

IHF FOCUS: human rights defenders; elections; freedom of expression, free media and information; freedom of association; torture, ill-treatment and police misconduct;¹ conditions in prisons and detention facilities; rights of persons with disabilities; national and ethnic minorities; aggressive nationalism, racism, xenophobia and hate speech; economic and social rights; Chechnya and the North Caucasus.

The year 2005 saw further consolidation of the powers of the federal executive and further erosion of democratic checks and balances. This development was reflected in the "Freedom in the World" ranking of the US organization Freedom House, which rated Russia as "not free" rather than "partly free" for the first time since 1991.²

While the political process at the federal level was already dominated by President Vladimir Putin, a reform that took effect as of the beginning of the year abolished the direct election of regional governors and thereby served to strengthen federal control over the country's regions. Official information policies grew increasingly restrictive and state-controlled media reported about politically sensitive issues, such as developments related to the fight against terrorism, in a highly selective manner. Throughout the country, critical journalists were subject to intimidation, detention, criminal prosecution as well as physical attacks, and independent newspapers sometimes experienced difficulties in gaining access to publishing houses or were evicted from their offices. Six journalists were killed for apparently politically motivated reasons.

Civil society was also the target of growing pressure. Various bureaucratic procedures were used to obstruct the work of NGOs, and a new law that was rushed through parliament toward the end of 2005 provided for enhanced control of NGOs, in particular those that receive funding from abroad. In a development that appeared aimed at justifying the adoption of the new law, in early 2006 the Moscow Helsinki Group (MHG) and a number of other leading Russian human rights organizations faced absurd accusa-

tions of involvement in espionage because they had received funding from the UK government. As in previous years, human rights defenders working on issues related to the conflict in Chechnya were highly vulnerable to persecution.

The so-called anti-terrorism operation in Chechnya continued for the sixth year. The unilateral political process initiated by the Russian government, which included parliamentary elections held in November, failed to bring peace and stability to the republic and the cycle of violence and gross abuses continued. As in previous years, federal and local law enforcement authorities as well as rebel fighters engaged in serious human rights violations, such as abductions, illegal detention, torture, disappearances and extrajudicial executions, with little or no accountability.

The conflict in Chechnya increasingly spilled over to neighboring republics, with security forces and insurgents engaging in abuses of the kind that previously had taken place only in Chechnya also in these republics. As a result, the security situation deteriorated in the entire North Caucasus region. The IHF, the MHG and other human rights organizations cautioned that this development represented a serious danger to the Russian Federation and, consequently, to the international community, and called for prompt and concrete measures to address the lack of rule of law and the climate of impunity reigning in the region. They also appealed to the international community to mount a more effective and coordinated response to the developments in the North Caucasus.

A number of victims of human rights abuses in Chechnya eventually found jus-

* This chapter is based on a report from the Moscow Helsinki Group (MHG) to the IHF, March 2006, except for the chapters on the rights of persons with disabilities, national and ethnic minorities and Chechnya and the North Caucasus, which have been prepared by the IHF Secretariat or other cooperating organizations (see respective section).

tice at the European Court of Human Rights (ECtHR), which ruled that Russia's conduct in these cases had violated several key articles of the European Convention on Human Rights (ECHR), including the right to life, the prohibition against torture and ill-treatment and the right to an effective remedy.

Also outside the North Caucasus, torture and ill-treatment were frequently practiced, and detainees were often subject to humiliating and cruel treatment. Through their rhetoric and activities, nationalist movements openly exploited and encouraged xenophobic attitudes, which according to surveys were widespread among the population. Ethnically and racially motivated attacks remained a serious problem, in particular since the authorities failed to take adequate measures to prevent and remedy such crimes. Moreover, violence and abuse against Roma and other ethnic minorities by law enforcement authorities were usually not challenged nor remedied, and both direct and indirect discrimination against minority members was pervasive in areas such as education, health care, housing, employment, and public services. Poor implementation of legislation protecting minority rights, lack of awareness and incentive among minority members to pursue their rights and harassment of national activists seeking to promote minority rights contributed to further assimilation of small ethnic minorities.

In the area of economic and social rights, the year began with large-scale protests – ranging from demonstrations to actions to block highways – against a new law that replaced social benefits with cash payments. In particular leftist oriented political parties played a central role in these protests. The protests continued until the government promised to significantly raise the level of the new payments.

The high-profile trial in May against Mikhail Khodorkovsky, former chair of the

Yukos oil company, and his business associate Platon Lebedev reflected wider problems in the Russian criminal justice system, in particular lack of independence of the judiciary and violations of the right to defense. The two men were sentenced to nine years imprisonment on tax evasion, embezzlement and related charges, which were widely believed to be politically motivated.³

At the same time as the government increased control over the country's energy sector,⁴ it used economic pressure more actively than previously in its foreign policies. The most prominent example was the so-called gas war with Ukraine that developed at the end of the year. The state-controlled gas monopoly Gazprom demanded that Ukraine, as of 2006, pay the full market price – or four times more than it had previously paid – on gas received from Russia. As Ukraine refused, Gazprom cut off gas supplies to Ukraine until a controversial agreement was reached, under which Gazprom would sell gas for the market price but Ukraine would pay less since Russian gas would be mixed with cheaper Turkmen and Kazakh gas.⁵

Human Rights Defenders

Overall Trends⁶

In recent years, authorities have stepped up their efforts to control the registration and funding of independent human rights NGOs, while encouraging the growth of organizations loyal to them. Deliberate efforts by authorities to restrict access to information of legitimate public interest (such as on so-called anti-terrorism operations in Chechnya and elsewhere) have also seriously obstructed human rights work.

Moreover, human rights defenders have been subjected to pressure, including intimidation, arrests, searches and physical attacks. Over the last few years, the North Caucasus has been the most dangerous

region for human rights activists to work in, but reports of harassment and persecution of human rights activists have also been received from other regions, especially from Krasnodar, Kalmykia and Tatarstan.

In 2005, several human rights activists died after being attacked by unidentified perpetrators.⁷

◆ On 21 July, human rights activist Lyudmila Zhorovlya and her son Konstantin were shot by unknown people in their home in the city of Vorkuta in the Komi Republic. Zhorovlya and her colleagues had provided legal assistance to Vorkuta residents with respect to illegal increases in utility payments required by local authorities. The mayor of Vorkuta had reportedly criticized her work on repeated occasions and she had received numerous threats and demands to stop her activities. At the end of the year, there was no further information about the investigation into the case.⁸

◆ On 13 November, unknown men violently attacked two anti-fascist activists in St. Petersburg. One of the activists, Timur Kacharav, died as a result of numerous stab wounds and the other one, Maxim Zgibai, suffered serious injuries. No information about the investigation into the case was available at the end of 2005.⁹

Soon after the adoption in early 2006 of a new NGO law, which established new restrictions on the work of human rights NGOs (see the section on freedom of association), a slanderous media campaign was launched against 12 well-known Russian NGOs, including the MHG, Nishnij Novgorod Committee against Torture, the Centre for the Development of Democracy and Human Rights and the Eurasia Foundation. These NGOs were accused of involvement in espionage because they had received funding from the British government for activities to promote democratic developments, human rights and the rule

of law. The campaign appeared to be a demonstration by authorities to justify the adoption of the new restrictive NGO law. At the end of January, Russian authorities made moves to close down one human rights NGO.¹⁰

◆ On 28 January 2006 the BBC reported that the Justice Ministry had asked a Moscow court to order that the Russian Human Rights Research Centre be shut down. The move was officially justified as a response to the NGO's failure to register any information about its activities for the last five years.¹¹

During the year, the websites of many human rights organization were hacked and the material published on the sites was altered.

In March 2005, the parliament decided to establish a so-called public chamber upon proposal by President Putin. The new institution was charged with analyzing draft legislation and overseeing the work of the parliament as well as federal and regional authorities, but it was granted only consultative powers. Out of its 126 members, one third was to be appointed by the president, another third to be nominated by civil society organizations and the remaining third to be elected by the first two thirds. The creation of the public chamber was criticized by human rights activists, who feared that it represented an attempt to control the country's civil society and to mute criticism of the increasingly authoritative policies of the federal executive.¹²

Human Rights Defenders Working on Chechnya

Of all human rights defenders in the Russian Federation, those working in the North Caucasus – and those living elsewhere but dealing with issues related to Chechnya and the North Caucasus – were the most endangered.

◆ The Russian-Chechen Friendship Society (RCFS), an NGO based in Nizhny

Novgorod and Chechnya/Ingushetia, has been the target of a particularly intense campaign of persecution. Four RCFS associates were killed during the second war in Chechnya (which began in 1999) and numerous others were harassed, arrested, abducted, and threatened. RCFS offices in various towns have been raided and inspected by different authorities on a variety of grounds, all of which seem to be clear attempts to harass the RCFS. On 14 March 2005, threatening leaflets were posted in the neighborhood of RCFS editor Oksana Chelysheva in Nizhny Novgorod, revealing her home address, labeling her a traitor, and linking her to "terrorist activities" carried out by Chechen fighters. Similar leaflets were again posted on 9 September 2005, this time in the home of the RCFS chair, Stanislav Dmitrievsky, threatening him and Chelysheva. Further, on 28 November 2005, unknown persons broke into the flat of the family of Dmitrievsky. On 3 February 2006, a court imposed a two-year suspended sentence and a four-year probationary period on Stanislav Dmitrievsky for "inciting hatred or enmity on the basis of ethnicity and religion" (under article 282 of the criminal code) for publishing statements by the late Chechen separatist leader Aslan Maskhadov and his envoy, Akhmed Zakayev. The statements called for a peaceful resolution of the Chechen conflict. Dmitrievsky's trial appeared to be politically motivated.¹³

Members of other human rights NGOs have also been targeted, including those working for "Memorial." On several occasions, members of this organization have been intimidated: they have e.g. been "warned" that they are wanted by the security services or are in danger of disappearing or given death threats.

◆ On 20 January 2005, Makhmut Magomadov, a Chechen human rights lawyer, was kidnapped by a group of camouflaged gunmen in Grozny. He was held for sever-

al weeks, during which time he was severely tortured, and then released on 13 February after a number of human rights groups had campaigned for his release. Magomadov was involved in compiling information from victims of human rights abuses in Chechnya for applications to be submitted to the ECtHR. At the time of his detention, he was working on over 30 cases, mainly concerning disappearances, torture and ill-treatment, and extra-judicial executions committed by Russian security forces. Until December 2004, Magomadov had served as an expert within the IHF project on "Legal Protection of Individual Rights in the Russian Federation," which focused on training Russian lawyers and human rights activists in the use of international law.¹⁴

A human rights defender from Dagestan also fell victim to persecution in 2005.

◆ Osman Boliev, a member of the "Romashka" human rights NGO in Dagestan who had been involved in submitting a complaint to the ECtHR concerning a kidnapping that took place in 2004, was detained on 15 November 2005 at his home in Khasav-Yurt. A grenade was reportedly planted on him and used as evidence to bring charges against him under article 222 (1) of the Russian criminal code ("unlawful possession of weapons"). He was reportedly tortured in custody and only granted access to a lawyer two days after he was arrested. Media reported that Boliev was detained as an "insurgent." The IHF believed that the charges against Boliev were fabricated. On 13 February 2006, Boliev was released pending trial.¹⁵

Elections

In the last few years, President Vladimir Putin has initiated a number of reforms that have increasingly concentrated power in the hands of the federal executive. Following the tragic events in Beslan

in September 2004, President Putin proposed a number of new measures that he argued were necessary to enhance the fight against terrorism. Among them was a measure to abolish the direct election of regional governors. Under a law that subsequently was adopted by the State Duma and took effect as of 2005, the president names governor candidates, which thereafter are subject to approval by regional legislative assemblies. If a candidate proposed by the president is rejected twice, the president can dismiss the regional parliament. The president was also granted the right to dismiss regional governors if he has lost trust in them. As of the end of 2005, not a single governor candidate proposed by President Putin had been rejected by the relevant regional parliament.

The opponents of the law argued that it had nothing to do with fighting terrorism but rather served to circumvent democratic processes at the regional level. They also argued that it was unconstitutional, with reference to a 1996 decision by the Constitutional Court, which rejected as unconstitutional a provision of the Altai krai that entrusted the region's legislative assembly with electing the regional governor. In July, the Constitutional Court admitted a complaint against the new law submitted by the oppositional Union of Right Forces. In December, however, the Constitutional Court confirmed that the procedure of appointing governors was in accordance with the constitution. The judges were not unanimous in their decision: two judges, Anatoli Kononov and Vladimir Yaroslavtsev, presented dissenting opinions.

In November, the State Duma adopted in the first reading legislative amendments, which would grant the political party that holds most seats in a regional parliament the right to make a proposal to the president regarding a candidate for the post as regional governor. The MHG concluded that these amendments, if turned

into law, would not bring about any real change since most regional parliaments are dominated by the pro-Kremlin United Russia party and the president will not be bound by the proposals made.

Freedom of Expression, Free Media and Information

The situation with respect to freedom of expression and media continued to deteriorate. All major national TV-stations were controlled by the federal authorities, and most newspapers exercised great caution with respect to the information they published on politically sensitive issues.

Both federal and local authorities sought to control the information published by the media, and in some cases, public officials actively interfered with the free circulation of information.

- ◆ The management of the state-controlled NTV reportedly removed a program about the murder of the Ukrainian journalist Georgi Gongadze from its broadcasting schedule on direct orders from the Kremlin.

- ◆ The chairman of the committee on informational policy of the government of the Altai demanded that the newspapers *Zvezda Altaya* and *Altaydyn Cholmony* not write about the activities of certain members of the regional parliament.

- ◆ The head of the Chernyakhovskiy municipality of the Kaliningrad region demanded to review the newspaper *Polus* prior to publication.

- ◆ Media in Kuban in the Krasnodar region were ordered by authorities not to make mentioning of the illness of the regional governor, Alexander Tkachev.

The fact that there were virtually no live broadcasts on the national TV-stations was also indicative of the control federal authorities exercised over these media outlets.

While state-controlled media reported in a highly selective way about developments in so-called zones of anti-terrorism operations, access to such regions remained limited for independent journalists. This was true not only in the case of Chechnya but also in neighboring regions to which the conflict was spreading. During the events in Nalchik in Kabardino-Balkaria (see the section on Chechnya and the North Caucasus), many correspondents who tried to enter the city were turned away and one group of journalists, including representatives of several large international agencies and TV companies, were detained by the military. "Everybody was let out of the city, but nobody was let in. Taught by the bitter Beslan experience, the authorities isolated Nalchik from Russia," said Margarita Kondratieva, *Gazeta* correspondent.

In many regions, local media were exploited for political purposes by regional authorities seeking to cement their power, which undermined the role of these newspapers as sources of information for the local population. Many federal and regional media also devoted excessive attention to those in power, and state-controlled TV contributed to the gradual development of a personality cult around President Putin.

Proposals were made at both the federal and regional level to censor TV broadcasts with a view to prevent airing of programs with a high content of "violence, cruelty and sex" from being aired and to thereby counter-act "bad morals." In some regions, special councils were created to review TV programs.

There were also instances in which Russian authorities put pressure on foreign media, e.g. by rejecting requests to extend the visas of foreign correspondents. The MHG was concerned that these instances may represent a first step toward a broader process of forcing foreign media to leave Russia.

Access to Information

Journalists experienced growing difficulties in obtaining information from the authorities, and the MHG and its local partners reported a total of 193 cases where journalists were denied access to information during the year.

Journalists also experienced growing obstacles in gaining access to buildings where authorities worked. While it previously had been sufficient to have a journalist ID to enter administrative buildings, particular accreditation was now typically required, and such accreditation was difficult to get. In August, new accreditation rules were introduced by the Moscow City Court, according to which the court will decide which journalists can attend court sessions.

During President Putin's annual teleconference with the people in September, journalists were denied access to the location where the conference took place. Also, the participants in the conference had been specifically selected, and only asked questions that the organizers of the event had prepared in advance.

Persecution of Independent Journalists

Journalists critical of the authorities were subject to various forms of pressure, including intimidation, physical attacks, defamation suits, criminal prosecution and detention. During the year, the MHG and its local partners registered a total of 21 cases of intimidation of journalists and editorial staff, 64 cases of physical attacks, 313 cases of defamation suits, 35 cases of criminal prosecutions and 37 cases of detention by police or security police. There were also six cases of killings of journalists that appeared politically motivated.

Moreover, the MHG and its partners reported 24 cases in which printed issues of independent newspapers and magazines were confiscated, 34 cases in which printing houses refused to print independ-

ent newspapers and ten cases in which independent media outlets were evicted from their premises on apparently politically motivated grounds.

Relatives of journalists were also subject to pressure.

◆ In September, the 22-year-old son of Murtaz Pachev, a leading journalist and political commentator in Kabardino-Balkaria, was reportedly thrown from the upper floor of a multi-storey building in Nalchik, as a result of which he died. It was believed that the killing was an act of vengeance targeted at Pachev, who worked as the anchor of a satirical radio program and often made caustic jokes about different officials on air. An investigation was opened into the case.¹⁶

◆ On 2 July, the head of the center of strategic initiatives and political technologies of the city of Makhachkala in Dagestan was shot dead by an unidentified perpetrator. For the past three years he had contributed political analyses to the largest weekly publication in Dagestan, *Novoe delo*, and it was believed that the assassination was linked to his public activity. Shortly before he was killed, he published an analysis highly critical of local authorities. No further information about the case was available at the end of the year.

Public officials at both the federal and local level used suits concerning violations of honor and dignity as a means of repression against media expressing critical views. Courts, which displayed lack of independence, frequently found in favor of such suits, and critical media outlets had to pay considerable sums of compensation. Thus, honor and dignity suits often aggravated financial difficulties experienced by independent media outlets. In some cases, even absurd suits were satisfied.

◆ For example, in Stavropol, both the first and the second instance court upheld claims of violations of dignity and honor

brought by an official against the newspaper *Stavropolskaya Pravda*, which had published information about a criminal case against the official in which he was found guilty of corruption.

Many criminal cases were also initiated against journalists and media, and in some cases journalists received heavy penalties, such as non-suspended prison sentences. Such sentences were mainly imposed under article 129 of the criminal code, which prohibits defamation.

◆ On 20 January, the regional prosecutor's office of Saratov arrested the well-known journalist and political analyst Eduard Abrosimov on defamation allegations. Abrosimov was arrested because of a draft article that was found on his computer during a house search. In this draft article, which he had written for the local newspaper, he alleged that an investigator working at the regional prosecutor's office had accepted a bribe during a criminal investigation. The article had not been published because the chief editor of the local newspaper did not consider it suitable for publication. Even so, the Saratov District Court ordered the journalist to be held in remand custody, and on 23 June, the Magistrate Court of the Volzhskiy district of Saratov found Abrosimov guilty of defamation and sentenced him to seven months of imprisonment.

In an increasing number of cases, journalists were charged with blackmail under criminal code article 163, which provided for harsher sentences than article 129.

◆ On 29 August, in Rybinsk in the Yaroslavl region, law enforcement officers arrested journalist Natalya Ilyushenkova on suspicion of blackmail. The journalist, who worked for the newspapers *Zoloe koltso* and *Rybinskie izvestiya*, was accused of blackmailing a businessman, about whom she had written a critical article in May. Lyushenkova also participated actively in

the campaign leading up to a referendum about the status of Rybinsk in early September, and her engagement did not please all political actors in the region. In November, the prosecutor of the Yaroslav region closed the criminal case against Ilyushenkova because of a lack of *corpus delicti* in her actions.

Some newspapers reporting critically about official policies reportedly faced eviction from rented premises. In a typical pattern, the rent was first raised – sometimes retroactively – and thereafter eviction for outstanding rental payments followed.

In a number of regions, local authorities instructed state-controlled publishing houses not to print newspapers considered inconvenient. For example, as of January 2005, the printing house of Izhevsk refused to print the independent newspaper *Den*, as a result of which the newspaper had to be printed in the region of Perm instead. The authorities of some neighboring regions, however, tacitly agreed not to publish newspapers that had been “blacklisted” for printing in any of the regions concerned.

Freedom of Association¹⁷

During the year, many NGOs were subject to arbitrary tax inspections and some were ordered to pay high fines for the alleged failure to complete full tax payments. Such cases were also used to discredit the work of NGOs.

New legislation passed by the Duma and the Federation Council in December 2005 and signed into law in January 2006 established new restrictions on freedom of association and provided for enhanced control of NGOs, in particular those receiving funding from abroad. While the government insisted that the new law was needed to prevent foreign governments and organizations from exploiting domestic NGOs in ways undermining national security, it appeared primarily aimed at pre-

venting democratic change of the kind that took place in Ukraine during the so-called orange revolution.

The original bill was rushed through the parliament without any genuine debate, and virtually all recommendations for changes made by NGOs and independent experts were rejected. Both civil society activists and the ombudsman criticized the law for being incompatible with the Russian constitution as well as international human rights standards. Within only a few days, more than 5,000 people signed on to an NGO petition called “Increased control over civil society – no!” International organizations and leaders also expressed concern about the draft law. In response to the criticism, some changes were made to the law before its adoption, but these changes failed to address major problems.

The new law, which entered into force as of April 2006, provides for stricter registration procedures for foreign and domestic NGOs and gives the state the power to close them down. It prescribes that offices of foreign NGOs must inform the government registration office about their projects for the upcoming year, and about the money allotted for every specific project. Officials from the registration office can ban foreign NGOs from implementing projects with “the aim of defending the constitutional system, morals, public health, rights and lawful interest of other people, guaranteeing defense capacity and security of the state.” This means in practice that the law vests Russian government officials with a high level of discretion in deciding what projects, or even parts of NGO projects, comply with Russia’s national interests. The government’s powers, however, are not stipulated by clear legal provisions and thus leave room for arbitrary interference into the activities of NGOs. Many provisions were found by Council of Europe experts to be “disproportionate.”¹⁸

The MHG considered the new law a serious attack on NGOs, the last civil society sector to enjoy relative independence from the state.

Conditions in Prisons and Detention Facilities¹⁹

General Situation in Detention Facilities

It remained a serious concern that detainees were often treated in violation of prison rules and relevant legislation, including by being subjected to humiliating and cruel forms of treatment. A significant amount of all complaints from prisoners received by NGOs concerned ill-treatment. Prisoners also objected to such treatment by staging mass protests, organizing hunger strikes and even committing acts of self-maiming (see also the section below on the protests in the Lgov colony).

Major reasons for systematic violations of prisoners' rights included a lack of desire to address the situation on the part of the Federal Penitentiary Services (FSIN) as well as lack of effective opportunities for NGOs to monitor detention conditions. Complaints about the treatment of detainees that were submitted to prosecutors and penitentiary authorities by human rights organizations typically did not result in any thorough investigation. In most cases, the NGOs received standard answers, according to which the allegations could not be confirmed. In those cases where it was acknowledged that measures had been "inadequately" used, those guilty of abuse were typically not prosecuted.

There were, however, exceptions: in some regions there was constructive co-operation between authorities and civil society concerning detention conditions, which contributed to more respect for the rights of detainees.

A draft law granting civil society organizations the right to monitor closed detention facilities, which was expected to bring about significant improvements in terms of

the observance of prisoners' rights, remained pending at the end of the year. The MHG and other NGOs called for a prompt adoption and implementation of this law, as well as for additional changes of the criminal execution code so as to bring it fully in line with the Russian constitution.

An amnesty implemented in May, in connection with the 60th anniversary of the end of the World War II, was of a limited scope and only affected 262 prisoners.

Protests in Lgov Colony OX-30/3

In June, mass protests, involving hunger strikes and acts of self-maiming, took place in the colony OX-30/3 in Lgov. The protests were prompted by repeated cases of torture of convicts and the protesters demanded that the prison officials guilty of abuse be criminally prosecuted. During the protests, new cases of beatings of prisoners were reported.

The situation eventually de-escalated, largely as a result of the efforts of human rights activists, media attention as well as responses by the international community. The ombudsman and the chairman of the presidential council on the support and development of civil society and human rights also engaged in the issue, and federal prison inspectors were sent to the institution.

Two high-ranking representatives of the administration of the Lgov colony were subsequently dismissed, but neither they nor any other officials were criminally prosecuted. Many of those who submitted complaints to the prosecutor were transferred to other prison facilities, in a measure that was said to be aimed at protecting them from repercussions.

As public interest in the situation at the Lgov colony waned, intimidation and torture of prisoners reportedly resumed.

A number of complaints concerning the events in the Lgov prison were submitted to the ECtHR.

National and Ethnic Minorities

*Situation of Meskhetian Turks*²⁰

The majority of the 15,000-18,000 Meskhetian Turks residing in the Russian Krasnodar krai arrived to the region from Uzbekistan in 1989-1991. Throughout the past decade, they have been subject to discriminatory and abusive treatment by the Krasnodar authorities as well as harassment and violence by para-military Cossack units tacitly supported by the authorities.²¹

Under a US government program that took effect as of 1 February 2004, Meskhetian Turks from the Krasnodar krai became eligible for refugee status in the US. As of October 2005, 21,000 Meskhetian Turks had applied for asylum under this program, and more than 5,000 had already moved to the US.

Regional and local authorities of the Krasnodar krai, however, sought to obstruct the departure of members of the minority in different ways, e.g. by delaying or declining to issue residence and travel documents. There were also reports of illegal confiscation of passports by police and new attacks on Meskhetian Turks by Cossacks.

*The Roma Minority*²²

Anti-Romani racism was widespread in Russia. Russian law guarantees equal treatment and protection against discrimination of all people in Russia, yet Roma, among several other ethnic minorities, found themselves excluded from the equal protection of the law and, in fact, frequently from any protection of the law. Authorities were often themselves implicated in or acquiesced in human rights violations targeting Roma, and such violations were typically not remedied.

Roma and other ethnic minorities were particularly vulnerable to abuse in the context of intensified efforts to fight terrorism, organized crime and drug dealing. The "war on drugs" had gradually generat-

ed the image of the "Gypsy" as the typical drug dealer, and the identification of the Roma with drug dealing had reached a point of near synonymous usage in the media.

Racial discrimination against Roma was manifested in abusive raids on Romani neighborhoods that were routinely carried out by law enforcement authorities; disproportionately frequent detention of Roma as well as unlawful and unprovoked use of violence during detention; arbitrary and disproportionate checks of personal documents of Roma; extortion of money and arbitrary seizure of property of Roma; and fabrication of criminal cases against Roma. Police raids targeting Romani communities often involved racial profiling, and detentions based on such profiling were often accompanied by the fabrication of incriminating evidence against Roma, usually through the "planting" of drugs. Roma on whom drugs were "found" were sentenced to imprisonment or released in exchange of bribes extorted from their families.

Roma were frequently reluctant or unwilling to seek justice for illegal acts by police, with intimidation and harassment by police as well the perception that law enforcement officials were immune from sanctions serving as powerful deterrents. In the few known instances in which Roma filed complaints against police officers, the complaints were rejected or the criminal cases against police officers were eventually terminated for lack of sufficient evidence for the alleged illegal actions. Racism also affected access of Roma to protection against violence and abuse by private actors. Public authorities did little to nothing to counteract anti-Romani racism and, in some instances, law enforcement officials knowingly failed to prevent violent assaults on Romani communities. Racial discrimination of Roma in the criminal justice system created an environment in which both public officials and private ac-

tors felt confident that they would be absolved from responsibility for racially-motivated violence and exposed the victims to further abuse.

Racism also effectively precluded many Roma from accessing education, health care, housing, employment, and public services. Discrimination against Roma in access to social and economic rights took two broad forms. Many Roma were subjected to direct discrimination and faced less favorable treatment on grounds which expressly related to their ethnicity. However, Roma also experienced indirect discrimination whereby they were denied access to social and economic rights on grounds that they did not have personal documents, including residence registration. The system of residence registration itself contributed to a vicious circle of abuse for many Roma. While Roma were often arbitrarily denied residence registration by the authorities, they were also disproportionately often the targets of ID checks by the police and those Roma who were caught in such checks were often detained and subject to ill-treatment.

The Mari Minority of the Republic of Mari El²³

The Finno-Ugric Mari minority is the titular nationality of the Republic of Mari El, one of Russia's so-called ethnic regions. About half of the about 600,000 members of the minority resided in this republic.

As the titular nationalities of other ethnic regions, the Mari enjoyed a special status in Mari El. The Mari language was a state language next to Russian, and the legislation of the republic obliged the authorities to protect the language, culture and national identity of the Mari. In practice, however, legal guarantees were often not effectively enforced and there were worrisome gaps in the actual protection afforded to the minority.

Despite its official status, the Mari language was used only to a limited extent within the public sector, and the legally protected right to use the Mari language in contact with authorities was undermined by the fact that public officials were not required to know this language. Comprehensive instruction in the titular language was limited to the primary level, and a majority of all Mari children studied the Mari language only as a subject. A special Ministry of Education department in charge of coordinating Mari language programs had been shut down, and a series of small Mari national schools had apparently been closed without due consideration of the wider implications of such measures on Mari communities. TV programs in the Mari language had been cut as a result of changes in the federal programming schedule and only a few books were published in the Mari language during the year.

In recent years, freedom of expression has come under growing attack in Mari El and, as others challenging official policies, Mari national activists have been subject to growing harassment. Involved in peaceful efforts to promote the rights of the Mari minority, members of the Mari national movement have been depicted as "nationalists" bent on overthrowing the regime in state-controlled media and have been the targets of e.g. intimidation, arrests, criminal prosecution, eviction, dismissal and violent attacks. Pressure against Mari activists and other opponents further intensified after the presidential elections held in the republic in December 2004, in which the national movement campaigned for the major Mari opposition candidate.

◆ On 7 February, Vladimir Kozlov, Chair of Mer Kanash, member of the Consultative Committee of the World Congress of Finno-Ugric Peoples and chief editor of the international Finno-Ugric newspaper *Kudo+Kodu*, was attacked on his way to work. Three unknown people approached

Kozlov from behind and repeatedly struck him in the head with pipe-like metal objects. They further kicked him as he fell down on the ground. As a result of the attack, Kozlov sustained life-threatening injuries, which required emergency treatment in hospital. By the end of 2005, the investigation into the attack had not yielded any results.²⁴

The political and social trends in Mari El served to undermine the interests of the Mari minority in the political process of the republic and enhanced the vulnerability of its members to continued cultural and linguistic assimilation. As other national minorities of the Russian Federation, the Mari experienced great assimilation during the Soviet era and one fifth or more of all Mari had already lost their own language. Intolerant social attitudes, which leading public officials allegedly encouraged by making negative remarks, further contributed to reducing the incentive and motivation of Mari to practice their language and culture.

Rights of Persons with Disabilities²⁵

People with mental disabilities were socially stigmatized and exposed to serious human rights violations. Professionals treating those with mental disabilities were typically poorly trained, basic needs of mental disability patients (such as adequate food, housing and treatment in non-restrictive settings) were often ignored, and outmoded concepts of disability as well as outdated diagnostics and registration systems remained major obstacles to the adequate treatment and integration of persons with mental disabilities into community life.

Institutionalization was the major form of "treatment" used; there were almost no alternative community-based services.²⁶ At the same time, psychiatric medications with serious and sometimes irreversible side effects were widely used in institu-

tional settings. Moreover, the poor quality and isolation of the institutions caused and facilitated abuse and marginalization of mental disability patients. Access to institutions by independent monitors, including attorneys, was severely limited and a law obliging the state to establish independent services to protect the rights of those in psychiatric hospitals remained unimplemented.²⁷

During the year, there were a number of court cases involving alleged human rights violations targeting people deemed to suffer from mental disabilities, which illuminated broader problems with respect to relevant Russian practice.

Procedural violations commonly took place within the Russian guardianship system. Relevant legislation was outdated and did not comply with international law, and in many cases a mere diagnosis of mental illness was used to deprive a person of his or her legal capacity and to place him or her under guardianship. Thus, although guardianship should be a protective measure for vulnerable individuals, it was routinely used for reasons of administrative convenience, with devastating consequences for those affected. Many individuals were institutionalized for life without legal standing to apply to authorities and courts in order to seek remedies. In addition, many of those appointed guardians were directors of psychiatric institutions, which resulted in a conflict of interest that contributed to the denial of access to justice for those deprived of their legal capacity.

◆ In August, an application was lodged with the ECtHR by a Russian woman S., who in April 2004 was deprived of her legal capacity by a Russian district court in a hearing of which she was not informed and at which she was not present. Contrary to Russian procedural law, S. was also not informed about the court decision. In her application, S. alleged violations of several articles of the ECHR, in-

cluding the right to a fair trial (article 6), the right to respect for private and family life (article 8) and the right to an effective remedy (article 13).²⁸

Soviet psychiatric diagnoses continued to restrict everyday life of many individuals. People with former records of psychiatric disorders experienced difficulties, *inter alia*, in finding jobs or obtaining certificates of professional ability or driving licenses.

◆ In a written judgment made available on 20 September, a Russian district court found that the Russian state railway had discriminated against a potential employee whose military card was marked with “mental disorder” solely on the basis of his homosexuality, which was considered a mental disability during the Soviet era.²⁹

In a judgment made public in December 2005, the Supreme Court of the Republic of Karelia found that the Russian government was obliged to provide children with intellectual disabilities access to specialized preschool education.³⁰ This judgment was one of the first cases in Russia in which a court has ruled that the state has positive obligations to combat social exclusion of children with disabilities. Across Russia, thousands of children with mental disabilities continued to be labeled as “uneducable” and were sent to custodial institutions, in serious violation of their rights. Such decisions typically represented the first step toward lifelong institutionalization and social exclusion.

Aggressive Nationalism, Racism, Xenophobia and Hate Speech

Nationalist Movements and Sentiments

According to information from the Moscow Bureau of Human Rights, at least seven political parties and movements with an ideology based on xenophobia and/or racism operated at the federal level. These included the Russian National Unity (RNE)

(and its branches); the “brown Pora” created by the RNE; the National Sovereign Party of Russia (NDPR); the Movement against Illegal Immigration (DPNI); the People’s National Party (NNP); the Party of Freedom; and the Russian National Union. In addition, a number of nationalist movements operated at the regional level, such as “Vityaz” (Astrakhan’), “Otechestvo” (Kuban’) and the fund “City without Drugs” (Yekaterinburg).³¹

According to law enforcement authorities, there were 10,000 nationalist skinhead activists in the country. These were organized into 35 different groups, most of which operated in the Moscow region and in St. Petersburg. Independent experts, however, estimated that the total number of skinhead activists was much higher, or up to 70,000.

◆ In April, DPNI announced plans to start establishing paramilitary formations, an initiative that was justified with reference to the “the possible exacerbation of the internal political situation” and “the possibility of mass riots and aggression from foreign states.” The DPNI websites featured advice concerning the purchase of weapons, and other nationalist movements also called on citizens to arm themselves.

◆ During a meeting held in the city of Perm on 14 October, at which the participants used the slogan “Glory to Russia!” and raised their hands in fascist greetings, the establishment of a new nationalist association called “Avant-garde of Political Youth (APM)” was announced. According to the leader of the Perm regional office of the far-right Liberal Democratic Party of Russia (LDPR), APM was established for the purpose of uniting right-wing radical youth organizations into one movement and of granting “patriotic young people” an opportunity to act. In addition to the LDPR, about a dozen nationalist organizations joined the APM, including the NNP, the

NDPR, and the Russian Orthodox National-Socialist Movement (RPNSD).

◆ On 4 November, the Day of People's Unity created in 2004 to replace the 7 November public holiday marking the 1917 Bolshevik revolution, a number of nationalist organizations organized a "Russian march" in Moscow. The approximately 2,000 participants marched through downtown Moscow chanting slogans such as "Hail empire!" and "Russians, awake!" Representatives of a number of anti-fascist movements tried to interrupt the event by organizing a counter-march, during which they carried anti-fascist banners and chanted "Fascism won't work". Ten members of the Oborona anti-fascist movement were reportedly "invited to talks" with the police in connection with this event.

In their rhetoric, nationalist movements exploited negative public attitudes toward immigrants and other xenophobic sentiments. This was in particular the case in Moscow, where representatives of the LPDR and the Rodina party made numerous statements targeting migrants during the campaign leading up to the Moscow City Duma elections in December.

Sociological surveys indicated an increase in the prevalence of nationalist views among the population. According to the Levada center, 58% of Russians supported the slogan "Russia for Russians" to varying degrees, and every fourth Russian would approve a ban for non-Russians to hold high state offices. Moreover, every third would support the eviction of people of Caucasian origin from "traditional" Russian territories as well limitations of the right of non-Russians to reside in Russia.³²

Ethnically and Racially Motivated Crimes

The occurrence of violent crimes based on racial and ethnic hatred remained at a high level. For the period January-October 2005, the analytical infor-

mation center SOVA reported a total of 252 violent attacks motivated by racial and ethnic hatred, and 19 deaths due to racial violence. Most attacks were reported in Moscow and the surrounding region, where 96 people were injured and six died because of ethnically and racially motivated violence. In the city of Voronezh, 19 people were injured and two died because of attacks, and in St. Petersburg 19 people were injured and one person died.³³

As in previous years, the authorities failed to take effective measures to address the problem of racially and ethnically motivated violence, although government representatives publicly emphasized the importance of intensifying the fight against racism. Many attacks were not properly investigated, and many perpetrators were not brought to justice. Although the number of convictions for hate crimes grew in comparison to previous years, the old tendency of charging those guilty of racist attacks with hooliganism rather than ethnically or racially motivated violence persisted.

◆ On 9 October, three foreign students were violently attacked by a group of young people in the city of Voronezh. One of the foreign students, a Peruvian citizen, died because of the injuries he sustained and the two others, one of whom was Peruvian and the other Spanish, were treated in hospital for their injuries. A Russian citizen who also was targeted by the attackers received less serious injuries. Five people suspected of involvement in the attack were subsequently arrested; four were charged with "hooliganism" and one with murder motivated by national or racial hatred (article 105 of the criminal code).

◆ A 9-year-old Tajik girl, Khursheda Sultanova, was stabbed to death in St. Petersburg in February 2004 as she was walking with her father and her 11-year-old cousin. A group of young men armed with bats, chains and knives attacked the three Tajiks

while shouting "Russia for Russians!" Khursheda died from multiple stab wounds, while her father and cousin were injured. A 14-year-old boy was subsequently charged with murder motivated by ethnic, racial or religious hatred and seven others were charged with hooliganism. In March 2006, the city court of St. Petersburg acquitted the defendant charged with murder, and instead convicted him, together with six of his co-defendants, of hooliganism. Their sentences ranged from 18 months to five years in prison. One defendant was acquitted of all charges. The lawyer of the victims announced plans to appeal the verdict, which was strongly criticized for its leniency by human rights groups.³⁴

Economic and Social Rights

Social Benefits Reform

A controversial new law that took effect as of January 2005, which the government argued was aimed at preventing corruption,³⁵ reformed the system of social benefits for pensioners, disabled, war veterans and others depending on assistance from the state. Under the new system, privileges previously enjoyed by the relevant categories of citizens, such as free travel on public transportation and free medicine, were generally replaced by monetary payments of 450 rubles per month (less than EUR 15). At the same time, the responsibility for providing payments was shifted from the federal authorities to regional authorities for a major part of all those 32 million people who were estimated to be affected by the law.³⁶

The new law gave rise to mass protests among those affected by it as well as political parties that came to their support. The opponents of the law argued that the new monetary payments did not adequately compensate the lost benefits and therefore resulted in a deterioration of living standards. Protests took place in most of the country's regions and continued

with varying intensity until May-June. Up to 70% of the protest actions were held under the leadership of activists of the Communist Party.³⁷

As a result of the protests the new law gave rise to, the federal budget for social assistance was increased.

Unpaid Salaries

The failure of employers to pay salaries in a timely manner remained a serious problem. The backlog of unpaid salaries from past years decreased throughout the country, but was still considerable in many regions. The highest salary debts were registered in Moscow (393 million rubles or approx. EUR 11.5 million in unpaid salaries), the Altai krai (445.5 million rubles or EUR 13.1 million), the Irkutsk region (382.2 million rubles or EUR 11.2 million) and the Primorsky krai (374.3 million rubles or EUR 11 million).

In some cases managers of companies that had failed to pay salaries were brought to administrative responsibility and ordered to pay penalties. However, such penalties were typically very low.

◆ For example, the director of a company in the city of Bryansk that had had close to 94 million rubles (EUR 2,8 million) in outstanding salary payments with respect to its more than 15,000 employees was given a penalty of 1,000 rubles (EUR 30).

Criminal prosecutions were brought only in cases when there was evidence that a company had not paid salaries because of mismanagement of funds.

◆ A criminal case was, for example, opened against the director of a company in the region of Chelyabinsk that had used company funds to buy a new luxurious car for himself, while the company had a salary debt of 30 million rubles (EUR 88,000).³⁸

In many cases, the attitudes of employers were not conducive to a solution of the

problem of outstanding salaries. For example, managers of companies with salary debts claimed that regular salary payments were not necessary for seasonal type of work or that it was justified to refrain from paying salaries to prevent a company from going bankrupt.³⁹

Within the agricultural sector salary payments were sometimes made in kind, i.e., in the form of agricultural products.

As in previous years, pension payments were often late.

Public Health Care

Lack of funding remained a problem within the public health care sector, with one major reason being that many private companies failed to complete medical insurance payments they were required to pay by law. As a result, the health care system suffered from e.g. shortage of staff and equipment, and hospitals were often in a run-down condition. In the Kurgan region, only 50% of regular staff positions were filled within the health care sector, and one fifth of all medical service buildings were threatened by demolition.⁴⁰ In some cases, hospitals sought to cut costs by limiting access to certain forms of treatment, such as more costly operations. Many medical specialists left public medical institutions for private institutions, where payment was better.

Persons without a permanent place of residence, such as members of nomadic peoples, continued to lack access to public health care services as registration at a certain place of residence was required for treatment at public medical institutions.

The prevalence of tuberculosis remained a cause of concern. According to information from the ministry of health and social development, about 30,000 people died from various forms of tuberculosis in the country during the year, and some 18,000 new cases of infected people were registered.

Public Education

Lack of resources for the maintenance of public schools was in particular a problem in the countryside, and the poor salaries offered to public school teachers often created problems in the recruitment of competent teachers.

Moreover, in an effort to reduce school expenditures, numerous schools located in sparsely populated and remote areas were closed down, and the students of these schools were sent to boarding schools instead. For instance, as the local school of the village of Kayetty of the Bilibinsky District of the Chukotsky Autonomous Okrug was closed, its students were re-accommodated at the school of the village of Omolon 400 km away.⁴¹

An increasing number of public schools introduced various forms of student fees, which gave rise to concern about inequality in the access to education. In some cases, school officials accepted bribes in return for school admission or good grades. During the year, 13 principals of Moscow schools were dismissed because of unlawful collection of money from parents.⁴²

Chechnya and the North Caucasus⁴³

According to the Russian authorities, the armed conflict in Chechnya was over, and the process of political reconstruction in the republic had largely been completed. They claimed that the republic had been successfully reintegrated into the legal framework of the Russian Federation, that new a government had been established as a result of democratic elections and that internal affairs agencies, public prosecutor offices and courts were fully functional. In reality, however, the armed conflict continued, although its forms had changed, and gross human rights violations continued to take place.⁴⁴

Almost seven years after the second Chechen war started, there were a few

signs of peaceful life. The process of compensating for lost housing got off to a slow start, and isolated reconstruction projects were under way in the capital Grozny. Traffic and commerce also partly resumed in the capital. However, overall, living conditions in the republic were characterized by a “no peace, no war” situation, in which lawlessness was widespread.

The pattern of abductions, illegal detentions, killings and torture persisted, with the prosecutor’s office typically unwilling or unable to undertake effective investigations into such cases.⁴⁵ Massive human rights violations were perpetrated by both sides of the conflict. Separatist fighters sometimes deliberately attacked unarmed representatives of state authorities, and some of the groups opposing the federal authorities used terrorist methods. However, a majority of all human rights violations were perpetrated by federal and – increasingly – local law-enforcement authorities.

In February or March 2005, Aslan Maskhadov, who was elected president of Chechnya in 1997 elections recognized as legitimate by international and Russian observers, was killed in unclear circumstances.⁴⁶ After the beginning of the second Chechen war in September 1999, Maskhadov became the military and political leader of the armed Chechen separatists. While he had limited control of the different groups among the armed separatists, he consistently spoke out against terrorism as a method of fighting and displayed readiness to find a peaceful solution to the conflict. After his death, the influence of those advocating extremist views⁴⁷ reportedly increased among the forces opposing the Russian Federation in Chechnya.

Instability and human rights violations, accompanied by impunity of security forces, increasingly spread from Chechnya to other parts of the Northern Caucasus, and the overall security situation of the re-

gion deteriorated. The situation was especially alarming in the republics of Ingushetia, North Ossetia, Dagestan and Kabardino-Balkaria. While there were major differences in the respective situation in these republics, it was clear with respect to all of them that effective action by the federal authorities was needed to prevent further destabilization and violence.⁴⁸

The situation in the North Caucasus was exacerbated by a lack of adequate international responses. In a resolution adopted in January 2006, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) expressed concern that “a fair number of governments, member states and the Committee of Ministers [of the Council of Europe] have failed to address the ongoing serious human rights violations in the Chechen Republic in a regular, serious and intensive manner – despite the fact that such violations still occur on a massive scale in a climate of impunity in the Chechen Republic and, in some cases, in neighboring regions” and strongly urged the Committee of Ministers “to confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe’s member states.”⁴⁹

Parliamentary Elections in Chechnya

No serious violations of Russian electoral law were reported by human rights monitors in the context of the November parliamentary elections in Chechnya.⁵⁰ However, the elections took place in an atmosphere of fear, and against the background of massive human rights violations conducted with impunity by the same authorities that organized the elections. The political parties that participated in the elections were either unwilling or afraid to seriously raise important issues of safety and security, and none of them addressed the crucial issue of how to ensure peace in the republic.

The IHF and its partners pointed out that no real political process was possible in Chechnya, and that free and fair elections could not be held, as long as violence, fear and insecurity prevailed.⁵¹

The elected parliament only formally represented an independent legislature as it was controlled by the pro-Moscow government.⁵²

Increasing "Chechenization" of the Conflict in Chechnya

Since 2003 the conflict in Chechnya has been increasingly "Chechenized," as newly established local law enforcement bodies, made up of ethnic Chechens, have engaged in a growing number of abuses in their efforts to combat separatists. As a result, the conflict has gained a new, intra-Chechen dimension, which has reinforced feelings of fear and vulnerability among the civilian population.⁵³

Special local units, which either formally operated under the Chechen Ministry of Internal Affairs or the Federal Ministry of Defense or functioned outside official structures, frequently carried out unlawful abductions and extrajudicial executions. It was often not clear what particular group was behind a particular operation. Several of these quasi-official units had their own illegal places of detention, to which the prosecutor's office had no access. Relatives of those who disappeared in illegal operations frequently turned to arranged "black connections" in an attempt to localize their family members and to ensure their release.⁵⁴

The so-called "Kadyrovtsy," a term used to depict members of the security service of late President Akhmad Kadyrov that was formally liquidated after his death in May 2004 and thereafter predominantly integrated into the local Ministry of Internal Affairs,⁵⁵ were more feared by the civilian population than any other forces. The "Kadyrovtsy" were headed by Deputy

Prime Minister Ramzan Kadyrov, son of Akhmad Kadyrov,⁵⁶ and consisted of several, separate groups operating in different districts of Chechnya. A majority of the "Kadyrovtsy" were former separatist fighters who had been forced to join this formation under torture or threats to kill their relatives, and another significant part was made up of people with a criminal past.⁵⁷

Cleansing and Targeted Operations

So-called cleansing operations, *zachistkas*, continued to take place, although the number of such operations was lower than in previous years.⁵⁸ Local and federal authorities sometimes carried out *zachistkas* together, and sometimes separately. Relevant regulations were almost always violated; the officials involved did not introduce themselves or the government agency they represented upon entering a house, their uniforms did not have any insignia specifying their rank, status and affiliation, and they were often masked and used vehicles without license plates.⁵⁹

Some of the *zachistkas* that took place in 2005 were as brutal as the operations that took place in the first years of the second war in Chechnya (in 1999).

◆ In the afternoon of 4 June, a unit of the Chechen "Vostok" Battalion carried out a special operation in the village of Borozdinovskaya (Shelkovsky district). The officers of this unit raided houses and brought all men they could find to the local school. The men, including elderly and handicapped men as well as adolescents, were ordered to lie down on the ground on their stomachs and were thereafter beaten with gun butts and kicked with boots. Eleven men were forcefully taken away and remained disappeared at the end of the year. Several houses were also burnt down, and one old man died in such a fire. As of early 2006, only one of the officials who participated in the operation

had been brought to justice: he received a conditional sentence for “exceeding his official powers.”⁶⁰

So-called targeted operations were more frequent than *zachistkas*.

◆ In the course of September, numerous people were abducted in the village of Novye Atagi. Among those abducted were youngsters aged 12-14, the employees of a bakery who were accused of supplying bread to separatist fighters and the head of the village administration. In most cases, those abducted were held by the unknown perpetrators for a few days, during which time they were tortured, and were thereafter released. However, four men who reportedly had been forced to admit to committing crimes under torture were handed over to the Shali district internal affairs department, where their arrest was duly registered. At the end of the year, no one had been held accountable for any of the human rights violations targeting the residents of Novye Atagi, although the commander of one armed unit⁶¹ openly declared that his unit would continue to use similar methods and threatened the residents with repercussions should they protest these methods.

Abductions, Disappearances, Torture and Fabrication of Criminal Cases

The problem of abductions and disappearances remained urgent and serious in Chechnya. As in previous years, most such violations were committed by federal or local pro-Moscow law enforcement or security forces.⁶² In a typical pattern, members of law enforcement agencies abducted persons and held them for up to ten days, during which time they were intimidated and tortured with the aim of forcing them to provide information about local rebel fighters and their supporters. If the kidnapped persons provided the information sought, and/or agreed to cooperate, they could be released, sometimes for ransom.

However, about half of all those abducted disappeared.

The Human Rights Center “Memorial” registered a total of 316 cases of kidnappings in Chechnya in 2005, and out of those targeted 127 remained missing and 23 had been found dead at the end of the year. The number of registered kidnappings decreased somewhat from previous years, with one major reason being that many victims were reluctant to report violations committed by local forces.⁶³ According to “Memorial,” 3,000-5,000 people have disappeared as a result of kidnappings, unlawful arrests and detainments during the second war in Chechnya.⁶⁴ Information on this topic provided by the authorities was contradictory.⁶⁵

In a growing trend in Chechnya, and to a more limited extent also in other North Caucasian republics, torture was used to pursue fabricated criminal cases. An increasing number of victims of abductions were forced to sign confessions admitting to crimes of which they were accused. They were thereafter transferred to official pre-trial detention facilities, where their arrest was duly registered, and the confessions they had given were used to bring fabricated criminal charges against them.⁶⁶

Torture was also widely used in regular detention centers and military unit bases to obtain information from detainees about rebel activity or to force people to become informants.⁶⁷

Abduction and illegal detention of the relatives of armed insurgents had developed into a practice.⁶⁸ “Memorial” received numerous reports about cases in which relatives of rebel fighters had been abducted and held hostage for periods ranging between several weeks to ten months.

The most notorious hostage-taking case was that of relatives of former Chechen President Aslan Maskhadov, who was killed in March.

◆ In December 2004, seven relatives of Maskhadov, including his sister and two of his brothers, were forcefully abducted from their homes and taken to an unknown location. The circumstances of the kidnapping, and reports by eye witnesses, suggested that the abductions were committed by “Kadyrovtsy.” On 31 May 2005, almost three months after Maskhadov was killed, all the kidnapped relatives were released. They reported that they had been held in a small concrete chamber (three by three meters in size) that lacked furniture and had only one small, barred window in the ceiling. They had only been able to leave the chamber in order to go to the toilet. An investigation was initiated into the case but was suspended allegedly due to the impossibility of identifying those behind it. In July, however, the deputy prosecutor general of the Russian Federation, Nikolai Shepel, claimed at a conference in Kislovodsk that Maskhadov’s relatives were released as a result of a special operation by government forces.

Lack of Accountability

Despite claims by Chechen and federal officials, including President Vladimir Putin, that perpetrators of abuses in Chechnya were held accountable, a widespread climate of impunity continued to prevail.⁶⁹ The lack of accountability perpetuated the conflict and contributed to further abuses. In particular, only few cases involving abuses by federal or pro-federal forces were brought to court, and in most cases the investigation was terminated because it allegedly was impossible to identify those responsible.⁷⁰

In an overwhelming majority of cases in which officials were punished for abuses the sanctions were disciplinary or administrative in nature.⁷¹ Thus, while international and Russian human rights organizations have documented thousands of human rights violations perpetrated by of-

ficial or semi-official forces since the beginning of the second war in Chechnya, only two officials had been criminally convicted for abuses as of the end of 2005. After lengthy proceedings, Colonel Yuri Budanov was convicted of abducting and killing a young Chechen girl, Kheda (Elza) Kungaeva, in July 2003 and sentenced to ten years’ imprisonment.⁷² In March 2005, Police Officer Sergei Lapin was sentenced to eleven years’ imprisonment in a strict regime prison colony for “intentionally inflicting serious harm” to the health of Zelimkhan Muralov under aggravating circumstances.⁷³

Further compounding the problem of impunity, many victims of abuses by federal and especially local authorities were reluctant to report their experiences to police because they feared that their complaints would not be effectively dealt with and that they would be subject to reprisals. Many victims of abuses by local law enforcement or security forces, in particular “Kadyrovtsy,” were also reluctant to recount their experiences to NGOs.

Although international actors, such as PACE and the human rights commissioner of the Council of Europe, continued to call on the Russian government to engage in more systematic and consistent efforts to address the climate of impunity in Chechnya, almost no effective measures were taken by the federal authorities.⁷⁴

*First Judgments by the ECtHR on Chechen Cases and Harassment of Applicants*⁷⁵

Because of the limited opportunities of obtaining redress for abuses within the Russian criminal justice system, an increasing number of victims of abuse have brought their cases to the ECtHR.

On 24 February 2005, the ECtHR delivered its judgments on the first six cases brought by victims of abuse in Chechnya. In each of these cases, the court found

Russia in violation of several key articles of the ECHR. In particular, the court found that the Russian authorities had failed to carry out adequate investigations into the circumstances of the deaths of the relatives of the applicants, and that there was no effective remedy available for the complainants before Russian courts. The IHF and its partner organizations expressed satisfaction with the decisions by the ECtHR, saying that they demonstrated to “the despaired victims of human rights violations and their families in Chechnya that at least there is justice on the European level.” The organizations also said that they hoped that the judgments would serve as “an impetus for the Russian Federation to prevent and remedy human rights violations in the Chechen Republic and Russia as a whole.”⁷⁶

◆ Two of the cases dealt with by the ECtHR (*Khashiyev and Akayeva vs. Russia*) concerned the circumstances surrounding the deaths of five people in Grozny in January 2000. The applicants claimed that their relatives – whose bodies were found mutilated and with numerous stab and gunshot wounds – had been tortured and extra-judicially executed by Russian armed forces. The court found the Russian Federation in violation of articles 2 (right to life), 3 (prohibition of torture and inhuman and degrading treatment) and 13 (right to an effective remedy) of the ECHR.⁷⁷

◆ Three other cases (*Isayeva, Yusupova and Bazayeva vs. Russia*) concerned the aerial bombing of a convoy of civilian cars by Russian military in Grozny in October 1999. As a result of the bombing, the first applicant was wounded and her two children and daughter-in-law were killed; the second applicant was wounded; and the third applicant’s car containing her family’s possessions was destroyed. In these cases, the court found violations of articles 2 and 13 of the ECHR and article 1 of the first

optional protocol to the convention (peaceful enjoyment of possessions).⁷⁸

◆ The sixth case (*Isayeva vs. Russia*) concerned aerial and artillery bombardment by Russian military of the village of Katyr-Yurt on 4 February 2000. The applicant’s son and her three nieces were killed in the bombing. The court found violations of articles 2 and 13 of the ECHR.⁷⁹

While those who applied to the ECtHR hoped to obtain justice for past abuses, the fact that they submitted complaints sometimes rendered them vulnerable to new abuses. “Memorial” and the Russian Justice Initiative, both of which represented Chechen victims in Strasbourg, reported several cases in which applicants were intimidated or killed.

◆ On 2 April, armed and camouflaged men speaking unaccented Russian abducted Said-Khusein Elmurzaev and his son Suleiman Elmurzaev from their houses in the village of Duba-Yurt. On 8 May, the dead body of Said-Khusein Elmurzaev was found in the Sunzha River near the village Ilyinska (Groznskiy District). Elmurzaev had filed an application with the ECtHR after the body of his son, Idris, was found on 9 April 2004 on the outskirts of the Serzhen-Yurt among eight other mutilated bodies.⁸⁰

*Developments in Nalchik*⁸¹

On 13 October, a number of state institutions were the targets of an armed attack in Nalchik, the capital of the Republic of Kabardino-Balkaria. According to official information, 35 law enforcement officials and 95 insurgents were killed in the fighting that ensued.

The attack took place against the background of an increasingly indiscriminate fight against “extremists” and “terrorists” carried out by the authorities of Kabardino-Balkaria. This fight, which had not only involved crackdowns on terrorist cells but

also persecution of peaceful Muslims, had served to drive a growing number of Muslims underground and to create conditions for the development of an armed underground movement. In 2003 the authorities introduced strictly regulated opening hours for mosques, and in 2004 five mosques were closed down in Nalchik, as a result of which only one mosque remained open to believers under the limited hours permitted by the authorities.

After the October attack, numerous arrests were carried out, sometimes on a totally arbitrary basis, and many of those de-

tained were subject to torture. One of those detained, Zaur Psanukaev, officially died after jumping out of the window of the building of the Office for Combating Organized Crime (RUBOP). However, this explanation was questioned by human rights defenders as his body bore traces of violence. In the wake of the attack, public assemblies also took place in which the families of the insurgents as well as followers of "untraditional Islam" and immigrants from Chechnya were denounced. The assemblies were reportedly organized by the authorities.

Endnotes

- ¹ See the sections on "Chechnya and the North Caucasus" and "Conditions in Prisons and Detention Facilities."
- ² The Freedom in the World ranking is available at <http://freedomhouse.org>
- ³ See also Amnesty International, "Russian Federation: On the conviction of Mikhail Khodorkovskii and Palot Lebedev," 31 May 2005; and Amnesty International, "Russian Federation: the case of Mikhail Khodorkovskii and other individuals associated with Yukos," 17 April 2005, at www.amnesty.org.
- ⁴ Yukos was nationalized as a result of the criminal case against Khodorkovsky and his associates and the government obtained a controlling stake in the oil company Sibneft through a high-profile transaction.
- ⁵ *Radio Free Europe/Radio Liberty*, Claire Bigg and Daisy Sindelar, "Does Ukraine 'Gas War' Cast Shadow over Moscow's G-8 Chairmanship?" 30 December 2005; *Eurasia Daily Monitor*, Marat Yermukanov, "Moscow's Gas War with Ukraine Leaves Astana Bruised," 10 January 2006.
- ⁶ This section is based on IHF, *The Assault on Human Rights Defenders in the Russian Federation, Belarus and Uzbekistan: Restrictive Legislation and Bad Practices* (March 2006), at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4221.
- ⁷ Information from the MHG to the IHF, March 2006.
- ⁸ *Ibid.* See also International Federation for Human Rights (FIDH), "Lyudmila Zhorovlya and her son murdered," 2 August 2005, at www.fidh.org/article.php3?id_article=2606.
- ⁹ *Ibid.*
- ¹⁰ IHF, "IHF Protests the Smear Campaign against the Moscow Helsinki Group, NGOs Face Prosecution," 25 January 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4178.
- ¹¹ BBC, "Russia 'to close rights group'," 28 January 2006, at <http://news.bbc.co.uk/2/hi/europe/4658026.stm>.
- ¹² *Radio Free Europe/Radio Liberty*, Jeremy Bransten, "New Public Chamber Criticized as 'SmokeScreen,'" 18 March 2005, at www.cdi.org/russia/346-5.cfm.

- ¹³ IHF, "A Fair Trial for Stas Dmitrievsky?," 2 February 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4187. See also IHF, "Legal Harassment Against the Russian-Chechen Friendship Society - An Update," 29 November 2005, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4163, and "The 'Russian-Chechen Friendship Society' is Under Severe Risk of being Destroyed by Russian Authorities. Its Director Stas Dmitrievsky Faces a Prison Term," 2 November 2005, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4144.
- ¹⁴ IHF, "Chechen Human Rights Lawyer Still Missing," 1 February 2005, and "Abducted Chechen Human Rights Lawyer Makhmut Magomadov Reappears," 13 February 2005, at www.ihf-hr.org.
- ¹⁵ IHF, "Dagestan: Open Letter Regarding the Unlawful Detention and Fabrication of a Criminal Case Against Human Rights Lawyer Osman Boliev," 5 December 2005, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4165.
- ¹⁶ See also "Pressure on journalist suspected," 22 September 2005, at <http://eng.kavkaz.memo.ru/newstext/engnews/id/863081.html>.
- ¹⁷ See also the section on human rights defenders, below.
- ¹⁸ IHF, "IHF Protests the Smear Campaign against the Moscow Helsinki Group, NGOs Face Prosecution," 25 January 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4178; BBC, "Russia closer to controlling NGOs," 27 December 2005, at <http://news.bbc.co.uk/2/hi/europe/4562278.stm>; Human Rights Watch, "G8 Must Tackle Putin on Controversial Bill," 28 December 2005.
- ¹⁹ This section is based on a report drafted by Lubov Bashinova, MHG partner in Pyatigorsk.
- ²⁰ This section is based on information from a 2005 report of Novorossiysk Committee of Human Rights entitled *Panorama of Ethnic Discrimination in Krasnodar Territory*.
- ²¹ For more background information, see "Meskhetian Turks are on the brink of expulsion," April 2002, at www.minelres.lv/minelres/archive/04102002-13:06:15-995.html.
- ²² This section is based on a report from the European Roma Rights Center (ERRC) to the IHF, March 2006.
- ²³ This section is based on IHF and MHG, *The Russian Federation: The Human Rights Situation of the Mari Minority of the Republic of Mari El*, February 2006, at www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=6654.
- ²⁴ See, for example, Information Centre of Finno-Ugric Peoples (SURI), "Opposition Leaders Still Persecuted in Mari El: Vladimir Kozlov Assaulted," 4 February 2005.
- ²⁵ This section was provided by the Mental Disability Advocacy Center (MDAC, IHF cooperating organization).
- ²⁶ Precise figures on the level of institutionalization were difficult to obtain. Generally, institutionalization was regarded as the norm and there were a high number of "internats" (long-term social welfare institutions), which housed people with mental disabilities as well as other vulnerable social groups.
- ²⁷ Section 38 of the Law on Psychiatric Care and Guarantee of Citizens' Rights.
- ²⁸ *Shakulina v. Russia*, application no. 24688/05. See also *Shtukaturov v. Russia*, application no. 44009/05.
- ²⁹ *V.P. v. State Health Care Institution "Oktyabrskaya Railways Clinic"*, case 2-1066/05, judgment of 10 August 2005.
- ³⁰ *T.V. et al. v. Petrozavodsk City Administration*, cases No. 44_-105/2005 and 44_-106/2005, rulings of 23 November 2005.
- ³¹ For more information, see the website of the Moscow Bureau for Human Rights at www.antirasizm.ru

- ³² See the website of Levada at www.levada.ru/.
- ³³ SOVA, *Statistics on violent attacks motivated by racial and ethnic hatred, by regions, year 2005*, 12 October 2005, at <http://xeno.sova-center.ru/6BA2468/6BB41EE/6362F81>.
- ³⁴ *Radio Free Europe/Radio Liberty*, Salimjon Aioubov and Bruce Pannier, "Verdict in Trial of Tajik Girl's Murder Shocks Public," 23 March 2006; *St Petersburg Times*, Galina Stolayrova and Nabi Abdullaev, "Jury Clears Teenagers of Killing Tajik," 22 February 2006, at www.sptimes.ru/index.php?action_id=2&story_id=17095; *Le Monde*, "Vent de racisme meurtrier en Russie," 25 April 2006; BBC, "Jail for Tajik girl's attackers," 30 March 2005.
- ³⁵ AP, "Thousands rally for pay, pensions across Russia," 10 June 2004.
- ³⁶ This figure is from *Radio Free Europe/Radio Liberty*, Valentinas Mite, "Pensioners' Protests Mount Growing Challenge to Putin," 17 January 2006.
- ³⁷ *Regnum*, 14 July 2005, at www.regnum.ru.
- ³⁸ *Regnum*, 30 June 2005.
- ³⁹ Report on the human rights situation in the Republic of Komi (2005) prepared by the Komi regional branch of Memorial.
- ⁴⁰ Report on the human rights situation in the Kurgan Region, 2005 prepared by the Kurgan regional public movement "For fair elections."
- ⁴¹ Report on the human rights situation in the Chukotsky Autonomous Okrug, 2005.
- ⁴² See www.rbc.ru/30.05.2005.
- ⁴³ This section has been prepared by the IHF Secretariat.
- ⁴⁴ See the joint report *In a Climate of Fear* published by the Human Rights Center "Memorial", the Demos Center, IHF, International Federation for Human Rights (FIDH) and the Norwegian Helsinki Committee, January 2006.
- ⁴⁵ IHF, *Chechnya: More of the Same. Extrajudicial Killings, Enforced 'Disappearances', Illegal Arrests, Torture*, 30 March 2005.
- ⁴⁶ The official version was that he was killed on 8 March during a special operation in the village of Tolstoi-Yurt, north of Grozny.
- ⁴⁷ Such as the establishment of an Islamic caliphate in the whole North Caucasus region.
- ⁴⁸ IHF, "Ingushetia/North Ossetia/Kabardino Balkaria: The Spread of Chechnya-type Human Rights Violations," 2 June 2005.
- ⁴⁹ PACE Committee on Legal Affairs and Human Rights, "Human rights violations in the Chechen Republic: The Committee of Ministers' responsibility vis-à-vis the Assembly's concerns" (Doc. 10774, 21 December 2005, Rapporteur: Mr Rudolf Bindig, Germany, Socialist Group).
- ⁵⁰ On election day, however, the representatives of human rights organizations noted a significant difference in information on the number of voters presented by heads of local election committees and by observers representing political parties.
- ⁵¹ Human Rights Center "Memorial", the Demos Center, IHF, FIDH and Norwegian Helsinki Committee, *In a Climate of Fear*, January 2006.
- ⁵² *Ibid.*
- ⁵³ *Ibid.*
- ⁵⁴ IHF, *Chechnya: More of the Same. Extrajudicial Killings, Enforced 'Disappearances', Illegal Arrests, Torture*, 30 March 2005.
- ⁵⁵ This security service, also often called "SB", was initially created as a personal security force of the Moscow-appointed head of the Chechen administration, Akhmat Kadyrov. From the beginning it was commanded by Akhmat Kadyrov's son, Ramzan. Some of its sub-units were legalized in 2004 and 2005 to become parts of different structures of the Chechen ministry of internal affairs. After Akhmat Kadyrov was killed in a bomb blast

in May 2004, the service was formally liquidated and most of its remaining units were integrated into the system of Russian law enforcement agencies and security authorities. Ramzan Kadyrov was appointed deputy prime minister, responsible for the security bloc. Gradually, all structures of the Chechen Ministry of Internal Affairs have got under the control of "Kadyrovtsy."

⁵⁶ In March 2006, Ramzan Kadyrov was assigned prime minister of the Chechen Republic.

⁵⁷ In some cases, whole detachments were made up of people who had committed criminal offences in the period between wars.

⁵⁸ For example, only in the villages and towns of the Urus-Martan district, there were 27 *zachistkas* in 2005.

⁵⁹ Human Rights Center "Memorial," Demos Center, IHF, FIDH and Norwegian Helsinki Committee, *In a Climate of Fear*, January 2006.

⁶⁰ *Ibid.*

⁶¹ The second Road Patrol Regiment of the Police (PPSM-2), which had a mandate to ensure security in the streets, but in reality was involved in so-called "anti-terrorist operations," accompanied by grave human rights violations.

⁶² Officials at different levels have confirmed this pattern. For example, Chief Chechen Prosecutor Vladimir Kravchenko stated in March 2003 that out of 565 cases of abductions his office had opened investigations into in 2002, about 300 cases involved federal forces. See *Nezavizimaya Gazeta*, "The scandalous declaration of the prosecutor of the republic," 16 April 2003.

⁶³ Human Rights Center "Memorial," Demos Center, IHF, FIDH and Norwegian Helsinki Committee, *In a Climate of Fear*, January 2006.

⁶⁴ *Ibid.*

⁶⁵ For example, at the meeting with heads of the republic's security and law enforcement agencies in October 2005, the president of the Chechen republic, Alu Alkhanov, said: "The kidnapping statistics over the past year has slightly increased... since the beginning of the year 2005, 143 cases of kidnapping were registered in the republic. Over the same period of time in 2004, this number was 128" (*RIA News*, 11 July 2005). In December of 2005, in an interview given to *Komsomolskaya Pravda*, Alkhanov stated: "The number of kidnappings has decreased; last year, there were 168 cases of kidnapping, this year – only 67" (*Komsomolskaya Pravda*, 20 December 2005). Finally, at a meeting at the ministry of internal affairs, Alkhanov said: "This year, there were 77 kidnappings, while last year this number was 213" (*RIA News*, 17 January 2006). Human Rights Center "Memorial," Demos Center, IHF, FIDH and Norwegian Helsinki Committee, *In a Climate of Fear*, January 2006.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.* In a July 2003 statement, the Committee for the Prevention of Torture (CPT) noted that there is "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 "as regards action taken to bring to justice those responsible for acts of ill-treatment, illegal detention and disappearance on the territory of the Chechen Republic, to date it has proven largely unproductive." The CPT also made a number of recommendations in this public statement. As of the end of 2005, the Russian authorities had not allowed the publication of the reports of the CPT on its seven visits to the Chechen Republic, the most recent one in December 2004 (at www.cpt.coe.int/documents/rus/2003-33-inf-eng.htm).

⁶⁸ Authorities not only failed to take effective measure to respond to this lawlessness, but

even attempted to make it appear normal. On 29 October 2004, in his address to the Russian State Duma, Russian Prosecutor General V.F. Ustinov officially suggested to legalize the “counter-taking of hostages” as a method in the fight against terrorism. While no concrete action was taken to follow up on this suggestion, it appeared that Ustinov’s speech, broadcast on TV, was interpreted by security and law enforcement agencies in Chechnya as a further guide to action.

⁶⁹ IHF, “Impunity: A Leading Force behind Continued Massive Violations in Chechnya,” 19 May 2005.

⁷⁰ Human Rights Center “Memorial,” Demos Cente, IHF, FIDH and Norwegian Helsinki Committee, *In a Climate of Fear*, January 2006.

⁷¹ Ibid.

⁷² See IHF, “Impunity: A Leading Force behind Continued Massive Violations in Chechnya,” 19 May 2005.

⁷³ The crime took place on 2 and 3 January 2001. Neither Lapin nor anyone else was convicted for the “disappearance” and alleged killing of Murdalov, and no one except him was held responsible for torturing Murdalov (and many other detainees) in the temporary isolator (VOVD) in Grozny’s Oktyabrsky district. See IHF, “Impunity: A Leading Force behind Continued Massive Violations in Chechnya,” 19 May 2005.

⁷⁴ Ibid. Typically only few, courageous investigators have dared to seriously look into disappearances where the alleged perpetrators were members of federal or pro-Moscow local law enforcement forces, and those who have done so have faced repercussions. See, for example, the case of Rashid Ozdoev in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)*.

⁷⁵ IHF, Chechen Applicants Finally Find Justice ... at the European Court of Human Rights in Strasbourg, 24 February 2005, www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4026.

⁷⁶ See IHF, “Chechen Applicants Finally Find Justice ... at the European Court of Human Rights in Strasbourg,” 24 February 2005. The cases had been lodged by the Human Rights Center ‘Memorial’ and the European Human Rights Advocacy Centre (EHRAC).

⁷⁷ More information at the website of the EHRAC, at www.londonmet.ac.uk/EHRAC.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Human Rights Center “Memorial,” 25 May 2005.

⁸¹ Human Rights Center “Memorial,” Conflict Spill-Over Outside the Chechen Republic in 2004-2005 (Ingushetia and Kabardino - Balkariya), at www.memo.ru/hr/hotpoints/caucas1/index.htm.