

# Russian Federation 2011

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Human rights defenders and independent journalists continued to face threats, harassment and attacks, and investigations yielded few concrete results. Freedom of assembly and expression continued to come under attack, including through the banning of demonstrations, their violent dispersal and the prosecution of individuals under anti-extremism legislation. The security situation in the North Caucasus remained volatile. Attacks by armed groups and persistent human rights violations, including killings, enforced disappearances and torture, continued to affect the region. Across Russia, there were frequent reports of torture and other ill-treatment by law enforcement officials.

## BACKGROUND

At the end of the year, Russia seemed to have weathered the economic crisis without major social, economic or political upheaval. There was some improvement in relations with a number of neighbouring and western countries.

The leadership continued to stress its commitment to modernization, including by strengthening the rule of law and reforming the justice system. However, pervasive corruption and the ineffective separation of powers were widely perceived as obstructing this agenda.

The year was marked by the activities of various social movements across the country, often at a very local level, on a range of issues including violations of civil and political rights, environmental concerns and pressing social needs. Protests in Moscow, St Petersburg and elsewhere were mostly peaceful, though several unauthorized actions were dispersed by law enforcement officials using excessive force. There were concerns about the strong political bias in the broadcast and printed media, but electronic media displayed more pluralism. Digital video and online social networks were used creatively to mobilize social activism and expose human rights violations. State media, in particular television, was frequently employed as a vehicle for discrediting opposition politicians, neighbouring leaders and civil society activists.

The Russian authorities failed to further investigate human rights violations carried out by armed forces in the August 2008 conflict with Georgia.

Russia and the de facto authorities in South Ossetia failed to co-operate with investigations by the Council of Europe into the fate of missing people, or to provide access for the EU Monitoring Mission to the conflict-affected areas in South Ossetia.

## TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment by law enforcement officials, often allegedly with the purpose of extracting confessions or money, remained widespread. Corruption and collusion between the police, investigators and prosecutors were widely perceived as undermining the effectiveness of investigations and obstructing prosecutions. Detainees frequently reported unlawful disciplinary punishments and the denial of necessary medical care.

- On the night of 31 August, 17-year-old Nikita Kaftasyev and a friend were stopped by the police in Kstovo in the Nizhnii Novgorod region. Nikita Kaftasyev alleged that he and his friend were beaten by the police. They were held overnight at the police station, where the beatings continued. Nikita Kaftasyev suffered serious injuries to his genitals. The next morning he reported that the police took him home, and then tried to make his mother sign a statement that she had no claims against the police.

## JUSTICE SYSTEM

Judicial reform continued to be presented as a government priority. However, reforms remained piecemeal and had only a limited impact on the underlying structural deficiencies. Major causes of these were the widespread corruption within, and political influence on, the justice system.

Following widespread criticism of police abuse, including from within the law enforcement agencies, the government presented a new draft law on police. Human rights organizations expressed concern that the proposal failed to introduce effective mechanisms to make law enforcement officials accountable for abuses and human rights violations.

In a move intended to increase the independence of criminal investigations, the government announced in September that the Investigative Committee would be transformed, as of 2011, into an independent investigative body.

It would be answerable directly to the President and removed from the control of the Prosecutor General's Office. The Committee had been originally created in 2007 in order to separate investigative and prosecutorial functions.

Widespread concern over deaths in custody resulting from the denial of adequate medical care led to changes in the law governing pre-trial detention. House arrest and restrictions on the use of pre-trial detention were introduced for people suspected of economic crimes. The Prosecutor General's Office concluded that inadequate medical treatment had caused the death in custody of lawyer Sergei Magnitskii in November 2009, though no one was prosecuted for this.

Concerns over the independence of prosecutors and the judiciary grew in the course of the second trial of Mikhail Khodorkovsky and Platon Lebedev on charges relating to the theft of oil produced by YUKOS. The charges appeared to be politically motivated. On 30 December they were each sentenced to a total of 14 years' imprisonment following an unfair trial that was marred by procedural violations, including the harassment of witnesses and the court's refusal to hear key defence witnesses. The two men would therefore be due for release in 2017, taking account of time already spent in detention.

## FREEDOM OF ASSEMBLY

The clampdown on social activism continued, especially on those groups which raised controversial issues, were capable of mobilizing public dissent or were funded from abroad. Organizers often faced harassment and intimidation, including from law enforcement officials and members of pro-government organizations. Several peaceful demonstrations in Moscow and St. Petersburg were declared unauthorized and forcibly dispersed resulting in scores of demonstrators being held for several hours in police custody. Some demonstrators were sentenced to several days of detention solely for exercising their right to freedom of assembly.

In October, activists united in the "Strategy 31" movement were finally allowed to organize a peaceful demonstration in support of freedom of assembly in Triumphalnaya Square in Moscow. Since May 2009, the movement had been denied permission to assemble in the square on at least 10 occasions.

Widespread public protests against the planned construction of a highway through Khimki forest near Moscow led to the project being halted for a few months while at the same time activists faced intimidation and harassment. Konstantin Fetisov, a peaceful protester against the project, was assaulted in November by unknown men and seriously injured.

In an unprecedented decision in October, a court in St Petersburg declared the banning of a parade by LGBT rights activists by the city council had been unlawful. **Later that month, the European Court of Human Rights ruled that the banning of Pride marches by the Moscow city authorities in 2006, 2007 and 2008 had violated the right to freedom of peaceful assembly and that the organizers had been discriminated against on the grounds of their sexual orientation.**

## FREEDOM OF EXPRESSION

Journalists, ecological activists, members of the political opposition and human rights defenders faced harassment, intimidation and attacks. The authorities continued to send out mixed messages on freedom of expression.

They promised greater respect and protection for journalists and civil society activists, while at the same time launching, or failing to curb, smear campaigns against prominent government critics. In November, journalist Oleg Kashin was violently attacked in Moscow. The attack sparked widespread outrage and a promise from President Medvedev that the attack would be diligently investigated. Investigations into attacks on, and the murders of, other prominent human rights defenders and journalists produced few results. The Investigative Committee continued to name the same men as suspects in the murder of journalist and human rights defender Anna Politkovskaya, shot in October 2006, although they had been acquitted on the grounds of insufficient evidence. Vague definitions in the law on combating extremism were frequently exploited to restrict freedom of expression.

- In January the Supreme Court of Tatarstan confirmed the sentence of Irek Murtazin, the former press officer of the President of Tatarstan, who was sentenced in 2009 to 18 months' imprisonment in an open colony for inciting hatred against the government. He had published a book criticizing the Tatarstan authorities.
- In July, Andrei Yerofeev and Yuri Samodurov were convicted and fined for inciting hatred against the Orthodox Church. In 2007, they had organized an exhibition entitled "Forbidden Art 2006", which displayed contemporary art that had previously been removed from museums and exhibitions on account of its controversial content.
- A member of the Jehovah's Witnesses faced trial at the end of the year in the Gorny-Altai region on charges of inciting hatred after he distributed leaflets of his religious denomination.

## HUMAN RIGHTS DEFENDERS

The environment for human rights defenders and independent NGOs remained difficult. Threats, assaults, administrative harassment and public attacks on their character and integrity continued, with the intention of impeding their work and undermining their credibility with the public.

- In April, the Investigative Committee announced that it had identified the murderer of Natalia Estemirova, a human rights defender from Chechnya who was killed on 15 July 2009. According to the Investigative Committee, her murderers were members of an armed group, an explanation which was widely doubted.
- In May, human rights defender Aleksei Sokolov was sentenced to five years' imprisonment for theft and robbery. There were reports at the time that the trial procedures were unfair. In August the sentence was reduced to three years. Aleksei Sokolov was transferred from his native Sverdlovsk Region to Krasnoyarsk in Siberia to serve his sentence. Reportedly, he was beaten and ill-treated on the journey to Krasnoyarsk. Friends and colleagues remained concerned that the case against him had been fabricated in order to stop his activities for the protection of detainees.

- In September, the criminal trial of Oleg Orlov, head of the human rights centre Memorial, started. He faced charges of defamation following his remarks about the responsibility of the Chechen President for the murder of his colleague Natalia Estemirova in July 2009.

## RACISM

Racially motivated violence remained a serious problem. According to preliminary data from the SOVA Center for Information and Analysis, 37 people died as a result of hate crimes. In April, Moscow judge Eduard Chuvashov was killed, reportedly by members of a far-right group, after he had sentenced several perpetrators of hate crimes to long-term imprisonment.

In October, 22-year-old Vasilii Krivets was sentenced to life imprisonment for the murder of 15 people of non-Slavic appearance. The detention of two suspects in the murder of lawyer Stanislav Markelov and journalist Anastasia Baburova in January 2009 was extended until the end of the year. The investigation announced that the two suspects belonged to a right-wing group and had planned to kill Stanislav Markelov following his representation of the family of a murdered anti-fascist campaigner.

## INSECURITY IN THE NORTH CAUCASUS

The security situation in the North Caucasus remained volatile, with violence continuing to spread beyond Chechnya to the neighbouring regions of Dagestan, Ingushetia, Kabardino-Balkaria and North Ossetia. Government authorities publicly acknowledged that measures to combat armed violence were not effective. High numbers of law enforcement officials were killed in attacks by armed groups, who also targeted civilians indiscriminately in suicide bombings. In September, a car bomb in Vladikavkaz, North Ossetia-Alania, reportedly killed at least 17 people and left over 100 injured.

Across the North Caucasus, law enforcement officials were accused of human rights violations. Accusations included unlawful detention, torture and, in some cases, extrajudicial execution of people suspected of belonging to armed groups. There was a complete lack of effective investigations into these human rights violations and subsequent accountability. Journalists and human rights activists who reported on such violations faced intimidation and harassment.

In its June session, the Parliamentary Assembly of the Council of Europe discussed the effectiveness of legal mechanisms in addressing human rights violations in the North Caucasus. It called on the Russian authorities to implement the decisions of the European Court of Human Rights and abstain from unlawful measures in its fight against armed groups and terrorism.

### Chechnya

The relatives of suspected armed fighters continued to allege that they were being targeted. Journalists and civil society organizations faced strict controls and intimidation from the authorities. Government officials hampered investigations into enforced disappearances, torture and unlawful detention when they refused to co-operate with investigative bodies.

- In February, at least four Chechen civilians were reportedly deliberately killed by law enforcement agencies when picking wild garlic at the border between Chechnya and Ingushetia.

- The authorities claimed they had killed armed fighters in an operation in a sealed-off territory, but survivors of the group of garlic pickers gave a different account. At least one of the victims was knifed; others were shot at point blank range.
- In April, Islam Umarpashaev from Grozny was released after being held incommunicado and chained to a radiator since December 2009 in an unknown location by men believed to be members of law enforcement bodies. He was not charged with any crime. His family filed a complaint with the authorities and the European Court of Human Rights regarding his unlawful detention. Islam Umarpashaev, who went into hiding after his release, and his family were put under severe pressure to withdraw their complaints.

In a further sign of increasing restrictions on the freedom of expression of Chechen women, there were several reported instances of women being shot at with paint ball guns apparently for failing to wear headscarves.

### **Dagestan**

According to the authorities, the number of attacks on police and government officials rose by 20 per cent, while Russian human rights organizations reported an increase in arbitrary detentions and enforced disappearances. Lawyers, journalists and human rights defenders faced increased attacks and harassment.

- In June, lawyer Sapiyat Magomedova, was reportedly severely beaten by police officers while visiting a client who was detained at a police station in the city of Khasavyurt. She was subsequently charged with insulting public officials.
- In July, another lawyer, Dzhamilya Tagirova, was reportedly assaulted by an investigator inside a police station in the capital Makhachkala, when she objected to the misrepresentation of her client's statements in the interview record drawn up by the officer.

Two more female lawyers from Dagestan were reportedly assaulted by law enforcement officers in the course of fulfilling their duties as legal representatives.

- On 3 June 2010, the Supreme Court of Dagestan sentenced Rasil Mamedrzaev to 15 years' imprisonment for the murder of Farid Babaev, head of the Dagestan branch of the party "Yabloko". Farid Babaev, who had highlighted many human rights violations in Dagestan and had stood for election to the Russian parliament, was shot in November 2007.
- In July, 14-year-old Makhmud Akhmedov was detained by police. He stated he had been held overnight in police custody and was tortured and otherwise ill-treated in order to extract a confession of having stolen an electric drill. A criminal investigation was opened, and four police officers charged in December.

### **Ingushetia**

Despite efforts by the President of Ingushetia to promote dialogue with independent human rights organizations, serious human rights violations continued and journalists and human rights activists continued to face threats and attacks.

- In June, brothers Beslan and Adam Tsechoev were detained by a group of masked police officers at their home, and then ill-treated and held incommunicado for six days at the Malgobek District Police Department. Beslan Tsechoev remained in detention at the end of the year. Despite the well-documented nature of his injuries, including by the Human Rights Commissioner of Ingushetia, the Prosecutor's Office refused to open a criminal investigation.
- In July, Mustafa Mutsolgov and Vakha Sapraliev were allegedly extrajudicially executed by law enforcement officers, who reportedly took them out of the car they were driving and handcuffed them before shooting them at close range. In August, masked law enforcement officers reportedly beat and ill-treated Mustafa Mutsolgov's father, Alikhan Mutsolgov, and took his 15-year-old brother Magomed away and subjected him to torture and other ill-treatment, forcing him to implicate his deceased brother in illegal activities. By the end of the year, family members were yet to receive confirmation that their complaints were being investigated.