



**HUMAN RIGHTS HOUSE
FOUNDATION**

Report on the situation of human rights defenders in the South Caucasus region (Armenia, Azerbaijan, and Georgia)

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Prepared by
members of the South Caucasus Network of Human Rights Defenders
and the Human Rights House Foundation

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OSLO Kirkegt. 5, 0153 Oslo, Norway | Tel.: +47 22 47 92 47 | Fax: +47 22 47 92 01 | hrh@humanrightshouse.org | Org. no.: 976 055 365 | Account no. (IBAN): NO37 1609 0492 458
GENEVA Rue de Varembeé 1, PO Box 35 1211 Geneva 20, Switzerland | Tel.: +4122 919 71 11 | geneva@humanrightshouse.org | Account no. (IBAN): CH36 0900 0000 1020 3098 5
www.humanrightshouse.org

Recommendations

Recommendations to the international community that apply to the whole South Caucasus region:

- Authorities should ensure the protection of human rights defenders, independent journalists, and lawyers;
- Authorities need to take measures to improve the human rights climate and thereby ensure that human rights defenders can carry out their activities;
- Call upon authorities, especially in Azerbaijan and Georgia, to allow country visits of the Human Rights Council special procedures, and support those country visits;
- Call upon Azerbaijani authorities to fully implement the recommendations accepted at its Universal Periodic Review and the concluding observations of the Human Rights Committee and the Committee against Torture;
- Call upon Armenian authorities to follow-up on the 2010 country visit of the Special Rapporteur on the Situation of Human Rights Defenders and ensure the implementation of her recommendations;
- Advocate in favour of changes in the legislation on freedom of association and assembly, in order to align those legislations with international standards.
- Pressure in favour of major changes in the judicial system to effectively guarantee the independence of judges and the rule of law.

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Armenia

In 2010, the human rights situation in the Republic of Armenia was characterized by numerous problems. Authorities continued to use harassment and intrusive application of bureaucratic measures to intimidate and retaliate against opposition activists and critical voices, although the government accepted at the Universal Periodic Review to create an environment that fosters freedom of expression¹. Police beat pre-trial detainees and failed to provide due process in some cases. Since March 2008, critical NGOs face problems in renting meeting space for their joint events.

Harassment and attacks on human rights defenders²

Since the violent crackdown of the demonstrations in March 2008, critical NGOs face problems in renting meeting space for their joint events. Owners of appropriate spaces often abstain to rent out spaces to NGOs for organizing press conferences or meetings on sensitive topics. Shakhhatun Women's Democracy Promotion NGO, which mostly focuses on the problem of political prisoners in Armenia, systematically faces such problems. PINK -- focusing on LGBT rights, also faced similar problem in April 2010. At the same month, unidentified individuals broke into the office of the organization PINK, focusing on LGBT rights.

On 13 December 2010 unknown people broke in to the office of Artak Zeynalyan, a human rights lawyer and coordinator of the NGO Jurists against Torture, which is a member organization of the South Caucasus Network of Human Rights Defenders. Unknown people entered the office, broke the locks of the shelves where important documents were kept. They took the computer monitor and the device that unlocks the satellite TV channels. On 10 January 2011, Artak Zeynalyan's office had been attacked again. Artak Zeynalyan has defended more than nine political prisoners in the courts of the Republic of Armenia and in European Court of Human Rights.

The editor-in-chief of the *Haykakan Zhamanak* newspaper and the activist of the opposition Armenian National Congress, Nikol Pashinyan, was convicted to 3,5 years of imprisonment. On 15 November 2010, Nikol Pashinyan claimed that he had been attacked and physically injured in the Kosh prison in Aragatsotn Province. By the decision of the Prosecutor General, a criminal case has been initiated.

In the country report of the Special Rapporteur on the situation of Human Rights Defenders on Armenia, the attacks on journalists in 2009 and 2010 are mentioned as a particular concern. The report also takes note of the police and the judiciary failing to investigate these incidents and to bring the perpetrators to justice.

Smear campaigns against human rights defenders³

International actors further expressed concerns with the high degree of self-censorship in broadcast media and restriction of media pluralism by the authorities. Smear campaigns against human rights defenders, including representatives from the member organizations of the South Caucasus Network of Human Rights Defenders, were carried out in 2010. Several political parties, pro-governmental

¹ Recommendation made by Norway (recommendation 94.25, UN Doc: A/HRC/15/9, page 20).

² At its Universal Periodic Review, Armenia has accepted the following resolution made by Norway: "Ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice" (recommendation 94.15, UN Doc: A/HRC/15/9, page 19).

³ In her report, the United Nations Special Rapporteur on the Situation of Human Rights Defenders recommended that the government "publicly acknowledge[s] the role and importance of human rights defenders in achieving a flourishing, pluralistic and democratic society" (UN Doc.: A/HRC/16/44/Add.2, 23 décembre 2010, page 21).

organizations and mass media continue to call human rights defenders: spies, agents and people who receive grants but do not use the funds properly.

After the issuance of a letter of concern by the South Caucasus Network of Human Rights Defenders on the imprisonment of the Armenian journalist Nikol Pashinyan⁴, *Aravot* daily newspaper published an open letter addressed to Aram Abrahamyan, the editor-in-chief of *Aravot* daily and Mesrop Movsesyan, the editor-in-chief of A1+. In this letter of 12 February 2010, the organization Youth for Progress and Democracy undermined the South Caucasus Network of Human Rights Defenders, by attacking its credibility and its members.

On 7 July 2010, the pro-governmental daily newspaper *Hayots Ashkharh* published an article referring to human rights defenders Melissa Brown, Nune Sargsyan, Mika Danielyan, Boris Navasardyan, Arthur Sakunts, Artak Zejnalyan, and others, as grant takers: "It became clear that in our country "civil society" starts and ends with Grantee organizations, activists of radical opposition and agents of Ter-Petrosyan". "Of course, we don't know by whom and how these representatives of the "civil society" had been chosen, however, the reality is that these personalities, with their anti-national activities, have not the first but the last places in our society".

On 19 November 2010, the same newspaper published the letter of former soldier entitled "Spy or Human Rights Defender", which referred to Arthur Sakunts, chairman of the Helsinki Citizens' Assembly, Vanadzor, member of the South Caucasus Network of Human Rights Defenders, who criticized the situation in the Armenian army. "... *A person was talking about Artsakh war, who had no connection to that war, who often criticizes the Armenian army in order to receive grants[...]*"⁵.

The above-mentioned cases clearly illustrate the new emerging trend to use media in order to discredit and suppress human rights defenders critical to the Armenian authorities.

Legal developments effecting human rights and the situation of human defenders

On 5 August 2010 the Government of Armenia adopted its decision establishing the Department of Control over Illegality of Activities of Non-Commercial Organizations, clearly aiming for control over Non Governmental Organisations. It is considered be a part of efforts of the Armenian authorities to increase control over civil society. Further alarming draft amendments to the Law on Non-Governmental Organizations of the Republic of Armenia, have been submitted in 2009 and criticized by local NGOs in 2010. Although the amendments have not been approved yet, they show the attempts of increasing legal pressure built up against civil society.

Armenian civil society is concerned about the effectiveness of the Institute of the Human Rights Ombudsman of Armenia. Despite the fact that the national law provides for the institute to consider complaints of individuals regarding human rights violations and fundamental freedoms in Armenia, its liabilities are limited undermining its effectiveness in practice.

⁴ <http://caucasusnetwork.org/index.php?a=main&pid=173&lang=eng>

⁵ <http://armworld.am/detail.php?paperid=3990&pageid=123399&lang=>

Azerbaijan

Human rights defenders and independent human rights organisations see their freedom and their rights shrinking. Authorities do not take all measures to protect human rights defenders and promote their work -- in contrary, they threaten them, harass them, and some are even getting detained. Azerbaijan has accepted a recommendation in its Universal Periodic Review to strengthen its efforts to support civil society and human rights defenders.⁶

General situation for human rights defenders

The space for civil society continues to shrink, with a growing pressure on human rights defenders, independent media outlets and watchdog organizations. Human rights organizations operate in a repressive and dangerous environment, where it becomes increasingly difficult to be a human rights defender. Tighter restrictions on holding peaceful gatherings and on the freedom of expression are imposed in the entire country. Young activists, who seek to mobilize the greater part of the population and hold authorities accountable to abuses of power and suppression, remain among those vulnerable to intimidation, harassment and detention.

Two young bloggers were released on special conditions - mainly in an attempt to decrease the international criticism on the November 2010 parliamentary elections.⁷

Through systematic attacks and intimidation, the authorities have largely succeeded in imposing self-censorship on the work of civil society activism, alongside with the independent and the opposition media. Dozens of human rights defenders and government critics, including outspoken journalists, continue to face serious challenges while performing their daily duties. The authorities attempt to silence critical voices by using harassment, revocation of registration, financial incentives, and intimidation ranging from tax inspections to jail terms. The capacities and work conditions of human rights activists are increasingly being reduced as part of broader government policies to shield themselves from criticism and to retain power without tolerating any alternative views.

Recent pressure against human rights defenders, youth activists, human rights and media organization

On 5 February 2011 Jabbar Savalanli, from the Azerbaijan Popular Front Party Youth Committee was arrested in Sumgayit after posting on Facebook calls for pro-democracy protests and was charged with possession of drugs. He was sentenced to two months of pre-trial detention.

On 4 March 2011, the youth activist, blogger and former parliamentary candidate Bakhtiyar Hajiyev, allegedly involved in organizing the planned 11 March Protest, was sentenced to 1 month pre-trial detention after violating an order not to leave the city of Ganja while previous charges of evading military service were investigated. According to Hajiyev he was not given access to his lawyer and was beaten and ill-treated by the police. Savalanli and Hajiyev can face up to three and two years of imprisonment.

Also on 4 March 2011, while talking on his phone on the street, the opposition political activist Dayanat Babayev, was arrested and sentenced to 10 days of administrative detention for “violating public order”. According to Babayev, who was held incommunicado for two days, the police told him

⁶ Recommendation made by the Netherlands: “Strengthen its efforts to guarantee freedom of assembly and association, to respect the work of human rights defenders, and that legislation concerning NGOs is implemented accordingly” (recommendation 18, UN Doc.: A/HRC/11/20, page 20).

⁷ The case of these young bloggers was brought up at the reviews of Azerbaijan at the Human Rights Committee and the Committee against Torture.

that the detention was connected with the planned 12 March 2011 opposition protest. Babayev was a few days prior already detained in front of the court, which was dealing with the case of Jabbar Savalanli. He was then released a few hours later with a warning.

The evening on 7 March Mehman Huseynov and Abulfat Namazov from the Institute for Reporters' Freedom and Safety (IRFS) were interrogated by police, for two hours after being forced out of their car in Baku. They were questioned about Huseynov's Facebook account, the protest action on 11 March and the activities and employees of the IRFS. On 9 March the youth activists Orxan Bayramov, Fuad Hacıyev and Famil Pashayev were released after being detained by police more than four hours.

On 8 March 2011, the youth activist Rashadat Akhundov and the opposition political activist Sakhavat Soltanli were arrested and sentenced to five days of detention for defying police orders (Akhundov) and hooliganism (Soltani). The two were not given the lawyer they asked for. Both maintain that the charges are false.

Eviction and searches of offices of human rights organizations

In 2010, there were several inspections against human rights organizations. New tax regulations make the NGOs more vulnerable and open to tax inspections, which often end up with the vast penalties or closure of the office or with persecution. NGOs are now obliged to provide lists of members, thus raising privacy concerns. Stricter financial reporting procedures allow the authorities to revoke registration on technicalities. During the months of January to April 2010 a tax inspection was conducted against the Democracy and NGO Development and Resource Center in Nachikivan.

Evicting the outspoken NGOs from their office under the pressures exerted by the landlords of rented property are among the largely used tactics against local rights groups.

On 19 January the Human Rights Club organized an event in IRFS' offices. Participants were hindered to access IRFS' offices, whilst three officers without identification questioned IRFS about the planned events.⁸

The Media Rights Institute, was driven out from its office in 2009 when the authorities pressured the property owner to halt the rent contract with the NGO.

On March 3 2011 three NGOs were evicted from their offices: the Election Monitoring and Democracy Training Center, Demos Public Union, and Ganja Regional Information Center. There were no official reasons given by executive administration representatives and police employees in Ganja.

Attacks against the Human Rights House Azerbaijan

In April 2010, the Media Rights Institute and the Human Rights House Azerbaijan, international branch of the Human Rights House Foundation, were searched by police and questioned about their activities.

On 10 February 2011 the Human Rights House Azerbaijan, was searched by two police officers and threatened with eviction. The policemen urged the manager Vugar Gojayev to inform them about all planned gatherings well in advance. The partners of HRH Baku have made an appeal to the Ministry of Interior against the police inspection.

On 10 March 2011, the Ministry of Justice ordered the Human Rights House Azerbaijan to stop its activities and to close the House until an agreement is made on the future activities with the Ministry of Justice.

The Human Rights House Azerbaijan has been registered since 2007 as an international branch of the Human Rights House Foundation, and therefore did not have a formal agreement with the Republic of Azerbaijan on its activities. No warning has been received by the Human Rights House Azerbaijan since the adoption of the amendments in 2009.

⁸ IRFS, 19 January 2011.

Attacks on freedom of expression

All kinds of media including printing press, television and radio specifically encountered with obstacles regarding freedom of expression. Journalists who voice critical opinions often become targets of persecution by the authorities. Politically motivated charges such as defamation, drug possession, inciting hatred, and hooliganism are used to imprison government critics. A number of journalists and editors have been arbitrarily imprisoned on spurious charges, after trials widely believed to have been unfair.

The editor Eynulla Fatullayev received an eight-and-a-half year prison sentence after being convicted after trumped-up charges of supporting terrorism, inciting hatred, tax evasion, and defamation. Fatullayev remains in prison despite the European Court of Human Rights' (ECHR) ruling in April 2010 that he had been wrongfully imprisoned. It is said he has been exercising his right to freedom of expression, that his right to a fair trial was violated, and that he should be immediately released and compensation be paid.

In January 2010, one of the most gratuitous applications of criminal defamation laws, Education Ministry officials brought charges against Alovzat Osmanli, a mathematician, physicist and textbook author. His crime was that he publicly criticized the Ministry for errors in math textbooks.

In November 2010, the two bloggers, Emin Milli and Adnan Hajizade, were released after 16 months of detention. The releases were conditional, and seen by many organizations as the government's attempt to dampen international criticism after the marred elections 7 November.

Restrictions of freedom of assembly

Civil society gatherings, especially outside Baku, are still seen with suspicion and are often violently dispersed by the police. Even public debates are under attack. The farther from the capital Baku, the harder it is for human rights defenders to work independently. On the eve of elections the number of illegal interference by executive bodies of the regions increased. Targets of these holdups were for example educational events, conducted by civil society institutions, including members of the South Caucasus Network of Human Rights Defenders. Authorities of most regions require, with no legal grounding, permissions to conducting such events. Those organizations without the required authorization are targets of police interventions. Trainings before the elections by the Legal Educational Society and Law and Development Public Association were not allowed to take place in the regions outside Baku: Ganja, Sabirabad and Zardab. Members of the Kura Civil Society Headquarters were illegally detained by police at Sabirabad, when getting information about damage caused to citizens and the compensation received by the victims in the natural disaster zones.

Although both law and Constitution guarantee freedom of assembly without restriction, in practice the permission of the relevant executive authority is required. Monitoring of mass events held within 2010 indicated that public gatherings were prohibited in Baku and other cities and districts of the country, thus most of them were held "without permission". During almost all events police interfered forcefully and dispersed the meetings. In Nakhchivan attempts to stage peaceful pickets in April, May and June 2010 were violently dispersed by police and unidentified plain-clothed authorities. Dozens of opposition party activists and several journalists were rounded up by police on 12 June and 19 June 2010 in peaceful unsanctioned rallies demanding that authorities respect freedom of assembly and improve the pre-election situation.

The Parliament elections 2010 were carried out with fraud and violations. Among the concerns documented by the Mobile Monitoring Group of the Human Rights House Network together with national partner organizations, were: pressuring, harassment and detention of independent election observers from national NGOs on November 7, 2010. The journalist Nizami Jaffarov from the Institute for Reporters's Freedom of Safety was among the observers detained after protesting against falsification of the protocols. Together with seven other observers he was detained in the yard of the courthouse for 5 hours without access to a lawyer. Jaffarov has received threats in February 2011 by the authorities after he complained about the case. In 2010, several principal lawyers were removed from the membership of the Bar Association. The well-known lawyer Osman Kazimov, who is a member of opposition party of Musavat and several sensitive controversial cases, was disbarred.

Restriction of freedom of association

In 2010 more than 10 court cases concerning the violation of freedom of association have been raised. However, all of them were illegally rejected. In the period of 2007 to 2010 the European Court of Human Rights issued 4 judgments against Azerbaijan on the violation of Article 11 of the Convention on Human Rights and Fundamental Freedoms.

They were

- 1) The case of the public union Assistance to the Human Rights Protection of the Homeless and Vulnerable Residents of Baku;
- 2) The case of the Journalist Research Public Union;
- 3) The case of Individuals and Environmental Public Union;
- 4) Azerbaijan Lawyers Forum.

Despite these decisions of European Court the Ministry of Justice is illegally refusing the citizens wishing to execute their association right, as mentioned above the practice of the repeated return of the documents on the basis of shortcomings in the constituent documents is still remains.

Pressure by authorities- smear campaigns in media

The organizations that work on highly sensitive projects, such as issues related to the conflict transformation or peace-building public diplomacy with Armenian NGOs, are often branded as "national enemy" or defamed through the state-run media. Throughout the past years several human rights activists have been threatened and accused upon, what seems to be, politically motivated charges: ranging from spying to anti-constitutional activities. The human rights lawyer and leader of the Media Rights Institute, Rachid Hajili faced slander in the media by the authorities in December 2010.

In some occasions, threatening phone calls to human rights defenders, who investigate or report on politically sensitive issues, for example corruption, negatively hamper their struggle to investigate cases.

In Nakhchivan, local authorities in 2010 prepared and disseminated special papers of slander and libel character with the aim to ridicule journalists and human rights defenders. In these documents they were accused of betraying the state, selling information to foreign countries and damaging reputation of Nakhchivan at the international level. In April 2010 the Foreign Affairs Office of Nakhchivan prepared letters of information of slander and libel character about the Resource Center which was far from reality. To create problems between the organization and donors authorities distributed a letter with slandering against the Resource Centre in Nachikivan lead by Malahat Nasibova.

On 24-29 January 2011, several delegations of Azerbaijani human rights organizations attended the recent Winter Session of the PACE in Strasbourg, where the issue of the parliamentary elections in Azerbaijan, held in November 2010, was addressed. In relation to the issues discussed at the PACE session, the Human Rights House Foundation and the Human Rights Watch organized a side event on human rights situation in Azerbaijan together with national human rights defenders. The mentioned

activities of human rights organizations during the PACE session caused serious discontent of state officials of Azerbaijan. On 1 February 2011, the speaker of the country's national parliament aired discontent with this visit and urged "steps to be taken" against such NGOs criticizing the government in those institutions.

Georgia

In 2010, trends in Georgia were worrying. The justice system is not functioning to guarantee each citizen's rights and authorities are limiting the right to freedom of assembly. Human rights defenders face difficulties to defend victims of human rights violations. In addition, authorities react in a harsh way to critics. Georgia could set a positive sign by accepting strong recommendations made at its Universal Periodic Review and showing a clear signal and willingness to implement those recommendations.

Repression and harassment of human rights defenders

Human rights defenders, including journalists, and their families have been exposed to different forms of pressure and intimidation for exercising their rights and freedoms. It includes death threats, threats of imprisonment based on fabricated charges, e.g. espionage, physical and verbal assault, irregular inspections by state organs, stigmatization and smear campaigns in media and by high ranking officials. In some cases, state officials were personally involved in physical attacks and/or intimidation of defenders.

Human rights defenders, working in the regions of Georgia, are particularly vulnerable where open criticism towards local authorities and claims of rights is even more challenging. As major focus is given to the capital and bigger cities, abuses, arbitrariness and impunity of local authorities in regions is increasing.

Attacks on human rights defenders

As freedom of expression remains the most challenged right in Georgia, in 2010, repression and harassment of Georgian journalists continued to intensify. They were especially targeted during the opposition demonstration in spring and summer 2010 when several of them became the victims of physical and verbal abuses of state, as well as non-state actors. Several journalists covering the demonstrations sustained serious physical injuries as the authorities used prohibited weapons, in particular plastic and rubber bullets, without any proper investigation of such acts to date.

In February 2010, a leading Georgian investigative journalist and a member of the South Caucasus Network of Human Rights Defenders, Vakhtang Komakhidze, and received death threats due to his investigating journalism of the conflict between Russia and Georgia. It is reported that he received threats for his active involvement in producing a documentary on the Russia-Georgia war of August 2008 and the visits to South Ossetia, as well as for his public statements that the documentary will reveal unknown facts on the war to the public.

In January, 2010 the Georgian journalist Saba Tsitsikashvili, a regional correspondent for the Human Rights Center and editor of the regional newspaper "Kartlis Khma" (Voice of Kartli), was subjected to abuse and harassment by regional security guards in Shida Kartli. The guards physically and verbally abused Tsitsikashvili and blocked him from carrying out his professional activities, particularly for seeking public information on administrative-organizational expenses spent by the regional administration. Saba Tsitsikashvili was first time harassed and threatened by regional authorities in September 2008, after assisting IDPs to get the material assistance they were supposed to get.

Impunity and lack of rule of law

Impunity for attacks and harassment of journalists, lawyers, activists and the wider community of human rights defenders remains widespread, particularly in the regions. Attacks or threats and pressure against human rights defenders are rarely denounced publicly by the authorities; moreover, no investigation and prosecution of those responsible take place due to the lack of political will. As a consequence, recurrence of violence against some defenders becomes a common practice as impunity has given a green light to perpetrators.

Another key concern is a lack of impartiality of judicial system and selective application of justice in Georgia. Rather than holding perpetrators accountable, national courts often cover alleged violations committed by some representatives of the executive branch. Moreover, an alarming pattern has been documented when the judiciary and the legal system in general is used as a punitive mechanism for silencing critical voices. As a result, journalists themselves abstain from suing authorities for abuses committed against them, fearing retaliations and refusals to cooperate. A well documented trend of selective application of justice and lack of commitment to the rule of law creates a lingering threat for watchdogs and critical voices in general.

Smear campaigns in the media

Governmental control of media, lack of effective investigations and accountability for illegal interferences to journalists' activities, including physical attacks and pressure on media outlets by different government bodies, self-censorship, denial of access to public information to journalists, non-transparent ownership and media concentration and unfavorable conditions for the development of independent and self-sustainable media are key media-related problems. It severely limits the ability of human rights defenders to reach out to the public and provide information on human rights, their realization and protection, while raising awareness on human rights violations in the country.

Moreover, a new tendency to use media to suppress human rights defenders was developed at the end of 2009 and continued in 2010. Defenders are particularly concerned by the fact that these media and political figures used sensitive topics such as the Russia-Georgia war, ethno-territorial conflicts, minorities etc., to manipulate the public and mislead them in respect of human rights defenders and their work. Some media outlets, especially TV, were involved in launching state-supported smear campaigns against human rights defenders in Georgia. Defenders working on the issue of internally displaced persons (IDPs) and the population effected in the Russia-Georgia War of 2008 were particularly targeted. Government-controlled media outlets released biased telecasts declaring human rights defenders to be traitors and enemies of the Georgian people, working against the public interest. Before 2010, the "assault" was carried out on the "Human Rights Priority" (10December), "Georgian Young Lawyers Association" (12 December). Further in 2010 the founder of the "Studio Reporter" Vakhtang Komakhidze, the head of the "Union of Disabled Veterans and Wives of Fallen Soldiers" Manana Mebuke and conflict scientist Paata Zakareishvili (17December) also became targets of the campaign. The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg and former Public Defender of Georgia, Sozar Subari were also exposed to such open criticism.

In 2009, the human rights defender, Arnold Stepanyan, the leader of the member organization of the South Caucasus Network of Human Rights Defenders, Multinational Georgia, was threatened in media accused of being a foreign spy as a condition for refusing to cease his activities. Multinational Georgia is working for minorities rights and has also been involved in establishing a dialogue between Russian and Georgian civil society after the conflict in 2008. The article was published in the Georgian newspaper "Versia" in the beginning of 2010, where it was stated that the state authorities have started exposing the spies of Russian Special Forces from the country and referred that particular focus will be given on NGOs. Further on, the article introduces that Arnold Stepanyan was linked to Russian Security Service as he allegedly received coded messages and documents. Later on, the same report was broadcasted on Real TV in Georgia.

Legal developments affecting human rights defenders

Adoption of recent legal developments limiting the scope of human rights and extending powers of national authorities has been considered as a part of new emerging trend to silence human rights defenders, threatening democratic progress.

In 2010, the Georgian Parliament adopted new amendments to the Georgian Constitution, which strengthen the authorities of the Prime Minister and threaten the existence of the Parliament as the

independent legislative body. Even though the developments were criticized by the Venice Commission⁹, the comments were ignored by the Georgian authorities.

The right to information was restricted by recent amendments to the Law on Freedom of Information in July 2010, as it introduced strict limits on “third-party” access to information about cases involving the Georgian government in international courts.

In September 2010, a new set of legal amendments was adopted, which raises concerns with regard to situation of human rights defenders. It granted increased powers to police officers who are entitled to stop and search any person in public, based on a reasonable suspicion that a person might have committed a crime. The law does not provide a definition for “reasonable suspicion”, neither grants any rights or guarantees for persons in question. A newly adopted criminal procedure code includes many commendable provisions, however, it is of concern that it may limit transparency in criminal justice. It eliminates the notion of a victim as a part to the proceedings, and consequently, leaves the latter without any procedural rights or mechanisms to be involved in the investigation and exercise scrutiny on its effectiveness.

⁹ [http://www.venice.coe.int/docs/2010/CDL-AD\(2010\)028-e.pdf](http://www.venice.coe.int/docs/2010/CDL-AD(2010)028-e.pdf)