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**Human Rights Defenders at Risk in
Belarus, Russia and Uzbekistan**
Briefing Paper to the EU Forum on Human Rights
Helsinki, 7-8 December 2006

International Helsinki Federation for Human Rights

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The **International Helsinki Federation for Human Rights (IHF)** is an international, nongovernmental organization constituted by national Helsinki committees and Cooperating Organizations in the participating States of the Organization for Security and Cooperation in Europe (OSCE). The IHF seeks to promote compliance with the human rights provisions of the Helsinki Final Act and its Follow-up Documents, with international legal obligations undertaken in the Council of Europe and the United Nations, and with human rights norms promoted by the European Union. The IHF mandate is to protect and strengthen civil society groups that monitor and report on human rights issues from a non-partisan perspective, and to bring them together on a common international platform. The IHF represents its affiliates on the international political level and in the media, supports and assists their human rights monitoring and advocacy activities, and disseminates documentation based on their research.

The IHF represents member and cooperating committees in Albania, Armenia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Netherlands, Norway, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Tajikistan, Turkmenistan, Ukraine, United Kingdom, United States and Uzbekistan. Other cooperating organizations include the European Roma Rights Centre (Budapest), Human Rights without Frontiers (Belgium) and the Mental Disability Advocacy Centre (Budapest).

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Introduction

There can be no real democracy without a vibrant civil society, which monitors the conduct of state authorities and holds them accountable for their actions. Among those exercising such oversight are independent human rights defenders, who play a crucial role in promoting respect for human rights and challenging their governments to comply with international human rights standards.

Ever since it was established in 1982, the International Helsinki Federation for Human Rights (IHF) has had a mandate to support and strengthen civil society groups that monitor and report on human rights issues from a nonpartisan perspective, and to bring them together on a common international platform. In this way, the IHF seeks to assist states to abide by common legal rules and universal moral values protecting human dignity and fundamental rights and freedoms.

Today, more than 30 years after the founding of the Helsinki movement,¹ human rights defenders remain under threat in a number of states in Europe and Central Asia, and in some countries their situation has deteriorated significantly over the last few years. Because of peaceful and legitimate efforts to promote human rights, human rights activists are, inter alia, subjected to intimidation, surveillance by security forces, defamatory campaigns in state-controlled media and other attacks on their person, arbitrary interference in their work, politically motivated arrests and prosecution, torture and even killings.

In the aftermath of September 11, security concerns have increasingly been exploited to justify repressive measures toward human rights defenders. Human rights groups that receive funding from abroad and provide the international community with information about human rights violations in their countries have been accused of jeopardizing national interests, and new restrictions have been imposed on the work of such groups under the pretext of combating extremism. This trend can also be seen in the context of the recent so-called color revolutions in Georgia, Ukraine and Kyrgyzstan, in which foreign-funded NGOs are perceived to have played a major role. The upheavals have created fears among other governments in the region that broad-based popular movements for democratic change will also develop in their countries.

This briefing paper, which was prepared for the EU Forum on Human Rights in Helsinki on 7-8 December 2006, reviews recent developments relating to human rights defenders in Belarus, Russia and Uzbekistan. These countries are among the European and Central Asian countries where the situation is of greatest concern. The paper summarizes information published by the IHF in the course of the past year, and brings this information up to date. It also makes a number of recommendations to the EU with respect to human rights defenders in the three countries in question.

Ensuring respect for the rights of human rights defenders – in accordance with international human rights treaties, the UN Declaration on Human Rights Defenders and the EU Guidelines on Human Rights Defenders – is currently one of the most pressing human rights issues in Europe and Central Asia. The extent to which independent human rights activists are able, or

¹ The first Helsinki Committee, the Moscow Helsinki Group, was established in 1976. For more information about the history of the Helsinki movement, see http://www.ihf-hr.org/cms/cms.php?sec_id=1&pag_id=2

unable, to carry out their work has a fundamental impact on the overall state of human rights in any country, and the growing assault mounted on human rights activists in parts of Europe and Central Asia constitutes a threat to human rights protection in the region as a whole.

Against this background, the IHF has decided to further reinforce its attention to endangered human rights defenders in 2007 by implementing a special yearly campaign devoted to this topic. The campaign will consist of federation-wide activities aimed at raising awareness of the plight of human rights defenders who are at risk because of their efforts to promote compliance with international human rights standards and to improving their protection.

Together with local partners, the IHF will also carry out a project to support and protect independent human rights defenders in Azerbaijan, Armenia, Belarus, Georgia, Moldova, the Russian Federation and Ukraine in 2007-2008. This project, which is primarily funded by the EU Commission, will be implemented through monitoring, documentation, awareness-raising, training, capacity-building and advocacy activities at the national, regional and international level.

The IHF would welcome additional cooperation with respect to its work on behalf of human rights defenders at risk, whether in the framework of its yearly campaign, the new project or other activities.

Concerted attack on pro-democracy and human rights activists in Belarus

President Alyaksandr Lukashenka continues to rule Belarus with an authoritarian hand, denying his citizens fundamental rights and freedoms. Attacks on the media, opposition and civil society are commonplace and in connection with the fraudulent March 2006 presidential elections, which formally enabled Lukashenka to stay in office another five years, pressure on pro-democracy forces further increased. The elections were unfair and non-transparent and were conducted in a climate of fear, with authorities openly threatening to prosecute anyone participating in anti-government protests, which were a priori assessed as “terrorist activities.”²

According to Belarusian law, all NGOs must be registered with the authorities to operate legally, and there are broad grounds on which NGOs can be closed down.³ Civil society activities are also subject to many other serious restrictions, e.g. with respect to organizing public events, providing legal assistance and accessing information. While it is more or less impossible to obtain domestic funding for independent human rights work, all projects funded by foreign donors must be registered with the authorities and such registration is usually not granted to independent organizations.⁴

Amendments to the Belarusian Criminal Code and Criminal Procedure Code, which entered into force in January 2006, granted authorities new wide discretionary powers to interpret legitimate civil society activities as unlawful attempts to discredit or harm the Belarusian state. As a result of the amendments, any person who “fraudulently represents” the situation in Belarus, the legal rights of its citizens or its government agencies is liable to up to two years in prison, while those found guilty of appealing to foreign states to take actions “damaging the external security of Belarus” may be imprisoned for a maximum of three years. The amendments also made it a crime punishable with up to two years in prison to organize or participate in the activities of organizations that have been deprived of their legal status.⁵ As of late November 2006, five persons had been sentenced to different prison terms under this article.⁶

- In early November 2006, a Minsk court sentenced Dzmitry Dashkevich, leader of the youth movement Youth Front, to 18 months in prison for engaging in unregistered civil society activities. The hearing took place in a closed court room and the proceedings were reportedly characterized by serious due process violations.⁷

The criminalization of activities undertaken on behalf of unregistered organizations is particularly damaging as a large number of NGOs have been suspended or liquidated by court

² For more information about the elections, see “Belarusian Election Results Lack Credibility - Prosecutor General Should Investigate Restriction of Opposition Campaigns and Abuse of Executive Authority, and Ensure Right to Peaceful Assembly,” 20 March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4216

³ BHC, “Note on the Situation of Human Rights in Belarus,” July 2005.

⁴ See IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4221

⁵ See, IHF and BHC, “Criminal Prosecution for ‘Discrediting the Republic of Belarus,’” 30 November 2005, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4164

⁶ Information from BHC to the IHF, November 2006.

⁷ IHF and BHC, “Prison Terms for Unregistered Civil Society Activities in Belarus,” 2 November 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4336

in recent years because of alleged violations of the law, e.g. with respect to the use of foreign financial aid. According to estimates, more than 60 human rights groups have been closed down since 2000 in processes violating international law, while an even higher number have terminated their activities on their own initiative in response to growing pressure. As a result of these developments, most independent human rights organizations that continue their activities are now functioning as unregistered entities, and are thereby working at constant risk of prosecution.⁸

- The BHC, which at the time of writing was the only nation-wide human rights organization that still was registered with the authorities, has in the last few years been faced with a number of legal actions due to alleged tax evasion within an EU TACIS program.⁹ Tax authorities first ordered the group to pay more than EUR 60,000 in allegedly unpaid taxes and fines on grants received from the EU in 2004, thereby failing to take into account an international agreement which exempts technical assistance from taxes. The group was subsequently cleared of tax evasion charges in all instances.¹⁰ However, reversing an earlier final ruling, the Supreme Economic Court reinstated the penalties against BHC in December 2005.¹¹ An appeal against this ruling by the BHC was turned down in September 2006, which facilitated the re-opening of criminal charges against the BHC leadership as well as an initiative by the Ministry of Justice to suspend the activities of the organization.¹² The Belarusian Supreme Court is expected to decide about the suspension of the BHC by the beginning of 2007.¹³ In a separate decision in March 2006, on the eve of the presidential elections, a court ordered that the property of the BHC be confiscated.¹⁴ This order was implemented on 5 December 2006, with a computer, a fax machine and other equipment being removed from the group's office.¹⁵

Civil society activists who are openly critical of the government are also highly vulnerable to prosecution for libel.

- On 23 October 2006, 60-year-old Katsiaryna Sadouskaya, who is the head of a regional civic movement, was found guilty of insulting President Lukashenka and sentenced to two years in a minimum-security colony. The charges against her were based on a letter that was found in her home during a search. In this letter, which was never sent, she called for a mental examination of President Lukashenka, advocated a boycott of the March 2006 presidential elections and accused Russian secret services of supporting the Belarusian regime. Sadouskaya had previously been repeatedly fined and arrested for her human rights activities, which included the organization of pickets to demand respect for human rights and assistance of victims of human rights

⁸ See IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006.

⁹ The TACIS program is an EU program for providing assistance to countries in Eastern Europe and Central Asia.

¹⁰ IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006.

¹¹ IHF and BHC, "Supreme Economic Court Reinstates Enormous Penalties against the Belarusian Helsinki Committee," 22 December 2005, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4169

¹² IHF intervention to the 2006 OSCE Human Dimension Implementation Meeting on "Human Rights Defenders Under Attack," October 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4307

¹³ Information from the BHC to the IHF, November 2006.

¹⁴ *Ibid.*

¹⁵ See IHF, "Government Confiscates Property of the Belarusian Helsinki Committee," 5 December 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4351

violations. The IHF and the BHC deemed the case against Sadouskaya to be politically motivated and called for her immediate release.¹⁶

- Harry Pahaniala, BHC member and legal advisor to the families of “disappeared” politicians, remains threatened by charges of slandering President Lukashenka. The case against Pahaniala was opened on the basis of an interview he gave to a Swedish TV channel in 2004, a videotaped version of which was confiscated by custom officials when the TV journalist left the country. In the interview, Pahaniala described due process violations characterizing the investigations into past “disappearances” and named persons suspected of involvement in such violations.¹⁷ Investigators closed the case in February 2005, but the prosecutor-general is reportedly seeking to review the case.¹⁸ If he is found guilty, Pahaniala could be sentenced to up to five years in prison.¹⁹

In another form of harassment, a considerable number of civil society activists working for state institutions or companies have in recent months been dismissed from their jobs. They have typically not been able to find other jobs, and have therefore been forced into long-term unemployment and economic hardship.²⁰

By law public assemblies and demonstrations require permission by authorities. Opposition rallies are as a rule not permitted and, if such assemblies are held, they are typically dispersed by police with participants being beaten, arrested and fined. The March 2006 presidential were followed by a wave of arrests and violence targeting pro-democracy activists who gathered for public meetings to protest the election results. More than 500 activists were detained in the days after the elections, and many of them were sentenced to administrative arrest.²¹ The Criminal Code amendments adopted at the beginning of 2006 established a penalty of up to two years’ imprisonment for training, other forms of preparation or financial or material support for group actions considered to “grossly violate public order,” thereby creating a new avenue for arbitrary action to stifle legitimate protest actions.²²

While cracking down on independent civil society activities, the Belarusian government has encouraged the creation of pro-government civil organizations, which are formally independent but in practice are funded and controlled by the state.²³

¹⁶ IHF and BHC, “Belarus: Human Rights Defender Condemned to Two Years in prison for Insulting President Lukashenka,” 26 October 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4333

¹⁷ See the chapter on Belarus in the IHF 2005 and 2006 reports on *Human Rights in Europe, Central Asia and North America*, at http://www.ihf-hr.org/cms/cms.php?sec_id=71

¹⁸ Information from the BHC to the IHF, November 2006.

¹⁹ See the chapter on Belarus in the IHF 2005 and 2006 reports on *Human Rights in Europe, Central Asia and North America*.

²⁰ Information from BHC to the IHF, November 2006.

²¹ “Police Violence in Minsk Results in Severe Injuries. IHF and Helsinki Committees in Belarus, Norway and Sweden Appeal for Restraint and Respect for Right to Peaceful Protest,” 25 March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4219

²² See, IHF and BHC, “Criminal Prosecution for ‘Discrediting the Republic of Belarus,’” 30 November. 2005.

²³ Ibid.

Persecution of Russian human rights defenders in the name of enhancing security

The period in office of President Vladimir Putin has been characterized by increasing consolidation of the powers of the Russian federal executive and gradual erosion of democratic checks and balances. The control function of the parliament, judiciary and local governments has been seriously restricted, and independent media has been largely eliminated. In the most recent period, civil society groups have also come under growing attack.

In the last few years, state control over the registration and funding of independent civil society organizations has been stepped up, resulting in obstructions of the activities of such groups. This trend was further exacerbated by the adoption in late 2005 of new NGO legislation, which entered into force in April 2006. The new legislation, which the government argued was needed to prevent foreign governments from using NGOs in ways undermining national security, grants authorities broad powers to oversee, interfere in and halt the activities of NGOs, thus opening up an avenue for arbitrary and discriminatory measures. Among other provisions, the legislation introduced stricter registration procedures as well as new cumbersome reporting obligations for NGOs.²⁴ All foreign NGOs operating in Russia were required to re-register by mid-October 2006, a deadline which hundreds of groups failed to meet, frequently because of technical and bureaucratic difficulties created by authorities. While these groups were granted additional time to revise or complement their applications, they were forced to suspend their activities pending a re-consideration of their cases.²⁵ Moreover, the law imposes an obligation on NGOs receiving foreign funding to report in detail on how these funds are used and requires registered NGOs to submit to the authorities detailed year-long work plans for their activities. The law also vests authorities with wide discretion to prohibit projects or activities by foreign NGOs if they are considered to run counter to Russia's national interests and to initiate the closure of NGOs considered to have acted in violation of requirements of the law.²⁶

In another development, new problematic provisions to the 2002 anti-extremism law were adopted in July 2006. The amendments provided, inter alia, that not only "calls for" but also "justifications" of extremist activity are to be prohibited.²⁷ This gave rise to particular concern since the definition of "extremism" included in the law is broad and ambiguously worded and may be interpreted to cover legitimate human rights activities, such as criticism of official

²⁴ See the chapter on Russia in IHF, *Human Rights in the OSCE Region 2006 – Report 2006 (Events of 2005)*, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4255; and IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4221

²⁵ Human Rights Watch, "EU: Challenge Russia on Human Rights Abuses," 23 November 2006, at <http://www.hrw.org/english/docs/2006/11/23/russia14661.htm>; Center for the Development of Democracy and Human Rights, *Persecution of NGOs and Human Rights Defenders in Russia*, November 2006, available at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=54&d_id=4348; and Bellonia, "Russian NGO Registration Director Calls Suspended Organizations 'Liars'," 25 October 2006, at http://www.bellona.org/articles/Movchan_speaks

²⁶ See the chapter on Russia in IHF, *Human Rights in the OSCE Region 2006 – Report 2006 (Events of 2005)*; and IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*. See also Human Rights Watch, "Amended Law Threatens NGOs," 28 December 2005, at <http://hrw.org/english/docs/2005/12/28/russia12349.htm>; and Bellonia, "NGO Bill Becomes a Law," 19 January 2006, at http://bellona.org/english_import_area/international/russia/envirorights/info_access/41667

²⁷ IHF, "Open Letter to the leaders of the G8: New and Dangerous Amendments to the Russian Anti-extremism Legislation," 3 July 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4277

policies.²⁸ In recent years, there have been several cases in which the anti-extremism legislation has been used against outspoken civil society activists and groups. For example, in February 2006, the NGO Memorial was warned by the Moscow city prosecutor that it may be liquidated on grounds of “extremism” unless it removed from its website an expert assessment of materials of the Hizb-ut-Tahrir movement, which has been designated a terrorist organization by the Russian government. Memorial complied with the warning to avoid closure.²⁹

The following case also demonstrates how the anti-extremism legislation, as well as the new NGO legislation, can be misused to punish human rights activists:

- In February 2006, Stanislav Dmitrivsky, the director of the Russian-Chechen Friendship Society (RCFS), an NGO reporting on human rights violations in Chechnya, was found guilty of “inciting hatred or enmity on the basis of ethnicity and religion” (under article 282 of the Criminal Code) and given a two-year suspended prison sentence. The charges against him were brought after the RCFS published appeals by the late Chechen separatist leader Aslan Maskhadov and his envoy, Akhmed Zakayev, for a peaceful resolution of the Chechen conflict.³⁰ The sentence was subsequently upheld on appeal.³¹ Applying the new NGO law, the Regional Court of Nizhny Novgorod ordered in October 2006 that the RCFS be closed down on a number of grounds, including the failure of Dmitrivsky to resign from his positions within the RCFS despite his conviction for what qualifies as an “extremist” crime under the country’s anti-extremism law and the failure of the RCFS to publicly denounce Dmitrivsky after his conviction. The RCFS appealed the decision to the Russian Supreme Court, where the case was still pending as of this writing.³² Members of the RCFS have also in previous years been subjected to various forms of persecution, e.g. raids and inspections of their offices, threats, arrests, abductions and even killings.³³

Human rights defenders working on issues relating to the conflict in Chechnya are generally highly vulnerable to persecution and are without doubt the most endangered human rights activists in the country. Among those singled out for persecution are human rights defenders assisting victims of human rights violations in Chechnya to file complaints with the European Court of Human Rights or UN treaty bodies.

In a recent case, a well-known legal assistance organization was targeted by what appeared to be an attempt to cripple it through administrative measures:

²⁸ For a detailed discussion of the definition included in the anti-extremism law, see the chapter on “Vague, arbitrary and overly broad definitions of terrorism in criminal law,” in IHF, *Anti-terrorism Measures, Security and Human Rights*, April 2003, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4082

²⁹ Center for the Development of Democracy and Human Rights, *Persecution of NGOs and Human Rights Defenders in Russia*, November 2006.

³⁰ IHF, “A Fair Trial for Stas Dmitrievsky?,” 2 February 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4187

³¹ IHF Intervention to the 2006 OSCE Human Dimension Implementation Meeting on “Human Rights Defenders Under Attack,” September 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4307

³² IHF, “Flawed Court Case Based on Flawed NGO Law Leads to Ruling to Close Down the Russian-Chechen Friendship Society,” 13 October 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4323

³³ See the chapter on Russia in IHF, *Human Rights in the OSCE Region 2006 – Report 2006 (Events of 2005)*.

- Following a more than six-month long tax audit, in July 2006, the Federal Tax Service Inspectorate ordered the Moscow-based International Protection Centre (IPC), an affiliate of the International Commission of Jurists, to pay profit tax on all projects implemented in 2002-2004, as well as late payment interests and a fine. This amount totaled around 4,585,000 rubles (approximately €133,600), a sum which the IPC could not afford and, by law, should not be obliged to pay. The tax authorities claimed that the IPC had unlawfully taken advantage of tax exemption, but in doing so they disregarded provisions of the Russian Tax Code (article 251) which state that grants such as those received by the center are not subject to profit tax. As a result of the order to pay back taxes, as well as continued tax controls, the activities of the IPC have largely been halted, and numerous key employees have left the center. Also prior to these recent developments, the IPC had faced harassment by the authorities, including an attempt to disbar its founder Karinna Moskalenko, who received the 2006 IHF Recognition Award. Since 1994 the IPC has provided legal assistance to victims of human rights violations – often for free – and brought numerous cases against Russia to the European Court of Human Rights and the UN Human Rights Committee concerning abuses in Chechnya and the actions of the government in connection with hostage-takings.³⁴

In the last year, several other civil society groups well-known for their critical views of government policies have also been subjected to arbitrary inspections and punitive measures by tax authorities.³⁵

In another disturbing trend, human rights defenders have been subjected to defamatory campaigns in state-controlled media, which have, inter alia, depicted them as “enemies of the state,” spies or traitors. At the beginning of 2006, in what appeared to be an attempt to justify the adoption of the new restrictive NGO law, the Moscow Helsinki Group (MHG) and eleven other human rights groups were accused by the Federal Security Service (FSB) of espionage for receiving project funding from the British government. These groundless accusations, which never resulted in any formal investigation or proceedings, were widely distributed by state-controlled media and thereby tarnished the reputation of the NGOs in question.³⁶ A number of regional authorities subsequently refused to cooperate with organizations in the MHG’s regional network, e.g. in terms of prison monitoring.³⁷

Hostile media coverage also appears to have given impetus for threats against human rights defenders and journalists, such as so-called death lists published on extremist nationalist websites. These lists provide names and addresses of activists and journalists and their families and call for them to be killed. Among others, Anna Politkovskaya, who was the most prominent Russian journalist reporting on human rights violations in Chechnya, was included

³⁴ IHF/Moscow Helsinki Group, “Russia: Apparently Politically Motivated Tax Order Threatens the International Protection Centre,” 14 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4285; and information from the International Protection Centre to the IHF, November 2006.

³⁵ Center for the Development of Democracy and Human Rights, *Persecution of NGOs and Human Rights Defenders in Russia*, November 2006.

³⁶ IHF Intervention to the 2006 OSCE Human Dimension Implementation Meeting on “Human Rights Defenders under Attack,” September 2006; and Center for the Development of Democracy and Human Rights, *Persecution of NGOs and Human Rights Defenders in Russia*, November 2006.

³⁷ IHF, “IHF Protests the Smear Campaign against the Moscow Helsinki Group - NGOs Face Prosecution,” 25 January 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4178

on such a list. Russian authorities have remained largely indifferent to this form of extremism and have failed to take effective measures to protect those concerned.³⁸

Other factors impeding human rights work are undue restrictions imposed on the access to information of public interest as well as the organization of public assemblies. According to Russian law, no explicit permission is needed to stage an assembly; it is sufficient to inform the authorities in advance. However, in practice, the right to peaceful assembly is not always respected, and in some cases assemblies organized by human rights groups have been forcefully dispersed by police.³⁹

- On 16 October 2006, police violently dispersed a picket held in memoriam of Anna Politkovskaya in Nazran, Ingushetia, although the organizers had notified the authorities prior to the event. Plain-clothed civilians cordoned off the picket, and insulted and subjected participants to physical force. A staff member of the human rights NGO Memorial was beaten so badly that she contracted a nose fracture and a concussion. Four other representatives of Memorial, as well as the chair of Mashr (the Association of the Relatives of Missing Persons) were detained and taken to the Nazran police station, where they were held for several hours, during which time their passports were copied and their fingerprints taken. In a later court hearing, the chair of Mashr was fined 1,000 rubles (about EUR 30) for violating legislation on the organization of pickets (Art. 20.2 of the Russian Administrative Code).⁴⁰

³⁸ See also IHF, “Human Rights Defenders Endangered – Helsinki Committees Document Growing Persecution in Europe and Central Asia,” 20 November 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4345

³⁹ IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006.

⁴⁰ IHF Open Letter to the President of the Republic of Ingushetia, 17 October 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4324; Demos, “Persecution and Threats of Human Rights Defenders Working in Chechnya and the Northern Caucasus in the Wake of Anna Politkovskaya’s Murder,” November 2006, available at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4348.

Systematic crackdown on the Uzbek human rights community post-Andijan

The authoritarian regime of Uzbek President Islam Karimov has a dark history of repression of independent human rights activity, with human rights defenders facing various forms of persecution because of their efforts to hold their government accountable to its international obligations. In the aftermath of the May 2005 events in the city of Andijan, when hundreds of civilians protesting repressive government policies were killed through the indiscriminate and disproportionate use of force by security and law enforcement officials, the situation has further deteriorated.

In the post-Andijan period, human rights defenders and other civil society activists have been the targets of an unprecedented clampdown. Apparently fearful of political upheavals of the kind that recently have taken place in other countries of the former Soviet Union, the Uzbek authorities have stepped up their efforts to prevent the spread of information critical of the government, to silence dissident voices and to quash any form of protests. Human rights activists, journalists and others challenging official policies have, inter alia, been subjected to intimidation, surveillance, searches of their homes and offices, confiscation of property, physical assaults, house arrest, arbitrary detention and criminal prosecution.⁴¹

As of October 2006, at least 13 human rights defenders had been sentenced to imprisonment on politically motivated charges since beginning of the year.⁴²

- In a secret hearing held in January 2006, human rights activist Saidjahon Zainabitdonov was sentenced to seven years in prison on charges mainly related to Andijan events. He was, inter alia, accused of membership in a religious extremist organization and distribution of materials threatening public order. According to the Uzbek government, he had provided “terrorists” with information about the events and disseminated “slanderous” information about them. Zainabitdonov was present in Andijan during the 2005 events and had reported and spoken out about the government massacre that took place there.⁴³

Authorities have also sought to discredit and mobilize public sentiment against human rights defenders and their families, including by orchestrating defamation campaigns and shows of alleged “spontaneous public outrage.”⁴⁴

⁴¹ See also the chapter on Uzbekistan in IHF, *Human Rights in the OSCE Region. Report 2006 (Events of 2005)*, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4255; IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4221; and IHF, “Uzbekistan: Human Rights Defenders in Danger” (which lists 105 Uzbek human rights defenders against whom various forms of persecution has been reported in the post-Andijan period) 9 June 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4256

⁴² Human Rights Watch, “Myth and Reality: An Analysis of the Uzbek Government’s June 30, 2006, Aide-Memoire,” 3 October 2006, at <http://hrw.org/backgrounder/eca/uzbekistan1006/>

⁴³ Human Rights Watch, “Uzbek Rights Defender Saidjahon Zainabitdinov in Andijan, Uzbekistan,” 8 February 2006, at <http://hrw.org/campaigns/uzbekistan/andijan/hrdefenders.htm>; Amnesty International, “Uzbekistan: Release human rights activist who tried to tell the truth about Andizhan,” at <http://web.amnesty.org/pages/uzb-260905-action-eng>

⁴⁴ *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006.

- On 18 August 2006, Bakhtiyar Khamroev, a human rights activist in the region of Dzizhak, was attacked by a group of women who burst into his apartment and denounced him as a traitor. Police watched the incident and did not intervene until Khamroev had sustained a severe injury. Upon intervening, the police did not arrest any of the attackers. All of this took place, moreover, as Khamroev was meeting with British diplomats to discuss the human rights situation in his home region. This was the second time Khamroev was subject to such an attack in just over a year.⁴⁵

Moreover, in the post-Andijan period, women human rights defenders have increasingly been singled out for harassment and abuse. In a development of particular concern, the Soviet-era technique of forcibly detaining dissidents in psychiatric hospitals has been used repeatedly against women human rights activists.⁴⁶

- Lydia Volkobraun, a 69-year-old human rights activist who has written numerous complaints about unlawful action by police, was arrested in Tashkent in March 2006 and forcibly placed in psychiatric care. She had previously been forcibly detained in a psychiatric hospital on two occasions in 2004. Volkobraun was subsequently released.⁴⁷
- Mutabar Tadjibaeva, chairperson of the human rights organization Fiery Hearts Club in the Ferghana Valley, is currently serving a sentence in a Tashkent prison on apparently politically motivated charges. Tadjibaeva was arrested in October 2005, the day before she was due to travel to Ireland to participate in an international conference for human rights defenders, and accused inter alia of “anti-government activity” and attempting to “disrupt public order.” Prior to her arrest, Tadjibaeva had actively been involved in human rights monitoring and reporting and had publicly spoken out against repressive government measures taken in the wake of the Andijan events. In March 2006, she was sentenced to eight years in prison in a process that she described as “puppet theater.” During her imprisonment, she has reportedly been subjected to psychiatric treatment without apparent grounds.⁴⁸
- Elena Urlaeva, one of the most prominent human rights activists in Uzbekistan, was ordered by court to undergo forcible psychiatric treatment involving the administration of powerful psychotropic drugs in October 2005, although a psychiatric commission had declared her sane. This measure was taken following her arrest for disseminating leaflets of an Uzbek opposition party and posting a caricature of the Uzbek state symbol. Prior to this she had been forcibly detained in a psychiatric institution twice, for a total of six months. This time Urlaeva was released after ten days, but has continued to face various forms of harassment since her release. She has, inter alia,

⁴⁵ IHF, “Noted Uzbek Human Rights Defender, Bakhtiyar Khamroev, Beaten as Police Watch,” 22 August 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4287.

⁴⁶ See IHF intervention to 2006 OSCE Human Dimension Implementation Meeting on “The Precarious Situation of Women Human Rights Defenders in Uzbekistan,” at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4307; and IHF, “Uzbekistan: Women human rights defenders being forcibly detained in psychiatric hospitals,” 29 March 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4220

⁴⁷ Ibid.

⁴⁸ Ibid. See also Human Rights Watch, “Uzbekistan: Rights Defender Sentenced in ‘Puppet Theater,’” 7 March 2006, <http://hrw.org/english/docs/2006/03/07/uzbeki12763.htm>; and Amnesty International, “Uzbekistan Appeal Case Update: Mutabar Tadjibaeva – Human Rights Defenders,” 6 March 2006, <http://news.amnesty.org/library/Index/ENGEUR620042006?open&of=ENG-346>.

been placed under house arrest on several occasions, been prevented from meeting with international officials, had her apartment raided by police and been detained in connection with pickets.⁴⁹ Most recently, she was detained for several hours, together with five other human rights activists, when staging a picket in Tashkent on 27 November 2006 to demand that the government enter into dialogue with human rights defenders.⁵⁰

A large number of NGOs, including international ones, have been closed down since the Andijan massacre and those human rights groups that continue to operate in the country face serious difficulties to carry out their work. While NGOs are required by law to register with the authorities, the registration process is complicated and non-transparent, and in the past years independent groups have routinely been denied registration.⁵¹ For example, the Human Rights Society of Uzbekistan (HRSU), an IHF affiliate, has been refused registration six times since 1992.⁵² As a result of this excessively restrictive registration policy, most human rights groups function as unregistered entities and, thus, work outside the protection of the law. Amendments to the Criminal Code, which entered into force in January 2006, further increased pressure on independent NGOs by establishing new penalties for participation in the activities of unregistered organizations.⁵³

As a result of threats and pressure, many prominent civil society activists have been forced into exile in the past 18 months. Among them is Talib Yakubov, HRSU chairman and 2001 recipient of the IHF Recognition Award, as well as several other members of the HRSU. HRSU has been one of the most frequent targets of persecution during the post-Andijan crackdown.⁵⁴

The relentless campaign waged against government critics in the aftermath of the Andijan massacre has left Uzbekistan's civil society in a devastating condition, while pseudo-NGOs promoting government interests have further enhanced their profile.

⁴⁹ Ibid.

⁵⁰ Information from *Uznews*, 27 November 2006, at <http://www.uznews.net/st457.htm>

⁵¹ IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan – Restrictive Legislation and Bad Practices*, March 2006.

⁵² IHF, "Systematic Persecution of the Human Rights Society of Uzbekistan (HRSU)," 5 January 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4171

⁵³ See IHF, *Central Asia: Human Rights Groups Facing Increasingly Restrictive Legislation*, 13 February 2006, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4193

⁵⁴ See, for example, IHF, "Systematic Persecution of the Human Rights Society of Uzbekistan (HRSU)," 5 January 2006.

Recommendations to the EU

The EU should:

- Address the situation of human rights defenders, and other human rights issues, as an essential and integral part of political dialogues conducted with the governments of Belarus, Russia and Uzbekistan, emphasizing legal and moral obligations arising from international treaties and documents protecting human rights work;
- Actively implement the EU Guidelines on Human Rights Defenders in relation to Belarus, Russia and Uzbekistan and make clear to the governments of these countries that their human rights policies and practices – including with respect to human rights defenders – will have implications for mutual relations;
- Make use of political and other avenues of leverage to press for human rights improvements in Belarus, Russia and Uzbekistan, using objective benchmarks for measuring progress and ensuring that conditions imposed as a means of encouraging constructive change are pursued in a consistent fashion. For example, trade, visa or other sanctions conditioned on human rights progress should not be eased or lifted until clear and concrete improvements have taken place;
- Work closely together with international and local NGOs to elaborate and implement strategies for responding to the situation of human rights activists in the three countries;
- Continue and expand programs for funding independent human rights work in Belarus, Russia and Uzbekistan and ensure that no unnecessary bureaucratic or other obstacles to obtaining funding and implementing projects are in place, e.g. with respect to the registration of projects with national authorities;
- Bring up for discussion individual cases of persecution of human rights defenders in interactions with the Belarusian, Russian and Uzbek governments;
- Increase political, moral and other forms of support to human rights defenders at risk in the countries in questions and work together with international and national NGOs to provide concrete assistance to endangered human rights defenders, such as legal assistance, medical assistance and evacuation, safe relocation and temporary residence in emergency cases.

More specifically, when pressing for improvements in the situation of human rights defenders in Belarus, Russia and Uzbekistan, the EU should call on the governments of these countries to comply with the recommendations listed below.

The EU should demand that the government of Belarus:

- In consultation with international experts, review its legislation regulating the registration, funding and operation of NGOs to ensure that it is consistent with international standards on freedom of expression, association and assembly and does

not prevent NGOs from engaging in legitimate activities to promote democratic standards and human rights;

- Allow for an uncomplicated and transparent process of re-registration for all NGOs that have been deprived of their legal status in violation of international standards;
- Abrogate the amendments to the Criminal Code and the Criminal Procedure Code, which entered into force in January 2006, and promptly release those who have been imprisoned under these provisions merely for exercising internationally protected rights and freedoms;
- Terminate all ongoing legal proceedings against the Belarusian Helsinki Committee and its members, and annul the penalties imposed on the organization in 2005 and return all property recently confiscated from its facilities;
- Refrain from bringing criminal libel charges against civil society activists who have exercised their right to freedom of expression to communicate concerns about government policies, drop all such cases currently pending and review all such cases in which sanctions have been imposed.

The EU should call on the government of Russia to:

- Revise the new NGO legislation, which entered into force in April 2006, with a view to ensuring that its provisions are consistent with Russia's international human rights obligations and do not allow for arbitrary interference in or restrictions of the work of NGOs;
- Until such a revision has been completed, ensure that the re-registration and reporting processes required by the law can be completed in a speedy and uncomplicated fashion and that technical mistakes and minor omissions do not result in obstructions of the activities of NGOs;
- Revise the 2002 anti-extremism law to ensure that its provisions are precise, unequivocal and unambiguous and do not lend themselves to arbitrary or discriminatory enforcement infringing protected rights such as freedom of expression, association or assembly;
- Review all cases in which individuals exercising protected rights have been convicted for extremism with a view to reversing verdicts contrary to international standards;
- Publicly speak out against any form of harassment of human rights defenders, including threats, distribution of defamatory information, punitive administrative or legal measures and violence, and take measures to protect activists who have been singled out for death threats by nationalist extremist movements;
- Ensure that prompt, impartial and effective investigations are undertaken into all alleged cases of abuse against civil society activists and that adequate remedies are granted to victims of violations.

The EU should demand that the government of Uzbekistan:

- Publicly recognize its obligation to respect the right of its citizens to “contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms”;
- Reform the process of NGO registration so as to ensure that all NGOs, including independent ones, can obtain registration or re-registration through an uncomplicated and transparent process;
- Revoke all legal provisions providing for sanctions for the participation in the activities of unregistered groups;
- Immediately release all civil society activists who have been detained because of legitimate human rights work or criticism of official policies and ensure that no one is prosecuted, imprisoned or forcefully confined in a psychiatric institution merely for exercising his or her right to freedom of expression and other fundamental freedoms;
- Condemn and take effective measures to put an end to all forms of intimidation and harassment of human rights defenders and others involved in efforts to promote government compliance with international human rights standards, including by educating officials at all levels about international human rights law;
- Ensure that all reported cases of attacks against human rights defenders are investigated in a prompt, thorough and objective manner and that those guilty of such attacks are brought to justice.