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Committee on Legal Affairs and Human Rights

The situation of human rights defenders in Council of Europe member States

Extract of Minutes of the hearing on “The situation of human rights defenders in Council of Europe member States” held in Strasbourg on 1 October 2019

General Rapporteur: Mr Raphaël Comte, Switzerland, ALDE

Hearing with the participation of

Mr Gerald Staberock, Secretary General, World Organisation Against Torture, Geneva, Switzerland;
Ms Emma Sinclair-Webb, senior Turkey researcher, Europe and Central Asia division, Human Rights Watch, Istanbul, Turkey;
Ms Elena Jiménez, board member, Omnium Cultural, Barcelona, Spain.

The **General Rapporteur** welcomed experts and informed the committee of the Turkish delegation's submission of comments to his introductory memorandum. He recalled the scope of his mandate, and the various actions he took since October 2018.

Mr Staberock stressed that today human rights defenders were meeting obstacles to their work not only in the post-Soviet countries, but also in Western Europe (France, Greece and Italy – for defenders working on issues related to migration). The term ‘human rights defender’ had become a stigma and the right to defend others' rights could no longer be exercised in Azerbaijan and some parts of the Russian Federation (in particular, the Chechen Republic). Human rights defenders' activities were also impeded in other countries namely due to restrictive legislation on national security or, like in Hungary, the recently adopted laws targeting NGOs. The opinions of the Venice Commission criticising such laws were not followed and therefore Mr Staberock called on the committee for more action.

Ms Sinclair-Webb focused on the situation in Turkey. She stressed that the following week an important trial against 27 human rights defenders - in two different cases - would take place in Istanbul. Although they were peaceful activists, they had been accused of terrorist activities without evidence. The first trial concerned the case of Mr Osman Kavala, an activist, who had been in detention on remand since November 2017 and was facing a life-sentence. He had been charged of terrorism-related activities with 15 other human rights defenders; according to Human Rights Watch, such charges were not substantiated. Mr Kavala had lodged a complaint to the European Court of Human Rights. Another trial concerned 11 defenders, including the former director of Amnesty International. Both trials had a chilling effect on the Turkish human rights defenders and were raising issues under Articles 5, 6 and 18 of the European Convention on Human Rights.

Ms Jiménez focused on the situation in Catalonia (Spain). She stressed that her organisation, Omnium Cultural, had worked to promote cultural rights for nearly 60 years and did not receive any public funding. Now its President, Jordi Cuixart, was in detention on remand since October 2017 and he had been charged with

sedition and rebellion for having organised a peaceful demonstration in favour of the Catalan referendum. Jordi Sanchez, the former leader of another NGO, had been detained on the basis of the same charges. Their arrest had been denounced by several international NGOs and the UN Working Group on Arbitrary Detention (the full text of her speech is in file with the secretariat).

A discussion ensued with the participation of **Ms Goñi** (who complained about the presence of Ms Jimenez, as Omnium Cultural was a NGO working for the independence of Catalonia), **Mr Gutiérrez** (who stressed that European Court of Human Rights had recently rejected some applications concerning the suspension of the sitting of the parliament of the Catalan Autonomous Community after the referendum and that the sentence concerning Mr Cuixart and Mr Sanchez would be issued within two weeks), **Ms González Vázquez** (who stressed that the referendum in Catalonia was illegal and both Mr Cuixart and Mr Sanchez were prosecuted on serious grounds), **Mr Altunyaliz** (who considered that Mr Sinclair-Webb spoke as if the judgments in the Turkish cases had already been issued), and the **General Rapporteur** (who stressed that he had had several contacts with Spanish MPs, wished to make a distinction between human rights defenders and political prisoners and was open for a discussion).

Ms Jimenez replied that Omnium Cultural was a NGO and that Mr Cuixart had been considered as a human right defender, in particular by the UN special rapporteur on human rights defenders and Frontline Defenders.

Ms Sinclair-Webb added that many judgments of the Strasbourg Court against Turkey on arbitrary detention had not been implemented. She repeated that the defenders at stake were indicted on bogus charges which should be dropped by the prosecutor. The judicial reform in Turkey was only on paper.