HUMAN RIGHTS IN EASTERN EUROPE AND CENTRAL ASIA

REVIEW OF 2019

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2020
Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.
https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode
For more information please visit the permissions page on our website: www.amnesty.org
Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2020 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: EUR 01/1355/2020
Original language: English

amnesty.org

Cover photo:
Riot police officers detain a participant of an "unsanctioned" rally, on 03 August 2019, Moscow, Russia
© Anadolu Agency via Getty Images

AMNESTY INTERNATIONAL

CONTENTS

REGIONAL OVERVIEW	4
ARMENIA	6
AZERBAIJAN	8
BELARUS	11
GEORGIA	14
KAZAKHSTAN	17
KYRGYZSTAN	20
MOLDOVA	22
RUSSIAN FEDERATION	24
TAJIKISTAN	29
TURKMENISTAN	32
UKRAINE	34
UZBEKISTAN	38

REGIONAL OVERVIEW

PEOPLE POWER IS GROWING THE SPACE FOR THE FUTURE OF HUMAN RIGHTS

In 2019 threats to the international system of human rights protection worsened. Safeguards were eroded as those who saw themselves as traditional champions of human rights in the region, including international and regional institutions and national governments, were increasingly compromised. At the same time, Russia and China, key political and economic players in Central Asia and Eastern Europe, actively sought to undermine the international human rights framework and the institutions mandated to protect it.

Eastern Europe and Central Asia was no exception to this disheartening trend. Many governments in the region pursued an extensive offensive. The rights to freedom of expression, association and peaceful assembly were routinely suppressed, economic and social rights neglected, refugees pushed back, left stranded in or returned to destinations where they remained at risk, while discrimination against women, ethnic and other minorities and marginalised groups continued unabated.

In tune with global trends, nonetheless, and often at deep personal cost, ordinary people across the region joined peaceful protests to demand respect for their human rights and better and more dignified lives for themselves and their societies. The voices of women, anti-corruption and environmental activists in particular grew more prominent in collective action and protest. Issues including declining living standards, forced evictions and rigged elections were some of the forward-looking drivers of people power in Eastern Europe and Central Asia.

From Belarus to Kazakhstan, the right to freedom of assembly was severely restricted; with few exceptions official permission was required for any street protest and demonstrations by a single person were often regarded as "unlawful". Peaceful rallies were met with police violence and criminal prosecution of organisers and participants, from Azerbaijan to Russia. No country in the region was immune from assaults on free expression. Ukraine, for example, which enjoys media pluralism, saw regular violent attacks against journalists almost never effectively investigated. In Turkmenistan, the authorities went as far as barring people from travelling abroad to prevent "slander" of their home country. Freedom of association was also embattled. In Tajikistan, for example, NGOs feared that new broad powers granted to the Ministry of Justice in relation to their reporting obligations would be used to silence critical voices. In Uzbekistan, economic and wider reforms were ongoing, but torture and other ill-treatment continued, and those who worked to oppose these faced bureaucratic hurdles to obtain organisational registration. Judicial systems in countries as diverse as Moldova and Armenia were vulnerable to political pressure. In Kyrgyzstan the courts once again confirmed the conviction and life imprisonment of ethnic Uzbek human rights defender Azimjan Askarov, unfairly jailed for his human rights work since 2010. Certain ethnic minorities, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, religious groups including Jehovah's Witnesses, and people with mental and other disabilities were targeted with discrimination, prosecution and sometimes violence. Domestic violence particularly affecting women and children, and gender-based violence, was prevalent.

Traditional international and regional institutions mandated to protect and promote human rights failed to effectively oppose this dangerous current. For example, a diplomatic deal struck at the Council of Europe returned Russia's delegation to the Parliamentary Assembly of the Council of Europe, five years after its voting rights were suspended due to its illegal annexation of Crimea and despite the fact that no progress had been made on the issues which led to the sanctions. The compromise proved deeply divisive: some in the Russian human rights community viewed it as a betrayal of the Council's core values, while others welcomed the retention of Russia within the Council's orbit and the ability of Russians to gain recourse to the European Court of Human Rights.

Meanwhile Russia set a perilous precedent for the region as it continued to denigrate the very notion of human rights. Legislation on "foreign agents" and "undesirable organizations" was systematically wielded against human rights and other NGOs, alongside criminal prosecutions and smears in government-controlled media. Russian authorities further set the bar ominously low with new legislation expanding the status of "foreign agents" to private persons, including bloggers and independent journalists.

In other countries in the region, while laws did not directly vilify human rights defenders, their work placed them at great personal risk. In Uzbekistan, harassment and surveillance of civic activists by the authorities continued, and the forcible psychiatric detention of a female blogger covering protest sent a chilling message. In Tajikistan, continuing intimidation and threats of arbitrary detention and torture and other ill-treatment against lawyers confirmed that rights defenders were imperilled frontline workers. Turkmenistan's oppression of any dissent made open human rights work in-country impossible.

To add insult to injury, unresolved conflicts across the region continued to stymy healthy development and hold back regional cooperation: Abkhazia, Crimea, Donbas, Nagorno-Karabakh, South Ossetia/Tskhinvali Region and Transnistria all suffered in consequence. In the breakaway territories of South Ossetia/Tskhinvali Region and Abkhazia, ongoing efforts by Russian forces and the de-facto authorities to physically restrict freedom of movement with the rest of Georgia eroded living standards and the

economic, social and cultural rights of local people.

Despite this grim picture, Eastern Europe and Central Asia was aligned with the rest of the world as people power came to the fore. In numbers greater than in previous years, ordinary citizens throughout the region took to the streets. They sought accountability for injustices, the right to be heard and to determine their own present and future, rights to free expression and peaceful assembly, and also guarantees of a better life for themselves and their communities against falling living standards, discrimination and economic and social inequality. They as well called for a healthy environment, accessible health care, gender equality and effective measures against domestic violence. Freedom of peaceful assembly continued to be violently repressed in many countries, but street power showed that people knew it mattered and they were brave enough to reclaim it back.

Georgia saw thousands assemble in Tbilisi, driven by ongoing conflict with Russia and the authorities' broken promises on electoral reform. They were undeterred by the police's heavy-handed response including use of water cannons. In Azerbaijan, peaceful protesters in Baku repeatedly braved brutal repression of all political dissent, as did women who called for accountability on, and effective measures to end, domestic violence.

In Moldova, people assembled peacefully in the streets in response to momentous political events, but also with their own agenda. Thus, years of unflagging activist efforts led to the biggest LGBTI march to date in Chisinau, effectively protected by police. The same was true in Ukraine, where the largest ever Pride in Kyiv was no longer a mere show of courage but a genuine celebration for participants, made possible by effective police protection against violent groups advocating discrimination. In both countries, elections led to a peaceful transition of power. In the case of Ukraine, presidential elections saw active participation from all sectors of the population against the backdrop of ongoing armed conflict in Donbas, and resulted in a near-total overhaul of political elites.

Elsewhere peaceful political transition was off the cards, and street protest was the response. In Russia the largest numbers of peaceful protesters in many years denounced not only a manipulated election process in Moscow and an abusive criminal justice system which targeted dissenting voices, but also growing online censorship, corruption and harmful environmental practices. In Kazakhstan peaceful political protest by citizens and corresponding repression from the authorities drew growing numbers to the streets. These numbers were in evidence when the authorities called a snap election to legitimise Nursultan Nazarbaev's handover of the presidency to Kassym-Jomart Tokayev, all the while retaining key powers for Nazarbaev himself. Genuine political competition was absent in the elections, and protest – more creative and inspiring than ever – was the popular response. In Uzbekistan, where the Andijan massacre of 2005 seemed to have quelled street protest beyond occasional individual picketers, urban regeneration projects in the capital Tashkent and other cities saw grassroot protests against the large-scale destruction of hundreds of homes, many in traditional mahallas (local neighbourhoods). Homeowners and tenants complained they were not given timely eviction notices, appropriate alternative accommodation or adequate compensation.

Increasing numbers of young people and women were at the forefront of these protests and initiatives. Against steep odds the call for justice, accountability and human rights was alive and well in the new generation and amongst those whose voices were silenced in previous years. People power is growing the space for the future of human rights in Eastern Europe and Central Asia.

Protesters blockade the entrance to a court building in Yerevan on 20 May 2019, after Prime Minister Pashinyan called for a demonstration against judges' "political bias". © KAREN MINASYAN/AFP via Getty Images

ARMENIA

Republic of Armenia
Head of state: **Armen Sarkissian**
Head of government: **Nikol Pashinyan**

Former senior officials faced arrest and prosecution on charges related to past abuses of power amid concerns of executive pressure on the judiciary. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was not ratified, despite growing recognition of the scale of gender-based violence. A draft law on anti-discrimination was discussed in parliament but sexual orientation and gender identity did not appear among the list of protected grounds. Protests by environmental activists and local residents forced the authorities to suspend construction of a gold mine and commit to a further impact assessment study.

BACKGROUND

The government under Prime Minister Nikol Pashinyan who came to power after peaceful protests in 2018, continued to enjoy relatively high popular support. It embarked on an energetic campaign against systemic corruption while pledging "transitional justice" by addressing abuses of power by the previous government. Its newly published anti-corruption strategy pledged the creation of specialised state bodies to fight corruption.

JUSTICE SYSTEM

Former President Robert Kocharyan was arrested for the third time on 25 June 2019, after being charged in 2018 with "overthrowing the constitutional order" and bribe-taking. The prosecution argued that the former President had been responsible for the violent dispersal, resulting in 10 deaths, of the March 2008 protests against what the then-opposition believed to be fraudulent elections. Robert Kocharyan denounced the charges as unfounded and politically motivated and accused the government of undue pressure on the judiciary. When the court released Robert Kocharyan on bail in May 2019, Prime Minister Nicol Pashinyan had called for a comprehensive reform of the judiciary, publicly criticised the judges for the decision to release him and urged his supporters to block court buildings.

Other former high-level government officials also faced prosecution in connection with the violent dispersal of the March 2008 protests and other alleged instances of abuses of power; proceedings were ongoing at the end of the year.

WOMEN'S RIGHTS

In 2019 at least 378 cases of domestic violence were investigated by the authorities. Following the adoption of the law on domestic violence in 2017, the authorities had been under pressure to pay more attention to the problem. However, local activists claimed that domestic violence continued to be severely underreported and that the authorities had not provided enough shelters for survivors.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) signed by Armenia in 2018, was still not ratified in 2019. The ongoing and highly polarised debate on ratification was accompanied by a local #MeToo movement, with Armenian women publicly sharing their experiences of sexual violence. The influential Armenian Apostolic Church threw its weight behind the opposition to ratification, claiming it would endanger Armenia's "national traditions" and "values" as the convention "defines a third sex apart from female and male." Authorities adopted a delaying tactic by announcing in July that they were seeking guidance from the Venice Commission on the "constitutional implications" of the ratification.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Lesbian, gay, bisexual and transgender people continued to face harassment and discrimination. In the first half of 2019 a local LGBTI group documented 24 cases of homophobic and transphobic crimes, including physical and domestic violence and extortion.

For the first time in the country's history, an openly transgender activist - Lilit Martirosyan - addressed the parliament during a hearing on human rights. She highlighted challenges faced by transgender people in Armenia, including a lack of investigation into transphobic crimes, and called on the parliament to act. She subsequently received public threats, including death threats, while LGBTI people encountered growing transphobic and homophobic hate speech. A member of the parliament publicly called for Lilit Martirosyan to be burnt alive. Authorities refused to launch a criminal investigation into the death threats.

A proposed law on anti-discrimination was under discussion. LGBTI activists condemned the omission from the draft law of explicit mention of sexual orientation and gender identity among the grounds protected from discrimination.

THE RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Protests against gold mining in Amulsar, south Armenia, which began with the blockage of a road leading to the mine in 2018, continued. Campaigners contested the results of the government-commissioned Environmental and Social Impact Assessment Review. Despite the promise of hundreds of new jobs, local residents and environmental activists remained concerned about the potential social and ecological damage, including the negative impact on their livelihoods of predicted contamination of the mineral water of Jermuk, a spa resort and important tourism destination. The government stated it would go ahead with the project following publication of the review, but later reversed its decision and agreed to a further study on the environmental safety of the proposed mining.

RIGHTS OF PERSONS WITH DISABILITY

People with disabilities continued to face discrimination and other human rights violations. Accessibility to buildings and public transportation remained a problem despite Armenia having ratified the International Convention on the Rights of People with Disabilities in 2010.

Legislation continued to permit people with mental disabilities to be deprived of their legal capacity, instead appointing a guardian who would then make decisions for them, including representing them in court. This was a subject of criticism by the COE Commissioner for Human Rights. In a move welcomed by disability rights activists, a Cassation Court in Yerevan ruled in January, in a case about physical abuse of a person with mental disability, that investigators and courts could not ignore testimonies from people with mental disability on grounds of their mental health condition.

Women protest against domestic violence in Baku on 20 October 2019. © Aziz Karimov/Getty Images.

AZERBAIJAN

Republic of Azerbaijan
Head of state: **Ilham Aliyev**
Head of government: **Ali Asadov (replaced Novruz Mammadov in October)**

The rights to freedom of expression and peaceful assembly remained suppressed as dissenting voices were silenced and imprisoned, and peaceful protests were violently dispersed by police. Persecution of government critics, including those forcibly returned from abroad, continued. Violation of due process and unfair trials were common; lawyers were harassed. Torture and other ill-treatment remained endemic, its perpetrators enjoying impunity.

BACKGROUND

President Ilham Aliyev initiated several measures aimed at economic and political modernization. In October both the prime minister and the minister of economy were replaced. The influential head of the presidential administration, Ramiz Mehdiyev widely regarded as the supporter of repressive politics in recent years, resigned on 23 October.

Violations of the ceasefire in the breakaway Nagorno-Karabakh region were reported less frequently compared to previous years, after the establishment of a direct hotline with Armenia in October 2018.

FREEDOM OF EXPRESSION AND ASSOCIATION

NGOs critical of the government remained closed and unable to operate due to denial of registration and arbitrary legal proceedings initiated against them in previous years. Dozens of NGO leaders, activists and human rights defenders remained under a travel ban with their assets and bank accounts frozen. According to the European Commission against Racism and Intolerance (ECRI) "continuing use of restrictive regulations by the authorities fails to offer favourable conditions for the proper and independent functioning of NGOs and leads, in some cases, to these organisations being unable to resume their work." Persons belonging

to national minorities also continued to face restrictions in setting up non-governmental organizations to represent their interests in the public sphere.

On 29 May, the European Court of Human Rights ruled that Azerbaijan had failed to comply with its 2014 decision to immediately release political activist Ilgar Mammadov; end the prosecution of government critics and provide acquittal and reparation. In March, the Supreme Court of Azerbaijan lifted the probation conditions and travel ban imposed on Ilgar Mammadov since his release from prison in August 2018, but did not to quash his convictions.

On 7 August Baku court upheld the conviction of former prisoner of conscience and journalist Khadija Ismayilova on trumped up charges of tax evasion, leaving her barred from leaving the country. She had previously served 18 months in prison on these charges.

POLITICALLY MOTIVATED PROSECUTION

In March, over 400 prisoners received a presidential pardon, including some 50 people featuring on a list of over 150 victims of politically motivated prosecution compiled by local human rights groups. Nevertheless, government critics continued to be harassed, arbitrarily detained and jailed following unfair trials, including critics forcibly returned to Azerbaijan.

On 27 February, the Baku Court of Grave Crimes sentenced three opposition Popular Front Party (PFP) members – Saleh Rustamov, Agil Maharramov, and Babek Hasanov – to prison sentences ranging from three to seven years on questionable charges including illegal entrepreneurship, money laundering and illegal drug possession.

On 12 June, Polad Aslanov, editor of news websites *Xeberman* and *Press-az* who was reportedly investigating corruption in the tourism sector, was detained and charged with treason. In December new charges of threatening murder were added by the prosecution as the investigation into his case continued.

The government continued to seek the forcible return of its critics from abroad. On 28 February, the authorities arrested ethnic Talish activist Fakhraddin Abbasov upon his deportation from Russia. He was charged with inciting violent uprising and ethnic hatred and remanded in prison; his trial was ongoing at the end of the year.

FREEDOM OF ASSEMBLY

The right to freedom of peaceful assembly remained severely restricted. Peaceful protests were violently dispersed by the police on several occasions, and those arrested were beaten and otherwise ill-treated in detention.

Between 30 and 31 March, police arrested four activists from the opposition party PFP for organizing a rally. Activists were jailed for between 15 and 30 days for purportedly "resisting police's lawful orders".

In October, police dispersed two peaceful protests in central Baku using excessive force.

On 19 October, police officers broke up a peaceful opposition rally and beat and dragged the protestors into police cars, detaining more than 60 people. Most were released with a warning, while approximately 20 people faced administrative charges. Several protestors detained during the protests, including opposition activists Ali Karimli and Tofiq Yagoblu reported being handcuffed, kicked and beaten in custody.

On 20 October, police dispersed a rally protesting violence against women. Police detained a dozen participants, all of whom were released soon afterwards. Some women protestors after the dispersal uploaded photos on social media showing their bodies with bruises and other injuries.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment remained endemic. The authorities failed to conduct effective investigations into allegations of torture including those of over 50 men prosecuted in connection with the 2018 attempted assassination of the Mayor of Ganja Elmar Valiyev (known as the Ganja case) and the deaths in custody in 2017 of nine people on charges of espionage in the Azerbaijani army.

On 26 December, rapper Parviz Guluzade ("Paster"), whose song alluded to corruption involving the presidential family, was arrested by police for purportedly "disturbing public order". He reported being beaten by the police during his arrest and interrogation and was jailed for 30 days under administrative charges.

On 28 December Mehman Huseynov, former prisoner of conscience and opposition candidate in a local election, was arbitrarily arrested by police in Baku, alongside five others, and jailed for 30 days. His complaints of a severe beating by the police were dismissed as "false" by the Interior Ministry. A previous complaint by Mehman Huseynov of beatings by the police was not only dismissed but resulted in Huseynov being imprisoned for two years for criminal libel in March 2017.

HARASSMENT OF LAWYERS

Human rights lawyers continued to face harassment, suspension and disbarment for performing their professional duties, affecting their independence and willingness to take on human rights cases.

On 22 February, Yalchin Imanov, a lawyer working on politically-sensitive cases, was disbarred for publicizing the ill-treatment of one of his clients.

On 25 February, lawyer Elchin Sadigov, representing several defendants in the Ganja Case (see above) was formally reprimanded by the bar for advising his client to "falsely" report torture, despite

photographic evidence showing his client's injuries and signs of beatings. Shahla Sumbatova, another defence lawyer in the Ganja case, had her license suspended on 27 November pending disbarment on the basis of a complaint from a past client.

THE RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT/RIGHT TO HEALTH

Shah Deniz II, a major energy pipeline project between Azerbaijan and Turkey due to be completed in 2020, caused concern over its social and environmental impacts affecting hundreds of people. Expert international environmental monitors reported degrading air quality with associated health impacts for affected people, while access to information and legal remedies for local residents, including compensation mechanisms, remained limited.

People protest in Kastryčnickaja Square, Minsk, December 2019. ©Human Rights Center Viasna

BELARUS

Republic of Belarus
Head of state: **Alyaksandr Lukashenka**
Head of government: **Syarhei Rumas**

Belarus remained the sole executioner in Europe and the former Soviet region, passing three death sentences and executing at least three prisoners. Legislative amendments targeting the rights to freedom of expression and peaceful assembly further restricted, in particular, online and media activity and the right to protest. Credible evidence surfaced about hundreds of children and young people serving lengthy prison sentences for minor, non-violent drug-related offences. Vulnerable groups including Roma and LBGTI people remained at risk of discrimination although some positive steps were taken not to deport foreign nationals believed to be at risk of torture or other ill-treatment in their home countries.

BACKGROUND

Economic growth was slow. Belarus remained heavily reliant economically on Russia, while tensions persisted over the price of imported commodities and Belarus' resistance to further integration that could threaten its sovereignty. In June, Minsk hosted the 2019 European Games. Parliamentary elections in November showed low turnout and resulted in a parliament entirely loyal to the President. They were widely criticized by independent local and international observers for failing to uphold democratic standards. Numerous candidates regarded as disloyal to the regime were disqualified on questionable technical grounds, and all allegations of vote-rigging were ignored.

DEATH PENALTY

At least three men were executed in secrecy.

Alyaksandr Zhylnikau's lawyer visited him in prison on 13 June and was told her client had "served his sentence." At the end of the year, the family had still not received official information regarding his execution. No official information was available regarding his co-defendant, Viachaslau Sukharko, but it is believed he was also executed. The UN Human Rights Committee had requested a stay of execution for Alyaksandr Zhylnikau while it considered his case. Since 2010, Belarus has ignored 13 other such requests by this committee and executed prisoners whose cases were under consideration. Alyaksandr Asipovich was executed on 17 December, after being sentenced to death on 9 January.

Two other men were sentenced to death for murder in separate cases; Viktar Paulau and Viktar Serhil.

FREEDOM OF EXPRESSION

Freedom of expression continued to be severely restricted in law and in practice. Government critics and other dissenting voices faced harassment and other reprisals from the authorities, including in administrative and criminal proceedings.

The changes to the Law on Mass Media which entered into force in December 2018, considerably tightened state control over online media. The law compelled registered and unregistered online media outlets to record the names of people who submit comments and disclose the relevant information to the authorities on request. It also made the owners of registered online media liable for the content of the comments.

Despite a hiatus in the harassment of journalists which coincided with the European Games in Minsk in June, the authorities continued to impose heavy fines on freelance journalists cooperating with international media. Article 22.9 of the Code of Administrative Offences ("unlawful creation and dissemination of mass media produce") was used to penalize journalists providing content to foreign media unless accredited with the Ministry of Foreign Affairs.

Access to the independent news site Charter'97 remained blocked following the authorities' move to restrict access to it in January 2018.

The harassment of anarchist and former prisoner of conscience, Dzmitry Paliyenka, continued. He was arrested and held in pre-trial detention from March to October, with four charges brought against him. Three were manifestly unfounded and were dropped during his trial, but he was convicted on tenuous grounds and given a non-custodial sentence for hooliganism which he was appealing at the end of the year.

FREEDOM OF ASSEMBLY

The right to freedom of peaceful assembly remained severely restricted, in law and practice, and those who attempted to exercise it faced arrest by police (often using excessive force), heavy fines and arbitrary detention.

Changes to the Law on Mass Events entered into force in January and established new procedures and fees for organisers of public events who were obliged to pay for policing, medical and clear-up costs. Not only did all assemblies still require prior notification and the authorities' express permission, but the notification procedure was extended to certain, previously pre-approved, areas (designated typically in remote locations). Approvals for assemblies in other areas were in practice often refused or delayed.

Article 23.34 of the Code of Administrative Offences ("violating the rules of organising and holding mass events") continued to be used to prevent people from exercising their right to peaceful assembly.

The unofficial Freedom Day celebrations in March were restricted. On 24 March, event organisers and peaceful protesters were detained during a pre-authorised event in Kievsky Park in Minsk which was attended by over 1,000 people. On 25 March, independent media and civil society representatives were prevented from holding a peaceful commemorative event at Kastryčnickaja Square in Minsk amidst heavy policing. At least 15 people were detained in unmarked police vehicles. All those detained on both days were later released without charge.

Despite calls from the UN Special Rapporteur on the human rights situation in Belarus for fundamental freedoms to be respected ahead of the parliamentary elections in November, dozens of people, including electoral candidates, were convicted or were facing administrative charges under Article 23.34 for their peaceful participation in unauthorized protests during the parliamentary election campaign and in December protests against possible deepening integration with Russia. Protestors were fined and/or sentenced to between five and 45 days' administrative detention and repeated requests by lawyers to access some of those detained were arbitrarily denied.

FREEDOM OF ASSOCIATION

Obstacles to officially registering independent NGOs remained in place, with registration applications turned down for arbitrary reasons.

The repealed Article 193.1 of the Criminal Code, which criminalised participation in the activities of an unregistered organisation, was replaced with Article 23.88 in the Code of Administrative Offences which gave the police authority to fine "offenders" up to 1,275 Belarusian rubles (US$ 615) without judicial review.

JUSTICE SYSTEM - JUVENILE JUSTICE AND FAIR TRIALS

Credible evidence surfaced about hundreds of children and young people serving lengthy prison sentences for minor, non-violent drug-related offences. Among these, dozens and possibly hundreds were serving lengthy sentences for minor, non-violent drug-related offences committed when they were children. Many did not receive fair trials, with children as young as 16 imprisoned for to up to 11 years under Article 328 of the Criminal Code for illicit drug trafficking as members of criminal "groups", often without other group members identified. Five UN Special Procedures, including the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, expressed their concern to the authorities in October regarding the situation of children arrested and detained in relation to drug offences.

Excessive use of force and other human rights violations by law enforcement officials, including hours-long incommunicado detention and ill-

treatment of children arrested for drugs, and fabrication of evidence through setup, were reported from earlier years. In August, a former commanding police officer from Mahilyou was sentenced to 10 years in prison, reportedly for framing alleged drug traffickers. His trial was closed and the indictment kept classified, depriving alleged victims of his crimes of a chance to have their convictions challenged.

Harsh conditions and discriminatory treatment in prisons of children convicted of drug offences were widely reported.

DISCRIMINATION

Several vulnerable minority groups continued to face discrimination and inadequate protection before the law, leading to a climate of fear and self-censorship.

Roma

The Roma community remained socially marginalized, especially in the areas of employment and education.

In May, following the suspected murder of a traffic police officer, the authorities in Mahilyou raided a number of Roma communities using excessive force to detain dozens of people, including children. According to local human rights defenders, over 50 men were arbitrarily detained for three days and released without charge. The police officer's death was later attributed to suicide. Despite an official apology to the Roma communities, the authorities have not initiated any proceedings against those law enforcement officers who used excessive force.

LGBTI

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face harassment including stigmatizing and discriminatory rhetoric from state officials.

In May, the Ministry of Internal Affairs published an article on its website which referred to "the destructive impact of the views and ideas of the LGBT community" and stated that "[a]lthough science has not established a direct relationship between pedophilia and same-sex sexual relations, the numbers speak for themselves".

Following a verbal and physical attack on film-maker Mikhail Kuprich in August by a man who believed him to be gay, on 24 December, a court in Minsk found the assailant guilty of "malicious hooliganism" under Article 339.2 and sentenced him to 18 months' restricted freedom (parole-like non-custodial sentence) and ordered him to pay financial compensation to Mikhail Kuprich. However, a request made by Mikhail Kuprich's lawyer to amend the original charge of hooliganism to reflect the hate motive was rejected.

RIGHTS OF MIGRANTS AND ASYLUM-SEEKERS

Belarus continued to forcibly return foreign nationals, including asylum-seekers, to countries where they were at risk of serious human rights violations including torture and other ill-treatment, in violation of the principle of *non-refoulement.*

In May, opposition activist and journalist from Ingushetia, Ismail Nalgiev, was arrested at Minsk airport. He was forcibly returned to Russia on 10 May despite fears that he was at risk of politically motivated prosecution, torture and other ill-treatment, and an unfair trial. In Russia, he was detained under politically motivated charges of "use of force against an official" in connection with the 26-27 March protests in Ingushetia.

On a positive note, on 17 June, Merhdad Jamshidian, an Iranian national, was given one-year residence status "on humanitarian grounds". In September it was extended to five years. Mehrdad Jamshidian, resident in Belarus since 1993 and married to a local woman with whom he had three children, had spent 11 months in temporary detention following deportation requests from Iran where he would be at risk of torture and other ill-treatment, and the death penalty.

Police confront demonstrators in front of the parliament building, Tbilisi, 20 June 2019. © Guram Muradovi

GEORGIA

Georgia
Head of state: **Salome Zurabishvili**
Head of government: **Giorgi Gakharia (replaced Mamuka Bakhtadze in September)**

Trust in prosecutorial and investigatory agencies decreased further as investigations into alleged human rights violations by state officials were not completed. Also, fears of politically motivated prosecutions marked high-profile cases. Police used disproportionate and indiscriminate force to disperse mass protests in the capital, Tbilisi, resulting in injuries to dozens of protesters. Authorities refused to protect what would have been Georgia's first ever Pride march. Russia and the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region continued to restrict freedom of movement with the rest of Georgia, negatively impacting on economic and social rights of local residents.

BACKGROUND

In June anti-government and anti-Russian protests erupted in Tbilisi, after a visiting member of the Russian parliament occupied the Georgian parliamentary speaker's seat while chairing the Interparliamentary Assembly on Orthodoxy. Russia responded by banning air travel to Georgia. In an effort to meet some of the protesters' demands the ruling Georgian Dream party announced electoral reform measures aimed at guaranteeing a more pluralistic parliament. These were not delivered, however, provoking further protests in November.

Ongoing judicial reform provoked criticism from civil society organisations who blamed a group of 'old-guard' judges for taking over the reformed judiciary by appointing their supporters and preventing independent judges from joining the system.

The Russian Federation retained a military presence in and overall control of the breakaway regions of Abkhazia and South Ossetia/Tskhinvali Region. Russian forces and the de facto authorities in the breakaway regions continued to deny access to international monitors, including the unarmed civilian monitoring mission of the European Union (EUMM). In October, the South Ossetian/Tskhinvali Region de facto authorities briefly detained EUMM monitors as they patrolled along the division line.

IMPUNITY

Criminal investigations into past alleged abuses of authority failed to deliver tangible results.

The State Inspector's Service commenced its investigatory functions in November, as a stand-alone official agency for the investigation of grave crimes committed by public officials, including torture and other ill-treatment. The Prosecutor's Office, however, retains its "supervisory role" over the agency's investigations.

The investigation into the killing of 18-year-old Temirlan Machalikashvili in 2017 by the State Security Service forces during an anti-terror operation in Pankisi Gorge, was not completed. His family was refused victim status, thus obstructing their access to case materials. Their objections to the official claim that Temirlan Machalikashvili had tried to detonate a grenade during his arrest in their home, were dismissed.

The investigation into the 2017 abduction of Azerbaijani investigative journalist Afghan Mukhtarli, allegedly by Georgian officers, and his forced return across the border to Azerbaijan, remained open and inconclusive. Afghan Mukhtarli remained in prison in Azerbaijan under trumped-up charges of illegal border crossing and money smuggling.

In June, authorities detained a participant of the 2017 high school student brawl in Tbilisi, where two teenagers were killed, on charges of murder. For two years Zaza Saralidze, the father of one of the victims, David Saralidze, had campaigned for justice and against the results of the initial investigation. He asserted that the murderer had been shielded from prosecution by certain officials at the Prosecutor's Office and the Interior Ministry. Despite the suspect's arrest, no investigation was launched into the alleged obstruction of justice by officials overseeing the criminal case. A parliamentary inquiry into these allegations named 10 officials at the Prosecutor's Office and the Interior Ministry as allegedly responsible for the cover up.

MEDIA FREEDOM

Concerns over media freedom persisted, specifically in cases of widely perceived, or as reported in opposition media, politically motivated prosecution of government critics.

In August, media manager and outspoken government critic Nika Gvaramia was charged with abuse of authority during his time as director of a pro-opposition TV channel, Rustavi 2. In subsequent months, additional charges related to misappropriation of funds and fraud were pressed against him. Conspicuously, these charges followed a long-standing legal battle over Rustavi 2 ownership which passed into the hands of its former owners who were known for their support of the government.

Another high-profile case involved businessman Mamuka Khazaradze, charged with money laundering. He claimed the authorities had sent him a threatening letter in 2018 demanding that TV Pirveli, owned by his business partner, change its editorial policy. In August, the father of TV Pirveli's owner was also charged under the same case of alleged money laundering.

EXCESSIVE USE OF FORCE

Police used disproportionate and indiscriminate force on 20 June to disperse an anti-government demonstration of thousands in Tbilisi. Police fired rubber bullets and tear gas after some participants tried to storm the Parliament building. Video footage and witness testimonies showed that police fired indiscriminately into the crowd failing to distinguish between the few violent protestors and the peaceful majority. Around 240 people were injured during the dispersal, including up to 40 journalists. More than 100 participants were detained on charges of confronting police and obstructing public order; most of them were released after having spent up to 15 days in administrative detention.

Authorities launched a criminal investigation into the events, prosecuting 17 participants of the demonstration including one opposition member of parliament, on charges of participating in or organizing group violence, and four police officers on charges related to disproportionate use of force.

During new protests in Tbilisi in December demanding electoral reform, water cannons were used by police on at least two occasions when some protesters tried to block entry into the Parliament building, and 12 individuals were arrested for alleged minor hooliganism and refusing to obey police orders.

FREEDOM OF MOVEMENT

Russian forces and de facto authorities in the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region continued to install physical barriers and restrict movement across the division line with the rest of Georgia. This encroaching fencing along the line deprived local communities of access to orchards, pasture, and farmland negatively affecting their rights to livelihood and an adequate standard of living,

Since September, the de facto authorities in South Ossetia/Tskhinvali Region have suspended all movement across the only two remaining crossing points, further worsening local economic conditions and denying many residents of the breakaway region access to medical care, education and family visits to the rest of Georgia.

Dozens of people were also detained and fined by Russian forces and de facto authorities for "illegal border crossings." On 9 November, Georgian doctor Vaja Gaprindashvili was detained as he attempted to cross into the South Ossetia/Tskhinvali Region. The de facto authorities charged him with "illegally crossing the border" and sentenced him to 21 months' imprisonment. After mounting international pressure, he was released on 28 December.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

There was a continuing failure to uphold the rights of LGBTI people and protect them from threats.

Authorities refused to protect Georgia's first ever Pride march planned in Tbilisi in June and insisted the event be cancelled due to the police's purported inability to ensure the safety of the participants. Instead, LGBTI activists organised a short impromptu protest in front of the Ministry of Internal Affairs.

A homophobic group led by a local businessman with close links to the Georgian Orthodox Church vowed to organize a violent counter-demonstration to stop the Tbilisi Pride march going ahead and formed vigilante "civil guard" units to assault all those perceived to be part of the LGBTI community. The event organizers and many public allies of the LGBTI community also received death threats.

Authorities failed to adequately respond to these threats. While the Ministry of Internal Affairs launched an investigation into "the establishment of illegal formations", the investigation had not resulted in any prosecutions by the end of the year.

LABOUR RIGHTS

Against a backdrop of inadequate monitoring and enforcement, more than a dozen fatal accidents were reported throughout the year, particularly among miners and construction workers.

In February the Parliament further expanded the legal powers of the Labour Conditions Inspection Department, established in 2015. Under the new legislation, the Department can inspect safety standards in all industries without a court order or giving a warning. However, it still lacks powers to inspect working conditions beyond safety standards to address the broader impact of long working hours and production pressures – all of which are enduring problems in various industries of Georgia and contribute to frequent occupational accidents.

Kazakhstani law enforcement officers detain participants of an opposition rally in Almaty, 21 September 2019. © RUSLAN PRYANIKOV/AFP via Getty Images

KAZAKHSTAN

Republic of Kazakhstan
Head of state: **Kasym-Jomart Tokayev (replaced Nursultan Nazarbaev in March)**
Head of government: **Askar Mamin (replaced Bakhytzhan Sagintayev in February)**

The rights to freedom of peaceful assembly and association remained restricted. Trade unions and NGOs faced difficulty registering with the authorities. The right to freedom of expression was further restricted under anti-extremism legislation. New cases of torture and other ill-treatment against suspects and prisoners were reported. People with disabilities faced constraints on their rights due to restrictive legislation and lack of access to services.

BACKGROUND

On 19 March, Nursultan Nazarbayev resigned as President and Kassym-Jomart Tokayev, speaker of the upper house of parliament, took over until elections in June at which he was confirmed in position. The OSCE/ODIHR Election Observation Mission found serious irregularities in the counting of the votes and noted the absence of genuine choice. This was the first ever voluntary resignation by a Central Asian President, however, Nursultan Nazarbayev retained the official title "First President of Kazakhstan" and continued to wield considerable political power, including by retaining his lifetime chairmanship of the Security Council and chairmanship of the governing Nur Otan party. On 20 March, the acting President announced that the capital Astana would be re-named Nur-Sultan in honour of the First President. These unexpected changes triggered an increase in social and political activism which met with repressive measures, and new social protest movements were formed. In an apparent attempt to ensure closer relations with Kazakhstan's influential neighbours, Kassym-Jomart Tokayev publicly expressed support for Russia's annexation of Crimea and stated that the reports of human rights violations against Muslim ethnic minorities in China were exaggerated.

FREEDOM OF ASSEMBLY

The right to freedom of peaceful assembly remained heavily restricted. Permission from local authorities was needed to hold any kind of street protest (including by a single protester) and this was often refused, or only given for an event held in a non-central location. Violation of the procedures for holding public gatherings, was punishable under Article 488 of the Code of Administrative Offences with a fine or detention of up to 15 days, and Article 400 of the Criminal Code which imposed a fine or detention for up to 50 days. On 23 October,

parliament passed a law introducing fines or detention of up to 10 days for the parents of minors taking part in unsanctioned meetings.

On 21 April, Asya Tulesova and Beibarys Tolymbekov – along with three friends who filmed their action – were detained shortly after they unfurled a banner during the Almaty marathon which read: "You can't run away from the truth." They were held by police for six hours without food or water before being allowed to see their lawyers. Asya Tulesova and Beibarys Tolymbekov were sentenced the same evening in separate hearings to 15 days' detention for the administrative offence of "carrying out a public action without agreement of permission from the local authorities to express their personal interests". They were prisoners of conscience. The three friends were fined the equivalent of US$ 135 each for taking part in an "unauthorized meeting".

In June, September, October and December there were further demonstrations. On 9 June, thousands of people gathered in major cities calling for a boycott of the elections. At least 1,000 peaceful protestors were detained in Nur-Sultan and at least 500 in Almaty. According to the NGO, Kazakhstan International Bureau for Human Rights and the Rule of Law, people were detained for 10 or more hours in police stations without food or water or the opportunity to inform their relatives about their whereabouts. In most cases, people were not given access to their lawyers. Judges sitting throughout the night in Nur-Sultan and Almaty ruled on whether people had taken part in an "unsanctioned" meeting and handed down fines or custodial sentences of up to 10 days.

On 30 June, for the first time in five years and following 35 arbitrarily rejected applications, activist Alnur Ilyashev was finally able to organise a public protest meeting in Almaty.

FREEDOM OF ASSOCIATION

An NGO or association wishing to function in Kazakhstan must register with the authorities. Leading or participating in an unregistered organization remained an administrative offence.

In June, the Committee on the Application of Standards of the International Labour Organization (ILO) expressed concern about continuing "serious obstacles to the establishment of trade unions without previous authorization in law and in practice and the continued interference with the freedom of association of employers' organizations." On 17 July, Erlan Baltabay, leader of the Independent Oil and Energy Workers Union was sentenced to seven years in prison for allegedly misappropriating funds belonging to the arbitrarily closed petro-chemical workers' union, Dostoiny Trud (Decent Work). On 9 August, he was released from prison on a presidential pardon and his sentence was replaced by a fine. He refused to pay the fine for which, on 16 October, he was sentenced to a five-month prison term.

Feminita, a lesbian, bisexual and queer women's initiative had been continuously denied registration by the Ministry of Justice. In a decision published on 31 May the Medeuskii District Court in Almaty backed the Ministry in its repeated denial of registration to Feminita.

Organisation of and participation in an organization banned by a court as extremist remained a criminal offence under Article 405 of the Criminal Code. This provision continued to be used against peaceful political dissent. During the year, 21 people were given suspended prison sentences, subject to conditions, and a further 150 were questioned as possible suspects, because of their presumed or actual support for the arbitrarily banned opposition movement, Democratic Choice of Kazakhstan.

PRISONERS OF CONSCIENCE

The authorities continued to use politically motivated prosecutions to punish those with dissenting views. Maks Bokayev continued to serve his five-year prison term, despite his worsening health condition. He had been convicted for his involvement in the organization of peaceful demonstrations and posts on social media, including under Article 174 of the Criminal Code which punishes alleged incitement of social, clan, national, racial or religious discord. This Article continued to be frequently used to silence views critical of, or inconvenient to, the authorities.

On 10 March, Serikzhan Bilash, the leader of the NGO, Atajurt, which exposed human rights violations against ethnic Kazakhs in China, was placed under house arrest. He was charged under Article 174 for his outspoken criticism of human rights violations against Muslim ethnic minorities in China. He was released on 17 August after he agreed to stop campaigning on human rights violations in China, fined the equivalent of US$300 and placed under travel restrictions for three months.

TORTURE AND OTHER ILL-TREATMENT

Impunity for torture and other ill-treatment persisted. There was no independent mechanism to investigate torture in Kazakhstan and no plans to establish one. Torture allegations were usually investigated by the police or, when police officers were allegedly implicated, by the State Anti-Corruption Bureau (former financial police). The Special Prosecutor's Service of the Prosecutor General's Office, another possible investigative mechanism, was not authorized to investigate torture under the Criminal Procedure Code unless specifically decreed by the Prosecutor General on a discretionary, case-specific basis. In May, the National Preventative Mechanism reported that in the course of 2018 it had forwarded 176 complaints made that year about torture and other ill-treatment in penitentiary institutions to the General Prosecutor's Office. The Prosecutor General carried out 101 preliminary checks. As a result, 31 criminal cases were registered, 29 of

which were discontinued and two were ongoing at the end of the year. There were no convictions.

Valery Tsoy complained of having been tortured in a prison colony in Kapchagay, Almaty region, on 23 and 26 August and 3 September. He alleged that he was beaten with police truncheons and a wooden stick, and verbally insulted to prevent him from complaining about previous ill-treatment. On 1 October, he reported the torture to the regional prosecutor, and an investigation was started by Almaty Region Anti-Corruption Bureau. Valery Tsoy was moved to a pre-trial detention centre in Almaty. On 24 November, the case was closed due to purported lack of evidence. The Anti-Corruption Bureau claimed that on 4 September Valery found a police truncheon and asked his cell mate to beat him with it. Valery Tsoy's appeal against the case closure was ongoing at year's end.

RIGHTS OF PERSONS WITH DISABILITY

Restrictive legislation and lack of access negatively impacted the rights of disabled persons. In its concluding observations published in March the UN Committee on Economic, Social and Cultural Rights expressed concern that persons with disabilities continued to face discrimination, exclusion and inequality in many areas of life. It recommended that Kazakhstan should strengthen its efforts "to ensure that persons with disabilities enjoy unhindered access to all social services, including education and employment, by providing reasonable accommodation in school and in the workplace and improving the accessibility of facilities and services provided and open to the public."

According to Article 26 of the Civil Code, a "citizen who cannot understand the meaning of his actions or cannot control them because of mental illness or weak-mindedness" may be declared "incapable" by a court, and a guardian is appointed to take all decisions on their behalf. Once declared "incapable" individuals are deprived of the right to make any decisions about their lives, to control their finances, to marry, to study or to work. Such people do not have the right to appeal to a court of law which means that they have no legal recourse against violations of their rights and possible exploitation. There were no systems for review and it remained very rare for the status to be reversed, with not a single such reversal reported during the year. According to government statistics 35,941 people were registered as "incapable" or "partially incapable".

On 28 May, the Government adopted the State Plan to ensure rights and better quality of life for people with disabilities until 2025. The Plan envisaged learning from international best practice but unfortunately, it deferred any further decisions on deprivation of people with mental disabilities of their legal capacity until 2021. It offered no immediate measures of support for individuals already deprived of their legal capacity, such as support-based decision-making as an alternative to the current practice of transferring decision-making to a guardian.

Disability rights activist Aiper Aralbaeva in Tamchi village, Issyk-Kul region. © Amnesty International

KYRGYZSTAN

Kyrgyz Republic
Head of state: **Sooronbay Jeenbekov**
Head of government: **Mukhammedkalyi Abylgaziev**

Discrimination against women, people with disabilities, LGBTI people and ethnic minorities remained widespread. Credible reports of torture and other ill-treatment in police custody persisted and there continued to be no accountability for human rights violations following ethnic violence in the south of Kyrgyzstan in 2010. Prisoner of conscience Azimjan Askarov continued to serve his life sentence, without any prospect of release.

BACKGROUND

Kyrgyzstan remained among the poorest countries in Central Asia, its economy heavily reliant on remittances. In November, investigative journalists uncovered a money laundering business that had transferred at least US$700 million from Kyrgyzstan to countries around the world, causing a major public outcry. In August there was an armed stand-off, between law enforcement officers and supporters of the former president Almazbek Atambaev who refused to be questioned in connection with corruption charges against him and in October he refused to attend the opening of the trial against him.

VIOLENCE AGAINST WOMEN

Early and forced marriage, as well as bride-kidnapping, remained prevalent. According to figures from the National Statistics Committee in May, one in 11 teenage girls aged 15-19 were married. UNICEF noted that 13.8 % of women under 24 were married through some form of coercion. During the first six months of the year 118 criminal cases of bride kidnapping were opened, a significant increase over previous years. Amendments to the Criminal Code which entered into force in April increased the maximum punishment for bride kidnapping to a 10-year prison sentence and a fine of US$3,000. In a report published in May 2019 on his visit to Kyrgyzstan in May 2018, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health called for legal measures to prohibit child marriages and for a greater effort to prevent and prosecute perpetrators of human rights violations and to protect victims.

Police failed to respond adequately to allegations of domestic violence. Aizat Chirtekova's situation was illustrative. She described how she had called the police numerous times during 2018 about her violent husband but never made a written complaint for fear

of retaliation. Police failed to issue protection orders or open a criminal investigation. In August that year, she briefly left the family home in Osh after a particularly violent attack when her husband allegedly beat and attempted to strangle her and hit her with a bicycle. The following month she threw herself from a fourth-floor window holding her seven-month-old child. While Aizat Chirtekova was charged with attempted murder of a child, no investigation was opened into the domestic violence allegations against her husband for. In March the Osh Prosecutor's Office again refused to investigate her husband. In December she was sentenced to 11 years' imprisonment for attempted murder.

RIGHTS OF PEOPLE WITH DISABILITIES

On 14 March, the President signed a bill, previously adopted by parliament, ratifying the Convention on the Rights of Persons with Disabilities (CRPD). Despite this positive step people with physical and mental disabilities continued to face barriers to inclusion in Kyrgyzstan, including being unable to access public buildings, such as schools, government institutions and hospitals, and to travel by public transport. In his report, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health reported that mental health-care services in Kyrgyzstan were still based on "a narrow and outdated biomedical model" with "an excessive reliance on institutional care". The Civil Code retained provisions making it possible to deprive people of legal capacity "if, as a result of a mental disorder, they cannot understand the meaning of their actions or control them", and to appoint a guardian over them in violation of Article 12 of the CRPD which guarantees equal recognition before the law. During a visit to the men's Psychoneurological Social Residential Institution in Tokmok, Amnesty International was informed that 67 of the residents had been deprived of their legal capacity on one day in 2017.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

The Constitution protects against discrimination on any grounds (Article 15.2) but does not specifically mention sexual orientation and gender identity as protected grounds. There remained no legislation that would explicitly encompass discrimination on the basis of sexual orientation or gender identity. On 1 May, a picnic in a park in Bishkek organized by the feminist and LGBTI movement 8/365 was disrupted by more than 20 young men, including members of a well-known nationalist group, who threw eggs and paint at the eight participants in the picnic and by-standers, and filmed, insulted and threatened them. Police officers who were present in the park did not intervene. The 8/365 organisers subsequently lodged a formal complaint against their attackers with the police, which was still being investigated at the end of the year.

TORTURE AND OTHER ILL-TREATMENT

On 1 January, a new Criminal Code and Criminal Procedural Code came into effect. These Codes reinforced guarantees against torture and other ill-treatment by expressly outlawing torture and other ill-treatment and excluding as inadmissible any evidence obtained through torture and other ill-treatment, clarifying when police detention starts and thus ensuring that detainees have the right to a lawyer from the actual moment of arrest. The new Criminal Procedural Code also specified that once a torture complaint has been made medical evidence must be gathered within 12 hours.

NGOs, however, continued to receive reports of torture and other ill-treatment and ethnic profiling by the police. On 20 November, an ethnic Uzbek man was arbitrarily detained by police officers from Ak-Burinsk police station in Osh and allegedly beaten to force him to confess to stealing two mobile phones. He was in the car of a lawyer who worked for the human rights group Positive Dialogue when police officers stopped the car and detained him without explaining why. Two further police officers arrived and showed some papers in Kyrgyz, which the detained man could not understand, but did not allow the lawyer to explain the contents to him. The lawyer later located the man at Ak-Burinsk police station where he told her that he had been beaten. The lawyer ensured that the man was taken to a hospital to document his injuries. The doctor agreed to examine him in private, away from the police officers who had beaten him, but refused to fill in a form documenting the injuries in accordance with the Istanbul Protocol. The man has lodged a complaint about the alleged torture.

PRISONER OF CONSCIENCE

Kyrgyzstan had still not carried out full and impartial investigations into the human rights violations that occurred during and following the ethnic violence in June 2010 in Osh following which ethnic Uzbeks were targeted disproportionately for prosecution.

Azimjan Askarov, an ethnic Uzbek human rights defender, continued to serve his sentence of life imprisonment on trumped up charges of murdering a police officer during the 2010 events. In February, Azimjan Askarov lodged a request with the courts to review his life sentence following the introduction of the new Criminal Code which would preclude a life sentence in his case. In particular, the new Criminal Code no longer provided for life imprisonment for complicity in the murder of a police officer, one of the offences for which Azimjan Askarov was convicted. On 30 July, Chui Regional Court reviewed his life sentence, but decided to uphold it unchanged. A further appeal to the Supreme Court was ongoing at the end of the year. In March, Azimjan Askarov was moved to a prison camp outside Bishkek for those serving life sentences, but he was transferred back to Prison Number 47 in Bishkek in August. His health has deteriorated while in detention and he continued to be denied necessary and adequate healthcare. He is a prisoner of conscience imprisoned for his human rights work.

Protesters display shoes of family members who have left Moldova to work abroad, in front of Moldovan Government headquarters, Chisinau, 23 February 2019. © DANIEL MIHAILESCU/AFP via Getty Images

MOLDOVA

Republic of Moldova
Head of state: **Igor Dodon**
Head of government: **Ion Chicu (replaced Maia Sandu in November, who replaced Pavel Filip in June)**

Allegations of torture and other ill-treatment in detention continued. The European Court of Human Rights found that Moldova had violated the rights of a group of Turkish citizens when its security service detained and forcibly returned them to Turkey. Media in Moldova were relatively free and pluralistic, and principally constrained by economic circumstances and potential risks associated with litigation. Concerns over judicial independence persisted.

BACKGROUND

The year was characterized by political instability. Parliamentary elections in February gave no clear advantage to any party. A fragile coalition government, led by Maia Sandu, was eventually formed in June between the pro-European ACUM bloc and the pro-Russian Socialist Party. However, it was challenged on technical grounds by the incumbent caretaker government of the Democratic Party of Moldova (PDM), led by Pavel Filip. This resulted in two rival governments, each challenging the other's legitimacy. The Constitutional Court first backed the PDM then withdrew its decision, with the impasse finally resolved in favour of the coalition government. The new government instituted reforms and its promise to address corruption was instrumental to Moldova regaining access to major international credit lines. In November the coalition disintegrated and President Igor Dodon nominated Ion Chicu as the new Prime Minister. Moldova's spending on social assistance remained among the lowest in the region.

TORTURE AND OTHER ILL-TREATMENT

Allegations of torture and other ill-treatment in penitentiary institutions continued. No official statistics on reports of or investigations into allegations of torture and other ill-treatment were released by the end of the year, but NGOs and other monitors working on the issue continued to note a steady year-on-year decline in such allegations. This reflected some progress in addressing torture and other ill-treatment made in recent years, particularly after the

events of 7 April 2009, when hundreds of people were subjected to arrest and beating by police in the capital Chisinau, and one protester died from injuries. However, the event's tenth anniversary also emphasized structural issues that had not been addressed, as well as the persistent, near-total impunity for those suspected of criminal responsibility and negligible progress in terms of truth and reparation for the victims. There was still no fully independent agency specifically for the investigation of allegations of torture and other human rights violations committed by police and other law enforcement officers.

Healthcare provisions in the penitentiary system remained inadequate and insufficient. On 8 August, the Supreme Court of Justice ordered a review of the case of Serghei Cosovan, a businessman arrested in September 2017 and sentenced to seven year's imprisonment in July 2018. Serghei Cosovan was unable to access essential health care in custody for his acute cirrhosis, and should have been released on health grounds under national law. He was eventually released on 18 November 2019, by order of Ciocana court in Chisinau.

JUSTICE SYSTEM

Concerns over judicial independence persisted. The International Commission of Jurists, an international and well known NGO, published a report in March which emphasized the lack of a functionally independent judiciary in Moldova. Also, in March, the Committee on Legal Affairs and Human Rights (CLAHR) of the Parliamentary Assembly of the Council of Europe expressed concern that the independence of the judiciary was being seriously undermined in Moldova, as well as in Poland, by their current governments, and that "dismantling the independence of the judiciary and manipulating its rulings for political gains bears signs of usurpation of power by legislative and executive powers." CLAHR appointed a rapporteur on the issue and published its introductory memorandum in October. This described the situation of the judiciary in Moldova as "struggling with far-reaching reforms for two decades" and confirmed serious concerns about the separation of powers.
On 4 December Vlad Filat, a former Prime Minister, was released from prison on parole after Chisinau Court of Appeal reduced his sentence by 709 days on account of poor conditions of detention. He had been arrested in October 2015 and sentenced to nine years in prison for abuse of office and corruption. Throughout his detention his defence had complained about discrimination and poor conditions amounting to ill-treatment, but his reduced term and early release was widely criticized as selective justice. President Igor Dodon and ex-Prime Minister Maia Sandu both denied any role in this and traded accusations of blame. On 5 December the Ministry of Justice appointed a new acting Head of the National Penitentiary System and Head of Prison #13 where Filat had been held; both promised to appeal his early release.

REFUGEES AND ASYLUM-SEEKERS

In June the European Court of Human Rights (Ozdil and Others) found that Moldova had violated the rights to liberty, security, privacy and family life when in September 2018 its Intelligence and Security Service (SIS) detained and forcibly returned to Turkey five Turkish citizens who had been seeking asylum. The Court found in particular that arresting the applicants and extraditing them to Turkey had amounted to an extra-legal transfer which had circumvented all the guarantees offered to the applicants by domestic and international law. The five applicants, and two other Turkish nationals detained on the same day, were transferred before receiving a decision. Their families received notification that their claims had been rejected on grounds of national security only after the men had been returned to Turkey, where they were convicted of terrorism-related charges and remained in detention at the end of the year awaiting appeal hearing.

In September Olga Poalelungi, Director of the Bureau of Migration and Asylum, and SIS Deputy Director Alexandru Baltaga were both charged with exceeding authority causing grievous consequences, in connection with the forcible return of the seven Turkish nationals. Criminal proceedings were also opened against former SIS Director Vasile Botnari. They remained under travel restrictions at the end of the year while the criminal investigation was ongoing.

FREEDOM OF ASSEMBLY

Protest rallies took place across the country of numerous occasions, proceeding peacefully in most cases.

On 20 March, several dozen protesters gathered peacefully outside Orhei Town Court. They were met by dozens of uniformed police officers guarding the entrance, some wearing helmets and other riot gear without personal identification badges. Although the standoff was peaceful, the police were seeking to disperse the crowd. They eventually resorted to the use of tear gas, clandestinely (they admitted to this later). Several of the protesters developed signs of tear gas poisoning and needed medical attention as a result. Despite calls for an investigation, none was reported by year end.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

A solidarity march in support of LGBTI people took place in central Chisinau on 19 May bringing together over 300 participants. In a welcome contrast to previous years, they were effectively protected by the police and able to march the entire planned route of the rally.

On the night of 30 to 31 May, the car of human rights lawyer Doina Ioana Străisteanu was damaged by fire in a suspected arson attack, which she believed was linked to her work. For over eight years, the lawyer had cooperated closely with the NGO GENDERDOC-M Information Centre and was particularly known for defending victims of violence and discrimination among LGBTI people. During this time, she repeatedly received covert and overt threats, including a death threat in 2017, and her car had been damaged twice previously by unknown individuals. No tangible progress in the investigation of the incident was reported by the end of the year.

Riot police arrest a protester during a peaceful demonstration in Moscow, August 2019. © Amnesty International

RUSSIAN FEDERATION

Russian Federation
Head of state: **Vladimir Putin**
Head of state: **Dmitry Medvedev**

Russia's human rights record continued to deteriorate, with the rights to freedom of expression, association and peaceful assembly consistently restricted, in law and practice. Those attempting to exercise these rights faced reprisals, ranging from harassment to police ill-treatment, arbitrary arrest, heavy fines and in some cases criminal prosecution and imprisonment. Human rights defenders and NGOs were targeted via the laws on "foreign agents" and "undesirable organisations". Hundreds of Jehovah's Witnesses were persecuted for their faith. Other vulnerable minorities also faced discrimination and persecution. Counter-terrorism provisions were widely used to target dissent across the country and in Crimea. Torture remained pervasive, as did impunity for its perpetrators. Violence against women remained widespread and inadequately addressed. A draft law on domestic violence tabled at the parliament provoked heated opposition from conservative groups and threats against its proponents. Refugees were forcibly returned to destinations where they were at risk of torture.

BACKGROUND

The year culminating with Vladimir Putin's 20th anniversary as Russia's leader, was marked by simmering political tensions and social discontent, underpinned by generally sliding standards of living and growing popular distrust in the ruling United Russia party. Endemic corruption, environmental concerns, deteriorating and ill-considered urban planning and worsening human rights prompted local protests across the country. In Moscow, some of the biggest protests in years were sparked by the authorities' refusal to register opposition candidates for the Moscow City Duma election.

Five years after its voting rights were suspended following the annexation of Crimea, Russia returned to the Council of Europe's Parliamentary Assembly (PACE) after a diplomatic compromise. Some in the Russian human rights community viewed this as a betrayal of the Council's core values, while others welcomed the opportunity to retain Russia within its orbit and preserve Russians' access to the European Court of Human Rights.

Russia pursued further integration of occupied Crimea, and its ongoing overt and covert military presence in Georgia, Syria, Ukraine and elsewhere continued to fuel human rights violations.

FREEDOM OF ASSEMBLY

Due to the growing disconnect between the authorities and general public, street protest was on the rise, including over political but also increasingly over local economic, social or environmental issues, such as waste disposal, but also wider political demands. The authorities often responded by refusing authorisation for public assemblies (their express permission remaining a legal precondition), breaking up peaceful gatherings, and prosecuting organisers and participants in administrative and criminal proceedings. This treatment of protesters, in turn, galvanised unprecedented public solidarity with them.

In July and August, more than 2,600 people were arrested during protests in Moscow which remained peaceful until the police and National Guard officers forcibly intervened. Although there were numerous reports of arbitrary arrest, use of excessive and indiscriminate force and ill-treatment of protesters by the officers, none were known to have been investigated. Some victims of police violence included random bystanders, including jogger Konstantin Konovalov who was arbitrarily stopped before the protest on 27 July had even began and thrown on the pavement. A police officer allegedly stamped on his leg and broke it. Scores of those arrested, in Moscow and elsewhere, were subjected to detention and heavy fines, while criminal proceedings were launched against several individuals as part of an investigation into purported "mass riots." At least 28 people were prosecuted in connection with the demonstrations, most of them for "violence against representatives of the authorities"; 16 were convicted and 10 sentenced to imprisonment following deeply flawed trials.[1]

In their crackdown on protest, the authorities resumed the use of Article 212.1 of the Criminal Code, "repeated violation of the rules of conducting public assemblies". Three peaceful protesters, Vyacheslav Egorov, Andrey Borovikov and Konstantin Kotov, were prosecuted under it. Kotov was sentenced to four years' imprisonment, Borovikov to 400 hours of mandatory works and Egorov was still awaiting trial at the end of the year.[2]

In October, peaceful activists Yan Sidorov and Viacheslav Mordasov were each sentenced to over six years' imprisonment in a strict regime penal colony, for their 2017 brief peaceful picket in Rostov-on-Don, southern Russia,. The appeal court upheld the sentence in December. Their co-defendant Viacheslav Shashmin received three years' probation.[3]

A series of overwhelmingly peaceful protests against a territorial settlement with neighbouring Chechnya were held in the Ingushetian capital of Magas in the North Caucasus in late 2018-early 2019. Although tolerated throughout this period, the authorities dispersed the peaceful protestors on 27 March provoking isolated incidents of violence by the demonstrators. Over 30 individuals were then prosecuted for "violence against a representative of authority", including six activists accused of organizing it.

HUMAN RIGHTS DEFENDERS AND FREEDOM OF ASSOCIATION

Impunity for past violence against human rights defenders prevailed. Repressive legislation on "foreign agents" and "undesirable organizations" was regularly used against human rights and other NGOs and their members, alongside criminal prosecutions and smears in government-controlled media.[4]

Ten years after her abduction and murder, the suspected killers of Natalia Estemirova, a prominent member of the NGO Memorial in Grozny, had still not been brought to justice.[5] Similarly, the perpetrators of the vicious attack on environmentalist Andrey Rudomakha in Krasnodar Region in southern Russia in December 2017 were not identified, and neither were those who abducted and mock executed of Amnesty International's researcher Oleg Kozlovsky in Ingushetia in October 2018. Investigations into some of these crimes were still nominally open.

In March, Shali City Court convicted the Head of Memorial's Grozny office Oyub Titiev of drugs possession, under manifestly fabricated charges, and sentenced him to four years' imprisonment. In June, Titiev was released on parole, having already spent a third of this term behind bars since his arrest in January 2018.[6]

Five activists faced criminal prosecution for "cooperation" with "undesirable" organizations. Anastasia Shevchenko, in Rostov-on-Don, was arrested on 21 January and, after two days in detention, spent the entire year under house arrest pending trial.[7] The trial against Yana Antonova, in Krasnodar, started in November.[8] Both were accused of association with the opposition movement Otkrytaya Rossia, facing up to six years' imprisonment if found guilty.

In October, a court in Krasnodar convicted human rights lawyer Mikhail Benyash of "use of violence against representatives of authorities" and fined him 60,000 roubles (US$ 969), reduced by half on account of the two months he had spent in pretrial detention. The case against him had been fabricated after he was arrested and beaten by plainclothes police in September 2018, though his counter-allegations were consistently ignored.

The Ministry of Justice instigated administrative proceedings against several organisations for allegedly violating the "foreign agents" legislation. Consequently, courts issued a string of severe fines against the Human Rights Center Memorial and International Memorial, amongst others, and ordered that the For Human Rights movement be dissolved. A total of five unfounded criminal cases were opened against the head of Ecodefence, Aleksandra

Koroleva, forcing her to leave the country and seek international protection. In August, the Investigation Committee started a criminal investigation against Aleksey Navalny's Anti-Corruption Foundation (FBK) for purported money laundering. Under this pretext, the homes of hundreds of its supporters and other opposition activists were searched across the country, and the personal bank accounts of FBK staff and various activists were frozen. In October, the authorities registered FBK as a "foreign agent". It was by then one of the most successful crowdfunded projects in Russia.[9]

Four more foreign organizations, including Prague-based NGO People in Need, were declared "undesirable", bringing their total number to 19, and making them and any association with them illegal in Russia. Several Russian NGOs were heavily penalised for spurious links with "undesirable organizations". In April, Environmental Watch for the North Caucasus, based in Krasnodar Region, was fined by a court in Maikop for sharing links to blogs that had been previously published on the "undesirable" Otkrytaya Rossia movement's website. In September, a court in Barnaul, western Siberia, fined Young Journalists of Altai for having a defunct hyperlink to the "undesirable" Open Society Institute on its website.

FREEDOM OF EXPRESSION

The right to freedom of expression was further constrained in law and practice, including through additional restrictions on the internet and new reprisals against online dissent. There was an ever greater disparity between how legislation governing expression was applied to state media and authorities, as opposed to those who expressed critical or dissenting views.

While "incitement of hatred and enmity" (Article 282 of the Criminal Code) was partially decriminalized in January, other criminal provisions, including Article 280 (propagation of "extremism"), continued to be used selectively against dissenters. Under new legislation adopted in March, "spreading fake news" and "insulting" the state, its symbols and organs on the internet became administrative offences punishable by heavy fines. Prosecutions promptly followed, with over 20 individuals fined as "offenders" by December, mostly for criticizing the president. By contrast, smears of government critics and "fake news" about them in state-controlled media was commonplace. The head of Chechnya, Ramzan Kadyrov, publicly and with full impunity threatened to "kill, jail, intimidate" bloggers for "discord and gossip".

Criminal proceedings were opened in February against journalist Svetlana Prokopieva, from Pskov, northwest Russia, for "justifying terrorism" in an October 2018 article that criticized the authorities in connection with a suicide bomber's attack on a Federal Security Service office. In June, a journalist from Dagestan's independent *Chernovik* newspaper, Abdulmumin Gadzhiev, was arrested under unfounded charges of funding terrorism and spent the rest of the year in pretrial detention.[10] The same month, police in Moscow framed investigative journalist Ivan Golunov for drugs. An unexpected vigorous reaction from journalists and the general public forced the authorities to admit having falsified the evidence and release him without charge. The police officers responsible for his arrest were dismissed but Ivan Golunov's legal team was only informed of criminal investigation against them at the end of the year.[11]

In November, the law on "sovereign RuNet" intended to enable Russian authorities to fully control internet routing in emergency situations, came into force. In December, President Vladimir Putin signed a new law under which individuals may be required to register and be regulated as "foreign agents" for disseminating information produced by foreign media or "agents" and receiving foreign funds. Failure to comply is punishable by fines of up to 5,000,000 rubles (US$ 80,000).[12]

FREEDOM OF RELIGION AND BELIEF

Hundreds of Jehovah's Witnesses faced prosecution across Russia for their religious beliefs after the organization was declared as "extremist" and banned in 2017. In February, the first person to be detained following the ban, Danish national Dennis Christensen of the local Jehovah's Witnesses' group in Orel, central Russia, was sentenced to six years' imprisonment for "organizing activities of an extremist organization."[13] After losing his appeal in May, he was sent to serve his six-year sentence 200km away in Kursk Region. At least 17 other Jehovah's Witnesses were convicted during the year, seven of them receiving custodial sentences, while many more faced harassment, including intrusive house searches.[14] Some members alleged torture and other ill-treatment during questioning.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Discrimination and harassment of LGBTI people remained pervasive, with the homophobic "gay propaganda law" repeatedly used to suppress their free expression. Threats against LGBTI rights activists were common, their perpetrators enjoying impunity.

The mounting evidence of abduction, torture and killing of gay men by the authorities in Chechnya over previous years, was consistently ignored by the federal authorities. In May, Maxim Lapunov, a survivor who failed to attain any justice in Russia filed a complaint at the ECtHR, which accepted it in November and requested Russia's response within four months. In November LGBTI activist Yulia Tsvetkova, from Komsomolsk-on-Amur in Russia's far east, was charged with "production and distribution of pornographic materials" and placed under house arrest for publishing online her body-positive drawings of female genitalia. The charge carries up to six years' imprisonment.[15]

COUNTER-TERRORISM

Counter-terrorism legislation was widely used for politically motivated prosecution. In March and May, court hearings began in St Petersburg and Penza in the case against several men accused of having organized or participated in a "terrorist" organization named Set' (Network). In December, the prosecution in Penza requested from six to 18 years' imprisonment for the defendants. Credible allegations of torture by several defendants, including Viktor Filinkov and Dmitry Pchelintsev, were consistently ignored, while the case itself, targeting mostly political opponents and activists, and based on forced "confessions" – prompted suspicion that the charges had been fabricated. Other cases, marred by remarkably similar concerns were ongoing elsewhere, including the *Novoe Velichie* case in Moscow.

In November, the military court in Rostov-on-Don convicted six prisoners of conscience from occupied Crimea, including human rights defender, Emir-Usein Kuku, and sentenced them to between seven and 19 years' imprisonment. They stood accused of membership of Hizb ut-Tahrir (designated as "terrorist" in Russia in 2003, but existing legally in Ukraine). In Crimea, allegations of its membership are widely used by the de facto authorities as a pretext for politically-motivated reprisals against ethnic Crimean Tatars. Similarly harsh sentences were handed to at least 15 other alleged Hizb ut-Tahrir members in Russia during the year.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment in places of detention remained pervasive, and impunity for the perpetrators near-total. Countless allegations of torture were reported across Russia. In December, the charitable foundation Nuzhna Pomosch obtained statistics on torture in places of detention from the Investigative Committee. According to the committee, from 2015 to 2018, between 1,590 and 1,881 complaints of "abuse of authority" by penitentiary officers were registered annually. Of these, only 1.7 – 3.2% were investigated.

VIOLENCE AGAINST WOMEN AND GIRLS

Several high-profile cases were emblematic of violence against women, and particularly domestic violence. Pickets and flash mobs were held throughout the summer in Moscow and elsewhere in support of sisters Angelina, Krestina and Maria Khachaturyan. Arrested in July 2018, and aged 17, 18 and 19 at the time, they admitted killing their father following years of systematic physical, sexual and psychological abuse. To campaigners they epitomized countless other survivors and the state's response: lack of protection and harsh prosecution for acts of desperation. In June, the initial charges were replaced with more serious ones (premeditated killing by a group) which carries up to 20 years' imprisonment.

In July, in its first-ever ruling on domestic violence in Russia, in favour of the applicant (*Volodina v Russia*), the ECtHR emphasised Russia's "continued failure to adopt legislation to combat domestic violence" and described the existing provisions as "inadequate … to provide sufficient protection for its victims". A second ECtHR ruling on the issue (*Barsova v Russia*) followed in October, with around 100 similar complaints from Russia awaiting response, according to an ECtHR judge. An official Ministry of Justice communication to the ECtHR, sent in October, disputed the significance and scale of the problem in Russia and its disproportionate effect on women, and argued that discrimination against men was greater.

In November, a long-awaited bill on domestic violence was tabled in parliament. Its draft provisions fell far short of effective measures for protection of individuals at risk and survivors. Nonetheless, it was met with fierce opposition from conservative groups, including the Russian Orthodox Church, who saw it as a threat to Russia's "traditional values" and "the family". Proponents of legislation on domestic violence, including member of the State Duma Oksana Pushkina and lawyer Mari Davtyan, reported threats issued against them by the bill's opponents.

REFUGEES AND MIGRANTS

Russia continued to return individuals in need of international protection to destinations where they were at risk of torture and other human rights violations, including by practices amounting to secret rendition.

Fakhraddin Abbasov (Aboszoda), a political emigre from Azerbaijan resident in Russia since 2008, had been in detention since September 2018 following an extradition request from Azerbaijan whose authorities accused him of crimes against the state. His asylum application was rejected by the Ministry of the Interior in October 2018 on the grounds that he already had a Russian residence permit, valid until February 2019. He appealed this decision and was due to appear in court about it on 28 February. However, on 27 February he was taken by unidentified law enforcement officers from his cell to an unknown location. The hearing was postponed. On 1 March, the Azerbaijani State Security Service reported they had taken Fakhraddin Abbasov into custody on his arrival at Baku International Airport on 28 February.[17]

1. https://www.amnesty.org/en/latest/news/2019/09/russia-runup-to-local-moscow-election-marred-by-unprecedented-attacks-on-rights/
2. https://www.amnesty.org/en/documents/eur46/0240/2019/en/
3. https://www.amnesty.org/en/latest/news/2019/10/russia-two-youth-activists-jailed-in-deplorable-act-of-injustice/
4. https://www.amnesty.org/en/documents/eur46/0950/2019/en/
5. https://www.amnesty.org/en/latest/news/2019/07/russia-10-years-since-the-killing-of-chechen-human-rights-defender-natalia-estemirova-no-justice-in-sight/
6. https://www.amnesty.org/en/latest/news/2019/06/russia-titievs-parole-a-welcome-step-but-not-justice/
7. https://www.amnesty.org/en/latest/news/2019/01/russia-the-first-criminal-case-under-the-undesirable-organizations-law-marks-a-new-level-of-repression/
8. https://www.amnesty.org/en/documents/eur46/1376/2019/en/
9. https://www.amnesty.org/en/latest/news/2019/10/russia-foreign-agent-blacklisting-for-the-anti-corruption-foundation-is-latest-attack-on-freedom-of-association/
10. https://www.amnesty.org/en/documents/eur46/1236/2019/en/
11. https://www.amnesty.org/en/latest/news/2019/06/russia-detention-and-alleged-beating-of-a-prominent-investigative-journalist-is-deeply-alarming/
12. https://www.amnesty.org/en/documents/eur46/1420/2019/en/
13. https://www.amnesty.org/en/documents/eur46/9846/2019/en/
14. https://www.amnesty.org/en/documents/eur46/9922/2019/en/
15. https://www.amnesty.org/en/latest/news/2019/12/russia-feminist-activist-fined-for-gay-propaganda-and-facing-criminal-pornography-charges/
16. https://www.amnesty.org/en/latest/news/2019/11/russia-emir-usein-kuku-and-five-co-defendants-from-occupied-crimea-slapped-with-long-sentences/
17. https://www.amnesty.org/download/Documents/EUR0499852019ENGLISH.pdf

Irrigation canal providing water for local needs during rainy season, Tajikistan. Amnesty International

TAJIKISTAN

Republic of Tajikistan
Head of state: **Emomali Rahmon**
Head of government: **Qokhir Rasulzoda**

The space for people to exercise their rights to freedom of expression, association and peaceful assembly without fear and discrimination shrank ever further. The authorities continued to invoke national security and public order concerns to persecute and silence political opposition activists, independent lawyers, journalists, human rights defenders, LGBTI people and their families. Impunity for torture and other ill-treatment remained pervasive and those who reported abuses faced reprisals. Dozens of prisoners, including political opposition activists, were killed and hundreds injured in prison riots, and at least 14 died during prisoner transportation.

BACKGROUND

Concerns about national security, counter-terrorism and public order dominated the political agenda. A new law on states of emergency signed by the President in May granted the authorities wide-ranging powers to restrict rights to freedom of expression and peaceful assembly during public emergencies. The authorities used these powers arbitrarily and in violation of international standards to block access to internet and mobile communications and impose censorship during police and counter-terrorism operations, such as during the prison riots in May and border incursions by armed groups in November. This made it difficult to independently verify allegations of human rights violations and contributed to a climate of fear and impunity.

FREEDOM OF ASSOCIATION

In January amendments to the Law on Public Associations in relation to the financing of terrorism introduced additional reporting obligations for NGOs and gave the Ministry of Justice broad powers to report organizations to the police and security services for investigation. NGOs feared that the authorities would use the amendments to silence critical voices.

During the review of Tajikistan's implementation of the ICCPR in July,

the UN Human Rights Committee (HRC) raised concerns that recent counter-terrorism legislation had a "chilling effect" on the activities of civil society groups.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Public officials continued to use homophobic and transphobic rhetoric against LGBTI people with impunity. The UN HRC was concerned at a statement by the Ombudsman for Human Rights that Tajikistan could not uphold the rights of LGBTI people because they were "contrary to the moral and ethical norms of relationships...". Law enforcement officials routinely targeted LGBTI people via intimidation, beatings, arbitrary arrests and extortion.

REPRESSION OF DISSENT

The authorities persevered in their crackdown on all forms of dissent, targeting their critics at home and abroad.

In July at the end of their first visit to Tajikistan the UN Working Group on Enforced or Involuntary Disappearances (WGEID), expressed concern about numerous allegations of forcible returns and enforced disappearances of members of the banned opposition party Islamic Renaissance Party of Tajikistan (IRPT) and political opposition movement Group 24 living in exile. At least five were forcibly returned from Turkey and the EU to Tajikistan.

In February, Sharofiddin Gadoev, the exiled leader of Group 24, was arbitrarily detained by police in Russia and forcibly returned to Tajikistan. He was held in an undisclosed location for two weeks and forced to incriminate IRPT members and other political opposition activists under duress, before being allowed to return to the Netherlands following international pressure.[1]

In August, the UN HRC expressed serious concern at the ongoing harassment, ill-treatment and arbitrary detentions of family members of banned political opposition parties and groups, including IRPT and Group 24, in retaliation for exiled activists voicing dissent abroad.

JUSTICE SYSTEM

In April, the government adopted a programme of judicial and legal reforms to further strengthen safeguards for detainees, including the right to have access to a lawyer. In practice, however, law enforcement officers continued to obstruct access to lawyers.

Persecution of lawyers

Lawyers who took up politically sensitive cases, especially those related to national security and counter-terrorism, continued to face harassment, intimidation, ill-treatment, arbitrary arrest and prosecutions on politically motivated charges.

In April law enforcement officers arbitrarily detained lawyer, Abdulaziz Abdurahmonzoda, in his office in Dushanbe. They allegedly beat him to force him to confess to bribing court officials, a charge the lawyer denied. He was awaiting trial on charges of fraud at year's end. His lawyer, Saidbek Nuritdinov, the chairperson of the Union of Lawyers, was also threatened.

The case of Buzurgmekhr Yorov – update

Human rights lawyer and prisoner of conscience, Buzurgmekhr Yorov, continued to be held in the Strict Regime Prison Colony No.1 in Dushanbe in cruel, inhuman and degrading conditions. He had been sentenced to a total of 28 years in prison after being convicted of anti-state crimes in unfair trials in 2016 and 2017. During his detention, he has been tortured, denied access to a lawyer and adequate healthcare, and spent long periods in solitary confinement.

In an Opinion issued in May, the UN Working Group on Arbitrary Detention (WGAD) concluded that his detention was arbitrary and called for his immediate release.

In May, Buzurgmekhr Yorov told his family that the authorities were preparing additional criminal charges of fraud against him, however, the family was not able to obtain confirmation or further information.

Buzurgmekhr Yorov was nominated for the international Homo Homini Human Rights Prize.

TORTURE AND ILL-TREATMENT

Torture and ill-treatment continued to be routine and pervasive despite ongoing reforms.

The NGO Coalition against Torture registered 44 new cases of torture or other ill-treatment in 2018 and 11 in the first quarter of 2019. According to the NGO these figures represented a mere fraction of the total number of torture cases because fear of reprisals deterred survivors and their relatives from lodging complaints.

IRPT deputy leader Mahmadali Hayit, who was sentenced to life imprisonment in 2016, showed his wife injuries inflicted by prison officials to punish him for refusing to denounce exiled IRPT activists when she was granted a prison visit in March. He described being kept in solitary confinement and tortured on a regular basis. He was denied access to necessary healthcare.

DEATHS IN CUSTODY

Dozens of prisoners were killed and hundreds injured in a riot at a high security prison in Vakhdat in May and at least 14 died during prisoner transportation in July.

The authorities refused independent monitors access to the prison to verify official claims that members of banned Islamist groups, in particular the armed group calling itself Islamic State (IS), instigated the violence. Three senior IRPT members, convicted of politically motivated charges in 2016, were killed during the unrest.

The authorities also blamed IS members for similar violent unrest at a separate high security prison in Khujand in November 2018. Independent observers claimed that both riots were the result of the systematic torture and ill-treatment of prisoners.

In July, a court in Dushanbe convicted 33 prisoners in connection with the unrest in November 2018 and sentenced three to life in prison and 30 to terms of 14 to 24 years in a secret trial. Relatives of five of the accused claimed that the men had been tortured to confess to having organized the riots.

In December the Supreme Court convicted 28 prisoners of murder and extremism and sentenced them to prison terms of between 19 and 29 years for their role in the May Vakhdat prison unrest.

No effective independent investigations were launched into the deaths in custody and allegations of torture and ill-treatment in relation to both riots.

At least 14 prisoners died in suspicious circumstances when they were transported in prison vehicles from the northern Sughd region to Dushanbe in July. Human rights organizations cast doubt on the authorities' claim that the prisoners had died of food poisoning, instead raising concerns about the conditions during transportation, including overcrowding, high temperatures, poor ventilation, and inadequate provision of food and water.

1. https://www.amnesty.org/en/documents/eur60/9957/2019/en/

People carry a picture of Turkmen President Gurbanguly Berdymukhamedov at a government-organised rally to mark Turkmenistan's Independence Day, Ashgabat, 27 October 2019. © STR/AFP via Getty Images

TURKMENISTAN

Turkmenistan
Head of state: **Gurbanguly Berdymukhamedov**
Head of government: **Gurbanguly Berdymukhamedov**

Turkmenistan is one of the most authoritarian regimes in the world. Human rights violations are routine and severe, the right to freedom of expression is severely restricted and all media are controlled by the state. Torture and other ill-treatment is reported to be widespread, and prisoners are held in conditions amounting to inhuman and degrading treatment, and in many cases subjected to enforced disappearances. Deaths in custody are commonplace and uninvestigated. Believers who follow unauthorized religions and critics of the regime risk being imprisoned on fabricated charges. Women face discrimination, and same-sex sexual relations between men remains a criminal offence.

BACKGROUND

Turkmenistan remains effectively closed to human rights monitors and other international monitors. It is very difficult to verify the true extent of human rights violations, due to difficulties in accessing reliable information from within the country and the fact that the country remains closed to international scrutiny. Turkmenistan has rejected or failed to respond to visit requests from various UN Special Procedures. In March, the EU again postponed a Partnership and Cooperation Agreement with Turkmenistan until conditions were met. These included an end to secret detentions and enforced disappearances, forced labour, torture and other ill-treatment of persons forcibly disappeared, and disclosure of their fate or whereabouts, as well as unhindered access for international organisations and independent monitors. The economic crisis which led to shortages of basic necessities such as eggs and bread at the end of 2018 continued, and the standard of living fell further. Media remain under firm state control, routinely focus on the President's and country's achievements in all walks of life, and do not report on the economic crisis. The President's short absences fuelled rumours of his ailing health. In October, the President fired the Interior Minister, Isgender Mulikov, for alleged corruption.

FREEDOM OF EXPRESSION

According to the Committee for the Protection of Journalists, Turkmenistan was the third most censored country in 2019. The authorities detained people

taking photos or filming in public places, blocked the use of VPN apps, typically used to access otherwise inaccessible websites, and barred people from travelling abroad to prevent them from "slandering" their home country. There was no independent media and the few independent journalists – typically working anonymously for outlets based abroad – faced harassment and arbitrary arrest. On 11 March, Soltan Achilova, an independent freelance journalist, was prevented from boarding an international flight.

ENFORCED DISAPPEARANCES

The fate and whereabouts of at least 49 prisoners subjected to enforced disappearance after an alleged assassination attempt on then President Saparmurat Niyazov in November 2002 remained unknown. At least nine of those originally convicted for the alleged assassination attempt have since died in prison. The Prove they are Alive Campaign lists 81 prisoners whose whereabouts remain unknown.

PRISONERS OF CONSCIENCE

According to Forum18, seven Jehovah's witnesses are currently serving jail sentences of between one and four years because of their conscientious refusal to do military service. Among them is Bahtiyar Atahanov, a 19-year-old Jehovah's Witness, who was sentenced on 15 July to four years' imprisonment. In April, the UN Human Rights Committee found that two Jehovah's Witnesses had been convicted on fabricated charges of possession of pornography in violation of their right to freedom of religion. The Committee also found that one of the men had been subjected to torture and other ill-treatment because he was repeatedly beaten by prison officials on his head and in his stomach and kidneys until he was left unconscious. He was also threatened with rape and beaten by a group of prisoners in the prison colony. Neither of the men was represented by a lawyer during legal proceedings. Both were subsequently released under presidential amnesties.

Gulgeldy Annaniyazov's sentence, which was due to be completed in 2019, was extended by five years for unknown reasons. He was originally arrested in 1995 for helping to organize a peaceful demonstration in Ashgabat, the capital, demanding democratic elections and protesting economic hardships.[1] He was released under an amnesty and in 2002 fled to Kazakhstan, only to be arrested for allegedly traveling on a false passport. He was released and granted refugee status and resettled in Norway in 2002 with his wife and son. He returned to Turkmenistan in 2008, where he was arrested and sentenced for a further 11 years, a sentence that was due to expire this year. In March 2019, he saw his family for the first time since 2008.

RIGHTS OF WOMEN

Despite declarations in law that men and women are equal, a number of restrictions concerning travel, dress and driving have been introduced which disproportionately affect women.

For instance, the requirement to wear national dress which was introduced under the previous president is periodically reinforced, and while men are required to wear dark suits and ties, women must spend money on expensive national costumes. There were continued reports that women drivers were pulled over by police who searched their vehicles and confiscated their licenses. In March, RFE/RL reported that female employees of Turkmenistan's Interior Ministry were told they should no longer drive if they want to keep their jobs.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Consensual same-sex sexual relations between men remained a criminal offence punishable by up to two years' imprisonment. Widespread societal homophobia and transphobia means that LGBTI persons are highly vulnerable to torture or other ill-treatment, sexual abuse, and extortion at the hands of the police. They also come under severe pressure from their families who seek to protect "the family honour" by imposing forced marriages.

Pride march in Kyiv, 23 June 2019. © Oleksandr Kovalenko/Amnesty International

UKRAINE

Ukraine
Head of state: **Volodymyr Zelensky (replaced Petro Poroshenko in May)**
Head of government: **Oleksiy Honcharuk (replaced Volodymyr Groysman in August)**

Intimidation and attacks by groups advocating discrimination against marginalised minorities and rights activists continued, although more public assemblies by activists were protected by police. Only a handful of perpetrators of serious human rights violations during the EuroMaydan protests were brought to justice, while security service officials responsible for secret imprisonment and torture in eastern Ukraine in 2014-2016 continued to enjoy blanket impunity. Progress in bringing to justice those suspected of past attacks against activists and journalists was reported only in some high-profile cases. New initiatives were put in place to address gender-based violence, but their practical impact was undermined by a lack of political will or resources for implementation. Territories in eastern Ukraine (Donbas) were controlled by Russian-backed separatists and remained inaccessible to many civil society and humanitarian actors. Limited information available from there included reports of violent suppression of all forms of dissent and pervasive torture and other ill-treatment of prisoners. The human rights situation in Russia-occupied Crimea continued to deteriorate, with further extensive reprisals against dissenting voices and religious minorities.

BACKGROUND

The year was marked by presidential and parliamentary elections, resulting in a major political overhaul. In the run-off voting on 21 April, comedian and political novice Volodymyr Zelensky scored a landslide victory over the incumbent President Petro Poroshenko. A day after his inauguration, Zelensky called a snap parliamentary election on 21 July, which delivered his newly-formed Servant of the People party a strong parliamentary majority. Zelensky's key electoral promise to find a political solution to the conflict in Donbas, prompted initiatives such as partial withdrawal of forces from the contact line, condemned by various opposition figures at home as a sell-out to Russia.

A prisoner exchange on 7 September saw 35 Ukrainian nationals returned to Ukraine, including high profile figures such as film director Oleg Sentsov and 24 sailors captured by Russian forces in the Kerch Strait in November 2018. Among the 35 individuals handed over to Russia in return was a key suspect wanted by the Dutch authorities in

connection with the shooting down of a civilian airplane over Donbas in 2014. On 29 December, Ukraine exchanged 124 detainees for 76 individuals held by Russia-backed separatists in Donbas; a further five were released by the separatists but decided to remain in Donbas.

Reports that in a July telephone call US President Donald Trump had pressured Volodymyr Zelensky to investigate the son of his political rival Joe Biden led to impeachment proceedings against President Trump and diplomatic complications for Ukraine.

In January, the newly-instituted Orthodox Church of Ukraine was granted ecclesial independence by the Ecumenical Patriarchate of Constantinople. It was recognised by some other Orthodox churches but denounced as a schism by the rival Russian Orthodox Church (Moscow Patriarchate). The latter reportedly lost several hundred parishes to the Orthodox Church of Ukraine but remained the single biggest church in Ukraine.

LEGISLATIVE AND CONSTITUTIONAL CHANGES

On 30 June, an amendment to Article 124 of the Constitution came into force, opening the way for the ratification of the Rome Statute of the International Criminal Court. By year's end, however, Ukraine had still not ratified the Rome Statute which it had signed in 2000.

FREEDOM OF ASSEMBLY

Activists systematically targeted by groups advocating discrimination and violence were able to hold several of public events which attracted a higher number of participants compared to previous years. On 8 March women's rights rallies were held across Ukraine, including in Kharkiv, Lviv, Mariupol, Odesa, Uzhgorod, Zaporizhia and the capital, Kyiv. Police successfully prevented violent attacks that marred similar rallies in 2018. The Women's March in Kyiv, for example, was attended by some 1,300 participants and protected by a 900-strong police contingent.[1]

Over 8,000 people participated in the Pride march in Kyiv on 23 June, making it the biggest Pride in the country's history. Prior to the march the President's Office had directly called on the police to ensure its safety, and police officers effectively isolated aggressive counter-demonstrators during the event. The Pride in Odesa, on 26 September, was attended by around 300 people and protected by 500 law enforcement officers.

On 23 November, thanks to police protection, dozens of transgender rights activists held a rally in central Kyiv to mark Transgender Day of Remembrance, despite opponents attempting to disrupt the event.

However, a Pride march planned in Kryvyi Rih in late July was cancelled by organizers due to threats. On 15 September in central Kharkiv, police cordoned off some 2,000 or 3,000 participants in the first-ever local Pride, enabling them to hold the event despite threats from counter-protesters. However, as soon as it was over, some participants described being chased down and beaten while police present at the site failed to intervene. Some police officers at the event were also described as displaying homophobic attitudes or making homophobic remarks.[2]

IMPUNITY FOR PAST VIOLATIONS BY LAW ENFORCEMENT OFFICERS

The Security Service of Ukraine's (SBU) 2014-2016 practice of running secret prisons was still denied and not effectively investigated. Attempts to shelve or close the investigation were challenged by the lawyers of a small number of former prisoners who continued to seek justice. At least one of the former victims complained of further harassment by SBU officers during the year, including arbitrary detention and being forced to make a verbal promise on a camera to be their secret informant; he formally complained about this incident and an official investigation into it was opened in July but no outcome reported by the end of the year.

The authorities failed to attain justice for all victims of human rights violations committed during the EuroMaydan protests in 2013-2014, which were violently suppressed by security forces resulting in more than 100 people killed and hundreds injured. The ongoing investigation, slow and ineffective,[3] was further hampered by the institutional reform involving the delayed and internally disputed transfer of investigative functions from the Prosecutor General's Office to the newly instituted State Investigation Bureau, the break-up of the initial team of investigators and dismissal of its long-standing leader and its other members, and the parliament delaying the required legislative amendments.

By November, only a fraction of over 4,000 criminal episodes under investigation for such abuses had reached the courts, resulting in the conviction of 59 individuals. The total number of criminal suspects reached 445, around half of them former law enforcement officers, but also including senior officials, prosecutors, judges and almost 100 "titushkas" (private individuals effectively deployed by the authorities to target protesters with violence). These figures were only marginally higher than those a year earlier.

Five former riot police officers from among those identified by the investigation as implicated in the EuroMaydan killings and remanded as criminal suspects, were released and exchanged for Ukrainian prisoners held by Russia-backed separatists in December (see above).

IMPUNITY FOR HATE-MOTIVATED ATTACKS

Assaults against journalists, civic activists and members of marginalized groups such as Roma, continued. Past

attacks were not effectively investigated, and their apparent hate motive was downplayed by the authorities in the few cases where some alleged perpetrators were identified.

In June, five men were convicted in connection with the 2018 death of activist Katerina Handzyuk, for deliberately causing grave injuries (the initial charges of killing were requalified in April), and sentenced to between three and six and a half years' imprisonment. One alleged accomplice was put on an international wanted list. Questions still remained as to who had ordered the attack on Handzyuk and their motive, and in December parliament instituted a temporary investigative commission to scrutinize the investigation in this and other cases of attacks against activists in 2017-2018. A similar commission had existed in the previous parliament, and its findings were presented and approved by the new parliament on 11 July. The findings pointed to multiple flaws, mistakes and conflicts of interest in the Handzyuk investigation in 2018.

Only two of the six assailants who in March 2018 targeted Vitalina Koval, a women's rights and LGBT rights activist from Uzhhorod, were prosecuted for causing "minor injuries". The prosecution submitted their case to court, but months later, in December, court proceedings were still at an early stage. However, the hate motive of the attack had been made the subject of a separate investigation, launched in December 2018 and still ongoing a year later.

FREEDOM OF EXPRESSION

Print, broadcast and online media remained pluralistic, but violence against journalists caused concern as did restrictions targeting mostly visiting foreign journalists and outlets accused of Russian anti-Ukrainian propaganda.

At the end of his tenure in March, President Poroshenko extended the direct ban on several Russian social media and online resources. However, it appeared that popular services VKontakte and Yandex, alongside some other previously banned online resources, became accessible via at least some networks later in the year.

For months, the National Broadcasting Council contemplated the closure of media outlets with allegedly pro-Russian editorial policies and owned by an opposition member of parliament. In September, the Council cited persistent technical infringements when refusing to extend the licenses of five regional TV companies that broadcast content from the cable TV channel 112 Ukraine.

In October, parliament created a temporary investigative commission to examine legal compliance by past and present owners of NewsOne, ZIK and 112 Ukraine TV channels during the change of their ownership, and investigate alleged Russian influence over their editorial policies.

In August, Kyiv Commercial Court ruled against Hromadske national TV channel in the defamation suit brought against it by C14, a group whose members advocate discrimination, engage in violence and openly use symbols associated with white supremacist ideology. The court agreed that Hromadske's tweet describing C14 as neo-Nazi, was defamatory, and issued a fine equivalent to US$145. In November, Hromadske lost its appeal against this decision.

The trial of prisoner of conscience Vasyl Muravytskyi, charged in August 2017 with treason and terrorism-related offences on account of his publications in Russian online media, was ongoing, Meanwhile, in November the court replaced his house arrest with a night curfew. Another journalist awaiting trial for alleged treason following his arrest in May 2018, Kyrylo Vyshynskyi, was released in September and flown to Moscow as part of the prisoner swap with Russia (see above).

Violent attacks and threats against journalists were reported, with perpetrators seldom if ever brought to justice. The National Union of Journalists documented at least 65 violent incidents targeting media workers during the year.

Investigative journalist Vadym Komarov, from Cherkasy, was severely assaulted on 4 May and died of his injuries on 20 June. His assailants had not been identified by year's end.
At a press conference on 13 December, the police reported the arrest of three men and two women as suspects in the killing of journalist Pavlo (Pavel) Sheremet in July 2016 but questions remained regarding the motive and the identity of those who ordered the killing.
The government proposed introducing new media regulations and penalties, including criminal liability for disinformation. These proposals, which caused concern among the journalist community, were not put before parliament by the end of the year.

VIOLENCE AGAINST WOMEN

Gender-based violence, and specifically domestic violence, were increasingly recognised as a problem which the state needs to address. In January, amendments were introduced into the Criminal and the Criminal Procedural Codes to align them with the requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), but the Convention was still not ratified.
The amendments, inter alia, expressly criminalised domestic violence (but only if committed "systematically" after repeatedly documented by police as an administrative offence), introduced legal definitions of rape and consent based on international standards, and introduced and gave police and courts the authority to issue, respectively, urgent protection orders and restraining orders for perpetrators of domestic violence.

In February, the Ministry of Health issued a protocol and guidelines for medical documentation of injuries resulting from domestic violence, and provision of medical assistance to survivors. In April, the Ministries of Social Policy and of the Interior issued the police with a template

for assessing the risk of domestic violence. In September, 45 police anti-domestic violence units (POLINA) were launched across Ukraine.

However, these legal and institutional measures fell short of providing an effective system for preventing and addressing domestic violence. Thus, the police were poorly trained, if at all, to use the new protocols. In eastern Ukraine, for example, Amnesty International documented cases of police being reluctant to issue urgent protection orders when confronted with instances of domestic violence. In rare instances when urgent protection orders were issued by police or restraining orders were issued by judges, they were not effectively enforced.

Oksana Mamchenko suffered physical, psychological and economic abuse from her husband for years before divorcing him. On at least three occasions during the year the court issued restraining orders, ordering the man to move out and prohibiting him from approaching his former wife and their children, but he continued living under the same roof and violence continued, even after criminal proceedings were opened against him (on charges of domestic violence, and failure to comply with a court decision). Oksana Mamchenko repeatedly called the police, but they consistently failed to enforce the court orders.

CRIMEA

The human rights situation in Russia-occupied Crimea continued to deteriorate. Numerous rights, including to freedom of expression, peaceful assembly and association, remained severely restricted. Prominent members of the Crimean Tatar community, pro-Ukrainian activists and any outspoken critics of the de facto authorities were subjected to harassment, intimidation or politically-motivated prosecution. Independent media and journalists were unable to operate in Crimea, and a growing number of online media resources was blocked. The Mejlis of the Crimean Tatar People, a self-governing body, remained arbitrarily banned as "extremist". Reprisals against Crimean Solidarity, an informal self-help group formed by Crimean Tatars in 2016, were more extensive. Dozens of its members were arrested in a coordinated campaign on unfounded terrorism-related charges, including during Russian security forces' raid on members of the Crimean Tatar community when, on a single day on 27 March, they searched numerous households and arrested 24 men.[4] In September, the founder of Crimean Solidarity, prisoner of conscience Server Mustafayev who had been detained since May 2018, was transferred to southwest Russia for trial in a military court, alongside seven co-defendants.

In November, the Southern District Military Court in Russia sentenced Crimean prisoners of conscience, Emir-Usein Kuku and his five co-defendants, to imprisonment of between seven and 19 years, on unfounded terrorism-related charges.

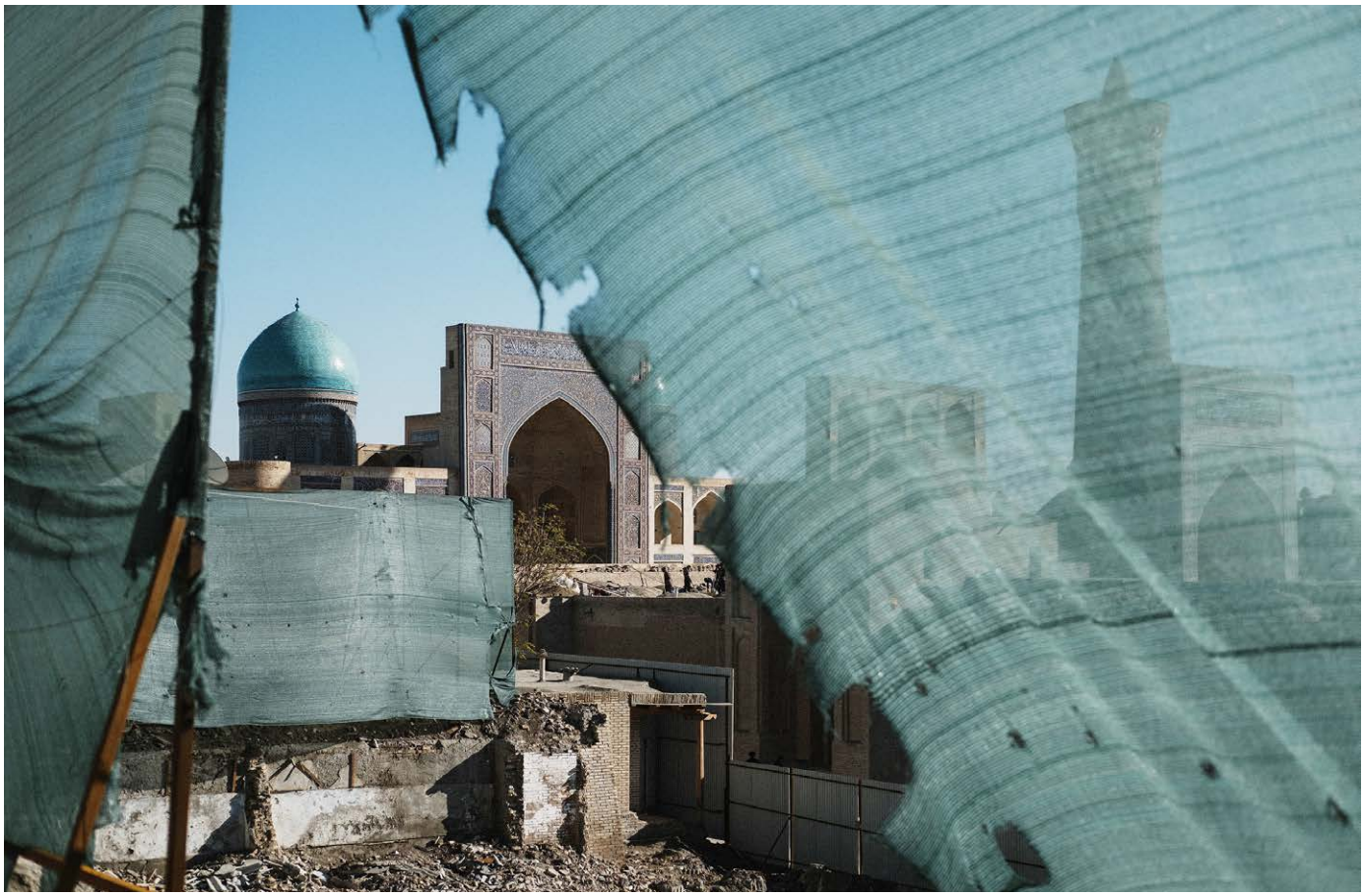
In April, the Orthodox Church of Ukraine (OCU) parish in Crimea was refused registration on technical grounds. The de facto authorities demanded that the OCU vacate the cathedral building in Simferopol, claiming that its lease had expired. Members of other religious minorities were also harassed.

The fate and whereabouts of all those forcibly disappeared in Crimea after its occupation by Russia remained unclarified.

DONBAS

Territories in eastern Ukraine controlled by Russia-backed separatists were beyond the reach of many civil society and humanitarian actors, and independent information emanating from them remained sparse. Among the individuals released by the separatists and transferred to government-controlled territory were human rights defenders, journalists and bloggers who had been imprisoned in connection with their critical reporting, including Stanislav Aseyev "sentenced" in October to 15 years' imprisonment for "spying".[5] The interviews given by some of them tell a consistent story of suppression of all forms of dissent, including through arrest, interrogation and torture and other ill-treatment by the de facto authorities' "Ministry of State Security", and imprisonment in often inhumane conditions. Many former prisoners displayed trauma. Among the disturbing stories were those of sexual exploitation and sexual violence, including systematic rape, of women but also of men in detention.

1. https://www.amnesty.org/download/Documents/EUR5001592019ENGLISH.pdf
2. https://www.amnesty.org/en/documents/eur50/1077/2019/en/
3. https://www.amnesty.org/en/latest/news/2019/02/ukraine-five-years-after-the-maydan-protests-justice-still-not-attained-for-victims/.
4. https://www.amnesty.org/en/latest/news/2019/03/crimea-at-least-20-people-detained-in-a-new-crackdown-against-crimean-tatar-minority/
5. https://www.amnesty.org/en/latest/news/2019/10/ukraine-de-facto-authorities-in-donetsk-sentence-journalist-aseev-to-15-years-in-jail-for-spying/



Urban redevelopment in Uzbekistan. © Timur Karpov

UZBEKISTAN

Republic of Uzbekistan
Head of state: **Shavkat Mirzioiev**
Head of government: **Abdulla Aripov**

More independent media outlets were able to operate but the rights to freedom of expression, association and peaceful assembly continued to be tightly regulated. A blogger was forcibly confined to a psychiatric hospital for three months for reporting on a demonstration. Human rights defenders were prevented from registering an NGO that focused on accountability. Lesbian, gay, bisexual, transgender and intersex people (LGBTI) faced systematic discrimination, as well as violence, intimidation and harassment at the hands of police and non-state actors. Impunity for past abuses prevailed despite reforms of the criminal justice system and the closure of detention centres notorious for torture. No effective independent complaints and detention monitoring mechanisms were in place.

BACKGROUND

Elections to the lower house of Parliament in December were billed as 'new Uzbekistan, new elections' in line with the reform agenda of President Mirzioiev. However, OSCE election monitors expressed concern that no independent political opposition parties had been allowed to register. All five parties filing candidates were loyal to President Mirzioiev, but in contrast to previous elections, candidates faced probing and critical questions from media and the public during campaign meetings. Significantly, the elections ushered in a younger generation of parliamentarians, with a majority of representatives under 50 years of age, and for the first time 30 percent of representatives elected were women.

FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION – HUMAN RIGHTS DEFENDERS AND INDEPENDENT JOURNALISTS

Unlike in previous years, international media organizations such as Voice of America, BBC and others were able to operate inside Uzbekistan and work with local journalists.

Nevertheless, the rights to freedom of expression, peaceful assembly and association continued to be tightly regulated and civil society activists faced reprisals for their peaceful activities. Human rights defenders and independent journalists, including those released from prison since 2017, and their

families, continued to be under close surveillance and faced intimidation, threats and arbitrary detention by police and the State Security Service (SGB).[1] In September, SGB officers tried to stop independent journalist Bobomurod Abdullaev and activist Agzam Turgunov from meeting with the visiting UN Special Rapporteur on the independence of the judiciary.

The authorities continued to refuse to register the independent NGO Restoration of Justice set up by former prisoners and human rights defenders, Agzam Turgunov, Dilmurod Saidov and Azam Farmonov, on minor technicalities.

Nafosat Olloshkurova, a blogger and human rights activist, was beaten and detained by police in Khorezm on 23 September during a peaceful protest march she was covering for her Facebook blog. She was sentenced to 10 days' administrative detention, but was then transferred against her will to a psychiatric hospital in Urgench on 26 September. A court later sanctioned her forcible psychiatric treatment for two months. She had only sporadic access to her lawyer and members of her family, and was not allowed to meet with them in private. An appeal court extended her forcible treatment on 28 November. Following an international outcry, she was released on 28 December after a medical commission found no grounds to continue her forced hospitalisation.[2]

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Urban regeneration projects in the capital Tashkent and other cities saw grassroot protests against the large-scale destruction of hundreds of homes, many in traditional mahallas (local neighbourhoods). Homeowners and tenants complained they were not given timely eviction notices, appropriate alternative accommodation or adequate compensation.

Despite a much vaunted (by the government) and apparently enforced ban on forced labour in the cotton industry, independent monitors recorded tens of thousands of public sector employees, military personnel and prisoners drafted into working on the cotton fields.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

The authorities refused to decriminalize consensual sexual relations between men and repeal Article 120 of the Criminal Code, arguing that non-heterosexual relations contradicted national cultural "traditions" and "moral norms".

LGBTI people faced systematic discrimination and violence by police and SGB as well as non-state actors. Police regularly detained homosexual or bisexual men and transgender people, threatened them with imprisonment under Article 120, intimidated, physically or sexually abused them and used blackmail to extort money from them or coerce them into collaboration. Lesbians and bisexual women were also targeted. Non-state actors subjected LGBTI people to physical and sexual abuse, in some cases recording the assault and disseminating it via social media.

Groups defending the human rights of LGBTI people were unable to operate safely and the authorities suppressed any attempts to draw attention to their plight.

TORTURE AND OTHER ILL-TREATMENT

In its Concluding Observations following the review of Uzbekistan's fifth periodic report in November, the UN Committee against Torture (CAT) expressed grave concern "at reports that torture and ill-treatment continue[d] to be routinely committed by, at the instigation of, and with the consent of the State party's law enforcement, investigative, and prison officials". Lawyers, human rights defenders and relatives also reported that police, SGB, prison guards and prisoners continued to use torture and other ill-treatment to obtain confessions or punish suspects and detainees.

On 26 June, the Tashkent City Criminal Court found former Prosecutor General Rashitjon Kadirov and his 12 co-defendants guilty of abuse of office and financial crimes, and sentenced Rashitjon Kadirov to 10 years in prison. The Court dismissed allegations that confessions had been extracted under torture despite these claims being supported by credible evidence. Sources close to Rashitjon Kadirov reported that he had been subjected to physical abuse, mock executions, sleep deprivation and other ill-treatment to coerce him to give evidence against himself and others.

SEXUAL VIOLENCE

At the CAT review the authorities insisted that the Ombudsman's office had not received any complaints of sexual violence in custody, and denied that it was regularly used against detainees and prisoners.

Human rights defenders, lawyers and LGBTI activists confirmed that police, SGB, prison guards and fellow inmates regularly used sexual violence and abuse to punish prisoners and force them to incriminate others. Torture methods included officers raping men with bottles and truncheons, attaching heavy water bottles to their genitals, or wrapping newspaper around their genitals and setting it on fire. Homosexual and bisexual prisoners and those subjected to rape or suspected of being gay had the lowest status in the informal prisoner hierarchy and were regularly used us 'slaves' by other inmates and guards, forced to clean dirty toilets with their bare hands, for example.

IMPUNITY

Authorities denied that former prisoners such as journalists, political opposition activists and former government officials, including prisoners of conscience, were tortured to force them to confess and to punish dissent. In a written response to CAT in September, the government stated that investigations had found no evidence of torture or other ill-treatment in the cases of Muhammad Bekzhanov,

Erkin Musaev, Azam Farmonov, Bobomurod Abdullaev and at least 10 other former prisoners released since 2017. At the CAT review in November, the authorities refused to give details of any investigations conducted and insisted that there was no compelling case for redress. In its Concluding Observations, CAT regretted that the authorities had determined that all claims raised were "unsubstantiated".

On 23 September, the Supreme Court refused to rehabilitate former prisoner of conscience, Solidzhon Abdurakhmanov, who was released in 2017, and rejected his appeal against his 10-year prison sentence. Earlier in March, the UN Human Rights Committee found that the independent journalist and human rights defender had been arbitrarily detained and ordered the authorities to provide him with an effective remedy and pay him compensation.

The authorities failed to set up any effective independent complaints mechanism despite repeated promises. The government told CAT that only in a handful of complaints of torture submitted to the Ombudsman's Office did prosecutors find evidence of wrong-doing. All other complaints were "unsubstantiated". The Ombudsman continued to direct all complaints to prosecutors or police, despite having been given powers to investigate in March.

DETENTION – PRISON CONDITIONS

In a positive move, the President issued a decree in August to close the high security prison camp Jaslik (UYA 64/OF), notorious for torture. However, human rights activists raised concerns that Jaslik was to be repurposed as a pre-trial detention centre by the Ministry of Internal Affairs of the autonomous republic of Karakalpakstan. The authorities released no information on what happened to those prisoners transferred to other detention centres.

In the absence of a genuinely independent detention monitoring mechanism, it was impossible to verify conditions in Jaslik and other detention centres. The authorities also provided no evidence of improved conditions in SGB detention centres, including at the CAT review in November, and insisted that information on detainee and prisoner numbers, locations and conditions of detention was considered "confidential".

HUMAN RIGHTS IN EASTERN EUROPE AND CENTRAL ASIA

REVIEW OF 2019

?

Index: EUR 01/1355/2020
Original language: English

amnesty.org

AMNESTY INTERNATIONAL