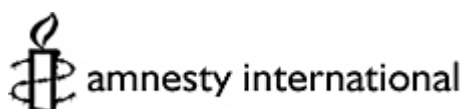


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## Amnesty International Report 2010 - Russian Federation

### RUSSIAN FEDERATION

Head of state: Dmitry Medvedev  
 Head of government: Vladimir Putin  
 Death penalty: abolitionist in practice  
 Population: 140.9 million  
 Life expectancy: 66.2 years  
 Under-5 mortality (m/f): 18/14 per 1,000  
 Adult literacy: 99.5 per cent

Human rights defenders, lawyers and journalists were threatened and physically attacked; some were killed. A climate of impunity for these crimes prevailed, with police failing to investigate effectively. Human rights abuses were increasingly reported in the North Caucasus. In a number of cases, criminal suspects were allegedly subjected to torture and other ill-treatment to extract confessions. The Russian authorities failed to investigate fully human rights violations carried out by the armed forces in the August 2008 conflict with Georgia. Concerns continued about the failure to uphold fair trial standards. Government officials spoke out against racism, but racist attacks still took place on a regular basis. In November the Constitutional Court decided in favour of fully abolishing the death penalty.

### Background

The government voiced its intention to fight corruption. In December, President Dmitry Medvedev ordered the reform of the Interior Ministry as a response to the public's anger about police abuses. The Russian Federation's human rights record was assessed under the UN Universal Periodic Review in February. Concerns were raised about the recent murders of journalists, the independence of the judiciary, extremism and hate crimes as well as the situation in the North Caucasus.

### Insecurity in the North Caucasus

Unlawful killings, extrajudicial executions, excessive use of force, enforced disappearances, torture and other ill-treatment in custody, and arbitrary detention continued to be reported in Chechnya, Ingushetia and Dagestan. Armed groups killed government officials, and suicide bombers killed law enforcement officials and civilians. Victims of human rights abuses feared reprisals if they sought redress.

### *Chechnya*

In April the Russian government announced an end to the Counter-Terrorism Operation, but reports of serious human rights violations, in particular enforced disappearances, continued. A complete list of those who have disappeared since 1999 had still not been compiled. The investigation of mass graves by the authorities was ineffective, lacking systematic procedures and adequate forensic facilities. Families of internally displaced people faced eviction from temporary accommodation without adequate alternative housing or compensation. There were reports that properties belonging to families of alleged members of armed groups were destroyed.

The Russian authorities failed to conduct effective investigations into violations established by the European Court of Human Rights. Those submitting cases to the Court faced intimidation and harassment.

- In July Natalia Estemirova, from the Memorial Human Rights Centre in Grozny, was abducted outside her home and murdered. Her body was later found with gunshot wounds in neighbouring Ingushetia.
- In August the bodies of human rights activists Zarema Sadulayeva and her husband, Alik (Umar) Dzhabrailov, were found in the boot of a car in Grozny. They had both been shot. Zarema Sadulayeva was the head of the local charity, Let's Save the Generation, which helped children injured during the armed conflict in Chechnya. In October the authorities said that Alik Dzhabrailov was the target of the abduction but that his wife had insisted on going with him.
- In October, aid worker Zarema Gaisanova was taken from her home in Grozny. Prosecutors told her mother that she was alive but that they did not have access to her. Chechen TV reported that Chechen President Ramzan Kadyrov had led an operation targeting fighters in a neighbour's home.

#### *Ingushetia*

The assassination attempt in June of Ingushetian President Yunus-Bek Yevkurov, seen as a moderating influence in the most unstable of the Russian Caucasian republics, raised fears about an escalation of violence.

- In May hearings began at Nazran City Court into the August 2008 killing of Magomed Evloev, a prominent opposition figure to the previous government and owner of an independent website in Ingushetia. In December a police officer was convicted of causing his death by negligence and given a two-year prison sentence.
- In October Maksharip Aushev, a friend of Magomed Evloev, who also opposed the previous government, and who had run Magomed Evloev's website after his death, was shot dead while travelling in neighbouring Kabardino-Balkaria. In December his mother- and brother-in-law were killed when a car in which they were travelling, with his widow and other relatives, was blown up.

Journalists who attempted to report allegations of torture and unlawful killings were threatened and had to leave Ingushetia. Armed groups indiscriminately killed civilians, including during suicide attacks. There were reports of traders being shot by members of armed groups for selling alcohol.

#### *Dagestan*

Amidst a high level of violence and lawlessness, human rights defenders and journalists were threatened or killed, and disappearances and torture continued to be reported.

- The office of the NGO Mothers of Dagestan for Human Rights was destroyed in a suspected arson attack in August. In the same month leaflets were distributed in Makhachkala, Dagestan's capital, calling for a blood feud against Svetlana Isaeva and Gulnara Rustamova, members of the NGO, and against other Dagestani human rights activists and journalists. They were accused of being members of illegal armed groups. The criminal investigation into the threats, opened in October, was

ineffective. No measures were taken by the authorities to protect members of the NGO.

- In August the body of Malik Akhmedilov, an investigative journalist who had written about unsolved killings of Dagestani officials, was found in a car in Makhachkala. He had been shot dead.
- In August Artur Butaev, Islam Askerov and Arsen Butaev were abducted and allegedly beaten and ill-treated while being interrogated in an unknown building. Islam Askerov and Arsen Butaev managed to escape and went into hiding. Three days later the remains of Artur Butaev and two other men, Gadzhi Gudaliev and Amiraslan Islamov, were found in a burned-out car near Makhachkala.

#### *Kabardino-Balkaria*

- In February the Supreme Court ruled that, in accordance with new legislation, the trial of 58 individuals accused of an attack on public buildings in Nalchik in October 2005 should take place without a jury. In March the trial opened at the Supreme Court of Kabardino-Balkaria. The health of several detainees had reportedly deteriorated as a result of harsh conditions in pre-trial detention, including the lack of medical care. According to his lawyer, detainee Rasul Kudaev was denied medical aid for hepatitis C. Appeals by his lawyer for confession statements allegedly made under torture or duress to be excluded from the case material were ignored. Rasul Kudaev had previously been detained at the US naval base in Guantánamo Bay, Cuba.

#### Armed conflict

A report by the Independent International Fact-Finding Mission on the Conflict in Georgia, commissioned by the EU and published in September, confirmed that violations of international human rights and humanitarian law were committed by Georgian, Russian and South Ossetian forces in 2008 and called on all sides of the conflict to address the consequences of the war. By the end of the year, no full investigations had been conducted by any side into the violations of human rights and international humanitarian law that took place during the 2008 war and in its immediate aftermath. A general lack of accountability persisted and there had been no comprehensive efforts undertaken to bring any of those responsible to justice.

#### Freedom of expression and human rights defenders

Amendments to the law on NGOs, which came into force in August, eased registration, inspection and reporting procedures. However, legislation regulating civil society organizations remained open to abuse.

Independent civil society remained under threat, especially but not only in the North Caucasus. Human rights defenders, journalists and opposition activists across the Russian Federation were subjected to attacks and threats. Some were killed. Investigations into such attacks and threats remained inadequate. Officials accused human rights defenders and NGOs of supporting "extremism" or working for foreign secret services. Under the law to combat extremist activities, law enforcement agencies targeted violent opponents and peaceful dissenters alike. The UN Human Rights Committee, during its examination of Russia's compliance with the International Covenant on Civil and Political Rights, raised concerns about the lack of protection for human rights defenders and journalists.

- In January, lawyer and human rights defender Stanislav Markelov and *Novaya Gazeta* journalist Anastasia Baburova were shot dead in central Moscow. Two suspects were arrested in November.
- In February a jury acquitted all those charged with involvement in the 2006 killing of journalist Anna Politkovskaya. In September the Supreme Court ordered a new investigation following an appeal from her family. The new investigation combined the case against the three alleged accomplices to the crime with the investigation into those responsible for carrying out the murder and for ordering it.

- In March, human rights defender Lev Ponomarev was kicked and beaten by three men near his Moscow home.
- In October, in a civil libel case, Moscow's Tverskoi District Court fined Oleg Orlov, head of Memorial Human Rights Centre, for libelling Chechen President Ramzan Kadyrov when he accused him of responsibility for the July murder of human rights defender Natalia Estemirova. Appeals by both sides – against the judgement and against the amount of compensation awarded – had not been heard by the end of the year. Later in October a criminal defamation charge, based on the same evidence and punishable by up to three years' imprisonment, was brought against Oleg Orlov.
- In May Aleksei Sokolov, head of an NGO campaigning against torture and ill-treatment in prisons and detention centres, was detained, allegedly on suspicion of taking part in a 2004 robbery. In July Sverdlovsk Regional Court ordered his discharge and release. However, the police immediately detained him again, allegedly on suspicion of a different crime. In a closed hearing in August, Ekaterinburg District Court ordered his remand in custody on the grounds that, as a member of the region's public commission for oversight of places of detention, he could meet and influence men convicted of the 2004 robbery. Amid numerous procedural violations, his detention was extended into 2010.

The right to freedom of assembly was restricted for members of the political opposition and for human rights activists. Several people were sentenced to police detention solely for attempting to exercise their right to freedom of assembly. The Moscow authorities repeatedly denied requests to hold demonstrations in support of the right to freedom of assembly, and arrested and fined dozens of people who attempted to demonstrate publicly.

- In January, four members of the opposition coalition, the Other Russia, were detained by police in Nizhnii Novgorod and sentenced to five days' administrative detention, apparently with the sole purpose of preventing them from attending a demonstration three days later. Neither police reports nor the court hearings gave specific information about the allegations against them.
- A gay pride march was banned in May by the Moscow authorities, which provided no alternative date or location as required in law. Police later briefly detained several people who attempted to hold a march, as well as counter-demonstrators.
- Opposition activist Eduard Limonov was given a 10-day prison sentence for allegedly refusing to obey police orders during an unauthorized demonstration in October. In this climate of intolerance for independent views, freedom of expression was also curtailed in the arts and sciences.
- In July the trial began of Yuri Samodurov, former director of Moscow's Sakharov Museum, and Andrei Yerofeev, an art curator, on a charge of inciting hatred that carries a sentence of up to five years' imprisonment. They were charged in connection with a 2007 Moscow exhibition of works that had been rejected by other galleries, intended to promote debate on freedom and art.

#### Torture and other ill-treatment

Regional commissions for public oversight of places of detention started to function from January onwards. They were appointed in several Russian regions following the adoption of enabling legislation in September 2008. There were widespread reports of torture or other ill-treatment in places of detention, including alleged denial of medical aid. In a few cases, law enforcement officials were convicted of abuse of office in connection with such reports. However, allegations that the authorities failed to investigate effectively such abuses remained frequent.

- In February and April, Zubair Zubairae, an ethnic Chechen, was reportedly beaten and otherwise ill-treated by prison officers in a prison colony in Volgograd region. During a visit in April his lawyer saw marks on his shoulders and across his chest. No medical help was provided and the injuries he received were not recorded.

Possibly as a result of his complaints about his treatment, Zubair ZubairaeV was transferred to a different colony.

- Sergei Magnitskii, a lawyer, died in pre-trial detention in Moscow in November. A criminal investigation into his death was opened following information that he had been denied medical treatment.

### Unfair trials

Trial procedures frequently failed to meet international standards of fair trial. In some cases there were concerns that the treatment of suspects was politically motivated. In September the Parliamentary Assembly of the Council of Europe called on the Russian Federation, among others, to adopt reforms to increase judicial independence and end the harassment of defence lawyers.

- In February, former YUKOS oil company owner Mikhail Khodorkovskii and his former colleague Platon Lebedev, serving eight-year prison sentences following conviction for tax evasion and fraud in 2005, were transferred from pre-trial detention in Chita to face trial on new charges of money laundering and embezzlement. In March the new trial began in Moscow, amid concerns that it would fail to meet international standards of fair trial and that the further prosecution may have been politically motivated. The rights of the two defendants to adequate time and facilities to prepare their defence for the second trial appeared to have been violated.

### Racism

The authorities recognized racially or ethnically motivated violence as a "threat to national security". However, an effective programme of action to tackle racially motivated violence and racial discrimination by law enforcement officials has still to be implemented.

According to the NGO the SOVA Centre, by the end of the year at least 71 people had died and more than 330 were injured in 36 Russian regions as a result of racially motivated attacks. Anti-racist campaigners were also targeted by right-wing groups.

- In November, 26-year-old Ivan Khutorskoi was shot and killed near his home. He had participated in a number of anti-fascist public actions and had been threatened and attacked by unidentified people.

According to statistics from the Interior Ministry, in the first four months of the year 105 people were accused of, or under investigation for, "extremist" crimes, which included cases of racially motivated murder.

### Death penalty

In November the Constitutional Court decided to extend a 10-year moratorium on executions and recommended abolishing the death penalty completely. The moratorium was due to expire when all regions had introduced jury trials, which was planned to happen in January 2010. The Court said the path towards full abolition was irreversible.

### Violence against women and girls

Research by NGOs showed that violence against women in the family was widespread. There were no statistics provided by the government, and government support for crisis centres and telephone helplines remained inadequate. There were only some 20 shelters across the country for women fleeing domestic violence. Many of these were open solely to those with residential registration in the local region, including Moscow's single shelter, which provided space for only 10 women. No legal measures specifically addressed violence against women in the family.

### Amnesty International visit/reports

- An Amnesty International delegate visited North Ossetia in July.

- Civilians in the aftermath of war – the Georgia-Russia conflict one year on (EUR 04/001/2009)
- Russian Federation: Rule without law – human rights violations in the North Caucasus (EUR 46/012/2009)
- Russian Federation: Briefing to the UN Human Rights Committee (EUR 46/025/2009)

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