



# **Joint statements of the Civic Solidarity Platform**

**2012-2014**



This publication was prepared within the framework of the project "Effective regional cooperation and common platform for civil society in the Eastern Partnership, Russia and Central Asia: the protection and promotion of fundamental freedoms in the region" with the financial support of the European Commission

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The views and opinions expressed in this publication do not necessarily reflect the views of the European Union

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## **ABOUT PLATFORM**

### **ABOUT US**

The Civic Solidarity Platform was created to bring together nongovernment organizations committed to improving the human rights situation in Europe, Eurasia and the US. It provides a common space for these groups to share their experience in conducting research, advocacy, and public organizing and to find new channels of communication and improved methods for working cooperatively. Its aim is to serve as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity, and improve their influence on national and international human rights policy.

The Civic Solidarity Platform was born out of recognition that nongovernment groups need to work in a more effective and coordinated way in order to counteract negative trends in the field of state protection for human rights and defense of democratic principles. During recent years, members have observed that narrowly defined state interests have prevailed over concern for human rights principles and democratic values in international politics, leading to public cynicism toward democratic institutions and impunity for governments that commit rights abuses.

The Civic Solidarity Platform functions as a decentralized advocacy network of independent civic groups from across the OSCE region, including a core group of activists that have already engaged in efforts to improve cooperation among human rights organizations based in the US, Europe, and former Soviet Union.

Working groups have been formed to undertake focused and coordinated action on specific human rights topics, such as security and human rights and racism, xenophobia and intolerance in Europe. Civic Solidarity Platform members are also working collectively to dispatch teams to monitor unfolding crises in the region and ensure a strategic and coordinated response to human rights developments.

## **ORGANIZATIONAL PRINCIPLES OF THE PLATFORM (PROVISIONAL)**

### ***1. The Goals and Principles of the Platform***

The Platform is a coalition of civic organizations and groups from the countries of the OSCE region, as well as international NGOs, interested in joint action to defend human rights in the region. They are also prepared to create common positions on key issues and provide each other with mutual support and assistance in case of need.

### ***2. Principles of Association. Types of Participation***

Organizations and groups working in the OSCE region may participate in the Platform. Participants will determine the degree and form of their engagement in the work of the Platform.

There are two basic types of participation:

1) “Informational participants” Groups that join the Platform by registering on its website or through letters to the Secretariat and that provide basic contact information and pledge to accept the Declaration. They will receive access to the Platform’s information resources, may participate in its actions and events, and may sign on to its declarations. The Secretariat will be responsible for registration of informational participants.

2) “Members” Groups that take upon themselves additional responsibilities by declaring that they will be bound by this document and other documents regulating the activities of the Platform that are adopted in accordance with established procedures. Representatives of these organizations take part in the work of the Platform’s Working Groups and in the formation of the Platform’s common positions.

The Status of “member” is granted by the Platform’s Council in accordance with procedures it sets out for this purpose.

The Platform’s initial members are its founding organizations.

### ***3. Working Groups and other Internal Structures***

The Platform’s members may form Working Groups and other internal structures to promote effective work in specific directions. Working groups may be thematic, regional or inter-regional.

At least three members from at least two countries must propose the formation of such structures.

A proposal to form a Working Group should include information on its goals and tasks, a list of initial participants from among the members, contact information for at least three members of the Working Group, the name of the Coordinator, and internal rules proposed for the group. A proposal for forming a Working Group should be supported by no fewer than three members of the Council.

The Council registers the formation of Working Groups through an agreed procedure and publishes information about the Working Group on the Platform’s website.

### ***4. Administration and Direction***

Representative of the founding organizations will form a Council of the Platform. The Council is a collegial structure responsible for the overall direction of the Platform and is responsible for the Platform’s policy. Membership in the Council may be expanded by cooptation of representatives of the Partners who have experience at the International Level. Members may recall their representatives in the Council at any time and replace them with new representatives. They do so by notifying the Platform’s Secretariat. At least three members of the Council must propose to co-opt new

members. Proposals will be considered adopted if they are not opposed by three or more members of the Council.

The Council appoints the Editor(s) of the Platform's Internet website and names the members of the Secretariat.

The Council may also create other permanent and temporary bodies, define their competencies and the rules for their functioning.

The Council is responsible for ensuring that internal rules and procedures are followed, confirms internal documents concerning the administration of the organization, and in cases of disagreements confirms new members in the Platform, and new Working Groups and resolves disputes.

The Council may decide to exclude organizations from its membership or from the Platform. At least three members of the Council must propose exclusion. Proposals will be considered adopted if they are not opposed by three or more members of the Council.

The Coordination Committee of the Platform is a operational body composed of the Coordinators of the Platform's Working Group and other internal structures. The coordinator of the Secretariat is an ex officio member of the Coordination Committee. Working Groups and other internal structures should appoint their own coordinators, who will serve as members of the Coordination Committee. The Coordination Committee is ensuring coordination and smooth information exchange between the different working groups, confirms (in coordination with the Council) amendments and changes to the organizational principles of the Platform, coordinates the endorsement of other internal documents.

The functions of the Secretariat will be carried out by Members of the Platform, who will be chosen by the Council for a rotating one year term. The Secretariat is responsible for circulating documents and statements by the Platform's structures, organizing the regular meetings of the Council, remote voting by the members of the Council and the Coordination Committee, assists in organizing meetings of other structures of the Platform, and performs other administrative functions.

#### ***5. Procedures for Adopting Documents and Statements***

Any of the Platform's structures may make independent declarations in their own names.

Any three Partners of the Platform may propose a statement to be made in the name of the Platform and call for other participants to sign on. If statements are not supported by a majority of the members of the Council they may still be put out in the name of the Platform but will only carry the signatures of individual participants that support them. Other participants have the right to refrain from signing such statements.

If disputes arise over any decisions or statements of internal structures they shall be resolved by the Council.

#### ***6. Adoption of these Principles and their Amendment***

This document will be adopted in its initial form by the founding conference of the Platform. Amendments may be made by the Council of the Platform with the support of a qualifying majority (2/3 of the votes).

## PLATFORM MEMBERS

- 1) Albanian Helsinki Committee
- 2) Analytical Center for Interethnic Cooperation and Consultations (ACICC)
- 3) Armenian Helsinki Committee
- 4) ARTICLE 19
- 5) Association of Ukrainian Human Rights Monitors on Law Enforcement
- 6) Belarusian Association of Journalists
- 7) Belarusian Helsinki Committee
- 8) Belarusian Human Rights House in exile in Vilnius
- 9) Bir Duino – Kyrgyzstan Human Rights Movement
- 10) Bulgarian Helsinki Committee
- 11) Center for Civil Liberties
- 12) Center for National and International Studies
- 13) Center for the Development of Democracy and Human Rights
- 14) Citizen Army Law
- 15) Crude Accountability
- 16) Eurasia Justice Initiative
- 17) Foundation of Regional Initiatives
- 18) Freedom Files
- 19) Georgian Young Lawyers' Association
- 20) Helsinki Association
- 21) Helsinki Citizen's Assembly – Vanadzor
- 22) Helsinki Committee for Human Rights
- 23) Helsinki Foundation for Human Rights
- 24) Human Rights Center of Azerbaijan
- 25) Human Rights Center Viasna
- 26) Human Rights Club
- 27) Human Rights House Foundation
- 28) Human Rights Information Center
- 29) Human Rights Monitoring Institute
- 30) Humanrights.ch
- 31) Hungarian Helsinki Committee
- 32) Index on Censorship
- 33) Institute for Reporters' Freedom and Safety
- 34) Institute of Economic and Social Problems "Respublika"
- 35) International Civic Initiative for OSCE
- 36) International Observation Mission to Belarus of the Committee on International Control over the Human Rights Situation in Belarus
- 37) International Partnership for Human Rights
- 38) International Rehabilitation Council for Torture Victims
- 39) International Youth Human Rights Movement
- 40) Jefferson Institute
- 41) Kazakhstan International Bureau for Human Rights and Rule of Law
- 42) Kharkiv regional foundation Public Alternative
- 43) Kosova Rehabilitation Centre for Torture Victims
- 44) Lawyers' Committee for Human Rights – YUCOM
- 45) Legal Policy Research Center
- 46) Legal Transformation Center (LAWTREND)
- 47) Macedonian Helsinki Committee
- 48) Minority Rights Group
- 49) Moscow Helsinki Group
- 50) Netherlands Helsinki Committee
- 51) No Borders Project - Social Action Center
- 52) Norwegian Helsinki Committee
- 53) Nota Bene
- 54) Office of civil freedoms
- 55) People in Need
- 56) Promo-LEX Association
- 57) Public Verdict Foundation
- 58) Strasbourg Centre for European Initiatives
- 59) Swedish OSCE Network
- 60) Swiss Helsinki Committee
- 61) swisspeace
- 62) Ukrainian Helsinki Human Rights Union
- 63) UNITED for Intercultural Action
- 64) Voice of Freedom Foundation

## **PLATFORM WORKING GROUPS**

- 1) International Advocacy Unit
- 2) Working Group on Western Balkans
- 3) Working Group on Combating Racism, Xenophobia and Intolerance
- 4) Working Group on Reform of International Organizations
- 5) Working Group on Fundamental Freedoms
- 6) Working Group on Crisis Advocacy and Rapid Response

## **JOINT STATEMENTS**

### **REPRESSION IN AZERBAIJAN MUST STOP**

06.12.2014

#### **A call to the Council of Europe to suspend Azerbaijan's membership**

Yesterday, another prominent civil society figure was arrested in Azerbaijan as a Baku court authorized investigative journalist Khadija Ismayilova's pre-trial detention for two months on bogus charges of "inciting suicide". This shows that there is no end to the assault on independent voices by the government of this oil rich country and provides further proof of its disregard for founding values of the Council of Europe and its obligations under the European Convention on Human Rights.

Khadija Ismayilova's arrest followed a series of harassment against her and came the day after the head of the presidential administration published a lengthy article, accusing NGOs and media organisations of being "fifth columns." Ms. Ismayilova was specifically accused of "wishing to please her foreign bosses." These kind of accusations are a well-known tactic of discrediting those who challenge government policies but are especially troubling when coming from a high-ranking representative of the presidential administration. If found guilty on the charges she is facing, Ms. Ismayilova could be sentenced to up to seven years in prison.

We welcome the reaction to her arrest of the president of the Parliamentary Assembly of the Council of Europe, Ms. Anne Brasseur, "urging the competent authorities to ensure that the standards of the (European) Convention are respected in any judicial and legal proceedings against Ms. Ismayilova as well as other leading human rights defenders".

Local and international civil society has, however, stopped believing in the goodwill of Azerbaijan's government to abide by international human rights standards, especially after it used its recent chairmanship of the Committee of Ministers of the Council of Europe to further step up its crackdown on civil society. During this six-month period, a number of leading civil society representatives were arrested, convicted, prevented from travelling abroad and forced into hiding in retaliation for their criticism of official policies, including at Council of Europe events. Ms. Ismayilova is only the latest victim in this crackdown.

Calls made by Council of Europe representatives urging Azerbaijan to comply with its obligations as a member of this organisation, as well as decisions by the European Court of Human Rights finding violations in cases of imprisonment of critical voices (such as of political opposition member Ilgar Mammadov) have not brought about any change of course in Azerbaijan. It is now time for the Council of Europe to respond to the unprecedented situation in Azerbaijan in a firm and determined manner and to take concrete action to show that there can be no more "business as usual". In our view, this is a matter of safeguarding the role and image of the Council of Europe as a value-bearer.

We call on the Council of Europe to suspend Azerbaijan's membership until the authorities of the country drop all charges and unconditionally release NGO representatives, lawyers, journalists and political opponents who are currently in detention or prison for their legitimate professional activities, including Khadija Ismayilova, Leyla Yunus, Rasul Jafarov, Intigam Aliyev, Anar Mammadli, Ilgar Mammadov and others. As long as the Azerbaijani government continues to flagrantly violate the European Convention on Human Rights and the commitments Azerbaijan undertook when it was admitted to the Council of Europe, it should not be allowed to participate in the work of this organisation, which prides itself as the region's guardian of human rights, democracy and the rule of law.

Signed by:

- |  |  |
|--|--|
| 1) International Partnership for Human Rights (Belgium)                      | 14) Human Rights Group "Citizen. Army. Law" (Russia)                 |
| 2) Albanian Helsinki Committee   | 15) Human Rights Movement Bir Duino-Kyrgyzstan                       |
| 3) Analytical Center for Interethnic Cooperation and Consultations (Georgia) | 16) Kazakhstan International Bureau for Human Rights and Rule of Law |
| 4) Article 19 (United Kingdom)   | 17) Kharkiv Regional Foundation "Public Alternative" (Ukraine)       |
| 5) Bulgarian Helsinki Committee  | 18) Moscow Helsinki Group (Russia)                                   |
| 6) Center for Civil Liberties (Ukraine)                                      | 19) Netherlands Helsinki Committee                                   |
| 7) Center for National and International Studies (Azerbaijan)                | 20) Norwegian Helsinki Committee                                     |
| 8) Centre for the Development of Democracy and Human Rights (Russia)         | 21) Nota Bene (Tajikistan)   |
| 9) Crude Accountability (United States)                                      | 22) Office of Civil Freedoms (Tajikistan)                            |
| 10) Freedom Files (Russia)   | 23) Polish Helsinki Foundation for Human Rights                      |
| 11) Helsinki Citizen's Assembly – Vanadzor (Armenia)                         | 24) Promo Lex Association (Moldova)                                  |
| 12) Helsinki Committee for Human Rights in Serbia                            | 25) Public Verdict Foundation (Russia)                               |
| 13) Helsinki Foundation for Human Rights                                     | 26) United for Intercultural Action (Netherlands)                    |

## **CIVIL SOCIETY SHOULD BE INCLUDED IN OSCE RESPONSE TO UKRAINE CRISIS**

*03.12.2014*

**Recommendations on a wider civil society inclusion in the OSCE response to the crisis in and around Ukraine and challenges to the comprehensive security concept – adopted at the OSCE Parallel Civil Society Conference in Basel on 3 December 2014.**

We, the below undersigned representatives of Ukrainian, Russian and international civil society, are gravely concerned about the recent crisis that threatens the Helsinki principles and the efficiency of the existing OSCE mechanisms to address challenges in all the three dimensions of security, in particular the human dimension;

We express particular concern regarding the violation of Ukraine's territorial integrity and sovereignty, the ongoing violence and conflict in the East of Ukraine, as well as the growing militarization in the entire region, which has tested not only the viability of OSCE's comprehensive security concept, but also the ability of the Organization to involve all interested and necessary stakeholders in resolving an issue that has far-reaching consequences for the state of human rights and human security in its participating States;

While we hope for the fastest resolution possible of the current crisis, we assume that dealing with its direct consequences and reconciliation would require systemic medium- and long-term efforts by all the stakeholders.

Thus we call upon the OSCE Chairmanship to provide a mechanism allowing civil society to present its input and feedback on the actions taken by the Organization regarding the crisis in and around Ukraine, as well as to follow-up on the implementation of its recommendations, on a permanent basis and in a much more participatory way than what the existing fora currently allow.

To urgently address the current crisis that is threatening the very foundations of the Helsinki Accords and to promote wider inclusion of civil society in the way the OSCE addresses crises, we urge the OSCE political bodies, independent institutions and the participating States to:

1. Establish under the aegis of the Chairmanship a joint Task Force on Ukraine composed of independent regional experts representing civil society, particularly human rights NGOs, OSCE Chairman-in-Office, OSCE Conflict Prevention Center and independent institutions (Office for Democratic Institutions and Human Rights, Representative on Freedom of the Media, High Commissioner on National Minorities). This Group should serve as a permanent platform for dialogue and joint actions by the OSCE and civil society on the current crisis in and around Ukraine.

The mandate of the Task Force should include:

- conducting an impartial assessment of the situation in the East of Ukraine and Crimea;

- a qualified subset of the task force should have a mandate to address the rights and the conditions of release of the prisoners of war and civilian hostages taken by different sides of the conflict in the East of Ukraine, also ensuring transparency of this process, as well as to conduct investigations on the cases of missing persons and reported cases of foreign soldiers killed during military actions in the East of Ukraine;

- reviewing and proposing actions on reported cases of the OSCE Code of Conduct on Politico-Military Aspects of Security violations, including the cases of foreign military personnel and machinery breaking the borders of Ukraine and participating in military actions on its territory;

- engaging civil society groups from target countries and international civil society networks in selecting members for Special Monitoring Missions (SMM) deployed to those countries, as well as revising and tightening the criteria for this selection;

- forming joint mobile monitoring groups to be deployed to the areas affected by the crisis.

The proposed Task Force could become a testing model for a permanent forum for dialogue between the leading regional and international civil society organizations and the OSCE structures on monitoring human dimension conditions in the context of crises, which would regularly provide recommendations for the relevant bodies of the OSCE, as well as the participating States.

2. Chairman-in-Office should urgently organize a summit, comprised of the OSCE actors, UNHCR and UNHCHR representatives, and regional stakeholders, including civil society, to address the situation of internally displaced persons in Ukraine and asylum seekers in the Russian Federation fleeing from military actions in the East of Ukraine.

3. Chairman-in-Office should form a working group, comprised of the OSCE actors and civil society experts, and mandate it to conduct comprehensive review of the OSCE mechanisms used to address security threats involving the human dimension, including during complex crises. This could be done either within the framework of the Helsinki +40 process or outside of it.

4. We commend efforts undertaken by the Representative on Freedom of the Media to deal with the propaganda issue. However, current extraordinary situation calls for more action and new approaches. The current Swiss Chairmanship, the incoming Serbian Chairmanship, and participating States should consider convening an expert meeting to discuss current threats posed by propaganda (manipulated information and media abuse). New approaches for putting limits to the use of propaganda by the participating States and upholding the standards of unbiased media reporting should be discussed.

5. The Chairmanship and participating states should ensure sustainability and continuity in the work of the existing Trilateral Contact Group on Ukraine, while also raising the level of its transparency and providing channels for its close engagement with the Task Force described above, until the moment the crisis is fully resolved. With this purpose to discuss the necessity of establishing a group composed of the interested participating States in the status of an independent OSCE institution that could take over the mandate of the Contact Group and provide an appropriate framework for negotiating solutions to the crisis in the East of Ukraine and Crimea.

Signed by:

- 1) Association of Ukrainian Human Rights Monitors on Law-Enforcement
- 2) Center for Civil Liberties
- 3) Centre for the Development of Democracy and Human Rights
- 4) Citizen and Army
- 5) *Coordination Committee of Civil Solidarity Platform*
- 6) Crimea SOS
- 7) Crimea Field Mission on Human Rights

- 8) Eastern-Ukrainian Center for Civic Initiatives
- 9) Freedom Files
- 10) Human Rights Documentation Center
- 11) Human Rights Center Memorial
- 12) Human Rights House Kiev
- 13) International Youth Human Rights Movement
- 14) Moscow Helsinki Group
- 15) Public Alternative
- 16) Public Verdict

17) Social Action Centre NGO (No  
Borders Project)

18) Ukrainian Helsinki Human Rights  
Union

## **BASEL DECLARATION**

02.12.2014

### **Rising intolerance, discrimination, and hate crimes pose a major risk for security and require a coordinated response from the OSCE**

*Adopted by the participants of the OSCE Parallel Civil Society Conference, Basel, 2-3 December 2014*

The OSCE Parallel Civil Society Conference-2014,

CONSIDERING that equality and protection against discrimination, racism and other forms of xenophobia and intolerance is a key OSCE value, as stated in the Charter of Paris for a New Europe (1990): “We express our determination to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds,” and in the key anti-discrimination commitments in the 1990 Copenhagen Document: “...all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.” Also considering that this determination has been reaffirmed on numerous occasions since then, such as at Ministerial Council meetings in Porto in 2002, Maastricht in 2003, Sofia in 2004, Ljubljana in 2005, Brussels in 2006, Madrid in 2007, Athens in 2009 and at High Level conferences in Bucharest in 2007, Astana in 2010, Tirana in 2013, and, most recently, at the High-Level Commemorative Event in Berlin in November 2014 on the occasion of the 10th Anniversary of the OSCE Berlin Conference on Anti-Semitism;

UNDERLINING that this key value is an essential element of the human dimension, which is in turn an essential component of the comprehensive security concept underlying the Helsinki process and the OSCE;

CONSIDERING that in recent years we have witnessed a new rise of racism, xenophobia, discrimination, and intolerance across the OSCE region, which is manifested through an increase in hate-motivated violence, hate speech, and other acts of intolerance targeting ethnic and religious minorities, Roma and Sinti, migrants, LGBT, and other vulnerable groups. Some participating States have recently adopted new discriminatory laws and engaged in discriminatory practices against these groups, in particular migrants and LGBT, violating the fundamental principle of non-discrimination enshrined in international human rights treaties and spelled out in OSCE commitments. By doing so, they are de-facto encouraging intolerance and hatred towards minorities. The problem is further exacerbated by a lack of adequate investigation of such crimes and a failure to bring perpetrators to justice, which creates an atmosphere of impunity and permissiveness;

EXPRESSING concern that among the most worrying trends in recent years has been the rise of organized discrimination, racism, xenophobia and intolerance in the form of racist and extreme-right political movements and parties across the OSCE region, both in the East and the West. It was demonstrated yet again during the European Parliament elections in May 2014. Such developments are often linked with extreme forms of nationalism or ideologies like Nazism and fascism, and create a growing risk to the security of our societies by deepening the gaps between different groups of society and giving rise to further conflicts and extremism;

EXPRESSING grave concern about a change in public attitudes towards the rise of racism, a growing acceptance of organized manifestations of racism, xenophobia, discrimination, and intolerance, and ideologies similar to Nazism and fascism and the

lack of proper response by key institutions in societies, which make this one of the most serious problems in many OSCE participating States. In a number of participating States racist and xenophobic parties, some represented in national parliaments, systematically use hate speech and generate broad public response to such statements, adding to existing tensions;

RECOGNISING that while a broad consensus has existed in our societies since World War II that anti-Semitism or racism are unacceptable, other kinds of phobias are now more easily exploited by the right-wing movements and populist politicians such as intolerance towards migrants and LGBT, as these phobias are still not conventionally unacceptable in many OSCE participating States. Since they are easier and safer targets, migrants and LGBT have become the "new scapegoats." It is crucially important to remember that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law", as stated in the 1990 Copenhagen Document, and ensure that discrimination on any and all grounds is made unacceptable in our societies, be it racism, xenophobia, anti-Semitism, intolerance and discrimination against Muslims, Christians and members of other religions, Roma and Sinti, migrants or LGBT.

UNDERLINING that the roots of these developments are found in the fundamentals of society itself and should be challenged not only by effective legislation, consistent policy and sound law enforcement measures but, equally importantly, by education that discusses the value of diversity and respect for everyone's human rights, as well as the key role of society in responding to the new challenges of growing intolerance. Some OSCE participating States have developed good practices to promote diversity and combat racism and intolerance through both formal and non-formal education, which may be adapted and disseminated across the region;

RECALLING that more effective implementation of existing OSCE human dimension commitments, including those in the field of protection of rights of all persons belonging to minorities and on tolerance and non-discrimination, is one of the priorities of the Joint Work Plan adopted by Switzerland and Serbia for their OSCE Chairmanships in 2014 and 2015;

RECOGNISING efforts already taken in this respect by the OSCE ODIHR Tolerance and Non-Discrimination Programme, the Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination, as well as by the High Commissioner on National Minorities and other OSCE bodies and institutions;

\* \* \*

CONSIDERS that the OSCE needs to create a more comprehensive and consolidated programmatic and institutional framework to effectively confront discrimination, hate crime, racism, xenophobia and other forms of intolerance, which should go beyond focusing on specific manifestations of hatred or addressing discrimination against selected minorities and instead address the common roots of these problems, combat discrimination on any and all grounds, and embrace all vulnerable groups. In this regard the vast experience accumulated over the years by OSCE bodies and institutions in the field of fighting specific forms of discrimination and intolerance, such as anti-Semitism, Islamophobia and discrimination against Roma and Sinti, should be reflected upon and adapted to confront all forms of discrimination and intolerance.

NOTES that ODIHR has well-developed observation mechanisms in place to ensure implementation of commitments on fair and democratic elections. Notes that these mechanisms could be strengthened by including in their scope monitoring of the observance of fundamental rights, including the rights of minorities and vulnerable groups in the context of elections.

NOTES that civil society organisations across the OSCE have a strong knowledge and experience in combatting racism, xenophobia and intolerance and have developed and effectively implemented unique methodologies in this area. Their experience should be put to use by the OSCE and its participating States.

URGES the OSCE Ministerial Council to explicitly re-affirm existing OSCE commitments to combat all forms of discrimination, racism, xenophobia, intolerance, and hate crimes, and to review these commitments in order to address new forms and manifestations of these phenomena so as to protect all minorities from discrimination on any and all grounds without exception. The OSCE Ministerial Council and other OSCE bodies and institutions should also initiate measures to evaluate the implementation and effectiveness of existing OSCE programmes in this field.

CALLS ON the participating States to intensify their efforts to implement OSCE commitments in the field of confronting racism, xenophobia, anti-Semitism, intolerance, and discrimination against Muslims, Christians and members of other religions, Roma and Sinti, migrants or LGBT, including by fully cooperating with relevant OSCE bodies and institutions to review existing domestic legislation and policies, repeal discriminatory laws, develop new policies to effectively address contemporary challenges.

ENCOURAGES the OSCE bodies and institutions to take concrete steps without delay to develop appropriate and effective mechanisms and tools for combatting and preventing, intolerance and discrimination against Muslims, Christians and members of other religions, racism, xenophobia, anti-Semitism Roma and Sinti, migrants and LGBT and in doing so take into account the following recommendations that emerged from civil society workshops held across the OSCE region in 2014:

- OSCE political bodies should develop a comprehensive OSCE action plan to combat racism, xenophobia, discrimination on all grounds, hate crimes and other forms of intolerance, in order to pool resources and enhance cooperation between various stakeholders within the OSCE framework, as well as to improve cooperation with other relevant international institutions;

- Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination should increase the visibility of their work and enhance their cooperation with civil society (including seeking increased media coverage of their country visits, wider dissemination of their reports and more active participation in international and national events on topics relevant to their mandates, including those organized by NGOs);

- ODIHR should develop comprehensive guidelines for the participating States on addressing racism, xenophobia, discrimination on all grounds, hate crimes and other forms of intolerance through education and youth policy, including specific methods for anti-racism education, building on its experience of developing educational materials in the field of the teaching of anti-Semitism , Holocaust education, education against Islamophobia and human rights education for various social and professional groups;

- ODIHR should develop recommendations on the review of school curricula with the goal of removing elements that may promote negative stereotypes, incite hatred and intolerance, and strengthening measures to combat bullying;

- ODIHR, together with the Venice Commission, should examine the legislation of participating States for discriminatory provisions targeting religious and ethnic minorities, Roma and Sinti, migrants, LGBT, and other groups, and issue recommendations upon results of this examination; participating States should request such examinations and follow their recommendations;

- ODIHR should organize expert consultations on ways to address violations of fundamental rights, including incitement to hatred, in the context of elections in

participating States, by using, inter alia, existing tools such as ODIHR election observation missions and the Panel of experts on political party regulation;

- The Representative on Freedom of the Media should develop and promote guidelines for participating States on combatting hate speech in the media and the Internet as well as by public officials and politicians, while also upholding freedom of expression.

In our times, we witness the ideology of racism and intolerance being incorporated into political movements and parties and discrimination increasingly practiced by governments. In the past this has led to the gravest and darkest pages of human history. It has long been a priority of many organisations and societies to prevent this from happening again. Now these old risks are emerging in a new form, as societies are rapidly changing. This forces us once again to make combatting discrimination, racism, xenophobia and intolerance a priority.

## **TAJIKISTAN: DROP DRAFT LEGISLATION RESTRICTING NGO ACCESS TO FUNDING**

25.11.2014

**Almost a hundred civil society groups called on the government of Tajikistan to drop new restrictive draft legislation on NGOs and to respect the right of NGOs to have unhindered access to funding for their work.**

We, the undersigned civil society organizations, are alarmed at the recent initiative by the government of Tajikistan to regulate and restrict access of NGOs to financial assistance. Draft legislation to this end, which is currently under consideration by the government, runs counter to international standards protecting the right to freedom of association and risks endangering the work of NGOs in the country. We call on the government of Tajikistan to drop this draft legislation and to respect the right of NGOs to have unhindered access to funding for their work, including from sources abroad.

According to draft amendments to the Law on Public Associations prepared by the Ministry of Justice of Tajikistan, all grants and donations received by NGOs from foreign and international sources would be subject to inclusion in a state register of humanitarian assistance. The implementation of programs funded by foreign governments, international organizations and other sources abroad would only be allowed after the registration process has been completed. The registration requirement would apply to all funds originating from these sources, irrespective of size. In addition, the draft amendments require the registration of funds received “through other physical and legal entities,” an ambiguous provision that leaves it unclear whether funds received from local sources also would be subject to inclusion in the same register.

After a non-transparent drafting process, in which civil society has not been involved, the draft amendments are now being reviewed by other government agencies. It is expected that the draft law will be submitted to the parliament in the near future.

This draft legislation in Tajikistan forms part of a broader trend in many countries in the former Soviet Union, in which governments are stepping up efforts to control and restrict access, in particular, to foreign funding of NGOs. The arguments used to justify such legislation are typically that it is necessary to enhance the accountability and transparency of NGOs that receive foreign assistance, who are also often the targets of unfounded accusations that they serve the “political interests” of foreign donors. While NGOs are accountable to the public and should provide information about their activities and sources of funding, any procedures aimed at ensuring the transparency of NGO financing must be necessary and reasonable and must not impede the ability of organizations to obtain and use funding for their work either from domestic or foreign sources.

We are concerned that the proposed registration requirement for NGO funding in Tajikistan would place an additional bureaucratic burden on NGOs, which are already required to account in detail for their activities and the sources and amounts of their funding (including that from foreign and international sources) by submitting regular reports to the Ministry of Justice and the tax authorities. The proposed registration requirement would also only apply to NGOs, not other entities that receive financial assistance.

Moreover, we are concerned that the proposed provisions would unduly restrict access to funding of NGOs. The draft amendments do not elaborate on how the procedure for registering grants with the government would be implemented or what sanctions non-compliance would entail. However, there are reasons to fear that in practice would amount to a system of pre-authorization for the use of funds that would

involve direct government interference in the activities of NGOs and could result in arbitrary delays and denials to register grants. As a result, it could jeopardize not only the implementation of NGO projects aimed at, for example, counteracting torture, fighting corruption, promoting environmental protection or assisting members of vulnerable groups, but also the continued existence of NGOs dependent on unobstructed access to funding.

Across the former Soviet Union, measures to increase government control over the financing of NGOs have been taken in the context of an increasingly restrictive climate for NGOs. In Tajikistan, the draft legislation on NGO funding is being put forward at a precarious time for civil society organizations in this country. The Ministry of Justice, the tax authorities and other state institutions have wide powers to monitor and oversee NGO activities. In the recent period, inspections of NGOs have increasingly been carried out on an unscheduled basis and been followed by warnings and – in some cases -- lawsuits to suspend and close down organizations for alleged violations of the law, including the failure to comply with requirements of a technical nature. If adopted, the draft legislation would further worsen the climate for NGOs and is also likely to contribute to public mistrust and suspicion of NGOs by singling them out for the proposed registration regime.

In our view, the proposed amendments to Tajikistan's Law on Public Associations are inconsistent with the country's international human rights obligations and commitments. As emphasized by international human rights bodies, the ability for civil society organizations to access funding and resources for their work is an integral and vital part of the right to freedom of association as protected, in particular, by article 22 of the International Covenant on Civil and Political Rights (ICCPR). As a party to the ICCPR, Tajikistan has an obligation to facilitate NGO access to funding, irrespective of whether it originates from domestic, foreign or international sources.

The UN Special Rapporteur on freedom of peaceful assembly and of association has stressed that while states often invoke arguments about enhancing transparency and accountability and protecting national security to justify restrictions on NGO funding, such restrictions are not permissible unless they are strictly necessary and proportionate to pursuing a legitimate aim, as required by ICCPR article 22. The Special Rapporteur has further underlined that funding restrictions that impede the ability of associations to pursue their statutory activities constitute an impermissible interference with ICCPR article 22. According to him, among others, requirements for organizations to obtain government approval of funding place undue constraints on the right to freedom of association. The Human Rights Committee, which supervises implementation of the ICCPR, has also taken a stand against government pre-authorization of NGO funding.

We call on the authorities of Tajikistan to comply with their international obligations and commitments on freedom of association and other fundamental rights and to:

- Refrain from adopting the draft legislation on the registration of NGO funding now under consideration, as well as from imposing other restrictions on the right of NGOs to access funding, which go beyond those that are demonstrably necessary and proportionate for a permissible reason under international human rights law.
- Consult and involve civil society in any efforts to amend legislation affecting NGOs, seek assistance from international experts in this regard, and make use of international best practices.
- Refrain from engaging in negative portrayals or stigmatization of NGOs because of their sources of funding -- or any other reason -- and publicly acknowledge the importance and value of NGOs, as key partners, in efforts to enhance citizen participation in decision-making, as well as in human rights promotion, environmental protection, assistance of vulnerable groups and other areas.

Signed by:

- 1) "Accent" Initiative Group of Volunteers (Tajikistan)
- 2) Amnesty International
- 3) Analytical Center for Interethnic Cooperation and Consultations (Georgia)
- 4) Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine)
- 5) "Aurora" Youth Association (Tajikistan)
- 6) Bar Association of the Sughd Province (Tajikistan)
- 7) Barys Zvozkau Belarusian Human Rights House
- 8) Bulgarian Helsinki Committee
- 9) Bureau for Human Rights and Rule of Law (Tajikistan)
- 10) Center for Civil Liberties (Ukraine)
- 11) Center for Human Rights (Tajikistan)
- 12) Center for National and International Studies (Azerbaijan)
- 13) Center for the Development of Democracy and Human Rights (Russia)
- 14) Helsinki Citizens' Assembly – Vanadzor (Armenia)
- 15) Helsinki Committee of Armenia
- 16) Helsinki Foundation for Human Rights (Poland)
- 17) Human Rights Center of Azerbaijan
- 18) Human Rights Group "Citizen. Army. Law." (Russia)
- 19) Human Rights Matter (Germany)
- 20) Human Rights Monitoring Institute (Lithuania)
- 21) Human Rights Movement "Bir Duino-Kyrgyzstan"
- 22) Kazakhstan International Bureau for Human Rights and Rule of Law
- 23) Kharkiv Regional Foundation "Public Alternative" (Ukraine)
- 24) "Ob Umed" Association (Tajikistan)
- 25) Office of Civil Freedoms (Tajikistan)
- 26) Promo LEX Association (Moldova)
- 27) International Federation for Human Rights, in the framework of the Observatory for the Protection of Human Rights Defenders
- 28) International Human Rights and Humanitarian Society "Memorial" (Russia)
- 29) Independent Human Rights Protection Center (Tajikistan)
- 30) International Partnership for Human Rights (Belgium)
- 31) International Public Organization "Law and Prosperity" (Tajikistan)
- 32) Moscow Helsinki Group (Russia)
- 33) National Association of Independent Media of Tajikistan
- 34) Netherlands Helsinki Committee
- 35) Norwegian Helsinki Committee
- 36) Public Charity Foundation "Parvozy Parastu" (Tajikistan)
- 37) Public Charity Foundation "Shuhrat va Shafkat" (Tajikistan)
- 38) Public Foundation "Legal Initiative" (Tajikistan)
- 39) Public Foundation "My Child" (Tajikistan)
- 40) Public Foundation "Nota Bene" (Tajikistan)
- 41) Public Foundation "Public Health and Human Rights" (Tajikistan)
- 42) Public Foundation "Voice of Freedom" (Kyrgyzstan)
- 43) Public Foundation "Your Choice" (Tajikistan)
- 44) Public Organization "Akhtari Bakht" (Tajikistan)
- 45) Public Organization "Amina" (Tajikistan)
- 46) Public Organization "Apeyron" (Tajikistan)
- 47) Public Organization "Barakat" (Tajikistan)
- 48) Public Organization "Bek" (Tajikistan)
- 49) Public Organization "Bonuvoni Panch" (Tajikistan)
- 50) Public Organization "Center for a Free Market" (Tajikistan)
- 51) Public Organization "Chashmai Nosir" (Tajikistan)

- 52) Public Organization “Chavononi Murgob” (Tajikistan)
- 53) Public Organization “Chavononi Pomir” (Tajikistan)
- 54) Public Organization “Cholpon” (Tajikistan)
- 55) Public Organization “Dashtak” (Tajikistan”)
- 56) Public Organization “Equal Opportunities” (Tajikistan)
- 57) Public Organization “Foundation for the Development of Society” (Tajikistan)
- 58) Public Organization “Furuz” (Tajikistan)
- 59) Public Organization “Gulnora” (Tajikistan)
- 60) Public Organization “Inclusive Resource Center LSI” (Tajikistan)
- 61) Public Organization “Journalism and Democracy” (Tajikistan)
- 62) Public Organization “Kharif” (Tajikistan)
- 63) Public Organization “Khayrandesh” (Tajikistan)
- 64) Public Organization “Khursand” (Tajikistan)
- 65) Public Organization “KOC Tomiris” (Tajikistan)
- 66) Public Organization “Madina” (Tajikistan)
- 67) Public Organization “Marifat” (Tajikistan)
- 68) Public Organization “Markazi Nur” (Tajikistan)
- 69) Public Organization “Mizon” (Tajikistan)
- 70) Public Organization “Nachiba” (Tajikistan)
- 71) Public Organization “Nilufar” (Tajikistan)
- 72) Public Organization of Disabled Women “Safoi Konibodom” (Tajikistan)
- 73) Public Organization “Ormon” (Tajikistan)
- 74) Public Organization “Orzui Kudak” (Tajikistan)
- 75) Public Organization “Ozar” (Tajikistan)
- 76) Public Organization “Rushd” (Tajikistan)
- 77) Public Organization “Rushdi Ishkoshim” (Tajikistan)
- 78) Public Organization “Sapeda” (Tajikistan)
- 79) Public Organization “School of Volunteers” (Tajikistan)
- 80) Public Organization “Shokhburon” (Tajikistan)
- 81) Public Organization “Shokhi Tirandoz” (Tajikistan)
- 82) Public Organization “Shokhnosir” (Tajikistan)
- 83) Public Organization “Sino” (Tajikistan)
- 84) Public Organization “Sudmand” (Tajikistan)
- 85) Public Organization “Tochi Solim” (Tajikistan)
- 86) Public Organization “Yehyo” (Tajikistan)
- 87) Public Organization “Zanon Baroi Adolat” (Tajikistan)
- 88) Public Organization “Zakhro” (Tajikistan)
- 89) Public Verdict Foundation (Russia)
- 90) Turkmen Initiative for Human Rights
- 91) World Movement for Democracy
- 92) World Organization against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders

## **USE OF PSYCHIATRY FOR POLITICAL PRESSURE IS UNACCEPTABLE!**

05.10.2014

**We, members of the Civic Solidarity Platform, hereby appeal to the international human rights community, as well as international and national professional associations of psychiatrists, about the ongoing practice whereby psychiatry is used for political purposes.**

Earlier, on October 10, 2013, we made a statement about the growing frequency of such pressure on human rights advocates and civil activists on the territory of the former USSR. In 2012, human rights advocates reported 2 such cases. In 2013, at least 4 noticeable cases were reported in Ukraine, Belarus and Russia. All 4 were widely publicized domestically and internationally.

In April 2014, the European Court of Human Rights (ECHR) ruled an important verdict in the Anatoliy Rudenko vs Ukraine case. During his pre-trial detention at the respective center in Ukraine (SIZO), Anatoliy was sent to forced psychiatric treatment. He spent almost a year there without any opportunity to appeal against this, or to have an independence examination of his health. The ECHR recognized this as the violation of Article 5 of the European Convention on Human Rights, and noted that the applicant (Anatoliy Rudenko) was completely dependent on the authorities which decided to not hold an independent examination, thereby depriving him of any opportunity to prove his mental capability, as well as of the right to be present at court hearings or to defend himself from the charges against him.

This verdict, coupled with wide international publicity of politically-motivated punitive psychiatry, was expected to restrict the use of psychiatry to further restriction of human rights of human rights advocates or civil activists under arrest, as well as in other cases where the authorities prefer their “opponents” to keep silent. However, this did not happen. Reports of such facts are still coming from different countries.

Two notorious cases where the Russian authorities applied psychiatry against Ukrainian citizens detained in Russia have been reported over the past few months alone. The situation is further aggravated by the ongoing armed conflict between Russia and Ukraine, and proactive participation of the abovementioned detained people in it in different roles. These two people were taken from the territory of Ukraine illegally and are kept on the territory of Russia illegally:

- Activist Oleksiy Chirniy arrested in Crimea in May. He is currently in Moscow, at the psychiatric hospital of the Butyrka pre-trial detention center (SIZO) for unknown reasons and purposes

- Pilot Nadiya Savchenko kidnapped in the area of the anti-terrorist operation by the terrorists of the “Donetsk and Luhansk People’s Republics” (DNR and LNR). She is currently in Voronezh, and scheduled for forced psychological and psychiatric examination at the Serbsky State Scientific Center for Social and Forensic Psychiatry in Moscow.

The Ukrainian Foreign Ministry has already stated that Ukraine considers these people to be political prisoners. According to the Foreign Ministry, Russia is banning the Ukrainian consul to visit the citizens of Ukraine detained illegally, thereby ignoring international law.

We qualify the abovementioned facts of psychiatry used by the Russian authorities and aggravated by illegal detention of Ukrainian citizens on the territory of Russia as confirmation of the fact that politically-motivated psychiatry is being returned as regular practice. We therefore appeal to:

International and national professional association of psychiatrists -

- To publicly assess the practice of using psychiatry for political purposes;
- To initiate the establishment of the Institute of Independent Psychiatric Examination in order to develop recommendations and facilitate the adoption of laws on the national level to guarantee independent psychiatric examination in cases where the objectivity of actions on the national level is questionable;

- To hold independent psychiatric examinations of Oleksiy Chirniy and Nadiya Savchenko and to provide qualified experts to do this.

Russian authorities -

- To prevent violations of human rights listed in the ECHR's verdict in the Anatoliy Rudenko vs Ukraine case on their territory;

- To assist in the objective international psychiatric examination of Oleksiy Chirniy and Nadiya Savchenko;

- To organize access of international, Ukrainian and Russian human rights advocates and Ukrainian diplomats to these individuals;

- To include psychiatric facilities into the mandate of the Civil Monitoring Commissions;

- To quit the practice of gag orders for political cases as a hindrance to the work of lawyers;

- To stop criminal persecution as politically motivated ones of the Ukrainian citizens who have been detained illegally and to fulfill the demand of the Ukrainian party to transfer to it the following illegally detained individuals: Serhiy Sentsov, Oleksandr Kolchenko, Hennadiy Afanasiev, Oleksiy Chirniy, Yuriy Yatsenko, Nadiya Savchenko.

To the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment -

- To pay attention to the abovementioned cases of psychiatry used against Ukrainian citizens on the Russian territory to pressure them and to take urgent measures within the framework of their mandates;

To international and national human rights organizations -

- To pay attention to the growing frequency of punitive psychiatry on the post-Soviet territory and to include this issue on the agenda of their monitoring and advocacy campaigns;

- To increase cooperation with professional association of psychiatrists in order to prevent the spread of the practice to use psychiatry for political purposes, and to guarantee the individual's rights in the segment of psychiatry to the highest possible extent.

Signed by:

- 1) Center for Civil Liberties (Ukraine)
- 2) KRF Public Alternative (Ukraine)
- 3) Human Rights Movement "Bir Duino-Kyrgyzstan"
- 4) Promo-LEX Assosiation Moldova
- 5) Public Verdict Foundation (Russia)
- 6) Kazakhstan International Bureau for Human Rights and Rule of Law
- 7) Armenia Helsinki Committee

- 8) Analytical Centre for Interethnic Cooperation and Consultation (Georgia)
- 9) Centre for Development of Democracy and Human Rights (Russia)
- 10) Helsinki Committee of Armenia
- 11) Belorussian Helsinki Committee
- 12) Moscow Helsinki Group
- 13) Helsinki Citizens' Assembly – Vanadzor (Armenia)

*Additional information:*

Oleksiy Chirniy was detained in May 2014 along with the well-known Ukrainian film director Oleh Sentsov and activists Hennadiy Afanasiev and Oleksandr Kolchenko. Later, they were all taken to the Russian territory where they are still in detention and accused of terrorist activity. The Russian side, against their will, has enforced Russian citizenship on these individuals and is putting constant moral and psychological pressure on them.

Oleksiy Chirniy is currently at the psychiatric hospital of the Butyrka SIZO in Moscow. The grounds for keeping him there are unknown. Open Dialogue, a Polish foundation, enquired the Ministry of Health Care of Russia on this on July 14, 2014 (inquiry No 30434485). The response was that, in accordance with Article 13 of the Federal Law On the Basic Principles of Health Care for the Citizens of the Russian Federation No 323-Φ3 dated November 21, 2011, the enquired information is secret under the patient-doctor confidentiality. However, Oleksiy Chirniy is a citizen of Ukraine, since he has rejected Russian citizenship. Therefore, he is not subject to this Article. The Russian side denies the fact that Oleksiy Chirniy is a Ukrainian citizen.

In her interview for Hromadske on August 12, 2014, Liudmyla Kozlovska, Director of the Open Dialogue, a Polish foundation, drew parallels with situations which the Open Dialogue representatives faced in Kazakhstan when she described Oleksiy's state and commented on the fact that he has signed charges against himself. Liudmyla Kozlovska asserted that Oleksiy Chirniy has most likely been put under the influence of psychotropic drugs and has therefore signed all charges against himself.

Pilot Nadiya Savchenko took part in the anti-terrorist operation on the Ukrainian side as a volunteer. She participated in the fighting near Metalist village, Luhansk Oblast; was eventually captured by the militants of the Zaria battalion at night of June 18-19, 2014. On July 8, news surfaced that Nadiya was detained in a singular cell at the investigation isolator in Voronezh, Russia. She was allegedly taken to Russia as a result of a deal between the militants and Russian secret services. According to Savchenko herself, she was taken from the territory of Ukraine by force, with a bag on her head and in handcuffs; then she was kidnapped on the Russian territory and transferred to "individuals wearing camouflage uniforms."

On July 9, Vladimir Markin, Representative of the Russian Investigation Committee, reported that the Department for investigation of crimes related to the use of forbidden substances and warfare of the Russian Investigation Committee charged Nadiya Savchenko with assistance in the murder of Igor Korneliuk and Anton Voloshyn, two journalists of the All-Russian TV and Radio Company. According to investigators, she determined the location of the group of journalists as part of the Aydar battalion and transferred them to Ukrainian sylovyky (security officials). These details were later used in the mortar shelling that killed the journalists.

According to the verdict of the Novousmanskyy District Court in Voronezh Oblast, Nadiya was detained through August 30. Savchenko's lawyers appealed against this verdict. On July 10, the Voronezh Oblast Court considered this appeal and rejected it, leaving the original verdict on Savchenko's detention unchanged.

Meanwhile, the oblast court recognized that Savchenko was not handed copies of the protocol and procedure documents in Ukrainian, her native language. As a result, the documents were returned to the district court to correct the errors. Subsequently, Nadiya Savchenko was handed procedure documents on her case in Ukrainian on July 15.

No press was allowed to the trial. During the trial, Savchenko was held at the Voronezh SIZO with which video connection was installed from the courtroom. Ukrainian diplomat was not admitted to the courtroom.

On August 27, within the framework of the regular court hearing, the court ruled that Nadiya Savchenko should pass a comprehensive psychological and psychiatric

examination at the Serbsky State Scientific Center for Social and Forensic Psychiatry in Moscow according to the Resolution on the Prescription of the Hospital Comprehensive Psychological and Psychiatric Forensic Examination dated August 18, 2014. The court ruling says: "Taking into account the abovementioned and the graveness of the actions committed by Savchenko N.V., the unmotivated cruelty applied against the victims, a necessity has arisen to have the accused individual take a hospital comprehensive psychological and psychiatric examination." This is a serious violation of presumption of innocence since Nadiya Savchenko's guilt has not been proven, while the ruling describes the actions she is accused of as a completed and accomplished fact.

Nadiya Savchenko's lawyers have filed an appeal against the ruling to send her to psychiatric examination. They have also filed an appeal to the ECHR.

## **UNFAIR TRIALS USED TO CLAMP DOWN ON DISSENT IN COUNTRIES OF THE FORMER SOVIET SPACE**

23.09.2014

**The Civic Solidarity Platform draws your attention to the issue of unfair trials in countries of the former Soviet Union. We acknowledge that concerns surrounding unfair trials are not unique to these OSCE participating States, but also merit attention in other parts of the OSCE region.**

All OSCE participating States including former members of the Soviet Union have committed themselves to upholding the OSCE Human Dimension Commitments, including those relating to the right to a fair trial. In addition, all countries of the former Soviet Union are parties to the International Covenant on Civil and Political Rights (ICCPR). By ratifying or acceding to the ICCPR they have committed themselves, inter alia., not to subject anyone to arbitrary arrest or detention; to provide all necessary safeguards to ensure that detainees are treated with humanity and respect for the inherent dignity of the human person; and to guarantee that all persons are equal before the courts and tribunals and that trials are conducted fairly by a competent, independent and impartial tribunal established by law.

However, when last reviewing the implementation of obligations under the ICCPR and other international human rights treaties in recent years, UN treaty bodies such as the UN Human Rights Committee expressed concern about the lack of independence of the judiciary in Armenia (2012), Azerbaijan (2009), Belarus (2011 and 2014), Kazakhstan (2011), Kyrgyzstan (2014), Moldova(2009), the Russian Federation (2009), Tajikistan (2013), Turkmenistan (2012), Ukraine (2013) and Uzbekistan(2010). In its concluding observations to many of these countries the Human Rights Committee highlighted that the independence of the judiciary was undermined by persistent corruption within the criminal justice system and by the involvement of the executive branch in decisions on promotion, suspension and dismissal of judges, as well as disciplinary actions against judges.

A weak judiciary that is open to pressure from the executive branch is unable to protect the rights of defendants, let alone ensure that government critics are treated fairly by the courts.

Indeed, in recent years in many former Soviet countries many of those expressing opinions critical of the authorities have been subjected to arbitrary detention and imprisonment after unfair trials. In many cases justice has been applied selectively, solely targetting those who hold opposition views, those who are critical of government policies or who are perceived to pose a challenge to the state. In many cases charges have been fabricated solely to punish people for peacefully exercising their rights to freedom of expression, assembly, association, religion or belief.

We are aware of scores of cases of human rights defenders, dissidents, opposition politicians, lawyers, independent journalists and bloggers, and religious activists who have been targetted to punish them for expressing opinions critical of the authorities or perceived to pose a threat to the government. In the former Soviet space there are numerous documented cases of political prisoners. Many of them have been imprisoned solely to punish them for peacefully exercising their human rights such as their rights to freedoms of expression, assembly, association or their freedom of religion, conscience or belief and many have been convicted following unfair trials. In many cases detainees have been held incommunicado or with limited or no access to defence lawyers, independent medical practitioners and family members. Many have been subjected to torture or other ill-treatment in custody. There have also been reports

from some countries that relatives of political prisoners have been subjected to undue pressure.

Given space limitations we cannot give a comprehensive overview of fair trial concerns and individual cases of political prisoners across the former Soviet space. However, we would like to draw your attention to a number of case examples from several countries that are indicative of a general tendency to use the criminal justice system in order to crack down on dissent.

In Armenia several government critics have been imprisoned following trials that were not conducted in line with international fair trial standards. The human rights group Helsinki Citizens' Assembly – Vanadzor reports that there are 16 political prisoners in Armenia, including defendants that are currently being tried in cases with political overtones. One of them is Shant Harutyunyan, a political opposition leader. Starting on 31 October 2013, he and other Karabakh War veterans protested in Freedom Square in Yerevan for several days calling for a “revolution.” The authorities claimed that the group was planning to occupy the building of the Presidential Administration by force. The protestors clashed with riot police on 5 November and Shant Harutyunyan was apprehended along with 37 other protestors. Shant Harutyunyan was reportedly beaten in custody by senior police officials and no investigation was opened into the allegations. He and 13 others were charged with “hooliganism“, including Harutyunyan's underage son. Shant Harutyunyan and others detained in this case were not allowed any family visits for the first two months of when they were taken into custody. On 21 November, a court ordered that Shant Harutyunyan be transferred to Nurabashen Psychiatric Clinic to conduct a forced psychiatric examination. There were allegations that his 24-day-long stay at the Psychiatric Clinic was a punitive measure and an attempt to revive the use of psychiatry for silencing dissent. After the psychiatric examination concluded that Shant Harutyunyan was sane, he was transferred to a pre-trial facility. Shant Harutyunyan's trial started on 12 June 2014 and is currently ongoing.

In Azerbaijan, those voicing criticism of the authorities or engaging in political opposition activities are at risk of harassment, arbitrary detention and imprisonment. It has become increasingly dangerous for civil society groups to operate freely. Different Azerbaijani NGOs have counted between 30 and 170 political prisoners. According to a Working Group led by Azerbaijani civil society activists Leyla Yunus and Rasul Jafarov, almost 100 people have been taken into custody on politically-motivated charges or imprisoned. Among them are human rights defenders, youth activists, opposition politicians, journalists and bloggers. In July and August 2014 respectively both Leyla Yunus and Rasul Jafarov have themselves been taken into custody. Another political prisoner is Intigam Aliyev, the director of the NGO Legal Education Society. Intigam Aliyev was taken into custody on fabricated charges on 8 August 2014. Law enforcement officers searched his home and office and confiscated equipment and materials relating to his human rights work. Intigam Aliyev provided legal support to victims of politically-motivated persecution and submitted dozens of cases to the European Court of Human Rights.

The human rights organization Viasna in Belarus has reported that there are currently seven political prisoners in the country. There are allegations that they have had limited access to lawyers and have been subjected to arbitrary administrative punishment and ill-treatment. Two of them are Mykalai Statkevich, who ran as an opposition candidate in presidential elections in 2010, and Eduard Lobau, a member of Young Front, the largest unregistered opposition youth organization in Belarus. Both were detained in late 2010 and, several months later, sentenced to six years of hard labour and four years' imprisonment respectively. Mikalai Statkevich was convicted for his involvement in a mass demonstration following the contested presidential elections.

Eduard Lobau was convicted of “hooliganism“ for allegedly assaulting passers-by on the day before the elections. However, an eye-witness stated that it was in fact Eduard Lobau and his friends who were attacked. It is believed that both Mykalai Statkevich and Eduard Lobau were targeted in order to prevent them from carrying out their peaceful political opposition activities. Political prisoners who have been released continue to face restrictions, ranging from travel limitations to inclusion in law enforcement agencies’ ‘watch lists’. In the April 2014 Report of the Special Rapporteur on the situation of human rights in Belarus, the Special Rapporteur called “upon the authorities to release immediately and unconditionally all those imprisoned for their exercise of their political and other rights” and urged “the authorities to ensure that the rights of those political prisoners who have been released are immediately and fully rehabilitated.”

In Russia, the authorities continue to clamp down on civil society and government critics. Journalists and civil society activists who have publicized allegations of Russia’s role in the hostilities in Ukraine have been subjected to harassment, intimidation and other attacks. More than a dozen people who participated in a large anti-government demonstration at Bolotnaya Square in Moscow in May 2012 have been prosecuted. Prison terms were handed down on protestors on disproportionate “mass rioting“ charges and charges of “violence against police officers“, although most were believed to have protested peacefully. It was believed that the authorities used the trials as show-trials in order to silence dissent and send a warning to potential future protestors. The Russian human rights group Memorial has issued a list of over forty people the organization describes as political prisoners in the country.

Turkmenistan is one of the most repressive countries in the world, where virtually no open dissent and political competition are permitted. Freedoms of assembly, association and expression are not upheld; and all independent civil society activists have either been forced into exile, deep underground, or have disappeared in Turkmenistan’s notorious prison system. According to the Prove They Are Alive! Campaign, there are at least 67 politically motivated cases of enforced disappearances in Turkmen prisons, where relatives, international organizations, and society at large have not been able to obtain any information about these individuals for over a decade. Many of them are associated with the alleged assassination attempt on President Saparmurad Niyazov in 2002, and their trials were laden with procedural violations, held behind closed doors and hurried. Among those disappeared are Boris Shikhmuradov, former Minister of Foreign Affairs and Ambassador of Turkmenistan, and Batyr Berdyev, former Ambassador, Representative of Turkmenistan to the OSCE and Minister of Foreign Affairs of Turkmenistan. Widespread torture practices have been documented in the notorious Ovdan Depe prison, where most of the political prisoners are serving their sentences and there have been allegations that some of them have died as a result of torture and harsh prison conditions. Until this day, the government of Turkmenistan refuses to disclose any information about the fates of these people.

In Uzbekistan the space for freedom of expression and association is extremely limited. Scores of people have been sentenced to long terms of imprisonment on politically-motivated charges in unfair trials. These include human rights defenders, government critics and suspected members of Islamic movements, Islamist groups and banned parties. Many of them were allegedly tortured to extract confessions; torture remains systematic in the country’s criminal justice system. They are now serving long terms of imprisonment in cruel, inhuman and degrading conditions. One such case is that of Salidzhon Abdurakhmanov, a human rights defender and independent journalist, who was sentenced to 10 years’ imprisonment on trumped-up drug-related charges in

2008 to punish him for peacefully exercising his right to freedom of expression. No traces of drugs were found in his body, according to blood tests ordered by police. His lawyer's petition to conduct a forensic examination in order to identify any fingerprints on the bag containing the drugs that were believed to have been planted on him, was refused. Many government critics, human rights defenders and independent journalists have left Uzbekistan to escape persecution.

### **Recommendations**

We are calling on all countries in the former Soviet space that have imprisoned human rights defenders, opposition politicians, other government critics, independent journalists, bloggers, lawyers and religious activists to:

- Take all appropriate measures to ensure that all provisions of the ICCPR relating to fair trials are fully respected and that the judiciary is able to function without undue influence by the executive or legislative branches of power;
- Ensure that all those who have been imprisoned solely to punish them for peacefully exercising their rights to freedom of expression, association, assembly, religion or belief are released immediately and unconditionally;
- Ensure that all other political prisoners are retried in proceedings which meet international standards on fairness;
- Ensure that all reports of intimidation, harassment, arbitrary detention, torture or other ill-treatment, and fabrication of charges against human rights defenders and other civil society activists, dissidents and opposition politicians, lawyers, journalists and bloggers are investigated promptly, impartially and thoroughly and that the perpetrators are brought to justice;
- Ensure that human rights defenders, other civil society actors, dissidents, opposition politicians, lawyers, journalists and bloggers, and religious activists are able to carry out their peaceful legitimate activities without fear or threat of reprisal, unlawful restrictions and arbitrary prosecutions;

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States, we are also calling on all participating States to press for the implementation of the above recommendations.

### *Signed by:*

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|--|---|
| 1) Albanian Helsinki Committee   | 9) Crude Accountability, Helsinki   |
| 2) Analytical Center for Interethnic Cooperation and Consultations (Georgia) | Citizens' Assembly – Vanadzor (Armenia)   |
| 3) Armenian Helsinki Committee, Article 19 (United Kingdom)                  | 10) Helsinki Committee for Human Rights (Serbia)  |
| 4) Association of Ukrainian Human Rights Monitors on Law Enforcement         | 11) Helsinki Committee for Human Rights of the Republic of Macedonia, Helsinki Foundation for Human Rights (Poland) |
| 5) Belarusian Human Rights House   | 12) Human Rights Center of Azerbaijan, Index on Censorship (United Kingdom)   |
| 6) Bir Duino – Kyrgyzstan Human Rights Movement                              | 13) Institute for Reporters' Freedom and Safety (Azerbaijan)  |
| 7) Center for Civil Liberties (Ukraine)                                      | 14) International Partnership for Human Rights (Belgium)  |
| 8) Center for National and International Studies (Azerbaijan)                |   |

15) Kazakhstan International Bureau  
for Human Rights and the Rule of Law  
16) Kharkiv Regional Foundation  
Public Alternative (Ukraine)

17) Lawyers' Committee for Human  
Rights – YUCOM (Serbia)  
18) Moscow Helsinki Group (Russia)  
19) Promo LEX Association (Moldova)  
20) Public Verdict Foundation (Russia)

## **STOP MUZZLING HUMAN RIGHTS GROUPS & ADVOCATES IN RUSSIA AND AZERBAIJAN!**

23.09.2014

We, members of the Civic Solidarity Platform (CSP), a network of human rights NGOs in Europe, North America and the former Soviet Union, condemn the current, unprecedented crackdowns on independent human rights NGOs and their members now witnessed in Russia and Azerbaijan. These developments are chilling in their implications for freedom of association, freedom of expression and human rights defence in the two countries and set a dangerous precedent for other non-democratic and illiberal governments in the OSCE region. As already seen, rhetoric branding human rights groups and advocates as “foreign agents,” “spies” and “traitors” has increasingly been used also in other countries in this region (including in the EU member country Hungary) and draconian legislation impeding the operation and funding of NGOs enforced by the Russian and Azerbaijani governments are studied and used as inspiration elsewhere. This has given rise to fears of a growing backlash against civil society in other parts of the region.

We would like to use this opportunity to affirm our solidarity with colleagues who have been directly affected by the recent developments in Russia and Azerbaijan and to appeal to members of the OSCE community to loudly and clearly speak out about the repression taking place in these countries and to support its victims in all ways possible, including through urgent measures in individual cases. The new Guidelines on the Protection of Human Rights Defenders elaborated by the OSCE Office on Democratic Institutions and Human Rights provide important direction in this regard, in accordance with the fundamental principle that human dimension issues are matters of direct and legitimate concern to all participating States.

### **Overview of major concerns**

#### ***Russia:***

The civil society crackdown launched after Putin’s return as president in 2012 has continued to widen in the past year. In particular, the implementation of the notorious “foreign agents” law has had a far-reaching adverse impact on independent human rights, anti-corruption, environmental and other research and advocacy NGOs, threatening their very existence.

Following a series of mass inspections of NGOs in spring 2013, dozens of NGOs received warnings and faced legal cases under the “foreign agents” law. Trials have often been lengthy and protracted, taking away important time and resources from the ongoing work of the targeted NGOs, while their reputation has been badly damaged by the “spying” accusations levelled against them. Some groups have eventually won their cases in court, but many others have lost. In August 2013-May 2014, experts from the CSP monitored over 30 court “foreign agents” hearings against human rights NGOs. In all the cases observed, the courts failed to duly scrutinize the charges against NGOs and instead chose to rubber-stamp them, thereby applying the broad definition of “political activities” set out in the 2012 law to core activities carried out by the targeted organizations.

At least six NGOs have already been forced to close down to avoid harsh penalties for refusing to adopt the stigmatizing “foreign agents” label after losing court cases. This number is expected to grow, especially since the “foreign agents” law was further toughened in June this year so as to allow the Ministry of Justice to register NGOs as “foreign agents” at its own initiative. These provisions, which did not provide

any clear criteria for how such decisions should be made, demonstrated the government's determination to enforce the "foreign agents" law despite its failure to force NGOs to register on their own. The new provisions were immediately put into force and, as of this writing, a total of 14 NGOs had been listed as "foreign agents," including prominent human rights organizations such as the Public Verdict Foundation – a CSP member, the Memorial Human Rights Centre, Agora, Jurix, Golos, the Women of the Don Union and the Soldiers Mothers' of St. Petersburg. Some groups have been listed with reference to court decisions in their cases, while others have been listed on the basis of the results of inspections that they have appealed and that are still under consideration by courts. This has created a high level of uncertainty as to which NGOs may be included on the controversial list by the Ministry of Justice and on what grounds. NGOs that have been listed as "foreign agents" against their will are also required to implement the obligations applicable to such organizations under the 2012 law, in particular by using this label in public communications.

Where possible, listed NGOs continue battling against the "foreign agents" label through court. However, the search for justice through domestic courts is impaired not only by the lack of independence of the judiciary but also the Constitutional Court decision from April 2014, which essentially deemed the "foreign agents" law consistent with the Constitution, even if it clarified certain aspects regarding its application.

In early September 2014, the Moscow City Court overturned earlier decisions that ordered election watchdog Golos and its leader to pay fines for failing to register as a "foreign agent," concluding that available evidence did not show that the group had received foreign funding since the entry into force of the law.<sup>3</sup> Nevertheless, in separate comments, the court stated that its decision did not entail any assessment per se as to whether Golos qualifies as being listed as a "foreign agent" and that this matter falls under the authority of the Ministry of Justice. At this time, the organization remains on the list.

National and international human rights bodies and NGOs have repeatedly criticized the "foreign agents" law for violating the right to freedom of association, freedom of expression and non-discrimination and for being open to arbitrary and selective application because of its vague wording. In an opinion issued this summer, the Venice Commission of the Council of Europe concluded that the "foreign agents" term tarnishes the reputation and seriously hampers the activities of NGOs to which it is applied and that the aim of ensuring transparency of foreign funding of NGOs cannot justify the registration regime set out in the 2012 law. Civil society is now placing its hope with the European Court of Human Rights, where a complaint about the law filed by a number of Russian NGOs is pending consideration.

Raising concerns about a possible further tightening of NGO legislation, media have reported that the government is currently considering amendments that would provide for a categorization of NGOs into "socially significant" and "political" ones and introduce new, discriminatory restrictions in relation to the latter category, on top of those established by the "foreign agents" law. Earlier this year, the grounds for unscheduled inspections of NGOs set out by law were broadened, and a new campaign of inspections has been reported.

Other legislation recently adopted in the country has also had a detrimental impact on NGOs, including the controversial 2013 law banning propaganda of so-called non-traditional sexual relations. This law has contributed to a worsening climate for NGOs and activists promoting LGBT rights, who have reported facing increasing intimidation and harassment.

#### ***Azerbaijan:***

Independent human rights NGOs and their representatives have been subjected to a growing wave of repression since the run-up to the October 2013 elections, when

President Aliyev secured a third term in office. In the last few months, the situation has deteriorated to an unparalleled level, despite Azerbaijan's current Chairmanship of the Committee of Ministers of the Council of Europe, a body founded on human rights principles.

New wide-ranging legal restrictions on NGOs have been introduced. These provisions have created additional obstacles for registered NGOs to operate and obtain funding and seriously worsened the situation of unregistered NGOs, a category that includes well-known human rights and pro-democracy groups that have failed to obtain registration despite repeated attempts. Legislation adopted last year, among others, prohibited NGOs from receiving cash donations of more than 200 EUR and made NGOs that obtain funding without concluding a formal grant agreement and their leaders liable to fines of up to 15,000 EUR. It also laid down stiff fines for failure to register grant agreements with the Ministry of Justice within the required period, as well as for failure to include required information about grants in financial reports to authorities. Another package of legislation that was signed into law this spring further tightened the screws on NGOs, among others, by requiring not only grants but also sub-grants to be registered with the government and by providing for harsh sanctions for undertaking banking and other operations in relation to unregistered grants. These rules made it impossible for NGOs that have been denied registration to access funding in the form of sub-grants through registered organizations, a practice that had previously been used.

Especially foreign-funded human rights NGOs have also been singled out for government smear campaigns and other harassment. In May this year, the Grave Crimes Investigation Department of the Prosecutor General's Office launched an apparently politically motivated, high-profile investigation against some 20 human rights NGOs and think tanks, including both national NGOs and branches of foreign organizations. In the context of this investigation, offices of NGOs have been raided, their equipment and documents confiscated, the bank accounts of them and their leaders arbitrarily blocked or frozen, and their 4 representatives summoned for interrogation and subjected to travel bans. Among the organizations targeted by this investigation are two CSP members, the Institute for Reporters' Freedom and Safety (IRFS) and the Center for National and International Studies.

Moreover, in the last two months, several human rights defenders have been arrested on spurious tax evasion and other charges. These include Leyla Yunus, director of the Institute of Peace and Democracy, and her husband Arif Yunus; Rasul Jafarov, an active CSP participant and one of the founders of the Human Rights Club that has had to de-facto stop its activities this year because of pressure against unregistered groups; and Intigam Aliyev, chair of the Legal Education Society. These defenders have been at the forefront of promoting human rights in Azerbaijan, including at the international level and their arrests have been widely condemned as retaliation for their human rights activities. Leyla Yunus and Rasul Jafarov had been leading a working group established to elaborate a comprehensive list of political prisoners in the country. This list, which was made public shortly after their arrest, features the names of close to 100 journalists, human rights defenders, and civil society, youth, political and religious activists. Intigam Aliyev has been actively working on litigation before the European Court of Human Rights and has won numerous cases. During a search of the office of his organization in August, police confiscated the files in dozens of cases pending submission to this court, thereby also jeopardizing the access to justice of the victims in these cases.

There are imminent fears that additional human rights activists may be arrested. In particular, there are such concerns with regard to IRFS Chairman and prominent human rights defender and media freedom advocate Emin Huseynov, who on 5 August 2014

was prevented from traveling to Istanbul to receive urgent medical care. He was stopped at the airport by border police and informed that the Prosecutor General's office had imposed a travel ban on him. Shortly after this, the IRFS office was searched and sealed by police. Acting IRFS Chair Gunay Ismayilova was also prevented from leaving the country when on her way to a workshop organized by the Swiss OSCE Chairmanship in Tbilisi on 3-4 September.

Adding to the concerns regarding the recent arrests of defenders, at least Leyla and Arif Yunus have reportedly been denied access to adequate healthcare and medicines for their medical conditions while in detention. It was also recently reported that Leyla Yunus had been attacked by a cellmate, while authorities of the detention facility where she is held failed to take appropriate measures to protect her.

Among the human rights defenders who are currently serving prison sentences in Azerbaijan are Anar Mammadli and Bashir Sulemainly, who were sentenced to 5.5. and 3.5 years in prison, respectively, in May this year on charges similar to those brought against the defenders now in custody. The both represent the Election Monitoring and Democracy Studies Center, which came under attack after exposing violations during the October 2013 presidential elections.

The recent actions of the Azerbaijani authorities have been denounced, among others, by international human rights bodies such as the Council of Europe's Human Rights Commissioner and UN special rapporteurs, who have called on the government of the country to "reverse the trend of repression, criminalization and prosecution of human rights work" and immediately free those "unjustifiably detained for defending rights."<sup>12</sup> In a resolution adopted last week, the European Parliament stated that closer EU Azerbaijan relations should depend on human rights progress by the latter, including the cessation of harassment of NGOs and the release of human rights defenders.

## **Recommendations**

### ***To the Russian authorities:***

- Repeal the "foreign agents" law as contradictory to international standards protecting freedom of association, freedom of expression and the right to non-discrimination; abolish the list of NGOs designated as "foreign agents"; and terminate all legal actions aimed at forcing NGOs to adopt this stigmatizing label and comply with specific requirements applied to it, or at penalizing them for refusing to do so.

- Refrain from elaborating and adopting new legislation that imposes excessive, unreasonable and discriminatory restrictions on the exercise of freedom of association and expression by NGOs and revise provisions in force of that nature, in accordance with recommendations made by national and international human rights experts.

- Stop using rhetoric and enforcing policies that discredit and fuel mistrust and hostility toward NGOs engaged in legitimate efforts to promote respect for human rights and other universal values through monitoring, research and advocacy activities; condemn acts of intimidation and harassment targeting NGOs and activists; and ensure that such acts are thoroughly and impartially investigated.

### ***To the Azerbaijani authorities:***

- Put an end to the current pattern of raids, arbitrary assets-freezing, interrogations, arrests, travel bans and smear campaigns targeting human rights NGOs and activists; and ensure that any measures taken to investigate alleged violations of the law by NGOs and their representatives have a lawful and credible basis and are carried out strictly in compliance with principles of due process and rule of law.

- Immediately and unconditionally release human rights defenders Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev, Anar Mammadli, Bashir Suleymanli and others

held on trumped-up charges; and ensure that no defender is arrested or imprisoned in retaliation for his or her human rights activities.

- Stop criminal proceedings against the CSP members, the IRFS and the Center for National and International Studies and other NGOs unjustly targeted; drop charges against IRFS Chairman Emin Huseynov; and repeal the arbitrary travel bans imposed on IRFS leaders.

- Abolish the requirement of compulsory registration of NGOs; bring legislation regulating the registration, oversight and access to funding of NGOs into compliance with international human rights standards, in accordance with recommendations made by international human rights bodies; and enable human rights NGOs and defenders to carry out their important work without intimidation and hindrance.

***To other OSCE participating States and OSCE institutions:***

In accordance with the new ODIHR Guidelines on the Protection of Human Rights Defenders and other relevant instruments:

- Prominently and consistently raise concerns about the ongoing civil society crackdowns in Russia and Azerbaijan with the governments of these countries; publicly and unequivocally communicate solidarity to the victims of this repression; and use all available channels to provide support to them and their families, e.g. through trial monitoring, direct interventions on their behalf and rapid responses in emergency situations.

**Signed by:**

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|--|--|
| 1) Albanian Helsinki Committee                                       | 14) Human Rights Center of Azerbaijan                                |
| 2) Armenian Helsinki Committee                                       | 15) Human Rights Movement "Bir Duino-Kyrgyzstan"                     |
| 3) Article 19 (The United Kingdom)                                   | 16) Index on Censorship (The United Kingdom)                         |
| 4) Association of Ukrainian Human Rights Monitors on Law Enforcement | 17) Institute for Reporters' Freedom and Safety (Azerbaijan)         |
| 5) Bulgarian Helsinki Committee                                      | 18) International Partnership for Human Rights (Belgium)             |
| 6) Center for Civil Liberties (Ukraine)                              | 19) Kazakhstan International Bureau for Human Rights and Rule of Law |
| 7) Center for National and International Studies (Azerbaijan)        | 20) Lawyers' Committee for Human Rights – YUCOM (Serbia)             |
| 8) Center for the Development of Democracy and Human Rights (Russia) | 21) Moscow Helsinki Group (Russia)                                   |
| 9) Freedom Files (Russia)  | 22) Netherlands Helsinki Committee                                   |
| 10) Helsinki Citizens Assembly -- Vanadzor (Armenia)                 | 23) Promo Lex Association (Moldova)                                  |
| 11) Helsinki Committee for Human Rights in Serbia                    | 24) Public Verdict Foundation (Russia)                               |
| 12) Helsinki Committee for Human Rights of the Republic of Macedonia | 25) UNITED for Intercultural Action (The Netherlands)                |
| 13) Helsinki Foundation for Human Rights (Poland)                    |  |

## **AN OVERVIEW OF POSITIVE DEVELOPMENTS AND ONGOING CONCERNS REGARDING TORTURE AND OTHER ILL-TREATMENT IN KAZAKHSTAN, KYRGYZSTAN AND TAJIKISTAN**

22.09.2014

In the last few years the authorities of Kazakhstan, Kyrgyzstan and Tajikistan have taken some noteworthy positive steps to combat torture. For example, in 2012, Tajikistan amended the definition of torture in its Criminal Code and brought it in line with the definition contained in the Convention against Torture. In 2008, Kyrgyzstan and Kazakhstan were the first Central Asian countries that became parties to the Optional Protocol to the Convention against Torture. We are urging the other Central Asian countries to follow suite.

In the new Criminal Code that was signed by President Nursultan Nazarbaev in July 2014, and is expected to come into force in January 2015, Kazakhstan took a positive step by abolishing the statute of limitations applicable to the offence of torture. The new Criminal Code also excludes those convicted of “torture“ from benefitting from amnesties. In Kyrgyzstan and Tajikistan, however, the law provides for statutes of limitations applicable to torture and this may prevent the investigation, prosecution and punishment of perpetrators of torture. In addition, amnesty laws can be applied to torturers.

However, despite some steps in the right direction, all three countries have failed to fully adhere to the OSCE Human Dimension Commitments relating to the eradication of torture that they undertook to uphold as OSCE participating States. They have also failed to fully implement crucial recommendations issued in this area by UN human rights bodies such as the UN Committee against Torture, the UN Human Rights Committee, under the Universal Periodic Review, as well as by the UN Special Rapporteur on torture.

Torture continues to be widely used across Kazakhstan, Kyrgyzstan and Tajikistan and existing legal safeguards are routinely not implemented. In all three countries torture mainly takes place during the first hours of detention when detainees are in many cases held incommunicado, without access to legal counsel and medical personnel, although torture cases are also reported from later stages of detention and imprisonment. Those detained or imprisoned on charges related to national security or “religious extremism” are at particular risk of torture or other ill-treatment.

A recent example of police violence is the case of Alexander Albrandt, who was detained by police in the town of Kushmurun in Kostanay region in Northern Kazakhstan on 23 August 2014. When he was later released he turned to the Kostanay regional branch of the NGO Kazakhstan International Bureau for Human Rights and Rule of Law and reported that police had taken him to the local police station and beaten him while he was handcuffed. Then police took him to the local hospital to have his level of alcohol intake determined and he reportedly told medical staff about the beatings. The officers reportedly said he was lying and had sustained the injuries when falling off a scooter. He maintained that police later threatened to kill him for complaining about the beatings. Alexander Albrandt tried to escape, but police stopped him and he recalled: “They dragged me on the floor, skinned my elbows, kicked me in the face, in my belly, chest and on my back. They kicked me as hard as they could. I don’t know how long it lasted because I lost consciousness.”

Judges rarely consider evidence of torture and other ill-treatment at remand hearings and during trials judges still typically fail to exclude evidence extracted under torture. Although perpetrators of torture or other ill-treatment have been punished in individual cases, a climate of impunity persists and victims usually do not have access

to adequate redress. All three countries lack an independent and effective mechanism for receiving complaints and conducting impartial and full investigations into allegations of torture.

#### ***Case example 1: Impunity***

An example of impunity for torture is the case of Ismonboy Boboev, who died shortly after being taken into police custody in the Sughd region of Tajikistan in February 2010. There were allegations that police had targeted the 30-year old migrant worker shortly after his return from the Russian Federation to extort money from him. Despite a forensic examination confirming that Ismonboy Boboev had been tortured prior to his death, and a May 2012 ruling by Tajikistan's Constitutional Court that investigations should be carried out into the circumstances, investigations into the actions of two officers of the Sughd Regional Department for the Fight against Organized Crime have been closed and re-opened several times, ostensibly due to the poor health of one of the suspects. In April 2014, Sughd Regional Prosecutor's office suspended the case again. The lawyer acting for Ismonboy Boboev's family has not been allowed access to the investigation documents. As a result, after four years little progress has been made and the officers allegedly responsible are still free.

#### ***Case example 2: Impunity***

In June 2010, four days of violence between ethnic Kyrgyz and ethnic Uzbeks in the cities of Osh and Jalal-Abad in southern Kyrgyzstan left hundreds dead, thousands injured and hundreds of thousands forced to flee their homes. There were scores of reports of torture and other ill-treatment by security forces during the violence and its aftermath. However, to date the authorities appear to have done little to carry out effective investigations into these allegations and to bring the suspected perpetrators from among civilians as well as security forces to justice. Relatives of ethnic Uzbek detainees are still reluctant to submit complaints to police and prosecutors about their torture and other ill-treatment for fear of reprisals.

For many within the criminal justice systems of Kazakhstan, Kyrgyzstan and Tajikistan the incentives to torture are greater than the disincentives. For example, while the risk of punishment for abuse is very small, torture or other ill-treatment open up avenues for additional income as law enforcement officers and prison personnel frequently apply torture to extract money from detainees and prisoners. In addition, law enforcement officers continue to be assessed – albeit unofficially – by the number of crimes they solve, a system that exacerbates the risk that police resort to torture to obtain a confession to a hitherto unsolved crime.

Human rights defenders and lawyers defending torture victims are at risk of reprisals, particularly when the detainees are held on charges involving “religious extremism“, terrorism or undermining national security. In many cases activists are closely monitored by the authorities; they are subjected to excessive checks and in some cases NGOs have been threatened with liquidation of their organizations as a result of their human rights work.

We are also concerned that in the name of national security, security services of countries in the Commonwealth of Independent States (CIS), particularly of Kazakhstan, Russia and Ukraine, have forcibly returned numerous suspected members of banned Islamic groups or parties to Tajikistan and Uzbekistan. Many of these people were subjected to torture upon return. Under international human rights law, in particular the Convention against Torture, states are prohibited from sending anybody against their will to another country where there is a real risk that they will be subjected to torture or other ill-treatment.

### ***Independent inspection of detention facilities***

The UN Special Rapporteur on Torture has stated that regular inspection of places of detention is one of the most effective preventive measures against torture. In 2008, Kazakhstan ratified the Optional Protocol to the Convention against Torture and in 2013 it adopted the necessary legislation to set up a National Preventive Mechanism (NPM). In January 2014, a Coordination Council was established under the chairmanship of the Ombudsman to coordinate the activities of all NPM members and on 19 February, at its first session, the Council elected all members of the NPM to work in all regions across the country. Subsequently, the Ombudsman's Office and civil society activists started to jointly monitor detention facilities across Kazakhstan. While acknowledging that the creation of the NPM has been a positive development, we are concerned that the current monitoring mandate does not cover all places of deprivation of liberty. The monitoring group has no access to orphanages, nursing homes for the elderly and disabled and is not permitted to inspect offices of police departments.

In Kyrgyzstan, since 2011 human rights defenders have been able to monitor detention facilities based on a joint memorandum of the Ombudsman, the Prosecutor General's Office, other government agencies, the OSCE, and civil society groups. In 2008, Kyrgyzstan acceded to the Optional Protocol to the Convention against Torture and committed itself to set up an NPM to strengthen the state party's safeguards against torture. In June 2012, the Kyrgyzstani Parliament set up the National Centre of the Kyrgyz Republic for the Prevention of Torture and endowed it with powers to carry out the functions of the NPM. On 2 August 2013, a Director was appointed to set up the institutional framework of the new mechanism. Although the NPM has started functioning, it lacks funding; no funds were allocated to it in 2013 and 2014. The Director does not receive a salary and the NPM does not yet have a legal address as it was not provided with an office.

In December 2012, the Tajikistani Ombudsman proposed establishing a joint working group together with civil society activists on monitoring places of detention. The Monitoring Group was intended to become a basis for the establishment of an NPM under the Optional Protocol in the future. The group began visits to detention facilities in February 2014. However, the Monitoring Group has to announce its visits in advance and when the group receives allegations of torture in a specific case and wants to visit, the administration of the detention facility typically only admits staff of the Ombudsman's Office and denies access to the civil society members of the Monitoring Group. Other than in the framework of the Monitoring Group, human rights defenders are not permitted to enter detention facilities at all in order to conduct independent monitoring.

### ***Recommendations***

We have prioritized a number of recommendations that we see as the most pressing steps that the authorities of Kazakhstan, Kyrgyzstan and Tajikistan and all other OSCE participating States should take in order to make significant progress towards the eradication of torture in these Central Asian countries.

The governments of Kazakhstan, Kyrgyzstan and Tajikistan should:

- ensure that the main safeguards against torture are guaranteed to anyone in detention: a) Ensure that the right to access to a lawyer of the detainee's choice from the moment of deprivation of liberty is fully implemented; b) introduce and strictly enforce police registration of a person's detention at the actual moment of detention; c) ensure that routine medical examinations are carried out at the moment of admission to a detention facility; and d) ensure that remand hearings take place no later than 48 hours after the moment of detention and that judges inquire into the legality and grounds of detention and the detainee's treatment in custody.

- Promptly act on all complaints involving allegations of torture and ill-treatment by initiating thorough, impartial and independent investigations, punishing those found responsible, providing adequate and full compensation to torture victims, and reporting on the measures taken in the mass media.

- Introduce legislation to create and fund an independent body endowed with sufficient authority and competence to conduct prompt, thorough and independent investigations into allegations of torture or other ill-treatment.

- Amend legislation to provide for the institution of independent forensic medical examinations and increase the number of qualified medical personnel in police detention and pre-trial facilities. Ensure that medical personnel working inside detention facilities are truly independent of law enforcement agencies and are trained on the provisions of the Istanbul Protocol.

- Ensure that human rights defenders are protected from ill-treatment, threats and harassment resulting from their anti-torture work and that any law enforcement officers found responsible for such acts are punished under relevant administrative or criminal legislation.

In addition,

- Kazakhstan should authorize the NPM to monitor all places of detention, in line with Article 4 of the Optional Protocol to the UN Convention against Torture.

- The authorities of Kyrgyzstan should provide the country's NPM with the necessary financial, human and material resources to fulfil its mandate independently and effectively.

- The authorities of Tajikistan should put in place the relevant procedures and ratify the Optional Protocol to the Convention against Torture as a matter of urgency. Tajikistan should also allow the creation of public monitoring commissions and enable them to access detention facilities to carry out further independent inspections.

In accordance with the principle that issues relating to human dimension commitments are matters of direct and legitimate concern to all OSCE participating States, all other participating States should:

- Urge the governments of Kazakhstan, Kyrgyzstan and Tajikistan to promptly implement all recommendations mentioned above and make torture prevention a priority in bi-lateral meetings and human rights dialogues.

- Provide comprehensive support to human rights defenders working on torture and devise and implement emergency programmes supporting activists at risk.

- Make the anti-torture message a core element of all programmes, where foreign governments provide training, support or cooperate in other ways with Kazakhstani, Kyrgyzstani and Tajikistani government agencies, in particular law enforcement agencies and the military.

- Ensure that no one within their jurisdiction is returned to any country where they would be at risk of torture or other ill-treatment.

## **AZERBAIJAN: FREEDOM TO RASUL JAFAROV!**

03.08.2014

**The Civic Solidarity Platform, a collation of 60 human rights NGOs of the OSCE region, calls upon the authorities of Azerbaijan to release the human rights defender Rasul Jafarov and stop putting the pressure on the civil society of the country.**

2 August 2014 Rasul Jafarov was detained pending trial for three months. The human rights defender is charged with three articles of the Criminal code of Azerbaijan: tax evasion (art. 192), illegal entrepreneurship (art. 213) and abuse of office (art. 308). Before the arrest Rasul Jafarov was banned from leaving the country; the Public Prosecutor's office limited his access to his bank accounts and cards. Besides, Rasul was interrogated as a witness on a case against several local and international NGOs; his flat was searched and documents related to activities of his organization were confiscated.

Rasul Jafarov is a well-known Azerbaijani human rights activist, who pays a lot of attention to international advocacy and informing of the international community about human rights situation in his country. He is one of initiators and coordinators of Sing for Democracy and Art for Democracy campaigns; he was also campaigning for release of political prisoners in Azerbaijan and has been actively involved in the work of the Civic Solidarity Platform. During the PACE session in June 2014 Rasul Jafarov and other human rights defenders reported about the issue of political prisoners in Azerbaijan. During the 23rd annual session of the OSCE Parliamentary Assembly in Baku a month ago Jafarov and his colleagues organized hearings on the issue of political prisoners. Soon after those events the PACE appointed a special rapporteur on political prisoners in Azerbaijan.

Jafarov's arrest is a part of a dedicated campaign aimed at suspension of activities of unregistered NGOs in Azerbaijan. Registration of NGOs has increasingly met with refusal by the authorities and registered NGOs are subject to many restrictions, which is why Azerbaijan counts a large number of unregistered NGOs. Just three days before Jafarov's arrest, on 30 July 2014, the same measure of restraint, three months of arrest, was applied to another human rights defender from Azerbaijan – Leyla Yunus. Before, on 26 May 2014, Anar Mamedli, the head of the Centre for Election Monitoring and Democracy Training (CEMDT), was sentenced to 5.5 years in prison, and Bashir Suleimanly, the executive director of the same organization, was sentenced to 3.5 years in prison. They were found guilty of tax evasion, illegal entrepreneurship and abuse of office. About 20 other civil society organisations in Azerbaijan are threatened with the same fate at the moment.

Measures taken by the authorities of the country, including pre-trial detentions and sentencing of human rights defenders to jail, are disproportional and inadequate, they contradict international norms.

Further deterioration of the situation with fundamental rights and freedoms, as well as repressions against the civil society is incompatible with Azerbaijan's international commitments, especially in light of its current presidency in the Council of Europe.

The Civic Solidarity Platform expresses its concern about Rasul Jafarov's arrest. We call on the authorities of Azerbaijan to change his measure of restraint to one, which is not connected with detention, until a fair verdict is produced on his case. We also call on the authorities of the country to stop pressuring the civil society of Azerbaijan. We urge international organisations and governments to call on Azerbaijan to stop the unprecedented campaign of persecution of civic activists.

Signed by:

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| 1) Human Rights Movement "Bir Duino-Kyrgyzstan"                               | 13) Crude Accountability   |
| 2) Moscow Helsinki Group (Russia)   | 14) Centre for the Development of Democracy and Human Rights (Russia)    |
| 3) Helsinki Citizen's Assembly – Vanadzor (Armenia)                           | 15) Freedom Files (Russia)   |
| 4) Kharkiv regional foundation Public Alternative (Ukraine)                   | 16) Notabene (Tajikistan)  |
| 5) Citizen Army Law human rights group (Russia)                               | 17) Norwegian Helsinki Committee   |
| 6) Centre for National and International Studies (Azerbaijan)                 | 18) Centre for Civil Liberties (Ukraine)                                 |
| 7) Promo-Lex (Moldova)  | 19) Belarusian Helsinki Committee  |
| 8) Bulgarian Helsinki Committee   | 20) Belarusian Human Rights House in exile in Vilnius                    |
| 9) Kazakhstan International Bureau for Human Rights and Rule of Law           | 21) Netherlands Helsinki Committee                                       |
| 10) Helsinki Foundation for Human Rights (Poland)                             | 22) Association UMDPL (Ukraine)  |
| 11) Analytical Center for Interethnic Cooperation and Consultations (Georgia) | 23) International Partnership for Human Rights                           |
| 12) No Borders Project - Social Action Center (Ukraine)                       | 24) Index on Censorship (Great Britain)                                  |
|   | 25) People in Need (Czech Republic)                                      |
|   | 26) Human Rights Center of Azerbaijan                                    |
|   | 27) ARTICLE 19 (Great Britain)   |
|   | 28) Olof Kleberg, Vice President of the Swedish OSCE Network (in person) |

## **RELEASE RESEARCHER ALEXANDER SODIQOV AND DROP ALL CHARGES AGAINST HIM!**

*04.07.2014*

**The Civic Solidarity Platform, a coalition of more than 60 human rights NGOs across the OSCE region, expresses its strongest concern about the arrest of and allegations made against Mr. Alexander Sodiqov in Tajikistan and urges authorities of Tajikistan to immediately release Mr. Sodiqov and refrain from bringing charges against him.**

Mr. Sodiqov, a scholar affiliated with the Universities of Toronto and Exeter, was detained while carrying out research for an academic project in the town of Khorog, Gorno-Badakhshan Autonomous Republic in the southeast of Tajikistan on 16 June 2014. Alexander Sodiqov is a citizen of Tajikistan, and a promising academic currently pursuing his doctoral degree.

Following his arrest by the State Committee for National Security (GKNB) of Tajikistan, Mr. Sodiqov was transferred to the Tajik capital Dushanbe, where he is currently held in the custody of the security services on Tursunzade Street 140. A criminal investigation has been opened against him, the GKNB citing suspicions of espionage/treason as the basis for the case. These allegations imply prison sentences from 12 to 20 years in Tajikistan.

The remote Gorno-Badakhshan region holds a particular status in Tajikistan, requiring foreign visitors to obtain a permit from the security services before travelling to the area. However, international organizations and research institutes have long been established in the regional capital Khorog. As such, the region sees more foreign visitors than many other parts of Tajikistan.

Tragically, the area became the object of increased international attention following violent clashes in July 2012. These events were investigated and described in a report published by the Civic Solidarity Platform in October 2013.

As an academic researcher, Mr. Sodiqov was carrying out sociological surveys and interviews in Khorog on the request of fellow academics at the University of Exeter, UK. The University of Exeter is considered one of the top universities in the world, ranking as number 153 internationally, and serving almost 16,000 students. Academic research on this level demands broad objectivity, which easily explains why Mr. Sodiqov included persons known to be in opposition to the central government in his list of interviewees while carrying out his research in Khorog. It does not indicate any affiliation to opposition groups, armed or otherwise, by Mr. Sodiqov himself.

Mr. Sodiqov has received vast support from colleagues and friends in the international academic community across the world, many of whom know Mr. Sodiqov personally and who are familiar with his research. Following Mr. Sodiqov's arrest, gatherings in his support have taken place at European, American, Australian and Central Asian universities, including London, Canberra, Washington DC, Exeter, Toronto, Paris, Freiburg, Astana, Bishkek, Heidelberg and Ankara.

There is a relatively small circle of academics who specialize on Central Asia and who regularly publish scientific papers and books on subjects relating to the specifics of the region – typically issues such as border disputes, armed conflicts and the particular role of the five Central Asian republics on the global map, but also poverty, health and democratic development.

While the security services of Tajikistan may not be the immediate target group of such publications, they are widely read by stakeholders in the international community, including the United Nations, who rely on academic publications like those produced by Mr. Sodiqov and his colleagues for context and background when allocating development aid, of which Tajikistan is a major recipient.

Members of the Civic Solidarity Platform have raised human rights violations with the government of Tajikistan for years – including issues such as freedom of speech, women’s rights, freedom of religion or belief, as well as the widespread use of torture and other ill-treatment, to name but a few of the most pressing current concerns.

Considering the funds that have been provided by the international community to develop Tajikistan’s educational system and its other pressing needs, the country’s government would be ill-advised to include academic freedom to this growing list of human rights concerns. Indeed, academic freedom is one the core elements of freedom of expression and falls under protection of major international human rights treaties that Tajikistan is a party to and has obligations under.

The Civic Solidarity Platform calls on the government of Tajikistan to immediately release Alexander Sodiqov, drop all charges against him, let him continue his academic research unhindered, and reunite with his family.

## **OSCE SHOULD ADDRESS THE PROBLEM OF ENFORCED DISAPPEARANCES NOW**

*02.06.2014*

### **Appeal of the Civic Solidarity Platform to OSCE participating states, political bodies and institutions on the occasion of the international week of the disappeared.**

The week of 26-31 May 2014 has been commemorated by civil society organisations and concerned citizens across the world as the International Week of the Disappeared. We give tribute to the disappeared and their families and join international efforts for the universal ratification and implementation of the International Convention for the Protection of All Persons from Enforced Disappearance, the recognition of the competence of the UN Committee on Enforced Disappearances and the enactment of domestic laws criminalizing enforced disappearances. Having entered into force in December 2010, the International Convention provides the right to truth and justice and the right not to be subjected to enforced disappearance. It considers unresolved past cases of enforced disappearance as a continuing offense and holds States responsible for the acts committed by its agents. It has strong provisions on truth, justice, reparation and guarantees of non-recurrence.

However, almost four years after entry of this important international treaty into force, there are only 92 signatories and 43 States Parties to the Convention. Of the 43 ratifications, only 16 have recognized the competence of the UN Committee on Enforced Disappearances. The slow rate of ratification of the Convention and recognition of the competence of the Committee is a challenge to global human rights on the background of the continuing commission of the crime of enforced disappearance in many countries across the globe and the lack of effective investigation of the past cases as documented by the United Nations Working Group on Enforced or Involuntary Disappearances.

We strongly believe that an alarming trend of spreading of the crime of enforced disappearances in a number of OSCE participating States requires particular vigilance and immediate actions by OSCE. In particular, lack of a specific OSCE commitment to prevent and combat the crime of enforced disappearances and absence of this important subject on the agenda of OSCE human dimension activities is deeply disturbing and must be addressed without delay. However, even in the absence of an explicit OSCE commitment on this subject, it is obvious that the practice of enforced disappearance contradicts existing OSCE commitments and international human rights law more generally. At the very least, it is an ultimate negation of proper procedures of arrest and fair trial. There is important jurisprudence of the European Court of Human Rights, keeping states responsible for a proper process of investigation of enforced disappearances even if they occurred before the state became party to the Convention.

As OSCE and other inter-governmental organisations have failed to address numerous past cases of enforced disappearances in a number of countries of the region, an atmosphere of impunity prevails there and a breeding ground for commission of new crimes is established. This not only denies justice and effective remedy to victims and their families but often leads to other grave human rights crimes such as short-term abductions, torture and murder.

Enforced disappearances often target political opponents, civic activists and journalists; they are committed during counter-terrorism operations against terrorism suspects, and take place with alarming occurrence against civilians in the course of armed internal and international conflicts. Both agents of the state and private actors commit this crime.

A few examples of enforced disappearances stand out in the OSCE region. Among them we recall numerous cases of this crime in Chechnya and other regions in the North Caucasus which are not just a matter of the past but continue unabated today. Equally importantly, lack of effective investigation of massive enforced disappearances in almost all

countries of the former Yugoslavia during the wars in the 1990s not only denied justice and effective remedy to victims and their families but also led to commission of this crime during the war in Kosovo in the 2000s. Alarming reports about enforced disappearances have been also coming from Turkey. Most recently, numerous disturbing reports of abductions and enforced disappearances have been coming from Ukraine, where they have been committed against protesters during the Maidan events, in Crimea and lately by separatist forces in the East of the country against journalists, civic activists and even members of the OSCE monitoring missions.

Two participating States that have been a subject to the OSCE Moscow Mechanism, Turkmenistan and Belarus, stand out as having the biggest problems with enforced disappearances in the entire OSCE region.

According to information from reliable sources and reports of witnesses, from the first years of Alexander Lukashenka's ruling in mid-1990s, political leadership of Belarus started to create a secret group for assassination of dangerous criminals and political opponents of the regime with total annihilation of their bodies or hiding them without a trace. This group included former and acting officers of special services and was often referred to as a "death squad". According to witnesses, it was finally formed by the late 1990s and started its activity. Reportedly, about 30 persons were abducted and murdered by this group. Its victims included several leading political opponents of the regime and a leading journalist. None of these crimes have been effectively investigated despite of international and domestic outcry. More recently, in 2008-2014 the practice of abductions has been widely spread: a number of civic and political activists were abducted, taken outside of the city, intimidated, and in some cases tortured and threatened with murder.

More than 10 years ago several "resonant" trials took place in Turkmenistan. A number of persons, including acting or former high-ranking officials, were sentenced to life or long term imprisonment. Information on the most prominent cases can be found in the 2003 report of the OSCE Moscow Mechanism Rapporteur. The report unveiled numerous due process violations, brought up evidence of torture of persons under investigation, and repression against relatives and friends of the accused. These people faced evictions, deprivation of rights, and denial of any information about their dear ones ever since. All cases have led to the emergence of a large category of persons sentenced to life or long-term imprisonment, between 70 and 100 people in total. Most of these people have been held incommunicado since the time of their detention more than 11 years ago. For all this time, neither relatives nor the public have received any official information about the fact of whether these people are still alive or dead and what their health condition is. These people have in fact forcefully disappeared in the Turkmenistan prison system.

On the occasion of the International Week of the Disappeared we make the following recommendations to OSCE:

- All OSCE participating States should ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the UN Committee on Enforced Disappearances;
- OSCE participating States should fully implement relevant judgments of the European Court of Human Rights as concerns both individual cases and general measures;
- All OSCE participating States should enact domestic legislation criminalising enforced disappearances based on the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance;
- All OSCE participating States should take all necessary practical steps to combat this heinous crime, effectively investigate allegations of enforced disappearance, bring perpetrators to justice and provide proper compensation to the victims and their families;
- OSCE participating States should assist other participating States in combating the crime of enforced disappearances by applying the mechanism of universal jurisdiction to apprehend individuals from other countries suspected in or responsible for committing the crime of enforced disappearance, effectively investigate allegations brought against them, and bring perpetrators to justice;

- OSCE political bodies, institutions and participating States should start working without delay on drafting an explicit OSCE commitment on enforced disappearances with the aim of adopting such commitment in the nearest future. The OSCE Chairmanship should take a lead in this process;

- Meanwhile, OSCE political bodies, institutions and participating States should immediately review and update existing OSCE commitments related to torture, and in the process recognize enforced disappearance as a crime and a form of torture. The OSCE Chairmanship should organise the process of preparing updated OSCE commitments on torture that would include enforced disappearance as a form of torture;

- Continued application of the OSCE Moscow Mechanism regarding a human dimension situation in a participating State should not be considered finished until substantial progress in the implementation of recommendations contained in the Moscow Mechanism report has happened. This progress should be documented in subsequent reports by a working group or a rapporteur established by the OSCE Chairmanship or the HDC Chair or a group of concerned participating States (with a more informal status). An absolute minimum requirement for continued application of the Moscow Mechanism should be the continuation of such gross violations of human dimension commitments as continued abductions and enforced disappearances, lack of effective investigation of the past cases of abductions and enforced disappearances, continued incarceration of political prisoners, repeated and widespread use of force against participants of peaceful assemblies, and systematic use of torture against political prisoners, victims of abductions and participants of peaceful assemblies. Each incoming OSCE Chairmanship should look into such “open Moscow Mechanism cases”, examine the current situation in a country and organise a follow-up process if needed.

We urge OSCE participating States, political bodies and institutions to act together now to stop enforced disappearances.

## **AZERBAIJAN: STOP PRESSURING HUMAN RIGHTS ACTIVIST LEYLA YUNUS AND HER HUSBAND!**

*30.04.2014*

**The Civic Solidarity Platform, a coalition of over 50 human rights NGOs in Europe, the former Soviet Union and North America, is gravely concerned about the recent acts of intimidation and harassment targeting well-known Azerbaijani human rights defender Leyla Yunus and her husband. At a time when Azerbaijan is about to take over the chairmanship of the Committee of Ministers of the Council of Europe, we call on its government to comply with its international commitments on freedom of expression, association and movement and other fundamental rights and stop pressuring the couple, as well as other individuals who are critical of the authorities.**

Leyla Yunus and her husband Arif Yunus were prevented from leaving Azerbaijan late on 28 April as they were about to leave for Paris and Brussels, where they were to attend an international event. They were detained at the airport in Baku and held throughout the night. The following morning Leyla Yunus was taken to the Grave Crimes Investigation Unit of the Prosecutor General's Office for hours of questioning, while her husband had to be hospitalized due to heart problems. . On 29 April, her Leyla Yunus' home and office were also searched.

The grounds for the detention and interrogation of the couple are unclear, but there are fears that they may be charged with espionage and spying for a third country, similarly to Rauf Mirgadirov, an Ankara-based Azerbaijani journalist who was forcibly returned to Azerbaijan from Turkey in mid-April. Upon return he was arrested by the Azerbaijani authorities on charges of espionage on behalf of Armenia. This has given rise to concern about a new dangerous trend of using accusations of spying to go after independent voices in Azerbaijan, seen as part of a widening crackdown on dissent in the recent period.

Leyla Yunus is chairperson of the Peace and Democracy Institute, a Baku-based NGO that has not been granted registration by the authorities, thus rendering the group and its leader particularly vulnerable. She has been actively involved in initiatives of peace-building between Azerbaijan and Armenia through people-to-people dialogue. Among others, she is running a joint website with an Armenian human rights defender and journalist. Her husband, a recognized historian and author of many books, as well as Rauf Mirgadirov have also participated in peace-building initiatives at the civil society level. Leyla Yunus has reported that police questioned her about her relationship to Mirgadirov.

The recent actions targeted against Leyla Yunus, who holds a French honorary award given to her for her human rights work, and her husband come only two weeks before a scheduled visit by the French president to Azerbaijan. The couple was supposed to meet with the French president during his visit.

The Platform urges the French authorities, as well as other representatives of the international community to call on the Azerbaijani government to:

- Refrain from any further acts of intimidation and harassment against Leyla Yunus and her husband Arif Yunus and ensure that they are not criminally charged or punished in other ways for exercising freedom of expression, association and other basic rights;
- Release Rauf Mirgadirov and others who are currently held on political grounds in the country; and
- Take other concrete measures to live up to its commitments as a member of the Council of Europe, a European-wide organization founded on common values of democracy and human rights. This should include measures in line with the recommendations made by the Council of Europe's Human Rights Commissioner, who last week expressed concern that freedom of expression, assembly and association continue to deteriorate in the country.

Signed by:

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| 1) Legal Protection and Awareness Society (Azerbaijan)               | 12) Barys Zvozhkau Belarusian Human Rights House (in exile in Lithuania)      |
| 2) Center for National and International Studies (Azerbaijan)        | 13) Freedom Files (Russia)  |
| 3) International Partnership for Human Rights (Belgium)              | 14) Kosova Rehabilitation Center for Torture Victims                          |
| 4) Bir Duino – Human Rights Movement (Kyrgyzstan)                    | 15) Center for Civil Liberties (Ukraine)                                      |
| 5) Article 19 (United Kingdom)                                       | 16) Social Action Center (Ukraine)  |
| 6) Index on Censorship (United Kingdom)                              | 17) Analytical Center for Interethnic Cooperation and Consultations (Georgia) |
| 7) Helsinki Foundation for Human Rights (Poland)                     | 18) Helsinki Citizens' Assembly – Vanadzor                                    |
| 8) Association of Ukrainian Human Rights Monitors on Law Enforcement | 19) Albanian Helsinki Committee   |
| 9) Human Rights Group "Citizen. Army. Law" (Russia)                  | 20) Norwegian Helsinki Committee  |
| 10) Moscow Helsinki Group  | 21) Kazakhstan International Bureau for Human Rights and Rule of Law          |
| 11) Helsinki Committee of Armenia                                    | 22) Crude Accountability  |
|  | 23) Youth Human Rights Movement   |
|  | 24) Promo LEX Association (Moldova)   |
|  | 25) Public Verdict Foundation (Russia)  |
|  | 26) Nota Bene (Tajikistan)  |

## **HUMAN RIGHTS AT HEIGHTENED RISK IN CRIMEA**

20.03.2014

**The Civic Solidarity Platform, a network of 60 human rights NGOs from across the OSCE region, calls for an urgent response from the international community to numerous reports of human rights violations in the Crimea region of Ukraine.**

As documented by a human rights mission of the Civic Solidarity Platform and a number of other international human rights organisations, the unmarked troops who have seized effective control in Crimea and the so-called “self-defence forces”, have been witnessed attacking and harassing journalists and civilians. They appear to be acting on their own authority, within no legal framework and with no delineated chain of command. Human rights violations are being committed with utter impunity in an extra-legal grey zone where international law and respect for life and dignity have been forsaken.

Lives have already been lost as a result of the illegal and irresponsible actions committed by Crimean and Russian authorities in Crimea. 18 March marked the funeral of Reshat Akhmetov, a Crimean Tatar who was kidnapped during a rally in Simferopol on 3 March by three unidentified people in military uniforms. His body was found bearing signs of torture on 15 March near a village in the Belogorski district. On the same day, 18 March, blood was spilled yet again when Ukrainian officer Sergiy Kokurin was killed during an assault of the Ukrainian Navy base by Russian and Crimean “self-defence” troops.

According to activists of the Euromaidan SOS initiative, at least four Ukrainian military personnel are currently being held captive by Russian forces. This number may be higher, as the Ministry of Defence was unable to provide more concrete information. Several journalists and activists remain unaccounted for in Crimea, although news has been circulated this morning regarding the release of seven peaceful activists and at least one Ukrainian officer. The preliminary report of their release includes information of at least two activists from this group had been subjected to torture, including been shot at by non-lethal weapon. The Institute for Mass Information has documented 89 cases of attacks on journalists and incidents which have obstructed their ability to carry out their professional duties in Crimea in the last few weeks. The situation is developing rapidly, underscoring the necessity for extreme vigilance on behalf of the international community.

The Civic Solidarity Platform calls on the Russian government, those acting in its name and the Crimean leadership falling under its de facto authority, to prevent, investigate and respond to any and all human rights violations. The obligation to protect individuals from any encroachment on their fundamental freedoms falls to those who effectively control the territory and supersedes considerations of governmental legitimacy. We call on all those in positions of power to adhere to international law and uphold the inviolability of human rights.

We correspondingly urge the international community, both public and governmental, to apply consistent pressure on Russia and the Crimean authorities under its influence. The OSCE observation mission must immediately be allowed to enter Crimea to monitor the human rights and military security situations. The international community must demand that those in power uphold their international obligations, respect the principles and values enshrined in international law and ensure that justice is consistently served in reaction to any and all human rights violations.

### **Referendum of 16 March in Crimea**

The Civic Solidarity Platform unreservedly condemns the referendum held in the Crimea region of Ukraine on Sunday, 16 March. The referendum, which violated the Ukrainian Constitution, was carried out under a Russian occupation that constitutes a severe affront to international law and a clear breach of the 1994 Budapest Memorandum through which Russia agreed to uphold the territorial integrity and political independence of Ukraine.

The Russian occupation of Crimea violates the Helsinki Final Act of 1975 which guarantees sovereign equality, the inviolability of frontiers, the territorial integrity of States, refrainment from the threat or use of force, respect for human rights and fundamental freedoms and fulfilment in good faith of obligations under international law. The referendum sets a potentially catastrophic precedent which can be easily exploited by those seeking to unilaterally redefine sovereign borders. It was fundamentally illegitimate in its inception, design and execution. As noted by Swiss Foreign Minister and the OSCE Chair Didier Burkhalter, the referendum is “in contradiction with the Ukrainian Constitution and must be considered illegal” while the steps, “taken by the Russian Federation regarding the status of Crimea [are] a breach of fundamental OSCE commitments and not compatible with international law [and] the Helsinki Final Act”.

The Civic Solidarity Platform calls on international leaders to speak out against the referendum and the decision of the Russian authorities to “include” Crimea in the Russian Federation. They must expose illegitimacy of these acts to the public and hold all actors exercising control over the territory of Crimea responsible for respecting the principles and norms of international law.

## OSCE SHOULD ACT TO STOP INTERVENTION INTO UKRAINE

04.03.2014

**Non-governmental organisations across the region urge the OSCE to act decisively and swiftly to stop intervention into Ukraine and prevent a major security crisis in Europe.**

The Civic Solidarity Platform, an OSCE-wide network of 60 leading NGOs, is witnessing with dismay and shock the unfolding developments in the Crimea region of Ukraine. De-facto military intervention by an OSCE participating State into the territory of another OSCE participating State is a violation of the sovereignty and territorial integrity of that state, which could develop into a full-scale military conflict and cause great suffering and loss of life. It is also a blatant challenge to the spirit and letter of the Helsinki Final Act that undermines the entire system of international security and cooperation.

We appeal to the OSCE, its participating States and other influential international actors to take urgent and determined actions to de-escalate this dangerous crisis situation, ensure an end to Russia's de facto occupation of Crimea and prevent an expansion of the crisis to other regions of Ukraine. It is crucial that international independent monitoring missions are immediately deployed to Ukraine, effective high-level mediation is undertaken, and targeted economic and diplomatic measures are applied to press relevant stakeholders to act in accordance with their international obligations.

Unilateral Russian military intervention into Ukraine constitutes a gross violation of the UN Charter and the Helsinki Final Act, which Russia is bound to respect. The Russian government has argued that it is acting to protect the rights of Russian citizens and Russian-speakers in Ukraine. However, there is no credible information about serious violations of rights of or acts of violence against members of these groups in Ukraine that possibly could justify outside intervention. Likewise, no massive and gross human rights violations or crimes against humanity are taking place in Ukraine that possibly could justify a coordinated international intervention. The Russian government should immediately terminate its de-facto occupation of Crimea, withdraw its troops to their permanent locations, put an end to violence reportedly conducted by paramilitary groups under its control in Crimea and various regions of Ukraine, and abandon any plans for a full-scale military action on Ukraine's sovereign territory.

We urge the Ukrainian government and its citizens not to respond by force to the threats of military intervention, to refrain from responding to provocations or provoking the other side and to make all possible efforts to ensure a peaceful resolution of the conflict.

Among these steps should be measures to guarantee the rights of ethnic and linguistic minorities and achieve interethnic accord, to hold free, fair and inclusive elections, and to ensure respect for all the fundamental rights and freedoms of all people in Ukraine. We are confident that issues such as these can be solved in a peaceful and democratic way by the Ukrainians themselves without outside intervention and interference but with appropriate assistance from the OSCE and other international organisations.

We take note of the call by the UN Security Council members to uphold the unity, territorial integrity and sovereignty of Ukraine. We echo their appeal to all parties to exercise maximum restraint and refrain from action and rhetoric that could escalate the situation.

We urge the OSCE participating States to:

- Immediately deploy high-level monitoring missions to Crimea and the eastern regions of Ukraine to thoroughly and independently monitor and document human rights developments and the security situation. An OSCE monitoring mission existed in Crimea until 1999, and the current situation warrants its speedy resurrection and expansion to other regions of Ukraine.

• To engage high-level representatives of OSCE and its participating States in mediation efforts to de-escalate the conflict.

• Provide expert assistance to the government of Ukraine to develop measures and legislation that safeguard the protection of human rights and fundamental freedoms, including the holding of free, fair and inclusive elections and guaranteeing the rights of ethnic and linguistic minorities.

• Upgrade the status of the OSCE's presence in Ukraine to that of a full OSCE office, enabling the organisation to provide direct assistance, including assisting in the realization of free and fair elections.

We commend the efforts of the Swiss OSCE Chairmanship to promote coordinated responses to the current developments, including a special Permanent Council session held on 3 March, the dispatch of the Chairmanship's personal envoy, Tim Guldemann, and the OSCE High Commissioner on National Minorities, Astrid Thors, to Crimea, as well as the preparation of rapid deployment of larger monitoring missions.

Ukrainian civil society and the member organizations of the Civic Solidarity Platform stand ready to support international efforts to monitor and document the human rights situation in Ukraine. We encourage representatives of the OSCE and other international organisations to coordinate their efforts with the Platform's members and avail themselves of the first-hand knowledge of Ukrainian civil society. This crisis warrants a coordinated effort to uphold human rights and protect against impunity.

At this time, the OSCE and the wider international community is facing an extraordinary situation, which requires extraordinary measures. Such measures must be taken without any delay and with a full sense of responsibility for the future of Europe and its peaceful and democratic development.

Signed by:

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| 1) Albanian Helsinki Committee   | 16) Helsinki Foundation for Human Rights (Poland)                    |
| 2) Analytical Center for Interethnic Cooperation and Consultations (Georgia)             | 17) Human Rights Center of Azerbaijan                                |
| 3) Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL) | 18) Human Rights Group "Citizen. Army. Law" (Russia)                 |
| 4) Barys Zvozkau Belarusian Human Rights House (in exile in Lithuania)                   | 19) Human Rights Monitoring Institute (Lithuania)                    |
| 5) Belarusian Helsinki Committee   | 20) International Partnership for Human Rights (Belgium)             |
| 6) Bir Duino-Kyrgyzstan  | 21) Kazakhstan International Bureau for Human Rights and Rule of Law |
| 7) Center for Civil Liberties (Ukraine)  | 22) Kharkiv Regional Foundation Public Alternative (Ukraine)         |
| 8) Center for Development of Democracy and Human Rights (Russia)                         | 23) Legal Transformation Center (Belarus)                            |
| 9) Center for National and International Studies (Azerbaijan)                            | 24) Moscow Helsinki Group  |
| 10) Crude Accountability (United States)   | 25) Norwegian Helsinki Committee                                     |
| 11) Freedom Files (Russia)   | 26) NotaBene (Tajikistan)  |
| 12) Georgian Young Lawyers' Association  | 27) People in Need (Czech Republic)                                  |
| 13) Helsinki Committee for Human rights in Serbia  | 28) Promo Lex Association (Moldova)                                  |
| 14) Helsinki Committee of Armenia  | 29) Public Verdict Foundation (Russia)                               |
| 15) Helsinki Citizens' Assembly - Vanadzor   | 30) United for Intercultural Action (Netherlands)                    |
|  | 31) Ukrainian Helsinki Human Rights Union                            |

## **COUNCIL OF EUROPE: INSIST ON INTERNATIONAL INVESTIGATION OF POLICE BRUTALITY AT EUROMAYDAN**

*29.01.2014*

**Civic Solidarity Platform urged Thorbjørn Jagland, the Secretary General of the Council of Europe, to immediately address the authorities of Ukraine with an appeal to put end to violence and to launch an international investigation into the excessive use of force at EuroMaydan.**

A letter, signed by member organisations of the Civic Solidarity Platform and the International Group of Human Rights Defenders on the Situation in Ukraine, was presented to Mr. Jagland on 28 January in Strasbourg. It suggests several particular recommendations civil society across the region urges the Council of Europe to follow.

Your Excellency,

We are writing to you on behalf of the Civic Solidarity Platform, a coalition of 57 human rights organisations from 17 countries across the Council of Europe and the OSCE region, as well as the International Group of Human Rights Defenders on the Situation in Ukraine, a coalition launched on 2 December in response to one of the first waves of police brutality, to express our deepest concern about the serious breaches on human rights and fundamental freedoms in Ukraine on both legislative and implementation levels that is accompanied by violence, reported incidents of inhuman treatment, torture, enforced disappearances and extrajudicial killings.

During your visit to Ukraine in December 2013 you proposed a seven-point plan of stabilising the situation and rebuilding citizens' trust in Ukraine's political and judicial institutions. The latest events show that the authorities of the country are still attempting to resolve the situation by force. Violent clashes between protesters and the law enforcement officers have already resulted in human casualties and loss of lives. Hundreds of people have been injured, several deaths have been reported. More than 100 journalists that covered the events in Kyiv have been injured; reports indicate that media, as well as medical staff, were specifically targeted by the riot police.

We consider the violent events in Ukraine to be a major challenge to the whole system of the Council of Europe and to the values which the organisation that you lead is based on. The situation in Ukraine requires a truly rapid response by the international community.

We call on you with the following recommendations:

1) We urge you to immediately address the authorities of Ukraine with an appeal to refrain from the use of excessive force and to all sides of the conflict to put end to violence. The government of Ukraine should ensure swift, impartial and effective investigation of all cases of deaths and all allegations of enforced disappearances, torture, and inhuman treatment.

2) It is high time to reiterate your suggestion on launching an international investigation into the use of force, while dealing with protests, notably on Nov. 29-30 (dispersal of the first wave of the protest at the Independence Square), Dec. 1 (events on Bankovaya street); Dec.10-11 and continuous violent actions, starting from Jan. 19.

3) Council of Europe should establish its direct presence on the ground by forming monitoring groups composed on one hand of the staff members and representatives of international structures, and on the other – of civil society experts; develop recommendations on the basis of the monitoring results and act as a mediator between the different sides of the conflict. Such presence should be aimed at monitoring not only the situation in Kyiv, but in other regions of Ukraine as well.

4) We welcome the efforts of the Council of Europe to provide its expert opinion on the legislation adopted on Jan.16 and ask you to suggest and insist that Ukrainian authorities request opinion of the Venice Commission while passing any laws that affect fundamental rights and the rule of law.

5) We believe that with your encouragement the authorities of Ukraine could use the potential of the Council of Europe and its INGO Conference as a platform for good faith negotiations and dialogue between the authorities and the protestors in order to bring about a peaceful political resolution of the current situation. Ukrainian and international civil society organisations should be engaged in these efforts.

It is urgent that Council of Europe undertakes actions to minimize violence, put an end to impunity and police brutality and prevent further breaches of fundamental human rights and freedoms in the current situation.

The Civic Solidarity Platform and its member organisations, as well as the International Group of Human Rights Defenders on the Situation in Ukraine are ready to propose, discuss and support particular steps and initiatives aimed at bringing the situation in Ukraine in line with the principles of the rule of law and respect to human rights.

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|--|--|
| 1) <i>Association of Ukrainian monitors on Human Rights (Ukraine)</i>                | 16) <i>Movement "Bir Duino" (Kyrgyzstan)</i>                                 |
| 2) <i>Center for Civil Liberties (Ukraine)</i>                                       | 17) <i>Human Rights Monitoring Institute (Lithuania)</i>                     |
| 3) <i>Kharkiv Regional Foundation "Public Alternative" (Ukraine)</i>                 | 18) <i>The Barys Zvozhkau Belarusian Human Rights House (Lithuania)</i>      |
| 4) <i>Ukrainian Helsinki Union (Ukraine)</i>   | 19) <i>Promo LEX (Moldova)</i>   |
| 5) <i>Armenian Helsinki Committee (Armenia)</i>                                      | 20) <i>Netherlands Helsinki Committee (Netherlands)</i>                      |
| 6) <i>Helsinki Citizens' Assembly-Vanadzor (Armenia)</i>                             | 21) <i>Helsinki Foundation for Human Rights (Poland)</i>                     |
| 7) <i>Center for National and International Studies (Azerbaijan)</i>                 | 22) <i>Center for the Development of Democracy and Human Rights (Russia)</i> |
| 8) <i>Human Rights Center of Azerbaijan (Azerbaijan)</i>                             | 23) <i>Moscow Helsinki group (Russia)</i>                                    |
| 9) <i>Belarusian Helsinki Committee (Belarus)</i>                                    | 24) <i>Public Verdict Foundation (Russia)</i>                                |
| 10) <i>Human Rights Center "Viasna" (Belarus)</i>                                    | 25) <i>Helsinki Committee for Human Rights in Serbia (Serbia)</i>            |
| 11) <i>Bulgarian Helsinki Committee (Bulgaria)</i>                                   | 26) <i>Nota Bene (Tajikistan)</i>  |
| 12) <i>Analytical Center for Interethnic Cooperation and Consultations (Georgia)</i> | 27) <i>Human Rights House Foundation (Norway)</i>                            |
| 13) <i>Georgian Young Lawyers' Association (Georgia)</i>                             | 28) <i>Crude Accountability (USA)</i>  |
| 14) <i>International Bureau for Human Rights and Rule of Law (Kazakhstan)</i>        | 29) <i>Freedom Files</i>   |
| 15) <i>Kosovo Rehabilitation Centre for Torture Victims</i>                          | 30) <i>International Youth Human Rights Movement</i>                         |
|  | 31) <i>UNITED for intercultural action</i>                                   |
|  | 32) <i>International Partnership for Human Rights</i>                        |

## STATEMENT ON THE SITUATION IN UKRAINE

22.01.2014

**The Civic Solidarity Platform, a coalition of 57 human rights organisations from across the OSCE region, expresses its deep concern about the serious clampdown on human rights and fundamental freedoms in Ukraine that is accompanied by violence. We express our solidarity with the human rights community of Ukraine that has been calling for the protests to remain peaceful from the very first days of Euromaidan and to keep the priority of human rights in mind.**

Acute human dimension crisis in Ukraine has led to violent clashes between protesters and law enforcement officers that has already resulted in human atrocities and injured.

Moreover, on 16 January 2014 Ukraine's Verkhovna Rada adopted the Law "On amending the Law of Ukraine 'On courts system and judges' status' and laws of procedures regarding additional measures of protection of citizens' security". The law that had been adopted by the parliament bypassing its own rules of procedures was signed by the President just in one day. The law is seriously restricting fundamental rights and freedoms of Ukraine's citizens, in particular freedom of expression, peaceful assembly and association. The new legislation is keeping in step with the authoritarian tendencies vivid throughout the post-Soviet region. Artificial bringing up of anti-Western hysteria, rejecting the principles of the rule of law and human rights as alien and hostile, significant restriction of rights and freedoms on the pretext of strengthening of security, identification of freedom as extremism – these are the trends that stretch from the Central Asia up to the eastern borders of the European Union.

At the same time, the developments of the situation in Ukraine are critical for the whole post-Soviet history and for the issue of human rights in the OSCE countries. This is why stabilisation of the situation in Ukraine – not in an authoritarian, but in a democratic sense – is crucial for the whole OSCE region. This process requires enormous efforts from all parties – Ukrainian opposition, Ukrainian civil society, Ukrainian authorities and international community.

The Civic Solidarity Platform expresses its support to the human rights movement of Ukraine and undertake the following commitments:

- to provide public evaluation of the developments in Ukraine from the point of view of international human rights standards and international commitments of Ukraine as a member of the Council of Europe and the OSCE;

- to organise human rights missions for monitoring of the situation in Ukraine, on the streets and squares as well as during court hearings on cases of Euromaidan's participants;

- to involve special rapporteurs from international experts to analyse the episodes of law enforcement violence, in particular on 30 November and 1 December 2013, 19 and 20 January 2014, as well as for the analysis of the overall human rights situation in Ukraine;

- to give a special attention to international advocacy in order to inform the UN, the OSCE, the Council of Europe and other international bodies about the human rights situation in Ukraine.

We call upon all the sides of the conflict to restrain from violence.

We call upon the authorities of Ukraine:

- to keep in mind the utmost value of a human life and stick to Ukraine's international human rights commitments;

- to initiate a dialogue with the opposition of the country with participation of the civil society and international bodies as the third side in order to immediately resolve the conflict;

- to stop using force and weapons, and to conduct a thorough investigation of fact of their usage as well as other violations of rights of Euromaidan's participants, representatives of civil society and journalists; such investigations and overall evaluation of the human rights situation in Ukraine should be done in cooperation with international experts.

We call upon the member countries of the OSCE and the Council of Europe, and these organisations as such:

- to become guarantors of agreements reached during negotiations between the authorities of Ukraine and country's opposition;

- to initiate creation of special mechanisms of rapid response to similar situations, in particular, in line with an appeal of the International Civic Initiative for the OSCE and the Civic Solidarity Platform.

Signed by:

- 1) Analytical Center for Interethnic Cooperation and Consultations (Georgia)
- 2) Association of Ukrainian Human Rights Monitors on Law Enforcement
- 3) Barys Zvozkau Belarusian Human Rights House
- 4) Belarusian Helsinki Committee
- 5) Bir Duino Human Rights Movement (Kyrgyzstan)
- 6) Centre for Civil Liberties (Ukraine)
- 7) Centre for the Development of Democracy and Human Rights (Russia)
- 8) Citizen Army Law initiative (Russia)
- 9) Crude Accountability
- 10) Georgian Young Lawyers Association
- 11) Helsinki Citizen's Assembly – Vanadzor (Armenia)
- 12) Helsinki Committee of Armenia
- 13) Helsinki Foundation for Human Rights (Poland)

- 14) Human Rights Centre Viasna (Belarus)
- 15) Human Rights Monitoring Institute (Lithuania)
- 16) Index on Censorship (United Kingdom)
- 17) Institute for Reporters' Freedom and Safety (Azerbaijan)
- 18) International Partnership for Human Rights
- 19) Kazakhstan International Bureau for Human Rights and Rule of Law
- 20) Kosova Rehabilitation Centre for Torture Victims
- 21) Legal Transformation Centre (LAWTREND) (Belarus)
- 22) Moscow Helsinki Group (Russia)
- 23) Norwegian Helsinki Committee
- 24) Promo-LEX Association (Moldova)
- 25) Public Verdict foundation (Russia)
- 26) UNITED for Intercultural Action
- 27) Voice of Freedom Public Foundation (Kyrgyzstan)

## UKRAINE: INVESTIGATE VIOLENCE AGAINST JOURNALISTS

31.12.2013

**Human Rights organizations from the OSCE region, united in the Civic Solidarity Platform, are following with great concern the reports from Ukraine on cases of violence against civil society representatives in that country. Of particular concern are attacks on journalists - media and human rights organizations report that 2013 was marked by an unprecedented number of attacks on journalists, half of which came in December, when mass protests in Ukraine have started. Insufficiently speedy and public investigation of episodes of beatings of journalists covering these protests, particularly during the events on the Bankovaya street on December 1, 2013, also continues to cause concern.**

Council of Europe Recommendation № (96)4 of the Committee of Ministers of Council of Europe "On the protection of journalists in situations of conflict and tension" accentuates the exceptional role of journalists and the media in informing the public about violations of national and international law, human suffering in situations of conflict and tension. Among OSCE commitments, organization that Ukraine chaired in 2013, some of the most important ones guarantee media freedom and security of journalists and human rights defenders. Recent UN General Assembly resolution "On the Safety of Journalists and the Issue of Impunity» A/RES/68/163 of 18 December 2013 also dealt with that issue and emphasized these obligations of UN member states, including Ukraine.

According to these obligations, an absolute duty of the authorities is timely, effective and impartial investigation of the episodes of attacks and bringing to justice not only the direct perpetrators, but also those who ordered such crimes — especially, when there are reasons to suspect a connection with professional journalist or human rights activities.

We believe that additional steps are required to restore faith in the possibility of justice, ensuring the best possible publicity and transparency in the investigation and regularly informing the public about all the steps undertaken by the authorities to combat impunity. We also are convinced that the involvement of independent experts and international investigation mechanisms will contribute to the quality, completeness and objectivity of the investigation and urge the Ukrainian authorities to use those possibilities.

Signed by:

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|---|---|
| 1) Analytical Center of Inter-ethnic Cooperation and Consultation (Georgia) | 9) Human Rights Group "Citizen. Army. Law" (Russia) |
| 2) The Barys Zvozkau Belarusian Human Rights House (Lithuania)              | 10) Human Rights House Foundation (Norway)          |
| 3) Georgian Young Lawyers Association                                       | 11) Human Rights Movement "Bir Duino" (Kyrgyzstan)  |
| 4) Human Rights Club (Azerbaijan)   | 12) Human Rights Center of Azerbaijan               |
| 5) International Youth Human Rights Movement                                | 13) Helsinki Citizens Assembly-Vanadzor (Armenia)   |
| 6) International Bureau for Human Rights and the Rule of Law (Kazakhstan)   | 14) Helsinki Committee of Armenia                   |
| 7) Moscow Helsinki Group (Russia)   | 15) Helsinki Foundation for Human Rights (Poland)   |
| 8) Netherlands Helsinki Committee   | 16) "Public Alternative" Foundation (Ukraine)       |

- 17) "Public Verdict" Foundation  
(Russia)
- 18) Centre for Civil Liberties (Ukraine)
- 19) Center for International and  
National Studies (Azerbaijan)

- 20) UNITED for Intercultural Action  
(Netherlands)
- 21) Center for Development of  
Democracy and Human Rights (Russia)

## **KIEV DECLARATION: OSCE SHOULD MAKE COMBATING TORTURE A PRIORITY**

*04.12.2013*

The OSCE Parallel Civil Society Conference-2013,

CONSIDERING that the OSCE participating States committed themselves to combatting torture and that this was stated in the 1989 Vienna Document and re-affirmed many times, including in documents agreed in Copenhagen and Paris in 1990, Moscow in 1991, Budapest in 1994, Istanbul in 1999, Ljubljana in 2005, Brussels in 2006, and Helsinki in 2008, stating, in particular, that “participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination” (Budapest 1994);

CONSIDERING also that the OSCE participating States stated in the 1989 Vienna Concluding Document that “the participating States will prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices,” in the 1990 Copenhagen Document that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture,” and in the 1991 Paris Document that “without discrimination (...), no one will be subject to torture or other cruel, inhuman or degrading treatment or punishment;”

UNDERLINING that this commitment is an essential element of the human dimension, which is an essential component of the comprehensive security concept underlying the Helsinki process and the OSCE;

EXPRESSES grave concern about the increasing lack of compliance with this commitment in many OSCE participating States. Torture, cruel, inhuman and degrading treatment and punishment continue to be among the most serious problems in many OSCE participating States. In some participating States torture is widespread and systematic and is practiced with impunity. Prosecution rates against perpetrators are shamefully low. Even where there are bona fide attempts at prosecution, these are often undermined by a lack of adequate safeguards and by corrupt, obstructive and non-transparent investigative mechanisms. During the last decade torture has become a particular problem in the context of fighting terrorism as torture of terrorism suspects has become widespread.

NOTES that the OSCE is in a unique position to combat torture as all OSCE participating States, whether or not they are parties to other international treaties against torture, have taken on an unequivocal OSCE commitment regarding freedom from torture as part of the Organization’s comprehensive security concept. In a number of countries the OSCE is the only international body that may work towards ensuring elimination of torture on the ground. Therefore, while the OSCE cooperates with and promotes international agreements on torture prevention it also has its own unique role to play. The Organization must consolidate its expertise, effectively apply available and develop new mechanisms to make a breakthrough in implementing this commitment.

NOTES that civil society organisations in the OSCE participating States have accumulated a significant amount of experience in combatting torture in their respective countries and have developed and effectively implemented unique methodologies in this area. Their experience should be put to use within the OSCE.

URGES the OSCE Ministerial Council to explicitly re-affirm the OSCE commitment to eliminate torture and lead the organisation’s work to ensure an absolute prohibition of torture throughout the OSCE region.

CALLS ON those participating States that have not yet adopted and ratified the Optional Protocol to the Convention against Torture (OPCAT) and have not established National Preventive Mechanisms to do so without further delay. OSCE participating States should strengthen their National Preventive Mechanisms by providing a firm legal basis guaranteeing their independence and their engagement in effective monitoring. They should establish effective mechanisms to investigate allegations of torture and other ill-treatment by law enforcement officials. These should include the establishment of complaints boards composed of lay persons with effective powers to participate in accordance with international standards for

effective investigation. Moreover, OSCE participating States should provide a firm legal basis for NGO monitoring of places of custody, including pre-trial and police detention facilities, as well as to engage in legal assistance to and rehabilitation of victims of torture and other ill-treatment in places of detention. OSCE participating States should ensure that independent NGOs are not prevented from participating in public commissions for oversight of places of custody and that they are not replaced by GONGOs, which serve the purpose of imitating real independent public control. OSCE participating States must ensure that no one is expelled or extradited to countries where torture is an endemic problem. They should bolster and reinforce the role of the media as a tool in creating a culture of absolute non-acceptance of torture. States can be assisted in this task by the OSCE Representative on Freedom of the Media.

ENCOURAGES the OSCE to take several concrete steps without delay to develop appropriate and effective mechanisms and tools for combatting and prevention of torture, among them:

- The Chairmanship-in-Office (CiO) should aim to develop an OSCE action plan on combatting torture. A perceptions paper on torture prevention produced with input from civil society could be a first step. The CiO should encourage participating States to develop realistic national action plans on torture prevention, including strict deadlines and measurable criteria of progress.

- ODIHR should elaborate guidelines on preventing torture and ill-treatment in OSCE participating States. The guidelines should build on existing OSCE commitments and define concrete steps for States to take in order to prevent torture and effectively investigate allegations of torture.

- ODIHR should consider launching a project to monitor places of detention, as part of its mandate to monitor the implementation of human dimension commitments, as it already observes trials and peaceful assemblies. This initiative should be supported politically by the Chairmanship-in-Office. Participating States should support it through both financial contributions and practical cooperation with ODIHR. Should a torture monitoring project be established within ODIHR, the Office should consider deploying observation teams made up of ODIHR and civil society experts. Where OSCE field missions are present, they could undertake such observation missions jointly with invited experts from ODIHR and civil society. Participating States should respond positively to requests for visits by such observation missions and fully cooperate with them.

- OSCE institutions should consider organising an SHDM on torture prevention and monitoring detention facilities, with a special emphasis on the role of NGOs in the process.

- The Human Dimension Committee should hold a special session on torture prevention, discussing the outcomes of SHDM, should it be held, and inviting the UN Special Rapporteur on Torture and representatives of other international bodies to discuss how the OSCE can better interact with them and enhance their work. Voluntary reports by participating States on torture prevention during such an HDC session would be welcome. This session should be open to selected NGO representatives who should be able to contribute fully to the discussion.

Bringing these ideas to life depends on many actors in the OSCE community, their cooperation and their commitment to eliminating torture. We insist that human dimension issues, including realisation of the principle of absolute prohibition of torture, are, according to the Helsinki principles solemnly reconfirmed by participating States as recently as 2010, “a matter of direct and legitimate concern of other participating States.”<sup>1</sup> This principle guides us in our work.

Over the last two decades there have been many discussions in the OSCE about the need to develop more effective mechanisms and institutions to address the problem of torture. It is high time for the OSCE to make combatting torture a priority and take concrete actions to address this flagrant violation of human rights and human dignity.

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<sup>1</sup> 2010 Astana Commemorative Declaration, <http://www.osce.org/cio/74985>

## **OSCE SHOULD IMMEDIATELY REACT TO THE HUMAN DIMENSION CRISIS IN UKRAINE**

*03.12.2013*

We, participants of the OSCE Civil Society Parallel Conference in Kiev, representing non-governmental organisations from many countries of Europe, Asia and North America, express our grave concern regarding the brutal dispersal of peaceful demonstrations in Kiev, beatings of activists and journalists in various cities of Ukraine and mass violations of human rights by the law enforcement personnel. We consider the situation in Ukraine to be a major human rights and human dimension crisis and call on the OSCE decision-making bodies and participating States to react immediately.

The brutal dispersal of a peaceful demonstration on Independence Square on November 30 not only violated Ukraine's Constitution but also Ukraine's international obligations and OSCE commitments related to freedom of peaceful assembly, freedom of expression and prohibition of torture and other cruel treatment.

Violence, threats, beatings of activists and journalists causing serious bodily injury, arbitrary detention, enforced disappearances and court restraining orders that forbid peaceful assemblies without prospects of appeal – these form only a partial list of what we have witnessed in recent days, not only in Kiev but in other Ukrainian cities as well.

During these days representatives of civil society, including groups that are members of the international Civic Solidarity Platform, have been conducting observation of events surrounding the mass protest actions and have been providing consultations to the detained, the beaten and their relatives. In our judgment, most of the protests have had a completely peaceful character, whereas the actions of Ukrainian riot police were unwarrantedly harsh, evidently disproportionate and indiscriminate. In some cases, regular police officers had to protect demonstrators from the riot police. At the same time, we express our concern about the use of violence by a small group of protesters.

The situation is complicated by the fact that in 2013 Ukraine holds the Chairmanship of the OSCE. The Chairmanship country should be a leader in demonstrating the political will of the country's leadership to fulfill its OSCE commitments and the guarantor of a rapid OSCE response to extraordinary and crisis situations on all OSCE 57 countries, including in the human dimension.

The developing situation in Ukraine bears all the marks of a major human dimension crisis. But the OSCE's ability to respond to this situation is paralyzed by the fact that the country which violates its commitments and where the severe crisis in the human dimension is developing, is chairing the Organization.

All of this is taking place on the eve of the annual OSCE Ministerial Council meeting, which will sum up the developments of 2013, the year of Ukraine's Chairmanship.

We call on the government of Ukraine to make all necessary efforts to resolve the crisis and to ensure swift, unbiased and thorough investigation of all instances of the use of force against participants of peaceful demonstrations and journalists, bring perpetrators to justice and prevent recurrence of such events in the future, as well as to fully observe its international human dimension commitments. We also call on Ukraine to open the country to international observation, including observation by the OSCE.

We also call on the OSCE participating States, whose delegations are on the way to Kiev, to:

- demand a truthful and detailed report on the situation from the Ukrainian government;

- recognize the situation as a severe human dimension crisis and immediately deploy a group of OSCE observers to Ukraine, including representatives of delegations, the OSCE Secretariat, ODIHR experts and civil society organizations. In the longer term, the OSCE should create a group of experts to evaluate the events taking place in Ukraine;

- to use all diplomatic means to persuade Ukraine to open the country to international observation;

- not lower the level of participation of delegations in the OSCE Ministerial Council meeting and adopt at the meeting a firm position in regard to the human dimension crisis taking place in Ukraine. The presence of delegations from the OSCE participating States in Kiev should be used for meetings with Ukrainian civil society, including those who have been observing the demonstrations, assessment of the situation on the ground and the adoption of immediate decisions on the OSCE's response to the crisis and .

We call on the other countries of the OSCE Troika – Ireland and Switzerland – to demonstrate political will and take all necessary steps to restore OSCE's ability to react effectively to this ongoing crisis and prevent escalation of human rights violations in Ukraine.

## **AZERBAIJAN: PRESIDENTIAL ELECTION WERE NOT FREE, FAIR AND TRANSPARENT**

22.10.2013

**According to the official results, the presidential election held in Azerbaijan on 9 October 2013 resulted in a landslide victory for incumbent president Ilham Aliyev, with 85% of the vote. We, the undersigned members of the Civic Solidarity Platform, a coalition of over 50 human rights NGOs from across Europe, the former Soviet Union and North America supports the conclusions of international observers, not considering the election free, fair and transparent for the following major reasons:**

- Incumbent president Aliyev did not face any serious competition. Ilgar Mammadov, head of Republican Alternative (REAL) Movement a main opponent of Aliyev whose participation could have helped ensure a more viable electoral process, was prevented from running in the elections. He has been held in detention since February 2013 on politically motivated charges. In addition, the Central Election Commission refused to register his candidacy because he had allegedly failed to collect the required number of valid signatures.

- There was no level playing field because of serious limitations for Aliyev's competitors to conduct their campaigns, as well as widespread restrictions on freedom of expression, association and assembly. All available administrative resources were mobilized to ensure Aliyev's re-election, and all television channels, radio stations and state-funded newspapers operating in the country ran campaigns in favor of him both during and beyond the election campaign period. Internet content filtering, obstruction of social media activism and cases of direct interference with the work of journalists were also reported by organizations such as the Institute for Reporters' Freedom and Safety. Moreover, the election took place in the context of a widening crackdown on government critics, with new restrictive legislation having been enacted and numerous political opposition members, journalists, human rights defenders, civic and youth activists (such as leaders and members of the NIDA civic movement), and religious believers having been arrested and convicted on trumped-up and politically motivated charges since the beginning of the year (see a list of political prisoners published by the Human Rights Club on the eve of the elections). Freedom of assembly was restricted during the election campaign in particular by the fact that only one venue was assigned for election rallies in each election district and these venues were not suitable for the purpose, while they were located far outside city centres and in remote areas.

- On election day, serious irregularities were observed, such as so-called "carousel" voting, multiple voting by pre-instructed voters and outright ballot stuffing in favor of Aliyev. Election violations were observed and documented (filmed or photographed) by the OSCE/ODIHR Election Observation Mission, the observation missions of local NGOs like the Election Monitoring and Democracy Studies Centre and the "Learning Democracy" Public Union, as well as individuals who observed the election in private capacity.

In view of the above, our organizations regret the standpoint taken by the 32-member observer delegation of the Parliamentary Assembly of the Council of Europe (PACE) and the 7-member observer mission of the European Parliament (EP), which stated that they "observed a free, fair and transparent electoral process" around election day. This conclusion is in stark contrast to the assessments made by the OSCE/ODIHR mission and local observers, who highlighted an array of violations marring the whole election process, including on election day. We believe that this conclusion undermines the credibility of election monitoring undertaken by PACE and EP missions and reflects

badly on the reputation of the two organizations as a whole. By failing to give due account to the repressive political environment in which the election was held, as well as the extensive violations documented on election day, the PACE and EP missions bestowed undeserved legitimacy on the elections and played into the hands of the Aliyev administration, allowing it to call into question and downplay more accurate monitoring findings.

This has already been seen in statements made by government officials on the OSCE/ODIHR report. We urge the Council of Europe and European Parliament to look into the work of their respective monitoring missions and the criteria applied by them when assessing the elections, in view of applicable standards and principles for international election monitoring.

We, the undersigned Civic Solidarity Platform members consider that the manner in which the 9 October presidential election was held seriously jeopardizes Azerbaijan democratization process and its prospects for integration into Europe.

We call on the authorities of the country to identify and punish those responsible for the election fraud and to take swift and effective measures to implement OSCE/ODIHR recommendations for how to improve the election process and ensure compliance with international standards.

We also wish to reiterate recommendations made in a joint statement by members of the International Partnership Group for Azerbaijan and the Civic Solidarity Platform on the eve of the elections to immediately release all those detained and imprisoned on politically motivated grounds in Azerbaijan; to review and revise legislation in force that restrict freedom of expression, association and assembly as guaranteed by international human rights law; and to ensure respect for these rights in practice.

Signed by:

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|---|---|
| 1) Human Rights Club (Azerbaijan)                                   | 12) 'No Borders Project' (Ukraine)                                    |
| 2) Center for International and National Studies (Azerbaijan)       | 13) People in Need (Czech Republic)                                   |
| 3) Institute for Reporters' Freedom and Safety (Azerbaijan)         | 14) Netherlands Helsinki Committee                                    |
| 4) International Partnership for Human Rights (Belgium)             | 15) Georgian Young Lawyers' Association                               |
| 5) Center for Civil Liberties                                       | 16) Center for the Development of Democracy and Human Rights (Russia) |
| 6) Kazakhstan International Bureau for Human Rights and Rule of Law | 17) Freedom Files   |
| 7) KRF Public Alternative (Ukraine)                                 | 18) The Public Verdict Foundation (Russia)                            |
| 8) Helsinki Foundation for Human Rights (Poland)                    | 19) Human Rights House Foundation                                     |
| 9) Moscow Helsinki Group  | 20) UNITED for Intercultural Action (Netherlands)                     |
| 10) Belarusian Helsinki Committee                                   | 21) Crude Accountability  |
| 11) KRF Public Alternative (Ukraine)                                | 22) Helsinki Citizens' Assembly - Vanadzor                            |

## USE OF PSYCHIATRY FOR POLITICAL AIMS IS UNACCEPTABLE!

10.10.2013

**Members of the Civic Solidarity Platform expressed their concern with increasing usage of methods of punitive psychiatry in the OSCE region, in particular in post-Soviet states. 30 organisations signed a statement calling to denounce the practice of use of compulsory medical treatment for pressure on civic activists.**

We, members of the Civic Solidarity Platform, express our concern with the increasing use of punitive psychiatric treatment in the OSCE region, in particular in the post-Soviet states.

If in 2012, human rights organisations noted at least two attempts to use psychiatry as a method of pressure on human rights defenders and civic activists, so far in 2013 there have been at least four cases of the political use of psychiatry – in Ukraine, Kazakhstan, Belarus and Russia:

- Raisa Radchenko, a civic activists from Ukraine, was forced to undergo compulsory medical treatment as an act of revenge for her civic activism;

- Zinaida Mukhortova, a lawyer from Kazakhstan, has been kept in a mental hospital for her work defending human rights and fighting corruption;

- Ihar Pastnou, a psychiatrist from Belarus, was kept in a mental hospital where he had worked as a result of his public criticism of state policy and the local health care system;

- Mikhail Kosenko, a participant in a demonstration on Bolotnaya Square in Moscow on 6 May 2012, was sentenced on 8 October 2013 to indefinite compulsory psychiatric treatment at a mental hospital.

It is a historical fact that during the Soviet times punitive psychiatric treatment was widely used to pressure civic activists. Bearing this in mind, we, the undersigned:

- demand the international community immediately react to the cases detailed above and raise concerns about these cases with the governments of Ukraine, Belarus, Kazakhstan and Russia;

- state that the use of psychiatry for political aims is unacceptable in modern democratic societies;

- demand the aforementioned states denounce the practice of compulsory medical treatment, immediately stop pressuring civic activists, and restore the rule of law so as to prove their commitment to democratic values;

- call on professional psychiatrists' community to oppose attempts to use them as a tool of repressions and stick to the Hippocratic Oath and international standards such as the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care.

Signed by:

- 1) Kharkiv regional foundation Public Alternative (Ukraine)
- 2) International Youth Human Rights Movement
- 3) Kazakhstan International Bureau for Human Rights and Rule of Law
- 4) Center for Civil Liberties (Ukraine)
- 5) Helsinki Foundation for Human Rights (Poland)

- 6) Helsinki Citizens' Assembly - Vanadzor (Armenia)
- 7) Public Verdict Foundation (Russia)
- 8) Crude Accountability (USA)
- 9) Association of Ukrainian Human Rights Monitors on Law Enforcement
- 10) Moscow Helsinki Group (Russia)
- 11) Human Rights Club (Azerbaijan)
- 12) Citizen Army Law (Russia)

- 13) Kosova Rehabilitation Center for Torture Victims
- 14) Georgian Young Lawyers' Association
- 15) The Barys Zvozhkau Belarusian Human Rights House (Belarus)
- 16) International Partnership for Human Rights (Belgium)
- 17) Norwegian Helsinki Committee
- 18) Armenian Helsinki Committee
- 19) Netherlands Helsinki Committee
- 20) Promo-LEX Association (Moldova)
- 21) UNITED for Intercultural Action (Netherlands)
- 22) Albanian Helsinki Committee

- 23) Centre for the Development of Democracy and Human Rights (Russia)
- 24) Human Rights Monitoring Institute (Lithuania)
- 25) Kazakhstan International Bureau for Human Rights and Rule of Law
- 26) Centre for National and International Studies (Azerbaijan)
- 27) Ukrainian Helsinki Human Rights Union
- 28) Belarusian Helsinki Committee
- 29) Helsinki Committee for Human Rights in Serbia
- 30) Nota Bene (Tajikistan)

## **HANDS OFF SERGEY NAUMOV!**

28.09.2013

**Members of the Civic Solidarity Platform are deeply concerned about the safety of journalist Sergey Naumov, who was arrested by police in his home town Urgench in Khorazm Province, Uzbekistan on Saturday night, 21 September 2013 and later sentenced to 12 days imprisonment for "hooliganism".**

Uzbekistani authorities declined to release information regarding his whereabouts following his arrest; and his trial was in breach of fair trial principles as he was denied the services of a lawyer. There is reason to believe that these trumped-up accusations could be followed by a more serious set-up resulting in a longer sentence at a later stage, a tactic often deployed against journalists and human rights defenders in Uzbekistan.

Sergey Naumov is a respected journalist who has worked with a number of international news agencies over the years, including the Institute for War and Peace Reporting (IWPR), Ferghana News Agency and others.

In 2009, he received an award from the Embassy of the Russian Federation in Tashkent for the best coverage of Uzbek-Russian relations.

According to Mr. Naumov's friends, he called them around 7 PM on 21 September, saying police had arrived, asking that they sound the alarm if he did not get back in touch with them shortly. An hour later, his friends managed to get through to him, but only sounds of voices in the background could be heard. Friends and family were unable to locate him for 72 hours, and the first official information on his whereabouts came in the Human Rights Association of Central Asia press release on 24 September.

Working conditions for journalists and human rights defenders in Uzbekistan remain among the most severe in the former Soviet Union, and indeed in the world. Simultaneously, the law-enforcement organs are known for their systematic use of torture and widespread corruption.

The Civic Solidarity Platform is deeply concerned about the situation for Sergey Naumov, and demands that Uzbekistani authorities in compliance with their international obligations ensure that no citizen is imprisoned for his lawful expression of his political opinion.

We also call upon the Embassies of the Russian Federation, the United States and member states of the European Union in Tashkent to pay close attention to Naumov's situation in the close future and express their support for him at this time.

### Signatories:

- |  |  |
|--|--|
| 1) Norwegian Helsinki Committee                              | 10) Helsinki Foundation for Human Rights, Poland         |
| 2) Center for National and International Studies, Azerbaijan | 11) Human Rights Group Citizen. Army. Law.               |
| 3) Bulgarian Helsinki Committee                              | 12) Public Verdict Foundation, Russia                    |
| 4) Human Rights Center of Azerbaijan                         | 13) Netherlands Helsinki Committee                       |
| 5) Albanian Helsinki Committee                               | 14) International Partnership for Human Rights (Belgium) |
| 6) The Kosova Rehabilitation Center for torture victims      | 15) Center for Civil Liberties (Ukraine)                 |
| 7) PromoLex Association, Moldova                             | 16) Helsinki Citizen's Assembly, Vanadzor (Armenia)      |
| 8) Moscow Helsinki Group                                     |  |
| 9) The Helsinki Committee of Armenia                         |  |

17) Center for the Development of  
Democracy and Human Rights (Russia)  
18) International Youth Human Rights  
Movement (Russia)  
19) Kharkiv Regional Foundation  
Public Initiative (Ukraine)

20) Kazakhstan International Bureau  
for Human Rights  
21) Crude Accountability  
22) Belarusian Human Rights House  
23) Human Rights Club, Azerbaijan  
24) United for intercultural action

## **KYRGYZSTAN: RUSSIA-STYLE NGO LAW POSES A THREAT TO HUMAN RIGHTS AND DEMOCRATIZATION**

*18.09.2013*

**We, members of the Civic Solidarity Platform, are concerned about the recent legislative initiative to restrict NGO activity in Kyrgyzstan and appeal to members of parliament in this country to reject this draft law. We also call on the EU and other international community actors to speak out against any legal initiatives that impede the operation of NGOs in ways incompatible with international human rights standards and to encourage the authorities of Kyrgyzstan to support and cooperate with civil society in the continued reform process in the country.**

In early September, members of Kyrgyzstan's parliament Tursunbaem Bakir Uulu and Nurkamliem Madaliev put forward a draft law for public discussion that introduces amendments to a number of current laws regulating the activities of non-commercial organizations. According to the draft law, non-commercial organizations that engage in "political activities" and receive financial support from foreign governments, international and foreign organizations or other foreign sources would be required to register as "foreign agents" and use this label in material they publish and distribute. Similarly to under the 2012 Russian law on "foreign agents," which has served as inspiration and example for the draft law, the main purpose of this requirement appears to be to stigmatize and put into question the credibility of NGOs that carry out their work using foreign grants.

Major provisions of the draft law are also identical to those of the Russian law, which was adopted despite widespread criticism at the national and international levels. In the same way as the Russian law, the draft law introduced in Kyrgyzstan provides for an excessively broad definition of "political activities," according to which non-commercial organizations may be deemed to engage in "political activities" if they participate (including through funding) in "organizing and conducting political actions that have the objective of influencing decision-making of public authorities and are aimed at changing public policies pursued by these authorities" or "in shaping public opinion for the same purposes". The draft law states that activities in a number of specifically listed areas, such as science, culture, art, sports, and health and social protection, would not qualify as "political activities." However, beyond this, it does not explain this key term.

Given the vagueness of the provisions of the draft law, basically any NGO actions implemented outside the areas listed could be construed as "political activities." For example, NGO initiatives to promote debate on issues of public interest or to advocate for transparency and accountability of authorities could be deemed to fall within the scope of the law. Civil society organizations are concerned that the draft law, if adopted, could in particular be used against human rights NGOs and other NGOs that are inconvenient for those in power because of their scrutiny and criticism of the actions of authorities. This has been the case in Russia, where leading human rights groups are among those targeted by the "foreign agents" law.

The draft law also introduces new reporting obligations for NGOs, especially for those registered as "foreign agents" and grants authorities increased powers to exercise control over the activities of NGOs. According to the draft, the Ministry of Justice may request documents relating to the operation of NGOs; send representatives to attend events organized by NGOs; and review the compliance of NGOs with their own statutes, including with respect to the use of funds. Unscheduled inspections may be carried out to check the activities of NGOs registered as "foreign agents," e.g. on the

basis of unspecified information indicating that such groups have acted in violation of the law.

As regards sanctions, the draft law grants the Ministry of Justice powers to issue written warnings to NGOs found to act in violation of their statutes or national law, as well as to suspend the activities of NGOs that have failed to register as “foreign agents” for up to six months without a court decision. Representations of foreign NGOs in the country may be de-registered by the ministry if they do not provide required information in time or act contrary to their stated objectives. The draft law also foresees criminal liability for establishing, leading and participating in a non-commercial organization whose activities entails “impelling citizens to refuse to fulfill their civic obligations or to commit other unlawful acts.” The penalties for these vaguely worded offenses would include large fines or imprisonment for up to three years.

In Russia, enforcement of the “foreign agents” law adopted in July 2012 has had a seriously chilling impact on civil society and has served to reinforce negative attitudes against NGOs. Hundreds of NGOs across the country have been subjected to inspections and dozens of groups and their leaders have faced warnings and legal charges for refusing to register as “foreign agents.” It is particularly disturbing that a similar draft law now has been initiated in Kyrgyzstan, a country that unlike other countries in the region has seen the development of a vibrant civil society in the years since independence with NGOs playing an important and visible role in the implementation of reforms, human rights defense and other areas. It would be most unfortunate if the authorities of the country at this time would embark on a course of repression of civil society, instead of continuing cooperation with NGOs for the purpose of promoting further development and progress in the country.

The proposed regulation of NGOs in Kyrgyzstan would infringe and unnecessarily and disproportionately restrict the right to freedom of association and assembly, the right to freedom of expression and other fundamental rights guaranteed by the International Covenant of Civil and Political Rights and OSCE human dimension standards. The authorities of Kyrgyzstan are obliged to respect these rights and ensure that national legislation is in compliance with the established international standards.

**On behalf of the Civic Solidarity Platform, our organizations call on the members of Kyrgyzstan’s parliament to refrain from adopting the draft law on non-commercial organizations now subject to public debate and to ensure that any legal amendments affecting NGOs that are adopted in the country fully correspond to Kyrgyzstan’s international human rights obligations. The EU and other international actors should communicate concern about this draft legislation to their counterparts in Kyrgyzstan, making clear that a law of this nature would undermine internationally protected rights, represent a serious setback to democratization, and establish a dangerous precedent for other countries in Central Asia. They should also continue to use all available avenues to support local civil society as they develop and deepen relations with Kyrgyzstan and provide assistance in the implementation of the country’s reform agenda.**

Signatories:

- |   |   |
|---|---|
| 1) Voice of Freedom Foundation (Kyrgyzstan)             | 6) Public Verdict Foundation (Russia)             |
| 2) International Partnership for Human Rights (Belgium) | 7) Helsinki Foundation for Human Rights (Poland)  |
| 3) Norwegian Helsinki Committee                         | 8) Center for Civil Liberties (Ukraine)           |
| 4) Moscow Helsinki Group                                | 9) Albanian Helsinki Committee                    |
| 5) Promo Lex Association Moldova                        | 10) Human Rights Monitoring Institute (Lithuania) |

- 11) Human Rights Group “Citizen, Army, Law” (Russia)
- 12) Kharkiv Regional Foundation, Public Alternative (Ukraine)
- 13) Human Rights Center of Azerbaijan
- 14) Helsinki Citizens' Assembly – Vanadzor (Armenia)
- 15) Kazakhstan International Bureau for Human Rights and Rule of Law
- 16) Bulgarian Helsinki Committee
- 17) Kosova Rehabilitation Center for Torture Victims
- 18) Netherlands Helsinki Committee
- 19) Notabene (Tajikistan)
- 20) Barys Zvozhkau Belarusian Human Rights House (in exile in Lithuania)
- 21) Index on Censorship (United Kingdom)
- 22) Article 19 (United Kingdom)
- 23) Center for National and International Studies (Azerbaijan)

## **COUNCIL OF EUROPE: PARLIAMENTARY ASSEMBLY MUST ROBUSTLY CONDEMN BANS ON “HOMOSEXUAL PROPAGANDA”**

27.06.2013

**We the undersigned organisations strongly urge the Parliamentary Assembly of the Council of Europe (PACE) to condemn so-called “homosexual propaganda” bans as incompatible with the rights to freedom of expression, freedom of assembly, and the prohibition of discrimination. The Assembly should vote in favour of today’s resolution and recommendation on tackling discrimination on the grounds of sexual orientation and gender identity.**

On 27 June 2013 parliamentarians from the 47 member states of the Council of Europe will debate and vote on a proposed resolution, and a proposed recommendation to the Committee of Ministers, on tackling discrimination on the grounds of sexual orientation and gender identity. These have been tabled together with a report by the Rapporteur for the PACE Committee on Equality and Non-Discrimination, Håkon Haugli.

The undersigned organisations welcome Haugli’s report and share his deep concern following the recent introduction of laws prohibiting the dissemination of information regarding sexual orientation and gender identity in a number of Council of Europe member states.

The adoption on 11 June 2013 by the Russian State Duma of a federal ban on “propaganda of non-traditional sexual relationships which was confirmed on June 25 by the Federation Council, requires immediate action from PACE, as well as from Member States and the Committee of Ministers of the Council of Europe.

Once signed by President Putin, the federal law will join similar bans on so-called “homosexual propaganda” at the regional level in ten Russian oblasts as well as throughout a number of cities in Moldova. At the same time, the Parliaments of Ukraine and Lithuania are considering analogous legislation or amendments to existing legislation that would likely silence the voices of lesbians, gay, bisexual and trans (LGBT) people and marginalise them from public debates that affect LGBT people.

The proposed PACE resolution specifically calls on the Parliaments of the Russian Federation and Ukraine to abandon their respective draft laws, and calls upon the local and regional authorities in the Russian Federation to repeal legislation prohibiting so-called homosexual propaganda.

The European Court of Human Rights has made clear in rulings against Russia, Poland and Moldova that the right to freedom of expression encompasses the right to freely express one’s sexual orientation or gender identity, as well as the freedom to seek, receive and impart information on issues related to sexual orientation or gender identity. The resolution calls on the competent authorities in each of these countries to fully execute these judgments, which are binding under the European Convention on Human Rights.

The undersigned organisations additionally note that the UN Human Rights Committee found in a decision against Russia that the prohibition on “homosexual propaganda” in Ryazan Oblast violated Article 19(2) and Article 26 of the International Covenant on Civil and Political Rights. The principles of this decision and those from the European Court of Human Rights’ judgments have been affirmed in the 18 June 2013 opinion of the Venice Commission, which considered that bans on “homosexual propaganda” are “incompatible with the ECHR and international human rights standards.”

The above-mentioned judgments of the European Court of Human Rights and the decision by the UN Human Rights Committee, in addition to the conclusions of the

Venice Commission, have rejected attempts made by States to justify bans on “homosexual propaganda” on the basis of protecting the rights of children or protecting public morals, and reiterated that homosexuality is a variation of sexual orientation and as such protected under international human rights law. They have found that these bans stigmatise LGBT people, exclude them from public debates and legitimise violence and discrimination against them. They create a climate of self-censorship that deprives all people, in particular the young, of access to vital information and ideas, including in areas of critical importance such as health and education.

We therefore call on all the Assembly members to vote in favor of the proposed resolution and recommendation rejecting any amendments limiting its scope and robustly condemn bans on so-called “homosexual propaganda” as incompatible with universally guaranteed human rights, including the rights to freedom of expression and non-discrimination.

Signed by:

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|--|--|
| 1) ARTICLE 19  | 13) Georgian Young Lawyers’ Association (GYLA)                       |
| 2) Amnesty International   | 14) The Helsinki Committee Armenia                                   |
| 3) Analytical Center for Interethnic Cooperation and Consultations (ACICC) | 15) Helsinki Foundation for Human Rights (Poland)                    |
| 4) Albanian Helsinki Committee   | 16) Human Rights Club (Azerbaijan)                                   |
| 5) Avers (Obverse), Samara LGBT Movement                                   | 17) Human Rights Monitoring Institute (Lithuania)                    |
| 6) Belarusian Human Rights House   | 18) Human Rights Watch   |
| Civil Rights Defenders   | 19) ILGA-Europe  |
| 7) Center for Civil Liberties (Ukraine)                                    | 20) Index on Censorship  |
| 8) Center for National and International Studies (Azerbaijan)              | 21) International Partnership for Human Rights (IPHR)                |
| 9) Civil Rights Defenders  | 22) Kazakhstan International Bureau for Human Rights and Rule of Law |
| 10) COC Netherlands  | 23) Norwegian Helsinki Committee                                     |
| 11) Development of Democracy and Human Rights (Russia)                     | 24) Stonewall  |
| 12) Freedom House  |  |

## **STATEMENT ON VIOLENCE AT PEACEFUL RALLY MARKING THE INTERNATIONAL DAY AGAINST HOMOPHOBIA IN GEORGIA**

*31.05.2013*

**Statement regarding bias-based violence during and following the peaceful rally marking the International Day against Homophobia and Transphobia on 17 May 2013 and necessity of the firm measures for protection and restoration of rights for freedom of expression and peaceful assembly for all citizens of Georgia.**

We, civil society organizations-members of the International Civic Solidarity Platform are extremely concerned about the violent break-up by a mob led by Orthodox priests of a small peaceful rally marking the International Day against Homophobia and Transphobia in Tbilisi, Georgia. It was reported that participants in the rally that was also attended by a number of foreign diplomats, had to be evacuated after the police nearly lost control of the situation. Georgian Prime Minister has condemned the violence and has promised an investigation but our colleagues from Georgia report that only few of the participants of the violent attack have been brought to the liability and only to administrative one. We are even more concerned with physical violence against participants of the rally and leaders of the LGBT organizations of Georgia which has continued in the days following the rally. Some of them were followed on the streets, beaten, deprived of property and verbally assaulted. Reportedly, hair of one person has been put on fire.

There are concerns on the side of the civil society in Georgia that lack of the swift and objective investigation and bringing perpetrators to justice is related to the leading role of the Orthodox Priests in the attack. Only today, almost a week after the violence, the law enforcement agencies announced opening of the investigation against two Orthodox priests. In view of many civil society organizations, journalists and activists, these events are the consequence of the last year's reluctance of the law enforcement to investigate violence against participants of the same kind of rally. This promoted impunity and has led to larger scale violence this year. There are also concerns that these events are related to the growing influence of the Orthodox Church on social and political life in Georgia, which promotes discriminative discourse in the society.

There are a number of the statements criticizing actions of government in guaranteeing the rights for freedom of expression and freedom of peaceful assembly, including statements of the six leading Georgian civil society organizations (Transparency International Georgia; Georgian Democratic Initiative (GDI); Human Rights Education and Monitoring Center (EMC); Georgian Young Lawyers' Association; Article 42 of the Constitution of Georgia and the International Society for Fair Elections and Democracy (ISFED)), as well as statements of the US and EU Officials and a number of other international actors calling for non-discrimination and justice.

We join these demands, and call upon the government of Georgia:

- to conduct immediate and impartial investigation of the events which took place on 17th of May 2013 and on the following days;
- to ensure prevention of development of culture of impunity based on discriminative practices;
- to thoroughly fulfill its international obligations in the field of freedom of expression and peaceful assembly for all citizens of Georgia;
- to provide necessary security measures to protect and ensure rights of the participants of the peaceful rally "No to theocracy" which is being planned for 24th of May 2013 in order to protest violence similar to what happened on 17th of May 2013 and on the following days.

## **INTENSIFIED CRACKDOWN ON CIVIL SOCIETY IN RUSSIA: CALL FOR SUPPORT AND SOLIDARITY**

*25.03.2013*

**The Civic Solidarity Platform members are alarmed by the mass NGO inspections currently under way in Russia and express support and solidarity with our Russian colleagues who are affected by this development. We also appeal to the international community to stand firmly by Russia's civil society at this time and to speak out against the new attempt to intimidate and discredit in particular groups that rely on foreign funding to promote respect for human rights and other universal values. The importance of such a response on the part of the EU and other international actors is underscored by the recently adopted landmark UN resolution on the protection of human rights defenders.**

In the last few weeks dozens, if not hundreds of NGOs in different parts of Russia have been subjected to inspections apparently aimed at determining whether they comply with legislation in force, especially recent repressive legislation on NGO funding from abroad and broadly worded anti-extremism legislation. The inspections have been carried out by officials from prosecutor's offices accompanied by officials from the Ministry of Justice, the Tax Services and various other authorities in Moscow and St. Petersburg, as well as Saratov, Rostov, Penza, Perm, Krasnodar, Primorsky, Orenburg and other regions. Among those singled out for inspections are many human rights NGOs, including members of the Civic Solidarity Platform. As the inspections continue, it is believed that thousands of NGOs across Russia may be targeted in total in this nation-wide campaign that is expected to be concluded by April.

According to an order from the General Prosecutor's office, which has been published by media, regional prosecutors have been instructed to particularly look into the "lawfulness" of NGO funding, as well as possible signs of "extremism" in their activities. While the inspections have been carried out in different ways in different cases, many NGOs subjected to inspections have reported that they have not received any advance notice or any clear explanation for the checks. NGOs have often been required to provide copies of long lists of various financial and other documents, within short deadlines and on the basis of vague requests regarding the information wanted, e.g. using formulations such as "any other" documents or information. Inspectors have also requested to examine NGO premises and to question NGO staff members. The inspections have caused uncertainty and distress among NGOs, both those already targeted and those expecting to be targeted, and have obstructed their regular work and created a heavy burden on them to seek to comply with extensive and ambiguous requests for information.

The current wave of NGO inspections follows the adoption of a series of new laws negatively affecting Russian civil society since Vladimir Putin's return as president last year. Taken together, these laws have contributed to a seriously worsening climate for civil society. The so-called Foreign Agents Law, which entered into force in November 2012, is of particular concern. This law requires NGOs to register as "foreign agents" if they receive any kind or amount of foreign funding and engage in "political activities," a term that is defined so loosely so as to include any activities aimed at "influencing" the decision-making of public authorities or "shaping" public opinion. In addition to the stigmatizing nature of this law, harsh sanctions are foreseen for violations of it: NGOs may be suspended without a court decision and given heavy fines and their leaders may face criminal charges. Another law adopted in December 2012 provides for suspending and freezing the assets of NGOs that receive funding from US sources and are deemed to engage in "political activities." Shortly before the mass NGO

inspections began, President Putin used a mid-February Federal Security Services gathering to reiterate his allegations that foreign-funded organizations work for “foreign interests” and to call for implementation of the new NGO legislation. Anti-extremism legislation already previously in force in Russia defines “extremism” in an excessively broad way and is open to arbitrary enforcement stifling legitimate free expression.

While Russian prosecutors do have powers to supervise that public associations comply with legislation in force, the context in which the current NGO inspections are being carried out coupled with their scope and nature can only create the impression that they are aimed at intimidating and putting pressure on NGOs, in particular those that benefit from foreign grants for public advocacy work on human rights and related issues. There is also reason to fear that these inspections constitute only the first step toward enforcing the new repressive NGO legislation, and thus toward silencing inconvenient groups. In an indication of this, a crew from the state-controlled NTV station known for its sensationalist coverage and anti-opposition propaganda showed up during the inspection of the human rights NGO Memorial in Moscow on 21 March, making its way into the organization’s office and filming there without asking for permission. Later that day NTV aired a story that accused Memorial of seeking to “hide” information about its sources of funding and suggested that the group may face legal consequences for failing to register as a “foreign agent.”

The same day as these events took place in Russia, the UN Human Rights Council adopted a new important resolution on the protection of human rights defenders (A/HRC/22/L.13). This resolution, which was passed without a vote and with broad cross-regional support, calls on states to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity, to refrain from criminalizing or imposing discriminatory restrictions on sources of funding for human rights activities, as well as to ensure that laws to protect national security are not misused to target human rights defenders or groups. The new resolution complements the 1999 Declaration on Human Rights Defenders that was adopted by consensus by the UN General Assembly and that commits states to take all necessary steps to guarantee the right to conduct human rights work individually and through associations and NGOs, as well as to solicit, receive and utilize resources for this purpose (e.g. by receiving funds from abroad).

**In view of these two documents and other international agreements and treaties that protect the right to engage in human rights activities, as well as the rights to freedom of association and expression, we call for an end to the current campaign of intimidation and harassment of Russian NGOs. We urge members of the international community that have not yet done so to convey concerns about the ongoing mass NGO inspections, to express unequivocal support for Russia’s civil society and to insist that Russian legislation and policies affecting NGOs are brought into line with international human rights standards. We urge in particular the EU and its institutions and representatives to respond to this situation, in accordance with the EU commitment to support and protect civil society and human rights activists in third countries, as set out in the EU Human Rights Strategic Framework and the EU Guidelines on Human Rights Defenders. The EU should make clear that pressure and scare tactics against NGOs are contrary to Russia’s international human rights undertakings and incompatible with a genuine EU-Russia partnership for modernization, an initiative discussed at European Commission-Russian government talks held in Moscow on 21-22 March, just as a series of NGO inspections were carried out in this and other Russian cities.**

Signed by:

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|---|---|
| 1) International Partnership for Human Rights (Belgium)               | 20) People in Need (Czech Republic)   |
| 2) Norwegian Helsinki Committee                                       | 21) UNITED for Intercultural Action (Netherlands)   |
| 3) Center for Civil Liberties (Ukraine)                               | 22) Moscow Helsinki Group   |
| 4) Institute for Reporters' Freedom and Safety (Azerbaijan)           | 23) Helsinki Committee of Armenia   |
| 5) Foundation of Regional Initiatives (Ukraine)                       | 24) Belarusian Helsinki Committee   |
| 6) Human Rights Club (Azerbaijan)                                     | 25) Nota Bene (Tajikistan)  |
| 7) Bulgarian Helsinki Committee                                       | 26) Helsinki Citizens' Assembly – Vanadzor (Armenia)                                      |
| 8) Crude Accountability (United States)                               | 27) Helsinki Committee for Human Rights in Serbia   |
| 9) Legal Transformation Center (Belarus)                              | 28) Association of Ukrainian Human Rights Monitors on Law Enforcement (Association UMDPL) |
| 10) Promo Lex Association (Moldova)                                   | 29) Article 19 (United Kingdom)   |
| 11) Georgian Young Lawyers' Association                               | 30) Albanian Helsinki Committee   |
| 12) Human Rights Center of Azerbaijan                                 | 31) Belarusian Human Rights House (Lithuania)   |
| 13) Kharkiv Regional Foundation "Public Alternative" (Ukraine)        | 32) International Youth Human Rights Movement   |
| 14) Helsinki Foundation for Human Rights (Poland)                     | 33) Index on Censorship (United Kingdom)  |
| 15) Center for the Development of Democracy and Human Rights (Russia) | 34) Voice of Freedom Public Foundation (Kyrgyzstan)                                       |
| 16) Center for National and International Studies (Azerbaijan)        | 35) Kazakhstan International Bureau for Human Rights and Rule of Law                      |
| 17) Ukrainian Helsinki Human Rights Union                             | 36) Norwegian Helsinki Committee  |
| 18) Public Verdict Foundation (Russia)                                | 37) Human Rights Monitoring Institute (Lithuania)   |
| 19) Netherlands Helsinki Committee                                    |   |

Other organizations underwriting this statement:

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|---|--|
| 1) Institute for Development of Freedom of Information (Georgia)          | 12) Victimology Society of Serbia                              |
| 2) Human Rights Movement Bir Duino-Kyrgyzstan                             | 13) Policy center (Serbia)                                     |
| 3) Transparency International   | 14) Center for Development of Civil Society (Serbia)           |
| 4) Humanitarian Law Center (Serbia)                                       | 15) Independent Journalists' Association of Vojvodina (Serbia) |
| 5) Center for Cultural Decontamination (Serbia)                           | 16) Center for Euro-Atlantic Studies (Serbia)                  |
| 6) Civil Rights Defenders (Serbia)  | 17) Praxis (Serbia)  |
| 7) Women in Black (Serbia)  | 18) Autonomous Women's Center (Serbia)                         |
| 8) Belgrade Fund for Political Excellence (Serbia)                        | 19) Independent Journalists' Association of Serbia – IJAS      |
| 9) Sandzak Committee for Protection of Human rights and Freedoms (Serbia) | 20) Center for Regionalism (Serbia)                            |
| 10) Labris - Lesbian Human Rights Organization (Serbia)                   | 21) Belgrade Center for Human Rights (Serbia)                  |
| 11) Center for Development of Non-Profit Sector (CDNPS) (Serbia)          | 22) Open Society Foundation, Serbia                            |
|   | 23) Fund BKV (Serbia)  |

- 24) European Movement in Serbia
- 25) Reconstruction Women`s Fund (Serbia)
- 26) Voice of Difference (Serbia)

- 27) Lawyers` Committee for Human Rights (Serbia)
- 28) Group 484 (Serbia)

## **CIVIC SOLIDARITY PLATFORM CONDEMNS HARSH RESPONSE BY THE AZERBAIJANI AUTHORITIES TO PROTESTS**

*30.01.2013*

The Civic Solidarity Platform and the International Partnership Group for Azerbaijan (IPGA) condemn the harsh response by the Azerbaijani authorities to recent protests in the country, and call on the Council of Europe to ensure Azerbaijan respects its human rights obligations as a member state.

Social tensions in Azerbaijan have risen in recent days. On Wednesday, 23 January 2013, the town of Ismayilli was shaken by protests and on Saturday, 26 January 2013, hundreds of people demonstrated in the capital Baku to express solidarity with recent protests across the country. This social unrest was triggered by widespread corruption.

The Baku assembly was brutally dispersed by the police and around 50 demonstrators were arrested. Among them were the prominent blogger Emin Milli, the human rights defender and Rafto Prize winner Malahat Nasibova, the human rights lawyer Intigam Aliyev, as well as the investigative journalist, Fritt Ord Foundation and ZEIT Foundation award winner Khadija Ismayilova.

The highest penalty was imposed on Emin Milli who was sentenced to administrative detention for 15 days. Abulfaz Gurbanli, Chairman of Azerbaijan Popular Front Party (APFP) Youth Committee, Turkel Azerturk, and Tunjay Guliyev, members of this Committee, and Rufat Abdullayev, NIDA Movement member, received 13 days of administrative detention. After a couple of hours the rest of the detainees were released, though some were fined as much as €2,500 for taking part in an unsanctioned peaceful demonstration under recently adopted draconian restrictions on freedom of peaceful assembly. Fines were imposed on 20 demonstrators.

Recent amendments to the law on assemblies significantly increased the fines for organizers and participants of illegal demonstrations, which is worryingly similar to recent legislative amendments in the Russian Federation. The new law increased fines for participation in illegal demonstrations to 500 to 1,000 manat (approx 500 to 1,000 EUR), and mandated fines of 1,500 to 3,000 manats (approx. 1,500 to 3,000 EUR) for organizers who are ordinary citizens, and from 3,000 to 6,000 manats (3,000 to 6,000 EUR) if the organizer is an official.

On Wednesday, 23 January 2013, the Parliamentary Assembly of the Council of Europe (PACE) rejected the report comprising the list of political prisoners in Azerbaijan prepared by Christoph Strässer. Many of the Azerbaijani activists who were detained or fined were present at the Assembly in Strasbourg or commented on it in blogs and newspapers.

Another resolution regarding Azerbaijan's commitments as a member of Council of the Europe, which was successfully adopted by PACE last Wednesday, 23 January 2013, stated that "recently adopted amendments to the Criminal Code and the Administrative Code, which have increased penalties for the organisers of, and participants in, "unauthorized" gatherings raise concern. Considering the authorities' ongoing blanket ban on protests in Baku city centre, these amendments are likely to have a further negative impact on freedom of assembly and freedom of expression."

The Civic Solidarity Platform and the IPGA condemn the arrests of participants in the peaceful protest in Baku. We call upon the international community to demand that the Azerbaijani authorities stop punishing critical voices, including those of human rights defenders and journalists. The Azerbaijani authorities should guarantee special protection for human rights defenders, who play a crucial role in monitoring assemblies

and assisting detained demonstrators. Journalists exercising their professional duty should not be targeted as their role as watchdog is vital in a democratic society.

We particularly call on the Council of Europe Commissioner for Human Rights, Nils Muižnieks, to highlight the problem of the detention of demonstrators during his upcoming visit to Azerbaijan.

We call on the CoE Committee of Ministers to undertake a serious debate on the participation of Azerbaijan in the Council of Europe, particularly ahead of its chairmanship which is scheduled for May-November 2013.

The Civic Solidarity Platform calls on the European Parliament to adopt a resolution on these recent detentions in Azerbaijan during the plenary session scheduled for 4-7 February 2013.

## RUSSIA: POLICE RAID IN THE VORONEZH HUMAN RIGHTS HOUSE

20.12.2012

Members of the Civic Solidarity Platform condemn the December 19 raid by plain-clothed Russian police on the premises of the Human Rights House-Voronezh. Coming on the heels of the adoption of a number of repressive laws that restrict the ability of Russian activists to carry out their legitimate work, these searches represent another clear case of the misuse of state power to harass human rights defenders. Civic Solidarity calls on the international community to speak out against this and other cases of harassment and to insist that the Russian government puts an end to such actions.

The police officers who carried out the search on Wednesday refused to identify themselves or present a search warrant. Not only did they search the premises, but they also forcibly removed Victoria Gromova, director of the Youth Human Rights Movement, from one of the offices; confiscated the phone of another activist, Lubov' Zakharova of the human rights news agency Article20, while she was commenting on the events; locked a number of activists in one of the rooms; and refused to allow an attorney into the building. They confiscated two private computers, two hard disks and USB drives.

This was the second raid of the day in Voronezh. Earlier in the morning police officers from the anti-extremism department and investigators from Moscow began searches at the homes of activists including human rights defender Natalia Zvyagina, representative of the Interregional Human Rights Group Voronezh/Black Earth and Transparency International, as well as the Public Monitoring Commission. The official pretext was the investigation of the high-profile case of opposition activists Sergei Udaltsov, Leonid Razvozzhayev and Konstantin Lebedev who are accused of «plotting mass disorders».

The Human Rights House-Voronezh brings together a number of well-known human rights groups including: the international Youth Human Rights Movement, a Civic Solidarity Platform member with Council of Europe participative status; the Interregional Human Rights Group; regional representations of Memorial and “Golos”; the Civil Initiative “Green Alternative” and the regional representation of Transparency International-Russia. Among other groups with offices in this building are the Union of Professional Writers, the Centre for Civic Initiatives, the “Confederation of Free Labour” trade union organization, the Interregional Free Student Union, and Lawyers for Labour Rights. The building also hosts the personal office of Andrey Yurov, head of the International Observation Mission of the Committee of International Control (CIC) over the Human Rights Situation in Belarus and recently selected member of the presidential Human Rights Council, and the private cabinet of attorney Olga Gnezdilova.

We, members of the Civic Solidarity Platform, express solidarity with our colleagues from the International Youth Human Rights Movement and the other human rights groups targeted by the raids in Voronezh. We appeal to Russia's international partners to stand by Russian civil society as it faces growing pressure and to hold the Russian government accountable to its international obligations to protect human rights defenders.

Signed by:

- 1) Albanian Helsinki Committee (Albania)
- 2) Article 19 (United Kingdom)

- 3) Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine)

- 4) Bulgarian Helsinki Committee (Bulgaria)
- 5) Centre for Civil Liberties (Ukraine)
- 6) Centre for the Development of Democracy and Human Rights (Russia)
- 7) Centre for National and International Studies (Azerbaijan)
- 8) Crude Accountability (United States)
- 9) Foundation for Regional Initiatives (Ukraine)
- 10) Freedom Files (Russia)
- 11) Georgian Young Lawyers' Association (Georgia)
- 12) Helsinki Committee on Human Rights in Serbia (Serbia)
- 13) Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan)
- 14) Kharkiv Regional Foundation "Public Alternative" (Ukraine)
- 15) Helsinki Citizen's Assembly – Vanadzor (Armenia)
- 16) Helsinki Committee of Armenia (Armenia)
- 17) Helsinki Foundation for Human Rights (Poland)
- 18) Human Rights Club (Azerbaijan)
- 19) Institute for Reporters, Freedom and Safety (Azerbaijan)
- 20) Human Rights Monitoring Institute (Lithuania)
- 21) Index on Censorship (United Kingdom)
- 22) International Partnership for Human Rights (Belgium)
- 23) Legal Transformation Centre (Belarus)
- 24) Moscow Helsinki Group (Russia)
- 25) Netherlands Helsinki Committee (the Netherlands)
- 26) Nota Bene (Tajikistan)
- 27) People in Need (Czech Republic)
- 28) Promo LEX Association (Moldova)
- 29) Public Verdict (Russia)
- 30) Ukrainian Helsinki Human Rights Union (Ukraine)
- 31) United Against Racism (Netherlands)

## **EU HIGH REPRESENTATIVE FAILS TO PUBLICLY DENOUNCE RIGHTS VIOLATIONS IN CENTRAL ASIA**

*09.12.2012*

Civic Solidarity Platform members regret that during her recent visit to Central Asia the EU High Representative for Foreign Affairs did not publicly engage on human rights issues in a more substantive manner. This is particularly disappointing as the EU is about to receive the Nobel Peace Prize for its 'advancement of peace and reconciliation, democracy and human rights'.

Between 27 and 30 November 2012, Baroness Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, undertook her first official visit to four of the five Central Asian republics: Kyrgyzstan, Uzbekistan, Tajikistan and Kazakhstan. In each of these countries, she held talks with the presidents of the states. In Kyrgyzstan she additionally attended an EU-Central Asia Ministerial meeting, where the Turkmen government also was represented.

Civic Solidarity members believe the visit should have been used as an opportunity to convey more forcefully an EU message of support for human rights and civil society, explicitly linking progress in these areas to strengthened EU engagement with the Central Asian countries.

Official visits on this level are a rare occurrence in Central Asia. Each of the Central Asian republics faces enormous challenges in the sphere of human rights and democracy. While there are considerable differences between the four countries Ashton visited, one aspect shared by all is that their human rights movements are under pressure and greatly anticipated Ashton's arrival, particularly given the strengthening of EU's human rights policy in June 2012.

The EU Strategic Framework and Action Plan on Human Rights and Democracy that was adopted in the summer reinforced treaty obligations for EU institutions to "place human rights at the centre of its relations with all third countries". It also set out an obligation for EU officials to "raise human rights issues vigorously in all appropriate forms of bilateral political dialogue, including at the highest level."

While Ashton's discussions with heads of state were closed to the public, the public statements she made afterwards bore witness of a one-sided focus on energy, security and trade during the talks, with little attention given to human rights issues. None of these statements included any degree of detail on the human rights issues covered, and the remarks she made after meeting with the president of Kazakhstan made no mention at all that human rights were among the issues discussed, while noting that the talks had "focused on economic and trade issues". This apparent failure to bring human rights to the forefront of the agenda was met with disappointment by the region's human rights defenders, in particular in Kazakhstan, where restrictions on freedom of expression and other fundamental freedoms have escalated rapidly in the recent period and civil society has come under growing pressure.

Moreover, while human rights issues can be expected to be integrated into behind-the-door discussions the EU conducts with third party governments, it is also crucial that high-ranking EU officials take a strong public stand on pressing human rights problems in countries they visit. This is instrumental as a means of showing that the EU is serious about human rights and of communicating support to civil society actors in these countries in their struggle against injustice and repression. In our view, the commitments set out in the EU Rights Strategic Framework and Action Plan on Human Rights should have prompted High Representative Ashton to give more priority to human rights and to publicly and prominently denounce serious human rights violations during her visit to the Central Asian republics.

The responsibility of the EU to act visibly as a pro-human rights actor in relation to third countries is further highlighted by the EU's peace and rights legacy for which it received international recognition on 12 October 2012, when it was announced that the 2012 Nobel Peace Prize will be awarded to the European Union. In its announcement, the Norwegian Nobel Committee pointed to the role the European Union has played in the advancement of peace and reconciliation, democracy and human rights.

In the twenty-three years that have passed since the fall of the Berlin Wall, the European Union and its member states have done considerable work to promote respect for human rights and democratic values in Eastern Europe. Now is the time to take these values to those parts of the former Soviet Union that may be geographically distant from Brussels, but which share a common history and culture with Europe and are members of the Organization for Security and Cooperation in Europe (OSCE).

Europe's values demand that high-ranking European officials dare to ask the difficult questions, on behalf of those few who try every day to raise them on their own at considerable risk to their personal safety and security. The human rights situation in Central Asia is particularly dire, and the following list identifies but a few of the issues that human rights defenders in the region expected to be raised:

- The lack of an independent investigation into the 2005 Andijan events in Uzbekistan;

- The systematic use of torture in Uzbekistani jails;

- Long prison sentences without evidence handed down in unfair trials for ethnic Uzbeks in the south of Kyrgyzstan following the 2010 violent clashes;

- The wrongful imprisonment of human rights defender Azimzhan Askarov on the basis of politically motivated charges linked to violent clashes in the south of Kyrgyzstan in 2010;

- The 7 ½ year prison sentence of Kazakhstani opposition leader Vladimir Kozlov linked to his public support for the Zhanaozen oil worker protests that preceded the December 2011 unrest in this region;

- The lack of a legal base for the initiative made to close independent media in Kazakhstan, the week after it became a member of the UN Human Rights Council;

- The blocking of Facebook and other websites by Tajikistani authorities this month; and

- The disproportionate use of force, including the killing of civilians, as part of a police investigation in Gorno-Badakshan in Tajikistan in July 2012;

- Unrelenting persecution of civil society in Uzbekistan and Turkmenistan;

- The continued use of band on travel abroad to punish individuals considered disloyal to the regime in Turkmenistan.

While some of these issues have been the subject of public EU statements in other contexts, we consider that they would have deserved to have been prominently and visibly brought up during the High Representative's visit to Central Asia.

Only through a consistent, no-negotiations approach to human rights will Central Asia reach its true potential, and only when human rights are respected can Central Asia become a reliable counterpart to the EU – in security, in energy, and in partnership.

Signed by:

- 1) Analytical Centre for Interethnic Cooperation and Consultation (Georgia)
- 2) Article 19 (United Kingdom)
- 3) Association of Ukrainian Human Rights Monitors on Law Enforcement (Ukraine)

- 4) Belarusian Human Rights House in exile, Vilnius
- 5) Bulgarian Helsinki Committee (Bulgaria)
- 6) Centre for Civil Liberties (Ukraine)

- 7) Centre for the Development of Democracy and Human Rights (Russia)
- 8) Centre for National and International Studies (Azerbaijan)
- 9) Charter for Human Rights (Kazakhstan)
- 10) Crude Accountability (United States)
- 11) Foundation for Parliamentarism Development (Kazakhstan)
- 12) Foundation for Regional Initiatives (Ukraine)
- 13) Freedom Files (Russia)
- 14) Georgian Young Lawyers' Association (Georgia)
- 15) Golos Svobody (Kyrgyzstan)
- 16) Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan)
- 17) Kharkiv Regional Foundation "Public Alternative" (Ukraine)
- 18) Helsinki Citizen's Assembly – Vanadzor (Armenia)
- 19) Helsinki Committee of Armenia (Armenia)
- 20) Helsinki Foundation for Human Rights (Poland)
- 21) Human Rights Club (Azerbaijan)
- 22) Human Rights Monitoring Institute (Lithuania)
- 23) International Foundation for Protection of Freedom of Speech Adil Soz (Kazakhstan)
- 24) International Partnership for Human Rights (Belgium)
- 25) Legal Policy Research Centre (Kazakhstan)
- 26) Legal Transformation Centre (Belarus)
- 27) Moscow Helsinki Group (Russia)
- 28) Norwegian Helsinki Committee (Norway)
- 29) Nota Bene (Tajikistan)
- 30) People in Need (Czech Republic)
- 31) Promo LEX Association (Moldova)
- 32) Public Verdict (Russia)
- 33) United Against Racism (Netherlands)
- 34) Tatiana Chernobil, independent Expert (Kazakhstan)

## **CIVIL SOCIETY ISSUES RECOMMENDATIONS TO THE OSCE MINISTERIAL COUNCIL MEETING**

*09.12.2012*

On 5 December 2012 the Civic Solidarity Platform, a network of more than 50 human rights NGOs from throughout the OSCE region, has organized 2012 OSCE Parallel Civil Society Conference on the margins of the Dublin Ministerial Council meeting.

Building upon the tradition of the OSCE parallel civil society conferences in Astana in 2010 and Vilnius in 2011, the Civic Solidarity Platform developed a set of documents with civil society recommendations to the participants of the Ministerial Council meeting in Dublin on 6-7 December. These documents contain civil society analysis and recommendations on thematic priorities of the Irish OSCE Chairmanship (freedom of expression and racism and xenophobia), other alarming human dimension issues across the OSCE region, human dimensions issues in Ukraine in light of the country's upcoming OSCE Chairmanship, and civil society recommendations on reform of the OSCE human dimension process.

The documents are addressed to governments of the OSCE participating States and all OSCE institutions working in the human dimension, including the current and the upcoming Chairmanships, the Permanent Council, the Human Dimension Committee, ODIHR, the OSCE Secretariat, the OSCE Parliamentary Assembly, the OSCE High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media, and the OSCE field missions, offices and centres.

Activists from Azerbaijan, Belarus, Belgium, Georgia, Ireland, Lithuania, Moldova, the Netherlands, Norway, Russia, Serbia, Sweden, Turkmenistan, Ukraine, the United Kingdom, and other countries have discussed the documents and formally adopted them at the OSCE Parallel Civil Society Conference on 5 December in Dublin. The documents will be submitted to the Irish Chairmanship for distribution among the participants of the Ministerial Council meeting.

We hope that this analysis and recommendations will be studied carefully, used during discussions in Dublin and in the work of OSCE thereafter, and look forward to reaction of all interested stakeholders. While some of our recommendations may be implemented immediately, others require consistent efforts during a longer period of time as they relate to systemic problems. Therefore, we would like to draw attention to these recommendations of Ukraine, Switzerland and Serbia as the upcoming OSCE Chairmanships. We express our commitment to continued active engagement of civil society in the work of OSCE in the spirit of the Helsinki Principles and our determination to contribute towards full realization of respect for human rights and fundamental freedoms, democracy and the rule of law.

## **SECURITY OF HUMAN RIGHTS DEFENDERS: TIME FOR OSCE TO ACT**

06.12.2012

**DUBLIN DECLARATION SECURITY OF HUMAN RIGHTS DEFENDERS: TIME FOR OSCE TO ACT** adopted by the participants of the Parallel Civil Society Conference Dublin, 5 December 2012 The Parallel Civil Society Conference, considering that the 1998 Declaration on Human Rights Defenders, proclaimed by the United Nations General Assembly, states (Article 1) that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, noting that similar provisions have long before been established in the 1975 Helsinki Final Act, in which the States participating in the Conference on Security and Cooperation in Europe recognized “the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and wellbeing necessary to ensure the development of friendly relations and co-operation among themselves as among all States”, and confirmed “the right of the individual to know and act upon his rights and duties in this field”, underlining that these provisions are essential elements of the human dimension, which in turn is essential for the comprehensive security concept underlying the Helsinki process and the OSCE, considering also that participating States confirmed in the 1989 Vienna Concluding Document that “they will respect the right of persons to observe and promote the implementation of OSCE provisions and to associate with others for this purpose”,

**EXPRESSES** grave concern about an increasing lack of compliance with this commitment in many OSCE participating States, with human rights defenders being persecuted for their legitimate work, banned from entering OSCE states where they do human rights monitoring, subjected to smear campaigns, branded as foreign agents and enemies of the state, imprisoned, subjected to torture and inhuman and degrading treatment, convicted on the basis of fabricated charges for crimes they have not committed, forced to emigrate, threatened, physically attacked and even murdered without any effective investigations being pursued, leading to prevailing impunity for perpetrators,

**URGES** the OSCE Ministerial Council to explicitly re-affirm its commitment to respect the right of persons to observe and promote the implementation of CSCE provisions and to associate with others for this purpose, and to develop the organization’s work on protection of human rights defenders,

**CALLS ON** the OSCE to adopt a more extensive and explicit OSCE commitment on security and protection of human rights defenders within the next few years,

**ENCOURAGES** the OSCE to take several other concrete steps without delay to develop appropriate mechanisms and tools for security and protection of human rights defenders, including the following:

1) Establishment of a panel of independent experts on security and protection of human rights defenders. The panel would review the existing provisions of OSCE documents in relation to human rights defenders, as well as relevant standards of the other intergovernmental institutions, make proposals to the participating States on an explicit OSCE commitment and develop draft guidelines for implementation of this commitment.

2) Development of guiding principles for the OSCE institutions and field missions on addressing the issue of security and protection of human rights defenders in their work.

3) Establishment of a mandate of an OSCE Representative on Security and Protection of Human Rights Defenders as a separate institution within the OSCE, with a mandate similar to existing OSCE Representatives.

4) Inclusion of the issue of security and protection of human rights defenders in the standard agenda of OSCE human dimension events.

Bringing these ideas to life depends on many actors in the OSCE community. This process will take time, especially given that some participating States may see protection of human rights defenders as “interference with their domestic affairs” and an erosion of their sovereignty. However, we insist that human dimension issues, including the security of human rights defenders, are, according to the Helsinki principles solemnly reconfirmed by participating States as recently as 2010, “a matter of direct and legitimate concern of other participating States” . This principle guides us in our work. Over the last two decades there have been many discussions in the OSCE about the need to develop more effective mechanisms and institutions to address the issue of security of human rights defenders. It is high time for the OSCE to move from words to actions.

## **FURTHER CRACKDOWN IN BELARUS: OFFICE OF VIASNA CONFISCATED AND SEALED**

*29.11.2012*

The Civil Solidarity Platform condemns the confiscation, on 26 November, of the office of its member in Belarus, the Human Rights Centre Viasna (Spring). Early on that day, bailiffs accompanied by police entered the office and ordered that it be evacuated by the staff present, removed and confiscated all equipment including shelves, desks, stove, and blinds and curtains from the windows. The office was then sealed off by the police.

This new attack on the right to freedom of association is the last of a series of measures taken by the Belarus authorities to stifle dissent and outlaw, harass and prosecute human rights NGOs and their representatives. While the right to freedom of association is protected by the Belarus constitution, the authorities are violating the country's supreme law as well as international standards that Belarus has ratified under the U.N. and commitments it has undertaken as a member of the OSCE.

The confiscation of the office was conducted on the basis of a court decision pronounced a year ago, on 24 November 2011, against the Chairman of Viasna, FIDH Vice-President and famous human rights defender Ales Bialiatsky. He was convicted to 4.5 years in prison and confiscation of all his property on charges of gross tax evasion. These charges were leveled against him because he had opened bank accounts in his name in Vilnius and in Warsaw so as to make it possible to receive funding from international donors for the human rights work of his organisation after it was de-registered in 2003 and, having lost its legal status, prevented from having a bank account in Belarus. His trial was marked by blatant violations of the right of defense and the right to a fair trial. No international observers were granted a visa to enter Belarus to observe the trial, among those denied entry were staff members of International Partnership for Human Rights (IPHR) and the Norwegian Helsinki Committee, both members of the Civil Solidarity Platform. The confiscated apartment has been the premise of Viasna's activity for more than twelve years.

Ales Bialiatsky was arrested on 4 August 2011, a few days after testifying at the European Parliament Foreign Affairs Committee (AFET). Since then the European Parliament and European External Action Service (EEAS), UN human rights bodies, Council of Europe and OSCE representatives have repeatedly called for Ales Bialiatsky's release, but to date the Belarusian authorities have persistently refused to re-consider their position. In addition he has been subjected to discriminatory treatment in prison, and various pretexts have been used to impose disciplinary measures on him and restrict his rights to receive food parcels and visits. Most recently, he was not allowed to receive necessary medicine for his medical condition and had his access to social contact with other prisoners limited.

The Civic Solidarity Platform condemns the new steps taken by the authorities aimed at putting an end to the activities of the famous NGO that has continued to courageously carry out its work during the incarceration of its head in spite of the harassment its members have been increasingly subjected to over the last year.

Viasna has reacted to the closure of their office by issuing a statement declaring "The reprisals against the head and the members of the HRC "Viasna", as well as the confiscation of assets, will not stop our activities. All victims of human rights violations can still count on our support and assistance. We will continue defending the human rights values, struggle for their respect by the Belarusian authorities and inform the Belarusian society and the international community about the real situation of human rights in Belarus."

The Civic Solidarity Platform expresses its full support to Viasna's staff and calls on the Belarus authorities to drop all charges against Ales Bialiatsky and release him unconditionally, to allow Viasna to continue its work in its current office premises and to stop the ongoing repression against the staff of this organisation and all other human rights NGOs in the country. We further urge the international community to support our demands and persist in calling upon President Lukashenko's government to refrain from any further attempts at stifling civil society.

*On behalf of the Civic Solidarity Platform:*

- |   |   |
|---|---|
| 1) International Partnership for Human Rights, IPHR (Belgium)                 | 19) Belarusian Helsinki Committee                                   |
| 2) Norwegian Helsinki Committee   | 20) Helsinki Foundation for Human Rights (Poland)                   |
| 3) Freedom Files (Russia)   | 21) Legal Transformation Center (Belarus)                           |
| 4) Center for Civil Liberties (Ukraine)                                       | 22) Helsinki Committee for Human Rights in Serbia                   |
| 5) Bulgarian Helsinki Committee   | 23) Belarusian Human Rights House (Lithuania)                       |
| 6) Center for National and International Studies (Azerbaijan)                 | 24) Georgian Young Lawyers' Association                             |
| 7) People in Need, PIN (Czech Republic)                                       | 25) ARTICLE 19  |
| 8) Moscow Helsinki Group (Russia)   | 26) Notabene (Tajikistan)   |
| 9) Public Verdict Foundation (Russia)   | 27) Ukrainian Helsinki Human Rights Union                           |
| 10) Human Rights House Foundation, HRHF                                       | 28) Golos Svobody (Voice of Freedom) Public Foundation (Kyrgyzstan) |
| 11) Kazakhstan International Bureau for Human Rights and Rule of Law          | 29) Helsinki Citizens' Assembly – Vanadzor (Armenia)                |
| 12) Human Rights Club (Azerbaijan)  | 30) Hungarian Helsinki Committee                                    |
| 13) Index on Censorship (United Kingdom)                                      | 31) Kharkiv regional foundation Public Alternative (Ukraine)        |
| 14) Netherlands Helsinki Committee  | 32) Foundation of Regional Initiatives (Ukraine)                    |
| 15) Helsinki Committee in Armenia   | 33) PromoLex (Moldova)  |
| 16) Center for the Development of Democracy and Human Rights, CDDHR (Russia)  | 34) Human Rights Center of Azerbaijan                               |
| 17) Analytical Center for Interethnic Cooperation and Consultations (Georgia) | 35) Kosova Rehabilitation Centre for Torture Victims – KRCT         |
| 18) Albanian Helsinki Committee   |   |

## **CIVIC SOLIDARITY PLATFORM STATEMENT ON NEW LAW RAISING FINES ON PROTESTS IN AZERBAIJAN**

08.11.2012

We, the undersigned members of the Civic Solidarity Platform wish to urgently draw the attention of the Council of Europe Parliamentary Assembly to new legislation adopted on 2 November by the Parliament of the Republic of Azerbaijan, which increases fines to a disproportionate level and introduces criminal sentences for breaching regulations for organising and attending rallies.

New amendments to the law “On freedom of assembly”, and to the Criminal Code, will see fines for protesters who violate the law raised from 300 manat (\$385) to 8,000 manat (\$10,200) and introduce a prison sentence of two years. The amendments will come into effect after President Ilham Aliyev signs them into law.

Criminalising the organisation and attendance of peaceful protests is a clear step backwards and will have an increasingly chilling effect on freedom of expression in Azerbaijan.

Freedom of assembly rights have already been severely restricted in recent years as official requests are routinely turned down and peaceful protests forcefully dispersed.

We are deeply concerned about this restrictive legislation which is worryingly similar to recent amendments to legislation adopted in the region. It seems to draw in particular on the new law that dramatically raises fines for people found guilty of participating in unsanctioned rallies that came into effect in Russia in June 2012.

We urge the Azerbaijani authorities to reconsider the amendments and adopt a legislation respecting its international obligations to ensure the right to peaceful assembly and to protect those exercising this right in all circumstances, including by replacing the authorisation system by a simple notification system, and by adopting measures limiting the use of violence against peaceful protesters by security agents.

We call upon the government of the Republic of Azerbaijan to interact with the Council of Europe’s Venice Commission, which should review the new legislation without delay.

We further call upon the government of the Republic of Azerbaijan to officially invite the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit the country and implement his recommendations.

In January 2013, the Parliamentary Assembly of the Council of Europe (PACE) is due to review a report by the PACE Monitoring Committee on Azerbaijan’s compliance with its accession commitments. The continued denial of the right to freedom of assembly in Azerbaijan is inter alia an issue the Council of Europe should urgently address.

Finally, as a participating State to the Organisation of Security and Cooperation in Europe (OSCE), Azerbaijan has committed itself to high standards of democracy. We call upon OSCE participating States to urge Azerbaijan to fulfil its international engagements, including on the right to peaceful assembly.

Signed by:

1) Article 19 Belarusian Human Rights House in exile, Vilnius  
2) Bulgarian Helsinki Committee  
3) Centre for Civil Liberties (Ukraine)  
4) Centre for the Development of Democracy and Human Rights (Russia)

5) Center for National and International Studies (CNIS), Baku, Azerbaijan  
6) Foundation for Regional Initiatives (Ukraine)  
7) Freedom Files (Russia)

- 8) Georgian Young Lawyers' Association
- 9) Helsinki Citizen's Assembly – Vanadzor (Armenia)
- 10) Helsinki Committee of Armenia
- 11) Helsinki Committee for Human Rights (Serbia)
- 12) Helsinki Foundation for Human Rights (Poland)
- 13) Human Rights Centre of Azerbaijan
- 14) Human Rights Club Azerbaijan
- 15) Human Rights House Foundation
- 16) Human Rights Monitoring Institute (Lithuania)
- 17) Index on Censorship
- 18) Institute for Reporters' Freedom and Safety (Azerbaijan)
- 19) International Partnership for Human Rights (Belgium)
- 20) Kazakhstan International Bureau for Human Rights
- 21) Legal Transformation Centre
- 22) Moscow Helsinki Group
- 23) Netherlands Helsinki Committee
- 24) Norwegian Helsinki Committee
- 25) Nota Bene (Tajikistan)
- 26) Public Verdict Foundation
- 27) Ukrainian Helsinki Human Rights Union

## **CIVIC SOLIDARITY PLATFORM CALLS ON AUTHORITIES OF AZERBAIJAN TO STOP CRACKDOWN ON PEACEFUL PROTEST**

*05.11.2012*

We, the undersigned members of the Civic Solidarity Platform are alarmed to learn that, on 20 October 2012, police detained around 100 activists in Azerbaijan, to hinder a protest planned by youth movements and political parties. Protesters were also detained in the regions to prevent them from travelling to the protest in Baku.

Protesters had gathered anyway at Fountain Square in Baku to call for the dissolution of the parliament, following the release of video footage showing that senior ministers and MPs in government had been involved in selling parliamentary seats.

The video footage taken at the protest shows the police using excessive force to disperse the peaceful protestors. Although the Baku city mayorality did not authorize the rally per se, the right to peaceful assembly comprises the right to protest by simple notification. The peaceful protestors did not disturb public order. Therefore, police should not have dispersed the demonstration and should certainly not have used force to do so.

Following the breakup of the protest, 14 opposition activists were arrested and sentenced to administrative (misdemeanour) imprisonment terms, ranging from 7 to 10 days, for failing to obey police orders. Those arrested include former prisoners of conscience, Tural Abbasli, Rufat Hajibayli and Ahad Mammadli, who were previously sentenced from one and a half to two and a half years of imprisonment for taking part in protests on 2 April 2011, but later released by presidential pardon on 22 June 2012 following sustained international pressure in the run up to the Eurovision Song Contest which took place in Baku in May 2012.

The same day people in ordinary clothes were unjustifiably detaining participants of a meeting of the opposition Musavat Party, held in the party's headquarters. When exiting the building nearly 60 members of the party were forcibly brought to police stations, 4 were sentenced between 7-10 days of detention, 26 were fined and the rest were released.

We are deeply concerned about the Azerbaijani authorities' de facto ban of demonstrations, which is in clear violation of Azerbaijan's constitutional and international obligations to freedom of assembly and freedom of expression. Article 11 of the European Convention on Human Rights places obligations on the States to respect the right of freedom of assembly and to ensure in all circumstances that protesters are not subjected to ill-treatment.

As a Council of Europe member, this crackdown on peaceful protest provides even more cause for concern. In January 2013, the Parliamentary Assembly of the Council of Europe (PACE) is due to review a report by its Monitoring Committee on Azerbaijan's compliance with its accession commitments. The continued denial of the right to freedom of assembly in Azerbaijan is something that the Council of Europe should be monitoring very closely. The European Union – Azerbaijan human rights dialogue is currently being prepared and incidents such as this need to be included in it.

In light of the recent events, we call on the Azerbaijani authorities to immediately release all those who were detained for exercising their fundamental democratic right to freedom of assembly and to put an end to the ban on demonstrations in the centre of the capital.

In relation to the arrests, the Civic Solidarity Platform is also concerned about the proposed amendments to the Law on Freedom of Assembly, the Criminal Code and the Code of Administrative Violations which were proposed by MP Rafael Jabrayilov, who sent the draft to Parliament on 16 October. On 23 October, the parliamentary committee

on legal policy and state building discussed the draft and it was recommend to the plenary session of Parliament for discussions and voting. According to these amendments the fines for organizers and participants of illegal demonstrations will increase, which is worryingly similar to the recent amendments to the legislation in the Russian Federation. Under the current legislation the fines are from 7 to 13 manat (approx. 7-13 EUR) for participation in an illegal demonstration. The proposed law would increase this to from 500 to 1000. If the organizer is an ordinary citizen the fine will be from 1500 to 3000, and from 3000 to 6000 if the organizer is an official. If the organiser is a legal entity (e.g. political party, NGO) then the fine will be from 15000 to 30000. These amendments prove once again that the government is interested in restricting, already week, freedom of assembly protection in the eve of the 2013 Presidential elections.

We urge the Azerbaijani Parliament to vote against these amendments.

Signed by:

- |   |  |
|---|--|
| 1) Albanian Helsinki Committee  | 16) Helsinki Committee of Armenia                            |
| 2) Association of Ukrainian monitors on Human Rights conduct in Law Enforcement (Ukraine) | 17) Human Rights Centre of Azerbaijan                        |
| 3) Analytical Center for Interethnic Communication and Consultations                      | 18) Human Rights House Foundation (Norway)                   |
| 4) Belarusian Helsinki Committee  | 19) Human Rights Monitoring Institute (Lithuania)            |
| 5) Belarusian Human Rights House in exile, Vilnius  | 20) Helsinki Committee for Human Rights (Serbia)             |
| 6) Bulgarian Helsinki Committee   | 21) Index on Censorship                                      |
| 7) Centre for Civil Liberties (Ukraine)   | 22) Institute for Reporters' Freedom and Safety (Azerbaijan) |
| 8) Centre for the Development of Democracy and Human Rights (Russia)                      | 23) International Partnership for Human Rights (Belgium)     |
| 9) Center for National and International Studies (CNIS), Baku, Azerbaijan                 | 24) Kazakhstan International Bureau for Human Rights         |
| 10) Crude Accountability  | 25) Legal Transformation Centre                              |
| 11) Freedom Files (Russia)  | 26) Moscow Helsinki Group                                    |
| 12) Foundation for Regional Initiatives (Ukraine)   | 27) Norwegian Helsinki Committee                             |
| 13) Georgian Young Lawyers' Association   | 28) Nota Bene (Tajikistan)                                   |
| 14) Helsinki Citizen's Assembly – Vanadzor (Armenia)                                      | 29) Promo LEX Association (Moldova)                          |
| 15) Helsinki Foundation for Human Rights (Poland)   | 30) Public Verdict Foundation                                |
|   | 31) Ukrainian Helsinki Human Rights Union                    |

## STATEMENT ON THE VERDICT AGAINST PUSSY RIOT

22.08.2012

Civic Solidarity Platform calls on the Russian appellate court, upon the filing of an appeal, to uphold Russia's international obligations with regard to respect for freedom of expression and quash the criminal convictions against Nadezhda Tolokonnikova, Maria Alyokhina and Yekaterina Samutsevich of the music band Pussy Riot.

On Friday 17 August 2012, the three were sentenced to two years in prison after being convicted of hooliganism motivated by religious hatred under Article 213-2 of the Criminal Code of the Russian Federation. The charges relate to a protest which the group staged in Moscow's main Russian Orthodox cathedral on 21 February 2012 during which they performed their song Virgin Mary, Drive Putin Away. An edited version of the performance was later uploaded to YouTube.

We, the undersigned organizations, consider the conviction of the three women for their peaceful, if controversial and, in the views of some, offensive protest action, to be wrongful and excessive. In this case, Russian criminal law was misused to stifle freedom of expression as protected by international human rights law.

The Pussy Riot trial is part of a crackdown on freedom of expression since Vladimir Putin returned to the Russian presidency in May 2012. The sentencing of Pussy Riot is emblematic of the Russian government's increasing intolerance of dissent. In June 2012 the Kremlin significantly increased fines for violating the rules on holding peaceful assemblies and, at the same time, toughened these rules to make it more difficult to even hold public protests. The Russian government passed a law that gives authorities the power to order what they consider "extremist" content to be removed from Russian websites. Many fear that this law will be used to crack down on dissent and shut down anti-Putin websites. Russia's State Duma also adopted a bill that requires many non-governmental organizations, mostly advocacy groups, which receive donations from outside Russia, to register as "foreign agents."

In their closing statements at their trial, Tolokonnikova, Alyokhina, Samutsevich and their lawyers delivered devastating critiques of the state of justice and civic freedoms in Russia. Yekaterina Samutsevich stated: "The whole world now sees that the criminal case against us has been fabricated. The system cannot conceal the repressive nature of this trial. Once again, the world sees Russia differently from the way Putin tries to present it at his daily international meetings".

Following the trial, which has drawn unprecedented international attention, Russian police rounded up pro-Pussy Riot protesters, including former world chess champion Garry Kasparov and the leftist opposition group leader Sergei Udaltsov.

The OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed concern over the tendency towards curbing freedom of expression, stating that: "Charges of hooliganism and religious hatred should not be used to curb freedom of expression. Speech no matter how provocative, satirical or sensitive should not be restricted or suppressed and under no circumstances should it lead to imprisonment."

Secretary General of the Council of Europe, Thorbjørn Jagland, also expressed his profound disappointment at the verdict: "The sentence against the Pussy Riot group, as well as the length and conditions of their pre-trial detention seem harsh in relation to the nature of the offence committed in a secular state, member of the Council of Europe and party to the European Convention on Human Rights".

As a State Party to the European Convention on Human Rights (ECHR) Russia has undertaken legal obligations to uphold the rights to freedom of assembly and expression and to guarantee the enjoyment of those rights without discrimination.

We call upon the authorities of the Russian Federation to put an end to the harassment of activists and to ensure that the fundamental right to freedom of expression is upheld and that no one is imprisoned for peacefully expressing their political views.

Signed by:

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|---|--|
| 1) Article 19   | 16) Human Rights Club (Azerbaijan)                                   |
| 2) Association of Ukrainian monitors on Human Rights conduct in Law Enforcement (Association UMDPL) (Ukraine) | 17) Human Rights House Foundation (Norway)                           |
| 3) Belarusian Helsinki Committee  | 18) Human Rights Monitoring Institute (Lithuania)                    |
| 4) Belarusian Human Rights House in exile, Vilnius  | 19) Index on Censorship  |
| 5) Bulgarian Helsinki Committee   | 20) Institute for Reporters' Freedom and Safety (Azerbaijan)         |
| 6) Centre for Civil Liberties (Ukraine)   | 21) International Partnership for Human Rights (Belgium)             |
| 7) Center for National and International Studies (Azerbaijan)   | 22) Kazakhstan International Bureau for Human Rights and Rule of Law |
| 8) Centre for the Development of Democracy and Human Rights (Russia)  | 23) Lawtrend (Legal Transformation Center – Belarus)                 |
| 9) Crude Accountability   | 24) Moscow Helsinki Group  |
| 10) Eurasia Justice Initiative (USA)  | 25) Netherlands Helsinki Committee                                   |
| 11) Freedom Files (Russia)  | 26) Norwegian Helsinki Committee                                     |
| 12) Georgian Young Lawyers' Association   | 27) Nota Bene (Tajikistan)   |
| 13) Golos Svobody (Kyrgyzstan)  | 28) People in Need (Czech Republic)                                  |
| 14) Helsinki Citizen's Assembly – Vanadzor (Armenia)  | 29) Promo LEX Association (Moldova)                                  |
| 15) Helsinki Committee of Armenia   | 30) Youth Human Rights Movement (Russia)                             |

## **CIVIL SOCIETY ORGANIZATIONS' STATEMENT ON THE SITUATION IN GORNO-BADAKHSHAN, TAJIKISTAN**

02.08.2012

A group of civil society organizations appealed to the President of Tajikistan Emomali Rahmon with their serious concerns by the deepening crisis in the city of Khorog, where for the third straight day the situation remains unstable. Early on the morning of July 24, law enforcement and security agencies launched a special operation to identify and arrest those accused of the murder of the Chief of State National Security Committee in Gorno-Badakhshan, Abdullo Nazarov. In spite of the fact that the operation had been planned in advance, local authorities did not inform the civilian population of its intention to use lethal weapons, thereby putting at risk the lives of hundreds of women, children and elderly people. Since the beginning of the special operation the entire region has been left without any communications with the outside world. They have been blocked by order of the State Committee on National Security. Roads and air routes also remain fully closed, including for humanitarian goods; in some areas, there is no electricity. However, during a press conference on July 26, the head of communication services of the government of Tajikistan, Beg Zukhurov, once again claimed that the reason for the lack of communication in the region is that a cable was damaged during the fighting and that telecommunications will be restored in the next few days. Access to the "Asia Plus" news portal was blocked on July 23 and remains limited, in connection with the events in Gorno-Badakhshan. Today, following an oral order from the government, access to YouTube was also blocked, after a video was posted depicting local Khorog residents peacefully demonstrating their opposition to the deployment of additional troops to the area. The region has always attracted a large number of tourists, and currently more than 60 foreign tourists are blocked in the region; their fate also remains unknown. A major concern is the fate of the young soldiers, conscripts who have been sent to the region without proper training and knowledge on the conduct of military operations in mountainous terrain. According to official data, during the operation some 42 people were killed, including 30 members of illegal armed groups, and 12 soldiers. There are also reports of 20 casualties among the civil population. Today, despite the announcement of a full ceasefire on July 25, there is still no solid information on the situation in the region, and conflicting rumors may further destabilize the situation in the country. In this connection, we urge the government to:

1. Immediately announce a full cessation of hostilities in Khorog and its environs;
2. Reactivate the telephone and other forms of communication with the region;
3. Allow the presence of humanitarian missions;
4. Provide operational information on the situation in the region;
5. Allow representatives of civil society and media access to the region to provide assistance and to assess the situation;
6. Ensure full guarantees of human rights during the investigation of the incidents in Khorog in regard of the persons detained during the operation in line with Tajikistan's international obligations.

Signed by:

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|---|----------------------------------|
| 1) Association of young lawyers<br>"Amparo"   | 3) Public Foundation "Nota Bene" |
| 2) Bureau for Human rights and rule of<br>law | 4) IPO "Right and Prosperity"    |
|   | 5) Human Rights Center           |

- 6) Independent Center for Human Rights Protection
- 7) Consumers Union of Tajikistan
- 8) Bulgarian Helsinki Committee
- 9) Albanian Helsinki Committee
- 10) Legal Policy Research Center (Kazakhstan)
- 11) Promo Lex Association (Moldova)
- 12) Moscow Helsinki Group (Russia)
- 13) Public Foundation "Golos Svobody" (Kyrgyzstan)
- 14) Center for Civil Liberties (Ukraine)
- 15) Kharkiv Human Rights Protection Group (Ukraine)
- 16) Human Rights Monitoring Institute in Lithuania

- 17) Helsinki Citizens' Assembly - Vanadzor (Armenia)
- 18) Center for the Development of Democracy and Human Rights (Russia)
- 19) Helsinki committee of Armenia
- 20) The Belarusian Human Rights House
- 21) International Federation of Human Rights (France)
- 22) Ukrainian Helsinki HR Union
- 23) Crude Accountability (USA)
- 24) Kazakhstan International Bureau for Human Rights and Rule of Law
- 25) Georgian Young Lawyers' Association
- 26) Human Rights Center of Azerbaijan

## **STATEMENT ON STOPPING THE HARASSMENT AND INTIMIDATION OF ACTIVISTS AND JOURNALISTS IN AZERBAIJAN**

*23.07.2012*

We, the undersigned members of the Civic Solidarity Platform and the International Partnership Group on Azerbaijan (IPGA), urgently call on the Council of Europe, the EU and the Organization for Security and Co-operation in Europe (OSCE) to press the Azerbaijani government to immediately stop the harassment and intimidation of civil society activists and journalists in Azerbaijan, and to conform to international standards and commitments on freedom of expression and on the rights of human rights defenders. Fears that harassment would intensify in the aftermath of the 2012 Eurovision Song Contest appear to have been well-founded. Harassment increased after an adviser to President Ilham Aliyev, Ali Hasanov, publicly threatened civil activists at a conference just days after the Eurovision final. On 31 May 2012, at a conference entitled ‘The role of NGOs in the development of civil society’, Hasanov warned that opposition activists “should not dare appear in society” and urged conference attendees to show ‘public hatred’ against these individuals. A speech by President Aliyev, during a Cabinet of Ministers meeting on Wednesday 11 July 2012, provided further cause for concern when he branded civil activists “anti-nationalist forces” and “traitors to the nation” for exposing human rights problems in the country ahead of the song contest. We are shocked and alarmed at these statements and believe that the government of Azerbaijan is stepping up its campaign of intimidation and interrogation of activists and critical journalists in retaliation for their extensive work in the lead up to the Eurovision. Perhaps the most emblematic of this harassment is the arrest and detention, on 12 June 2012, of photographer Mehman Huseynov on hooliganism charges. Huseynov was very active in Sing for Democracy, a civil society campaign that sought to expose and seek improvements to Azerbaijan’s human rights record ahead of the Eurovision Song Contest. His photographs were extensively disseminated in social networks and used by local and international media and other organizations. His arrest seems to have been clearly intended to intimidate and punish him for his activism, and to send a warning signal to others. Although Huseynov has since been released, the politically-motivated criminal charges against him still stand. These actions contravene Azerbaijan’s obligations as a member state of Europe’s oldest human rights organisation, the Council of Europe. They are even more worrying in light of the recent Council of Europe Parliamentary Assembly Resolution 1891 (2012) on the situation of human rights defenders in member states. The Resolution calls on member states to “stop accusing human rights defenders of being extremists or agents of foreign powers unless there exists compelling evidence to this effect”. Moreover, the Resolution appeals to member states to put an end to any administrative, fiscal or judicial harassment of human rights defenders, to create an enabling environment for their work, and to ensure, in all circumstances, that they are able to carry out their activities in accordance with international human rights standards and relevant national legislation. As a member of the United Nations Security Council, Azerbaijan should uphold universal United Nations standards, such as the Declaration on Human Rights Defenders. In her report to the Human Rights Council in 2010, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, underlined that “the growing characterization of human rights defenders as ‘terrorists’, ‘enemies of the State’ or ‘political opponents’ by State authorities and State-owned media is a particularly worrying trend, as it is regularly used to delegitimize the work of defenders and increase their vulnerability”. This on-going retaliation and politically motivated persecutions of activists and journalists in Azerbaijan since the Eurovision

Song Contest indicate that the government is determined to silence critical voices. Azerbaijan's international partners must view these worrying trends as a signal of a potentially broader crackdown against critical activists and take immediate action. In the aftermath of the Eurovision Song Contest, and, with international attention on Azerbaijan diminishing, we urgently appeal to the Council of Europe, EU member states, and the OSCE to publicly highlight that intimidation and harassment of activists in Azerbaijan is unacceptable and to call on the Azerbaijani government to put an end to these practices.

Signed by:

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| 1) Albanian Helsinki Committee  | 14) Human Rights House Foundation                        |
| 2) Article 19   | (Norway)   |
| 3) Association of Ukrainian monitors on Human Rights conduct in Law Enforcement (Association UMDPL) (Ukraine) | 15) Human Rights Monitoring Institute (Lithuania)        |
| 4) Belarusian Helsinki Committee  | 16) Human Rights Watch                                   |
| 5) Belarusian Human Rights House in exile, Vilnius  | 17) Index on Censorship                                  |
| 6) Centre for Civil Liberties (Ukraine)   | 18) International Partnership for Human Rights (Belgium) |
| 7) Centre for the Development of Democracy and Human Rights (Russia)  | 19) Media Diversity Institute                            |
| 8) Center for National and International Studies (CNIS), Baku, Azerbaijan                                     | 20) Moscow Helsinki Group                                |
| 9) Freedom Files (Russia)   | 21) Netherlands Helsinki Committee                       |
| 10) Georgian Young Lawyers' Association   | 22) Norwegian Helsinki Committee                         |
| 11) Golos Svobody (Kyrgyzstan)  | 23) Nota Bene (Tajikistan)                               |
| 12) Helsinki Citizen's Assembly – Vanadzor (Armenia)  | 24) PEN International                                    |
| 13) Helsinki Foundation for Human Rights (Poland)   | 25) People in Need, Czech Republic                       |
|   | 26) Promo LEX Association (Moldova)                      |
|   | 27) Reporters Without Borders                            |
|   | 28) Ukrainian Helsinki Human Rights Union                |
|   | 29) Youth Human Rights Movement                          |

## STATEMENT ON POLITICAL CONTROL OF THE MEDIA IN UKRAINE

23.07.2012

We, the undersigned members of the Civic Solidarity Platform, urge the Council of Europe, EU institutions and member states and the OSCE to immediately call upon the Ukrainian authorities to put an end to restrictions on freedom of expression and the on-going political interference with the media in Ukraine.

The freedom of expression situation has worsened in Ukraine since 2010. We were deeply disturbed to learn that, on 12 July 2012, just three months before the parliamentary elections, Ukraine's tax police raided the office of the only independent national television station in Ukraine, TVi, as part of a criminal investigation for large scale tax evasion by its head, Mykola Kniazhytsky.

The timing of this latest investigation, potentially crippling the broadcasting of TVi before the parliamentary elections, is particularly suspicious, and seems to be yet another attempt to limit Ukrainian broadcasting in its diversity and plurality, censoring independent voices through legal means.

The political censorship of channels, such as TVi, raises numerous questions regarding the lawfulness of interference in the activities of independent media in Ukraine as well as equal treatment of all television channels. Moreover, on 20 September 2010 the Council of Europe Parliamentary Assembly already raised concerns about developments that could undermine the principle of media pluralism in Ukraine. The situation of media pluralism in Ukraine has been deteriorating ever since.

In September and October 2011 the OSCE Representative on the Freedom of the Media also called upon the Ukrainian authorities to restore media pluralism and ensure transparency of media ownership. Simultaneously on 25 October 2011 the European Parliament issued a resolution on developments in Ukraine in which MEPs expressed concerns concerning the deterioration of media freedom and pluralism in Ukraine and called on the authorities to take all necessary measures to protect these essential aspects of a democratic society and to refrain from any attempt to control, directly or indirectly, the content of national media reporting.

Media pluralism, as an element of freedom of expression, has been underlined on many occasions by the European Court of Human Rights. In its judgments (e.g. case *Frasilă i Ciocirlan p. Rumunii* application no. 25329/03, judgment issued on 10 May 2012) the Court highlights positive obligations of the state to ensure broadcasting activities by journalists and media owners and underlines that States should also institute mechanisms which would not hinder journalistic activities, especially in the period before elections, where the public should receive pluralistic information about candidates.

The on-going political interference with the media is even more worrying in light of the EU-Ukraine agreement which is due to be signed in the next few months. Freedom of expression and media pluralism are enshrined in the EU Charter of Fundamental Rights. The EU Commission finalised in 2011 the "Three-step approach for advancing the debate on media pluralism" which highlights the importance of media pluralism as an element of democratic society. Moreover, according to the EU-Ukraine Agenda adopted on 24 November 2009, Ukraine committed itself to promote "the legal and administrative framework necessary for the enjoyment of freedom of expression with a particular emphasis upon the mass media and the rights of journalists".

Despite its international commitments, Ukraine continues to violate media pluralism and freedom of expression. Therefore, increasing political control over the media in and interfering with the right to freedom of expression in Ukraine must be treated as an extremely urgent matter and the international community should

immediately call upon the Ukrainian authorities to put an end to the on-going political control of the media.

Signed by:

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|--|--|
| 1) Albanian Helsinki Committee                       | 12) Helsinki Foundation for Human Rights (Poland)        |
| 2) Article 19  | 13) Human Rights Monitoring Institute (Lithuania)        |
| 3) Belarusian Helsinki Committee                     | 14) International Partnership for Human Rights (Belgium) |
| 4) Belarusian Human Rights House in exile, Vilnius   | 15) Moscow Helsinki Group                                |
| 5) Centre for Civil Liberties (Ukraine)              | 16) Netherlands Helsinki Committee                       |
| 6) Centre for the Development of Democracy and       | 17) Norwegian Helsinki Committee                         |
| 7) Human Rights (Russia)                             | 18) Nota Bene (Tajikistan)                               |
| 8) Freedom Files (Russia)                            | 19) Promo LEX Association (Moldova)                      |
| 9) Georgian Young Lawyers' Association               | 20) Ukrainian Helsinki Human Rights Union                |
| 10) Golos Svobody (Kyrgyzstan)                       |  |
| 11) Helsinki Citizen's Assembly – Vanadzor (Armenia) |  |

## **STATEMENT BY THE CIVIC SOLIDARITY PLATFORM ON THE HARASSMENT AND INTIMIDATION OF RUSSIAN NGOS**

*18.07.2012*

We, the undersigned members of the Civic Solidarity Platform, urgently call on the Russian Authorities to put an immediate end to the on-going harassment and intimidation of Non-Governmental Organizations (NGOs) in Russia.

NGOs in Russia, who are critical of government policies and who highlight human rights violations, continue to face judicial harassment, stigmatization and even risk of closure. The right to freedom of assembly has increasingly been under attack in Russia, with police frequently dispersing peaceful public rallies by civil society activists and the political opposition, sometimes using unnecessary or excessive force.

On 7 July 2012, we were deeply alarmed to learn about another attempt to instigate criminal proceedings against the Committee Against Torture (CAT) Chairman, Igor Kalyapin under article 310 of the Criminal Code on the grounds of report from Nizhniy Novgorod Federal Security Service that was sent to North Caucasian Investigational Committee. Earlier in January 2012, Kalyapin was charged with disclosure of 'state secrets', which constitutes a crime under Article 283 of the Criminal Code of the Russian Federation, and carries a prison sentence of 3 to 7 years.

Mr Kalyapin maintains that he was not disclosing any criminal investigation materials, but simply highlighting for the public the overt reluctance of investigative authorities to deal with crimes committed by Kadyrov's supporters. The Committee Against Torture regards this development as part of a systematic intimidation campaign inspired by high-ranking suspects and states that rights of CAT lawyers working in Chechnya have been repeatedly violated. Just recently, on June 1 2012, the colleagues of Igor Kalyapin were also subjected to strong verbal abuse from the high-ranking local officials in Chechnya, including the Head of the Chechen Republic, Mr. Ramzan Kadyrov. The three members of the Joint Mobile Group, Dmitry Utukin, Sergey Babinets and Roemer Lemaitre were summoned to a meeting and had unfounded accusations discrediting their work thrown at them. This occurrence causes alarm and apprehension for the safety and well-being of the CAT lawyers working in the region.

A further cause for concern is the case of Philipp Kostenko, a member of a prominent anti-discrimination NGO that defends the rights of the Roma population in the Russian Federation, who was framed as a criminal and wanted by police, as depicted in posters appearing on public buildings and advertisement boards in St. Petersburg on 20 June 2012. These posters form part of a continued campaign of defamation and intimidation against Mr Kostenko and the NGO ADC Memorial.

We are also deeply concerned about the increasingly restrictive legislation on NGOs which curtails fundamental freedoms. The amendments to the law on public rallies and administrative code, which were passed on 6 June 2012, seriously undermine the right to freedom of assembly in Russia. Moreover, the recently approved draft legislation requiring all foreign-funded civil society groups to register as "foreign agents", if approved, would result not only in the further stigmatization of NGOs in Russia, but would also subject them to severe auditing and reporting requirements, and potentially ruinous financial and legal sanctions following any breaches.

By implementing such restrictive legislation, the Duma is in clear breach of its international human rights commitments, and specifically the rights to freedom of association and freedom of expression.

The Civic Solidarity Platform urgently calls on the Federal Security Service of the Russian Federation (FSB) and law makers to put an end to these continued harassment tactics against NGOs in Russia. 13 July 2012