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(This report covers the period January-December 1997)

Italian-language version

Two prisoners of conscience were held during the year. Two others released in 1996 were awaiting trial. Conscientious objectors were forcibly conscripted. Torture and ill-treatment by law enforcement officers and within the armed forces continued to be reported. Conditions in penitentiaries and pre-trial detention centres amounted to cruel, inhuman or degrading treatment. At least 846 prisoners remained under sentence of death. Refugees and asylum-seekers received inadequate protection. In the Chechen Republic-Ichkeriya at least five people were publicly executed following trials by *Shari'a* courts and at least seven journalists were taken hostage.

In April President Boris Yeltsin issued a decree pronouncing 1998 a year of human rights in the Russian Federation to mark the 50th anniversary of the Universal Declaration of Human Rights.

In January the Parliamentary Assembly of the Council of Europe condemned continuing executions during 1996 as a violation of the Russian Federation's commitment to institute a moratorium on executions, and threatened to expel it from the Council of Europe should more executions be carried out. In February the Chairman of the Presidential Clemency Commission stated that no executions had been carried out since August 1996 and urged parliament to pass legislation providing for a moratorium on executions. President Yeltsin reportedly instructed the government to take steps towards abolishing the death penalty.

In April the Russian Federation signed Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty.

Responsibility for drafting a law on alternative service was transferred in April to the parliamentary committee dealing with public associations and religious organizations. However, conscientious objectors to military service continued to be at risk of imprisonment or forcible conscription.

In March an amnesty law relating to the armed conflict in the Chechen Republic was adopted by parliament. There were fears that the amnesty law could create serious obstacles to the exchange of prisoners of war and others detained on both sides. According to reports in January, 1,058 Russian soldiers and officers were still detained by Chechen fighters who were willing to release them in exchange for members of Chechen armed groups

detained by the Russian authorities on criminal charges.

People charged with treason, espionage and terrorism were also excluded from

the amnesty, which cast serious doubt

on the procedure for resolving the cases

of servicemen who evaded service in

the Chechen Republic, including conscientious objectors to military service who might have been charged with

such offences by the Russian military

authorities.

In September President Yeltsin signed a law banning all religions which had not formally existed in Russia for 15 years from actively seeking converts. Religions that fail to meet the requirement would be prevented from opening schools, distributing religious material, and owning printing works or media outlets. In June President Yeltsin rescinded the 1994 and part of the 1996 presidential decrees on fighting organized crime which allowed for incommunicado detention for up to a month. In July the Constitutional Court ruled that a similar presidential decree on fighting organized crime in the Republic of Mordovia violated citizens' constitutional rights.

In August President Yeltsin submitted legislation to parliament proposing an amnesty for nearly half a million prisoners to help alleviate overcrowding in jails. The law, covering 445,000 people in pre-trial detention and prison colonies, was adopted by the State *Duma* in December. In October President Yeltsin signed a decree, in accordance with the recommendations of the Council of Europe and the UN Committee against Torture, which envisaged step-by-step reform of the penitentiary system. President Yeltsin also instructed the government to create a commission to draw up proposals before 1 December 1997 to deal with any problems that might occur during the transfer of the penitentiary system from the jurisdiction of the Ministry of the Interior to that of the Ministry of Justice. The government was also instructed to submit to the State *Duma* corresponding federal draft laws before the end of 1997. In December the State *Duma* formed a special commission to deal with violations in pre-trial detention centres.

Two prisoners of conscience were held during the year. In May Oleg Pazyura, a human rights defender and retired naval officer, was arrested by officers from Oktyabrsky District Department of Internal Affairs in the city of Murmansk. His family were not informed of his whereabouts for four days. He was reportedly charged with "slander" and "threatening or assaulting a procurator, investigator, interrogator or other official". Shortly before his arrest Oleg Pazyura had reportedly spoken publicly about allegations of violations of the judicial process by local courts and corruption in the procuracy. Oleg Pazyura's family was not allowed to visit him during pre-trial detention, and initially he was without a defence lawyer after the lawyer he requested declined to represent him, allegedly fearing persecution by the authorities. Oleg Pazyura reportedly remained in detention at the end of the year.

Rafail Usmanov, a member of the Magadan group of the International Society for Human Rights, was arrested in April. He had been reporting on allegations of torture of detainees by police in the Magadan Region. He was released later in April reportedly without charge. Shortly afterwards, six law enforcement officers from Magadan were detained and charged in connection with allegations of torture.

During the year two former prisoners of conscience, Yury Shadrin and Aleksandr Nikitin (see *Amnesty International Report 1997*), were at liberty awaiting trial. In September Aleksandr Nikitin was presented with a new indictment by the Federal Security Service (FSB), the fifth since his arrest in February 1996. Yury Shadrin was still confined to the city of Omsk.

Following the failure of the courts in several cases to enforce the conscription of conscientious objectors, the Military Conscription Committee appeared to resort to forcibly removing conscientious objectors to military camps. In June Nikolay Moschukhin was taken to an army base in the Yaroslavl Region, despite a court judgment in November 1996 upholding his right to an alternative service. He was released from the army in early September.

There were continued reports of widespread torture and ill-treatment of detainees by law enforcement officers. In July during a raid on the "Chance" nightclub, frequented by homosexuals, armed police officers from the South East region of Moscow allegedly beat and otherwise ill-

treated 40 people and forced them to sign pre-prepared statements containing falsified drug test results.

Larisa Kharchenko, a former employee of the St Petersburg city administration who was arrested in July, was reportedly denied essential medical treatment for chronic high blood pressure and heart disease while held incommunicado in pre-trial detention centre No. 6 in Moscow. She remained in detention at the end of the year.

There were continued reports of torture and ill-treatment of soldiers by their superiors and fellow soldiers. In January Sergey Odinokov was found guilty of "offending his subordinate" and sentenced to a fine and a one-year limit on his military service. He reportedly admitted hanging a conscript in front of other soldiers and only releasing his neck from the noose when he promised not to absent himself without leave in the future.

Conditions in penitentiaries and pre-trial detention centres continued to amount to cruel, inhuman or degrading treatment. The Procurator General expressed concern at serious overcrowding and revealed that some 2,000 people had died of tuberculosis in prisons in 1996, a death rate 10 times the rate in the general population.

Official statistics published in October revealed that 846 prisoners remained under sentence of death. No executions were reported in 1997, with the exception of at least five public executions in the Chechen Republic (see below).

Asylum-seekers continued to be detained in contravention of international standards, to be denied access to asylum procedures and to face possible *refoulement* to countries where they might be subjected to human rights violations. In January two ethnic Somalis were detained in Moscow and reportedly threatened with deportation on the grounds that they had been living in Moscow for three years without registering with the passport office, despite the fact that they were registered with the office of the UN High Commissioner for Refugees (UNHCR) and the Federal Migration Service. It was not known whether they had been deported by the end of the year. In October an African asylum-seeker was reportedly subjected to *refoulement* to his country of origin where he was at risk of human rights violations.

In June the President of the Chechen Republic, Aslan Maskhadov, stated that only *Shari'a* courts would function in the Republic. A new Criminal Code, adopted by presidential decree at the end of 1996, included provisions for cruel, inhuman or degrading punishments, including amputations and caning. A large number of offences, including heterosexual or homosexual anal intercourse on third conviction, carried the death penalty. President Maskhadov was reported to have demanded of the *Shari'a* courts "severe verdicts" and their "immediate enforcement".

In the Chechen Republic, at least five people were executed following conviction by *Shari'a* courts, and more than 30 were believed to be in imminent danger of execution. It was not known whether the five had had access to a defence lawyer or the opportunity to appeal against their sentence to a higher court. Ibrahim, an ethnic Chechen, was publicly executed in April by having his throat slit; relatives of the victims of his crime were reportedly among the executioners and the execution was televised. He was believed to have been tried by a *Shari'a* court and found guilty of committing murder while under the influence of drugs and alcohol. In September a man and a woman were publicly executed by firing-squad after being sentenced to death for murder by the Chechen Supreme *Shari'a* Court. Their co-defendant, Assa Larsanova, was not executed during 1997 because she was pregnant, but there were fears that she might be executed after giving birth. Also in September, Rasul Doshukayev and Said Khasiyev were publicly executed in Grozny, after having been found guilty of murder. According to reports, three of the victims' relatives were among the six executioners.

In October President Maskhadov issued a decree dismissing the Supreme Court panel of judges responsible for applying Islamic law, reportedly because of the public executions.

Continuing abductions of journalists and media employees in the Chechen Republic called into question the ability of both the Russian and Chechen authorities to guarantee the safety of

journalists in this region. Among the seven media employees abducted in the Republic were prominent Russian television journalist Yelena Masyuk, her cameraman and her sound technician. They were ambushed by gunmen in May. Yelena Masyuk had allegedly suffered persecution by agents of the FSB while covering the conflict in the Chechen Republic from 1994 to 1996. All three were released in August. It was not disclosed who had held them.

Amnesty International called for the immediate and unconditional release of prisoners of conscience and expressed concern that the restrictions imposed by the new law on freedom of conscience and religion could allow for the imprisonment of prisoners of conscience. In April Amnesty International issued a report, *Russian Federation: The right to conscientious objection to military service*, and launched a Europe-wide campaign on conscientious objection in Moscow. The organization urged the Russian authorities, among other things, to enact legislation creating an alternative civilian service of non-punitive length.

Amnesty International urged the authorities to launch thorough and impartial investigations into allegations of torture and ill-treatment. The organization published a report, *Torture in Russia: "This man-made hell"*, in April, which documented the torture of criminal suspects in police custody, in prisons and during the conflict in the Chechen Republic. Also in April Amnesty International published *Russian Federation: Torture, ill-treatment and death in the army*, which called on the authorities to eradicate the torture of soldiers by fellow soldiers or their superior officers.

In April Amnesty International published a report, *Russian Federation: Failure to protect asylum seekers - 'We don't want refugees here - go back to your own country'*, urging the Russian Government to take immediate steps towards establishing a fair and satisfactory refugee determination procedure, and to ensure that no one was forcibly returned to a country where he or she risked serious human rights violations.

Amnesty International called on President Yeltsin to grant clemency to all those sentenced to death and to publicly announce a moratorium on executions.

The organization condemned the public executions in the Chechen Republic and called for revision of the Chechen Criminal Code to exclude the death penalty and corporal punishment.

Amnesty International called on the Russian and Chechen authorities to condemn the abductions of journalists, to undertake all necessary measures to locate them and bring them to safety, and to take immediate steps to ensure the safety of all journalists working in the Chechen Republic.

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