

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	442
Land:	Rusland
Kilde:	Amnesty International
Titel:	A Summary of Amnesty International's Concerns in the Russian Federation
Udgivet:	19. oktober 2016
Optaget på baggrundsmaterialet:	5. januar 2017

AMNESTY INTERNATIONAL PUBLIC STATEMENT

19 October 2016

AI Index: EUR 46/5009/2016

A Summary of Amnesty International's Concerns in the Russian Federation

Latest Legislative Changes

So far, 2016 has seen the passage of a number of pieces of legislation that further limit the rights to freedom of expression, association and assembly. On 7 July, the president signed off a set of amendments to anti-extremism legislation known as the “Yarovaya Package”. According to these amendments any form of missionary activity is banned outside of specially designated religious institutions, telephone and internet providers are obliged to store records of all conversations for six months and meta data for three years. The maximum punishment for extremism is increased from four to eight years in prison and encouraging people to take part in mass disturbances will be punishable by five to 10 years in prison.

In December, a law was passed amending the Law on the Constitutional Court and giving the Constitutional Court the power to declare an international decision (including decisions by the ECtHR) non-executable. These amendments were first put into practice when the Ministry of Justice applied to the Constitutional Court to rule on whether Russia could implement the ECtHR judgment on the case of Anchugov and Gladkov v. Russia concerning the voting rights of prisoners. On 19 April the Constitutional Court ruled that implementation of the decision would be unconstitutional. The Venice Commission has found the amendments to be in conflict with Russia's obligations under the ECHR since all states are under an obligation to find ways of implementing ECtHR judgments including through constitutional amendments when required.

Freedom of Peaceful Assembly

The right to freedom of peaceful assembly remained severely curtailed. The law “On gatherings, meetings, demonstrations, marches and pickets” which was amended in June 2012 following the Bolotnaya Square demonstrations to introduce more severe penalties and to respond to new forms of public protest was amended in March, to include the prohibition of “unauthorized” motorcades. At

the end of August this new provision was used to prosecute a group of farmers from the Southern Kuban district who were travelling to Moscow in tractors and private cars to protest against land grabbing by agricultural holding companies. The leader of the “Polite Farmers” Association, Aleksei Volchenko, was sentenced to 10 days’ administrative detention on 26 August for taking part in an “unsanctioned” demonstration.¹ In fact, a meeting held between the farmers and the regional Plenipotentiary of the President was deemed to be an “unsanctioned” meeting by the police for which they were fined and some were given short periods of administrative detention.

Peaceful protester, Ildar Dadin, became the first person to be criminally prosecuted for taking part in a demonstration under Article 212.1 of the Criminal Code introduced in July 2014 and providing for the criminal prosecution of anyone who violates the law on public assemblies and receives administrative punishment for it more than twice in 180 days. He was sentenced to three years of imprisonment on 7 December 2015, and on 31 March 2016 his sentence was reduced on appeal to two-and-a-half years.²

Freedom of Association

By the beginning of September 2016, over 100 organizations were classified as “foreign agents” and seven foreign organizations had been declared “undesirable”. This means that they became illegal in the Russian Federation and were forced to cease all operations. Most of these organizations had been funding the work of NGOs in Russia, and their “undesirable” status has resulted in some NGOs losing their funding.

On 24 June, Valentina Cherevatenko, the founder and Chair of the Women of the Don Union, a prominent and respected NGO that works on a range of issues, from human rights to humanitarian relief and peacebuilding, in Rostov Oblast and the neighbouring regions, including in the North Caucasus, was informed that she is being investigated as a suspect under Article 330.1 of the Criminal Code which makes “systematic evasion of duties imposed by the law on non-profit organisations performing the functions of a foreign agent” a crime, and carries a penalty of up to two years in prison. This is the first time that Article 330.1 has been invoked since its introduction in 2012.

At the beginning of October the International Historical and Human Rights Society of Memorial was put on the Ministry of Justice list of foreign agents. The Human Rights Centre Memorial has been on the list of foreign agents since 2014.

¹ Please see Amnesty International Public Statement, *Farmers and truck drivers imprisoned for a peaceful protest against corruption*, 2 September 2016 AI Index: EUR 46/4760/2016
file://intsec.amnesty.org/data/users/heather.mcgill/Downloads/EUR4647602016ENGLISH.pdf

² Please see, Amnesty International, Russia: Peaceful activist sentenced under repressive new law must be released, 7 December 2015, <https://www.amnesty.org/en/latest/news/2015/12/russia-peaceful-activist-sentenced-under-repressive-new-law-must-be-released/>

Freedom of Expression

The case against the director of the state-run Library of Ukrainian Literature in Moscow, Natalya Sharina, was still ongoing at the beginning of September. She was detained on 28 October 2015, under Article 282 of the Criminal Code, because a number of books classified as “extremist” were purportedly found in the pile of uncatalogued literature in the library. On 15 August, the Moscow Prosecutor General’s Office refused to sign the indictment against Natalya Sharina and the case was sent back for further investigation. However, she remained under house arrest, and Amnesty International considers her a prisoner of conscience.

North Caucasus

Human rights defenders continued to be at risk when working in the North Caucasus. On 9 March, two Joint Mobile Group (JMG) members, six journalists from Russian, Norwegian and Swedish media, and their driver were brutally assaulted while travelling from North Ossetia to Chechnya. At around 19:00, their minibus was blocked by four cars near a security checkpoint at the administrative border between Ingushetia and Chechnya. About 20 masked men got out of the cars, armed with baseball bats and batons, dragged everyone out of the minibus and severely beat them before setting the vehicle on fire. The attackers shouted abuse and threats, calling the human rights defenders and journalists “defenders of terrorists”. Two hours later, the JMG’s office in Ingushetia was ransacked. On 16 March, the JMG’s leader Igor Kalyapin had just checked into a hotel in Grozny when he was asked to leave by the manager, and was told it was because he “did not love” the Chechen leader Ramzan Kadyrov. Outside the hotel, Kalyapin was confronted by a violent mob, punched, and pelted with eggs, cakes, flour and bright green disinfectant.

There were several incidents when individuals went missing in Chechnya for some time after publicly criticising the Chechen authorities. Some re-appeared after offering public apologies to the Kremlin-appointed leader of Chechnya, Ramzan Kadyrov, for their “mistakes”. Other victims of suspected enforced disappearances in Chechnya are still missing, and may be dead. In previous years too, there were numerous cases of enforced disappearances in Chechnya, none of which has ever been effectively investigated. Khusein Betelgeriev, a well-known songwriter and performer from Chechnya, was taken away by two uniformed men from his home in Grozny on 31 March 2016. He returned home on 11 April 2016 reportedly in poor physical health, and there are strong reasons to believe that he was ill-treated and tortured.

The Chechen leadership exercises direct pressure on the judiciary. On 5 May, Ramzan Kadyrov called a meeting of all judges and forced four of them to resign. Investigation by the independent newspaper, Novaya Gazeta, has revealed recurring instances in which judges and members of juries in Chechnya were given direct orders to ensure a conviction, and those who failed to do so faced serious reprisals.

Unfair trials and torture

Stanislav Klykh, a Ukrainian national, was sentenced in an unfair trial at the Supreme Court in Chechnya to 20 years’ imprisonment on 26 May, along with co-defendant Mykola Karpyuk, for purportedly being a member of a group of fighters and killing 30 Russian soldiers during the conflict in Chechnya in 1994 – 96. Both men allege that they were tortured following their arrest in August 2014 and March 2014 respectively. Their lawyers were denied access and basic information about

their clients' whereabouts for several months after their arrest. Stanislav Klykh, who has no history of mental illness, appeared severely disturbed throughout the trial which began in October 2015.³ Mykola Karpyuk's lawyer alleged that vital evidence for the defence which supported his client's alibi were left out of the casefile, and the judge refused to allow witnesses to be interviewed in Ukraine.

Return to Torture

Russia continues to return asylum-seekers, refugees and labour migrants to Uzbekistan and other destinations despite the danger of torture and other ill-treatment.⁴

On 1 July 2016, Olim Ochilov, a 27-year-old Uzbekistani asylum seeker, was forcibly returned from Russia to Uzbekistan in blatant disregard of interim measures by the European Court of Human Rights (the European Court). On 28 June 2016, the European Court issued Rule 39 interim measures on Olim Ochilov's case to stop his forcible return to Uzbekistan, where he is at the real risk of torture.

Crimea

After the occupation and illegal annexation of Crimea in 2014, Russian laws and practices with regards to the rights to Freedom of Expression, Assembly and Association have been fully extended to this territory, where the human rights situation has significantly deteriorated.

There have also been a number of cases of enforced disappearances and suspected enforced disappearances in Crimea, particularly of ethnic Crimean Tatars, none of which has been effectively investigated. This is despite the fact that in some cases, strong evidence existed implicating pro-Russia paramilitaries from the so-called Crimean Self Defence.

Amnesty International calls on the Russian authorities to:

- Ensure the right to freedom of peaceful assembly of all persons within its jurisdiction without discrimination in accordance with international human rights law and standards and the Russian Constitution, and in particular abolish Article 212.1 of the Criminal Code which provides for the criminal prosecution of anyone who violates the law on public assemblies and receives administrative punishment for it more than twice in 180 days;
- Review anti-extremism legislation in the light of international standards to ensure that it does not breach the right to freedom of expression;
- Take all necessary steps to ensure that the "foreign agents law" is repealed and that NGOs in Russia are able to do their work without hindrance, harassment, stigmatisation or reprisals;

³³ Please see *Urgent Action, Victim of unfair trial, health at risk*, 6 July 2016, <https://www.amnesty.org.uk/sites/default/files/ua15716.pdf>

⁴ Please see, *Uzbekistan: Fast track to torture, abductions and forcible returns from Russia to Uzbekistan*, 21 April 2016, Index number: EUR 62/3740/2016, <https://www.amnesty.org/en/documents/eur62/3740/2016/en/> and Urgent Action on Olim Ochilov, <https://www.amnesty.org/en/documents/eur62/4488/2016/en/>

- Release all Prisoners of Conscience including Ildar Dadin and Natalya Sharina.
- Repeal Article 212.1 of the Criminal Code which criminalizes peaceful protest;
- Repeal Article 330.1 of the Criminal Code which criminalizes NGOs for failing to comply with the “foreign agents law” and end all criminal proceedings against Valentina Cherevatenko;
- Ensure that no one within the Russian Federation’s jurisdiction is returned, by means of extradition or other forcible transfer, to any country, including Uzbekistan, where they would be at real risk of torture or other ill-treatment as well as manifestly unfair trials or any other serious human rights violations;
- Fully implement the judgments of the European Court of Human Rights and repeal Federal Law 7-FKZ “On introducing amendments to the Federal constitutional law ‘On the Constitutional Court of the Russian Federation’, which was signed on 15 December 2015 and gives Russia’s Constitutional Court the power to determine, upon a request from the president or the federal government, whether a decision of “an interstate body for protection of human rights and freedoms”, which includes the ECtHR, contravenes Russia’s Constitution and is thereby “non-implementable”;
- Resume cooperation with the Parliamentary Assembly.