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Russian Federation: Human rights defenders at risk in the North Caucasus

Introduction

Anna Politkovskaya, Russian journalist and human rights defender, was murdered on 7 October 2006 in Moscow. She had been reporting on the situation in the North Caucasus, travelling to the Chechen Republic, Ingushetia and other republics in the region in order to meet and write about people whose rights had been violated. Because of this she experienced harassment and intimidation. She was detained in Chechnya,(1)¹ and had been threatened with more serious consequences if she continued her work. She was most likely killed because she refused to stop.

The murder of Anna Politkovskaya is not an isolated incident. Other human rights defenders, lawyers and journalists highlighting the human rights situation in the North Caucasus, and defending those whose rights have been violated, continue to face harassment and intimidation. Most recently, on the night of 23-24 November, Oleg Orlov, head of the Human Rights Centre Memorial, and three journalists from the Russian TV station *REN TV* Artem Vysotskii, Karen Sakhinov and Stanislav Goriachikh were abducted from their hotel in Nazran, Republic of Ingushetia and ill-treated (see p.5).

Amnesty International is concerned that the Russian Federation authorities are not addressing the ongoing human rights crisis in the North Caucasus effectively. Impunity continues to be pervasive, while such human rights violations as enforced disappearances, extrajudicial executions and torture continue to be perpetrated. “Confessions” extracted under torture may result in long-term imprisonment in trials which fail to meet international standards of fairness. As a result, in the North Caucasus, Russia fails to honour its obligations under international human rights law to respect and protect the rights to life, to freedom from torture and other ill-treatment, to liberty and security of a person, and to a fair trial. In such a situation human rights defenders, lawyers and independent journalists play an important role in promoting human rights protection by monitoring and documenting human rights violations.

According to the UN Declaration on Human Rights Defenders, while states have a “prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms”, it is the right of all individuals to “submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals to improve their functioning and to draw attention to any aspect of their work that may hinder or

¹ She was arbitrarily detained in February 2001 and again in February 2002, when she was only released due to immediate protests against her detention in Russia and worldwide. In June 2004 for several hours she was not allowed to leave the house of Ramzan Kadyrov, then Deputy Prime Minister of the Chechen Republic, whom she had interviewed.

impede the promotion, protection and realization of human rights and fundamental freedoms.”(2)²

The UN Declaration on Human Rights Defenders and other international and regional declarations and guidelines call on governments to only limit the work of human rights defenders, journalists and lawyers as is necessary to protect the rights and freedoms of others. The Declaration reiterates everybody’s right to complain and to seek redress if his or her rights have been violated, and states that everybody has the right “to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms” (Article 9). In addition, the UN Basic Principles on the Role of Lawyers sets out the duties, responsibilities and rights of lawyers. Principle 16 asks governments to ensure that lawyers can fulfil these duties and responsibilities without being intimidated, hindered or harassed. Where these guidelines and principles are not respected there is the risk that basic human rights and fundamental freedoms may be violated with impunity.

For human rights defenders, lawyers and journalists to carry out their work, it is vital that their rights to freedom of expression, freedom of association and freedom of assembly are also respected. These are guaranteed in both the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). The Russian Federation is a party to both these treaties.

Amnesty International has identified, through field research, and contact with many human rights defenders, journalists and lawyers working in the North Caucasus, a disturbing pattern which suggests that such individuals are being targeted and subjected to human rights violations, because of the work that they do. The following text gives examples of the obstacles faced by those who aim to protect human rights in the North Caucasus, and highlights illustrative cases of human rights violations against those who stand up to defend them.

Human rights violations in the North Caucasus

The situation in Chechnya in the North Caucasus has improved to some degree in recent years. Roads and some housing have been rebuilt, businesses have opened and flights to the capital of Chechnya, Grozny have resumed. Communication with the rest of the country has become easier with internet cafes and the mobile phone network now operating nationally.(3)³

At the same time human rights violations by security forces in Chechnya persist. Current and past violations, such as enforced disappearances, torture including rape and ill-

² Full title: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Articles 2 and 8 respectively.

³ Until recently, the Chechnya was not covered by most Russian mobile phone providers for users from other parts of the country

treatment and extrajudicial executions continue with impunity. Moreover, it has become increasingly difficult to report openly on human rights violations as victims fear to speak out, and human rights defenders and journalists are targeted for repression. One journalist told Amnesty International how she had been directly approached by a law enforcement official, advising her to destroy the material she had gathered if she wanted to continue living unharmed in Chechnya. There is generally tight governmental control of both TV and print media.

In recent years violence has flared up in other republics of the North Caucasus, such as Ingushetia, North Ossetia, Kabardino-Balkaria and Dagestan. Amnesty International has researched many cases of enforced disappearances, extrajudicial executions, torture and ill-treatment in Ingushetia over the past few years. In 2007, the security situation in Ingushetia has seriously deteriorated. According to some Ingushetian websites⁽⁴⁾, there are currently about 20-25 explosions and shooting incidents per month. Unknown gunmen are committing numerous attacks against civilians: members of ethnic Russian families have been killed, and a bomb exploded at a funeral held for one of the victims, injuring several people; members of a Roma family, two Korean men and a Dagestani family have also been killed during such attacks. At the same time, armed groups have launched attacks, often fatal, against members of law enforcement agencies in Ingushetia.

At least three men have been shot dead by law enforcement officers in the town of Nazran over the course of the year. While the authorities have stated that the men had put up armed resistance, witnesses to the killings claim the men were summarily executed. Similar incidents have been reported in the towns of Malgobek and Karabulak.

Law enforcement officials are said to be conducting document checks and at the same time detaining people in Ingushetia without identifying themselves. Amnesty International has received information that the law enforcement officials sometimes wear masks, and that those who have been detained under such circumstances may then be subjected to enforced disappearance or killed, sometimes reportedly as a result of torture. In an apparently punitive raid on the village of Ali Yurt in July 2007, villagers were reportedly rounded up and beaten. Seven men were detained and taken to the building of the Federal Security Services (FSB) in Magas, the capital of Ingushetia, where it is alleged they were ill-treated.

According to information received by Amnesty International at least 20 people were abducted or subjected to enforced disappearance in the Republic of Dagestan between January and early August 2007. Relatives of these people believe that law enforcement structures in Dagestan are responsible for these crimes.

Over the last years Amnesty International has learned about several people who were detained in North Ossetia and allegedly subjected to torture and ill-treatment, including in unofficial places of detention, such as the Ministry of Interior's Department for the Fight

⁴ At the time of writing, access to one of these internet sites, www.ingushetiya.ru, has been blocked for users in Ingushetia. There have been attempts previously to close the website.

against Organized Crime in Vladikavkaz, North Ossetia. They have reportedly been held in incommunicado detention and tortured in order to make them “confess” to a crime.

Attempts to silence human rights defenders, journalists and lawyers

Those who attempt to report on the human rights violations described above face a high risk of becoming victims of human rights violations themselves. Many human rights defenders, journalists and lawyers have told Amnesty International about threats by government officials that they or their relatives will “face the consequences” if they continue their work, or even report the threats against them. Amnesty International therefore can only name a few cases in this report as examples of a wider pattern. In a climate of intimidation, some journalists writing from the region use pseudonyms.⁵ Several human rights lawyers have been intimidated, threatened and harassed. Human rights defenders have been intimidated and threatened, and organizations working in this area have been subjected to numerous inspections under the law on non-governmental organizations (NGOs). This law came into force in 2006 and it appears that it is being interpreted arbitrarily in order to intimidate human rights defenders.

Abduction of Oleg Orlov and three REN TV journalists

During the night of 23 to 24 November 2007, Oleg Orlov, head of the Human Rights Centre Memorial, and three journalists from the Russian TV station *REN TV*, Artem Vysotskii, Karen Sakhinov and Stanislav Goriachikh, were woken up and taken from a hotel in Nazran, Ingushetia, by armed masked men in camouflage. The armed men took all their possessions from the hotel, including computers, money, notebooks, their clothes and mobile phones, and put plastic bags over their heads, threatening to shoot them. The four men were then driven to an unknown place, where they were beaten and abandoned after two hours. As they had not been given time at the hotel to dress or take their shoes, they had to walk barefoot to the nearest police station in the village of Nesterovskaia, where they sought assistance.

Russian news agency *Interfax* quoted sources within the police stating that the abduction was carried out by “the military”.

In the morning of 24 November, the four men were taken to the main police department of Nazran where they gave an explanation about their abduction and ill-treatment. At the police station they were examined by a medical doctor who recommended that Artem Vysotskii should be urgently hospitalized. However, the police did not let him go and only allowed the three journalists to leave the police station at around 1pm. Oleg Orlov was allowed to leave the police station earlier, at around 11.30am.

⁵ For example, some journalists writing for the Institute for War and Peace Reporting (IWPR) prefer to use pseudonyms.

At the time of writing criminal investigations had been opened by the investigation committee of the Office of the Prosecutor in Ingushetia under the following articles of the Russian Criminal Code: “violent interference of the right to privacy” (Article 139, part 2); “interference with the lawful work of journalists by officials” (Article 144, part 1); “violent robbery, planned and committed by a group of people, not causing danger to life and health” (Article 161, part 2 a, g). To date, therefore, the criminal case does not include “abduction” (Article 126) or “threat to kill or cause serious damage to health” (Article 119).

Threats against human rights defender Magomed Mutsolgov

Magomed Mutsolgov began his human rights work when his brother, Bashir Mutsolgov, was forcibly disappeared in December 2003 after he had been detained by armed masked men outside the family home in Karabulak, Ingushetia. Together with other relatives of victims of enforced disappearances, he started the human rights organization MASHR (meaning “peace”), which was registered officially as the Public Non-commercial Regional Organization “MASHR” in 2005. The organization provides support for relatives of the disappeared and to victims of torture and ill-treatment, including assisting them with appeals to the authorities. It also publicizes information about, and organizes activities on behalf of, victims of human rights violations in Ingushetia.

Early in May 2007, *ingushetiya.ru*, a website registered in Ingushetia, published an anonymous letter by someone who claimed to be a law enforcement official. The writer stated he had overheard conversations by colleagues which hinted at attempts to fabricate a criminal case against Magomed Mutsolgov, by “any means possible”, including by planting narcotics or ammunition in his pockets. When, later that month, Amnesty International spoke to Magomed Mutsolgov about the letter, he said that he had reason to suspect that he and his office were under surveillance. He also mentioned he had been told about an internal order to officials in the government of Ingushetia that he was a *persona non grata* in the government building and that officials were not supposed to meet him there. Magomed Mutsolgov has received other indirect threats, apparently because of his work. In September 2007 a young man, whom he had helped to appeal to the authorities after allegedly being tortured, told him he had heard from those who had detained him that “they would sort Magomed Mutsolgov out”.

In early November 2007, Magomed Mutsolgov told Amnesty International that a person who did not introduce himself came to see him at his home in Karabulak. The man said that he had heard from his contacts that Magomed Mutsolgov was supposed to be dead by 31 December 2007. Magomed Mutsolgov stated that he did not know if these threats were attempts to intimidate him or if they should be taken seriously. He takes precautions but says he will not stop his human rights work.

According to Magomed Mutsolgov, since 2006 MASHR has undergone numerous inspections into its activities by the tax inspectorate, the Federal Registration Service (FRS) and the Office of the Prosecutor of the Republic. The FRS, which investigated his organization twice in 2007, ordered him to change the name of the organization and re-register it under the new name of the Public Non-commercial Regional Human Rights

Organization “MASHR”. While Magomed Mutsolgov accepts the authorities’ right to review the activities of his organization, he believes that the frequency of inspections and the demand to re-register the NGO pointed to an attempt to interfere with his human rights work and to prevent further work by MASHR.

Attempts to open criminal proceedings against human rights lawyer

Irina Kodzaeva is a lawyer with the bar association of the Republic of North Ossetia. Over the past few years she has represented several people accused of involvement in armed groups, and who have alleged they were tortured in order to make them sign a confession. On 28 August 2007, Irina Kodzaeva was prevented from meeting with one of her clients, Nazir Shamsudinovich Muzhakhoev. Nazir Shamsudinovich Muzhakhoev had been transferred from a pre-trial detention centre in Vladikavkaz, North Ossetia, to a temporary holding facility of the Ministry of Interior of North Ossetia, in order for him to be questioned on charges of being involved in acts of “terrorism”. Irina Kodzaeva was told by investigators that he had decided to terminate his agreement with her as his legal representative. She feared that this was not the case as the investigators did not produce any document confirming this decision by her client. She also had strong reason to fear that her client would be subjected to torture and ill-treatment, as other clients of hers had been subjected to torture and ill-treatment under similar circumstances.

When she tried to enter the part of the building of the Ministry of Interior where she assumed her client was being held, she says she was struck on her head by one of the investigators and pushed away from the door. She hit her head on the doorframe and it was later found that she had suffered a concussion. Irina Kodzaeva subsequently filed a request that the prosecutor’s office open criminal proceedings against the investigator. However, the prosecutor’s office declined to do so on the grounds that it could not be established that a crime had been committed. At the same time, the investigator submitted a complaint against her to the prosecutor’s office, alleging that she had assaulted the investigator. The prosecutor’s office has concluded that there was enough evidence to open a criminal case against her for obstructing and using violence against law enforcement officials.

Accusations of “terrorism” and “extremism” against human rights defenders

In the climate of instability prevalent in the North Caucasus, where for some years the authorities have routinely conducted “counter-terrorism operations” and clamped down on dissent, human rights defenders who stand up to the authorities and demand that human rights are respected, including the rights of people accused of being terrorists, may be accused of “terrorist” or “extremist” activities themselves. These accusations are often used as a way of discrediting and hindering their work. Amnesty International has observed a pattern in which human rights defenders are subjected to human rights violations simply because they defend the rights of others.

Amnesty International is also concerned that the 2002 law on countering extremist activities, including the latest amendments introduced in 2007, is used to restrict the right to freedom of expression, including the work of human rights defenders and journalists. The definitions in the law of what constitutes “extremism” are vague and leave room for arbitrariness.

Torture and ill-treatment of human rights defender Osman Boliev

Osman Boliev, a human rights defender and former head of the NGO Romashka (meaning “daisy”) in the Republic of Dagestan, had been working with Russian lawyer Karinna Moskalenko from the NGO International Protection Centre to prepare and submit applications to the European Court of Human Rights. He told Amnesty International he was detained and tortured in November 2005 in order to make him confess to being a foreign agent and a “supporter” of terrorism.

According to his account, on 15 November 2005 he was asked by the local traffic police in Khasaviurt, Dagestan, to come to their police station for questioning about the possible involvement of his car in an accident. Upon arrival, he was asked to sit in another car in which several police officers were already waiting. He told Amnesty International:

“They immediately handcuffed me and put a hood over my head. They cut off my oxygen until I lost consciousness. I woke up again in a room where I was bound to a chair. They started beating and kicking me around, and twisted my arm. I fell to the floor, they jumped on me, on my head, and demanded I admit to being an agent, and to tell them which secret service had trained me. They wanted me to tell them who I was working for. I said ‘I am a human rights defender, I work for all people. If you have a problem you can come to me.’ They thought I was making fun of them and beat and kicked me even more... They threatened to kill my family if I did not work with them, that I would be taken to Chechnya and be blown up to be presented as a suicide bomber... Then they came with a grenade and said I had this grenade with me. I could not really understand what they said, as they had hit me on my ears and there was a ringing tone in my head all the time... I was tortured for nearly three days but I did not know how long I was there, whether it was day or night... All the time I was handcuffed. I could not feel my hands anymore... They pulled up my arms behind my back and then jumped on me.”

On 17 November Osman Boliev, who could no longer walk, was brought before a judge, in order for his continued detention to be authorized. He said that when he told the judge that he had been tortured and described how he had been treated, the court assistant left the room, apparently unable to bear his description. However, the judge did not take any action to ensure the allegations of torture were investigated. Osman Boliev was then transferred to pre-trial detention and officially charged with illegal possession of ammunition. He told Amnesty International that a lawyer came to see him who then called an ambulance and he then received basic medical treatment.

Despite protests against his detention by international and Russian NGOs, Osman Boliev remained in detention until 13 February 2006. By that time his health had seriously

deteriorated because of the alleged torture and the failure to provide him with adequate treatment. Following the onset of respiratory and heart problems, he was released pending trial. In May 2006 he was acquitted by a court in Khasaviurt, but by June new charges were already being prepared against him.

When he met with Amnesty International in July 2006, Osman Boliev feared a new case would be fabricated against him and that he might be detained again. Since then Osman Boliev has fled the Russian Federation and found asylum in another country. A criminal case regarding his arbitrary detention and torture was opened, but as far as Osman Boliev is aware, it has been closed because “no evidence of a crime could be found”. Osman Boliev’s former colleagues from Romashka were put under pressure by the authorities to stop their activities and the NGO was closed down in early 2007, in line with provisions of the law on NGOs, as no activity of the NGO could be reported to the authorities.

Alleged publication of press releases inciting ethnic hatred

The Chechen Committee for National Salvation, an NGO based in Ingushetia, monitors and reports on the situation in the North Caucasus, particularly on the situation in Chechnya. Since 2004 it has been under threat of closure, accused by the authorities of distributing unsubstantiated information of an “extremist” character about the situation in the region. The NGO issues press releases and reports on enforced disappearances, detention and torture, and the conditions of temporary accommodation in Ingushetia for internally displaced people from Chechnya. It also organizes training programmes for human rights lawyers and roundtable discussions on the human rights situation in the region.

In August 2004 the Office of the Prosecutor of Ingushetia concluded that 12 press releases issued by the Chechen Committee for National Salvation were “extremist” in character, designed to incite hatred between ethnic Chechens and people of other nationalities. The press releases in question contained information about arbitrary detentions and allegations of torture and ill-treatment of Chechens in Ingushetia. They were issued in the period following an attack on government buildings in Ingushetia by armed groups in June 2004 after which the authorities detained a number of Chechens who were living in temporary accommodation in Ingushetia, accusing them of participation in the attacks.

Amnesty International has seen the press releases and does not consider them to be of “extremist” character.⁶ Initially, a court in Nazran, Ingushetia, did not find reason to consider the press releases as “extremist” material. However, in February 2005, the Supreme Court of Ingushetia overturned this decision and ordered the court to examine the content of the press releases again. Ruslan Badalov, head of the Chechen Committee for National Salvation, asked various independent experts to analyze the press releases. Included among them was the NGO Independent Legal Expert Council, which is working to provide expert opinions in a number of cases of alleged human rights violations, including the violation of the right to freedom of association. Ruslan Badalov also found members of the Russian

⁶ The Chechen Committee for National Salvation was one of the first organizations to publish information alleging that the authorities in Ingushetia were involved in human rights violations.

Academy of Sciences and linguistic institutes at universities in the North Caucasus willing to provide analysis and expert opinions regarding the content of these press releases. All these expert opinions were presented to the court in Nazran, Ingushetia, which as of early November had still not taken a decision.

Ruslan Badalov told Amnesty International that in August 2007, the FRS had ordered a second inspection of his organization's activities to be carried out within the year. Under the law on NGOs, which came into force in 2006, only in exceptional circumstances can the authorities subject a registered NGO to more than one inspection of documents and activities per year. The organization's activities and finances had recently been checked and all requested documents submitted to the authorities only 10 days prior to the new investigation order being received. Ruslan Badalov said he received a statement from the Ingush department of the FRS that they had received information that the Chechen Committee for National Salvation may have violated the law on NGOs and therefore needed to conduct another inspection. At the time of writing, Ruslan Badalov had not received further information on what these supposed violations might be.

Restrictions on the right to freedom of assembly

The Russian authorities have acknowledged in meetings with human rights defenders and second governments, such as member states of the European Union (EU) that, across the Russian Federation, the police response to demonstrations, pickets, meetings and assemblies over the last year has not always been appropriate. They have expressed an intention to improve the work of those government departments which deal with public meetings and demonstrations so that the right to freedom of assembly will be better protected. The following incident is indicative of the problems that they must address.

Forcible dispersal of a memorial event for Anna Politkovskaya

Following the murder of Anna Politkovskaya on 7 October 2006, memorial events were held for her throughout the world including in the Russian Federation. However, when human rights activists in Nazran, Ingushetia, gathered for a memorial event on 16 October 2006, it was dispersed violently by police and men in civilian clothes who, it was said, stamped on portraits of Anna Politkovskaya and beat the participants. One of the men in civilian clothes punched Ekaterina Sokirianskaia, a participant from the Memorial Human Rights Centre, resulting in a concussion and a broken nose. An investigator from the Office of the Prosecutor of Nazran questioned Ekaterina Sokirianskaia about the assault and then issued a decision not to open a criminal case, dated 7 November 2006. This decision was subsequently overturned by the Deputy Prosecutor of Nazran and sent back to the Office of the District Prosecutor for re-examination, which then decided to open a criminal case. At the time of writing, more than a year after the assault, nobody has been brought to justice.

Following the memorial event at least five people – three women and two men, all local human rights activists - were detained by police and charged with administrative offences. When Amnesty International called the police department in Nazran that evening, it

was told that a lawyer had been given access to the detainees. However, at the same time, Amnesty International was informed by the NGO Memorial that the lawyer had been denied access to the detainees. According to Memorial, the activists were detained for six hours, twice the three-hour maximum allowed under the Administrative Code of the Russian Federation.

Four of the activists were later found by a court not to have violated any law. The fifth, official organizer of the memorial event Magomed Mutsolgov, head of the human rights organization MASHR (see p. 6), was fined R1000 (US\$38) for violations of the procedure for organizing a picket. Magomed Mutsolgov told Amnesty International that he had followed the procedure, informing the authorities well in advance of the event. He appealed against the sentence and the fine but is still waiting for a final decision. Memorial has filed a complaint with a court in Nazran, regarding the unlawful detention of several participants. The city court in Nazran, as well as the Supreme Court of Ingushetia has rejected their complaint.

Demonstrations against enforced disappearance broken up

A significant number of people are reported to have been subjected to enforced disappearance or to have been abducted in Dagestan over the past few years. A group of friends and relatives of these people, called the Mothers of Dagestan for Human Rights, staged a picket on 10 August 2007 in front of the building of the government of the Republic of Dagestan in the capital, Makhachkala. Their purpose was to call for measures to be taken to end such disappearances and abductions. A number of the participants of the picket also started a hunger-strike to draw attention to the human rights situation in the republic, in particular to the issue of abductions and enforced disappearances. The organizers of the picket told Amnesty International that, in line with the law, they had announced their intention to hold their picket to the authorities and had provided the necessary information 10 days prior to the event.

According to witnesses, about 30 to 40 women and men gathered throughout the afternoon on 10 August outside the government building, holding placards. However, police officers arrived and informed one of the organizers that the picket was unsanctioned and that they should leave. Despite being informed by the organizers that they had permission to hold such a picket, a police officer ordered his colleagues to disperse the picketers.

Amnesty International was told that police then started beating the women and men, including with batons, and dragged them off the square. At least one of the women, Gulnara Rustamova, was beaten on her head and suffered what may have been a concussion. Three days later she told Amnesty International that she still felt dizzy and had difficulty remembering things.

According to Gulnara Rustamova, the police outnumbered the picketers by far.

Gulnara Rustamova told Amnesty International that three men had reportedly been detained by the police and had been taken to the Sovietskii district police department in Makhachkala. One of the men was reportedly not a participant in the picket, but a witness who tried to intervene to stop police beatings. He was released the same day, while the second

- Murtuz Shakhrolaev - was only released the next day and the third - Izmail Butdaev - was only released on 12 August.

Izmail Butdaev's sister told Amnesty International that he had not been given access to a lawyer during his detention. She said that the authorities had claimed they had released him within the three hours legally permitted in such cases, although he was still at the police department at the time. He was charged with "refusing to obey police orders" (Article 318, part 1 of the Criminal Code of the Russian Federation).

On 15 August a court in Makhachkala acquitted Izmail Butdaev and stated that the Mothers of Dagestan for Human Rights had not violated the law on rallies, meetings, demonstrations, processions and pickets. The court reportedly found that the police had not acted within the law. Amnesty International is not aware of any disciplinary or criminal proceedings being brought against the police for violently dispersing the picket, ill-treating protestors, arbitrary detention, and interfering with the constitutionally guaranteed right to hold public meetings. The Mothers of Dagestan for Human Rights are still seeking information about the fate and whereabouts of their relatives.

Persecution of human rights organization and political activists

Stanislav Dmitrievskii and other members of the Russian-Chechen Friendship Society

Stanislav Dmitrievskii, who is from the city of Nizhnii Novgorod, has come under growing pressure for his uncompromising criticism of the human rights situation in the North Caucasus, and for his political activism. Stanislav Dmitrievskii started his human rights work during the first Chechen conflict (1994 – 1996) and in 1999 he and a number of Russian and Chechen activists founded the Russian-Chechen Friendship Society (RCFS). The RCFS supported victims of human rights violations, organized medical support for victims of the conflict and reported on war crimes and human rights violations.⁽⁷⁾⁷ Together with other human rights NGOs from Nizhnii Novgorod, the RCFS also issued a bulletin called *Pravozashchita*.⁽⁸⁾⁸

Over several years, Amnesty International has closely followed the situation of the RCFS and is aware of several cases where staff and volunteers of the NGO have been subjected to human rights violations including torture, enforced disappearance and extrajudicial executions.⁽⁹⁾⁹ Several Chechen members of the NGO decided to leave the Russian Federation after having received serious threats. Aslan Davletukaev, a volunteer with the RCFS, was taken from his home by law enforcement officers in Argun in the Chechen

⁷ The publication of the reports was done by a nominally separate organization, the Russian-Chechen Information Agency.

⁸ *Pravozashchita* means rights protection, an expression often used as an equivalent to human rights protection.

⁹ See for example: *Russian Federation: The Risk of Speaking Out* (AI Index: EUR 46/059/2004).

Republic on 9 January 2004. His mutilated body was found on 16 January 2004 near the town of Gudermes in the Chechen Republic. His family is still waiting for those responsible for the killing to be brought to justice.

In 2005 Stanislav Dmitrievskii was charged with inciting racial and ethnic enmity for publishing articles in *Pravozashchita* by Chechen separatist leaders. On 3 February 2006 Stanislav Dmitrievskii was convicted of “inciting racial or ethnic enmity or hatred” (Article 282, part 2 of the Russian Criminal Code). A district court in Nizhnii Novgorod imposed a two-year suspended sentence and a four-year probationary period on him. During this four-year period, Stanislav Dmitrievskii has to inform the authorities of any change of residence or travel plans, and has to report regularly to the local authorities. Amnesty International does not consider the material that Stanislav Dmitrievskii published to incite racial and ethnic enmity; if Stanislav Dmitrievskii had been imprisoned, Amnesty International would have considered him to be a prisoner of conscience.

Following this conviction, a court in Nizhnii Novgorod ordered the RCFS to close down in October 2006. According to the Russian law on NGOs, a person convicted of crimes which are considered to be “extremist” cannot be a member, let alone the head, of an NGO.¹⁰

In January 2007, the Supreme Court of the Russian Federation confirmed this decision. Following the hearing at the Supreme Court, Stanislav Dmitrievskii told Amnesty International that the RCFS would seek justice at the European Court of Human Rights in Strasbourg. He said:

"The Supreme Court's decision is dangerous for civil society and for Russia as a whole. It is a political decision and clearly illustrates that the Russian authorities do not care about civil society. It sends the wrong signal and has not gone unnoticed by the international community. In our appeal we have shown that the initial verdict of the court in Nizhnii Novgorod was unlawful. The Supreme Court's decision has put a number of administrative problems before us but it will not stop our work on human rights."

On 17 August 2007, the Sovietskii District Court in Nizhnii Novgorod decided to impose more stringent restrictions on Stanislav Dmitrievskii. The court decision was in response to an appeal by the Nizhnii Novgorod Department of the Federal Service for the Implementation of Punishments (FSIN). It was lodged after Stanislav Dmitrievskii had organized and participated in a “march of dissenters” in Moscow in April 2007, for which he had been found guilty of violating the Administrative Code of the Russian Federation. The organizers of the march had planned to hold a meeting on Pushkin Square in Moscow, for which the authorities had not given permission. Stanislav Dmitrievskii was detained near Pushkin Square, in advance of the planned demonstration, while distributing copies of the Russian Constitution. This decision, if it comes into force, would mean that any violation of the Administrative Code could lead to the conditional status of his sentence being lifted, and Stanislav Dmitrievskii being imprisoned. Even a minor administrative offence, such as

¹⁰ Article 2, part 4 of the Federal law on public organizations.

crossing the street ignoring traffic lights, could trigger such a result. Stanislav Dmitrievskii appealed against the decision of the District Court and on 26 October 2007, the City Court of Nizhnii Novgorod accepted his appeal and returned the case for review to a different judge in the District Court, which on 23 November decided to once more impose restrictions on Stanislav Dmitrievskii.

In April 2007, several former members of the RCFS set up a new organization, the Nizhnii Novgorod Foundation for the Support of Tolerance, while trying to re-register the RCFS in Finland and continuing the work of the Russian-Chechen Information Agency.¹¹ In late August 2007, the computers of the Foundation for the Support of Tolerance were confiscated by the Office of the Prosecutor and a criminal case was opened regarding the use of unlicensed computer software. The Foundation for the Support of Tolerance had planned to hold an international conference on human rights and democracy on the eve of the anniversary of the murder of Anna Politkovskaya, but in mid-September the local branch of the bank where the Foundation for the Support of Tolerance held their accounts told the organization's accountant that they could no longer accept them as clients. According to Oksana Chelysheva, the head of the Nizhnii Novgorod Foundation for the Support of Tolerance and editor of the Russian-Chechen Information Agency, the bank had been told that the organization was under suspicion of being an "extremist organization". On the day of the planned conference on 5 October the organizers were told that the pre-booked conference room was no longer available. The following day, the Office of the Prosecutor of Nizhnii Novgorod undertook another search of the premises of the Foundation for the Support of Tolerance. The car of one of the organization's volunteers was confiscated for several hours by the police on suspicion that it was stolen, even though the owner was sitting in the car and was able to provide documents confirming ownership. On 6 October five representatives of international human rights organizations, who were in Nizhnii Novgorod to attend the conference, were detained by the Federal Migration Service for several hours, and issued with fines for violating the administrative code.

At that time it became known that Russian authorities had put pressure on the Spanish chairmanship of the Organization for Security and Cooperation in Europe (OSCE) not to register the RCFS as a participant in an OSCE conference in Vienna on 13 September 2007. The Russian delegation branded the organization as having been involved in acts of terrorism and extremism and threatened to leave the conference, should the RCFS participate. When Oksana Chelysheva spoke at a conference of the OSCE Human Dimension Implementation Meeting in October 2007 in Warsaw, the Russian delegation left the room in protest.

Recommendations

Those who attempt to monitor and document human rights violations and provide assistance to victims of human rights violations should be respected, in line with national law and

¹¹ The Russian-Chechen Friendship Society was officially registered in Finland in October 2007.

international obligations. Their work should be recognized as a vital element in protecting human rights in the Russian Federation.

Recommendations to the Russian authorities:

- Respect and protect the right of human rights defenders and lawyers to conduct their work without hindrance, intimidation or harassment, in line with the UN Declaration on Human Rights Defenders and the UN Basic Principles on the Role of Lawyers.
- Ensure that the rights to freedom of expression, assembly and association, as enshrined in the ECHR and ICCPR, are respected.
- Issue clear guidelines to law enforcement officials on the rights to freedom of expression, assembly and association, in line with international standards.
- Ensure that all human rights violations against human rights defenders, lawyers and journalists are promptly, thoroughly, independently and impartially investigated, and that suspected perpetrators of such violations are brought to justice.
- Refrain from threats, allegations and unsubstantiated accusations, including labelling human rights defenders who solely peacefully exercise their right to freedom of expression, as “terrorists” or “extremists”.

Recommendations to second governments:

- Remind the Russian authorities of their obligation to protect the rights to freedom of expression, freedom of assembly and freedom of association, including in the North Caucasus.
- Arrange meetings with human rights defenders, lawyers and journalists, including with those from the North Caucasus, during visits to the Russian Federation.

Recommendations to the EU and its member states:

- Implement in full the EU Guidelines on Human Rights Defenders.