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Violations of Roma Rights in the Russian Federation

Statement prepared by the European Roma Rights Center (ERRC) and the International Helsinki Federation for Human Rights (IHF) on the occasion of the Organization for Security and Cooperation in Europe Human Dimension Implementation Meeting, October 2004, Warsaw

In recent weeks, the world has looked on with deep sympathy as innocent Russians endured the latest in a spate of terrorist attacks targeting civilians, in this case including schoolchildren. But the international community knows little about the reverse side of the anti-terrorist, anti-drug and anti-crime offensive of the Putin government: the accompanying further degradation of Russian public life and the dramatic narrowing of both the civil liberties and, indeed the basic safety of persons who had already been the most vulnerable victims of racism and discrimination. For such persons, particularly those of perceived Caucasian or Gypsy background, daily life has become marked by the permanent threat of arbitrary search, detention and physical abuse by police officers, or of arbitrary law enforcement by persons acting fully outside the law, who have apparently deputised themselves on the basis of perceived or invented popular mandate. The Russian government has to date done little to nothing to stem the tide of deeply ingrained racial prejudice fuelling both arbitrary acts by police and judicial authorities, as well as the popular pressure on public authorities to exercise draconian measures on certain ethnic groups. The result is an alarming pattern of human rights abuse of Roma and of perpetrators' immunity from justice.

The European Roma Rights Center (ERRC), a cooperating organisation of the International Helsinki Federation for Human Rights (IHF), has undertaken extensive monitoring of Roma rights in Russia since July 2000 through our own field missions, regular reporting by local monitors, and cooperation with Russian human rights and Romani non-governmental organizations. The geography of the ERRC research to date allows a degree of generalization on the status of the Roma in the country, although further research is necessary to achieve full coverage. In the last three years (2002-2004), the ERRC has conducted field research in (i) Northwest Russia: St. Petersburg region (*oblast*), Velikiy Novgorod region, Pskov region; (ii) Central Russia: the Chuvash Republic, Ivanovo region, Moscow city, Moscow region, Nizhniy Novgorod region, Ryazan region, Samara region, Saratov region, the Republic of Tatarstan, Tver region, Vladimir region, Volgograd region, Ulyanovsk region, Yaroslavl region; (iii) Southern Russia: Adygey Republic, Krasnodar region (*kray*), Rostov region; (iv) Siberia: Novosibirsk region, Omsk region, Tomsk region; and (v) the Ural area: Chelyabinsk region, Ekaterinburg region.¹

¹ English versions of Russian geographic names are given according to Russian Federation Political-Administrative Map. DMB Ltd., Moscow, 2003.

ERRC monitoring of Roma rights in Russia has revealed an alarming pattern of human rights abuse of Roma and other people perceived as "Gypsies"². Issues documented in the course of ongoing ERRC research include:

- * **Torture and Ill Treatment of Roma by Law Enforcement Officials**
- * **Arbitrary Police Raids on Romani Settlements**
- * **Abduction and Extortion of Money by the Police**
- * **Racial Profiling by Police and Other Officials**
- * **Discrimination against Roma in the Criminal Justice System**
- * **Denial of Fair Trial in Cases in which Roma are Accused of Crimes**
- * **Denial of Access to Justice**
- * **Hate Speech against Roma in Russian Media**
- * **Lack of Personal Documents**
- * **Obstructed Access to Social and Economic Rights**
- * **Blocked Access to Education**
- * **Denial of Access to Adequate Housing**

The magnitude of the abuse is only comparable to that of the perpetrators' impunity. Violence by state officials, paramilitary and nationalist-extremist groups, and discriminatory treatment of Roma in the exercise of their civil, social and economic rights are aggravated by the complete absence of governmental action to address these problems.

Despite the rich ethnic diversity of a country that is home to approximately 160 ethnic groups or nationalities, it is important to single out Roma and assess their human rights situation, because not all minority groups in Russia are the object of egregious racist treatment and hate crime. Several ethnic/national communities are particularly vulnerable on the whole territory of the state, wherever they happen to be. The infamous label "person of Caucasian³ nationality" applied by the Russian authorities to refer to a range of people such as Chechens, Ingushetians, Ossetians, Dagestanis, Georgians, Azeris, etc. is a racist construct that serves as a tool for discriminatory treatment on the basis of physical - and especially physiognomic - features. Apart from "persons of Caucasian nationality" and "Gypsies", Jews and more recently Tajiks and some other people of Central Asian origin are also the target of racist attitudes and actions. While most areas in the Russian Federation have a local pattern of negative stereotyping targeting one group or another and these patterns change over time, the above-listed groups have been disadvantaged throughout the country, and racist attitudes towards them are lasting and deeply entrenched.

In view of the foregoing, international scrutiny of the human rights of Roma in Russia should be seen as a contribution to exposing and combating racism and discrimination in that country generally. Many of the patterns of abuse identified during research on the human rights situation of Roma in

² The expression "Roma and other people perceived as Gypsies" is used in this document to describe those minorities on the territory of the Russian Federation who are perceived by the surrounding communities as "Gypsies" (*Tsygane* in Russian). Most of these people are ethnic Roma and speak *Romanes*, or Romani. Apart from the more established *Ruska Roma* and the other Romani groups scattered across Russia (*Kalderary*, aka *Kotlyary*, *Lovari*, *Krymy*, *Plashchuny*, etc.), there are small groups of Sinti who have moved eastward from Germany via Poland in the beginning of the 20th century; Armenian-speaking "Gypsies" called *Bosha* (aka *Lomavtic*); *Karachi* from the Caucasus area; Central Asian Gypsies *Lyuli* (aka *Mugat*), who come from Tajikistan and other parts of Central Asian and could be seen in numerous places inside Russia during the last decade, having arrived as permanent or seasonal migrants. For simplicity, the term "Roma" is used herewith as a short hand for the complex mosaic of peoples perceived as "Gypsies" and thus falling within the majority society stereotype with regard to how they are treated.

³ The term "person of Caucasian nationality" in this document is a literal translation of the Russian *"litso kavkazskoy natsionalnosti"*. In the Russian usage, which should not be confused with the English and American usage according to which "Caucasian" is synonymous with "white" when applied to race and skin color, the expression "person of Caucasian nationality" means a person originating from the area of or around the Caucasus mountains.

Russia may be regarded as clues to similar problems related to other groups. At the same time, these patterns can be understood properly only if seen in the specific legal, political and cultural context of today's Russia.

1. Historical and Social Background

There are no reliable current estimates of the number of Roma in the Russian Federation. The results of the 2002 census indicate that there were 182,617 individuals who identified themselves as Romani. Unofficial estimates, however, suggest that the number of Roma in Russia is much higher. Some Romani leaders place the number of Roma in Russia at approximately 1.2 million.⁴ For reasons including assimilatory communist policies, continuing migration movements of Roma throughout the territory of the former USSR, widespread lack of personal documents⁵, and deep reluctance by Roma to identify themselves as such, the official number of Roma as provided by the census figure is a dramatic undercount of the real number of Roma in Russia. In comparative terms, the uncertainty regarding Roma-related statistics, which plagues, in varying degrees, most of the countries where Roma live, is much higher with regard to the absolute number of Roma living in Russia at present.

The economic and social situation of the Roma in Russia deteriorated during the first decade of post-communism at a rate much higher than that of any other ethnic group. In the Brezhnev era, large sections of the Romani community enjoyed a better economic status and their living standards were often higher than the Soviet average. This status was due to the fact that some Roma occupied a profitable mediator niche in the Soviet shortage economy. Highly mobile and with adaptable entrepreneurial skills, many Roma traveled large distances in the former Soviet Union to redistribute deficit commodities, acting mostly outside the official economy. Then, in the 1990s, the booming domestic market quickly developed previously non-existent services. The need for commercial mediation between money-holders and commodities disappeared. Many previously wealthy Roma rapidly sank to the bottom, unable to compete with the "new Russian" class of the suddenly rich. The image of Roma also suffered, and anti-Romani racism grew in both intensity and scope. At the same time, nationalism, racism, xenophobia and other forms of intolerance, specific to post-communist Russia, had a strong anti-Romani element and played a role in further economic marginalization of the Roma. Anti-Gypsyism features prominently among the new hate ideologies of Russia today.

The problems facing ethnic and national minorities in the Russian Federation, including Roma, have been in the focus of international treaty-monitoring bodies. For example, the United Nations Committee on the Rights of the Child stated in its 1999 Concluding Observations on the Russian Federation that "the Committee remains concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services. The Committee is also concerned at the growing incidence of societal discrimination against children belonging to ethnic minorities."⁶ The United Nations Committee on the Elimination of Racial Discrimination likewise noted in March 2003: "The Committee is concerned at reports of racially selective inspections and identity checks targeting members of specific minorities, including those

⁴ Press release distributed by the Federal National Cultural Autonomy of Russian Roma at the press conference devoted to the Roma Day, Moscow, April 8, 2004.

⁵ The lack of personal documents, including passports, identity cards, birth certificates, address registration and home ownership papers is widespread among Roma in Russia and has a crippling effect on the ability of a person in Russia to exercise rights and access services. See elaboration on the issue of personal documents in the respective section *infra*.

⁶ United Nations Committee on the Rights of the Child, *Concluding Observations: Russian Federation*, CRC/C/15/Add.110, November 10, 1999.

from the Caucasus and Central Asia and Roma. The Committee recommends that the State party take immediate steps to stop the practice of arbitrary identity checks by law enforcement authorities."⁷

Non-governmental organizations have expressed similar concerns. For example, the 2003 World Report by Human Rights Watch pointed out that "state authorities did little to address racist assaults, and in some areas regional authorities led attacks on ethnic minorities. The government also failed to make any advances in addressing police torture [...] Police generally did not take adequate steps to investigate such crimes, denying racial motivation unless presented with strong supporting evidence such as video footage of the crime." Human Rights Watch also noted "an explosion of skinhead attacks on ethnic minorities, and an ugly campaign against them by the authorities in the southern region of Krasnodar. Skinheads killed several members of ethnic minorities and beat dozens of others in Moscow and other Russian cities."⁸

2. Legal and Institutional Context

As of September 2004, the State Duma (the Russian Parliament) had made public no plans for the drafting or the adoption of anti-discrimination legislation. In the absence of effective anti-discrimination provisions, Roma as well as a small number of other ethnic groups in Russia listed above are subjected to discrimination in nearly all areas of public life. The relevant legal provisions in the national legislation are inadequate and fail to offer effective protection from discrimination in Russia.

Article 19 of the Constitution of the Russian Federation is apparently intended as an umbrella provision enshrining the principle of equal treatment. Article 19.2. stipulates that "all people are equal before the law and in the court of law" and that "the state guarantees the equality of human and civil rights and liberties, regardless of sex, race, ethnicity, language, origin, property and employment status, residence, attitude to religion, convictions, membership of public associations and any other circumstances. Any restrictions on the rights of citizens on social, racial, ethnic, linguistic, or religious grounds are forbidden." The second clause of Article 19.2. limits its ban on "restrictions of rights" (not defined anywhere in Russian law) to five specific grounds, and only with regard to "citizens", but read together with the first clause, the prohibition of restriction of rights on the prohibited bases may be interpreted as covering all individuals under the jurisdiction of the Russian Federation, regardless of citizenship. The term "discrimination" appears in the Russian Constitution in the context of equal pay and employment conditions, but no definition is offered in the law.

The equal treatment provisions in the Constitution are elaborated in some Russian sectoral laws, but protections provided by these laws are inadequate. For instance, the term "discrimination" appears in the 2001 Labor Code, again with no definition or guidance as to interpretation. The 2002 Federal Law on Citizenship of the Russian Federation guarantees equal rights to all citizens of the Russian Federation, but not equal access to citizenship regardless of race or ethnicity. A number of sectoral laws fail to contain even such meager equal rights provisions. Such is the case with the 1983 Housing Code, the 1992 Federal Law on the Framework of Federal Housing Policies, and the 1999 Federal Law on the Framework of the Federal Labor Protection Policies.

3. Political and Ideological Climate

⁷ United Nations Committee on the Elimination of Racial Discrimination. Concluding Observations: *Russian Federation*. CERD/C/62/CO/7, March 21, 2003.

⁸ Human Rights Watch, *World Report 2003 (Events of 2002)*, available at: <http://www.hrw.org/wr2k3/>.

Toward the end of the Yeltsin presidency, Russian society was imbued with a strong feeling of chaos, injustice, rampant crime and corruption. President Putin was elected and then re-elected on a ticket of security, law and order. His popular support rests on the broad expectation that he will stifle corruption and curtail crime. The Russian's longing for "normalcy" has turned into a vehement political resource exploited by powers in search of their own legitimacy.

With the quagmire of the war in Chechnya and the series of terrorist attacks in recent years -- of which the most serious to date have been the October 2003 hostage taking in a Moscow theater and the September 2004 school hostage massacre in Beslan, North Ossetia -- an increased preoccupation with security at all levels of public life is taken for granted by the public.

Together with the lack of democratic tradition and the extremely weak rule of law culture, the security and anti-crime agenda in Russia is turning into a platform on the basis of which restrictions on civil rights and liberties are regularly justified. The Putin regime has rolled back media freedoms. The administrative and legal obstacles to the operation of civil society organizations additionally reduce the prospects for human rights and freedoms. In 2004, Mr Putin himself triggered an offensive against human rights organizations in particular when in a presidential speech on May 26, 2004 he used language reminiscent of an earlier era. Mr Putin said that foreign "political, economic and media pressure" was being used in an attempt to weaken Russia's chances of competing globally. Rather than defending "the real interests of the people", the priority of some independent groups is "getting financing from influential foreign and domestic foundations, while others serve dubious group and commercial interests".⁹

Russian internal security policy at present rests on three ideological sacred cows: the "war against terrorism", the "war against corruption" and the "war against drugs". These three rhetorical wars are waged against amorphous and evasive enemies. However, among a public shaped by the hate-speaking media, the enemy images are strongly associated with the three respective most stigmatized ethnic and national groups singled out above: "persons of Caucasian nationality", Jews, and "Gypsies". Each of the three interior policy priorities is effectively translated into a policy of discriminatory treatment against one of these groups. The militant rhetoric of the ideological wars in today's Russia strengthens the existing negative stereotypes about all three nationalities. In the first case, in addition to dealing with occasional disaster caused by real terrorist attacks, security enforcement under the banner of the "war against terrorism" has a disturbing everyday manifestation: harassment of those perceived as "persons of Caucasian nationality" - an increasingly blurry category standing for a range of assorted non-Russians.¹⁰ In the second case, the "war against corruption" has been anchored in a recent series of high profile prosecutions of wealthy Jewish Russian businessmen in the last few years, from Berezovskiy to Khodorkovski, for alleged violations of commercial and tax law. Finally, the "war on drugs" has gradually generated, during the 1990s, the image of the typical illegal drug dealer (*baryga* in popular slang), namely, the "Gypsy". Today, the identification of the Roma with drug dealing has reached a point of near synonymous usage in the media.¹¹

⁹ Seth Mydans. "Putin Accuses Critics of Working for Foreign Powers". *The New York Times*, May 27, 2004.

¹⁰ The link between counter-terrorist propaganda and the racial profiling of "persons of Caucasian nationality" was demonstrated in the words of a young serviceman in the uniform of the special purpose units (OMON) who stopped the ERRC team for an ID check in the street in Krasnodar, southern Russia, in July 2004. When asked what kind of people he was expected to stop for checks, he replied he had been instructed to single out those who look like "persons of Caucasian nationality" (one of the ERRC researchers, who was Romani, was perceived as falling into this category). When asked further who are in fact these "persons of Caucasian nationality", the soldier said, "Well, for example, Arabs, Chechens, and so on". In ethnic or national terms, Arabs have nothing in common with the peoples inhabiting the area of the Caucasus Mountains except that both are easily blended together into the image of the terrorist in the average Russian mind.

¹¹ When pressed and upon further reflection, authorities and members of the public often agree that the "Gypsies" are not the only and indeed not the most dangerous drug dealers, and that perhaps others, such as ethnic Russians and Tajiks should be implicated. But this does not change the fact that on the surface the link between drug dealing and the Roma is taken for granted and acted upon.

In view of this latter case of racist stereotyping, the majority of examples presented in this document make more sense when seen in the context of the fight against drug dealing. There are widespread allegations that police "plant", or threaten to "plant" drugs on Roma, which ERRC research supports. The practice of planting drugs and threatening to plant drugs is made possible by the atmosphere of almost full impunity for crimes against Roma and by the seemingly insurmountable levels of corruption in the Russian criminal justice system. There are two routine outcomes, both favorable to the representative of the authority planting or threatening to plant drugs. The first is receiving a bribe, which would "compensate" the public servant for the very low salary offered by the state. The second is scoring a "victory" in the combat against drug dealing, trafficking and use -- an important achievement in view of the intense public pressure on police to show success in catching and prosecuting drug dealers. The latter outcome renders to the racially biased law enforcement officer the additional satisfaction of punishing a harmful or useless "Gypsy".

4. Abuse of Roma Rights by State Actors

Anti-Romani sentiment in Russia has given rise to a wave of violence against and abusive treatment of Roma. Deepening social and economic disadvantage of Roma in Russia and the absence of Roma from the political arena have made this minority particularly vulnerable to illegal acts by the law enforcement apparatus of the state.

ERRC research has revealed that police violence against Roma in Russia is widespread, though rarely reported to the authorities. While police brutality and abuse by national security forces is a general problem in Russian law-enforcement in recent years, and has been a primary concern of international and Russian human rights organizations,¹² Roma along with several other ethnic minorities are particularly vulnerable. Racial-profiling of Roma by the police, the targeting of Romani settlements for abusive police operations and persistent racial stereotyping of Roma as criminals and drug-dealers by law-enforcement officials demonstrate racial bias in the treatment of Roma by state officials. Romani suspects are tortured and ill-treated in police custody, and in some instances physical abuse has resulted in death of the victims. Romani settlements are raided by the police and special units mandated to fight illegal drug dealing at any time of the day and the night. Romani individuals report indiscriminate violent abuse of men, women and children, destruction of housing and other property, and theft of possessions in the course of raids. Abduction of Romani family members and the extortion of money in exchange for their release is a widespread pattern of abuse.

In almost all cases researched by ERRC, violence and other illegal acts perpetrated against Roma by the police and special anti-drug forces remain without legal remedy. Fear of retaliation and the perception of the victims that law enforcement officials are immune from sanctions are a powerful deterrent for many Roma: they are frequently reluctant or fully unwilling to seek justice for illegal acts by police officials. Filing an official complaint is deemed by the overwhelming majority of Romani victims as a dangerous and irresponsible adventure that may incur harm and hardship on the entire family or community. At best, such actions are seen as a useless waste of time. During ERRC field research in Russia, many Roma refused to talk about concrete instances of police brutality involving them as victims or witnesses, while they readily stated that they had experienced or witnessed violent treatment. Some spoke under conditions of confidentiality. ERRC researchers became aware of cases of racist violence implicating law enforcement authorities that had been filed but later retracted, following threats and other pressure. Even legal counsel has sometimes been forced, through a mixture of intimidating phone calls and conversations behind closed doors, to discontinue proceedings and

¹² Most recently, according to information from RFE/RL, the Moscow-based Committee for Human Rights presented a report containing documentation of more than 500 complaints of police brutality from the Moscow region alone. The Committee announced that several Russian human rights organizations would join forces and establish an Association for the Humanization of the Law Enforcement Agencies to combat human rights violations by the police. (See RFE/RL Newsline Vol. 8, No 156, Part I, 17 August 2004.)

abandon Romani clients. Where complaints have been processed, investigations usually found no offence committed by police and other law enforcement officials.

4.1. Torture and Ill Treatment of Roma by Law Enforcement Officials

The ERRC has documented several dozens of cases in which Roma have been victims of violence committed by law enforcement officials. In several instances, Roma detainees died as a result of physical abuse. Torture and ill-treatment of Roma at the hands of the police appears to be on the rise, both in terms of frequency and severity, yet law enforcement officials are rarely prosecuted or even disciplined when abuses are plausibly alleged. As of September 1, 2004, the ERRC is aware of only one single case in which Russian police officers were sentenced for crimes related to the abuse of a Romani individual and in this case -- which resulted in the death of the victim -- the sentence was suspended and the perpetrators walked free. The examples following below illustrate a number of the problems of violent abuse by law enforcement officials documented by the ERRC and partner organizations.

According to ERRC field investigation, in the evening hours on an unspecified date in January 2003, in the village of Trubichino, Velikiy Novgorod region, Mr. I.N.,¹³ a 54-year-old Romani man, was at home with two Romani friends when three or four police officers suddenly broke into the flat, allegedly searching for a suspected thief they called "Andrey". According to the testimony of Mr. I.N.'s relatives, the police officers demanded that the Romani men inform them about the suspect's location. When Mr. I.N. and his friends responded that they did not know the suspect, the police officers reportedly began to beat the men. In order to end the beating, one of the Romani men reportedly lied and told the police to look for "Andrey" at a certain location. Before they left, the police officers threatened the men that, should the address turn out to be false, they would return and "things would become worse". Fearing retaliation, Mr. I.N.'s friends left. Mr. I.N. stayed, reportedly because he believed he did not have anything to fear. Some hours later, one of the friends, fearing for Mr. I.N.'s safety, phoned Mr. I.N.'s cousin and asked him to check on Mr. I. N. When his cousin did so, he reportedly found Mr. I. N. dead on a chair in his flat, the floor covered with blood. Relatives of the victim complained that they were not allowed to see Mr. I.N.'s body in the morgue before it was prepared for burial. However, according to witnesses who attended the funeral, Mr. I.N.'s face was swollen and covered with bruises. Mr. I.N.'s sister, Ms. Y.I., asked the local prosecutor for information about her brother's unexpected death. Ms. Y.I. was told that, according to the official medical examination, her brother had died of alcohol poisoning. One of the two witnesses who had been present in Mr. I.N.'s flat on the evening in question reportedly has been threatened by the police officers involved that he will "suffer consequences" if he does not remain silent about the incident. No one has been brought to justice for the death of Mr. I.N.¹⁴

On May 24, 2002, at approximately 4:00 AM, Ms. Fatima Aleksandrovich, a 23-year-old Romani woman, died in the hospital in Pskov, northwestern Russia, apparently after having been physically abused by police officers in the local police station. According to ERRC field research, on May 20, 2002, at approximately 8:30 AM, Ms. Aleksandrovich had been taken to a police station in Pskov on suspicion of having committed larceny. Allegedly, Ms. Aleksandrovich had been trying to steal a purse from a female employee of the Ministry of Internal Affairs on a city bus in Pskov. Mr. Ravshan Mamedov, a police officer who also happened to be on the same bus, detained Ms. Aleksandrovich and took her to the local police station. At approximately 4:00 PM the same day, the police informed Mr. Aleksandr Klein, Ms. Aleksandrovich's common-law husband, that his wife had attempted to commit suicide by jumping out of a third floor window at the police station and that she was in a coma

¹³ Full names on file at the ERRC. In some instances, the ERRC withholds the names of victims and/or witnesses. The ERRC is prepared to release names if the interests of justice so require and provided suitable and adequate safeguards of safety and privacy.

¹⁴ Case summary based on European Roma Rights Center interviews with relatives of Mr. I.N., June 2003, Trubichino.

in the hospital. She died four days later. The doctor who examined the body of Ms. Aleksandrovich and certified her death reportedly expressed doubts that Ms. Aleksandrovich had committed suicide. Ms. Aleksandrovich's corpse had numerous bruises on her arms, inner thighs and neck. According to Mr. Molchanov, a lawyer involved in the initial investigation of Ms. Aleksandrovich's death, the bruises on Ms. Aleksandrovich's body did not fit the injury pattern of a fall victim. The family of the victim filed a criminal complaint urging the Pskov Prosecutor's Office to begin a criminal investigation into the death of Ms. Aleksandrovich. However, no official investigation was initiated. The failure to launch criminal investigation was appealed twice, without success. On January 19, 2004, the Pskov city court acted on the complaint against the decision submitted by the ERRC and ordered the Pskov public prosecutor's office to re-open the pre-trial investigation, which the court did on February 13, 2004. On March 12, 2004, the Pskov public prosecutor again refused to open a criminal case, due to lack of evidence of an offence. As of this writing, the ERRC is preparing further legal action.¹⁵

In the morning hours of August 3, 2001, according to research conducted by ERRC and the Moscow-based non-governmental organization Romano Kher, 37-year-old Mr. V.V. Yeryomenko was taken to the police station in Khimki, a town in the Moscow region, and beaten to death after being stopped in the street for a routine identity check. Mr. Yeryomenko and his non-Romani neighbor, Mr. D.A. Kuznetsov, were walking home together, when two police officers, V.K. and D.T., stopped them and asked to see their identity documents. Mr. Yeryomenko and Mr. Kuznetsov did not have their identity documents with them, but told the police that they lived only a five-minute walk from the place and could go and get the documents. The police officers declined and instead took Mr. Yeryomenko and his neighbor to the police station in Khimki. There, the two officers reportedly started beating Mr. Yeryomenko with truncheons and fists all over his body, while calling him "Gypsy". Approximately three hours after he had been brought to the police station, Mr. Yeryomenko died in one of the detention cells. The cause of his death was later determined to be a torn spleen and other grave bodily injuries. Ms. Nikolayenko, Mr. Yeryomenko's wife, went to the police station on the afternoon of the same day, seeking an explanation for her husband's death. She was reportedly offered an implausible explanation of the circumstances surrounding her husband's death, and was allegedly told that "police officers could not, in any case, be prosecuted for the killing." In this case, unique in Russia, the perpetrators were prosecuted and in April 2004 they were sentenced to seven years imprisonment. However, the sentences are suspended.¹⁶

On June 19, 2002, Mr. Graf Ivanovich Pavlov, a middle-aged Romani man, testified to the ERRC and the St. Petersburg branch of the non-governmental organization Memorial that on June 7 or 8, 2002, following the death of a Special Purpose Police Unit (OMON) officer, he was beaten by police officers while in detention in Pskov, northwestern Russia, in an apparent attempt to coerce him to admit responsibility for the death of the OMON officer. Mr. Pavlov reported that police officials – two of whom he identified as Officer A.Y. and Officer S. – from Pskov and neighboring Pskhov respectively -- arrested him while he was waiting with his wife, Ms. N. S., at a bus stop in the village of Polovnoe near Pskov. Mr. Pavlov was handcuffed and pushed into a police vehicle. Mr. Pavlov stated that Officer A.Y. and Officer S. began to beat him immediately after he got into the car, accusing him of having murdered the OMON officer. The policemen drove Mr. Pavlov to a police station in Pskhov, where they continued to beat him while still handcuffed and with his legs tied. When Mr. Pavlov refused to confess to the murder, the officers reportedly offered him alcohol and drugs, saying that if he gave a written confession they would help him secure a lighter sentence. Mr.

¹⁵ Case summary based on European Roma Rights Center/Moscow Helsinki Group interview with Mr. Alexandr Klein, June 2002, Pskov; European Roma Rights Center/Moscow Helsinki Group communications with Mr. Alexandr Molchanov, June 2002 -June 2003; and European Roma Rights Center/Moscow Helsinki Group interviews with Pskov police officials, June 2002. Full names of police officers on file at the ERRC and the Moscow Helsinki Group.

¹⁶ Case summary based on European Roma Rights Center/Romano Kher interviews with Ms. Nikolayenko and Khimki police officials, August 2001, Khimki; and European Roma Rights Center communications with Mr. A. Molchanov, September 2003 - April 2004.

Pavlov refused to answer the questions of the officers without a defense attorney present. When Ms. N. S. finally managed to retain one, the attorney was reportedly not permitted to enter the police station to meet with his client. Mr. Pavlov explained that, on the basis of a resolution of the local prosecutor Sergey Vladimirovich Gubin, he was held in detention until June 18, 2002, because he could not produce his identification documents, which however had been confiscated earlier by the same police officers who had arrested him. According to Mr. Pavlov, throughout the ten days in detention, he was repeatedly beaten and threatened by police officers who called him "Gypsy snout". During one interrogation session, one policeman, Officer V.I., reportedly threatened to rape Mr. Pavlov in the presence of other officers, including one whom Mr. Pavlov recognized and named. Mr. Pavlov told the ERRC/Memorial that he would not lodge a complaint against the officers.¹⁷

4.2. Police Raids

Police raids on Romani settlements occur routinely throughout the country. According to testimonies by Roma to the ERRC obtained in 2004, in a number of communities in Central Russia, including in Kimry, Nizhniy Novgorod and Ryazan, police raids have been carried out several times per month. The raids are usually justified on the grounds of searching for criminal suspects and drugs. The police, however, allegedly never show any warrants or even identification documents. Numerous Romani individuals are beaten and/or otherwise abused, and household items and money stolen by the attackers. ERRC researchers heard from many witnesses divided by long distances throughout the country similar descriptions of raids. In many cases, family members present during such raids had the impression that the attackers actually were terrorists or armed bandits engaged in burglary, and only later found that their assailants had in fact been the members of the public administration apparently acting in their official capacities.

In early September 2004, according to information provided to the ERRC by local monitors, law enforcement officials invasively and without regard to fundamental rights and civil liberties conducted a sustained campaign of surveillance and intrusion in several Romani communities in Rostov-on-Don in southern Russia. Police officers allegedly searched anyone who left their houses and arbitrarily took Roma to the police station. The operations were allegedly carried out in the context of fighting terrorism, in the wake of the September 13 school hostage bloodshed in Beslan, North Ossetia. According to ERRC sources, due to the massive police presence in the Romani settlements, at the time of this writing, Roma live in terror and do not dare to leave their homes. Several Romani families have called local Romani leaders and human rights activists to ask for their help in providing them with essentials such as food. Unidentified police officers allegedly state that the reason for the police presence in the Romani communities is intelligence information that terrorists are disguised as "Gypsies".

It should be noted that some raids are apparently aimed at arresting offenders. However, unlike in cases in which police undertake arrests in non-Romani quarters, when raiding Romani settlements, police raid all houses of the neighborhood indiscriminately, and approach the whole Romani community as if it were one household, thus violating a number of individual rights. An example of such treatment follows:

According to information provided to the ERRC by the Ekaterinburg-based organization "Roma Ural", on August 26 and 27, 2004, police and Special Purpose Police Units (OMON) carried out two successive raids on the Romani community in the city of Revda, Ekaterinburg region.

At around 11 PM on August 26, armed men in civilian clothes stormed into all of the houses in the Romani neighborhood, breaking doors and windows and using foul language. The attackers pointed automatic rifles at the residents, struck them with the butts of their rifles and forced everyone -- men, women and children -- to lie face down on the floor. The attackers did not identify themselves, nor did they present any search warrants. Roma who asked about the identity of the attackers who raided their homes were allegedly beaten and verbally abused in response. One Romani man was shot in the leg

¹⁷ Case summary based on ERRC/Memorial interview with Mr. Graf Ivanovich Pavlov, June 2002, Pskov.

when he attempted to defend his family, by threatening the attackers with a toy-gun. Several attackers then forced the man to the floor and beat him with the butts of their rifles. The man's invalid mother was also hit when she approached the attackers and pleaded with them to stop beating her son.

Without asking any questions, the attackers rushed around the houses and detained an unidentified number of Romani men. After the attackers left the Romani settlement, Romani women -- the wives and sisters of the detained -- went to the local police to look for their relatives. They were not provided with any information about the whereabouts of their relatives. Romani women interviewed by "Roma Ural" testified that while waiting in front of the police, they could hear people crying out from inside, apparently as a result of being abused physically. They also witnessed police officers entering the building of the police station with bottles of vodka and beer. At around 4 AM, all detained Roma were released.

When the raid on the Romani houses began on August 26, some Roma thought that the attackers were gangsters and called the police. The police allegedly refused their requests for help. After the raid, Roma claimed that valuables including mobile telephones, as well as personal and other documents were missing from their houses. On August 27, some Roma attempted to seek help from the local hospital. When doctors understood that the Roma had been beaten by the police and security forces, they allegedly refused to treat them.

On the following night -- August 27 -- the police conducted a second raid in the same Romani quarter. Between 11 PM and midnight, police officers arrived in the Romani neighborhood. Many Roma, fearing another night of sustained violence, had left their doors open to prevent the police from breaking them again. The officers, again in plain clothes, stormed the houses and forced people to lie face down on the floor, but this time they did not beat anyone. No one was detained and the police left shortly afterwards.

According to the testimony of Roma from Revda, several days after the raids, they learned that the police had been looking for a young Romani man suspected of the murder of one Russian woman and an 8-year-old Russian girl. Witnesses to the murders had allegedly testified that the perpetrators were a Russian man and a Romani youth. Inhabitants of the neighborhood said that during the previous year there had been a similar raid, following the murder of a Russian man. Later, it was found that the perpetrator was of Russian ethnicity.

In one case, according to ERRC research, in February 2003 at approximately 11 AM a police raid was conducted in Zubchaninovka, near Samara. Local people described the event as involving approximately 150 armed police officers in masks. According to Mr. Vasiliy Kutenkov, a Romani activist from Samara, police officers entered some of the homes through the windows, and in one case set the door of a house on fire in order to enter a house. During the raid, Mr. Kutenkov's brother, Oleg Kutenkov, whose home was also stormed, requested that officers clarify the reason for the raid. The police officers allegedly stated that they had been ordered to conduct house searches. Mr. Oleg Kutenkov said that they could search his home only in the presence of his lawyer. The police officers agreed to wait for the lawyer and also reportedly sent one of their colleagues to the neighboring house of another member of the Kutenkov family to warn police officers there that a lawyer would be coming, so they should act in accordance with the law. In most homes, however, the police officers reportedly have caused significant damage to the household and stole valuables. Then the police left. On the following day, Mr. Aleksandr Molchanov, an attorney, offered to file a complaint on behalf of those Roma who had been raided. The Roma in question refused however, indicating that they feared retaliation from the police were they to undertake such an action.

In another case, on March 29, 2001, between fifteen and twenty masked members of the Fast Reaction Group (SOBR), a police unit operating under the Ministry of Internal Affairs, raided a community of more than seventy Romani families in the village of Dorozhny, in the Kaliningrad region, and assaulted a number of residents. According to research by the Moscow-based non-governmental organization Romano Kher, SOBR members armed with machine guns broke into several Romani

households in the village, forcing everyone to the floor and beating them with the butts of their guns and with wooden sticks taken from a fence outside. The SOBR officers then allegedly ordered several Roma to crawl into the yard, where they forced them to lean on cars and submit to body searches. Mr. L.P., a young Romani man, was allegedly severely beaten by police officers. The youth's father, Mr. M.P., was reportedly hit in the kidneys when he attempted to help his son. Officers reportedly told him to "stand still or he would have his brains sprinkled on the asphalt". An unnamed 9-year-old Romani girl told Romano Kher that she was at home with her father, who had had heart surgery a few days earlier, when several masked men broke into the house. She related that when her father asked to call for an ambulance because he felt pain in his heart, the masked men laughed at him and beat him. They then took a sausage from the refrigerator and left. Afterwards, according to Romano Kher research, members of SOBR allegedly drove around the village and stopped to assault several Roma. The SOBR officers also confiscated personal items they found on the Roma. The raid reportedly lasted for approximately two or three hours. Several Roma were taken to the hospital for injuries of various levels of seriousness. Others were taken to the local police station for identity checks and released shortly afterwards without charges. In an interview with Romano Kher, Mr. A. Mikhailov, the head of SOBR, stated that the raid had been part of a police search for a Romani man suspected of having committed a crime, and that, though "the Gypsies" had resisted the raid, no abuse of power had taken place. According to Romano Kher, although the Kaliningrad district prosecutor promised them to make an inquiry, no one was subsequently charged with any offence in the context of the raid.¹⁸

While many raids are conducted apparently on grounds of efforts to detain suspects of crimes other than drug dealing, it appears that the most frequent and most dangerous type of house raids which Roma throughout Russia fear at all times are raids aiming to secure evidence of drug-dealing and to arrest drug-dealers. During these operations, usually carried out by special anti-drug police units (known under the abbreviation OBNON¹⁹), drugs may be "planted" --i.e., brought by police themselves and then "discovered" on the person or among the belongings of the person targeted -- following which Roma are either prosecuted and imprisoned, or put under pressure to provide high-price bribes.

4.3. Abduction and Extortion of Money by the Police

Most Roma with whom the ERRC spoke during field missions in Russia in 2003 and 2004 had either been victims of extortion of money by the police themselves or had friends and acquaintances who had been subjected to similar illegal practices. The practice of the police to coerce Roma into paying bribes appears ubiquitous. For example, according to the testimony given to the ERRC on August 24, 2004 by a Romani man from the settlement Dyagrevo in Ryazan, home to more than 200 Romani families, local police officers come at least once a week to the settlement and force Roma to give them money. If the Roma refuse, the police often take Roma hostage. On August 22, 2004, in the late afternoon hours, the settlement was raided by six masked police officers who were allegedly under the influence of alcohol. The officers broke into houses and demanded that Roma give them money. Several people, including women, were beaten. The officers left the settlement taking at least ten Romani individuals hostage. Allegedly, the police demanded 60,000 rubles (approximately 2,000 US dollars) for their release. The Roma were released the same evening after the families collected the money and gave it to the police. Regular extortion of money by the police from the local Roma was also reported to the ERRC in the Romani settlement in Novokuybyshevsk, southwest of Samara, which is home to about 50 Romani families. According to local Roma, police enter Romani homes at least once a month and demand money. If Roma refuse to pay, police officers threaten to plant drugs. If Roma fail to pay in time, they are detained by the police and released only when the police receive money.

¹⁸ Case summary based on Romano Kher interviews with Romani witnesses and Mr. A. Mikhailov, April 2001, Dorozhny.

¹⁹ From Russian, "*otryady dlya borby protiv nezakonnogo oborota narkotikov*".

Incidents of abduction of Roma and extortion were also recently reported by the Russian media. On June 10, 2004, the Moscow-based Russian daily newspaper *Kommersant* reported that four police officers, including a major, two senior lieutenants and a lieutenant, were arrested in Novosibirsk, the biggest city of Siberia, on suspicion of extortion, group robbery and abuse of power. According to the daily, the arrest followed an incident in March 2004 during which at least eight police officers abducted a three-member Romani family and, during the course of one night, tortured the young couple in front of their 8-year-old daughter in the forest close to the nearby town of Krasny Yar. The officers reportedly beat the child as well. During the physical abuse, the officers stole the family's gold jewelry and demanded 30 million Russian rubles (approximately 1,026,000 US dollars), according to the daily. The following morning, the officers finally ceased torturing the couple when they agreed to pay 1 million Russian rubles (approximately 34,250 US dollars). At this time, one of the officers accompanied the Romani woman to get the money while the remaining officers held her husband and child hostage. Following the family's release, the couple filed a complaint with the local police. With a delay of several months, after a search of their homes and offices on the morning of June 9, 2004, the four officers were arrested. *Kommersant* reported that the local investigator was going to recommend to the local court that the four officers be charged for the above offences. *Kommersant* also reported that the same officers had been involved in a similar incident in November 2003, during which a relative of the couple victimized in the March 2004 incident had been abducted from a street in Novosibirsk and taken to a forest. There he had been beaten for seven hours while the officers demanded money. Following this assault, the Romani man moved away from the town because the officers had threatened to burn his "Gypsy" family after he refused to give them money.

In response to a letter of concern sent by the ERRC,²⁰ Mr. Afanasyev, the Deputy Regional Prosecutor, wrote that during the criminal investigation against the four police officers charged with extortion and robbery of the Roma concerned, all measures had been taken to clarify the circumstances of the case. In its letter, ERRC had drawn attention to the apparent racial animus of the offence and insisted that if confirmed it should be considered as an aggravating factor in sentencing the perpetrators. Mr. Afanasyev however contended in his letter that the investigation had not established a motivation related in any way to ethnic or national hatred.

Romani individuals have testified to the ERRC and partner organizations that the process of "ascertaining drug ownership" has often been conducted in violation of procedural requirements because the witnesses of the police who are supposed to be independent from the police have been individuals closely related to it.

The ERRC field investigation in June and July 2004 obtained first hand victim and witness testimonies according to which on October 17, 2003, at about 5:00 PM, a group of approximately ten police officers in plain clothes broke into a Romani house on 2 Kubanskaya Street in Bataysk, Rostov region, without showing warrants. The police forced all the nine Roma present to lie face down on the floor and began to beat them. The officers introduced themselves as "officers from the Department of the Interior of Rostov region", but did not show any identity documents. The attackers detained Mr. P.L., Mr. I.Y., Ms. Y.R., Mr. N.R. and Ms. M.L. and drove them to the Pervomayskiy district police station of Rostov-on-Don. On the staircase inside the police station, the police officers allegedly slipped drugs into the pockets of Mr. P.L., Mr. I.Y. and Ms. Y.R. In the police station the Roma were beaten and urged to sign documents confessing drug ownership. The Roma refused to do so and the beating allegedly continued. According to testimonies of the victim provided to the ERRC in August 2004, the violence in the police station included pulling of the hair, hitting the victims' heads against the wall, throwing jackets on their heads and beating them through the jackets. In one of the rooms where Roma were beaten, police officers had turned on the TV to maximum volume, so that no cries could be heard outside the police station. Ms. Y.R. was subjected to degrading and humiliating sexual harassment as well. One of the officers whom she can identify reportedly took out his penis and forced her to

²⁰ "ERRC: Russian Police Arrested in Connection with Extortion and Torture of Roma", press release of the ERRC, also see at <http://www.errc.org/cikk.php?cikk=1928>

perform oral sex on him, in the presence of several other police officers. Obscene language was used by the officers in most cases when they addressed the victims.

Later Ms. M.L. and Ms. Y.R. were released from the police station, while Mr. P.L., Mr. I.Y., and Mr. N.R. remained in custody. Officers L. Yurchenko and G. Balashov demanded that the three Romani males pay for their release from custody. The police officers took the three Romani men to different offices of the police station, where they beat them and suffocated Mr. N.R. with a scarf. Officer Yurchenko allegedly demanded 100,000 rubles (approximately 3,000 US dollars) from the Roma in order to release them. A wealthy Romani man, known under the nickname "Kashtan", who had allegedly been frequently involved in extortion of money in complicity with the police, and played the role of an intermediary "rescuing" Roma from trouble by taking their money and negotiating levels of bribes and other conditions in similar cases, called members of the victims' family and offered to "help" release the detainees in exchange for the above amount of money. The sum of 100,000 rubles was subsequently collected by relatives and given to "Kashtan". However, "Kashtan" then told relatives of the victim that this amount had only been the price for the release of Ms. Y.R. and Ms. M.L., while additional 15,000 US dollars had allegedly been demanded by the police for the release of the remaining three persons. He started harassing the family and insisting that the second sum be submitted expeditiously. One of the detained Roma, Mr. N.R., pretended that he would pay for his release and was accompanied home by the officers to provide the money. Mr. N.R. told ERRC that he managed to escape on the way home.

On October 18, 2003, Mr. P.L. and Mr. I.Y. were sentenced to five days imprisonment for hooliganism by the district court of the Pervomayskiy district of Rostov-on-Don. The case file copied by the ERRC contains clear evidence that the charges were entirely fabricated: at the time of the alleged acts of hooliganism in downtown Rostov for which they were sentenced, the two men were in fact in custody at the police station. The decision of the court was appealed before the Regional Court of Rostov-on-Don. The higher court quashed the sentence. By the time the Regional Court made its decision, Mr. P.L. and Mr. I.Y. had already spent five days in custody.

On December 9, 2003, the prosecutor of the Pervomayskiy district of Rostov-on-Don initiated criminal investigation against the police officers of the Pervomayskiy police station under Articles 285.1 and 286.1 (abuse of power), Article 292 (forgery), and Article 301.1 (unlawful detention) of the Criminal Code of the Russian Federation.

In the course of the investigation police officers V. Nikulin, Y. Tyurmorezov, M. Zaycev, S. Lapinskiy and V. Afanasyev were identified by Mr. P.L. and Mr. I.Y. as the perpetrators of the alleged violations. However, according to Mr. P.L. and Mr. I.Y., not all officers who took part in the action were presented to them for identification. According to the Romani family, Officers L. Yurchenko and G. Balashov gave false testimony stating that on October 17, 2003 they had been away from the Pervomayskiy police station and had not asked for any money for the release of Mr. P.L. and Mr. I.Y.

On April 30, 2004, the criminal investigation against the police officers was terminated for "lack of sufficient evidence that an offence had been committed". On May 11, 2004, the lawyer of the family, Mr. V.S., appealed the termination of the criminal investigation before the prosecutor's office of Pervomayskiy district of Rostov-on-Don. As of June 2, 2004 the appeal had not been considered. On June 30, 2004, Mr. V.S. appealed the termination of the criminal investigation before the higher instance prosecutor of Rostov region. On August 16, 2004, the complaint was rejected.

During a telephone interviews on August 16, 2004, the ERRC learned that members of the criminal justice system in Rostov-on-Don had unofficially informed local Romani leaders that the public prosecutor had initiated the criminal prosecution against the police officers only in order to intimidate them and to solve internal problems between the police and the prosecution in the city. After the problems had allegedly been solved, the criminal case had been dropped.

The ERRC also learned that Mr. V.S., the lawyer representing the Romani victims, had been advised by the prosecutor of the Rostov region not to undertake further action related to the case. Mr. V.S. had allegedly also received threats to his life and to the life of his children by police officers of the Pervomayskiy district police, following which he withdrew from the case. The ERRC also learned that the Romani families concerned had received threats from the prosecution that a criminal case for the kidnapping of a girl could be initiated against them and that they could be sentenced on any ground if they continued to seek prosecution against the police officers.

In another case, Ms. L.R., a 51-year-old Romani woman from the town of Balashiha, Moscow region, testified to the ERRC and Romano Kher that at around 9:00 AM on March 24, 2002, police attempted to frame her and Ms. M.N. on drug-related charges at the Leningrad railway station in Moscow. According to Ms. L.R., she and Ms. M.N. were walking along the train platform when two police officers approached them and asked the women to open their bags. When the Romani women opened their bags, one of the police officers allegedly dropped a handkerchief into Ms. M.N.'s bag. According to Ms. L.R., Ms. M.N. immediately realized that the handkerchief contained drugs, so she began to shout and threw the handkerchief out of her bag. One of the police officers reportedly then hit Ms. M.N. hard in her chest with the butt of his gun. Ms. L.R. stated that the officer placed the handkerchief back in Ms. M.N.'s bag. The officers then drove both women to the nearest police station in a police vehicle. Ms. L.R. told ERRC/Romano Kher researchers that at the police station, one of the police officers ordered her to open her bag, using abusive language, and placed a small package of drugs into it, explaining that they were going to search the women in front of witnesses. Another officer reportedly said that Ms. L.R. could go home if she paid the officers 15,000 US dollars. Ms. L.R. told the ERRC/Romano Kher that she was afraid of receiving another blow to her chest from the officers because she had recently undergone heart surgery. After some negotiations, Ms. L.R. succeeded in having the cost of the bribe reduced to 6,000 US dollars. Ms. L.R. was reportedly released at about 5:00 PM after her husband provided the money from family savings and loans from relatives. Ms. M.N. was charged for drug trafficking under Article 128 (4) of the Russian Criminal Code. Her case went to trial on May 17, 2002. Again, Ms. M.N.'s case was reportedly decided out of court, with the help of a bribe paid to an officer of the court who promised to deliver the money to the judge.²¹

Testimony provided to the ERRC/Romano Kher by several Roma who wished to remain anonymous revealed that on April 2, 2002, seven police officers in two cars abusively raided a neighborhood densely populated by Roma in St. Petersburg. According to the Roma with whom the ERRC/Romano Kher spoke, police apparently had been planning to detain two Roma, despite having not found any drugs in their possession, but ended up not making any arrests, reportedly because bribes were paid on the spot. According to Roma interviewed by the ERRC/Romano Kher, police officers openly demanded bribes in the amount of 5,000 US dollars, threatening to plant heroin in the pocket of each suspect if they were not paid in full. The Roma also testified that police officers used racist language during the raid. The operation reportedly continued for nearly twenty-four hours. The Roma told the ERRC/Romano Kher that around twenty Roma living in the neighborhood hid on the day in question in order to avoid police harassment.²²

4.4. Racial Profiling

Arguably the most extensive series of police raids targeting Romani communities in Russia to date has been "Operation Tabor" launched in the first weeks of March 2002 as part of a stepped-up effort against drug-related crime and subsequently re-launched by St. Petersburg police in April 2004. The use of the term "tabor", meaning a "Gypsy settlement or encampment", unequivocally implies that the targets of the operation are the Roma as a group. Russian authorities have thus undertaken official

²¹ Case summary based on European Roma Rights Center/Romano Kher interview with Ms L.R., June 2002, Moscow.

²² European Roma Rights Center/Romano Kher interview with Roma from St. Petersburg, April 2002, St. Petersburg.

actions based on racial profiling and resulting in human rights abuses, during which they have not even attempted to mask the explicitly anti-Romani character of these actions. When challenged by international treaty bodies and human rights organizations, the Russian authorities adopted an official position consisting in denial that Roma had been the specific target of "Operation Tabor". However, the ERRC has learned, during its interviews as well as during open sessions of training seminars it has conducted in Russia, that many representatives of the authorities including those of the Ministry of Interior disapprove of the "Operation Tabor" and acknowledge its discriminatory nature.

In the course of "Operation Tabor", police raided Romani settlements throughout Russia, checking identity papers of the residents and taking fingerprints and personal data from those who lacked proper documents or whom the police arbitrarily branded as suspicious. According to Russian media, the police also singled out non-Romani landlords who housed Romani tenants for checks. Information thus collected on Roma was reported to have been included in a special database kept by law-enforcement authorities. Throughout the more intensive phase of "Operation Tabor", the ERRC received numerous reports of abusive, often violent, raids and invidious investigations against Roma living in segregated or mixed settlements.²³ For instance, according to testimony given to the ERRC by Ms. T.V. and Ms. G.D., both Romani women from Pskov in northwestern Russia, Roma from the neighborhood had not been allowed to invite independent witnesses to the searches conducted by police in the early weeks of March, but the police brought along their own "witnesses". According to Ms. T.V. and Ms. G.D., during the searches, police officers planted in their houses marked money and drugs, which were subsequently found and confiscated, with a purpose to extort bribes in exchange for non-prosecution, or to prosecute Roma and thus score a "victory" in the fight against drugs.²⁴

Two years later, on April 20, 2004, the Saint-Petersburg police launched "Operation Tabor" once again. The measure was allegedly introduced in order to ensure the security of foreign tourists and protect them from possible robberies by "marginal elements". According to information by the St. Petersburg based North-Eastern Center for Social and Legal Assistance to Roma/Gypsies, on May 21, 2004, Roma from the town of Beregovo, a town in the Transcarpathian region of Ukraine, who as of that date lived in self-made huts in the Obukhovo District in St. Petersburg, were attacked by individuals in uniforms who were shooting firearms in the air. Officers reportedly demanded that the Roma leave the site immediately. Police chased and reportedly shot at persons as they were trying to run away. Officers also reportedly burnt two small shanties where Roma, including pregnant women and children, were living. Officers allegedly warned the inhabitants that on the following day police would return, and all Roma would be expelled. In the morning hours of May 26, the same officers (from Militia Department No.29, according to the victims) detained Romani women and their children in the vicinity of Obukhovo and once again threatened them with expulsion and burning of their houses.

In the wake of "Operation Tabor", human rights organizations have repeatedly raised concerns related to the discriminatory character of this policy. Following the 2002 operation, representatives of the Moscow-based Romano Kher, based in Moscow met with Mr. V.A.Vasilyev, Deputy Minister of Interior, and Mr. E.N. Sidorenko, Deputy Minister of Justice, who promised that such operations would not be repeated in the future. In the fall of 2003, the St. Petersburg-based Memorial, Citizens' Control, Committee of Human Rights Lawyers, and several other organizations sent a letter to the Governor's Office of St. Petersburg expressing concerns on the increase of the extremist and nationalistic sentiment in the city, directed in particular against Roma. In his response, Mr. L.P. Bogdanov, Head of the Administrative Committee of St. Petersburg's Governors Office, assured the human rights organizations that "...the issue of protecting rights and freedoms and the human dignity of citizens, irrespective of their status as residents of St. Petersburg or as guests of our city, or

²³ For more information on the police action "Operation Tabor" see Roma Rights 2/2002, at: http://www.errc.org/rr_nr2_2002/snap35.shtml

²⁴ European Roma Rights Center interview with Ms T.V., March 2002, Pskov; European Roma Rights Center interview with Ms G.D., March 2002, Pskov.

individuals without citizenship, will be under the constant control of the executive organs of St. Petersburg state authorities."²⁵

Following the resumption of "Operation Tabor" in April 2004, on May 27, 2004, the ERRC sent a letter of concern, urging the St Petersburg authorities to terminate the policy. Mr. Bogdanov replied that "information submitted by the ERRC about persecution of the Roma on the basis of nationality has not been objectively confirmed". Several other communications of ERRC with St. Petersburg authorities demonstrated a high level of official denial of any racial motivation underlying "Operation Tabor".

Apart from massive police operations targeting explicitly Romani communities throughout Russia, police officers often stop Romani individuals in the street and take them into custody without any offering any explanation for the reasons for their detention. Roma with whom the ERRC spoke reported that they have been subjected to identity checks, photographing and fingerprint taking -- operations which police officers have expressly related to their Romani ethnicity.

According to the information provided to the ERRC by Mr Pavel Limanskiy, vice-president of the Rostov-on-Don based Romani organization Amala, on May 30, 2004, Ms. Lidia Ogly, a Romani woman from Rostov-on-Don, southern Russia, was stopped in the street by police officers of the Oktyabrskiy department of the Interior Ministry and taken to the police station without receiving any explanation. At the police station, she was photographed and fingerprinted. The Ogly relatives turned for help to Mr. Pavel Limanskiy, who telephoned the police station in which the woman was being held. Mr. Aleksandr Dudarev, an official at the Oktyabrskiy department of the Interior Ministry, told Mr Limanskiy that Ms. Ogly had been detained because "she is a Roma and therefore a criminal". According to ERRC research, the officers of this particular department regularly detain Romani individuals and keep them in custody for sustained periods of time without initiating any formal procedure, in the (frequently justified) hope that the worried relatives of detained Roma might offer bribes in exchange for the release without charges of the person in question. Ms. Ogly spent six hours in custody supposedly under suspicion for having committed an unspecified offence, of which no one provided her with any details, before Mr. Limanskiy called the officer on duty at the City Department of the Interior. He urged that Ms. Ogly either be released immediately or charged, and he threatened that he would file complaints. As a result, Ms. Ogly was released.

At around 10 PM on an unspecified date in February 2004, Ms. N., a Romani woman from Novokuybyshevsk, Samara region, had an argument with her husband following which she took 400,000 rubles in cash (approximately 13,700 US dollars) and left home to spend the night at a friend of hers. According to Ms. N.'s testimony to the ERRC, on the way she was stopped by police officers who wanted to check her documents. They also reportedly asked: "What is your ethnicity?" "I am Gypsy", she replied. "Then let's go to the police station", said the officers. At the police station Ms. N. was kept in detention without any explanation. At some point while Ms. N. was detained, police officers brought in an elderly non-Romani woman for a line-up. The officers asked the woman, "Was it her?", to which she allegedly responded, "Not really". Then the police officers allegedly said to the woman: "Then you will never see your money back." The elderly woman then stated, "Maybe it was her". Ms. N. remained in custody for approximately one and a half months. According to her testimony to the ERRC, she had been pressured by the police to pay for her release. The police officers reportedly told her to put into a box on their table 50,000 rubles (approximately 1,600 US dollars). While N. was placing the box with the required sum on the table as she had been told, a prosecutor entered the room and immediately charged her with giving a bribe. Following N.'s lawyer intervention, however, Ms. N. received her money back and the charges against her were dropped.

On February 29, 2004 Aleksandr Molchanov, a Romani lawyer based in Yaroslavl, central Russia, was stopped by police officers for an identity check at the railway station of Syzran, Samara region. Mr.

²⁵ "Racial Profiling of Roma by Russian Militia". Press release of the ERRC, <http://www.errc.org/cikk.php?cikk=1920>

Molchanov presented them with his bar membership card, since he did not carry his passport with him. The officers asked him to follow them to the police station. At the police station, Mr. Molchanov requested to speak with the officer on duty at Syzran railway station or someone from the police headquarters. Shortly thereafter, Colonel Dektarev, deputy chief of the police office at Syzran railway station, arrived. Colonel Dektarev allegedly took Mr. Molchanov's bar membership card and said, "I will check and see what kind of a lawyer a Gypsy could possibly be". Then the colonel asked to see Mr. Molchanov's passport. Mr. Molchanov explained that he did not carry his passport with him because his identity could be established on the basis of his bar membership card, which indicted his place of residence and work.

Mr. Molchanov asked the colonel to give him an opportunity to make a phone call in order to warn the clients who were waiting to meet with him in Syzran that he would be late. The colonel declined this request and ordered his subordinates to take several photos of Mr. Molchanov. To Mr. Molchanov's question regarding the reason for photographing him, Colonel Dektarev responded that "it is needed for operative purposes". Mr. Molchanov was then told that his Romani nationality was sufficient reason for the photographing him. Apart from Mr. Molchanov, two other men had entered the police office at the same time. These men were asked by the police to serve as witnesses. In the presence of the two individuals, whose identities were not known to Mr. Molchanov, police officers were ordered to conduct a search of Mr. Molchanov's belongings, including documents of a criminal case in his suitcase.

Mr. Molchanov's request for an official registration of his detention was declined. Upon his release from the police later the same day, Mr. Molchanov submitted a complaint about the illegal actions of the police to the Samara Regional Court, the Samara Regional Prosecutor's Office, and other relevant institutions. As of this writing, Mr. Molchanov had received no reply.

5. Abuse of Roma Rights by Non-State Actors

In recent years, apart from the police, non-state actors, such as members of nationalist-extremist groups as well as members of popular civil movements undertaking vigilante anti-drug-enforcement activities have also increasingly targeted Roma for violent racially motivated attacks. Russian authorities have failed to take adequate measures to protect Romani individuals and communities from such attacks.

As nationalist-extremist movements have been gaining increasing popularity in Russia, violent attacks on Roma by skinheads, Cossacks²⁶ and other formal and informal groups have been reported with disturbing frequency. In its recent Concluding Observations on Russia, the UN Committee on the Elimination of All Forms of Racial Discrimination has noted with particular concern "reports that some Cossack organizations have engaged in acts of intimidation and violence against ethnic groups. According to information received by the Committee, these organizations, which function as paramilitary units and are used by local authorities to carry out law enforcement functions, enjoy special privileges, including State funding."²⁷

Examples of recent cases involving racially motivated violence against Roma follow:

²⁶ The Cossacks are a militarized "estate" which claims but has not been granted the status of a separate nationality. However, the Cossacks ^{enjoy} a number of privileges pertaining to the preservation of their traditions, and are in power positions in the local administration in some regions, including Krasnodar, Rostov-on-Don, and Stavropol.

²⁷ See United Nations Committee on the Elimination of Racial Discrimination. Concluding observations: Russian Federation. CERD/C/62/CO/7, March 23, 2003.

On the afternoon of October 5, 2003, three racist hooligans attacked Mr. Alexander Klein, a Romani activist, near a marketplace in Pskov, northwestern Russia, according to the St. Petersburg-based non-governmental organisation Memorial. The attackers reportedly insulted Mr. Klein, calling him "black ass", then beat him, breaking his fingers and causing abrasions and bruising all over his body. The violence was reportedly stopped by a plain-clothed police officer. The latter refused to take the attackers into custody but offered to take Mr. Klein home. Soon thereafter, Mr. Klein went to a local hospital for medical treatment but was refused because the doctor was reportedly in a "bad mood" and did not want to assist him. After Mr. Klein returned home, a group of men visited his home and threatened him with violence should he file a complaint with the police. Mr. Klein did not lodge a complaint out of fear, according to Memorial.

In another incident, during a September 21, 2003 skinhead attack on a Romani camp in St. Petersburg, a 6-year-old Gypsy (Lyuli) girl from Tajikistan was killed and a 5-year-old and an 18-month-old were seriously injured, according to the St. Petersburg daily newspaper *The St Petersburg Times* of September 30, 2003. Police spokesperson Mr. Mark Nazarov was quoted in the daily as having stated that the skinheads, armed with an axe, a knife and a metal rod, ambushed two women and the children in front of a nearby store. The attack was reportedly part of ongoing harassment by skinheads of about 45 Gypsies (Lyuli) from Tajikistan settled near the Dachnoye railway station. The skinheads reportedly ordered the Lyuli to pay them money or leave the area. On November 9, 2003, Memorial informed the ERRC that police were investigating several individuals on suspicion of murder and racial hatred, in accordance with Articles 105(1) and 282 of the Russian Criminal Code, respectively. Mr. Nazarov also reported that police had detained the Gypsy camp residents after the attack. Some of them were reportedly sent by train to Arkhangelsk on September 28, 2003, according to the daily. Memorial estimated the number of Lyuli expelled from the city during the action to be approximately 50 persons. At the end of October 2003, a number of Russian human rights organizations, including Memorial, sent a letter to St Petersburg Mayor Valentina Matvienko, expressing concern about the incident and racist attacks against foreigners generally, as well as the failure of police to investigate such crimes. They called on Mayor Matvienko to take all measures possible to prevent further abuse. On December 17, 2003, Memorial announced that several skinheads had been charged in connection with the incident.

Earlier, on July 11, 2003, a cemetery in the city of Volgograd in southwestern Russia was desecrated, according to the Volgograd region daily newspaper *Oblastnye Vesti*. A number of Romani graves were destroyed. The daily reported that local police suspected a group of skinheads to have perpetrated the offence. When Mr. Yakov Yegorov, a Romani man from Volgograd, reported the incident to the local police, he was advised that even if the perpetrators were to be arrested, they would likely be charged only with vandalism.

According to the Volgograd-based Romani organization Asotsiatsia Tsygan, on May 10, 2002, at approximately 5 PM, seven Roma were brutally attacked by approximately thirty Cossacks in the town of Novopavlovsk in the Stavropol region (*kray*) in southern Russia. At approximately 10 AM on May 3, 2002, in the town of Novopavlovsk, Mr. Nikolay Gudenko, an 18-year-old Romani man, accidentally hit the wheel of a parked car while riding his bicycle. Despite apologies offered by Mr. Gudenko, the owner of the car, Mr. V. Grachov, initiated a fight with him, which ended with the owner of the car being knocked out. Subsequently, Mr. Grachov sought assistance from a local Cossack leader to organize revenge. According to Asotsiatsia Tsygan, on May 10, 2002, local Cossacks took revenge on the seven-member family of Mr. A.P. Kazachenko, who had not been involved in the argument or the ensuing fight. Asotsiatsia Tsygan reported that around 30 Cossacks attacked Mr. A. P. Kazachenko and his family in their garden outside their home, allegedly using baseball bats, rubber sticks, rakes and pitchforks. Simultaneously, members of the gang allegedly blocked all roads leading to the Kazachenko family house, which created an obstacle for the police who had been called by neighbors soon after the attack started. On May 11, 2002, neighbors reported to Asotsiatsia Tsygan that approximately five police officers had arrived at the scene about 10 minutes after being called, but seemed reluctant to intervene. According to Asotsiatsia Tsygan, the attack lasted for approximately a quarter of an hour. By the time the police managed to get to the house, the

physical assault had ended and the officers witnessed only verbal insults. At approximately 5:15 PM, the police reportedly called an ambulance, which arrived 10 minutes later.

According to Asotsiatsia Tsygan, all six members of the Kazachenko family were taken to hospital with various degrees of bodily injury. Seventeen-year-old Ms. L.G. reportedly sustained the most serious injuries, with bruises all over her body and a laceration on her shoulder from a rake. The other victims also reportedly sustained bruising and injuries of various degrees, and some of the Roma reportedly lost teeth in the attack. Medical examinations were reportedly carried out at the hospital on all members of the Kazachenko family to establish the injuries sustained. In the days following the incident, Asotsiatsia Tsygan urged the municipality of Novopavlovsk, the Prosecutor of Stavropol County and the Commissioner of the President of the Russian Federation for the Southern Federal Region to take measures to identify the perpetrators of the attack and provide legal remedy to the victims. According to Asotsiatsia Tsygan, the organization received a telephone call from the police, requesting that no further inquiries or complaints be issued. No one has been charged in connection with the case.

On March 21, 2002, Mr. M.M., a Roma from the town of Peri, St. Petersburg region, told researchers from the ERRC and the human rights organization Memorial that racist skinheads had frequently assaulted the local Romani community and harassed its members. According to Mr. M.M., Romani women appeared to be the primary targets of these attacks. Skinheads typically waited on the platform of the local railway station for Romani women to arrive. When the women stepped down from the train, the skinheads attacked them with spray canisters filled with tear-gas. The attackers usually wore caps that have painted on them what Mr. M.M. called “the sign of death”. The skinheads frequently accompanied their assaults with abusive language and threats such as “death to Gypsies”. Reportedly graffiti with similar messages could also be frequently seen in the area. According to Mr. M.M., skinheads had severely beaten a pregnant woman from the community. Mr. M.M. also told researchers that “the police is on their side; when they beat us, nothing happens – but should we fight back against the abuse, they intervene.”²⁸

One particularly alarming development has been the growth of groups whose primary activities include, under the banner of “waging a war against drugs”, targeting minorities for vigilante human rights abuse. As a result of a wave of media action promoting a link between “Gypsies” and drug-related crime, Roma are particularly targeted for abuses including the invasion of privacy, arbitrary and wholesale destruction of property and physical abuse. In one particularly disturbing case, the Ekaterinburg-based non-governmental organization City without Drugs has openly advocated killing Roma who deal in drugs, as well as imprisoning and/or evicting all “Gypsies”. The Roma are being portrayed as alien “invaders”, along with “persons of Caucasian nationality” and Tajiks, all of whom are deliberately “killing our children” through causing drug addiction. The group has repeatedly undertaken vigilante actions including the wholesale destruction of a house belonging to a Roma whom they have accused of selling narcotics. The media have publicized broadly and often sympathetically these activities, while the group’s Internet website: <http://www.nobf.ru/index2.html> contains overt insults of Roma. The protection provided to Roma by authorities against human rights violations is often inadequate or entirely unavailable. The Russian government has undertaken nothing to reduce anti-Romani sentiment or to stem the tide of vigilante anti-Romani human rights abuses.

6. Discrimination of Roma in the Criminal Justice System

The ERRC has documented cases revealing a plethora of gross violations of fundamental rights of Roma by the organs of the criminal justice system in Russia. Roma have suffered discrimination both in the capacity of defendants and as victims of crime.

6.1. Denial of Fair Trial

²⁸ *European Roma Rights Center/Memorial* interview with Mr. M.M., March, 2002, Peri.

In a number of instances, criminal investigation against Roma and subsequent trial proceedings have been carried out in a manner incompatible with international and domestic human rights standards of fair trial. Roma have been sentenced on the basis of controversial and inconclusive evidence. Courts have admitted evidence obtained in violation of procedural rules. Courts have ignored defense's requests for verification of evidence where allegations existed that evidence had been fabricated. Romani defendants have been denied essential due process rights such as the right to legal defense, the right to use an interpreter, the right to examine witnesses, etc. Romani defendants have been subjected to pre-trial detention more often and for longer periods of time than non-Roma, and received disproportionately severe sentences.

The frequent use by criminal justice system officials of offensive language referring to the Romani ethnic background, which the ERRC has documented in the course of its monitoring in Russia, indicates that the conduct of criminal proceedings against Roma is not free from racial bias. Moreover, certain statements by judicial officials undermine the fundamental principle of presumption of innocence with respect to Romani defendants. For example, the court verdict of Natalia Pachkovskaya, who was found guilty of theft by the Kunchevskiy district court of Moscow on October 20, 2003, reads: "Natalya Pachkovskaya has been able to commit crime, and she committed the crime"²⁹. In another instance, when representatives of the Moscow-based Romani organization Romano Kher were trying to discover the whereabouts of two Romani individuals from Lyubertsi, Moscow region, who had been taken into police custody, the police officer on duty allegedly told them that it was "one hundred percent certain that the Roma would end up in prison". The police officer further stated that he did not care about the Russian Constitution and that "no Gypsy will live free".

A summary of the most striking cases of denial of fair trial to which Roma have recently been subjected in Russia, as documented by the ERRC, follows:

On March 4, 2004, the district court of Promyshlenny district of Smolensk sentenced Mr. Roman Kozlov, 26, Romani man from Smolensk, to 14 years imprisonment for murder.³⁰ The decision of the court was appealed on March 4, 2004 by the attorney, Mr. Suhih, before the regional court of Smolensk. On May 25, the regional court of Smolensk repealed the decision of the first instance court and ordered the first instance court to try the case again with a new jury.

The case related to a killing in 2002 in Smolensk. On April 30, 2002, an unknown person stabbed Ms. Polyakova to death and seriously injured her son, Mr. Igor Polyakov, as well as Mr. Mikhail Tarnavskiy, in the house of the Polyakovs in Smolensk. On September 28, 2002, Mr. Tarnavskiy identified Mr. Roman Kozlov as the perpetrator of the murder. Before the court, Mr. Tarnavskiy stated that prior to the identification procedure he had been given Mr. Kozlov's photo by the police and this fact had influenced him to identify Mr. Kozlov. At a later stage of the investigation, Mr. Tarnavskiy retracted his initial testimonies and declared that he had made a mistake when he identified Mr. Kozlov as the perpetrator of the murder. In written statements submitted to the Prosecutor General of the Russian Federation, the President of the Russian Federation, the Human Rights Commissioner of the Russian Federation, and the media Mr. Tarnavskiy declared that Mr. Kozlov had not committed the murder. In a letter to Mr. Lukianov, Russian MP, Mr. Tarnavskiy stated that he had been subjected to psychological pressure and harassment by the police and the prosecution organs once he had decided to state that he had made a mistake when he identified Mr. Kozlov as the perpetrator of the murder. He filed complaints to the district and regional prosecutors' offices of Smolensk pertaining to his victimization by police and prosecutors.

²⁹ This case is presented in detail *infra*.

³⁰ ERRC summary of the case prepared on the basis of the documents from the legal file of the case and the statements of Mr Kozlov's lawyer and relatives given to the ERRC on August 26 and 27, 2004, during ERRC field mission to Smolensk.

Furthermore, Mr. Igor Polyakov, the second witness -- who himself subsequently died of his wounds inflicted by the perpetrator -- in his testimony provided on May 1, 2002, shortly before his death, did not identify Mr. Kozlov as the offender. According to the description provided by Mr. Polyakov, the offender's name was "Sasha" and the offender was well known to Mr. Polyakov. According to Mr. Polyakov, the perpetrator was between 30 and 40 years old, while Mr. Roman Kozlov was 26 at the time of the killing.

In addition, an eyewitness confirmed that on the day of the murder, he and Mr. Roman Kozlov had been fishing in a nearby village. The prosecution did not refute Mr. Kozlov's alibi.

From the case file, it is evident that Mr. Kozlov's fingerprints were found on a glass jug in the house approximately one year after the murder, following an order from the prosecution dated April 7, 2003. According to an expert invited by the defense, fingerprints cannot be discovered one year after they have been left on an object, unless the object is examined in a special laboratory test. No such test was undertaken during the instant case.

In addition to the controversial evidence presented by the prosecution as purportedly attesting to the guilt of Mr. Kozlov, the criminal investigation was thwarted by numerous procedural violations, but the defense lawyer's complaints about these violations were ignored. For example, on June 16, 2003, prior to the court hearing scheduled on that date, Mr. Tarnavskiy, who had been subpoenaed to testify before the court, was abducted. According to Mr. Tarnavskiy's testimony, the kidnapping was carried out by police officers. The abduction allegedly had as its the purpose postponing the court hearing until the entry into force of expected amendments to the Russian Criminal Procedure Code allowing the admissibility of witnesses' and victims' testimonies provided during the investigation, even in the absence of the consent of the person concerned. Furthermore, the two witnesses assisting the police during the identification procedure were not independent from the police as stipulated by the Criminal Procedure Code of the Russian Federation. One of them had been an intern in the police department and was appointed to the department on the very day of the identification, and the other one was a plaintiff in a case being investigated by the same police department. The identification procedure itself had allegedly been biased. Mr. Tarnavskiy, who was charged with identifying the perpetrator, was presented in the police line-up with three persons -- Mr. Roman Kozlov and two individuals of Azeri origin. The Azeris' physical appearance was completely different from that of Mr. Kozlov.

Both the lawyer and the family of Mr. Kozlov believe that Mr. Kozlov is innocent and that the police, the prosecution and the court have collaborated to fabricate a case against Mr. Kozlov. According to Mr. Kozlov's family, the police picked Mr. Kozlov because of his Romani ethnicity. The ERRC also learned that Mr. Kozlov's first defense lawyer was forced to abandon the case because of threats he had received by telephone.

On August 26, 2004, at the time of the meeting between the ERRC and Mr. Kozlov's lawyer, the mother of Mr. Tarnavskiy called to say that her son had been found unconscious on the staircase in front of his home. According to the mother, Mr. Tarnavskiy was injured on the back of his head. Mr. Tarnavskiy was in emergency care in the hospital and still unconscious when the ERRC left Smolensk. He died of his head injury on September 8, 2004.

In another case, on December 25, 2003, the Sovetskiy district court of Volgograd found Mr. Fyodor Gomonov, 21, a Romani man from Volgograd, guilty under Article 105, part 1 of the Criminal Code of the Russian Federation, and sentenced him to an 18-year term of imprisonment for murder.³¹ Mr. Gomonov also had to pay a fine of 100,000 rubles (approximately 3,300 US dollars) to the victim's relatives. The verdict of the Sovetskiy district court of Volgograd was appealed before the regional court of Volgograd. On March 9, 2003, the Regional Court upheld the verdict. A second complaint

³¹ ERRC summary of the case based on the documents of the legal file of the case and the statements of Mr. Gomonov's lawyer presented to ERRC.

was filed with the Presidium of the regional court of Volgograd on March 25, 2004. As of September 2004, the complaint is pending before the Presidium of the Regional Court of Volgograd.

The sentence is based on the testimonies of four witnesses, according to which on January 7, 2001, Mr. Gomonov, in a state of alcohol intoxication, stabbed Mr. A. Pozhidaev during a street fight in Volgograd, causing the death of the latter. In the course of the criminal investigation, the defense lawyer of Mr. Gomonov presented two documents issued by the hospital of Promyshlenny district of Samara, dated September 9, 2003, stating that after a high blood pressure crisis on January 6, 2001, Mr. Gomonov had been taken to hospital, where he remained in the period January 7-9, 2001. Samara is located approximately 1000 km away from Volgograd where the alleged murder had been committed.

According to Mr Gomonov's lawyer, the court did not conduct an objective assessment of all evidence. He also told the ERRC that numerous procedural violations were committed both during the pre-trial investigation and the trial phase. The defense's protests were ignored. For example, in his complaint before the Presidium of the regional court of Volgograd, dated March 25, 2004, the defense lawyer stated that during the criminal investigation and the trial, Mr. Gomonov declared that his native language was Romani and he did not understand and could not express himself in the Russian language. Mr. Gomonov's poor command of Russian language was noted in the district court's judgment as "Gomonov's choice to speak an incomprehensible language". Mr. Gomonov's capacity to understand the investigation and court procedures was further limited due to his moderate mental retardation. The defense's requests that the defendant be provided with an interpreter, as stipulated by Article 18 (2)(3) and Article 169 (2) of the Criminal Procedure Code of the Russian Federation, were declined by both the organs of pre-trial investigation and the court. According to the defense, the fact of Mr. Gomonov's poor command of Russian was abused by the investigation and the judiciary. In the court room, district judge Ms. Perepilitsina asked Mr. Gomonov questions and then proceeded to answer these questions herself. She also allegedly forbade the defense lawyer to ask questions of his client. Finally, on December 23, 2003, district judge Perepilitsina allowed the defendant to make his last statement. On that particular date, Mr Gomonov's defense lawyer was unable to attend the court hearing, a fact of which he had notified the court earlier and the basis on which he had requested re-scheduling of the hearing. His request was not granted. Mr. Gomonov's request in the court room to make his final statement in the presence of his lawyer was also refused.

According to the lawyer's statement, at least seven witnesses specified by the defense were not admitted to testify in the pre-trial investigation or during the court trial. The district court allegedly refused a number of requests and submissions by the defense. Nor did the court respect the defense's request to eliminate invalid evidence. For example, according to one investigation protocol, Investigator Dyakov took part in investigative procedures on January 17, 2001. Investigator Dyakov, however, received the criminal case only on January 20, 2001.

The defense's requests for an open trial were also overruled by the judge. The trial was held behind closed doors, preventing journalists and a representative of the local human rights organization Committee on the Rights and Freedoms of Russian Citizens from attending.

In another case involving serious procedural violations, on November 3, 2003, at around 6:30 PM, two Romani women, Ms. Oksana Povpa and Ms. Olga Povpa, engaged in a fight with one Ms. Chakova, a non-Romani woman, in a grocery store in the city of Volzhskiy, Volgograd region.³² On November 5, Ms. Chakova was assaulted in an unrelated incident by unknown persons and died in hospital of her injuries six days later. Ms. Oksana Povpa and Ms. Olga Povpa were detained on November 15 and accused of assaulting and inflicting bodily injuries to Ms. Chakova, causing the death of the latter. Ms. Olga Povpa is a widow and has five children under 18 years of age. Ms. Oksana Povpa has three children and a disabled husband. According to the defense lawyer, the criminal investigation was not conducted objectively. The lawyer stated that the evidence of their guilt was inconclusive. In the

³² ERRC summary of the case on the basis of documents from the case file presented by lawyer T. Pavlova.

course of the criminal investigation, witnesses had allegedly changed their testimonies, and the testimonies presented were inconsistent. In addition, a number of violations of the Criminal Procedure Code of the Russian Federation had allegedly been committed in the course of the pre-trial investigation. In particular, on November 15, Ms. Oksana Povpa and Ms. Olga Povpa had been subjected to an excessively long interrogation session, which continued until the early morning hours of November 16. Proceedings in the framework of the investigation had been performed absent prior notification of the defendants.

According to Ms. Elena Konstantinova, chairperson of the Volzhsky's branch of the organization Assotsiatsia Tsygan, the investigator of the case has demonstrated clear anti-Romani bias. When Ms. Konstantinova went to the police station to offer reference on behalf of Ms. Olga Povpa and Ms. Oksana Povpa pursuant to Article 103 of the Criminal Procedure Code, the investigator, Mr. D. Dolgin told her that "this document from Assotsiatsia Tsygan is forged, all Roma are drug dealers, and they are bad and dishonest people". Ms. Konstantinova's complaint to the court about this incident was left without consideration.

Ms. Olga Povpa and Ms. Oksana Povpa have been in detention pending trial since November 15, 2003. In the course of the criminal investigation, their indictments were re-qualified such that they could be kept longer in custody, despite habeas corpus requests for release on bail filed by their lawyer. As a result of her detention, Ms. Oksana Povpa was prevented from breast-feeding her 5-month-old child.

In another recent case, on October 20, 2003, the Kunchevskiy district court of Moscow found Ms. Natalia Pachkovskaya, Romani woman from Pokrov, Vladimir region, guilty of theft of property by fraud on a large scale. The court sentenced her to a six year term of imprisonment and property confiscation under Article 159, part 3 of the Criminal Code of the Russian Federation. According to the court verdict, on March 27, 2003 at about 3:00 PM Ms. Natalia Pachkovskaya came up to Ms. Lunyak, an under-age girl on Kunchevskaya street in Moscow and told her that she was under a spell and would not be able to bear children. Ms. Pachkovskaya said about herself that she was five months pregnant. She offered the girl to disperse the spell on her in exchange for her mother's jewelry (which was later evaluated by the court to be worth 1,494,000 Russian rubles, approximately 50,000 US dollars). The girl brought out golden and other jewelry from her home and gave it to Ms. Pachkovskaya. Half an hour later, Ms. Lunyak went to the Kunchevo police department where she identified Ms. Pachkovskaya among the photographs presented to her by the officer on duty. On April 3, 2003, the police searched the house of Ms. Pachkovskaya and found among her belongings two golden rings allegedly belonging to Ms. Lunyak's mother. Ms. Pachkovskaya was taken into custody.

During the trial, Ms. Pachkovskaya pleaded not guilty. She stated before the court that on March 27, 2003 at about 12:30 PM she had an appointment with her gynecologist at the clinic in Pokrov, Vladimir region. Her visit has been registered in the clinic's records. After the appointment she had returned home and spent the rest of the day there. She denied having traveled gone to Moscow during that days. Ms. Pachkovskaya insisted that the two golden rings found among her belongings had been planted there by the police.

On October 29, 2003 a lawyer hired by Ms. Pachkovskaya appealed the sentence before a higher instance court. In the appeal, the defendant stated that the court had accepted as proven that she had been in Pokrov at 12:30. However, it would have been impossible for someone to cover the distance from Pokrov to Moscow in such a short time as to be on the opposite end of Moscow in relation to the direction of Pokrov at approximately 3:00 PM. when the alleged crime had been committed. The defense's request for an investigative experiment was turned down. The appeal also mentioned that Ms. Pachkovskaya had had a miscarriage in May 2003, while in custody.

On December 23, 2003 the Moscow regional court upheld the decision of the lower court and Ms. Pachkovskaya's sentence remained in force. Following the entry into force on December 8, 2003 of

amendments to the Criminal Code of the Russian Federation, the original sentence of a six-year term of imprisonment was lowered to four years.

6.2. Denial of Access to Justice

The ERRC research revealed that Romani victims of human rights violations have rarely been able to obtain redress from a court of justice. Roma filing complaints against police officers or other perpetrators are frequently subjected to threats and other psychological pressure to withdraw their complaints. In the few instances when Romani complaints have been processed, cases have been terminated without results. The following case provides an example of the lack of legal remedy in cases of police violence against Roma:

On June 20, 2002, Mr. Vasilii Bogdanov, a 44-year-old Romani man, testified to the ERRC/Memorial that on May 15 or 16, 2002, he was violently assaulted by three police officers in the town of Opochnka, in Pskov region. According to Mr. Bogdanov, he was walking home from the house of his relatives when he was arrested by three police officers, apparently on suspicion of hiding drugs with his relatives. Mr. Bogdanov reported that he was pushed into a police vehicle and driven to a quarry. At the quarry, the officers reportedly demanded that Mr. Bogdanov work as an informant for them, and threatened to torture him if he refused to do so. The officers then began to beat Mr. Bogdanov until he agreed to work for them. Mr. Bogdanov reported that one of the officers took a can of gasoline from the police vehicle and threatened to pour it on him and set him on fire, stating: "Nobody will be able to recognize you. Only by your teeth will you be recognized." Mr. Bogdanov stated that, on May 25, 2002, he promised under duress to give information to the officers; when he failed to come forth with any information, he was again arrested by the same three officers on May 29, 2002, and taken to the local police station. Mr. Bogdanov testified that at the police station he was held in a cell, where the officers kicked him to the ground and then beat him with truncheons. The officers reportedly accused Mr. Bogdanov of not having kept his promise to help them and told him that they had a tape recording of the promise he had made during their previous encounter. When Mr. Bogdanov asked to hear the tape, one of the officers brought over a book, placed it on his head and hit the book hard with a baseball bat. The officers continued to beat Mr. Bogdanov until he agreed to help them, after which he was released. The following day, Mr. Bogdanov went to a hospital and had his injuries documented. Mr. Bogdanov then filed a complaint against the officers with the local prosecutor, Mr. Aleksandr Pashkov. According to Mr. Bogdanov, soon thereafter, the police officers who had attacked him came to him and asked him to withdraw his complaint, suggesting that he would suffer negative consequences otherwise. Mr. Bogdanov withdrew his complaint, reportedly out of fear. Soon thereafter, Mr. Bogdanov told the ERRC/Memorial that he had been visited by Romani activists from St. Petersburg who convinced him to file another complaint. Mr. Bogdanov reported that, soon after the second complaint was filed, he received a threatening telephone call. Mr. Bogdanov subsequently withdrew his second complaint as well.³³

When Roma have been victims of crimes by non-state actors, they have been denied protection by the authorities and their complaints have been ignored. The following case illustrates state irresponsibility in cases of crimes committed against Roma:

The Romani family of Mr. Nikolay Orlov, 50, developed its business of parking services and wholesale timber trading in the town of Aleksandrov in Moscow region. Mr. Orlov was also the leader of the local Romani organization. Since September 2002, Russian racketeering groups engaging in extortion of money under the pretext of offering security services to businesses in Aleksandrov and neighboring areas began to harass the family. The bandits insisted on payment for providing the business of the Orlov family with informal "protection" (*krysha* in Russian slang) and said repeatedly that "all Russians pay to us and only you, Gypsy people, don't pay; while you should in fact pay double amounts since you are Gypsies". During the period January 25-29, 2003, several fires set by

³³ Case summary based on European Roma Rights Center/Memorial interview with Mr. Vasilii Bogdanov, June 2002, Opochnka.

unknown persons occurred in the timber store owned by Mr. Orlov's firm. A criminal investigation was opened, but no one has yet been charged with the arson.

Mr. Nikolay Orlov and his son Mr. Leonid Orlov consistently refused to pay money to the Aleksandrov racketeers. On February 11, 2003, a group of about ten people came to a parking lot owned by the Orlov company and started beating Mr. Leonid Orlov, his brother Mr. Yanosh Orlov and a non-Romani friend of theirs with baseball bats and iron sticks. Mr. Yanosh Orlov was seriously wounded, his nose was broken and he was covered in blood. Mr. Leonid Orlov was also severely beaten, as was their non-Romani friend. Seeing the motionless and blood-covered bodies of his brother and his friend, and thinking they have been murdered, Mr. Leonid Orlov reached for his legally owned handgun hidden in his car and produced a shot at the attackers. The bullet hit and killed Mr. Bolshakov, one of the racketeers. Mr. Vasily Bolshakov, leader of the local racketeer grouping and father of the victim, was seen and heard, during his son's funeral, pledging solemnly to kill the entire Orlov family in revenge.

From that day, the grouping led by Mr. Vasily Bolshakov began hunting for an opportunity to kill the Orlovs. In particular, on May 1, 2003, unknown persons shot at Mr. Leonid Orlov when he was in the yard of his house. A criminal investigation was opened against unknown perpetrators for attempted murder. Separately, a criminal investigation was underway against Mr. Leonid Orlov, and in the course of that investigation, the charge against him was transformed from Article 107 of the Criminal Code of the Russian Federation (murder in a state of affect) to Article 105 (premeditated murder). Unknown persons called Mr. Leonid Orlov before the re-categorization of the charge and urged him to reconsider his testimonies against the racketeers, threatening that the charge will be replaced with one carrying a heavier punishment. Mr. Leonid Orlov refused to cooperate. Accordingly, the charge against him was altered to an Article 105 offence.

On March 17, 2004, Mr. Nikolay Orlov was shot dead in broad daylight in the central square of Aleksandrov, in front of the police station, as he was walking out of the court building. The assailant approached Mr. Orlov, produced seven shots from close range using a handgun with a silencer, and ran away. An investigation against an unknown perpetrator is ongoing as of September 2004.

Mr. Leonid Orlov and other members of his family have repeatedly asked the Department on Fighting Organized Crime to ensure the protection of their family. However, the family has received no help from the Russian authorities to date. The children of Mr. Leonid Orlov and those of his brother have stopped going to school, out of fear that they can be kidnapped.³⁴

7. Hate Speech against Roma in Russian Media

The Russian media contributes to the perpetuation of anti-Romani racism by creating a strong association between Roma and crime, and even by encouraging in some instances violence and discrimination against Roma by state authorities as well as non-state actors. The media persistently identifies Roma as the main actors in the Russian drug trade, using "drug dealer" and "Gypsy" interchangeably in reporting. Bypassing the presumption of innocence entirely, both mainstream and tabloid media treats all Roma, including young children, as fair game for slander and stereotyping as drug traffickers. A few instances of racial stereotyping of Roma in the media follow:

On February 10, 2004, a documentary film entitled *Coma* and devoted to "Roma drug dealers" in Kimry, Tver region, was shown on the NTV -- a TV channel with national coverage. It contained hate speech against Roma, indirectly appealing to exterminate Roma. In particular, Father Andrey (Lazarev), a well-known local orthodox priest, repeatedly urged to burn out Romani houses. He stated in the documentary that Kimry has become one of the chief transit points of the drug trafficking in

³⁴ "Romani Family Members Suffer Extreme Harm Following Threats by Extortionists in Russia", *Roma Rights* 2/2004, p.60

Russia and identified Roma as the main actors in the Russian drug trade. The same message was repeated by one drug addict, a non-Romani man named "Sasha", who said that "only *napalm* can solve the problem with Romani drug dealers". Moreover, Ms. Tatyana Petrovskaya, director of a local state-owned House of Culture, stated that she does not allow Roma to enter the establishment. She explained that "Roma behave in an aggressive way, they can bring drugs to the discotheque, and take money out from Russian youngsters".

On June 28, 2004, the ERRC in cooperation with the Moscow Helsinki Group and the Moscow Bureau on Human Rights sent a letter to the General Prosecutor of the Russian Federation urging him to investigate the lawfulness of documentary film *Coma*. On August 9, 2004, the General Prosecutor informed the organizations their letter has been referred to the prosecutor's office of the Northern Administrative District of Moscow.

In an earlier case, on February 25, 2002, a documentary film on so-called "Gypsy drug dealers" in Ekaterinburg was shown on the state television channel RTR. The documentary presented an intimidation method that exploits racial tensions as a potential solution for combating drug-related criminality: According to the filmmakers, the local police spread a rumor that drug dealers would be beaten and that their houses would be burned; the filmmakers reported that the strategy was successful, since around 10 Romani families left the city immediately after the rumor was spread.

A report about the fight against drug trafficking in the Krasnoyarsk region (*kray*) of Russia, broadcast during the evening news on the state channel RTR on February 25, 2002, explicitly stated, without presenting any corroborative evidence, that the Roma of the city of Krasnoyarsk are to blame for drug-related crime. As an illustration of this statement, an alleged Romani drug dealer was shown, a person who had apparently not yet been sentenced for any crime and whose innocence should therefore have been presumed by reporters. The broadcast showed not only the alleged drug dealer, but also his children and grandchildren, whose involvement in the drug trade, though never explicitly stated, was presumed.

On March 1, 2002, the state television channel ORT broadcast a news story about the fight against the drug mafia in the Tyumen region in central Russia. While voice-over narration informed that approximately one thousand drug dealers had been arrested, the camera showed an elderly Romani woman and a seven-year-old Romani boy, whose relationship to the drug trade was not substantiated.

On March 13, 2002, the Russian newspaper *Argumenty i Fakty* published an article entitled "I Am a Heroin-Mother". The article covered the activities of the Ekaterinburg-based non-governmental organization City Without Drugs, whose head had declared that, since authorities had been ineffective in combating drug-related crime, the organization had decided to take matters in its own hands. The text of the article deployed widespread anti-Romani stereotypes, using the words "Gypsies" and "drug dealers" interchangeably and implying a causal link between rich "red brick castles" being erected in the Romani settlement in recent years and hospital wards filling up with "half-dead bodies in drug-induced comas".

8. Lack of Personal Documents

With a few exceptions, the personal documents system in Russia officially recognizes only the internal and international passports as papers identifying a person. The law also requires obligatory registration of residence and stay, and assumes an obligation to live or stay at the place of registration. The law is enforced through administrative (police) control over residence registration. This system of registration is closely linked with other public registries: taxation, military draft, police records, etc. In practice, the passport system in Russia is very repressive and restrictive and the most frequent victims of this system are people who physically differ from others, particularly migrants and ethnic minorities. Administration officials, especially in housing and immigration departments, abuse the discretionary decision making power given them by the passport system to discriminate against

members of certain targeted minorities, including Roma. According to Aleksandr Osipov, an expert on ethnic relations from the Moscow-based Memorial, “the most massive and painful problems of the country are related to the so-called “passport system”. It is a classical example of institutional racism, with elements of organised direct discrimination by the state.”³⁵

Police treatment of thousands of Romani people living without passports and/or resident registrations, or holding invalid passports is unceremoniously brutal. As a rule, Roma (as well as other people perceived as coming from the Caucasus Mountains area or Central Asia) are stopped in the streets for document checks more frequently than others. The routine way to be left alone or released from custody if taken there for failure to produce regular identity documents is to pay bribes not hinted at but arrogantly demanded by police. Desperate, Roma pay those bribes for each of their numerous encounters with police officers, since obtaining regular personal documents seems to be even more difficult for them than bribing. The police simply consider Roma walking in the street or selling in market places as a potential source of easy money.

Despite the provision of rights and freedoms guaranteed by the Constitution and the law, Russian human rights activists have underlined that “in practice, the institution of registration technically becomes a condition for the citizens to enjoy their rights: acquisition of the citizenship and formalities in this connection; employment; marriage registration; participation in elections; medical care; higher and occasionally even secondary education; pensions and allowances.”³⁶ Without a residence registration, a citizen cannot receive a passport when he or she reaches the age of 14 or in case of loss or damage, nor can he or she pay taxes, register a vehicle, obtain a driving license, etc. As a rule, a person cannot bring an action before a court of justice if he or she has no passport. Many Roma suffer disproportionately from such conditions. Moreover, Romani people meet numerous bureaucratic obstacles, some of which in violation of the law, during the process of applying for new passports. Departments responsible for issuing passports sometimes require a special document certifying the absence of housing debts, including debts on heating, water, gas, etc., in violation of the law. The poor are thus in a very disadvantaged position. They have to overcome bureaucratic hurdles also when trying to obtain residence registration. One typical hurdle is the fact that many Roma live in buildings, which they have erected themselves, but which are not registered anywhere. In these cases, which are the rule rather than an exception, residence can’t be registered. Thus, the linkage established by the state between personal identification, residence registration, and registration of dwellings, creates enormous difficulties for Roma and apparently leads to human rights violations.

9. Access to Social and Economic Rights

There is no reliable data about the status of Roma in various sectoral fields nationwide. The ERRC research during the period 2000-2004 suggests that large Romani communities throughout Russia live in severe poverty and do not have access to basic social and economic rights such as education, adequate housing, health care services, and employment. During field missions in Russia, the ERRC has witnessed degrading poverty and inhuman conditions in many Romani settlements. Many Roma do not have access to gainful employment or any employment at all. While lack of education or low education plays a significant role for the exclusion of large parts of the Romani minority from the labor market, ERRC also heard reports about discrimination against Roma in employment. In Smolensk, Krasnodar and numerous other places during field missions in the summer of 2004, the ERRC was told by Romani individuals that employers would not take them even for low-skilled jobs because they don’t trust Roma. For many Romani families, comprising usually of more than 4

³⁵ Aleksander Osipov, “Europe, Russia, Durban”, <http://www.hrights.ru/text/b15/Chapter7.htm>

³⁶ “Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination”, NGO report to the UN Committee on Elimination of Racial Discrimination, December 2002, Moscow, see: http://www.ilhr.org/ilhr/reports/CERD_Russia_2003.htm

members, the only source of income is the child benefit of 70 rubles per month (approximately 2.5 US dollars).

9.1. Access to Education

Thousands of Romani children in Russia are completely excluded from the system of formal education. Precise figures about Roma without any formal education are difficult to obtain due to the fact that there have been no special nationwide surveys. Some indication about the proportions of Romani children not attending school is provided by the 2004 report of the Minister for Nationalities of the Russian Federation on the situation of Roma in the Russian Federation. According to this report, education remains among the most acute problems affecting Roma. For example, in Bolgrad region, out of 1,048 Romani children only 189 go to school and still fewer of them continue their education after the fourth grade; in Kostroma region, out of 240 Romani children of school age, only 59% go to school.

In each community visited by the ERRC throughout Russia, adult individuals with at least primary school education were an exception. Large numbers of Romani children have either not attended school at all or have dropped in the early stages of school.

The reasons for this catastrophic educational status of Roma are rooted in decades of neglectful attitude towards Roma by the Soviet state which failed to provide Roma with an opportunity to access education. A large number of Roma who remained nomadic until the late 1960s despite the legal prohibition of nomadism introduced in 1956, were effectively excluded from the education system. More recently, in addition to the rigidity of the educational system and the neglectful treatment of Roma by Russian educational authorities, factors such as growing poverty, discrimination due to lack of personal documents and humiliating treatment of Romani children by teachers and fellow students started to play a role in the exclusion of Roma from education.

Many Romani parents, illiterate themselves, find it impossible to cope with difficult and arbitrary bureaucratic requirements imposed by local officials and which they are frequently unable to overcome. For example, in August 2003, a group of about twenty Romani families from Volzhsky, Volgograd region, expressed their willingness to send their children to the local school and asked the local Romani activist Ms. Konstantinova to help with all documents needed for enrolling their children in elementary school. It turned out that children had to undergo medical tests necessary for enrolment the school. The tests cost approximately 10-15 US dollars. Ms. Konstantinova tried to collect documents proving indigence, to make the test free of charge for poor Romani people. However, low-income status of a family must be proved before local administrations with relevant personal documents, including residence registration. Almost all Romani people from that group lacked residence registration and as a result none of the children had a chance to enroll in first grade in 2003.³⁷

In some instances Roma reported that school enrolment of their children is taken by educational authorities as an opportunity to extort money from Roma. In some schools of Nizhniy Novgorod, according to the local Romani leader Mr. Bogomolov, when Romani parents attempt to enroll their children in school, headmasters first say that there are no places, but then explain that if the parents could make a contribution to the school fund for renovation, they could decline other parents' requests for enrolment and enroll the Romani children in their place.

Humiliating treatment by teachers and classmates who freely express racial prejudice against Roma is also a factor discouraging Roma from attending school. In Kimry, for example, Roma testified to the ERRC that their children have stopped attending school because non-Romani children harass them, calling them "drug-dealers". The Roma from the community allegedly collect money to pay a teacher who comes to the neighborhood to teach the children.

³⁷ Telephone interview with Ms. Elena Konstantinova, September 21, 2003, Volzhkiy

In some places Romani parents told the ERRC that differential treatment of Roma at school rose to the level of segregation of Romani children. In Cheboksary, the capital city of the Chuvash republic, during field research in August 2004, the ERRC learned that in the local mainstream school attended by Roma and non-Roma there is one separate room on the ground floor for the Roma. This class – which has a separate entrance – is attended by Romani children of various ages: from 7 to 14. Classes reportedly last for only two hours per day. According to testimonies by several Romani children, schoolteachers ask various amounts of money from them allegedly for renovation of the school. Roma also claim that at the opening new school year ceremonies, they sit separately from non-Romani children and that they are also requested to pay various amounts of money for yearly enrolment. The quality of education, according to Roma, is poor. The teachers have no interest in providing quality education to Romani children. All Romani children have to pay for books. Some children complain that non-Romani children verbally abuse them making degrading references to their Romani ethnicity. According to a Romani man, a schoolteacher once declared: “I will not teach Gypsies.” Romani parents complained to the headmaster. Following the complaint, the teacher’s husband, who was a police officer, reportedly went to the Roma and said: “If you want to live peacefully, don’t send your kids to school.”

In some instances schools are located at a big distance from Romani settlements, which renders attendance, especially for the younger children, very difficult. For instance, in the city Tver, central Russia, during field research in the Romani settlement Savatyevovo in August 2004, the ERRC was told that the nearest school is located 3 km away. The school is attended predominantly by Romani children from the settlement. Several attempts of the Roma to ask the local authorities for transportation for their children were met with indifference. The same problem was communicated to the ERRC by the Roma from the Kalinovo settlement in the city of Ivanovo, central Russia. The school is far away from the settlement and the children have to cross a big boulevard on the way to school. Some years ago the Roma petitioned the local administration to build a school in the settlement and were allegedly told to collect money and build the school themselves.

9.2. Access to Adequate Housing

A large number of Roma live in a state of complete separation from mainstream society, in segregated settlements or ghettos in substandard conditions, often without basic infrastructure and/or utilities such as electricity and running water.

Most Romani settlements and neighborhoods visited by the ERRC and its partner organizations in recent years are located on the outskirts of towns and municipalities, with little access to public transportation and no public means of communication with the outside world, such as a telephone system. For Roma in Russia, segregation in the field of housing complicates problems in accessing education or employment. In the absence of public transportation, Romani children often have to walk long distances to attend school, even in the cold Russian winter.

Roma in segregated areas usually live in appalling conditions, in makeshift shacks that offer little protection from the elements. Moreover, local authorities have failed to date to provide these settlements with basic infrastructure, such as drinking water, heating, sewage or even electricity in some cases, and public services such as garbage removal or road repair are virtually unheard of in the majority of Romani settlements.

According to ERRC research in August 2004 in the city of Volzhskiy, Volgograd region, over fifty Roma live in a building on 9 Udarnaya street. Only one Russian family lives in the building, which is referred to as a “Gypsy house”. All the flats in the building belong to the municipality. The building is in a dilapidated condition despite the fact that the municipality has registered the building as fit for dwelling. Some windowpanes and even frames are missing. The walls inside the flats are made of carton paper and in many places are falling apart. There are mice in the flats, so children are scared to walk to the bathroom during the night. Many flats feature high levels of humidity. Some Roma suffer from tuberculosis and live together with their family members. Most of the flats are overcrowded, in some cases up to fifteen people, including a high proportion of disabled, live in two small rooms. In

2003 the municipality sent workers to perform renovation of the building, but apart from minor jobs – e.g. a minimal amount of plaster applied to those parts of the wall which were in the worst condition -- no proper renovation was carried out. The workers reportedly had three Roma sign the protocol that the renovation had been completed. No cleaning is provided in the vicinity of the building, although the municipal cleaner who performs cleaning in the area is obliged to clean the area around the house as well, but, according to the Roma who live in house, the person only mentions: “Hm, the Gypsy house”, laughs in the face of the Roma and walks away. The Roma pay their rent regularly. When Roma seek assistance from the local department of housing, the officials reportedly send them away in a humiliating way using foul language. There is no gas provision in the building. The electricity has been cut off, although the families claimed that they make regular payments. According to Ms. Konstantinova, Russians and refugees receive municipal flats that are in a decent condition, but such flats are inaccessible for the Roma.

In another example, in July 2001, the ERRC and representatives of the Moscow-based non-governmental organization Memorial visited a Romani settlement in Pushkinskiye Gory near Pskov, in northwestern Russia, where makeshift housing with no electricity or heating appeared unfit for human habitation even on warmer, longer summer days. In the same area, the children of the Samulevich family from the Romani settlement of Vasyugino, near the town of Novorshev, had to walk three kilometers to attend the nearest school in winter, a feat which becomes effectively impossible to accomplish during the hard northern winters. At the time of the ERRC/Memorial visit, in the small, wet and cold hut in which the Samulevich family lives, the children slept on the floor. At the time of an ERRC/Memorial visit in 2001, in Gorelovo, outside St. Petersburg, Mr. Piotr Martsinkevich, an elderly Romani man, lived with his wife and his two grandchildren in a barrack with an earth floor. Mr. Martsinkevich, who suffered from tuberculosis, had to sleep on the bare ground. Such examples stand in stark contrast against the widespread stereotype of the "rich Romani palaces" featured in Russian media and condemned as having been built out of drug dealing income.³⁸

Furthermore, the ERRC and its partner organizations have documented instances in which local authorities in Russia have forced Roma out of integrated housing — either by intimidating them into leaving, or simply by escorting them out of town with the assistance of local law-enforcement officials. The following instances are illustrative:

In early April 2002, a Romani family was “warned” by police and local administrators in the town of Egoryevsk, approximately one hundred kilometres south east of Moscow, that “problems would arise if they continued to live there,” according to testimony given to the ERRC and Romano Kher by 32-year-old Mr. Jan Masalskiy, a relative of the family, in the end of April 2002. According to Mr. Masalskiy, one month after his relatives had moved to Egoryevsk, they were threatened by police and local officials while they were seeking to register themselves as locally resident in the offices of the municipality.³⁹ When ERRC/Romano Kher traveled to the Egoryev area on April 29, 2002, the Romani family had sold their house.

In mid-August of 2001, 16 Romani families – approximately 115 people – recently moved from the Voronezh province of central Russia to the city of Krasnodar, in the south of Russia -- were expelled by local authorities in Krasnodar. Following their arrival in Krasnodar, the Roma registered as locally resident with their relatives and received temporary residence permits. Local authorities insisted on

³⁸ For more information, see Stephania Kulayeva, “Poverty Among Roma in Northwestern Russia”, *Roma Rights* 1/2002, available at: http://www.errc.org/rr_nr1_2002/field1.shtml.

³⁹ Case summary based on European Roma Rights Center/Romano Kher interview with Mr. Jan Masalskiy, April 2002, Egoryevsk. Authorities seeking to prevent Roma from settling on the territory they administer often discriminatorily refuse to register Roma as resident in municipalities. Indeed, in its Second Preliminary Version of “On the Observation by the Russian Federation of the International Convention on Elimination of All Forms of Racial Discrimination,” dated November 2000, the Russian human rights organisation Memorial reports that national and ethnic minorities are disproportionately frequently refused registration in regions which established so-called “commissions on migration control” tasked to review applications for residence permits. The full text of the report is available at: http://www.memo.ru/hr/discrim/ethnic/doc1_ind.htm.

fingerprinting the newcomers and on videotaping them. When the newly arrived Romani families started building houses in one of the suburban areas without having sought official permits for construction, authorities reacted swiftly: On the evening of October 12, 2001, the street where the newcomers were living was blocked by police. Most of the recently arrived Roma were forced into two buses, and their personal belongings were loaded onto twelve lorries. Some of the Roma were allowed to leave in their own cars. Flanked by police cars, the motorcade set off for the Voronezh province, more than 500 kilometers away from Krasnodar.⁴⁰

In March 2001, 18 Romani families seeking to improve their difficult housing conditions obtained permission from the joint stock company Omskgidroprivod to use 0.7 hectares of the unexplored land next to Dunayevskogo street in Omsk, Siberia, for building 8-10 wooden houses. The Roma started collecting the necessary documents and applied to the Omsk Land Resources Committee. Their inadequate housing conditions forced them to start building the houses prior to having obtained all the necessary documents. On October 15, 2001, the Head of the Kirovskiy Administrative District of Omsk city issued an Order ? 382-1 to demolish the Romani houses in Dunayevskogo street, stating that these houses had been built in violation of the land and town planning regulations. The decision about the removal of the houses had been taken without participation of the Roma. In order to survive the cold Siberian winter, the Romani families built sheds on the site of the demolished houses.

After sending several complaints to the Governor of the Omsk region and the mayor of Omsk, the Roma families were informed that the building of the houses in Dunayevskogo street could not be renewed because it interfered with the general planning of the city. The Roma were informed that the site was reserved for future construction of a main road. However, no houses located at the same site and inhabited by non-Romani families were demolished. At the beginning of 2004, the Roma were offered land lots outside the city where they could start building their houses. The area however is hardly fit for housing. During an ERRC visit in August 2004, there was no sewage system or running water. The Roma had to walk long distances in order to fetch drinking water from a village fountain. According to the information provided to the ERRC by the Romani families, ten children were sick with malaria. The Roma stated that the only reason for the negative attitude of the authorities towards them was their nationality, as no Russian family has been forced to demolish their own house at the beginning of the winter.

10. Recommendations to the Government of the Russian Federation

In light of the foregoing, the ERRC and the IHF recommend that the government of the Russian Federation implement the following minimum measures aimed at improving the human rights situation of Roma in Russia:

- ? Adopt comprehensive anti-discrimination legislation in line with current international standards in the field.⁴¹
- ? Without delay, ratify Protocol No. 12 to the European Convention on Human Rights.
- ? Investigate promptly and impartially incidents of violence against Roma and prosecute the perpetrators of such crimes to the fullest extent of the law, whether the perpetrators are law-enforcement officers or private parties; make public guidelines to law-enforcement and

⁴⁰ Case summary based on European Roma Rights Center communications with Krasnodar-based human rights organizations, October 2001.

⁴¹ Standards on anti-discrimination law in Europe are currently set primarily by the European Council of the European Union Directive 2000/43/EC, "implementing the principle of equality between persons irrespective of racial or ethnic origin". While Russia is neither a European Union member, nor a candidate for membership in the European Union, the Directive provides an important set of benchmarks for assessing the adequacy of Russian legal provisions with respect to racial discrimination.

judicial authorities on identifying, investigating, and punishing racially-motivated crime. Develop programs and policies aimed at strengthening the rule of law and the access to justice of disadvantaged groups such as the Roma.

- ? Publish detailed statistics, at minimum yearly and in a format readily understandable to a lay person, on the number of racially-motivated crimes occurring and prosecuted.
- ? Adopt effective measures to prevent, identify and, where occurring, punish manifestations of racial bias in the law enforcement and judicial system.
- ? Take swift action to stamp out corruption among law-enforcement authorities and members of the judiciary.
- ? Without delay, resolve the most acute problems related to the education of Romani children, as well as the currently problematic access of Roma to employment, healthcare and housing.
- ? Without delay, curb discriminatory practices in the field of residence and punish those responsible for blocking Roma from registering as residents of particular localities. Ensure effective remedy for cases of discrimination against Roma in the field of housing, and undertake effective measures to ensure that local authorities register all persons actually residing in a given municipality, without regard to race.
- ? Provide security of tenure for residents of Romani communities and informal settlements, and protect the inhabitants from forced and arbitrary evictions.
- ? Provide free legal aid to members of disadvantaged groups, including Roma and the indigent.
- ? Conduct comprehensive human rights and anti-racism training for the national and local administration, members of the police force and of the judiciary.
- ? At all levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.

The ERRC and IHF further call on the OSCE institutions and OSCE participating states to act to assist the Russian government in ensuring that Roma in Russia have real and effective access to their fundamental human rights, as guaranteed by international law.