

## **Human Rights in Russia: continuing violations and new concerns**

### **March 2012**

Russia has been experiencing an unprecedented protest movement since Vladimir Putin came to power in 2000. The demonstrations that followed the parliamentary elections on December 4, 2011 spoiled the myth of a passive population with government power an established fact; they brought into the open the human rights violations that NGOs had denounced for many years: rigged elections, abusive arrests and sentences, censorship of the media, non-respect of the right of association and assembly.

The obvious contempt for the extent of the movement and the recurrent insinuations that foreign funding and influence are the only reason behind these movements, which go as far as calling for the annulment of the election results, are evidence of government that refuses to reconsider its practices. And the belated and incomplete reforms proposed by outgoing President Medvedev following the popular movement a month from the end of his term are not sufficient to conceal this. On the contrary, attacks have multiplied against non-governmental organisations, activists and those who bear messages of protest, sending a strong message concerning the lack of open-mindedness.

The assessment of the Human Rights situation in 2011 leaves little hope with regard to the intentions of the ruling government: the work of **human rights defenders and independent journalists** is seriously hindered, while the judicial system responds more to the demands of the government than to the rights of victims, furthering a disturbing atmosphere of impunity, including with regard to the long list of murders of representatives of civil society. The murder of the Dagestani Khadzimurad Kamalov in December 2011 added to the long list of journalists killed in the Caucasus region since 2009, while the murders of most of his colleagues have still not been cleared up.

The situation in **North Caucasus** is deteriorating, especially in Dagestan and Ingushetia: civilians are prey to acts of violence by the security forces and the rare people who denounce government misdemeanours risk their lives.

Respect for **migrants' rights** more than ever remains a major item of concern in Russia. The episode linked to a diplomatic conflict with Tajikistan in November 2011 says a great deal about the status of migrants in Russia, especially those from Central Asia and the Caucasus. In general terms, **xenophobia, racism and intolerance** are still omnipresent, resulting in victims amongst the minorities and also amongst those who defend them.

### **1. Highly contested elections**

The parliamentary elections took place on December 4, 2011. The official results give the United Russia party as the winner, but many voices were raised to denounce the violations in the statutory electoral procedure.

A map of irregularities established by the NGO Golos<sup>1</sup> with *gazeta.ru*, based on evidence supplied by individuals, reported violations throughout the country<sup>2</sup>. On January 20, 2012, the Council of Europe reported that numerous irregularities had marred the elections, and that reforms of the electoral process were necessary.

The campaign in itself was marred by numerous violations of the electoral code. As with the previous elections, the representatives of United Russia benefitted from far greater media coverage than did representatives of the opposition parties. In addition, the poster campaigns of the election committees curiously resembled those of United Russia. In general, opponents were confronted with numerous obstacles, from the blocking of printing of their leaflets to physical attacks on some candidates and activists.

The NGO Golos, which since 2000 has devoted itself to noting electoral irregularities, was the target of government pressure, right up to the day before the elections<sup>3</sup>. Threats against observers, abusive sentencing to high fines, and direct and indirect threats against Golos activists have increased in recent months.

The demonstrations have made clearly apparent the role of Internet in broadcasting independent news that is a far cry from the commentaries of the official media. While the main TV channels firstly chose to ignore the protest movement, the web more than ever acted as a relay channel for the opposition. The government reacted by closing down several groups on *Vkontakte*, the Russian social network, and thousands of Twitter accounts were hacked into. Many opponents, human rights defenders and bloggers were arrested and sentenced to 15 days in prison<sup>4</sup>. During the campaign, several DDoS attacks (consisting in overloading a site with queries in order to paralyze it) targeted the sites of opponents and the independent media, and mailboxes and sites were hacked.

## **2. Human rights defenders are still vulnerable to impunity**

Despite the fact that in 2011 there was progress in some emblematic cases (as an example, in May 2011, nearly 5 years after the journalist's death, the suspected murderer of Anna Politkovskaya, Rustam Makhmudov, was arrested), the civil parties have not been given any information about the ongoing investigation and it is to be feared that the case may still go on for a long time. As a reminder, in February 2009, the two brothers of Rustam Makhmudov, Dzhabrail and Ibragim, had been acquitted, as had Sergei Khadzhikurbanov, a former police officer, and Pavel Ryaguzov, a former KGB official, "for lack of proof".

Furthermore, the ultra-nationalist activists Nikita Tikhonov and Evgenia Khasis were found guilty on April 28, 2011 of the murder of the young journalist Anastasia Babourova and the lawyer Stanislav Markelov in January 2009. Several grey areas remained nevertheless after the trial, particularly in relation to who was behind the crime.

Although we welcome this progress, the end of impunity for the attacks against human rights defenders and journalists is a long way from being achieved. Some cases have remained at a standstill for several years, especially those concerning the situation in North Caucasus.

The investigation into the death of Natalia Estemirova, a representative of Memorial in Chechnya, who was kidnapped and murdered in July 2009, is making no headway. Almost two and a half years after the death of the young woman, the identity of the two murderers is still unknown. Furthermore, according to the case details, "the basic evidence" led to the suspicion that there had been deliberate interference in order to set the

<sup>1</sup> <http://www.golos.org/news/4533>

<sup>2</sup> <http://www.kartanarusheniy.ru/>

<sup>3</sup> « L'ONG Golos, chargée de surveiller les élections russes, harcelée par Moscou », *lemonde.fr*, December 3, 2011: [http://www.lemonde.fr/europe/article/2011/12/03/l-ong-golos-chargee-de-surveiller-les-elections-russes-harcelee-par-moscou\\_1613034\\_3214.html](http://www.lemonde.fr/europe/article/2011/12/03/l-ong-golos-chargee-de-surveiller-les-elections-russes-harcelee-par-moscou_1613034_3214.html)

<sup>4</sup> See Observatory for the Protection of Human Rights Defenders (an FIDH and OMCT joint programme) press release dated December 14, 2012 <http://fidh.org/Russian-Federation-Demonstrations>

investigation on the wrong track.<sup>5</sup> The charges against Oleg Orlov, tried for defamation for having accused the Chechen President Ramzan Kadyrov of being responsible for the death of the activist, were finally abandoned on January 20, 2012. This ruling came after his acquittal in June 2011 and after a law decriminalising defamation came into force in December 2011. But legal harassment against him continued for two and a half years and forced Memorial to mobilise its resources and its energy to defend the legitimacy of its fight for Human Rights before the courts, instead of doing its important work<sup>6</sup>.

The situation in North Caucasus is of great concern, particularly regarding the total impunity for those who attack journalists and human rights defenders who report and denounce abuse of the civilian population. In Chechnya and Dagestan, independent journalists risk their lives in the combat against government-orchestrated disinformation<sup>7</sup>. The latest victim to date, Khadzhimurad Kamalo, the founder of the independent weekly *Chernovik* and manager of the publishing house “Freedom of Expression” was murdered during the night of December 15-16, 2011. He was known for his investigations into sensitive topics (corruption, forced disappearances, attacks by the security forces), and had appeared in 2009 on a “Death List” that was circulating on Internet.

Philippe Kostenko, a co-worker at the Anti-Discrimination Centre “ADC Memorial” in Saint Petersburg and an active participant in the protest demonstrations, was beaten up on February 3, 2012 and received severe injuries, including cranial trauma and multiple breaks to his legs, immobilising him for several months<sup>8</sup>.

### **3. Intolerance, xenophobia and racism. Migrants battle with a corrupt, violent system**

The situation of migrant workers in Russia hit a low point in November 2011, against the background of a diplomacy war and imperialist gesticulation, for which Tajiks in Russia paid the price.

The crisis began on 8 November 2011 with the sentencing of a Russian pilot to eight and a half years in prison for illegally flying a plane. It was not long before there were reprisals against Tajiks living on Russian soil. Worsening of xenophobic tension came in response to the hostility of official Russian statements against the Tajiks. Several NGOs condemned the raids, arrests and deportations to Tajikistan. This method of “ethnic” reprisals had already been used during the war with Georgia in 2006-2007.

More generally, and on a regular basis, migrants are victims of xenophobic attacks in Russia. According to the SOVA Centre, in 2011 at least 20 people were killed and 130 injured<sup>9</sup>, and this is only according to information recorded by the centre. The final count is certainly higher. Investigations are rarely effective and the Yusupov case is an example. Attacked in December 2010 by 4 people apparently belonged to the nationalist movement, Firdavs Yusupov received more than 9 knife blows, endangering his life. The investigation into the case brought no result apart from him and his brothers being charged with assaulting his attackers.

A new bill which might permit judicial harassment of defenders of the rights of sexual minorities is under debate in Saint Petersburg and other cities in Russia. Those who protest against this illiberal law are

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<sup>5</sup> See the joint report by FIDH, CDH Memorial and Novaya Gazeta “Two Years After the Murder of Natalya Estemirova: Investigation on the Wrong Track”, July 2011 <http://fidh.org/Two-Years-After-the-Murder-of.10307>

<sup>6</sup> See the Analytical Note “Kadyrov vs. Orlov: The defence of human rights on trial” by Observatory for the Protection of Human Rights Defenders (an FIDH and OMCT joint programme), February 2012 <http://fidh.org/RUSSIAN-FEDERATION-Human-rights>

<sup>7</sup> See the report by Reporters Without Borders, “Terror, threats and corruption: report of fact-finding mission in the Russian Caucasus” published on October 13, 2011: <http://en.rsfor.org/russie-terror-threats-and-corruption-13-10-2011.41193>

<sup>8</sup> See the Urgent Appeal by the Observatory for the Protection of Human Rights Defenders (an FIDH and OMCT joint programme) “Attack against Mr. Philipp Kostenko”, February 8, 2012 <http://fidh.org/Assault-of-Philipp-Kostenko-RUS>

<sup>9</sup> <http://www.sova-center.ru/en/xenophobia/news-releases/2012/01/d23381/>

subjected to arrests and intimidation. This is accompanied by homophobic comments in the media and during sessions of local assemblies<sup>10</sup>.

Police brutality against migrants is also recurrent. According to a report by sociologists from the Institute for Social Research and Civil Initiatives that appeared in June 2011, police practices reveal almost systematic suspicion of migrants, who are subjected to regular identity checks and arbitrary arrests, in contravention of the existing laws.

The difficult living conditions of migrants in Russia are to a great extent the result of a system organised to circumvent regulations. Collaboration between bodies that are responsible for migration and intermediary firms that contract migrants has been revealed in several cases, detailed in a [joint report by FIDH and ADC Memorial](#)<sup>11</sup>. The difficulty of obtaining valid documents (work permits are only valid for three months and it is very difficult to obtain a contract of employment, which is for a maximum of only one year) has given rise to massive circumvention of the system by the firms. Cases of non-payment of salaries are one of the main reasons for migrants turning to NGOs. Firms have no hesitation in giving unjustified “fines” to their workers, intimidating them through the police or housing them in insalubrious buildings. Many cases of forced labour were recorded in 2011. Deprived of their official papers, some migrants are in effect forced to work without receiving any salary. No system of protection is available to them in the case of an accident. Their living conditions and the lack of care makes them vulnerable to respiratory and infectious illnesses.

The inhuman living conditions in the migrant detention centres, denounced by Memorial before the European Court of Human Rights (ECHR-Lakatosh v. Russia), have not been improved, although in 2011 Russia recognised the violations of the European Convention relating to conditions of detention, migrants continue to suffer from cold, hunger and ill-treatment in insalubrious conditions.

#### **4. Civilians are the main victims of the conflicts brewing in the Russian Caucasus**

In North Caucasus, the impunity of the Russian security forces in the region merely makes the opposition movements more radical, in a vicious circle that the authorities do not seem to want to bring to a halt. In the name of anti-terrorism, human rights are set aside, to make way for despotism of which civilians are the main victims. On one hand, Islamic fundamentalist rebels sometimes intentionally target certain civilians, draw up death lists, attacking teachers or theologians, women, members of the official clergy or journalists. Security agencies take action outside any legal framework, in flagrant violation of human rights: abductions, illegal imprisonment, disappearances, torture, extra-judicial executions, falsification of evidence during trials, are all practices that are never condemned and escape the control of the ruling authorities.

The impunity that reigned in Chechnya has spread not only to North Caucasus but also to Russia and beyond its borders. Umar Israilov, an applicant to the European Court of Human Rights (ECHR), a Chechen refugee in Austria, was killed on January 13, 2009 near his home in Vienna. In his application to the ECHR, Israilov accused the President of Chechnya of illegally detaining and torturing him in 2003. Three people involved in the murder were sentenced by the Vienna Court in 2011 after an emblematic trial that, for the first time, considered the chain of command in the crimes against opponents of the regime. Nevertheless, Russia did not respond favourably to the request of the Austrian court to question the suspected murderer who had refused to escape and still lived openly in Chechnya, nor the five key witnesses in the case, including Kadyrov, the President Chechnya. A complete file on this important case is available on the FIDH website<sup>12</sup>.

**In the context of the presidential election in March 2012 and the massive protests against Human Rights violations in recent months, the pursuit of respect for civil and political freedom, Human Rights and the Rule of Law must at last be taken into account and put at the centre of the next electoral mandate.**

<sup>10</sup> See the open letter from the Observatory for the Protection of Human Rights Defenders (an FIDH and OMCT joint programme) to the to the Legislative Assembly of Saint Petersburg: <http://www.fidh.org/Open-Letter-to-the-Legislative.11334>

<sup>11</sup> <http://www.fidh.org/Tajikistan-Migrant-workers-must>

<sup>12</sup> <http://www.fidh.org/ISRILOV-Case>