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Rough Justice: The law and human rights in the Russian Federation Updates on selected events covering the period from April to October 2003

INTERNATIONAL SYSTEMS OF REDRESS AND THEIR LIMITATIONS

21 May 2003 - Khudayberdy Orazov, the former Deputy Prime Minister and Director of the Central Bank of Turkmenistan, arrived in a European country on 21 May 2003. He had been seeking permission to leave the Russian Federation, where he was exiled, since January 2003. The United Nations High Commissioner for Refugees recognized Khudayberdy Orazov as a refugee on 19 January. By not returning Khudayberdy Orazov to Turkmenistan, despite Turkmenistan government requests, the Russian authorities acted in line with their obligations under international human rights law, for example Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This convention prohibits the return of a person to a country or territory where they may be subjected to torture.

June 2003 - The government of the Russian Federation authorized the publication of one of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visits to the Russian Federation. CPT delegations have so far made 11 visits to different regions of the country. Six of these visits, including the last one between 23 and 29 May 2003, have been to the Chechen Republic. The Russian Federation was the last of the states parties to the European Convention Against Torture to authorize the publication of one of the CPT's reports. (See AI Index: EUR 46/059/2003)

10 July 2003 - The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued an unprecedented second public statement concerning the same issue - human rights abuses in the Chechen Republic. The CPT assessed that there is a continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic, and that action taken to bring to justice those responsible has proved largely unproductive. The lack of response to its recommendations relating to the Chechen Republic from the Russian government first prompted the CPT to take this exceptional step in relation to the Russian Federation in July 2001. (See AI Index: EUR 46/065/2003)

24 July 2003 - The European Court of human rights in Strasbourg passed judgement on two more cases. In the case of *Smirnova v Russia* the Court ruled that the confiscation of the ID of Yelena Smirnova, one of the applicants, violated Article 8 of the European Convention for Human Rights. In the case of *Ryabykh v Russia* the Court ruled that the applicant's right to a fair trial was violated under Article 6.1 of the European Convention for Human Rights because the applicant had not been informed of the decision of a higher court to re-open her case and reverse the decision of a lower court, and so was unable to prepare a defence.

25 July 2003 - A court in the southern Russian city of Rostov-on-Don sentenced Colonel Yuri Budanov to 10 years in prison for the abduction and murder of a young Chechen woman, Kheda Kungaeva, in 2000. (See *Russian Federation: Justice must be done* AI Index: EUR 46/030/2003)

IMPUNITY UNDER 'ANTI-TERRORIST' LAW

22 July 2003 - A Moscow municipal court awarded the family of a man killed in the Moscow theatre siege compensation totalling \$50,000. Tatyana Khazieva's husband was among the people who died in the siege in October 2002, nearly all from the effects of a gas Russian special forces used before they stormed the building. In Tatyana Khazieva's case, she was awarded the compensation for material damage - the loss of the bread-winner, and not for moral damages.

28 July 2003 - Moscow City Court upheld the decision of Tverskoi District Court to reject suits for moral damages filed by the families of people killed in the Moscow theatre siege in October 2002.

28 August 2003 - The European Court of Human Rights considered an action filed by 24 victims of last year's Moscow theatre siege claiming moral damage compensation from the Moscow city administration. The Court asked for more documents relating to the case.

12 September 2003 - Moscow's Tverskoi District Court rejected damage suits filed against the Moscow city government by victims to last year's Moscow theatre siege.

23 September 2003 - During a court hearing the Moscow city government announced it will pay compensation to relatives of the victims of the Moscow Theatre siege.

26 September 2003 - A Moscow Municipal Court awarded life-time pensions to 10 complainants seeking compensation for the killing of family members by anti-terrorist squads relieving the Moscow Theatre siege in October 2002.

A NEW LOOK AT 'INNOCENCE'

1 July 2003 - 14 more Subjects of the Russian Federation, including Moscow, introduced trial by jury in accordance with the new Criminal Procedure Code, bringing the total of Subjects to 82. Five subjects are due to start trial by jury on 1 January 2004. Ingushetia and Chechnya start only in 2007.

18 August 2003 - The first trial by jury at the Moscow City Court issued a not-guilty verdict for a 25-year-old murder suspect. The jury of 12 Muscovites ruled that there was not enough evidence to convict the defendant of murder.

GOVERNMENT CONTEMPT FOR THE LAW

Propiska and human rights violations

11 August 2003 - The Moscow authorities have decreed that employers must obtain a special permit to hire non-Muscovites. Residents of Moscow Region will also need permits to work in the capital. A specially convened commission, made up of 32 government officials, public health representatives and members of the Moscow city police, will take a month to study the 12 application forms and documents to issue one work permit. The new decision is expected to affect around four million people. Russian legal experts say the Moscow authorities' decree violates the Russian Constitution and the Labour Code.

August 2003 - The Mayor of Moscow, Yury Luzhkov, has decreed that heads of residents' committees must report to the police any new people who have moved in their apartment blocks. Russian NGOs say this decree violates the right of privacy.

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