



## **EU – RUSSIA SUMMIT, 25 May 2006**

Amnesty International: human rights concerns to be raised at the Summit

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Amnesty International would like to take the opportunity to provide a short presentation on human rights concerns in the Russian Federation in advance of the EU – Russia summit with recommendations for action to the EU and its Member States. We hope that the European Union will take the opportunity to raise these concerns with the Russian President during the summit.

## **I. Russian chairmanship of the Committee of Ministers of the Council of Europe**

Amnesty International holds the view that the country occupying the chairmanship should exhibit exemplary co-operation with the bodies of the Council of Europe and respect for its obligations as a member state. The Russian Federation has been a member for a decade and should have made considerable progress toward fulfilling its obligations before the organisation, otherwise risk seriously undermining the credibility of the Council of Europe.

On a number of key accession criteria Russia has made good progress: it has signed and ratified the European Convention on Human Rights and several other Council of Europe conventions; transferred the supervision of the prison system to the Ministry of Justice; introduced new criminal and civil codes, as well as criminal and civil procedure codes; and imposed a moratorium on the death penalty. However, Amnesty International remains concerned that Russia has also failed to follow up on a number of the commitments it made when it became a member of the Council of Europe, such as fully implementing rulings by the European Court of Human Rights. The organisation also notes that respect for fundamental human rights and freedoms, particularly in the area of political freedoms, has seriously declined in Russia over the years of its membership.

Amnesty International calls on the Presidency of the European Union to use the opportunity of the EU-Russia Summit to raise the following concerns:

- **Co-operation with the Committee for the Prevention of Torture**

In 1998, Russia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In doing so, it committed itself to co-operating with the CPT. While Russia has generally permitted the CPT to visit places where people are deprived of their liberty, we are concerned that during its most recent visit in May this year the CPT was initially denied access to the village of Tsenteroi in the Chechen Republic.

Russia is the only Council of Europe country not to regularly authorise the publication of the CPT's reports. To date, all but one of a total of 13 reports of the CPT's visits remain confidential. While Russia does not have an obligation to request publication of the reports of the CPT's visits, it has become an established practice of parties to the convention to do so.

*Amnesty International asks the EU to urge Russia to fully co-operate with the CPT by not restricting access to places of detention, take urgent measures to implement its recommendations, and authorise, without further delay, publication of all CPT reports on Russia.*

- **Ratification of Protocol 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**

Upon accession to the Council of Europe in 1996, Russia undertook to "sign within one year and ratify within three years" Protocol No. 6 to the ECHR, which provides for the abolition of the death penalty in time of peace. Although no death sentences have been passed or executions been carried out for years, Russia has yet to ratify the protocol.

*Amnesty International calls on the EU to impress on the Russian President that it expects an immediate ratification of Protocol 6.*

- **Ratification of the European Social Charter**

On accession as a Member State of the Council of Europe, Russia undertook to "study, with a view to ratification, the European Social Charter." Russia signed the charter on 14 September 2000.

*Amnesty International asks that Russia should be strongly encouraged to finalize the ratification process during its Chairmanship.*

- **Reform of the Procurator's Office**

Upon accession, Russia undertook to reform the Procurator's office in line with Council of Europe standards. However, this reform has yet to happen. A large body of research by the undersigned human rights groups illustrates that the procurator's office routinely fails to offer an effective remedy against violations of a range of rights guaranteed under the European Convention of Human Rights.

*We believe that the Russian government should immediately initiate a comprehensive process leading to a thorough overhaul of the office of the procuracy, in line with European standards.*

## II. Civil society and human rights defenders

Supportive conditions for the development of a civil society are being eroded, as the Russian authorities have increased attempts to close down some human rights organisations and to limit the work of others. Such attempts have been accompanied by public statements by President Putin, questioning the motivation of human rights organisations. Most recently, in January 2006, a smear campaign against human rights organisations seems to have been organised by the security services, in the context of a spy scandal between the governments of the Russian Federation and the United Kingdom. Organisations, which for many years have actively campaigned for the protection of human rights in Russia, like the Centre for Development of Democracy and Human Rights, Moscow Helsinki Group and the Nizhnii Novgorod Committee against Torture, have had their reputations publicly challenged for their contact with alleged spies.

Amnesty International calls on the Presidency of the European Union to use the opportunity of the EU-Russia Summit to raise the following concerns:

- **Amendments to Law on Non-Governmental Organisations**

On 17 April 2006 a new restrictive law on governing civil society organisations came into force which gives excessive powers of scrutiny and discretion to the authorities in monitoring non-governmental organisations (NGOs) and taking decisions on their registration and closure. Among other aspects the law provides for a ban on individuals who have been convicted under Articles of the Criminal Code classified as "extremist" from heading non-governmental non-commercial organisations. While this provision is not necessarily problematic in itself, it would seem to affect heads of NGOs who have been convicted under Article 282 of the Criminal Code, classified as an "extremist" article<sup>1</sup>, for the peaceful exercise of their right to freedom of expression, and on whose behalf Amnesty International has campaigned. While the law is yet to come into force, it is possible that NGO heads convicted under Article 282 might be required to renounce their position, otherwise their organization's registration could be revoked. In this way the repercussions of their wrongful criminal conviction could be magnified. Stanislav Dmitrievskii could be affected in this way. Another possibly affected individual is Yuri Samodurov, head of the Andrei Sakharov Museum and Public Centre, who was convicted on 28 March 2005 under Article 282 for organising an art exhibition that used religious symbols. Amnesty International had issued an urgent action and urgent action update on this case, stating that if imprisoned on the Article 282 charges, Yuri Samodurov and his co-defendants would be prisoners of conscience. It is important that the EU clearly expresses its support for and encourages the continuous development of an independent civil society.

*Amnesty International asks the EU to urge the Russian president to amend the law and introduce safeguards to protect NGOs from arbitrary restrictions to their legal work.*

## III. Human rights violations in the North Caucasus and impunity

The second armed conflict in the Chechen Republic since the break-up of the Soviet Union has continued for more than six years. In spite of repeated claims from Russian and Chechen officials that the situation is 'normalising', there seems to be no end in sight either to the conflict itself or to the accompanying human rights abuses. On the contrary, the violence has spread into other regions of the North Caucasus including Ingushetia and Kabardino-Balkaria and according to Russian human rights organisations the prevalence of violence in the North Caucasus has had an impact on the conduct of police and security forces in other areas of the Russian Federation. Amnesty International is fully aware of the co-ordinated attacks attributed to the Chechen armed opposition groups in Ingushetia, North Ossetia and Kabardino-Balkaria and the human rights violations deriving

<sup>1</sup> In Article 282<sup>1</sup> of the Russian Criminal Code

thereof. For the purpose of the EU-Russia summit, however, Amnesty would like to draw particular attention to violations committed by the Russian authorities.

Amnesty International calls on the Presidency of the European Union to use the opportunity of the EU-Russia Summit to raise the following concerns:

- **Disappearances, torture and arbitrary detention**

The Russian government's "war on terror" in this region results in numerous violations including "disappearances", torture, arbitrary detention and incommunicado detention in unacknowledged as well as official places of detention. Such violations and abuses, many of which constitute war crimes, are overwhelmingly committed with impunity, as very few perpetrators are ever identified and brought to justice. The prosecution of the handful of cases that come to court is flawed. Independent verification of violations has frequently been gravely hampered by the security situation in the region, and by obstacles to access imposed by the Russian authorities.

Amnesty International received regular reports about people being arbitrarily detained and held in incommunicado detention where they are subjected to torture and ill-treatment in order to force them to "confess" to crimes they have reportedly not committed, including "terrorist" crimes. Once individuals have signed a "confession" they are transferred to another detention facility where they have access to a lawyer of their choice and relatives; but the confession is used as "evidence" in court in order to secure a conviction. Amnesty International learned of such cases in Chechnya, as well as in the neighbouring republics of Ingushetia and North Ossetia.

A large number of people remain internally displaced in neighbouring regions of the North Caucasus. According to statistics from the Danish Refugee Council, in April 2006 there were more than 24,000 internally displaced persons receiving humanitarian aid in Ingushetia. Many of the internally displaced people who spoke to Amnesty International said they are too afraid to return to Chechnya despite the dire conditions they experience in temporary accommodation in other parts of the North Caucasus.

While official statistics vary, most recently in December 2005, Lema Khasuev, the Ombudsman in the Chechen Republic, stated that there are 2,096 cases of enforced "disappearance" by unidentified security forces in Chechnya. However, Amnesty International is aware of only one conviction in connection with a "disappearance" in Chechnya that of Sergei Lapin, convicted in March 2005 of torturing **Zelimkhan Murdalov**; Zelimkhan Murdalov subsequently "disappeared" and his fate remains unknown. Following appeals by the family of Zelimkhan Murdalov, criminal charges were brought against two more members of the police unit from the Khanty-Mansisk region of the Russian Federation to which Sergei Lapin belonged.

*Amnesty International asks the EU to urge the Russian president:*

- *to put an end to arbitrary detention, torture and ill-treatment, "disappearances and extrajudicial executions in the North Caucasus;*
- *to take effective measures to fully investigate and to make public any findings regarding "disappearances" in the North Caucasus, and*
- *to swiftly set up a forensic laboratory in Grozny as agreed with the Council of Europe to enable the identification of exhumed bodies found in mass graves in the Chechen Republic and to provide full access to relevant materials to forensic experts.*

- **Meaningful Steps to End Impunity in Chechnya**

Upon accession to the Council of Europe, Russia accepted the obligation to ensure that "those found responsible for human rights violations will be brought to justice - notably in relation to events in Chechnya" In co-operation with the Council of Europe the Russian authorities have taken some steps towards identifying exhumed bodies and investigation of human rights abuses. However, an overwhelming climate of impunity continues to reign in the region.

In those cases where perpetrators of human rights violations have been brought to trial, for example in the case of the killing of six unarmed civilians by four members of a military intelligence unit, the court failed twice to find any violations of the law, even though the officers admitted to having killed the six civilians in January 2002. At the moment the case is awaiting a review by a court in Rostov-on-Don.

For several years, Amnesty International has been urging the authorities in the Russian Federation to take action to address the overwhelming climate of impunity by ensuring that effective investigations and

prosecutions of human rights violations take place, as well as putting a stop to ongoing violations. In recent months there has been greater official acknowledgement of the problem in Chechnya. The Chechen authorities have recently established a database of missing persons. A commission to address the issue has reportedly been set up under the Chechen presidential administration, with the participation of various law enforcement bodies in the Southern Federal District. Separately, a parliamentary commission has been established for the search for abducted and missing persons. However it remains to be seen how these different initiatives will work together, and how effective these moves are. Any search for missing persons needs to run in parallel with efforts to identify and record bodies found buried in Chechnya, and to make this information public. The Parliamentary Assembly of the Council of Europe stated in Resolution 1479 (2006): "Moreover, the Russian authorities must take practical steps to address the issue of missing persons and 'disappeared' persons, particularly through introducing effective systems for identification and recording of bodies found and to make this information public".

In February 2005 the European Court of Human Rights released its judgements in the first six cases from the Chechen Republic to reach the Court. The Court ruled that in these cases the Russian government had violated the right to life, the prohibition of torture, the rights to an effective remedy and the peaceful enjoyment of possessions. The cases, brought by the European Human Rights Advocacy Centre, concerned the Russian federal forces' indiscriminate aerial bombing of a civilian convoy of refugees fleeing Grozny in October 1999; the "disappearance" and subsequent extrajudicial execution of five individuals in Grozny in January 2000; and the indiscriminate aerial and artillery bombardment of the village of Katyr-Yurt in February 2000. The applicants in these cases made detailed submissions to the Committee of Ministers of the Council of Europe as to the measures which in their view are necessary for the Russian Federation to take in order to comply with the judgements. These measures included investigations of the incidents in question, and re-opening of domestic proceedings. Amnesty International notes with satisfaction that such investigations have been reopened. However, Amnesty International suggests that they EU conveys to the Russian President its determination to closely monitor the implementation of judgements of the European Court of Human Rights, including the implementation of general measures.

*Amnesty International asks the Austrian Presidency to impress on President Putin:*

- *the Russian government should make rapid and visible progress in the conduct of these investigations;*
- *that those found responsible for human rights violations are brought to justice; and*
- *that such proceedings adhere to international standards of fair trial.*

**For further information on Chechnya see**

- AI report: *Russian Federation, Chechnya: Violations continue, no justice in sight* (AI Index: EUR 46/029/2005)
- AI report: Russian Federation: The risk of speaking out. Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya (AI Index: EUR 46/059/2005)
- AI report: *Russian Federation, Chechen Republic: "Normalisation" in whose eyes?* (AI Index: EUR 46/027/2004)
- Parliamentary Assembly of the Council of Europe Resolution 1479(2006)
- *Khashiyev v Russia* (No. 57942/00), *Akayeva v Russia* (No. 57945/00); *Isayeva v Russia* (No. 57947/00), *Yusupova v Russia* (No. 57948/00), *Bazayeva v Russia* (No. 57949/00); *Isayeva v Russia* (No. 57950/00) – Judgments of February 24 2005. Applicants' submissions regarding compliance with the judgments of the European Court of Human Rights (Rule 6 of the Committee of Ministers' Rules)

**For further information on civil society and human rights defenders see:**

- 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: New law stifles independent civil society* (AI Index: EUR 46/001/2006)
- AI urgent action: *UA 72/05 Possible Prisoners of Conscience/ Legal concern* (AI Index: EUR 46/007/2005)
- AI urgent action update: *Further Information on UA 72/05 (EUR 46/007/2005, 23 March 2005) - Possible Prisoners of Conscience / Legal Concern* (AI Index: EUR 46/010/2005)