



## HUMAN RIGHTS DEFENDERS AT RISK: SELECTED CASES

The trend of shrinking space for civil society continued in the region of the former Soviet Union (FSU) and beyond in 2016, and the security of human rights defenders was under threat in many countries in the region. Below we outline only some of the most worrying cases of persecution of human rights defenders during the year, with a focus on those who were criminally prosecuted and imprisoned because of their human rights engagement.

Following consistent advocacy efforts and international interventions, several wrongly imprisoned human rights defenders, including Rasul Jafarov, Intigam Aliyev, Khadija Ismaylova, Rauf Mikradirov, Leyla and Arif Yunus and Anar Mammadli were released in **Azerbaijan** in late 2015–early 2016. However, their convictions on trumped-up charges have not been overturned. Moreover, dozens of youth activists, journalists and other individuals remain imprisoned on politically motivated grounds, and new arrests have been carried out in recent months. Some human rights defenders, such as Emin Huseynov, have been forced into exile due to the threat of persecution.

In **Russia**, human rights defender Valentina Cherevatenko from the NGO “Women of Don” became the first NGO leader to face criminal charges over non-compliance with the notorious “foreign agents” law, under which almost 150 NGOs have been given this stigmatising label against their will.<sup>1</sup> The outcome in the proceedings against Cherevatenko, who faces up to two years in prison, is expected to set a precedent for other cases. Crimean Tatar activists have faced persecution after Russia’s unlawful annexation of Crimea. In one such case, Crimean Tatar activist and human rights defender Emir Huseyn Kuku was detained by Russia-controlled Crimean authorities in February 2016 on accusations of membership of a banned group and remains in pre-trial detention<sup>2</sup>.

A growing number of **Kazakhstani** civil society activists have recently faced criminal charges. Following a trial deemed “political” even by the judge, activists Max Bokayev and Talgat Ayan were both sentenced to five years in prison because of their involvement in peaceful land reform protests.<sup>3</sup> **Tajikistani** lawyers Buzurgmehr Yorov and Nuriddin Mahkamov received prison sentences of over 20 years after providing legal assistance to defendants in politically sensitive cases. There has been no news about **Turkmenistani** freelance journalist Saparmamed Nepeskuliev, who was sentenced to three years in prison on trumped-up charges last year after a reporting on corruption and other human rights related issues. Similarly, the fate of many dozens of others imprisoned on politically motivated grounds

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<sup>1</sup> Figures provided by Human Rights Watch as of 7 November 2016, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>

<sup>2</sup> IPHR, “Stop persecution of imprisoned Crimean Tatar activist Emir Huseyn Kuku and his family,” 27.09.2016, <http://iphronline.org/stop-persecution-emir-kuku-family-20160927.html>

<sup>3</sup> See statement by the by the Civic Solidarity Platform, “Kazakhstan: Ruling against civil society activists sets dangerous precedent,” 01.12.2016 <http://www.civicsolidarity.org/article/1169/kazakhstan-ruling-against-civil-society-activists-sets-dangerous-precedent>

in this country remains unknown.<sup>4</sup> While human rights defender Bobumurad Razzokov was released for health reasons in **Uzbekistan** in October 2016<sup>5</sup>, many other defenders such as Ganihon Mamathanov, Nuraddin Dzhumaniyazov, Fakhridin Tillaev and Azam Farmonov – to mention but a few - remain behind bars and have often had their sentences arbitrarily prolonged.

In an anticipated decision, the UN Human Rights Committee concluded that human rights defender Azimjan Askarov – who was imprisoned for life in **Kyrgyzstan** following a manifestly unfair trial in 2010 - should be immediately released and his conviction quashed. However, the country's Supreme Court failed to comply with these requests and sent the case back for re-trial at a regional court, where hearings began in October 2016<sup>6</sup>. Human rights defenders Toleskan Ismailova and Aziza Abdurasulova were the targets of threats and calls for criminal prosecution in apparent retaliation for their participation in the 2016 OSCE Human Dimension Implementation Meeting<sup>7</sup>.

In **Belarus**, civil society activists were penalised in relation to their participation in peaceful, unsanctioned protests. For example, “critical Mass” cycling activist Dzmitry Paliyenka was given a two-year suspended prison sentence and youth activist Pavel Vinahradau was sentenced to six months of “preventive supervision”, which may be converted into imprisonment if he violates the conditions imposed.<sup>8</sup> Human rights defender Elena Tonkacheva was still not allowed to return to Belarus. A Russian citizen who has lived in Belarus for 30 years, she was expelled from the country and banned from returning for three years after her residence permit was revoked in October 2014 because of speed limit infractions.

In the **Transnistrian region of Moldova**, human rights defenders continued to be subjected to intimidation and harassment in retaliation for their criticism of the policies of the separatist authorities<sup>9</sup>. Members of the Promo-LEX Association continued to be barred from entering Transnistria because of a criminal case against the organisation on allegations of threatening the region's security which the separatist security services announced in an accusatory statement issued in April 2015.<sup>10</sup>

Human rights defenders working outside the former Soviet Union region were also subject to pressure, in particular in **Turkey**. Following the failed July 2016 coup attempt, the Turkish government unleashed a widening crackdown on critical voices in the name of ensuring security. As part of this crackdown, hundreds of NGOs, including human rights groups were suspended and the pattern of intimidation and harassment of human rights defenders was reinforced. In recent months, a number of human rights defenders, journalists and lawyers have been arrested, questioned and charged with criminal offenses in apparent retaliation for their work. Among these are: Şebnem Korur Fincancı, Erol Önderoğlu and

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<sup>4</sup> See materials of the “Prove They Are Alive!” campaign at <http://provetheyarealive.org/1534-2/> and <http://provetheyarealive.org/prove-they-are-alive-report/>.

<sup>5</sup> IPHR and Association for Human Rights in Central Asia, “Uzbekistan: Human rights defender sentenced on politically motivated grounds released from prison,” 26 October 2016, <http://iphronline.org/uzbekistan-hrd-released-20161026.html>

<sup>6</sup> IPHR statement on Supreme Court ruling on the case of Azimjan Askarov, 12 July 2016, <http://iphronline.org/kyrgyzstan-iph-r-statement-sc-ruling-askarov-20160712.html>

<sup>7</sup> Joint statement by CSP members, <http://civicsolidarity.org/article/1163/kyrgyzstan-stop-threatening-human-rights-defenders>

<sup>8</sup> For more information on these and other cases, see the website of Viasna at <http://spring96.org/>.

<sup>9</sup> For more details, see report by Promo-Lex to the UN Human Rights Committee, August 2016, at <https://promolex.md/wp-content/uploads/2016/09/Raport-CCPR-eng-1.pdf>

<sup>10</sup> This statement is available at: <http://www.kgb-pmr.com/news/370> In October 2016, Promo Lex was informed that its members will not be granted access to the proceedings in the supposed criminal case against the organization.

Ahmet Nesin<sup>11</sup>; Ramazan Demir and Ayşe Acinikli; Orhan Kemal Cengiz; Serdar Küni; and Levent Pişkin<sup>12</sup>. Teacher Ayşe Çelik was charged with promoting terrorist propaganda after calling in to a popular TV show to plead for more media coverage of serious human rights abuses in southeast Turkey.<sup>13</sup>

In a development that represented an escalation of harassment targeting members of the **Bulgarian Helsinki Committee**, its chair Krassimir Kanev was violently attacked by unknown perpetrators in October 2016<sup>14</sup>. In **Serbia**, human rights defenders continued to be attacked by pro-government media, including by being accused of receiving foreign funds to destabilise the situation in the country.<sup>15</sup>

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*This is an excerpt from the Outcome Documents of the OSCE Parallel Civil Society Conference 2016. The full version is available at:*

[http://civicsolidarity.org/sites/default/files/parallel\\_civil\\_society\\_conference\\_outcome\\_documents\\_hamburg\\_december\\_2016\\_final.pdf](http://civicsolidarity.org/sites/default/files/parallel_civil_society_conference_outcome_documents_hamburg_december_2016_final.pdf)

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<sup>11</sup> For more information about this, see statement on their arrest issued by CSP members in June 2016, at <http://civicsolidarity.org/article/1152/turkey-arrests-human-rights-defenders-and-journalists>. The three human rights defenders and journalists were subsequently released, but the legal proceedings against them on terrorist propaganda and other charges continue.

<sup>12</sup> For more information on the cases of Ramazan Demir and Ayşe Acinikli; Orhan Kemal Cengiz; Serdar Küni; and Levent Pişkin, see statements issued by the Observatory for the Protection of Human Rights Defenders, a joint initiative by the World Organisation against Torture (OMCT) – a CSP member - and the International Federation for Human Rights (FIDH), which are available at: <https://www.fidh.org/en/region/europe-central-asia/>

<sup>13</sup> See campaign by CSP members in support of Ayşe Çelik, at <https://www.facebook.com/IPHRonline/posts/1299274210084846>

<sup>14</sup> Joint statement by CSP members from 31 October 2016, at <http://civicsolidarity.org/article/1167/we-condemn-violent-attack-against-krassimir-kanev>

<sup>15</sup> See statement by Civil Rights Defenders from 15 November 2016, at <https://www.civilrightsdefenders.org/news/human-rights-defenders-made-scape-goats-in-serbia/>