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Russian Federation

Head of state: **Vladimir Putin**

Head of government: **Dmitry Medvedev**

Restrictions on rights to freedom of expression, association and peaceful assembly increased. Prosecutions of those who had taken part in anti-government protests in Bolotnaya Square continued and gave rise to further concerns regarding the respect for fair trial standards. Human rights defenders faced fines or criminal prosecution because of their activities. The first criminal prosecution for failure to comply with the "foreign agents" law was initiated. A number of individuals were charged under anti-extremism legislation for criticizing state policy and publicly displaying or possessing materials alleged to be extremist. There were reports of torture and other ill-treatment in penitentiary institutions, and prisoners' lives were at risk because of inadequate medical care in prisons. Serious human rights violations continued to be reported in the context of security operations in the North Caucasus. People criticizing the authorities in Chechnya faced physical attacks by non-state actors and prosecution, and human rights defenders reporting from the region faced harassment from non-state actors. Russia faced international criticism in relation to allegations of war crimes by its forces in Syria. The International Criminal Court (ICC) continued its preliminary examination of the situation in Ukraine, which included crimes committed in eastern Ukraine and Crimea. Russia failed to respect the rights of asylum-seekers and refugees.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

On 7 July, amendments to anti-extremism legislation known as the "Yarovaya package" were passed. The amendments were largely inconsistent with Russia's international human rights obligations as they banned any form of missionary activity outside of specially designated religious institutions, obliged providers of information technology to store records of all conversations for six months and metadata for three years, increased the maximum punishment for extremism from four to eight years in prison, and increased the penalty for encouraging people to take part in mass disturbances from five to 10 years in prison.

FREEDOM OF ASSEMBLY

In March, the legislation governing public assemblies was extended to "unauthorized" motorcades. In August, this new provision was used to prosecute a group of farmers from Kuban in southern Russia who were travelling to the capital, Moscow, in tractors and private cars to protest against land grabbing by agricultural holding companies. Their leader, Aleksei Volchenko, was sentenced to 10 days' administrative detention for taking part in an "unsanctioned" demonstration^[1] after participating in a meeting between the farmers and the deputy regional Plenipotentiary of the President. Other participants of the meeting paid fines or served short periods of administrative detention.

Four people were still serving their sentences for taking part in the Bolotnaya Square demonstration in Moscow on 6 May 2012, and two more people were charged in connection with the events. On 5 January, the European Court of Human Rights (ECtHR) found that Yevgeniy Frumkin's right to freedom of peaceful assembly had been violated and that he had been arbitrarily detained for 15 days for "failing to obey police orders" following his participation in the Bolotnaya Square protest. The Court found that Yevgeniy Frumkin's arrest, detention and administrative punishment had been "grossly disproportionate" and designed to discourage him and others from participating in protest rallies or engaging in opposition politics.

On 12 October, Dmitry Buchenkov was charged with taking part in mass disorder and six counts of "non-lethal force" against police officers during the Bolotnaya Square demonstration. He claimed that he had been in Nizhny Novgorod at the time and had not participated in the demonstration. He remained in detention at the end of the year, having been detained since December 2015.

FREEDOM OF ASSOCIATION – HUMAN RIGHTS DEFENDERS

During the year, dozens of independent NGOs receiving foreign funding were added to the list of "foreign agents", including the International Historical and Human Rights Society of Memorial.

NGOs continued to face administrative fines for failing to comply with legislation on "foreign agents". On 24 June, Valentina Cherevatenko, the founder and Chair of the Women of the Don Union, was informed of criminal proceedings initiated against her for "systematic evasion of duties imposed by the law on non-profit organizations performing the functions of a foreign agent", charges punishable by up to two years in prison. This was the first time the relevant Criminal Code article had been invoked since its introduction in 2012. The criminal investigation against Valentina Cherevatenko was ongoing at the end of the year. Staff of the Women of the Don Union were frequently questioned by investigators who also monitored all the organization's publications.

Lyudmilla Kuzmina, a retired librarian and the co-ordinator of the Samara branch of the election watchdog Golos, was sued by the tax authorities for 2,222,521 roubles (€31,000). The tax authorities classified a grant given to Golos by the US funding organization USAID as profit following the declaration of the organization as "undesirable", and claimed that Lyudmilla Kuzmina had falsely declared the money a grant. On 14 March 2016, the tax authorities successfully appealed against a decision taken by the Samara District Court on 27 November 2015 which found that Lyudmilla Kuzmina had not defrauded the government of that amount, and had not used the money for her own gain. Following the successful appeal by the tax authorities, bailiffs confiscated her car and her pension payments were stopped.

FREEDOM OF EXPRESSION

Anti-extremism legislation continued to be used excessively in violation of the right to freedom of expression. According to the NGO SOVA Centre, 90% of all convictions under anti-extremism legislation were for statements and reposts on social media websites. On 3 November, following a request from SOVA Centre and other NGOs, the Plenum of the Supreme Court issued guidelines to judges on the use of anti-extremism legislation specifying that in order to qualify as incitement to hatred, statements need to include an element of violence such as calls for genocide, mass repression, deportation or calls for violence.

On 20 February, Yekaterina Vologzheninova, a shop assistant from Yekaterinburg in the Ural region, was found guilty of "inciting hatred and enmity on the grounds of ethnicity" under Article 282 of the Criminal Code following her online criticism of Russia's annexation of Crimea and Russia's military involvement in Donbass, eastern Ukraine, which consisted primarily of reposts of articles from Ukrainian media. Yekaterina Vologzheninova, a single mother and sole carer for her elderly mother, served 320 hours of unpaid "corrective labour". The judge also ruled that her computer must be destroyed as a "crime weapon".

The trial of Natalya Sharina, prisoner of conscience and director of the state-run Library of Ukrainian Literature in Moscow, began on 2 November. She was accused of "inciting hatred and enmity through misuse of office" under Article 282 of the Criminal Code and of fraudulent use of library funds, offences for which she could face up to 10 years' imprisonment. A number of books classified as "extremist" were purportedly found among uncatalogued literature in the library. She remained under house arrest which began on 30 October 2015.

NORTH CAUCASUS

Serious human rights violations, including enforced disappearances and alleged extrajudicial executions committed in the course of security operations continued to be reported from the North Caucasus. Human rights defenders were also at risk. On 9 March, two members of the human rights organization Joint Mobile Group (JMG), along with their driver and six journalists from Russian, Norwegian and Swedish media, were assaulted while travelling from North Ossetia to Chechnya. Their minibus was stopped by four cars near a security checkpoint at the administrative border between Ingushetia and Chechnya. Twenty masked men dragged them out of the vehicle and severely beat them before setting fire to the minibus. Two hours later, the JMG's office in Ingushetia was ransacked. On 16 March, the JMG's leader Igor Kalyapin was asked to leave a hotel in the Chechen capital Grozny by the manager because he "did not love" the Chechen leader Ramzan Kadyrov. Igor Kalyapin was then punched and pelted with eggs, cakes, flour and disinfectant by an angry mob.

On 5 September, Zhalaudi Geriev, an independent journalist known for his criticism of the leadership of Chechnya, was sentenced to three years' imprisonment by the Shali District Court of Chechnya for possessing 167g of marijuana. At his trial he withdrew his confession to the drugs charge, saying that three men in plain clothes had detained him on 16 April, forced him into a car and driven him to a forest outside Grozny, where he was tortured before being handed over to law enforcement officers who forced him to "confess".

The Chechen leadership continued to exercise direct pressure on the judiciary. On 5 May, Ramzan Kadyrov called a meeting of all judges and forced four of them to resign. There was no response from the federal authorities.

UNFAIR TRIALS

Ukrainian nationals Mykola Karpyuk and Stanislav Klykh were sentenced after an unfair trial at the Supreme Court in Chechnya to 22-and-a-half and 20 years' imprisonment respectively on 26 May. The sentence was confirmed on appeal at the Russian Supreme Court. They were convicted

of leading and fighting in an armed group that allegedly killed 30 Russian soldiers during the conflict in Chechnya (1994 to 1996). Both men said that they were tortured following their arrests in March 2014 and August 2014 respectively. Their lawyers were denied access and basic information about their clients' whereabouts for several months after their arrest. Stanislav Klykh, who had no history of mental illness, appeared severely disturbed throughout the trial, which began in October 2015, possibly as a result of torture.^[2] Mykola Karpyuk's lawyer alleged that vital evidence for the defence that supported his client's alibi was left out of the case file. The judge refused to allow witnesses to be interviewed in Ukraine.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment continued to be widespread and systematic during initial detention and in prison colonies.

On 30 August, Murad Ragimov and his father were beaten and tortured by officers from the Ministry of the Interior's Special Response Unit for two hours in the kitchen of their home in Moscow. The officers accused Murad Ragimov of killing a policeman in Dagestan, and of fighting for the armed group Islamic State in Syria. Murad Ragimov's cousin was handcuffed to the kitchen table while officers tortured Murad Ragimov using an electric-shock baton, and suffocating him with a plastic bag. Finally, the officers claimed to find drugs in his pockets. Murad Ragimov was taken to the police station and remained in detention at the end of the year facing trial on drugs charges.

Ildar Dadin said in a letter to his wife that he had been subjected to torture and other ill-treatment in the prison colony in Segezha in the Karelia region of Russia. He described how he was repeatedly beaten by groups of 10 to 12 prison guards, including on one occasion by the director of the prison colony. He described his head being pushed down a toilet and being hung by handcuffs and threatened with rape. Ildar Dadin was placed in a punishment cell seven times between his arrival in the prison colony in September and the end of the year. Following his allegations, the prison authorities carried out an inspection and asserted that there had been no ill-treatment. In 2015, Ildar Dadin was the first person to be convicted for participating in peaceful demonstrations under Article 212.1 of the Criminal Code, which criminalized violating the regulations for the conduct of public meetings. He was sentenced to three years' imprisonment, reduced to two-and-a-half years on appeal.

Failure to provide adequate medical care

During the course of the year the European Court of Human Rights found in 12 cases that prisoners in Russia had been subjected to torture or other ill-treatment because of failure to provide adequate medical care in prisons and pre-trial detention centres. On 27 April, in a report to the Federal Council, the Prosecutor General stated that lack of antiretroviral drugs in prisons was placing at risk the lives of prisoners living with HIV. According to a report by the NGO Zona Prava, released in November, prison health services were critically underfunded, resulting in shortages of antiretroviral drugs for treating HIV. The report also found that many conditions were only diagnosed at the critical stage, and medical staff who were employees of the Prison Service were not sufficiently independent. The law in principle allowed for early release on health grounds, but this was granted in only one in five cases where the prisoner requested early release.

Amur Khakulov died in a prison hospital in Kirov region, central Russia, of kidney failure in early October. On 15 June, a court had refused to release Amur Khakulov on medical grounds despite a medical panel's recommendation that he be released. Amur Khakulov had been in detention since October 2005; according to his family he developed chronic kidney disease while in detention.

ARMED CONFLICT – SYRIA

Together with the Syrian government, Russia carried out indiscriminate attacks and direct attacks on civilians and civilian objects in Syria, including civilian residential areas, medical facilities and aid convoys, causing thousands of civilian deaths and injuries.

INTERNATIONAL JUSTICE

On 14 November the Prosecutor of the ICC said that the situation within the territory of Crimea and Sevastopol amounted to an international armed conflict between Russia and Ukraine. The ICC Prosecutor was conducting an assessment as to whether the same was true for eastern Ukraine.

On 16 November, President Putin announced that Russia no longer intended to become a party to the Rome Statute of the ICC, which it signed in 2000 but did not ratify.

REFUGEES' AND MIGRANTS' RIGHTS

Russia continued to return asylum-seekers, refugees and migrant workers to Uzbekistan and other countries despite the real risk that they would be tortured and otherwise ill-treated.^[3] In many cases the individuals were deported for overstaying their visa or not having the correct documents under the Administrative Code, which does not require the court to take into account the seriousness of the offence committed, the circumstances of the individual and any potential consequences for them if expelled from Russia, nor does it provide for the individual to receive free legal advice.

On 1 July, Uzbekistani asylum-seeker Olim Ochilov was forcibly returned from Russia to Uzbekistan in blatant disregard of interim measures issued by the ECtHR on 28 June to stop his forcible return to Uzbekistan, where he would be at real risk of torture.

1. Russian Federation: Farmers and truck drivers imprisoned for a peaceful protest against corruption ([EUR 46/4760/2016](#))

2. Russian Federation: Urgent Action: Victim of unfair trial, health at risk ([EUR 46/4398/2016](#))

3. Uzbekistan: Fast track to torture, abductions and forcible returns from Russia to Uzbekistan ([EUR 62/3740/2016](#)); Uzbekistan: Asylum-seeker returned from Russia to Uzbekistan in blatant violation of international law ([EUR 62/4488/2016](#))

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