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# Russian Federation

## Violent racism out of control

### 1. Introduction

Racist attacks and killings of foreigners and ethnic minorities are reported with shocking regularity in Russia and, disturbingly, their frequency seems to be increasing.<sup>1</sup> Victims whose cases have come to the attention of Amnesty International include students, asylum-seekers and refugees from Africa and Asia, as well as people from the south Caucasus, from South, Southeast and Central Asia, from the Middle East and from Latin America. However, citizens of the Russian Federation are no less at risk of physical attack. Anyone who does not look typically ethnic Russian, for example, individuals from ethnic groups of the North Caucasus, in particular Chechens, as well as members of the Jewish community, Roma and children of mixed parentage are at risk. Even ethnic Russians who are seen as sympathizing with foreigners or ethnic minority groups, for example, fans of rap or reggae music, members of other youth sub-cultures, and campaigners against racism, have also been targeted as they are perceived as “unpatriotic” or “traitors”. Attacks have been reported in towns and cities across the Russian Federation.

Russian and international media are now reporting racist attacks on an almost daily basis. However, the attacks have been taking place for years. Voronezh, a university town 600 km south of Moscow with a large number of foreign students, attracted media attention when Amaru Antoniu Lima from Guinea-Bissau was stabbed to death by a gang in Voronezh in February 2004 and again in October 2005 following the murder of Peruvian student Enrique Arturo Angelis Urtado. However, foreign students had already documented seven killings and about 70 attacks against current or former foreign students over the five years prior to these murders which they viewed as racially motivated, but which had gone more or less unnoticed.

St Petersburg is another city now so notorious for attacks against foreign students that the number of foreign students choosing to study in the city is reportedly starting to fall. Some media reports put the number of attacks on foreigners during 2005 as high as 800, with a further 12 beatings of foreigners in the first three months of 2006. Among the recent reported apparently racist attacks that were fatal is the murder of Khursheda Sultonova, a nine-year-old Tajik girl stabbed to death in February 2004, Abd Al Kader Badawie, a Syrian student pushed in front of a metro train in March 2004, the murder of Vu Anh Tuan, a Vietnamese student stabbed to death in October 2004, Roland Epassak, a 29-year-old from Congo, beaten to death in September 2005, an African student, Kanhem Leon, killed in December 2005, Ainur Bulekbaeva from Kazakhstan, stabbed to death in February 2006 and Lamsar Samba Sell, shot dead in April 2006. Many others have been seriously injured in apparently racist attacks.

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<sup>1</sup> The Moscow-based NGO, Sova Information-Analytical Centre, reported 28 racist murders and 366 racist assaults in 2005. Their figure was based on those attacks reported in the media, in which Sova was satisfied that the racist motive was clear; the actual figure is probably much higher.

In Moscow, at least seven people were murdered in racist attacks in 2005 and at least 107 people were beaten. Most recently, a 70-year-old Afro-Cuban man, working as a chef in a Moscow restaurant, was murdered in March this year.

Attacks on ethnic minority Russian nationals are just as prevalent as attacks on foreign nationals. Following large scale abuses attributed to Chechen armed opposition groups, there have been violent backlashes against Chechens, individuals from other North Caucasian ethnic groups and practising Muslims. For example, following the hostage-taking of men, women and children by an armed group in a school in Beslan, North Ossetia, in September 2004, there were reports of increased attacks across Russia on Chechens and individuals from other North Caucasian ethnic groups by so-called "skinheads" and other members of extremist groups. There have been repeated attacks by "skinheads" on Caucasian-looking people on the Moscow metro. Caucasian shops have been burned down in Moscow and Yekaterinburg; one of the shop's owners was killed. A woman wearing a veil was attacked in Vladivostok by someone shouting, "this is for Beslan". Roma citizens are also frequently victims of racist attacks; most recently on 13 April 2006 a group of 20 youths armed with metal bars and spades attacked a Roma family and a visiting ethnic Russian woman as the group were sitting round a fire talking, in the Volgograd region of Russia. A Romani man and the ethnic Russian woman were killed; others were seriously injured.<sup>2</sup>

There has also been an apparent increase in the number of anti-Semitic attacks on persons and property in Russia. On 11 January 2006, nine people were stabbed at a Moscow synagogue by a man described as a "skinhead".<sup>3</sup> Four of those attacked were reported to be seriously injured.<sup>4</sup> Vandalism and desecration of synagogues and cemeteries have been reported. In June 2005 anti-Semitic insults and swastikas were painted on the walls of a synagogue in the town of Vladimir, near Moscow.<sup>5</sup> The following month, there was an arson attack on a Jewish centre in the town of Penza and the Jewish centre in Taganrog was vandalized. Both buildings had been the subject of attacks by vandals on previous occasions. In March 2006 the Jewish centre in Penza was again vandalized; one of its windows was broken with a brick by a youth.

Perpetrators of the attacks are usually referred to in Russia as "skinheads", a term used to denote well-organized groups professing a racist, neo-fascist and violent ideology, as well as other loose groupings of individuals who carry out attacks motivated by racial hatred. In the overwhelming majority of cases, the perpetrators are young, in their mid or late teens or early twenties. Girls and young women as well as youths are involved in the violence. The attackers usually attack in large groups, are often armed, for example with baseball bats and knives, and often choose targets who will not be able to defend themselves. Children, people asleep, and people on their own or in a small group have all been targets. The attacks are

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<sup>2</sup> European Roma Rights Centre (ERRC), "Racist attack on Roma in Russia causes two deaths and severe injuries", 14 April 2006

<sup>3</sup> *BBC online news*, "Nine stabbed in Moscow synagogue", 11 January 2006

<sup>4</sup> A young man was convicted of preparing and attempting to commit a crime (Article 30) and attempted murder of two or more persons and for reasons of national, racial or religious hatred or enmity) by Moscow City Court on 27 March 2006. He was sentenced to 13 years' imprisonment.

<sup>5</sup> *Bigotry monitor*, "Synagogue in Vladimir vandalised", 10 June 2005, vol. 5 no. 23

unexpected and almost always unprovoked. In some cases, in particular in St Petersburg, the attackers have left an indication that an extremist group was responsible, for example, by leaving a swastika at the scene of the crime. Estimates as to the number of “skinheads” and members of such so-called “extremist” groups vary. According to official figures, there are about 150 extremist groups with over 5000 members.<sup>6</sup> However, non-governmental organizations (NGOs) believe the figure of individuals involved in more or less organized racist groups to be much higher, as high as 50,000.<sup>7</sup>

The response of the Russian authorities to the problem of violent racist attacks has been grossly inadequate. The failure of the state to exercise due diligence in preventing, investigating and prosecuting race hate crimes seems to have only encouraged the growth of extreme xenophobia and neo-fascism in Russia. The authorities have failed, until recently, even to publicly recognize the attacks as being a problem. Politicians have ignored the issue and law enforcement officials have either failed to investigate attacks at all, or investigated them inadequately. In too many cases, the authorities have classified attacks as “hooliganism”, or motivated by “hooliganism”<sup>8</sup>, and have failed to use the provisions of the Criminal Code that allow attacks to be prosecuted as having been racially motivated.

This has resulted in a situation where it seems some parts of the authorities have turned a blind eye to such crimes. The Ombudsperson for Human Rights, Vladimir Lukin, when criticizing the work of law enforcement agencies in tackling racist crime stated that “on the whole, the executive and the courts are demonstrating a degree of deference that is hard to understand, to pro-fascist, extremist nationalist groups”.<sup>9</sup> In April 2006 he went further and accused law enforcement officers of covering up the extent of racist violence.<sup>10</sup> This was following the initial failure of the Moscow procurator’s office to classify an assault in April 2006 in Moscow on the Culture Minister of Kabardino-Balkaria (a Russian republic in the North Caucasus), Zaur Tutov, as racist (see below).

Following the murder of Senegalese student Lamsar Samba Sell in St Petersburg in March 2006, the Legislative Assembly of St Petersburg urged President Putin to reform the law enforcement agencies, so that they would be able to prevent, effectively investigate and punish such crimes, and encourage a trusting and respectful attitude from the general public in their work.<sup>11</sup> The resolution was an acknowledgement of the failure of the law enforcement to do just that.

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<sup>6</sup> Statement by Rashid Nurgaliev, Minister of Internal Affairs, 1 June 2005, cited by Sova report, “MVD ob extremistakh v Rossii” 2 June 2005

<sup>7</sup> Moscow Bureau for Human Rights, “Racism, xenophobia, ethnic discrimination and anti-Semitism in Russia (January – June 2005)”

<sup>8</sup> defined in Article 213 of the Criminal Code as “flagrant violation of public order expressed by a clear disrespect for society accompanied by the application of weapon or articles to be used as a weapon”

<sup>9</sup> Vladimir Lukin, “Doklad o deyatelnosti upolnomochennogo po pravam cheloveka v rossiiskoi federatsii v 2004 godu”, 31 January 2005

<sup>10</sup> <http://www.rferl.org/featuresarticle/2006/04/EF4518E3-9E3D-4724-87BE-186C36FAEE51.html>

<sup>11</sup> Resolution of the Legislative Assembly of St Petersburg, on an appeal of the Legislative Assembly of St Petersburg to President of the Russian Federation, V. V. Putin,

Ordinary Russians and foreign citizens have protested against the violence and the failure of the state adequately to respond to the situation. There have been mass demonstrations in response to racist murders. Students in Voronezh took to the streets to protest for three weeks following the murder of Amaru Antoniu Lima, demanding safety guarantees from regional law enforcement officers. In St Petersburg in October 2004 following the murder of Vietnamese student Vu Anh Tuan, and again in April 2006 following the murder of Lamsar Samba Sell, students in St Petersburg organized demonstrations and meetings to protest against what they viewed as the authorities' failure adequately to address the wave of racist violence in the city. A "March against Hatred" was organized in November 2005 in St Petersburg in honour of Nikolai Girenko (see below).

An anti-racism movement has emerged in Russia, which has organized and campaigned for a series of measures to be taken. It has only been following sustained pressure from student groups, university leaders and NGOs working in the area that the authorities have started to take action. However, disturbingly, many individuals working to combat racism have themselves become victims of violent attacks, threats and intimidation. The state is failing adequately to protect them. Participants in anti-racism marches have also been targeted for violent attacks, such as in the case of three participants of an anti-racism march, organized in St Petersburg on 25 March 2006, who were attacked as they left the demonstration. Reportedly one of them, a Jewish student, received head injuries during a severe beating.

While there might now be a growing awareness among the authorities, including various law enforcement agencies, of the problem of racist attacks against minorities, there appears to be no comprehensive plan of action being implemented to combat racism and discrimination by state agents. Recent public statements against racism by high-ranking officials including the President, greater numbers of criminal charges for violent attacks which recognize the motivation of racial hatred, greater levels of policing in some areas where foreign students live, and a small increase in convictions for distributing or publishing racist material under the "incitement to racial hatred" provisions have all served to send a message to society that racism is unacceptable. However, these steps are clearly insufficient and there is a lack of a clear and visible federal policy to tackle racism in all its aspects. The anti-racism message is not being heard loudly enough. It is not enough to rein in the violence, which is out of control.

These violent attacks should be understood as one of the most visible manifestations of deep-seated intolerance and xenophobia in many parts of Russian society. And as in all societies, state officials will reflect the values of their society. In 2003 Amnesty International released a detailed document entitled *Dokumenty! Discrimination on grounds of race in the Russian Federation* (AI Index: EUR 46/001/2003) which detailed various aspects of racism and discrimination by the Russian state. Amnesty International's research demonstrates that in

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<http://www.assembly.spb.ru/manage/page?tid=633200002&action=0&curdate=12.4.2006&nd=458213214>

Postanovlenie Zakonodatel'nogo Sobraniya Sankt-Peterburga Ob Obrashchenii Zakonodatel'nogo Sobraniya Sankt-Peterburga k Prezidentu Rossiiskoi Federatsii V.V. Putinu

Russia, the law enforcement officials and other state officials continue to be responsible for discriminatory practices.<sup>12</sup> This not only results in direct human rights violations by the state, but also impacts on the ability of the state to exercise due diligence in protecting minorities and foreigners from abuses by racist groups.

This document is intended as an update to the report *Dokumenty! Discrimination on grounds of race in the Russian Federation*, focussing on the issue of violent racist attacks. It is not intended to be a comprehensive survey of racism in Russia. The information is based on Amnesty International's ongoing research on the issue as well as two visits by the organization's delegates to the Russian Federation, in March and December 2005.

## **2. The Russian Federation's international obligations**

Racism is an attack on the very notion of universal human rights. It systematically denies certain people their full human rights because of their colour, race, ethnicity, descent or national origin. The right to be free from racial discrimination is a fundamental principle of human rights law. Under international human rights law, states are obliged to combat discrimination in all its forms. They have a responsibility to ensure that laws and institutions of the state address the root causes and consequences of discrimination, and secure adequate remedies for those who suffer violations of their fundamental right to equal treatment.

The Russian Federation is party to several human rights treaties of particular relevance to race-related discrimination. These include the International Covenant on Civil and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women.

The Russian Federation is also a party to the principal UN treaty aimed at eliminating and prohibiting such discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination. States which are party to this Convention have committed themselves to prohibit and eliminate racial discrimination by all appropriate means and to guarantee the right of everyone, without distinction as to race, colour, descent or national or ethnic origin, to equality before the law and to the enjoyment or exercise of their civil, political, economic, social and cultural rights on an equal footing.

The Convention obliges states not only to end discrimination by government officials, but also obliges states to take all appropriate means to prohibit and eliminate racial

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<sup>12</sup> For information about human rights violations which disproportionately affect ethnic Chechens and other ethnic groups in the North Caucasus in the context of the conflict in Chechnya, see AI reports *Russian Federation: Briefing – Torture, “disappearances” and alleged unfair trials in Russia’s North Caucasus* (AI Index EUR 46/039/2005); *Russian Federation, Chechnya: Violations continue, no justice in sight* (AI Index: EUR 46/029/2005), *Russian Federation: The risk of speaking out. Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya* (AI Index: EUR 46/059/2005) and *Russian Federation, Chechen Republic: “Normalization” in whose eyes?* (AI Index: EUR 46/027/2004).

discrimination by any person, group or organization, including to protect people from violence or bodily harm at the hands of private individuals, groups or organizations (non-state actors).<sup>13</sup>

The state may be accountable in a number of different ways for attacks by non-state actors. The UN Convention against Torture establishes the responsibility of the state for acts of torture inflicted “with the consent or acquiescence of a public official”. For example, failure to provide protection against violent attacks may amount to consent or acquiescence in torture.<sup>14</sup>

Under international law, states should also ensure that individuals who seek to monitor, investigate and campaign against racism and intolerance are free to carry out their work without interference, free from harassment and intimidation. Article 1 of the UN Declaration on Human Rights Defenders proclaims: “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.”<sup>15</sup> Article 12(2) of the Declaration requires states “to take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

Under international human rights law, states have an obligation to act with due diligence to prevent, investigate and hold perpetrators accountable for abuses of human rights, including acts by private individuals. This basic principle of state responsibility is established in all the core human rights treaties to which the Russian Federation is a party. The ICCPR and the European Convention on Human Rights, for example, oblige states to ensure the rights set out in those treaties, including the right to freedom from torture and ill-treatment, and to provide an effective remedy for violations of these rights. The UN Human Rights Committee has stated that this obligation extends to acts inflicted by people acting in a private capacity.<sup>16</sup> The European Court of Human Rights has also affirmed that under the European Convention on Human Rights, states are required to take measures to ensure that individuals are not subjected to torture or inhuman or degrading treatment or punishment, including such ill-treatment inflicted by private individuals.<sup>17</sup>

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<sup>13</sup> Article 2(1)(d) and Article 5(b).

<sup>14</sup> Amnesty International considers that acts of violence by private individuals can constitute torture or ill-treatment when they are of the nature and severity envisaged by the concept of torture or cruel, inhuman or degrading treatment or punishment in international standards and when the state has failed to fulfil its obligation to provide effective protection.

<sup>15</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly, 9 December 1998.

<sup>16</sup> Human Rights Committee, General Comment 20, 1992

<sup>17</sup> *A v United Kingdom*, judgment of the European Court of Human Rights, 28 September 1998. <http://hudoc.echr.coe.int/hudoc>.



The concept of due diligence is a way to describe the threshold of effort which a state must undertake to fulfil its responsibility to protect individuals from abuses of their rights.<sup>18</sup> Due diligence includes taking effective steps to prevent such abuses, to investigate them when they occur, to prosecute the alleged perpetrator and bring them to justice through fair proceedings, and to ensure reparation and other access to effective redress. It also means ensuring that justice is imparted without discrimination of any kind. The Committee on the Elimination of Racial Discrimination (CERD) has stated that in relation to racist attacks, state parties to the Convention should “Ensure that non-citizens enjoy equal protection and recognition before the law and in this context, to take action against racially-motivated violence and to ensure the access of victims to effective legal remedies and the right to seek just and adequate reparation for any damage suffered as a result of such violence.”<sup>19</sup>

### **3. Racism and discrimination by the state**

Violent racist attacks by non-state actors must be understood in the context of broader racism and intolerance in Russian society. In late 2005, the polling organization Levada announced that 53 per cent of 1,600 respondents supported the phrase “Russia for the [ethnic] Russians”, while the numbers supporting a limit on immigration were markedly higher than the year before. Another poll, by the Public Opinion Foundation (*Fond “Obshchestvennoe mnenie”*) released in April 2006, found that racist attitudes had decreased since 2002, but that intolerance towards “outsiders” was still at a significant level; over half of the respondents considered that the immigration into their region of “representatives of certain ethnic groups” should be restricted and 42 per cent stated that they would support a decision to “deport representatives of certain ethnic groups” from their region. The majority of respondents (86 per cent) stated that they did not experience any feelings of hostility towards “immigrants from Africa, people with dark coloured skin, who have come to Russia,” but the percentage of respondents stating they did not experience negative feelings in relation to any ethnic group at all was lower, at 75 per cent.<sup>20</sup> In a third poll, conducted in Saratov, 57 per cent of the region’s population felt hostility towards ethnic minorities from the Caucasus region, and 21 per cent felt hostility towards Jews.<sup>21</sup>

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<sup>18</sup> The standard of due diligence was applied by the Inter-American Court of Human Rights in its judgment in 1988 on the Velásquez-Rodríguez case: “An illegal act which violates human rights and which is initially not directly imputable to the State (for example, because it is an act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention.” This standard has been incorporated into international instruments and elaborated on by human rights experts and mechanisms of the UN as well as by national courts.

<sup>19</sup> CERD General Comment 30, UN Doc CERD/C/64/Misc.11/rev.3, paragraph 18

<sup>20</sup> Public Opinion Foundation, *Natsionalisticheskie nastroyeniya v segodiashnei Rossii*, 20 April 2006, accessed at <http://www.fom.ru/topics/1133.html>

<sup>21</sup> Poll by Saratov Business Consulting news service, April 2006. Cited in Union of Councils for Jews in the Former Soviet Union

## Discrimination by law enforcement officials

Amnesty International research shows that while anyone, including ethnic Russians, can be a victim of human rights violations at the hands of the police, ethnic minorities, in particular from the North Caucasus and Central Asia, and migrant workers can be particularly vulnerable to violations such as extortion, arbitrary arrest, and torture and ill-treatment. Migrant workers who are in the Russian Federation without adequate documents are made vulnerable by their uncertain legal status, and in consequence suffer a lack of access to means of redress, or can be threatened with deportation should they pursue a complaint. Roma are another particularly vulnerable group due to deep-set prejudices and negative stereotypes and the fact that they are very visible as a minority group. The continuing conflict in Chechnya means that ethnic Chechens are vulnerable to general prejudice as well as more targeted accusations of “terrorism”; Russian NGOs have recorded a pattern of fabricated criminal cases of “terrorism” brought against ethnic Chechens, targeted because of their ethnicity.<sup>22</sup>

In 2003 in its concluding observations, the CERD stated that it was “concerned about numerous reports that residence registration is used as a means of discriminating against certain ethnic groups, and that the lack of residence registration is used to deny a number of political, economic and social rights.” CERD also stated that it was “concerned at reports of racially selective inspections and identity checks targeting people from specific minorities, including those from the Caucasus and Central Asia and Roma people.” CERD recommended the state party take immediate steps to stop the practice of arbitrary identity checks by law enforcement authorities.

However, Russian human rights organizations, including Memorial and Moscow Helsinki Group, report that the residence registration system continues to be implemented in a discriminatory fashion. Members of ethnic minorities and those whose appearance is not “typically Russian” are vulnerable to spot-document-checks, as so-called “counter-terrorist” measures or for the purposes of extortion by police. These document checks can lead to arbitrary arrest, extortion and other abuses. A monitoring project by a human rights organization in 2005 found that people of non-Slavic appearance are on average 21 times more likely to be stopped and asked for their documents than individuals of Slavic appearance, when travelling on the Moscow metro.<sup>23</sup> Ethnic Chechens are under a particularly high degree of surveillance, which has been well-documented by Memorial.<sup>24</sup> Amnesty International is aware of numerous instances when colleagues - Chechen lawyers and human rights activists - have been stopped in Moscow to have their documents checked and have been taken to the nearest police station to “verify their identity”. The frequency of such checks amounts to harassment, even on occasions when no attempt has been made to extort money from the

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<sup>22</sup> Memorial Human Rights Center, “Migration Rights” Network, *On the Situation of Residents of Chechnya in the Russian Federation, June 2004-June 2005*, Edited by S. A. Gannushkina, Section 6, accessed at

[http://www.refugee.memo.ru/For\\_ALL/NEW\\_NSF/\\$ID/202D6A63322E1173C32570850078E777](http://www.refugee.memo.ru/For_ALL/NEW_NSF/$ID/202D6A63322E1173C32570850078E777)

<sup>23</sup> “Special report: Snow in Russia. A Winter's Tale”, *Economist*, Vol. 378, number 8465, February 18th-24th 2006, page 22-24.

<sup>24</sup> Memorial Human Rights Center, “Migration Rights” Network, *On the Situation of Residents of Chechnya in the Russian Federation, June 2004-June 2005*, Edited by S. A. Gannushkina

person. There is allegedly an internal instruction for local police officers in Moscow to make weekly visits to residencies where ethnic Chechens are living. An activist at a Moscow-based NGO, who has ethnic Chechens living and registered at her Moscow home, told Amnesty International that her local police officer (*uchastkoviy*) had told her he was required to visit her each week because she had Chechens registered at her home.

Such checks have increased after terrorist attacks in Russia. For example, according to Memorial, on 15-16 September 2004, that is immediately following the hostage-taking in Beslan, North Ossetia, the Moscow police launched an operation called "Migrant". During the operation people in hotels, markets, hostels and other places frequented by migrant workers had their documents checked. During the course of two days, over 16,000 people were detained and out of them, 11,316 had been detained for violating the passport regime.<sup>25</sup> Following other terrorist attacks in Moscow, the district police officers have methodically visited the homes of all the ethnic Chechens registered in their area, simply on the basis of their ethnicity.

Undocumented migrant workers, many of whom are from Central Asian countries, are another group particularly vulnerable to extortion, arbitrary detention and ill-treatment in detention, all due to their lack of documentation.<sup>26</sup>

*According to reports, "Bakhrom", an ethnic Tajik man working as a chef was detained by police along with two other ethnic Tajiks on New Year's Eve 2004. They were on their way home from a friend's house in St Petersburg. Allegedly, the police were drunk at the time, and detained the men in order to extort money off them. The police took the three men to the 15<sup>th</sup> police station in the Kalininskii district of St Petersburg and put the men in the "sober up" cells. Allegedly the police set fireworks off in the cells to frighten the men and beat "Bakhrom" as he started to complain. The beating was so severe he reportedly lost consciousness. However, rather than call for medical assistance, the policemen then reportedly told the other two to take the unconscious man out of the police station. The two men took "Bakhrom" to the 3<sup>rd</sup> city hospital and he was admitted on 1 January 2005 and stayed there until 3 January. He had reportedly sustained a head injury and other injuries to his body. According to his lawyer, the Procurator refused to open a criminal case into the alleged beating.*

*Also in St Petersburg, police reportedly visited a market on Sennaya Square and detained Yunus Sulonov, and two or three other Tajik workers, for not having proper documentation in February 2005. Yunus Sulonov is the father of Khursheda Sulonova, the 9-year-old Tajik girl who was murdered in February 2004 in St Petersburg (see page 21). The police reportedly took the men to police station No. 1 of St Petersburg in Admiralteiskii district. The police released the other Tajik workers allegedly after they gave the police a*

<sup>25</sup> Memorial, *Diskriminatsia po etnicheskomu priznaku v Moskve i Moskovskoi oblasti v 2004g.* <http://www.memo.ru/hr/discrim/small/5diskr01.htm>

<sup>26</sup> The International Organization for Migration (IOM) estimated there to be approximately 1.7 million regular and irregular migrant workers in the Russian Federation from Central Asia in August 2005. The IOM estimated that of these, 600 000 were Tajik nationals working without work permits in Russia.

*bribe. However, Yunus Sultonov allegedly refused to give the policemen a bribe and instead showed them a document issued by the Procurator's office that showed he had the right to be in St Petersburg in connection with the investigation into his daughter's murder. Allegedly the police nevertheless continued to hold him in detention for 24 hours and he was only released following the intervention of the head of a Tajik organization in St Petersburg. Since then he has been detained three times; on each occasion he has been released when a representative from the procurator's office has telephoned the police station.*

Reportedly, some small steps have been taken on a local level to attempt to address the problem of stopping and checking documents. In Moscow, in 2003 an order by the Moscow City Department of Internal Affairs was reported to have been issued to Moscow police forbidding them to stop people and request to see their documents, without having sufficient reason.<sup>27</sup> However, according to human rights groups this did not have much effect on the behaviour of police officers. In Voronezh, following the murder of Amaru Antoniu Lima, the Voronezh City Department of Internal Affairs issued an instruction to the police unit responsible for patrolling the city streets to ensure that their behaviour towards foreign students was "respectful".<sup>28</sup> And according to a member of the Tajik community in St Petersburg, the authorities in St Petersburg have become more active in investigating alleged police extortion of ethnic Tajiks in the city, following a recent high profile case in which three police officers were convicted and imprisoned for the assault of two Tajik students and extortion in February 2005.

Police operations have also singled out Roma for police attention purely on the basis of their ethnicity.

*On 20 May 2004 the St Petersburg police launched "Operation Tabor" ("Operation Gypsy Camp") ostensibly to crack down on theft and begging and make the streets safer for tourists. Police carried out checks of registration papers, and several hundred people were reportedly detained. Reportedly, they were mainly Roma, but included some Tajiks and Ukrainians. Amnesty International was seriously concerned that such an operation targeted and criminalized an entire ethnic group, and could lead to disproportionate numbers of Roma people being arrested and subjected to torture or other ill-treatment while in custody.<sup>29</sup>*

*On 21 May 2004, three uniformed men thought to be police officers reportedly raided a settlement of Roma in the Obukhovo district on the outskirts of St Petersburg. They reportedly ordered the Roma to leave the settlement immediately, and fired in the air. They reportedly stole money from some of the Roma. Allegedly, the officers then set fire to two huts, where Roma including pregnant women and children were living. In the early hours of 26*

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<sup>27</sup> Memorial, *Diskriminatsia po etnicheskomu priznaku v Moskve i Moskovskoi oblasti v 2004g.* <http://www.memo.ru/hr/discrim/small/5diskr01.htm>

<sup>28</sup> Meeting with Viacheslav Bezborodov, Acting head of Voronezh GUVd, 20 December 2005

<sup>29</sup> A similar operation was launched in Moscow in March 2002, also called "Operation Tabor", in which police had detained 140 Roma without registration papers and expelled them from Moscow Region. According to Russian newspapers, from 10-24 July 2002 a further 1,695 Roma without registration documents had been detained in an operation called "Tabor-2".

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May, the same officers reportedly detained Romani women and children near Obukhovo and threatened to burn their homes and expel them from the settlement. The Romani settlement in Obukhovo was reportedly left deserted, after which all the homes were burnt down. Some Roma were reportedly arrested following the raid, others appear to have left the area.

According to the European Roma Rights Centre (ERRC), Mr Bogdanov, Head of the Administrative Committee of St Petersburg's Governor's Office, stated in a letter to them dated 19 July 2004 that "information submitted by the ERRC about persecution of the Roma on the basis of nationality has not been objectively confirmed". The ERRC had written to the St Petersburg authorities in connection with "Operation Tabor", urging them to terminate the policy of ethnic targeting during police operations.<sup>30</sup>

Reportedly, no investigation into the legality of the police operation has been opened by the office of the procurator at any level. However, St Petersburg officials have reportedly unofficially expressed concern at the apparent racist name of the operation.

In custody, ethnic minorities and foreign nationals can be especially vulnerable to torture and other ill-treatment, as well as racist abuse.

Senyo Adzokpa, a Ghanaian living in Moscow, was arrested in Moscow on 28 April 2005 on charges of preparing or selling forged official documents (Article 327 of the Russian Criminal Code), and taken to a pre-trial detention centre in the city of Ivanovo. There he was reportedly tortured including being beaten repeatedly, pressured to sign a confession by being placed in a punishment cell and threatened with rape, and subjected to racist abuse, including being called names by some of the guards such as "black monkey". When he asked them why they spoke to him this way, they allegedly answered, "How else should we talk to a nigger?"

Amnesty International is also aware of cases of ethnic Chechens convicted and serving out their sentences in prison colonies who are particularly vulnerable to torture and other ill-treatment, and violence from other prisoners.

## **Discrimination and economic, social and cultural rights**

Members of ethnic minorities can face discrimination in their enjoyment of economic, social and cultural rights. Roma are one group particularly vulnerable to such discrimination. A Romani man at the Roma settlement in Peri, near St Petersburg, described the differences in provision from the state in terms of basic services such as access to clean water, health care and schooling for people living in his community. He told Amnesty International "We are not considered to be people. We're like a completely separate state".<sup>31</sup>

*Members of a family of Roma, who moved to the region of Arkhangelsk in North-West Russia, are facing eviction from their houses and from their land reportedly as a result of*

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<sup>30</sup> ERRC, "In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia", May 2005

<sup>31</sup> See also ERRC, "In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia", May 2005

*discriminatory interpretation of legal rules and what seems to be a policy of racial discrimination against Roma by the current mayor of the city of Arkhangelsk.*

*The Roma moved to Arkhangelsk from Volgograd in 2004, where they rented a piece of land from the city administration and started building temporary houses. Reportedly, the rental contract for the land did not include permission to build the houses although an amendment to the contract was reportedly being negotiated at that time. During a mayoral election campaign in 2004, an opposition candidate made a promise that he would get rid of the Roma in the city, and accused the incumbent of taking bribes from the Roma. To counter these corruption allegations the city authorities began legal proceedings to evict the Roma from the land, citing the fact they had started building houses as reason. However, the Lomonosvkii district court in Arkhangelsk ruled in December 2004 that while the houses were built without explicit permission, this was not a lawful basis on which to annul the rental contract.*

*When the opposition candidate was subsequently elected as mayor of Arkhangelsk in March 2005, he reportedly started proceedings in order to evict the Roma from the land and for their houses to be destroyed. The city authorities now claimed that as the previous city administration had failed to follow proper procedures of consultation when granting permission to the Roma to use the land, the contract to occupy the land was invalid. In summer 2005 a court found that the Roma had to destroy their houses as they were built without permission. Reportedly the Roma community decided to pay the fines for failing to implement the court's decision rather than destroy their houses, and refused to leave the land. The city administration also began legal proceedings against individual Roma to force them to destroy their homes, although one decision in favour of the local authorities by a lower court was overturned on appeal.*

*The mayor of Arkhangelsk reportedly then started a campaign to collect money in order to charter a flight back to Volgograd for the community. Claiming that the conditions in the North-West of the country were unsuitable for the Roma community and that they wished to go back to Volgograd, he started collecting money which was supposed to be donated to the Roma, approaching local business men and even the ombudsperson for human rights of Arkhangelsk region for a donation, although she has publicly been very critical of the discriminatory policy of the local authorities.<sup>32</sup> Reporting on this issue in some of the local media was extremely racist, branding Roma as criminals and worse. In autumn 2005, the city administration and the Roma reportedly reached a verbal agreement that the Roma would be allowed to stay in their houses over the winter months, if they left by 1 March 2006. According to information available to Amnesty International, the Roma were living in their homes at the time of writing of this report, but their future was unclear.*

*In addition, reportedly several members of the Roma community had been fined for failing to produce a valid registration for their place of residence. Amnesty International is aware of reports that residential registration is very often denied to Roma and members of some other ethnic minorities, such as Chechens, on an arbitrary and illegal basis.<sup>33</sup>*

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<sup>32</sup> Dvinainform, "Nadezhda Akhramenko: Tsygane nakhodiatsia v tiazhelykh usloviakh vyzhivaniya" <http://www.dvinainform.ru/news/2005/12/01/36334.shtml>

<sup>33</sup> See also Vesti.ru, "Tabor ukhodit za tri milliona", <http://www.vesti.ru/comments.html?id=42449>

## Citizenship issues

In 2003 in its concluding observations, the CERD stated that it was “concerned about consistent reports of discrimination against Meskhetians in Krasnodar Krai, including arbitrary denial of residence registration and of formal recognition of citizenship.” However, the authorities in Krasnodar Krai continue to deny residence registration and formal recognition of citizenship, in defiance of federal law and court rulings including of the Supreme Court. There are other ethnic groups where many members of these groups were similarly denied formal recognition of their citizenship and registration on discriminatory grounds in Krasnodar Krai. These include Hemsils (considered to be Islamicized Armenians), Kurds, Yezids (a group that speaks Kurdish but professes a syncretic religion), Batumi Kurmanj (also known as Batumi Kurds), and Armenians from Azerbaijan. Authorities in other regions such as Rostov region, Stavropol Krai and the Republic of Kabardino-Balkaria are also thought to have denied formal recognition of citizenship and registration to individuals from ethnic minorities on discriminatory grounds.

CERD in its General Comment 30 stated that State parties to the Convention should “Ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization, and to pay due attention to possible barriers to naturalization that may exist for long-term or permanent residents”.<sup>34</sup>

## 4. Racist attacks by non-state actors

### Failure to protect ethnic minorities and foreign nationals from violent racist attacks

*Twenty-year-old Vu Anh Tuan, a Vietnamese student at the St Petersburg Polytechnic University, was stabbed to death on 13 October 2004 as he was walking to a metro station in the city. His attackers were reportedly a group of about 18 youths with shaved heads, wearing black boots and black clothes. A criminal case was opened under Article 105 part 2 of the Criminal Code (murder carried out by a group). Students in St Petersburg organized demonstrations and meetings to protest against what they viewed as the authorities’ failure adequately to address the wave of racist violence in the city.*

Under Russian law, the mission of the police force is to defend the life, health, rights and freedoms of citizens, property, and the interests of society and the state from criminal and other illegal attacks.<sup>35</sup> Securing the safety of individuals, guarding public order and securing public safety are some of their main tasks under law.<sup>36</sup> The Department for the Fight against Organized Crime and Terrorism and the police department for public safety (*militsia obshchestvennoi besopaznosti*, MOB) are the branches of law enforcement that are in charge

<sup>34</sup> UN Doc CERD/C/64/Misc.11/rev.3, paragraph 11

<sup>35</sup> Federal law “On the Police” (*O militsii*), Article 1

<sup>36</sup> Federal law “On the Police” (*O militsii*), Article 2

of monitoring the activity of “extremist groups”.<sup>37</sup> In addition, special units have been set up under the Department for the Fight Against Organized Crime and Terrorism with a remit to study and research youth extremism. Amnesty International was told of such special units having been established in St Petersburg and Moscow.<sup>38</sup>

However, the police and the authorities are failing in their duty to provide adequate protection to foreign nationals and ethnic minority groups. In some cases the authorities have failed to provide an adequate level of policing in areas known to be areas of attack; in other cases, the police are alleged to have stood by and watched an attack, rather than intervene.

*A Romani woman who used to travel into St Petersburg to tell fortunes told Amnesty International in March 2005 that she had been attacked by “skinheads” only the previous week, and that attacks, using bottles and baseball bats, had become so frequent at the outlying metro stations – almost daily – that she had decided no longer to travel into the city. She said that police and passers-by do not help, even when children were being attacked.*<sup>39</sup>

According to students and the police in Voronezh, policing of areas where foreign students live has been increased in recent months. However, this only provides limited protection; it does not increase the protection for foreign students when in other areas of the town, and does not provide protection for those foreigners and minorities who are not living in the student areas. Foreign students in Voronezh take care when walking on the street not to attract attention to themselves by talking loudly in their language, and try to avoid areas notorious for attacks, such as near the train station.<sup>40</sup> When Amnesty International met with African students and asylum-seekers in Moscow and St Petersburg in March 2005, they avoided going out after dark and one covered his face with a scarf so his skin colour was less conspicuous to passers-by.

Increased policing has failed in many cases to provide increased protection to those at risk of racist attack.

*In the early hours of 24 November 2003, a fire swept through dormitory block six of the Russian People’s Friendship University in Moscow, killing 42 people. Up to 200 other students received injuries, with some 100 hospitalized for extended periods. The Russian People’s Friendship University has a large number of students from Africa, Asia and Latin America, and the predominance of students from foreign countries on and around the university campus has meant that it has frequently been targeted by racist gangs, despite an increased police presence on the university campus.*

*Most of the students interviewed by the Moscow Protestant Chaplaincy following the fire expressed a belief that the fire itself was “a racially-motivated act of arson”. The fire*

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<sup>37</sup> Meeting with Acting Director of the 2<sup>nd</sup> Section at the St Petersburg GUV, 11 March 2005, and meeting with Viacheslav Bezborodov, Acting head of GUV Voronezh, 20 December 2005

<sup>38</sup> Meeting with Aleksandr Brod of the Moscow Bureau of Human Rights, 5 March 2005

<sup>39</sup> Conversation at Roma settlement at Peri, Leskolovskaya sub-district, Vsevolozhskii district, Leningrad region, 12 March 2005

<sup>40</sup> conversation with students in Voronezh, 20 December 2005



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came after weeks of racist assaults on students, bomb threats at several neighbouring dormitories and other suspected arson attacks. In the week prior to the blaze and in early December several neighbouring dormitories received bomb threats which resulted in students having to evacuate buildings. Four days after the fire, six students (four Jamaicans and one Columbian national) sustained serious injuries after being attacked by a gang of "skinheads" on the university campus. Two of the victims were female and several of the victims were hospitalized.

Victims' accounts of the rescue operation suggested that the response of the emergency services to the recent fire at the Russian People's Friendship University in Moscow was hampered by racial prejudice. Amnesty International received credible reports from the Task Force on Racial Attacks and Harassment of the Moscow Protestant Chaplaincy and the Association of African Students at the University which alleged that the emergency services responded sluggishly to news of the blaze. Contrary to official reports stating that the emergency services were on the scene within minutes, many students have contested this version and condemned the way in which the rescue operation was conducted.

Numerous students reported that ambulances and fire services arrived between 30 minutes and one hour after they were alerted to the fire. By the time the fire-fighters arrived on the scene, many students had already been forced to throw themselves from dormitory windows - some from as high as the fifth floor. A number of students reported that ambulance personnel tried to extort money from foreign students before taking them to hospital. Some have also stated that medical personnel chose to transport "their patients" (ie. ethnic Russians) to hospital first. There were also claims that victims, both injured and deceased, were handled roughly and inappropriately by fire-fighters and medical personnel at the scene.

Following the fire, the rector of the university resigned and the chief fire inspector for the south-west district of Moscow - where the university is situated - was charged with negligence due to the lack of safety precautions and numerous health and safety violations that were in evidence at the dormitory and throughout the student accommodation at the university.

## **Failure to protect anti-racism campaigners and experts**

Organizations and individuals in Russia researching and campaigning against racism, discrimination and other forms of extremism have become targets of violence. Amnesty International has received numerous reports of threats, physical assaults and in some cases, murder, of individuals working against racism, where the authorities have failed to take steps to protect them, knowing they were under threat.

Human rights defender Dmitrii Kraiukhin received numerous death threats during 2004 and 2005, which seemed to be in connection with his participation in the trial of a neo-Nazi organization in Orel, western Russia. Dmitrii Kraiukhin is the head of the NGO "United Europe" in Orel, western Russia, particularly well-known for its work to combat racism through opposing the activities of extreme nationalist organizations. In June 2003, Dmitrii Kraiukhin complained to the prosecutor's office in Zavodskii district of Orel about the

activities of an organization called Russian National Unity (known by its Russian abbreviation RNE) in connection with alleged acts of vandalism and the distribution of anti-Semitic material. As a result of his complaint, a criminal case was opened which led to two members of this organization being charged with offences under Article 282 of the Russian Criminal Code "incitement of national, racial or religious enmity". The court hearing began in May 2004 with Dmitrii Kraiukhin as the chief witness, and ended in June 2005 with the conviction of the two members under Article 282. The court sentenced them to suspended sentences.

In February 2004, when the investigation was completed, the Zavodskii district prosecutor reportedly disclosed to the RNE all the case material, including the contact information of all the case experts and witnesses. Following the receipt of this information, RNE activists began distributing leaflets in Orel and other cities across central Russia accusing Dmitrii Kraiukhin of "heresy" and publicizing his home telephone number and address. This was also publicized on the internet by the "Slavic Union" ([www.demushkin.com](http://www.demushkin.com)) with the caption "Know Your Enemy" emblazoned across the photograph. Thereafter he has received numerous telephone calls, letters and emails threatening that he should not stand as witness in the court hearings. The latest was reportedly a letter posted to his home address in March 2005. Amnesty International has the text of an email threat received in January 2005. It states "Are you still alive, filth? Then know that one day we will come for you, we will knock on your door and we will take you to where we will put you on trial, and I personally will cut off your head and send it to your relatives. We will force you to live like the lowest 'untermensch' [sic] that you are."

Dmitrii Kraiukhin has repeatedly requested that the Zavodskii district court provide him with witness protection due to the threats to his safety. Dmitrii Kraiukhin has told Amnesty International that his requests have been denied. According to Dmitrii Kraiukhin, there has not yet been any effective investigation into the threats against him. The Sovietskii district police department (ROVD) opened an investigation in June 2005 into another threatening letter posted in May to Dmitrii Kraiukhin at the United Europe address, but, according to Dmitrii Kraiukhin, the police suspended the investigation almost immediately without having taken any steps to investigate the threat.

In a recent development on 24 March 2005, activists from the "United Europe" NGO and the Youth Human Rights Group were attacked and beaten while distributing leaflets advertising an anti-racism demonstration in Orel. It is not known if any arrests have been made in connection with the attack.

The St Petersburg branch of the NGO Memorial, which works on racism and discrimination issues in particular in relation to Roma, is also facing harassment and its staff members have been physically assaulted by unknown assailants. In 2003, one of the organization's offices was broken into, two staff members were locked up and a computer was stolen containing staff contact details. Subsequently the head of an NGO based in the Memorial offices, the Northwest Center for Social and Legal Protection of Roma, Stephania Kulaeva, started receiving anonymous threatening phone calls, and has had a swastika painted on the door of her apartment. Stephania Kulaeva told Amnesty International that she submitted complaints about the threats to her local police station (38<sup>th</sup> police station on

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*Obvodnii Canal) but they refused to open a criminal investigation into the threats. Moreover, Stephania Kulaeva thinks that the Petrogradskii district police, during the course of the investigation into the murder of Professor Nikolai Girenko (see page 23 below), have also listened to her home telephone while she was receiving threatening phone calls, to try to find more information about extremist groups; but they also have refused to open a new criminal investigation into the threats.*

*On 18 February 2005, another staff member at the second of the organization's offices in St Petersburg, Emmanuil Poliakov, was badly beaten and kicked while on security duty at the office. He continued to be kicked while unconscious. As a result of the assault he lost an eye. According to St Petersburg Memorial, during the attack equipment and files of the organization were destroyed and overturned. The chairperson of St Petersburg Memorial, Vladimir Schnittke, has been assaulted twice. The first time he was assaulted was on 14 August 2003 when his computer and address book were stolen. A man known to be the head of a local extremist group was convicted of the attack and given a 5 year suspended sentence in June 2004. Vladimir Schnittke was assaulted a second time on 11 December 2004 when he was hit on the head from behind by the entrance to his building. He was hospitalized with concussion and had his laptop stolen. According to Stephania Kulaeva, the police have failed to take even basic steps to ensure the safety of the organization and its staff.<sup>41</sup>*

*Boris Maksovich Kreindel heads the non-governmental organization Commission for Human Rights Tomsk Region (Commission). Boris Kreindel has been working with many Russian and international human rights organizations, including Amnesty International. Among other activities he coordinated a human rights education programme in Tomsk. He also took up the case of the Roma community in the town of Iskitim, Novosibirsk region, which had been subjected to arson attacks in 2004 and 2005. In a series of incidents in December 2004, and January, February, April and May 2005, houses belonging to Roma in the town of Iskitim, Novosibirsk region, were burnt down. An incident on 14 February 2005 was particularly serious, when two dozen individuals attacked and torched several houses. According to reports, the attackers managed to destroy around 10 houses in the course of the attack. It has been alleged that during the incident, despite clear and evident awareness that the attacks were ongoing, law enforcement officials and municipal authorities did nothing to prevent them. Furthermore, it is alleged that on this occasion, fire engines and ambulances were denied access to the burning houses by police vehicles which reportedly blocked the way. The series of attacks forced around 400 people to leave their homes.*

*Boris Kreindel appealed to the local authorities as well as to national human rights bodies and international human rights organizations to intervene in this case, as the local police had failed to react to the incidents. Amnesty International and other human rights organizations wrote to the Russian authorities and urged them to conduct a full and thorough investigation into the attacks, called for those found guilty to be brought to justice, and urged them to take steps to prevent and protect the Romani community from such abuses in the future. In a detailed response to Amnesty International the office of the procurator of*

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<sup>41</sup> See also The Observatory, "Russian Federation: Attacks on human rights defenders in Saint Petersburg: Russian authorities guilty of negligence", February 2006

Novosibirsk region listed steps the authorities had undertaken following information on the incidents in Iskitim received from Boris Kreindel. The procurator stated that criminal investigations had been opened into the incidents and that seven people had been detained. The procurator's office outlined further steps being taken to oversee the work of the local police in Iskitim and to discipline police officers for failing to react adequately to the crimes.<sup>42</sup> Possibly due to Boris Kreindel's campaign on behalf of the Roma, 17 persons were eventually charged in relation to the arson attacks, seven of whom were taken into custody, while the other ten were still being sought. The charges did not cite racial motivation. The investigator in the case is reported to have stated that the motivation was greed, and the attackers had chosen Roma victims as they were "less likely to report the crimes to the police".

On 16 December 2005 the Russian newspaper *Izvestiia* published an article on drug abuse which alleged that Roma were often involved in drug trafficking. Because of his work in defence of the Romani community in Novosibirsk, the article described Boris Kreindel as someone who gave legal advice to drug dealers. On 4 March 2006 Boris Kreindel found leaflets in the entrance to the building where he has his office, which included a picture of him and quotes from the *Izvestiia* article. At the time he took no action, as he knew that his work in defence of the Roma was unpopular, and the leaflets did not appear unduly menacing. But on 10 March more leaflets appeared near his office and elsewhere in the city, this time with a picture of his 16-year-old daughter Elena. The leaflets gave her date of birth, and said that in 2006 she would die of drug abuse. Boris Kreindel went to the police and asked them to investigate; the police refused to take any action.

A local newspaper wrote about the leaflets and the work of the Commission. Many people from the region then called Boris Kreindel to express their support for the Commission and their concern for him and his family.

### **Failure to recognize race hate motivation in criminal proceedings against suspected perpetrators, problems in prosecutions**

The Russian Criminal Code allows for any crime to be prosecuted with an aggravating circumstance of racial hatred, under Article 63 part 2 e. In addition, the specific articles for murder (Article 105), deliberate infliction of grave bodily harm (Article 111) and deliberate infliction of moderate bodily harm (Article 112) specifically include motivation of racial hatred as a qualification increasing the punishment. A further article, "incitement of enmity or hatred, and likewise demeaning human dignity" (Article 282) criminalizes the incitement of racial hatred. Part 2 a of this article qualifies the incitement if it included violence or the threat of violence.

While there are no comprehensive statistics, there seems to be only a tiny number of prosecutions and convictions which include racial hatred or enmity as a motivating factor,

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<sup>42</sup> Letter from Novosibirsk regional procuracy, 24 October 2005

notwithstanding a recent small increase.<sup>43</sup> The Sova Information-Analytical Centre reported that in 2003 there were only three known criminal cases in which individuals had been convicted under charges citing racial hatred or enmity as a motivating factor in the crime; in 2004 there were eight such cases and in 2005 there were 16 cases.<sup>44</sup> Despite these possibilities provided by Russian legislation to include race hate motivation in the charges, this frequently does not take place. The police and prosecution authorities either fail adequately to investigate the alleged racial motivation of crimes, or classify the attacks as so-called “hooliganism”.

*Dzhanar-Ali Uspaevich Amadaev, born in 1965, is an ethnic Chechen farmer who has lived for many years in Likhanovo village, Kurgan region, in the southwest of Siberia. He was assaulted on 18 May 2002 by a group of 10 men in the village of Chastoozerie, Kurgan region, who beat him with a baseball bat and shot him twice, once in each leg. Dzhanar-Ali Amadaev sustained serious leg wounds, a broken arm, and was hospitalized.*

*The assault followed a worsening in relations between the Chechen community and the ethnic Russian community in Chastoozerie, sparked by a fight between an ethnic Chechen man and an ethnic Russian man the previous month, and fuelled by racist anti-Chechen leaflets distributed by the local branch of the RNE organization. Reportedly, on the morning of 18 May, an elder from the Chechen community had contacted the head of the local government administration, informing him of possible violence between the two groups and requesting police assistance to prevent violence. Reportedly, the local procurator and head of police were immediately informed of the request. However, instead the majority of police officers were sent to Kurgan 200 km away, for a medical examination, leaving only a handful of police in the village.*

*Other Chechen men from the village hid in the woods near the village on instructions from the elders in an effort to avoid further violence. Reportedly, at midnight a group of law enforcement officers in masks detained them and took them to the district police station where they were beaten. Allegedly, an influential ethnic Russian man was also at the police station and is alleged to have said “now do you understand who is the boss here?” The following morning police searched all houses belonging to Chechens and took their fingerprints. Reportedly, no such actions were taken in relation to the ethnic Russians in the area.*

*While a criminal investigation was opened into the assault of Dzhanar-Ali Amadaev (under Article 111 of the Criminal Code), according to his lawyer the investigation was ineffective and was subsequently suspended. Moreover, despite a clear indication of a racial*

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<sup>43</sup> According to NGOs the statistics of convictions which are made available by the office of the General Procurator do not give details of which qualifying factors were included in the conviction. For example, the official statistics for convictions of murder, under Article 105 of the Criminal Code, do not give details as to what, if any, the motivation for the murders was recognized as being. Qualifications are listed under Article 105(2). Thus, it is not possible to determine the number of convictions for murder with the ‘motivation of national, racial or religious hatred or enmity’, which is under point (1) of Article 105(2). This makes it difficult to find out the total number of prosecutions and convictions for racially motivated attacks in the Russian Federation.

<sup>44</sup> Galina Kozhevnikova, *Radical Nationalism in Russia and efforts to counter it in 2005*, Sova Information-Analytical Centre, 6 February 2006, [http://xeno.sova-center.ru/29481C8/6CEEC08#\\_ftn38](http://xeno.sova-center.ru/29481C8/6CEEC08#_ftn38)

*component in the crime, the investigators have refused to include racial hate motivation in the investigation. Moreover, reportedly the authorities have refused to open a criminal investigation into the alleged beating of the 28 men in police detention on the night of 18 May or the distribution of racist anti-Chechen leaflets by the RNE.*

*Amaru Antoniu Lima, a medical student from Guinea-Bissau, was stabbed to death in February 2004 by a gang in Voronezh. Immediately following the murder, police officials in Voronezh reportedly denied that the attack could be racially-motivated on the basis of the fact that the assailants "had hair" – i.e. could not have belonged to a "skinhead" group. On 18 March 2004, three young men aged 16, 19 and 21 were reportedly detained in connection with the murder. However, the following day, when one of the suspects confessed in court that the suspects had decided to go and "kill a black" out of boredom on the day of the murder, the investigation was reclassified to include racial motivation and the three young men were subsequently convicted and sentenced to between nine and 17 years in prison in September 2005.*

*Following an attack in Moscow in April 2006 on Zaur Tutov, Minister of Culture of Kabardino-Balkaria, the Office of the Procurator General announced publicly that it had ordered the local Moscow procurators to include in the investigation the fact that the attack was racially motivated. Immediately following the attack the Moscow procuracy had announced that they had no evidence to suggest the attack had been motivated by racial hatred, and classified the attack as "hooliganism". However, Zaur Tutov and witnesses had made statements that the attackers had shouted racist slogans such as "Russia is for Russians!" when they attacked him. Zaur Tutov was hospitalized with a fractured cheekbone, concussion and bruises.*

Criminal "hooliganism" is set out in the Criminal Code as "flagrant violation of public order expressed by a clear disrespect for society accompanied by the application of weapon or articles to be used as a weapon" and carries a sentence of up to five years, or seven if "committed by a group of persons by prior collusion or by an organized group, or connected with resistance to a representative of power or other person performing duties with regard to the protection of public order or suppressing a violation of public order".<sup>45</sup> This definition of "hooliganism" informs the interpretation of "hooligan motives" included as a qualification to the articles concerning the crimes of murder and assault.

Even in cases where the prosecuting authorities acknowledge a possible racial intention of a murder, there are cases where the motivation of the other alleged participants in an attack is not considered in the charges.

*On 25 March 2004 Abdul Wase Abdul Karim, a 28-year-old asylum-seeker from Afghanistan, was walking near the Chertanovskaia metro station in the south of Moscow. Moments later, a group of "skinheads" set upon him and began to viciously beat him with metal bars in an alleged race hate attack. Six days later, Abdul Wase Abdul Karim died in a Moscow hospital – he had not regained consciousness.*

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<sup>45</sup> Article 213 of the Criminal Code

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*Abdul Wase Abdul Karim had fled his home town of Herat in Afghanistan in May 1998. A member of the Afghan Tajik minority, he fled the Taliban regime in 1995. Roughly two years after his arrival in Russia, Abdul Wase Abdul Karim was registered with the office of the UN High Commissioner for Refugees (UNHCR) in Moscow. Soon after this, he was given a "pre-registration" number by the Federal Migration Service in Moscow although, at the time of his death, he had not yet entered the procedure for obtaining full refugee status. According to reports, Abdul Wase Abdul Karim had a Russian common-law wife and a three-month-old daughter.*

*An investigation into the assault on Abdul Wase Abdul Karim was initiated immediately after the attack under Article 111 part 1 of the Criminal Code – "deliberate infliction of serious bodily harm". Following his death, the investigation was requalified by the Chertanovskaia District Procuracy under Article 111 part 4 of the Criminal Code – "the deliberate infliction of serious bodily harm by a group of persons, motivated by hooliganism, resulting in death". Despite the alleged racial motivation of the attack, the murder was qualified as being motivated by "hooliganism" rather than "national, racial or religious hatred or enmity".*

*UNHCR informed Amnesty International in June 2005 that a district court convicted three people of the murder of Abdul Wase Abdul Karim on 14 October 2004, and sentenced two of them to seven years' imprisonment and the third to eight years' imprisonment. The Moscow City Court reportedly upheld the convictions. Two of those convicted were minors (born in 1988), and had already been convicted of "hooliganism" under Article 213 of the Criminal Code. While the court decision mentions that these two minors are members of a so-called "skinhead" group, the charges had not formally acknowledged the racist nature of the murder.*

In some cases where a group of people has committed a violent assault, one individual has been singled out from the rest by the investigation and charged with assault or murder, sometimes with recognition of racial motivation. However, the actions of the others in the group who participated in the attack are charged with a much less serious crime such as "hooliganism".

*Khursheda Sultonova – a nine-year-old girl of Tajik ethnicity – was living with her family in St Petersburg when she was brutally murdered in a racist attack on 9 February 2004. At around 9pm, Khursheda Sultonova was returning to her home in St Petersburg with her father Yunus Sultonov and her 11-year-old cousin Alabir Sultonov. As the Sultonov family reached the courtyard by their home they were set upon by a gang of youths carrying knuckledusters, chains, sticks and knives. During the violent assault that ensued, the attackers are reported to have shouted racist slogans at the victims, such as "Russia for Russians". Khursheda Sultonova died at the scene of the attack from excessive blood loss – she had been stabbed nine times in the chest, stomach and arms. Yunus Sultonov sustained head injuries during the violent attack but reportedly refused hospitalization. Alabir Sultonov – who later managed to hide under a nearby parked car to avoid further injury – also sustained head injuries and received hospital treatment.*

*In the earlier stages of the investigation into the murder of Khursheda Sultonova, the alleged racial intent of the attack had not been acknowledged by the authorities. As late as February 2005, St Petersburg Procurator Sergei Zaitsev was reported in the St Petersburg Times as stating: "For the moment, this crime is not classified as one committed on the grounds of national hatred. This is an ordinary crime linked to unemployed youths, who were excited after drinking alcohol." On 31 March 2005 the St Petersburg procuracy reportedly announced that eight people, aged 14 to 21 when the crime was committed, had been charged in connection with the February 2004 murder of 9-year-old Khursheda Sultonova. One of them, aged 14 when the crime was committed, had been charged with the murder of a person in a helpless state, with a motivation of racial hatred (Article 105 part 2 l) as well as with hooliganism (Article 213) and robbery (Article 161 of the Criminal Code). However, the other seven individuals were charged with hooliganism (Article 213 of the Criminal Code, carrying a possible sentence of seven years' imprisonment) rather than accessories to murder or assault. Moreover, while the murder charges against the main defendant included racial motivation, the procurator failed to include in the charges against the other seven defendants the motivation of racial hatred, despite this having been possible under Article 63 of the Criminal Code.*

*A jury passed a verdict of not guilty on the main defendant in relation to the murder charge on 22 March 2006, finding him and six other defendants guilty of "hooliganism" only. The racial motivation of the crime was left unrecognized in the convictions. On 30 March the defendants convicted of "hooliganism" were given sentences ranging from 18 months' to 5 and a half years' imprisonment. The seventh defendant was found not guilty. Many of the details of the court case are not public, as the case was heard in closed session due to the fact that some of the defendants were minors. The procurator appealed the verdict.*

In other cases, the race hate motivation element of an assault has been recognized by including charges against defendants under Article 282, "incitement to racial hatred", but failing to include any race hate motivation in the charges under articles for assault or murder. If the prosecution fails to prove that the individuals were guilty of "incitement" as well as assault, then the race hate element will drop from the case.

*For example, in a recent court case in Novosibirsk, the judge eliminated the charge of incitement to nationalist enmity under Article 282 from the case against a group of nine "skinheads", who were found guilty on 28 March 2006 of beating and extorting money from Central Asian migrant workers at markets and construction sites in the region. The judge found that there was no element of incitement or publicity to the crime, necessary to bring it under Article 282. Instead, the nine, aged from 17 to 21, were found guilty of "armed robbery" (Article 162). As the procurator had failed to add the aggravating circumstance of race hate motivation (Article 63 part 2 e) to this charge, the final verdict gave the impression that the court had failed to find the defendants had been motivated by race hate.*

This practice of the authorities of ascribing attacks to "hooliganism" extends to investigations into crimes against anti-racism campaigners and experts.



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*Nikolai Girenko, Professor of Ethnology and expert on racism and discrimination in the Russian Federation, was shot dead on 19 June 2004 in his home in St Petersburg. He was 64 years old. According to reports, Nikolai Girenko was approaching the front door of his apartment to answer the doorbell when he was reportedly shot through the door with a shotgun.*

*Nikolai Girenko was well-known and widely respected for his work and research on racism and discrimination in the Russian Federation. He was Head of the Minority Rights Commission at the St Petersburg Scientific Union and had conducted several studies for Moscow and St Petersburg authorities on neo-Nazi and "skinhead" groups in the Russian Federation and had repeatedly warned that such groups were on the rise. Nikolai Girenko made expert contributions to a number of high-profile investigations and court cases concerning alleged racially-motivated attacks and was renowned as the foremost expert on this issue within the Russian Federation. Academic colleagues and fellow human rights defenders believe his murder was connected with his human rights activity, in particular in light of his anti-racism campaigning and work on the "skinhead" movement, explaining that he had no business interests that might explain why he was the victim of an apparent contract killing. According to reports, Nikolai Girenko and many of the academics working alongside him on research into racism had regularly received threats.*

*Andrei Zhukov, Deputy St Petersburg Prosecutor, is reported to have said that investigators also believe that his work as a researcher and expert witness in racism trials and investigations is the most likely motive for his murder. However, he also reportedly stated that the killing might have been motivated by "hooliganism". Days after the attack, an extremist group called the "Government of the Russian Republic" claimed responsibility for the attack on their website. The St Petersburg Procuracy is said to be investigating these claims. At the time of writing, no one had been detained in connection with the murder of Nikolai Girenko.*

The Ombudsperson for Human Rights, Vladimir Lukin stated in his 2004 report: "An analysis of the way the law is being implemented demonstrates a serious discord between legislation and the real situation in this area. The challenge is to implement the existing norms systematically and in the way they were designed, without trying to pass off nationalist and religious extremism as normal hooliganism, as is, unfortunately, happening everywhere."<sup>46</sup>

Some anti-racism activists consider that the failure of law enforcement officials to investigate a possible race hate motivation to a crime and prosecute it as such is a question of lack of capacity or training of the individual officers and investigators. Because it creates more work and is intellectually more challenging to prove racial motivation as an element in a case, it appears preferable to overworked or unprofessional law enforcement officers to ascribe the actions to "hooliganism". The possibility that some individual police officers and prosecutors have a degree of sympathy with the racist ideologies of attackers is considered by

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<sup>46</sup> Vladimir Lukin, "Doklad o deyatelnosti upolnomochennogo po pravam cheloveka v rossiiskoi federatsii v 2004 godu", 31 January 2005

NGOs working against racism to be another relevant factor when considering the poor record of prosecutions of race hate crimes.

Intimidation of juror members has been reported in cases when alleged perpetrators of racist attacks are being prosecuted, adding another layer of difficulty to the efforts to gain redress for the victims. In the case of nine youths prosecuted in Novosibirsk (see page 22), one witness had to be given 24-hour police protection following threats and others reportedly changed their testimony during the trial.

*Preliminary court proceedings in the case of the murder of Vu Anh Tuan (see page 13) started on 1 February 2006 in St Petersburg. There were 18 defendants. Fourteen were charged with the murder of Vu Anh Tuan, 12 of the accused were under the age of 18. The defendants were also charged with another six separate racist attacks in which four foreigners and two Russian citizens had been injured. However the proceedings were suspended on 28 March due to difficulties in appointing 18 members of the jury – while 64 potential candidates had been selected, the vast majority of them declined to participate, citing various reasons.*

On 14 December 2005, members of the notorious St Petersburg *Mad Crowd* group were sentenced to short prison terms of between one and three years in prison settlement colonies, having been convicted under Article 282 part 2 of the Criminal Code (incitement of hatred combined with violence or threats of violence). One of them, under majority age at the time of the offences, received a suspended sentence. The gang are believed to have carried out violent racist attacks as well as promulgated a racist ideology. However, it appears that the prosecution failed to prove their guilt under charges of assault. The sentences have been criticized by St Petersburg civil society groups for their leniency.

### **Failure of victims to step forward – lack of trust in police**

This failure to effectively prevent, investigate and prosecute racist attacks has contributed to the lack of trust in the police among foreign nationals and ethnic minorities. Victims of alleged racist assaults have told Amnesty International that they did not file complaints with the police following the assault on them. Some stated that they were afraid of the possible repercussions, citing the experience of other people who had filed a complaint and who allegedly were subsequently accused by the police of being the attacker. Human rights activists working on behalf of migrants in Russia state that those who experience ill-treatment at the hands of the police are often afraid to submit complaints, fearing deportation, or retribution in the form of fabricated criminal charges against them. Other activists cite the fact that the state does not provide effective protection for those individuals wanting to press charges, from reprisals from the suspected perpetrators or their allies, such as in the form of a victim protection scheme. Others simply did not believe that the police would take action to

investigate the incident. This distrust should be understood in the context of a high rate of distrust of the police among the general public in Russia.<sup>47</sup>

The distrust of the police can hardly be dispelled when officials make statements downplaying the significance of crimes targeting foreign nationals and ethnic minorities. The head of the police department fighting crime (*kriminalnaia militsia*), Viktor Papsuev, stated in December 2004 that crimes motivated by racial hatred were of an “isolated character and that the Interior Ministry responds swiftly to them”. He also reportedly stated that the number of crimes committed by foreigners was increasing but the number of those committed against foreigners was going down.<sup>48</sup> In June 2005, the Minister of Internal Affairs Rashid Nurgaliev stated that the number of crimes committed by “extremist groups” was “not significant.”<sup>49</sup>

Young men from Mali, Cameroon and Burkina Faso told Amnesty International of their experiences of physical attacks and racial abuse in St Petersburg but none of them had reported the attacks to the police.<sup>50</sup> A young man from Cameroon, a student, had been attacked the previous autumn near the Chernaia Rechka metro station. When Amnesty International met him, he was waiting for a new passport to be issued so he could leave the country. When asked whether he had submitted a complaint about the attack to the police, he simply said “What for?”

The young man from Burkina Faso had come to Russia in 1990 to study mathematics, and was currently working at a car wash. He had been the victim of a vicious attack at 5am on 29 August 2004 by two men as he was walking home. The two men introduced themselves as from the security services (*spetsluzhba*), although it is unclear who they were in fact, as they were wearing normal clothing and produced no identification. He was beaten with baseball bats, suffering injuries to his left eye and extensive bruising. He was in hospital from 29 August until 18 September 2004. When Amnesty International met him he was still experiencing problems with his spine, his nervous system and his vision, and his left eye was visibly injured and the area around it was swollen. He was also missing some teeth. Doctors at the hospital where he had been treated sent a report to the police, due to the seriousness of the injuries. While an investigator from the police department visited him once in hospital, asked him some questions and said he would be in contact, by March 2005, he had had no further contact with the officer and did not know which police station he was from. He said that he had no idea what the investigator was doing. Despite suffering such serious injury, he said that trying to go to court was useless. His priority was rather to concentrate on saving up enough money to pay for his medical treatment, including laser surgery for his eye.

Rony Kumi, from Ghana, the student coordinator at the Moscow Protestant Chaplaincy, told Amnesty International that in August 2004 he was attacked by four men

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<sup>47</sup> A May 2004 opinion poll by the Levada Centre found that over the past 10 years, only 10 per cent of people in Russia fully trusted the police, whereas those who had no trust at all in the police was between 35 and 40 per cent. The opinion poll was carried out in 12 major cities across Russia. See <http://www.levada.ru/milicia04.html>

<sup>48</sup> *Moscow Times*, “Police: Crime Against Foreigners Rare”, 14 December 2004

<sup>49</sup> Sova report, 2 June 2005

<sup>50</sup> Conversations in St Petersburg, March 2005. None of the men wanted their names used.

aged about 18 to 23 years old, in Moscow, near the metro Aviamotornaia, but did not report the attack to the police.

*“It was in the night at around 8 o’clock, I was going to a shop to buy some foodstuffs. So on the way I met some four guys, they were coming in the opposite direction... all of a sudden the one leading them got closer to me and he took me unawares by saying ‘Go to Africa!’ He followed this with a blow with his fist. I tried to defend myself and he continued... I started bleeding, actually I couldn’t do anything as there were four of them, all I could do was cover my face as I realized they were trying to damage my face. My mouth became very swollen, it took a week to go down. Well it took about two minutes, and during this people were passing, and stood and watched us. They were just watching, no one interfered and asked what was going on. So after they left, one young man from the shop I was about to enter asked me ‘do I know them?’, I said no. He said ‘what happened?’ I said, ‘I don’t know, what happened is what you saw’. Then he took me to the shop, they had a toilet there, I had to wash my mouth, my clothes were soaked with blood. He helped me to wash myself and then he told me to go home and find some medication for myself, ‘because if you go to the police the police won’t help’. He told me: ‘this is what is happening to you guys here, we know the police will not do anything, even the police cannot find them, because when they come here... no one will assist even the police to find these young men, so it’s better you go home and find yourself some medicine’.*

*So actually, because of what he told me, that was not why I didn’t go to the police. I didn’t go to the police because I’d been here for almost two and a half years at that time, and I’d been hearing more cases that even people that go to the police to make a report, which again it becomes like, they have even committed [offences] themselves,... in the end it goes against them that they don’t have documents. Some students who are here, foreign students who have been receiving these beatings told me this. So I thought it was wise to go home and find me some medicine.”<sup>51</sup>*

## **5. Atmosphere of impunity for the attacks**

The failure of the authorities adequately to prevent, investigate and prosecute violent race hate crimes has arguably contributed to the high incidence of violence and has created a situation where it seems acceptable to express racist views openly in public. The authorities have failed to convincingly challenge the racist and xenophobic ideas and ideologies, let alone implement a strong programme to combat them.

In 2001 the government had launched a State Programme on Tolerance and Prevention of Extremism in Russian Society, which was scheduled to run until 2005. However, in June 2004 the Russian government reportedly removed the dedicated funding line under the Ministry of Education’s budget for the programme, meaning that the programme would be funded by the Ministry of Education’s general budget. This move was

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<sup>51</sup> Conversation with Roni Kumi, 14 March 2005

widely interpreted as effectively removing the funding from the programme altogether. According to NGOs working against racism, even when it had been funded, the programme had had little impact and initiatives carried out under its auspices were largely academic studies with little practical impact. The fact that so many of the perpetrators of racist attacks are minors or youth and the extent to which the wider population is sympathetic to racist and xenophobic ideas goes to illustrate how far the state has failed effectively to use its means, including the schooling system, to challenge the racist ideologies.

Moreover, by failing to react strongly to hate speech, either during demonstrations or in the media, the authorities are giving a message that such ideas are acceptable. For example, on 4 November 2005, the Day of National Unity, a march entitled "Russia against the occupiers" took place in Moscow at which there were openly racist slogans against migrants and Jews. Around 1000 participated in the march, which was organized by the Movement against Illegal Immigration (known by its Russian acronym DPNI) among other organizations. 23 February is the national Defenders of the Fatherland day, commemorating Russia's war veterans. At least two demonstrations took place in the centre of Moscow on 23 February 2006 at which racist placards including slogans such as "Russia for ethnic Russians", were openly displayed and at which racist slogans were chanted. At one of the demonstrations, prominent members and leaders of the Rodina (Motherland) and Communist political parties are reported to have participated. While the organizers of the march and a few participants belonging to RNE were subject to administrative sanctions (receiving fines and up to five days' administrative arrest for carrying a flag with a swastika), no one has faced criminal charges of incitement to racial hatred under Article 282 of the Criminal Code in connection with the march. A court ruled on 11 April 2006 in response to an appeal by NGO Moscow Anti-Fascist Centre, that the organizers had not violated any criminal laws.

Even when the authorities react to hate speech, society has perceived the move as for ambivalent motivations. The Rodina (Motherland) party was removed from standing in the Moscow local elections in November 2005, ostensibly for having referred to migrants from the Caucasus region as "rubbish" and calling on Muscovites to rid their city of them in an electoral advertisement. The move was interpreted by commentators as the Kremlin taking steps to limit a rival political party, rather than a principled step against racism.

This is not to say that there is no recognition at all of the problem of attacks by racist groups among representatives of the federal and regional authorities. President Vladimir Putin has spoken out against racism. On 3 March 2005 at a meeting with the Chief Rabbi of Russia, Berl Lazar, President Putin stated that anti-Semitism and any kind of extremism and xenophobia will not be ignored by the authorities<sup>52</sup>, and he has called racism an "infection" that should be stamped out. Senior government officials and politicians have spoken out in some high-profile individual cases of racially-motivated attacks. For example, the widely publicized murder of nine-year-old Tajik girl Khursheda Sultonova in St Petersburg in February 2004 drew a strong response from senior government and other officials including

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<sup>52</sup> *Izvestiya*, Eto dlia nas samiy khoroskhiy znak, number 37, 4 March 2005. This meeting was prompted by a letter signed by 500 people including 20 Duma Deputies submitted to the Office of the General Procuracy in January 2005 calling for the prohibition of all religious and ethnic Jewish organizations in Russia as extremist

the Governor of St Petersburg, Valentina Matvienko, and the Interior Minister, Rashid Nurgaliev, who were outspoken in their condemnation of the murder. Valentina Matvienko stated that the investigation was under “her personal control”, as she also stated regarding the murder of Nikolai Girenko, whose murderer has also not yet been brought to justice.

However, many other attacks, including murders, go without widespread outcry or any reaction by the public authorities. For example the murder of a six-year-old Roma girl at a Roma settlement “Dachnoe” near St Petersburg on 21 September 2003 was barely noticed by the mainstream media. Two women were also badly wounded during the attack, carried out by a group of so-called “skinheads”.

In this atmosphere, the violence and the racist ideas are spreading. Racist and neo-nazi graffiti such as swastikas are a common-place in many towns and cities in Russia. While in 2004 racist attacks were reported in 26 regions, in 2005, attacks were reported in 36.<sup>53</sup> And perpetrators flaunt the racist motivation for their crime.

*Lamsar Samba Sell, a student from Senegal, was shot dead in the early morning of 7 April 2006 in St Petersburg. A gunman opened fire on a group of foreign students as they left a weekly celebration of inter-cultural friendship between Russians and foreigners. Lamsar Samba Sell was reported to have been shot in the back. An air rifle was found abandoned nearby emblazoned with a swastika, although it was not thought to be the weapon used to murder the student. A criminal investigation was immediately opened under Article 105 part 2 (murder) and an arrest warrant for a suspect was issued on 11 April. According to Desire Deffo, spokesperson for the African Unity organization in St Petersburg, Lamsar Samba Sell had taken part in anti-racism initiatives such as giving lessons in secondary schools on African culture and tolerance.*

*Liana Sisoko, a nine-year-old girl whose mother is Russian and father is from Mali, was attacked on 25 March 2006 by two youths near the lift in her block of flats in St Petersburg. She was stabbed three times, including in her throat, and was hospitalized with serious injuries. According to reports, the attackers painted a swastika and the words “skinheads... we did it” near the scene of the attack, before they fled. Some St Petersburg activists link this attack to the announcement of the verdict, three days earlier, in the case of Khursheda Sultonova, believing the failure to find someone guilty of the Tajik girl’s murder has only fuelled the sense of impunity of racist violent groups.<sup>54</sup> However, the St Petersburg procuracy was reported as hesitant to make this connection, citing the early stages of the investigation.<sup>55</sup>*

Some legislative initiatives are being taken. On a regional level, for example, the St Petersburg Legislative Assembly adopted a law on 15 September 2004 ‘On interethnic

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<sup>53</sup> Galina Kozhevnikova, *Radikalnii natsionalizm v Rossii i Protivodeistvie emu v 2005 godu*. 6 February 2006. <http://xeno.sova-center.ru/29481C8/6CEEC08#r2>

<sup>54</sup> *St Petersburg fascism – the shame of Russia. Declaration by St Petersburg public activists*. 17 April 2006. At <http://xeno.sova-center.ru/29481C8/72B0C96>

<sup>55</sup> <http://www.fontanka.ru/160892>

relations in St Petersburg' which was signed into law on 6 October 2004. The law declared one of its aims as being the harmonious development of interethnic relations in St Petersburg, and contains an anti-discrimination provision, prohibiting discrimination on the grounds of race or ethnicity. While such legislation alone cannot address the problem of violent racism, it is a positive step in the right direction.

However, another legislative initiative is less straightforward. A series of amendments to the Criminal Code, Administrative Code and the 2002 federal law "On Combating Extremist Activity" are shortly to be considered by the State Duma. The proposals contain some positive steps such as fines for media and editors-in-chief for hate speech, but also tighten control over the internet and increase criminal sanctions for "extremist activity". Tougher penalties for vandalism committed with a race-hate motivation, and dissemination of racist propaganda are proposed. However, introducing tougher punishments on paper arguably do not tackle the real problem which is a failure of the law enforcement system to use to the full the existing criminal provisions available to them, and adequately investigate crimes to ensure effective prosecution.

Moreover, increased criminal sanctions for "extremist activity" raises concerns relating to freedom of expression and association. This is because the proposed changes fail to remedy the lack of a clear definition of "extremism" or "extremist activity" in Russian law. Rather, the 2002 federal law "On Counteracting Extremism" contains a definition which is overly broad and subjective. Indeed, the UN Human Rights Committee concluded, in November 2003, that the law "is too vague to protect individuals and associations against arbitrariness in its application".<sup>56</sup> Since its introduction, it appears that the broad concept of "extremism" introduced by the 2002 law has been used by the authorities to restrict, intimidate and punish the legitimate activities of human rights and other public organizations.<sup>57</sup> By failing to address this issue, Amnesty International is concerned that the current proposed amendments could be used to further restrict the peaceful exercise of the right to freedom of expression in Russia.

Some practical steps are also being taken by the authorities. The newly established Public Chamber, a body set up by the government to represent civil society and whose approach appears largely directed by the President, has recognized racism and intolerance as a serious issue and a priority to work on. The Public Chamber has set up a commission on tolerance and freedom of conscience, which aims to tackle intolerance towards migrant workers, among other issues.<sup>58</sup> The St Petersburg local government is reported to have set up

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<sup>56</sup> *Concluding observations of the Human Rights Committee: Russian Federation*. 06/11/2003. UN doc. CCPR/CO/79/RUS. (Concluding Observations/Comments), 6 November 2003, paragraph 20.

<sup>57</sup> See Amnesty International *Russian Federation, Chechnya: Violations continue, no justice in sight* (AI Index: EUR 46/029/2005), Amnesty International, *Executive Director of Russian-Chechen Friendship Society, Stanislav Dmitrievskii, possible prisoner of conscience*, (AI Index: EUR 46/053/2005), Amnesty International *Further Information on UA 72/05 (EUR 46/007/2005, 23 March 2005)– Possible Prisoners of Conscience / Legal Concern*, (AI Index: EUR 46/010/2005)

<sup>58</sup> *Bigotry monitor* Russia's public chamber defines fascism as a serious threat, 4 April 2006, and *Moskovskii Komsomolets*, Record of press conference at Moskovskii Komsomolets with the Chair of

a council for foreign students, to help them with security and other issues.<sup>59</sup> Valentina Matvienko on 29 March 2006 at a meeting of the St Petersburg Legislative Assembly, stated that the issue of racially motivated crimes was “under her continuous control” and announced that in 2006 a programme to tackle xenophobia and teaching of tolerance would be introduced.

In Voronezh, a round table meeting in November 2005 was organized by the Voronezh region administration at which representatives from the police, the procuracy, the Federal Security Services, local authorities, universities, NGOs, academics, and religious groups, discussed the problems of racism, intolerance, inter-ethnic relations and integration of foreign students. Following the meeting a coordination committee was set up, chaired by the Deputy Governor of Voronezh region, bringing together law enforcement agencies, representatives from the town’s universities and others, with the aim of creating a plan of action. Policing has been increased in areas where students live, and according to NGOs in Voronezh, there appears to be more willingness among police and procuracy to receive complaints from foreign students who have been the victim of a crime.<sup>60</sup>

There are also instances where racial hatred has been included in the investigation into a racist attack immediately, and included in charges against all alleged participants.

*A group of people beat and stabbed Peruvian student Enrique Arturo Angelis Urtado to death on 9 October 2005 in the city of Voronezh. Two other foreign students, Spanish and Peruvian, were badly injured during the attack. On 9 March 2006 the court hearing began with 13 Voronezh school children and students as defendants aged between 14 and 19. According to the prosecutor, the attackers belong to “White patrol” and “Vitiaz” groups, which are known for carrying out racist attacks. The prosecution has brought charges including racial hatred as a motivation against all alleged participants in the attack. A 19-year-old faces charges under Article 105 part 2 d, e and l of the Russian Criminal Code (“murder carried out with special cruelty, by a generally dangerous means, and for reasons of national, racial or religious hatred or enmity or blood vengeance) and Article 213 (“hooliganism”). The other individuals accused of participating in the attack have been charged with Article 161 part 2 (“robbery”) and Article 213 part 2 (“hooliganism”). Article 63 part 1 e of the Criminal Code, which provides for the motivation of racial hatred as an aggravating circumstance for all crimes has been included in the charges against all 13 defendants.*

Investigations and prosecutions under Article 282 of the Criminal Code, “incitement to racial hatred”, for hate speech over the internet and at public meetings, have been slowly increasing. In December 2005 in St Petersburg, four members of the Schultz-88 group, including its leader, were convicted of crimes, including racist assaults, under Articles 282

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the Commission of the Public Chamber on questions of tolerance and freedom of conscience, Valerii Tishkov, 8 February 2006

<http://www.mk.ru/numbers/2036/article69825.htm>

<sup>59</sup> *St Petersburg Times*, “Foreign Students Welcome City Hall Move”, 4 February 2005

<sup>60</sup> “Are the authorities prepared for a dialogue with civil society in order to defeat Nazism?”, Andrei Yurov, in *Pozitsia* (International Network – Youth Human Rights Movement), number 7, October 2005



and “hooliganism” involving weapons (Article 213 part 1). The leader was also convicted of “organizing an extremist group” (Article 280). The Schultz-88 group is thought to be responsible for countless racist attacks. On 28 February 2006 police seized the computer of the leader of the Kaliningrad branch of Movement against Illegal Immigration, and charged him under Article 282 for having disseminated illegal materials on the organization’s website. In Astrakhan oblast police arrested another leading figure on 4 March 2006, and the procurator’s office in Blagoveshchensk, Amur oblast, charged the local head of the Russian People Union under Article 282 for his racist and offensive comments during a meeting of the organization.

## **6. Recommendations to the Russian authorities**

However, the above-mentioned steps are clearly insufficient in the face of such a high level of racist violence. In 2003 Amnesty International made a comprehensive and detailed set of recommendations to the Russian authorities on tackling racism and intolerance in the Russian Federation.<sup>61</sup> Since that time, the vast majority of the recommendations remain unimplemented and are therefore still relevant. Amnesty International urges the Russian authorities immediately to take the following steps to address the problem of racism in a comprehensive and effective way.

The Russian government should immediately:

### **End impunity for violent racist attacks**

- Speak out – frequently, strongly and at all levels of government - against racism and xenophobia
- Publicly acknowledge the seriousness of the issue and the need to take concerted action to address it
- Monitor and record accurately the incidence of racist attacks across Russia and make this information available to government agencies, NGOs and the wider public; the monitoring should follow a clear methodology of what constitutes a racist attack; and statistics should include attacks on foreign nationals and ethnic minorities where there appears to be no possible motivation other than racial hatred; attacks on ethnic minorities and foreign nationals from CIS countries should be included;
- Ensure that crimes which are reasonably believed to be racially motivated are classified, effectively and thoroughly investigated and prosecuted as such;
- End the classification of race-hate crimes as “hooliganism” or motivated by “hooliganism”; ensure that public officials desist from making statements following a violent and apparently racist attack that the attack was carried out by “hooligans” or motivated by “hooliganism”;
- Address deficiencies in the investigation and prosecution of racist attacks, including through the development of clear guidelines and training for police, procurators and

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<sup>61</sup> *Dokumenty! Discrimination on grounds of race in the Russian Federation*, AI Index: EUR 46/001/2003

judges who deal with such cases. The response of the police to victims of racist attacks must encourage people to report abuses, rather than further undermine confidence in the justice system's willingness or ability to protect them. Guidelines should be informed by and comply with Russia's international obligations under human rights law.<sup>62</sup> A database of relevant judgments on racist crimes, including both convictions and acquittals, would inform the work of law enforcement agencies in this area;

- Ensure that victims of violent racist attacks enjoy an enforceable right to fair and adequate compensation;
- Implement the recommendations of the CERD and other relevant UN and regional bodies and mechanisms (including the European Commission for Racial Intolerance, ECRI) relating to violent racism in Russia.

#### **End systematic racism and discrimination by state officials**

- Adopt a comprehensive government Plan of Action to combat racism and discrimination in all areas of Russian society, including among state officials. The plan of action should include urgent measures to address and counter widespread sentiments of hostility and high levels of prejudice against ethnic or national minorities, in particular ethnic Chechens and Roma, and strengthen efforts to counter the phenomenon of racial slurs and exploitation of anti-Semitic feeling. Initiatives to counter racist ideologies and xenophobia and promote tolerance in schools and in the media should be implemented. Civil society organizations should be involved in the development and implementation of the plan of action and adequate funding should be allocated;
- End the unconstitutional application of the residence registration system which serves as a basis for systematic discrimination of ethnic minorities and foreign nationals;
- Review procedures, guidelines and their implementation in relation to identity checks in order to ensure that they are not carried out in a discriminatory manner, and investigate and prosecute all allegations of police extortion exploiting a person's lack of correct documentation;
- Ensure that all allegations of torture or ill-treatment by law enforcement officials are promptly, thoroughly and impartially investigated and anyone reasonably suspected of responsibility of such crimes should be brought to justice;
- Put in place a system that ensures complaints of discriminatory behaviour exhibited by the police and other officials are investigated thoroughly, promptly, transparently and independently, and this system must be widely publicized;
- Suspend any officials under investigation from their positions of responsibility pending the outcome of the investigation and any disciplinary and/or judicial proceedings against them. Those lodging complaints of discrimination, witnesses and others involved should receive protection against any form of intimidation, harassment or abuse, and victims should be kept informed of the progress of the investigations;

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<sup>62</sup> See for example Amnesty International's *12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials* and CERD's General Recommendation XIII on training of law enforcement officials

- Ensure that victims of discrimination by state officials have access to the means for redress and enjoy an enforceable right to fair and adequate compensation;
- Ensure that the authorities in all regions of the Russian Federation, including in Krasnodar Krai, immediately formally recognize citizenship and permanent residency rights for minority groups; any denial of citizenship or other rights on the basis of ethnicity alone should not be tolerated;
- Ensure that ethnic groups are not discriminated against in their enjoyment of economic, social and cultural rights; ensure that the Roma in Arkhangelsk are not evicted from their housing on a discriminatory basis;
- Ratify Protocol No. 12 to the European Convention on Human Rights (ECHR), which sets out a general prohibition of discrimination, including discrimination by any public authority;

**Protect and support human rights defenders**

- Ensure that effective measures are taken to provide protection for anti-racism campaigners who face threats to their safety from non-state actors;
- Provide adequate protection for individuals acting as witnesses in prosecution cases against alleged perpetrators of racist attacks as prescribed by Russian law;
- Ensure that thorough and impartial investigations are carried out into the killings, physical assaults, and other harassment of anti-racism campaigners, and that any findings of such investigations are made public and that anyone reasonably suspected of a crime in connection with targeting of anti-racism campaigners be prosecuted in line with international standards;
- Ensure that the principles contained in the UN Declaration on Human Rights Defenders are fully incorporated into national law and mechanisms for the protection of human rights, and are fully implemented in practice;
- Commit itself explicitly and publicly to promoting respect for human rights and protecting human rights defenders, and acknowledge the legitimacy of the work of human rights defenders;
- Amend “extremism” legislation so that the definition of “extremism” and “extremist activity” is not vague and cannot be used to prosecute human rights defenders and other individuals for their peaceful exercise of their right to freedom of expression;
- Work with human rights defenders to establish an Action Plan for the implementation of the UN Declaration on Human Rights Defenders to ensure that the rights enshrined within the declaration are guaranteed to human rights defenders, NGOs and other civil society actors so that they can carry out their activity without fear for their safety.