

# Amnesty International

## Russian Federation

### Briefing to the Human Rights Committee

October 2009

#### Introduction

Amnesty International submits this summary of concerns for the consideration of the Human Rights Committee, in advance of its examination of Russia's sixth periodic report under the International Covenant on Civil and Political Rights (ICCPR).

The briefing outlines some of Amnesty International's concerns about the failure of the Russian authorities to fulfil their obligations under the ICCPR. It highlights, in particular, concerns in relation to the following issues:

- Equal rights of men and women, violence against women (Articles 2,3, 7 and 26)
- Non-discrimination, prohibition of advocacy of national, racial or religious hatred (Articles 2 and 26)
- Indiscriminate attacks / killings of civilians during the Georgia-Russia conflict (Article 6 and 7)
- Enforced disappearances and extrajudicial executions in the North Caucasus (Articles 6,7 and 9)
- Torture and other ill-treatment / treatment of persons deprived of their liberty / right to a fair trial (Articles 7, 10 and 14)
- Attacks, including killings, of human rights defenders, lawyers and journalists (Articles 6 and 19)
- Freedoms of expression, assembly and association (Articles 19, 21 and 22)

More detailed information published by Amnesty International on these and other concerns about ongoing human rights violations in the Russian Federation can be found in a number of recent reports by Amnesty International – including:

- Russian Federation: *Rule without law. Human rights violations in the North Caucasus*, AI Index: EUR 46/012/2009, 1 July 2009, [www.amnesty.org/en/library/info/EUR46/012/2009/en](http://www.amnesty.org/en/library/info/EUR46/012/2009/en).
- Russian Federation: *Freedom limited. The right to freedom of expression in the Russian Federation*. AI Index: EUR 46/008/2008, 26 February 2008, [www.amnesty.org/en/library/info/EUR46/008/2008/en](http://www.amnesty.org/en/library/info/EUR46/008/2008/en).
- Georgia/Russia: *Civilians in the line of fire. The Georgia – Russia conflict*, AI Index: EUR 04/005/2008, 18 November 2008, [www.amnesty.org/en/library/info/EUR04/005/2008/en](http://www.amnesty.org/en/library/info/EUR04/005/2008/en).
- Georgia/Russia: *Civilians in the aftermath of war – The Georgia – Russia conflict one year on*, AI Index: EUR 04/001/2009, 7 August 2009, [www.amnesty.org/en/library/info/EUR04/001/2009/en](http://www.amnesty.org/en/library/info/EUR04/001/2009/en).

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## **Equal rights of men and women, violence against women (Articles 2, 3, 7 and 26)**

When it last examined Russia's implementation of the Covenant in 2003, the Human Rights Committee expressed concern about the prevalence of domestic violence against women, and recommended that the authorities take effective measures to ensure the rights of women under the Covenant.<sup>1</sup>

Amnesty International is not aware of any significant steps that the Russian authorities have taken in recent years in order to address domestic violence.

In an interview in January 2008 with the newspaper *Shchit i mech (Shield and Sword)* the executive director of the Department for the Protection of Public Order of the Ministry of Interior of the Russian Federation stated that 40 per cent of violent, serious crimes are committed in the family and that about 14,000 women are killed every year by their partner or another close relative, while 3,000 women kill their partner, and of these 3,000 women, nine out of 10 had been previously subjected to systematic beatings and violence by the victim.<sup>2</sup>

However, no coherent plan to combat domestic violence has been initiated and government support for crisis centres and hotlines remains inadequate. There are about 20 shelters in the entire country for women suffering from domestic violence (although there are other shelters and hotlines specifically for victims of other crimes, such as human trafficking). While the authorities in the city of Moscow, who have long been criticized for their failure to open a shelter for victims of domestic violence, have indicated that premises for a shelter will be sought, this has yet to be realized.

Elements of a campaign by the authorities in the Chechen Republic, reportedly aimed at encouraging the spiritual and moral education of the Chechen population, amounted to an unjustified interference in women's freedom of conscience and religion. In November 2007 Chechen President Ramzan Kadyrov called for women and girls to dress modestly, in line with supposedly Chechen traditions, and to wear a headscarf. Following this statement, it became mandatory for schoolgirls over the age of 10 and female students at higher educational establishments to wear headscarves. Those refusing to wear headscarves risked expulsion. Signs outside official buildings in Grozny state that only women wearing a headscarf will be permitted to enter, and security guards reportedly enforce this policy.

Amnesty International is also concerned by a statement reportedly made by President Kadyrov which appeared to condone the killing of women whose behaviour was considered immoral. On 27 November 2008, the bodies of eight women were discovered in different parts of Chechnya. Each had been shot at point blank range in the head and chest. Shortly after that, Chechen Ombudsperson Nurdi Nukhadziev said that he did not exclude the possibility that the women were killed by their relatives as punishment for 'immoral behaviour'.<sup>3</sup> According to some media reports, President Kadyrov had stated the women had been rightfully shot by male relatives because they were of 'loose morals'.<sup>4</sup> While federal prosecutors in Moscow have, according to reports, concluded that relatives were not involved, there had been no outcome to the investigation as of July 2009, and no arrests had been made.

## **Non-discrimination, prohibition of advocacy of national, racial or religious hatred (Articles 2 and 26)**

Amnesty International notes that a number of steps have been taken in recent years to combat racism and discrimination in the Russian Federation. The problem of racist violence has been recognized as an important issue at the highest level of government, including by Prime Minister Putin and President

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<sup>1</sup> Concluding Observations of the Human Rights Committee, 6 November 2003, UN Doc: CCPR/CO/79/RUS, at para 9.

<sup>2</sup> Mayor General Mikhail Artamoshkin in conversation with Bogdana Lagutina, 24 January 2008, Profilaktika nepogody v dome, *Shchit i mech* No. 03/1115, <http://www.ormvd.ru/press/np/133/137/10690>.

<sup>3</sup> Sergei Mashkin, Musa Muradov, 'V Chechne kaznili zhenshchin', *Kommersant*, 27 November 2008.

<sup>4</sup> Kadyrov Defends Honor Killings', *The Moscow Times*, 2 March 2009.

Medvedev.<sup>5</sup> A unit to combat extremism has been created within the Ministry of Interior, in addition to similar departments set up within the Prosecutor General's office and the offices of regional prosecutors. The Ministry of Interior also makes available, upon request, statistics about race crimes.<sup>6</sup>

Racist violence and hate crimes committed by non-state actors remain at a high level. According to the SOVA Information Analytical Center, the Ministry of Interior registered 17 murders in 2008 as racially motivated murders. Between January and July 2008, the police opened 333 criminal cases into suspected crimes that appeared to have an 'extremist' element to them, a category which includes race hate crimes. It appears that police and prosecutors now recognize racist elements as an aspect of violent crime more often than they had done in the past, and that there are more sentences handed down for hate crimes.

However, the authorities still recognize only a small number of killings as racially motivated. Human rights organizations monitoring the reporting of hate crimes in Russia put the number of such crimes which lead to the death of the victim substantially higher than recorded in the official statistics.<sup>7</sup>

Discrimination against individuals of non-Slavic appearance by members of the law enforcement agencies has been an additional issue of concern. In recent years, the number of identity-based document checks at large underground and train stations in Moscow, which according to research done by Amnesty International and other human rights organizations often lead to arbitrary arrests, extortion and other abuses, has reportedly declined. However, Amnesty International is not aware of current statistics analysing the frequency of such document checks<sup>8</sup> and continues to receive information that undocumented migrants remain at risk of becoming victims of harassment, extortion, arbitrary arrests and other human rights violations.

## Death penalty (Article 6)

Amnesty International opposes the death penalty in all cases; the organization considers it to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

The Russian Federation issued a moratorium on the death penalty after becoming a member state of the Council of Europe in 1996. However, to date it has yet to fully abolish the death penalty. The Constitutional Court ordered that the moratorium should be upheld until all regions of the Russian Federation have introduced jury trials. Currently, the moratorium is to expire in January 2010.

In January 2009 changes to the Criminal Code were introduced, limiting the use of jury trial. Crimes against the state, such as terrorism-related crimes, can no longer be considered by a jury. Amnesty International is not yet in a position to explain how these changes to the Criminal Code might affect the moratorium on the death penalty, since the Constitutional Court ruling made the reintroduction of the death penalty dependent on the existence of trial by jury in all of Russia's regions.

In September 2009, the representative of the office of President Medvedev announced that Russia would 'observe its obligations' under international law [i.e. presumably not to make use of the death penalty], but

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<sup>5</sup> Prime Minister Vladimir Putin has condemned racist crimes, for example, in a speech in December 2008, but he has also called for the expulsion of unemployed migrants, suggesting they might be responsible for a possible increase in crime in times of economic crisis.

<sup>6</sup> The website of the Ministry of Interior of the Russian Federation ([www.mvd.ru](http://www.mvd.ru)) provides crime statistics, among which the number of crimes committed by foreigners and against foreigners are listed. Specific information about racially motivated crimes can be requested from the Ministry.

<sup>7</sup> For example, the SOVA Information Center puts the figure for 2008 at 106 racially motivated murders.

<sup>8</sup> In 2005 a human rights organization monitoring underground and train stations in Moscow found that people of non-Slavic appearance were 21 times more likely to be stopped by police for document checks than those of Slavic appearance. Since then no comparable research has been conducted.

gave no indication what, if any, steps would be taken to amend the law in order to ensure the moratorium remains in place, or to fully abolish the death penalty.

## **Indiscriminate attacks / unlawful killings of civilians during the Georgia-Russia conflict (Article 6)**

In two reports Amnesty International has documented serious violations of international human rights and humanitarian law committed by both sides in the conflict between Georgia and Russia in August 2008.<sup>9</sup> Amnesty International expressed concern about the bombing and indiscriminate killing of civilians in Gori, Georgia, and the surrounding region committed by Russian forces during the war. Between 7-8 and 13 August, villages and residential areas in towns were bombed and shelled, and some civilians reported being bombed while fleeing. The overall number of civilian deaths significantly out-numbered that of combatants, and homes, hospitals, schools and other mainstays of civilian life were damaged or destroyed in communities across the conflict zone. Cluster bombs were fired on and near inhabited areas by both Russia and Georgia, resulting in numerous civilian casualties and the contamination of large areas of land with unexploded ordinance. They continue to present a risk as civilians return home after the conflict. At its peak the conflict displaced nearly 200,000 people.

One year on from the war, an estimated 30,000 people, mostly ethnic Georgians, remain displaced. An omnipresent sense of tension and insecurity in the South Ossetia region prevents many more from returning home and carrying on with their lives. In the region affected by the conflict, some areas have become virtually depopulated due to security concerns. The climate of insecurity has been heightened by the reduced capacity for international scrutiny in the region. The monitoring mission of the Organization for Security and Co-operation in Europe, and the UN's mission in the breakaway Abkhazia region, have both been closed. The only internationally mandated monitors, those of the European Union Monitoring Mission, currently cannot enter areas controlled by the *de facto* authorities in South Ossetia and Abkhazia. To date, no one has been brought to justice either by the Russian – or Georgian - authorities in relation to serious violations of international or national law committed during the conflict and its immediate aftermath. Amnesty International is concerned that there can be no true reconciliation without truth and accountability.

## **Enforced disappearances, arbitrary detention and killings in the North Caucasus (Articles 6, 7 and 9)**

Amnesty International is gravely concerned about the ongoing human rights crisis in the North Caucasus. In a number of published reports, the organization has documented serious human rights violations in Chechnya, Ingushetia, Kabardino-Balkaria and Dagestan.<sup>10</sup>

According to official information, about 3,000 people have been subjected to enforced disappearance since 1999 in the Chechen Republic of the Russian Federation alone.<sup>11</sup> Non-governmental organizations, like the Memorial human rights centre, put the figure at between 3,000 – 5,000 enforced disappearances

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<sup>9</sup> *Georgia/Russia: Civilians in the line of fire. The Georgia – Russia conflict*, AI Index: EUR 04/005/2008, 18 November 2008, and *Civilians in the aftermath of war – The Georgia – Russia conflict one year on*, AI Index: EUR 04/001/2009, 7 August 2009, [www.amnesty.org/en/library/info/EUR04/001/2009/en](http://www.amnesty.org/en/library/info/EUR04/001/2009/en).

<sup>10</sup> See, for example, Amnesty International's recent report on the human rights situation in the North Caucasus: *Russian Federation: Rule without law. Human rights violations in the North Caucasus*. AI Index: EUR 46/012/2009, 1 July 2009, [www.amnesty.org/en/library/info/EUR46/012/2009/en](http://www.amnesty.org/en/library/info/EUR46/012/2009/en).

<sup>11</sup> The April 2009 report of the Ombudsperson for Human Rights of the Chechen Republic states that criminal cases have been opened in 2,027 cases concerning the disappearance of 2,826 people; 1,873 criminal cases have been stopped for lack of identification of a suspect; and 74 cases have been handed over to the military prosecutor for further investigation ( see: <http://chechenombudsman.ru/>).

between 1999 and 2008.<sup>12</sup> Between January 2005 and June 2009, the European Court of Human Rights found Russia responsible in more than 100 cases from Chechnya for violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The cases concerned events since October 1999. In 96 cases the Court found a violation of the right to effective remedy and in 99 cases that Russia had failed to conduct an effective investigation into the death and /or enforced disappearance of a person.<sup>13</sup>

Amnesty International notes that the Russian authorities have recently set up a special unit aimed at ensuring measures are adopted to implement the judgments of the European Court of Human Rights. However, the organization remains concerned that abductions and extrajudicial executions continue and impunity prevails.

Amnesty International is concerned that investigations into arbitrary detention, enforced disappearance and extrajudicial execution, as well as into the killings of journalists and human rights activists in the North Caucasus have been inadequate and – with the exception of a very small number of cases<sup>14</sup> – have not led to the prosecution of perpetrators of such crimes (see also the section on human rights defenders below). Only a few people have been released after being subjected to enforced disappearance and only a very few of those have attempted to bring criminal charges against those who abducted them.

The following examples illustrate Amnesty International's concerns.

### ***Makhmadsalors Masaev***

**Makhmadsalors Masaev** was unlawfully detained between 27 September 2006 and 21 January 2007. He is thought to have been held at a base in Tsenteroi (also known as Khosi-Yurt), run by the then Prime Minister of Chechnya, Ramzan Kadyrov. Makhmadsalors Masaev was abducted from Gudermes central mosque on 28 September 2006 and detained, allegedly in an unofficial detention facility in Tsenteroi, until 21 January 2007. During his detention Makhmadsalors Masaev was held incommunicado.

Following his release, Makhmadsalors Masaev sought to bring criminal charges against his abductors and provided detailed information about the place and the circumstances of his detention to Amnesty International. He was represented in court by lawyer Stanislav Markelov and had already been recognized in November 2006 (while he was still detained) as a victim of the crime of abduction (Article 126 of the Russian Criminal Code) by the prosecutor's office in Gudermes, Chechen Republic. At that stage, no perpetrators of the crime had been identified. Makhmadsalors Masaev told Amnesty International that he had met Ramzan Kadyrov while in detention. According to him, Ramzan Kadyrov was made aware of the fact that he was being held against his will. In July 2008 an interview with Makhmadsalors Masaev, in which he described his detention, was published in a Russian newspaper.

Makhmadsalors Masaev was again abducted on 3 August 2008 in Grozny by men in camouflage uniform. He was in Grozny on 2 August 2008 to attend the funeral of a relative. On 3 August, he decided to visit other relatives in the nearby town of Sernovodsk. He had planned to take a taxi from the centre of Grozny to get to Sernovodsk. When he did not reach his destination, his relatives started searching for him. They found out that he had been seen being taken away by men in camouflage uniform outside the Rosselkhozbank building in the centre of Grozny. There are grounds to believe that he was detained by Chechen law enforcement officials.

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<sup>12</sup> See for example: <http://www.memo.ru/hr/hotpoints/caucas1/prop/index.htm>.

<sup>13</sup> According to statistics from the NGO Russia Justice Initiative (<http://www.srji.org/en/news/2009/06/72/>).

<sup>14</sup> For example the cases of Yuri Budanov, sentenced in 2003 for the death of 18-year-old Kheda Kungaeva (Yuri Budanov was early released in January 2009); Sergei Lapin, sentenced in 2007 for the presumed death of Zelimkhan Murdalov, and a group of four officers of a military intelligence unit sentenced in 2007 for the murder of six civilians in 2002. Also in 2007 two soldiers were sentenced for the murder of two Chechen civilians in 2003.

The authorities in Chechnya opened a criminal case regarding the abduction but the case has been opened and closed more than once, without anyone being found responsible for the abduction and enforced disappearance of Makhmadsalor Masaev. His fate and his whereabouts remain unknown.

### ***The Ilaev family***

According to reports by local media, at around 8pm on 30 November 2008, more than 100 armed masked men surrounded the Ilaev family home in the Pervomaiskii district of Grozny. Brothers **Alvi Ilaev** and **Akhdan Ilaev**, their sister Zalina Ilaeva and Akhdan Ilaev's wife, Khadizhat Ilaeva, who was nine months pregnant at the time, were taken to the law enforcement base near the village of Dolinski. Some of the armed men remained in the house. At around midnight, their 17-year-old brother Imam Ilaev was also brought to the base. While there, the women reportedly heard their male relatives being beaten nearby.

During the night and early in the morning of the next day (1 December), Zalina Ilaeva, Khadizhat Ilaeva and the younger brother Imam Ilaev were released at different times. They said that when they arrived home they found smashed crockery, broken furniture and a number of items missing, including a television, a video-player, clothes, jewellery, money and personal documents. Imam Ilaev was the last to return home and said that he had been tortured with electric shocks.

On 2 December 2008, local television reported that two armed fighters had been killed in a clash with the police. The bodies of Alvi and Akhdan Ilaev were shown dressed in camouflage, although the two had reportedly been dressed in civilian clothes when they were detained.

The next day, their mother was called to identify their bodies at the morgue, where she reportedly saw that the men had been killed by gunshot wounds, and reportedly that their bodies were covered with abrasions and bruises. In response to an inquiry into the two deaths by Memorial, on 12 January 2009, M. M. Kolimatov, deputy head of the Grozny Interdistrict Investigative Department,<sup>15</sup> wrote that the two brothers were members of an illegal armed group and were killed during an exchange of fire with law enforcement officers on 2 December 2008.

On 13 February 2009, however, the Grozny Interdistrict Investigative Department opened a criminal investigation into the abduction and killing of the two men. The same day, responsibility for the case was transferred from the Grozny Interdistrict Investigative Department to the Investigative Department for Specially Important Cases.<sup>16</sup>

**Zurab Ilaev**, the elder brother of Alvi and Azhdan Ilaev, disappeared on 1 December 2008. Early that morning, Zurab Ilaev went to work as usual for the fifth detachment of the oil regiment in the Chechen Republic – a police regiment created in 2003 and initially consisting of then President Akhmad Kadyrov's guards. At 10am that day, his sister called him on his mobile phone. He managed to tell her that he was being held at a law enforcement base near the village of Dolinski, at the same place his two brothers were detained. On 8 December, the body of Zurab Ilaev was brought to the morgue in Grozny; his relatives were informed two days later on 10 December. It was reported that he had been suffocated, and that there were signs of violence on his body.

A criminal investigation was opened into his killing on 12 January 2009. The case was subsequently transferred to the Investigative Department for Specially Important Cases.

As of September 2009, the investigation was still in progress.

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<sup>15</sup> Full title: Grozny Interdistrict Investigative Department of the Investigative Committee of the Prosecutor of the Russian Federation for the Chechen Republic.

<sup>16</sup> Full title: Investigative Department for Specially Important Cases of the Investigative Committee of the Prosecutor of the Russian Federation for the Chechen Republic.

### ***Death of Magomed Yevloev***

**Magomed Yevloev**, owner of the independent website Ingushetiya.ru, was killed on 31 August 2008, after having been detained at Magas airport in Ingushetia, where he had arrived on a morning flight from Moscow. Ingush law enforcement officials detained him at the airport, put him into a car and drove him away. Some time later he was admitted to the Republican hospital in Nazran, Ingushetia, with a gunshot wound to his head, where he later died without regaining consciousness.

Officials reportedly stated initially that he was detained in order to be questioned as a witness in connection with a criminal investigation. It is not clear what happened between the time he was put into the car and his arrival at the hospital. The Office of the Prosecutor of Ingushetia has reportedly stated that Magomed Yevloev was killed by an accidental shot following a struggle. Other reports question this version; some allege the killing was carried out deliberately. An investigation was opened by the Investigative Committee of the Office of the Prosecutor of Ingushetia into the incident under Article 109 of the Criminal Code ('negligent homicide'). On 1 September 2008 the case was transferred to the Investigative Committee of the Office of the Prosecutor of the Russian Federation for the Southern Federal District.

Lawyers representing the Yevloev family, as well as a group of lawyers independent of the case, have expressed concerns that the investigation was opened under Article 109 ('negligent homicide'), rather than Article 105 ('murder'). The lawyers said that the use of Article 109 indicated the investigation had been circumscribed and the authorities did not intend to examine whether the killing of Magomed Yevloev might have been intentional. The defence team alleged that the investigation had been carried out 'unconscionably, cynically and insolently.' The legal team applied to the Sunzhenskii District Court in Ingushetia for the case to be re-qualified under Article 105. However, on 10 October 2008 the court refused the application. On 10 December, Nazran District Court ruled that there was no evidence that his killing was intentional.

On 13 November 2008, the Nazran District Court ruled that the detention of Magomed Yevloev by police at Magas airport was illegal; this ruling was upheld on 30 January 2009 by the Supreme Court of Ingushetia. Lawyers for the family of Magomed Yevloev submitted a formal complaint on 16 February 2009 to the Investigative Committee requesting that charges be brought against police officers for the illegal detention of Magomed Yevloev at Magas airport. On 16 March 2009, a criminal case under Article 285 (abuse of official powers) of the Criminal Code of the Russian Federation was opened by the Investigative Committee of Ingushetia on the basis of the illegal detention of Magomed Yevloev. On 19 March the Prosecutor of Ingushetia annulled this decision of the Investigative Committee of Ingushetia and ordered that the Investigative Committee review its decision to open a criminal case. On 6 May 2009 the Investigative Committee announced there were insufficient grounds to open a criminal case into the detention of Magomed Yevloev.

The trial of Ibragim Yevloev (no relation of Magomed Yevloev), nephew and head of the guard of Musa Medov, then former Minister of Internal Affairs of the Republic, for 'negligent homicide' under Article 109 of the Russian Criminal Code in relation to the death of Magomed Yevloev, started at Nazran District Court on 21 May 2009. On 3 June 2009, the presiding judge withdrew from the case following submissions from the family of Magomed Yevloev that the case had not been dealt with objectively. The next hearing, to be presided over by a different judge, was scheduled to take place on 18 August 2009.

### ***Murder of humanitarian worker***

**Zarema Sadulayeva**, who was the head of the Russian charity, Let's Save the Generation (Spasem Pokolenia), and her husband **Alik (Umar) Dzhabrailov**, were abducted on 10 August 2009 from the organization's office in Chechnya by men presenting themselves as members of the local security services. On 11 August 2009, their bodies were found in the boot of a car in Grozny. They had both been shot. Let's Save the Generation helps children affected by the violence in Chechnya and works closely with the UN Children's Fund, UNICEF.

## **Torture and other ill-treatment / treatment of persons deprived of liberty / right to a fair trial (Articles 7, 10, 14)**

Amnesty International regularly receives reports about individuals being tortured and ill-treated in police custody, pre-trial detention and prison. Many such cases are reported from the North Caucasus, but there are also reports of torture and ill-treatment in other regions of the Russian Federation.

For victims of such human rights violations it is very difficult to achieve justice. Criminal investigations into allegations of torture and ill-treatment by law enforcement officials are often opened and closed repeatedly, without a result. In response to criticism that the investigative bodies were not independent of prosecutors, in 2006 the investigation of crimes was separated from the remaining work of the prosecutorial organs. However, concerns remain that the new Investigative Committee is insufficiently independent from the Office of the Prosecutor General and the regional prosecutors' offices. The burden of proof remains with the victims of the human rights violations who, despite evidence of physical injuries, have to demonstrate that these injuries were inflicted upon them by unlawful means. Access to independent medical expertise is restricted or not available at all, especially in those circumstances where the victims remain in detention. In many cases researched by Amnesty International, the prosecutor investigating an allegation of torture has denied that a crime has been committed, simply on the basis of a statement by the law enforcement official in question that he/she had not ill-treated or tortured the victim.

Chechen prisoner **Zubair Zubairae**v, who was sentenced in 2007 to five years' imprisonment, was reportedly tortured and ill-treated repeatedly during his detention in prison colonies in the Russian Federation. Zubair Zubairae

v was initially sent to a high security prison in Frolov, Volgograd Region. Reportedly, he was beaten with plastic bottles filled with water, as well as with truncheons and rifle butts. It is alleged that Zubair Zubairae

v was also tortured with electric shocks.

After making several complaints about his treatment, and his condition reportedly seriously worsened, he was transferred to a prison colony in Volgograd and was admitted in February 2008 to a prison hospital. He told some of his contacts outside the prison that the injuries he received during these beatings had not been treated at all.

Amnesty International saw photos of Zubair Zubairae

v showing severe marks of injuries to his feet, to his forehead and his ribs. Zubair Zubairae

v told his lawyer and his relatives that he had been placed in a punishment cell repeatedly, and that, on one occasion during the winter of 2007-2008, he was denied food for three days. He described how he was made to stand in the snow for long periods without adequate clothing and that he repeatedly lost consciousness.

The prison authorities informed Zubair Zubairae

v's lawyer that Zubair Zubairae

v had been placed in a punishment cell for violating prison rules. His relatives told Amnesty International they were denied a meeting with him on several occasions, despite earlier promises that they would be able to see him. The relatives also reported that they had been threatened by prison officials in Volgograd Region that 'something could happen to them as well, if their brother continued to complain about the prison administration.'

Following complaints by Zubair Zubairae

v about his alleged ill-treatment, the office of the regional prosecutor conducted an investigation in October 2008 into the conditions in the prison hospital in Volgograd. The investigation did not find evidence of misconduct by the prison authorities.

According to information from relatives and the lawyer, Zubair Zubairae

v was ill-treated on further occasions in February and April 2009. In May 2009 he was transferred to a prison colony in Krasnoyarsk Region. The move from Volgograd to Krasnoyarsk in Siberia took several weeks, during which Zubair Zubairae

v stayed in a number of different detention centres. Since Zubair Zubairae

v has been relocated, his relatives claim they have received no confirmed information about his health and well-being. Instead, they claim they received several cards, the writer of which claims to be Zubair Zubairae

v, yet the family does not recognize the handwriting. They remain deeply concerned about the fate of their relative.



Amnesty International has been monitoring the case of **Rasul Kudaev**, from Nalchik in Kabardino-Balkaria for a number of years. Rasul Kudaev is currently facing trial for alleged participation in an armed attack on government buildings in the capital of Kabardino-Balkaria in October 2005.

Rasul Kudaev, a former Guantanamo detainee, suffers from chronic hepatitis and alleges he has not received adequate medical treatment and has been tortured and ill-treated during detention. He, together with a number of the other 57 men currently standing trial in Nalchik, allege they have been tortured in order to extract confessions.

Rasul Kudaev's lawyer repeatedly appealed to the court to exclude his "confessions" allegedly made under torture from the case material. So far the judge has turned down these appeals.

Rasul Kudaev's mother told Amnesty International about the difficulties she faced when trying to ensure her son receive the necessary medical treatment. Lawyers and relatives of the detained are concerned that the pre-trial detention period, which is now nearing four years, has adversely affected the health of the detainees.

## **Attacks, including killings of human rights defenders, lawyers and journalists (Articles 6 and 19)**

Amnesty International remains seriously concerned about the lack of protection of the right to life and the right to freedom of expression for human rights defenders, journalists, lawyers and civil society activists.

The murder of human rights defender **Natalia Estemirova**, who was abducted and shot on 15 July 2009, is a stark reminder of the ongoing human rights crisis in the North Caucasus and the risks faced by those who speak out against human rights violations in the Russian Federation today, especially in the North Caucasus.

Amnesty International notes statements made by Russian President Dmitry Medvedev that all will be done to bring the perpetrators to justice and that the investigation into the murder of Natalia Estemirova is reportedly being directly overseen by the Prosecutor General of the Russian Federation. However, Amnesty International also notes with deep concern the comments made by high-ranking officials made around the time of her killing. In early July, Adam Delimkhanov, a member of the Russian Parliament and a close ally of Chechen President Ramzan Kadyrov, was shown on Chechen TV, threatening "so-called human rights defenders, who support terrorists." In an interview with Radio Liberty shortly after Natalia Estemirova's murder, President Kadyrov dismissed her work as irrelevant and described her as a person who 'never had any honour or sense of shame.'

Amnesty International is concerned that investigations in the past into the killings of journalists and human rights activists have been ineffective and those responsible have yet to be brought to justice.

The murder of another human rights defender and journalist still remains to be solved. **Anna Politkovskaya** was shot dead on 7 October 2006 in Moscow. Following a worldwide outcry against her murder, the investigation was directly overseen by the Prosecutor General of the Russian Federation. Despite this, nobody has been brought to justice so far. A trial of three men, accused of involvement in the murder, ended with the acquittal of all three. On 3 September 2009, the Supreme Court of the Russian Federation ruled that the case should be returned to the Investigative Committee of the Office of the Prosecutor General for further investigation.

During the trial into the murder of Anna Politkovskaya, another human rights defender was killed in the centre of Moscow. **Stanislav Markelov**, a lawyer, who had worked closely with Anna Politkovskaya and Natalia Estemirova, was shot dead on 19 January 2009. The investigation into his murder and the murder

of the young journalist **Anastasia Baburova**, who was shot when she tried to stop the murderer of Stanislav Markelov, is ongoing.

There is strong evidence to suggest that all three – Anna Politkovskaya, Stanislav Markelov and Natalia Estemirova - were targeted because of their relentless defence of human rights and their outspoken criticism of human rights abuses in the Russian Federation. All of them received threats linked to their work right up to the time they were murdered.

It remains of the utmost importance that the Russian authorities conduct thorough, independent and impartial investigations into the killings of these three human rights defenders, and into the full circumstances of these killings, including the possible involvement of officials.

The killing of human rights defenders sends a chilling message to anyone who wants to stand up to promote human rights in Russia. In the climate of fear and overriding impunity, it is becoming more and more difficult for any human rights defender, civil society activist or independent journalist to freely and safely exercise his or her right to freedom of expression as guaranteed under the Covenant.

### **Freedom of expression, assembly and association (Articles 19, 21 and 22)**

In recent years a number of laws have been introduced in the Russian Federation which threaten the enjoyment of the rights to freedom of expression and association.

The 2006 law on non-governmental organizations (NGO law) has had a stifling effect on the ability of many NGOs to work and thrive as it has introduced burdensome reporting requirements and has been used in order to close, or threaten with closure, a number of NGOs in Russia. Some examples are highlighted found in Amnesty International's report *Freedom limited. The right to freedom of expression in the Russian Federation* (AI Index: EUR 46/008/2008, 26 February 2008).<sup>17</sup>

The 2002 law on combating extremist activities, amended in 2006, has also been used in order to limit the right to freedom of expression (see below).

As recognized in Articles 19(3) and 22 (2) of the Covenant, there are some specified grounds on which necessary and proportionate limits, prescribed by law, may be placed on the exercise of the rights to freedom of expression and association. However, Amnesty International believes that in Russia, enjoyment of these rights has been restricted more broadly than is necessary.

In his address on 15 April 2009 to the Presidential Council on the Development of Civil Society Institutions and Human Rights, President Medvedev recognized a negative attitude among civil servants towards independent NGOs, including human rights NGOs.<sup>18</sup> Russian government officials have repeatedly presented human rights organizations as being anti-Russian. In a climate of mistrust between state institutions and NGOs, laws which establish an excessively vague framework will be used to restrict rights rather than protect them.

Amnesty International notes that President Medvedev has taken some positive steps over recent months to aimed at improving respect and protection of the right to freedom of expression and association in the Russian Federation. He has re-established the above-mentioned Presidential Council for the Development of Civil Society Institutions and Human Rights and has initiated amendments to the NGO law. It is too early to say if these amendments will make a substantive improvement in protecting the exercise of the right to freedom of association.

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<sup>17</sup> Available at: [www.amnesty.org/en/library/info/EUR46/008/2008/en](http://www.amnesty.org/en/library/info/EUR46/008/2008/en).

<sup>18</sup> See: <http://www.kremlin.ru/transcripts>, p.15.

Clearly expressed support from the highest governmental authorities for a full implementation of these amendments, as well as for further liberalizing reforms of this legislation that may yet follow, could lead to a general change in attitude among state officials towards human rights organizations.

### ***Russian federal law on combating extremist activities (amended 2006)***

Amnesty International is concerned that the Russian federal law on combating extremist activities is excessively vague and that it has been and can be implemented in an arbitrary manner. There are concerns that the law is used to clamp down on dissent and infringes on the exercise of right to freedom of expression. The lack of clarity regarding the responsibility for implementing the law may also lead to abuses.

The Russian federal law on combating extremist activities (introduced in 2002 and amended in 2006) defines extremist activities, extremist materials and extremist organizations. An extremist activity can be any 'action aimed at the incitement of hatred or enmity, as well as humiliation of a person or a group on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group' (Article 282 of the Russian Criminal Code). Materials are considered extremist if they call for extremist activities or justify and substantiate the necessity of such activities.

The Ministry of Justice of the Russian Federation holds a list of materials which are considered to be 'extremist' under the law and which are banned from distribution due to their extremist character. This list contains, as of September 2009, more than 400 articles, books, websites and films.<sup>19</sup>

A judicial decision by any court in the Russian Federation is sufficient for a text or website to be placed on this list. Judgments on the extremist character of a text are often based on expert views. However, currently, there are no overarching rules defining who can be considered an expert and what the framework for such an expertise should be. The Ministry of Justice of the Russian Federation is currently undertaking work to establish a list of experts, including forensic and technical experts, who can be called upon by a court. As far as is known to Amnesty International, judges will not be obliged to refer to this list of experts – once it exists - when requesting an expert opinion.

The responsibility for issuing warnings to journalists, editors or others and informing them that an investigation regarding the possible extremist character of a text or website is being sought has switched repeatedly over the last five years. Currently it lies with the Federal Service for the Control of Communication, Communication Technology and Mass Communication.

In September 2009, judicial proceedings to close the NGO *Novorossiisk Committee for Human Rights* in Novorossisk, Krasnodar Region, were underway after two of the leaders of the NGO had been accused of activities which a court found to be extremist. **Tamara Karasteleva** and **Vadim Karastelev** had organized several demonstrations against a curfew imposed on minors in Krasnodar Region, and on one occasion they had held a banner stating 'Freedom is not given, it is taken' (a quotation from the Soviet writer Maxim Gorky), on another occasion, during a one-person picket, Tamara Karasteleva held up banners saying 'Fight corruption, not children', and 'Give jobs to the youth, not a curfew.' During these public events, Tamara and Vadim Karastelev explained to young people passing by what they were demonstrating about. On the basis of these events, the district prosecutor issued a warning against Tamara Karasteleva and informed Tamara and Vadim Karastelev that their activities would be considered as inciting anti-constitutional and disruptive behaviour. A district court found this view well-founded and the Krasnodar Regional Court upheld this decision on 3 September. Following this ruling, the district prosecutor's office has initiated proceedings to close the NGO under the law on combating extremist activities. As of mid-September proceedings were still ongoing.

Amnesty International regularly receives information that warnings have been issued to religious groups, authors, editors and bloggers, informing them that investigations are underway to establish whether their

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<sup>19</sup> See <http://www.minjust.ru/ru/activity/nko/fedspisok>.



in Moscow in April 2009 by train, he was stopped by police officers who told him openly that he was on a list of people who should be stopped at airports and train stations in order to prevent them from attending meetings of the political opposition. Roman Dobrokhotov was able to obtain a copy of an order from the police Department for Combating Extremist Activities requesting that the police at the train station stop him.

The Constitutional Court of the Russian Federation ruled on 16 June 2009 that individuals who have been detained and sentenced to administrative detention should be able to seek compensation if their detention was found later to be unlawful or unjustified. The Court recognized that even a short period of detention might be a violation of an individual's right under Russian law and under the ECHR. Following this ruling a number of people who have been detained during demonstrations of the opposition may challenge the lawfulness of their detention.

For four years in a row, the Moscow city administration and the police have prevented lesbian, gay, bisexual and transgender (LGBT) rights activists from holding a gay rights parade in Moscow. The mayor of Moscow, as well as several of his representatives, have repeatedly stated that gay rights parades will be banned in Moscow, thereby openly refusing to respect the right to freedom of assembly. The Moscow authorities based their ban on gay rights parades partly on the assumption that a large part of Russian society would be against such events. This position ignores the fact that the right to freedom of assembly cannot be restricted solely on the grounds that the views expressed peacefully during an assembly might offend others.