



## **HUMAN RIGHTS CONCERNS IN THE RUSSIAN FEDERATION**

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Amnesty International  
EU Office  
Rue d'Arlon 39-41  
B-1000 Brussels

Tel.: +32 2 502 14 99  
Fax: +32 2 502 56 86  
Email: [amnesty-eu@aieu.be](mailto:amnesty-eu@aieu.be)

In view of the Informal Heads of State Meeting scheduled for 20 October 2006 and the next round of EU-Russia human rights consultations on 8 November 2006, Amnesty International is grateful for the opportunity to present this short briefing, outlining some of the concerns of the organisation regarding the human rights situation in the Russian Federation with recommendations for action to the EU and its member states.

## **1. The new law on civil society organisations**

The final text of the Russian federal law, amending certain legislative acts regarding public associations and non-profit organisations, was signed into law on 10 January 2006 and came into force in April. President Putin described the law as intended to bring order rather than restrictions into the activities of NGOs. However, while the final version of the law incorporated some of the recommendations made by the Council of Europe, Amnesty International as well as Russian, foreign and international civil society organisations working in Russia are very concerned about the law and its implementation. The Council of Europe has described the law as providing for "excessive powers of supervision", and has stated that some of the provisions imposing strict control over foreign NGOs may be incompatible with the general prohibition of discrimination under the European Convention on Human Rights.

In January 2006, the Minister for Foreign Affairs of the Russian Federation, Sergei Lavrov, answered criticism of the new law by stating that much depended on its implementation, and suggesting that implementing regulations should set out a framework for the activities of the relevant executive agencies. Unfortunately, the regulations of the new law which were published in April failed to clarify the new powers afforded to officials.

In addition, the new law and its implementing regulations are unduly burdensome, requiring NGOs to divert resources from substantive programmes to meet the reporting requirements. The regulations have key provisions which lack a precise legal definition, introducing an unacceptable degree of discretion to the authorities in interpreting them and could have a discriminatory effect by imposing an even stricter control on foreign and international NGOs. These requirements are over and above those imposed on other institutions, e.g. firms. They appear to bear little relation to the pursuit of a legitimate aim such as combating money laundering, which is already covered in other laws.

The law and those implementing regulations published thus far also fail to limit and define the power of the authorities to supervise the work of NGOs. For example, they do not set out clear criteria for the exercise of the power of the executive to request documents and to send representatives to attend meetings organised by an NGO. This power should be limited to situations where there are serious grounds for suspecting that legislation is being violated. The regulations also fail to clarify when the authorities can ban an entire project or even part of a project, or block financing of organisations or private individuals. This results, at best, in a lack of clarity for NGOs attempting to comply with the new law; at worst, results in arbitrary actions by the executive.

The implementing regulations do not clarify the grounds on which registration can be refused. For example, the law vaguely states that the authorities can deny registration to a civil society organisation if its name "offends public decency or ethnic and religious feelings" and could be discriminatory. There are no such limitations for commercial entities.

It is not clear that administrative decisions taken under the law can be effectively challenged through the courts. More precision is needed to enable court challenges to be brought. Also the role of the courts set out by the new law must be strengthened. As the law stands, decisions to grant registration of an NGO must be taken within 30 days and a refusal can be appealed in court. The law should be amended so that, should there be no decision, the authority is presumed to have granted registration or the court can compel a decision to be taken.

At meetings with NGOs in July, in the run up to the G8 summit, President Putin made a public commitment to review the implementation and the implementing regulations of the new legislation, but rejected the call to amend the federal law. He also gave assurances that NGOs, foreign as well as Russian, would not be hindered from carrying out their legitimate activities. Amnesty International called for such a review to be

undertaken as soon as possible, and certainly by October, when foreign and international NGOs face the first deadline for submitting paperwork under the new regime. The review should involve independent experts with legal knowledge and experience in the area of NGO regulation in Russia, as well as the wider civil society community. The review body should be empowered to make authoritative recommendations for the amendment of the federal law and its implementing regulations.

On 13 October, a court in the city of Nizhni Novgorod ruled to close down the Russian Chechen Friendship Society (RCFS). The court ruling allows the RCFS two months in which to prepare for closure, during which time the organisation can appeal the decision. The Executive Director of the RCFS, Stanislav Dmitrievskii, told Amnesty International that the organisation will appeal to the Supreme Court of the Russian Federation.

While a copy of the court decision is yet to be released, it appears that the court motivated its decision by large part on a provision of the new law that makes it illegal for a non-governmental organisation (NGO) to be headed by a person convicted of "extremist" activities. Stanislav Dmitrievskii was convicted on 3 February 2006 on "race hate" charges, for publishing non-violent articles by Chechen separatist leaders. His conviction was upheld on 11 April 2006 by the Nizhegorodskii regional court. 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. Thus not only has Stanislav Dmitrievskii personally suffered due to the wrongful conviction against him, now his conviction has served as the grounds for closing down a valued human rights and humanitarian organisation. The court's verdict appeared to be the latest move in a carefully calculated strategy to get rid of an organisation that has been outspoken on behalf of victims of human rights violations in Chechnya.

### **Recommended action by the EU:**

- Monitor the implementation of the NGO law, including by attending any related court hearings;
- call for improvements to the legislation and its implementing regulations;
- call upon the Russian Government to review the implementation of the NGO law as outlined above;
- express the EU's concern in cases of closure of NGOs and raise with the Russian authorities individual cases of harassment of NGOs and activists, such as through the new NGO law or through criminal prosecution, applying the EU human rights defender guidelines;
- call upon President Putin to make a public statement of support for human rights defenders and independent journalists; and
- call for the conviction of Stanislav Dmitrievskii to be quashed and for the Russian Chechen Friendship Society to be allowed to continue its important work.

For further information see:

- AI news release: Russian Federation: President Vladimir Putin must deliver on an enabling environment for civil society in Russia (AI Index: EUR 46/031/2006)
- AI news release: Russian Federation: New law stifles independent civil society (AI Index: EUR 46/001/2006)
- AI public statement: Russian Federation: Amnesty International calls for guilty verdict against Stanislav Dmitrievskii to be overturned (AI Index: EUR 46/006/2006)
- AI news release: Russian Federation: Russian Chechen Friendship Society closed under new NGO law (AI Index: EUR 46/048/2006)

## **2. Torture during counter-terrorism operations**

There are numerous reports of arbitrary detention and torture of people detained in connection with terrorism-related crimes in the North Caucasus, including in Chechnya, Ingushetia, North Ossetia and Kabardino-Balkaria. Individuals have been detained incommunicado, in unacknowledged or unofficial places of detention, where they have been tortured. In other cases individuals are transferred to police custody without the knowledge of their lawyer for questioning, where they are tortured, to "prepare" them subsequently to sign testimony in the presence of a lawyer. In other cases, individuals simply "disappear".

For example, Akramat Gambotov has allegedly been repeatedly beaten and tortured in detention in Vladikavkaz, North Ossetia. Akramat Gambotov is ethnic Ingush; he and his family were displaced from the Prigorodnii district in North Ossetia following the conflict there in 1992. He was detained on 21 October 2005 in Ingushetia and transferred to Vladikavkaz, where he was charged with terrorism-related crimes of "banditism" and possession of a firearm (Articles 209 part 2 and 222 of the Russian Criminal Code).

According to information available to Amnesty International, during the period January to June 2006, Akramat Gambotov was transferred for questioning on more than one occasion, without his lawyer being informed, to the premises of the Department for the Fight against Organised Crime (UBOP) in Vladikavkaz, North Ossetia, on the orders of the investigator in charge of his case. While at UBOP, law enforcement officers allegedly subjected him to physical violence and humiliation in order to "prepare him" to subsequently sign testimony in the presence of a lawyer. Allegedly, on at least one occasion the investigator from the procuracy in charge of the case was present while Akramat Gambotov was being ill-treated. It is reported that Akramat Gambotov was taken to UBOP for the whole day on 20 January. There he was allegedly beaten, tortured and humiliated. When he was brought back to the SIZO in Vladikavkaz that evening, the duty guard at the SIZO allegedly was very reluctant to accept him due to his physical condition. On 26 January, Akramat Gambotov was again taken to the UBOP for a day, where he was again allegedly tortured, allegedly to "prepare" him for an official interrogation session to be held the next day.

In January, Akramat Gambotov's lawyer lodged a formal complaint about the treatment of his client and requested that his client undergo a medical examination in the presence of the lawyer. However, a medical examination by prison doctors only took place in July or August, without the presence of the lawyer, during which no traces of torture were established. According to the lawyer, the procuracy has decided not to open a formal investigation into the alleged torture. The lawyer has not protested this decision as, without medical evidence of torture, it would be very difficult to succeed with such an appeal. Akramat Gambotov remained in detention at the time of writing.

It was reported to Amnesty International that in four cases in which individuals had been charged with terrorist activities, the individuals' defence lawyers who formally requested that their clients' alleged torture be investigated were removed from the cases, in violation of Russian criminal procedural law. In Kabardino-Balkaria in November 2005, three defence lawyers of four young men detained following the raid by armed gunmen on the city of Nalchik in October 2005 were removed from their duties as defence lawyers. One of the lawyers was Irina Komissarova, who had been working as defence lawyer for Rasul Kudaev. Rasul Kudaev was allegedly tortured in detention in October 2005 at the UBOP in Nalchik. The basis for the lawyers' removal was that, having submitted formal complaints to the authorities on behalf of their clients alleging they were tortured and ill-treated, they were called in and questioned by the procurator's office about their petitions. The procurator's office then held that since they had been questioned as "witnesses" in their client's criminal case they therefore could no longer act as defence lawyers, and ordered that new lawyers should be appointed.

Individual victims, their relatives, lawyers and human rights activists trying to seek justice through the courts and campaign for change have themselves faced harassment, arbitrary detention, torture and in some cases have been killed or "disappeared".

Independent journalists are also targeted for attacks, most recently in the case of Anna Politkovskaya on 7 October. Amnesty International is shocked and appalled at her murder and believes that Anna Politkovskaya was in all likelihood targeted because of her work as a journalist, reporting on human rights abuses in Chechnya and other regions of the Russian Federation. It is clear that such a murder is a serious blow to freedom of expression and the independence of the media in Russia. We note that the office of the procuracy was swift to open an investigation into her murder, and that Yuri Chaika, Procurator General, has taken charge of this investigation. We are urging the Russian authorities to ensure that this investigation be prompt, thorough and impartial, with the findings made public, and that suspected perpetrators be brought to justice in accordance with international law.

Amnesty International was very pleased to learn that the Government of the Russian Federation had invited the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to carry out a fact-finding visit to the country from 9 to 20 October 2006. We understand that the Special Rapporteur was to visit the North Caucasus Republics of Chechnya, Ingushetia, North Ossetia and Kabardino-Balkaria. Amnesty International notes that this visit has been pending since the Special Rapporteur lodged a request for an invitation to visit the Russian Federation with respect to the Republic of

Chechnya in 2000. It is therefore with regret that the organization notes the postponement of the visit, as announced by the Special Rapporteur in a press statement of 4 October 2006.

In his press statement of 4 October 2006, the Special Rapporteur states that he "at a very late stage in the preparations, [...] was informed by the Government that certain elements of his Terms of Reference for carrying out visits to detention facilities would contravene Russian Federation law, particularly with respect to carrying out unannounced visits, and holding private interviews with detainees. Since these issues could not be resolved prior to the visit, he regrets to announce that he is not in a position to proceed as planned." In its pledge when it stood for election to the UN Human Rights Council, the Russian Federation made particular reference to "active co-operation" with the Special Procedures and the scheduling of the visit by the Special Rapporteur on torture. The pledges made by states were an important part of the elections and it is therefore imperative that member states give full effect to the commitments made in those pledges.

### **Recommended action by the EU:**

- Remind the Russian authorities of their obligation under international human rights treaties to protect the rights of those in detention to be free from torture or other ill-treatment, including by ensuring access to legal counsel, a doctor and for relatives to be notified of the detention;
- urge the Government of the Russian Federation to extend full co-operation to the UN Special Rapporteur on torture by assuring full compliance with his terms of reference, and to set a new date for the visit as soon as possible;
- call upon the Russian authorities to take legal and practical measures in order to implement decisions of the European Court of Human Rights, particularly in relation to Articles 3, 5, 6 and 13 of the European Convention on Human Rights; and
- raise in meetings with representatives of the government of the Russian Federation the case of Rasul Kudaev, expressing concern that his lawyer was removed from his case following her submission of a formal complaint into her client's alleged torture, and calling for a full investigation into his alleged torture.

For further information see:

- AI briefing: Russian Federation: Preliminary Briefing to the UN Committee against Torture (AI Index: EUR 46/014/2006)
- AI briefing: Russian Federation: Supplementary Briefing to the UN Committee against Torture (AI Index: EUR 46/039/2006)
- AI case sheet: Russian Federation: Rasul Kudaev (AI Index: EUR 46/003/2006)
- AI news release: Russian Federation: President Putin must condemn the murder of Anna Politkovskaya (AI Index: EUR 46/045/2006)
- AI news release: Russian Federation: Amnesty International condemns the murder of human rights journalist Anna Politkovskaya (AI Index: EUR 46/043/2006)

### **3. Racist attacks**

Racist attacks and killings of foreigners and ethnic minorities in Russia are reported with shocking regularity. Victims include foreign students, migrant workers, asylum-seekers and refugees. Ethnic groups within Russia, in particular Chechens and Roma, have also been attacked, as well as children of mixed parentage and members of the Jewish community. Even ethnic Russians who are seen as sympathising with foreigners or ethnic minority groups have also been targeted. According to the Moscow-based NGO Sova Information-Analytical Centre, a minimum of 39 people have been murdered because of their ethnic origin so far in 2006. The real figures are probably much higher, because many racist crimes are not reported to the police or, if reported, are not registered as racist violence.

Amnesty International holds the view that the Russian government has failed in its obligation to exercise due diligence in preventing, investigating and prosecuting race hate crimes. In particular, the police and procuracy have in many cases failed to investigate and prosecute the race hate motivation of assaults and murders. The murderer of Khursheda Sultonova, a 9-year-old Tajik girl killed in a racist attack in February 2004 in St Petersburg, has still not been convicted of the crime. In the earlier stages of the investigation into her murder, the alleged racial intent of the attack had not been acknowledged by the authorities. As late as

February 2005, St Petersburg Procurator Sergei Zaitsev was reported in the St Petersburg Times as stating: "For the moment, this crime is not classified as one committed on the grounds of national hatred. This is an ordinary crime linked to unemployed youths, who were excited after drinking alcohol." Subsequently the procurator included racial motivation in the murder charges against the main defendant, but failed to include the motivation of racial hatred in the charges against the other seven defendants, despite the Criminal Code allowing for this. The jury passed a not-guilty verdict on the main defendant in relation to the murder charge on 22 March 2006, finding him and six other defendants guilty only of "hooliganism". Thus the racial motivation of the crime was left unrecognized in the convictions. The defendants were given sentences ranging from one and a half to five and a half years' imprisonment. On 10 August the Supreme Court upheld the verdict and dismissed requests by both sides to hold a retrial.

There is an increased awareness among the authorities, including various law enforcement agencies, of this problem and Amnesty International has noted an improvement in some areas in investigations and prosecutions. However, these steps are inadequate to deal with the scale of the problem. Amnesty International urges the government to put in place a comprehensive plan of action to combat racism, discrimination and intolerance.

Organizations and individuals in Russia researching and campaigning against racism, discrimination and other forms of extremism have become targets of violence. Amnesty International has received numerous reports of threats, physical assaults and, in some cases, murder of individuals working against racism. The authorities have failed to take steps to protect them, despite knowing they were under threat.

Amnesty International is concerned that the actions of law enforcement officials and migration service officials have targeted Georgians in Russia, following the worsening of relations between Georgia and Russia. According to numerous media reports, the efforts of the authorities to deport individuals who have, according to the authorities, broken immigration rules or participated in criminal activity, seem to be targeted against individuals on the basis of nationality or ethnicity.

According to media reports, at the time of writing, hundreds of Georgian nationals have been deported in an apparently accelerated procedure. The Moscow City Court has reportedly issued 682 deportation orders between 5 and 13 October. Moreover, the conditions in which individuals have been held pending deportation have been poor and could amount to ill-treatment. According to the reports, people have been kept without water or food and in unhygienic conditions. Reportedly, one Georgian man died in detention pending deportation from Domodedovo airport in Moscow on 17 October. The man, identified as Tengiz Togonidze, suffered from asthma and was denied medical attention during five days of detention, according to one media report citing the Georgian embassy in Moscow.

Such targeting of individuals on the basis of their ethnicity is a violation of Russia's human rights obligations, and sends a signal that targeting of ethnic minorities for violent attacks by non-state actors is acceptable.

Amnesty International welcomes the clear statements made by the EU Presidency on this subject. We believe both the informal Heads of State meeting as well as the Human Rights Consultations will provide valuable opportunities to reiterate the EU's concern.

### **Recommended action by the EU:**

- Given the scale and seriousness of racism and racist attacks in Russia, we would suggest that the government be urged to address the issue through adopting and implementing a comprehensive Plan of Action to combat racism, discrimination and intolerance, encompassing training of police, prosecution officials and judiciary; and
- raise the case of Khursheda Sultonova – expressing concern that no one has yet been convicted of her murder.

For further information see:

- Russian Federation: Violent racism out of control (AI Index: EUR 46/022/2006)
- AI case sheet: Russian Federation: Bring to justice those who are guilty of the murder of Khursheda Sultonova (AI Index: EUR 46/024/2006)

#### **4. Violence against women in the family**

According to Amnesty International's research, there is only one place in a shelter for victims of domestic violence for 9 million women. There is no specific legislation on prevention and prosecution of domestic violence. Without shelters, restraining orders and adequate legal support, women find it very difficult and often too dangerous to take legal action against a batterer. Among those who do turn to the police, the number who later withdraw their complaint is very high. While women's NGOs in Russia consider the high incidence of domestic violence to be a threat to national security, the Russian authorities have yet to acknowledge the seriousness of the problem and recognize their responsibility and obligation towards the victims of domestic violence.

Currently, local police officers as well as high-ranking government officials often maintain the position that domestic violence is a "private matter", and too often the state only interferes when domestic violence results in the death of a person. Due to a lack of statistics on this issue, there is no overview of how often individual victims of domestic violence - - who turn to the police and social services - - are denied adequate support and protection. The lack of this overview affects the ability of the authorities to improve their response to the issue of domestic violence.

Amnesty International is currently campaigning for the establishment of shelters in several regions of the Russian Federation and aims to highlight the valuable work done on this issue by local and national NGOs, many of which have developed substantial expertise in this area.

#### **Recommended action by the EU:**

- Engage with and support those women's NGOs in the Russian Federation working to combat domestic violence and violence against women in general, as part of the EU's implementation of its Human Rights Defender Guidelines as well as part of their contribution to the Council of Europe's current campaign against violence against women; and
- in communications with the government of the Russian Federation, share information about effective legislative approaches to the issue of domestic violence, and highlight the positive obligation of governments to protect women from domestic violence, including by providing shelters.

For further information see:

- AI report: Russian Federation: Nowhere to turn to. Violence against women in the family (AI Index: EUR 46/056/2005)
- Amnesty International: 14-Point Programme for the Prevention of Domestic Violence (AI Index: ACT 77/012/2006)