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BEATEN UP FOR SPEAKING OUT

**ATTACKS ON HUMAN RIGHTS DEFENDERS AND
JOURNALISTS IN THE RUSSIAN FEDERATION**

**AMNESTY
INTERNATIONAL**



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1. INTRODUCTION

This December the Russian Federation will mark its 20th anniversary. Following the break up of the Soviet Union, a generation has grown up in a very different country – literally and metaphorically – to the one their parents knew. Throughout this period, Russia has faced significant social, political and economic challenges that it has met with varying degrees of success. One of the most significant, and one that will be crucial to determining its future, has been the development of a vibrant civil society. Here again, the picture and prospects are mixed.

On the one hand there has been a significant growth in the number of organisations and associations of all kinds, especially recreational or charitable ones, but also organisations for the advancement of particular causes. This development has, to some extent, been encouraged by the state, and, across Russia, there are many non-governmental organisations that provide valuable social services in partnership with, or alongside, state entities.

This development should not be overlooked, but it is only one form of civic engagement. Civil society is not just about what individuals and organisations can offer to supplement, or plug the gaps in, the services provided by the state. Civil society is also, crucially, about critical engagement and informed participation in democratic debate. It is the fulcrum through which private individuals engage with public life. This engagement must, inevitably, lead to the questioning of government policy and the holding of public officials to account. It involves criticism, protest and the exposing of abuses. It is this *critical* engagement that Russia is failing to foster.

It is certainly possible to make out the green shoots of an active civil society that may yet come to influence Russia's future. The internet has provided a relatively uncontrolled space for opinion of all kind. Protest movements bringing people together in support of a range of causes – particularly around environmental and conservation concerns – have gained in support and confidence in the last few years. The “blue bucket” group – which started as a comic protest against the abuse of sirens by travelling officials – and the Khimki forest protesters are indicative of the growing willingness and ability of concerned citizens to speak out against abuses. The fact remains, however, that these green shoots are bedded in extremely rocky ground.

There has been some official rhetoric about the need to foster the development of an engaged civil society and some practical steps have been taken. In 2005, a Public Chamber was established to provide an official forum through which civil society representatives could engage with authorities on legislative and policy proposals. A Presidential Council for the Promotion of Civil Society and Human Rights was established. These bodies have proved less docile and ineffectual than many of their critics initially predicted. Their impact, however, has been modest, particularly in relation to the most egregious human rights violations in the country.

It is, in any case, self-evident that the emergence of a critically engaged civil society cannot

be managed. The Russian authorities have, however, invested more effort into managing civil society and controlling criticism, than creating the conditions for its organic growth and expression.

State control and influence over mainstream media has thinned the range of information and critical opinion that most Russians are exposed to. Protests, even by small groups in low numbers, are regularly banned and violently dispersed. Human rights NGOs – and human rights themselves – are frequently vilified by senior officials and proxy pro-government youth organisations as foreign implants working against the interests of the Russian state.

This environment is certainly not propitious for activists, human rights defenders and critical or investigative journalists. Unfortunately, however, they do just operate in an environment where they are vilified, obstructed or ignored. They are also exposed to the very real risk of threats, intimidation, attacks and even murder.

Russia can be a dangerous place. Power – both private and public – and violence frequently go hand in hand. It is not surprising therefore that those who seek to expose the abuses of the powerful, should occasionally fall victim to the violence at their command. The fragility of the rule of law and high levels of corruption often result in the failure of the criminal justice system to identify and punish assailants and those who ordered the attacks. The high level of impunity for past attacks only encourages future ones. Only the most high profile attacks are publicly condemned by senior officials but even then, their assurances that justice will be done are rarely fulfilled.

This report focuses on a number of different groups that are at particular risk of attack from both state and non-state actors. It is a wide range. What they share is the hostility of the Russian authorities and the causes they are seeking to advance.

Unless and until such critical voices receive the recognition and protection they need – and are entitled to – Russia will not get the civil society it needs. In its place, corruption, the abuse of power and human rights violations will continue to flourish.

2. THE INTIMIDATION OF HUMAN RIGHTS DEFENDERS IN THE NORTH CAUCASUS

2.1 ATTACKS ON HUMAN RIGHTS DEFENDERS IN THE CHECHEN REPUBLIC

The North Caucasus, and the Chechen Republic in particular, is one of the most dangerous places in Russia for human rights defenders, lawyers and journalists. The region continues to be racked by violence and violations of the most basic rights. Those who work on the front-line to expose these violations and the responsibility of security forces and government officials for them continue to place themselves at considerable risk. Their work and their

integrity are frequently denigrated by public officials. They are often threatened. Physical attacks are rarely investigated effectively, still less prosecuted.

Natalia Estemirova

The murder of Natalia Estemirova in 2009 and the continuing failure to identify and prosecute her killers, despite official promises and world-wide attention to her case is symptomatic of this malaise.

On 15 July 2009, Natalia Estemirova was abducted in Grozny, in the Chechen Republic, on her way to work. Her body was found later that day in the neighbouring Republic of Ingushetia with gunshot wounds. Since 2000, Natalia Estemirova had been working for the Memorial Human Rights Centre (Memorial) in Chechnya, regularly exposing serious human rights violations and supporting victims. She was repeatedly warned that she was putting herself at risk. Undeterred, she continued her work and urged the authorities to investigate human rights violations themselves rather than leave this work to human rights defenders such as herself. In a conversation with Amnesty International two weeks before her death, she said that she dreamt of a quiet life but felt that her work was still needed because of the failure of the authorities to prevent and investigate human rights abuses.

Shortly before her death, Natalia had been working on two particularly sensitive cases in Chechnya – one an extrajudicial execution by law enforcement officials and the other involving the enforced disappearance of a young man from a hospital, where he was under police guard. Memorial had published several statements about these human rights violations and Natalia had given interviews about the two incidents.

On 10 July 2009, Natalia and the then head of Memorial in Grozny, Shakhman Akbulatov were summoned by the Ombudsman for Human Rights of the Chechen Republic. He told Shakhman and Natalia that their latest publications had seriously upset the “highest ranks in the Chechen Republic”. He reportedly went on to say “hopefully, nothing will happen. You do understand that you put yourself at a very high risk, don't you?”

When Natalia was murdered five days later, President Dmitry Medvedev ordered federal investigators to take charge of the investigation into her murder. He acknowledged at a press conference with German chancellor Angela Merkel on 16 July 2009 that Natalia Estemirova had in all likelihood been killed because of her work. At the same time he rejected allegations implicating Chechen President Ramzan Kadyrov in the murder, calling such reports “primitive”.¹

Ramzan Kadyrov's own response to these allegations was to decry, “why would Kadyrov kill a woman that nobody needs? [Estemirova] had no sense of honour or shame.”²

Initially, the investigation appeared to have considered the possibility that she had been murdered by law enforcement officials linked to the human rights violations she had recently

been researching. However, from early 2010 onwards, it became clear that the investigation was focusing on just one, apparently unrelated, line of inquiry. Investigators began to claim that there was substantial evidence to suggest that she had been murdered by Alkhazur Bashaev, a member of an armed group, because she had collected information about him. Some government officials in the North Caucasus claimed that she had been murdered in order to discredit the authorities of the Chechen Republic³, a claim which echoes statements made by several Russian government representatives after the murder of journalist Anna Politkovskaya.

Natalia Estemirova's colleagues from Memorial and the newspaper *Novaya Gazeta* together with the International Federation for Human Rights (FIDH) conducted their own investigation. They published a detailed report on their findings in July 2011 which questioned the investigator's account of Natalia's murder. Among other things, they maintained that the DNA traces found under the fingernails of Natalia Estemirova and on her clothes did not match the DNA of a brother of Alkhazur Bashaev, who allowed the human rights organizations to undertake an analysis of his DNA.

The Investigation Committee was initially dismissive, claiming that the authors of the report lacked the necessary expertise and did not have access to all the information in the case. The last concern is partly true: Natalia Estemirova's family was denied access to material in the case file relating to investigations into the possible participation of law enforcement officials linked to the abuses she had been researching.

Following widespread coverage of the findings published by Natalia's colleagues, the head of the Investigation Committee told the media that all possible leads would be investigated⁴.

The fact remains, however, that over two years after Natalia's killing, her murderers are no closer to being brought to justice. The failure to make any real progress in this, the most high-profile killing of a human rights defender in the North Caucasus, has significantly undermined the confidence of critical, investigative NGOs that they can operate safely in the region.

Natalia Estemirova is not the only human rights defender to have been killed in Chechnya in recent years.

Zarema Sadulaeva and Alik Dzhabrailov

On 9 August 2009, Zarema Sadulaeva and her husband Alik Dzhabrailov were abducted by masked armed men from the office of their organization "Save the Generation" in Grozny.

Initially, the men, who did not identify themselves but appeared to be from a law enforcement agency, only wanted to take Alik Dzhabrailov with them. They told Zarema

Sadulaeva that he would return shortly. Zarema insisted on going with her husband, however, upon which the abductors asked for the keys of Zarema and Alik's car so that they could drive them both away. The next day their bodies were found in the boot of their car. They had been shot.

The investigation quickly concluded that the two had not been targeted because of their work for people disabled by landmines. However, as of August 2011, no further information had been released about the progress made in the investigation. Memorial and a number of journalists who have looked into the case believe that the investigation has identified those responsible, but that there is no political will to proceed with a prosecution. Fearing for his life, a colleague of Zarema Sadulaeva and Alik Dzhabrailov, who witnessed their abduction, left the country.

Zarema Gaisanova

On 31 October 2009, another humanitarian worker, Zarema Gaisanova, who was working for the Danish Refugee Council in Grozny, was detained during a so-called counter-terror operation conducted in her neighbourhood. The operation was carried out under the personal supervision of Ramzan Kadyrov and was reported on Chechen television the same day. However, her subsequent fate remains unknown. In early 2010, Ramzan Kadyrov told human rights defender Igor Kaliapin from the Inter-regional Committee against Torture that he had spoken to a woman who had been detained that day. He said he did not know her name or what had happened to her afterwards.

The investigation into the enforced disappearance of Zarema Gaisanova has still not resulted in any information about her fate and whereabouts and nobody involved in her disappearance has been brought to justice.

It is possible that the murder of Zarema Sadulaeva and Alik Dzhabrailov and the enforced disappearance of Zarema Gaisanova are not directly linked to the human rights work they were doing, even if there are very strong grounds to believe that law enforcement officials were responsible.

What is undeniable, however, is that in the space of four months in 2009, four human rights defenders were killed or disappeared and two years later, no progress has been made in establishing who was responsible or bring them to justice. Nor can there be any doubt that this failure has added to the atmosphere of fear and insecurity among Chechen human rights organizations.

Following Natalia Estemirova's killing Memorial temporarily suspended its operations in

Chechnya. A number of its Grozny office staff left the country. Since then, many NGOs working in Chechnya fear to speak openly about human rights violations, including about violations they themselves have become victims of.

In December 2009 a group of Russian human rights defenders led by the Nizhny Novgorod based NGO Inter-regional Committee against Torture, set up a “Joint Mobile Group” to maintain at least some scrutiny over and legal support to victims of the most egregious violations. Its members, who come from different Russian human rights organizations, work on a rotating basis in Chechnya for several weeks at a time and they use sophisticated methods to ensure that information is safely stored and transmitted to others outside the Republic. The aim is to ensure that attempts to silence any one of them will not stop the truth from getting out or prevent the victims they represent from pushing for redress.

This approach appears to be working. In February 2010, three members of the group were unlawfully detained by Chechen police for several hours in Shali. But to date they have managed to maintain a constant presence in the Republic and provide vital support to the victims they represent.

Local Chechen NGOs are more vulnerable. In June 2011, Supian Baaskhanov and Magomed Alamov, from the Chechen branch of the Inter-regional Committee against Torture, were detained following a demonstration they organised in Grozny to protest against torture by police. They were not charged but were warned that they risked serious consequences if they carried on their human rights work. In May, members of another Grozny-based NGO, the Chechnya Human Rights Centre, also faced threats when armed men burst into their office. The intruders allegedly waved their weapons around aggressively telling them that their work was unwelcome.

Amnesty International has learned about several other cases of harassment and attacks on human rights defenders in Chechnya, that the victims are scared to publicize for fear of further reprisals.

2.2 THE SITUATION OUTSIDE CHECHNYA

Elsewhere in the North Caucasus, the situation for human rights defenders has improved somewhat in recent years, but not to the extent that any feel entirely safe. Once again, the failure to investigate past violations has left activists feeling vulnerable to renewed abuses if they speak out too loudly.

2.2.1 INGUSHETIA AND DAGESTAN: INTIMIDATION OF HUMAN RIGHTS NGOS

In July 2008, Zurab Tsechoev, a human rights defender working for the Ingush NGO MASHR was taken from his home by law enforcement officials. He was found, several hours later, by side of a road – badly beaten. Zurab Tsechoev maintains that he was taken to the offices of the Federal Security Service (FSB) where he was assaulted and accused of passing a list of

names and other details of law enforcement officials allegedly involved in organizing abductions and killings in Ingushetia to opposition website Ingushetiya.ru. No-one has ever been held accountable for his abduction and beating.

In March 2011, Zurab Tsechoev attended an impromptu protest in Nazran, Ingushetia, in response to a recent abduction believed to have been carried out by law enforcement agencies. The next day, his house was raided by police officers.

In October 2010, two letters predicting the imminent assassination of Magomed Mutsolgov, the head of MASHR, were published on prominent Ingush websites. The first attributed the intention to kill Magomed to the current President of the Republic, Yunus-Bek Evkurov, the second to the previous President, Murat Ziazikov. Though the attribution of these letters was unclear, and President Evkurov personally called Magomed to deny any such intention, the mere fact of their publication is indicative of the climate that human rights organisations operate under in the North Caucasus.

In Dagestan, the offices of the NGO Mothers for Human Rights were set on fire in August 2009. The organization was set up in 2007 by a group of mothers of young men believed to have been forcibly disappeared. The perpetrators of the arson attack were never identified. Though they continue to be vilified by local authorities and labelled supporters of terrorism, the organization has not been subject to further attacks.

2.2.2 LAWYERS IN THE NORTH CAUCASUS

Whether they perceive themselves as human rights defenders, or just professionals with a job to do, lawyers are also extremely vulnerable to human rights abuses themselves. Some of the most active lawyers representing victims of human rights violations have left the region altogether in recent years. Those that remain learn to live with the risks. In 2010, in Dagestan alone, four lawyers reported being assaulted by members of law enforcement officers. The case of Sapiyat Magomedova is typical.

Sapiyat Magomedova

Sapiyat Magomedova is a criminal lawyer known for her work on cases involving human rights violations allegedly committed by members by law enforcement agencies in Dagestan. In July 2010, she filed an official complaint against police officers for beating her and forcibly removing her from Khasavyurt town police station on 17 June 2010 where she went to visit her client. The police launched a counter-claim alleging that she had attacked and publicly insulted them. According to Sapiyat Magomedova, investigators repeatedly tried to pressure her into withdrawing her complaint against the police, and warned her that she would face criminal charges herself if she pressed ahead.

After months of flagrantly slow investigation into Sapiyat Magomedova's accusations, her alleged assailants were finally charged with abuse of authority on 15 July 2011. Sure enough, however, Sapiyat was charged herself on 27 July with assaulting and insulting public

officials. The trial against her started in September 2011. If convicted, Sapiyat will be stripped of her licence to practise law and may face heavy fines or up to five years' imprisonment.

3. ATTACKS ON HUMAN RIGHTS DEFENDERS ELSEWHERE IN THE RUSSIAN FEDERATION

Human rights defenders are at risk of physical attack across the Russian Federation from a range of sources, including law enforcement officials, extremist groups, powerful private interests and, in some cases, combinations of these working together, depending on the issues and cases they take up.

There are many examples of such attacks in recent years, few of which appear to have been investigated thoroughly and even less to have resulted in successful prosecutions. Two examples stand out.

Lev Ponomarev

On 31 March 2009, Lev Ponomarev, director of the For Human Rights movement, was assaulted outside his home after returning from a meeting with a member of the Parliamentary Assembly of the Council of Europe, who had written a report on "allegations of politically motivated abuses of the criminal justice system in Council of Europe member states", in which she had analysed among others the political motivation behind the prosecution of former YUKOS oil company head Mikhail Khodorkovsky. No progress has been made in the investigation. As with many other human rights defenders who have suffered attacks, Lev Ponomarev told Amnesty International he felt it would be a waste of his to pursue his own cases as nothing was ever likely to come of it.

Lev Ponomarev had been repeatedly publicly accused of working against Russian interests. He is a well known human rights defender and his assault received widespread coverage – not least because it appeared to be directly related to his meeting with an international observer.

Bakhrom Khamroev

Recent assaults on Bakhrom Khamroev were less well covered. A longstanding member of Memorial, Bakhrom Khamroev is a Russian citizen of Uzbek origin, whose work has focused particularly on the rights of persons from the former Soviet Republics in Central Asia.

On 6 June 2011, Bakhrom Khamroyev was badly beaten in the stairwell of his apartment block. He was returning home to pick up some things before leaving for Murmansk to meet with Yusup Kasymakhunov, an Uzbek national convicted of membership of Hizb-ut-Tahrir, a few days before an extradition request from Uzbekistan was due to be heard. Memorial had assisted Yusup Kasymakhunov with an application to the European Court of Human Rights. According to Bakhrom Khamroyev the attack, involving a number of assailants, appeared to have been carefully planned.

Bakhrom Khamroyev was also assaulted in December 2010, as he sought entrance to a flat that was being searched by the police and the FSB, reportedly in connection with an investigation against Islamic extremist groups. An acquaintance of Bakhrom Khamroyev had called him for support. While he was outside the apartment block Bakhrom describes how a person in civilian clothes emerged from a minivan apparently belonging to the law enforcement agencies conducting the search and after asking him what he was doing there, knocked him to the ground. While there is suspicion that law enforcement officials were involved in the attack and the perpetrator would be easy to identify (the number plate of the minivan is known), the investigation has not resulted in any charges, nor was the alleged perpetrator identified.

3.2 INTIMIDATION AND HARASSMENT OF HUMAN RIGHTS DEFENDERS

In addition to physical attacks there have also been numerous incidents of attacks or threatening graffiti on the offices or homes of human rights defenders. In August 2008 a brick was thrown through the window of Stanislav Dmitrievskii's flat. Stanislav Dmitrievskii is a human rights defender from Nizhny Novgorod, who has written extensively about crimes committed in Chechnya during the conflicts. The entrance area was also daubed in offensive graffiti. The same month, Dmitrii Kraiukhin, a human rights defender and campaigner against hate crime from Orel, reported an arson attack on his flat. In neither case has an investigation yielded any results.

On 25 June 2011, the words "Olga Sadovskaya – supporter of terrorists and extremists" were written in large letters on a wall outside her apartment block in Nizhny Novgorod. Olga Sadovskaya is Deputy Director of the Inter-regional Committee Against Torture, the NGO coordinating the Joint Mobile Group's activities in Chechnya. She had returned that day from Strasbourg, where she had received a human rights prize from the Council of Europe's Parliamentary Assembly.

It is easy to suspect the hand of the state in many of the attacks and threats made against human rights defenders in Russia. It is also likely, however, that many incidents are more spontaneous – the work of individuals or groups, who have bought into the prevailing discourse of public officials at all levels painting human rights defenders as enemies of the people – as, indeed, supporters of terrorists and foreign-funded mercenaries intent on sowing discord in Russia. These groups and individuals no doubt feel they are doing their patriotic duty and take encouragement from both the discourse they hear and the apparent impunity with which they can carry out their campaigns of harassment.

Even where a state is not responsible for attacks on human rights defenders, it becomes complicit in them when it creates an environment in which they are encouraged and in which attacks go uninvestigated and perpetrators unpunished.

The fact is that frequent labelling of human rights defenders as enemies serves as a convenient smokescreen both for individual human rights violators and for public institutions that are keen to shield themselves from scrutiny.

For so long as this environment is maintained, claims by the Kremlin to value the rule of law will remain hollow and efforts to strengthen it ineffective. It is not possible to respect the rule of law, while undermining, threatening and persecuting those who most ardently push for it.

3.3 ATTACKS ON ENVIRONMENTALISTS AND LGBT RIGHTS ACTIVISTS

It is not just prominent government critics or human rights defenders working on egregious human rights violations in the North Caucasus and beyond that are at risk of threats, harassment and attacks. Advocates for controversial causes and campaigners whose concerns bring them into conflict with strong private and public interests are also vulnerable. This is very much the case for environmentalists and LGBT-rights activists.

At one level, the growing assertiveness and increased organisation of LGBT-rights activists and environmentalists is indicative of the steady expansion of civil society in Russia over the last few years. At the same time, however, this very growth has brought such activists into increasing conflict with reactionary or vested interests on the part of the state, powerful private companies and certain sectors of society. These have all, and occasionally, it would appear, in concert, resorted to illegal means – including the use of violence - to obstruct such groups.

3.3.1 THE HARASSMENT OF KHIKHI FOREST ACTIVISTS

The harassment and attacks on campaigners against the construction of a motorway through the Khimki forest on the outskirts of Moscow illustrate this trend well.

The idea of constructing a new super highway linking Moscow and St. Petersburg was first put forward by the Transport Ministry in 2004. The final route was set in 2006, when opposition to project began to take shape, first locally, but progressively bringing in a wider circle of supporters, who claim that the current route will destroy large parts of the forests

unnecessarily and has been chosen for commercial reasons. The protests grew as logging started in July 2010, following which President Medvedev ordered the work to be halted pending a review. The project was given the green light in December 2010, however, and work began again in earnest in May 2011, despite the daily struggle of activists to expose irregularities by the companies working on the road project and to stop any further destruction of the forest.

Mikhail Beketov

One of the earliest opponents of the project was Mikhail Beketov, a local resident and editor of a local newspaper *Khimkinskaya Pravda*. Mikhail Beketov had long been exposing corruption by local authorities, and had earned himself many enemies already, before he began to turn his attention to the motorway project and uncovering the layers of corruption and irregularities involved in its approval and construction. Mikhail Beketov claims he received warnings from local officials to stop covering the issue; his car was set on fire and his dog killed. The head of the local administration brought libel charges against Mikhail Beketov, for implicating him in these incidents⁵. On 12 November 2008, he was severely beaten outside his house. He suffered brain damage and had both his legs broken, one of which had to be amputated along with several fingers. The investigation into his attack has gone nowhere.

On 4 November 2010, another Khimki forest activist, Konstantin Fetisov, was attacked on his way home after a meeting of local activists. He spent several months in an induced coma. It was not the first time he had been beaten by unknown people. For once, however, investigators identified some suspects – one of them the head of Khimki district's Property Management Committee.

Over the last few months protesters have faced daily struggles to maintain their protest and seek to ensure that construction workers have the required permits to carry out their work. They have been unlawfully detained and harassed by law enforcement officials and also faced harassment and beatings by private security guards, though improvements in the conduct of the police – and their willingness to supervise the legality of the actions of construction workers – were reported towards the end of the summer of 2011.

The harassment of Khimki forest protestors is indicative of the dangers – the all too physical dangers – that activists in Russia face when they seek to take on powerful local, national and private interests.

3.3.2 ATTACKS ON LESBIAN, GAY, BISEXUAL AND TRANSGENDER ACTIVISTS

Homophobia is widespread in Russia and is officially endorsed by leading public figures and politicians responsible for regularly banning Pride events, refusing to register LGBT organisations and endorsing legislative proposals, such as the one adopted by the regional parliament of Arkhangelsk Region in September 2011, to prohibit the “public propaganda of homosexuality among minors”.

Such actions foster further intolerance and create a climate in which homophobic attacks become more likely. The more assertive lesbian, gay, bisexual and transgender persons are about claiming their rights the more vulnerable to attack they become.

Artem Kalinin

In the Republic of Komi, LGBT-rights activist Artem Kalinin, has been beaten up twice since he appeared in November 2010 on a regional television programme, calling for greater respect for the rights of sexual minorities. On 29 January 2011, he was attacked by a group of young people; one of them reportedly shouted “Aren’t you the guy who defends pederasts?” The attackers left him lying unconscious on the ground. On 29 March 2011 he was again attacked outside his home by a man with a stick.

The latter incident has been transferred to a justice of the peace, who has no investigative authority. The first incident was handled by the police, who were reportedly perfectly polite, but the investigation has made no progress at all. Artem Kalinin fears that the authorities lack the will to investigate the attack.

LGBT activists have repeatedly demanded that such attacks be recognized as hate crimes, for which provision is made under the Russian Criminal Code. To date however, there has not been a single case where homophobic motives have been recognised in court⁶.

The case of journalist and activist Elena Kostiuhenko is also revealing. She was beaten by a counter-protestor while attending the banned Moscow Pride on 28 May 2011. The police detained her - for participating in the unsanctioned event – and took her to a hospital. They also arrested her attacker, who was subsequently charged with assault. Elena Kostiuhenko instructed Ilnur Sharapov, from the human rights organisation *AGORA* to represent her in respect of proceedings against him. On 2 June, Ilnur Sharapov received an anonymous text message saying “May you all burn in hell, you sodomites and your cronies.” In September 2011, the charges against Elena Kostiuhenko’s assailant were dropped, reportedly on account of medical evidence suggesting that her injuries were insufficiently severe.

3.4 ATTACKS ON HUMAN RIGHTS DEFENDERS BY MEMBERS OF FAR-RIGHT GROUPS

Human rights defenders, lawyers and journalists, working on and writing about racism and other hate crimes, have faced intimidation and harassment and have even been killed by those whose crimes they have aimed to bring to light. In recent years, the Russian authorities have demonstrated a growing commitment to addressing the rise in often violent racist groups – and attacks on anti-racism campaigners or experts by members of racist groups have been more effectively investigated than attacks by other groups considered in this report. There is a tension, however, between these efforts to combat violent extremism and the frequent public denigration of the very human rights defenders that members of racist groups have targeted.

The murder of Stanislav Markelov and Anastasia Baburova

Stanislav Markelov was a lawyer who frequently represented victims of hate crimes and relatives of victims of human rights violations in Chechnya. Just a few days before his murder on 19 January 2009, he told Amnesty International about threats he had received, relating to his work for the family of a young Chechen woman who was murdered in 2000 by a Russian army officer, Yuri Budanov. Stanislav Markelov lodged an appeal against the early release of Yuri Budanov and held a press conference on 19 January 2009 to condemn the decision. On his way to the metro, he was shot dead. Journalist Anastasia Baburova, who was with him at the time and tried to stop the perpetrator, was also shot and died later the same day.

Only a few months before, in November 2008 Stanislav Markelov had spoken out against attacks on those who exercise their right to freedom of expression at a rally in solidarity for one of his clients, the ecological activist and journalist Mikhail Beketov, who had been seriously injured by unknown assailants on 13 November.

In November 2009, Nikita Tikhonov and his partner Evgenia Khasis, both members of extreme right wing groups, were detained and charged with the murders. They were convicted in May 2011, and sentenced respectively to life and 18 years imprisonment. Their appeals against their sentences were pending at the time of writing.

Like other activists physically attacked by people who support extreme right wing views, Stanislav Markelov, had previously found himself being labelled as an “enemy of the people” on internet websites of the extreme right.

4. ATTACKS ON JOURNALISTS

Journalists who criticise public officials or expose corruption or wrongdoing are just as vulnerable to harassment and physical attacks as human rights defenders. Again, despite the occasional recognition of the importance of independent, critical journalism by Kremlin officials, and President Medvedev in particular, too little is being done to address the threats they face and ensure that attacks are effectively investigated.

The result is a stifling of press freedom and a reduction in the information available to the public. Where public scrutiny is diminished, abuses will inevitably flourish. This suits many with power and the intention to exploit it for private gain. But it is not conducive to the development of a strong, actively engaged civil society.

According to the Committee for the Protection of Journalists, 22 journalists and media workers were killed in Russia between 2000 and 2010. The International Federation of Journalists, using a different definition of journalist, put the number at 96 between 1996

and 2006. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and freedom of expression in June 2010 ranked the Russian Federation as the country with the fourth highest death toll of journalists.

While the large number of journalists killed and attacked in Russia reflects in part the generally high levels of violence, there can be no doubt that many have been targeted on account of their work.

Investigation into the murder of Anna Politkovskaya

The murder of Anna Politkovskaya drew world-wide attention to dangers that journalists face in Russia. Anna Politkovskaya, a staff reporter at *Novaya Gazeta*, had received threats ever since she started reporting about human rights abuses in the North Caucasus in 1999. She was detained and threatened at a military base in Chechnya, regularly received threatening mail and phone calls and survived an attempt to poison her. On 7 October 2006 she was shot as she stepped into the lift of the apartment block where she lived in Moscow.

Three men stood trial for her murder in November 2008 at the Moscow Military District Court, two of them brothers of Rustam Makhmudov, who was also suspected of the murder, but was believed to be abroad at the time. The trial proceedings failed to demonstrate convincingly the participation of the three men in the murder and the jury acquitted all three men on 19 February 2009.

Following appeals by both the family of Anna Politkovskaya and the prosecution, a new investigation was ordered in September 2009. The investigation continued to name the three Makhmudov brothers as suspects in the crime. In May 2011, Rustam Makhmudov was detained in Chechnya. It appears that he had been able to travel repeatedly between Russia and Belgium at a time when he was wanted internationally for the murder of Anna Politkovskaya. In August, Dmitry Pavliuchenkov, a former lieutenant colonel in the police, was detained. Initially, he was suspected of having organized the crime. After he reportedly agreed to cooperate with the investigation, he is now charged with participation in the murder, while the authorities name Lom-Alik Gaitukaev, a relative of the Makhmudov brothers and currently imprisoned for attempted murder, as the organizer of this murder. A fifth suspect in the crime, Sergei Khadzhikurbanov, also a former police officer, continues to be under investigation. He is currently serving a prison term for the extortion of money from Dmitry Pavliuchenkov, who had been a key witness in the first trial into the murder.

Investigations into the murder are ongoing at the time of writing and no date for the opening of a second trial had been announced by September 2011. In a meeting with the international non-governmental organisation the Committee for the Protection of Journalists in 2010, officials from the Investigation Committee admitted that they had rushed the case to court, recognizing that in a second trial the evidence needed to be more substantiated⁷. Following the arrest of Dmitrii Pavliuchenko, The Investigation Committee stated that it had identified those who ordered the killing but could not yet publish their names. At the time of

the murder, Dmitrii Pavliuchenkov was still the head of the operative-search department of the Moscow police. It is unlikely that he acted without the involvement or knowledge of other colleagues. The investigation into Anna's murder must establish whether the killing had been condoned, supported or ordered by government and/or law enforcement officials.

Oleg Kashin

Oleg Kashin was severely injured on 5 November 2010 on his way home, when he was attacked by two men armed with steel rods. Oleg Kashin had written several blogs and articles for *Kommersant* criticising federal and local government policies. He had also criticised political youth movements with strong ties to the Kremlin. He received a number of threats before he was attacked. One such threat was posted on the website of the pro-Kremlin movement Molodaya Gvardiya (Young Guard) – a youth branch of the United Russia party – but promptly removed after the beating⁸.

The case of Oleg Kashin attracted considerable national and international attention. His colleagues organized vigils in Moscow and the issue was widely discussed in the Russian media. President Medvedev also condemned the attack and ordered the case to be handled by senior investigators. The investigators have stated that they consider the attack to have been an attempt on the life of Oleg Kashin and that they are examining the possibility that he was targeted for his journalistic work. As of September 2011, however, the investigation was still ongoing.

Ten days after the attack, Vasilii Yakemenko, the head of the Federal Agency for Youth Affairs and founder of the pro-government youth movement Nashi (Ours), mocked the public outcry over Oleg Kashin's attack on his personal web-site, likened him to a zombie or monster and claimed that *Kommersant* had "cashed in" on the attack.⁹ When Oleg Kashin stated publicly that he believed members of Kremlin-allied youth movements might be behind the attack, Vasilii Yakemenko filed a complaint against Kashin for criminal defamation. His complaint was turned down, an appeal against this was pending in September 2011.

Aleksandr Chernega

Attacks on journalists are by no means confined to prominent critics writing for national media. Aleksandr Chernega, a journalist from the island of Paramushir (one of the Kuril Islands) was seriously injured on 3 February 2011 outside his home in North Kurilsk. Two men beat him with karate sticks and steel rods. He suffered injuries to his head and legs. A criminal case was opened under article 112(g) of the Russian Criminal Code (intentional infliction of injury of medium severity, committed by two or more people).

Aleksandr Chernega is the editor and publisher of *Paramushir*, a local newspaper which frequently exposes government corruption and mismanagement. Several times over the last

years, shops were reportedly told by officials not to sell the newspaper because of its critical content. Aleksandr Chernega was a member of the ruling United Russia party until 2010, when he was expelled for his strong criticism of government policies.

Today, he is concerned that investigators are ignoring the possibility that he was attacked because of his professional work. He claims that he has been harassed by local authorities on a number of occasions and fears that strong ties between the police and local officials are obstructing the investigation.

Unsurprisingly, the North Caucasus is also a particularly dangerous place for investigative journalists, as the following examples from Dagestan demonstrate.

Zarema Gasanova

Before she fled the country, Zarema Gasanova was a well-known TV journalist in Dagestan. In December 2009, however, she made the “mistake” of reporting on the alleged torture and killing of two men from the town of Kizilyurt following a dispute with traffic police. Shortly after this incident law enforcement officials detained her husband and reportedly ill-treated him. She started receiving anonymous death threats. Fearing for her own safety, Zarema fled first to a distant location in Russia. In October 2010 she left the country altogether, when the police again came looking for her.

Zarema Gasanova had also accused local law enforcement agencies of committing serious human rights violations during anti-terrorism operations in an interview with the Dagestani opposition weekly *Chernovik*.

Magomed Hanmagomedov

Magomed Hanmagomedov writes for *Chernovik*. He regularly contributes stories on abuses by law enforcement officials regularly receives threats. Following the publication of article alleging that four suspected armed fighters were assassinated in the town of Derbent on 16 June 2010, he received several phone calls from law enforcement officers objecting to his report. He also received anonymous text messages alleging that he was working for militants. He was warned by a confidential source that the prosecutor’s office was considering bringing charges against him. Magomed has to date escaped charges – but not physical attack. In November 2010, he was beaten up inside the town hall of Ogni, following an invitation from the local Mayor meet with him. Reportedly, the assailants were the Mayor’s driver and guard, and the Mayor has subsequently offered apologies to Magomed for this incident. However, in May 2011, Magomed was attacked again, this time by two unknown men while trying to film the site where a protected historic building had been recently demolished.¹⁰ Magomed has been insisting that a criminal investigation be opened but has reportedly met with resistance from law enforcement officials while the attackers, both of whom are known to the police,

have been trying to settle the matter privately.

5. CONCLUSION

Attacks on human rights defenders and journalists by law enforcement and other public officials clearly violate Russia's human rights obligations. So does the repeated failure to investigate these – and others by private actors – effectively.

Many more attacks could have been included in this report. Their number, and the persistent failure to bring assailants to justice, point to a deep-rooted failure on the part of the Russian authorities. Indeed, they have sought – quite deliberately – to generate public hostility towards human rights defenders, opposition activists and critical journalists. This has created an environment in which attacks against them are formally condemned but institutionally tolerated.

This hostile environment is holding back the development of civil society in Russia and multiplying the potential for human rights violations. If Russia is to develop into the rights respecting, law-governed society that the next post-soviet generation will aspire to, then this trend needs to be reversed soon.

RECOMMENDATIONS

Amnesty International calls on the Russian authorities to:

- Fully, promptly and independently investigate attacks on human rights defenders and journalists and bring their perpetrators to justice;
- Refrain from the public denigration of human rights defenders;
- Demonstrate a commitment to the protection of human rights and fundamental freedoms by inviting greater input from independent civil society organisations in the formulation of government policies.

¹ <http://www.zeit.de/politik/ausland/2009-10/memorial-tschetschenien-estemirowa-politkowskaja?page=2>

² In an interview with RFE/RL, published on 10 August 2009.
http://www.rferl.org/content/Chechen_Leader_Kadyrov_Denies_Blame_For_Killings_Accuses_West_Of_Violence/1795686.html

³ For example the ombudsman for human rights of the Chechen Republic hinted at such reasons for the murder when talking to RIA Novosti on 15 July 2009.
<http://ria.ru/incidents/20090715/177517990.html>

⁴ <http://www.sledcom.ru/actual/57757/>

⁵ In 2008, Mikhail Beketov turned to lawyer Stanislav Markelov for support. The case was only closed in early 2011, when the court found that Mikhail Beketov's statements did not constitute a crime.

⁶ Instead, such attacks might have been recognized as acts of hooliganism, which carries the same sanction as hate crime.

⁷ <http://www.cpj.org/2010/09/russia-pledges-to-pursue-journalist-murder-probes.php>

⁸ <http://pics.livejournal.com/varfolomeev/pic/00081fwg>

⁹ <http://vg-vg.livejournal.com/>.

¹⁰ <http://www.kavkaz-uzel.ru/articles/184698/>