defenders, put them in real danger and more generally stigmatise them in the eyes of the public.

3. See Centre for the Development of Democracy and Human Rights.

In *Kyrgyzstan*, although a positive change in relations between the authorities and human rights defenders had been observed in 2005 following the “Tulip Revolution” of March 2005, these relations seem to have taken a downward turn in 2006<sup>4</sup>. Indeed, on January 24, 2006, the Minister for Justice gave special instructions to the Ministry’s registration department that investigations be carried out into all NGOs financed by international donors. The increase in financial audits, investigations or “visits” to several organisations such as the Coalition for Democracy and Civil Society or the *Kylym Shamy* association illustrated the support given to these measures. As in the Russian Federation, although to a lesser extent, these obstacles went hand in hand with the continuation – or rather the reappearance – of smear campaigns conducted at the highest official level. For example, in certain articles appearing on the website of the Kyrgyz government, *kabar.kg*, Kyrgyzstan was shown as a “victim of the networks war initiated by the pro-American NGOs which [...] are a sort of fifth column in the country”<sup>5</sup>.

In *Tajikistan*, during a round table meeting organised in Dushanbe on June 19, 2006, Mr. Sherali Jononov, a representative of the Ministry of Foreign Affairs, announced that the Bill on Associations, which had been put forward by the government on December 2, 2005, would be examined by Parliament in early 2007. This bill notably specifies that all public organisations shall re-register within two months of its coming into force. Although the law currently in force authorises NGOs to include in their objectives the exercise and defence of civil, political, social and/or cultural rights of citizens as well as participation in the creation of an independent, united, secular and democratic rule of law in the country, this new bill would limit these activities to the protection and attainment of the “public interest”. This particularly vague formulation, if restrictively interpreted, could significantly limit the scope of NGOs activities. Moreover, the bill gives strengthened discretionary powers to the registration services, which shall be entitled to: require that organisations operate in conformity with their own statutes; request internal decision-making documents; monitor NGOs activities, in which their representatives may be required to participate;

4. See Preliminary Conclusions of the Observatory International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

5. *Idem*.

and issue warnings against organisations suspected of operating in contravention with the law or their statutes. Lastly, foreign nationals and stateless persons are prohibited from founding an association or taking part in its activities if they fail to present a valid permanent residence permit. Following the introduction of this Bill, several NGOs operating in the Sogdiyskaya region were inspected by the *Prokuratura* (office of Public Prosecutor) in January and February 2006, although it was not legally authorised to carry out such controls<sup>6</sup>.

Lastly, in *Uzbekistan*, human rights defenders were still directly targeted by the wave of terror in the aftermath of the Andijan events in May 2005<sup>7</sup>. The authorities continued in 2006 to make use of this repressive context to further muzzle civil society and to suspend the activities of numerous organisations, in particular foreign ones, on the basis of restrictive laws adopted or reinforced in the past few years. For instance, the offices of the Eurasia Foundation, of Freedom House Uzbekistan and of Counterpart International were closed on February 25, March 6, and May 4, 2006 respectively, following complaints filed by the Ministry of Justice. In addition, on July 7, 2006, the HRW office was notified by the Ministry of Justice that it had committed an offence by using an unregistered logo and distributing “non-objective and tenuous” information concerning the human rights situation in Uzbekistan<sup>8</sup>. Finally, on March 17, 2006, the Ministry of Foreign Affairs ordered the closure of the office of the United Nations High Commissioner for Refugees (HCR), on the grounds that the HCR had “fully implemented its tasks” and that there were “no evident reasons for its further presence in Uzbekistan”<sup>9</sup>. In such a context, Uzbek defenders, who were subjected to a fierce repression for several years, became increasingly isolated, and their situation has, yet again, considerably deteriorated in 2006.

6. See International Centre of Non-Commercial Law.

7. On May 13, 2005, over 750 people were killed in the violent repression of a demonstration against poverty, police repression and the trial of 23 people accused of belonging to the radical Islamist movement *Akramia*. A massive wave of arrests subsequently targeted all human rights activists who had denounced this massacre at national or international levels.

8. See HRW.

9. See FIDH Press Release, March 22, 2006.

### **Collecting and disseminating information on human rights: a high-risk activity**

It remained extremely difficult and dangerous for human rights defenders operating in the region to investigate and denounce human rights violations both at national and international levels. In a number of countries, authorities notably cracked down on those exposing corrupt practices, lawyers defending clients deprived of their rights, and defenders calling for the prosecution of war criminals or for the end of the practice of torture.

In *Azerbaijan*, defenders who dared to criticise the abuses generated by the regime's policies continued to be repeatedly targeted by smear campaigns or restricted in their freedom of movement. Several defenders were also accused, within pro-government media, of defending the interests of the Armenian government and were as such deemed "traitors to the Nation", as was the case of Mr. Arif Yunusov, head of the Department of Conflictology and Migration Studies and a member of the Institute for Peace and Democracy, who had denounced corrupt practices within the Ministry of Defence. Similarly, Mr. Ilgar Ibragimoglu, coordinator of the Centre for the Protection of Conscience and Religious Freedom (DEVAMM), remained banned from travelling abroad to present evidence of the violations of religious freedoms in his country. Moreover, while attacks on the freedom of the press multiplied in 2006, independent media experienced considerable difficulties in disseminating information on human rights. In October 2006 for instance, two newspapers, *Olaylar* and *Azadlig*, were prohibited from attending the trial of a former police officer, accused, along with others, of being responsible for at least ten murders and abductions<sup>10</sup>.

In *Belarus*, the authorities continued to severely punish any criticism of the regime, in particular the denunciation of the lack of democracy and freedoms in the country. Mr. Oleg Voltchek, former president of the NGO Legal Assistance to the Population, was notably prevented from leaving the country on two separate occasions in 2006 as he was to travel abroad to testify in relation to human rights and political prisoners in Belarus. In particular, he received high fines for being in

10. See Reporters Without Borders (RSF).



possession of documents on the elections in Belarus, deemed as “a threat to the interests of the country” by the head of the KGB.

In *Kyrgyzstan*, where 2006 was marked by an upsurge in organised crime, defenders critical of the lack of political will on the part of the new authorities to combat this situation were subjected to grave reprisals, as was the case of Mr. Edil Baïsalov, president of the Coalition for Democracy and Civil Society. Those speaking out against torture were also subjected to prosecution and systematically repressed. For example, Mr. Maxim Kuleshov, coordinator of the Tokmok Human Rights Resource Centre, was prosecuted for “defamation” by a representative of the local authorities after organising a public awareness campaign against torture.

Moreover, whereas a reform Bill for greater media independence seemed to be one of the most important outcomes of the “Tulip Revolution”, attacks on the freedom of the press multiplied in 2006, in particular with the takeover of independent newspapers or television channels by individuals close to the government. This trend is all the more regrettable as it is likely to lead to a significant restriction of freedom of expression and thus to further hinder the work of human rights defenders<sup>11</sup>.

In *Moldova*, defenders who attempted to denounce violations committed by the authorities of the self-proclaimed Republic of Transnistria were subjected to a violent crackdown in 2006. Members of the Chisinau-based Moldova Helsinki Committee for Human Rights (MHC), for instance, were repeatedly targeted. In particular, its chairman, Mr. Belinschi, was ordered not to return to the region on pain of death or reprisals against his family. Similarly, several members of the human rights group *Dignitas*, in Slobodzia, were arrested and subjected to brutal interrogations, in the period preceding the referendum on the entry of the self-proclaimed Republic of Transnistria into the Russian Federation on September 17, 2006.

In the *Russian Federation*, men and women who attempted to criticise the human rights violations perpetrated by the regime of the President of the Republic, Mr. Vladimir Putin, were frequently censured, when not subjected to serious threats or physical attacks. The assassination

11. See Preliminary Conclusions of the International Fact-Finding Mission to Kyrgyzstan, from July 22 to 29, 2006.

of Ms. Anna Politkovskaya, a correspondent for the Russian biweekly *Novaya Gazeta*, on October 7, 2006, was a tragic example of the toughening of a regime that progressively silences all critical voices denouncing the crimes committed in Chechnya, the use of torture or ill-treatment within the army or even the endemic corruption.

The authorities multiplied their attempts to increase the number of possible judicial expedients to sanction dissident voices. For example, amendments to the Law on Countering Extremist Activities, adopted by the *Duma* (Lower House) on July 14, 2006 and signed by President Putin on July 27, 2006, extend the definition of an extremist act to the “public defamation of State officials of the Russian Federation or its citizens regarding the exercise of their duties or connected with this exercise”. As the Law then in force had already been widely used to silence defenders, it is a concern that these new amendments, of which human rights defenders and independent journalists would be the first victims, could be misinterpreted due to the extreme vagueness of the above definition.

In *Serbia*, negotiations for the country’s entry into the European Union were suspended in May 2006 due to the lack of cooperation of the Serbian authorities with the International Criminal Tribunal for the Former Yugoslavia (ICTY), regarding the arrest and handover of warlord Ratko Mladic. In this context, acts of intimidation and threats continued in 2006 against individuals or organisations speaking out in favour of the fight against impunity and the prosecution of war criminals.

In *Slovenia*, several defenders, mainly members of the Helsinki Monitor of Slovenia (HMS), were also prosecuted, in particular by associations of former soldiers.

In *Turkmenistan*, it remained absolutely impossible to freely lobby in favour of human rights, as all individuals inquiring into or denouncing human rights violations were systematically targeted. For example, Ms. Ogulsapar Muradova, Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev, three journalists and human rights activists, were sentenced in August 2006 to long terms of imprisonment for leading investigations into the Turkmen regime, amongst others, on behalf of foreign television channels. Ms. Muradova was found dead in her cell on September 14, 2006, and had obviously been ill-treated. On December 17, 2006, Mr. Andrei Zatakova, an environmental activist and a Council member of the International Socio-Ecological Union,

was arrested at Dashoguz airport as he was about to travel to Moscow to participate in a meeting organised by the Union. On January 4, 2007, Mr. Zatakova was indicted for “illegal acquisition or possession of arms or explosives” (Article 287-1 of the Criminal Code) and “illegally carrying toxic substances” (Article 302-1), charges carrying up to five- and three-year imprisonment terms respectively<sup>12</sup>.

The family and friends of defenders in exile were also targeted by reprisals, such as the relatives of Ms. Tadjigul Begeдова, head of the Turkmenistan Helsinki Foundation (THF), now living in Bulgaria<sup>13</sup>. The death of the President of the Republic, Mr. Saparmurat Niyazov, on December 21, 2006, considered to have been one of the world’s worst dictators, has left a great deal of uncertainty as to the future of human rights and human rights defenders.

In *Turkey*, certain provisions of the new Criminal Code, in particular Article 301 on the “denigration of Turkish identity, the Republic, institutions or other organs of the State”, were frequently used to restrict the free exercise of freedom of expression. This Article was widely used against members of the Human Rights Association in Turkey (IHD) following several of their publications. Moreover, Mr. Hrant Dinck, a journalist, was charged with “making disparaging comments against Turkish identity” on September 26, 2006, after describing as “genocide” the Armenian massacre of 1915. He was assassinated at the offices of his newspaper, *Agos*, on January 19, 2006<sup>14</sup>. Similarly, the amendments to the Anti-Terror Law promulgated on August 17, 2006 by Mr. Ahmet Necdet Sezer, President of the Republic, might serve as a new pretext for more readily punishing anyone promoting a peaceful settlement of the conflict in the southeast of the country. According to these amendments, terrorism is defined as “any act” aimed “at changing the characteristics of the Republic, as set out in the Constitution, at changing its political, legal, social, civil or economic systems, at attacking territorial and national unity that is inseparable from the State or from the Turkish Republic, at weakening, destroying

12. See International Helsinki Federation (IHF).

13. *Idem*.

14. See Joint Press Release of FIDH, OMCT, the French League for Human Rights (LDH), the Association for Human Rights in Turkey (IHD) and the Human Rights Foundation of Turkey (HRFT), January 19, 2006.

or usurping the authority of the State, at eliminating fundamental rights and freedoms, or at attacking the internal or external security of the State, public order or physical integrity by the use of pressure, force, violence, terror, intimidation, oppression or threats". Lastly, investigating human rights violations in this region of the country remained highly dangerous in 2006. On April 12, 2006, a researcher for HRW was arrested in Bingöl while investigating allegations of violence and human rights violations, and was then deported from the country on the grounds that he did not have a "valid authorisation" to carry out his research<sup>15</sup>.

In *Uzbekistan*, 2006 was marked by the sentencing of all the individuals arrested in 2005 for denouncing the violations perpetrated during the Andijan events. These defenders, who often received heavy sentences following iniquitous trials, are now being held in extremely difficult conditions. As such, Ms. Mukhtabar Tojibaeva, president of the Ardent Hearts' Club, who was prosecuted on the basis of 17 charges, was sentenced on March 6, 2006 to eight years' imprisonment and is now serving her sentence in the psychiatric wing of the Tashkent prison.

In addition, in this prevailing context of repression, a large number of activists were arrested, prosecuted and convicted on the basis of trumped-up charges, like several members of the Human Rights Society of Uzbekistan (HRSU) whose president, Mr. Talib Yakubov, was forced into exile in July 2006. In 2006, the situation of defenders was thus generally characterised by a high degree of violence. Among many other cases, Mr. Bakhtior Khamroev, director of the HRSU section in Djizak, was attacked on August 18, 2006, subsequent to being visited by two British diplomats who were gathering information about the human rights situation in Djizak.

### **Restrictions on freedoms of assembly and peaceful gathering**

Freedoms of assembly and of peaceful gathering remained widely ignored in a certain number of countries, where the authorities regularly banned or brutally dispersed numerous demonstrations.

15. See HRW.

In *Azerbaijan*, demonstrations in favour of the freedom of the press were fiercely suppressed. In particular, Mr. Emin Huseynov, a member of the Institute for the Freedom and Safety of Reporters, was brutally beaten by the police on November 7, 2006, while participating in a rally in favour of the opposition newspaper *Azadlig* which was violently dispersed.

In *Belarus*, all peaceful gatherings denouncing the lack of democracy in the country continued to be repressed, especially during the electoral period during which hundreds of people were arrested, including several members of *Viasna* who were charged with “hooliganism” after peacefully demonstrating.

In *Kyrgyzstan*, on May 29, 2006, activists were brutally beaten by over 200 police officers when marching towards the Office of the Presidency of the Republic to protest against the decision of the Supreme Court to discharge all senior officials allegedly responsible for the deaths of several participants in the Aksy demonstrations in 2002<sup>16</sup>.

In the *Russian Federation*, peaceful assemblies organised by human rights defenders were increasingly restricted in 2006. On February 1, 2006 for instance, several participants in a demonstration convened by Memorial and the All-Russia Public Movement “for Human Rights” to denounce the authorities’ control over civil society organisations were arrested and later brought before the court. Similarly, a rally scheduled for September 3, 2006 in Moscow to commemorate the second anniversary of the Beslan massacre and calling for those responsible to be brought to justice was banned. On October 16, 2006, in Nazran, forces from the Ingush Ministry of the Interior brutally dispersed a demonstration in memory of Ms. Anna Politkovskaya, who had been assassinated a week earlier. A member of Memorial was wounded and several defenders were prosecuted. Lastly, the Moscow authorities banned a march planned for December 17, 2006 by the Russian Union of Journalists, in memory of the journalists killed in their country. The authorities finally gave in to pressure and allowed the demonstrators to observe one minute of silence in Moscow’s Pushkin Square.

16. See Kyrgyz Committee for Human Rights (KCHR).

Similarly, in *Uzbekistan*, peaceful gatherings organised by defenders were almost systematically disrupted by the intervention of police or anti-terrorist forces. For example, on October 16, 2006, a demonstration organised by four defenders, namely Mr. Jokhankir Shossalimov, Mrs. Valentina Stepchenko, Mr. Akhtam Shaimardanov and Mrs. Elena Urlaeva, to request that human and constitutional rights be observed by the authorities, was brutally dispersed by plain-clothes officers from the anti-terrorist squad. Likewise, on October 28, 2006, defenders protesting in favour of the release of political prisoners and human rights defenders were dispersed after a few minutes by a group of police officers. On November 27, 2006, Ms. Elena Urlaeva, Ms. Victoria Vinogradova, Mr. Rassul Tojiboev, Ms. Valentina Talipova and Mr. Abdullo Tajiboi Ugly, members of the Society for the Protection of the Rights and Freedoms of Citizens of Uzbekistan (SPRFCU), were arrested in Tashkent while about to assemble outside the Ministry of Foreign Affairs. They were requesting that a dialogue on human rights be established with Mr. Vladimir Norov, Minister for Foreign Affairs, who had said he would open such a dialogue at a meeting with representatives of the European Union on November 8, 2006, in Brussels<sup>17</sup>.

## **Fighting racism and discrimination**

### **Sexual minorities**

In the *Russian Federation*, in an increasingly violent atmosphere against lesbians, gays, bisexuals and transgenders (LGBT), the Mayor of Moscow banned the Gay Pride march, a step which he justified with some particularly intolerant remarks. Those who finally took part in the gathering that was held in two different parts of Moscow instead of the planned Gay Pride march on May 27, 2006, were attacked by fascist, nationalist and orthodox supporters and received no protection from the forces of law and order. Dozens of participants were arrested, including a German Member of Parliament, who had just been attacked by skin-heads. Six participants were further charged with taking part in a prohibited demonstration<sup>18</sup>.

17. See SPRFCU.

18. See International Lesbian and Gay Association (ILGA) - Europe.

The same scenario took place in *Latvia*, where the “Riga Pride 2006”, scheduled for July 22, 2006, was prohibited by the Riga City Council, in spite of the disapproval of the President of the Republic and the Prime Minister. The demonstration was also violently attacked by groups of homophobes<sup>19</sup>.

Likewise, in *Moldova*, the Mayor of Chisinau refused to authorise the Gay Pride march, in May 2006. In addition, the GenderDoc-M-Information Centre, an NGO that supports the rights of LGBTs was widely stigmatised by Moldovan authorities. On August 31, 2006 for instance, during a demonstration called for by Amnesty International (AI) against violence against women, and in which GenderDoc-M had been invited to take part, several police officers demanded that the organisation’s flag be taken down on grounds that GenderDoc-M worked with sexual minorities and “[was] seeking to advertise their life-styles”. Following these events, AI was denied authorisation to organise a demonstration against the death penalty on October 10, 2006, after refusing to withdraw GenderDoc-M from the list of participants<sup>20</sup>.

In *Poland*, LGBT rights organisations continued to be subjected to recurrent smear campaigns and harassment. In particular, on May 30, 2006, the Attorney General ordered the Prosecutors in several municipalities to monitor the funding of gay and lesbian organisations, as well as their possible connections with organised crime and their presence in schools, on the request of a Member of Parliament affiliated with the League of Polish Families (LPR - a far-right party of the government). This MP had also previously called for the use of force against the “deviants” who participated in the annual march for freedom in March 2006. In May 2006, Mr. Miroslaw Orzechowski, Deputy Minister for Education and also a LPR member, publicly condemned the activities of the organisation “Campaign Against Homophobia”. In April 2006, a march in support of tolerance was brutally attacked by demonstrators from the All-Polish Youth, a movement affiliated to LPR and founded by the Deputy Prime Minister of Poland<sup>21</sup>.

19. See ILGA-Europe.

20. See ILGA-Europe Report, *Comprehensive Denial to Moldova’s Principal LGBT Organisation of the Right to Freedom of Assembly*, November 8, 2006.

21. See HRW.

Lastly, in *Turkey*, on August 6, 2006, the police prevented the holding of an unauthorised demonstration organised by the Rainbow Solidarity and Cultural Association for Transgenders, Gays and Lesbians in the city of Bursa to protest against the decision by the governors of Bursa and Istanbul to prohibit LGBT organisations in these cities, and against the seizure by the Ankara authorities of the latest edition of the magazine published by the Gay and Lesbian Kaos GL organisation for solidarity and cultural research<sup>22</sup>.

### Ethnic and cultural minorities

In *Georgia*, NGOs involved in the protection of minorities' rights continued to be repeatedly harassed in 2006. On June 7, 2006, the offices of the Public Movement "Multinational Georgia" (PMMG), which promotes the rights and integration of minorities in Georgia, were burgled by unidentified individuals who stole hard disks, including, in particular, one containing a draft alternative report on the protection of national minorities that was to be sent to the UN and the Council of Europe, as well as documents analysing the authorities' policy towards minorities.

In *Greece*, defenders who attempted to defend the rights of the Roma continued to be targeted by smear campaigns and judicial proceedings, as were members of the Greek Helsinki Monitor (GHM).

In the *Russian Federation*, human rights defenders fighting neo-fascism and extreme right-wing movements, and defending minorities' rights continued to pay the price for their involvement against a background of increasing xenophobia and racist attacks throughout the country. For example, Mr. Samba Lampsar, a student and an active member of the NGO African Unity, was murdered in Saint-Petersburg on April 7, 2006, as he was returning home after an inter-cultural friendship meeting between Russians and foreigners. Similarly, Mr. Tigran Babadzhanian, a young anti-fascist activist, was targeted by an assassination attempt on December 22, 2006. He discovered on the wall of his house a poster covered with Nazi symbols and stating that "all the persons living in this house [were] niggers". Mr. Babadzhanian immediately called the police, who arrived shortly after with a dog

22. See ILGA-Europe.



that rushed towards the poster, thus triggering the detonator of a bomb planted behind. The dog was killed, and two officers were wounded. Although an investigation was opened into this attack, Mr. Babadzhanian was only heard as a witness for the injuries sustained by the two officers<sup>23</sup>. Many activists were also subjected to death threats by neo-Nazi groups. In particular, a list of 89 people deemed as “traitors to the Nation” or “friends of foreigners” was posted on the website of an ultra-nationalist group in August and September 2006, giving the addresses and personal details of these people and calling for their physical elimination.

In addition, judicial authorities in the country repeatedly evidenced their reluctance to investigate these threats, thus allowing perpetrators of such violence to enjoy a high level of impunity. For example, the petitions for prosecution introduced by Ms. Svetlana Gannushkina, a board member of Memorial and president of the Civic Assistance Committee (CAC), whose name appeared on the aforementioned list, were refused by the national security department on grounds that these threats were not explicit, that the website was rarely visited and that it was hosted outside Russia. The *Prokuratura* finally decided, after many requests, to open an investigation into the “death threats or attack on physical integrity” (Article 119 of the Criminal Code) led against Ms. Gannushkina alone, although she had demanded that an investigation be opened in relation to each individual targeted. Likewise, while the suspected murderers of Mr. Lampsar were identified and put behind the bars shortly after his assassination, this prompt reaction appeared rather to be due to the efficiency of an independent journalist who carried out his own investigation, and to the imminent holding of the G8 Summit in Saint-Petersburg.

More generally, this “negligence” on the part of the Russian State was due to a certain leniency towards far-right organisations within public administrations, the political system or even the judiciary, albeit to varying levels. Likewise, the strong discretionary powers of the *Prokuratura*, frequently responsible for investigating cases of violations against human rights defenders, were in stark contrast with the weakness of the judiciary and the timidity shown by judges, who are themselves subjected to various forms of pressure. Lastly, the lack of protection

23. See Memorial and Sova Centre.

for witnesses and experts within the Russian judicial system often deterred them from testifying<sup>24</sup>.

In addition, the attitude of the authorities radically changed when it came to authorising or supervising demonstrations organised by fascist groups which were, in fact, frequently “tolerated” and hardly ever reprimanded by law and order agencies. Law enforcement officers further showed, on numerous occasions, clemency towards neo-Nazi activists attacking peaceful demonstrations.

Lastly, in *Turkey*, defenders of the rights of the Kurdish minority and individuals promoting a peaceful resolution of the conflict in the southeast remained subjected to numerous judicial proceedings and other acts of retaliation. In March and April 2006 for instance, as violent confrontations between Kurds and the security forces occurred in several provinces in the southeast and east of Turkey, human rights defenders, such as several members of IHD branches, were arrested and indicted in Diyarbakir and Batman. Likewise, Mr. Selahattin Demirtas, IHD president, was sentenced on November 14, 2006 to fifteen months in prison for his statements in favour of a peaceful settlement to the conflict<sup>25</sup>. Lastly, Mr. Ibrahim Kaboglu, former head of the Human Rights Advisory Council (IHDK), and Mr. Baskin Oran, former chairman of the IHDK Minority and Cultural Rights Commission, still faced prosecution by the end of 2006, after publishing a report calling on Turkey to grant more rights to minorities and to reconsider its approach to national identity in October 2004<sup>26</sup>.

## **Mobilisation of the regional and international community**

### United Nations (UN)

Ms. Hina Jilani, Special Representative of the Secretary General on human rights defenders, received a favourable reply to her request to visit *Serbia*, which nevertheless postponed the date of her visit until 2007.

24. See International Fact-Finding Mission Report, *The Russian Federation: Attacks on Human Rights Defenders in Saint-Petersburg, Russian Authorities Guilty of Negligence*, March 3, 2006.

25. See Annual Report 2005, and FIDH/OMCT Press Release, December 1, 2006.

26. See FIDH/IHD/HRFT Press Release, April 10, 2006.

However, *Belarus*, the *Russian Federation*, *Uzbekistan*, and *Turkmenistan* failed to respond to her repeated requests for visits in 2006.

During a press conference organised at the end of her visit to Ingushetia, Chechnya and North Ossetia (*Russian Federation*), from 19 to 24 February 2006, Ms. Louise Arbour, UN High Commissioner for Human Rights, indicated that the members of civil society whom she had met had raised several important issues, including the new Law on NGOs. She also emphasised that “the intimidation of those who make complaints against public officials” was a particularly disturbing phenomenon<sup>27</sup>.

In addition, on October 9, 2006, Ms. Louise Arbour paid homage to the memory of Ms. Anna Politkovskaya<sup>28</sup>, and urged a “thorough probe to bring those responsible to justice in accordance with internationally recognised standards of due process”<sup>29</sup>.

On March 29, 2006, Mr. Adrian Severin, Special Rapporteur on human rights in *Belarus*, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Ms. Hina Jilani, Ms. Leila Zerrougui, Chair of the Working Group on arbitrary detention, Mr. Stephen J. Toope, Chair of the Working Group on enforced and involuntary disappearances, and Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, expressed their concerns about the deteriorating situation of human rights in Belarus before, during and after the presidential elections, and specifically in relation to freedoms of expression and association. They therefore “noted with regret that the peaceful demonstrations held on March 24 and 25, 2006, were violently repressed by the police (...) despite the numerous appeals by UN Special Rapporteurs to cease human rights violations immediately, in particular to stop politically motivated arrests and detentions (...) of independent journalists, opposition candidates, their supporters and human rights defenders”<sup>30</sup>.

27. See UN Press Release, February 24, 2006.

28. See Compilation of cases below.

29. See UN Press Release, October 9, 2006.

30. See UN Press Release, March 29, 2006.

During its 37<sup>th</sup> session, held from November 6 to 24, 2006, the Committee Against Torture (CAT) examined the fourth Periodic Report of the *Russian Federation* and expressed its concern about the harassment and the murders of journalists and human rights defenders, including the recent murder of Ms. Anna Politkovskaya, who was writing a report on torture in Chechnya at the time of her assassination. The CAT also expressed its concern over the entry into force on April 17, 2006 of the new legislation governing the activities of non-commercial organisations, which widens the powers of the State to interfere in the activities of NGOs. As a result, the CAT urged the State-Party to “take effective steps to ensure that all persons monitoring and reporting acts of torture or ill-treatment are protected from intimidation (...) and ensure the prompt, impartial and effective investigation and punishment of such acts”. The CAT also requested that interference by the State in NGO activities, in the context of the new Law on NGOs, be limited and as a result that the law be amended to ensure its conformity with international human rights standards, including the UN Declaration on Human Rights Defenders<sup>31</sup>.

## European Union (EU)

### *EU public statements on human rights defenders*

The Observatory took part in the EU-NGO-Forum organised in Helsinki (Finland), on December 7 and 8, 2006 by the Finnish EU Presidency. On this occasion, a workshop devoted to the protection of women human rights defenders underlined the importance of integrating a gender-specific dimension into human rights activities, making reference in particular, to the document developed by several NGOs, including OMCT and FIDH, which called upon EU member States to give increased importance to the protection of women defenders in their implementation of the EU Guidelines on Human Rights Defenders<sup>32</sup>.

31. See CAT Concluding Observations, Document CAT/C/RUS/CO/4 (unedited version), November 2006.

32. See Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders, endorsed by: Amnesty International (AI), Asia Pacific Forum on Women, Law and Development (APWLD), Asian Forum for Human Rights and Development (Forum Asia), Center for Women's Global Leadership (CWGL), Front Line, Human Rights First, FIDH, Information Monitor (INFORM), International Service for Human Rights (ISHR), Urgent Action Fund for Women's Human Rights (UAF), World Organisation against Torture (OMCT).

In this regard, the Forum participants called on EU Member States to renew and strengthen the mandate of the UN Special Representative on human rights defenders and also to give instructions to their diplomatic missions to convene meetings with defenders, including women defenders.

The EU further condemned, on several occasions in 2006, the situation of human rights defenders in several countries in Europe and the CIS.

In a Declaration by the Presidency on the situation in *Belarus*, dated June 1, 2006, the European Union expressed its “disappointment at the decision of the Belarus Supreme Economic Court to reinstate penalties [for alleged fraud] against the Belarus Helsinki Committee”<sup>33</sup>. It further “called upon the Belarusian authorities to immediately cease their campaign of harassment against the BHC” and “recalled that, as a beneficiary of the TACIS programme, the BHC is exempt from taxation and customs duties as stipulated by the framework agreement signed between the EC and Belarus in 1994”<sup>34</sup>.

In a Declaration of August 11, 2006, the European Union further expressed its deep concern “about the sentencing of four members of the Belarusian NGO “Partnership”, Mr. Tsimofey Drantchuk, Mr. Aleksandr Shalayko, Mr. Nikolai Astreiko and Ms. Enira Bronitzkaya, from six months’ to two years’ imprisonment on August 4, 2006”. The European Union noted “with regret that the Belarusian authorities continue to intimidate civil society activists”, and reiterated its demand for the immediate release and rehabilitation of the four activists<sup>35</sup>.

On October 26, 2006, the European Parliament adopted a Resolution on *Moldova*, in which it “[condemned] the continued repression, harassment and intimidation of representatives of the independent media, NGOs and civil society by the self-proclaimed Transnistrian authorities”<sup>36</sup>.

33. See Declaration by the EU Presidency on the decision of the Ministry of Justice to suspend the activities of the Belarusian Helsinki Committee.

34. Belarusian government instigated proceedings against BHC as the organisation had not paid taxes after receiving the TACIS funds.

35. See Declaration by the EU Presidency, August 11, 2006.

36. See Resolution of the European Parliament on Moldova, P6\_TA-PROV(2006)0455, October 26, 2006.

In relation to the situation in the *Russian Federation*, on January 19, 2006, the EU “made clear (...) its concerns over the possible effects of the draft Law on NGOs”. The EU further remained “concerned that this law, as it has been adopted, could have a serious impact on the legitimate activities of civil society organisations in Russia”<sup>37</sup>. In addition, on October 8, 2006, the day after the murder of Anna Politkovskaya, the EU Presidency asked “that a thorough investigation (...) be carried out into this heinous crime and its perpetrators be brought to justice”<sup>38</sup>. The European Parliament reiterated this call in a Resolution adopted on October 25, 2006<sup>39</sup>, and urged “the Russian authorities to conduct an independent and efficient investigation to find and punish those responsible for this cowardly crime”. The Parliament also called upon “the Russian authorities to fight actively against the intimidation of independent journalists and human rights activists and to give full protection to independent journalists who expose serious cases of injustice in their country and to human rights organisations and their representatives who defend the victims of human rights violations”.

It should also be noted that for the first time since the start of the consultation process on human rights between the European Union and Russia in March 2005, NGOs were associated with this process. For example, on March 3, 2006, at the third round of consultations in Vienna under the auspices of the offices of the Presidency of Austria, hearings were organised prior to the consultations, involving NGOs and the two parties to the consultations. However, the Russian delegation regrettably refused to take part in these hearings, just as it refused to participate in the hearings prior to the fourth round on November 8, 2006.

Following the third round, the EU indicated there had been an “extensive discussion about the situation of NGOs and human rights defenders following the adoption of the Law on NGOs”<sup>40</sup>. In its press release issued following the fourth round of consultations, the EU indicated that “amongst the issues raised were the murder of the jour-

37. See Declaration by the EU Presidency on the enactment of the Russian Law on Non-profit Organisations, January 19, 2006, 5497/06 (Presse 17) - P 014/06.

38. See Declaration by the EU Presidency, January 19, 2006.

39. See Resolution of the European Parliament, P6\_TA-PROV(2006)0448, October 25, 2006.

40. See Press Statement, EU/ Russia Human Rights Consultations, March 3, 2006.

nalist Anna Politkovskaya, the position of NGOs (...) and the implementation of the Law on countering extremist activity”<sup>41</sup>. With regard to these consultations, the European Parliament also adopted a Resolution on the EU-Russia Summit held in Helsinki on November 24, 2006, regretting that “the fourth round of the EU-Russia human rights consultations has brought no substantial progress in [the field of human rights and democratic values]”. The Parliament “therefore [called upon] the Russian Government to (...) allow the free functioning of domestic and international human rights organisations and other NGOs and to protect the personal safety of human rights defenders [...]”<sup>42</sup>.

With regard to *Uzbekistan*, on March 9, 2006, the EU observed with “grave concern, the conviction to eight years imprisonment of Ms. Muhktabar Tojibaeva [director of the organisation “Ardent Hearts’ Club”] on March 6”<sup>43</sup>. The EU urged “Uzbekistan to review the conviction of Ms. Tojibaeva and to ensure a fair trial with access for national and international observers”<sup>44</sup>.

In a Declaration on June 19, 2006, the EU took note of the fact that there had been an opportunity to attend the appeal trial of Ms. Tojibaeva; nevertheless, it observed with “concern that the conviction of Ms. Tojibaeva had been confirmed”. The EU further urged the Uzbek authorities to provide information on “the whereabouts of Mr. Saidjahon Zainabidinov”, a human rights defender who was arrested in May 2005 but whose place of detention remained unknown a year later<sup>45</sup>.

On October 26, 2006, the European Parliament adopted a Resolution on Uzbekistan in which it underlined that “following the Andijan massacre in 2005, the Uzbek authorities launched a crackdown on human rights defenders, independent journalists and civil society institutions” and “the Office of the United Nations High Commissioner for Refugees (UNHCR) in Tashkent was closed on March 17, 2006”, and urged “the Government of Uzbekistan to release all human rights defenders, journalists and political opposition mem-

41. See Press Statement, EU/Russia Human Rights Consultations, November 8, 2006.

42. See Resolution of the European Parliament, P6\_TA-PROV(2006)0566, December 13, 2006.

43. See Compilation of cases below.

44. See Declaration by the EU Presidency on Uzbekistan, March 9, 2006.

45. See Declaration by the EU Presidency on Uzbekistan, June 19, 2006.

bers who [were] still in detention and to allow them to work freely and without fear of persecution, and to put an end to the harassment of NGOs” and “to permit the reopening of the UNHCR Office in Tashkent”<sup>46</sup>.

On December 15, 2006, the Presidency issued a Declaration on the situation in *Turkmenistan* asking, in particular, that an “independent inquiry be conducted into the causes [of the] death of Ms. Ogulsapar Muradova”. The Presidency also expressed its “deep concern about the denial of access of observers to the trial against Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadijev”. Lastly, the Presidency urged “the Government to ensure the safety of Muradova’s family members and of [Amanklychev and Khadijev]”<sup>47</sup>.

In its conclusions on the implementation of EU policy on human rights and democratisation in third countries, during the 2770<sup>th</sup> Session of the General Affairs Council in Brussels on December 11, 2006, the Council of the EU “[commended] the crucial work of human rights defenders worldwide. In 2006, the EU emphasised the essential role of women human rights defenders, and actively supported their work. As underscored by the Council in June, the EU has committed to continuing its actions in support of all human rights activists who, often at the risk of their own lives, take action to defend others. In this respect, the EU noted with concern some negative developments and a visible trend in some countries aimed at limiting free civil society activities”.

The Council welcomed the continuation of the human rights consultations with the *Russian Federation*. However, the EU “[remained] concerned about certain developments in Russia during the past year, notably in relation to the situation of human rights defenders, torture, media freedom, NGOs, impunity, respect for the rule of law as well as racism, xenophobia and intolerance. The Council [deplored] the recent assassinations of high-profile journalists and [urged] Russia to do its utmost to bring the perpetrators to justice. The Council [remained] deeply concerned about the human rights situation in Chechnya and [would] continue to pay close attention to it”.

46. See Resolution of the European Parliament on Uzbekistan, P6\_TA-PROV(2006)0467, October 26, 2006.

47. See Declaration by the EU Presidency, December 15, 2006.



*Implementation of the EU Guidelines on Human Rights Defenders*

On May 2, 2006, the Observatory submitted an assessment of the EU Guidelines on human rights defenders to the human rights working group of the Council (COHOM), ahead of the First Evaluation of these Guidelines by the EU Council, under the Austrian Presidency. In its conclusions, the Observatory, whilst reiterating its support for this vital instrument, pointed out that human rights defenders, EU delegations and diplomatic missions of member States were still insufficiently aware of this instrument. Likewise, regarding the EU's significant support to defenders, it appeared that most of them were not informed about the various projects of the EU in this matter, in spite of a certain number of actual measures such as the funding of programmes promoting the rule of law, democracy or the administration of justice. Moreover, although the EU issued several public statements in favour of defenders, the latter regretted the lack of information on the implementation of confidential procedures. In this respect, the Observatory strongly recommended that the EU informally notify sources of information denouncing individual cases of all measures undertaken, while respecting the confidentiality of this information. This would allow a better appropriation by defenders of this instrument, and would also enable the EU to better monitor individual cases. Lastly, acknowledging that EU delegations or embassies are often confused between independent organisations and GONGOs, and that registered organisations sometimes receive more support than unregistered ones, the Observatory recommended that a list of organisations and independent defenders be drawn up, mainly on the basis of information gathered by local missions, reports and urgent interventions by international NGOs, as well as reports by the Special Representative on human rights defenders. This list could be established and produced by a focal point at local level and be distributed, in particular, to the visa-issuing departments of Member States to facilitate the grant of travel documents to independent defenders.

Taking up a certain number of the Observatory's recommendations, in particular in favour of an enhanced awareness of the Guidelines, the Council recommended in its Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights

Defenders, adopted on June 12, 2006<sup>48</sup>, that steps be implemented to increase the level of “awareness amongst all the relevant EU actors at Brussels, capitals and mission levels about the existence, purpose, content and operational application of the Guidelines”. It also recommended that Member States consider “appointing a focal point for human rights defenders in human rights departments”, “disseminating the Guidelines and consider organising training workshops with regional departments, as well as with visa and consular staff”, to “consider developing protection tools for situations where the life or physical and mental integrity of human rights defenders may be at immediate risk”, and to “consider the issue of emergency visas for human rights defenders in grave danger”. The Council, in particular, recommended that EU missions “designate a focal point for human rights defenders, wherever staff resources permit”, and to “encourage reporting on the overall situation of human rights defenders and on the local implementation of the Guidelines”. Lastly, the Council recommended that the Commission and Member States consider “increasing funds to periodically finance projects and one-off public events related to (...) and to human rights defenders in particular, and to consider including protection programmes and support for practical security measures into support given to human rights defenders in countries where they are systematically targeted”.

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

On March 30 and 31, 2006, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) organised a Supplementary Human Dimension Meeting, in Vienna (Austria), devoted to human rights defenders and national Commissions. This conference was attended by many human rights defenders and official representatives from participating countries, as well as OSCE representatives and Ms. Hina Jilani. During this conference, participants indicated that the situation of human rights defenders was deteriorating in a certain number of countries in the OSCE region, which was frequently linked with a weakening of the rule of law.

48. See Conclusions on the First Evaluation of the Implementation of the EU Guidelines on Human Rights Defenders, 2736<sup>th</sup> Session of the General Affairs Council, Luxembourg, June 12, 2006.

The Observatory made a statement at the plenary session on the topic: "Human rights defenders: Pertinent legislation and implementation of OSCE commitments" and organised a "side event" on defenders in the region attended by several activists.

Similarly, during the OSCE Human Dimension Implementation Meeting, held from October 2 to 13, 2006, in Warsaw (Poland), the Observatory conducted the session focusing on freedoms of association and peaceful assembly, on October 10, 2006. The Observatory, which has been working towards the establishment of a protection mechanism for defenders within OSCE for several years, welcomed the announcement, by an ODIHR representative, of the establishment of a department specially dedicated to the protection of defenders and which shall be effective in January 2007. Nevertheless, the exact mandate of this new department shall be closely monitored, so as to include the possibility of addressing member States on individual cases. At this meeting, the Observatory also organised a "side event" on freedom of association in the former Soviet countries on October 11, 2006, attended by six representatives of FIDH and OMCT member and partner organisations in the region.

On October 10, 2006, the President of the OSCE Parliamentary Assembly, Mr. Goran Lenmarker, condemned the murder of Ms. Anna Politkovskaya (*Russian Federation*)<sup>49</sup>.

On October 16, 2006, OSCE held round table discussions in Warsaw on the adoption of guidelines for national legislations governing and affecting freedom of assembly, which shall be finalised in 2007. The discussion first broached the question of the acceptable limits on freedom of protest, the new challenges to freedom of assembly, particularly in the context of the fight against terrorism, and the role of human rights defenders in protecting this fundamental freedom. Three similar round tables discussions were held in Georgia, Serbia and Kazakhstan during 2006.

Lastly, on December 8, 2006, Mr. Karel De Gucht, the Belgian Minister for Foreign Affairs, then OSCE Chairman in Office, called for an increased awareness of the difficulties faced by many human rights defenders, emphasising that "protecting those who, in civil society or within their governments, promote human rights on a daily

49. See Press Release of the OSCE Parliamentary Assembly, October 10, 2006.

basis, must be a duty for us all” and that “all too often, human rights defenders face harassment, persecution, and even death as a result of making the very same statements that the more fortunate take for granted. This situation is, sadly, deteriorating”. Lastly, Mr. De Gucht welcomed the intention of ODIHR to establish a focal point for human rights defenders<sup>50</sup>.

### Council of Europe

During the first session of the Parliamentary Assembly of the Council of Europe in January 2006, the Observatory submitted a declaration to several deputies in relation to the agenda for a later session containing a resolution calling for the establishment of a protection mechanism for defenders within the Assembly. On November 5, 2006, on the basis of the draft resolution presented by the Observatory, the Legal Affairs Commission of the Parliamentary Assembly decided to take up the matter by appointing one of its members, Mr. Holger Haibach, a German Member of the Assembly, as Rapporteur on human rights defenders in member countries of the Council of Europe. Mr. Haibach’s recommendations shall later be introduced before the Parliamentary Assembly.

Simultaneously, the Observatory continued its work with the Office of Commissioner for Human Rights, Mr. Thomas Hammarberg, who organised, in collaboration with the Directorate General of Human Rights of the Council of Europe, a Colloquy on “Protecting and supporting human rights defenders in Europe”, on November 13 and 14, 2006. On this occasion, the Observatory addressed the plenary session on the existing protection mechanisms for defenders in Europe.

A declaration was adopted as a conclusion to this colloquy<sup>51</sup>, emphasising “the importance of the role of the Council of Europe in providing legal advice on the compatibility of draft and existing legislation with European standards, notably those regarding freedom of association and assembly”. This declaration also stressed that “the

50. See Press Release, December 8, 2006.

51. See Conclusions of Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Colloquy of the Council of Europe “Protecting and Supporting Human Rights Defenders”, Strasbourg, November 13-14, 2006.

Council of Europe's independent human rights institutions and mechanisms should be encouraged to address the issue of human rights defenders in their respective activities". In addition, "the Commissioner for Human Rights should play a key role in supporting and protecting human rights defenders in Europe (...) in cooperation with others working for the protection of human rights defenders in Europe [and] should continue to meet with a broad range of defenders during his country visits and raise concerns with the authorities about any problems they may face". The Commissioner "should also be able to act upon information received in order to protect defenders, including in situations where there is need for urgent action". Lastly, the Commissioner was strongly encouraged to "develop the role and capacity of his Office in this respect so as to achieve an effective mechanism to protect human rights defenders in urgent cases". It was suggested that "the Commissioner's thematic, country and annual reports could usefully include developments related to human rights defenders and their work". To achieve these objectives, it was proposed that "the Committee of Ministers should adopt a strong political declaration on human rights defenders and their vital work, in line with the commitment made by Heads of State and Government at the Third Council of Europe Summit". Strong encouragement was also expressed for the ongoing work of the Parliamentary Assembly on this topic.

The Observatory also attended, as an observer, the meeting of the Group of Specialists on human rights defenders on November 14 and 15, 2006. This meeting, attended by several State representatives, aimed at discussing the various actions the Council of Europe could take to provide more support and protection for human rights defenders, in the light of the results of the colloquy. The participants agreed that a report should present the obstacles encountered by defenders in Europe and the solutions which could be put forward at the level of the Council of Europe.

Lastly, the Observatory issued a number of comments on the Recommendation on the legal status of NGOs in Europe, which shall serve as a recommendation from the Committee of Ministers to the governments of Member States. Although the wording has not yet been finalised, most of the Observatory's observations were included in the comments drawn up by the Group of Specialists of the Steering Committee for Human Rights (CDDH).

### International Organisation of the Francophonie (OIF)

From September 28 to 29, 2006, the 11<sup>th</sup> Francophonie Summit was held in Bucharest (Romania). On that occasion, Heads of the Francophonie Member States adopted the Declaration of Bucharest, in which they “reaffirmed their commitment to democracy as a system of values and a constitutive element to long-lasting peace and development”. The Heads of State further stressed the “importance of the consensus reached with the adoption of the Bamako Declaration in November 2000” and added that the “relevance of these norms and practices as instruments for conflict prevention and resolution [had been] acknowledged in the Concluding Observations of the Bamako +5 Symposium”. Indeed, the action plan annexed to the Bamako Declaration included as an objective “the greater support for the initiatives and national projects developed by NGOs promoting the culture of human rights, democracy, good governance and peace [and] support of the network activities uniting NGOs at national, regional and international levels” (Chapter III.5). In addition, OIF intends that its plan of action shall “provide [its] support to human rights defenders by relying, in particular, on specialised structures and instruments” (Chapter IV.3).

## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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### ARMENIA

#### **Release of Mr. Vahe Grigoryan<sup>1</sup>**

On February 15, 2006, Mr. **Vahe Grigoryan**, a lawyer and head of the Right-Legal Group, who represented four families challenging their eviction from their house in Yerevan, was released after being remanded over four months in custody. After examining Mr. Grigoryan's complaint following the ruling of the Court of First Instance extending his pre-trial detention until April 7, 2006, the Court of Appeal ordered his release on the grounds that the investigation had not been completed within the legal time limit.

Mr. Grigoryan had been arrested on October 7, 2005 and charged by the Public Prosecutor with "fraud" (Article 178-3-1 of the Criminal Code) and "falsification of documents" (Article 325-2) on the basis of a confession extracted under coercion. He has been increasingly harassed since early 2005 due to his activities within the Right-Legal Group.

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### AZERBAIJAN

#### **Ongoing defamation campaigns against several human rights defenders<sup>2</sup>**

From January 30 to February 6, 2006, Mr. **Arif Yunusov**, head of the Department of Conflictology and Migration Studies and a member of the Institute for Peace and Democracy, faced almost daily accusations

1. See Joint Report FIDH/Civil Society Institute (CSI), *Overview of Major Human Rights Issues in the Republic of Armenia*, November 14, 2006.

2. See Annual Report 2005 and Written Statement to the Council of Europe, November 13, 2006.

of “betraying the country’s interests”, on the *ANS* television channel in particular. This smear campaign started after Mr. Yunusov made critical comments regarding corruption within the Ministry of Defence during an interview on *Day.Az Agency* television channel on December 21, 2005.

On January 30, 2006, Mr. Safar Abiyev, Minister for Defence, declared that only “genuine” Azerbaijanis had the right to criticise the country’s armed forces, in reference to Mr. Yunusov’s Armenian origins. This declaration prompted, on February 1 and 2, 2006, a wave of criticisms from representatives of associations of High-Karabakh veterans against Mr. Yunusov, who was accused of betraying national interests.

On February 3, 2006, it appeared that these campaigns were directed at the Institute for Peace and Democracy and the “Concord” Centre for Political and Legal Studies, an Armenian organisation that co-organised with the Institute a series of meetings about the resolution of the conflict in Karabakh in the context of a joint programme financed by the Friedrich-Ebert Foundation.

On February 4, 2006, a group of inhabitants of the Gusar region demonstrated to demand that Mr. Yunusov be expelled from the country.

On September 10, 2006, during a television show on the pro-government channel *ATV*, Mr. **Eldar Zeynalov**, chair of the Human Rights Centre of Azerbaijan (HRCA), Mrs. **Leyla Yunus**, a member of the Institute for Peace and Democracy, and Ms. **Arzu Abdullaeva**, president of the Azerbaijani Committee of the Helsinki Citizen’s Assembly (HCA) and co-president of HCA International, were accused of working in the pay of the Armenian secret services. In particular, Mr. Eldar Zeynalov was accused of being mandated by the secret services to present Azerbaijan as a “big prison”. Mrs. Yunus and her husband, Mr. Arif Yunusov, were accused of “humiliating the country abroad”, and Ms. Arzu Abdullaeva was accused of playing an active role in “diverting young people by instilling pacifist sentiments”.

In 2004 and 2005, Mr. Zeynalov and Mrs. Yunus had already been targeted by numerous defamation campaigns that accused them, *inter alia*, of supporting terrorists.



### **Ongoing harassment of Mr. Ilgar Ibragimoglu<sup>3</sup>**

On January 7, 2006, Mr. **Ilgar Ibragimoglu**, coordinator of the Centre for the Protection of Conscience and Religious Freedom (DEVAMM) and secretary general of the International Religious Liberty Association (IRLA), was summoned to the Magistrate's department at the Ministry of Justice for the Yasamalski district, in Baku.

He was forbidden to file any request to leave the country to attend international conferences or forums, on threat of his suspended sentence being commuted to a term of imprisonment without remission<sup>4</sup>.

Although this threat was not acted upon, Mr. Ibragimoglu was nevertheless prevented from leaving Azerbaijan on June 9, 2006, for the eighth time since August 2004. He was due to attend the Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding organised by the Organisation for Security and Co-operation in Europe (OSCE) in Almaty (Kazakhstan) from June 10 to 14, 2006.

From August 8 to 12, 2006, defamation campaigns were led against Mr. Ibragimoglu in the pro-government press (in particular in the newspapers *Muasir Musavat* and *Ses*) which accused him of being a "defender of Armenia".

Furthermore, on September 29, 2006, Mr. Ibragimoglu was arrested in the village of Zabrat, 20 km from Baku, while monitoring a peaceful demonstration. He was taken to the police station of the Sabuchinski district in Baku and released shortly afterwards.

Finally, on November 2, 2006, Mr. Ibragimoglu was again prevented from travelling abroad. He was due to travel to Vienna (Austria) in order to participate in an OSCE meeting on the process of democratisation.

### **Harassment and ill-treatment of Mr. Emin Huseynov<sup>5</sup>**

On October 11, 2006, Mr. **Emin Huseynov**, a member of the Institute for the Freedom and Safety of Reporters and president of the

3. See Annual Report 2005.

4. Mr. Ibragimoglu received a suspended sentence of five years of prison on April 2, 2004, after monitoring the demonstrations following the results of the presidential elections on October 15, 2003.

5. See Observatory Written Statement to the Council of Europe, November 13, 2006.

Committee to Defend Journalist Sakit Zahidov's Rights<sup>6</sup>, was held for four hours at Baku airport on his return from a trip to Istanbul (Turkey). Mr. Huseynov was accused of carrying smuggled goods and was interrogated on his activities. In particular, he was advised "not to be so active" and his passport was damaged.

Mr. Huseynov filed a complaint against the customs officers. After the authorities refused to open an investigation, he applied to the President of the Republic, the Ministers for Home Affairs and National Security, and the Attorney General, requesting that an inquiry be initiated and that the constant surveillance by special services over him, which included the tapping of his telephone, be stopped.

On December 6, 2006, a representative of the Ministry of Home Affairs informed him that the 39<sup>th</sup> police squad of Baku had been entrusted with opening an investigation into his ongoing surveillance. However, the representative declared that he did not have jurisdiction to enquire into the customs control to which he had been subjected to.

On November 7, 2006, Mr. Huseynov was thrown to the ground and violently beaten by individuals in plain clothes during the violent dispersal of a demonstration of about fifty journalists in support of the *Azadlig* newspaper, the offices of which were at that time threatened with closure.

On the evening of November 24, 2006 and the morning of November 25, Mr. Huseynov was violently evicted from the offices of the newspaper, on the basis of a court order requiring the closure of the *Azadlig* premises.

6. Mr. Sakit Zahidov, a journalist with *Azadlig* known for his satirical articles, was condemned on October 4, 2006 to three years in prison for "possession of drugs for purposes of personal use", on the basis of presumably fabricated charges.

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**BELARUS****Sentencing of four members of the NGO “Initiative Partnership”<sup>7</sup>**

On February 21, 2006, Messrs. Nikolay Astreyko, Tsimofey Dranchuk, Aleksandr Shalayko and Ms. Enira Bronizkaya, members of the NGO “Initiative Partnership”, were arrested in their Minsk offices by agents of the State Security Committee (*Komitet Gosudarstvennoï Bezopasnosti* - KGB) after they announced the creation of an organisation aimed at monitoring the presidential election on March 19, 2006.

On March 1, 2006, General Stepan Sukharenko, head of KGB, declared on television that the organisation’s members were preparing fraudulent exit polls and were planning a violent uprising after the holding of the election.

On March 2, 2006, they were charged with “organising and running an organisation that infringes the rights of citizens” (Article 193.2 of the Criminal Code) and placed in custody at the KGB centre. During their detention, they were allowed only limited contact with their lawyers.

After an *in camera* hearing on August 4, 2006, the Minsk Central District Court sentenced Messrs. Astreyko and Dranchuk to two years and one and a half years’ imprisonment respectively and Mr. Shalayko and Ms. Bronizkaya to six months in prison for the “illegal organisation of activities by an association or foundation, or participation in its activities” (Article 193.1 of the Criminal Code).

On August 21, 2006, Ms. Bronizkaya and Mr. Shalayko were released after serving their respective sentences. Messrs. Astreyko and Dranchuk were held in detention at the labour camp of Chklovsk (Mogilvov region) and at the labour camp No. 1 in Minsk.

On September 15, 2006, the Minsk Court of Appeal upheld the sentence against Messrs. Astreyko and Dranchuk.

On November 17, 2006, Mr. Astreyko was released from jail for “good behaviour” after completing one third of his sentence. The remaining 15 months of his term were commuted to a community service order.

On December 14, 2006, the Observation Commission of the

7. See Urgent Appeal BLR 001/0806/OBS 100.

Executive Committee of the Fruzenski district in Minsk ordered the early release of Mr. Dranchuk, who was freed on December 26, 2006.

### **Ongoing harassment of *Viasna* members<sup>8</sup>**

#### **Arrest of several *Viasna* representatives**

On the eve of the presidential elections of March 19, 2006, several members of the human rights NGO *Viasna* were arrested in a wave of pre-emptive arrests which targeted over 300 civil society representatives and opposition activists.

On March 15, 2006 for instance, Messrs. **Viktor Sazonov** and **Vasily Levchenko**, *Viasna* representatives in Grodno and Orcha respectively, were arrested and sentenced to seven days of administrative detention for “light hooliganism” for “uttering insults in public” as set out on the charge sheet. On the same day, Mr. **Igor Lednik**, a *Viasna* representative in Borisova, was arrested after meeting with Russian journalists and sentenced to ten days of administrative detention for “light hooliganism” by the Minsk Central District Court.

On March 16, 2006, Mr. **Valeri Putitski**, *Viasna* representative in Retchitza, was arrested and sentenced to seven days in administrative detention under the same charges. On the same day, Mr. **Vladimir Govcha**, *Viasna* representative in Baranavitchi, was arrested and required to pay a 620,000 roubles fine (about 240 euros) for “violating the rules relative to the organisation of gatherings” (Article 167-1 of the Code of Administrative Offences). He was released later that day.

Finally, on March 17, 2006, Mr. **Aleksandr Dergatchev**, *Viasna* representative in Smorgon, was arrested and condemned to five days in administrative detention for “obstruction of a police officer” (Article 166 of the Code of Administrative Offences).

#### **Ill-treatment and ongoing harassment of Mr. Vladimir Vyalichkin**

On March 17, 2006, Mr. **Vladimir Vyalichkin**, president of the Brest section of *Viasna*, was abducted by individuals in plain clothes while he was monitoring polling stations in the Brest region ahead of the presidential election. Mr. Vyalichkin was violently beaten and insulted for two hours and then taken to the Brest police station,

8. See Annual Report 2005.

where he was accused of “light hooliganism” for “uttering insults in public” according to the charge sheet.

The Leninski District Court in Minsk sentenced him to five days in administrative detention and to a consecutive term of seven days for allegedly “insulting a guard”.

The charges brought against Mr. Vyalichkin on September 29, 2004 for “activities carried out within an unregistered organisation” (Article 167-10 of the Code of Administrative Offences) were dropped in 2006 as they had lapsed under the statute of limitations.

#### Warning against Mr. Ales Bialiatski

On April 17, 2006, the *Prokuratura* of the Sovietski district in Minsk communicated a formal warning for “slander” (Article 400 of the Criminal Code) to Mr. **Ales Bialiatski**, *Viasna* president, following an interview with the human rights movement Charter 97, in which he condemned the responsibility of the government and the President for the violent dispersal of a peaceful demonstration in celebration of Freedom Day on March 25, 2006<sup>9</sup>.

### Judicial harassment against the Helsinki Committee for Human Rights<sup>10</sup>

#### Ongoing judicial proceedings and new procedure to dissolve BHC

Following an investigation carried out between August 2003 and January 2004 by the representatives of the Tax Inspectorate of the Moskovski district in Minsk, the Belarusian Helsinki Committee (BHC) was accused of tax evasion in relation to funds received from the European Union (EU) between 2000 and 2002 under the auspices of the Programme for Technical Assistance to the Commonwealth of Independent States (TACIS). It was ordered to pay 385,000,000 roubles (about 138,000 euros) by the Tax Inspectorate.

On June 23, 2004, the Minsk Economic Court annulled that decision. However, following an appeal filed by the vice-president of the Supreme Economic Court (SEC), BHC was sentenced on December

9. Freedom Day celebrates the anniversary of the independence of the Belarusian People's Republic which was proclaimed on March 25, 1918.

10. See Annual Report 2005 and BHC.

20, 2005 to pay 160 million roubles (about 70,000 euros) in tax arrears and fines.

On May 24, 2006, pending BHC's appeal, the Ministry of Justice launched proceedings to dissolve the organisation, which was accused *inter alia* of breaches of tax law and non-conformity with its own statutes.

On June 23, 2006, BHC leaders applied for the suspension of those proceedings pending the examination of their appeal in the first of these cases.

In September 2006, the SEC rejected the appeal lodged by BHC, which again appealed against that ruling on the basis of technical irregularities.

On September 16, 2006, in spite of the new appeal, the Ministry of Justice applied to the Supreme Court to allow the continuation of the dissolution proceedings.

On November 1, 2006, the Minsk Economic Court made an order in the first case requiring the confiscation of a part of BHC's assets, which were estimated at 255,000 roubles (about 95 euros). This amount was to be deducted from the global sum of 160 million roubles in tax arrears and fines. On December 5, 2006, the authorities seized a computer, a printer and a fax machine from the BHC offices in application of the fine.

On November 28, 2006, the Supreme Court decided to adjourn the hearing on the dissolution of BHC until 2007. No further information was provided as to a precise date of hearing.

#### Harassment and legal proceedings against Ms. Tatsiana Protsko

On March 17, 2004, proceedings for "tax evasion" (Article 243-2 of the Criminal Code) were launched against Ms. **Tatsiana Protsko**, BHC president, and Ms. **Tatsiana Rutkevitch**, BHC chief accountant, in relation to the organisation's alleged failure to pay taxes amounting to 70,000 euros. Those proceedings were dropped in 2005 for lack of evidence in the constitutive elements of the offence.

On March 1, 2006, the proceedings were reopened against Ms. Tatsiana Protsko. However, it was closed again on March 28, 2006, on the decision of the Government Committee of the Department of Financial Investigations to drop the criminal charges.

In addition, Ms. Protsko was arrested and searched at Minsk airport on May 12, 2006, as she was on her way to Berlin (Germany), where the Green Party had invited her to present a report on the human rights situation in Belarus. A copy of that report, a videotape on the presidential elections and other documents on the human rights situation in Belarus were seized and her authorization to leave the country was confiscated. She was thus unable to travel to Germany.

### **Arbitrary detention of Ms. Ekaterina Sadovskaya<sup>11</sup>**

On July 25, 2006, Ms. **Ekaterina Sadovskaya**, president of the regional human rights movement *Vetché* in Pskov, was arrested and placed in a psychiatric hospital. Following a medical examination, she was deemed legally sane and was transferred to Minsk Prison No. 1.

On October 23, 2006, Ms. Sadovskaya was convicted and sentenced by the Leninski District Court to two years' imprisonment for "insulting the person of the President" (Article 368-2 of the Criminal Code). She was also ordered to pay four million roubles (about 1,500 euros) in damages to the judges of the Kirov Court in the Mogilyov region for "threats and contempt of court" (Articles 389 and 391 of the Criminal Code).

The first set of charges referred to a draft letter dated January 21, 2006 that was found during a search at her home, in which Ms. Sadovskaya requested an independent psychiatric assessment of the Belarusian President's health. The second set of charges related to a claim by the judges of the Kirovksi District Court in the Mogilyov region that they had received threatening letters from Ms. Sadovskaya. However, experts were unable to give conclusive evidence that the letters had been printed from her computer.

On December 22, 2006, the verdict was confirmed on appeal by the Minsk Court. Ms. Sadovskaya was still detained at the Gomel prison as of the end of 2006.

11. See *Viasna*.

### Harassment of Mr. Oleg Voltchek<sup>12</sup>

On August 20, 2006, Mr. **Oleg Voltchek**, former president of the human rights organisation Legal Assistance to the Population and legal advisor to Mr. Alexandre Kozulin, an opposition candidate in the 2006 presidential elections who was sentenced to five years and a half in prison, was held at the border between Belarus and Poland. He was on his way to the Netherlands to meet with representatives of the Dutch government and civil society to discuss the situation of human rights and political prisoners in Belarus. A book on the inquiry into the disappearance of Mr. Yuri Zakharenko, former Minister for Home Affairs, in May 1999, and three copies of a book entitled *The 2006 Presidential Elections in Belarus: Facts and Commentaries* were confiscated.

On October 17, 2006, Mr. Voltchek was sentenced by the Okriabrski District Court in Grodno to a 1,550,000 roubles fine (about 575 euros) for “violating the rules of the economic policy on the transport of goods at borders” (Article 193-5 of the Code of Administrative Offences). This decision was based on a conclusion reached by the head of the KGB, who claimed that the books seized represented “a threat to the country’s interests”. In November and December 2006, the Grodno Regional Court and the *Prokuratura* both rejected Mr. Voltchek’s appeal against his conviction.

On September 2, 2006, Mr. Voltchek was again held at the border between Belarus and Poland while on his way to meet with journalists in Germany. Two copies of the aforementioned book were again seized. Mr. Voltchek was charged on the basis of Article 193-5 of the Code of Administrative Offences and was found guilty by the Oktiabrski District Court in Minsk on December 7, 2006. However, no sentence was imposed as the charges had lapsed under the statute of limitations. On December 18, 2006, Mr. Voltchek appealed against his conviction and against the court order prohibiting the book that had been seized by the authorities.

12. *Idem.*



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**BELGIUM****Violent dispersal of a peaceful gathering<sup>13</sup>**

On July 4, 2006, a group of demonstrators including parliamentarians, journalists, trade unionists and members of associations defending illegal immigrant's rights were violently jostled by police forces during a sit-in on front of a police station in Brussels. Among the demonstrators, Mr. **Axel Bernard**, a lawyer for the Union for the Defence of Illegal Immigrants (*Union de défense des sans-papiers* - UDEP), and Mr. **Manuel Lambert**, legal counsel of the Belgian Human Rights League (*Ligue des droits de l'Homme belge* - LDHB), were hit by the police while several other demonstrators were dragged along the ground.

Demonstrators were protesting against the forcible removal by the police of illegal immigrants who had taken refuge in the Church of Anderlecht, and who were subsequently transferred to detention centres, despite the provisional agreement reached between the Church and immigrants' rights organisations which provided that they could stay in the church until July 21, 2006.

Four persons, including Mr. Bernard and a member of the Coordination and Initiatives For and With Foreign Refugees (*Coordination et initiatives pour et avec les réfugiés étrangers* - CIRE), were subsequently detained in custody. A complaint was also lodged against Mr. Bernard for "assault and battery against a police officer". Although the Brussels Public Prosecutor's office immediately closed the case and ordered Mr. Bernard's release, he was held in detention for several hours.

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**GEORGIA****Ongoing harassment of HRIDC<sup>14</sup>**

On February 1 and 2, 2006, representatives of the Ministry of the Interior came to the Human Rights Information and Documentation Centre (HRIDC) in Tbilisi and demanded to "know more about the organisation's activities".

13. See Closed Letter to the Belgian authorities, July 11, 2006.

14. See Annual Report 2005 and Urgent Appeal GEO 001/0206/OBS 013.

On February 7, 2006, Major Tengiz Tkebuchava, from the Counter-Terrorism section of the Ministry of the Interior, called Mr. **Ucha Nanuashvili**, HRIDC executive director, to inform him that Mr. Gia Gabuniale, head of the section, wished to “familiarise himself” with the organisation’s operations.

After Mr. Nanuashvili requested that an official summons justifying the request be provided to him, Mr. Tkebuchava demanded that he present himself immediately at the Ministry and threatened to have him brought by force if necessary. Mr. Nanuashvili refused to comply with the demand.

### **Arbitrary detention and judicial proceedings against Mr. Azer Samedov<sup>15</sup>**

On March 31, 2006, Mr. **Azer Samedov**, president of the Caucasus Centre for the Protection of Conscience and Religious Persuasion Freedom (CCPCRPF) and an Azerbaijani national who immigrated to Georgia, was arrested in Tbilisi by officers of the anti-terrorist section of the Ministry of the Interior, on request of the Azerbaijani authorities. Mr. Samedov had left his country for Georgia following the troubles in the aftermath of the 2003 presidential election, which he had monitored.

He was accused of “participating in mass disorder” (Article 220 of the Azerbaijani Criminal Code) and “resistance to State representatives” (Article 315) in relation to these troubles, which are punishable by a sentence of five to seven years’ imprisonment.

On April 2, 2006, the Tbilisi Court upheld the legitimacy of Mr. Samedov’s detention in the capital’s Investigative Prison no. 5 for a two-month period. Mr. Azer Samedov appealed the ruling and was released on bail on April 14, 2006 following international pressure, but the charges against him remained pending.

On April 17, 2006, Mr. Samedov submitted a petition for asylum to the Georgian authorities and the United Nations High Commissioner for Refugees (HCR).

On August 18, 2006, his request for political asylum with the Minister for Refugees was rejected. The Minister declared that Mr. Azer Samedov sought to obtain political asylum to “develop a political

15. See Urgent Appeals GEO 002/0406/OBS 043 and 043.1.

platform directed against Azerbaijan”. Mr. Samedov appealed against that decision. The Court held that his appeal was admissible during a preliminary hearing on October 31, 2006.

On August 21, 2006, the HCR granted him a pass valid until December 21, 2006, which was subsequently extended until February 20, 2007.

### **Attack against the offices of the Public Movement “Multinational Georgia”<sup>16</sup>**

On June 7, 2006, the offices of the Public Movement “Multinational Georgia” (PMMG), which promotes the rights and integration of minorities in Georgia, were broken into by unidentified individuals who stole several hard disks containing documentation, including a draft alternative report on the implementation of the Convention for the Protection of National Minorities prepared by the organisation, and which was intended to be sent to the UN and the Council of Europe, as well as documents analysing the authorities’ policy on minorities.

In the two weeks prior to the robbery, PMMG staff and partner organisations had been repeatedly contacted by State representatives who were trying to obtain a copy of the alternative report. Faced with refusal, the officials had said that they would obtain the report through other means.

An inquiry was opened and a ten-member special investigation unit was established. However, no outcome of the investigation had yet been made public at the end of 2006.

Moreover, during March 2006, the cars of Mr. **Arnold Stepanian**, president of the organisation, and of the PMMG press officer were forced open while parked in front of the association’s headquarters. Work documents were stolen.

### **Arbitrary detention of members of the Egalitarian Institute<sup>17</sup>**

On June 29, 2006, Messrs. **Irakli Kakabadze**, **Zurab Rtveliashvili**, **Lasha Chkhartishvili**, **Jaba Jishkariani** and **Davit Dalakishvili**,

16. See Urgent Appeal GEO 003/0606/OBS 080.

17. See Urgent Appeals GEO 004/0606/OBS 085 and 085.1.

members of the Egalitarian Institute, were arrested on the order of the Tbilisi Court of Appeal, while demonstrating outside the Court to call for the release of Messrs. Shalva Ramishvili and David Kokhreidze, co-founders and shareholders of the independent television channel *TV 202*. They had been sentenced to four and three years in prison respectively on March 29, 2006 in respect of charges of “extortion” which were most likely fabricated.

The five members of the Institute were sentenced by the Court of Appeal without a hearing to 30 days in administrative detention, on the charge of “disorder in a Court” (Article 208 of the Code of Criminal Procedure). They were detained in the pre-trial detention centre of the Ministry of the Interior.

They were released on July 29, 2006 after completing their sentence.

On December 29, 2006, the Georgian Young Lawyers’ Association (GYLA) filed a complaint with the European Court of Human Rights (ECHR).

On August 8, 2006, Mr. Lasha Chkhartishvili was again arrested as he was leaving a television show and held in custody in the Tbilisi police department. He was accused of insulting the Court and two individuals during a demonstration calling for the fair trial of the police officers indicted for the murder of a 19-year-old man in November 2004. He was charged with “light hooliganism” (Article 166 of the Criminal Code).

On August 9, 2006, at the end of a trial marred with irregularities, Mr. Chkhartishvili was convicted and sentenced to two days in detention by the Regional Administrative Court of Tbilisi. The verdict was upheld without a hearing by the Tbilisi Court of Appeal.

Finally, on the evening of September 27, 2006, Messrs. Irakli Kakabadze, Jaba Jishkariani, David Dalakishvili and **Levan Gogichaishvili**, another member of the Egalitarian Institute, were arrested in the premises of the Anti-Drug Centre in Tbilisi as they were protesting against the harassment of the Institute’s members and the lack of independence of the judiciary, particularly the Court of Appeal. They were also calling for an impartial investigation into the murder of Mr. Sandro Gorgvliani, a young banker whose death was allegedly linked to several high-ranking officials within the Ministry of the Interior. All four of them were detained in a pre-trial detention centre until they appeared before the Administrative Chamber of the Tbilisi Court on September 29, 2006.

They were released on that day after paying a 15 laris fine each (about seven euros).

### **Threats against Ms. Lela Bekauri<sup>18</sup>**

On September 21, 2006, Ms. **Lela Bekauri**, a member of the Rustavi section of the Georgian Young Lawyers' Association (GYLA), was insulted and threatened by an unidentified man, who told her on the phone that he "would find her anywhere". A few hours earlier Ms. Bekauri had, during a press conference held by GYLA in Rustavi, condemned the irregularities marring the electoral campaign of Ms. Lela Aptsiauril, a candidate for the majority party in Rustavi, who had allegedly distributed vouchers worth 37 kilowatts of electricity.

On October 20, 2006, the local police department opened a criminal investigation into these allegations, following the complaint lodged by GYLA.

### **Judicial proceedings against Mr. Giorgi Getsadze<sup>19</sup>**

In November 2006, Mr. **Giorgi Getsadze**, a member of the Ombudsman's office for Human Rights, was charged with "fraudulent activities in the examination of a case" (Article 145 of the Criminal Code) on the basis of a tapped phone conversation between himself and a colleague regarding his visit to Prison no. 8 of Geguti.

On November 1, 2006, Mr. Getsadze had visited the prison and questioned several people in the context of his investigation into allegations of money trafficking between the guards and the prisoners made by a former employee of the prison. According to the charges, Mr. Giorgi Getsadze was accused of offering money to the prison staff in exchange for information. The charges are punishable by a sentence of one to three years' imprisonment or restriction of freedom through placement in a correctional centre.

Since early 2006, the Human Rights Ombudsman's office has denounced numerous cases of human rights violations within prisons to the Public Prosecutor.

As of the end of 2006, the charges against Mr. Getsadze remained pending.

18. See Urgent Appeal GEO 005/1006/OBS 115.

19. See Urgent Appeal GEO 006/1106/OBS 141.

## Ongoing harassment of GHM

### Defamation campaign and judicial proceedings against GHM<sup>20</sup>

On January 20, 2006, during an interview with *Radio Omega*, Mr. Anastassios Kanellopoulos, head of the Appeals Prosecutor's office, announced the opening of a preliminary investigation following the protests of Patras residents who alleged that six Roma families were dumping litter in a river in the Makrigianni district. Mr. Kanellopoulos indicated that he would identify those responsible for such acts and their accomplices, and implicitly suggested that such persons might include members of the Greek Helsinki Monitor (GHM), an organisation known for its work on behalf of the Roma people. Several weeks earlier, GHM had requested that the Prosecutor open an investigation into a series of illegal evictions, assaults and acts of discrimination against the Roma people.

On June 26, 2006, Mr. Kanellopoulos stated before the heads of the neighbourhood associations in favour of the evictions, that a criminal investigation was underway against everyone who had supported and defended the rights of the six Roma families. He specifically mentioned GHM and two judges who had quashed several decisions ordering the eviction of the Roma from Makrigianni and Riganokampos in 2005.

On July 5, 2006, Mr. Kanellopoulos, referring to the case pending before the court, claimed that "GHM had incited the Roma people to breach the law".

In late 2006, GHM had still not been summoned nor questioned in relation to these two pending cases and the investigations announced by the Prosecutor remained pending.

On September 27, 2006, GHM lodged a complaint against Mr. Lambros Sofoulakis, president of the Patras Court, and Mr. Anastassios Kanellopoulos for "defamation", "abuse of power", and "racist remarks against the Roma people" that had been reported by the press. An investigation was opened and Mr. Yannis Halilopoulos, president of the Greek Gypsy Union as well as representatives of the

20. See Open Letter to the Greek authorities, March 2, 2006.

human rights department of the Socialist Party (*Panellínio Sosialistikó Kínima* - PASOK) and of the coalition of the Left and Progressive Parties (*Synaspismos*) were interrogated.

As of the end of 2006, the investigation remained pending.

#### Defamation against Messrs. Theodore Alexandridis and Panayote Dimitras<sup>21</sup>

On March 2, 2006, Mr. **Theodore Alexandridis**, GHM legal counsel, filed a complaint against Mr. Spyros Demartinos, the mayor of Patras and a member of Parliament, who had accused him, during a press conference on December 22, 2005, of “preventing a Roma from destroying his shelter” and of discouraging Roma people from introducing requests for allowances and benefits.

After a preliminary investigation, the Athens Prosecutor’s office referred the case to the court and scheduled a hearing for October 30, 2006. However, as the accused appealed the referral, the hearing was cancelled and the trial suspended.

As of the end of 2006, the charges remained pending.

In August 2006, Mr. Spyros Demartinos further criticised Mr. **Panayote Dimitras**, GHM spokesman, and accused him of “preventing Roma people from finding adequate housing”, implying that Mr. Dimitras was trying to make a profit from the fact that the Roma peoples were poorly housed.

On August 13, 2006, GHM had issued a press release indicating that, according to the official data sent to the European Committee of Social Rights in November 2004, only 44 out of the 344 applications for housing allowances had been acceded to and only a minority of the Roma in Patras had benefited from such allowances.

On September 8, 2006, Mr. Demartinos accused GHM and Mr. Dimitras of inciting Roma peoples to going back to living in camps.

On November 8, 2006, Mr. Dimitras was accused by the Prefect of Achaia of “repeatedly ridiculing the country by criticising the authorities’ attitude towards the Roma people” during a meeting on the housing of asylum-seekers.

Finally, the Prosecutor decided to examine the two complaints lodged by and against Mr. Alexandridis in late 2005. Indeed, on

21. See Annual Report 2005.

October 13, 2005, Mr. Alexandridis had filed a complaint with the police against the parents of pupils who had assaulted him and several Roma children during a protest against those children's expulsion from their school in Aspropyrgos, near Athens. The president of the Parents' Association had subsequently filed a complaint against Mr. Alexandridis for "libel" and "defamation". As of the end of 2006, no date had been set for the hearing of these charges.

### **Threats against Mr. Yannis Halilopoulos<sup>22</sup>**

On August 25, 2006, the authorities threatened to arrest Mr. **Yannis Halilopoulos**, president of the Greek Gypsy Union, while he was filming the eviction of Roma people from Patras.

Furthermore, on September 26, 2006, the municipal authorities prevented Mr. Halilopoulos from attending a meeting between the mayor and deputy-mayor of Patras and the representative of the Council of Europe Human Rights Commissioner on the grounds that he was not an official representative of the Roma communities.

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## **KYRGYZSTAN**

### **Proceedings against Mr. Maxim Kuleshov<sup>23</sup>**

On December 20, 2005, the head of the Regional Department of Internal Affairs in the town of Tokmok filed a complaint for "defamation" and "insults" against Mr. **Maxim Kuleshov**, head of the association World-Light of Culture and coordinator of the Tokmok Resource Centre for Human Rights. Mr. Kuleshov was accused of publicly threatening and insulting the employees of the Ministry of Home Affairs during a campaign entitled "Tokmok against torture - Helping to stop torture" held on December 2, 2005 in Tokmok park.

On January 6, 2006, the hearing was postponed *sine die*, due to the absence of the plaintiff. On February 27, 2006, the Court decided to drop the charges against Mr. Kuleshov as the plaintiff had missed three hearings in a row without any valid reason.

22. See GHM.

23. See Kyrgyz Committee for Human Rights (KCHR).



On the night of July 31 to August 1, 2006 a window of the headquarters of World-Light of Culture was broken. On August 1, Mr. Kuleshov petitioned the Tokmok police chief to open an investigation. No response had been received by the end of 2006.

### **Judicial proceedings against members of *Spravedlivost*<sup>24</sup>**

In March 2006, Mr. Ali Mageev, chief inspector of the Regional Department of Internal Affairs in Jalal-Abad, brought charges against Ms. **Valentina Gritzenko**, president of the regional board of the human rights NGO *Spravedlivost* (“Justice”), which provides legal assistance, Mr. **Mahamatjan Abdujaparov**, a lawyer for the organisation, and Mr. **Abdumalik Sharipov**, author of the information newsletter *The Law For All* published by the organisation.

This complaint followed the January 2006 publication of an article entitled “Women beaten, even when pregnant”, in which Mr. Abdumalik Sharipov had denounced the acts of violence perpetrated by police officers, in particular Mr. Ali Mageev, against several women, including Ms. Narghiza Turdyeva, whose testimony he recounted. Mr. Ali Mageev initiated a claim for one million sums (about 20,000 euros) from each of the accused and required 157,000 sums (about 3,200 euros) in damages in respect of the publication of the article.

On June 20, 2006, during the preliminary hearing, Ms. Turdyeva, the main witness, was insulted by a number of pregnant women who had come in support of Mr. Mageev. After Mr. Abdumalik Sharipov brought these incidents to the judges’ attention during the June 21 hearing, Mr. Ali Mageev requested that charges be initiated against Mr. Sharipov for “defamation” and “insults”.

The hearing was suspended and the trial postponed on medical grounds as Ms. Turdyeva was then eight months pregnant.

The charges remained pending as of late 2006.

### **Assault against Mr. Edil Baisalov<sup>25</sup>**

On April 12, 2006, Mr. **Edil Baisalov**, president of the Coalition for Democracy and Civil Society, was hit on the back of the neck by an unidentified man in Bishkek and was taken to hospital suffering

24. *Idem.*

25. *Idem.*

from concussion. On April 8, 2006, he had led a demonstration against organised crime.

By the end of 2006, despite the launch of an investigation into alleged “hooliganism with the use of violence” (Article 234-3-2 of the Criminal Code) by the Bishkek Prosecutor on April 13, 2006, none of his attackers had been identified or arrested.

### **Ongoing harassment of KCHR<sup>26</sup>**

#### Ongoing denial of legal recognition

In spite of repeated statements by Mr. Tursunbek Akun, chair of the Presidential Commission for Human Rights, no action was taken in 2006 regarding the request for registration introduced by the Kyrgyz Committee for Human Rights (KCHR), despite the fact that all of the required documentation had been provided.

KCHR has been deprived of its legal status since November 2003, when former members of the Committee close to the government established an organisation bearing the same name and aimed at discrediting the activities of the independent KCHR. The organisation has still not been able to annul the registration of the surrogate organisation, a prerequisite to the re-registration of the organisation.

#### Acts of harassment against Mr. Ramazan Dyrlydaev

On April 20, 2006, Mr. **Ramazan Dyrlydaev**, president of KCHR, was summoned to appear before the Pervomaiski Regional Court in Bishkek in relation to the examination of an appeal filed by Mr. Eliseev, a former KCHR member now close to the government, who had lodged several complaints against Mr. Dyrlydaev that were closed on December 20, 2005 as no offence was constituted. As he was travelling abroad at the time, he was unable to attend the hearing. No further developments in this case were reported as of the end of 2006.

Following the publication of an article entitled “Kyrgyz special services continue to pursue the opposition” on a website called *Central Asia* on September 11, 2006, Mr. Dyrlydaev received phone calls threatening him with physical violence for over one month.

26. See Annual Report 2005.

### Ongoing harassment of Ms. Aziza Abdyrasulova<sup>27</sup>

On April 20, 2006, an unidentified man, who introduced himself as a friend of one of her acquaintances, came to the office of Ms. **Aziza Abdyrasulova**, a lawyer and president of the human rights NGO *Kylym Shamy* (“Candle of the Century”), and asked her to help him to find a job with an NGO. The young man then asked questions regarding the organisation’s sources of funding and partners.

Ms. Abdyrasulova later realised that the license plate of his car indicated that he was an officer of the national security services.

Subsequently, on April 25, 2006, Ms. Abdyrasulova received a visit from the chief-lieutenant of the criminal police of the home affairs department of the Sverdlovsk region in Bishkek, who asked her “who [was] the leader of her party”. Ms. Abdyrasulova replied that her association was a non-political human rights organisation. He then questioned her in relation to the organisation’s funding and informed her that all NGOs were to be subjected to regular audits on the order of Mr. Marat Kajypov, Minister for Justice.

Those visits occurred in the aftermath of a debate between the President of the Republic and civil society on April 19, 2006, during which Ms. Aziza Abdyrasulova was considered to have raised “disturbing” issues, in particular regarding the government’s human rights policy.

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## MOLDOVA

### Abduction, ill-treatment and threats against Mr. Maxim Belinschi<sup>28</sup>

On March 14, 2006, Mr. **Maxim Belinschi**, legal counsel for the Moldova Helsinki Committee for Human Rights (MHC) in Chisinau and head of the MHC project “Monitoring and Promotion of Human Rights in the Transnistria Region”, was abducted by three individuals who identified themselves as officers of the self-proclaimed Ministry of Security for Transnistria.

Mr. Belinschi was kidnapped in front of the Tiraspol Court (Transnistria), where he was due to observe the trial of Ms. Mishina, president of the movement “Power to the People! For Social Justice”,

27. *Idem.*

28. See MHC.

who was accused of organising an illegal demonstration against inflation on March 2, 2006.

Mr. Belinschi was forced into a car where he was muzzled with his hands tied and was threatened with a weapon. He was taken outside of the town to the banks of Nistru River and interrogated on his activities and his presence at Ms. Mishina's trial. His replies were recorded. His kidnappers threatened him that if he ever came back to the region, he would be killed or his family would be subjected to acts of reprisals.

### **Harassment and threats against members of *Dignitas*<sup>29</sup>**

On August 17, 2006, Transnistria police and security officers searched the home of Mr. **Ghenadie Taran**, head of the human rights NGO *Dignitas* in Slobodzia, without a warrant. Several documents related to his activities as well as his mobile phone were seized. He was then taken to the security headquarters in Tiraspol where he was held incommunicado for two days. He was forced to sign a statement asserting that he would cease his human rights activities. He was subsequently released on the night of August 19, 2006.

On August 18, 2006, Messrs. **Igor Ivanov**, **Yuri Zatyka** and **Alexandru Macovenco**, all three members of *Dignitas*, were taken to the security headquarters in Tiraspol under the pretext that they were to "assist the police in the solving of a crime". They were then threatened and questioned. Before being released, they had to sign a statement in which they committed not to criticise Transnistria or its administration and to stop their human rights activities, on pain of bearing "the consequences". They were released at the same time as Mr. Taran.

Two weeks later, Mr. Taran was again arrested and taken to the Slobodzia police station, where he was questioned about his activities. He was released a few hours later.

In the following two weeks, 18 members of the organisation, whose addresses appeared in the directory seized at Mr. Taran's home, were interrogated at their homes and were forced to agree to put an end to their activities within the organisation.

29. See MHC and *Dignitas*.

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**RUSSIAN FEDERATION****Implementation of restrictive legislation against NGOs<sup>30</sup>**

Amendments to three Russian laws relative to non-profit organisations came into force on April 17, 2006<sup>31</sup>. They drastically restricted the potential activities of international or foreign NGOs in the country, strengthened registration procedures for national NGOs and strengthened the powers of the State to interfere in their activities. These amendments illustrate the strategy that the Russian authorities have implemented for several years to increase their control over independent civil society<sup>32</sup>.

On April 15, 2006, Decree no. 212 on “measures aimed at implementing certain provisions of the Federal laws regulating activities of non-governmental organisations” entered into force, after it was signed by the government. It establishes the list of documents required for NGO registration and for the communication of their narrative and financial reports. It also lists the documents that must be submitted in relation to the formation of an organisation’s management. The mechanisms to control the activities of NGOs have not yet been decided upon. Under this decree, all national and foreign NGOs must provide their annual and financial reports for the past year to the registration services by April 15, while foreign and international NGOs must comply with this obligation every three months.

In addition, representatives of international and foreign NGOs were required to file their requests for re-registration before October 17, 2006 and to convey their provisional operational programmes for 2007 prior to October 31, 2006, or their activities would be suspended. Many international or foreign NGOs were denied legal recognition as a result of the tedious administrative procedures required by law, as well as the often pernicious attitude of the registration services which prevented them from complying with all mandatory requirements within

30. See Annual Report 2005 and Press Release, January 20, 2006.

31. Those laws are: Federal Law no. 7 of January 12, 1996 on non-profit organisations, Federal Law no. 82 of May 19, 1995 on public associations, and Law of July 14, 1992 on closed territorial administrative entities.

32. For a detailed description of those amendments, see Annual Report 2005 and Explanatory Note of January 20, 2006.

the legal time frame<sup>33</sup>. As a result, the activities of several NGOs, such as the Dutch organisation Teaching Russian Justice Initiative<sup>34</sup>, were suspended, pending a re-examination of their case.

Finally, the federal registration and tax services are entitled to collect any information on all registered organisations before the entry into force of the above amendments, until January 1, 2008.

## **Repression of human rights defenders - Moscow**

### **Assassination of Ms. Anna Politkovskaya<sup>35</sup>**

Ms. **Anna Politkovskaya**, a journalist with the Russian biweekly newspaper *Novaya Gazeta*, was assassinated on October 7, 2006. Her body was found in the lift of her building in Moscow. Ms. Politkovskaya had been subjected to threats and reprisals as a result of her activities in the past years, in particular following her publications on Chechnya and North Caucasus.

In 2000, she had been arrested by Russian soldiers in the Chatoi region (Chechnya) for breaching a particularly restrictive regulation imposed on journalists. In February 2001, she had been detained for three days by Russian soldiers in the village of Khatuni (Chechnya) where she had been threatened with rape and death. In 2004, she was also poisoned while flying to Ossetia to participate in negotiations with the hostage-takers of the Beslan school.

Her assassination occurred as *Novaya Gazeta* was due to publish an article she had written on the use of torture in Chechnya, which directly incriminated Mr. Ramzan Kadyrov, the pro-Russian Prime Minister of Chechnya.

On October 8, 2006, the Public Prosecutor, Mr. Yuri Tchaika, opened an inquiry into her assassination. Despite the establishment of an expert group, no result had been made public by the end of 2006.

### **Smear campaigns and threats against several defenders<sup>36</sup>**

#### *Defamation campaign against human rights organisations*

On January 22, 2006, during a broadcast entitled “Special

33. See Centre for the Development of Democracy and Human Rights.

34. See above.

35. See Press Release, October 16, 2006.

36. See Press Releases, January 16, February 3 and October 17, 2006.

Correspondent” on the State television channel *Rossya*, Mr. Sergei Ignatchenko, official representative of the Federal Security Bureau (FSB), accused several human rights NGOs, including the Moscow Helsinki Group, the Nizhnyi Novgorod Committee Against Torture, the Centre for Democracy and Human Rights and the Eurasia Foundation, of being financed by the British intelligence services and of working in their pay. These accusations were reiterated on January 23, 2006, on the two State television channels *Rossya* and *Pervy kanal*. The organisations mentioned denied the accusations and indicated that the funds they received were connected to specific legal projects.

The Moscow Helsinki Group filed a complaint for “libel” against the two channels. The next hearing was scheduled for January 22, 2007.

### *Threats against defenders*

On March 31, 2006, members of Parliament affiliated to the Liberal-Democratic Party of Russia (LDPR, far-right party) published a list of “enemies of the Russian people”, namely: Ms. **Liudmila Alekseevna**, president of the Moscow Helsinki Group; Mr. **Alexandre Verkhovski**, president of the *Sova* Centre of analytical data; Ms. **Svetlana Gannushkina**, a board member of the Memorial Human Rights Centre and president of the Civic Assistance Committee (CAC); Mr. **Sergey Kovalyov**, president of Memorial; Mr. **Valeri Borchov**, a member of the executive board of the Russian office of the International Association for Religious Freedom and of the International Non-Governmental Platform on War Crimes and Crimes against Humanity Perpetrated in Chechnya; Ms. Anna Politkovskaya; Mr. **Alexandre Brod** and Mr. **Vladimir Novitzki**, members of the Moscow Bureau for Human Rights; Mr. **Evgueni Prochetchkin**, a member of the Moscow Anti-Fascist Centre; Mr. **Yuri Samodurov**, director of the Sakharov Museum; and Ms. **Natalya Taubina**, president of Public Verdict, an NGO which provides legal assistance.

The document was released in reaction to the publication of a list of “100 neo-fascists” compiled by Mr. Marat Gelman, the owner of a contemporary art gallery, which was made public on March 24, 2006, and included the names of some LDPR members, such as Mr. Nikolai Kurianovitch, a Member of Parliament.

On October 22, 2006, Mr. Nikolai Kurianovitch sent a letter to Mr. Serguey Sobyenin, head of presidential services, requesting the exclusion of Ms. Svetlana Gannushkina from the Presidential Commission for the Promotion of Civic Society and Human Rights of which she was a member. The letter accused her of “protecting foreign criminal groups” and “discrediting the President in the eyes of the population”.

In a letter sent to the Public Prosecutor, Mr. Kurianovitch also requested that the activities of CAC and Ms. Gannushkina be controlled.

Furthermore, in August 2006, a list of 89 persons considered as “traitors to the Nation” or “friends of foreigners” was published on the website of an ultra-nationalist group called “The Russian Will”. The list included the addresses and personal details of the persons concerned, and explicitly called for their physical elimination. This list included the names of several human rights defenders, including Mr. Sergey Kovalyov and Ms. Gannushkina, who also received death threats by phone.

In a letter to the FSB and the *Prokuratura*<sup>37</sup> dated August 27, 2006, Ms. Gannushkina requested that the people in charge of the website be charged with “terrorism” and “incitement to carry out extremist activities” (Articles 205 and 280 of the Criminal Code).

This request was dismissed on October 25, 2006 by the National Security Service, which stated that the threats were not explicit as the website had few visitors and was hosted abroad.

The website was closed on August 28 and reopened on November 20, 2006.

On October 30, 2006, the *Prokuratura* informed Ms. Gannushkina that on October 25, 2006 the Prosecutor for the central Moscow administrative district had opened an investigation into the alleged “death threats or attacks on physical integrity” (Article 119 of the Criminal Code) made against her only.

On November 1, 2006, responding to a letter from Ms. Ella Pamfilova, president of the Presidential Commission for the Promotion of Civil Society and Human Rights, the *Prokuratura* refused to open an investigation into alleged “incitement to extremist activities”, “terrorism” and “incitement to carry out a terrorist act or

37. The *Prokuratura* includes investigating officers and prosecutors under the supervision of the Public Prosecutor.



public support to terrorism” (Article 205-2 of the Criminal Code), on the basis of a psycho-linguistic examination of the statements contained on the website “The Russian Will” carried out by the Institute of Ethnology and Anthropology of the Academy of Sciences.

By the end of 2006, the *Prokuratura* was still reportedly investigating the threats against Ms. Gannushkina.

### Obstacles to freedom of peaceful assembly

#### *Arrests of several defenders during a demonstration*<sup>38</sup>

On February 1, 2006, police forces dispersed a peaceful demonstration organised by Memorial and the All-Russia Public Movement “For Human Rights” in front of the FSB headquarters in Moscow to denounce the authorities’ control over civil society organisations. Some twenty people were arrested, including Mr. **Oleg Orlov**, president of the executive board of the Memorial Human Rights Centre, Mr. **Alexandre Gurianov**, a member of Memorial, Mr. **Valentin Gefter**, a member of Memorial and head of the Human Rights Institute, Mr. **Lev Ponomarev**, executive director of the All-Russia Public Movement “For Human Rights”, as well as Ms. **Elena Riabinina** and Mr. **Bakhrom Khamroyev**, both CAC members.

They were taken to the Mechanski district police station in Moscow and released a few hours later. The organisers of the demonstration were subsequently fined one thousand roubles (30 euros) while the participants were fined 500 roubles (15 euros). They were all acquitted on appeal, except for Ms. Riabinina who had not appeared at the first hearing.

#### *Crackdown on a rally in commemoration of the Beslan massacre and sentencing of Mr. Lev Ponomarev*<sup>39</sup>

On August 29, 2006, the prefecture of the Moscow central district rejected the notification of a gathering scheduled for September 3, 2006 in Lubyanka Square in Moscow. The event was organised in commemoration of the second anniversary of the Beslan massacre and called for those responsible, including political and police authorities,

38. See Human Rights Online Research Centre (HRO).

39. See Annual Report 2005 and Urgent Appeal RUS 003/0906/OBS 112.

to be brought to justice. The prefecture suggested that the rally take place at a different place or time under the pretext that other meetings were already scheduled there.

On September 1, 2006, Messrs. Lev Ponomarev and Evgeny Ikhlov, head of the information service of the All-Russia Public Movement “For Human Rights”, lodged a complaint with the Taganski District Court in Moscow challenging that decision.

The gathering was maintained on September 3, 2006, as the organisers considered that the reasons advanced by the authorities were not valid. Upon arrival at Lubyanka Square, the demonstrators were surrounded by a large number of police officers. 13 people were arrested by members of the Special Forces and detained for several hours at the nearest police station.

On September 26, 2006, Mr. Lev Ponomarev was condemned to three days in prison by the Moscow Court no. 370 for organising a demonstration “without prior official authorisation” and was required to serve his sentence immediately.

On November 20, 2006, following an appeal filed by Messrs. Lev Ponomarev and Evgeny Ikhlov, the Taganski District Court acknowledged the invalidity of the decision banning the rally.

#### Obstacles to freedom of association

##### *Acts of harassment against HRO<sup>40</sup>*

On January 10, 2006, the federal registration services (under the authority of the Ministry of Justice) refused to register the modifications made to the board of directors of the Human Rights On-line Research Centre (HRO), which brings together twelve Russian human rights organisations, including the Moscow Helsinki Group, the Centre for the Reform of Criminal Jurisdictions, the Union of the Committees of Soldiers’ Mothers and the Association for the Defence of the Rights of Disabled Persons. HRO was denied registration on the grounds that the Ministry considered as illegal the decision taken by HRO on November 2, 2004 to appoint permanent board members.

40. See HRO and the Inter-Regional Association of Human Rights Organisations *Agora*.

On January 25, 2006, the federal registration services requested the closure of HRO under the pretext that the organisation had not provided its annual reports between 1999 and 2005. The request was dismissed by the Basmany District Court in Moscow on April 10, 2006.

*Official warning against Memorial*<sup>41</sup>

On February 26, 2006, the *Prokuratura* issued a written warning to Memorial and its executive director, Ms. **Elena Zhemkova**, for violating the “Law on countering extremist activists”.

The warning followed the publication on Memorial’s website of an analysis of four leaflets edited by *Hizb-Ut-Tabrir*, a Muslim organisation banned in Russia. This analysis had been requested by Ms. Svetlana Gannushkina to verify the legal basis of dozens of criminal investigations launched since autumn 2004 against Russian citizens prosecuted for keeping, reading or publishing *Hizb-Ut-Tabrir*’s four leaflets.

The *Prokuratura* based its warning on the conclusions of a “socio-psychological” study which was never made public or presented to Memorial and the authors of which were never identified. Memorial had to withdraw the analysis from its website within three days and replaced it with an explanation of the case and a brief summary of its conclusions.

*Fiscal harassment of the International Protection Centre*<sup>42</sup>

On July 17, 2006, following an audit carried out by the Tax Inspectorate from November 25, 2005 to June 8, 2006, the International Protection Centre, which provides legal assistance to people appealing to the European Court of Human Rights (ECHR) and other international legal bodies, was accused of tax evasion in relation to funds received from 2002 to 2004, and was ordered to pay 4,600,000 roubles (135,000 euros) in tax arrears and fines by the Tax Inspectorate.

On July 31, 2006, the Centre challenged this decision to the Moscow Tax Inspectorate no. 9 and stressed that the sums received

41. See Annual Report 2005 and Open Letter to the Russian authorities, March 14, 2006.

42. *Idem*.

were not taxable income, in accordance with domestic legislation. On August 29, 2006, the Tax Inspectorate decided to pursue the investigation before rendering its final decision, which was still pending by late December 2006.

*Denial of re-registration of the Teaching Russian Justice Initiative*<sup>43</sup>

On November 15, 2006, the federal registration services informed the Dutch human rights organisation Teaching Russian Justice Initiative that its Moscow office<sup>44</sup> had been denied re-registration, on the grounds that the documents presented for its registration were not signed by competent authorities and included various errors. This decision was based on the provisions of the new Law on NGOs<sup>45</sup>.

Since then, the organisation has submitted a revised version of its documentation in order to re-register. The statute of its Moscow office remained uncertain as of the end of 2006.

## **Repression of human rights defenders - Saint-Petersburg**

Assassination of Mr. Samba Lampsar and investigation into the assassination of Mr. Nikolai Girenko<sup>46</sup>

On April 7, 2006, Mr. **Samba Lampsar**, a student and an active member of the NGO African Unity, was assassinated by an unidentified individual in Saint-Petersburg, while returning with several other members of the organisation from a weekly celebration of intercultural friendship between Russians and foreigners. His assailant was waiting in a doorway next to the club where the meeting was held, and suddenly stood in the students' way shouting nazi slogans. As the students tried to run away, he shot in their direction and killed Mr. Lampsar before escaping. The alleged murder weapon, decorated with a swastika and the inscription "White Power", was found nearby.

43. See HRO.

44. This Dutch organisation is also registered as a Russian organisation in Nazran, Ingushetia. It has been providing legal assistance to people in Chechnya since 2001, in particular in their appeals to the ECHR.

45. See above.

46. See Urgent Appeal RUS 001/0406/OBS 048.

An investigation was opened by the State Prosecutor for “hate crime” under Article 105-2 of the Criminal Code.

On May 24, 2006, the *Prokuratura* announced that criminal investigations had been launched against 13 people for various offences, including crime. It subsequently turned out that this group - whose leaders, Mr. Alexei Voyevodine, already sentenced to three years in prison for participating in the extremist group Mad Crowd, and Mr. Dmitri Borovikov, killed during his arrest on May 18, 2006, were suspected of being responsible for Mr. Samba Lampsar’s murder - was also suspected of being involved in the assassination of Mr. **Nikolai Girenko**, chair of the Minority Rights Commission of the Saint-Petersburg Scientific Union and president of the Ethnic Minority Rights Association, on June 19, 2004<sup>47</sup>.

Investigations into both murders were still pending by the end of 2006.

#### Attack against Mr. Dmitri Dubrovski<sup>48</sup>

On November 15, 2006, Mr. **Dmitri Dubrovski**, a professor at the European University of Saint-Petersburg and a specialist in inter-ethnic relations, was threatened and assaulted by two youths on his way home, after attending a conference on tolerance at the Smolny Institute of Free Arts and Sciences. Mr. Dubrovski pressed charges the following day.

No investigation had been launched as of late December 2006.

#### Continued threats against Mr. Ruslan Linkov<sup>49</sup>

In 2006, Mr. **Ruslan Linkov**, a member of the Democratic Russia Association and former assistant to the democratic party member of Parliament, Ms. Galina Starovoitova, who was assassinated in November 1998, again received death threats by email and telephone.

In April 2005, numerous threats against Mr. Linkov had already been published on nationalist websites and on the Saint-Petersburg news website.

47. See Annual Report 2005.

48. See Memorial Saint-Petersburg.

49. See Annual Report 2005.

As a result Mr. Linkov had repeatedly appealed to the police and the *Prokuratura*. Two investigations were finally opened in June and October 2006 and were still pending in late 2006.

### **Repression of human rights defenders - Region of Nizhnyi-Novgorod**

#### **Sentencing of Mr. Stanislav Dmitrievski<sup>50</sup>**

On January 11, 2006, Mr. Vladimir Demidov, Prosecutor for the Nizhnyi Novgorod region, publicly asserted that Mr. **Stanislav Dmitrievski**, editor-in-chief of the newspaper *Pravozaschita* and executive director of the Russian-Chechen Friendship Society (RCFS), who was being prosecuted for “incitement to hatred or hostility”, would be convicted. Mr. Demidov further added that his office was going to “push for the recognition of his criminal responsibility” and that public authorities should “allow no attempt to destabilise the situation”.

On February 3, 2006, Mr. Dmitrievski received a suspended sentence of two years in prison and four years of probation for “incitement to racial hatred” by the Sovetsky District Criminal Court (Nizhnyi-Novgorod). Although the trial was held *in camera*, some observers were present, including one mandated by the European Union. He was also prohibited from changing his address and ordered to report regularly to the local authorities.

Mr. Dmitrievski was condemned after *Pravozaschita*, a joint publication of RCFS and the Nizhnyi-Novgorod Society for Human Rights (NNSHR), released statements by Mr. Akhmed Zakaev and Mr. Aslan Maskhadov, two Chechen separatist leaders, calling for a peaceful resolution of the Russian-Chechen conflict.

On April 11, 2006, the appeals lodged by Mr. Dmitrievski and the Prosecutor, who considered the verdict too lenient, were dismissed by the Nizhnyi-Novgorod Regional Court.

#### **Ongoing judicial proceedings and dissolution of RCFS<sup>51</sup>**

##### *Fiscal harassment*

On January 27, 2006, the criminal proceedings initiated in

50. See Annual Report 2005 and Press Releases, January 16 and February 3rd, 2006.

51. See Annual Report 2005 and Press Release, October 16, 2006.

September 2005 against RCFS for “failure to pay taxes” (Article 199-1 of the Criminal Code) were suspended on the decision of the frauds department of the Nizhnyi-Novgorod Tax Inspectorate which ruled that no offence was made out on the facts.

On November 16, 2006, the Tax Inspectorate submitted a request to the Court of Arbitration to reopen the proceedings. This request was initially acknowledged by the Court, before being dropped by the Tax Inspectorate pending the final verdict regarding the dissolution of the organisation.

### *Dissolution*

On October 13, 2006, the Nizhnyi-Novgorod Regional Court ordered RCFS closing down on the basis of Article 19 of the Federal Law on NGOs which provides that “a person who was sentenced under the Law on countering extremist activists cannot be the co-founder of an organisation”, in reference to Mr. Dmitrievski’s conviction. Furthermore, the court based its decision on Article 15 of the Law on countering extremist activities, which provides that “if the head or a member of an NGO makes a public statement in which he or she calls for an extremist act or if he or she is sentenced for an extremist act, his or her organisation must publicly disapprove those facts within the following five days [...]; failure to do so by the organisation will be considered as an extremist act”.

On October 19, 2006, RCFS appealed this decision to the Supreme Court.

The next hearing was scheduled for January 23, 2007.

## **Repression of human rights defenders - Dagestan**

Acts of torture and ongoing harassment against Mr. Osman Bolyev and members of *Romachka*<sup>52</sup>

On November 15, 2005, Mr. **Osman Bolyev**, president of the human rights organisation *Romachka* (“Daisy”), had been arrested and charged with “illegal purchase, detention or carrying of weapons” (Article 222-1 of the Criminal Code) after federal services found, in his car, a grenade which had presumably been planted there by the

52. *Idem.*

policemen. Mr. Bolyev had been remanded in custody and ill-treated during his detention.

He was released on February 13, 2006.

On February 21, 2006, the hearing was postponed due to his health condition. Mr. Bolyev had been subjected to ill-treatment and acts of torture at the Khassaviourt police station right after his arrest. However, the authorities refused to open an investigation into this matter.

On May 18, 2006, Mr. Bolyev was ultimately acquitted. However, on the following day, the judge of the Khasavyurt Court who rendered the decision in the case was dismissed from his position. The *Prokuratura* of Dagestan lodged an appeal against his acquittal, which had still not been examined as of the end of 2006.

On June 13, 2006, new judicial proceedings were initiated against Mr. Bolyev for “illegal purchase, possession or carrying of weapons” and for “participation in an armed group” (Article 208-2 of the Criminal Code).

Mr. Bolyev consequently decided to leave his country in mid-July and took refuge abroad.

However, by late December 2006, FSB agents interrogated *Romachka* representatives and accused Mr. Bolyev of being involved in a case of money laundering, after Mr. Bolyev made a public statement during the presentation of the Peace Nobel Prize in Oslo (Norway) on December 10, 2006.

The Ministry of Justice for Dagestan and the FSB also initiated an audit of the organisation’s accounts. No result of this audit had been made public as of the end of 2006.

## **Repression of human rights defenders - Ingushetia**

### **Ongoing acts of harassment against CCNS<sup>53</sup>**

On August 2, 2004, proceedings had been initiated by the *Prokuratura* of Ingushetia against the Chechen Committee for National Salvation (CCNS) to request that the extremist character of its press releases be recognised.

Although those proceedings were deemed groundless in October 2004, the Supreme Court for Civil Matters of Ingushetia ruled on

53. See Annual Report 2005.



February 10, 2005 that the appeal brought against this decision by the *Prokuratura* was admissible. The case was remitted to the Nazran Regional Court.

On April 28, 2006, the *Prokuratura* requested that a psychological assessment of the CCNS press releases incriminated be carried out by the University of Kabardino-Balkari, although CCNS had already provided the Court with the conclusions of a psycho-linguistic assessment carried out by the same university and which had stated that the press releases did not contain extremist elements.

Since then, the hearings have been constantly adjourned and the case remained pending in late 2006.

#### Violent crackdown on a peaceful gathering, arrests and sentencing of several defenders<sup>54</sup>

On October 16, 2006, the forces of the Ministry of the Interior for Ingushetia dispersed a rally held in the memory of Ms. Anna Politkovskaya<sup>55</sup> in Nazran, on the grounds that it had not been officially authorised. Police officers grabbed the demonstrators' placards featuring pictures of Ms. Politkovskaya and threw them to the ground. Ms. **Ekaterina Sokerianskaya**, a collaborator with Memorial's office in Nazran, was injured and had to be taken to hospital with a broken nose.

On October 16, 2006, several organisers of this gathering, including Mr. **Albert Khantygov**, Ms. **Fatima Yandieva**, Ms. **Zoya Muradova** and Ms. **Zarema Mukucheva**, Memorial representatives, and Mr. **Magomed Mutsolgov**, an officer of the Association of Families and Friends of Disappeared Persons *Machr* ("Peace"), were arrested and taken to the police station. They were not allowed to talk to their lawyers for nine hours. Furthermore, Ms. **Tamara Tzechoeva**, a lawyer, was violently pushed away by the police officers.

On the night of October 16 to 17, 2006, a judge convicted and fined Ms. Yandieva, Ms. Muradova and Ms. Mukucheva, in the absence of their lawyers, to a 500 roubles fine each (15 euros) for "violating the regulations in relation to the organisation of a meeting".

54. See Press Release, October 17, 2006.

55. See above.

On October 31, 2006, Mr. Albert Khantygov, Ms. Yandieva, Ms. Muradova and Ms. Mukucheva were discharged by the judge of Nazran for lack of evidence. However, Mr. Magomed Mutsolgov was convicted for “violating the rules in relation to the organisation of a meeting” (Article 20-2 of the Code of Administrative Offences) and sentenced to a 1,000 roubles fine (30 euros). He appealed that ruling on November 10, 2006. The Nazran Court upheld the verdict on December 20, 2006.

Their lawyers subsequently submitted a request to the general *Prokuratura* and to the Russian delegate for human rights requesting the instigation of judicial proceedings against the police officers who had denied the detainees access to their lawyers. The general *Prokuratura* opposed the request in late November 2006, before opening an investigation in early December 2006, following an appeal against its decision.

As of the end of 2006, there was still no outcome from the investigation.

Furthermore, following a complaint lodged against police forces, Ms. Ekaterina Sokerianskaya was interrogated in relation to her injuries by an investigator of the Nazran *Prokuratura* on October 31, 2006. However, during the medical examination, the doctors who had obviously been subjected to pressure, indicated that she had broken her nose two weeks earlier. Ms. Sokerianskaya therefore had to drop her complaint.

## **Repression of human rights defenders - Chechnya**

### **Threats against Ms. Lida Yusupova<sup>56</sup>**

On October 12, 2006, Ms. **Lida Yusupova**, a lawyer, member of the Memorial Centre in Grozny, laureate of the Martin Ennals Award for Human Rights Defenders in 2004 and of the Rafto Prize in 2005, received a phone call threatening her with death by an individual who spoke Chechen and told her “You’re pleased to be a nominee for the Nobel Peace Prize? Presuming you’ll still be alive then!”

56. See Press Release, October 16, 2006.

### Defamation campaign against Mr. Timur Aliev<sup>57</sup>

On October 13, 2006, *NTV*, one of the main pro-governmental Russian television channels, broadcast a show entitled “Humanitarian Question” during which members of humanitarian and human rights organisations were assimilated to terrorists. In particular, Mr. **Timur Aliev**, coordinator for Chechnya of the Institute for War and Peace Reporting (IWPR) and editor-in-chief of the independent newspaper *Chechen Society*, was presented as a collaborator of Mr. Chamil Bassayev, the former Chechen military leader assassinated in July 2006.

### Acts of harassment against the Grozny section of RCFS<sup>58</sup>

On the morning of December 25, 2006, three individuals in camouflage outfits arrived at the Grozny section of the Russian-Chechen Friendship Society (RCFS) and asked questions about the organisation’s activities. The individuals presented themselves as members of “Ramzan Kadyrov’s service”, the pro-Russian Prime Minister of Chechnya, but refused to disclose their exact identity or present documents attesting to their exact role. They also asked when the section’s director, Mr. **Danilbek Apayev**, would return to the office. However, they did not return at the time indicated by an officer of the organisation.

### Repression of human rights defenders - Bashkiria

#### Suspension of the activities of the NGO International Standard<sup>59</sup>

On October 18, 2006, the registration services of Bashkiria submitted to the Regional Supreme Court a request for the dissolution of the organisation International Standard, which provides legal support to persons whose rights have been violated by the authorities. The organisation was accused of failing to present all of the documents required by the registration and tax departments in 2005, and of not communicating its change of address to those departments. This notification followed controls carried out by the Tax Inspectorate, the *Prokuratura*, and the Ministry of Justice since March 2006.

57. See Press Release, October 17, 2006.

58. See RCFS.

59. See *Agora*.

On October 20, 2006, Ms. **Natalya Karaeva**, head of the organisation, again sent all the organisation's activity reports since 2005.

On November 24, 2006, the Supreme Court of Bashkiria dismissed the registration department's request for dissolution on grounds of technical irregularities, arguing that such a procedure should have been initiated in the District Court. The following day, the registration department decided to suspend the organisation's activities for one month. On November 29, 2006, a revised and amended version of the NGO statutes was sent to the registration department, which had not delivered any response by the end of 2006.

### **Repression of human rights defenders - Region of Sverdlovsk**

#### **Arbitrary arrest of Mr. Vladimir Chakleïne<sup>60</sup>**

On March 17, 2006, Mr. **Vladimir Chakleïne**, president of the Sverdlovsk regional office of the All-Russia Public Movement "For Human Rights", was arrested for the "verification of information" during a rally convened in front of the Sverdlovsk Court in Ekaterinburg, which he had organised in support of Mr. Mikhail Trepachkine, a lawyer arbitrarily sentenced to four years in prison on April 15, 2005. Mr. Chakleïne was taken to the Ekaterinburg police station where he was charged with "administrative offence" (Article 20-2-2 of the Code of Administrative Offences). He was then led to the Verkh-Istski District Court in Ekaterinburg. His trial was adjourned to March 30, 2006 due to his health condition.

On March 21, 2006, Mr. Chakleïne wrote to the judge and the Prosecutor of the Sverdlovsk region, the Mayor of Ekaterinburg, and the human rights officer of the Sverdlovsk region, to denounce the irregularities which occurred during his arrest.

On May 6, 2006, Mr. Chakleïne was sentenced to a 1,000 roubles fine (about 30 euros).

#### **Arrest and acts of violence against Mr. Vassili Melnitchenko<sup>61</sup>**

On October 22, 2006, Mr. **Vassili Melnitchenko**, president of the Kamyshlov Centre for Social Initiatives, head of the local section of

60. See All-Russia Movement "For Human Rights".

61. See All-Russia Movement "For Human Rights" and HRO.

the All-Russia Public Movement “For Human Rights” and a journalist for the human rights publication *Popular Power Territory*, was violently beaten by Mr. Alexei Gaan, a former investigator to the Prosecutor’s office and four bodyguards. A few days before, Mr. Gaan had been dismissed from his position after Mr. Melnitchenko denounced his involvement in cases of corruption. Mr. Melnitchenko had to be urgently hospitalised and was diagnosed with a concussion.

Mr. Melnitchenko filed a complaint when he left the hospital on October 24, 2006. However, no proceedings had been initiated against Mr. Gaan by the end of 2006.

On November 15, 2006, Mr. Melnitchenko was summoned to the Prosecutor’s office and accused of harassing Mr. Gaan.

On December 27, 2006, he was further arrested upon his arrival in Ekaterinburg and taken to the Kamychlov regional police station, where he was placed under arrest for 48 hours and accused of “heavy extortion” (Article 159-4 of the Criminal Code). He was arrested after addressing the Civil Chamber of the Russian Federation on the issue of the illegal appropriation of farmlands by organised criminal groups.

He was released later that day following intense mobilisation by civil society organisations and the State representative for human rights.

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## SERBIA

### Sentencing of Ms. Natalija Lazić<sup>62</sup>

On July 7, 2006, the Belgrade District Court upheld the verdict of the Second Municipal Court that had convicted Ms. **Natalija Lazić**, a nurse, for “defamation” and sentenced her to pay a fine of 50,000 Serbian dinars (about 645 euros) on March 13, 2006. She was also ordered to repay the court and Prosecutor expenses (25,000 and 5,000 dinars respectively). Ms. Lazić had been sued on July 21, 2005 by Mr. Miodrag Radovanović, also known as Deimbacher, in connection with a statement she had made during the show “Ključ” on RTS channel on May 16, 2003, in which she had denounced the involvement of Mr.

62. See Humanitarian Law Centre (HLC), and Press Release, October 31, 2006.

Radovanović in sexual abuses perpetrated against a ten-year old Roma boy on November 15, 2002 in the town of Veliko Gradište.

During the first trial, Ms. Lazić had been convicted after only one hearing and the Court had refused to hear the witnesses called by her lawyer, including representatives of the Humanitarian Law Centre (HLC) and of the Office of the High Commissioner for Human Rights.

### **Defamation campaign against YUCOM<sup>63</sup>**

On September 3, 2006, in an article entitled “Silence! The Committee is listening to you”, Ms. Ljiljana Smajlovic, editor-in-chief of the newspaper *Politika*, questioned the financing of the Yugoslav Committee of Lawyers (YUCOM), implying that it was funded by US sponsors, and presented the organisation’s activities as contravening freedom of information.

On September 8, 2006, Ms. **Biljana Kovacević-Vuco** and Mr. **Milan Antonijević**, YUCOM president and executive director respectively, requested that Ms. Ljiljana Smajlovic publish an official rectification to the article, which was issued by *Politika* on September 12, 2006. Ms. Kovacević-Vuco was also targeted by smear campaigns in the weekly *NIN* in August 2006, which presented her and Ms. **Sonja Biserko**, president of the Helsinki Committee for Human Rights, as “children of communism”.

### **Intimidation against Ms. Natasa Kandić, Ms. Sonja Biserko and Ms. Biljana Kovacević-Vuco<sup>64</sup>**

On September 4, 2006, Mr. Sinisa Vucinic, president of the nationalist radical party, declared in a letter published in the daily *Kurir* and entitled “Women in the line of fire” that Ms. **Natasa Kandić**, HLC executive director, Ms. Sonja Biserko and Ms. Biljana Kovacević-Vuco’s lives were in danger. He stated that “the three women [were going to] be abducted and killed by foreign special services in such a way that the international community would blame the crime on Serbian authorities, in response to their support to Mr. Martii Ahtisaari”. In the letter, Mr. Vucinic also “advised” the three women

63. See YUCOM.

64. See Helsinki Committee for Human Rights.

“to immediately cease their activities and seek asylum in a safer place”.

This followed a controversy emanating from the misinterpretation of statements made on August 8, 2006 by Mr. Martii Ahtisaari, UN Special Envoy in charge of the negotiations on the status of Kosovo. Mr. Ahtisaari had declared that “the policy implemented by Slobodan Milosevic had to be taken into account in decisions concerning Kosovo” and that “every Nation had to bear the price of the actions taken by its past leaders”. The ensuing controversy resulted in an upsurge of nationalist statements, some of which directly targeted at the three women, known to be in favour of the prosecution of those responsible for war crimes.

On September 11, 2006, the Prosecutor ordered the opening of an investigation into those statements.

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## SLOVENIA

### **Acts of harassment against members of the Helsinki Monitor of Slovenia**

Judicial proceedings against Ms. Neva Miklavcic-Predan<sup>65</sup>

Ms. **Neva Miklavcic-Predan**, president of the Helsinki Monitor of Slovenia (HMS), remained under prosecution in four criminal cases, facing a total sentence of six years and three months in prison.

– In January 2005, Ms. Neva Miklavcic-Predan had been informed that the Prosecutor of the Ljubljana district had requested the initiation of proceedings against her in 2004 for “defamation” (Articles 171/1, 2 and 3 of the Criminal Code). The proceedings followed a complaint filed in 2003 by the Union of Veterans of the Slovenian War of Independence, a pro-governmental organisation, in relation to the organisation by Ms. Miklavcic-Predan of a press conference on May 28, 2003, during which it was stated that the Vic/Holmec case and the assassination of three soldiers of the Yugoslav national army in 1991 could be considered war crimes. Two hearings in this case were held on February 14 and April 4, 2006 before the Ljubljana District Court.

65. See Urgent Appeals SVN 001/0406/OBS 040 and 040.1.

On May 30, 2006, Ms. Miklavcic-Predan was discharged for lack of evidence. However, on July 13, 2006, Mr. Nikolaja Hodzic, District Prosecutor, lodged an appeal that was subsequently supported by the State Prosecutor on October 17, 2006.

On June 27, 2006, Mr. Janez Jansa, Prime Minister, requested that repressive measures be taken against Ms. Neva Miklavcic-Predan and her organisation and accused her of being “mentally-ill”, of “blackmailing the government” and disseminating “absurd and pathological lies”.

– In August 2005, Ms. Miklavcic-Predan had also been accused of “corruption” for allegedly offering a bribe of 2,000 Deutschmarks (about 1,020 euros) during a phone call with an officer of the Ministry of the Interior in order to obtain Slovenian nationality for a Roma. Ms. Miklavcic-Predan expressed her wish to conduct her own defence through “passive resistance”, i.e. by refraining from attending the hearings, communicating with the Court or benefiting from legal counsel, as she was convinced that the procedures initiated against her were politically motivated.

On November 4, 2005, the judge rejected the request to initiate proceedings against Ms. Miklavcic-Predan. However, on May 24, 2006, the court consented to prosecute Ms. Miklavcic-Predan after the District Prosecutor appealed his ruling. Ms. Miklavcic-Predan was liable to a sentence of three years’ imprisonment.

The date of the next hearing was still undetermined by the end of 2006.

– A third procedure had been initiated in October 2005 by the judge of the Ljubljana Local Court, who had declared herself offended by Ms. Miklavcic-Predan’s remarks and intention to resort to passive resistance. She was accused of committing a “criminal attack on honour and reputation” (Article 169-1 of the Criminal Code), amended by Article 178-2 which provides that proceedings are to be initiated when the charges under Article 169-1 are made against a State body or representative or a military officer in the exercise of his/her functions. No hearing had yet been scheduled in this case by the end of 2006.

– Finally, on July 27, 2006, a new procedure was opened on the request of the District Prosecutor for “attack on the dignity of the Republic of Slovenia” (Article 174 of the Criminal Code), after HMS organised a press conference on July 11, 2006 in reaction to the defamatory remarks of the Prime Minister against Ms. Miklavcic-Predan following her acquittal in the Vic-Holmec case. A day after the press



conference, Ms. Miklavcic-Predan was summoned to appear before the criminal police department. An association of veterans had filed a complaint, which accused her of making statements attacking the dignity of Slovenia in an interview with the British daily *The Independent* on April 11, 2006.

#### Acts of intimidation against HMS and its members

In 2006, several members of the Committee received phone calls threatening them and aiming at dissuading them from carrying out their activities within the organisation.

Furthermore, on June 28 and November 7, 2006, HMS received warning of the potential confiscation of its equipment to repay the expenses of the Ministry of Justice in a trial initiated by the organisation against the Ministry regarding the forced eviction of a family on January 8, 1999. HMS had never been informed of the verdict and appealed against the warning.

Finally, on October 30, 2006, the Ministry of the Interior refused HMS renewal of its statute as an association of general interest, under the pretext that the organisation did not run projects in favour of public interest.

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## TURKMENISTAN

### **Death in detention of Ms. Ogulsapar Muradova and arbitrary detention of Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev<sup>66</sup>**

On June 16, 2006, Mr. **Annakurban Amanklychev**, an independent journalist and member of the Bulgaria-based Turkmen Helsinki Foundation (THF), was arrested while working on a documentary with two French production companies on the deterioration of the health and education systems in Turkmenistan and on the personality cult of the President of the Republic.

On June 18, 2006, Mr. **Sapardurdy Khajiev**, a THF member, and Ms. **Ogulsapar Muradova**, a reporter for *Radio Free Europe / Radio Liberty (RFE/RL)* and a former THF member, were arrested at their homes.

66. See Urgent Appeals TKM 001/0806/OBS 103, 103.1 and 103.2.

On June 19, 2006, several official representatives, including the President of the Republic and the Minister for National Security, publicly accused them of “conspiring with foreigners to destabilise the State”.

All three of them were held incommunicado for over two months, during which they were subjected to ill-treatment.

On August 25, 2006, Ms. Ogulsapar Muradova, Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev were sentenced by the Azatlyk District Court in Ashgabat to six and seven years in prison and seven years in a high-security prison respectively. They were convicted of “illegal possession of ammunitions” (Article 287-2 of the Criminal Code) on the basis of statements by police officers who allegedly found weapons in Mr. Amanklychev’s car. They were never notified of the charges against them.

The trial was held *in camera* and lasted only a few minutes. The lawyers were denied access to the Court, as they were turned back by soldiers just before the hearing when trying to meet their clients. In addition, the Court and the nearby streets had been cordoned off by armed soldiers in order to prevent the defendants’ relatives and lawyers from accessing the Court.

The three defenders appealed against their conviction on August 29 and 30, 2006.

On September 14, 2006, Ms. Ogulsapar Muradova’s relatives were informed of her death. During the identification of the body in the morgue, the authorities declared that she had died from natural causes although her whole body bore visible marks of violence.

The circumstances of Ms. Muradova’s death remained unclear in late 2006 and it is feared that her death was the result of acts of torture or ill-treatment.

Furthermore, since that date, Ms. Muradova’s relatives have been constantly harassed by the authorities. For instance, police officers attempted to dissuade her children from attending her funeral and placed their houses and movements under constant surveillance. They were forbidden any contact with foreign countries and their telephone lines were cut.

## Harassment of IHD members

### Ongoing judicial harassment of four IHD executives<sup>67</sup>

– On September 22, 2006, Ms. **Eren Keskin**, president of the Istanbul section of the Human Rights Association (*Insan Haklari Dernegi* - IHD), was charged with “denigrating the Turkish identity” (Article 301 of the Criminal Code) by the Prosecutor’s office of the Kartal district in Istanbul. This followed an interview with the German daily *Der Tagespiegel* on June 24, 2006, in which Ms. Keskin had expressed her opinion on the influence of the Turkish army over the government.

Charges remained pending by the end of 2006.

– On November 14, 2006, Ms. **Kiraz Biçici**, IHD vice-president, and Mr. **Ridvan Kizgin**, head of the IHD branch in Bingöl, were sentenced to a six-month prison sentence term for “denigrating the Turkish identity” (Article 301 of the Criminal Code), a sentence later commuted to a fine of 1,350 Turkish liras (about 900 euros). They had been charged on October 7, 2003 following the publication of a press article by Ms. Biçici denouncing phone calls and threats made against Mr. Kizgin by the Bingöl Gendarmerie Command.

They appealed the verdict to the Yargitay Court of Appeal but it had still not been examined as of the end of 2006.

– Furthermore, on August 24, 2005, Mr. **Doğan Genç**, a member of the IHD executive board, was charged with “attacking the honour and reputation of a person” (Article 482 of the Criminal Code) by the Prosecutor’s office of the Beyoğlu district in Istanbul, on the basis of a complaint filed by Mr. Ali Suat Ertosun, a member of the Court of Appeal and former general director of the penitentiary administration. This followed the publication of a report in which Mr. Genç denounced the failure of the measures taken by Mr. Ali Suat Ertosun as general director of the prisons system.

The last hearing in this trial was held on October 30, 2006 before the Second Peace Criminal Court. The charges remained pending as of the end of 2006.

67. See Annual Report 2005 and IHD.

In 2005, Ms. Eren Keskin, Ms. Kiraz Biçici and Mr. Doğan Genç had faced harassment and death threats from an ultra-nationalist armed group. No inquiry had been launched into these acts by the end of 2006.

#### Arbitrary detentions and ill-treatment of several IHD members<sup>68</sup>

In late March 2006, several human rights defenders were arrested following violent incidents between the Kurdish population and security forces in several provinces in south-eastern and eastern Turkey, after Kurdish rebels were killed while fighting with the army in Mus-Bingol on March 24, 2006.

– On March 29, 2006, Mr. **Resit Yaray**, director of the IHD section in Batman, and Mr. **Mursel Kayar**, a member of that section, were arrested and placed in detention at the Batman Security Centre, where they were beaten by police officers.

On April 2, 2006, after appearing before the Public Prosecutor of Batman, Messrs. Yaray and Kayar were charged with providing “assistance and support to illegal organisations” (Article 220-7 of the Criminal Code) and placed in detention in the town’s prison.

On June 30, 2006, the Observatory mandated an observer to their trial. The hearing was adjourned to August 15, 2006 and subsequently to September 13, 2006.

Messrs. Resit Yaray and Mursel Kayar were released on November 7, 2006 but the charges against them remained pending. The next hearing was scheduled for February 20, 2007.

– On March 29, 2006, Mr. **Necdet Atalay**, former spokesman for the Diyarbakir Democracy Platform, secretary general of the Machine Engineers’ Association and a member of the Diyarbakir section of IHD, was arrested and placed in detention in the town’s D-type prison<sup>69</sup>.

He was charged with providing “assistance and support to illegal organisations” for attending the funerals of Kurdish rebels. He was released on July 20, 2006 after a hearing attended by the Observatory,

68. See Urgent Appeals TUR 001/0406/OBS 045 and 045.1, Conclusions of the Judicial Observation Missions of June 29 and 30, 2006 and July 13, 2006, and Press Release, July 19, 2006.

69. D-type prison, a high-security prison, was built for political prisoners in Diyarbakir in 2003.

as a result of the lack of “sufficient evidence”. However, he remained under prosecution. After the hearing was again adjourned until October 10, 2006 and subsequently to December 12, 2006, the next hearing was scheduled for March 6, 2007.

– On March 30, 2006, Mr. **Mecail Ozel**, a member of the IHD branch in Diyarbakir, was arrested and placed in detention in Ofis, Diyarbakir district. His family was not notified of his arrest until April 3, 2006. On April 4, 2006, Mr. Ozel appeared before the Diyarbakir Criminal Court, which ordered his detention in the Diyarbakir prison for providing “assistance and support to an illegal organisation”. He was released in August 2006 but the charges against him remained pending. The next hearing was scheduled for January 11, 2007.

– On April 2, 2006, Messrs. **Hüseyin Cangir** and **Erdal Kuzu**, president and secretary general of the Mardin section of IHD respectively, were arrested by the Kiziltepe Gendarmerie for attempting to prevent several attacks of the security forces against civilians. Messrs. Kuzu and Cangir were severely beaten during their four-hour custody, including by a military doctor.

– On April 4, 2006, Mr. **Ali Öncü**, spokesman for the Diyarbakir Democracy Platform and president of TES-Is, one of the most important workers’ union in the country, and Mr. **Edip Yasar**, a member of the IHD section in Diyarbakir and president of *Tum Bel-Sen*, a union of municipal civil servants, were arrested and placed in detention by the anti-terrorist section of the security forces.

On April 5, 2006, they appeared before the Attorney General and the judge of Diyarbakir, who ordered their transfer to the Diyarbakir D-type prison. Messrs. Öncü and Yasar were charged with providing “assistance and support to illegal organisations”.

Mr. Ali Öncü was released on July 13, 2006 following a hearing attended by the Observatory, on the basis of the decision of the Sixth Criminal Court of Diyarbakir, after the Prosecutor substituted the initial charges with those of “propaganda in favour of an illegal organisation” (Article 220-8 of the Criminal Code).

However, the charges against him remained pending as of the end of 2006 and the next hearing was scheduled for March 6, 2007 before the Fourth Criminal Court in Diyarbakir.

Mr. Edip Yasar, whose case was joined with that of Mr. Necdet Atalay, was released on grounds of a lack of “sufficient evidence” on

July 20, 2006, after a hearing attended by the Observatory. The next hearing in this trial was scheduled for March 6, 2007.

Judicial proceedings against IHD members in south-eastern Turkey<sup>70</sup>

*Judicial proceedings against Mr. Anatolia Mihdi Perinçek*

In 2006, Mr. **Anatolia Mihdi Perinçek**, IHD head for the eastern and south-eastern regions, was charged with “propaganda in favour of an illegal organisation”, after ensuring, along with several other human rights defenders, the security of a police officer during his release in January 2006, after he was abducted in October 2005 by members of the Kurdish Workers’ Party (*Kongra-Gel* - PKK).

Furthermore, in 2006, Mr. Perinçek was sentenced to a year and a half in prison for “violently resisting law-enforcement officers” (Article 32-1 of Law 2911 relating to meetings and demonstrations), after he protested against the assassination of ten prisoners in the Ulucanlar prison in Akara. Mr. Perinçek appealed this decision. By the end of 2006, the appeal remained pending before the Yargitay Court of Appeal.

*Judicial proceedings against Ms. Reyhan Yalcindag<sup>71</sup>*

Following the publication of a press release on March 5, 2005 on an IHD report on human rights violations released in January 2005, Ms. **Reyhan Yalcindag**, IHD vice-president, was charged with “propaganda in favour of an illegal organisation” by the Office of the Prosecutor in Diyarbakir.

In addition, following the publication of a press release on May 2, 2005, denouncing the ill-treatment inflicted on six children accused of disrespecting the Turkish flag, Ms. Yalcindag was charged with “attempting to influence the course of justice” (Article 288 of the Criminal Code).

The charges remained pending as of the end of 2006.

70. See Annual Report 2005.

71. *Idem*.

## Harassment of HRFT members<sup>72</sup>

### Acquittal of Messrs. Mustafa Cinkilic and Mehmet Antmen

Mr. **Mustafa Cinkilic**, a lawyer and a member of the Adana section of the Human Rights Foundation of Turkey (HRFT), and Mr. **Mehmet Antmen**, a doctor working with this section, were under prosecution since 2004 for “concealment of evidence” and “falsification of official documents”, following the drafting of a medical report on the health status of Mr. Sükrü Boyav, who had been detained for two years in an E-type prison<sup>73</sup> where he was subjected to ill-treatment during his detention. On the basis of this report, Mr. Boyav had lodged a complaint with the Prosecutor’s office against the penitentiary administration and the prison guards.

On September 16, 2004, Messrs. Cinkilic and Antmen had been questioned on this report and stated that they were unable to provide the original document. The police had then placed them in detention and requested an arrest warrant on the grounds of “obstructing” the investigation. The Court rejected this request and ordered their release.

The trial started on July 11, 2005 before the Adana Criminal Court no. 11 and a hearing was held on October 4, 2005.

On January 31, 2006, the Court decided to initiate proceedings against the police officers accused of the ill-treatment against Mr. Boyav.

A hearing was held on May 11, 2006. The proceedings remained pending as of the end of 2006.

On November 29, 2006, Mr. Mustafa Cinkilic and Mr. Mehmet Antmen were acquitted as it was found that the charges were not properly constituted.

### Judicial proceedings against Mr. Alp Ayan and Mrs. Günseli Kaya

On February 13, 2004, Mr. **Alp Ayan** and Ms. **Günseli Kaya**, HRFT members, had been sentenced by the Aliaga Criminal Court of First Instance to 18 months in prison for “using violence to resist and oppose law-enforcement officers” (Articles 32-1 and 32-3 of Law 2911 relative to meetings and demonstrations) following their participation in the funeral, on September 30, 1999, of Mr. Nevzat Ciftci,

72. *Idem*.

73. Prisons built in 2000, where the detainees are placed in solitary confinement.

a prisoner killed shortly before a military operation in the Ulucancar prison in Ankara. Sixty-nine people had been arrested and fourteen of them, including Mr. Alp Ayan and Ms. Günseli Kaya, were placed in pre-trial detention for four months.

The charges against them remained pending as of the end of 2006.

#### Judicial proceedings against Mr. Yavuz Önen

On September 24, 2003, the Prosecutor's office in Izmir petitioned the Supreme Court of Appeals to overturn the ruling of the Izmir Criminal Court of First Instance discharging Mr. **Yavuz Önen**, HRFT president. He had been sentenced on March 27, 2001 to one month in prison and a fine, a sentence later commuted to a significant fine, for expressing his indignation regarding the proceedings initiated against Ms. Kaya and Mr. Ayan in an article published in the daily *Cumhuriyet* on January 19, 2000.

The procedure was still pending as of the end of 2006.

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## UZBEKISTAN

### Dissolution of LAS<sup>74</sup>

In December 2005, the Ministry of Justice had accused the Legal Aid Society (LAS) of violating the 1999 Law on NGOs, after "noting" minor offences in its charter. These charges were brought following an audit of the organisation's activities and administrative documentation, after Ms. **Nozima Kamalova**, LAS president, participated in the OSCE Human Dimension Implementation Meeting in Warsaw (Poland) in September 2005. On that occasion, Ms. Kamalova had denounced the Andijan massacre.

The organisation's closure was confirmed in appeal on December 29, 2005 and the organisation is now forced to carry out its activities in extremely precarious conditions, without any legal registration.

74. See Annual Report 2005.



## Acts of harassment against several HRSU members

Ongoing arbitrary detention of Messrs. Khabibulla Okpulatov, Abdusattor Irzaev, Norboy Kholjigitov and Nassim Isakov<sup>75</sup>

Several members of the Human Rights Society of Uzbekistan (HRSU) who had been condemned in 2005 remained detained as of late 2006:

– Mr. **Norboy Kholjigitov**, head of the Ishtikhanskii district section of HRSU, sentenced on October 18, 2005 to ten years in prison by the Samarkand Regional Criminal Court on the basis of six charges. He remained detained in Prison 64/49 in Karshi.

– Mr. **Khabibulla Okpulatov** and Mr. **Abdusattor Irzaev**, members of the Ishtikhanskii district section of HRSU, sentenced on the same day to a six-year prison term by the Samarkand Regional Criminal Court. Their place of detention remained unknown as of the end of 2006.

– Mr. **Nosim Isakov**, a member of the HRSU section in Djizak, sentenced on December 20, 2005 to eight years in prison by the Djizak Court for “extortion” and “hooliganism” (Articles 165 and 277 of the Criminal Code) after denouncing corrupt practices in Djizak. He was detained in Karshi prison. During his trial, Mr. Isakov had reported being subjected to ill-treatment while in custody.

Ill-treatment of the Pardaev brothers  
and arbitrary detention of Mr. Uktir Pardaev<sup>76</sup>

On March 24, 2006, Messrs. **Uktir** and **Sharov Pardaev**, brothers and members of the HRSU section in Djizak, were arrested and beaten by representatives of the police forces after being taken to the police station as witnesses to another arrest. Thanks to the mobilisation of local civil society, they were released a few hours later. However, Mr. Sharov Pardaev had to be taken to hospital because of the blows he had received.

On June 27, 2006, Mr. Uktir Pardaev was again arrested by officers of the Djizak department of the Ministry of the Interior. He was sentenced on June 29, 2006 to four years’ imprisonment by the Djizak

75. See Annual Report 2005 and Association “Human Rights in Central Asia”.

76. See Annual Report 2005 and Open Letter to the Uzbek authorities, June 30, 2006.

Criminal Court in respect of a charge of “injury to a third party” (Article 105-2 of the Criminal Code).

In late 2006, Mr. Pardaev remained detained in labour camp no. 64/73, in the Tchimkurgan village, Zafarabadski district (Djizak).

**Arbitrary detention and acts of torture  
against Mr. Azam Formonov and Mr. Alicher Karamatov<sup>77</sup>**

On April 29, 2006, Messrs. **Azam Formonov** and **Alicher Karamatov**, heads of the regional HRSU branch in Syrdaria and in Mirzaabad (Syrdaria region) respectively, were arrested and detained at the Khavast prison. Their first month of detention was spent incommunicado in the custody centre no. 13 of Khavast where they were subjected to torture. Shortly prior to their arrest, Mr. Formonov had been ordered to pay a 47,000 sums fine (about 33 euros) for “tax evasion” on the grounds that he had allegedly breached commercial laws by using equipment lent by the International Helsinki Federation for Human Rights (IHF).

During his arrest, police officers searched his house, which served as the section’s headquarters, and seized his computer and photocopier after violently hitting his wife, Ms. **Ozoda Yakubova**. Relatives of Messrs. Formonov and Karamatov were subsequently subjected to numerous threats and acts of harassment.

On June 15, 2006, Messrs. Formonov and Karamatov were sentenced to nine years in prison by the Yanghuier Court of the Syrdaria region for “extortion of money” (Article 165 of the Criminal Code). These charges were brought on the basis of a statement made after their arrest by a wealthy oil exporter of the Zaaminsk region, which accused Messrs. Azam Formonov and Alicher Karamatov of extorting 600,000 sums from him (about 420,000 euros).

On July 7, 2006, Mr. Karamatov was transferred to Karshi penitentiary colony no. 49.

On July 18, 2006, their sentence was upheld on appeal, although the case had not yet been officially referred to the Court. Following the hearing, Messrs. Formonov and Karamatov were transferred to penitentiary colony no. 71 in the Karakalpakie region, in the west of the country, where detention conditions are known to be extremely

<sup>77</sup> *Idem*.

harsh and frequently leading to the death of detainees.

Mr. Azam Formonov also remained under prosecution in respect of the arson attack on his house in November 2005, which he was accused of having started himself in order to draw the attention of the international community.

#### Arbitrary detention and release of Mr. Yadgar Turlibekov<sup>78</sup>

On June 16, 2006, the home of Mr. **Yadgar Turlibekov**, president of the Kashkadarinsk regional section of HRSU, was searched without warrant, for four hours, by 30 militiamen and members of the National Security Services (NSS). Hard disks and documents were seized and Mr. Turlibekov was placed in custody in the Bukhara prison.

Mr. Yadgar Turlibekov was initially accused of “defamation”, “libel against the government”, “libel against the President of the Republic” and “preparation or distribution of material constituting a threat to public security and order” (Articles 139, 140, 158 and 244-1 of the Criminal Code). He was finally convicted by the Karshi Court on October 9, 2006 and sentenced to a three-and-a-half year prison sentence for “extortion” (Article 165 of the Criminal Code). The trial was held *in camera* and his lawyer was prevented from representing him during the hearings. The verdict was upheld by the Kashkadarinsk Regional Court of Appeal.

On December 24, 2006, Mr. Turlibekov, benefiting from an amnesty initiated by the Parliament on November 30, 2006, was released from the Tavaksai prison in the Tashkent region, where he had been detained since his conviction. However, the authorities refused to return his passport, which he had still not recovered as of late December 2006.

#### Reprisals against Messrs. Tolib Yakubov and Abdujalil Boymatov<sup>79</sup>

On July 12, 2006, Mr. **Tolib Yakubov**, HRSU president, was summoned by the Djizak security services for the date of July 15, 2006, under the pretext that he was subpoenaed as a witness in a judicial case against Mr. Mamarajab Nazarov, a member of *Ezgulik*<sup>80</sup>.

78. *Idem*.

79. See Annual Report 2005.

80. See above.

Fearing arrest and in light of the many acts of reprisals against him and his colleagues, Mr. Yakubov decided to leave the country immediately, together with Mr. **Abdjalil Boymatov**, a member of the HRSU secretariat, also summoned to appear before the court on July 15, 2006.

On August 3, 2006, Mr. Tolib Yakubov and Mr. Abdjalil Boymatov were arrested by the police in Almaty (Kazakhstan). As he had obtained a visa for France, Mr. Yakubov was released after five hours of questioning. Mr. Boymatov was placed in custody and released on August 14, 2006. He was able to leave Kazakhstan on August 18, 2006 after receiving a visa from the Republic of Ireland.

Mr. **Olim Yakubov**, Mr. Tolib Yakubov's son, had also been forced to seek exile abroad in February 2006 due to fears for his safety.

#### Arbitrary detention and ill-treatment of Mr. Ikhtior Khamroev<sup>81</sup>

On July 23, 2006, Mr. **Ikhtior Khamroev**, a student and son of Mr. **Bakhtior Khamroev**, head of the HRSU section in Djizak, was insulted and severely beaten by a group of young men, in the street near his house.

On August 2, 2006, Mr. Ikhtior Khamroev was arrested and charged with "hooliganism" (Article 177 of the Criminal Code) after over eight hours of questioning in the absence of his lawyer.

On September 23, 2006, he was convicted and given the maximum sentence of three years in prison.

On October 30, 2006, the verdict was upheld by the Djizak Regional Court and subsequently by the Supreme Court on November 22, 2006.

In November 2006, while in detention, Mr. Khamroev received two disciplinary warnings aimed at preventing him from benefiting from the amnesty adopted by the Uzbek Parliament and scheduled to enter into force on November 30, 2006.

On December 10, 2006, Mr. Ikhtior Khamroev was transferred from penitentiary colony no. 64/73 in the Tchumurgan village to penitentiary colony no. 64/78 in the Zafarabadski district.

Furthermore, on December 26, 2006, Mr. Khamroev requested a prison guard to be granted access to a doctor and to inform the camp

81. See Urgent Appeals UZB 002/0806/OBS 095, 095.1 and 095.2.

director of his health condition. On the following day, he was handcuffed and violently beaten by the camp employees before being held incommunicado for the rest of the day. As his health deteriorated, he was transferred to the Zafarabad hospital. However, he was taken back to the camp without having been examined.

On January 5, 2007, Mr. Khamroev was transferred to the Djizak hospital, where the doctor diagnosed him with a stomach ulcer. However, on the next day, after talking to the labour camp director, the doctor declared that Mr. Khamroev only had gastritis. He was taken back to the camp the same day.

### Ill-treatment of Mr. Bakhtior Khamroev<sup>82</sup>

On August 1 2006, Mr. Bakhtior Khamroev was arrested by officers of the Djizak anti-terrorist unit and taken to the town's police station no. 2 where he was detained for three hours. He was given a summons signed by the examining judge of the Djizak police to be questioned on an article co-written with Mr. Tolib Yakubov about women who had brought charges against Mr. Mamarajab Nazarov<sup>83</sup>.

On August 8, 2006, Mr. Bakhtior Khamroev was again summoned to be interrogated as a witness in the case involving his son.

On August 18, 2006, Mr. Bakhtior Khamroev was attacked in his home, in Djizak, while meeting with two representatives of the British embassy in Uzbekistan, who had come to inquire about the human rights situation in the region.

Five women and a man stormed into his apartment, insulted him and accused him of being a traitor who invited "spies" in his home. After Mr. Khamroev managed to make them leave, they remained outside the building, violently hammering the door. They also cut the telephone and electricity connections. After Mr. Khamroev called the police on his mobile phone, some 20 women entered into the flat at the same time as the police officers. Four representatives of the Djizak town also arrived at that very moment and told Mr. Khamroev that he had to stop his human rights activities.

Mr. Khamroev was hit on the head with a metal object and had to be taken to hospital. However, the doctors who treated him refused to

82. *Idem.*

83. See above.

open a medical record, thus preventing him from obtaining evidence and addressing his case to the police.

#### Arbitrary detention of Mr. Jamshid Karimov<sup>84</sup>

On September 12, 2006, Mr. **Jamshid Karimov**, an HRSU member and a journalist for the Institute of War and Peace Reporting (IWPR), disappeared while on his way to the hospital to visit his mother.

He was secretly detained in a psychiatric hospital in the Samarkand region, for six months on the basis of an order of the Djizak Court. The possible extension of his detention should be examined by the Samarkand courts once his term is served.

#### Continued harassment of members of *Ezgulik*<sup>85</sup>

##### Ill-treatment of Ms. Gavkhar Yuldasheva

On January 3, 2006, Ms. **Gavkhar Yuldasheva**, a member of the human rights NGO *Ezgulik* in the Djizak district, was arrested and beaten as she was about to meet representatives of foreign embassies. She was taken to the regional department of the Ministry of the Interior, where she was subjected to acts of violence, the effects of which she still suffers to date. She was subsequently released on an unknown date.

##### Arbitrary detention of Messrs. Dilmurad Muhitdinov, Mussajon Bobojanov, Akbarali Oripov and Nurmuhhammad Azizov

On January 12, 2006, Messrs. **Dilmurad Muhitdinov**, president of the Markhamat section of *Ezgulik*, **Akbarali Oripov**, a member of *Ezgulik*, **Mussajon Bobojanov**, an *Ezgulik* member and president of the local political organisation *Birlik*, and **Nurmuhhammad Azizov**, president of the HRSU branch in Andijan, appeared before the Tashkent Court for “infringing on the President’s life” (Article 158-3 of the Criminal Code), “undermining constitutional order” (Article 159-3), “preparing and distributing material constituting a threat to public order” (Article 244-1.3) and “belonging to an extremist religious organisation” (Article 244-1).

84. See HRSU.

85. See Annual Report 2005 and Urgent Appeal UZB 001/0306/OBS 026.

That same day, Mr. Dilmurad Muhitdinov received a five-year prison sentence. Messrs. Akbarali Oripov, Mussajon Bobojanov and Nurmuhammad Azizov were convicted and received a three-year suspended sentence. They were subsequently released.

Messrs. Dilmurad Muhitdinov and Mussajon Bobojanov had been arrested on May 28, 2005 following the Andijan events. Messrs. Akbarali Oripov and Nurmuhammad Azizov had been arrested on June 2, 2005 during searches at their homes led by officers of the Ministry of the Interior department in Markhamat, in the Andijan region.

As of the end of 2006, Mr. Muhitdinov's place of detention remained unknown.

#### Arbitrary detention of Mr. Rassul Khudainazarov

On January 12, 2006, Mr. **Rassul Khudainazarov**, former president of the *Ezgulik* section in Angren, was sentenced by the Angren Court of the Tashkent region to nine and a half years in a penitentiary colony for "fraud" and "extortion" (Articles 168-1 and 277-2 of the Criminal Code). During the trial, Mr. Khudainazarov declared that he had been ill-treated while in custody.

Mr. Khudainazarov had been arrested on June 21, 2005 and placed in custody in Angren. He was accused of extorting money from an officer of the special police forces of the Okhangaronski Mountains.

As of the end of 2006, his place of detention remained unknown.

#### Arbitrary detention and release of Mr. Arabboi Kadirov

On May 24, 2006, Mr. **Arabboi Kadirov**, head of *Ezgulik* for the Pop district, in the Namangan region, was arrested at his home on suspicion of "falsification of documents". The police, in possession of arrest and search warrants, seized his computer and various documents related to his activities.

On November 13, 2006, Mr. Arabboi Kadirov was discharged by the Namangan District Court.

#### Arbitrary detention and ill-treatment of Mr. Mamarajab Nazarov

On June 22, 2006, Mr. **Mamarajab Nazarov**, a member of *Ezgulik* in the Djizak region, was arrested after a complaint was lodged by two women who had violently hit him in late May 2006.

On July 19, 2006, Mr. Nazarov was sentenced to three and a half years in prison for “extortion” and “hooliganism” (Articles 168 and 277-3 of the Criminal Code) by the Djizak Criminal Court.

As of the end of 2006, Mr. Nazarov remained detained in the Samarkand prison.

#### Detention of Mr. Isroiljon Kholdarov

On July 4, 2006, Mr. **Isroiljon Kholdarov**, head of the *Ezgulik* branch in the Andijan region, was arrested in Kyrgyzstan where he was seeking political asylum. On July 12, 2006, the Kyrgyz authorities announced the arrest of five Uzbek citizens, including one who was wanted in Uzbekistan in connection with the Andijan events. Furthermore, the authorities declared that the five men, including Mr. Kholdarov, were suspected of participating in armed uprisings in southern Kyrgyzstan.

Mr. Kholdarov was subsequently extradited to Uzbekistan.

By the end of 2006, Mr. Kholdarov’s case had still not come before a court and he was presumed to be detained in the Tashkent prison no. 64/18.

#### Arbitrary detention of Mr. Saidjahon Zaynabitdinov<sup>86</sup>

On January 5, 2006, during a preliminary hearing of his trial *in camera*, the Tashkent Court sentenced Mr. **Saidjahon Zaynabitdinov**, president of the Andijan-based human rights organisation *Appeliatsia* (“Appeal”), to seven years’ imprisonment for “defamation” and “preparation or distribution of material constituting a threat for public security and order” (Articles 139 and 244-1 of the Criminal Code).

Mr. Saidjahon Zaynabitdinov had been arrested on May 21, 2005 after denouncing the human rights violations perpetrated during the Andijan events and speaking with international media.

Mr. Saidjahon Zaynabitdinov remained in detention in the Tashkent Prison as of the end of 2006.

86. See Annual Report 2005.



### **Arbitrary detention and ill-treatment of Ms. Mukhtabar Tojibaeva<sup>87</sup>**

On March 6, 2006, the Dustobod Court in Tashkent condemned Ms. **Mukhtabar Tojibaeva**, president of the “Ardent Hearts’ Club”, a human rights NGO based in Margilan, in the Fergana Valley, to an eight-year prison sentence on the basis of 17 charges mainly referring to economic offences, including “defamation” (Article 139.3 of the Criminal Code) and “belonging to an illegal organisation” (Article 244), following a trial marred by numerous irregularities. She had been arrested on October 7, 2005.

On July 7, 2006, Ms. Mukhtabar Tojibaeva was transferred from her cell in the Tashkent detention centre to the psychiatric section for the mentally-ill and drug-addicts of the women’s detention centre of the Mirabad district in Tashkent, where she was forced to undergo medical treatment.

On July 13, 2006, during one of the rare visits from her lawyer, Ms. Tojibaeva had her hands tied and was extremely weak. She reported that she had been denied access to appropriate medical treatment and that the prison authorities refused to allow her to receive food parcels. Since then, Ms. Tojibaeva was denied any other visits and no official reason was given for her transfer to the psychiatric section, in spite of her lawyer’s requests.

On August 15, 2006, Ms. **Dilafruz Nurmatova**, one of Ms. Tojibaeva’s lawyers, announced publicly that she was no longer her defence lawyer as a result of the authorities’ constant pressure and fears for her and her family’s safety. After visiting Ms. Tojibaeva on July 13, 2006, she had received several warnings, was unable to access the internet café where she used to work, and was threatened with death by a political leader of the Fergana region who had also advised her colleagues not to contact her anymore.

As of the end of 2006, Ms. Tojibaeva remained detained in the women’s detention centre of the Mirabad district in Tashkent.

87. See Annual Report 2005, Urgent Appeals UZB 001/0306/OBS 026, 026.1 and 026.2, and Open Letter to the Uzbek authorities, June 30, 2006.

## Harassment and ill-treatment of several dozens of human rights defenders<sup>88</sup>

### Acts of reprisal against Mrs. Elena Urlaeva and her husband<sup>89</sup>

On several occasions, including on January 2 and May 13, 14, 16, 17 and 25, 2006, Mrs. **Elena Urlaeva**, president of the Society for the Protection of Human Rights and Freedom of the Citizens of Uzbekistan (SPRFCU) and a member of the opposition party *Ozod Dekhonlar*, was placed under house arrest.

On January 4, 2006, Mrs. Elena Urlaeva was briefly arrested while demonstrating against the detention of Ms. Nadira Hidoyatova, coordinator of the opposition movement “Solar Coalition”.

On March 15, 2006, Mr. **Mansur Urlaev**, Mrs. Elena Urlaeva’s husband, was attacked by unidentified individuals. He lost consciousness and had to be taken to hospital with a broken nose. Mr. Urlaev had already been arbitrarily detained and placed in detention in psychiatric institutions on several occasions.

On May 25, 2006, police officers forced open the door of Mrs. Urlaeva’s apartment and violently beat her as well as Mr. **Abdullo Tajiboi Ugly**, a member of the Initiative Group for Independent Defenders of Uzbekistan, Mr. **Akhmat Chamairdanov**, president of the human rights and environmental organisation *Tchichik-Darya*, and Ms. **Shokhida Yuldasheva**, a member of the SPRFCU regional section in Kashkadarynsk.

Mrs. Urlaeva had already been targeted by many acts of reprisals in 2005. In particular, she had been placed in detention in a psychiatric hospital for two months, where she had been forced to undergo medical treatment for alleged schizophrenia.

### Detention in psychiatric hospital of two SPRFCU members

On March 17, 2006, Ms. Shokhida Yuldasheva and Ms. **Lydia Volkobrun**, both SPRFCU members, were arrested and held in detention in a psychiatric hospital in Karshi and Tashkent respectively, after the publication of a letter denouncing the reprisals led by the authorities against members of the Muslim community.

88. See SPRFCU.

89. See Annual Report 2005.

Ms. Yuldasheva was violently jostled when arrested. During her detention, she was also subjected to psychological pressure from a police officer who spent two days in her room and threatened to kill her and disguise her death as suicide if she attempted to file a complaint.

In addition, Ms. Yuldasheva was forced to undergo medical treatment for schizophrenia. She was released on April 6, 2006.

On May 25, 2006, Ms. Yuldasheva was again arrested when police officers stormed into Mrs. Urlaeva's home, and placed in the psychiatric section of the anti-tuberculosis hospital for the Kitabski district (Kashkadarynsk).

As of the end of 2006, no further information had been made available as to her situation.

#### Judicial proceedings against 14 defenders<sup>90</sup>

On August 14, 2006, Mr. Constantin Stepanov and Ms. Olga Krasnova, former HRSU members and members of the pro-government Committee for Social Monitoring, filed a complaint for "defamation" against 14 defenders who had denounced the reprisals carried out against them by these two persons.

Their trial started in September 2006 before the Civil Court of the Mirzo-Ulugbekski district in Tashkent. The following six defenders had previously been excluded from the complaint: Mrs. Urlaeva, considered as legally incapable, Mr. **Gavkhar Aripova**, a member of the Independent Commission for Research and Study on Armed Conflicts, Mrs. **Marina Tegvoryan** and Mr. **Yuldach Nasirov**, who were not summoned, Mr. **Zakir Yahin**, who died from natural causes, and Mr. **Satyvoldy Abdullaev**, who had dropped his complaint after being pressured to do so.

However, Mr. Tolib Yakubov, Mr. Abduljalil Boymatov, Ms. Lydia Volkobrun, Mr. **Yuri Konoplev**, SPRFCU vice-president, Mr. **Evgeny Arhipov**, Ms. **Olga Barycheva**, Ms. **Nina Gorlova** and Ms. **Kunduz Nichanova**, SPRFCU members, remained indicted.

Mr. Tolib Yakubov and Mr. Abduljalil Boymatov were liable to a 10,000,000 sums fine (about 4,300 euros) and the other defenders to a 500,000 sums fine (215 euros). Both Mr. Yakubov and Mr. Boymatov were being prosecuted *in absentia*.

90. See HRSU.

Three hearings were held on November 8 and 30 and December 14, 2006. The judge then adjourned the hearing until December 26, 2006 after the defendants left the tribunal in protest against the presence at the hearing of Mr. Mikkhail Ordzimov, president of the Independent Organisation for Human Rights in Uzbekistan (controlled by the government), who had regularly intervened in other trials involving human rights defenders.

Proceedings remained pending as of the end of 2006.

On November 14, 2006, a second complaint was filed by Mr. Constantin Stepanov and Ms. Olga Krasnova against Ms. Lydia Volkobrun, Mr. Yuri Konoplev, Mr. Abduljalil Boymatov, Mrs. Elena Urlaeva and Ms. Kunduz Nishanova. They were accused of “belonging to unregistered organisations”. The trial was also held before the Civil Court of the Mirzo-Ulugbekski district and remained pending as of late 2006.

Since 2004, Mr. Konstantin Stepanov and Ms. Olga Krasnova lodged several complaints against human rights defenders, including two against Mr. Tolib Yakubov.

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## UNITED KINGDOM

### Status of the inquiry into the assassination of Ms. Rosemary Nelson<sup>91</sup>

On October 20, 2006, an assessment on the status of the inquiry into the murder of Ms. **Rosemary Nelson**, a lawyer and a member of the Committee on the Administration of Justice (CAJ), was presented to the Panel of Inquiry established in November 2004 following lengthy proceedings aimed at initiating a public investigation into her assassination.

Ms. Nelson had been killed on March 15, 1999 in Lurgan, Northern Ireland.

On April 19, 2005, the chair of the Panel had opened a preliminary inquiry into her death under the new Inquiries Act<sup>92</sup>, the conclusions of which were to be made public on January 16, 2007.

91. See Annual Report 2005.

92. According to the law, public inquiries are overseen by the government, which appoints - and may remove - each member of the inquiry panel. The government may also restrict public access

On October 25, 2006, during the third procedural hearing of the Panel, its chair decided to postpone the preliminary hearing and announced that they would not start until September 2007, as the conclusions of the inquiry were not yet finalised.

### **Status of the inquiry into the murder of Mr. Patrick Finucane<sup>93</sup>**

On May 23, 2006, Mr. Kenneth Barrett, a former paramilitary loyalist who had been sentenced on September 16, 2004 to 22 years in prison, after confessing his involvement in the assassination of Mr. **Patrick Finucane**, a human rights lawyer murdered in his Belfast home in 1989, was released in accordance with the provisions of the Belfast Agreement.

This peace agreement, also known as the “Good Friday Agreement”, was concluded in Belfast (Northern Ireland) on April 10, 1998. It provides, *inter alia*, for the principle of anticipated freedom for prisoners sentenced for “terrorist offences ” perpetrated before the agreement was adopted.

In spite of the increasing number of calls for the opening of a public inquiry into the assassination of Mr. Patrick Finucane, no inquiry panel had been set up by the end of 2006.

to inquiry evidence and testimonies, and may decide, in “the public interest”, not to publish the inquiry’s findings.

93. See Annual Report 2005.

