



/ EUROPE AND THE COMMONWEALTH OF INDEPENDENT STATES (CIS)

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



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/ ALBANIA

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Expulsion of two trade unions from their premises¹

On August 1, 2007, the Confederation of Albanian Trade Unions (*Konfederata e Sindikatave të Shqipërisë* - KSSH) and the Confederation of Independent Trade Unions of Albania (*Bashkimi I Sindikatave Te Pavarura Shqiptare* - BSPSH) were expelled from their premises by the Albanian authorities. The police arrived without a warrant, and prevented the trade union members from entering the building. They then proceeded to destroy property and several documents belonging to these trade unions. Some of the documents were also seized. The police later announced that they had acted on the basis of a Court decision concerning the seizure of a property by the former communist government.

On October 3, 2007, the KSSH President, Mr. **Kol Nikollaj**, and several other trade union leaders met with the Albanian Prime Minister, Mr. Sali Berisha, who promised to settle the problem. However, by the end of 2007, KSSH and BSPSH had still not returned to their premises, and no solution had been found. Indeed, since December 2007, KSSH members have had to rent two apartments in the centre of Tirana in order to be able to continue their activities. BSPSH members were being accommodated in the offices of the Mineworkers' Trade Union.

Furthermore, on October 17, 2007, KSSH was informed that several of its documents relating to financial matters and to the lease of its former premises, which had been seized in August 2007, had been thrown out onto the pavement. Several KSSH members arrived on the spot, but were prevented from recovering the documents. The KSSH executive committee denounced these abuses to the Tirana Public Prosecutor. By the end of 2007, no information was available on the action taken regarding this complaint.

In July 2006, the Albanian Minister of Justice and the Minister of Labour, Social Affairs and Equal Opportunity had already both promised to find alternative solutions to the housing problems KSSH and BSPSH were facing, after the police had made several attempts to expel the trade unions from their premises.

1./ See Press Release of the International Trade Union Confederation (ITUC), August 3, 2007.

/ BELARUS

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Ongoing acts of harassment against the Belarusian Helsinki Committee²

On January 19, 2007, the presidential administration, which owns most of the administrative buildings in Belarus, informed the Belarusian Helsinki Committee (BHC) that it intended to cancel its lease of indeterminate duration, which had been signed in 1998. The Committee was therefore obliged to vacate the premises, meaning, under Belarus law, that it automatically lost its legal address and had to apply for a new official registration certificate.

On January 31, 2007, following numerous reactions from inter-governmental and non-governmental organisations, the presidential administration extended the lease for one year, and BHC was able to move back into its premises.

However, BHC remained in 2007 threatened with closure. In 2004, the Ministry of Justice had indeed applied to the Supreme Court to liquidate BHC, following accusations of tax fraud concerning funds allocated to the Committee between 2000 and 2002 by the European Union under the Technical Assistance to the Commonwealth of Independent States (TACIS) programme. BHC consistently rejected such accusations, on the grounds that according to an agreement signed in 1994 between the European Commission and Belarus, funds granted under the European programme were tax-free.

In April 2007, the Ministry of Justice asked the Supreme Court to suspend proceedings against BHC in order to enable the latter to regularise its situation and pay the tax arrears due to the State budget. Since then, the situation has remained pending, the Committee being constantly under the threat of immediate closure.

Ongoing arbitrary detention of Ms. Ekaterina Sadovskaya³

As of the end of 2007, Ms. **Ekaterina Sadovskaya**, President of the Belarusian office of the regional human rights movement “Vetché” in Pskov, remained in detention.

On July 25, 2006, Ms. Sadovskaya had been arrested and placed in a psychiatric hospital. Following a medical examination, she had been deemed legally sane and transferred to Minsk prison no. 1.

On October 23, 2006, Ms. Sadovskaya had been convicted and sentenced by the Leninski District Court to two years’ imprisonment for “insulting the person of the President” (Article 368-2 of the Criminal Code). She was also ordered to pay four million roubles (about 1,500 euros) in damages to the judges of the Kirov Court, in the Mogilyov region, for “threats and contempt of court” (Articles 389 and 391 of the Criminal Code). The first set of charges referred to a draft letter dated January 21, 2006 that was found during a search at her home, in which Ms. Sadovskaya requested an independent psychiatric assessment of the Belarusian President’s health. The second set of charges related to a claim by the judges of the Kirovski District Court, in the Mogilyov region, according to which they had received threatening letters from Ms. Sadovskaya. However, experts were unable to give conclusive evidence that the letters had been printed from her computer.

On December 22, 2006, the verdict had been confirmed on appeal by the Minsk Court.

2./ See Annual Report 2006.

3./ *Idem*.

Ongoing acts of harassment against Viasna⁴

Detention and sentencing of Mr. Mikola Lemianusky

On January 12, 2007, Mr. **Mikola Lemianusky**, a member of the human rights NGO “Viasna”, was arrested while carrying out an observation mission on local elections, and placed in temporary detention.

On January 15, 2007, the District Court of Oktiabrskii, in the city of Grodno, sentenced him to three days’ administrative detention for “hooliganism”, under Article 156 of the Administrative Code. Mr. Lemianusky did not appeal the decision.

Refusal to re-register Viasna⁵

On July 23, 2007, Viasna submitted a re-registration request to the Belarusian Ministry of Justice, which had to reply within one month.

On August 28, 2007, the Ministry refused to re-register Viasna, in violation of communication n°1296/2004 of the United Nations Committee on Human Rights, issued on July 24, 2007, enjoining the Belarus authorities to re-register Viasna. The Ministry based its decision on the fact that “the Charter of the association [would] not [be] in conformity with the Law on Public Associations”, in that “it [would not contain] any concrete objectives [that would seem to suggest that the association could pursue so-called subversive goals], that “the information provided on certain members of the association was “erroneous” and that 20 founder members out of 69 had been charged with criminal offences, five of them having been found guilty”.

On October 26, 2007, the rejection of Viasna’s application for re-registration was confirmed on appeal by the Belarus Supreme Court. The Court considered that under Article 12.6 of the Law on Associations, it was, *inter alia*, “forbidden to give a new association the name of an organisation closed down by a Court order”. The association was also reproached for “not having produced to the registration body the document certifying that it had paid the State tax, as required by Article 13 of the Law”.

On October 28, 2003, Viasna had been closed down pursuant to a ruling by the Supreme Court at the request of the Ministry of Justice, in a context of very serious deterioration of freedom of association⁶.

Search of BKDP premises⁷

On December 6, 2007, two militia members of the Leninsky district of Minsk, accompanied by two other persons in plainclothes, entered the office of the Belarus Federation of Democratic Trade Unions (BKDP), the main independent Belarusian trade union, and carried out a search without a warrant. The police arrested several young BKDP members who were present in the office, printing information about a meeting of entrepreneurs, and confiscated equipment and documents belonging to the organisation.

The BKDP members were later released, but summoned to appear in court for “hooliganism”. As of the end of 2007, no additional information on the charges against them could be obtained.

4./ *Idem*.

5./ See Press Release, August 31, 2007.

6./ 89 associations were dissolved by legal means in 2003 and 2004, several of which were human rights organisations, and about 40 associations were dissolved by legal means in 2005. Furthermore, on August 1, 2005, amendments to the Law on Public Associations entered into force, thus leading to further restrictions of freedom of association in Belarus.

7./ See Urgent Appeal BLR 001/1207/OBS 163.

Continuation of the extradition procedure against Mr. Azer Samedov⁸

On October 29, 2007, the United Nations High Commissioner for Refugees (HCR) granted refugee status to Mr. **Azer Samedov**, President of the Caucasus Centre for the Protection of Freedom of Conscience and Religious Beliefs (DEVAMM) and an Azerbaijani national citizen who emigrated to Georgia.

However, by the end of 2007, the extradition procedure against him was still ongoing.

On March 31, 2006, Mr. Samedov had been arrested in Tbilisi by officers of the anti-terrorist section of the Ministry of the Interior, at the request of the Azerbaijani authorities. Mr. Samedov had left his country for Georgia following the troubles in the aftermath of the 2003 presidential election, which he had monitored. He was accused of “participating in mass disorder” (Article 220 of the Criminal Code) and “resistance to State representatives” (Article 315) in relation to these troubles, which are punishable by a sentence of five to seven years’ imprisonment.

On April 2, 2006, the Tbilisi Court had confirmed the legitimacy of Mr. Samedov’s detention in the capital’s investigative prison n°5 for a two-month period. Mr. Azer Samedov had appealed the ruling and was released on bail on April 14, 2006 following international pressure, but the charges against him remained pending.

On April 17, 2006, Mr. Samedov had submitted a petition for asylum to the Georgian authorities and the HCR.

On August 18, 2006, his request for political asylum with the Minister for Refugees had been rejected. The Minister had notably declared that Mr. Azer Samedov sought to obtain political asylum to “develop a political platform directed against Azerbaijan”. Mr. Samedov had appealed against that decision and, during a preliminary hearing on October 31, 2006, the Court had held that his appeal was admissible.

On August 21, 2006, the HCR had granted him a pass valid until December 21, 2006, which was subsequently extended several times.

Ongoing acts of harassment against members of the Egalitarian Institute⁹

On March 19, 2007, Mr. **Jaba Jishkariani**, a member of the Egalitarian Institute, was arrested after being sentenced, on the same day, to one month in prison for “contempt of court” (Article 208 of the Criminal Code) by the Court for Minors. The sentence was related to what he had said about the sentencing, in 2006, of Mr. Giorgi Zerekidze, a juvenile prisoner, to ten years’ imprisonment for “attempted murder” and “hooliganism”; the sentence was reduced to seven years on March 19, 2007. Mr. Jishkariani had reproached the Court for its lack of independence and had declared that the sentencing was unfair, adding that the guardians of the Court were “the slaves of Mr. Ivane Merabishvili [the Minister of the Interior]”.

On April 18, 2007, Mr. Jaba Jishkariani was released from the pre-trial detention centre of the Ministry of the Interior.

Furthermore, on June 12, 2007, Messrs. Jaba Jishkariani, **Davit Dalakishvili** and **Levan Gogichaishvili**, also members of the Egalitarian Institute, were arrested while calling for the release of Mr. Irakli Batiashvili, a leader of the “Tsin Sakartvelo” party, who had been sentenced to seven years’ imprisonment in May 2007, by writing their requests on the road in front of the Prosecutor’s office.

8./ See Annual Report 2006.

9./ See Annual Report 2006 and Urgent Appeals GEO 004/0606/OBS 085.2 and 085.3.

Messrs. Jishkariani, Dalakishvili and Gogichaishvili were charged by the Administrative Court with “violating public order” and “disobedience to the police” and sentenced to 25 days’ imprisonment. They were detained in the pre-trial detention centre of the Ministry of the Interior.

On July 7, 2007, the three men were released.

Ongoing harassment against GHM¹⁰

Judicial proceedings against GHM

On April 23, 2007, the Patras Prosecutor, Mr. Nikolaos Nikolaou, decided to reject the complaint lodged by the Greek Helsinki Monitor (GHM) on September 27, 2006 against Mr. Lambros Sofoulakis, the then Prosecutor with the Court of First Instance, and Mr. Anastassios Kanellopoulos, then Head of the Prosecutor's office in charge of appeals, for "defamation", "abuse of power", and "racist declarations" against the Roma people, which had been reported by the press.

On May 18, 2007, GHM appealed against the decision and, by the end of 2007, the appeal procedure was still pending.

On January 20, 2006, during an interview with *Radio Omega*, Mr. Anastassios Kanellopoulos had announced the opening of a preliminary investigation following the protests of Patras residents who had alleged that six Roma families were dumping litter in a river in the Makrigianni district. During this interview, Mr. Kanellopoulos had indicated that he would identify those responsible for such acts and their accomplices, referring explicitly to the GHM, an organisation known for its work on behalf of the Roma people. In particular, GHM had requested several weeks earlier that the Prosecutor open an investigation into a series of illegal evictions, assaults and acts of discrimination against Roma people.

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

On July 5, 2006, Mr. Kanellopoulos had asserted that the case submitted before the court proved that "GHM had incited the Roma people to breach the law".

At the end of 2006, the investigations announced by the Prosecutor had finally been closed, without GHM and the accused Roma being able to have access to the file or present their defence, and following the expulsion of these Roma families.

Status of the judicial proceedings against Mr. Theodore Alexandridis

As of the end of 2007, the proceedings against Mr. **Theodore Alexandridis**, GHM Legal Advisor, were still pending, the date of the first hearing being scheduled for February 5, 2009.

In 2006, the Prosecutor had decided to examine the two complaints lodged by and against Mr. Alexandridis at the end of 2005. Indeed, on October 13, 2005, Mr. Alexandridis had filed a complaint with the police against the parents of pupils who had shown violence towards Roma children to prevent them from entering their school in Aspropyrgos, near Athens. On that occasion, the President of the Parents' Association had also filed a complaint against Mr. Alexandridis for "slander" and "defamation".

10./ See Annual Report 2006.

/ HOLY SEE

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Position adopted against Amnesty International due to its activities in favour of the decriminalisation of abortion¹¹

On June 12, 2007, in an interview given to the *National Catholic Register*, Cardinal Renato Martino, Head of the Peace and Justice Department of the Vatican, stated that Amnesty International had “betrayed its mission”, following the organisation’s decision to adopt a new position on abortion, adding that “the inevitable consequence of the decision [would] be the suspension of any financial support to Amnesty on the part of catholic organisations and also individual Catholics”.

This statement intervened subsequent to Amnesty International’s decision to incorporate a focus on specific aspects of abortion into its policy on sexual and reproductive rights, calling for the decriminalisation of abortion, and reasserting its support for the right of women to be free of all reprisals and threats when they have to face up to the consequences of rape and other serious human rights violations.

11./ See Press Release, June 22, 2007.

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Ongoing judicial proceedings against three members of Spravedlivost¹²

As of the end of 2007, the judicial proceedings against Ms. **Valentina Gritzenko**, Chairperson of the Regional Council of the human rights organisation “Spravedlivost” (“Justice”), which provides legal aid to the population, Mr. **Mahamatjan Abdujaparov**, the organisation’s lawyer, and Mr. **Abdumalik Sharipov**, author of the newsletter *The Law for All*, published by the organisation, remained pending.

In March 2006, Mr. Ali Mageev, Chief Inspector of the Jalal-Abad Regional Department for Internal Affairs, had lodged a complaint against Ms. Valentina Gritzenko, Mr. Mahamatjan Abdujaparov and Mr. Abdumalik Sharipov following the publication, in January 2006, of an article by Mr. Sharipov entitled “Women beaten, even when pregnant”. In this article he had denounced acts of violence committed by members of the police - and Mr. Ali Mageev in particular - against several women, including Ms. Narghiza Turdyeva, whose testimony he quoted. Mr. Mageev had claimed a million sums (around 20,000 euros) from the accused, and 157,000 sums (around 3,200 euros) in damages, for the publication of the article.

On June 20, 2006, during the first hearing, Mrs. Turdyeva, the main witness, had been insulted by some pregnant women who had come to support Mr. Mageev. When Mr. Abdumalik Sharipov had pointed this out to the judges during the hearing of June 21, Mr. Mageev had called for proceedings to be launched against Mr. Sharipov for “defamation” and “insult”. The hearing had been suspended and the trial postponed owing to Ms. Turdyeva’s state of health, eight months pregnant at the time.

Ongoing acts of harassment against KCHR and its Chairman¹³

In the evening of April 6, 2007, Mr. **Ramazan Dyrlydaev**, Chairman of the Kyrgyz Committee for Human Rights (KCHR), was attacked near his home by two men wearing hoods, who threw stones at him. He was just able to run away to his home and to take shelter. The aggressors then started to bang on his door and shouting threats.

On the next day, two unidentified men went to his office, trying to find out where he was. On the following days, Mr. Dyrlydaev and members of his family received countless threatening telephone calls.

On April 6, 2007, during a television programme, Mr. Dyrlydaev had criticised the policy pursued by the Kyrgyz authorities, particularly Mr. Kurmanbek Bakiev, President of the Republic, and Mr. Felix Kulov, leader of the opposition and former Prime Minister, accusing them of being involved in cases of corruption. He had also emphasised that the draft Constitution adopted in December 2006 had not taken into account the democratic aspirations of the May 2005 “Tulip Revolution”.

In addition, in July 2007, the KCHR was denied registration for the fourth time by the Ministry of Justice.

Furthermore, on September 13, 2007, Mr. Dyrlydaev discovered that an attempt had been made to set fire to the organisation’s office, into which he was planning to move the next day. Indeed, on entering the room, he noticed smoke and a smell of carbon dioxide and other chemicals.

The day before, as renovation work had just been completed, neighbours had heard the sound of an explosion coming from inside the apartment. Later, two unidentified and burnt-out items were found in the bathroom. They had apparently been thrown in through the ventilation duct.

As of the end of 2007, no investigation had been initiated into these various acts of harassment.

12./ See Annual Report 2006.

13./ See Annual Report 2006, Press Release, April 12, 2007 and Urgent Appeal KGZ 001/0907/OBS 115.

Ongoing acts of harassment against Mr. Maxim Kuleshov¹⁴

On September 12, 2007, Mr. **Maxim Kuleshov**, Coordinator of the Tokmok Human Rights Resource Centre and a member of the “World - Light of Culture” human rights NGO, was informed that a litigation case against him had been opened, following a complaint lodged by a deputy of the Tokmok city hall, Mr. Bolot Kadyrkulov, for “harming his honour and professional reputation”. A few months earlier, Mr. Kuleshov had lodged a complaint against Mr. Kadyrkulov for “breaching Kyrgyz law” on free access to information.

On October 16, 2007, the Tolmok Court sentenced Mr. Kuleshov to pay 6,000 sums damages and to present a public apology in the *My Town* newspaper. Mr. Kuleshov lodged an appeal with the Tchuyski Regional Court, which had not yet handed down its decision by the end of 2007.

Furthermore, on September 24, 2007, Mr. Kuleshov was sentenced to ten days’ imprisonment by the Tokmok Court for having recorded public debates in the Tokmok Assembly on the new draft Constitution, which was to be submitted to a referendum on October 21, 2007 by the President of the Republic, and for having taken pictures. The Mayor of Tokmok told Mr. Kuleshov to stop taking pictures and recording his speech, saying that he had no right to do so. Mr. Kuleshov was later arrested by plainclothes policemen.

After spending three days in the Tokmok detention centre, he was released following an appeal by his lawyer to the Tchuyski Regional Court, which suspended the execution of the sentence.

On October 17, 2007, the Tchuyski Regional Court confirmed Mr. Kuleshov’s sentencing. His lawyer lodged a further appeal before the Supreme Court, which also upheld the sentence.

For several years, Mr. Kuleshov has been denouncing human rights violations, in particular by initiating judicial proceedings against Tokmok officials having committed such violations and by taking cases of torture and ill-treatments to the criminal courts.

Obstacles to freedom of association¹⁵

On September 15, 2007, Mr. Akylbek Japarov, Kyrgyzstan Finance Minister, stated that the United States were providing an amount of 33 million dollars per year to various organisations operating in the country in order to support democracy, and that it was high time that the authorities be informed of the precise amounts allocated, to which organisations, and for what purpose, considering that not a single cent was allocated to the State budget.

Following this statement, the Kyrgyz financial police issued guidelines on NGO funding, under which Kyrgyz banks have to give reports on NGOs financial operations and on microcredit institutions operating in Kyrgyzstan and receiving funds from abroad. By the end of 2007, however, no NGO had been affected by these guidelines.

In January 2006, the Ministry of Justice had already given similar instructions, calling on the Ministry Registration Department to launch enquiries into all NGOs financed by international donors.

Arbitrary detention of Mr. Ulukbek Osmonov¹⁶

On November 26, 2007, Mr. **Ulukbek Osmonov**, a member of the Presidential Commission for Human Rights, of the Coalition of NGOs and Civil Society, and engaged in monitoring the elections, was arrested in Kazakhstan, where he had fled after being informed that he was about to be arrested in Kyrgyzstan. The Kazakh authorities then handed him over to the Kyrgyz police, which placed Mr. Osmonov in pre-trial detention at the Talas province Department for Internal Affairs, for “use of force against representatives of the authorities” and “infringement on life of law enforcement bodies”, charges for which he faces a life imprisonment sentence.

On May 26, 2007, on the occasion of the visit of the former Prime Minister AkImazbek Atambaev to the Talas province, demonstrators had rallied to protest against working conditions in the Djerui

14./ See Annual Report 2006 and Urgent Appeals KGZ 002/0907/OBS 119 and 119.1.

15./ See Press Release, October 2, 2007.

16./ See Urgent Appeal KGZ 003/1207/OBS 160.

goldmine. Mr. Osmonov had taken part in the demonstration, which ended in stones being thrown at Mr. Atambaev's car.

On November 29, 2007, Mr. Osmonov was released on parole pending his trial, which had still not taken place by the end of 2007.

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Presentation of a bill likely to endanger the freedom of peaceful assembly¹⁷

On January 17, 2007, a Bill entitled “Amendments to Certain Federal Laws on Gatherings, Demonstrations, Marches and Meetings” was presented to the Duma, containing further restrictions to the freedom of peaceful assembly and strengthening the already restrictive provisions of the 2004 Law on the subject. As a matter of fact, Article 5 of the Bill provided that persons having received a criminal or an administrative sentence on the basis of the Law on the Fight Against Extremist Activities could not organise an assembly. This law has already been used to criminalise human rights defenders activities.

In addition, under the new Bill, any person, organisation or formation having received a warning from the authorities under the 2004 Law would be banned from organising assemblies for a period of six months.

Article 8 of the Bill also extended the list of places where assemblies would be banned, in particular close to military camps or institutions.

Lastly, Article 12 allowed the authorities to ban any demonstration two weeks before and after elections.

The Bill was subsequently withdrawn.

Adoption of new liberty-killing amendments¹⁸

On July 11, 2007, the Council of the Federation (the Upper House of the Russian Parliament) adopted amendments to the Criminal Code, the Administrative Code and the Federal Law on Mass Media that reinforce the measures aiming at countering extremism and terrorism. The vote took place after the Duma (the Lower House) adopted on July 6, 2007, on third reading, amendments to the Federal Law on the Fight Against Extremist Activities.

In particular, these amendments authorise the security services to tap the telephone of any person accused of having committed a crime, regardless of the nature and the seriousness of the charge. In addition, the amendments to the Criminal Code broaden the definition of an extremist crime to include “criminal acts committed for reasons of political or ideological hatred or of hatred towards a social group”.

The media are also banned from giving out any information on organisations of which activity is considered to be “extremist”.

Abusive recourse to such legislation could therefore enable any criticism of the authorities to be considered as “extremist”, and demonstrations organised by the opposition to be qualified as “mass disorders”, which is punishable by up to 12 years’ imprisonment. This would add still further to the constraints imposed on the independent civil society.

Obstacles to freedom of association¹⁹

On August 21, 2007, Mr. Alexandre Stepanov, Director of the Department in charge of the Relations with NGOs at the Federal Registration Service (FRS), told *Agence France Presse* (AFP) that according to the latest figures published by FRS, 216,279 NGOs had so far been registered on the “unified State list”, but that 467 of them would have to be closed down and 2,307 others would have to cease their activities as legal entities, for not having been able to produce the necessary documents.

17./ See Press Release, January 26, 2007.

18./ See Press Release, July 12, 2007.

19./ See Press Release, August 23, 2007.

Repression of human rights defenders in Nizhny-Novgorod

Obstacles to freedom of association

Dissolution of RCFS²⁰

On January 23, 2007, the Supreme Court confirmed the decision of the Nizhny-Novgorod Regional Court of October 13, 2006, ordering the closing down of the Russian-Chechen Friendship Society (RCFS) on the basis of Article 19 of the Federal Law on NGOs, which provides that “a person who was sentenced under the Law on the Fight Against Extremist Activities cannot be the co-founder of an organisation”, in reference to the conviction, in February 2006, of Mr. **Stanislav Dmitrievsky**, Editor-in-chief of the *Pravozaschita* newspaper and RCFS Executive Director, to a two years’ suspended sentence for “incitement to racial hatred”, in connection with his activities within the NGO²¹. The court also based its decision on Article 15 of the Law on the Fight Against Extremist Activities, which provides that “if the head or a member of an NGO makes a public statement in which he or she calls for an extremist act or if he or she is sentenced for an extremist act, his or her organisation must publicly disapprove those facts within five days [...]; failure to do so by the organisation will be considered as an extremist act”.

RCFS lodged an appeal against this decision before the European Court of Human Rights (ECHR), which registered the complaint on June 7, 2007 as a violation of Article 11 of the European Convention on Human Rights with regard to freedoms of association and assembly. No ruling had been handed down by the end of 2007.

Withdrawal of YHRM from the list of registered associations²²

In June 2007, the Nizhny-Novgorod District Court ordered that the International Youth Human Rights Movement (YHRM), an international NGO present in over 30 States, be taken off the official register of the FRS for “absence of activity”, owing to its “failure” to provide the FRS Regional Department details about its activities and finances. YHRM had in fact sent all the information required to the FRS Moscow office, in accordance with Articles 28 and 39 of the Federal Law on NGOs, which does not indicate that the information should be sent to the regional department.

Furthermore, as the summons requiring YHRM to appear before the District Court and the notification of the judgement had been sent to the wrong address, YHRM was unable to attend the trial or lodge an appeal in due time. YHRM was indeed only informed of the Court decision in August 2007.

Judicial harassment against Mr. Stanislav Dmitrievsky²³

After Mr. Stanislav Dmitrievsky²⁴ co-organised the “Marches of Dissent” in April 2007, which the authorities had not authorised, the Peace Court n°1 of the Nizhegorodskiy District ordered, on June 5 and 6, 2007, that administrative proceedings be initiated against him. In particular, an inspector of the Inter-District Department for the Application of Sentences of the Nizhegorodskiy District (Nizhny-Novgorod) warned Mr. Dmitrievsky in writing that his suspended sentence could be transformed into effective imprisonment. As the Inspection Department refused to provide a copy of the warning, Mr. Dmitrievsky was unable to lodge an appeal with the court.

Again, on August 17, 2007, the Nizhegorodskiy District Court decided to impose on Mr. Dmitrievsky a ban for “breaching administrative law”, following his participation in the April 2007

20./ See Annual Report 2006 and Press Releases, January 22 and 24, 2007.

21./ On February 3, 2006, Mr. Dmitrievsky had been sentenced after *Pravozaschita*, published jointly by RCFS and the Nizhny-Novgorod Society for Human Rights (NNSHR), had published statements by two Chechen separatist leaders, calling for a peaceful settlement of the Russo-Chechen conflict. On April 11, 2006, the appeals lodged by Mr. Dmitrievsky and the Public Prosecutor, who considered the verdict to be too lenient, had been rejected by the Nizhny-Novgorod Regional Court.

22./ See Press Release, August 23, 2007.

23./ See Press Release, August 16 and November 1, 2007, Urgent Appeal RUS 006/0807/OBS 096 and Judicial Observation Mission, October 26, 2007.

24./ See above.

“Marches of Dissent” and a press conference organised by several human rights defenders on August 16, 2007. Mr. Dmitrievsky appealed the decision.

On October 26, 2007, the Observatory sent an observer to Mr. Stanislav Dmitrievsky’s trial before the Commission for Criminal Affairs of the Nizhny-Novgorod District Court. The Court ruled that the complaint lodged by the Inspectorate Responsible for the Application of Sentences in the Nizhegorodskiy District of Nizhny-Novgorod against Mr. Dmitrievsky lacked motivation and was therefore contrary to the Russian Criminal Code. The Criminal Affairs Commission therefore decided to send the case back to the District Court. However, as of the end of 2007, no further information on the case was available.

Searches and confiscation of materials of several NGOs in Nizhny-Novgorod²⁵

On August 27, 2007, members of the police and of the Federal Security Service (FSB) went to the offices of the Nizhny-Novgorod Centre to Support Migrants in order to inform Ms. **Almaz Choloyan**, Chairperson of the Centre, that she was suspected of having stamped the passport of a migrant with the genuine stamp of the Nekhotevka border post. She was also forbidden to leave the city. During their investigation, the police and the FSB seized all the materials of the Centre, including several migrants’ passports and official documents. They also searched Ms. Choloyan’s flat.

In addition, the police and the FSB also questioned the person in charge of the latest project carried out by the Centre, financed by the US Agency for International Development (USAID), consisting in providing legal aid to migrants. The FSB agents reportedly hinted that the members of the Centre “might well be accused of inciting hatred between Russians and migrants because of the assistance provided to the latter”. Lastly, for no apparent reason, Ms. Almaz Choloyan was questioned on her relationship with Mr. Stanislav Dmitrievsky²⁶.

Likewise, on August 29, 2007, the police department in charge of “countering crimes related to information technology” raided the headquarters of the Nizhny-Novgorod Foundation to Support Tolerance, with an order signed by the Minister of the Interior, in order to inspect the financial, economic, entrepreneurial and other activities of the Foundation. The order made no mention, however, of the reason for the inspection. The police later established that the Foundation was not able to provide the licences of some of the computer software, and seized the computers, after accepting that the information contained be copied.

Furthermore, on August 28, 2007, during a press conference organised following a meeting of the Nizhny-Novgorod Regional Committee Against Terror, the Nizhny-Novgorod Governor announced that a “list of extremists” would be drawn up and that it was necessary “to check the work of all public organisations in which young people work”.

Lastly, on August 30, 2007, the Nizhny-Novgorod offices of *Novaya Gazeta*, one of the few independent newspapers in Russia, and of the Nizhny-Novgorod Human Rights Alliance were searched pursuant to an order signed by the Minister of the Interior. The *Novaya Gazeta* computers were also seized.

Obstacles to freedom of assembly²⁷

The Nizhny-Novgorod Foundation to Support Tolerance and the Nizhny-Novgorod section of *Novaya Gazeta*, who were to organise a conference on October 5 and 6, 2007 in memory of Ms. Anna Politkovskaya²⁸, were obliged to cancel it after the authorities blocked the Foundation funds allocated to the organisation of the event.

In addition, on October 6, 2007, the representatives of several NGOs, including Amnesty International, the League for Human Rights (Spain) and Human Rights First, who had come to Nizhny-Novgorod to attend the conference, were arrested in the offices of the Foundation and taken to the offices of the Federal Migration Service, where they were detained for over four hours. They were

25./ See Urgent Appeal RUS/007/0807/OBS 105.

26./ See above.

27./ See Press Release, October 10, 2007.

28./ See below.

accused of infringing the Law on Visa Policy, as they had entered the territory with tourist visas, and had to pay fines ranging from 3,000 to 5,000 roubles.

The police also arrested Mr. Stanislav Dmitrievsky, who had refused to obey a summons issued by the office of the Nizhny-Novgorod Prosecutor. He was released after being questioned for two hours. Ms. **Oksana Chelysheva**, Director of the Foundation, who also refused to obey the summons, was not questioned. However, Mr. **Yury Staroverov**, the Foundation's administrator, obeyed the summons. Meanwhile, six policemen searched the offices and seized computers.

Repression of a demonstration²⁹

On November 24, 2007, a "March of Dissent" was violently dispersed in Nizhny-Novgorod by the police and military forces. The police also arrested dozens of demonstrators, including Mr. Stanislav Dmitrievsky, who was sentenced the same evening to a fine of 1,000 roubles (approximately 45 euros) for "participating in an unauthorised gathering" and "resisting the police".

Repression of human rights defenders in Moscow

Status of the enquiry into the assassination of Ms. Anna Politkovskaya³⁰

On August 27, 2007, the General Prosecutor Mr. Iouri Tchaika announced the arrest of ten persons suspected of having assassinated Ms. **Anna Politkovskaya**, a journalist with the biweekly *Novaya Gazeta*, on October 7, 2006. The Prosecutor's office mainly suspected a Chechen group, which would have obtained help from within the security forces. As of the end of 2007, the Russian authorities were also systematically putting forward the theory according to which the crime would have been commissioned from outside Russia.

On October 7, 2006, Ms. Anna Politkovskaya's body had been found in the elevator of the building she lived in. On October 8, 2007, an article she had just finished on the practice of torture in Chechnya was due to be published, and in which she incriminated directly Mr. Ramzan Kadyrov, Prime Minister and strong man of the pro-Russian regime in Chechnya.

Ms. Politkovskaya had been threatened on numerous occasions, and in recent years an attempt had been made to poison her, in particular following her publications on Chechnya and North Caucasus.

Assault on Mr. Bakhrom Khamroev³¹

In the evening of January 14, 2007, Mr. **Bakhrom Khamroev**, a member of the Civic Assistance Committee (CAC), was assaulted by a group of unknown persons as he was entering the "Toul'skaya" metro station in Moscow. His aggressors attacked him from behind, striking him in the face, on the head and in the kidneys, then leaving him lying on the ground. Mr. Khamroev was then examined by a doctor, who diagnosed a brain concussion and noticed numerous contusions all over his body.

Following this event, the metro police initiated an investigation into the incident, but as of the end of 2007 the aggressors had still not been identified.

Prior to these events, Mr. Khamroev had been threatened and followed on several occasions.

Registration of the Russian Justice Initiative organisation³²

On February 20, 2007, the Dutch human rights organisation Russian Justice Initiative³³ received notification of the registration of its Moscow office.

29./ See Urgent Appeal RUS 009/1107/OBS 151.

30./ See Annual Report 2006.

31./ See Urgent Appeal RUS 001/0107/OBS 002.

32./ See Annual Report 2006.

33./ This Dutch organisation is also registered as a Russian organisation in Nazran, in Ingushetia. Since 2001, it has brought legal assistance to the inhabitants of Chechnya, in particular concerning their complaints to the ECHR.

On November 15, 2006, the organisation had been refused re-registration, on the grounds that the documents submitted had not been signed by the competent person, and contained errors. The decision had been based on the Law on Non-Governmental Organisations.

Arbitrary arrest and expulsion of Ms. Annemarie Gielen³⁴

On October 28, 2007, Ms. **Annemarie Gielen**, a Dutch member of “Pax Christi” and an expert on Russia well known for her work in favour of the peace in Chechnya, and Mr. **Bart Staes**, a Belgian member of the Green Party in the European Parliament, who were on their way to Moscow in the framework of a working visit for the European Green Party, were stopped at the passport control desk at Domodedovo airport, although they had valid visas. The purpose of their visit was to meet political opponents and human rights defenders, and Ms. Gielen had been invited as an observer and a member of an NGO.

Whereas Mr. Staes was allowed entry after one hour and a half, Ms. Gielen was kept all night at the airport, in a locked room. The customs officials told her that her presence in Russia was undesirable, and that she would not be allowed to enter the country for five years. Ms. Gielen, who was at the time ten weeks pregnant, was then put on the first flight back to Belgium, 24 hours after being arrested. When she asked why she was being expelled, the only answer was “to think carefully”.

As of the end of 2007, Ms. Gielen had still not received any official communication regarding her expulsion and her five-year prohibition to go to Russia.

Repression of human rights defenders in Saint Petersburg

Lack of progress of the investigations into the assassination of Messrs. Samba Lampsar and Nikolai Girenko³⁵

As of the end of 2007, the investigations into the assassination of Mr. **Samba Lampsar**, a student and an active member of the African Unity NGO, and Mr. **Nikolai Girenko**, Chair of the Minority Rights Commission of the Saint Petersburg Scientific Union and President of the Ethnic Minority Rights Association, had still made no progress.

On April 7, 2006, Mr. Samba Lampsar had been assassinated in Saint Petersburg, while returning with several other members of the organisation from a weekly celebration of intercultural friendship between Russians and foreigners. His assailant had been waiting in a doorway next to the club where the meeting had been held, and had suddenly stood in the students’ way shouting Nazi slogans. As the students had tried to run away, he had shot in their direction and killed Mr. Lampsar before escaping. The alleged murder weapon, decorated with a swastika and the inscription “White Power”, had been found nearby. An investigation was opened by the State Prosecutor for “hate crime” under Article 105-2 of the Criminal Code.

On May 24, 2006, the Prokuratura announced that criminal investigations had been launched against 13 people for various offences, including “banditry”. It subsequently turned out that this group - whose two leaders, Mr. Alexei Voyevodine, already sentenced to three years in prison for participating in the extremist group Mad Crowd, and Mr. Dmitri Borovikov, killed during his arrest on May 18, 2006, - would be suspected of being responsible for this murder. This group would also be suspected of being involved in the assassination of Mr. Nikolai Girenko, on June 19, 2004.

Assault on Ms. Valentina Uzunova³⁶

On June 19, 2007, Ms. **Valentina Uzunova**, a lawyer, member of the NGO “For a Russia Without Racism” and an expert on racial issues and hate crimes, was attacked by an unidentified female assailant wearing a mask and dressed in camouflage. She was on her way back from visiting the relatives of Mr.

34./ See Urgent Appeal RUS 008/1107/OBS 135.

35./ See Annual Report 2006.

36./ See Urgent Appeal RUS 003/0607/OBS 070.

Nikolai Girenko³⁷, in Saint Petersburg. Her aggressor hit her several times on the head. Ms. Uzunova sustained a traumatism and several haematomas.

The aggression took place the day before Ms. Uzunova was to give expert testimony against Mr. Vladislav Nikolsky, who was facing charges for “incitement to overthrow the constitutional order” and racial hatred. However, the hearing was cancelled owing to the attack on Ms. Uzunova.

Ms. Uzunova had already received anonymous threats of violence and death concerning herself and her family if she did not help to “clear” Mr. Nikolsky. Ms. Uzunova had asked for police protection, but her request was turned down by the police for lack of sufficient evidence of a “credible threat”.

Repression of human rights defenders in Murmansk

Arbitrary detention and ill-treatments against Ms. Larissa Arap³⁸

On July 5, 2007, Ms. **Larissa Arap**, a Russian journalist and a member of the United Civil Front, an opposition party, was arrested in a Murmansk clinic, where she had gone for a medical examination to renew her driving licence. She was then transferred to a psychiatric hospital 150 km away from Murmansk, where she would have been forcibly injected with drugs. She would also have been beaten and tied to her bed.

On June 8, 2007, Ms. Arap had written an article in a newspaper published by the United Civil Front, in which she denounced ill-treatments inflicted on children in the psychiatric hospitals of the Murmansk region. She criticised in particular the use of electroshock applications, and asserted that patients had been beaten and raped.

On July 18, 2007, a local court in the Murmansk district signed an order for the compulsory treatment of Ms. Arap. On July 26, 2007, she was transferred to the Apatity hospital. On August 12, 2007, a local Murmansk district court confirmed the order for compulsory treatment. Ms. Arap’s lawyer appealed both decisions.

On August 20, a medical committee informed Ms. Arap that she was free and could leave the Apatity psychiatric hospital. The doctors gave no reason for their decision, and forced her to sign an agreement to continue her prescribed treatment at home.

Repression of human rights defenders in Ingushetia

Abduction and ill-treatments against Mr. Olev Orlov and three *REN TV* journalists³⁹

On November 23, 2007, around 11.30 p.m., Mr. **Olev Orlov**, President of the human rights centre “Memorial”, Ms. **Karen Sakhinov** and Messrs. **Artem Vysotsky** and **Stanislav Goryachikh**, journalists at *REN TV*, were abducted by about fifteen men in masks and camouflage uniforms, as they were staying at the Assa hotel in Nazran (Ingushetia). They were about to cover and to take part in a demonstration that was to take place the day after to protest against arbitrariness against the civilian population (abductions, police violence, and poor economic conditions).

The men in masks, who presented themselves as “anti-terror officers”, pointed guns at the staff of the hotel, forced all men to lie on the floor, including unarmed hotel security guards. All women were put against to the wall with their hands up. The men then carefully read the registration book of the hotel guests, and divided themselves into two groups, one of which went up to the first floor and the other one to the second floor. They then ordered Mr. Orlov, Ms. Sakhinov and Messrs. Vysotsky and Goryachikh to follow them and pushed them into their mini-bus.

Mr. Orlov and the *REN TV* journalists were driven to a place they did not know (located in the countryside), where they were beaten and threatened with death, before being abandoned in a field in the district of Sounjenski. Dressed only in underwear and barefooted, they nonetheless managed to reach the police station of the village of Nesterovskoye. They were then taken to the Sunzhenkoye police station, where they made a formal report of what had happened.

37./ See above.

38./ See Urgent Appeals RUS 005/0807/OBS 087, 087.1 and 087.2.

39./ See Urgent Appeal RUS 009/1107/OBS 151.

On November 24, 2007, Mr. Orlov, Ms. Sakhinov and Messrs. Vysotsky and Goryachikh were taken to the Nazran police station where they denounced the human rights violations they had been subjected to. The police refused to release the four defenders, saying that they had received an order not to do so. Mr. Orlov was finally released around 11.30 a.m., following an intervention of his lawyer. Around 1 pm, Ms. Karen Sakhinov and Messrs. Artem Vysotsky and Stanislas Goryachikh were also released and were able to go to the hospital.

A few days before these events, Memorial had sent an open letter to the Ingushetia authorities and to the organisers of the demonstration, urging them to take steps to ensure that it would be able to take place. On November 24, 2007, the demonstration was violently dispersed in Nazran.

Repression of human rights defenders in Dagestan

Assault against and death of Mr. Farid Babaev⁴⁰

On November 21, 2007, Mr. **Farid Babaev**, a human rights defender in Dagestan who was running for the Russian State Duma elections for the Yabloko party, was returning back home from the party headquarters in Makhachkala (capital city of Dagestan), when unidentified assailants opened fire. Mr. Babaev was taken to hospital in a critical condition, suffering serious head injuries. Shortly afterwards he fell in coma, and died on November 24, 2007.

Over the past years, Mr. Farid Babaev had been actively involved in human rights activities. In particular, he had been enquiring into enforced disappearances, cases of torture, summary executions and police brutality. In August 2007, for instance, he had organised a roundtable on human rights in Dagestan, to which he had invited numerous human rights defenders from Moscow.

40./ See Urgent Appeal RUS 010/1207/OBS 158.

Status of the judicial proceedings against Ms. Neva Miklavcic-Predan⁴¹

In September 2007, the Ljubljana High Court decided to drop the judicial proceedings for “defamation” against Ms. **Neva Miklavcic-Predan**, President of the Helsinki Monitor of Slovenia (HMS).

In January 2005, Ms. Neva Miklavcic-Predan had been informed that the Prosecutor of the Ljubljana district had requested the initiation of proceedings against her in 2004 for “defamation” (Articles 171/1, 2 and 3 of the Criminal Code). The proceedings followed a complaint filed in 2003 by the Union of Veterans of the Slovenian War of Independence, a pro-governmental organisation, in relation to the organisation by Ms. Miklavcic-Predan of a press conference on May 28, 2003, during which it was stated that the Vic/Holmec case and the assassination of three soldiers of the Yugoslav national army in 1991 could be considered as war crimes. On May 30, 2006, Ms. Miklavcic-Predan had been discharged for lack of evidence but, on July 13, 2006, the District Prosecutor had lodged an appeal, which was subsequently supported by the State Prosecutor on October 17, 2006.

However, as of the end of 2007, the other proceedings initiated against Ms. Miklavcic-Predan remained pending:

In August 2005, Ms. Miklavcic-Predan had been accused of “corruption” for allegedly offering a bribe of 2,000 deutschmarks (about 1,020 euros) during a phone call with an officer of the Ministry of the Interior in order to obtain Slovenian nationality for a Roma. Ms. Miklavcic-Predan expressed her wish to conduct her own defence through “passive resistance”, i.e. by refraining from attending the hearings, communicating with the Court or benefiting from legal counsel, as she was convinced that the proceedings initiated against her were politically motivated. On November 4, 2005, the judge had rejected the request to initiate proceedings against Ms. Miklavcic-Predan. However, on May 24, 2006, the judge had consented to prosecute Ms. Miklavcic-Predan after the District Prosecutor appealed the ruling. Ms. Miklavcic-Predan is liable to a sentence of three years’ imprisonment.

Further proceedings had been initiated in October 2005 by the judge of the Ljubljana Local Court, who had declared herself offended by Ms. Miklavcic-Predan’s remarks and intention to resort to passive resistance. She was accused of committing a “criminal attack on honour and reputation” (Article 169-1 of the Criminal Code, amended by Article 178-2, which provides that proceedings are to be initiated on the basis of denunciation when the charges are made against a State body or representative or a military officer in the exercise of his/her functions).

Finally, on July 27, 2006, a new procedure had been opened on the request of the District Prosecutor for “attack on the dignity of the Republic of Slovenia” (Article 174 of the Criminal Code), after HMS had organised a press conference on July 11, 2006 in reaction to the defamatory remarks of the Prime Minister against Ms. Miklavcic-Predan following her acquittal in the Vic-Holmec case. The day after the press conference, Ms. Miklavcic-Predan had been summoned to appear before the criminal police department, which she did on July 27. An association of veterans had filed a complaint, accusing her of making statements attacking the dignity of Slovenia in an interview with the British daily *The Independent* on April 11, 2006.

41./ See Annual Report 2006.

/ TURKEY

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Ongoing acts of harassment against IHD members⁴²

Sentencing of Ms. Eren Keskin

On January 27, 2007, Ms. **Eren Keskin**, former President of the Istanbul branch of the Human Rights Association (*Insan Haklari Dernegi* - IHD), was sentenced for “denigrating the Turkish identity” (Article 301 of the Criminal Code) to six months’ imprisonment by the Tunceli Criminal Court of First Instance. Ms. Keskin appealed the decision and, on October 22, 2007, the Supreme Court quashed the judgement.

On December 26, 2007, a further hearing was held before the Criminal Court of the Third District of Kartal, and a second hearing was scheduled for early 2008.

On September 22, 2006, Ms. Keskin had been charged with “denigrating the Turkish identity” by the Prosecutor’s office of the Kartal district in Istanbul, following an interview with the German daily *Der Tagesspiegel* on June 24, 2006, in which Ms. Keskin had expressed her opinion on the influence of the Turkish army over the Government.

Ongoing judicial proceedings against seven IHD members

As of the end of 2007, no decision had been handed down concerning the judicial proceedings against Ms. **Kiraz Biçici**, IHD Vice-President, Mr. **Ridvan Kizgin**, Head of the IHD Bingöl branch, Mr. **Doğan Genç**, a member of the IHD executive board, Mr. **Resit Yaray**, Director of the IHD Batman branch, Mr. **Mursel Kayar**, a member of the same branch, Mr. **Necdet Atalay**, now the President of the Diyarbakir Democracy Platform and a member of the IHD Diyarbakir branch, and Mr. **Mecail Ozel**, a member of the IHD Diyarbakir branch.

- On August 24, 2005, Mr. Doğan Genç had been charged with “attacking the honour and reputation of a person” (Article 482 of the Criminal Code) by the Prosecutor’s office of the Beyoğlu district in Istanbul, on the basis of a complaint filed by Mr. Ali Suat Ertosun, a member of the Court of Appeal and former Director General of the penitentiary administration. This followed the publication of a report in which Mr. Genç had denounced the failure of the measures taken by Mr. Ali Suat Ertosun as head of the prisons system.

- On March 29, 2006, Messrs. Resit Yaray and Mursel Kayar had been arrested and placed in detention in the Batman security centre, where they had been beaten by police officers. On April 2, 2006, after appearing before the Batman Public Prosecutor, Messrs. Yaray and Kayar had been charged with providing “assistance and support to illegal organisations” (Article 220-7 of the Criminal Code) and placed in detention in the town’s prison. On November 7, 2006, Messrs. Resit Yaray and Mursel Kayar had been released but the charges against them remained pending.

- On March 29, 2006, Mr. Necdet Atalay had been arrested and placed in detention in the D-type prison of Diyarbakir⁴³. Charged with providing “assistance and support to illegal organisations” for attending the funerals of Kurdish rebels, he had been released on July 20, 2006 for lack of “sufficient evidence”. After the hearing had been adjourned to October 10, 2006 and again to December 12, 2006, he had been sentenced in 2007 to ten months’ imprisonment, and appealed the decision.

- Mr. Mecail Ozel had been arrested and placed in detention in Ofis, Diyarbakir district, on March 30, 2006. His family had not been notified of his arrest until April 3, 2006. On April 4, 2006, Mr. Ozel had appeared before the Diyarbakir Criminal Court, which had ordered his detention in the Diyarbakir prison for providing “assistance and support to an illegal organisation”. He had been released in August 2006 but the charges against him remained pending.

42./ *Idem*.

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

- On November 14, 2006, Ms. Kiraz Biçici, and Mr. Ridvan Kizgin were sentenced to a six-month prison term for “denigrating the Turkish identity”, a sentence later commuted to a fine of 1,350 Turkish liras (about 900 euros). They had appealed the decision. They had been charged on October 7, 2003 following the publication of a press article by Ms. Biçici denouncing phone calls and threats made against Mr. Kizgin by the Commander of the Bingöl Gendarmerie.

Proceedings against Ms. Reyhan Yalçındağ dropped

On March 29, 2007, the Tarsus Criminal Court for Serious Crimes acquitted Ms. **Reyhan Yalçındağ**, IHD Vice-President, who had been prosecuted for “propaganda for an illegal organisation” by the office of the Diyarbakir Prosecutor, following the publication of a press release on March 5, 2005, concerning the publication by IHD in January 2005 of a report on human rights violations, and for “attempting to influence the course of justice” (Article 288 of the Criminal Code), following the publication of a press release on May 2, 2005, denouncing ill-treatments inflicted on six children accused of having showed disrespect for the Turkish flag.

Proceedings against Mr. Anatolia Mihdi Perinçek dropped

In 2007, Mr. **Anatolia Mihdi Perinçek**, Head of IHD for the eastern and south-eastern regions, was acquitted by the Malatya and Tunceli Criminal Courts.

Mr. Perinçek had been charged in 2006 with “propaganda for an illegal organisation”, after having participated, along with other human rights defenders, in ensuring the security of a police officer when he was released in January 2006 after having been abducted in October 2005 by members of the Kurdish Workers’ Party (PKK).

Furthermore, in 2006, Mr. Perinçek had been sentenced to a year and a half in prison for “violently resisting law-enforcement officers” (Article 32-1 of the Law 2911 Relating to Meetings and Demonstrations), after he protested against the assassination of ten prisoners in the Ulucanlar prison in Ankara. Mr. Perinçek had appealed this decision.

Sentencing of three IHD members⁴⁴

On June 7, 2007, Messrs. **Ethem Acikalin**, **Mustafa Bagcicek** and **Hüseyin Beyaz**, respectively President, Secretary General and Financial Secretary of the IHD Adana branch, were sentenced by the Adana Criminal Court n°1 to two years and eight months’ imprisonment for “inciting hatred and hostility” and “praising crime and criminals” (Article 215 of the Criminal Code).

The sentences followed the demonstration they had organised on December 18, 2005 in order to protest against the “Return to Life” operations of December 2000⁴⁵ as well as to call for the prosecution of those responsible for the ensuing rights violations. They had also criticised, in the press release issued on the occasion of the demonstration, the solitary confinement and the conditions of detention of the Kurdish leader Abdullah Öcalan in Imrali prison.

On the same day, the three men appealed their sentence before the Ankara Court of Appeal (Yargıtay).

As of the end of 2007, Messrs. Acikalin, Bagcicek and Beyaz remained free pending their trial in appeal.

44./ See Urgent Appeal TUR 002/0807/OBS 093.

45./ On December 19, 2000, the military had organised the “Return to life” military operations that had been launched simultaneously in 22 prisons all over Turkey in order to end two months of hunger strikes carried out by hundreds of political prisoners, and which had resulted in the death of 31 people, two of them soldiers. At that time, the hunger strikers were protesting against the State’s plan to transfer its prisoners from large wards to “F-type” prisons (characterised by small one- and three-person cells, where continued isolation leaves prisoners particularly vulnerable to torture and other forms of ill treatment).

Ongoing judicial proceedings against Messrs. Ali Öncü and Edip Yasar⁴⁶

As of the end of 2007, the judicial proceedings against Messrs. **Ali Öncü**, Spokesman for the Diyarbakir Democracy Platform and President of TES-Is, one of the largest trade unions in the country, and **Edip Yasar**, a member of the IHD Diyarbakir branch and President of Tum-Bel-Sen, a trade union of municipal civil servants, remained pending.

On April 4, 2006, Messrs. Öncü and Yasar had been arrested and placed in detention by the anti-terrorist section of the security forces. On April 5, 2006, they had appeared before the Prosecutor of the Republic and the Diyarbakir Judge, who had ordered them to be transferred to the Diyarbakir D-type prison. Messrs. Öncü and Yasar had been charged with “assistance and support to illegal organisations”.

Mr. Ali Öncü had been released on July 13, 2006 following a decision of the Diyarbakir Criminal Court n°6, during a hearing which the Observatory had attended, and after the Prosecutor had replaced the initial charges by “propaganda in favour of an illegal organisation” (Article 220-8 of the Criminal Code).

Mr. Edip Yasar, whose case was regrouped with that of Mr. Necdet Atalay, had been released on grounds of a lack of “sufficient evidence” on July 20, 2006, during an hearing that the Observatory had attended.

Sentencing of 11 trade union leaders⁴⁷

Following the organisation, on November 26, 2005, by the teachers’ trade union “Egitim Sen” of a peaceful teachers’ demonstration in Ankara, which was violently repressed by the police, eleven trade union leaders were since then being prosecuted.

On April 4, 2007, nine of them, all members of the executive boards of several unions affiliated with the Confederation of Public Employees’ Unions (*Kamu Emekçileri Sendikaları Konfederasyonu* - KESK), received a suspended sentence of one year and three months, and a fine of 407 Turkish lira each (about 223 euros) for “breach of the Law n° 2911 on Public Meetings and Demonstrations”.

These trade union leaders were Messrs. **Alaaddin Dinçer** and **Emirali Simsek**, respectively President and Secretary General of Egitim Sen, **Bülent Kaya**, former President of the Union of Municipal Workers (*Büro Emekçileri Sendikası* - BES), **Köksal Aydın** and **Erkan Sümer**, respectively President and Secretary General of the Trade Unions of Public Employees in Health and Social Services (*Sosyal Hizmet Emekçileri Sendikası* - SES), **Bedri Tekin**, President of the Construction and Road Workers’ Trade Union (YAPI YOL Sen), **Özgür Bozdoğan** and **Abdullah Çiftçi**, Presidents of Egitim Sen branches n°1 et n°2 in Ankara, and **Murat Kahraman**, member of the executive board of Egitim Sen branch n°1 in Ankara.

Mr. **Ismail Hakki Tombul**, KESK President, and Mr. **Fehmi Kutan**, former President of the United Union of Transport Workers (*Birleşik Taşımacılık Çalışanları Sendikası* - BTS), received firm prison sentences.

The eleven trade union leaders immediately appealed the sentences but, as of the end of 2007, no decision had been handed down. They therefore remained free.

46./ See Annual Report 2006.

47./ See Urgent Appeal TUR 001/0407/OBS 040.

/ TURKMENISTAN

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Lack of investigation into the death of Ms. Ogulsapar Muradova⁴⁸

As of the end of 2007, the Turkmen authorities had still not opened an investigation into the death in detention, on September 14, 2006, of Ms. **Ogulsapar Muradova**, a reporter for *Radio Free Europe/Radio Liberty*. The circumstances of her death remained unclear, although marks on her body made one fear that her death was the result of acts of torture or ill-treatment.

On June 18, 2006, Ms. Ogulsapar Muradova had been arrested at her home following her collaboration with French journalists.

On September 14, 2006, her relatives had been informed of her death. During the identification of the body in the morgue, the authorities had declared to them that she had died from natural causes.

Lack of information on the fate of Messrs. Annakurban Amanklychev and Sapardurdy Khajiev⁴⁹

As of the end of 2007, no official information could be obtained on the fate of Mr. **Annakurban Amanklychev** and Mr. **Sapardurdy Khajiev**, members of the Turkmen Helsinki Foundation (THF), based in Bulgaria, who had been arrested at the same time as Ms. Muradova.

On June 16, 2006, Mr. Annakurban Amanklychev, an independent journalist, had been arrested while working on a documentary with two French production companies on the deterioration of the health and education systems in Turkmenistan and on the personality cult of the President of the Republic.

Two days later, Mr. Sapardurdy Khajiev had been arrested at his home.

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

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

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

48./ See Annual Report 2006.

49./ *Idem*.

/ UZBEKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Ongoing arbitrary detention of several members of HRSU and Ezgulik⁵⁰

As of the end of 2007, several members of the Human Rights Society of Uzbekistan (HRSU) and of the human rights organisation “Ezgulik” remained detained:

- Mr. **Ulugbek Kattabekov**, Head of the Ezgulik branch in the Zaamin district (Djizak region), arrested in 2005 and sentenced by the Djizak Court to three years’ imprisonment;
- Mr. **Abdurasul Abdunazarov**, Head of the Ezgulik branch in Angren (Tashkent region), arrested in 2005 and sentenced by the Court of the city of Angren to six years’ imprisonment;
- Mr. **Saidjahon Zaynabitdinov**, President of the human rights organisation “Appeliatsia” (Appeal), based in Andijan, arrested on May 21, 2005 and sentenced on January 5, 2006 to seven years’ imprisonment for “defamation” and “preparing or distributing material constituting a threat to security and public order” (Articles 139 and 244-1 of the Criminal Code);
- Mr. **Norboy Kholjigitov**, a member of the HRSU branch in the Ishtikhan region, arrested on June 4, 2005, sentenced on October 18, 2005 to ten years’ imprisonment by the Djizak Court and detained in UYA 64/49 colony (Karshi);
- Mr. **Abdulsattor Irzaev**, Head of the HRSU branch in the Ishtikhan district, arrested on June 4, 2005, sentenced on October 18, 2005 to ten years’ imprisonment by the Samarkand Regional Court and detained in UYA 64/49 colony (Karshi);
- Mr. **Khabibulla Okpulatov**, a member of the HRSU branch in the Ishtikhan district, arrested on June 4, 2005 and sentenced on October 18, 2005 to six years’ imprisonment by the Samarkand Regional Court;
- Mr. **Dilmurod Mukhitdinov**, Head of the Ezgulik branch in the Markhamat district in the Andijan region, arrested in July 2005 and sentenced on January 12, 2006 by the Court of the city of Chirchik (Tashkent region) to five years’ imprisonment;
- Mr. **Nasim Isakov**, a member of the HRSU branch in the Djizak region, arrested on October 27, 2005, sentenced on December 20, 2006 to eight years’ imprisonment, and detained in colony UYA 64/3 (Tavaksay, Tashkent region);
- Mr. **Azam Formonov**, Head of the HRSU branch in the Syrdarya region, arrested on April 29, 2006, sentenced on June 16, 2006 to nine years’ imprisonment by the Yangiyar Criminal Court and detained in colony UYA 64/71 (Djaslyk, Republic of Karakalpak);
- Mr. **Alisher Karamatov**, Head of the HRSU branch in the Mirzaabad district, arrested on April 29, 2006, sentenced on June 16, 2006 to nine years’ imprisonment by the Yangiyar Criminal Court and detained in the UYA 64/49 colony (Karshi, Kashkadarya region);
- Mr. **Mamaradjab Nazarov**, Head of the Ezgulik branch in the Zarbdor district (Djizak region), arrested in June 2006 and sentenced by the Djizak City Court to five years’ imprisonment;
- Mr. **Djamshid Karimov**, a member of the HRSU branch in the Djizak region and a journalist for the Institute on War and Peace Reports (IWPR), arrested on September 12, 2006 and sentenced on the same day to three years’ internment in a psychiatric hospital by the Djizak Court;
- Mr. **Rasulev Yuldash**, a member of the HRSU branch in the Kashkadarya region, arrested at the end of April 2007 and sentenced in October 2007 to ten years’ imprisonment;
- Mr. **Zafar Rakhimov**, a member of the HRSU branch in the Kashkadarya region, arrested in Karchi at the end of April 2007 and sentenced in October 2007 to six years’ imprisonment;
- Mr. **Karim Bobokulov**, Vice-President of the Ezgulik branch in the Syrdarya region, arrested on October 23, 2007. As of December 10, 2007, his trial was still in progress.

50./ *Idem.*

Furthermore, at the end of 2007 no further information was available on the situation of Mr. **Uktir Pardaev**, a member of the HRSU Djizak branch, arrested on June 27, 2006 and sentenced on June 29, 2006 to four years' imprisonment by the Djizak Criminal Court; Mr. **Isroiljon Kholdarov**, Ezgulik representative for the Andijan region, arrested in Kyrgyzstan on July 4, 2006 and subsequently extradited to Uzbekistan; Mr. **Rassul Khudainazarov**, former President of the Ezgulik Angren branch, sentenced on January 12, 2006 to nine and a half years' imprisonment in a penitentiary colony for "fraud" and "extortion" (Article 168-1 and 227-2 of the Criminal Code).

Arbitrary detention and judicial harassment against Ms. Umida Niyazova⁵¹

On December 21, 2006, as she was returning from Bishkek (Kyrgyzstan), Ms. **Umida Niyazova**, a journalist for the Uzbek offices of *Internews* and Freedom House, was arrested at Tashkent airport. After the customs officials and a member of the Uzbek Press and Information Agency's Monitoring Department examined the content of her laptop, they declared that Ms. Niyazova was carrying documents of an "anti-constitutional" and "religious" nature. The documents were relating to the Andijan massacre in May 2005, and included interviews of witnesses and victims of the massacre.

After being detained for more than nine hours, Ms. Niyazova was allowed to go back home, but her passport, her laptop and flash-card were confiscated. On the basis of those objects, the customs authorities launched an administrative case against her.

On January 22, 2007, Ms. Niyazova was arrested after she had met her lawyer. She was placed in pre-trial detention until January 26, 2007, when she was transferred to the Tashkent Transport Prosecutor's office.

On January 28, 2007, the latter charged her with "illegally crossing the border" (Article 233 of the Criminal Code) and "importing prohibited material and/or smuggled goods" (Article 246). Subsequently, she was also accused of "collecting and distributing material threatening public security" (Article 244). Ms. Niyazova was then transferred to interrogation ward n°1 of the Tashkent prison.

On May 1, 2007, Ms. Niyazova was sentenced to seven years' imprisonment by the Sergeli District Court in Tashkent. Her trial had begun on April 30, without her having been informed.

On May 8, 2007, the Tashkent City Court decided, on appeal, to commute her prison sentence to a seven years suspended sentence, with three years of probation. She was then released. Under the terms of her new sentence, Ms. Niyazova has to report regularly to her local police station, notify the authorities of any change of residence, and respect a daily curfew.

Arbitrary detention and judicial harassment against Ms. Gulbahor Turayeva⁵²

On January 14, 2007, Ms. **Gulbahor Turayeva**, a forensic expert and a member of "Anima-kor", an NGO working in Andijan to protect the rights of medical doctors and their patients, was arrested at the Dustlik check-point on the frontier with Kyrgyzstan, as she was returning with her son from a visit to that country.

The customs officials searched her luggage, finding several publications on human rights or written by members of the opposition. Ms. Turayeva was immediately arrested, on the grounds that such documents were prohibited. Immediately after her arrest, the secret services searched her apartment, without finding any compromising material.

On January 16, 2007, Ms. Turayeva was taken to the National Security Service (NSS) in Andijan, for a detailed investigation. She was then transferred to the NSS detention centre, and charged with "attempting to overthrow the Uzbekistan constitutional system".

On April 24, 2007, Ms. Turayeva was sentenced to six years' imprisonment by the Andijan Regional Court for "attempting to overthrow the constitutional system", "insult" and "producing and distributing material threatening public order".

On June 12, 2007, the Andijan Court of Appeal reduced her sentence to three years' suspended imprisonment. She was then released.

51./ See Urgent Appeals UZB 002/0207/OBS 012, 012.1 and 012.2.

52./ See Urgent Appeals UZB 001/0107/OBS 006 and 006.1.

Incommunicado detention and release of Mr. Sobir Tulaganov⁵³

On April 13, 2007, Ms. Feruza Sokatbaeva lodged a complaint for “defamation” (Article 139 of the Criminal Code) against Mr. **Sobir Tulaganov**, Director of the HRSU Tashkent branch, with the Yuzanabad Criminal Court. Ms. Sokatbaeva based her complaint on an article written by Mr. Tulaganov in a local newspaper, in which he criticised the Uzbek maternity hospitals after having discovered that his own daughter and Ms. Sokatbaeva’s daughter had been exchanged by mistake by the hospital staff a few days after their birth, over fifteen years ago.

Since the complaint was lodged, there have been a number of procedural irregularities. First, Mr. Tulaganov only received notification of the complaint on July 26, 2007, 71 days after it was lodged, preventing him from presenting all the elements he wanted to rely upon for his defence within the 90-day limit provided by law. On July 27, 2007, Mr. Tulaganov was questioned by Mr. Almatov, the Senior Investigating Officer of the Department of Internal Affairs for the Yunazabad district. He subsequently lodged a complaint with the Tashkent Prosecutor to protest against the procedural irregularities he had been confronted with. As of the end of 2007, no reply had yet been forthcoming from the Prosecutor’s office.

On August 17, 2007, Mr. Almatov declared that the enquiry procedure, opened on May 16, 2007, was closed, although he was not empowered to do so.

On September 19, 2007, Mr. Tulaganov went to the Yuzanabad District Criminal Court to consult his case. However, not only was he denied access to the file, but he was arrested the same day in the premises of the Court, following a decision by a judge to convert his house arrest into a prison sentence, in the framework of the proceedings against him.

He was then detained incommunicado until October 8, 2007, when he was sentenced to a fine of 3,600 US dollars, probably for “defamation”, and released.

Assault against Mr. Kamil Ashurov⁵⁴

On May 18, 2007, Mr. **Kamil Ashurov**, a journalist and human rights defender, was insulted and beaten at the “Rukh obod” mosque of Samarkand, soon after Friday’s prayers. Among others, Mr. Ashurov provides free legal consultation to victims of human rights violations, legal defence in court, and monitoring and reporting upon abuses.

Before the prayers had started, a man had called upon the faithful to beat Mr. Kamil, so as to discourage him from visiting the mosque in the future, because “he had dared to criticise the President”. The man also said that the Uzbek Security Services (SNB) supported this action.

When Mr. Kamil Ashurov arrived at the mosque, he was informed of the situation and of the presence of many SNB agents.

On leaving the mosque, Mr. Ashurov was aggressed by the man who had called upon the faithful to beat him; he showed him an old photograph of Mr. Ashurov, then insulted and struck him, declaring that he “had no right to criticise the President” and that “[he ought to] kill him”. Several people who witnessed the incident asked the old man the reason for his aggressive behaviour, and he answered that he had been visited by some SNB members who had told him that Mr. Ashurov was a converted Christian, and that he therefore had to be exiled from the mosque. He added that the SNB gave him Mr. Ashurov’s picture and told him that he had criticised the President.

Furthermore, the Imam-Khatib and his Deputy approached Mr. Kamil Ashurov to order him not to come to the mosque anymore. The man then struck him again. SNB agents reportedly filmed the whole incident.

53./ See Urgent Appeal UZB 004/0907/OBS 118.

54./ See Urgent Appeal UZB 003/0507/OBS 053.

Ongoing arbitrary detention and ill-treatments against Ms. Mukhtabar Tojibaeva⁵⁵

As of the end of 2007, Ms. **Mukhtabar Tojibaeva**, President of the “Ardent Hearts’ Club”, a human rights organisation based in Margilan, in the Fergana valley, was still detained in section UYA 64/7 of the detention centre for women in the Mirabad district, in Tashkent.

On November 14, 2007, her daughter visited her and reported that she could not move, owing to pain in her legs and back. The prison wardens had apparently told her that “she would not leave the prison alive”. They would also have left a rope in her cell, to encourage her to commit suicide.

Furthermore, Ms. Tojibaeva’s health conditions have deteriorated, due to the very bad conditions of her detention since July 2006, and to the injuries she has been suffering.

Ms. Tojibaeva was arrested on October 7, 2005, and sentenced on March 6, 2006 to eight years’ imprisonment by the Dustobod Court in Tashkent, on 17 charges. These were mainly of an economic nature, including “defamation” (Article 139.3 of the Criminal Code) and “belonging to an illegal organisation” (Article 244), after a trial marred by numerous irregularities.

Ill-treatments against Mr. Bakhtior Khamroev’s son while in detention⁵⁶

On November 29, 2007, Mr. **Ikhtior Khamroev**, who has been detained since August 2006 and was sentenced to three years’ imprisonment on September 24, 2006, was again subjected to acts of violence. Mr. Ikhtior Khamroev is the son of Mr. **Bakhtior Khamroev**, President of the HRSU Djizak branch, who has himself been subjected to acts of harassment and intimidation on several occasions.

Indeed, Mr. Ikhtior Khamroev, detained in the UYA 64-18 penitentiary colony, was severely beaten when he refused to sign a declaration in which he was supposed to recognise that he had insulted another prisoner, the aim being to make him confess to a breach of discipline, which was the official reason given to extend his sentence by seven months, which in turn enabled the authorities to disqualify him from the presidential amnesty decreed in December 2007 that he had thought he was entitled to.

On November 30, 2007, Mr. Bakhtior Khamroev was informed that his son had been wounded in the abdomen. He would apparently have stabbed himself with a knife in protest against the extension of his sentence. After being refused medical treatment, he was placed in a disciplinary cell. The director of the prison refused to allow his parents to visit him.

It is to be feared that these facts be related to the participation of Mr. Bakhtior Khamroev in the Frontline conference on human rights defenders, in Dublin (Ireland), during which he publicly denounced the human rights violations committed by the Uzbek authorities.

On December 11, 2007, Mr. Ikhtior Khamroev was briefly released from his disciplinary cell.

As of the end of 2007, Mr. Ikhtior Khamroev was still detained in the UYA-18 penitentiary colony.

55./ See Annual Report 2006 and Urgent Appeal UZB 001/0306/OBS 026.3.

56./ See Annual Report 2006 and Urgent Appeals UZB 002/0806/OBS 095.2, 095.3 and 095.4.