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World Report 2012 - Russia

Events of 2011

The announcement in September that Prime Minister Vladimir Putin would run for president in 2012 led most analysts to believe that his election is a foregone conclusion, and cast a shadow over the prospect of much-needed political reform. Harassment of human rights defenders continues and the working climate for civil society organizations and activists remains hostile. Impunity for past abuses and murders of activists in the North Caucasus is rampant. Russia's cooperation with international institutions on human rights appears perfunctory. Several positive developments pertaining to freedom of expression were offset by detrimental legislative initiatives in other areas.

Human Rights Defenders

Human rights defenders are vulnerable to harassment and violent attack, and those working in the North Caucasus are especially at risk.

In Chechnya the 2009 murders of three activists – Natalya Estemirova, Zarema Saidulaeva, and Alik Dzhabrailov – remain unpunished. Impunity for these murders has had a chilling effect on Chechen activists. In at least two cases in 2011, activists were subjected to severe harassment by officials, but made no official complaints for fear of retribution.

One activist who spoke out about threats was Supyan Baskhanov, a Chechen lawyer who runs the Grozny office of the Committee against Torture, a Russian NGO. In June 2011 Baskhanov helped organize a small, peaceful, anti-torture rally in Grozny, the Chechen capital. Police dispersed the demonstration, detained Baskhanov and his colleague, and threatened them with reprisals if they persevered in efforts to hold police accountable.

Human Rights Watch documented five incidents in 2010 of law enforcement physically attacking and harassing Dagestani lawyers. In 2011 the authorities failed to conduct effective investigations into these attacks, despite pledges to the contrary. Indeed, instead of holding accountable police who beat human rights lawyer Sapiyat Magomedova in 2010, the authorities charged Magomedova with using violence against state officials and insulting police officers on duty. Magomedova's indictment appears to be in retaliation for her work.

Activists from other Russian regions also faced serious problems. The day before a civil society forum held in conjunction with the June 2011 European Union-Russia summit in Nizhny Novgorod, the conference venue suddenly, and without proper explanation, refused to host the event. It took place elsewhere. Before the summit, law enforcement officials warned at least 10 local activists against holding public rallies.

In June 2011 two unidentified men severely beat Bakhrom Hamroev – Central Asia expert with Memorial Human Rights Center (Memorial), a leading Russian human rights group – in his Moscow apartment building. It was the second such beating he had endured in less than six months. Both attacks remain unpunished.

One positive development was the June 2011 acquittal of Oleg Orlov, head of Memorial, on criminal slander charges. The case stemmed from Orlov's 2009 statement suggesting that Chechnya's leader, Ramzan Kadyrov, was responsible for the murder of Natalya Estemirova. The court's decision was appealed a week later and appeal hearings started in October.

A month before the ruling, President Dmitry Medvedev introduced amendments to Russia's criminal code that would decriminalize libel and make it an administrative offense. The amendments are pending in the Duma and will advance free speech protections in Russia if passed into law.

Killings of Whistleblowers

There was some progress in the investigation of the 2006 murder of journalist Anna Politkovskaya. In August 2011 a police official was arrested on suspicion of organizing the murder. However, there is no official information indicating who ordered Politkovskaya's murder. Other investigations into attacks on independent journalists have been largely ineffective.

In 2011 an ad-hoc working group under Medvedev's Council on Civil Society conducted the first independent public inquiry into the death of Sergei Magnitsky. Magnitsky, an anti-corruption lawyer who had alleged wide-scale tax fraud, was prosecuted on trumped-up charges and died in pre-trial custody in 2009. His death generated massive international attention. The working group's report appeared to prod the authorities to reactivate the investigation into the case, which had previously been closed.

Hate Crimes

In May 2011 two ultra-nationalists, Nikita Tikhonov and Evgenia Khassis, were convicted and sentenced to life in prison and 18 years respectively for the 2009 murders of human rights lawyer Stanislav Markelov and journalist Anastasiya Baburova.

This unique example of an effective and prompt investigation into the killing of civil activists appears to be part of a police campaign against neo-Nazism. In 2010, 329 ultra-nationalists were convicted for hate crimes, twice as many as in 2009. This trend continued in 2011, resulting in a gradual fall in violent hate crimes, especially murders. However, aggressive racism and xenophobia continue to rise, as evidenced nationalist riots that took place in the December 2010.

Freedom of Assembly

The right to freedom of assembly remains problematic in Russia, where police frequently disperse public rallies held by civil society activists and the political opposition. Police use excessive force and arbitrarily detain peaceful protesters. Courts fine protesters or sentence them to administrative detention.

While Moscow authorities generally permitted the now-traditional freedom of assembly rallies on the 31st day of each month that has 31 days, similar demonstrations were rarely allowed in other cities. For example, the authorities in Nizhny Novgorod dispersed a peaceful rally on March 31 and detained over 20 activists.

May saw a series of violent attacks by private security agents, at times aided by unidentified men, against individuals protesting the construction of a highway between Moscow and St. Petersburg through the Khimki forest. Police refused to investigate the

attacks. The protesters informed Human Rights Watch of several cases of excessive use of force against them by police, including the violent dispersal of a peaceful rally and a beating in police custody.

In October 2010 the European Court of Human Rights (ECtHR), in the *Alexeev v. Russia* ruling, found Russia in violation of freedom of assembly for denying activists the right to hold gay pride marches. Despite this legally binding ruling, the May 2011 gay pride gathering in central Moscow was once again dispersed. Police used excessive force and failed to protect peaceful protesters from homophobic violence. One assailant delivered a heavy blow to the head of *Novaya Gazeta* journalist Elena Kostyuchenko. She had to be hospitalized.

Elections

With Russian parliamentary elections scheduled for December 4, 2011, the government's refusal to register new political parties became a particular concern. No independent party founded in 2010 – Parnas, Other Russia, RotFront, Motherland-Common Sense – was granted registration. In April 2011 the ECtHR ruled that the 2006 de-registration of the Republican Party of Russia violated the European Convention on Human Rights. The court found party registration requirements were unmanageable for small parties.

In June 2011, in what appeared to be a sudden move towards liberalization, Medvedev introduced legislation lowering the threshold of votes that parties must garner to secure a Duma seat from 7 to 5 percent, starting with the 2016 election. However in 2011, as in previous election periods, pro-government parties benefitted from disproportionate access to media and abuse of administrative resources, resulting again in an uncompetitive electoral environment.

The Russian government allowed the Organization for Security and Co-operation in Europe to carry out only limited-scale monitoring of the vote (200 monitors).

In May 2011 Russia's Central Election Committee adopted a resolution strictly limiting the activities of election observers, including forbidding Russian citizens to be members of international monitoring missions. Legislative restrictions make it nearly impossible for Russian NGOs to observe elections.

North Caucasus

According to official statements, the number of insurgent attacks in the North Caucasus doubled in 2010 compared to 2009. In 2011 the Islamist insurgency remained on the rise, especially in the Republic of Dagestan. In January a suicide bomber from the North Caucasus killed 37 people and wounded over 120 at a Moscow airport. The February killing of three tourists in Kabardino-Balkaria, allegedly by insurgents, prompted the authorities to close ski resorts there.

The authorities' use of torture, abduction-style detentions, enforced disappearances, and extrajudicial killings in the course of their counterinsurgency campaign, coupled with impunity for these abuses, antagonized the population of the North Caucasus.

Dagestan's president appeared to seek social consensus and stability, but the republic had the highest number of documented abductions, according to Memorial. Between January and September 2011, 28 people were abducted and nine subsequently "disappeared." Salafi Muslims remained especially vulnerable to persecution.

In Ingushetia, 12 local residents were abducted, seven of whom "disappeared" between January and September, according to Memorial.

Chechen law enforcement and security agencies under Ramzan Kadyrov's de facto control continued to resort to collective punishment against relatives and suspected supporters of alleged insurgents. Memorial documented 11 abductions of local residents by security forces between January and September 2011. Five of the abducted subsequently "disappeared."

Increasingly, victims refuse to speak about violations due to fear of official retribution.

In a letter to a Russian NGO in March 2011 federal authorities stated that police in the Chechen Republic sabotaged investigations into abductions of local residents and sometimes covered up for perpetrators. The letter marked the first public acknowledgement of the impotence of federal investigative authorities in investigating abuses in Chechnya.

Police in Austria gathered evidence of a link between the 2009 murder of a Chechen refugee, Umar Israilov, and the Chechen leadership, but in 2011 the Russian authorities ignored judicial requests to question key witnesses in Russia, including Kadyrov. Israilov had filed a complaint with the ECtHR in 2006 alleging Kadyrov had tortured him. In June 2011 a court in Vienna handed down sentences ranging from 16 years to life to three men accused of organizing the murder.

There were no further reports of attacks on women and girls in Chechnya who refuse to wear headscarves, although those who do not cannot work in the public sector or attend schools and universities.

Cooperation with the European Court of Human Rights

In June the Duma received draft legislation to allow Russia's Constitutional Court to override certain ECtHR judgements. If adopted, this initiative would impede implementation of ECtHR rulings, place Russia in violation of its international legal obligations, and obstruct access to justice for Russians.

At this writing the ECtHR had issued more than 210 judgments holding Russia responsible for grave human rights violations in Chechnya. Russia continues to pay the required monetary compensation to victims. But it fails to meaningfully implement the core of the judgments, chiefly because it does not conduct effective investigations and hold perpetrators accountable.

Health Issues and Palliative Care

Access to quality healthcare remains a serious problem in Russia. Ill-advised government policies around drug treatment and HIV prevention continued to undermine Russia's battle against the HIV epidemic, leading to significant numbers of preventable new infections and deaths. Although over 300,000 Russians die of cancer each year, with many facing severe pain, available palliative care services remained limited. As a result, hundreds of thousands of patients die in avoidable agony each year. In much of the country, the government does not make oral morphine available through the public healthcare system, or adequately train healthcare workers on modern pain treatment methods. Existing drug regulations are excessively restrictive and limit appropriate morphine use for pain relief.

Migrant Worker Rights

Russia hosts between 4 and 9 million migrant workers who come overwhelmingly from states of the former Soviet Union. Thousands are employed in building sports venues and other infrastructure necessary for Russia to host the 2014 Winter Olympic Games in Sochi. Some workers reported employers' failure to provide contracts, adequate housing, or payments in full or on time. In October 2010, numerous migrant workers in Sochi protested non-payment of wages; some employers retaliated against workers with irregular work status by denouncing them to the authorities. Several of these workers were deported.

Property Expropriation and Evictions before the 2014 Olympic Games

To make way for venues for the 2014 Winter Olympics, hundreds of families living in the Adler region of Sochi have lost their property through state expropriations. The regional government provided most homeowners with compensation, but in many cases these amounts and expropriation procedures were neither fair nor transparent.

Key International Actors

The EU's human rights consultations with Russia continued to be an ineffective tool for advancing human rights. At the June EU-Russia summit, Herman Van Rompuy, European

Council president, noted "strong concerns" about human rights and stressed the importance of "respect for the international obligations and political pluralism" in the context of upcoming elections. Additionally, the European Parliament adopted three critical resolutions on Russia that have addressed the human rights situation.

Widespread public outcry, including by German politicians, forced the German nonprofit group Quadriga to reverse a decision to award a prestigious prize to Vladimir Putin. The Quadriga Prize invokes the "moral courage of the civil movement" that brought the fall of the Berlin Wall.

The Civil Society Working Group under the United States-Russia Bilateral Presidential Commission continued its work and discussed issues such as child protection, migration, prison reform, and corruption.

In July the US State Department imposed a visa ban on around 60 Russian officials implicated in the death of Sergei Magnitsky. In July 2011 the Dutch parliament unanimously endorsed a Magnitsky-like bill, and the European parliament in December 2010 adopted a resolution recommending similar sanctions to countries in Europe. In response Medvedev ordered the government to develop similar measures against US citizens.

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