

[ENGLISH VERSION FOR APPROVAL ONLY - RUSSIAN VERSION TO GO TO GOVERNMENT]

Ref.: EUR 46/23/98

Boris Yeltsin
President of the Russian Federation

London, 4 May 1998

Dear Boris Nikolayevich,

Understanding your government's interest to fully protect and promote human rights in the Russian Federation, we are writing to you to convey some of Amnesty International's concerns. We enclose a list of recommendations for your new government which, if effectively implemented, we believe will help ensure the full protection of human rights in the Russian Federation.

Your Excellency is, no doubt, aware of the work of Amnesty International. Our organization is a worldwide, non-governmental human rights movement that works for the release of all prisoners of conscience, fair trials for political prisoners and for the end of torture, "disappearances", political killings and the abolition of the death penalty. Amnesty International has more than one million members and supporters in over 100 countries around the world, including in the countries of the former Soviet Union. The organization is financed by its members and supporters and accepts no money from governments.

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 1948 the United Nations adopted the Universal Declaration of Human Rights (UDHR), and most governments promised to work towards a world where every man, woman and child would be free to enjoy the most basic human rights and dignities. Almost 50 years ago, the former Soviet Union was one of only eight UN members to abstain in the vote on the Universal Declaration of Human Rights. Now, by a presidential decree of 9 April 1997, you proclaimed 1998 as a Year of Human Rights in the Russian Federation to mark the 50th anniversary of the UDHR.

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 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.

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 Russian President and the new Russian Government, in this crucial moment for the future of political life in the Russian Federation.

In June 1996 we welcomed the government initiatives to enhance the protection of human rights included in the Presidential decree "On Certain Measures of State Support for the Human Rights Movement in the Russian Federation", which called for a high degree of coordination between federal structures and the human rights community. Specific measures laid out in the decree included the creation of three entities: an interregional human rights centre to coordinate human rights activities; a human rights training centre; and a centre to publish human rights literature. Regional administrations were instructed to establish bodies analogous to the federal Human Rights Commission. However, progress on establishing these bodies has been slow: 66 regions have established commissions; of these, 12 commissions are working effectively according to Russian human rights groups.

Amnesty International also welcomed the establishment in July 1996 by a Presidential decree of a Political Consultative Council to assist in the creation of a legal framework for economic and political reforms, with 12 standing chambers, including a human rights chamber, headed by Duma deputy Valeriy Borshchev, and a legal chamber, headed by prominent legal expert Boris Zolotukhin. The organization welcomed the inclusion in the Public Human Rights Chamber of representatives of the various Duma factions as well as 10 members of the non-governmental human rights community. The Chamber has held hearings on crucial issues for the protection of human rights in the Russian Federation, such as the situation of refugees and asylum seekers; freedom of conscience; and most recently in March this year, on the practice of torture and ill-treatment by law enforcement officials. However, the effect of the Chamber's recommendations on the legislative process and government policies on human rights remains unclear and unrecognized formally.

Amnesty International especially welcomes the Presidential order of 4 April 1998 "On the Initiatives Concerning the Organization of the Year of Human Rights in the Russian Federation", which outlined the program of events and undertakings during 1998. This program included also a list of federal laws concerning human rights which have to be adopted this year, as well as a list of international standards which need to be ratified by the end of 1998. Amnesty International welcomes that priority in this list has been given to two most important pieces of legislation: the Law on alternative civilian service and the Code on Criminal Procedure. However, the list does not mention the Law on institution of a moratorium on executions of death penalty prisoners, currently under discussion in the Duma, nor does it mention as a priority the ratification of Protocol No 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), relating to the abolition of the death penalty. The Presidential order also failed to include the signing and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), concerning the abolition of the death penalty.

Our organization also recognizes the positive efforts of the President and the Government to create a draft federal programme for protection of human rights and fundamental freedoms in the Russian Federation. We hope that this draft programme will reflect the recommendations and opinions of a wide sector of Russian society, and first of all of the members of the Russian human rights organizations. We hope that Amnesty International's concerns and recommendations, contained in this letter, will also be considered in drafting the federal programme, and that it will be implemented without delay in real life, beyond the 1998 Year of Human Rights.



While Amnesty International has repeatedly welcomed any positive developments in the Russian Federation, our organization has not failed to notice with great concern a longstanding and continuing pattern of very serious human rights violations affecting large sectors of the population.

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; conscientious objectors to military service continues to face imprisonment instead of receiving alternative civilian service; thousands of civilians became victims of indiscriminate killings, torture and extrajudicial executions by the Russian federal army during the conflict in the Chechen Republic -- little if any investigations into these violations, leading to prosecutions, have taken place since the end of the conflict.

In fulfilling its mandate Amnesty International has sent over recent years a number of delegations to the Russian Federation to observe and analyse the human rights situation. In every one of these visits, as well as attending to the concerns of individuals and institutions who approached us, contact was established with state bodies and officials, non-governmental organizations and prominent figures in society. These investigation visits have not just been limited to Moscow and St Petersburg; our representatives have travelled to different parts of the country, from Siberia to Ingushetia, and have had contact with diverse sectors of the population. We thus believe we have a comprehensive vision of existing problems.

In every case of alleged human rights violation, Amnesty International has sought to verify the accuracy and truth of the facts gathered, seeking information from all parties involved. For this reason, in our documents, we present concrete facts which have been corroborated directly and which lead to the conclusions and recommendations included in this letter.

Amnesty International hopes to contribute with this letter towards a substantial improvement in the protection of human rights in the Russian Federation. The organization calls on the new government to ensure the prompt and effective implementation of the enclosed recommendations.

PROMOTE LEGAL REFORM AND RESPECT FOR THE RULE OF LAW

"All human beings are born free and equal in dignity and rights... Everyone is entitled to all the rights and freedoms set forth in this Declaration"

Universal Declaration of Human

Rights

The lack of specific 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, namely: the Law on alternative civilian service; the Code on Criminal Procedure; the Law on institution of a moratorium on executions of death penalty prisoners; the Law on public control over the places of detention, among others. A priority should be also the ratification of Protocol No 6 of the European Convention on Human Rights, relating to the abolition of the death penalty and the signing and ratifying of the Second Optional Protocol to the ICCPR, also concerning the abolition of the death penalty.

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 1997 were only available in nine of 89 regions. A large case backlog, trial delays, and lengthy pretrial detention continue to be major problems. There are no adequate provisions in the legislation and no enforcement mechanisms to tackle domestic violence, although violence against women is increasing in the society. The State Duma has failed so far to adopt a draft law on family violence.

END PERSECUTION OF CONSCIENTIOUS OBJECTORS

"Everyone has the right to freedom of thought, conscience and religion"

Universal Declaration of Human Rights

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. In April 1997 Amnesty International issued a detailed report on the situation of conscientious objectors in Russia, which contained its recommendations to the authorities (*Russian Federation: The right to conscientious objection to military service*, AI Index: EUR 46/05/97).

According to Article 15(1) of the Constitution, “[t]he Constitution of the Russian Federation has supreme legal force and is directly applicable”. This means that it is not necessary for the courts to await the passage of legislation in order to execute new constitutional norms. They can refer directly to the Constitution and invoke its human rights provisions. Nevertheless, the practice of the courts tells a different story. In some instances individual judges have decided to use the provisions of Article 59 of the Constitution directly and dismiss the criminal charges brought against a conscientious objector on the grounds that they violate the Constitution. In most of the other cases, however, conscientious objectors continue to face conviction and imprisonment.

Amnesty International would like to remind the Government and the members of the judiciary that the provisions of Article 15(4) of the Russian Constitution allow for direct application of the norms of international law if the national law conflicts with them, (or if corresponding domestic laws have not been established). It states that “[g]enerally recognized principles and norms of international law and the international treaties of the Russian Federation are a constituent part of its legal system. If an international treaty of the Russian Federation establishes rules other than those stipulated by the law, the rules of the international treaty apply”.

Following several failures to enforce the conscription of conscientious objectors through the courts, the Military Conscription Committee appeared to be resorting to removing conscientious objectors forcibly to military camps. Among them was Nikolay Moschukhin, who in June 1997 was taken to an army base in the Yaroslavl Region, despite a court judgement in November 1996 upholding his right to alternative service. Nikolay Moschukhin was released from the army in early September 1997. Amnesty International urges the authorities to release any prisoners who were convicted solely for exercising their right to conscientious objection, and release any conscientious objectors, such as Nikolay Moschukhin, from forcible military duties.

Freedom of conscience and religion

In an unprecedented move, a decision was made by the Supreme Court of the Russian Federation in the first quarter of 1996, which states under point 11, that "*Refusal to carry out military service for religious convictions does not constitute a crime*". Several cases were reported where similar decisions were taken by courts of general jurisdiction.

However, in October 1997 the Government enacted a restrictive and potentially discriminatory law on freedom of conscience and religion. Although the law enshrines religious freedom, it bans all religious confessions which have not previously formally existed in Russia for 15 years from actively seeking converts. Religious confessions that fail to meet the requirement will be banned from opening schools, distributing religious material, and owning printing works or media outlets. Amnesty International is concerned that the restrictions imposed by this law on

the practising of certain confessions has already led to persecution of their members by law enforcement officials. The organization is also gravely concerned that under the provisions of this law young men who claim conscientious objection to military service based on their religious beliefs and participation in certain religious confessions whose activities have been restricted, have often not been considered as legitimate conscientious objectors by the courts and their right to conscientious objection have not been recognized by the authorities. Vitaliy Vladimirovich Gushchin, a 22-year-old Jehovah's Witness from Kurchatovo, Kursk Region, is currently serving a one and a half year prison sentence for refusing to carry out military service, because of his religious beliefs. Amnesty International considers him to be a prisoner of conscience. The Kursk Regional Court ruled in December 1997 that Vitaliy Gushchin is a member of a "sect" and that his claims to religious beliefs therefore are "groundless".

END THE PRACTICE OF *REFOULEMENT* OF REFUGEES AND ASYLUM SEEKERS

"Everyone has the right to seek and to enjoy in other countries asylum from persecution"

Universal Declaration of Human

Rights

Legal provisions for refugees and asylum-seekers are inadequate. There is a pattern where many are at risk of repatriation to countries where they would be in danger of grave violations of their human rights. For example, Guram Absandze, the Minister of Finance in former Georgian President Zviad Gamsakhurdia's government and Vice-President of the "Georgian Government in Exile", and Nemo Burchuladze, deputy speaker of the Georgian Supreme Soviet during the presidency of Zviad Gamsakhurdia, faced imminent and forcible repatriation to Georgia after being arrested in Russia in March 1998, allegedly at the request of the Georgian authorities. Guram Absandze was forcibly repatriated to Georgia early on 19 March 1998 and Amnesty International feared he would be at risk of grave violations of his human rights, specifically torture or ill-treatment. Nemo Burchuladze was reportedly released. Amnesty International has serious concerns about the treatment of asylum-seekers which are set out in detail in the report *Russian Federation: Failure to protect asylum seekers* (AI Index: EUR 46/03/97).

A new law "On amendments and additions to the law of the Russian Federation 'on refugees'", came into force on 3 July 1997. Amnesty International is gravely concerned about certain aspects of the new law, and believes that they fail to live up to Russia's obligations under international law. For example, the law states that asylum-seekers who have passed through a third country where they could have been recognized as a refugee are also to be excluded from substantive consideration - a worrying incorporation of the "safe third country" concept which has become so common in Western Europe. Amnesty International is also concerned that asylum-seekers declaring themselves at the border are not given the right properly to appeal a

negative decision. The organization is concerned that asylum-seekers will continue to be rejected summarily at the Russian border without any substantive consideration of their claims. For example, Amnesty International learned that an African asylum-seeker (the name and the nationality of this man are being kept confidential by Amnesty International because of concerns for his safety) was forcibly returned to his home country on 16 October 1997, without, reportedly, any consideration of his claim by the Russian authorities. Amnesty International fears he may be subjected to human rights violations in his home country.

The “Propiska” system

The residence permit system or “*propiska*” violates the right to freedom of movement, guaranteed by the Russian Constitution and the 1993 law “On the Right of Citizens of the Russian Federation to Freedom of Movement and Choice of Place of Arrival and Residence Within the Boundaries of the Russian Federation,” as well as a number of international instruments. Under the Soviet “*propiska*” system, introduced by the Soviet regime, people were obliged to register their place of residence and were forbidden to move or change it without official permission from the authorities. In 1991, by decision of the Soviet Constitutional Supervision Committee, the “*propiska*” system was abolished and the Committee ruled that the legal restrictions on the freedom of movement would be invalid as of 1 January 1992. However, the situation has not changed in practice. Since 1994, local governments, such as Moscow and Moscow Region, St. Petersburg, Krasnodar and Stavropol territories, Vladimir, Nizhny Novgorod, Rostov and others, have passed local decrees and regulations introducing or reinforcing strict rules which require prior official permission for residence. Laws restricting movement and choice of residence have also been passed at the federal level.

Government Resolution No. 713 of 17 July 1995 ratified Rules of Registration and Removal of Citizens of the Russian Federation from the Registration List of Temporary or Permanent Residence within the Russian Federation and the List of Officials Responsible for Registration. In fact the Rules created a new “*propiska*” system requiring prior authorization of residence, and undermined the right guaranteed by the Constitution and the law. In October 1995 the Ministry of Internal Affairs issued a special instruction on the implementation of the Rules. The instruction among other things reportedly led to the creation of a special database containing information not just on persons who have committed an offense, but virtually on everyone in the country, tracking their places of residence and all their movements, even business trips or visits to friends and relatives. On 26 December 1995 the government of Moscow and Moscow Region issued a resolution confirming their own Rules for Registration of Citizens.

The lack of a “*propiska*” makes specific ethnic groups an easy target for law enforcement officials. Most of the reported cases of torture and ill-treatment of ethnic Chechens, Armenians, Azeris, and members of other ethnic minorities have happened after the victims were apprehended on the initial pretext that these persons did not have a valid “*propiska*”.

On 2 February 1998 the Russian Constitutional Court ruled as unconstitutional a number of articles and regulations included in the Rules of Registration and Removal of Citizens of the Russian Federation from the Registration List of Temporary or Permanent Residence within the Russian Federation. The Court, in practice, ruled to abolish the illegal practice of the *propiska* system. It was reported that the Mayor of Moscow, Yriy Luzhkov, allegedly said that he would not comply with the ruling of the Constitutional Court. The government at federal and local level has failed to inform law enforcement officials that the system has been abolished or that federal laws and the Constitution override local regulations.

ARMED CONFLICT IN THE CHECHEN REPUBLIC: THE NEED REMAINS FOR INVESTIGATION AND PROSECUTION OF ATTACKS ON CIVILIANS AND “FILTRATION CAMPS”

Massive human rights violations took 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 showed a marked disregard for the rules governing armed conflict and the protection of the civilian population. It is estimated that over 30,000 civilians were 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 were victims of extrajudicial executions and hostage-taking.

Torture and ill-treatment also took 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 armed conflict in Chechnya. Hundreds of people were detained without trial. 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.

In a letter to Amnesty International of 17 December 1997, officials from the Ministry of Internal Affairs stated that during the period 1995-1996 criminal cases had been opened in total against 15 servicemen from the Ministry of Interior troops (10 in 1995 and five in 1996) for crimes against the civilian population during the conflict. Two of them were sentenced by the military courts; in the rest of the cases trials were still pending. The letter did not, however, specify the exact crimes for which the 15 servicemen were charged, nor the exact sentences the two convicted persons had received.

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 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.

In addition, Amnesty International is not aware of any outcome of official investigations into the circumstances of the death of Nadezhda Chaykova. The body of the 32-year-old Russian journalist was found on 30 March 1996 in a shallow grave near the Chechen village of Gekhi, about 20 km outside Grozny, and was exhumed on 12 April when Moscow journalists made a positive identification of her. Nadezhda Chaykova, a correspondent for the respected weekly newspaper *Obshchaya Gazeta*, had been investigating the alleged embezzlement of money earmarked for the reconstruction of the Chechen Republic's economy. She had been severely beaten and killed by a bullet in the back of the head.

ABOLISH THE DEATH PENALTY

"Everyone has the right to life"

Universal Declaration of Human Rights

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 appeared that executions continued after the Russian Federation entered the Council of Europe. Before 1996 Russia had one of the highest execution rates in the world.

At the end of January 1997 the Parliamentary Assembly of the Council of Europe adopted a resolution strongly condemning continuing executions in the Russian Federation and threatening not to accept the credentials of the Russian Government delegation at the Council's next session unless executions stopped. In February 1997 the Chairman of the Presidential Clemency Commission, Anatoly Pristavkin, reaffirmed that no executions had been carried out in Russia since August 1996 and urged the State Duma to pass legislation confirming the existence of a moratorium. Sixty three people were confirmed as having been executed in the first six months of 1996, although in other statements Anatoly Pristavkin had put the number of executions in 1996 as high as 140. According to the head of the Clemency Commission 30 per cent of the prisoners whose death penalty was commuted had psychiatric illnesses at the time of the crime, and another 36 per cent of the prisoners who received clemency were registered as alcoholics.

In April 1997 the Russian Federation signed Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms, relating to the abolition of the death penalty, which now needs to be ratified by the parliament.

On several occasions since 1996, Amnesty International has been alarmed by information coming from unofficial sources in the Presidential administration that a draft Presidential decree is in preparation which aims to restructure the Presidential Clemency Commission and to replace the prominent public figures - writers, lawyers and human rights defenders - who are 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. It was reported in January 1998 that the Procurator General of the Russian Federation has sent a letter to the President insisting that the death penalty be preserved and asking for a reorganization of the Clemency Commission and the system of execution of the death penalty, allegedly, in order to increase the government control and limit the abilities of the Clemency Commission to recommend clemencies.

As many as 846 prisoners remain on death row in the Russian Federation. People continue to be sentenced to death 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.

END TORTURE AND ILL-TREATMENT BY LAW ENFORCEMENT OFFICIALS

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"

Universal Declaration of Human Rights

Amnesty International has received numerous reports of torture and ill-treatment of criminal suspects in police custody throughout the Russian Federation, as well as within the context of the conflict in Chechnya (see above). 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 compared to previous years. 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. 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.

In April 1997 Amnesty International published *Torture in Russia: "This man-made Hell"* (AI Index: EUR 46/04/97), documenting the systematic and widespread torture and ill-treatment of criminal suspects in police custody throughout the Russian Federation, including the apparent targeting of members of ethnic minorities, and torture and ill-treatment within the context of the conflict in the Chechen Republic. The report presented proposals and recommendations to the Russian Government and to the Chechen authorities for prevention of torture, including a specific recommendation for the rescinding of presidential decrees allowing law enforcement officers to detain suspects incommunicado for up to 30 days without charge.

On 10 April 1997 members of leading Russian human rights groups organized a press conference in Moscow to voice their reaction to Amnesty International's report. They also used the occasion to publicize concerns about continuing persecution of human rights defenders in Russia's regions, such as the arrest of Rafail Usmanov from the Magadan Group of the International Society for Human Rights, who had been reporting on cases of torture of detainees by police in Magadan Region. Rafail Usmanov was subsequently released from detention and the charges against him were dropped. Shortly after the publication of the report, Amnesty International learned that six law enforcement officers from Magadan had been detained and charged in connection with alleged torture.

In June 1997 the Russian President rescinded his 1994 decree on fighting organized crime, No. 1226, as well as the part of the 1996 Presidential decree No. 1025 allowing for

incommunicado detention. At the beginning of July the Russian Constitutional Court ruled that a similar presidential decree on fighting organized crime in the Republic of Mordovia violated citizens' constitutional rights.

Amnesty International welcomed the reports in February 1998 that the Supreme Court of the Republic of Mordovia has convicted several officers on charges of torturing criminal suspects in custody. The republican prosecutor's office brought the case after a series of disturbing incidents, including the death of 19-year-old Oleg Igonin, who was arrested for burglary (a charge of which he was posthumously cleared) and tortured by several police officers. He was eventually asphyxiated when officers put a gas mask on him and cut off the air supply (the "slonik" torture method). The Mordovian Supreme Court sentenced two officers to nine-and-a-half years in prison and five others to terms ranging from three to five years. In addition, the court ordered the Mordovian branch of the Interior Ministry to pay 200,000 rubles (\$33,000) to Oleg Igonin's mother and more than 100,000 rubles to others who have been tortured in custody.

Amnesty International urges the President and the Government 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 of deaths of prisoners in custody. We urge the 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. Amnesty International calls on the members of parliament to develop and adopt without delay a Law on public control over the places of detention and to closely cooperate with the NGO expert group on the prevention of torture, which has already begun developing a draft of a law.

END TORTURE, ILL-TREATMENT AND UNLAWFUL DEATHS IN THE ARMY

In April 1997 Amnesty International published a report *Russian Federation: Torture, ill-treatment and death in the army* (AI Index: EUR 46/10/97), in which the organization outlined its serious concerns on the issue. Officers of the armed forces continue to permit, encourage and often participate in "*dedovshchina*", the violent and cruel hazing of young recruits which, at best, involves forcing recruits to perform menial tasks, often outside official duties, and, at worst, leads to beatings, torture, murder, and suicide. *Soldiers' Mothers groups all over Russia insist on limiting the use of the term "dedovshchina" to cases of violent abuse, torture and ill-treatment of soldiers in the army, often with the consent or active participation of the army officers. They claim that military officials avoid responsibility by hiding behind the term "dedovshchina", a practice of abuse of "young soldiers" by the "old soldiers", such as reported from all over the world.*

Military authorities and official documents allegedly hide the real problem of ill-treatment in the army with euphemisms such as "non-regulation relations" between servicemen. Many

observers believe that the Russian army today is a prison-like, GULAG-style institution, where the treatment of soldiers is not much different from the treatment of prisoners, and in many cases much worse. Torture methods such as "torture by hunger", rape, beatings, and other humiliating and degrading punishments continue to be practised in the army. The criminal investigation unit of the Ministry of Defence reported that 423 soldiers committed suicide in the Russian army in 1994 and that an additional 2,500 died as a result of "criminal incidents". The Mothers' Rights Foundation estimated that approximately 4,000 to 5,000 soldiers died from abuse or committed suicide in 1995. Soldiers often do not report acts of "*dedovshchina*" to officers for fear of reprisals.

In 1995 the Ministry of Defence reported that 392 military personnel died from various non-combat-related causes, one third from suicide. The Mothers' Rights Foundation has estimated that thousands of soldiers died in 1996 as a result of acts of torture and ill-treatment by fellow soldiers or officers, by committing suicide, or by not receiving adequate medical attention. Only a few of these cases were reportedly referred to the courts. In a number of units, torture and ill-treatment is at such high levels that officers have been ordered to sleep in the barracks until the situation improves.

For example, it was reported on 13 May 1998 that a young soldier (his name is not known) was beaten to death while serving in the 205th Motor-Rifle Brigade of the Russian army, stationed in the town of Budyonnovsk, Stavropol Territory of the Russian Federation. The private died allegedly of injuries inflicted by an older soldier for refusing to mend his shoe that had been torn in a football match. Amnesty International learned that this serviceman was reportedly the 14th victim of *dedovshchina* in the 205th Brigade in the year and a half since it was stationed in the town of Budyonnovsk, after withdrawing from the conflict in the Chechen Republic. During this period over 350 soldiers have reportedly complained about being subjected to ill-treatment in their army unit to the Budyonnovsk and Stavropol committees of soldiers' mothers.

PRISON CONDITIONS

"Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence"

Universal Declaration of Human Rights

The conditions in 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. 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..."

The Procurator General expressed concern at serious overcrowding and revealed that some 2,000 people had died of tuberculosis in prisons in 1996, a death rate 10 times the rate in the general population. On 20 August 1997 the Russian President submitted legislation to parliament proposing an amnesty for nearly half a million prisoners to help alleviate conditions in Russia's overcrowded jails. Amnesty International welcomed this move to alleviate the difficult conditions in Russian prisons caused partly by overcrowding. In December 1997 the State Duma adopted in the first reading a draft law on amnesty, covering 445, 000 people in pre-trial detention and prison colonies.

On 6 October 1997 President Yeltsin signed a decree entitled "On reforming the penitentiary system of the Interior Ministry of the Russian Federation". In accordance with recommendations of the Council of Europe and the UN Committee against Torture, the decree envisaged step-by-step reform of the penitentiary system now under the control of the Ministry of the Interior and moving it to the jurisdiction of the Ministry of Justice. President Yeltsin also instructed the government to create within a month a commission for reforming the penitentiary system, which was to draw up proposals before 1 December 1997 for the solution of problems that may occur during the transfer of the penitentiary system to the jurisdiction of the Ministry of Justice. The government was also instructed to submit to the Duma corresponding federal draft laws before the end of 1997. In December the State Duma formed a special commission to deal with violations in pre-trial detention centres.

PRISONERS OF CONSCIENCE AND POLITICAL PRISONERS

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

Universal Declaration of Human Rights

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. 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.

In May Oleg Pazyura, a human rights defender and retired naval officer, was arrested by officers from Oktyabrsky District Department of Internal Affairs in his home in the northern city of Murmansk. His family were not informed of his whereabouts for four days. He was reportedly charged with "slander of a person or a public official" and "a threat or violent actions against a procurator, investigator, interrogator or other officials". Shortly before his arrest Oleg Pazyura was reported to have made public allegations of violations of the judicial process by the local courts and corruption in the procuracy. Oleg Pazyura's family was not allowed to visit him in the Murmansk pre-trial detention centre where he was being held, and he was initially not given a defence lawyer after the lawyer he requested declined to represent him, allegedly fearing persecution by the authorities. He was reportedly released under an amnesty law earlier this year.

Aleksandr 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, 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 old 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". In December 1996 Aleksandr Nikitin was released pending trial and he was restricted to not leave St Petersburg at any time. In September 1997 he was presented with a new indictment by the FSB, the fifth since his arrest. The charges continued to be based on an unpublished, secret decree which the FSB is applying retroactively. Aleksandr Nikitin could now face a 20-year prison sentence. On 29 April 1998 the Office of the Procurator General informed Aleksandr Nikitin's defence lawyers that the case has been returned to the FSB for an additional investigation and that the FSB is expected to come up with yet another, seventh, indictment against Nikitin. In the official letter to the lawyers, the Procurator General also stated that it is inadmissible to base criminal charges on secret decrees, which violates Article 15 of the Russian Constitution.

Amnesty International was alarmed that reportedly since 1 May 1998 two or three cars with FSB officials have been regularly on duty in front of Nikitin's apartment building and that they allegedly follow Nikitin's family every time they go out of their home. Aleksandr Nikitin had tried to take a photograph of one of the cars on 1 May. He reported that the FSB officials tried to confiscate the film from his camera. It was reported that on 2 May, one of Nikitin's lawyers, Ivan Pavlov, reportedly attempted to talk to the FSB officials, who subsequently searched him and allegedly stated that "he should stay away from this". It was reported that on 8 May Aleksandr Nikitin received a new indictment by the FSB, which allegedly did not refer to a secret decree.

Amnesty International continues to call for all charges against Aleksandr Nikitin to be dropped. The organization is gravely concerned about the recent reports of harassment of Aleksandr Nikitin, members of his family and his lawyer by FSB officials. Amnesty International calls on the Russian authorities to ensure the safety of Aleksandr Nikitin and to investigate all acts by FSB officials, which may in the future lead to ill-treatment.

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.

RESPONSIBILITY OF THE GOVERNMENT TO PROTECT WOMEN'S RIGHTS AS HUMAN RIGHTS: TRAFFICKING OF WOMEN & VIOLENCE AGAINST WOMEN

"All are equal before the law and are entitled without any discrimination to equal protection of the law. [T]he peoples of the United Nations have...reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women..."

Universal Declaration of Human Rights

Amnesty International believes that states may be held accountable for their failure to prevent or redress abuses of women's rights committed by private persons or state agents. The UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly in 1993, declares that states should exercise due diligence to prevent, investigate and punish acts of violence against women, whether these acts are perpetrated by the state or by private persons. Similarly, General Recommendation 19 of the Committee on the Elimination of Discrimination against Women (1992) affirms that states "must act with due diligence to prevent violations of rights, or to investigate and punish acts of violence, and to provide compensation".

Amnesty International believes that governments are not only obliged not to violate women's human rights: they are obliged to protect and promote those rights, as is recognized in paragraph 215 of the Beijing Declaration and Platform for Action, the final document of the Fourth UN World Conference on Human Rights, which states:

"The gap between the existence of rights and their effective enjoyment derives from the lack of commitment by Governments to promoting and protecting those rights and the failure of Governments to inform men and women alike about them."

Domestic violence remains a major problem in the Russian Federation, as victims rarely have recourse to protection from the authorities. According to reports, police officers are frequently reluctant or even unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action.

According to official government information released in 1997, almost 11,000 women reported rape or attempted rape in 1996. It was reported that Yekaterina Lakhova, the President's advisor on women's issues, has estimated that 14,000 women are killed by husbands or family members each year. However, these statistics are believed to underestimate the extent of the problem, due to the under-reporting of cases of violence against women by the victims of such crimes. In 1996 the Ministry of Internal Affairs estimated that 80 percent of violent crime occurred in the home.

The second widespread violation of women's human rights is the trafficking of women from the Russian Federation. Since the break-up of the Soviet Union in 1991, the number of women trafficked from Russia and the Commonwealth of Independent States (CIS) has increased substantially every year. A recent study by the Dutch Foundation Against Trafficking in Women (STV)/La Strada Program noted that 75 per cent of the trafficked women they have come across

were from Central and Eastern Europe. The International Organisation for Migration (IOM) estimates that each year 500,000 women are trafficked to Western Europe, the region which was first to receive large numbers of women trafficked from the Russian Federation. Official statistics estimate that 50,000 women leave Russia permanently each year, although unofficial estimates indicate that hundreds of thousands of women leave annually in search of temporary work, with plans to return. For example, in 1989, 378 Russian women went to Japan on entertainment visas. Before 1989, there had been none. The number of Russian women issued with entertainment visas to Japan had risen in 1995 to 4763.

VIOLATIONS OF HUMAN RIGHTS IN THE CHECHEN REPUBLIC

"Everyone has the right to life, liberty and security of person"

Universal Declaration of Human Rights

DEATH PENALTY:

Public executions under the Shari'a law in the Chechen Republic

A new Criminal Code developed in the Chechen Republic has introduced the rules and regulations of the Islamic religious tradition, the so-called *Shari'a* law, into the judicial practice of the Chechen Republic. On 3 September, a man and a woman were publicly executed by firing squad in the Chechen Republic after being found guilty of murder by the Chechen Supreme Shari'a Court. A third woman, Assa Larsanova, also found guilty of murder, had her execution postponed when doctors established at the last moment that she was pregnant. Assa Larsanova, mother of three, her sister Mariam, and a man whose name is not known, were sentenced to death by the Chechen Supreme Shari'a Court earlier in 1997 for the murder of Assa's husband. Her two co-defendants were publicly executed by firing squad on 3 September. Mariam's husband reportedly said that Mariam's three children watched their mother's execution on television.

Assa Larsanova's execution was postponed due to her pregnancy. According to Chechen Shari'a law, she would be killed as soon as she stopped breast-feeding her new baby. If the parents of her husband forgave her, the Shari'a court might reconsider its verdict and substitute her death sentence with life imprisonment. She could also be granted clemency if 100 cows or the equivalent amount in money were given to the victim's family as compensation. Assa Larsanova reportedly did not have the means to pay this amount. Assa Larsanova, who maintains her innocence, was allegedly not given access to a defence lawyer before or during the trial. According to her relatives, she was repeatedly beaten and otherwise ill-treated by her husband

during their marriage. She reportedly left home several times in order to escape this treatment and hid in relatives' homes.

In January 1998 Amnesty International received information from several different unofficial sources indicating that Assa Larsanova was no longer under threat of execution in the Chechen Republic. It was believed, however, that Assa Larsanova had not been officially granted clemency by President Maskhadov, but that her name had been removed from the list of those condemned to death. According to reports of May 1998, Assa Larsanova gave birth in prison and is still detained in Grozny, awaiting her execution. Unofficial sources reported that, asked about the case of Assa Larsanova, the Chechen Minister of Interior, Kazbek Makhashov, allegedly said: "Yes, the case of Assa Larsanova became widely popular internationally. We should never do the executions publicly in the future..."

Amnesty International knows of five executions which took place in 1997 in the Chechen Republic. The organization fears that other people in the Chechen Republic may also face imminent execution, among them up to 30 people believed to be awaiting the Shari'a courts' verdicts on charges of kidnapping, after President Maskhadov issued a decree in June 1997 allowing courts to sentence kidnappers to death. In November 1997 a delegation of the Council of Europe visited Chechnya and met with high-ranking government officials. The delegation was told that a new Shari'a Criminal Code is being drafted in Chechnya which will be adapted in line with the Chechen tradition.

Regardless of its current legal status, the Chechen Republic still remains bound by the international human rights obligations of the Russian Federation, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International does not promote or oppose any particular system of justice, urging only that it conforms to internationally accepted standards. Amnesty International has called on the Chechen President to grant clemency immediately to all prisoners currently on death row in the Chechen Republic.

TORTURE AND ILL-TREATMENT AS PUNISHMENTS UNDER THE SHARI'A LAW

A number of articles in the Chechen Shari'a Criminal Code provide for a variety of corporal punishments, in violation of the prohibitions of torture and ill-treatment in the ICCPR and the UN Convention against Torture. For example, article 168(b) provides for amputations of the right hand from the wrist and the left leg at the ankle for a theft or a robbery. A number of articles provide for corporal punishment in the form of caning. Amnesty International is gravely concerned about a number of provisions in the Criminal Code which provide for capital punishment.

The organization is calling for the revision of the provisions of the Chechen Criminal Code which provide for the death penalty and corporal punishments with a view to abolition of the death penalty and all acts which constitute torture and ill-treatment.

ABDUCTIONS OF JOURNALISTS AND HUMANITARIAN AID WORKERS

Continuing abductions of journalists , media employees and humanitarian aid workers in the Chechen Republic call into question the ability of both the Russian and Chechen authorities to guarantee the safety of journalists and humanitarian workers in this region. Among those taken hostages in the Republic were prominent Russian television journalist Yelena Masyuk of the Independent TV (NTV), her cameraman and sound technician, who were ambushed by gunmen in May. Amnesty International called on the Russian and Chechen authorities to condemn the abductions of journalists, to undertake all necessary measures to locate them and bring them to safety, and to undertake immediate steps to ensure the safety of all journalists working in the Chechen Republic. The organization learned that Yelena Masyuk and her crew were released in August 1997. It was not disclosed who had held them.



Amnesty International urges the Russian Government to implement the following recommendations:

A. Legal reform and respect for the rule of law:

- The Government should reform the legal and justice system to ensure respect for human rights;
- The Parliament should adopt without delay national laws relating to the protection of human rights, such as laws on: alternative civilian service; moratorium on executions of death penalty prisoners; Code of Criminal Procedure; on public control over places of detention; family violence, among others;
- The judiciary should be protected against undue interference by the executive, and should receive the necessary political support and resources to carry out its duties;
- The Government and the parliament should ensure that international standards relating to the judiciary, prosecutors and lawyers, including those contained in the UN Basic Principles on the Independence of the Judiciary, the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers, are incorporated into Russian law and legal practice;
- The Government should abolish all local and regional acts and instructions reintroducing the rules and regulations of the *propiska* residence permits system;
- The Government and the judiciary should continue with the implementation of the jury trial system in the rest of the 80 regions of the Russian Federation;

B. The right to conscientious objection to military service

- The Government should ensure respect for the constitutional right to conscientious objection and enact legislation creating alternative civilian service of non-punitive length;
- All prisoners who were convicted solely for exercising their right to conscientious objection should be released, including all conscientious objectors currently in prison or who have been forcibly recruited into the army;
- Urgent measures should be taken to implement into the practice of the courts at all levels the constitutional provisions on the right to conscientious objection as provided for in Article 59 of the Constitution;

- The Government should inform the military authorities involved in conscription of the precedence of the constitutional provisions and the provisions of international standards over the internal rules and regulations, local decrees and institutional instructions governing their activities;
- The Government should abolish all federal, local or institutional acts, rules and regulations relating to the activities of the armed forces which violate the Constitution and international standards on the right to conscientious objection.
- Freedom of assembly and of conscience and religion should be respected; and the provisions of the Law on conscience and religion which allow for the persecution and imprisonment of members of unrecognized religious confessions should be revised;

C. Treatment of refugees and asylum seekers

- The Government must scrupulously abide by the internationally recognised principle of non-*refoulement*, including non-*refoulement* on the frontier, and must take steps to ensure that no person is returned to a country where he or she risks serious human rights violations;
- The Government should take immediate and concrete steps towards establishing a fair and satisfactory refugee determination procedure;
- The Russian government should take immediate measures to ensure that all asylum seekers at Sheremetevo-II airport, as well as at all other ports of entry into the Russian Federation, are given access to asylum procedures. Asylum seekers should be provided with full information on their procedural rights, in a language they understand, and in particular should be informed of their right to contact the UNHCR. The government should also ensure that the UNHCR has free and unhindered access to the transit zone of the airport, as well as any facility where undocumented passengers may be detained;
- The Russian government should issue clear and unequivocal instructions to all relevant personnel (including border guards, regional migration service officials, law enforcement officials and other officials who deal regularly with foreign nationals) on the rights of asylum seekers and the duty to refer all asylum seekers to the appropriate body charged with determining asylum claims. They should be specifically instructed not to pass any sort of information regarding such claims to officials of the asylum seeker's country;
- The Government should ensure that all those who come forward to seek protection have their claim formally registered. They should receive proper official documents identifying them as asylum seekers and protecting them from *refoulement*;
- The federal government has a responsibility to ensure that local and regional legislation and practice complies with international standards and with treaty obligations the government has undertaken. In this regard, the Russian government should ensure that all local legislation obstructing access to asylum procedures be annulled, and that concrete and practical measures are taken to ensure compliance at the local level with federal legislation regarding refugees, including training of local officials by the UNHCR;
- The Government should take immediate steps to ensure that ill-treatment, beatings, harassment, arrest and arbitrary detention of asylum seekers by police is stopped. Specific and clear instructions regarding the treatment of asylum seekers and respect for UNHCR registration documents should be issued to all law enforcement personnel. Those who do not comply with these instructions should face appropriate disciplinary proceedings and/or prosecution;

D. Human rights violations against civilians during the armed conflict in the Chechen Republic

- The Government should 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;

E. The death penalty

- The President should commute all pending death sentences;
- The Government and the parliament should take immediate and concrete steps toward abolition of the death penalty in law, in accordance with the requirements of the Council of Europe;
- The President should publicly announce the existence of a moratorium and should send an order to all government officials involved in the system of execution of the death penalty informing them about the moratorium on executions;
- The moratorium on executions should be introduced in national law and should be respected and the death penalty should be fully abolished by the end of 1998;
- The Supreme Court should publish regularly in its journal the names and the sentence of all prisoners sentenced to death previously and in the future;
- The Government should ratify Protocol No 6 of the European Convention on the Protection of Human Rights and Fundamental freedoms, relating to the abolition of the death penalty;
- The Government should sign and ratify Second Optional Protocol to the International Covenant on Civil and Political Rights, relating to the abolition of the death penalty;

F. Torture and ill-treatment by law enforcement officials

- The Government and the parliament should criminalize torture as a distinct crime with appropriate punishments under the national law, as defined in the Convention against Torture;
- The Government should abolish all federal, local or institutional acts, rules and regulations allowing detention for longer than 48 hours without judicial authorization and access to counsel;
- The Government should inform all detainees of their rights, including the right to complain to the authorities against ill-treatment;
- confessions extracted under torture should never be allowed as evidence in court;
- The Government should ensure that detainees under interrogation are informed promptly of the charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to relatives and an independent medical practitioner;
- The Government should implement prompt and impartial investigations of all complaints of torture or ill-treatment of detainees, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint has been made;

- as part of such investigations, the Government should ensure prompt, impartial and professional medical examinations of people alleging torture or who may have been tortured;
- The Government should bring those responsible for torture or ill-treatment of detainees to justice in the courts;
- The Government should ensure that every victim of torture has access to the means of obtaining redress and an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible;
- The Government should ensure that information regarding the absolute prohibition against the use of torture and ill-treatment is fully included in the training of law enforcement personnel, members of the armed forces and other persons who may be involved in the custody, interrogation and treatment of any individual subjected to any form of arrest, detention or imprisonment;
- The Government should establish an effective system of independent inspection of all places of detention;
- The Government should take immediate steps to address the concerns and the recommendations of the UN Special Rapporteur on Torture and the Committee against Torture;

G. Torture, ill-treatment and unlawful deaths in the army

- The Government should ensure that information regarding the absolute prohibition against the use of torture and ill-treatment is fully included in the training of military personnel, conscripts themselves and other members of the armed forces;
- The Government should establish an effective system of civilian control over the activities in each army unit and especially with regards to investigations of cases of alleged torture and ill-treatment;
- The Government should allow for regular visits to the army units and for meetings with conscripts for members of the human rights community, religious representatives, medical personnel and other civilian organizations;
- The Government should take immediate steps to address the concerns and the recommendations of the Committee against Torture; and take urgent measures to stop the practice of torture and ill-treatment in the army, known as *dedovshchina*, and conduct prompt, impartial and effective investigations into all individual complaints by conscripts and their families;
- The Government should take steps to ensure effective implementation of the constitutional provisions and international standards on the prohibition of torture with regard to the planned reform of the Russian army by the year 2000.

H. Prison conditions

- The Government should end torture and ill-treatment in prisons, including conditions of detention amounting to cruel, inhuman or degrading treatment;
- The Government should take immediate steps to improve conditions of pre-trial detention, including limiting the period of detention pending trial and making effective use of the system of release on bail for suspects charged with non-violent crimes, notably women and adolescents;

- The Government should ensure implementation of the government federal programme for construction of new and reconstruction of the existing pre-trial detention centres and prisons, as recommended in Presidential order of 4 April 1998;
- The Government should develop a workable plan for the transfer in 1998 of the penitentiary system to the jurisdiction of the Ministry of Justice and for the demilitarizing of the system of executions of punishments;
- The Government should work closely with the NGO expert group on the prevention of torture in drafting a law on the public control over places of detention; the Government should work with human rights NGOs and the International Committee of the Red Cross, for the establishment of an independent body to regularly inspect places of detention and make recommendations for improving conditions of detention in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- The Government and the President should further grant amnesty to suspects charged with non-violent crimes, women, adolescents and elderly, in view to rapidly decrease the prison population, especially in the pre-trial detention centres (SIZO);
- The Government should investigate mechanisms for improving the amount and quality of education in medical ethics for health professionals working with detainees. The Government should ensure that key ethical standards, such as the UN Principles of Medical Ethics, are brought to the attention of all government doctors and health personnel working in the penitentiary system;

I. Prisoners of conscience and political prisoners

- The Government should release all prisoners of conscience and ensure fair and prompt trials for political prisoners;

J. Government responsibility to protect women's rights

- The Government and the parliament should incorporate into law the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women;
- The Government should also adopt a coherent strategy to implement the Beijing Platform for Action;

By addressing separately the authorities in the Chechen Republic, Amnesty International is not taking a position on Chechnya's legal status. Regardless of its current legal status it remains bound by the international human rights obligations of the Russian Federation, including the ICCPR and the Convention against Torture. The organization does not promote or oppose any particular system of justice, urging only that it conforms to internationally accepted standards.

Amnesty International urges the authorities of the Chechen Republic to:

- stop immediately all executions of death penalty prisoners;
- abolish the death penalty and grant clemency to all death row prisoners;
- abolish officially all acts, decrees, laws, orders and directives currently enforced in the republic which allow for the use of torture and ill-treatment and other cruel or degrading treatment or punishment, notably the provisions of the Chechen Shari'a Criminal Code;

- amend all articles in the Shari'a Criminal Code which provide for corporal punishment, such as caning and amputations, and for the death penalty, and replace them with punishments which do not violate international human rights standards;
- respect and scrupulously abide by the norms of international standards, especially the Universal Declaration of Human Rights, the ICCPR and the Convention against Torture, which prohibit torture in any circumstances;
- ensure the presence of a defence lawyer from the moment of arrest and throughout the trial for anyone charged and prosecuted under the provisions of the Shari'a law;
- ensure the safety of journalists, media employees and humanitarian aid workers in the Chechen Republic and ensure the release of all people taken hostage in the Republic;
- investigate all cases of hostage-taking in Chechnya; bring charges and prosecute in accordance with law and internationally accepted standards for fair trial anyone found guilty of hostage-taking;
- ensure equality of all people before the law and respect for the human rights of every individual in the Chechen Republic, regardless of their ethnic origin, religious or political beliefs, or their gender, age, race or sexual orientation.
- ensure effective protection of women's human rights and initiate prompt and impartial investigations into allegations of violence against women in the Chechen Republic;

Yours sincerely,

Derek Evans
Deputy Secretary General