



HUMAN RIGHTS HOUSE
FOUNDATION

Read by Anna Innocenti

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Item 3

Interactive dialogue with
the Special Rapporteur on the rights to freedom of peaceful assembly and of association and
the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Thank you, Mr Chairperson,

The Human Rights House Foundation (HRRF) warmly thanks the Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on extrajudicial, summary or arbitrary executions for their report and their recommendations.¹

Since 2011, this Human Rights Council has seized itself with promoting the right to peaceful protest. Today, we urge all States to heed the recommendations made by the Special Rapporteurs and to fully integrate these standards in their practice and legislation.

The Council did not find a consensus on peaceful protest in 2014². This reflects the reality, in which many governments, especially those who voted against the resolution, have since 2011 turned their contempt for protests into restrictive legislation and oppressive police practices against demonstrators.

Protests in Azerbaijan, such as those at the end of 2015 and January 2016 related to the peoples' economic and social situation, are regularly met with excessive police violence, aimed solely at suppressing them. We recommend that Azerbaijan reads the Rapporteurs' report from paragraph 50 on the use of force, and from paragraph 45 on arbitrary detention in relation to peaceful protests.

The authorities in Azerbaijan responded to spontaneous protests in February 2013 with a crackdown on those supporting the protestors, including opposition leader Ilgar Mammadov, who remains in detention despite an order for him to be released by the European Court of Human Rights.³

¹ Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, 4 February 2016 (UN Doc: A/HRC/31/66).

² The resolution 25/38 of 28 March 2014 (UN Doc: A/HRC/RES/25/38) was adopted by a vote of 31 in favour to 9 against, with 7 abstentions. China, Cuba, India, Kenya, Pakistan, Russian Federation, South Africa, and Venezuela voted against the resolution. Algeria, Congo, Ethiopia, Kuwait, Namibia, Saudi Arabia, and United Arab Emirates abstained.

³ Ilgar Mammadov, the opposition leader and head of the Republican Alternatives (REAL) political party, was arrested on 4 February 2013 after investigating unrest in the countryside and criticizing the government's response to demonstrators. He was charged with breach of public order and resisting arrest. On 30 April 2013, charges of mass disorder and violence to public officials were added. The European Court for Human Rights determined that his pre-trial detention failed to meet procedural requirements and notably that the government's motivations behind the

Instead of taking such repressive measures, the Rapporteurs in their report recommend that States facilitate peaceful protests. We echo the Rapporteurs' call for governments to be grateful to their citizens for expressing their views, even when critical, as a sign of the vivid democratic space in the country, and for authorities to engage positively with protestors.

In Armenia, the authorities should have done more to ensure the so-called "electric Yerevan" protests remained peaceful, by seeking to engage with the protestors and listening to their requests, rather than sending police to remove protestors from Yerevan's main avenue on 22-23 June 2015.

"The full and free exercise of the right to freedom of peaceful assembly," the rapporteurs write, "is possible only where an enabling and safe environment for the general public [exists,] including for civil society and human rights defenders."⁴

We call upon this Council to further strengthen the general environment for civil society, as this is fundamental to protecting the right to peaceful assembly. In countries where non-governmental organisations (NGOs) face obstruction, intimidation, threats, and retaliation, the right to protest is inevitably restricted.

In Belarus, since violence around protests during the December 2010 presidential election, the country's oppressive legislation on protests and practices of administrative detention have led to a total absence of demonstrations. As suggested by the Rapporteurs, the absence of protests is not due to a lack of concern about the country's situation, but rather due to the repressive climate.

Finally Mr Chairperson,

The Rapporteurs clarified that "even if participants in an assembly are not peaceful and as a result forfeit their right to peaceful assembly, they retain all the other rights, subject to the normal limitations."⁵

Too often authorities adopt legislation indiscriminately targeting peaceful and violent protestors alike, and police forces do not distinguish between such protestors. We further worry about the growing trend to ban demonstrations due to a lack of proof of their peaceful nature.

As underlined by the Rapporteurs, authorities should presume an assembly to be peaceful, and such determination must come from the intentions of the organisers.⁶ We fear more and more governments are invoking potential violence to justify a preventive ban of demonstrations. We call upon this Council to further underline this aspect.

Thank you Mr Chairperson.

detention were political and thus the detention of Ilgar Mammadov violated international law. The Court found, from the special circumstances of the case, that "the actual purpose of the impugned measures was to silence or punish the applicant for criticizing the Government and attempting to disseminate what he believed was the true information that the Government were trying to hide" (*Mammadov v. Azerbaijan*, ECtHR, Application No 15172/13 (Judgment) (22 May 2014) at para. 142). More information in the report *Breaking Point in Azerbaijan*, available at <http://humanrightshouse.org/Articles/20947.html>.

⁴ Joint report, *op. cit.*, paragraph 7.

⁵ Joint report, *op. cit.*, paragraph 9.

⁶ Joint report, *op. cit.*, paragraph 18.