

**Flygtningenævnets baggrundsmateriale**

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# RUSSIAN FEDERATION

Head of state: Vladimir Putin  
Head of government: Mikhail Fradkov  
Death penalty: abolitionist in practice  
International Criminal Court: signed

Human rights defenders and independent civil society came under increasing pressure. The authorities clamped down on the peaceful exercise of the rights to freedom of expression and assembly. Journalists were intimidated and attacked and one, Anna Politkovskaya, was killed. The authorities failed adequately to tackle racism and discrimination against people because of their ethnic identity or sexual orientation. Racist and homophobic attacks, some of them fatal, continued. Violence against women in the family was widespread and the state failed to provide adequate protection for women at risk. Police frequently circumvented safeguards designed to protect detainees against torture. Extrajudicial executions, enforced disappearances and abductions, torture including in unofficial detention centres, and arbitrary detentions continued in the North Caucasus region, in particular in Chechnya. In Chechnya, impunity remained the norm for those who committed human rights abuses, and people seeking justice faced intimidation and death threats. The European Court of Human Rights ruled that Russia had violated the rights to life, to liberty and security, to respect for private and family life and to an effective remedy, and to the prohibition of torture. The government failed to co-operate fully with international human rights mechanisms

## against torture.

## Background

Opposition parties protested at amendments to electoral laws that removed the requirement of a minimum voter turn-out to validate election results. A new Federal Law on Counteracting Terrorism adopted in March set out no explicit safeguards for individuals detained in counter-terrorism operations, and allowed the armed forces to conduct such operations outside the territory of the Russian Federation. Growing nationalist sentiment raised fears of increasing xenophobia in the run-up to elections in 2007. A new immigration policy restricted foreign street traders from working in Russian retail street markets from January 2007.

In May, President Vladimir Putin announced a drive against pervasive corruption among officials. The cost of corruption to the country was US\$240 billion a year, as much as the federal budget, the office of the General Procurator said in November. The authorities exercised tight control over the media, in particular television. There were a number of apparent contract killings of businessmen, officials and politicians. Russia's chairing of the G8 group of major industrial states, and of the Council of Europe Committee of Ministers from May, increased international scrutiny of the government's human rights record.

Violence and instability in the North Caucasus continued. In June, Chechen separatist leader Abdul-Khalim Sadulaev was killed in Argun, Chechnya, in fighting with police and security forces. Shamil Basaev, the Chechen opposition leader who claimed responsibility for the Beslan school siege, North Ossetia, in September 2004 and other war crimes in the Chechen conflict, was killed in July in an explosion.

## Restrictions on dissent

Limits on freedom of expression and assembly came into force in April under amendments to three federal laws - on closed administrative-territorial entities, on public organizations and on non-commercial organizations - and regulations specifying reporting requirements for civil society organizations. Ostensibly aimed at improving the regulation of non-governmental organizations (NGOs), in practice new powers to scrutinize the funding and activities of Russian and foreign civil society organizations were legally imprecise, allowed arbitrary implementation and disproportionate penalties, and diverted resources from substantive programmes.

Amendments in July to the 2002 law on "extremist activity" broadened the definition of "extremism", criminalized public justification of terrorism and slander of government officials, and threatened to restrict and punish the activities of civil society organizations and other government critics.

### Attacks on journalists

Journalists were intimidated, faced with groundless criminal proceedings and attacked. Human rights defenders were subjected to administrative harassment and some received anonymous

death threats.

- Russian journalist and human rights defender Anna Politkovskaya was shot dead on 7 October at the block of flats where she lived in Moscow, in all likelihood because of her work as a journalist. Her courageous coverage of the conflict and human rights situation in Chechnya since 1999 for *Novaia Gazeta* (New Newspaper) had won her numerous awards, and she had also written extensively about violence in the army, state corruption and police brutality. She had been subjected to intimidation and harassment by the Russian and Chechen authorities because of her outspoken criticism. A vigil in her memory on 16 October in Nazran, Ingushetia, was broken up violently. At least five human rights activists were detained by police and charged with administrative offences. Four were cleared, but the vigil organizer was fined.

- On 3 February, Stanislav Dmitrievskii was sentenced to a suspended two-year prison term and four years' probation for inciting "race hate" after he published articles by Chechen separatist leaders that advocated neither racism nor violence. The NGO he led, the Russian-Chechen Friendship Society, was ordered by a court to close in November. The decision was motivated in part by Stanislav Dmitrievskii's conviction, applying a new NGO law forbidding individuals convicted of an "extremist" crime from heading an NGO.

### Demonstrations

Many bans on demonstrations did not appear to be legitimate or proportionate restrictions of freedom of assembly. Peaceful protesters were detained despite informing the authorities of their intention to demonstrate as required in law.

- Anti-globalization protesters were detained on their journey to St Petersburg in the run-up to the G8 summit in July, apparently sometimes on spurious grounds.

- In April officers of a special police unit (OMON) reportedly used excessive force to disperse over 500 men, women and children protesting at alleged corruption by local authorities in Dagestan. Murad Nagmetov was killed and at least two other demonstrators were seriously injured after police reportedly fired tear gas canisters directly into the crowd without warning. The local procuracy opened investigations.

## Conflict in the North Caucasus

Extrajudicial executions, enforced disappearances and abductions, arbitrary detention and torture, including in unofficial places of detention, were reported in the government's counter-terrorism operation in the North Caucasus, particularly in Chechnya and Ingushetia. Individuals who sought justice in the Russian courts or before the European Court of Human Rights faced intimidation from officials. Defence lawyers were also harassed.

The conflict, sometimes characterized as an insurgency, continued in Chechnya despite efforts to restore normalcy, including through large-scale reconstruction projects. Federal forces and Chechen police and security forces fought Chechen armed opposition groups, and federal forces shelled mountainous areas in the south. In turn, Chechen armed groups attacked police officers and convoys of federal forces, and planted car bombs. The presence of numerous paramilitary forces, their arbitrary actions and their lack of accountability made it difficult to determine the identity of those responsible for serious human rights violations.

International agencies estimated 180,000 people were still internally displaced within Chechnya by the conflict. Of these around 37,000 were registered as living in temporary accommodation, where conditions were reportedly poor. In April, Ramzan Kadyrov, Prime Minister of Chechnya, said the centres were "a nest of criminality, drug addiction and prostitution" and demanded their closure. Reportedly, five centres housing 4,500 people were closed, and individuals were removed from lists of inhabitants in other centres, although no alternative accommodation was available.

- Bulat Chilaev and Aslan Israilov were believed to have been subjected to enforced disappearance by Chechen or Russian federal forces. About 10 eyewitnesses saw them being bundled into a car by armed masked men in uniform in Chechnya on 9 April. A military identity tag was later found near the spot. Their whereabouts remained unknown. Bulat Chilaev was a driver for the NGO, *Grazhdanskoe Sodeistvie* (Civic Assistance), whose work includes medical support for the displaced and others affected by the armed conflict.

In Ingushetia, armed groups reportedly assassinated officials, also killing their relatives including children, passers-by and guards. Arbitrary detentions, one extrajudicial execution and torture in police custody were reported. Serious violations including torture were also reported in North Ossetia and Dagestan. There were nearly 25,000 people displaced by the Chechen conflict in Ingushetia and Dagestan at the end of 2006.

## International scrutiny

In May, for Russia's election to the UN Human Rights Council, the government pledged active co-operation with UN human rights bodies and highlighted the scheduling of a visit by the UN Special Rapporteur on torture for 2006. However, in October the Special Rapporteur postponed his visit, set to focus on the North Caucasus, because the Russian

authorities had said the standard conditions of such visits - in particular, arriving unannounced at places of detention and interviewing detainees in private - contravened Russian law. The Special Rapporteur had been asking to visit Chechnya since 2000.

#### Council of Europe

In January the Parliamentary Assembly of the Council of Europe adopted a strongly worded resolution on Chechnya. It condemned ineffectual investigations and resulting impunity for human rights violations; reprisals against applicants to the European Court of Human Rights; the complete failure of harsh security measures to restore law and order, and resulting desperation, violence and instability. It urged the Committee of Ministers of the Council of Europe to "confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe's member states".

In May NGOs urged Russia to fulfil commitments made on accession to the Council of Europe a decade earlier, including to address impunity in Chechnya.

In May, a delegation visiting Chechnya from the European Committee for the Prevention of Torture was denied immediate access to the village of Tsenteroi, where unofficial detention facilities were reportedly located.

Russia failed to ratify Protocol 6 to the European Convention on Human Rights which provides for abolition of the death penalty in times of peace, despite its commitment to do so by February 1999. In November the State Duma (parliament) postponed to 2010 the introduction of jury trials in Chechnya, the one remaining region without a jury system. This had the effect of extending the current moratorium on the death penalty, introduced in 1999 when death sentences were banned until the jury system had been introduced everywhere.

#### UN Committee against Torture

Among concerns of the UN Committee against Torture in November were the absence of a definition of torture in the Criminal Code that reflected the definition in the UN Convention against Torture; laws and practices that obstructed detainees' access to lawyers and relatives; numerous and consistent allegations of torture and other ill-treatment or punishment by law enforcement personnel, including in police custody; failures in investigations into allegations of torture and ill-treatment; violent hazing of recruits in the military and reprisals against complainants; trafficking of women and children; and lack of safeguards against forcible returns. The Committee's concerns on Chechnya included reliable reports of unofficial places of detention, enforced disappearances and abductions, and torture.

## Torture

Torture was used in police custody across the country. Safeguards against torture - such as notifying relatives of arrest, and rights to legal counsel and to medical examination by a doctor of choice - were circumvented by police officers focused on obtaining "confessions". The Procuracy routinely failed to ensure effective investigation of torture allegations or remedy against torture. There was no fully effective, independent and nationally enforced mechanism for unannounced visits to places of detention. Convicted prisoners were reportedly beaten in a number of colonies, including in Perm and Sverdlovsk Regions, according to reports.

- In January the European Court of Human Rights ruled that the Russian authorities had subjected Aleksei Mikheev to torture in police detention in September 1998, and had denied him access to legal remedies. The Court found the government had violated the prohibition of torture and the right to an effective remedy.

- In April, Aslan Umakhanov's lawyer was not informed when he was transferred from the pre-trial detention centre in Ekaterinburg back to police custody for questioning in connection with a criminal investigation. Police investigators allegedly beat him severely and subjected him to electric shocks to force him to "confess". The authorities refused to open a criminal investigation into his alleged torture, despite a medical certificate attesting to his injuries.

#### Former Guantánamo detainees

- In Kabardino-Balkaria, Rasul Kudaev remained in detention amid concerns about his health. A former Guantánamo detainee, in 2004 he was transferred from US to Russian custody, detained for around four months, then released. He was arrested in Kabardino-Balkaria and charged with terrorism-related offences after the October 2005 attack on the capital, Nalchik. His state-appointed lawyer, removed from the case in November 2005 after she complained officially that he had been tortured in police custody, was not reinstated despite appeals to the courts.

## Forcible return

In some cases, orders to extradite individuals to Uzbekistan where they risked being subjected to torture were overturned

by Russian courts or their implementation was stayed in accordance with Russia's obligations under international human rights and refugee law. However, the Russian authorities forcibly returned at least one person to Uzbekistan in violation of its international obligations.

- The Russian authorities opened a criminal investigation in October into the deportation of Rustam Muminov to Uzbekistan. He had been deported that month although the Moscow City Court had yet to rule on his appeal against his deportation order and he had informed Russian officials that he wished to apply for asylum. The European Court of Human Rights had issued a request to stay the deportation just prior to his removal.

## Lesbian, gay, bisexual and transgender rights

Lesbian, gay, bisexual and transgender (LGBT) people were subjected to violent attacks while attending LGBT clubs in Moscow. The police were criticized for not providing sufficient protection.

- In Moscow, a Gay Pride march was banned in May. Mayor Yuri Luzhkov and Russian Orthodox and Muslim leaders publicly criticized the planned march and made homophobic statements, and a Moscow court upheld the ban. LGBT demonstrators instead laid flowers at the tomb of the Unknown Soldier by the Kremlin and joined an authorized demonstration near Moscow city hall. At both sites, counter-demonstrators hurled homophobic abuse and attacked some individual protesters. The police reportedly failed to provide protection or to differentiate between peaceful and violent protesters, detaining individuals from both groups. A number of LGBT activists and journalists were injured.

## Racism, xenophobia and intolerance

The authorities failed to provide protection or to investigate effectively many racially motivated attacks, including murders. A small rise in prosecutions of race hate crimes and local initiatives such as increased policing were inadequate to address the scale of the problem, and there was no comprehensive programme to combat racist and xenophobic ideas and ideologies.

- Liana Sisoko, a nine-year-old girl of Russian and Malian origin, was seriously injured when she was stabbed on 25 March by two youths near the lift in her block of flats in St Petersburg. The attackers reportedly painted a swastika and the words "skinheads?we did it" near the scene of the attack.
- A Romani man and an ethnic Russian woman were killed in an apparently racist attack by 20 youths armed with metal bars and spades who attacked a Romani family and the woman, a visitor, in the Volgograd Region on 13 April. Others were seriously injured.
- Seven defendants were convicted of "hooliganism" in March for their roles in the fatal attack on a nine-year-old Tajik girl, Khursheda Sultonova, in February 2004. They were sentenced to between 18 months' and five and a half years' imprisonment. The only defendant charged with racially motivated murder was acquitted on that count.

### Discriminatory policing

NGOs Jurix and the Open Society Justice Initiative released research demonstrating that Moscow police disproportionately stopped and searched non-Slavs. After relations worsened between Russia and Georgia in September and October, hundreds of Georgian nationals were deported for allegedly violating immigration rules or being involved in crime. Individuals were held pending deportation in reportedly insanitary conditions and without water or food. Two Georgian nationals died awaiting deportation, allegedly due to the poor conditions and inadequate medical attention.

## Violence against women

No measures under Russian law specifically addressed violence against women in the family, and government support for crisis centres and hotlines was totally inadequate. In November the UN Committee against Torture expressed concern about the reports of prevalent domestic violence and the lack of sufficient shelters for women. The Committee recommended the Russian authorities should ensure protection of women by adopting specific legislative and other measures to address domestic violence, providing for protection of victims, access to medical, social and legal services and temporary accommodation and for perpetrators to be held accountable.

- One of the few government-supported shelters for women in the Russian Federation, in Petrozavodsk, Republic of Karelia, was closed.

## Fair trial concerns

Prisoners served sentences after trials that failed to meet international fair trial standards, and in which their lawyers considered the charges to be politically motivated.

- Former YUKOS oil company head Mikhail Khodorkovskii and associate Platon Lebedev, serving nine-year prison sentences following convictions in 2005 for fraud and tax evasion, were denied the right to serve their sentences in or near their home areas. Mikhail Khodorkovskii was unlawfully held in a punishment cell for two weeks in January for having a copy of publicly available government decrees on prisoner conduct. He was also held in a punishment cell for a week in March for drinking tea in an unauthorized place.

- Mikhail Trepashkin, a lawyer and former security services officer, was denied adequate medical treatment for chronic bronchial asthma. He was serving a four-year sentence in a prison colony imposed by a military court in 2005 following conviction on charges including divulging state secrets. He was reportedly placed in an unheated, unventilated punishment cell by the prison administration in an attempt to make him withdraw complaints about the fairness of his trial and his treatment.

## AI country reports/visits

### Reports

- Commonwealth of Independent States: Positive trend on the abolition of the death penalty but more needs to be done (AI Index: EUR 04/003/2006)

- Russian Federation: Rasul Kudaev (AI Index: EUR 46/003/2006)

- Russian Federation: Amnesty International's concerns and recommendations in the case of Mikhail Trepashkin (AI Index: EUR 46/012/2006)

- Russian Federation: Preliminary briefing to the UN Committee against Torture (AI Index: EUR 46/014/2006)

- Russian Federation: Violent racism out of control

(AI Index: EUR 46/022/2006)

- Russian Federation: Supplementary briefing to the UN Committee against Torture (AI Index: EUR 46/039/2006)

- Russian Federation: Russian Chechen Friendship Society closed under new NGO law (AI Index: EUR 46/048/2006)

- Russian Federation: Torture and forced "confessions" in detention (AI Index: EUR 46/056/2006)

### Visits

AI delegates visited the Russian Federation in April, June, July and December. In July, AI's Secretary General met the President together with other heads of global civil society organizations.