



# EUROPE and The C.I.S.





## Croatia

### ▶ Assault of a lawyer<sup>1</sup>

The Observatory was informed that **Mr. Srd Jaksic**, a lawyer whose legal help to victims during the war is recognised both nationally and internationally, was assaulted on 30 December 2000 in Dubrovnik.

On the street, three masked men shot Mr. Jaksic four times, causing serious injuries to his stomach and arm.

His wife and eight year-old daughter were also assaulted for twenty minutes in a car near a bus station by an unknown individual on

31 December 2000. They were abused and threatened, and since then, the child remains deeply shocked. During this assault, Mrs. Jaksic called for the police, but in vain.

The police opened an inquiry, but has seemed unwilling to investigate. The bullets that were extracted during the surgical operation performed on Mr. Jaksic have been kept in the hospital, and the police superintendent, Mr. Cengja, has been talking about the case in terms that greatly diminish the seriousness of the assault.

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<sup>1</sup> See urgent appeal HRV 001/0101/OBS 003



## Greece

### ▶ Harassment<sup>1</sup>

The Greek Helsinki Monitor (GHM) and the Minority Rights Group reported the harassment of **Mrs. Aysel Zeybek**, member of both organisations, on 8 December 1999 during a check at the Greek-Turkish border. Mrs. Zeybek put in an official complaint on 15 December 1999, but the Ombudsman, Mr. Yorgos Kaminis, informed her by a letter dated 9 June 2000 that his inquiry into the matter had ceased in view of it not being within his area of competence. He did recognise, however, that the National Information Service members had committed the aggression and that therefore, according to Law 2477/1997 the matter was to be referred to that institution.

Mrs. Zeybek had boarded a bus in Istanbul on 8 December 1999, in order to return to Greece. When she arrived at the border, she was the only person approached by an individual in civilian clothing who searched her luggage and handbag and interrogated her about the addresses in her personal agenda. These actions took place over a three-hour time frame in the absence of official agents.

When Mrs. Zeybek questioned the man as to the reasons for this search he answered that, "GHM did not represent her in these premises, and that she did not represent the organisation or anything else. We do what we want and we check everything here".

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<sup>1</sup> The Greek authorities were approached concerning this case



## Georgia



### Attack against a NGO<sup>1</sup>

On 11 November, at approximately 5 a.m., the regional office of **the Independent Society "Human Rights in Georgia" (ISHRG)** in Gori (Eastern Georgia) was attacked by a group of 7 or 8 armed individuals who remained unidentified. They forced open a steel door and the grids, attacked the custodian, demolished a wooden door inside the premises, and devastated

the office. Equipment was stolen (new PENTIUM III computers, a printer, a gas heater and a telephone), and documents were removed.

The Gori office started its activities in October 2000. Like the Zugdidi office, their intention is to establish three other regional offices during the spring of the year 2000, and also to establish local human rights centres.

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<sup>1</sup> See urgent appeal GEO 001/001/OBS 119



## Kyrgyzstan

### ▶ Members of KCHR targeted by the authorities<sup>1</sup>

#### Legal harassment against the KCHR

Mr. Eliseev, a former collaborator of the Committee who was fired for non-authorized absences in December 1997, has filed numerous charges against the **Kyrgyz Committee for Human Rights (KCHR)**, which resulted in the Committee having to pay large sums of money.

The first charge, which was filed by Eliseev in 1998, was based on the fact that the KCHR would not give him his work record, while the KCHR claimed that this document was not in its possession. In March 1998, the KCHR was sentenced to pay 40,000 som (around 1,000 US \$) as financial compensation, a sum that was duly paid.

Another charge was pressed by Eliseev in an attempt to be reinstated in his job, and the court decided in his favour in March 2000. Eliseev was accepted back, but did not go to work between 29 March and 3 April, which led to a new dismissal. He pressed charges again, and the court decided again in his favour, sentencing the KCHR to pay over \$ 840 USD in June 2000.

In addition, Eliseev pressed charges in April 2000 for moral wrongdoing, in order to pay for the medical treatment that followed after the loss of

his job. The court did not recognise the charge of moral wrong, but the KCHR still had to pay for the medical treatment.

#### Legal proceedings against Mr. Mambetaipov

On 2 May 2000, **Mr. Eleman Mambetaipov** was accused of misappropriation of property under article 335 of the Republic of Kyrgyzstan penal code, by the Bishkek administration. Mr. Mambetaipov, who is responsible for the administrative affairs of the KCHR, in particular for the maintenance of goods, was forbidden to leave Bishkek.

This charge is based on the difference between two lists of goods that were established, within a few months of each other, by bailiffs when legal proceedings were started against the Committee. These goods belong to the KCHR office, which was rented from the Ministry of Agriculture, and which is used to gather individual complaints.

This case had already been investigated by the assistant of the Pervomai Prosecutor and the Police Department of Investigation (ROVD), which concluded it was a nonsuit. However, under pressure from Judge Cholpon Baekova, the case was re-opened.

Mr. Mambetaipov was sentenced on 14 July 2000 to a one year suspended sentence by Judge Sydykov, from the Pervomai District Court of Bishkek. He cannot leave Bishkek, and has to present himself to the Home Office at regular intervals, which further limits his freedom of movement.

<sup>1</sup> See urgent appeals from KGZ 001/0005/OBS 036 to KGZ 001/0005/OBS 036.09



During the trial, the judge refused to examine the evidence presented by the defence, which showed that no goods had disappeared, and notably the testimony of Mamysh, who is responsible for economic and administrative issues within the Ministry of Agriculture, and certified that none of the items were missing.

#### Legal proceedings against Mr. Dyrlydaev

A criminal case was opened on, 7 April 2000, against **Mr. Ramazan Dyrlydaev**, President of the KCHR, for non-compliance with a legal ruling. He may be fined the equivalent of 200 or 400 times the amount of the minimum monthly wage, and may be sentenced to up to 2 years imprisonment. These proceedings are a consequence of the charges pressed by Mr. Eliseev against the KCHR in March 1999. The Committee, which had by then been officially dissolved<sup>2</sup> by the authorities, and replaced by a fictional Committee directed by Mr. Botaliev, was sentenced to pay him 30,000 som. The re-instated KCHR refused to pay this fine, as it was not the legal entity originally sentenced.

Within the context of this case, the Committee - along with its President, family and collaborators - have been the victims of harassment on several occasions.

Then, on 13 June 2000, bailiff Mr. Aidarov, from the district Court of Pervomai, examined his flat in order to make an inventory of his personal possessions. On the same day, ROVD officers went to the KCHR offices to obtain details of

Mr. Dyrlydaev's movements, and information on Mr. Eliseev's activities.

On 20 July 2000, an arrest warrant was issued against R. Dyrlydaev, who had been abroad for several weeks. He had gone to Geneva, Switzerland, to attend the United Nations Human Rights Committee meeting on Kyrgyzstan. Mr. Dyrlydaev decided not to return to his country, and has since remained in exile in Vienna from where he directs the Committee's activities.

The same day, at around 5 p.m., about 20 members of the police force, who had arrived in 5 or 6 vehicles, surrounded the KCHR offices on 123-87, Ivanitsin Street. Under the order of Kojonaliev, a police investigator (ROVD), they arrested **Almaz Dyrlydaev** (Ramazan Dyrlydaev's son,) and spent 50 minutes attempting to make him open the office. As he refused, the police forces then sealed the office from the outside, locking in a member of the KCHR, **Mrs. Gulhan Borubaeva**. They then submitted A. Dyrlydaev to an hour and a half-long interrogation, during which he was allegedly hit. He was subsequently released, but remains under close surveillance.

The seals that were put on the office were taken off on 24 July 2000, and Mrs. Gulhan Borubaeva, who stayed inside for fear of being arrested, was able to leave after four days without any food, and under close surveillance of the police and the neighbourhood.

The district Court of Pervomai seized all the accounts of the KCHR in August 2000.

Finally, on 28 August at 11:15 a.m., agents from Bishkek Court and Mr. Eliseev, went to the KCHR offices, on 96 Kievskaya Street, and asked to see the supplies. Despite the furniture they saw in the office, they recorded that it was empty.

<sup>2</sup> The KCHR was denied legal existence between September 1998 and August 1999. See the Observatory's Annual Report 1999



In November, Dyrlydaev's lawyer, Mr. I. Karmarda met with investigation officer Mr. Kojonaliev, who is in charge of the investigation of Dyrlydaev's case. Kojonaliev noted that, irrespective of the alleged instruction from the Prosecutor General whereby the criminal case against Mr. Dyrlydaev was to be suspended, he had not received sufficient instructions to drop the case completely.

#### Legal proceedings against Mr. Ibraimov<sup>3</sup>

On 19 June 2000, **Mr. Moldosali Ibraimov**, a journalist and activist of the KCHR, was sentenced to two years of imprisonment and fined 100,000 som (2,000 US \$), by the Jalal-Abad city court. Mr. Ibraimov was sentenced for moral damages under article 127, paragraph 2 of the Criminal Code for writing an article entitled "Did the judge commit a crime?" in the local newspaper *Akyikat* (Justice); in this article, he criticised the attitude of the judge, Mr. Toktosun Kasymbekov, of Suzak in the Jalal-Abad region, for failing to conform with the law and the right to a fair trial by ruling in favour of a candidate who had resorted to electoral forgery during the last parliamentary elections in March 2000.

It should be noted that article 127, paragraph 2, only stipulates a fine for public defamation in the media for an amount of 100 to 1000 times the minimum wage. The newspaper *Akyikat* was also fined 100,000 som (2,000 US \$), for publishing this article.

Mr. Ibraimov was arrested in the court's hall and has been kept in the temporary detention unit of the Jalal-Abad Police.

The district Court of Jalal-Abad, under pressure from the International Community, revoked its

verdict by diminishing the amount of the fine and by commuting the prison sentence to a suspended sentence. Moldosali Ibraimov was released in September 2000.

#### Persecutions of KCHR activists after the presidential elections<sup>4</sup>

In the wake of the presidential election results on 29 October 2000 (declared fraudulent by a number of organisations), human rights defenders, journalists and opposition leaders in Kyrgyzstan continue to face persecution and harassment.

##### Against Mr. Tynaliev:

On 3 November 2000, **Mr. Tynaliev**, co-ordinator for the KCHR for the Issyk Kul Region, handed over some materials (relating to the violation of human rights on the day the presidential elections in the Issyk-Kul Region) to an acquaintance of his. This acquaintance was subsequently arrested on his way to the town of Balykchy, searched, and deprived of all documents given to him by Mr. Tynaliev. He was also brutally interrogated and threatened, and was forced to testify against Mr. Tynaliev. Mr. Tynaliev was then forced to leave his office, and his phone was disconnected by the authorities.

Recently, on 27 January 2001, Mr. Tynaliev was attacked by 5 men while on the road returning from the village of Chon-Sary-Oy where he had participated in a meeting of the "Yntimak" cooperative. One of the men put a knife to his throat and threatened him, saying "we'll cut off your head if you continue to poke your nose into our business". The aggressors stole a bag containing

<sup>3</sup> See urgent appeal KGZ 003/0006/OBS 057

<sup>4</sup> See urgent appeal KGZ 001/0011/OBS 036.09





complaints, and KCHR information on arrests and human rights violations.

**Against Mr. Korgoldoev:**

**Mr. Korgoldoev**, a KCHR co-ordinator for the Jalal-Abad Region, has been falsely accused of assault and insults by the Jalal-Abad region co-ordinator of the Coalition of Non-Commercial Associations (NCA), Gulnara Mamatbekova. The NCA is headed by Mrs. Umetalieva, and was created with the direct involvement of Mr. Ibraimov, assistant to the President. It has been used as a political tool during the presidential campaign, and has subsequently worked to discredit independent journalists, opposition observers and independent NGOs. The same false accusations were brought against **Beken Nazaraliev**, Editor-in-Chief of *Ordo* newspaper, and **Cholpon Ergesheva**, militant of the NGO coalition for Democracy and Civil Society. Criminal proceedings were started against Mr. Korgoldoev, as well as against the activists working for the NGO for Democracy and Civil Society. Mr. Korgoldoev learned, on 20 January, that an arrest warrant was put out against him on the basis of article 234, part II of the penal code, for "hooliganism". Since he runs the risk of a 5-year prison sentence, Mr. Korgoldoev has decided to take refuge abroad.

**Against journalists:**

**Mr. Leonid Rempel**, a journalist of the *Eurasia Internews* was beaten by special forces, on 3 November 2000 at around 8 p.m. in Bishkek. He was reporting cases of arrests and violations of rights of voters and opposition candidates for the parliament and presidency.

**Mrs. Lira Baiseitova**, Editor-in-Chief of *Respublica 2000* newspaper (Kazakhstan), was subjected to a similar attack following the

publishing of an article on the violation of the Kyrgyz Constitution by President Akaev of Kyrgyzstan.



**Denial of registration of the GCP<sup>5</sup>**

**The Guild of Conscience Prisoners (GCP)**, set up in April 2000 and comprised of journalists and political figures systematically harassed by the authorities of Kyrgyzstan, has been denied registration.

In April 2000, the necessary documents were submitted to the Ministry of Justice for registration. The members include: T. Turgunaliyev, leader of the Erkindik Party; Z. Sydykova, Editor-in-Chief of *Respublica*; Y. Omurzakov, editor of *Tribune*; J. Usupov, leader of the Ashar movement; and journalists M. Sivashova, A. Alyanchikov and T. Slasheva.

On 4 May 2000, the Minister of Justice refused to register the association. The decree (Ref. 617) was signed by Deputy Minister E. Mamyrov, and states that the charter of the association did not comply with the law on non-governmental organisations. Further remarks were provided with regard to the charter. The GCP took these remarks into account, and resubmitted its documents on 20 May 2000.

On 23 May 2000, the GCP received an order (Ref. 1783) from the Minister of Justice that again refused the registration. One reason, among others, stated for this refusal was that, "the association is created to defend rights of political prisoners and dissidents, whereas, according to the Kyrgyz Constitution, no one can be subjected

<sup>5</sup> See urgent appeal KGZ 002/0005/OBS 046



to discrimination of rights and freedoms for political reasons".

### ▶ Harassment and proceedings against Mr. Gapirov<sup>6</sup>

On 20 September, in Kyr-Suu city, 20 km from Osh, human rights defenders from Osh and Jalal-Abad regions, who had met to discuss the problems of terrorism in the South of the Kyrgyz Republic and neighbouring Uzbekistan, were arrested and detained at the local *militia* facilities. They were all released shortly afterwards.

When **Mr. Ravshan Gapirov**, director of the local human rights group, protested against these arrests and demanded the release of all those arrested, he was beaten by Mr. Koshoev, Deputy Head of the *militia*. Mr. Koshoev wrote a note saying that Mr. Gapirov had fallen down and hurt himself, and he forced activists, through threats, to sign the document. Furthermore, Mr. Gapirov was not provided with any medical assistance.

Mr. Gapirov was arrested on 21 November 2000. He was first under detention in Kara-Suu ROVD (district police station), and then transferred to the detention centre of Osh.

Mr. Gapirov is being charged with "hooliganism" (article 234, Criminal Code of Kyrgyz Republic) and violation of social order. His colleagues are certain that the charges are unfounded because the director of the local human rights group has a long history of conflict with local militia.

<sup>6</sup> See urgent appeals KGZ 004/0009/OBS 100 ; KGZ 005/0011/OBS 118 ; KGZ 005/0011/OBS 118.01

Mr. Gapirov's trial began on January 26, 2001. He received an order not to leave the area. He was condemned to two years in prison on February 28, 2001 by the Kara-Suu Court on the basis of articles 234, 166 (fraud) and 353 (impartiality) of the penal code. All the observers present confirmed the unfounded character of the accusations made against Mr. Gapirov.

Mr. Gapirov is also active in cross-border relations with Uzbekistan. Most recently, he led a local advocacy campaign to stop demolition of a historical bridge linking the two countries. Mr. Gapirov's activity also focused on investigating a corruption scandal connected to the privatisation of the Kara-Suu Bazaar, one of the largest bazaars in the Ferghana Valley. He is also an active member of the Coalition of NGOs for Democracy and Civil Society. During the presidential elections, Mr. Gapirov served as a long-term election observer and helped recruit and train more than twenty election day non-partisan observers. He has exposed numerous violations committed by the authorities.

### ▶ Legal proceedings against the NGO Coalition<sup>7</sup>

A lawsuit against **the Coalition of NGOs for Democracy and Civil Society** started on 29 September 2000. The plaintiff is a member of Parliament, Mr. Alymbai Sultanov, who accuses the Coalition of insulting him and demands a 5 million-som (about 100,000 US \$) compensation.

<sup>7</sup> See urgent appeal KGZ 004/0009/OBS 100



## Federal Republic of Yugoslavia

### ▷ Imprisonment and sentencing of Flora Brovina<sup>1</sup>

**Flora Brovina**<sup>2</sup>, a Kosovar human rights defender, President of the League of Albanian Women, paediatrician and poet, was arrested in Pristina on 20 April 1999, taken to Serbia by the Serbian forces during their retreat from Kosovo in June, and detained in the Pozarevac prison. On 9 December 1999, at the end of an unfair trial, she was sentenced to 12 years in prison for "association with intent to commit hostile activities linked to terrorism, performed during the state of war".

This accusation was based on a photograph which showed her standing next to a member of the UCK, and a statement she had signed soon after her arrest indicating that the UCK was linked to her organisation, and that some of its female members had made uniforms for soldiers.

Flora Brovina denied those facts, indicating that she had signed the statement after hours of interrogation by the policemen. During her statement, Flora Brovina also stated that the clinic where she had worked was legally registered, and that

her activities had consisted of helping women and children refugees who had fled Pristina.

On 21 January 2000, Mrs. Brovina's lawyers appealed to the Supreme Court. Following the hearing of the appeal on 16 May, the Serbian Supreme Court cancelled the legal decision condemning Flora Brovina on 7 June, and referred the case to the district Court of Nis. It was also recommended that she be released on bail.

The hearing, which re-examined the Flora Brovina case and which was to be held on 14 September 2000 at the district Court of Nis, was postponed until 12 October, in accordance with the request of the defence.

On 1 November 2000, Flora Brovina was finally pardoned by the newly elected President of the Federation<sup>3</sup>.

During the period of her detention, Mrs. Brovina suffered from heart problems, and was unable to follow the medical treatment that was prescribed for her.

### ▷ Assault of a lawyer<sup>4</sup>

The Observatory was informed by the Humanitarian Law Centre (HLC) that Mr. Husnija

1 See urgent appeals from YUG 002/0006/OBS 082 to YUG 002/0006/OBS 082.05

2 Mrs. Brovina was among the human rights defenders about whom the United Nations Human Rights subcommittee asked the High Commissioner for Human Rights to order an investigation (See Resolution on "The violation of the rights of Human Rights Defenders" adopted by the United Nations Human Rights subcommittee - 25th session, 20 August 1999).

3 Two weeks after her liberation, the Observatory organised Mrs. Brovina's visit to France and Brussels, during which she was able to converse with the highest representatives of the French authorities and with representatives of the European Commission, the European Parliament and the European Union Council.

4 See urgent appeal YUG 001/0003/OBS 019



Bitici, a lawyer who is particularly involved in the defence of Albanian prisoners detained in Serbia, and his wife Sanije, were violently beaten by 3 men in their apartment in Belgrade, on 17 March 2000.

On 17 March at 8:30a.m. strangers went to the Biticis' home. Mrs. Bitici asked who was at the door, and was answered: "Your neighbour, Vlada". When she opened the door, a man attacked her in the hall, while two others attacked her husband.

When the assailants left, Mrs. Bitici called for help, while her husband was tied to a radiator. Mr. Bitici, with serious injuries to his head and his body, was hospitalised in the Emergency Medical Centre three hours later. The doctors declared that his condition was serious: although no vital part of his brain was affected, he had to undergo a graft on a part of his skull. His wife was also admitted to hospital.

The police started an investigation, which, to this day, has yielded no results.



#### Harassment of the NGOs<sup>5</sup>

In June 2000, members of the police went to the headquarters of several NGOs in Belgrade, in order to check their account books; this inspection lasted several days, during which the human rights defenders were also interrogated about their activities.

Thus, on 7 June 2000, members of the police forces entered the offices of the **Women in Black** organisation. For six hours, they asked questions about the activities of the NGO, and member Stasa

Zajovic was interrogated about the local and international contacts of Women in Black.

On 8 June 2000, they occupied the offices of the **Centre for Anti-War Action**, a member of the FIDH; investigations were carried out for five days, during which account books were examined, and the members of the NGO were interrogated on their activities, as well as on the number and identity of militants of the board.

A few days before these events, the premises of the **Forum for Ethnic Relations** had been searched by the police, while its President, Dusan Janjic, was absent. The offices of the organisation were sealed without official justification.

The **Helsinki Committee of Lawyers for Human Rights in Serbia** was also visited by the police, who spent several days examining their financial accounts.

In August 2000, the Observatory was informed by the Association of Independent Electronic Media (ANEM) of a search by the financial police, of its offices at the **Belgrade Centre for Cultural Decontamination**.

Inspectors removed two computers - "on a temporary basis" - five databases, eight videocassettes, mail, and photocopied the agency's address book under the pretext of collecting evidence. The search was conducted at a time when most of the Centre's members were on holiday, and when the only employee present was an electrical technician. The latter reported the unpleasant conduct of the police inspectors who asked him about who the Centre worked for, and the pay scale of its employees.

<sup>5</sup> See urgent appeal YUG 002/0006/OBS 053 et YUG 006/0008/OBS 086



## Members of the HLC targeted

### Forced disappearance of Mr. Bokshi<sup>6</sup>

**Mr. Bokshi**, a representative of the Kosovar section of the Humanitarian Law Centre (HLC), was arrested in Serbia on 3 December 1999 at 2 p.m., on the motorway between Sremska Mitrovica and Belgrade, with two of his colleagues, **Mustafa Radoniqi** and **Ibish Hoti**. The three Albanian lawyers from Kosovo were returning to Belgrade after visiting their clients in the detention centre of Sremska Mitrovica.

They were stopped by an official vehicle, a grey Mercedes bearing Ministry of the Interior licence plates. Three plain-clothes police officers got out of the vehicle and immediately seized the keys of the car belonging to the HLC. After asking for Mr. Hoti's identity papers and having given them back to him, they seized and kept Mr. Radoniqi's papers and mobile phone.

When Mr. Bokshi was asked to show his papers, he presented his lawyer card and explained that he had left his identity papers in his hotel in Belgrade. The policemen then asked him to go with them to his hotel in order to see his papers. They ordered the other two lawyers to stay in the car, of which they kept the keys. They were stranded on the motorway until 5p.m.

Mr. Bokshi was then kidnapped. He was detained under extremely difficult conditions for 13 days in a Belgrade apartment. His kidnappers wore no uniforms, but addressed each other as "commander, captain", etc.

<sup>6</sup> See urgent appeal YUG 002/9912/OBS 081

### Arrest of Mr. Olujic<sup>7</sup>

The Observatory was informed of the temporary arrest, on 24 June 2000, of **Mr. Igor Olujic**, lawyer and member of HLC, and of his questioning about the activities of the HLC.

Mr. Olujic was arrested around 7 p.m. in the streets of Leskovac, as he was about to meet the mother of an imprisoned female militant from OTPOR (Resistance), a student organisation calling for political change and fighting against President Milosevic's regime since 1998. Mr. Olujic was accompanied by another OTPOR militant when police agents checked their identity papers. On the pretext that the documents were irregular, they were taken to the police station for more thorough control.

Although Igor Olujic gave the police officers documents proving his profession, he was taken away, then interrogated on the HLC financing and its activities.

At the same time, the President of the Committee for Human Rights in Leskovac, **Dobrosav Nesic**, and other militants of OTPOR were arrested on the street. Cases were opened on each of them.

### Temporary arrests<sup>8</sup>

The Observatory was informed of the temporary arrest by police forces, on 2 August 2000, of **Natasa Kandic**, Executive Director of the Humanitarian Law Centre, and of **Duska Anastijevic**, an expert of the Centre, while on their way to a discussion forum entitled "Human Rights Campaign", organised by VK Radio in Kikinda (Serbia).

<sup>7</sup> See urgent appeal YUG 003/0007/OBS 066

<sup>8</sup> See urgent appeal YUG 005/0008/OBS 077



The arrest happened at 6:45 p.m., as the two women were going through the checkpoint at the entrance of Kikinda. In their vehicle were also **Rasmila Dragicevic**, a judge who was recently dismissed, and **Branko Ilic**, an OTPOR militant. After checking their identities, the police confiscated the members' identity papers, and attempted to take them to the Kikinda police station to interrogate them. Refusing to follow the police forces without knowing the reason for their arrest, the four people were kept at the checkpoint without any other explanation. They were released around 8p.m., after the arrival of several people protesting their arrest, including members of the Kikinda public authorities, and were finally able to attend the forum.

#### N. Kantic under the threat of legal proceedings<sup>9</sup>

Reacting to an article that was published in the newspaper *Danas* in which **Natasa Kantic** reported the responsibility of Serbian military and police forces in the perpetration of crimes in Kosovo during the NATO intervention, the military authorities immediately threatened her with "legal prosecution" in a statement published on 24 August.

On 29 August the Yugoslavian army spokesperson, Colonel Svetozar Radisic, confirmed the terms of this declaration by adding that the army would take her to court because of her accusations, and that she should be condemned for her actions.

#### ▷ Imprisonment and sentencing of Mr. Filipovic<sup>10</sup>

**Miroslav Filipovic**, Kraljevo (centre of Serbia) correspondent for the independent daily newspaper *Danas*, and for *Agence France-Presse* (AFP), and regular collaborator of the Helsinki Committee for the Defence of Human Rights was arrested on 8 May 2000 at his home by security services who seized his passport, the hard drive of his computer, and numerous documents. He was then released on 12 May only to be reincarcerated ten days later in the military prison of Nis.

On 13 June, he was finally charged with spying and dissemination of false information, which constitutes one of the most serious accusations of the Yugoslavian penal code.

According to information from RSF (Reporters Without Boarder) and from the Institute for War and Peace Reporting (IWPR), the charges against Mr. Filipovic were based on the publication of articles about the Yugoslavian army on the IWPR Internet site between October 1999 and May 2000. These articles included the testimonies of Serbian officers about crimes committed by the Yugoslavian army in Kosovo during the NATO air strike campaign.

He was sentenced to 7 years of imprisonment by the military court of Nis on 26 July 2000.

On 10 October, Mr. Filipovic was released after the Appeal Court had quashed the military court verdict. The appeal, initially set for the end of

<sup>9</sup> See urgent appeal YUG 007/0008/OBS 090

<sup>10</sup> See urgent appeals from YUG 004/0007/069 to YUG 004/0007/069.03



October, was put forward in the context of the election of the new President of the Federation, V. Kostunica.

Mr. Filipovic's state of health requires special care. During his detention, he suffered from heart problems and lost weight without being allowed to receive appropriate medical treatment.



## Russia

### ▷ Attacks on NGOs<sup>1</sup>

The Observatory was informed by the Centre for Civil Society International of an attack by a group of masked individuals armed with automatic rifles on the offices of the **Glasnost Foundation**, located in a residential building on Tsvetnoi Bulvar in central Moscow, at 7 p.m. on 28 August 2000. There were a dozen people in the office discussing plans for an emergency congress of human rights activists.

**Mr. Sergei Grigoryants**, head of the Glasnost Foundation, stated that about 10 individuals and a police lieutenant who identified himself as Mr. Ivanov from the 18th precinct, knocked on the door. Mr. Grigoryants refused to open the door in the absence of a warrant. The police then proceeded to attempt to break down the front door. When they failed, they went around the back, and broke through the wooden door. They then forced everyone in the office, including a 10-year-old girl, to lie on the floor for 40 minutes before leaving without saying anything. Mr. Grigoryants stated that one of the masked men hit him on the head and back. The police did not check any documents, and did not offer any explanation as to why they came. Mr. Ernst Chyorny, a leader of the organisation Ecology and Human Rights, present during the raid, said that after the police left he found that his bag, which he had left in another room, had been searched.

<sup>1</sup> See urgent appeal RUS 001/0008/OBS 091

An officer from the 18th precinct, Mr. Alexander Nikolayevich, stated that he was in charge of all patrol officers at the 18th precinct and knew nothing of the operation at the Glasnost Foundation.

The Glasnost Foundation is a harsh critic of the war in Chechnya and the Federal Security Service (FSB). The organisation conducts an annual conference entitled "The KGB: Yesterday, Today and Tomorrow".

### ▷ Legal proceedings against Mr. Pasko<sup>2</sup>

**Mr. Grigory Pasko**, a correspondent for the *Russian Fleet Newspaper*, was arrested in November of 1997 for the crime of high treason after disseminating one of his reports on the dumping of nuclear waste and the promotion of certain generals. Mr. Grigory Pasko could receive a sentence of between 15 and 20 years in prison. On 20 July 1999 the Vladivostok Military Tribunal dropped the charges of high treason. He was nevertheless pronounced guilty of abusing his professional status, and his lawyers decided to appeal. Mr. Pasko was freed on the day of the tribunal's deliberation.

On 21 November 2000, during the appeal hearing, the military section of the Supreme Court decided to transfer Mr. Pasko's case to the Vladivostok Military Tribunal.

<sup>2</sup> See Annual Report 1999





## Turkey

### ▶ Legal proceedings against several members of the Human Rights Foundation of Turkey

#### Legal proceedings against Mrs. Kaya and Mr. Alp Ayan<sup>1</sup>

**Günseli Kaya**, teacher and Secretary of the Human Rights Foundation of Turkey (HRFT) office in Izmir, and **Doctor Alp Ayan**, psychiatrist from the HRFT's Rehabilitation of the Victims of Torture Centre - both members of the Human Rights Association of Turkey (IHD) - were among the people arrested on 30 September 1999 in Izmir as they were on their way to the village of Helvacı to attend the funeral of one of the victims of the massacre of prisoners in Ankara Central Prison on 26 September.

On 3 October, after the hearing before the Criminal Court of Izmir (SSC), they were charged, along with 12 other people, on the basis of article 32 par. 3 of the law on meetings and demonstrations, which provides for a prison sentence of 3 to 5 years for, "coercion, violence, threat, assault or resistance" to a police decision forbidding a meeting, and of article 7 par. 2 of the anti-terror law, which provides for a prison sentence of 1 to 5 years against people who, "help the members of a terrorist organisation and disseminate propaganda on its behalf".

<sup>1</sup> See Observatory Annual Report 1999 and urgent appeal TUR 003/9910/OBS 065.01

After 4 months in prison, on 20 January 2000, after the first hearing of the trial before the Aliaga Criminal Court, near Izmir, Günseli Kaya and Alp Ayan were released.

Hearings have since then followed one another (February, April, June, July, September, November and January 2001).

The Observatory, together with Collectif Turquie (Association Primo Levi, Amnesty International, France Libertés, ACAT, Médecins du Monde, Juristes Sans Frontières, Trèves, FIDH and OMCT) commissioned observers for the last three hearings.

The 9th hearing will be held on 27 March 2001.

#### Legal proceedings against Mr. Uzun<sup>2</sup>

**Mr. Zedi Uzun**, gynaecologist and member of the Foundation (HRFT), was arrested on 19 October 1999 and detained for 7 days, during which he was submitted to physical and psychological torture.

He was accused of having, "helped an illegal organisation, and of having sheltered its members", under article 169 of the penal code, for having provided medical treatment to two patients. Mr. Zeki Uzun has been a voluntary doctor in the HRFT's Centre of Rehabilitation for the Victims of Torture for 6 years.

The first hearing of his trial was held on 19 January 2000, before the Criminal Court of

<sup>2</sup> See press release together with the Euro-Mediterranean Network for Human Rights on 23 February 2000.



the Izmir State. He was not allowed to testify about the acts of torture to which he was subjected, and the judge refused to include the medical report that was prepared by the Medical Expertise Chamber of Izmir in the minutes of the trial. Hearings were then held on 24 February and 11 April. He was declared not guilty, for lack of evidence.

#### Legal proceedings against Mr. Lok<sup>3</sup>

The third hearing of the trial of **Mr. Veli Lok**, a surgeon and delegate in Izmir of the Human Rights Foundation, was held on 13 June 2000 before the Izmir Penal Court. He was accused, on the basis of article 30/2 of the law on the press, of expressing his opinion in the press on decisions that were taken by the Court before it had given its verdict. The first hearings (1 February and 11 April) had been postponed because the judge had not received the birth certificate establishing Dr. Veli Lok's identity. These charges refer to an article published under the signature of Mr. Veli Lok concerning two of his colleagues, Dr. Ayan and Mrs. Kaya<sup>4</sup>. The text by Mr. Veli Lok, published on 31 October 1999 in the newspaper *Cumhuriyet*, and was entitled, "They are going to make them pay for their fight against torture".

Mr. Veli Lok and **Mr. Bahri Akkan**, spokesperson in Izmir of the Platform for Democracy, were sentenced to pay a fine of 60 million Turkish Lira, and serve a month in prison. This latter sentence was commuted to a second fine of 60 million Turkish Liras on the condition that Mr. Veli Lok will not speak in public for 5 years.

<sup>3</sup> See urgent appeal TUR 002/0002/OBS 007

<sup>4</sup> See above the case of Dr. Ayan and Mrs. Kaya

**Kikret Ilkiz**, editor of the newspaper *Cumhuriyet*, was sentenced to a fine of 60 million Liras and one month and five days in prison; the prison sentence later commuted to a fine of 80 million Liras.

The Observatory, together with the Collectif Turquie (Association Primo Levi, Amnesty International, France Libertés, ACAT, Médecins du Monde, Juristes Sans Frontières, Trèves, FIDH and OMCT) commissioned two observers to this trial, who reported it to be a summary trial.

#### Legal proceedings against Mr. Önen

**Mr. Yavuz Önen**, President of the Foundation, is presently being prosecuted for having published a statement on 19 January 2000 concerning the arbitrary procedure against Mr. Veli Lok. He, too, is charged with having stated his opinion in the press concerning the decisions taken by the Court before the Court had ruled on the basis of Article 30/2 of the Law of the Press. A first hearing took place on 13 July 2000. No further hearing dates have been established to date.



#### The IHD and its members targeted

##### IHD headquarters stormed<sup>5</sup>

On 25 November 1999, the headquarters of the **Human Rights Association of Turkey (IHD) in Ankara** were stormed by about forty people claiming to represent the Family of Martyrs Association. For about a quarter of an hour, the intruders wrecked the offices and threatened the

<sup>5</sup> See press release from 25 November 1999



members present. Osnu Ondul, President of the IHD, was slightly hurt; another member was seriously hurt and taken to the hospital. Police officers, who had been guarding the entrance to the building since the assassination attempt against Akin Birdal in the association headquarters in May 1998, seem to not have intervened nor called for help.

#### Legal proceedings against Mr. Gür<sup>6</sup>

Legal proceedings were instituted before the Criminal Court n° 1 of Ankara against Mr. Nazmi Gür, the IHD Secretary-General.

According to the charges by the Prosecutor's office, **Mr. Nazmi Gür** is accused of having "assisted an armed organisation" after having written an article under the title, "It is not hard to reach peace" which was published in a special bulletin of the IHD during World Peace Day, on 1 September. The use of expressions such as, "the peoples of this country", or "a dirty war which has lasted for 15 years", are the basis for the charges on the premise of the indivisibility of the Turkish territory and nation (article 169 of the Turkish Penal Code and n° 5 of anti-terror law n° 3713). Under these charges, Mr. Nazmi could have been sentenced to between 3 and 5 years in prison.

He was declared not guilty on 3 February 2000, by the Criminal Court of Ankara, on the grounds of lack of adequate and convincing evidence.

During the trial, the Observatory commissioned an observer, together with the Euro-Mediterranean Network for Human Rights.

#### Legal proceedings against Mr. Birdal

##### **For statements made in Tarsus (1995):**

On 21 February 2000, the hearing of the case against **Akin Birdal**, president of the Turkish Association for Human Rights (IHD) and Vice-President of the FIDH, was held near the State Criminal court. He was accused, with 10 other people, of having made remarks in favour of a peaceful solution in the Southeast during a public meeting.

These proceedings against Akin Birdal were initiated on 7 January 1999 after a speech he made in Tarsus on 18 December 1995. He is charged, under article 312/2, which provides that any person who incites the population to hatred or hostility on the basis of class discrimination, race, religion or origin, will receive a prison sentence of between 1 and 3 years. The Observatory would like to mention that about ten legal proceedings are currently open against Mr. Birdal, all of them because of his stance in favour of peace<sup>7</sup>.

The Observatory commissioned observers for this trial. Mr. Birdal could not attend the hearing, as he was summoned on the same day for a medical counter-assessment at the request of the prosecution within the framework of other legal proceedings.

Only one defendant was present at the 10-minute hearing. Difficulties appeared concerning the identity of a defendant, as well as contradictions between the reports from the police and the experts, the transcriptions of recordings, and the statements during the demonstration. The prosecutor declared that he had no final statement, and the President postponed the case.

<sup>6</sup> See urgent appeals TUR 001/0002/OBS 003 ; TUR 001/0002/OBS 003.01

<sup>7</sup> See Observatory Annual Report 1999



### **For statements made in Ankara (1996) and in Mersin (1995)<sup>8</sup>**

Sentenced to two years in prison for speaking twice (in 1995 and in 1996) in favour of a peaceful solution in the Southeast of Turkey, he had been incarcerated on 3 June 1999, then released on medical grounds on 24 September, the execution of his sentence being delayed by six months.

Akin Birdal was again incarcerated on 28 March 2000.

The extension of this suspension was conditioned by the opinion of the Medical Institute of Istanbul (Forensic Medicine Institute). It had considered that Akin Birdal's health did not justify his freedom. The prosecutor then ordered a new incarceration for a period of 5 months and 29 days.

On 23 September 2000, he was released.

### **For Statements made in Germany (2000)<sup>9</sup>**

Proceedings were instituted in February of 2001 against Akin Birdal for statements during a press conference held in Germany, during the year 2000, concerning the treatment of minorities in Turkey. Akin Birdal underscored the need for Turks to remember events in 1915 and to apologise to Armenians. Referring to minorities in more general terms, Akin Birdal referred to discriminatory measures enforced during the second World War against non-Turkish minorities and Greek minorities that were more heavily taxed and forced into hard labour in case of non-payment of such taxes.

<sup>8</sup> See press release of 28 March 2000, the Observatory Annual Report 1999, and the urgent appeal TUR 002/0009/OBS 056.06

<sup>9</sup> See special press release of 12 February 2001

### **Retaliatory measures against IHD sections**

#### **New closure of the Diyarbakir section<sup>10</sup>**

On 12 May 2000, the **IHD section of Diyarbakir** was closed only 23 days after it had been reopened. After a three-year long legal battle, on 19 April 2000, the Court overturned the 23 May 1997 closing order for this section.

The new closing order, for 3 months, was taken by the Governor of Diyarbakir on the basis of article 11/0 of the dispositions related to the state of emergency.

On 12 August 2000, a notification of closing was presented to the members of the IHD for the same period on the same legal basis.

#### **Retaliatory measures subsequent to the December prison uprisings<sup>11</sup>**

The Observatory was informed of a series of retaliatory measures which non-governmental organisations have had to face, as well as prisoners' families and all the people who, in Turkey, have shown their disapproval of the intervention on Tuesday 19 December 2000 of Turkish police forces against prisoners who had started a hunger strike. This extremely violent operation resulted in the death of over 27 people, most of whom burnt to death.

The strong mobilisation of the sections of the Human Rights Association brought about police raids and searches of several sections' headquarters, in which information meetings about the course of events were being held. Thus, on Saturday 23 December, the **IHD headquarters in Ankara** were taken by storm by

<sup>10</sup> See urgent appeals TUR001/9708/OBS 006.02 ; TUR001/9708/OBS 006.03

<sup>11</sup> See press release of 27 December 2000



security forces, on the order of the Criminal Court of Ankara. During this operation, many members of the IHD were apprehended and kept in custody before they were released. The association's computers, archives and documentation were searched, and some documents were seized.

Other sections of the IHD were subjected to similar measures, and a number of IHD members were also kept for several hours in the police station to be interrogated. Members of the **Istanbul section of the IHD** were detained on three different occasions last week; it happened to be Human Rights Week. These arrests happened following a press release and march organised on 17 December to celebrate the Universal Declaration of Human Rights, the march had been forbidden by the police.

The **Konya section of the IHD** was closed for 45 days on 22 December 2000, while the Antep section was closed, for an unlimited period, on 7 December 2000.

The police raided the offices of the **Kayseri section** after the publication of a press release; the President of the section and of the Trade Union of Public Employees in Education Services were detained.

Finally, the **Van section** was closed on 19 December by decision of the Governor's bureau for breaking the law on associations, and sheltering people on hunger strike in its premises. The Malatya section was also closed, for an unlimited period of time, on 28 December. The Malatya Criminal Court approved the Governor's decision.

The **Izmir section** was closed on 2 January 2001 by legal decision based on the presence of 16 non-members in the offices of the association during a check that was carried out at the direction of the Prosecutor of the State Criminal Court.

On 1 January 2001, a team of the anti-terrorist branch of the department of security went to the headquarters of the **Bursa section**, and took away four IHD members, two of whom were on hunger strike. Four other members of the association were taken to the offices of the security department, and a preliminary investigation was started.

The **Mersin Section** was raided on 20 January. The offices were searched; at the direction of the prosecutor, all documents were seized.

On 11 January 2001 the Bureau of the Prosecutor of the Criminal Court initiated proceedings against the **IHD Ankara section**, charging the members of its bureau with, "supporting an illegal organisation".

The charges mention that a detailed list of prisoners with information on their health was found on the IHD premises during the December investigation, along with press releases that included statements against the building of a Type F prison, and supporting the prisoners on strike. It is also mentioned that, during IHD demonstrations, pictures of deceased prisoners were shown and posters of illegal organisations had been waved.

The Prosecutor considers that the continuance by the IHD bureau of, "actions whose purpose is similar to that of prisoners members of organisations" constitutes a sufficient element of proof for the formal charging of the bureau members and requests the closure of this IHD section under article 7/4 of Law 3713 against terrorism.

The charges under Penal Code article 169 are lowered against the following people: **Mr. Lutfi Demirkapı**, President; Bureau members **Mr. İlhami Yaban**, **Mr. İsmail Boyraz**, **Mr. Erol Direkçi**, **Mr. Mesut Cetiner**, **Mr. Zeki Irmak**, and **Mr. Rıza Resat**



**Cetinbas;** Prisoner's Commission members **Mr. Ali Riza Bektas** (presently detained), **Mr. Saniye Simsek**, **Mr. Ekrem Erdin**, **Gökçe Otlu** and **Mr. Selim Necati Ort** (presently detained who was present at the Section offices when the searches were conducted).

The trial opened on 13 February, at the State Criminal Court. The request for the release of Mr. Bektas and Mr. Ort was denied. The next hearing is scheduled on 22 March 2001.

#### Legal proceedings and smear campaigns<sup>12</sup>

On 25 January 2001, the police searched the IHD headquarters in Ankara. All of the association's computers were confiscated, as well as all documents and diskettes.

This attack follows a decision of the 9th Penal Tribunal of Ankara which on 22 January was seized of the matter at the request of the Ankara Prosecutor under the pretext that IHD had received financial support from the Greek Foreign Affairs Ministry without prior authorisation from the authorities. The Court ordered a search for information with which to support its charges.

On 19 January, the Anatolia press agency had published an article, subsequently quoted by the Turkish Daily *Hurriyet* and two Turkish television channels, whereby the IHD had allegedly received financing from the Greek Foreign Affairs Ministry. NTV and Turkish CNN subsequently corrected this information at the request of IHD, which formally denies these accusations.

The Turkish Foreign Affairs Ministry has published information on its website aimed at discrediting IHD, and questioning its impartial

and objective character. It accuses IHD of separatism and involvement in political activities.

#### Proceedings against Mrs Keskin<sup>13</sup>

On 18 December 2000, legal proceedings were opened against **Eren Keskin**, President of the Istanbul section of IHD, by the Beyoglu prosecutor's bureau on the basis of Article 159 of the Penal Code for, "insulting the armed forces of the State".

This event is linked to statements made by E. Keskin in support of the "Mothers of Peace" who claim they were tortured at the Silopi police station during their detention on 4 October 2000, shortly after their return from Iraq where they had participated in negotiations between the PKK and the PUK in order to end the fighting.

Eren Keskin stated in the *Yeni Gundem* Kurdish newspaper that, "the allegations reported by these women who claimed to have been stripped of their clothing and attacked by soldiers who could have been their grandchildren, were serious. We have lodged formal complaints but nothing has been done against the perpetrators of these tortures. On the contrary, people who denounce these actions are imprisoned. Torture is part of their system".

Proceedings have also been initiated against **Erdal Tas**, Editor-in-Chief of the newspaper, under Article 159 of the Penal code, for having published these statements.

<sup>12</sup> See press release of 25 January 2001

<sup>13</sup> See urgent appeal TUR 001/0101/OBS 011



**Release of  
Mr. Yagmudereli<sup>14</sup>**

**Esber Yagmudereli**, lawyer and writer and ardent supporter of human rights, peace and democracy, received an early release from prison on 18 January 2001.


He was serving an accumulated sentence of 23 years in the Cankiri prison since his arrest on 1 June 1998 solely on the grounds of his commitments.

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<sup>14</sup> See press release of 18 January and Annual Report 199



## United Kingdom

 **Inquiry into the assassination of Mrs Nelson<sup>1</sup>**

Mrs Nelson was a lawyer, human rights defender, and member of the Executive Committee of the Committee on the Administration of Justice (CAJ).

No results have been published to this date concerning the inquiry into the death of **Rosemary Nelson**, on 15 March 1999.

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<sup>1</sup> See Observatory Annual Report 1999





## Uzbekistan



### Refusal to register the HRSU<sup>1</sup>

The Observatory has been informed by the **Human Rights Society of Uzbekistan (HRSU)** that since the organisation was founded on 2 February 1992, it has been refused registration on four occasions by the Minister of Justice.

Recently, on 7 December 2000, the HRSU wrote to the Khokimiyat (local government) of Tashkent

City and submitted a request asking for co-operation in the organisation of the 3rd Conference of the HRSU, to be held on 22 December 2000. The request involved renting a building equipped to host a conference for 60-70 participants. They were refused permission by the Khokimiyat on the grounds that the organisation had not yet been registered.

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<sup>1</sup> See urgent appeal UZB/001/0001/OBS 001

