

RUSSIAN FEDERATION

Open letter from Amnesty International to the presidential candidates on the occasion of the 16 June 1996 Presidential Elections

As the date of the presidential elections draw near, I am writing to you as Secretary General of Amnesty International, the world's largest international movement for the promotion and protection of human rights. At this vital juncture for Russia's future, I urge you to commit yourself personally and your party publicly, regardless of the future election results, to strengthening human rights protection and to promoting respect for the rights of all in the Russian Federation, regardless of race, ethnic background, gender, political beliefs, and other individual differences.

After the elections, one of you will be the new elected President of the Russian Federation. From that day on, it will be your high privilege and heavy duty to ensure that every single person of the 150 million population of the Russian Federation, and you yourself, wake up each morning without a fear for your lives and well-being, without tears of helplessness in your eyes, surrounded by injustice. It will be for you personally to ensure that all of you live a dignified and peaceful life. Being a President of any country in the world is not a beginning of one's biography, but it is the ending of it, its final page. And it is often a personal choice about what way one wishes to enter history and be remembered by one's fellow citizens and by the world.

As the famous Russian poet Konstantin Simonov put it, "*chuzhogo goriye ne byvaet.*"¹ Imagine, that you are the new President now and all those within the borders of the Russian Federation are your family, the only one you have. The sorrow of the millions of voiceless people in your country is also your personal sorrow, as part of this family. They are: your elderly mother, who begs for pennies on the street corner; your wife who cannot find the body of your son, a soldier killed in Chechnya; your daughter, a young journalist murdered in front of her home, a day after she wrote an article on the corruption of the authorities; your brother on death row, who was secretly executed and you will never learn when it happened and where was he buried, because it is a state secret.

Now as a President, you will have the rare chance to change the lives of the members of your family, to relieve their sorrow and help their dreams come true. Now you have the rare opportunity to become this kind of President and do these kind of things for your people, which you yourself would like your President to do for you personally.

It was not long ago, when even mentioning the words "human rights" in Russia meant for some people years of imprisonment in a labour camp, tapped telephone lines and surveillance of personal correspondence, and constant threat to their life.

In today's world the promotion and protection of human rights has become a global issue. Governments have recognized their importance by ratifying international human rights treaties, participating in international human rights monitoring and raising human rights concerns in

¹Untranslatable Russian expression, which means essentially: "another's sorrow is our sorrow".

international fora. Seeking to ensure that human rights are fully protected by all governments, Amnesty International's work worldwide covers all countries of the world from Israel to Rwanda and from China to the United States of America.

In its work in the Russian Federation over several decades, Amnesty International has always believed that its concerns can and should be resolved through the political process, through an open and honest dialogue between the government and its people, through the good will of everyone in society for a change for the better. Amnesty International hopes that human rights concerns will be at the forefront of the policies of the new Russian President, in this crucial moment for the future of political life in independent Russia.

The Russian Federation remains a country where serious and widespread human rights violations occur, both in peace-time and during the armed conflict in the self-proclaimed Chechen Republic. When the country became a member of the Council of Europe in February 1996 the government appeared to be engaged in a major diplomatic and public relations exercise to convince the international community that it had improved its human rights record. The facts tell a different story: torture and ill-treatment continue in police custody, in prisons and in the armed forces during peace-time; prison conditions are inhumane; prisoners of conscience remain detained; refugees, asylum-seekers and internally displaced persons are not given adequate protection; prisoners are still facing the death penalty; thousands of civilians became victims of indiscriminate killings, torture and extrajudicial executions by the Russian federal army during the conflict in the Chechen Republic.

LEGAL REFORM AND RESPECT FOR THE RULE OF LAW

The lack of laws and regulations makes it impossible in many cases to implement the provisions of the Russian Constitution safeguarding the human rights of Russian citizens. The Constitution outlines an extensive underpinning of legal protections and institutional support for the observance and enforcement of human rights. However, several important pieces of legislation designed to provide the implementing mechanisms for human rights provisions have not yet been approved by the Parliament. Furthermore, the impetus for legal reform has weakened. Judicial reform has not advanced very far, and the judiciary remains subject to executive and military influence. Jury trials in 1995 were only available in 9 of 89 regions. A large case backlog, trial delays, and lengthy pretrial detention continues to be a major problem. There are no adequate provisions in the legislation and no enforcement mechanisms on domestic violence, although violence against women is increasing in the society.

PERSECUTION OF CONSCIENTIOUS OBJECTORS

There is no law on a civilian alternative to military service, which places any conscientious objector under the threat of imprisonment. Amnesty International considers conscientious objectors as prisoners of conscience and campaigns for their immediate and unconditional release from prison. Military service is currently compulsory in Russia for men aged between 18 and 27. Conscientious objection to military service is recognized by the United Nations Commission on Human Rights as a legitimate exercise of the right to freedom of thought, conscience and religion. This right is also recognized in the Russian Constitution. However, Parliament has still not introduced the necessary

enabling legislation, or amended the Criminal Code to reflect this constitutional provision, and young men continue to risk imprisonment for refusing military service on conscientious grounds. The attempt on 8 December 1995 to pass a law on alternative service resulted in the majority of deputies in the State Duma voting against it. However, a law could be implemented by Presidential decree. Amnesty International is urging the Russian President and the parliament that the constitutional right to conscientious objection should be made a viable right through legislation creating alternative civilian service of non-punitive length.

REFUGEES AND ASYLUM SEEKERS

Legal provisions for refugees and asylum-seekers are inadequate. A pattern is emerging where many are at risk of repatriation to countries where they would be in danger of grave violations of their human rights. For example, Elgudzha Khutayevich Meskhia, an opponent of the Government of Georgia, sought political asylum in Russia, but was forcibly repatriated after being arrested in Russia at the request of the Georgian authorities. Amnesty International feared he would be at risk of torture or ill-treatment if returned to Georgia.

STATUS OF THE POSITION OF OMBUDSMAN FOR HUMAN RIGHTS

Although the Constitution provides for an Ombudsman for Human Rights, and the State Duma appointed former prisoner of conscience Sergey Kovalyov to this position in January 1995, the parliament did not pass a law governing the status and powers of the post until 17 April 1996. Sergey Kovalyov, however, had previously been removed by a vote in Parliament on 10 March 1995. The primary motive for the Ombudsman's removal appeared to have been his vigorous opposition to what he termed the use of disproportionate and indiscriminate force by the Russian federal forces in the Chechen Republic. On 23 January 1996 Sergey Kovalyov also resigned as Chairman of the Presidential Commission on Human Rights, publicly accusing the President of backtracking on human rights. Most other members of the Commission also resigned on or before 5 February 1996.

CHECHNYA: ATTACKS ON CIVILIANS

Massive human rights violations have taken place within the context of the armed conflict in the Chechen Republic. From the very beginning of the conflict, in December 1994, the Russian authorities have shown a marked disregard for the rules governing armed conflict and the protection of the civilian population. It is estimated that over 30,000 civilians have been killed in the conflict, many of them as a result of indiscriminate attacks by Russian Federation forces on densely populated residential areas. The Russian Presidential Commission on Human Rights stated that the total number of war-related deaths in the capital, Grozny, alone can be estimated at approximately 27,000 people. Men, women and children have been victims of extrajudicial executions and hostage-taking.

"FILTRATION CAMPS"

Torture and ill-treatment have also taken place, particularly in so-called "filtration camps". Chechen men between the ages of 16 and 55 were moved to such "filtration camps" - detention camps set up by the Russian army. There have been reports of widespread beatings and torture, including electric shocks, of detainees held in such camps throughout the war in Chechnya. Hundreds of people have been detained without trial. The latest report (for 1994 and 1995) of the Russian Presidential Commission on Human Rights, stated that during the period up to 25 January 1995, when the majority of detentions took place, civilians were detained and brought to the "filtration camps" without being officially charged or their detention acknowledged in any way. According to official information, a total of 1,325 people passed through the "filtration camps" between 11 December 1994 and 22 July 1995. Allegations of rape have also been made against the Russian forces.

While Amnesty International takes no position on the reason for armed conflicts, or the resort to the use of force *per se*, it does call on all parties to a conflict to abide by international humanitarian law. Amnesty International is urging the Russian authorities and the future Russian President to hold a comprehensive and impartial investigation into the wide range of human rights abuses which have occurred during the conflict in the Chechen Republic, and to bring those responsible to justice. The organization is also urging the Russian Government to comply with the provisions of international humanitarian law regarding the protection of civilians during armed conflict.

THE DEATH PENALTY

The Russian Federation officially committed itself to suspending all executions, pending the full abolition of the death penalty within three years, when it acceded to the Council of Europe on 28 February 1996. However, although this commitment was welcomed as an important step in the right direction by the international community, it appears that executions continue. Russia has one of the highest execution rates in the world.

Lev Razgon, aged 88, a writer who was imprisoned during the Stalin era for 17 years and is currently a member of the Presidential Clemency Commission, said in an interview at the end of March that the Russian authorities had not put the moratorium into effect and were "executing as many people as possible". It was reported that in February of this year, 30 people were executed. On 1 April President Boris Yeltsin reportedly turned down 15 petitions for clemency and these prisoners faced imminent execution.

Unofficial sources report that 90 people were executed in 1995, although the official figure presented to the Council of Europe was 16. Amnesty International has recorded the executions of at least 28 people during 1995. A further 34 faced imminent execution in November 1995 after their petitions for clemency were reportedly turned down by President Yeltsin. Only five prisoners were granted clemency by the President last year. Most recently, Amnesty International has been alarmed by information coming from unofficial sources in the Presidential administration that a draft Presidential decree is underway which aims to restructure the Presidential Clemency Commission and to replace the prominent public figures of writers, lawyers and human rights defenders, currently members of the Commission, with officials from the relevant government bodies dealing with the death penalty issue, such as the Procuracy and the Ministry of Internal Affairs.

As many as 710 prisoners remain on death row in the Russian Federation. Amnesty International is urging the Russian Government to ensure that all relevant government and judicial bodies are informed that a moratorium is in place. Amnesty International continues to make appeals to the authorities to respect the moratorium and to honour their commitment to abolish the death penalty within three years. The organization appeals to the Russian President to commute all death sentences and grant clemency to the prisoners on death row. The death penalty is a violation of the right to life and the ultimate form of cruel and inhuman treatment. It has no unique deterrent effect. It may be inflicted on the innocent, and the weak in society are especially vulnerable. It is especially dangerous to use the death penalty at the time when it appears that there is no real independence of the judiciary in Russia and there is a high risk of judicial mistakes.

TORTURE AND ILL-TREATMENT BY LAW ENFORCEMENT OFFICIALS

Amnesty International has received numerous reports of torture and ill-treatment of criminal suspects in police custody throughout the Russian Federation, and within the context of the conflict in Chechnya. The report of the Russian Presidential Commission on Human Rights for 1994 and 1995 noted that in 1994 more than 20,000 Interior Ministry employees were disciplined for breaking the law when conducting investigations and interrogations, and there was reason to believe that this figure seriously underestimated the real scale of violations. The number of officials charged with unlawful detention, the use of force against suspects and witnesses, and the falsification of evidence, had almost doubled. The Commission concluded that, under the guise of fighting crime, there was a tendency to

expand the powers of security and law enforcement agencies to the detriment of Constitutional rights and guarantees.

Presidential Decree No. 1226 of 14 June 1994: "Urgent measures to defend the population from banditry and other manifestations of organized crime" is still in force. Under the provisions of this decree a person suspected of involvement in organized crime may be detained for up to 30 days without charge. This conflicts with Article 22 of the Russian Constitution which stipulates that a person may not be held for more than 48 hours before a court rules on the legality of their detention. Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Russia is bound as a successor state to the USSR, also states that "anyone who is arrested or detained on a criminal charge shall be brought promptly before a judge", and that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful". The Presidential Decree also makes no mention of the right of the accused to access to a defence counsel during the period spent in detention. Prompt access to a defence lawyer of one's own choice is recognized as a key factor in international fair trial standards.

Ethnic minorities are particularly vulnerable. There is an apparent pattern of persecution and ill-treatment of members of ethnic minorities, specifically those from the Caucasus (including the Chechen Republic), by the law enforcement officials in Moscow and other parts of Russia. The torture methods used by the police officers include asphyxiation, known in Russian as "slonik", beatings and special restriction on movements, known as "lastochka". All of these methods have led to torture and other forms of cruel, inhuman and degrading treatment.

Amnesty International urges the new Russian President to rescind the Presidential Decree No. 1226 of 14 June 1994 because it contradicts international human rights standards and the Russian Constitution. The organization calls on the President to consider and undertake urgent measures to stop the pattern of ill-treatment and torture of criminal suspects by law enforcement officials and prison authorities in the Russian Federation. Amnesty International continues to call for the eradication of torture, including rape, and deaths of prisoners in custody. We urge the new Russian President to review the mechanisms that monitor the forces of law and order, and to strengthen initiatives aimed at ensuring that law enforcement officials are made fully cognizant of human rights concerns and are provided with human rights training.

PRISON CONDITIONS

The conditions in some prisons, particularly for those awaiting trial, amount to cruel, inhuman or degrading treatment. Prisons are grossly overcrowded and thousands of prisoners have no individual bed and have to sleep in shifts, often without bedding. Many cells are filthy and pest-ridden, with inadequate light and ventilation. Food and medical supplies are frequently inadequate. The insanitary conditions mean that illness spreads rapidly; lung, circulatory and skin diseases, especially tuberculosis and scabies, are widespread. Mental illness is also common. In July 1995, 11 prisoners died of heat-stroke in an overcrowded prison in Novokuznetsk, Kemerovo region. Up to 25 people were being held in cells meant for 10 and the air temperature rose as high as 48° to 51°C. An attempted mass suicide had occurred at the jail in the previous year in response to fierce beatings taking place

there. In October 1995 as many as 274,700 people were being held in prison and remand centres throughout Russia. The system was designed to hold only 173,800. Some prisoners have waited years in such conditions before their cases have come to trial. An inmate of Butyrka Prison, in Moscow, wrote in a letter: "Several times I felt so bad that I prayed to God to let me die. I somehow believe that hell cannot be as terrible as this man-made one. God, after all, is merciful, unlike people..."

PRISONERS OF CONSCIENCE AND POLITICAL PRISONERS

Amnesty International calls on the Russian President to seek to ensure that the rights of vulnerable groups of people and specific professional groups, such as journalists, are protected and their safety ensured. There is a growing pattern of murders of journalists in the Russian Federation, in most of the cases the perpetrators have not been identified. In addition, there are a number of cases where persons are charged and detained on criminal charges, while the real motive for their persecution is allegedly political. One of the most recent cases to come to Amnesty International's attention concerns Viktor Orekhov, ex-KGB official and former dissident, who was sentenced to three years in a corrective labour colony on 21 July 1995. Viktor Orekhov was arrested in March 1995 following the discovery of a pistol during a search of his car by police, and was charged under Article 218 of the Criminal Code with "possession of a firearm". Amnesty International was concerned that the criminal case against Viktor Orekhov was fabricated to punish him for making statements critical of a senior Russian security services official, and in retribution for past political activities in opposition to the KGB. He was released early from prison on 21 March 1996 in accordance with instructions issued by President Yeltsin on 11 March 1996.

Another similar case concerns Alexander Nikitin, a retired Russian naval officer who worked on a report on the dangers of nuclear waste in the Northern Fleet, for the Norwegian non-governmental group Bellona Foundation, and was arrested on 6 February 1996 by the Federal Security Services (FSB) in St. Petersburg. He has been charged with treason under article 64 of the Russian Criminal Code which states that "persons found guilty in these actions are sentenced to prison for 10 to 15 years, or to the death penalty." Alexander Nikitin's arrest took place in the context of an emerging pattern of persecution of environmental activists connected with the Bellona Foundation in Russia. Amnesty International urges the President to take a personal initiative in reviewing the circumstances of arrest and detention of people detained on the basis of their political activities; to order the release of anyone who is a prisoner of conscience (held solely for the non-violent expression of political beliefs) and to ensure a fair and prompt trial for all political prisoners.

Whatever the outcome of the forthcoming presidential elections, Amnesty International appeals to the future Russian President and the Russian Government to consider as a first priority the improvement of the human rights situation in Russia, both in peace-time and in the context of the armed conflict in the Chechen Republic. Amnesty International is also calling on the Government of the Russian Federation to develop a strategy to respect and implement its pledged commitments to the Council of Europe on a wide range of human rights issues. The organization urges the government to work closely with the relevant international bodies, as well as with national non-governmental organizations, in developing a comprehensive action program for implementation of all of its human rights commitments.

These include to:

- **introduce and respect the moratorium on executions and fully abolish the death penalty within three years;**

- end torture and ill-treatment in prisons, in police custody and in the army, including conditions of detention amounting to cruel, inhuman or degrading treatment;
- reform the legal and justice system to ensure respect for human rights;
- protect national minorities;
- adopt a law on a civilian alternative to military service;
- respect freedom of assembly and of religion;
- release all prisoners of conscience and ensure fair and prompt trials for political prisoners;
- investigate as a matter of urgency and in a thorough and impartial manner all past and present human rights violations and abuses, and specifically those committed during the conflict in the Chechen Republic. Anyone found guilty of perpetrating human rights violations, regardless of their post and position, should be brought to justice promptly, giving a clear message that human rights cannot be violated with impunity.

I hope that the new President of the Russian Federation will give priority to the concerns expressed in this letter and will actively support policies which protect and promote human rights.

Yours sincerely,

Pierre Sané
Secretary General