



United States Mission to the OSCE

Session 12: Fundamental Freedoms II Freedom of Assembly and Association

As prepared for delivery by Ronald McNamara
to the OSCE Human Dimension Implementation Meeting
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Mr. Moderator,

This morning's session touches on fundamental rights and freedoms enshrined in OSCE commitments. Most of us take these rights and freedoms for granted because they have become commonplace in our own countries. The freedom of assembly and association are key rights in a modern democracy, rights that all OSCE States are committed to protect. Regrettably, that is not always the case.

In Turkmenistan and Uzbekistan, citizens are not permitted to assemble freely or to demonstrate. Those who dare to do so risk serious consequences. The freedom of association is also non-existent; neither country allows opposition parties or opposition movements to function. For example, after Sanjar Umarov formed the Sunshine Coalition in Uzbekistan, the authorities arrested him in October 2005 for alleged large-scale embezzlement, tax evasion and money laundering. He was convicted and sentenced in March 2006 to 14 years in jail.

Since the Andijon events, Uzbek human rights groups and members of unregistered opposition parties have come under severe and relentless pressure from the authorities. Bakhtiyor Khamroev was beaten on August 18 by a group of men -- in the presence of British diplomats and Uzbek police. Another human rights activist, publicist Motabar Tojibaeva, now serving a prison term, is reportedly being tortured in jail.

In Kazakhstan, freedom of assembly and association are constrained. Opposition leaders and activists risk fines, harassment and arrest. Kazakhstan has some of the most onerous registration requirements for political parties in the region. Kazakh authorities have also refused to register the opposition Alga! Party, founded by activists of the Democratic Choice of Kazakhstan, and DCK was itself dissolved by a court early last year. In April 2005, Kazakhstan amended its electoral law to ban public demonstrations between the end of voting and the release of the official election results. The OSCE informed Kazakhstan that this amendment did not correspond with OSCE commitments, yet it remains on the books. Before the December 2005 Kazakhstani presidential election, the government denied the majority of opposition permit requests for assemblies.

Since the last HDIM, the Belarusian authorities have increasingly interfered in citizens' right to assemble peacefully and stepped up the use of force to disperse peaceful protestors, in clear violation of their OSCE commitments. This was illustrated most vividly following the fraudulent March presidential elections, with numerous beatings and wholesale arrests of those attempting to peacefully exercise their right to assembly. More than 700 individuals were detained in the pre- and post-election period. Similarly, the regime has restricted the ability of individuals to form associations that oppose it or exhibit a degree of independence.

NGOs have been shut down and activists harassed, fined, arrested and, in the case of four independent domestic monitors, imprisoned. The growing restrictions on freedom of assembly and association are indicative of this increasingly repressive regime's disdain for its own people.

The United States was also troubled by limits on freedom of assembly associated with the November 2005 parliamentary elections in Azerbaijan. On November 26, security forces violently dispersed a peaceful, government-authorized opposition rally. Diplomatic observers witnessed at least one person beaten unconscious, and several beaten to the ground. To date, no police officials have been held accountable for this excessive use of force. Despite the peaceful conduct of participants, the government arrested 57 opposition supporters for alleged "hooliganism" and "public disorder" at the rally. Currently, as the government reviews its law of assembly, critics allege a lack of transparency in the deliberative process.

The United States would call attention to several amendments to Russian legislation adopted earlier this year that are designed to restrict the activities of non-government organizations. Although some of the more problematic elements were removed in the legislative process, several problems remain. Many provisions of the law are vague, while granting the authorities broad discretion over implementation, including the power to order an NGO to cease funding a program or to shut down completely. While punitive measures would be subject to court approval, this could entail lengthy, expensive litigation that could cripple an NGO financially. The United States remains concerned that the amendments diverge from longstanding OSCE commitments in the Copenhagen and Moscow documents and could have a further chilling affect on the growth of civil society in the Russian Federation.

Mr. Moderator, the rights of assembly and association are key to modern democracies. OSCE States should act to ensure that these rights are fully protected.