

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de
l'Homme

EL OBSERVATORIO

para la Protección
de los Defensores de Derechos Humanos

OSCE: Ongoing practice of arbitrary detention of human rights defenders in OSCE Participating States

Paris - Geneva, December 15, 2008. As the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) publishes its report entitled *Human Rights Defenders in the OSCE Region: Challenges and Good Practices* today in Vienna, the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), remains extremely concerned over the ongoing repression of human rights defenders, and in particular over the practice of arbitrary detention against human rights defenders in a number of OSCE Participating States.

The Observatory deplores indeed that ten years after the adoption of the UN Declaration on Human Rights Defenders, and particularly on the occasion of the celebrations organised for the 60th Anniversary of the Universal Declaration for Human Rights (UDHR), arbitrary detention remained one of the tool most used by some of the OSCE Participating States to muzzle civil society. Human rights defenders recently involved in the organisation and in the participation of such celebrations in *Uzbekistan* and in *Belarus* were indeed arrested, arbitrarily detained and - in some cases - sentenced.

This crackdown on civil society celebrating the core document of the International Bill of Rights is once again evidence of the persistence of the determination of the authorities of a certain number of countries to silence dissenting voices, in breach of international human rights standards and OSCE Human Dimension commitments.

In Tashkent, *Uzbekistan*, ten human rights defenders, namely Ms. **Lyudmila Koutepova**, Ms. **Victoria Bajenova**, Ms. **Elena Urlaeva**, Mr. **A. Mukhitdinov**, Ms. **T. Davlateva**, Ms. **Zulkhumor Tuychieva**, Mr. **A. Volkov**, Ms. **S. Baymatova**, Mr. **O. Sarapulov**, and Ms. **A. Kim**, members of "*Ezgulik*", the Committee for the Prisoners of Conscience and the Uzbek Human Rights Alliance, were arrested on December 6, 2008, arbitrarily detained and released after being sentenced to an important fine¹.

On December 10, 2008 in Minsk, Hrodna and Mahiliou, *Belarus*, human rights activists were also arrested and arbitrarily detained for distributing copies of - and brochures on - the Universal Declaration:

- In Minsk, six persons were detained: Mr. **Ales Bialitski**, Head of the human rights centre Viasna, Mr. **Uladzimir Labkovich**, Mr. **Aleh Matskevich**, Ms. **Maryna Statkevch**, Mr. **Siarzhuk Sys** and Ms. **Iryna Toustsik**².
- In Hrodna, the police detained Messrs. **Aleh Kalinkou**, **Uladzimir Khilmanovich** and **Viktar Sazonau**. They were released a few hours later, after the police asked them to produce written explanations and asserted that they would decide at a later date whether to draft any violation reports against them.
- In Mahiliou, Messrs. **Alexander Karaliou** and **Alexander Padalian** were also subjected to arbitrary detention and subsequently released.

In addition, human rights defenders continue to serve long-term sentences in Uzbekistan, Turkey and Azerbaijan, following blatantly unfair rulings. The Observatory therefore urges the OSCE Participating States to release them immediately and unconditionally, in line with their Human Dimension commitments.

¹ See Observatory Urgent Appeal UZB 003/1208/OBS 212.

² Lawyer Pavel Sapelka, who was not allowed to enter the building of the police department where the six were detained, went to the Prosecutor's office of Tsentralny district to file a complaint against this procedural irregularity.

In *Uzbekistan*, as of December 15, 2008, an important number of human rights defenders remain arbitrarily deprived of liberty, among them were³:

- Mr. **Abdurasul Abdunazarov**, Head of the human rights organisation Ezgulik branch in Angren (Tashkent region), arrested in 2005 and sentenced by the Court of the city of Angren to six years' imprisonment;
- Mr. **Norboy Kholjigitov**, a member of the Human Rights Society of Uzbekistan (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. **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. **Yusuf Jumaev**, Head of the human rights organisation "Sakhroi sherlar", arrested on December 17, 2007, sentenced by the Bukhara Regional Court to five years' imprisonment and currently detained in the colony Uya 64/71, Djaslyk settlement, Republic of Karakalpakstan;
- Mr. **Salijon Abdurahmanov**, a human rights activist and a journalist in Karakalpakstan, sentenced to ten years in prison by the Karakalpak Supreme Court's Appeal Commission for "selling drugs in large consignment" (Article 25-273, Part 5 of the Uzbek Criminal Code) on November 19, 2008;
- Mr. **Akzam Turgunov**, Executive Director and founder of "Mazlum" human rights centre, sentenced to ten years imprisonment by a court in Manget, Karakalpakstan, for "extortion", on October 23, 2003.

In *Turkey*, on March 3, 2008, the Court of Appeal (*Yargitay*) confirmed the judgement of the second Bingöl Criminal Court, which, on October 6, 2005, had sentenced Mr. **Ridvan Kizgin**, a member of the Human Rights Association (*Insan Haklari Dernegi* - IHD), to two and a half years' imprisonment, after he had published a report denouncing the assassination of five persons in a village of the region in 2003. On November 5, 2008 Mr. Kizgin would have been transferred from Bingöl Prison to Erzurum H-Type Prison, where he remains detained⁴.

In *Azerbaijan*, Mr. **Novruzali Mammadov**, a fervent defender of the cultural rights of the Talysh people sentenced on June 24, 2008 to ten years in prison for high treason - on the basis of fabricated charges -, is still currently detained, waiting for his appeal to be heard⁵.

Last but not least, in *Turkmenistan*, as of the end of 2008, no official information could be obtained on the fate of Mr. **Annakurban Amanklychev** and Mr. **Sapardurdy Khajiev**, members of the Bulgaria-based Turkmen Helsinki Foundation (THF), who had been arrested on June 18, 2006, at the same time as Ms. **Ogulsapar Muradova**, a reporter for *Radio Free Europe/Radio Liberty*, who died in detention on September 14, 2006, probably as a result of tortures and ill-treatments.

3 See Open Letter to the Ministers of Foreign Affairs of the European Union Member-Sates, October 10, 2008 and Urgent Appeals UZB 002/0908/OBS 153.1 and UZB 001/0908/OBS 151.2.

4 See Urgent Appeal TUR 002/0308/OBS 039.

5 See Urgent Appeal AZE 001/0808/OBS 139 and 139.1.

In the light of these extremely worrying situations, the Observatory urges the OSCE Participating States to:

- **Guarantee in all circumstances the physical and psychological integrity of human rights defenders in the OSCE Participating States;**
- **Put an end to the continuous repression of human rights defenders and their organisations;**
- **Support politically the work of the ODIHR on strengthening the implementation of OSCE commitments, by ensuring concrete follow-up and defining plans of action on all issues raised and suggestions made in the report issued by the ODIHR in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE;**
- **Strengthen the ODIHR Focal Point on Human Rights Defenders and National Human Rights Institutions by increasing its human and financial resources so that it further develops its capacities to tackle more pro-actively the issue of protection of human rights defenders;**
- **Condemn the use of torture and ill-treatment, arbitrary detention as well as human rights violations in the fields of freedoms of expression, association and assembly, as this directly - though not exclusively - affects human rights defenders;**
- **Strengthen in this regard the implementation of the existing OSCE Human Dimension commitments relating, *inter alia*, to human rights defenders⁶, the right to life, freedom from arbitrary arrest and detention, freedom from torture and ill-treatment, the right to a fair trial and to effective remedies, freedoms of assembly and association, in line with the Document of the Copenhagen Meeting of the 2nd Conference on the Human Dimension of the Cooperation and Security Conference in Europe (CSCE) (1990);**
- **Comply with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly;**
- **Undertake an annual review of cases of serious non-compliance with OSCE commitments at Ministerial Councils and define plans of actions to be followed-up at Permanent Council sessions;**
- **Make use of the Vienna and Moscow mechanisms to address the issue of persistent arbitrary detentions and ill-treatments affecting human rights defenders;**
- **Cooperate with other relevant human rights defenders' protection mechanisms, such as the UN Special Rapporteur on the situation of human rights defenders, the Commissioner on Human Rights of the Council of Europe and the Human Rights Defenders' Unit of the Inter-American Commission of Human Rights.**

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⁶ See Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, adopted by the OSCE Parliamentary Assembly on July 10, 2007.