

# STANDING TOGETHER FOR OUR AND YOUR FREEDOM

N°1-3

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## IN FOCUS

### HUMAN RIGHTS DEFENDERS: FOR OUR AND YOUR FREEDOM

It has been several decades already since fundamental human rights and freedoms have acquired universal recognition around the globe; and although a wide gap still remains between the letter and its implementation, a lot has been achieved throughout these years.

It remains key to remember, however, that progress has not been achieved overnight; the gradual but unstoppable enhancement of human rights and freedoms around the globe has taken years and painstaking efforts of various governments, international organizations, groups and individuals whose commitment and determination overcame challenges and brought back freedom and rights to thousands suffering from repressions, censorship and fear.

Often, Human Rights Defenders stand out among those actors as the most courageous. In order to ensure that others can enjoy their rights and liberties, defenders often consciously risk their own liberties and sometimes even lives.

In South Caucasus, as in many other places in the world, defenders' courage and dedication have brought relief to thousands of individuals, but jeopardized the safety and rights of the defenders themselves. "When the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe." (Kofi Annan, UN Former Secretary General).

Protecting defenders, therefore, has proved to be instrumental in ensuring protection and realization of human rights. Increasing defenders' safety and security and ensuring enabling



environment to defenders empowers and protects thousand others in their challenging but inalienable quest for rights and freedom.

"Support for human rights defenders is already a long established element of the European Union's human rights external relations policy.

Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms.

The definition does not include those individuals or groups who commit or propagate violence."

EU Guidelines on Human Rights Defenders

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."

UN Declaration on Human Rights Defenders

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[www.caucasusnetwork.org](http://www.caucasusnetwork.org)

## **Defenders standing up for each other – creation of the South Caucasus Network of Human Rights Defenders**

**Human Rights Defenders** - lawyers, judges, journalists, bloggers, students, religious leaders, trade unionists and any others who work non-violently to protect and promote human rights - play a crucial role in exposing injustices and ensuring redress for the victims.

*Defenders* are at the frontlines in early warning—by reporting emerging and potentially escalating patterns of abuse; in monitoring— by pointing to deviations from international human rights and humanitarian law; in transition facilitation—by challenging impunity, strengthening the rule of law, devising measures to flesh out best democratic practices, and establishing principles of good governance in societies emerging from conflict or transitioning to democracy.<sup>1</sup> By doing so, they uphold the principle of universality of human rights and bring sustainable and lasting change for their societies and the wider world.

### **Targets of repressions**

However, this progress has been achieved at a high price: the *defenders* themselves have increasingly become targets of attacks and their rights are violated in many countries.<sup>2</sup> Death threats, torture and ill treatment, arbitrary arrests, detentions and defamation campaigns are the daily experience of scores of men and women who defend human rights and fundamental freedoms.<sup>3</sup> Many defenders pay with their lives the ultimate price of commitment to human rights and freedoms. In many countries laws are emerging or re-emerging which aim at curtailing civil society's scope of action...some of these laws have been used to harass and obstruct the work of human rights defenders, hinder the registration and regulation of NGOs and their activities, and ban or hamper the receipt of financial support from abroad...In worst case scenarios, some NGO-related legislation is used to discredit or even criminalize the work of human rights *defenders*....<sup>4</sup>

### **Situation in the South Caucasus**

Armenia, Azerbaijan and Georgia are not exceptions from such realities. Enjoyment of freedom of speech, assembly and association, among other fundamental rights and freedoms, still remain restricted, human rights defenders are often subjected to ill-treatment, torture, death threats, judicial proceedings and arbitrary arrests or detentions, etc. Persisting impunity for violations of human rights in all three countries, including rights of defenders, further encourages abuses.

Defenders operating in post-conflict regions continue to be at great risk due to accusations of partiality leveled against them by parties to the conflict, whose actions are denounced by the defenders.

The legal and factual environment in which the defenders operate in South Caucasus remains highly challenging.

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<sup>1</sup> Address by Ms. Navanethem Pillay, UN High Commissioner for Human Rights. October 9, 2008

<sup>2</sup> Ensuring Protection - European Union Guidelines on Human Rights Defenders

<sup>3</sup> Steadfast in Protest, Annual Report of the Observatory for the Protection of Human Rights Defenders, 2006, OMCT, FIDH

<sup>4</sup> Address by Ms. Navanethem Pillay, UN High Commissioner for Human Rights. October 9, 2008



**Arshaluys Hakobyan**, a member of Helsinki Association and an observer of the first municipal elections of Yerevan on 31 May 2009 was abused physically and verbally during his pre-trial detention in the Police Department of Kentron District, Yerevan on 5 June, 2008.



On September 1, 2008 **Saba Tsitsikashvili**, a regional journalist of Human Rights Centre (Georgia) was beaten by two high ranking officers of Shida Kartli region for writing critical articles concerning the problems in distribution of humanitarian aid following the Russia-Georgia war in 2008.



**Idrak Abbasov**, a journalist of IRFS was subjected to physical and psychological pressure by the National Security Ministry (NSM) in Nakhchivan. He was hospitalized on 20 February 2009 with heart problems after the incident in Nakhchivan.

**Novruzali Mammadov**, the Editor-in-chief of Taloshi Sado newspaper and the head of the Talysh Cultural Centre died in custody at the age of 68 on 17 August 2009. He was convicted for treason for the “distribution of Talysh nationalist ideas and attempt to destroy the foundation of the Azerbaijani state”

Although a Baku court granted Mammadov’s appeal to be transferred to a medical facility in March 2009, following the deterioration in his health condition, the transfer took place five months later. Two weeks before his death, the authorities rejected a request of the special representative of the Council of Europe in Azerbaijan to give access to international doctors.



The funeral of Novruzali Mammadov

### ***Addressing the challenging realities***

Creation of the **South Caucasus Network of Human Rights Defenders** comes as a joint answer to such realities by Human Rights Center (Georgia) and Human Rights House Foundation (Norway) with the financial support of the European Union and the Norwegian MFA. The Network aims to facilitate creation of safer and enabling environment for human rights defenders in Armenia, Azerbaijan and Georgia.

Human Rights Center (HRIDC) coordinates the Network in Georgia, the Institute for Reporters’ Freedom and Safety (IRFS)- in Azerbaijan and the Armenian Helsinki Association (AHA)- in Armenia.

### ***Coming together***

The **South Caucasus Network of Human Rights Defenders** unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The **Network** seeks to strengthen human rights movement at the national and regional levels and to give human rights defenders stronger voice and greater international visibility by increasing cooperation and solidarity among defenders in the region.

The **Network** members lobby together before national and international institutions to ensure that the governments comply with their national and international human rights obligations and commitment.

### ***Empowering each other***

The **South Caucasus Network of Human Rights Defenders** brings human rights defenders from the region ridden by conflicts and ethnic tensions to stand together for protecting each other’s rights as defenders.

The **Network** creates a platform where Armenian, Azerbaijani and Georgian defenders join voices and resources to raise alarm and call for action when a defender’s life, physical or physiological integrity is at risk and/or violated in any of the three countries. It also monitors policy, legal or security environment for defenders/NGOs as well as governments’ policies and actions effecting human rights and rights of defenders in each country.

## **Assistance the Network provides - Protecting individual defenders and strengthening their joint voices**

### ***Assistance to human rights defenders***

The Network provides legal, physiological, medical and financial support to persecuted Human Rights Defenders or those at risk, including offering immediate evacuation in a safer country and assisting them to obtain temporary residence permit or seek asylum in a safer country.

The Network has provided much-needed assistance to defenders from Azerbaijan (Idrak Abbasov and Mirza Zakit) and Georgia (Saba Tsitsikashvili). At this stage the names of beneficiaries are kept confidential for their own safety.

### ***Monitoring trials against human rights defenders***

The Network sends an independent observer at the trial against a human rights defender to evaluate its compliance with national and international standards of a fair trial.

A lawyer from Union Article 42 (Georgia) has observed the trial against Armenian defender Arshaluys Hakobyan and documented a set of violations at the court hearings.

A lawyer from Human Rights Center (Georgia) has attended the final court hearing of Azerbaijani bloggers, Emin Milli (Abdullayev) and Adnan Hajizade and documented a set of violations at the hearing.



Arshaluys Hakobyan



Emin Milli and Adnan Hajizade

### ***Building capacity of human rights defenders***

The Network has organized three trainings to build and strengthen the capacity of its members. Representatives of member organizations have been trained in networking, organizational, personal and IT security, regional and international human rights instruments, monitoring and documenting human rights violations. The trainings were conducted by the experts from the HRHN from Article 19, Polish Helsinki Foundation for Human Rights and the Belarusian Assembly together with experts from European Court of Human Rights, FIDH, ODIHR and CCPR.



*Training on monitoring and documenting human right violations in Gudauri, August 30- September 4, 2009. .*

### ***Monitoring, documenting and reporting of human rights violations***

**The majority of the Network members are watchdog type NGOs who regularly carry out monitoring of government's compliance with their human rights obligations undertaken by national Constitutions and international treaties or policy documents.**

The Network has provided a platform for NGOs to carry out joint monitoring, including cross-border monitoring of various human rights issues, to share resources and join their voices to raise common concerns.

After the trainings organized by the Network the Azerbaijani members of the Network, with the support of the HRHF, CCPR and Human Rights Centre (Georgia) prepared and submitted alternative reports to UN HR Committee and UN CAT.

***“Although the national legislation of Azerbaijan guarantees to a detained person the right to immediate legal and medical assistance and the right to notify his/her relatives about the detention in time, in practice these rights are often violated.***

***Victims of domestic violence often do not have real access to the legal system.***

***The reason is the imperfection of the country legislation and its application in practice.***

***Pre-trial detention has become a rule in Azerbaijan.***

***Azerbaijani courts rarely deal with the complaints on torture.”***

***Alternative report to UN Committee against Torture***

***“The judicial system of Azerbaijan is supervised by the executive branch, especially when it comes to the lawsuits against the governmental bodies...***

***In many cases pickets, various forms of protest, collective reading of newspapers and etc. are stopped and members of these meetings are detained by the police.”***

***Alternative report to UN Human Rights Committee***

**The main concerns raised by Azerbaijani members of the South Caucasus Network of Human Rights Defenders during the review of Azerbaijan in November 2009 in the UN CAT have been reflected in the concluding observations of the Committee.**

***A full text of the reports and the Network statement concerning the Concluding Observations are available at [www.caucasusnetwork.org](http://www.caucasusnetwork.org)***

## The Network activities: Combining street actions with the policy making meetings

### *Lobbying and Advocacy*

The Network members are involved in international lobbying and advocacy with EU, COE, OSCE/ODIHR, UN and other relevant stakeholders in order to give higher visibility to the work of Defenders and make sure that concerns raised by local HR Defenders are taken into consideration in planning policies and intervention strategies in respect of South Caucasus countries.

The Network members have participated in a number of international events and voiced the concerns of local human rights defenders, contributed to the international discussions as to how to create effective mechanism for protecting defenders, enhancing cross boarder cooperation, etc.



*“Human Rights Activism” roundtable. Kiev, Ukraine*

**On 17-18 September**, the project director Ucha Nanuashvili and the country coordinators of the Network took part in a “Human Rights Activism” roundtable organized by the Office of the Council of Europe Commissioner for Human Rights in cooperation with Conference of INGOs of the Council of Europe in Kiev, Ukraine. The Network representatives raised the key concerns in the field of human rights and rule of law in their respective countries and gave concrete recommendations for making protection of human rights defenders more effective in Europe. The trips were financially supported by the CoE.

**On 28 September – 1 October** Ms. Ana Natsvlshvili, a coordinator of the Network in Georgia (HRIDC), Mr. Levon Barsagyan, a chairman of the Journalist Club “Asparez” and Mr. Intigam Aliev, a chairman of the Legal Education Society, together with Ms. Ane Tusvik Bonde from Human Rights House Foundation represented the Network at the OSCE/ODIHR Human Dimension Implementation Meeting in Warsaw, Poland.

At the meeting Ms. Ana Natsvlshvili talked about the major concerns, noticeable trends and patterns in the field of human rights, rule of law and human rights defenders in the countries of South Caucasus. Mr. Levon Barsagyan and Mr. Intigam Aliev talked about these issues in respect of Armenia and Azerbaijan respectively.

Ms. Bonde, Ms. Natsvlshvili and Mr. Intigam Aliev also made speeches at the side event “*Addressing pressure on Human Rights Defenders in the Caucasus*” organized by the Human Rights House Network and the Observatory for the Protection of Human Rights Defenders FIDH/OMCT.

The Network representatives discussed the issues of future cooperation with different international organizations and policy makers, and shared experiences with their colleagues from Russia, Ukraine and Belarus, who are members of the Human Rights House Network.

The trips were financially supported by ODIHR and Human Rights House Network.

**On 29 October - 1 November** Mr. Rachid Hajili from the Media Rights Institute, Ms. Leila Yunus from the Institute of Peace and Democracy and Ms. Ane Tusvik Bonde from the HRHF represented the South Caucasus Network of Human Rights Defenders in Bergen, at the Rafto Award Symposium Bergen.

### ***Raising the level of public scrutiny over the national governments***

The Network regularly holds different actions to raise public scrutiny on governments of the three countries and attract national and international public attention to important human rights issues in these countries (e.g., freedom of media, illegal persecutions on political or other grounds, detention and harassment of journalists, defenders, etc.);



Protest action in Yerevan, Armenia. October 30, 2009



Protest action in Tbilisi, Georgia. October 30, 2009

*The Network has held actions in solidarity of political prisoners in Tbilisi and Yerevan and called upon the governments to release those people.*

### **Political Prisoners Day Statement**

**On the 30<sup>th</sup> of October – International Day of Solidarity to Political Prisoners, the South Caucasus Network of Human Rights Defenders expresses particular concern that political prisoners exist in Armenia, Azerbaijan and Georgia.**

[.....]The members of the **South Caucasus Network of Human Rights Defenders** call upon the governments of Armenia, Azerbaijan and Georgia:

- to release all political prisoners in their countries
- stop persecutions on political grounds

The members of the **South Caucasus Network of Human Rights Defenders** call upon the Council of Europe, EU missions and other international organizations:

- to send their fact-finding missions or representatives to examine the issue of political prisoners in Armenia, Azerbaijan and Georgia
- to pay special attention to concerns about politically motivated trials repeatedly raised by local human rights defenders in all three countries and send their representatives to monitor such trials.

The full text of the statement is available at

<http://www.caucasusnetwork.org/index.php?a=main&pid=81&lang=eng>

On November 25, 2009 the South Caucasus Network for Human Rights Defenders held a silent protest action against the arbitrary detention of the activists of “7 November” movement by patrol police on November 23, 2009



*Silent protest action in front of the Parliament of Georgia. November 25, 2009.*

**Statement concerning detention of the leaders of “7 November” movement in Georgia**

The South Caucasus Network for Human Rights Defenders denounces the arrest and detention of the leaders of “7 November” movement – Dachi Tsgauria, Jaba Jishkariani and Irakli Kordzaia after they

expressed their civil position through completely peaceful means. The Network also denounces the fact of imposing a fine on the detainees under administrative law.

[...]

This incident is one of the first precedents of putting into practice the recent amendments to the Law on Assembly and Manifestations. This incident made it clearer that the mentioned law poses a threat to protection and implementation of fundamental rights - the right of assembly and freedom of expression.

In particular, the Law on Assembly and Manifestations allows the authorities to interfere in the name of law when there is no real threat to the rights and freedoms of others and/or necessity to protect any good of a higher value. The amendments also vest the authorities with the right to stop the process of expressing alternative opinions through completely non-violent means and impose sanctions against demonstrating persons. It was the case with this incident.

[...]

**The South Caucasus Network of Human Rights Defenders** calls upon:

- the Government of Georgia, law enforcement and judicial authorities to make every effort to avoid using this law as a punitive mechanism against persons with alternative opinions.
- the Parliament of Georgia – to review the amendments made to the Law and bring them in line with the Constitution of Georgia as well as international agreements.
- the International Organizations – to give particular attention to the amendments and monitor cases when this law is put into practice, and call on the government of Georgia to bring the Law into compliance with the Constitution of Georgia as well as international agreements.

The full text is available at . <http://www.caucasusnetwork.org/index.php?a=main&pid=94&lang=eng>



A silent protest action in front of the former embassy of the Russian Federation to Georgia

On July 19, 2009 the Network members together with Ane Bonde (HRH F) and Gregory Shvedov ("Caucasian Knot") held a silent action in front of the former embassy of the Russian Federation to Georgia in protest at murder of well-known Russian human rights defender Natalya Estemirova.

### **Regional Meetings**

The leaders of the member organizations meet on a regular basis to discuss major developments and common concerns in respect of human rights and democratization processes, identify national specificities, raise awareness about these issues and to find solutions for addressing human rights problems in Armenia, Azerbaijan and Georgia;

#### **The first regional meeting, July 16-20, 2009, Bazaleti, Georgia**

During the meeting the Network members discussed existing situation in the field of human rights and rule of law in their respective countries as well as the activity plan for the Network and how can it address existing challenges in the region.

Representative of Caucasian Knot (associated partner in the Network project) also took part in the meeting, interviewed the representatives of member NGOs based on which he later prepared a plan for awareness raising campaign about the Network.

During the meeting the Network issued two statements and held a protest action against the murder of famous human rights defender from Chechnya Natalya Estemirova.



The first regional meeting in Bazaleti, Georgia, July 16-20, 2009

### **Second Regional Meeting, 21-25 November, Tbilisi, Georgia**

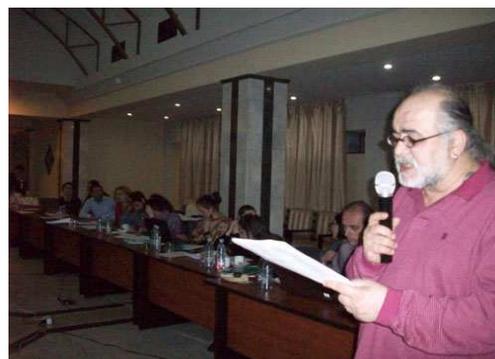
Representative of the Network member organizations discussed the work carried out by the Network during the past 6 months, highlighted the main achievements of the Network as well as the fields and directions where the Network should become more active in the upcoming months.

The Network members also discussed awareness raising strategy about the assistance the Network offers to defenders at risk and about the Network's other activities at national, regional and international levels.

The Network members jointly sent information to the UN Special Rapporteur on Human Rights Defenders about security situation in respect of human rights defenders in Armenia, Azerbaijan and Georgia. The information will be used in the next report of the Special Rapporteur.

During the regional meeting the member organizations also discussed the amendments to the Armenian law on NGOs which obliges NGOs to grant narrative and financial report on its activities to any person on request.

On November 25, 2009 the members held a silent protest action in front of the Parliament of Georgia condemning illegal detention and fine imposed on three activists of the "7 November" movement.



The second regional meeting in Tbilisi, November 22-25, 2009.

**On the 25<sup>th</sup> of November the Human Rights Centre and the Network held a roundtable “Civil Society 20 years after the fall of totalitarian regimes in the South Caucasus: Analyzing the Past, Planning the Future.”**

**As highlighted by the panelists, freedom of media and judiciary and fair elections are problems that are common to all the three South Caucasian countries.**

A well-known human rights lawyer from Azerbaijan **Intigam Aliyev**, chairperson of Legal Education Society, said that the government of Azerbaijan lost 5 cases in Strasbourg court but the government has not executed the Court judgments and the situation with regards to human rights remains critical:

"Azerbaijan remains among the countries where freedom of assembly is restricted. Not only politicians, but teachers and journalists are also denied to exercise this right. The civil society of Azerbaijan is facing hard times. There's one party system in Azerbaijan. Only a few independent newspapers are published with an edition of some 2-3 thousands copies. Cases are opened against representatives of civil society in the Ministry of Internal Affairs (MIA)."

According to **Mikael Danielyan**, chairperson of Helsinki Association of Armenia, in comparison with Azerbaijan, the government of Armenia has chosen a different method for keeping the civil society under control. According to Danielyan, donors in Armenia also collaborate with the government and to advance their interests, they create “warm” conditions for NGOs.”

Lawyer **Gela Nikolaishvili**, representative of “Former Political Prisoners for Human Rights”, explained that in Georgia there is a façade democracy that masks the real situation, i.e. political prisoners, arbitrary detentions, attacks, controlled judiciary and the media. Nikolaishvili as well as other defenders appealed to international organizations to look into the existing problems more closely.

**Sabrina Buechler**, Office of the Council of Europe Commissioner for Human Rights, highlighted in her speech the obstacles that human rights defenders face in their work and encouraged defenders to be in touch with the Office of High Commissioner for Human Rights when they are experiencing difficulties; Ms. **Buechler** also talked about the recommendations of the Parliamentary Assembly of Council of Europe to all actors involved with human rights defenders and about the EU Guidelines on Human Rights Defenders. She mentioned that the Delegation of the European Commission in Georgia as well as the representatives of several Embassies have been actively discussing the Guidelines and their implementation in the past months.



Roundtable, 25<sup>th</sup> of November, Tbilisi

**Efficiency of the NGO sector, its donor-driven nature and other characteristics affecting negatively its image and overall success were also discussed during the roundtable. Panelists expressed their opinions about the need for a new agenda and new priorities for defenders.**

Philosopher **Lela Gaprindashvili** from “Women’s Initiative for Equality” presented the results of the survey conducted by “Center for Training and Consultancy” (CTC). According to the survey, more than 9000 NGOs have been registered in Georgia, of which only 10% are goal-oriented and have activities that are planned in the longer term.” According to Gaprindashvili, “There’s a serious deficit of solidarity in civil society...It’s hardly believable that there’s a lack of politically impartial people in NGOs, which is a serious problem in terms of democracy development.”

**Sabrina Buechler** also mentioned on the example of Georgia that “the work of NGOs, although it is for Georgian people, is sometimes far from Georgian people and its importance is not well understood.” She recommended to NGOs to work more on raising public awareness about their activities.

**Oliver Reisner**, EC Delegation to Georgia, commented further that “in Georgia the development of civil society sector as well as of a non governmental sector is donor driven. But the question is what would be the alternative, would there be any NGOs stronger developed if this support would not have taken place over the decades? . . . There still does not exist a civil society in a western sense here. This affects the entire citizens on becoming active themselves. So we have NGO sector but not a civil society that is strong enough to limit the power of the state. There is no civil rights movement here. This is something we should elaborate on further, “– suggested Reisner.

As later discussed among the other participants as well, these comments are equally applicable to Armenia and Azerbaijan.

## The South Caucasus Network of Human Rights Defenders



### Armenian Helsinki Association (AHA) Country Coordinator for Armenia

1<sup>st</sup> blind alley, building 14, apt. 127, Yerevan, Armenia  
Tel.: (+374) 10 589 991  
Fax: (+374) 10 586 093  
Web: <http://www.hahr.am/>

#### MEMBERS:

Helsinki Assembly, Vanadzor  
Asparez, Journalist Club, Gyumri region  
Women's Resource Center Armenia  
Vernatun- Political Prisoners' Wives  
Democracy Today  
Socioscope  
Jurists against Torture  
Public Information and Need of Knowledge  
Armenian Helsinki Assembly, Yerevan



### The Institute for Reporters' Freedom and Safety (IRFS) Country Coordinator for Azerbaijan

Address: 8 R. Behbudov St., Apt. 85/86, Baku, Azerbaijan  
Tel: (+99 412) 418-0334  
Fax: (+99 412) 598-4519  
E-mail: [irfs.az@gmail.com](mailto:irfs.az@gmail.com)  
Website: [www.irfs.az](http://www.irfs.az)

#### MEMBERS:

Human Rights Center  
International Student Cooperation  
Public Association for Assistance for Free Economy

Association for the Protection of Women's Rights in Azerbaijan after D. Aliyeva

Democracy and HR Resource Centre Public Union (Sungait)

Legal Education Society

Society for Humanitarian Research

Institute for Peace and Democracy

Media Rights Institute



**Human Rights Center (HRDC)  
Country Coordinator for Georgia**

3-A, Kazbegi Ave., Entrance 2, 4th floor, Apt. 22. Tbilisi 0160, Georgia.

Tel.: (+995 32) 37 69 50

Fax: (+995 32) 45 45 33

E-mail: [hridc@hridc.org](mailto:hridc@hridc.org) [hridc@internet.ge](mailto:hridc@internet.ge)

Web: <http://www.hridc.org/>

**MEMBERS:**

Article 42 of the Constitutions

Multinational Georgia

Center for the Protection the Constitutional Rights

Anti-violence Network of Georgia (AVNG)

Former Political Prisoners for Human Rights

Inclusive Foundation

Studio Reporter

Caucasian Center for Conflict and Human Rights

Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims



**Human Rights House Foundation (HRH F)  
International Partner of the Network**

Kirkegata 5, 0153 Oslo, Norway

Tel.: (+47 22) 47 92 47

E-mail: [hrh@humanrightshouse.org](mailto:hrh@humanrightshouse.org)

Web: <http://www.humanrightshouse.org/>



Further information about the *South Caucasus Network of Human Rights Defenders* is available at [www.caucasusnetwork.org](http://www.caucasusnetwork.org)



The Newsletter was prepared by:  
Ana Natsvlshvili  
Tamar Bolkvadze  
Irma Mamasakhlishi

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