



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	166
Land:	Rusland
Kilde:	Amnesty International
Titel:	"Overview - covering events from January - December 2005"
Udgivet:	29. maj 2006
Optaget på baggrundsmaterialet:	13. juni 2006

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Amnesty International

RUSSIAN FEDERATION

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Head of state: Vladimir Putin

Head of government: Mikhail Fradkov

Death penalty: abolitionist in practice

International Criminal Court: signed

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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Hostility towards human rights defenders increased and some were prosecuted for their peaceful exercise of the right to freedom of expression. Racist attacks, some of them fatal, continued, despite a small increase in convictions for racially motivated crimes. Domestic violence was widespread and the state failed to provide adequate protection. Prisoners conducted mass protests about ill-treatment in prison colonies. Serious human rights abuses including "disappearances" and abductions, torture, killings and arbitrary detention continued in the context of the conflict in Chechnya. Impunity remained the norm for those committing human rights violations. People seeking justice faced intimidation and death threats; some were killed or "disappeared".

Background

There were mass protests across the country at the beginning of the year against social welfare reform. In September the UN Committee on the Rights of the Child highlighted a wide range of concerns relating to children in Russia. In November the Federal Migration Service announced their intention in 2006 to grant amnesties and give work permits to around 1 million migrant workers from former Soviet countries working in Russia without official permission. In Chechnya, separatist leader Aslan Maskhadov was killed in the village of Tolstoi-Yurt on 8 March, during an operation by federal security forces. According to official information, these forces had attempted to detain him but he had refused to surrender. Chechen parliamentary elections were held in November in which the pro-Kremlin United Russia party gained over 60 per cent of the vote. A Council of Europe representative stated that the elections took place in an "atmosphere of fear" and Russian and international human rights groups declared that free and fair elections had not been possible given the security situation and the climate of impunity in Chechnya.

Conflict in the North Caucasus

Serious human rights violations, including war crimes, continued to be committed in Chechnya by Chechen and federal forces. Chechen security forces under the command of Ramzan Kadyrov, the First Deputy Prime Minister of Chechnya, and divisions of federal forces staffed by ethnic Chechens were increasingly implicated in arbitrary detention, torture and "disappearances" in Chechnya. High-level officials, including the President of Chechnya, Alu Alkhanov, were reported to have admitted to the involvement of federal and Chechen forces in "disappearances" in Chechnya. People were also held incommunicado, sometimes in unacknowledged detention centres. Relatives of "disappeared" people demonstrated in Chechnya for information about the fate of their loved ones. Reportedly, women continued to be subjected to gender-based violence, including rape and threats of rape, by members of the federal and Chechen security forces. Chechen armed opposition groups reportedly committed war crimes including direct attacks on civilians.

There was violence and unrest in other North Caucasus republics, increasingly accompanied by reports of human rights abuses such as arbitrary detention, torture, "disappearances" and abductions.

Over 30,000 people remained internally displaced by the Chechen conflict in neighbouring regions of the north Caucasus, in particular in Ingushetia and Dagestan. Conditions in camps in Ingushetia varied but were generally cramped and unsuitable. There remained other displaced populations in the North Caucasus from other conflicts.

- In June, 11 men "disappeared" and at least one, 77-year-old Magomaz Magomazov, was reportedly killed during a raid, allegedly by the Vostok (East) battalion of the Russian federal forces, on the village of Borozdinovskaia, Chechnya. The raid prompted a mass exodus over the border to neighbouring Dagestan of around 1,000 villagers. One member of the Vostok battalion was convicted of "exceeding official authority", and given a three-year suspended sentence in October.
- In March security forces carried out a passport check in a district of Nazran, Ingushetia. The following day a group of armed men in camouflage and wearing masks reportedly returned to the district and

searched the family home of Vakha Matuev and took him away. His wife told AI in September that the authorities in Ingushetia had not opened a criminal investigation and that she had not received any information as to the whereabouts of her husband.

- Adam Gorchkhanov was reportedly detained at his home in the Republic of Ingushetia on 23 May by unidentified security services and taken away. He was reportedly detained in a pre-trial detention centre and the headquarters of the Regional Organized Crime Squad in Vladikavkaz, North Ossetia, before being transferred to a hospital in Vladikavkaz with a serious head injury. He died in hospital on 30 May 2005. His medical certificate gave the cause of death as having "jumped from the third floor". According to a relative, by September there had been no further investigation into Adam Gorchkhanov's death as the cause of death had been "established".

Armed raid in Kabardino-Balkaria

On 13 October a group of up to 300 gunmen launched attacks on government installations in and near Nalchik, the capital of Kabardino-Balkaria, including the building of the Federal Security Service (FSB), police stations, the TV centre and the airport. There were reports that gunmen took at least two civilians hostage. More than 100 people, including at least 12 civilians, were reported to have been killed during the ensuing shooting between law enforcement officials and the gunmen; many were wounded. The raid was reportedly in response to months of persecution of practising Muslims in the region, including arbitrary detention and torture by law enforcement officials, and wholesale closure of mosques. Following the raid, law enforcement officials detained dozens of people; many of the detainees were reportedly tortured. At least one person was reported to have "disappeared" following the raid.

- Former Guantánamo prisoner Rasul Kudaev was detained on 23 October by law enforcement officials at his home in Kabardino-Balkaria and taken to the headquarters of the Organized Crime Squad in Nalchik, where he was reportedly tortured, before being transferred to a pre-trial detention centre. He remained in detention at the end of the year, charged with terrorism-related offences. His mother was unable to visit her son or pass on to him sufficient medication for his serious health conditions, which according to the family had rendered him bed-ridden. A lawyer who had tried to complain about his treatment was suspended from the case and replaced with another state-appointed lawyer, a move thought to be against Rasul Kudaev's wishes.

Impunity

AI was aware of only two convictions during 2005 for serious human rights violations committed in Chechnya. The majority of investigations into alleged violations were ineffective and the prosecution of the handful of cases that came to court was flawed. Applicants to the European Court of Human Rights faced serious reprisals including intimidation, death threats, killing and "disappearance".

- In March a court in the Chechen capital, Grozny, found Sergei Lapin, a member of a special federal police unit (OMON), guilty of torturing Zelimkhan Murdalov, and sentenced him to 11 years' imprisonment. Zelimkhan Murdalov had been detained by police officers in Grozny in January 2001 and subsequently "disappeared". In November a criminal case was opened against the OMON unit commander and his deputy who were implicated in Zelimkhan Murdalov's torture and "disappearance", together with Sergei Lapin. The whereabouts and fate of Zelimkhan Murdalov remained unknown.
- In May, a court in Rostov-on-Don found four members of a special Russian military intelligence unit not guilty for a second time of the murder of six civilians from Dai village, Chechnya. Although the four admitted to the killings, the court ruled that their actions were not punishable as they had been following orders. This decision, like the previous acquittal in April 2004, was widely criticized and subsequently quashed by the Military Collegiate of the Russian Supreme Court in August 2005. A third trial started in November.

Council of Europe

In February the European Court of Human Rights released its judgments in the first six cases from the Chechen Republic to reach the Court. The Court ruled that in these cases the Russian government had violated the right to life, the prohibition of torture, the rights to an effective remedy and the peaceful enjoyment of possessions. The cases brought by the European Human Rights Advocacy Centre concerned the Russian federal forces' indiscriminate aerial bombing of a civilian convoy of refugees fleeing Grozny in October 1999; the "disappearance" and subsequent extrajudicial execution of five individuals in Grozny in January 2000; and the indiscriminate aerial and artillery bombardment of the village of Katyr-Yurt in February 2000.

In June, the Parliamentary Assembly of the Council of Europe (PACE) examined Russia's progress in honouring the obligations and commitments it undertook on joining the Council of Europe in 1996. PACE passed a resolution which stated that while Russia had made progress in some areas of human rights, there had been very little progress in relation to the obligation to bring to justice those responsible for human rights violations, notably in relation to events in Chechnya. The resolution called on the Russian authorities to "take effective action to put an immediate end to the ongoing 'disappearances', torture, arbitrary detentions,

incommunicado detention in illegal and secret detention facilities, and unlawful killings” reported in Chechnya. The resolution also highlighted the lack of progress on the commitment formally to abolish the death penalty and to withdraw Russian troops from Moldova.

Violence against women

According to the Russian governmental newspaper *Rossiiskaia Gazeta* up to 80 per cent of all violent crimes in Russia were committed in the private sphere. Non-governmental organizations (NGOs) remained concerned that women were the main victims of such violence. While no official statistics were available, independent research showed that about 70 per cent of married women had been subjected to some form of violence from their husbands. There were no measures under Russian law which specifically addressed violence against women in the family. The Ministry for Health and Social Development stated that there were 23 state-run crisis centres for women in the Russian Federation. However, women’s human rights organizations were concerned that government support for crisis centres and hotlines was on the decline. According to these organizations, there was only one shelter place for every 9 million women in Russia.

Human rights defenders

The climate of hostility towards some NGOs grew, spurred on by statements by President Putin that foreign financing of political activity by NGOs was unacceptable. Human rights defenders, activists and independent journalists working on human rights issues, in particular on Chechnya, were harassed, prosecuted and in some cases subjected to arbitrary detention and “disappearance”. In some cases the prosecution of activists under anti-extremism and anti-racial hatred laws amounted to a violation of the right to the peaceful exercise of freedom of expression. The human rights organization Russian Chechen Friendship Society (RCFS) was subjected to administrative harassment from the tax authorities and the registration department of the Ministry of Justice.

Possible prisoners of conscience

- In March a Moscow court found Yuri Samodurov, director of the Andrei Sakharov Museum and Public Centre in Moscow, and Ludmila Vasilovskaia, curator at the centre, guilty of charges relating to incitement to national and religious enmity, and fined them. A third defendant, artist Anna Mikhalechuk, was found not guilty of similar charges. The three had organized an exhibition called “Caution, Religion!” in January 2003, in which artists exhibited artwork using religious symbols.
- In November Stanislav Dmitrievskii, Executive Director of the RCFS and editor-in-chief of the *Pravozashchita* (Rights Defence) newspaper, went on trial on charges of incitement to racial hatred, for his decision to publish articles written by a former Chechen separatist leader and his envoy. However, both articles were critical of Russian government policy rather than expressing any criticism of ethnic Russians, and contained calls for a peaceful resolution to the Chechen conflict. The charges are punishable by up to five years’ imprisonment.

Investigation into murder of Galina Starovoitova

In June the St Petersburg City Court convicted two men of the 1999 murder of Duma Deputy and leader of the Democratic Russia Party, Galina Starovoitova, and the attempted murder of her assistant, Ruslan Linkov. However, the person who ordered the murder had not been identified or prosecuted. The verdict recognized the political character of the killing. Galina Starovoitova had been an outspoken critic of corruption and an advocate of human rights.

Legislation and non-governmental organizations

In June an amendment to the tax code came into force increasing the list of areas for which grants could be given tax free, to include the defence of human rights, which was welcomed by human rights groups. However, a draft law on civil society organizations was passed by the State Duma at the end of the year which raised serious concerns about freedom of association. The draft law provided for much greater scrutiny of the activities and funding of NGOs by the authorities. The proposals threatened to open the door to arbitrary decisions by the authorities, potentially compromising the independence of civil society organizations.

Racism, xenophobia and intolerance

Foreign nationals from all around the world, including asylum-seekers, refugees, students and migrant workers, were victims of racially motivated physical assaults, some of which were fatal. The Sova Information-Analytical Centre reported that there were at least 28 murders and 365 assaults across the country which had been motivated by racial hatred. Citizens of the Russian Federation were also targeted, in particular Chechens and other North Caucasus ethnic groups, Jews, Roma and practising Muslims. In some cases a lack of trust in the police prevented victims from reporting the attack. Meskhetians living in Krasnodar Territory continued to be refused Russian citizenship on grounds of ethnicity, resulting in discrimination in almost every aspect of daily life. Anti-racist protest marches and initiatives took place in cities notorious for attacks, including Voronezh, St Petersburg, Tiumen and Moscow.

- Peruvian student Enrique Arturo Angelis Urtado was beaten and stabbed to death in October in the city of Voronezh, and two other students were badly injured. A number of people were detained in connection with the attack.
- There were suspected arson attacks and robberies on Roma homes in the town of Iskitim, Novosibirsk region, and Roma were subjected to threats and assaults. The Novosibirsk regional procuracy stated that it was investigating the incidents.
- In October a jury in St Petersburg started to hear evidence in the case of Khursheda Sultonova, a nine-year-old Tajik girl who was killed in February 2004. Seven people, aged between 14 and 21 when the crime was committed, faced charges of hooliganism, punishable by seven years' imprisonment, and one youth, aged 14 when the crime was committed, faced charges of murder of a person in a helpless state, motivated by racial hatred, as well as hooliganism and robbery.

Fair trial concerns

In May former associates of the oil and gas company YUKOS Mikhail Khodorkovskii and Platon Lebedev were found guilty of charges including tax evasion and fraud and sentenced to nine years' imprisonment. The convictions followed an investigation and trial that included violations of fair trial standards. Many believed the prosecutions to be politically motivated. The cases highlighted serious problems in Russia's criminal justice system relating to the independence of the judiciary; access to effective legal counsel; conditions of detention; and the use of torture and ill-treatment in order to extract confessions. The prosecution and conviction of Mikhail Khodorkovskii was seen as having a chilling effect on freedom of expression and political pluralism in Russia.

Arbitrary detention, torture and conditions of detention

Violations of Russian and international law relating to detention, including arbitrary detention and torture, were reported. Conditions in some overcrowded pre-trial detention facilities were so poor that they amounted to cruel, inhuman or degrading treatment. Prisoners serving life sentences lived in conditions that amounted to ill-treatment and in some cases possibly torture. Prisoners in regions including Kursk, Ulyanovsk, Smolensk and Mordovia conducted organized protests, including hunger strikes and mass self-harm, against conditions and ill-treatment.

- In May and June, Senyo Adzokpa, a Ghanaian living in Moscow, was reportedly tortured in a pre-trial detention centre in Ivanovo. He was allegedly beaten repeatedly and coerced into signing a confession by being placed in a punishment cell and threatened with rape. He was also subjected to racist abuse.
- Former Guantánamo detainees Airat Vakhitov and Rustam Akhmiarov were arbitrarily detained in Moscow in August by Moscow and Tatarstan law enforcement officials, transferred to Tatarstan and held in detention with access only to a state-appointed lawyer until their release six days later. A court in Tatarstan ruled on the legality of the two men's detention in their absence, in violation of Russian and international law, which require detainees to be present for such hearings. Rustam Akhmiarov and Airat Vakhitov were simply handed a copy of the court decision to detain them further.
- Mikhail Trepashkin was denied urgently needed health care while in detention in prison colony IK-13 in Sverdlovsk oblast. On 20 October he was medically examined and the doctor recommended that he be admitted to hospital for monitoring and treatment. However, according to his lawyers, the prison administration refused to allow him to be transferred to hospital and failed to provide adequate medical care.

Refoulement

The Russian authorities forcibly returned at least one person to a country in former Soviet Central Asia despite a serious risk of torture and other grave human rights violations.

- Student Marsel Isaev was forcibly deported from the Russian Republic of Tatarstan to Uzbekistan in October, despite the fact that his application for asylum was under consideration by the Russian authorities. In his asylum application he had stated that he feared that in Uzbekistan he could face torture as a suspected member of the banned organization Hizb-ut-Tahrir.

AI country visits

AI delegates visited the Russian Federation in February, March, September and December.

Russian Federation
Archive information

Russian Federation: Violations continue, no justice in sight – a briefing paper on human rights violations in the context of the armed conflict in the Chechen Republic
(AI Index: EUR 46/029/2005)

Russian Federation: Torture, "disappearances" and alleged unfair trials in Russia's North Caucasus

(AI Index: EUR 46/039/2005)

Russian Federation: Nowhere to turn to – violence against women in the family
(AI Index: EUR 46/056/2005)

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