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Extract from the IHF report

Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)

The Russian Federation¹

IHF FOCUS: national human rights protection (human rights defenders); freedom of expression, free media and information; peaceful assembly, rule of law and right to a fair trial; arbitrary arrest and detention; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; freedom of religion and religious tolerance; national and ethnic minorities; Chechnya.

In his 2004 address to the Federal Assembly, President Vladimir Putin identified as the major goals of Russian state policies to ensure a life in safety, freedom and well being of the citizens of the country, to achieve a state of mature democracy and developed civil society, and to strengthen Russia's position in the world. However, in reality, Russia moved further away rather than closer to these goals during the year.

The so-called anti-terrorism operation in Chechnya continued for the fifth year. The unilateral political process initiated by the Russian government showed little prospects of bringing enduring peace and stability to the region and the cycle of violence and gross human rights abuses continued. As in previous years, all sides of the conflict committed serious abuses against civilians, including "disappearances," torture and extrajudicial killings. In what can be called a "Chechenization" of the conflict, such abuses were increasingly perpetrated by armed formations operating under officials loyal to Moscow. Numerous cases of hostage-taking, destruction of property and other forms of repressive actions targeting family members of alleged Chechen combatants were also reported.

No effective measures were taken to investigate and prosecute human rights violations in Chechnya, which reinforced the climate of impunity in the region and fostered fear on the part of civilians. A growing number of victims of abuse and their relatives brought their cases to the European Court of Human Rights (ECtHR) despite the risk of harassment that this proved to entail. With a few exceptions, Chechnya remained closed to foreign journalists and international organizations like the OSCE and the Council of Europe.

A series of terrorist attacks across the country caused shock and dismay during the year and reflected the failure of Russian policies toward Chechnya. More and more elements of the conflict in Chechnya spread

¹ This chapter is primarily based on a report written by Nikolay Kostenko from the Moscow Helsinki Group (MHG). However, the following sections have partly or fully been prepared by the IHF Secretariat: Rule of Law and the Right to a Fair Trial; Conditions in Prisons and Detention Facilities; Freedom of Religion and Religious Tolerance; Racism and Xenophobia, National and Ethnic Minorities; and Chechnya.

to neighboring Ingushetia and thousands of Chechen civilians who had sought refuge in this republic were pressured into returning to Chechnya.

In the name of fighting terrorism, the government also engaged in efforts to further centralize power, restrict democratic and civil liberties and establish bureaucratic control over civil society. Following the bloody hostage taking in Beslan in September, President Putin stated that the combat against terrorism would be further prioritized and that, to this end, it would be necessary to further strengthen the powers of the executive. Among other measures aimed at consolidating the powers of the presidential administration, the direct election of regional governors was abolished. The Moscow Helsinki Group (MHG, IHF member) expressed strong disapproval of the efforts of the government to sacrifice democratic practices for the purpose of counteracting terrorism and concluded that they reinforced a trend of moving power away from the people.

Human rights defenders and independent journalists were harassed, in particular those who were critical of official anti-terrorism policies. Due process violations remained rampant within the court system, as exemplified by “spy cases” against well-known researchers, and law enforcement authorities continued to engage in arbitrary arrests and the use of force with a high degree of impunity. The year saw several cases where law enforcement authorities arbitrarily detained and physically assaulted citizens en masse. The authorities failed to take effective measures to deal with widespread discrimination and harassment against members of ethnic and national minorities, including people from the Caucasus region and Roma.

In the case of Mikhail Khodorkovsky, chairman of the oil company Yukos, the authorities showed readiness to use the court system to ensure control over private property and to silence potential opponents.

Despite a favorable foreign trade situation, involving high oil and metal prices, economic growth stagnated and inflation remained high (12% at the end of the year). While the real monthly average wage grew by 11%,² prices on basic necessities such as bread, meat and gas and public transportation, health care and utilities increased by 15-31%.³ As a result, many Russians found it increasingly difficult to get by.

The domestic trends toward increasingly anti-democratic and anti-liberal policies impaired Russia’s credibility on the international arena. Efforts by the Russian government to interfere in political developments in Georgia and Ukraine also had a chilling effect on Russia’s relations with western countries.

National Human Rights Protection

Human Rights Defenders

Authorities stepped up pressure against human rights organizations in 2004, and exercised increasingly strict control over their registration and funding. There were concerns that the authorities were attempting to encourage the growth of organizations loyal to the authorities, while restricting the operation of independent ones.

² Information from the Federal Service of State Statistics (Rosstat), http://www.gks.ru/bgd/free/b04_00/IsWPrx.dll/Stg/d120/i120140r.htm.

³ Information from Rosstat at <http://www.gks.ru/scripts/free/1c.exe?XXXX03F.1.1.1.1/040620R>.

Against this background, some human rights activists viewed a presidential decree on “Additional State Support to the Human Rights Movement in the Russian Federation,” which was introduced in September, with skepticism. The decree called on the presidential representatives in the country’s regions to invite members of human rights organizations to work in consultative and advisory bodies. On the surface, the decree appeared as a positive initiative. However, there were misgivings that it only created another mechanism that may be used to control NGOs.

A statement made by President Putin during his annual address to the Federal Assembly also caused consternation. The president alleged that some NGOs primarily orient their activities toward “soliciting financial support from influential foreign foundations” and “serve questionable group and commercial interests” and that they, therefore, are not credible in their criticism of human rights violations.

Human rights activists involved in work related to the conflict in Chechnya were particularly vulnerable to persecution.⁴

- On 16 January, the mutilated body of Aslan Davletukaev, a human rights activist working with the Russian-Chechen Friendship Society (RCFS), was found near Gudermes in Chechnya. Davletukaev had been kidnapped on 10 January by a 50-man armed formation.⁵
- On 16 April, Moscow lawyer Stanislav Markelov was attacked in the Moscow metro by a group of young men. He was beaten until he lost consciousness. Markelov had been involved in a number of high profile court cases related to the conflict in Chechnya, including the case of an OMON (special police) serviceman accused of torturing and “disappearing” the Chechen student Zelimkhan Murdalov in Grozny in 2001. As of the end of the year, the perpetrators had not been identified.⁶
- On 12 July, the Ingushetia office of the RCFS was subjected to an unauthorized search, during which an information officer was detained and documents and equipment were seized. Local police claimed that they had information indicating that weapons and camouflage uniforms had been taken into the organization’s office on the eve of the 21-22 June terrorist attack in Ingushetia. The police also added that, in view of the “difficult situation in Ingushetia,” they “did not have time” to obtain a search warrant.⁷
- Also in July, the Nazran prosecutor requested that the Nazran District Court investigate a number of press releases published by the Chechen Committee of National Salvation (ChCNS) to determine whether their content was of an “extremist” character. The prosecutor reportedly acted on the initiative of the Ingush Federal Security Service (FSB). On 25 October, the Nazran District Court ruled that the ChCNS publications in question did not have any “extremist” content. However, the prosecutor appealed the decision and, on 10 February 2005, the Ingush Supreme Court revoked it and remitted the case to the Nazran District Court for a new hearing. Should

⁴ IHF and the Norwegian Helsinki Committee, *The Silencing of Human Rights Defenders in Chechnya and Ingushetia*, 15 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3995.

⁵ Ibid. Aslan was the third member of the RCFS to have been killed since 2001. On 13 December 2001, Luiza Betergirieva, a volunteer correspondent, was shot and killed at a roadblock near the city of Argun. And on December 18, 2002 Akhmad Ezhiev, the brother of Imran Ezhiev, the chairman of the Chechnya and Ingushetia Regional Branch of the RCFS was shot and killed at his home near Shali. Criminal investigations into these incidents have been inconclusive.

⁶ Ibid.

⁷ Russian-Chechen Friendship Society (RCFS), “A search in the office of the Russian-Chechen Friendship is going on, Khamzat Kuchiev, a correspondent of the Information Center at the SRCE, is arrested”, press release no. 859, 12 July 2004, <http://friendly.narod.ru/2004-3e/info859e.htm>.

ChCNS be found guilty of publishing “extremist” material, its activities may be suspended for up to six months by the Ministry of Justice or a new trial aimed at its closure may be initiated.⁸

Human rights organizations not working on issues related to the conflict in Chechnya were also targets of harassment during the year.

- The Kazan Human Rights Center experienced a series of problems after releasing a book in April that discussed torture by law enforcement authorities in Tatarstan. Local authorities initiated, without any obvious reason, a financial audit of the organization, local TV broadcasted information discrediting the organization and its leaders, and two masked men broke into the office of the organization and destroyed computers, a scanner, a printer and a TV set. The Heter publishing house said that it was having “difficulties” because it had published the book on torture, and in late May the publishing house informed the Kazan Human Rights Center that it had filed a lawsuit with an arbitration court demanding that the center reimburses it for 220,000 rubles (about EUR 6,100) of lost profit. The publishers also demanded that the entire print of the book be destroyed and that all copies already sold be “withdrawn.” At the end of the year, the lawsuit was still pending. In addition, in June, the Department of the Ministry of Justice in Tatarstan initiated an audit of the Human Rights Center.⁹

Freedom of Expression, Free Media and Information

Harassment against Independent Journalists

Restrictions on freedom of expression and information remained a major concern. The 2004 worldwide Freedom of Speech Index published by Reporters without Borders ranked Russia 140th out of 167 countries.¹⁰

In numerous cases, journalists were allegedly attacked because of their professional activities.

- On 13 January, unknown perpetrators beat up Dmitry Bakhur, member of the editorial board of *Generalnaya Liniya*, outside the newspaper’s office in Moscow. As a result, he contracted a chest contusion, fractured nasal bones and a concussion.¹¹
- On 5 June, Vladimir Velmozhin, editor-in-chief of *Schelkovchanka*, was assaulted in the city of Scholkovo. Two unidentified men repeatedly hit him on the head, as a result of which he needed about a dozen stitches.¹²

On 9 July, Paul Khlebnikoff, editor-in-chief of the Russian edition of the American *Forbes* magazine, was murdered in Moscow. An unidentified man fired several shots at the journalist, who died in hospital as a result of his wounds. At the end of the year, investigations into the case were ongoing.¹³

⁸ IHF, “Threat of Closure of the Chechen Committee for National Salvation (ChCNS),” 23 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3985; IHF, “Continuing Prosecution of the Chechen Committee for National Salvation (ChCNS),” 15 March 2005, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4031.

⁹ MHG, “Chronicles of pressure against Kazan Human Rights Center” (in Russian), <http://www.mhg.ru>.

¹⁰ Reporters Without Borders, *Third Annual Worldwide Press Freedom Index* (2004), http://www.rsf.org/article.php3?id_article=11715.

¹¹ Information from the Center for Journalism in Extreme Situations (CJES), 13 January 2004.

¹² Information from the CJES, 5 June 2004.

¹³ Information from the CJES, 10 July 2004, <http://www.cjes.ru>.

- On 22 September, three unidentified individuals assaulted Viktor Vasilyev, editor of the oppositional TV company *RiT*, in Rzhev. Vasilyev and the general director of *RiT*, Roman Nagoryansky, had reportedly previously received threatening telephone calls from unknown people who demanded that *RiT* stop broadcasting.¹⁴

Many journalists also reportedly lost their jobs and/or were subjected to criminal prosecution because of their professional activities. Such cases occurred *inter alia* in the Republic of Mordovia and the regions of Kemerovo and Vladimir.

*Coverage of the Hostage Taking in Beslan*¹⁵

Problems regarding freedom of expression and free circulation of information became especially apparent during the Beslan events in September 2004.

During these events, the information policies of the authorities were characterized by serious shortcomings. For example, the authorities initially claimed that the number of people held hostage in the Beslan school was about 350 and only admitted that it exceeded 900 when reports by liberated hostages and parents of students at the school contradicted the official figure.

At a joint briefing, representatives of the North Osetiyan president and Interior Ministry demanded that journalists who were working in Beslan coordinate all information they distribute with the headquarters of the forces in charge of the operation to liberate hostages. In accordance with this demand, state-owned media reportedly only published information that had been approved by the operative headquarters and did not recheck this information. The TV channels *Channel One* and *Rossiya* only broadcasted information about new developments in Beslan after their directors had met with the head of the presidential administration in Kremlin.

The independent media reportedly experienced difficulties in obtaining relevant information from the authorities. Against the background of the repressive measures taken against media during the hostage taking in Moscow in 2002,¹⁶ many journalists also feared the consequences of publishing objective information. Such fears were substantiated by the statements made by some politicians. For example, when interviewed by *Nezavisimaya Gazeta*, the first deputy chairperson of the State Duma, Lyubov Sliska, declared that he believed that “any means” were justified to prevent that “media facilitate terrorists’ activities.”

The following case gave rise to concern:

- On 6 September, the editor-in-chief of the newspaper *Izvestiya*, Raf Shakirov, resigned amid a discussion about the newspaper’s coverage of the Beslan events. According to Shakirov, he was forced to hand in his resignation after the newspaper featured large and detailed pictures of victims the day after the storming of the school. The newspaper had also criticized the government’s handling of the crisis and questioned official casualty figures. The company publishing *Izvestiya* is controlled by a tycoon with close ties to the Kremlin.¹⁷

¹⁴ *Local Time*, 6 October 2004.

¹⁵ For more information about the hostage taking see the section on Chechnya.

¹⁶ See IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003 (Events of 2002)*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1322.

¹⁷ Committee to Protect Journalists (CPJ), “Independent Coverage Obstructed in Beslan,” 7 September 2004, <http://www.cpj.org>; International Press Institute (IPI), “IPI Worried by Attempts to ‘Massage’ News Reporting of

There were also reports of cases where journalists who represented independent media were directly targeted by police and secret services.

- A number of journalists were arrested in the context of efforts to check journalists' passports, registration documents and accreditation cards, including Anna Gorbatova and Oksana Semyonova from *Noviye Izvestiya*, Madina Shavlokhova from *Moskovskiy Novosti*, and Elena Milashina from *Novaya Gazeta*.
- Among others, crews from the TV stations *ZDF* (Germany), *ARD* (Germany), *APTV* (USA) and *Rustavi-2* (Georgia) were searched and stripped of video tapes containing material recorded at the scene of the hostage taking.¹⁸ Two crew members of *Rustavi-2* were arrested on 4 September and held incommunicado for 12 hours because they had allegedly crossed the border to Russia illegally.¹⁹
- During the operation to storm the school, civilians attacked representatives of the TV channels *TVTs*, *IPN* and *REN-TV* and others and beat them up, stripped them of their equipment and accused them of lying and helping terrorists. Some reports suggested that the secret services encouraged these attacks.

A number of journalists experienced difficulties in reaching Beslan in suspicious circumstances.

- On 1 September, Anna Politkovskaya, correspondent for *Novaya Gazeta*, made several unsuccessful attempts to board a flight to the crisis region at the Vnukovo airport in Moscow before eventually being placed on a flight to Rostov-on-Don. While on board this flight, she fell ill shortly after having a cup of tea and had to be rushed to the hospital after the plane landed. At the hospital, she was diagnosed with an acute intestinal infection. After two days in hospital, she was transported back to Moscow in stable condition.²⁰ Representatives of *Novaya Gazeta* said that they did not rule out that Politkovskaya had been poisoned.
- On 2 September, Andrey Babitsky from *Radio Liberty* was arrested at the Vnukovo airport in Moscow where he was due to board a flight to Mineralniye Vody. He was arrested on suspicion of attempting to smuggle explosives and taken to a police station, where he was interrogated before being released. As he left the police station, he was approached by two young people who provoked a fight and police subsequently arrested all three. On 3 September, a judge ordered that Babitsky be detained for 15 days. However, two days later, he was released, and his penalty was commuted into a 1,000 ruble (EUR 28) fine.
- On 2 September, a group of foreign journalists representing *Liberation*, *Gazeta Wyborzca* and *The Guardian* was arrested at the Mineralniye Vody airport. Police and FSB officers meticulously examined and copied their documents before allowing them to go.

Among others, OSCE Representative on Freedom of the Media Miklos Haraszti criticized the policies of the Russian authorities toward media during the hostage taking. Haraszti deplored that the government "did not provide in a timely manner truthful information on the handling of the crisis" and regretted that

Beslan Hostage Crises," 7 September 2004, <http://www.freemedia.at>; Robert Coalson, "A War on Terrorists or a War on Journalists?" *Radio Free Europe/Radio Liberty*, 7 September 2004, <http://www.rferl.org>.

¹⁸ Information from CJES, 27 October 2004.

¹⁹ CPJ, "Independent Coverage Obstructed in Beslan," 7 September 2004.

²⁰ Reporters without Borders, "Beslan Tragedy Coverage Obstructed," 6 September 2004.

“cases of detention and harassment of journalists occurred, seriously impeding their work.” He concluded that credibility gaps arose between the government and media, between media and the citizens and between the government and the people and that this was a “serious drawback for democracy.”²¹

Peaceful Assembly

On 19 June, a new Federal Law on Rallies, Assemblies, Demonstrations and Pickets entered into force. Human rights activists objected to a provision of this law, according to which the procedure for submitting notification of assemblies is to be regulated by regional legislation. They feared that this may result in regional authorities imposing additional conditions with which it may be difficult to comply, as had been the case with some other laws. In addition, it was not clear how the right to peaceful assembly will be regulated in those region of the Federation where no relevant legislation is passed.

During the final consideration of the law, a ban on organizing mass events near buildings of federal executive and legislative bodies, bodies of local self-government, as well as embassies of foreign states was abolished. However, a ban on organizing assemblies in front of the residence of the Russian president, courts and pre-trial detention facilities, near hazardous production facilities and within border zones was retained.

Once the federal law had been enacted, authorities of some regions adopted legislation that significantly complicates the organization of assemblies.

- A document approved in August by the governor in the Belgorod region states that, depending on the significance of an assembly and the number of participants, those organizing the event must notify the authorities 15 to 10 days prior to the scheduled date of the event. They must also submit information about organizational, financial, and other conditions relevant to the organization of the event.²²

During the year, there were a number of cases where participants in peaceful assemblies were subjected to the excessive use of force by law enforcement authorities. Such cases were reported from different parts of the country. A particularly serious case took place in Elista, the capital of the Republic of Kalmykia.

- On 21 September, an authorized mass rally against the president of Kalmykia was held on the central square of Elista. The rally was initiated by a so-called Extraordinary Congress of the People of Kalmykia, which is composed of representatives of the political opposition. In the evening, when the event was already practically over, law enforcement officers began to forcefully disperse participants. According to eyewitness accounts, this was done in a brutal fashion. Special police troops beat unarmed rally participants with clubs, shot them with rubber bullets and threw light-and-noise grenades at them. They also trampled with boots participants who fell on the ground, including elderly people and women. The police operation spread to other parts of the city, as troops began chasing participants around, and left the city in a state of chaos until two o'clock at night. The central square of Elista was blocked by the police for several days after the rally, and attempts by rally participants to continue their protests in other parts of the city were suppressed by OMON. The organizers of

²¹ OSCE Representative on Freedom of the Media, Miklos Haraszti, *Report on Russian Media Coverage of the Beslan Tragedy: Access to Information and Journalists' Working Conditions*, 16 September 2004, <http://www.osce.org/documents/rfm/>.

²² Report on human rights in Belgorod Region in 2004 (in Russian), published by the Shebekino organization Civil Consent. Available at the website of the MHG, <http://www.mhg.ru>.

the rally subsequently submitted a petition to the Russian State Duma and the prosecutor general, which stated that some 400 people were physically abused during the event, as a result of which at least three people died and five contracted life-threatening injuries. A total of 126 people were arrested. The petition also noted that the bodies of two of those declared dead had not been handed over to the relatives and that no information about people still missing was available.²³ According to the public prosecutor of Kalmykia, Sergey Khlopushin, the measures undertaken by police and OMON officers were “legitimate and within the confines of the law.”²⁴ At the end of 2004, a criminal investigation against Valery Badmayev, one of the leaders of the Extraordinary Congress of the People of Kalmykia, was pending.

Rule of Law and Right to a Fair Trial

“Spy-Mania”

Developments in espionage cases against well-known researchers reflected a broader problem of due process violations within the Russian judicial system. In a number of cases initiated by the Federal Security Service (FSB), researchers with contacts abroad have been charged with spying despite evidence indicating that they have used only non-classified information in their work. The cases have typically dragged on for years and have been characterized by serious procedural irregularities. Among the victims of this “spy mania” are historian Igor Sutyagin and physicist Valentin Danilov.

- The case of Igor Sutyagin, who was initially arrested in 1999 for allegedly passing classified military information to foreign citizens, was transferred to the Moscow City Court in 2003. After repeated delays, this court found Sutyagin guilty of high treason in a closed trial in April 2004 and sentenced him to 15 years in a strict regime colony. This was the longest prison term imposed for high treason in Russia since Soviet times. The trial against Sutyagin was characterized by numerous irregularities. While the judge in charge of the case was replaced in February 2004 without any satisfactory explanation, the new judge barred the jury from hearing relevant exculpatory evidence, excluded key questions of fact from its deliberations and omitted central issues from the interrogatory questions that the jury used in formulating its verdict, such as whether Sutyagin had handed over classified information to foreign sources, whether he had the intent of doing so and whether his actions had damaged national security. In a joint statement together with Amnesty International, Human Rights Watch and the Public Committee for the Protection of Scientists, the IHF and the MHG expressed concern regarding the ruling and called for a retrial in full accordance with international fair trial standards.²⁵ However, in August, the Supreme Court rejected an appeal by the defense, which requested a new trial because of procedural violations, and upheld the verdict by the Moscow City Court. The Supreme Court did not offer any justification for its decision.²⁶ As of the end of the year, Sutyagin was serving his sentence in a maximum security prison.
- Valentin Danilov, who was arrested in 2001 on suspicion of providing secret information about space technology to China while working as a researcher at a state university, was acquitted in a

²³ Statement of leaders of public organizations of the Republic of Kalmykia, <http://glazev.ru/print.php?article=269>.

²⁴ “Kalmykian Authorities Dispel Opposition Rally in Elista, 106 People Arrested” (in Russian), *NEWSru.com*, 22 September 2004.

²⁵ “Joint Statement on the Case of Igor Sutyagin by Amnesty International, Human Rights Watch, the IHF, the MHG, and the Public Committee for the Protection of Scientists,” June 2004., <http://web.amnesty.org/library/Index/ENGEUR460042004?open&of=ENG-RUS>.

²⁶ “Supreme Court Upheld The Sentence in Igor Sutyagin’s Case,” Website of Support for Igor Sutyagin, 17 August 2004, <http://sutyagin.org>.

jury trial at a Krasnoyarsk court in December 2003. However, in response to a petition by the prosecution, the Supreme Court dismissed the acquittal on procedural grounds in June 2004 and sent the case for retrial. The Supreme Court delivered its seven-page decision after only 15 minutes of deliberation and many observers voiced the suspicion that the decision had been prepared in advance. The IHF expressed its deep concern at the decision, saying that it failed to see how the minor technical matters cited by the prosecution in its petition could be considered to have unduly influenced the jury's verdict.²⁷ In November 2004, another Krasnoyarsk court found Danilov guilty of disclosing classified information to representatives of a foreign state as well as fraud and sentenced him to 14 years in prison. The verdict was reached although no new evidence to support the charges against Danilov was presented to the court in the course of the proceedings. Thus, the verdict was based merely on an expert report from 1999, which – contrary to the law – was not written by people who were experts in the specific area where Danilov conducted research but by people who were only superficially familiar with it. A number of well-known scientists have maintained that the findings of Danilov's research have been in the open domain for several years and do not constitute classified information.

Arbitrary Arrest and Detention, Torture, Ill-treatment and Police Misconduct

Human rights organizations reported receiving a growing number of complaints about torture and ill-treatment by law enforcement authorities. Complaints were received from across the country.

According to the Ministry of Internal Affairs, 1,058 law enforcement officials were brought to court for allegedly using abusive practices during the first six months of 2004. The number of cases grew by 30% as compared to the same period in the previous year.²⁸

However, attitudes toward abusive practices remained largely tolerant and many abuses were never investigated or prosecuted. According to the MHG, the fact that prosecution authorities were in charge both of the investigation of complaints about police abuse and the investigation of criminal cases contributed to a widespread climate of impunity. As prosecution authorities were primarily interested in successfully prosecuting crimes, they often chose to condone abusive police practices. There were also reports of cases where prosecutors participated in torturing suspects for the purpose of obtaining confessions. Moreover, the MHG regretted that courts often did not deal adequately with complaints of torture by defendants, but rather dismissed such complaints as an attempt to avoid liability. When law enforcement officials were convicted of abusive behavior, sentences were typically lenient.

During the year, a survey was conducted among 619 ambulance and trauma station physicians and paramedics in 42 Russian cities, including Moscow and St Petersburg. More than 70% of those surveyed were of the opinion that police violence against detainees is a serious problem. Forty-three percent of those interviewed claimed that police use physical violence against detainees "rather often" and 45% said that they had been asked to treat detainees with injuries that appeared to have been inflicted by law enforcement authorities. The survey results also indicated that most victims of police abuse were male members of socially vulnerable groups, such as drunks, homeless people and ethnic minority members, and that most cases of abuse took place at the time of detention.²⁹

²⁷ IHF, "IHF Condemns Retrial Ordered for Valentin Danilov: Warns Against Rising 'Spy-Mania,'" 11 June 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3867.

²⁸ Materials presented at an international conference on "Human Rights and Civil Society," Moscow, 23 November 2004.

²⁹ "Investigation Shows Police Officers Most Frequently Beat up Drunk People and Teenagers" (in Russian), *NEWSru.com*, 29 June 2004.

- Mikhail Ryazanov was detained outside his home in Shadrinsk, in the region of Kursk, on 10 September. Police reportedly brought him to a local police station and demanded that he write a statement “confessing” to a robbery. As he refused, they started yelling at and cursing him and handcuffed him to a chair, put a gas mask on his head and applied electric wires to his head. After being subjected to extremely painful electric shocks twice, Ryaznov eventually agreed to sign a statement written by the police officers. The police officers reportedly warned him not to say anything about the torture or else he would be subjected to even worse treatment. Ryaznow was subsequently interrogated in the presence of the police officers who had tortured him. He was denied access to a lawyer of his choice and was not allowed to speak privately with the one appointed for him. Following the interrogation, he was detained in a temporary detention ward, where he felt very sick and lost consciousness several times. A doctor arrived and gave him an injection, but despite his complaints that he had been subjected to torture, the doctor simply registered that he suffered from a “withdrawal syndrome.”

The conflict in Chechnya contributed to growing brutalization among law enforcement authorities in other parts of Russia. In a system of rotation, policemen from different Russian regions were sent to serve in Chechnya for periods of six months. During their time in Chechnya, these officers learned arbitrary and violent practices that they often replicated upon their return to their home cities.³⁰

About one fourth of all cases involving Russia that had been admitted by the ECtHR at the end of 2004 concerned behavior by Interior Ministry officials that allegedly violated article 3 of the European Convention on Human Rights (ECHR), which prohibits torture, ill-treatment and other inhuman and degrading treatment.

Arbitrary Arrest and Use of Force during Police Raids

At the end of the year, a serious case involving arbitrary arrest and the use of force by law enforcement authorities took place in the city of Blagoveshchensk in the Republic of Bashkortostan.

- On 10-14 December, an OMON brigade, assisted by the local police, carried out a mass raid in Blagoveshchensk and nearby settlements in the Republic of Bashkortostan. The raid was purportedly initiated in response to an incident in the city a few days earlier in which three police officers were attacked by a group of teenagers. During the raid, masked troops armed with clubs arbitrarily detained local residents in the street, market places, discos, bars, cafes, hostels and other public places. Those who showed resistance were beaten up on the spot, while others were brought to the District Department of Internal Affairs, where they were physically assaulted before being released. Some people were reportedly detained and abused several times. According to human rights activists, at least 1,000 local residents were victims of police abuse during the raids and more than 250 people needed treatment in hospital. A subsequent public investigation into the events concluded that the police operation was warranted, but identified some shortcomings in its implementation. Two high-ranking police officials were demoted, while a third one received a written reprimand. The public prosecutor of Blagoveshchensk was forced to resign for failing to promptly respond to complaints about the operation. By February 2005, a total of seven local police officers had been charged with exceeding their authority and abuse of power, and it was announced that another two would be charged once they had been released from hospital. As of this writing, investigations continued.³¹ Human rights activists deplored the fact

³⁰ See also the section on Chechnya.

³¹ See information about investigations into the events at the MHG website, <http://www.mhg.ru/publications/505AFAE>.

that they had faced resistance from authorities in their efforts to look into the events and demanded that those officials who had ordered the raid be held criminally responsible.

The MHG described the Blagoveshchensk events as the worst “mass violation of human rights anywhere in Russia outside Chechnya.” However, it also noted that similar incidents took place in other parts of the country, although their scale was more limited. The following is an example of such a case:

- On 14 February, masked police troops armed with machine guns reportedly stormed a dance club in the Angarsk district of the city of Irkutsk. Young people present at the club were forcefully arrested and brought to a local police station, where they were beaten with gun butts and clubs and placed in detention wards that were filled with gas. Police also took their fingerprints and pictures. During the evening, police reportedly made several visits to the club to arrest new groups of teenagers. Local residents were outraged by the incident, and some of the young people targeted during the raid reportedly required psychological assistance because of the trauma they had suffered. No effective investigation into the case was reportedly undertaken.³²

Conditions in Prisons and Detention Facilities

During the year, Russian human rights organizations reported receiving a significant number of complaints about conditions in detention facilities, e.g. because of overcrowding, the lack of running water, electricity and ventilation, inadequate hygiene and a lack of areas for outdoor exercise. Many detention facilities did not meet requirements established by federal legislation and international law, and while some facilities have been renovated in the last few years, the amount of state funding allocated for this purpose remained insufficient.

In February, a delegation of representatives from the MHG, the IHF and several other NGOs conducted an international mission to monitor places of detention in the Russian Federation. The delegation visited four pre-trial isolators and one juvenile colony under the authority of the Ministry of Justice, all of which were in Moscow, and two psychiatric hospitals under the authority of the Ministry of Health, one of which was in Moscow and the other in Tver.³³

The overall conclusion of the delegation was that Russian law and policy are in need of further substantial reforms to reach the level of full compliance with international standards for the treatment of prisoners. Among other problems, the delegation observed that only dormitory style cells were available; inmates sometimes had to share beds because of overcrowding; doctors and other medical staff did not enjoy independent status, creating the risk of a conflict of interest in their work; the procedure for imposing disciplinary measures allowed for arbitrary exercise of powers by the prison staff; and sufficient activities for inmates were lacking.³⁴

The delegation noted with particular concern that the regime imposed on life prisoners in one of the pre-trial institutions visited in Moscow was extremely restrictive and that detention in disciplinary cells used in this institution amounted to inhuman punishment. On the positive side, the delegation found that

³² Report on human rights in the Irkutsk region in 2004, published by Irkutsk regional organization Civil Dignity. Available at the website of the MHG, <http://www.mhg.ru>.

³³ *IHF Report on Places of Detention in the Russian Federation*, October 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3974.

³⁴ Ibid.

conditions in pre-trial detention facilities for juveniles and women in Moscow have significantly improved in recent years.³⁵

While the two psychiatric hospitals visited are among the best mental health care institutions in the country, the delegation still observed some problems, such as lack of other forms of treatment than pharmacotherapy, unhygienic conditions and insufficient control of the use of seclusion and restraint. The delegation also expressed concern that Russian law and practice do not guarantee patients an opportunity to be heard by the court deciding on the legality of their detention and do not ensure the participation of a lawyer throughout the proceedings.³⁶

According to the MHG, there were cases where detainees died because of a failure by staff members to ensure that they promptly received medical assistance when they were in need of it. Torture and ill-treatment of detainees also remained a serious problem.³⁷

Freedom of Religion and Religious Tolerance

The 1997 law on religion does not oblige religious communities to register with the authorities but seriously curtails the rights of unregistered groups. At the same time, it establishes strict requirements for registration. However, the impact of this law has been limited by several constitutional court rulings, which have declared that the law does not have retroactive force. Thus, its restrictive provisions regarding unregistered groups only affect religious groups that have been founded after 1997 and that have not been able to join pre-existing centralized communities and religious groups that reject registration on principle.³⁸

The Russian Orthodox Church had close relations with the authorities, and as a result of unofficial concordat-style agreements it enjoyed certain privileges that other religious communities did not enjoy, for example, in terms of access to various state institutions. In the context of the Beslan tragedy, as well as on other occasions, representatives of the Russian Orthodox Church openly expressed support for the government's policies.³⁹

During the year, a lengthy legal struggle against the Jehovah's Witnesses ended in an unprecedented decision:⁴⁰

- In a case that was first initiated in 1998, a Moscow local court decided in March 2004 to deprive the capital's Jehovah's Witness community of its legal status and to ban its activities under the 1997 religion law.⁴¹ The court found that the community causes families to disintegrate, violates rights of citizens, encourages suicide and incites citizens to refuse both military and alternative civil service. In its decision, the court systematically accepted testimonies by witnesses that expressed attitudes supporting the charges against the community, while rejecting testimonies in favor of it. According to one of the defense lawyers, the decision demonstrated "how little you

³⁵ Ibid.

³⁶ Ibid.

³⁷ See also the section on Arbitrary Arrest and Detention, Torture, Ill-treatment and Police Misconduct.

³⁸ Forum 18, "Russia: Religious Freedom Survey," 14 February, 2005, <http://www.forum18.org>.

³⁹ Forum 18, "Unregistered Religious Groups," 14 April 2005.

⁴⁰ For more background information, see IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003)*, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860.

⁴¹ Forum 18, "Court Bans Jehovah's Witnesses," 29 March 2004.

need in the way of so-called evidence to outlaw a well-known religion.”⁴² The decision was upheld on appeal by the Moscow City Court in June, and thereafter took effect.⁴³ In an open letter to President Putin, the IHF criticized this ruling, saying that it reflected a serious failure to abide by international provisions on freedom of religion to which the Russian Federation has committed itself and could be seen as a sign of profound intolerance towards religious minority groups. The IHF also expressed fear that the ruling would potentially serve as an incentive for further court cases against religious minorities and as a motive for increased harassment of their members.⁴⁴

Despite the ruling, the 10,000 strong Jehovah’s Witness community in Moscow was able to continue its activities. However, its members reportedly experienced growing discrimination. For example, with reference to the decision by the Moscow City Court, property owners denied Jehovah’s Witnesses the right to rent facilities for their meetings, business owners such as publishers refused to sign contracts with Jehovah’s Witnesses and local courts ruled against Jehovah’s Witnesses in custody cases. Also outside Moscow, cases were reported in which the Moscow decision was used to justify discriminatory treatment against Jehovah’s Witnesses.⁴⁵

Racism and Xenophobia, National and Ethnic Minorities

*The Situation of Roma*⁴⁶

Since 2000, the European Roma Rights Center (ERRC, an IHF member organization) has carried out extensive monitoring in the Russian Federation. This monitoring has revealed an alarming pattern of human rights abuse of Roma and other people perceived as “Gypsies,” whose total number is estimated to exceed one million in the country.

Russian law enforcement authorities have routinely engage in racial profiling targeting Roma, arbitrarily raid Romani settlements, abduct and extort money from Roma and subject Roma to torture and ill-treatment in detention. In most cases, such abuses are not legally remedied, which has created a climate of impunity. Court proceedings involving Roma, whether as defendants or victims of crime, are often conducted in violation of international due process standards.

In recent years, Roma have also increasingly become the victims of racially motivated attacks perpetrated by private actors, such as members of nationalist-extremist groups. Russian authorities have failed to take effective measures to protect Roma from such attacks. Moreover, Russian media have contributed to intolerance against Roma by engaging in prejudiced and irresponsible reporting, e.g. associating Roma with crime. Some media reports actively encourage discrimination and violence against Roma.

Throughout the country, Romani communities live in entrenched poverty and lack access to the education system, adequate housing, health care services and employment. A large number of Roma remain completely segregated from mainstream society.

⁴² Forum 18, “Full Moscow Court Decision Slams JW’s,” 25 May 2002; Forum 18, “Moscow Court Decision – A Fair Cop?” 25 May 2004.

⁴³ Forum 18, “Jehovah’s Witness Ban Comes into Effect,” 17 June 2004.

⁴⁴ IHF, *Open Letter to President Putin*, 28 June 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3892.

⁴⁵ Office of Public Information of Jehovah’s Witnesses, *Jehovah’s Witnesses in Russia: January 1, 2004 to December 31, 2004*, <http://www.jw-media.org>.

⁴⁶ This section is based on European Roma Rights Center and the IHF, “Violations of Roma Rights in the Russian Federation,” a statement presented on the occasion of the OSCE Human Dimension Implementation Meeting in Warsaw, October 2004, <http://www.errc.org/cikk.php?cikk=2123&archiv=1>.

Harassment of People with “Caucasian” Appearance

In the wake of various terrorist attacks during the year (see below), police in Moscow and many other Russian cities carried out “reprisal actions” against ethnic Chechens and members of other groups from the North Caucasus region. In a pattern of violations similar to that perpetrated by law enforcement officials and troops inside of Chechnya, these actions included arbitrary detention, ill-treatment and torture and extortion.

Chechnya

Chechnya remained a priority region for the IHF in 2004. The IHF carried out fact-finding missions to Chechnya and neighboring areas and published statements and reports to attract international attention to continued violations of international human rights and humanitarian law in the region. The IHF also organized several seminars in Ingushetia to instruct Chechen NGOs in providing legal support for the victims of abuses, including by bringing their cases to the ECtHR and the UN Human Rights Committee.

The IHF called on international organizations and governments to use their influence to facilitate a solution to the conflict in Chechnya. It appealed to the Council of Europe’s Parliamentary Assembly and to its Committee of Ministers to address the problem of Chechnya. In addition, the IHF raised the issue of continuing abuses in Chechnya at the OSCE Human Dimension Implementation Meeting in October.

Elections and “Political Process”

Throughout the second Chechen war, the Russian authorities have been reluctant to engage in dialogue with the government of the Chechen Republic of Ichkeria, which was recognized by Russia between 1997 and 1999. In particular, they have refused contacts with Aslan Maskhadov, who was elected president of this republic in 1997 in elections recognized as legitimate by international and Russian observers. After the hostage crisis in the Moscow Dubravka theatre in October 2002, this negative stance was further reinforced and Russian authorities initiated what can be called a unilateral political process.

This political process began with a referendum on a new Constitution for the Chechen Republic, which defined Chechnya as a subject of the Russian Federation, in March 2003. On the basis of the new Constitution, elections for the position of president of the Chechen Republic were held in October 2003. Both the referendum and the presidential elections were marred by irregularities and did not meet standards of free and fair elections. In March 2004, national elections for the president of the Russian presidency were organized in Chechnya for the first time in ten years. Moreover, in August, new presidential elections were held after the incumbent President Akhmad Kadyrov was killed in a terrorist attack in May (see below). At the time of these elections, conditions had not improved since the elections in 2003. Once again, the Russian authorities openly favored one of the Chechen presidential candidates, Chechen Interior Minister Alu Alkhanov. His main competitor, Malik Saidullaev, a Chechen businessman, was denied the right to run because of alleged “irregularities” in his registration application. In fact, the elections were merely a formality and Alkhanov was de facto appointed by the federal authorities.

In the days preceding the ballot, the intensity of the armed conflict increased.

- On 21 August, Chechen fighters conducted a raid in Grozny, mainly targeting local police stations. More than 50 police officers and a dozen civilians were killed in the fighting that ensued and some 30 people were wounded. In the aftermath of the attacks, local human rights groups

reported mop-up operations (*zachistki*) in the Grozny region and the abduction of at least nine men by Russian security forces. The fate and whereabouts of those abducted remained unclear at the end of the year.

Before the elections, a group of Russian human rights NGOs⁴⁷ submitted a joint plan to the Russian president and government aimed at the normalization of the situation in Chechnya. The plan proposed that the presidential elections be postponed, that a state of emergency be declared in Chechnya and that direct federal governance be introduced in the republic. It further recommended that an increasing number of international organizations be granted access to the republic to monitor developments, which would contribute to transparency and promote effective measures to deal with the prevailing climate of impunity for human rights violations. The plan called for the presidential elections to be held only following the establishment of minimal conditions for conducting free and fair elections, as advocated by the OSCE and the Council of Europe. These conditions would include a cessation of hostilities, an end to the state of emergency and the presence of international observers during elections. The IHF fully endorsed this proposal.

Abductions, "Disappearances," Torture and Extrajudicial Executions

All sides of the conflict engaged in serious abuses against civilians. In a development that can be characterized as a "Chechenization" of the conflict, local armed formations loyal to Moscow increasingly engaged in raids against civilians and arbitrarily detained and abducted local residents. In particular, troops led by the Chechen Vice-Premier Ramzan Kadyrov, son of the late President Akhmad Kadyrov (so-called "Kadyrovtsi"), as well as semi-autonomous groups operating under them perpetrated such abuses. These groups reportedly acted in close cooperation with the FSB. The activities of pro-Moscow armed formations caused widespread fear among the local population.⁴⁸

In a re-occurring pattern, Russian and pro-Moscow forces illegally detained and abducted relatives of armed insurgents, who increasingly often were women.

- In March, Memorial reported that the field commander Magomed Khambiev had "voluntarily" surrendered after approximately 40 of his relatives, including women, were taken hostage by Chechen law enforcement officials.⁴⁹
- In December 2004, Chechen law enforcement officials kidnapped eight relatives of Aslan Maskhadov. As of January 2005, ten of them remained "disappeared."⁵⁰

On 27 August, the Chechen Minister of Internal Affairs, Ruslan Alkhanov, issued an order forbidding representatives of security structures to wear masks when performing their duties in the territory of Chechnya. However, this order was not effectively implemented and masked troops continued to be involved in abductions and "disappearances."⁵¹

⁴⁷ These human rights NGOs included the Human Rights Centre Memorial, the MHG, the Information and Research Centre Demos, the Civic Assistance Committee and the Anti-War Club.

⁴⁸ IHF, *Chechnya: More of the Same. Extrajudicial Killings, Enforced 'Disappearances', Illegal Arrests, Torture*, 30 March 2005, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4036.

⁴⁹ Human Rights Center Memorial, "Voluntary Surrender" of Magomed Khanbiev, 10 March 2004, <http://www.memo.ru/eng/memhrc/texts/01new404.shtml>.

⁵⁰ IHF and FIDH, "Open Letter to the Subcommittee on Human Rights and the Delegation to the EU-Russia Parliamentary Cooperation Committee of the European Parliament and the Parliamentary Assembly of the Council of Europe (PACE) on the Kidnapping of Aslan Maskhadov's Relatives by Chechen Enforcement Agencies," 19 January 2005, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4036.

⁵¹ Ibid.

During the year, the Human Rights Center Memorial documented the kidnapping of 396 people in the part of Chechnya where it was engaged in monitoring (which corresponds to about 30% of the whole territory). Out of these, 187 were subsequently set free or released for ransom, 24 were found dead and 175 went missing.⁵² Compared to the previous year, the number of documented cases of kidnapping decreased by 17% and the number of “disappearances” by 36%.⁵³ In its monitoring, the IHF observed that victims were less likely to report abuses perpetrated by “Kadyrovtsi” than abuses by federal forces because of greater safety fears. As a result, the number of abductions and kidnappings registered by Memorial was likely to show an artificial decrease.

Investigations into kidnappings and “disappearances” were widely ineffective.

Terrorist Attacks

During the year, Chechen rebels carried out a number of terrorist attacks in different parts of Russia. Among these attacks were the following:

- On 6 February, a bomb exploded in the Moscow underground killing dozens of people and injuring more than a hundred.⁵⁴
- On 9 May, during a Victory Day concert in a stadium, a powerful explosion killed Chechen President Ahmad Kadyrov and six other people in Grozny. Up to a hundred people were injured.⁵⁵
- On 24 August, an aircraft bound for Volgograd and another bound for Sochi exploded within minutes of each other after taking off from the Domodedovo airport in Moscow. About 90 people died.⁵⁶ A few days later, on 31 August, a suicide bomber killed at least 10 people and injured more than 50 in the lobby of the Rizhskaya metro station in Moscow.⁵⁷
- On 1 September, a group of about 30 armed men and women took about 1,200 children, parents and teachers hostage in a school in Beslan in the Republic of North Osetya. The hostage takers threatened to detonate explosives should the authorities attempt to launch a rescue attempt. On 3 September, Russian troops stormed the building in circumstances that remain unclear. Close to 350 people died during the events, half of whom were children. Hundreds more needed treatment in hospital because of the injuries they sustained.⁵⁸

⁵² Human Rights Center Memorial (Nazran office), *From the Conflict Zone* (Bulletin), 1 February 2005, <http://www.memo.ru/eng/memhrc/texts/4bul12.shtml>.

⁵³ The figures for 2003 were: 477 persons kidnapped, out of whom 155 were later released, 49 were found dead and 273 went missing.

⁵⁴ IHF, “IHF Condemns Moscow Metro Bombing, Cautions Against Persecuting Caucasian Minorities,” 5 February 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3757. See also, the American Committee for Peace in Chechnya, “Chechnya’s Suicide Bombers: Desperate, Devout, or Deceived?” 16 September 2004.

⁵⁵ IHF, “IHF Condemns Killing of Chechen President, Akhmad Kadyrov. Conditions Must Be Created for Free and Fair Elections,” 10 May 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3850.

⁵⁶ IHF, “IHF and MHG condemn attacks against civilians in Russia,” 2 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3959.

⁵⁷ Ibid.

⁵⁸ IHF, the Human Rights Centre Memorial, the MHG, the All-Russia Movement for Human Rights, Amnesty International, Human Rights Watch, the International Federation for Human Rights (FIDH), and the International League for Human Rights (ILHR), “Joint NGO statement on the Beslan Hostage Tragedy,” 8 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3961.

A coalition of Russian and international human rights organizations united to condemn the hostage taking in Beslan and to extend their condolences to the victims, their relatives and the people of Beslan. At the same time, the organizations noted that this and other terrorist attacks “took place against the backdrop of five years of widespread, persistent and largely unpunished human rights violations by Russian troops against civilians in Chechnya.” They also noted that the “impunity for such abuses has served to perpetuate the conflict and has led to atrocities committed by both sides.”⁵⁹

Lack of Accountability

A climate of impunity for abuses continued to prevail in Chechnya.

Local residents were reluctant to complain to authorities about alleged abuses committed by federal or local forces because they lacked confidence that their complaints would be effectively dealt with and because they feared possible reprisals. Many were also afraid to speak with human rights monitors and journalists.

When investigations were opened into complaints filed, they were typically not thoroughly conducted and even basic steps, such as questioning eyewitnesses and relatives, were not taken. Most investigations were either prematurely closed or remained pending for prolonged periods. Only a very small number of cases reached the courts and hardly anyone guilty of abuse has been convicted.

There were also reports indicating that law enforcement officials who showed readiness to deal effectively with reported abuses jeopardized their own security.

- Rashid Ozdoev, deputy director of Ingushetia who had been investigating abuses related to the conflict in Chechnya, was “disappeared” on 11 March by men believed to represent the Ingush FSB. An investigation was opened by the Ingush Prosecutor’s Office but remained ineffective. Ozdoev’s father, Boris Ozdoev, undertook his own investigation and identified an FSB officer who admitted in front of a traditional council composed of elders of his family and relatives of Ozdoev that he had been involved in the abduction of Ozdoev. Ozdoev’s relatives taped this statement and subsequently handed the tape to the Prosecutor’s Office.⁶⁰

In a resolution adopted in 2001, the UN Human Rights Commission called on the Russian government to set up a national broad-based and independent commission to investigate alleged violations of human rights and international humanitarian law in Chechnya. The Russian government has persistently failed to comply with this recommendation.

ECtHR Cases

Because of the minimal opportunities for obtaining redress within the Russian criminal justice system, an increasing number of Chechens brought their cases to the ECtHR. Human rights groups offered support for this purpose.

In a highly worrisome trend, numerous applicants to the ECtHR were subjected to intimidation and harassment. At least four cases were documented in which applicants or their close relatives were beaten and two in which applicants had their homes arbitrarily searched. It was also believed that several people were killed because of applications filed with the ECtHR. In one case, the applicant went into hiding

⁵⁹ Ibid.

⁶⁰ IHF, “Ingushetia: Enforced ‘Disappearances’, Extrajudicial Killings and Unlawful Detentions. December 2003 – June 2004, 4 August 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3952.

because of pressure and two applicants formally withdrew their applications, while another two reportedly were considering doing the same.⁶¹

According to organizations representing applicants to the ECtHR, a prompt intervention by the ECtHR in some cases helped ease pressure on individual applicants and their families.⁶²

- In April, 24-year-old Anzor Pokaev was abducted by Russian federal troops at his home in Starye Atagi and subsequently extra-judicially executed. Pokaev's father, Sharfudin Sambiev, is one of 11 applicants in a case involving the "disappearance" of his younger son Amir Pokaev and eight other individuals during a large sweep operation in Starye Atagi in March 2002.⁶³
- Yakub Magomadov "disappeared" in May 2004. He had appealed to the ECtHR regarding his younger brother Aiubkhan Magomadov, who himself had "disappeared" in Chechnya on 2 October 2000.⁶⁴

Forced Returns of IDPs from Ingushetia to Chechnya

Russian authorities continued to encourage the return to Chechnya of Chechen IDPs residing in neighboring republics, mainly Ingushetia, although the situation in the war-torn republic remained volatile. Some IDPs returned voluntarily, while others did so only because of strong pressure.

The last three tent camps in Ingushetia, which accommodated some 7,000 IDPs, were closed during the first half of 2004. It was argued that these measures were taken because of "unbearable" living conditions and fire hazards in the camps. However, it appeared that the true reason was that the tent camps demonstrated the most visible sign of the continued presence of a large number of IDPs in Ingushetia, which contradicted claims that the situation in Chechnya had "normalized."⁶⁵

Methods used to pressure IDPs included threats to cancel their migration service registration, without which they would be unable to receive further humanitarian aid, and promises of compensation for lost property should they return. In some cases, IDPs were also visited by the FSB and threatened with arrest.

In the night between 21 and 22 June, 200-300 Chechen fighters staged coordinated attacks on the central office of the Ministry of Internal Affairs and several other public institutions in Ingushetia. Similar attacks were reported in the town of Karabulak and in the villages of Sleptovsk and Troitskaya. As a result of the fighting, about 90 persons were killed and over 100 wounded. Among those killed were several senior Ingushetia officials, including the acting interior minister, Abukar Kostoev.⁶⁶

Following this attack, local police conducted operations in most of the republic's temporary Chechen IDP settlements to control the IDs, interrogate, take fingerprints and search the houses of IDPs. Most of the

⁶¹ Amnesty International, "Russian Federation: Chechen Republic Applicants to the European Court of Human Rights must be protected," October 2004, EUR 46/055/2004; IHF and the Norwegian Helsinki Committee, *The Silencing of Human Rights Defenders in Chechnya and Ingushetia*, 15 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3995.

⁶² IHF and the Norwegian Helsinki Committee, *The Silencing of Human Rights Defenders in Chechnya and Ingushetia*, 15 September 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3995.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ IHF, "The Coerced Return of Chechen IDPs from Ingushetia," 12 March 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3816.

⁶⁶ IHF, "Fire fight in Ingushetia: IHF concerned attacks may herald widening of Chechnya conflict," 22 June 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3889.

operations were conducted in a lawful manner, but some involved irregularities. An operation conducted in the temporary settlement in Altievo on 25 June had the character of a mop-up operation and was accompanied by arbitrary mass detentions, beatings, intimidation and robbery.⁶⁷ These developments and, in particular, the events in Altievo, created fears among IDPs that they would be the targets of “retaliaton attacks” in the wake of the armed raid. Many, therefore, decided to leave for Chechnya at this stage. Local NGOs estimated that 2,500 persons returned to Chechnya in the three weeks after the armed raid and the subsequent security operations.⁶⁸

At the end of 2004, an estimated 35,000 displaced Chechens remained in Ingushetia. Out of these, about a third were accommodated in temporary settlements and the rest in private homes. At the peak of the fighting in Chechnya in 2000, over 200,000 IDPs resided in Ingushetia, while the figure was 67,000 at the beginning of 2004.⁶⁹

The conditions in the temporary accommodation centers in Grozny, where many of returning IDPs ended up living, did not correspond to promises made by the authorities.

⁶⁷ IHF, “The Situation of IDPs in Ingushetia after the Armed Incursion of 21-22 June 2004”, 4 August 2004, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3950.

⁶⁸ Ibid.

⁶⁹ UN Office for the Coordination of Humanitarian Affairs, Information Bulletin: Humanitarian Action in Chechnya and Neighbouring Republic (Russian Federation), December 2004, http://www.ocha.ru/public.php?_act=doc&_op=view&_ti=9506.