

OSCE countries: Torture and ill-treatment of human rights defenders and activists during external and internal conflict situations

This document¹ reviews the practices of torture and ill-treatment of human rights defenders and civic activists during conflict situations, including armed conflict, as well as civil unrest and mass protests brutally suppressed by the authorities using weapons, including lethal action. This report covers several OSCE countries and outlines documented cases of torture and ill-treatment of human rights defenders and civic activists and evaluates the effectiveness of the public authorities' response to these incidents.

The OSCE Ministerial Council's Decision No. 7/20 "Prevention and Eradication of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," adopted by consensus in December 2020 during the OSCE Ministerial Council Conference in Tirana, recognizes "that during conflict situations, including armed conflict, as well as civil unrest and mass protests, particular attention should be paid to preventing torture and other cruel, inhumane or degrading treatment or punishment." The Decision further commends "the persistent efforts of civil society at national and international level working to effectively prevent and combat torture and other cruel, inhumane or degrading treatment or punishment and alleviate the suffering of victims."

Decision No. 7/20 contains 22 commitments that call upon States to prevent torture and ill-treatment, to conduct timely and prompt investigation into all cases, to ensure adequate conditions of detention, to implement effective legal and procedural safeguards for detainees and prisoners, and to uphold their international obligations concerning the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The Decision underlines the importance of creating favorable conditions for national bodies and organizations working to prevent and combat torture. Thus, paragraph 20 of the Decision calls upon States to "support the efforts of civil society organizations working to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, enable their active contribution, as appropriate, and make use of information provided by them in alleged cases of torture and other cruel, inhuman or degrading treatment or punishment."

Our review of the situation in Belarus, Russia, Kyrgyzstan, Tajikistan, and Uzbekistan reveals that not only have the crucial obligations of Decision No. 7/20 not been fulfilled, but the situation has also significantly worsened over the past two and a half years. Brief overviews of the situation in the said countries are provided below.

Belarus

Following the brutal suppression of peaceful street protests against the falsification of the 2020 presidential election results, the authorities have increased their crackdown on civil society. Independent journalists, as well as employees and volunteers of human rights organizations, have been targeted for widespread and coordinated persecution that combines politically motivated administrative and criminal charges with arbitrary detention, torture, and ill-treatment in places of deprivation of liberty. Human rights defenders and other persons held in places of deprivation of liberty on politically motivated charges

¹ The following organizations participated in the preparation of the review: Human Rights Center Viasna (Belarus), Kadir Kassiyet, International Bureau for Human Rights and Rule of Law (Kazakhstan), Public Verdict Foundation (Russia), OMCT – World Organization against Torture

report widespread use of force and continued ill-treatment, which also includes overcrowding and unsanitary conditions of detention.²

Prison authorities in Belarus identify human rights defenders, along with other political prisoners, by sewing yellow tags onto their clothes to indicate their alleged "proneness to extremism."

Following Russia's full-scale invasion of Ukraine, anti-war rallies have been held in Belarus. According to testimonies documented by the Viasna Human Rights Center, more than 1,100 people were arrested on 27 and 28 February 2022, of whom at least 630 were detained for 15 to 30 days. Prisoners have been subjected to torture, brutal beatings, and inhumane conditions. In particular, they had their warm clothes taken away and cell windows kept open in cold weather; left without food for one to five days before their trial, denied personal hygiene products, mattresses, pillows, and bedclothes; parcels with food and essentials were refused, no medical assistance provided, and many prisoners were forced to stay awake at night due to roll calls conducted every 2 to 3 hours and the lights kept on. The cells were intentionally overcrowded, with up to 32 people crammed into a space meant for only four. People were forced to sleep in pairs on beds with metal bars, on tables, under beds, on concrete or wooden floors. The following is a testimony from a woman arrested during a protest in Minsk on 28 February and held for three days in the Okrestina Detention Center awaiting trial:

Regarding the number of people: in my two-bed cell, there were 17 people, and I've heard that some women's cells with a varying number of beds held between 11 and 14 people. In the men's section, cells meant for five were instead holding 35. Our warm clothes were taken away at admission. Our cell did not have a sink, but there were cockroaches and woodlice. The air was stale and stuffy due to overcrowding. The lack of ventilation caused us to wake up multiple times at night, but [the guards] refused to open the feeder hatches [to let air in]. We were fed once a day. Following a standard practice, we were not provided with mattresses or bedding. [At least] they did not pour bleach [in the cell]. During the three days of my detention, we were only woken up once at three in the morning for a roll call.

We had a conflict with him (Yevgeny Vrublevsky, an officer at Okrestina, according to Viasna) as we asked to provide toilet paper and to open the feeder hatch. He snapped, "You get what you asked for," swearing. This led to a conflict between us [female detainees] and him. I was able to drag one of the women away from the door, because I realized what kind of person he was. But Vrublevsky grabbed another woman, led her outside to the hall and banged her head against the wall."³

Belarusian activists conducted a series of direct anti-war actions aimed to slow down the movement of freight trains carrying military cargo towards Ukraine. These actions did not pose an immediate danger to passengers, as the trains were slowed down by creating conditions which triggered the automatic systems preventing them from continuing movement. On 2 March 2022, Deputy Minister of Internal Affairs and Head of Criminal Police at the Ministry of Interior, Gennady Kazakevich, issued a warning stating that "any actions aimed at disrupting the infrastructure of the Belarusian railway will be considered acts of terrorism. The response will be immediate and the most severe. As it is well-known,

² The Special Rapporteur on the situation of human rights in Belarus, Report of the Special Rapporteur on the situation of human rights in Belarus, 4 May 2022, para. 74: <https://reliefweb.int/report/belarus/situation-human-rights-belarus-report-special-rapporteur-situation-human-rights-belarus-anais-marin-ahrc5058-enru>

³ <https://spring96.org/ru/news/107041>

one cannot negotiate with terrorists; they can only be eliminated." The authorities responded with brutal force against those involved in these actions, resulting in the arrests of dozens of railway workers and activists. The Ministry of Interior forces displayed extreme cruelty by aiming firearms at suspects' legs:

Vitaly Melnik was accused of disabling the alarm system by setting fire to the automatic traffic light blocking relay unit on the Novosady railway line in March 2022. The court sentenced him to 13 years in a penal colony and a fine on charges of terrorism and insulting A. Lukashenko. During his arrest, Melnik was shot in the legs and did not receive adequate medical treatment afterwards. As a result, he had to use crutches to move around, as the muscles in his right leg never fully recovered.

On 30 March, Evgeny Minkevich, Vladimir Avramtsev, and Dmitry Klimov were arrested on suspicion of being involved in the destruction of relay cabinets near Osipovichi. During his arrest, Klimov was shot in the legs. A video published later by the Ministry showed that the arrested men had been severely beaten and that one of them had been shot in the legs above the knees. All three were convicted: Klimov and Avramtsev to 22 years each under Article 289 part 3 (act of terrorism by an organized group), Article 290-4 part 2 (participation in an organization with the aim of carrying out terrorist activities), Article 356 part 1 (high treason), and Article 309 part 4 (intentional disruption of a vehicle or means of communication); and Minkevich to 1.5 years in prison for failure to report a crime.

Sergei Glebko was arrested on the night of 1st to 2nd March in Stolbtsy. According to the Ministry of Interior, the man had set fire to a log on the railway tracks with the intention of slowing down trains. Glebko was charged with terrorism under Article 289 of the Criminal Code. A video with Glebko's forced confession shows clearly that he had been beaten following his arrest. On 19 October, the Minsk City Court sentenced Glebko to 11 years in a penal colony and a fine.⁴

The use of torture and ill-treatment against prominent human rights defenders has been documented.

Nasta Lojka, co-founder Human Constanta,⁵ was arbitrarily arrested in September 2022 and is still (as of April 2023) held in a pre-trial detention center. Lojka was tortured with electric shocks during her interrogation. She was also forced to stay outside for prolonged periods without warm clothes in low temperatures and to perform humiliating acts while in custody.⁶

Ales Bialiatski, Nobel Peace Prize winner and Chairman of the Viasna Human Rights Center, and his colleagues Valiantsin Stefanovich and Uladzimir Labkovich, who were sentenced in March 2022 to between 7 and 10 years in prison, were kept handcuffed in a metal cage during the trial.⁷ During the investigation, Ales Bialiatski was kept in a

⁴ <https://spring96.org/ru/news/110386>

⁵ <https://humanconstanta.org/en/>

⁶ <https://www.omct.org/en/resources/statements/joint-statement-belarus-end-persecution-and-ill-treatment-of-woman-human-rights-defender-nasta-lojka>

⁷ <https://www.omct.org/en/resources/statements/crimes-against-humanity-including-torture-continue-in-belarus>

basement with poor access to sunlight. Moreover, the authorities systematically denied family members of all three convicts any contact with them, strictly limited their access to lawyers, and severely censored all mail messages.

Marfa Rabkova, coordinator of Viasna's torture documentation project and volunteer service, was sentenced in February 2023 to 14 years and nine months in prison.⁸ While in detention, Ryabkova was denied adequate medical care, causing her health to deteriorate considerably.

There have been no known cases of investigations into the allegations of torture, ill-treatment, or improper conditions of detention.

Russian Federation

In recent years, peaceful protests in Russia have been brutally dispersed, leading to arrests of hundreds of civic activists. Since the outset of Russia's full-scale invasion of Ukraine, anti-war protests have taken place in various forms almost every day throughout Russian regions. Between 24 February 2022 and 15 February 2023, the independent human rights media project OVD-info reported almost 20,000 cases of administrative arrests, with women comprising 46% of those arrested. The organization also documented at least 413 incidents of police using force during this period. Those arrested were forcibly knocked down to the ground, beaten with batons, strangled, and punched in the stomach, face, and eyes. Some had their heads slammed against walls and their arms twisted behind their backs. Numerous injuries and bruises were reported, including fractures, dislocations of the arms, shoulders and fingers, an elbow sprain, abrasions to the head, a broken nose, eye injuries, a swollen leg from blows, and loss of consciousness. There were several reports of police using electric shockers. In many cities, police officers refused to call an ambulance or grant medics access to detainees.⁹

Women and non-binary individuals arrested during anti-war protests, were subjected to sexualized humiliation and abuse. This abusive practice had not been documented by human rights organizations before. Following multiple peaceful protests, reports emerged from several Russian cities of women and non-binary individuals being forced to undress for "strip searches" at police stations.

Thus, in St. Petersburg, two women arrested during an anti-war protest were forced to undress. "They told me to take off my underwear, to squat several times, and to spread my buttocks," said one of the arrested women to her defenders.¹⁰

In Nizhny Novgorod, several persons arrested during a protest were detained at a police station overnight, forced to strip down and to squat naked.¹¹

⁸ <https://www.omct.org/en/resources/urgent-interventions/belarus-confirmation-in-appeal-andrey-chapiuk-and-marfa-rabkovas-prison-sentences>

⁹ <https://data.ovdinfo.org/svodka-antivoennyh-repressiy-god-polnomasshtabnogo-vtorzheniya-rossii-v-ukrainu#2-1>

¹⁰ <https://t.me/ovdinfo/13897>

¹¹ <https://ovdinfo.org/stories/2022/03/17/zastavlyali-razdevatsya-i-prisesdat-kak-obrashchalis-s-zaderzhannymi>

*In Moscow, a female protester detained at Brateevo Police Department was forced to strip and was hit several times with a plastic water bottle. The officer who hit her said, "Putin is on our side. You are enemies of the people. I can *kill* you and get away with it."¹²*

Over the past year, Crew Against Torture alone has received protection requests from seven activists who had been beaten during the dispersal of anti-war protests or while in police custody.

On May 9th, 2022, during the "Immortal Regiment" march on Tverskaya Street in Moscow, the police arrested Artemy Bobrov, a junior researcher with a Moscow-based academic institution. Bobrov unfurled a poster with the slogan "Stop the war with Ukraine." The police knocked him to the ground and snatched the poster from him. Afterwards, they led him behind the police cordon to another street, where they forced him to lie face down on the ground and handcuffed him. According to Bobrov, when he refused to talk to them but asked for their identification and an explanation for his arrest, several police officers repeatedly kicked him in the stomach. One of them called Bobrov a "scoundrel" and said that he had "ruined the holiday." Subsequently, they took Bobrov to a nearby courtyard where three plainclothes police officers questioned him about his alleged involvement in the Russian "Vesna" movement (declared extremist under Russian law) and threatened to file criminal charges against him for alleged drug possession. He was then forced to lie on the asphalt for the next hour and a half until a police car arrived. A policeman sitting next to him in the car demanded that Bobrov unlock his phone and punched him in the face every time Bobrov refused to do so, about twenty times in total. On the police premises (Tverskoy OMVD), according to Bobrov, Lieutenant Colonel Khalilov slammed his head against the wall and made him stand with the legs spread, kicking his left leg every ten minutes to force Bobrov to keep legs wider than shoulder-width apart. After he declined to have his photo and fingerprints taken, Bobrov was beaten again and forced to stand with legs wide apart until 3 or 4 am. He spent a night and another day at the police station. On the day after he was beaten, Bobrov complained of feeling unwell, and an ambulance was called to him. The medics arrived, examined him and administered a pill. Subsequently, Bobrov was diagnosed with intracranial trauma and radial nerve neuropathy and was referred for hospitalization.

Since Russia's full-scale invasion of Ukraine, the armed forces controlled by the Russian Federation in the territories occupied after 24 February 2022 have systematically subjected specific categories of local civilians to enforced disappearances and arbitrary detentions, followed by torture and ill-treatment while in custody.¹³ The most frequent victims of these human rights violations have been civic activists, journalists, and volunteers providing humanitarian assistance to local residents. According to victim testimonies documented by the Human Rights Centre ZMINA (Ukraine), Media Initiative for Human Rights (Ukraine), and the World Organization against Torture (OMCT) during numerous in-depth interviews, torture and ill-treatment were used as punishment for individuals who refused to support the Russian invasion of Ukraine and as a means of coercing activists, volunteers, and journalists into cooperation with

¹² <https://novayagazeta.ru/articles/2022/03/07/putin-na-nashei-storone-18>

¹³ <https://zmina.ua/en/event-en/tortures-and-abductions-zmina-with-partners-submitted-a-report-to-the-universal-periodic-review/>

the Russian army. The perpetrators also wanted the victims to provide information on other civilians who did not support the occupation.¹⁴

The documented cases include torture and ill-treatment of 33 Ukrainian volunteers who were delivering humanitarian aid and evacuating civilians in Donetsk Oblast in Ukraine. The volunteers were arbitrarily detained between March and April 2022 by the Russian military and released on 15 July 2022. Following their release, they reported numerous episodes of torture and inhumane conditions of detention, including hours of brutal beating, electric shocks, being forced to stay in an uncomfortable position, imitated execution, prolonged denial of access to food, drinking water, shower and toilet, being held in overcrowded cells, and more.¹⁵

Despite numerous crime reports alleging torture and ill-treatment, there has been no response or action taken. Since 2019, it has become common practice for investigative authorities to refuse to register submissions regarding this type of incidents as crime reports or to initiate official inquiries. Statistics from Crew Against Torture indicate that out of seven complaints filed by anti-war protesters who suffered torture and ill-treatment, the investigative authorities only initiated a preliminary inquiry into one of the complaints. Human rights defenders and journalists are not aware of any criminal cases opened into such incidents.

Activists and human rights defenders in Russian regions have been targeted for systematic persecution. Repressive practices employed by regional authorities include putting pressure on activists and defenders, politically motivated criminal charges, falsification of guilt and evidence, and pressure on activists' families, including coercion and methods amounting to ill-treatment.

In the Republic of Buryatia, the adopted son of human rights defender and activist Natalia Filonova was sent to an orphanage after Filonova was charged for allegedly attacking a police officer. Filonova has been in pre-trial custody since November 2022 following a court decision. Her adopted son, aged 15, has a disability. He was transferred to an orphanage in Barguzin on 5 March.¹⁶

Natalia Filonova is a pensioner aged 60 who has been a prominent civic activist for many years. She has voiced support for education, defended political prisoners, supported the opposition, and protested Russia's annexation of Crimea. Following the outbreak of hostilities in Ukraine, she attempted to remove the symbol of the armed conflict, the letter Z, from a city bus. She was then fined 35 thousand rubles for "discrediting the Russian Armed Forces." In September 2022, she was charged with allegedly assaulting a police officer during her arrest at an anti-war picket, resulting in a criminal case being opened against her.

¹⁴ <https://www.omct.org/en/resources/statements/ukraine-acts-of-torture-committed-by-russia-need-to-be-investigated>

¹⁵ <https://www.omct.org/en/resources/urgent-interventions/russia-torture-and-ill-treatment-in-detention-of-humanitarian-volunteers-in-occupied-ukraine>

¹⁶ <https://www.svoboda.org/a/priyomnogo-syna-antivoennoy-aktivistki-iz-buryatii-zabrali-v-detdom/32304208.html> ; <https://vot-tak.tv/novosti/19-01-2023-filonova>

According to the criminal case file, Filonova allegedly inflicted several scratches on the police officers who were arresting her. Subsequently, a report of an officer's broken finger was added to the case file. The woman could potentially face up to 10 years in prison on these charges. The boy was not allowed to see his adoptive mother during a court session, as the orphanage refused to bring him to the courtroom.

Over the past year, there has been an increase in consistent and systematic persecution of human rights organizations that openly oppose the war and pursue cases of torture and ill-treatment in Russia.

On 21 March 2023, almost a month after the publication of the report "A Chain of Wars, a Chain of Crimes, a Chain of Impunity: Russian Wars in Chechnya, Syria, and Ukraine"¹⁷ by the Human Rights Center Memorial, the law enforcement authorities searched the Center's office and the homes of nine of its employees, who were then interrogated by investigators. A criminal case was launched against Memorial's co-chairman Oleg Orlov for "repeated discreditation" of the Russian Armed Forces (Article 280.3, Part 1 of the Criminal Code).¹⁸ At the time of this writing Orlov has been charged with the offence.

The Moscow City Court has ruled to dissolve the Moscow Helsinki Group; the Sova Center for Information and Analysis and the Man and Law human rights group in the Republic of Mari El have been served dissolution papers to be followed by court hearings shortly, and the Sakharov Center has been subjected to exorbitant fines and ordered to vacate its premises in Moscow.

The North Caucasus office of Crew Against Torture was searched by police on 14 April 2023.

Kazakhstan

In January 2022, people across Kazakhstan took to the streets in peaceful protests to call for social and political change. The protests that began on 2 January quickly spread to many regions of the country and remained peaceful during the first few days. However, as the authorities used force to end the protests, they soon turned bloody and evolved into riots in several cities. These incidents were accompanied by looting, seizing of weapons by protesters, acts of violence, killings, and other crimes committed by some people in the crowd. The police used weapons and riot control equipment, including stun grenades and tear gas, to disperse the protests. A state of emergency was introduced throughout Kazakhstan, and on 6 January 2022, a counter-terrorist regime was officially declared. According to reports published by human rights defenders, the circumstances that had led to the protests evolving into riots and violent clashes between protesters and security forces, as well as the role of different actors in these developments, have yet to be fully clarified.¹⁹

The findings from human rights monitoring indicate that during the events in January, more than 20 human rights and fundamental freedoms were violated, including the right to life (more than 200

¹⁷ <https://ruswars.org/ru/>

¹⁸ <https://t.me/polniypc/3969>

¹⁹ <https://bureau.kz/wp-content/uploads/2023/01/kazakhstan-january-report-eng-1.pdf>

people killed), access to information (the internet connection was cut off throughout the country), freedom of movement, the right to qualified legal assistance, the right to liberty and personal integrity (nearly 10,000 people arrested), the right to be free from torture (which also affected children and women), and more. Cases of enforced disappearances and loss of bodies have also been documented.

According to human rights defenders, in January 2022 alone, dozens of organizations and individuals faced various types of threats targeting human rights defenders (4 people), lawyers (3 people), civic activists (60 people), journalists and bloggers (33 people), activists affiliated with trade unions (3 people) and political parties (18 people), as well as non-governmental organizations and branches of trade unions. Based on their monitoring, human rights groups believe that the majority of individuals who were detained during the police or other state force operations in the crackdown on the protests and riots were subjected to ill-treatment, and hundreds were subjected to torture. As of December 2022, the Kazakhstan NGO Coalition against Torture had registered 190 complaints of torture and other ill-treatment related to the post-January arrests and detentions that occurred throughout the country; of these complaints, 178 were filed by men, 12 by women, and 13 by minors. However, the actual numbers are believed to be much higher. The Coalition submitted 56 cases to the UN Special Rapporteur Against Torture.²⁰ Civic activists and human rights defenders were subjected to torture and ill-treatment in detention. The following are just some examples:

Activist Sergei Shutov shared his experience in the Atyrau Stadium on social media, alleging that the police turned the sports center into a "torture house" to punish the detained protesters. Like many others, Shutov was detained in the Atyrau Stadium. He was interrogated about his alleged involvement in organizing the protests, a claim he denied, stating that he had only filmed the events for a couple of hours. He was then taken to a room where he was beaten. "The first blow was to my chest, after which I covered my face with my hands and crouched down in pain. Then, I received kicks and punches to my head, back, shoulders, and lower back. I was asked if I would still go to rallies. I screamed in pain and begged them to stop... They then forced me to face the wall and ordered to place my hands behind the head. After that, they repeatedly hit my ribs, both sides of my back, and my kidneys, until I fell down and could not get up. They ordered me to crawl on all fours through the entire gym[...], passing between tables where police officers were sitting." Shutov was later forced to write a statement dictated to him and transferred to another detention cell where he was held with 15 other detainees. On 12 January, he was found guilty of an administrative offence. The prosecutors were not interested in why he could barely walk.²¹

Serik Tenizbayev, a member of the National Preventive Mechanism of Kazakhstan, was arrested and detained at a police department in Kyzylorda while he was there to monitor the situation concerning the detention of his younger brother. According to Serik, he was detained overnight in a cell filled with smoke and lacking proper ventilation and was ill-treated during the interrogation. An intervention by the Kazakhstani Commissioner for

²⁰ <https://bureau.kz/wp-content/uploads/2023/01/kazakhstan-january-report-eng-1.pdf>

²¹ <https://bureau.kz/wp-content/uploads/2023/01/kazakhstan-january-report-eng-1.pdf>

Human Rights was necessary to drop the administrative offense proceedings and secure Serik's release.

Almaty activist Asset Abishev was arrested on 4 January while he was riding on a bus. The police did not provide any explanation for his detention. Abishev was taken to Zhetysu District Police Department and held there for three days, being subjected to physical violence. On the evening of 6 January, he was transferred to a temporary detention facility of the city police department and held there for four days. While in detention, officers beat Abishev severely with batons and rifle butts all over his body."²²

The Kazakhstan NGO Coalition against Torture documented the use of sexual violence as a form of torture in the case of Raigul Sadyrbayeva:

On 5 January 2022, Raigul Sadyrbayeva, a civic activist with a disability and member of the unregistered human rights initiative "Yelimai," was monitoring a rally outside the local government building (Akimat) in the city of Semey. On 12 January 2022, officers of the National Security Committee searched her home and then arrested the 50-year-old woman. While detained at the police temporary detention facility, she was subjected to torture and ill-treatment, including threats of sexual abuse. The officers also threatened to kill her son. Raigul was confined to a cold, dark cell with no access to water, fresh air, a functioning toilet, or a mattress. The staff at the detention facility prevented her from contacting her lawyer. Her relatives were unaware of her whereabouts for a month.

On 19 January 2022, the European Parliament mentioned Raigul Sadyrbayeva in its resolution concerning the January events in Kazakhstan and demanded an immediate release of all arbitrarily detained protesters and full rehabilitation of political prisoners. On 2 December 2022, the Prosecutor's Office of Abai Region dropped all charges against Sadyrbayeva.²³

Civic activists were threatened and attacked by the so-called *titushkas* – paramilitary and vigilante groups that had either usurped or been delegated by the authorities the power to use force. Thus,

On 14 January 2022, civic activist Maks Bokaev held a one-person picket outside the Prosecutor's Office, holding a poster that read "Tokayev, Stop the Torture!" A few hours later, several unidentified individuals came to the activist's home and threatened him by kicking the door.²⁴ According to Bokaev, he had experienced this type of harassment by unidentified persons before.

There has been no adequate response from the government to the numerous reports of torture and ill-treatment. At the time of writing this review, there are no known cases of court proceedings in relation to any of these incidents.

²² <https://www.instagram.com/p/CfMF9lsqQAv/>

²³ <https://bureau.kz/wp-content/uploads/2023/01/kazakhstan-january-report-eng-1.pdf>

²⁴ <https://t.me/RadioAzattyq/5043>

Kyrgyzstan

Since 2022, attacks against human rights defenders in Kyrgyzstan have been on the rise, as part of an ongoing pattern of harassment of civil society by the authorities.²⁵ Along with arbitrary criminal and administrative prosecutions and smear campaigns on social media, use of force against human rights defenders during arrest and their detention in inappropriate conditions in places of deprivation of liberty have been documented.

On 15 November 2022, city police in Bishkek arbitrarily arrested Aziza Abdirasulova, co-founder of the Kylym Shami Human Rights Center, while she was observing a peaceful protest in Bishkek. The police officers used disproportionate physical force against her during the arrest, even though she did not resist. In another instance, law enforcement officers arrested investigative journalist Bolot Temirov in the courtroom, using excessive force against him.²⁶ He was subsequently deported from Kyrgyzstan following an unlawful court ruling.²⁷ Between his arrest and deportation, Temirov was held incommunicado for several hours without access to a lawyer.

Prominent human rights defender and former Constitutional Court judge Klara Sooronkulova was held in unsanitary conditions at the Bishkek pre-trial detention center after she had surgery. She was not provided with proper medical care or rehabilitation while in custody. Due to the inappropriate detention conditions and the lack of qualified medical personnel at the pre-trial detention center, Sooronkulova's health seriously deteriorated by the end of March 2022.²⁸ Sooronkulova and nearly 30 political and civic activists were arrested on 23-24 October 2022 on charges of preparing "mass unrest." The reason for criminal charges was their criticism of the Kyrgyz authorities' decision to transfer the Kempir-Abad water reservoir territory to Uzbekistan in exchange for other land under a border agreement, which the activists believed could potentially threaten the local population's access to water.²⁹ On 12 April 2023, Sooronkulova was released from detention and placed under house arrest.³⁰

No information is available regarding the investigation of the criminal cases. International human rights organizations are demanding the release of all detainees in the Kempir-Abad case.³¹

Tajikistan

Since the violent crackdown in May 2022 on protestors in the Gorno-Badakhshan Autonomous Region (GBAO) populated by the Pamiri people, an ethnic and religious minority of Tajikistan, the country's

²⁵ <https://www.omct.org/en/resources/statements/kyrgyzstan-civil-society-and-rights-defenders-under-threat>

²⁶ <https://www.youtube.com/shorts/Ohv-2biz1cQ>

²⁷ <https://www.omct.org/en/resources/urgent-interventions/kyrgyzstan-rights-defender-and-journalist-bolot-temirov-illegally-deported-to-russia>

²⁸ https://24.kg/obschestvo/261852_massovyye_arestyi_sostoyanie_zdorovya_klaryi_sooronkulovoy_rezko_uhudshilos/

²⁹ <https://www.iphronline.org/kyrgyzstan-mass-arrests-of-government-critics.html>

³⁰ <https://rus.azattyk.org/a/32360103.html>

³¹ See, in particular, the statement by Human Rights Watch. Kyrgyzstan: Free 22 'Kempir-Abad' Protest Detainees. <https://www.hrw.org/news/2023/03/20/kyrgyzstan-free-22-kempir-abad-protest-detainees>

authorities have increased pressure on independent mass media and civil society.³² Independent journalists covering protests and exposing police violence against protesters have been threatened, assaulted,³³ and had their equipment seized, while several human rights defenders have been arbitrarily arrested on trumped-up charges and sentenced to lengthy prison terms.³⁴

On 24 May 2022, the Tajik state TV broadcast a video of one of the detained Pamirian rights defenders, Ulfathonim Mamadshoeva, and her former husband, in which both of them publicly confessed that they had organized the protests in GBAO and were connected with the political opposition. The circumstances of this video's production are unknown, but there are reasons to believe that the confessions were coerced.³⁵ Mamadshoeva's case has been classified, and her lawyer is under a non-disclosure obligation preventing him from communicating with journalists. During the investigation, Mamadshoeva was detained at the pre-trial detention center of the State Security Service in Dushanbe. In December 2022, Mamadshoeva was sentenced to 21 years in prison.³⁶

The cases of threats and attacks against human rights defenders and journalists outlined above have not been investigated, and the perpetrators have not been brought to justice.

Uzbekistan

In July 2022, the Uzbek authorities brutally dispersed peaceful protests in the Republic of Karakalpakstan, Uzbekistan, populated by the Karakalpak ethnic minority. Having suppressed the street protests, the authorities targeted and detained local journalists and civic activists.³⁷ During the crackdown on the protests, officers of the National Security Service of Uzbekistan arbitrarily arrested prominent human rights defender Dauletmurat Tazhimuratov. In January 2023, he was sentenced to 16 years in prison on trumped-up charges, including conspiracy to seize power and organizing mass riots.³⁸ Following his arrest, Tazhimuratov was beaten and tortured with an electric shocker.³⁹

The common issue in all the situations described above is the lack of a proper response by the State to acts of violence, torture, and ill-treatment. This clearly violates one of the key obligations of the Decision No. 7/20 to "ensure that all allegations of torture or other cruel, inhuman or degrading treatment

³² <https://www.omct.org/en/resources/statements/tajikistan-authorities-must-respect-international-law-in-gorno-badakhshan-autonomous-region>

³³ <https://www.omct.org/en/resources/urgent-interventions/arbitrary-detention-of-prominent-human-rights-defender-ulfathonim-mamadshoeva>

³⁴ <https://www.omct.org/en/resources/urgent-interventions/tajikistan-heavy-prison-sentences-for-rights-defenders-from-gorno-badakhshan-autonomous-region>

³⁵ <https://www.omct.org/en/resources/urgent-interventions/arbitrary-detention-of-prominent-human-rights-defender-ulfathonim-mamadshoeva>

³⁶ <https://www.omct.org/en/resources/urgent-interventions/tajikistan-heavy-prison-sentences-for-rights-defenders-from-gorno-badakhshan-autonomous-region>

³⁷ <https://www.omct.org/en/resources/statements/uzbekistan-police-violence-leads-to-dozens-of-protesters-killed-and-injured>

³⁸ <https://www.omct.org/en/resources/urgent-interventions/uzbekistan-opening-of-the-trial-against-rights-defender-daufetmurat-tajimuratov>

³⁹ <https://www.gazeta.uz/ru/2022/12/04/dauletmurat-tajimuratov-3/>

or punishment, as well as wherever there are reasonable grounds to believe that such an act has been committed, are investigated promptly, effectively, thoroughly, and impartially by competent and independent national authorities and ensure that complainants and witnesses are protected against ill-treatment and intimidation as a consequence of their complaint or evidence given" (paragraph 14 of Decision No. 7/20).

In no way do the above-mentioned countries fulfill their obligation to "support the efforts of relevant national actors, such as national preventive mechanisms, national human rights institutions or other national bodies or mechanisms, active in preventing torture and other cruel, inhumane or degrading treatment or punishment, and, for those who have rated the OPCAT, to fulfill their obligation to design or establish national preventive mechanisms that are independent, adequately resourced and effective" (paragraph 11 of Decision No. 7/20).

The Working Group on the Fight Against Torture of the Civic Solidarity Platform has emphasized at various OSCE venues that "an obligation can only be effective if it is implemented in concrete practical steps" and has called upon the OSCE and participating States to develop an action plan or roadmap aimed at ensuring the implementation of Decision No. 7/20.

Recommendations

To the States covered in this review

1. Safeguard, under all circumstances, the physical integrity and psychological well-being of all human rights defenders, which includes ensuring their freedom from torture and ill-treatment
2. Publicly acknowledge the legitimate and essential role of human rights defenders in society, and adopt and enact legislation to ensure their recognition and protection in accordance with international human rights standards and instruments, including the UN Declaration on Human Rights Defenders
3. Take concrete steps to conduct thorough, prompt, effective, and impartial investigations into all cases of alleged threats, attacks, disproportionate use of force, enforced disappearances, torture, and ill-treatment of human rights defenders
4. Cooperate with, and provide access to the country for experts and representatives of human rights monitoring mechanisms and UN special procedures, including, but not limited to, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, as well as the Office of the UN High Commissioner for Human Rights
5. Fully implement the recommendations of relevant UN human rights monitoring mechanisms, including treaty bodies, special procedures, and the Universal Periodic Review (UPR)
6. States that have not yet ratified the Optional Protocol to the Convention against Torture, the Convention for the Protection of All Persons from Enforced Disappearance, and the Rome Statute of the International Criminal Court (ICC) should ratify them
7. States that have not yet done so should criminalize torture and ill-treatment as a separate offense, while ensuring that there is no overlap with other types of official crimes

To all OSCE Participating States:

1. Explore all available mechanisms to hold the authorities of the States covered here accountable for violations of the rights of human rights defenders, including torture and ill-treatment. This could include using universal jurisdiction and interstate complaint procedures under relevant treaties
2. Provide additional support to civil society organizations and human rights defenders, including those in exile, from the said States
3. During any negotiations with these States, raise the protection of human rights defenders and cases such as those presented in this review, but not limited to these. Governments should be required to investigate such incidents and to prosecute the perpetrators, and the signing of any agreements in negotiations must be conditioned on preventing any persecution of activists for their human rights work while ensuring that the perpetrators of such persecution are brought to justice.

To the United Nations, the OSCE, the European Union, and all States that have adopted the Guidelines on the Protection of Human Rights Defenders:

1. Consistently and publicly condemn the practices of torture, ill-treatment, and/or disproportionate use of force, as well as other forms of harassment of human rights defenders in these States, and urge their governments to put an end to such violations
2. Call on governments to ensure effective investigation of cases of torture and ill-treatment of human rights defenders
3. Support efforts to bring the perpetrators of these violations to justice
4. Meaningfully and regularly engage with human rights defenders, provide support, and raise awareness of their activities through public statements that highlight the importance of supporting civil society and human rights defenders, including by providing financial support
5. UN special procedures should request permission to conduct official visits to the States mentioned in this review
6. The European Union should utilize all available bilateral channels, including but not limited to human rights dialogues, to urge the authorities of the reviewed States to implement the recommendations listed above and to raise at a high level the individual cases of human rights defenders who have been subjected to torture or ill-treatment

OSCE

1. Create a roadmap/action plan to ensure the implementation of the commitments set out in Decision No. 7/20.
2. One of the initial steps in the roadmap should be to establish and allocate resources for a permanent Expert Panel dedicated to addressing and preventing torture. This Panel should be tasked with monitoring the implementation of Decision No. 7/20 by OSCE participating States and with providing advice and guidance to States on ensuring compliance with these obligations
3. Establish an ad hoc emergency response mechanism, similar to the UN Special Representative on Human Rights Defenders, with sufficient resources to enable effective case investigations, visits, and engagement in official communication with the responsible governments.