

# Russian Federation

## Russia: human rights concerns

### Introduction

Ahead of the upcoming EU – Russia human rights consultations, Amnesty International would like to provide background information on several current key human rights issues in the Russian Federation.

This briefing (which is an update of previously submitted briefings to the EU) provides information about the following human rights problems in the Russian Federation:

- The ongoing and persistent impunity for human rights violations perpetrated by state officials in the North Caucasus and in the course of the second Chechen conflict;
- The deterioration of freedom of expression and assembly in Russia, as well as increased pressure on civil society organizations in general and human rights organizations in particular;
- The reported continuing increase in violent racism and apparent police inaction when faced with crimes that have an alleged racist motive;
- The inadequate response by the Russian authorities to violence against women in the family.

In addition, this briefing presents a list of individual cases which we hope you will be able to share with the Russian authorities. We would ask that you request information from the authorities about the current status of investigations into these cases, and any plans for further investigation.

### 1. Human Rights Concerns in the Chechen Republic and other parts of the North Caucasus

Amnesty International is concerned that serious human rights violations have been committed with impunity in the course of the second Chechen conflict. While there have recently been some developments in the prosecution and conviction of alleged perpetrators, nevertheless Amnesty International considers that the Russian authorities' record on investigation, prosecution and convictions of members of law enforcement bodies for serious violations of human rights and humanitarian law in the North Caucasus continues to fall far short of its obligations under international law.

In June 2007, a Russian court sentenced four men, members of a special unit of the Russian Military Intelligence (GRU), to imprisonment for nine to 14 years for murdering six Chechen civilians in January 2002. A military court in Rostov-on-Don is currently hearing the case

against two officers of the Russian Ministry of Interior troops, accused of abduction and the murder of three Chechen civilians. Jury trials have acquitted the men on two previous occasions. Investigations are reported to have been opened into alleged torture at detention facilities in Grozny run by the Operational/Search Bureau No. 2 of the Main Department of the Ministry of Internal Affairs of the Russian Federation responsible for the Southern Federal Region (ORB-2), and against individual members of the Chechen security forces.

The European Court of Human Rights has delivered judgments in six cases from the Chechen Republic in 2007, finding Russia in violation of the European Convention on Human Rights. In all of these cases the Court found Russia had failed to conduct effective, prompt and thorough investigations into the human rights violations alleged. Amnesty International is not aware of any case where the Russian authorities have brought to justice those responsible for the human rights violations detailed in these European Court judgments. At the same time, Amnesty International continues to receive reports of harassment and intimidation of those who turn to the courts in Russia or the European Court of Human Rights seeking justice.

In addition, Amnesty International reiterates that the lack of a functioning forensics institute in Chechnya continues to hamper work to identify bodies in the 52 mass graves recorded in the republic. (See Amnesty International's previous briefing for the EU-Russia human rights consultations.) Amnesty International believes such a forensics institute would play an important role in tackling impunity in the Chechen Republic. Those in charge of the disinterment and investigation of the mass grave sites must operate in line with international standards, with the clear mandate of investigating human rights violations, including enforced disappearances, torture and extra-judicial executions, that have taken place during the two Chechen conflicts.

There continue to be reports about serious human rights violations committed in Chechnya and other regions of the North Caucasus. According to reports, around 16 young men, between 20 and 31 years old, have gone missing in Dagestan in 2007 so far. Their families fear that they have been arbitrarily detained by police officers and are being held in incommunicado detention in Dagestan or in Chechnya, where they are at a high risk of torture or extra-judicial execution. The prosecutor of Dagestan has reportedly stated that law enforcement officials were involved in some of the cases. A demonstration by a group of relatives of the disappeared who protested against the disappearances in Makhachkala, the capital of Dagestan, was violently dispersed on 10 August 2007. Several participants were charged with violations of the Administrative Code of the Russian Federation. A court in Makhachkala later found that the demonstrators had acted in line with the law and criticized the police action. Amnesty International is not aware of further actions against the policemen involved in this incident.

In Ingushetia, the security situation has seriously deteriorated, with armed groups launching attacks on troops on a regular basis. Reported killings of ethnic Russians has contributed to fears for the stability of the region. Law enforcement officials including troops of the Ministry of Internal Affairs, and members of the Federal Security Service reportedly are responsible for arbitrary detention, torture, enforced disappearances and extra-judicial executions of ethnic

Ingush men. In some cases where men have been arbitrarily detained, their relatives have discovered that they have been transferred to Vladikavkaz under investigation by the investigative group of the department of the Prosecutor General for the Southern Federal Region. They are held without contact with their family and a lawyer of their choice. Amnesty International considers that these individuals are at high risk of torture and other ill-treatment. Others, such as Ibragim Gazdiev, have gone missing without a trace (see below).

In Kabardino-Balkaria, the trial against those charged with involvement in the violent attacks on government buildings on 13 October 2005 will start soon in the capital, Nalchik. During the investigation, relatives, lawyers and those detained have repeatedly expressed concerns about the treatment of the accused, including allegations of torture and other ill-treatment of those in detention. Amnesty International has followed the case of the former Guantánamo detainee, Rasul Kudaev, who is currently detained in Nalchik awaiting trial. Rasul Kudaev and his lawyers allege that he has been tortured and ill-treated while in detention (for further information see case information below). Amnesty International has seen photographs, eyewitness testimony and official documents that provide evidence to support the allegations of torture. However, the prosecutor's office has repeatedly refused to open an investigation.

Amnesty International calls on the EU to:

- urge the Russian authorities to take all necessary measures to immediately end human rights violations by law enforcement officials, in particular in the North Caucasus;
- urge the Russian government to carry out investigations of the recognized mass graves fully and impartially, and in line with UN guidelines on the disinterment and analysis of skeletal remains, as set out in the Minnesota Protocol. Meanwhile the sites must be protected from any interference. Adequate resources should be made available to ensure that this work can be started without further delay; and the authorities should seek and accept offers of assistance and cooperation from international experts, both in carrying out the work itself, and in training local personnel engaged in the work;
- urge the Russian government to re-open criminal investigations into the violations identified by the European Court of Human Rights that have taken place during the second Chechen conflict, and prosecuting anyone identified as reasonably suspected as responsible for these violations, in accordance with international standards of fair trial
- urge the Russian government to take measures in line with international human rights law in order to end enforced disappearances, abductions, and other human rights violations in Dagestan and Ingushetia, including by ensuring that all detentions are carried out in accordance with Russian law and international standards.

- urge the Russian government to ensure that all allegations of torture and ill-treatment in the pre-trial detention centre (SIZO) in Nalchik are promptly and thoroughly investigated and that former Guantánamo detainee Rasul Kudaev is receiving necessary medical treatment.

## **2. Freedom of expression, media and assembly**

The murder on 7 October 2006 of Russian journalist and human rights defender Anna Politkovskaya, well-known for her reporting of human rights violations, sent a chilling message to media and civil society in Russia about the risk of speaking out. There have since been further reports about death threats to journalists reporting on the situation in the North Caucasus and at least one journalist, Fatima Tlisova, is reported to have left the country in order to protect her own and her family's security.

The recently adopted changes to the law on extremism contain fewer restrictions to the right to freedom of expression than the first draft of the amendments, but concerns remain about the vagueness and lack of definition of certain aspects of the law. For example, Amnesty International is concerned that the definition of "hooliganism" and the inclusion of hatred or enmity against any "social group" as a extremist motivation for a crime are vague and can lead to an arbitrary use of the law.

Amnesty International has repeatedly included its concerns about the case of the non-governmental organization Russian-Chechen Friendship Society (RCFS) in briefings to the EU<sup>1</sup>. After the RCFS was closed down in Russia, it re-registered in Finland, while several of its members have also formed a new NGO called Nizhnii Novgorod Foundation for the Support of Tolerance. Over the last couple of months, Amnesty International has received reports of numerous forms of intimidation and harassment of the members of the RCFS as well as of this new organization. Such intimidation has ranged from the confiscation of the organization's computers, allegedly to check if the software used on them has been legally obtained, to a decision by a court in Nizhnii Novgorod in August 2007 to further restrict the conditions under which Stanislav Dmitrievskii, the former head of the RCFS, has to serve his conditional sentence (for further information see case description below).

Other human rights defenders are subjected to judicial and administrative harassment. It appears the Russian authorities have attempted on several occasions to use the provisions of the 2006 law on NGOs in order to interfere in the lawful work of human rights organizations and other civil society activists. Since the law came into force, nearly all Russian human rights NGOs report that they have had to divert human resources to take on the additional administrative tasks that are required under the law. This therefore disrupts and hinders their ability to concentrate on their core human rights work.

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<sup>1</sup> See Briefing to the Finnish Presidency, October 2006

The law allows for arbitrariness in its implementation due to the lack of precise legal definitions of some aspects of the law. This has included, for example, unreasonable demands such as asking one NGO in St. Petersburg, Citizen's Watch (in Russian, Grazhdanskii Kontrol), to provide copies of all their communication with officials over the last three years to the Federal Registration Service.

In late May 2007, the Mayor of Moscow, Yuri Luzhkov banned a planned gay pride parade. On the day of the planned parade, several Russian and foreign parliamentarians and activists who attempted to hand in a petition to the mayor were detained by police. In view of the upcoming elections the administration of the city of Moscow has put in place further restrictions to the right to assembly.

Amnesty International urges the EU in line with its guidelines on human rights defenders to:

- impress on the Russian government the need to protect and promote human rights, including the right to freedom of expression, freedom of assembly and freedom of association;
- urge the Russian government to fully and thoroughly investigate the killing of Anna Politkovskaya and bring to justice those found responsible for her murder in line with international standards of fair trial;
- urge the Russian government to stop the harassment and persecution of human rights defender Stanislav Dmitrievskii and other members of the Nizhnii Novgorod Foundation for the Support of Tolerance;
- urge the Russian government to amend the law on NGOs in order to allow civil society organizations to be able to continue their valuable work;
- urge the Russian authorities to refrain from disproportionate measures in their restriction of the activities of NGOs and civil society activists.

### **3. Racism**

Despite some progress evident over the last year, the official reaction to the problem of violent racist attacks is still far from adequate, and convictions are few and far between. Progress has included increased efforts by authorities to recognise the issue of racism, reports from foreign students that university authorities in Moscow and St Petersburg have made considerable efforts to improve liaison with students and security on university campuses, and some indications that the legal provisions against racism are being used more effectively. There still appears to be no comprehensive federal programme to combat racist and xenophobic ideas and ideologies. New amendments to the law on extremism seem to be used inconsistently in tackling crimes based on racist or radical views.

Violent racist attacks continue to occur in Russia with alarming regularity. Mostly concentrated in big cities, where the majority of foreigners and ethnic minorities live, exact figures for numbers of attacks and racist incidents are hard to verify. However, a Russian NGO which monitors the media for reports of alleged racist and neo-nazi crimes<sup>2</sup>, published a figure of 301 people becoming victims of such crimes in the first seven months of 2007, of which 37 died. Overall, research by Russian human rights organizations, focussing on the problem of racism suggests that the number is increasing and that the attacks are becoming more violent.

Anti-racism campaigners continue to face threats because of their work while the authorities often seem to be reluctant to investigate death threats. There have been a number of attacks against anti-extremism activists, of which at least one was fatal.

Document checks on members of ethnic groups such as those from the Caucasus and Central Asia which are conducted as so-called "counter-terrorist" measures but often lead to extortion by police and sometimes to serious human rights violations such as torture or ill-treatment. In addition, Amnesty International has researched several cases of deportation of migrants and refugees from the Russian Federation to countries where they are at risk of serious human rights violations (see below).

Amnesty International calls on the EU to:

- urge the Russian authorities, at federal and regional level, to continue to speak out against racism and intolerance;
- urge the authorities to address any deficiencies in the investigation and prosecution of racist attacks, including through the development of clear guidelines and training for police, procurators and judges who deal with such cases;
- urge the Russian authorities to make tackling racism, xenophobia and intolerance a federal-level priority.

#### **4. Violence against women**

Although there are no reliable statistics available about the number of women killed in Russia as a result of domestic violence, the Ministry of Interior in 2003 published the figure of 9,000 women killed per year. A different figure given by the Ministry of Foreign Affairs in 1999 was that of 14,000 women per year killed by their husbands, partners or former partners. Independent research has shown that probably around 40 per cent of Russian women who live in a relationship with a man have been physically assaulted by him. Despite these figures

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<sup>2</sup> SOVA Information and Analytical Centre, 3 August 2007, [www.sova-center.ru](http://www.sova-center.ru)

there is no comprehensive plan of action to tackle domestic violence, there is no dedicated legislation dealing with the issue and very few shelters exist for victims of such violence (according to women's NGOs, there is approximately one place in a shelter for every nine million women). Moreover there is only one state sponsored telephone hotline for victims of domestic violence which operates 24 hours a day (in Barnaul, Altai Region). The problem is not seen as a priority by the state. Amnesty International has noted over the last five years that while the state appears not to have undertaken steps to improve the situation of those who find themselves in a situation of domestic violence, independent women's crisis centres appear to be even more marginalized and struggle to have their voices heard by the authorities when raising the problem of domestic violence.

Amnesty International asks the EU to:

- impress on the Russian government the need to recognize domestic violence as a human rights problem which needs to be addressed by the state;
- urge the Russian government to provide funding for the protection of victims of domestic violence, such as shelters;
- ask the Russian government to take steps to set up a national plan of action to tackle domestic violence and to actively seek the contribution from independent experts and NGOs, specializing on the problem for the development of such a plan.

## **ANNEX**

### **INDIVIDUAL CASES**

#### **Relating to the North Caucasus**

##### *Enforced disappearances:*

Amnesty International has previously brought to the attention of the EU several cases of enforced disappearances from the North Caucasus. The organization would very much welcome any information obtained by the EU from the Russian authorities on the investigations into the following enforced disappearances in Chechnya and Ingushetia:

- Rashid Ozdoev
- Bashir Mutsolgov
- Artur Akhmatkhanov
- Elina Ersenoeva
- Margarita Ersenoeva
- Bulat Chilaev
- Aslan Israilov
- Aminat Dugeva
- Zelimkhan Murdalov
- 11 men from the village of Borozdinovskaia

In addition, Amnesty International would like to bring to the attention of the EU the following case of a recent reported enforced disappearance in Ingushetia:

**Ibragim Gazdiev**, who is an ethnic Ingush, was reportedly seized by armed men in camouflage, at about 12.54pm on 8 August 2007 in Karabulak, in the Russian Republic of Ingushetia. He has not been seen or heard from since and according to unofficial information, is being held in incommunicado detention in Ingushetia or in a neighbouring North Caucasus republic. The authorities however have denied that Ibragim Gazdiev is being held in detention and Amnesty International fears that he is in real danger of being tortured or killed.

According to a witness, Ibragim Gazdiev was seized by armed men of ethnic Russian appearance who were travelling in "Gazel" and "Mercedes" cars. They reportedly surrounded him 30-40 metres from the town hall and forced him into the "Gazel" car, before driving him away. Ibragim Gazdiev had been travelling in his brother's car, a silver coloured VAZ 21010, registration number C 327 TM 06, which has also gone missing.

The armed men are alleged to have been law enforcement officials and it is thought that the Federal Security Service (FSB) might have been involved in the abduction.



The prosecutor's office is reported to have opened a criminal investigation into Ibragim Gazdiev's abduction. The President of Ingushetia, Murat Ziazikov, has reportedly ordered the heads of law enforcement structures in Ingushetia to solve this case as soon as possible.

Ibragim Gazdiev had reportedly graduated from the economics faculty of the Ingushetia State University, and was working as a manager of a shop selling building materials. He had been planning to get married at the end of August.

*Failure to investigate alleged torture of Rasul Kudaev:*

**Rasul Kudaev** alleges that he has been tortured in order to make him sign a "confession" of his involvement in the violent attack on government building in Nalchik in 2005. Rasul Kudaev, who is currently awaiting trial in Nalchik, Kabardino Balkaria, denies these charges. In recent months, the prosecutor's office of the city of Nalchik has repeatedly refused to open a criminal investigation into the alleged torture and ill-treatment of Rasul Kudaev, despite court rulings and decisions of senior prosecutor officials overturning this decision. On 25 January 2007 the prosecutor's office of the city of Nalchik refused to open a criminal investigation. This decision was appealed to the Nalchik City Court, which ruled on 7 March that the refusal had been unlawful and ordered the prosecutor's office to conduct a further inquiry. On 3 May the deputy prosecutor at the prosecutor's office of the city of Nalchik also overturned the decision of his office of 25 January to refuse to open a criminal investigation. The prosecutor ruled again twice, on 13 May and on 20 May, to refuse to open a criminal investigation. These decisions were similarly overturned by the deputy prosecutor.

Rasul Kudaev also reported in a letter that he and other detainees had been beaten up by special unit police on 10 August 2007, and continues to complain that he is not receiving adequate medical attention in detention.

## **Relating to freedom of expression and assembly**

*Murder and following investigation of journalist Anna Politkovskaya*

The investigation into the murder of Anna Politkovskaya, who was killed outside her flat in Moscow on 7 October 2006 has been under the control of the Prosecutor General of the Russian Federation. The investigation has led to the detention of 10 men, accused of involvement in her murder, several of whom were subsequently released without charge. This has given rise to fears among her former colleagues that the investigation is not being conducted as effectively and thoroughly as it should be. The lawyer of three of the suspects has reported that his clients were subjected to ill-treatment while in detention. Amnesty International is therefore concerned that during the investigation into the murder Russian law enforcement officials may have used methods which are not in line with Russian and international law.

*Russian-Chechen Friendship Society and Nizhnii Novgorod Foundation for the Support of Tolerance*

Amnesty International has repeatedly expressed its concern that the Russian-Chechen Friendship Society (RCFS) as well as members of an associated organization, the Foundation for the Support of Tolerance, have been subjected to harassment and persecution by the Russian authorities because of the peaceful exercise of their right to freedom of expression. In January 2007 the Supreme Court of the Russian Federation confirmed an earlier decision by a court in Nizhnii Novgorod to close the RCFS under the law on NGOs after its Executive Director, Stanislav Dmitrievskii, was convicted on 3 February 2006 on "race hate" charges linked to the publication articles expressing non-violent views by Chechen separatist leaders. He was given a conditional sentence and was barred from heading an organization. He was, in the view of Amnesty International, convicted for the peaceful exercise of his right to freedom of expression and should not have faced trial in the first place. The RCFS has since been registered in Finland.

On 17 August 2007, a court in Nizhnii Novgorod decided to impose further restrictions on the conditional sentence that Stanislav Dmitrievskii is currently serving, following his conviction. According to this new decision, any violation by Stanislav Dmitrievskii of the Administrative Code of the Russian Federation, even one as trivial as crossing the street when the pedestrian light is red, can lead to a court changing his conditional sentence to actual imprisonment. Despite the police not noting any violations by him of the rules of his conditional sentence, the court decided in favour of harsher rules. In addition, Stanislav Dmitrievskii and his colleague, Oksana Chelysheva appear to be under regular surveillance by the authorities.

The recently founded Nizhnii Novgorod Foundation for the Support of Tolerance is run by former members of the RCFS. On 29 August 2007, the office of the organization was raided by police from the Department to fight organized crime, who seized four computers on the allegation that the software used on these computers may not be licensed. The computers, which contained the organization's archives, have yet to be returned.