

Statement on human rights defenders
**by the International Partnership for Human Rights, the Bulgarian Helsinki
Committee and the Netherlands Helsinki Committee**
on the occasion of the OSCE Civil Society Forum, Helsinki, 2-3 December 2008

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Across the OSCE region, human rights defenders are involved in invaluable efforts to monitor and report on human rights problems, provide legal assistance to victims of human rights violations and, in other ways, promote compliance with international human rights obligations. Most of these defenders at least occasionally face criticism and misgivings because of their human rights engagement, while some work at an ever present risk of intimidation and persecution. The International Partnership for Human Rights (IPHR), the Bulgarian Helsinki Committee (BHC) and the Netherlands Helsinki Committee (NHC) would like to use this forum as an opportunity to highlight concerns with respect to some of the countries in the OSCE region where human rights defenders are most endangered, as illustrated by recent individual cases. In view of the upcoming OSCE Ministerial Council, which will likewise take place in Helsinki on 4–5 December 2008, we would also like to make a number of recommendations to the OSCE participating States on how to further protection of human rights defenders in the region.

While the international community has recently taken steps toward reassessment of the situation in **Belarus**, serious problems remain with respect to the exercise of fundamental rights in the country. Existing legislation places far-reaching restrictions on civic engagement, for example by criminalizing involvement in the activities of groups that are not registered with the authorities. Most NGOs have been denied registration, and numerous activists have been fined, warned and imprisoned on these grounds in recent years.¹ Human rights and pro-democracy activists also face other forms of harassment by authorities

- On 30 August 2008, police detained Yana Paliakova, a human rights activist, in her home in the city of Salihorsk and brought her to a local police station. At the police station, she was pressured to sign some documents with unclear content and, as she refused, a police officer hit her on one of her arms and on her legs.² She subsequently filed a complaint about the incident with the local prosecutor's office. In a development believed to be related to this complaint, an unknown individual approached Paliakova outside of her home on 9 October 2008, grabbed her by the hair, hit her head against the door and

¹ See Amnesty International, "Belarus Must Respect Freedom of Association, Assembly and Expression," 26 August 2008, at <http://www.amnesty.org/en/appeals-for-action/belarus-must-respect-freedom-assembly-association-and-expression>

² Charter 97, "Salihorsk: human rights activist Yana Paliakova is guarded to court by police," 10 November 2008, at <http://spring96.org/en/news/26116/>; *Narodnaya Volya*, "Яна Полякова была избита в милиции за то, что собирала подписи за Ольгу Козулину" ("Yana Paliakova was beaten up because she collected signatures for Volha Kazulina"), 11 September 2008, at <http://www.nv-online.info/index.php?c=ar&i=10911>

warned her to “shut up.”³ As of November 2008, none of the two attacks on the defender had been investigated. Paliakova has, among others, provided legal assistance to numerous victims of police brutality and was involved in the campaign of an opposition candidate running in the August 2008 parliamentary elections.⁴

In the last few years, parallel to a development toward growing consolidation of powers and growing erosion of democratic checks and balances, the space for difference in views has gradually decreased in **Russia**. In this climate, journalists, human rights defenders and others who express opinions critical of official policies are vulnerable to intimidation, harassment and violent attacks. Those who work on human rights issues in the North Caucasus are at particular risk.

- In the morning on 25 July 2008, some 50 law enforcement officials arrived to the home of human rights defender Zurab Tsechoev in Trotskaia, Ingushetia. Without presenting any documents or stating any reason for their actions, they carried out a search of his home and thereafter forcefully took him away by car.⁵ A few hours later, he was left by the road some kilometers outside the city of Margas, with injuries on different parts of his body and in need of medical treatment. According to Tsechoev, his abductors had badly beaten him and pressured him to confess to providing a list with addresses of law enforcement officials to the opposition website ingushetia.ru, which he denied having done.⁶ Tsechoev works as web editor for the human rights NGO Marsch (peace in Ingush) and is also an applicant to the European Court of Human Rights, in the case of his brother, who was abducted in 2004 and whose fate remains unknown.⁷

Human rights defenders in **Serbia** enjoy relative freedom to operate, but the climate in which they work remains hostile. Leading human rights groups and activists – many of whom are women – are frequently subject to media attacks and publicly stigmatized as “enemies,” in particular because of their work on issues related to accountability for war crimes and minority protection. The authorities do not provide threatened human rights defenders adequate support and protection.⁸

- In September-October this year, the Helsinki Committee for Human Rights in Serbia (HCHRS) and its chair Sonja Biserko were the subject of an aggressive smear campaign in media. The campaign was triggered by a misrepresentative review of the HCHRS’ annual report for 2007, which among others deals with the issues of Serb nationalism and responsibility for war crimes perpetrated in the 1990s. The HCHRS was accused of “anti-Serbian propaganda” and several newspapers featured personal attacks on Biserko. Her home address and other private information were also published.⁹ On 30 September, a number of extreme right groups gathered outside of the office of HCHRS, shouting abusive slogans and, on 5 October two unknown men tagged Biserko outside of her

³ *Zasvobody.net*, “Правозащитницу Яну Полякову избili, чтобы она «затихла»” (“Human rights defender Yana Paliakova was beaten up so that she would ‘keep quiet’”), 10 October 2008, at <http://www.zasvobody.net/news/Pravozawitnicu-Janu-Poljakovu-izbili-chtoby-o/>

⁴ Frontline, “Failure of Belarusian authorities to investigate attacks on human rights defender Yana Paliakova,” 5 November 2008, at <http://www.frontlinedefenders.org/node/1610>

⁵ Memorial Human Rights Society, “В Ингушетии похищен сотрудник правозащитной организации и заявитель в Европейский суд по правам человека” (“Representative of human rights organization and applicant to the European Court of Human Rights abducted in Ingushetia”), 25 July 2008, at <http://www.memo.ru/2008/07/25/2507081.htm>

⁶ Memorial Human Rights Society, “Продолжение истории с похищением З. С. Цечоева” (“Continuation of the case of abduction of Z.C. Tsechoev”), 25 July 2008, at <http://www.memo.ru/2008/07/25/2507082.htm>

⁷ See footnote 5.

⁸ See statement by Hina Jilani, Special Representative of the Secretary General on the Situation of Human Rights Defenders, on visit to Serbia (and Kosovo) undertaken in September 2007, at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D55AC665B10958A9C1257361005ACFD?opendocument>

⁹ Norwegian Helsinki Committee, “Helsinki Committee for Human Rights in Serbia threatened and subject to smear campaign,” 9 October 2008, at <http://www.nhc.no/php/index.php?module=article&view=779>; HCHRS, “Smear campaign against the Helsinki Committee for Human Rights in Serbia,” at <http://www.helsinki.org.yu/>

inspection, the car had been at a mechanic's for service.¹⁷ Turgunov, who is the director of a Tashkent-based organization promoting the rights of political prisoners and who has served as a defendant in numerous cases involving human rights issues, was arrested in an apparent police set-up related to a case he was working on. While in pre-trial custody, he had burning water poured down his neck and back, as a result of which he contracted severe burns and lost consciousness.¹⁸

Recommendations:

The IPHR, the BHC and the NHC call on the governments of the OSCE participating States, where applicable, to:

- Take immediate steps toward abolishing any legal restrictions on civil society activity in place in their countries that are not consistent with international standards on freedom of expression, association and assembly;
- Publicly speak out in support of the important efforts of human rights defenders and ensure that they can carry out their work without intimidation, obstruction or undue interference by national authorities at any level;
- Provide adequate protection to human rights defenders at risk in their countries and ensure that any attacks or incidents of violence targeting defenders are investigated in a prompt and thorough fashion with a view to bringing those responsible to justice;
- Release promptly and unconditionally any human rights defenders who have been imprisoned merely for exercising their internationally protected rights.

The IPHR, the BHC and the NHC further call on the participating States to:

- Reaffirm that the implementation of human dimension commitments are of direct and legitimate concern to all participating States and, thus, that they are accountable to each other for their human rights policies, including their treatment of human rights defenders;
- Undertake to apply the EU Guidelines on Human Rights Defenders in their individual and joint actions and to ensure that relevant OSCE institutions implement a pro-active policy toward human rights defenders;
- Address human rights issues, among others the situation of human rights defenders, as an essential and integral part of political dialogues conducted at the bilateral and multilateral level and bring up for discussion individual cases of persecution of defenders with governments concerned;
- Increase political, moral and other forms of support to human rights defenders at risk in the region and consistently make use of benchmarks to encourage constructive change on this and other human rights matters in individual countries.

¹⁷ Human Rights Watch, "Uzbekistan: Journalist Sentenced to 10 Years," 11 October 2008, at http://hrw.org/english/docs/2008/10/10/uzbeki19952_txt.htm; information from Observatory, 14 October 2008, at <http://www.omct.org/index.php?id=&lang=eng&articleSet=Appeal&articleId=8087>

¹⁸ Human Rights Watch, "Uzbekistan: Activist Sentenced to 10 Years," 23 October 2008, at http://hrw.org/english/docs/2008/10/23/uzbeki20058_txt.htm; information by Observatory, 24 October 2008, at <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Appeal&articleId=8126&PHPSESSID=75>