OSCE Supplementary
Human Dimension Meeting:
Human Rights - Advocacy and Defenders

Statements Issued by
Amnesty International


The meeting, organized by the Office for Democratic Institutions and Human Rights, focussed on specific challenges faced by non-governmental organizations (NGOs) working to defend human rights in the OSCE area, including in the context of armed conflict or internal tensions. It debated the relationship between NGOs and governmental institutions and intergovernmental organizations, the pitfalls of the legal and practical protection of human rights defenders, and human rights training for officials and for human rights advocates themselves.

In the meeting Amnesty International expressed concern about the treatment of human rights defenders in a number of OSCE participating states, including Armenia, Azerbaijan, Belarus, the former Yugoslav Republic of Macedonia, Georgia, Kazakstan, Kyrgyzstan, the Russian Federation, Spain, Turkey, Turkmenistan, Ukraine, the United Kingdom and Uzbekistan. Amnesty International emphasized that there is an “implementation gap” between international standards and commitments, including the existing body of OSCE commitments, and the practice on the ground in many states. The organization proposed a number of recommendations aimed at improving the situation at the level of the OSCE political bodies, the level of the governments of OSCE participating states and the level of OSCE field operations and OSCE institutions. Amnesty International called on the OSCE to develop commitments that affirm the UN Declaration on Human Rights Defenders, urging, inter alia, that the principles of the UN Declaration on
Human Rights Defenders be incorporated into national law and mechanisms, and be implemented.

Amnesty International submitted the following statement to the meeting:

- Written Statement for Working Session 2:  
  Protection of Human Rights Advocates and Defenders
- Written Statement for Working Session 1  
  Government Institutions and Non-Governmental Organizations

**WRITTEN STATEMENT FOR WORKING SESSION 1:  
GOVERNMENT INSTITUTIONS AND NON-GOVERNMENTAL ORGANIZATIONS**

Human rights defenders are the men and women committed to realizing the ideals proclaimed in the Universal Declaration of Human Rights. Acting on their own or collectively, they are contributing to the effective elimination of violations of the fundamental rights and freedoms of peoples and individuals.\(^1\) This includes the search for truth, justice and effective remedies for human rights violations, the struggle for gender and racial equality, the protection of civil, political, economic, social and cultural rights, and the struggle against hunger, poverty and discrimination. It includes also valuable work in human rights education and promotion.

In clear recognition of the important work of human rights defenders, the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) was adopted in 1998 by the United Nations General Assembly. The Declaration sets out a series of principles and standards aimed at ensuring that states fully support the efforts of human rights defenders and ensure that they are free to conduct their legitimate activities without hindrance or fear of reprisal. Key articles in the Declaration include the right to be informed about fundamental human rights and freedoms, and to meet and assemble peacefully for the purpose of promoting universally recognized human rights. The Declaration also affirms the right to criticize government policy and action in relation to human rights, and the right to adequate protection and an effective remedy when an individual’s rights are violated as a result of efforts to promote fundamental rights and freedoms. Additionally,

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\(^1\)The role of human rights advocate or defender does not belong to NGOs alone. The annotated agenda for this meeting acknowledges also the role of governments, but the meeting should not overlook a crucial component of the global human rights network: the broader community of civil society actors, such as journalists, lawyers, doctors, labour activists, religious leaders and other professionals, as well as many private individuals without any group affiliation, who can all, by their activities, be defined as human rights defenders. Amnesty International follows the UN Special Representative on Human Rights Defenders, Hina Jilani, in choosing an inclusive definition whereby all people working for the rights and freedoms outlined in international treaties and declarations should be considered as human rights defenders. The OSCE approach should be the same.
the UN Secretary-General has appointed the Pakistani human rights lawyer Hina Jilani as Special Representative for Human Rights Defenders, with a mandate to monitor, document, and intervene on behalf of human rights defenders under threat.

This meeting is a timely forum for the OSCE to begin developing specific OSCE commitments that affirm the UN Declaration on Human Rights Defenders, as well as promoting the full incorporation of the Declaration’s principles into OSCE participating States’ national law and mechanisms for the protection of human rights. We argue in favour of this because the Declaration provides the best framework within which to examine and address the gap that exists between the theory of state obligations to promote and protect the work of human rights defenders, and the lamentable failure in some states to implement those obligations. That failure is as present in the OSCE region as in any part of the world.

The OSCE region provides many examples of the ways in which, far from meeting their obligations for protecting and promoting human rights defenders in their work, agents of the state are actively obstructing them, undermining or destroying their efforts, and in the worst cases torturing, ill-treating and killing the human rights defenders themselves. It is truly shameful that, in some parts of the OSCE region, the struggles of today’s human rights defenders to make the provisions of international human rights instruments a reality should be so reminiscent of the experiences of the Helsinki Groups that emerged in the latter 1970s in Central and Eastern Europe in the hope of making real the provisions of the Helsinki Final Act: experiences of harassment, persecution and imprisonment.

Nowhere is this more true than in Belarus, a situation which Amnesty International will be particularly highlighting in its oral interventions to Working Session 1. Belarus offers almost a textbook example of the many state-authored obstacles to the work of human rights defenders. These obstacles, and the experiences of the many brave men and women still working to make real the ideals of the UN Declaration of Human Rights, are catalogued in a report published by Amnesty International available at this meeting, entitled *In the Spotlight of the State: Human Rights Defenders in Belarus*. Human rights defenders in Belarus have been arbitrarily deprived of their liberty and subjected to cruel, inhuman and degrading conditions of detention; they have been subjected to police ill-treatment and threats thereof, they have had their offices raided by police or suspiciously broken into with the loss of valuable equipment, data and materials. A system of registration, and regulation through warnings apparently for spurious reasons, refusal of the authorities to cooperate with human rights defenders, and other obstacles such as lack of access to office or meeting space, to the media and to funding appear to amount to a pattern of deliberate obstruction of the work of human rights defenders.
There are, of course, other OSCE states in which human rights defenders report some of the same experiences. In May this year in Georgia the human rights defender Nana Kakabadze was reportedly threatened with “physical annihilation” by a senior prison official for her public criticism of pre-trial detention conditions. The Minister of Justice of Georgia is reported to have verbally reprimanded the prison official within hours of the threat. In Kyrgyzstan there have been several cases of harassment by authorities, forcing some human rights defenders into exile. In Uzbekistan, two human rights defenders, Ismail Adylov and Makhbuba Kasymova, have recently served prison terms on charges apparently brought to punish them for their peaceful exercise of legitimate human rights activities. In Ukraine, members of our own organization in the city of Lviv, in Cherkasy Oblast (region) and Drohobych were summoned for questioning by police earlier this year about their Amnesty International campaigning activities.

The situation of human rights defenders in Turkey has long been a subject of international concern, and pressure on human rights defenders in Turkey has been on the increase in recent months, including in connection with the ongoing campaign of hunger strikes in the country’s prisons against the introduction of F-Type prisons (High security prisons with small cells for one or three people each). Human rights activists mounting peaceful protests against or expressing criticism of F-Type prisons find themselves charged with supporting illegal organizations. Branches of the Human Rights Association, a major NGO, have been raided, or shut down either temporarily or indefinitely. In addition, leading human rights defenders who investigated the fate of two Kurdish politicians who “disappeared” after having been called to a gendarmerie station were exposed to increasing death threats. In September 2001, all patient and doctor related files were confiscated in a raid of the Diyarbakir office of the Human Rights Foundation of Turkey on the grounds that the treatment of torture victims was an “illegal activity”.

As already mentioned, the role of human rights defender does not belong to NGOs alone. Lawyers and journalists are also among the civil society sectors contributing to the defence of human rights. The OSCE has already devoted one of this year’s Supplementary Human Dimension Meetings to the issue of freedom of expression, and we urge the OSCE to implement the recommendations from that meeting aimed at creating safer conditions for the work of journalists, free from unwarranted state and other interference. Amnesty International urges this for the sake of journalists such as Vahagn Ghukasian in Armenia, allegedly subjected to ill-treatment by two officials from the Ministry of Internal Affairs last year, and subsequently to a campaign of anonymous intimidation in response to his writing activities, and for the several journalists beaten by police and unidentified men in civilian clothing in Baku, Azerbaijan on 12 May this year while covering an unsanctioned opposition demonstration.
In the gravest cases, people involved in the defence of human rights are killed for their activities. Amnesty International, like the rest of the international community, is still waiting for a thorough and impartial investigation to be launched into the death in custody in July this year of Uzbek human rights activist Shovрук Ruzimuradov. Amnesty International is concerned at an alleged political motive behind the killing in June this year of Dilbirim Samsakova, a Uighur community activist in Kazakhstan. The international community still awaits a proper investigation into the murder of the journalist Georgiy Gongadze in Ukraine.

Finally, no survey of the current situation of human rights defenders would be complete without noting that in one OSCE State, Turkmenistan, political conditions are such that it is virtually impossible either for independent NGOs or for human rights defenders individually to work at all.

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RECOMMENDATIONS

All of the above illustrate the extent of the “implementation gap” - the gulf between the international standards and commitments, including the existing body of OSCE commitments, and the practice on the ground in many states. To begin the work of bridging that gap, Amnesty International makes the following recommendations to the OSCE:

**Action at the level of the OSCE political bodies:**

- Specific OSCE commitments should be developed that affirm the UN Declaration on Human Rights Defenders.
- The OSCE Chairperson-in-Office should commission an analysis of the situation of human rights defenders in the OSCE region, as a first step towards regular reporting on the status of implementation of the UN Declaration on Human Rights Defenders, and on activities at the level of the OSCE and the participating States to promote and give effect to the Declaration.
- The status of national implementation of the UN Declaration on Human Rights Defenders should be a permanent item on the agenda of the Chairperson-in-Office in bilateral dialogues with senior officials from the participating States.
- The OSCE political bodies and the relevant OSCE institutions should explore ways to cooperate concretely with the UN Special Representative on Human Rights Defenders.

**Action at the level of the governments of the OSCE participating States:**
The following nine action points, enacted at the state level, would significantly advance OSCE participating States towards fulfilment of the provisions of the UN Declaration on Human Rights Defenders.

- States should ensure that the principles contained in the UN Declaration on Human Rights Defenders are fully incorporated into national law and mechanisms, including national human rights institutions, for the protection of human rights. Authorities at all levels should explicitly commit themselves to promoting respect for human rights and the protection of human rights defenders.
- States should ensure that officials at every level of the state apparatus, including lower-ranking officials, fully collaborate with and facilitate the work of members of non-governmental human rights organizations.
- States should ensure that prompt, thorough and impartial investigations are conducted into all allegations human rights violations committed against human rights defenders, that those responsible are brought to justice and the victims are provided with adequate reparation. The results of such investigations should be made public. Members of the police or security services under investigation for human rights violations should be restricted in their duties until investigations have concluded.
- States should ensure that those suspected or convicted of human rights violations against human rights defenders do not benefit from any legal measures exempting them from criminal prosecution or conviction.
- There should be effective action against state officials who abuse the criminal process to the detriment of members of human rights and social organizations with the intention of harassing them or curtailing their legitimate activities for the defence of human rights and fundamental freedoms.
- Governments should ensure that human rights defenders have equal access to the law and that judicial investigations and proceedings against them are conducted in accordance with international fair trial standards.
- States should adopt integrated programs for the protection of human rights defenders that include preventive measures, such as thorough criminal investigations into attacks and threats against human rights defenders, education for security force agents on the rights of defenders to carry out legitimate activities, as well as security measures to assist human rights defenders and their families with immediate safety issues. Such programs would ensure that all measures to protect human rights defenders are adopted in accordance with the wishes of the person receiving protection.
- States should ensure rigorous and independent investigations into reports of unauthorized removal or theft of information and equipment from human rights defenders and non-governmental organizations and ensure that those found responsible are brought to justice.
States should ensure that criminal defamation laws are not misused against human rights defenders for the purpose of silencing them or shielding those implicated in human rights violations from prosecution.

**Action at the level of OSCE field operations and OSCE institutions**

- The recommendations for action by States set out above may best be achieved by the development of national programs on human rights defenders. Drawing on positive experiences from other world regions the OSCE could be the catalyst for developing -- in collaboration with government and the NGO community -- national programs for the implementation of the principles of the UN Declaration on Human Rights Defenders. Such programs could include measures such as mandating national human rights commissions or ombudsperson institutions to monitor the status of implementation of the Declaration.

- A special program on human rights defenders could be established at the ODIHR, building on work already done but including elements such as enhanced monitoring of and reporting on the situation of human rights defenders, and coordinating development of national programs for the enhancement of their work and protection.

- Finally, Amnesty International considers that the methodology of the Office of the Representative on Freedom of the Media, in its work on behalf of journalists, might be a useful model for monitoring and making early political interventions on behalf of all types of human rights defenders under threat.

*Amnesty International*

*22 October 2001*
WRITTEN STATEMENT FOR WORKING SESSION 2: PROTECTION OF HUMAN RIGHTS ADVOCATES AND DEFENDERS

One of the guiding concepts of the OSCE is that the free and full exercise of human rights is an essential part of achieving security. At this time of international crisis, it is vitally important that the OSCE participating States, who are at the forefront of the international response to the 11 September attacks in the United States, ensure that the actions they take in the name of security also respect, maintain and ensure fundamental human rights.

Amnesty International is greatly concerned about the situation of civilians affected by the military action in Afghanistan. Outside the area of direct military action, our other human rights concerns arising from the current crisis are many, including in the OSCE region. There are concerns for the state of human rights in many countries, both because of a hardening of legal and administrative measures rushed through in reaction to the 11 September events, and because governments may clamp down opportunistically. There is a danger that, while the world’s attention is focussed elsewhere, some governments will increase their repression of opponents. There is the already visible phenomenon of international criticism of certain governments for ongoing grave human rights problems - such as in the Russian Federation and in the frontline Central Asian states - becoming muted in the interests of bringing those governments into the international coalition. There is concern that certain governments in the OSCE region will use the current climate as an opportunity to clamp down on any manifestation of perceived Islamic opposition with greater impunity.

Governments have a responsibility to ensure the safety of their citizens, in a manner which is consistent with international human rights standards. It appears that, in some of the initiatives currently being discussed domestically and multilaterally, definitions of "terrorism" are so broad that they could be used to criminalize people out of favour with those in power, and criminalize legitimate peaceful exercise of the rights to freedom of expression and association. There is a grave risk that the international military campaign prompted by the events of 11 September will itself be the occasion for an assault on fundamental freedoms. A further risk is that overt or tacit international approval will be conferred on the domestic policies of those coalition partners where fundamental freedoms have been persistently undermined not by criminal acts, but by the policies and practices of the state.

Human rights defenders find themselves in situations of great vulnerability at times like these, and it is precisely at times like these that their role becomes more vital than ever. It is the role of the human rights defender to take a principled stand in the face of what governments may do out of expediency, or opportunism, even if that stand sets them
against popular sentiment. Human rights defenders champion the marginalized. In times of conflict it is human rights defenders who seek to ensure that what is done “in the national interest” also respects international human rights law and standards. Amnesty International fears that, in the current climate, human rights defenders in some countries may find themselves branded as “terrorists”, or as “traitors”, for seeking to champion basic freedoms, or will be so vilified by officials and by the media for standing on the principles of international human rights and humanitarian law that they will be effectively silenced. It is our hope that the OSCE will take a firm stand against such a development.

Amnesty International is concerned in particular by the situation in Uzbekistan. We single out this country because Uzbekistan has already, for the past several years, demonstrated the phenomena that we describe above. A bomb attack that claimed 16 lives in Tashkent in February 1999, which was blamed on the Islamic Movement of Uzbekistan (IMU), unleashed a ferocious backlash by the authorities. Thousands of alleged supporters of banned Islamic opposition parties or movements, including members of their families, have been detained or sentenced to long terms of imprisonment after trials which fell far short of international fair trial standards. All the men tried and sentenced to death in connection with the February 1999 bombings have been executed. There have been consistent allegations of widespread and systematic torture and ill-treatment. Human rights defenders have sought to monitor the situation and to highlight the human rights violations surrounding the government clampdown in the face of all manner of official obstruction and harassment. This has led to human rights defenders undergoing surveillance, or suffering confiscation of equipment and materials and beatings by police. Two activists, Ismail Adylov and Makhbuba Kasymova, have served prison terms on charges which Amnesty International believes were brought to punish them for their human rights activism. Only three months ago, human rights defender Shovruk Ruzimuradov died in police custody.

Amnesty International is calling on the Government of Uzbekistan to end its persecution of human rights defenders, to ensure a fair trial for all those accused of offences in connection with their membership of banned opposition groups, to desist from detaining people solely on the basis of a family connection, to put a stop to torture and ill-treatment, and to stop using the death penalty.

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Looking beyond the current crisis, there is much evidence in the OSCE region of the precariousness of human rights defenders at times of armed conflict or public emergency, or in the context of campaigns by armed political groups. The vital role of human rights defenders in such contexts in seeing that there is respect for the law -- whether the body of human rights and humanitarian law that governs the conduct of armed conflict, or applicable domestic law -- may place them at grave risk. Those who abuse human rights,
whether state agents or non-state actors, have an interest in silencing those who seek to expose the abuse.

Journalists are often the most active front-line community of human rights defenders in such contexts. In Spain, the campaign of violence by the Basque armed group ETA continues to kill and maim journalists. In our earlier statement we have mentioned the Russian journalist Anna Politkovskaya, whose attempts to report human rights violations in Chechnya earlier this year led to her arrest and abusive treatment by Russian federal forces, as well as her vilification by state officials, including those responsible for the defence of human rights in Chechnya. Amnesty International is not aware of the outcome of any official investigation into the case of journalist Andrey Babitsky, who was detained by Russian forces last year and spent time in the Chernokozovo detention centre in Chechnya, where witness allegations indicate a persistent pattern of torture and ill-treatment of detainees. The recent conflict in The former Yugoslav Republic of Macedonia featured a number of reports of harassment of journalists, possibly because they were suspected of contradicting the government’s version of events. They include a Romanian journalist for the AFP news agency and his interpreter who were arrested in Skopje in early June, and ill-treated during overnight detention. Other local journalists had their homes searched.

A key element of protecting human rights defenders is to ensure that physical attacks on them, when they occur, are thoroughly investigated. The suspicion of possible official collusion is often present in such cases, a suspicion compounded by official inaction. Amnesty International can point to many parts of the OSCE region where such cases occur. In the United Kingdom, Amnesty International continues to call for an independent judicial inquiry into allegations that the British intelligence services colluded in the killing of the prominent Northern Irish human rights lawyer Patrick Finucane, and for an independent public inquiry into the murder of the Northern Irish human rights lawyer Rosemary Nelson, killed by a Loyalist car bomb after death threats against her allegedly received a consistently dismissive response from police.

Similarly, Amnesty International is concerned about allegations that certain official structures in Abkhazia, Georgia, were implicated in the August 2000 killing of Zurab Achba, a legal assistant to the UN Human Rights Office in Sukhumi, and has called on the Abkhazian authorities, as those with de facto control over the region, to conduct a thorough and impartial investigation.

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RECOMMENDATIONS
Based on the concerns and the concrete experiences mentioned above, Amnesty International makes the following recommendations to this working session:

**Action at the level of the OSCE political bodies:**
- The OSCE Permanent Council and the Chairman-in-Office should closely monitor the situation in those participating States which have announced or enacted legislative, procedural and other initiatives that are being justified as part of the fight against "international terrorism". The OSCE political leadership should stand resolutely against any measure that could undermine human rights standards, including OSCE commitments, or could be used to curb basic human rights and to suppress peaceful internal opposition.

**Action at the level of the OSCE participating States:**
- Participating States of the OSCE, in the context of discussions in OSCE forums and bilaterally, should recognize their obligations not to desist from legitimate expressions of concern about the situation of human rights in other participating States, regardless of any shared interests as members of the international coalition forged since 11 September.
- Incorporation of the principles of the UN Declaration on Human Rights Defenders into national law and mechanisms, as recommended in Amnesty International’s statement to working session 1 of this meeting, and appropriate follow-up measures, would greatly enhance the national protection of human rights defenders.

**Action at the level of the OSCE institutions and field operations:**
- Amnesty International welcomes the OSCE ODIHR’s highlighting of racist and anti-Islamic attacks in many parts of the OSCE region in the aftermath of 11 September. We call on the OSCE ODIHR and the OSCE field operations to continue to monitor this and other aspects of the backlash that is placing human rights at risk in the region, including the situation of human rights defenders and the status of human rights protection and respect for human rights.

*Amnesty International*

22 October 2001