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ANNUAL REPORT



Russian Federation

Head of state

Vladimir Putin (replaced Dmitry Medvedev in May)

Head of government

Dmitry Medvedev (replaced Vladimir Putin in May)

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Increasing peaceful political protest was met with repression. New laws restricting the rights to freedom of expression, assembly and association were introduced. Human rights defenders, journalists and lawyers continued to face harassment, while investigations into violent attacks were ineffective. Torture and other ill-treatment remained widespread, and were seldom effectively prosecuted. Trials did not meet international standards of fairness, and the number of apparently politically motivated decisions grew. Insecurity and volatility in the North Caucasus persisted, and security operations launched in response were marred by systematic human rights violations with near-total impunity for the perpetrators.

BACKGROUND

Vladimir Putin's return as President, following widely criticized elections, led to a surge in popular protest and demands for greater civil and political freedoms, particularly around his inauguration in May. The result was increased restrictions. Protests were frequently banned and disrupted. New laws were adopted, often without public consultation and in the face

of widespread criticism, which introduced harsh administrative and criminal penalties that could be used to target legitimate protest and political and civil society activities, and to restrict foreign funding for civic activism.

The Russian Federation responded belligerently to international criticism of its human rights record. A law on travel and other sanctions on officials allegedly responsible for the death of lawyer Sergei Magnitsky in custody in 2009 was passed in the USA and proposed in several other countries. The Russian authorities retaliated with reciprocal sanctions and by banning the adoption of Russian children by US citizens and prohibiting Russian NGOs from receiving funding from the USA.

Russia continued to enjoy economic growth, although this slowed with falling oil prices, the global economic downturn and the lack of structural reforms at home. Public protest decreased by the end of 2012, but so did public support for the political leadership, according to opinion polls.

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FREEDOM OF ASSEMBLY

Peaceful protests across Russia, including gatherings of small groups of people who presented no public threat or inconvenience, were routinely dispersed by police, often with excessive force. The authorities regarded every such event, however peaceful and insignificant in number, as unlawful unless expressly sanctioned, although gatherings of pro-government or pro-Orthodox Church activists were often allowed to proceed uninterrupted even without authorization. There were frequent reports of police brutality towards peaceful protesters and journalists, but these were not effectively investigated.

- On 6 May, the day before the inauguration of President Putin, a column of protesters moving along a permitted route to Bolotnaya Square in Moscow was halted by police, resulting in a stand-off and localized skirmishes. Subsequently, 19 protesters faced criminal charges in connection with events characterized by authorities as “mass riots”; one pleaded guilty and was sentenced to four-and-a-half years’ imprisonment; the remainder were still awaiting trial at the end of the year. Several leading political activists were named as witnesses in the case and had their homes searched in operations that were widely broadcast by state-controlled television channels. Over 6 and 7 May, hundreds of peaceful individuals were arrested across Moscow, some merely for wearing white ribbons as a symbol of protest against electoral fraud.

The law governing public events was further amended in June. It expanded the list of violations, introduced new restrictions and increased sanctions.

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FREEDOM OF EXPRESSION

The right to freedom of expression was increasingly restricted. Most media remained under effective state control, except for some outlets with limited circulation. Prime-time national television was regularly employed to smear government critics.

Libel was re-criminalized, eight months after its decriminalization. Changes to the Criminal Code expanded the definitions of treason and espionage and made them vaguer by including sharing information with, or providing

miscellaneous assistance to, foreign states and organizations whose activity is “directed against security of the Russian Federation”.

New legislation gave the government powers to blacklist and block websites publishing materials considered “extremist” or otherwise harmful to public health, morals or safety. By the end of the year, this legislation was already being used to shut down sites publishing content protected by the right to freedom of expression.

- Maria Alekhina, Ekaterina Samutsevich and Nadezhda Tolokonnikova, members of the punk group Pussy Riot, were arrested in March after a brief and peaceful, albeit provocative, political performance in the Cathedral of Christ the Saviour in Moscow. They were convicted of “hooliganism motivated by religious hatred” in August and were each sentenced to two years in prison, although Ekaterina Samutsevich received a conditional sentence on appeal and was released on 10 October.
- On 29 November a Moscow court declared video footage of the group’s church performance “extremist”, rendering its publication on the internet unlawful.

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DISCRIMINATION

Discrimination on grounds such as race, ethnicity, gender, religion or political affiliation remained widespread.

Discriminatory legislation targeting LGBTI individuals was introduced in several regions and proposed at the federal level. A law banning “propaganda of sodomy, lesbianism, bisexuality and transgenderism among minors” came into force in St Petersburg in April. Similar laws were also introduced in Bashkiria, Chukotka, Krasnodar, Magadan, Novosibirsk and Samara regions, and tabled before the State Duma. A number of public LGBTI events were forbidden and participants dispersed by police.

Across Russia, LGBTI individuals and members of various minority groups continued to face attacks. Such attacks were not effectively investigated by the authorities, and the perpetrators often unidentified.

- On 4 August, four men forcibly entered an LGBTI club in Tyumen and physically and verbally assaulted several customers. Police detained the attackers. When the victims came to the police station to file complaints, they were left in the same room with the perpetrators, who continued to threaten them and were later released without charge.

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HUMAN RIGHTS DEFENDERS

Reports of harassment of human rights defenders continued. In the North Caucasus and elsewhere, activists, journalists and lawyers representing victims of human rights violations continued to face physical threats, including from law enforcement officials.

Investigations into many past attacks, including the killing of Natalia Estemirova, made no ostensible progress.

New legislation introduced further administrative hurdles and a legal obligation for NGOs to register as “organizations performing the functions of foreign agents” (language evocative of espionage) if they received foreign funding and

engaged in broadly defined “political activities”. Failure to comply with these provisions might lead to heavy fines, and imprisonment for NGO leaders.

Public officials routinely sought to blacken the reputation of individual human rights defenders and specific NGOs, as well as the work of human rights NGOs in general.

- In October, a senior Federal Security Service (FSB) official reportedly stated that the FSB had secured the closure of 20 NGOs in Ingushetia for their links with foreign intelligence services. He provided no information either on any specific case involving charges of espionage against an NGO in Ingushetia, or on which NGOs had supposedly been closed for this reason. However, he singled out the well-known Ingushetian human rights NGO, Mashr, as a “foreign agent” still in operation.
- On 20 January, lawyer Omar Saidmagomedov and his cousin were shot dead in Makhachkala, Dagestan, by security officials. The authorities reported the incident as a killing of two armed group members during a shoot-out. Omar Saidmagomedov’s colleagues dismissed this report and demanded an investigation into allegations that he had been extrajudicially executed because of his professional activities. The investigator summoned the lawyer representing Omar Saidmagomedov’s family for questioning as a witness, apparently with the aim of disqualifying him from acting as legal counsel in the case.
- Elena Milashina, a journalist from the independent newspaper Novaya Gazeta, together with a friend, was assaulted by two men in the street in Moscow on 4 April, and received serious injuries. The investigator identified and charged two individuals who initially signed confessions but retracted them after their families hired independent lawyers. The investigator ignored protests by Elena Milashina that the two did not fit her friend’s description of the men who assaulted her and that the real perpetrators had not been identified.
- Igor Kalyapin, head of the NGO Committee Against Torture, was threatened with criminal proceedings in connection with his work on the case of Islam Umarpashaev, torture victim from Chechnya. On 7 July, Igor Kalyapin was summoned by a criminal investigator for questioning for allegedly disseminating confidential information. In September, journalists who had interviewed Igor Kalyapin and individuals who wrote letters to show their support were summoned for questioning.

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TORTURE AND OTHER ILL-TREATMENT

Allegations of torture and other ill-treatment remained widely reported and effective investigations were rare. Law enforcement officials allegedly frequently circumvented the existing legal safeguards against torture through, among other things: the use of secret detention (particularly in the North Caucasus); the use of force supposedly to restrain violent detainees; investigators denying access to a lawyer of one’s choice and favouring specific state-appointed lawyers who were known to ignore signs of torture.

In March, one torture case in Kazan was widely reported in the media after a man died of internal injuries in hospital. He claimed that he had been raped with a bottle at the police station. Several police officers were arrested and charged with abuse of power, and two were later sentenced to two and two-and-a-half years’ imprisonment respectively. Many more allegations of torture by police in Kazan and elsewhere followed media reports of this case. In response to an NGO initiative, the Head of the Investigative Committee decreed to create special departments to investigate crimes committed

by law enforcement officials. However, the initiative was undermined by the failure to provide these departments with adequate staff resources.

- On the night of 19 January, Issa Khashagulgov, held in a pre-trial detention centre in Vladikavkaz, North Ossetia, was allegedly taken to an undisclosed location and beaten and threatened with further violence for refusing to co-operate with the investigation against him. Reportedly, between 6 and 8 February he was transferred from the detention centre to a different location in North Ossetia for several hours each day when his lawyers tried to see him, and subjected to ill-treatment. Issa Khashagulgov, suspected of armed group membership, had earlier been repeatedly transferred between different detention facilities while his family and lawyers were denied information about his whereabouts, sometimes for several days. His complaints were not investigated.
- Russian opposition activist Leonid Razvozhayev went missing on 19 October in Kiev, Ukraine, outside the office of a partner organization to UNHCR, the UN refugee agency. On 22 October, the Investigative Committee in Moscow stated that he had voluntarily returned to the Russian Federation and handed himself in to the authorities. Leonid Razvozhayev disavowed this statement via his lawyer, and alleged that he had been abducted and smuggled into the country, held at a secret location, ill-treated and forced to sign a statement implicating himself and other political activists in plotting mass disturbances in Russia on foreign orders. The Russian authorities dismissed his allegations and refused to investigate them.

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JUSTICE SYSTEM

The need for judicial reform was widely acknowledged, including by senior officials. However, no effective steps were taken towards ensuring the independence of the judiciary. Reports of unfair trials were numerous and widespread. A range of court decisions, including those concerning extremism and economic and drug-related crimes, were affected by political considerations, and a growing number of convictions appeared politically motivated, including those of the Pussy Riot members (see above).

Allegations were frequently made of collusion between judges, prosecutors, investigators and other law enforcement officials resulting in unfair criminal convictions or disproportionate administrative penalties.

Lawyers across the country complained of procedural violations undermining their clients' right to a fair trial. These included denial of access to clients, detention of individuals as criminal suspects without promptly informing their lawyers and families, appointment of state-paid lawyers as defence counsel who are known to raise no objections about procedural violations and the use of ill-treatment.

- Lawyer Rustam Matsev complained that on 31 May a senior police official at a pre-trial detention centre in Nalchik, Kabardino-Balkaria, demanded that he should “stop teaching his defendant to lie” and convince him to withdraw a complaint about abduction and ill-treatment by police. The officer allegedly told Rustam Matsev that lawyers “get blocked” in the same way as members of armed groups during their “elimination” in security operations. The authorities refused to investigate the lawyer's allegations.

- On 27 October, dozens of protesters lined up 50m apart (a form of picketing which requires no prior authorization) in front of the central FSB headquarters in Moscow. Later, when several known political activists tried to leave, surrounded by reporters, they were detained by police. On 30 October and 4 December respectively, activists Alexey Navalny and Sergei Udaltsov were fined nearly US\$1,000 each for organizing and participating in an unauthorized rally that violated public order. The judge hearing Alexey Navalny's case reportedly declined his defence lawyer's request to cross-examine the police officers who had detained him, and refused to admit video footage of the event as evidence.

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NORTH CAUCASUS

The region remained highly volatile. Human rights violations in the context of security operations remained widespread. Armed groups continued to launch attacks against security forces, local officials and civilians. A double bomb attack on 3 May in Makhachkala, Dagestan, left 13 people dead (including eight police officers), and over 80 emergency and rescue workers were injured. On 28 August, an influential Dagestani Muslim cleric, Sheikh Said Afandi, and his five visitors were killed by a woman suicide bomber. Other attacks by armed groups took place across the North Caucasus.

Some republics sought to develop non-repressive responses to the threats posed by armed groups. Commissions for Adaptation were established in Dagestan and Ingushetia with the aim of encouraging the surrender and re-integration into society of former members of armed groups. The Dagestani authorities adopted a more tolerant attitude towards Salafi Muslims.

However, security operations continued to be conducted on a regular basis throughout the region. In the course of these, numerous human rights violations by law enforcement officials were reported, including enforced disappearances, unlawful detentions, torture and other ill-treatment, and extrajudicial executions.

The authorities systematically failed to conduct effective, impartial and prompt investigations into human rights violations by law enforcement officials, or to identify those responsible and bring them to justice. In some cases, criminal proceedings were initiated, but for the most part, the ensuing investigation either failed to establish the perpetrators or confirm involvement of officials in the relevant incidents, or concluded that there had been no violation by law enforcement officials. Only exceptional cases led to the prosecution of police officials for abuse of authority in connection with torture and other ill-treatment. Not a single case of enforced disappearance or alleged extrajudicial execution was resolved, and no perpetrators from any other law enforcement agency were brought to justice.

- Rustam Aushev, a 23-year-old resident of Ingushetia, was last seen on 17 February at Mineralnye Vody railway station in the neighbouring Stavropol region. The next day, his relative spoke to staff at the station. They reported seeing a young man being detained by plain-clothes men and driven away in a Gazelle minivan, which was also captured on CCTV. A security guard had reportedly spoken to the minivan's driver asking it to be parked in the designated area, and was shown an FSB official's ID. Rustam Aushev's family reported these details to the authorities and demanded an investigation, but his fate and whereabouts were unknown at the end of the year.
- In Ingushetia, the first ever trial of two former police officials concluded in Karabulak. Some charges related to the secret detention and torture of Zelimkhan Chitigov although the officials faced other charges as well. The

announcement of the verdict was postponed repeatedly for almost three months, and on 7 November the judge sentenced one defendant to eight years' imprisonment, and fully acquitted the other, his former superior. Allegations of intimidation of victims and witnesses had persisted throughout the trial, during which both defendants remained at large. No other perpetrators were identified despite Zelimkhan Chitigov naming at least one other official by name and alleging that many others had been involved in the incessant bouts of torture during the three days he was kept in secret detention.