Russia, Winter 2008: Human Rights in a Deep Freeze

On December 12, 2008, Russian President D. Medvedev spoke at a conference on the fifteenth anniversary of the 1993 Russian Constitution. He expounded on the importance of the document, which for the first time in Russia made democratic values a major priority, guaranteeing rights and liberties and requiring the State to protect them.¹

Campaign promises before Medvedev’s March 2008 election notwithstanding, the repression manifest during V. Putin’s presidency has worsened, and events in October and November 2008 constitute an ominous record for the Putin/Medvedev duo: human rights defenders persecuted, freedom of assembly and freedom of expression flouted, migrants singled out as scapegoats and subject to xenophobic violence. Furthermore, anti-terrorist and anti-extremist legislation serves as a pretext throughout the country for arbitrary arrest, extradition, torture, and summary executions, especially in the North Caucasus.

Specifically, laws and constitutional changes adopted in November and December 2008 resulted in further setbacks for democratic principles and the rule of law. The extension of the presidential term from four to six years, hastily voted by the Duma (first reading November 14 and third reading the 21), was adopted less than a month after Medvedev’s

¹ Conference for the 15th anniversary of the Constitution of the Russian Federation, December 12, 2008, Moscow, Kremlin Palace
initial proposal, without any public debate. The draft bill on high treason seriously threatens the work of human rights organizations and opposition parties, while the newly restricted purview of juries in criminal cases reduces citizens’ oversight of the judicial process.

**Human rights defenders are increasingly isolated and under attack**

Already undermined after years of suspicion voiced through official rhetoric and by the increasingly stringent regulations governing independent groups, human rights defenders have been targeted by direct attacks\(^2\) in recent weeks, and critical voices in civil society are increasingly isolated.

On December 4, 2008, a precedent was set with the search of the St. Petersburg offices of the Center for Research and Information (NITs) of the Memorial association and the seizure of their archives, under the fallacious pretext of investigating ties between Memorial and a far-right publication. Following the search, during which neither Memorial’s lawyer nor local police had access to the building, a series of documents were confiscated, including hard drives and a database on the history of the Terror and the history of the Gulag.

The European Union expressed its “deep concern” regarding the search, requesting that Russian authorities “respect the freedom of action of an organization whose work to protect the remembrance of victims of Stalin and in favor of human rights has been internationally recognized and applauded.”\(^3\)

The search took place on the eve of an international conference in Moscow on Stalinism, during which Gleb Pavlovski, a political scientist with ties to the Kremlin, distributed an issue of the *Russki Journal* attacking Memorial and accusing it of advocating remembrance that is contrary to national interests. The timing of these events raises questions, at the very least, as to the political intentions underlying these attacks.

---

\(^2\) See information provided by the Observatory for the protection of human rights defenders, a programme of alert, protection and mobilisation, established by the International Federation for Human Rights (FIDH) and the World Against Torture (OMCT) in 1997.

\(^3\) [http://www.diplomatie.gouv.fr/fr/article_imprim.php3?id_article=69346](http://www.diplomatie.gouv.fr/fr/article_imprim.php3?id_article=69346)
Human rights defenders have also been victims of direct intimidation. Bakhrom Khamroev, a Russian citizen of Uzbek origin who works at the Memorial human rights center, was arrested in Moscow on December 12, in the vicinity of a mosque. He was held for several hours supposedly as part of an investigation of Islamic radicals and was personally threatened; Memorial was called a “Jewish organization”, among other things, and its work was also threatened.

On November 30, 2008, Akhtan Abilov, a legal expert from Azerbaijan, was attacked on his way to work by three masked individuals who awaited him near the Universitet metro stop in Moscow. Abilov, not only a legal specialist in filing suit at the ECHR (European Court of Human Rights) but also an opposition candidate for the Azerbaijani parliament and an advocate of the Talysh minority, was a legal resident of Russia with refugee status⁴, awaiting transfer by the United Nations High Commissioner for Refugees to another country.

These two cases illustrate that human rights defenders from CIS countries can not find safe exile in Russia and face violence, or, often under the pretense of fighting terrorism, extradition to countries where torture is common (see below).

Faced with such intimidation, NGO’s are increasingly vulnerable, while their supporters abroad are also subject to stricter surveillance. In early December, the Federal Migration Service fined the defenders of the Norwegian Helsinki Committee on the pretext of using tourist visas to attend the “Dialogue on Human Rights” seminar in Murmansk. (The same pretext was used in October 2007 to prevent representatives from international NGO’s from attending a forum in memorial of Anna Politkovskaya in Nizhny-Novgorod).

North Caucasus – Executions and threatened executions of human rights defenders

The murderers of human rights defender and opposition member of parliament (for the Yabloko party) Farid Babaev are currently on trial in Dagestan.

Nevertheless, killings and threats against human rights defenders continue unabated. Moustapa Abdurakhmanov, who worked with “Mothers of Dagestan for Human Rights”, disappeared on October 29, 2008, and his body was found the next day bearing traces of

⁴ Note that Russia grants refugee status only in very rare cases: in 2006 only 41 persons obtained it.
torture. The official explanation is that he “was a member of illegal armed gangs”. Given the situation in the region, the summer 2008 campaign against the “Mothers of Dagestan for Human Rights”, accused of cooperation with armed groups, is particularly unsettling, especially the threats against the organization’s president, Gulnara Rustamova, of whom it was said in an official meeting that she deserves a “shot to the head”.

**Defenders of economic and social rights also targeted**

November 2008 also saw a series of attacks against activists, trade unionists, and defenders of economic and social rights in Russia.

Alexey Etmanov, co-president of the Inter-regional Trade Union of Automobile Industry Workers (ITUA), was attacked on November 8 and 14 near his home in Vsevolozhsk (near St. Petersburg) while returning home. His colleague Vladimir Lesik received anonymous phone calls making it eminently clear that these attacks were a result of their trade unionism.

French sociologist Carine Clément is director of the Independent Institute of Collective Action (IKD), an advocacy group for housing rights and independent trade unions. She was attacked on her way to a public meeting in Moscow on November 13, 2003. Two men stuck a syringe into her thigh before fleeing; the attack was the third of a series of verbal and physical aggressions in less than a month.

Also on November 13, two men armed with baseball bats beat Sergei Fedotov, a defender of the rights of small property owners wronged in fraudulent privatizations in the Moscow region.

Charges were filed in all of these cases, but the *Prokuratura*\(^5\) seems to view them as “ordinary crime”.

**Violations of the right of assembly**

Attacks against the opposition, attributed to a “campaign frenzy” in 2007, continued in 2008 in an environment of repeated violations of freedom of expression and the right to

---

\(^5\) The *Prokuratura* includes judicial investigators and attorneys under the authority of the Attorney General of the Republic.
protest. Opposition protesters, subject to restrictive legislation, face obstacles in obtaining official permission for their demonstrations, and are arrested and found guilty when they try to exercise their right to demonstrate. Once again, authorities banned the “March of Disagreement”, which had been planned for Sunday, December 14, 2008. Approximately 20 persons were arrested in St. Petersburg, and nearly 90 in Moscow. In Moscow, members of the “Union of Soviet Officers” demonstrated on Pushkin Square in sympathy with the March of Disagreement and were violently attacked. Several protesters were arrested, including generals and an admiral.

The reform of the military, which threatens many officers with unemployment, as well as economic problems (inflation and unemployment) are likely to stoke social discontent; several protests were already held in mid-December against a tax hike on imported automobiles, and on December 21 a protest in Vladivostok was violently broken up by the police, amid a hundred-odd reported arrests.

Attacks against journalists and freedom of expression

Newspapers are an alternative source of information in a country where television is tightly controlled, but they are struggling to survive in the midst of the financial crisis, and the authorities have no qualms about openly criticizing the journalism profession. In September 2008, Prime Minister Putin publicly reprimanded A. Venediktov, editor-in-chief of the independent radio station “Echo of Moscow”, for his coverage of the conflict in South Ossetia.

The Anna Politkovskaya murder trial began October 15, 2008, two years after the journalist’s murder. Four men are accused of carrying out the killing, but those who ordered it have still not been arrested. The trial has been marred by numerous attempts to keep it out of the public eye. Nearly every juror signed a request on November 20, 2008 to keep the trial open to the public, while the judge had just declared a closed trial, claiming to act at the jury’s behest.

Furthermore, the journalism profession is an increasingly perilous one in Russia. 2008 alone saw four journalists murdered, according to the Center for Journalism in Extreme

Situations. Gadji Abachilov, an executive of the state-owned Dagestan audiovisual company, was killed in Makhachkala on March 21, 2008. Magomev Yevloyev, editor-in-chief of the website www.ingushetiya.ru was killed on August 31, 2008 in Nazran. Telman (Abdulla) Alishaev of the TV-Cherkei station was murdered on September 3, 2008 near Makhachkala. The body of Ilyas Shurpayev of the television station Pervyy Kanal was discovered in his Moscow apartment on March 21, 2008.

In early December 2008, the Nazran court refused to consider the death of Magomed Yevloyev, owner of www.ingushetiya.ru, a murder, thus rubber-stamping the police version of events. Let us recall that the opposition figure was killed by a gunshot to the temple on August 31, 2008 while in a police car dispatched to the airport to arrest him as he stepped off a plane from Moscow.

In addition, the anti-extremism law is applied indiscriminately to many cases and is often used to justify violations of freedom of expression. Its revision in 2007 raised concern, as “social hatred” was added as a justification in the Criminal Code, opening the door to abuse and further violations, notably in restricting internet publications. Members of parliament from the United Russia party, for example, submitted a bill to block access in the Russian Federation to websites that post extremist content. The bill was withdrawn in early December, but its sponsors plan to resubmit.

A manipulated justice system

Despite much-publicized reforms to bring the judicial system into line with international standards, justice still appears to be a political instrument. In many politicized legal cases, prisoners have been refused early release. Such was the case for Zara Murtazalieva in October 2008, as well as Svetlana Bakhmina, a legal expert for the

---

7 http://www.lenta.cjes.ru/?m=12&y=2008&lang=rus&nid=20911
8 The organization of mothers of Beslan, disbanded because of extremism, is a case in point, as is the Sakharov Center, convicted of hate speech for a contemporary art exhibition on religion.
9 A young Chechen woman convicted in 2005 by a Moscow court to a nine-year prison term (later reduced to eight and a half years) for preparing terrorist attacks, a charge she continues to deny. Human rights defenders see her case as a particularly egregious example of trumped-up anti-terrorism charges. Her lawyers submitted her request for release on bail in April 2008. (http://hro1.org/taxonomy/term/15)
Yukos company who is still in prison despite having served two-thirds of her sentence and giving birth to a third child. The Moscow courts seemed to have made a token humanitarian effort on December 8, 2008 by releasing on bail former Yukos executive V. Alexanian, who is nearly blind and gravely ill; bail, however, was set at two million dollars, a sum which his supporters deem difficult to raise.

There are already many abuses in the daily administration of justice, particularly in anti-terrorism cases, and new measures make it even easier to manipulate the justice system.

A new law voted by the Duma on December 12, 2008 excludes trial by jury for cases involving terrorism, espionage, fomenting mass disorder, hostage taking, and insurrections. In the past, these cases were – theoretically – tried in a court composed of a federal judge and a 12-person jury, but will henceforth be tried by a council of three judges.

Even though a jury of peers is not an inherent guarantee of due process, this law effectively removes any citizen oversight of sensitive cases. The measure was adopted in the midst of the Anna Politkovskaya murder trial, and is likely an attempt to influence the trials’ outcome. Experience with terrorism trials in the Southern Federal District of Russia shows that juries of peers acquit defendants more often than professional judges.

Also on December 12 2008, a bill was submitted to redefine the offences of “high treason” (article 275 of the Criminal Code) and “espionage” (article 276). The bill has caused great concern, coming at a time when the scientists Danilov and Sutyagin are already serving 14- and 15-year prison terms on false charges of espionage, for having transmitted data of public knowledge.

Treason was hitherto defined as activities hostile to Russia’s external security, but the bill broadens the definition of Russia’s security to include “its constitutional order, its sovereignty, its territorial and state integrity”. Moreover, not just “hostile activities”, but any form of aid to a foreign organization, including consultancy services, would be subject to prosecution. The definition of “state and territorial integrity” allows for a

---

10 In 2003, nuclear scientist Igor Sutyagin was sentenced to 15 years imprisonment for “treason”, having provided American military officials with information on Russian armaments. In 2004, thermophysicist Valentin Danilov was sentenced to 14 years imprisonment for having provided classified information to China. Both scientists have explained that the information in question was in fact public and unclassified. The two were acquitted, then convicted on appeal; independent groups have denounced irregularities in both trials.
broad interpretation - and application - of this article.

A further measure would allow for prosecution of persons having provided information to international organizations, including those based in Russia, no longer just non-Russian organizations. FIDH member organizations could thus be prosecuted for any information provided to their international partners, be they based in Russia or not.

**Anti-terrorism and human rights**

There are several different layers of anti-terrorism laws. These include: a series of laws against terrorism, largely revamped in 2006; legislation against extremism adopted in 2002 and revised in 2007 (often used against the political opposition, the media, and religious groups); and the Criminal Code, sometimes amended correspondingly to recent laws. The authorities make heavy use of the latter, relying on several articles in the Criminal Code to try cases that are utterly fallacious, using as fig-leaf justification the fight against terrorism and extremism.

The foremost victim of this association of religious activity with extremism is the Muslim community. A campaign of criminal trials involving fabricated evidence has been underway since 2004 in several Russian regions, especially the Volga-Ural region (Tatarstan, Bachkortostan, and Chuvashia). The so-called “Islamic Djamaat” case in Tatarstan was designed to prove the existence of a major plot by Islamic extremists, by means of proven criminal acts and unproven information obtained through abuse, torture, and irregularities in judicial administration; 22 defendants were convicted, including five minors.

In a similar vein, many charges are currently being investigated in the same region against observant Muslims accused of belonging to the banned Hizb ut-Tahrir organization, in Kazan and Naberezhnye Chelny. They include systemic violations of criminal law procedure, numerous cases of torture, and trumped-up charges of planning terrorist attacks\(^\text{11}\). To cite only the most recent example, on December 10, 2008 in Kazan, the police, having infiltrated young Muslim groups in Kazan, arrested Renat Amirov and tried to recruit him. The police dangled several incentives if he agreed to work for them, and he was humiliated and threatened with physical violence. Renat

\(^{11}\) See the upcoming publication of the results of FIDH’s mission to Russia
Amirov had already been in custody for two days in May 2007 and tortured in an attempt to force him to confess belonging to the Hizb ut-Tahrir Muslim group.

These cases also spotlight police and judicial cooperation with Central Asia’s most repressive states, including Uzbekistan, and have led to many abusive extraditions, some of which have been contested by Russian human rights defenders at the ECHR. This cooperation takes place within the institutional framework of the anti-terrorist policies of the Shanghai Cooperation Organisation (Russia, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, and the People’s Republic of China). As part of this cooperation, Russia has refused to grant refugee status to Uzbek nationals persecuted in their country; it also extradites (or illegally renders) to Uzbekistan persons wanted by the Uzbek authorities.

In a telling example, Russia lost the Muminov case at the ECHR in December 2008. Muminov, an Uzbek citizen deported from Russia in October 2006 despite the fact that he faced torture in his home country, disappeared into the Uzbek prison system after being sentenced to five and a half years of prison for “religious extremism”. The ECHR’s ruling comes on the heels of Ismoilov and Others v. Russia (February 2008), in which the court ruled in favor of Uzbek citizens from Andijan who sued Russia for wanting to extradite them.

Anti-terrorism in the North Caucasus

In contrast to the open warfare prevalent a few years ago, the situation in Chechnya appears to have stabilized, but sinister trends are at work. The conflict seems to have spread to the entire North Caucasus region. In mid November, a minibus exploded in North Ossetia, killing 12, and in late November the mayor of Vladikavkaz was assassinated in an attack claimed by Islamic militants. Arbitrary arrests, extraditions, torture, and summary executions continue in the region, making it a vast “exempt area”, an “exemption” given legal cover by a number of anti-terrorist and anti-extremist laws.

In Ingushetia, President Ziazikov was replaced by Yunus-Bek Evkurov in November 2008, but this did not halt the republic’s very real civil war.

In Dagestan, human rights violations committed in the name of combating Islamic extremism continue. As such, the kidnapping and attempted show trial of Nariman Mamadiarov in October 2008 was called a “classic in its genre” by the Memorial Human
Rights Center. Mamadiarov was arrested in late September 2008 and accused of “belonging to illegal armed gangs”. He was beaten, had a sack put on his head, and tortured with electricity. It was only after the Federal Representative for Human Rights, V. Lukin, stepped in that he was “discovered” in the Buinaksk police station (ROVD) – which had denied having him in custody several days earlier. Prevented from seeing his lawyer for several days, he was then hospitalized with a broken arm that was already infected with gangrene.

In addition, impunity is still the norm in Chechnya. In 2008, 40 ECHR rulings involved Russian citizens from Chechnya, including 30 cases of forced disappearance, 28 of which involved significant violations of Article 2 (right to life). In most of these cases, standard practice for Russia is to only partially comply with the rulings by paying fines, but avoiding measures to ensure effective investigations and redress for victims at the national level and failing to change legislation or practices. The fines function, in effect, as a “tax on impunity”.

The discovery of the bodies of seven young women slain on the night of November 25 is particularly alarming. The investigation is still ongoing – some suspect the women were murdered as punishment for involvement with the Chechen armed resistance, while others, including the Chechnya Representative for Human Rights, N. Nukhadjiyev, suggest that the women were punished for “loose morals”. Chechnya’s President R. Kadyrov has condemned the murders. His repeated calls in the media for women to dress modestly and wear headscarves, and interviews during which he calls women the “property” of men, however, do nothing to prevent the regression of women’s rights in Chechnya.

Migrants are singled out as scapegoats for the economic and financial crisis and face rampant xenophobia

Despite official optimism, Russia too has felt the effects of the worldwide financial and economic crisis. Migrant workers, already facing xenophobia and violence from far-right groups, are often singled out as scapegoats by the government.

During a live broadcast of Pryamaya Linia with V. Putin on December 4, 2008, a listener
bemoaned the high number of immigrants, while Russian workers face unemployment. Prime Minister Putin answered that she had framed the problem correctly and that porous borders and illegal immigration caused it, asserting that the government would halve immigration work quotas in 2009.

Claims that migrants “steal” work from Russians, seized on with relish by the tabloid press, are thus granted official endorsement at the highest level of government and backed by an administrative measure. The “Young Guard”, or youth movement of the ruling United Russia party, has staged a campaign called “Our Money – For People Like Us”, demanding that half of Russia’s immigrants leave the country and that borders be closed.

Clearly, these acts can only fan the flames of xenophobia that primarily victimizes migrants, as underscored by several recent tragedies. According to the SOVA center, in November 2008 alone, 18 persons suffered racist violence in Russia, causing three deaths.

One of the most notable killings was that of Salekh Azizov, a Tajik whose decapitated body was found on December 6, 2008 in a town near Moscow; his head was later found in a trash can near a local administrative building in Moscow. The “Organization of Russian Nationalist Combatants” claimed responsibility for the crime, threatening to attack Russian civil servants unless they did something to end the “invasion of the capital by citizens of Central Asia and the Caucasus”. In addition, the murderers of a Tajik and a Dagestani, who filmed the killing and broadcast it on the Internet in August 2007, are still at large.

The Roma are also stigmatized and suffer repeated forced evictions, worsening their already fragile social situation.13

We conclude this paper on the domestic situation in Russia with an observation on international affairs: as of the end of 2008, the consequences of the August conflict with Georgia, marked by serious human rights violations, have still not been dealt with, thus undermining the long-term stability of an already volatile region.

---

RECOMMENDATIONS

FIDH requests that the Russian authorities:

• Guarantee freedom of association under all circumstances, as well as the physical and psychological integrity of human rights defenders in Russia. Put an immediate and unconditional end to their harassment, and conduct independent investigations into the threats and attacks mentioned above, in order to identify all those responsible, bring them before an ordinary competent and impartial tribunal and apply to them the penal sanctions in accordance with Russian law and international human rights standards;

• Comply with the measures contained in the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, in particular Article 1 which stipulates that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and Article 12.2, which requires states to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

• Guarantee freedom of expression and the physical and psychological integrity of journalists in Russia under all circumstances, in accordance with applicable regional and international instruments. Allow independent investigations of cases of murder and harassment, to ensure that those who carry out and order such acts are duly identified and prosecuted;

• Guarantee freedom to peaceful assembly and the physical integrity of protesters, in accordance with Article 21 of the International Covenant on Civil and Political Rights;

• Guarantee the independence of the judiciary and the right to defense, in accordance with Article 14 of the International Covenant on Civil and Political
Rights;

- Ensure that anti-terrorism legislation and methods comply with regional and international human rights standards ratified by the Russian Federation;

- Amend current anti-terrorist and anti-extremist legislation to better define their field of application and ensure compliance with Russia’s international human rights obligations, in particular respecting the principle of legality, freedom from arbitrary detention provided under Article 9 of the International Covenant on Civil and Political Rights, and finally the right to appeal detention through a legal authority;

- Release, after modification of procedure, all persons held and sentenced arbitrarily on trumped-up anti-terrorism charges, or in case of tangible evidence against them, try them in a free and fair court with assurance of the right to defense;

- Provide a more precise definition of torture in the Russian Criminal Code and explicitly ban its use, as stipulated in Article 4 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; consequently amend Article 117 of the Criminal Code;

- Investigate in a free and impartial manner accusations against law enforcement officials of torture, forced disappearance, and summary executions;

- Develop effective anti-corruption programs for government administration and the police;

- Guarantee that confessions obtained through physical and psychological pressure are not admitted as evidence in court, as provided by Article 15 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

- Guarantee that persons persecuted in their home country are given access to the refugee application procedure, and guarantee the principle of non-refoulement, in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees, as well as Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Article 3 of the European Convention
for the Protection of Human Rights and Fundamental Freedoms;

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and transpose it into national legislation, including making forced disappearance an offence, as required by Article 4;

- Ensure effective enforcement of labor legislation and social protections for migrant workers; prosecute employers who use forced labor or servitude;

- Sign and ratify the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Convention on the Legal Status of Migrant Workers;

- Implement without delay the recommendations of the United Nations Committee on the Elimination of Racial Discrimination (CERD) made to the Russian Federation in 2003, especially those regarding access to citizenship for persons from ex-Soviet Republics, and regarding inspections and identity checks that target specific minorities;

- Implement without delay the recommendations of the United Nations Human Rights Committee regarding the xenophobic rhetoric and racial profiling practiced by Russian officials;

- Implement the CERD’s general observation n. 30 regarding discrimination against non-citizens, especially measures IV, V, and VI regarding access to citizenship, the administration of justice, and deportation and expulsion of non-citizens;


- Comply in all circumstances with the principles and measures comprised in international and regional human rights protection measures ratified by the Russian Federation.