



## Russia

### Events of 2009

The brazen murders of at least five civic rights activists and violence and harassment toward several others marked a severe deterioration in the human rights climate in Russia. These shocking developments contrasted sharply with some positive rhetoric by President Dmitry Medvedev recognizing the importance of civil society.

### Civil Society

2009 saw an increase in violence and threats against human rights defenders, civic activists, and independent journalists in Russia, particularly those working on the North Caucasus. These attacks—along with restrictive laws, harassment of independent groups, and hostile official attitudes—worsened the already negative environment for civil society.

On January 19, 2009, Stanislav Markelov, a prominent human rights lawyer who had defended victims of rights violations in Chechnya, was shot dead on a central Moscow street in broad daylight. Anastasia Baburova, a journalist with him, was also killed. Two people were charged with the killings. In March, Lev Ponamaryev, head of the Za Prava Cheloveka movement, was severely beaten in Moscow. In July unknown attackers shot Albert Pchelintsev, an anti-corruption activist in Khimki near Moscow, in the mouth with a stun gun, telling him it was to shut him up.

In summer 2009 three local civic activists were abducted and killed in Chechnya. On July 15, Natalia Estemirova, a leading human rights defender who documented abuses by Chechen law enforcement and security agencies for the Memorial Human Rights Center, was abducted in Grozny, the Chechen capital; her body was found later the same day. Estemirova's shocking murder was followed by harassment and intimidation of several Memorial staff in Chechnya; one had to be evacuated due to threats to his security. On August 10, Zarema Sadulayeva and her husband Alik Dzhabrailov, who worked for Save the Generation, a humanitarian organization, were abducted from their Grozny office and were found murdered the next day. Local law enforcement and security personnel are implicated in the abduction and murder of Sadulayeva and Dzhabrailov, and their involvement in Estemirova's murder cannot be excluded.

In October, Maksharip Aushev, a prominent opposition and civic activist in Ingushetia, was murdered when unknown shooters sprayed his car with bullets.

Following Estemirova's murder, Oleg Orlov, chairman of the Memorial Human Rights Center, made a statement implicating Ramzan Kadyrov, the president of Chechnya, in the crime. Kadyrov sued Orlov for defamation and lodged a criminal complaint against him. In October a Moscow civil court ordered Orlov to pay a fine and issue a public retraction, and police launched an investigation against Orlov for criminal libel, which carries a maximum sentence of three years' imprisonment.

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In 2009 President Medvedev made several statements underscoring the importance of democracy and human rights in Russia and acknowledging areas where change is needed. Notably, Medvedev appointed a working group to propose reforms to the restrictive 2006 law on NGOs. As a result, in June parliament adopted modifications to the registration and accounting procedures for noncommercial organizations.

Most restrictive aspects of the 2006 law and its implementing regulations remain, however, which subject Russian and foreign NGOs to excessive, unwarranted government scrutiny and interference. The authorities also use tax inspections, inspections for fire code or labor code compliance, police raids, and politically motivated criminal charges to harass and intimidate in particular organizations that receive foreign funding or work on controversial issues. For example, in July the Kazan Human Rights Center, which assists victims of police abuse, and Agora, a consortium of human rights organizations, endured a series of harassing inspections and legal action against their leaders that appeared to be aimed at stopping their work.

Many NGOs are vulnerable to being targeted under the 2002 Law on Countering Extremist Activity, which designates certain forms of defamation of public officials as extremist and allows any politically or ideologically motivated crime to be designated as extremist.

### **The North Caucasus**

The Islamist insurgency in the North Caucasus republics of Chechnya, Dagestan, and Ingushetia appeared to intensify in 2009. Casualties among civilians and law enforcement and security forces increased. Counterterrorism operations continue to involve grave human rights violations such as torture, enforced disappearances, and extrajudicial executions. Impunity for these abuses is rampant.

On April 16, federal authorities announced that they had ended the counterterrorism operation in Chechnya, marking a formal end to the armed conflict. The announcement had no bearing on the authorities' use of torture and illegal detention in counterterrorism efforts. Collective punishment against people with suspected rebel ties became a pronounced trend beginning in June 2008 and continuing into 2009: Memorial and Human Rights Watch documented at least 30 cases in which such individuals' homes were deliberately burned, apparently by Chechen law enforcement personnel. No one has been held responsible for the house burnings. High-level Chechen officials, including President Kadyrov, made public statements stressing that insurgents' families should expect to be punished unless they convince their relatives among the insurgents to surrender.

The July murder of Natalia Estemirova (see above) highlights the danger to those who expose abuse. High-level Chechen officials have made threatening statements accusing human rights activists of supporting insurgents.

In 119 rulings by November, the European Court of Human Rights has held Russia responsible for serious human rights violations in Chechnya. In almost all cases the court also found Russia responsible for failing to properly investigate these crimes. In most cases Russia has promptly paid the compensation and legal fees as required by the judgments. But it has failed to implement measures to rectify violations in individual cases, including ensuring effective investigations and holding perpetrators accountable. It has also failed to adopt so-called general measures to implement the rulings, which entail policy and legal changes to prevent similar violations recurring. This failure serves to perpetuate the violations described above.

In Dagestan, according to local groups, at least 18 persons were abducted in 2009. The bodies of 11 were found shortly after their abduction, bearing gunshot or other wounds indicating a violent death. One of them was Nariman Mamedyarov, who had told Human Rights Watch that in September 2008 he was abducted and held by authorities in incommunicado detention and tortured. Mamedyarov was abducted again in September 2009 and was found shot dead; the authorities claimed he died during an armed clash with law enforcement officials. Of the other abductees, three were released or escaped their captors, and four remain missing. In some cases, the individuals' Islamic practices made them vulnerable to being branded "extremists" by the authorities, and in others the authorities suspected them of some connection with the insurgency.

Human rights activists and independent journalists in Dagestan have been subjected to violence and intimidation. On August 20 an arson attack burned the office of the Mothers of Dagestan for Human Rights (MDHR), an independent organization that documents abusive counterterrorism practices. The fire followed the shooting death on August 11 of Abdumalik Akhmedilov, a newspaper editor who had criticized law enforcement officials for suppressing political and religious dissent in their campaign against religious extremism. In September several local activists, journalists, and lawyers received leaflets with explicit death threats.

Insurgent attacks on public officials, security and law-enforcement personnel, and civilians in Ingushetia have been on the rise since 2007, with a marked increase in such violence in summer 2009.

The Ingush leadership stands out for making at least a rhetorical acknowledgment of human rights obligations. In April 2009 Yunus-Bek Yevkurov, president of Ingushetia, committed to ensuring that counterinsurgency operations are carried out in line with Russia's legal obligations. In 2009 he held numerous meetings with local human rights defenders and relatives of the "disappeared." He also created a human rights council to advise him. In June Yevkurov suffered severe injuries from an assassination attempt.

Despite this rhetorical commitment, local organizations continue to report that government forces commit extrajudicial executions, unlawful, abduction-style detentions, and torture and cruel or degrading treatment during the course of counterinsurgency operations.

### **The Armed Conflict over South Ossetia**

More than a year after the August 2008 conflict between Russia and Georgia over South Ossetia, impunity for violations of international humanitarian law by all sides of the conflict still prevails. More than 20,000 individuals displaced from deliberately destroyed ethnic Georgian villages in South Ossetia remain unable to return to their homes.

In September 2009 a European Union-funded independent fact-finding mission published its report, concluding that Georgian, Russian, and South Ossetian forces committed international human rights and humanitarian law violations during the conflict. The violations included indiscriminate attacks by the Georgian and Russian militaries, and a widespread campaign of looting and burning of ethnic Georgian villages, along with ill-treatment, beatings, hostage-taking, and arbitrary arrests, by South Ossetian forces. The report also found that the Russian military failed to prevent or stop violations by Ossetian militia.

### **Migrant Worker Rights**

Russia has between 4 and 9 million migrant workers, over 80 percent of whom come from other countries of the former Soviet

Union. Forty percent of migrant workers are employed in construction, where they face abuses that include confiscation of passports, denial of contracts, non-payment or delayed payment of wages, and unsafe working conditions. Migrant workers have few effective options for redress for these abuses. Government agencies continue to consider and implement measures that reverse progressive reforms of laws affecting migrant workers enacted in 2007.

Police frequently use document inspections to extort money from visible minorities, including migrant workers.

### **Health Issues and the HIV/AIDS Epidemic**

Hundreds of thousands of people in Russia are dependent on opioids. The government's decision to shift funding away from harm reduction programs, which have saved thousands from becoming infected, is a devastating blow to HIV prevention efforts in the country. Paired with its stubborn refusal-despite overwhelming evidence of its effectiveness-to allow drug treatment with methadone, the Russian government's new position is putting injection drug users at grave risk of HIV infection.

Poor availability of morphine due to unnecessarily strict drug laws continues to cause tremendous suffering for hundreds of thousands of patients with pain due to cancer, HIV/AIDS, and other conditions.

### **Key International Actors**

The European Bank for Reconstruction and Development (EBRD) adopted a new Russia Strategy in 2009. The strategy did not adequately reflect serious problems with Russia's commitment to pluralism and the rule of law, and did not reflect EBRD policies requiring measures to ensure that recipients of the bank's funding do not benefit from the exploitation of workers, including migrant workers.

The European Union held two rounds of human rights consultations with Russia, meetings ultimately undermined by the lack of high-level Russian participation and adequate follow-up mechanisms. Apart from ad hoc statements and bilateral interventions by select European leaders, notably Germany's chancellor Angela Merkel, human rights concerns overall appeared to remain largely absent from higher-level talks between the EU member states and the EU institutionally and Russia. The EU continued negotiations on its Partnership and Cooperation Agreement with Russia, which expired in December 2007.

The election of Barack Obama as president of the United States renewed prospects for a constructive US-Russia relationship. Obama and Secretary of State Hillary Clinton vowed to reset relations with Moscow, and Obama noted that improved relations should include strengthened human rights and rule of law in Russia. It remains to be seen whether this will result in a strong resolve to confront egregious human rights problems. During his July 2009 trip to Moscow, Obama underscored the importance of a vibrant civil society, civic freedoms, and "a government that's accountable and transparent." Clinton visited Russia in October and emphasized to a group of civil society actors that human rights and democratic values will have an important place in the Russian-American dialogue.

In a report published in September, Dick Marty, Parliamentary Assembly of the Council of Europe (PACE) rapporteur on legal remedies for human rights violations in the North Caucasus, noted that the "general climate of impunity at all levels has generated an atmosphere conducive to the spread of violence." Also in September PACE expressed concern about attacks and

threats against human rights defenders in the North Caucasus by holding a focused debate on the issue. During the same session PACE adopted another resolution on the August 2008 war over South Ossetia and its fallout, demanding that international monitors and returning Georgian residents be granted unrestricted access to both South Ossetia and Abkhazia.

Russia underwent review by the United Nations Human Rights Council (HRC) Universal Periodic Review mechanism in February, during which it failed to commit to concrete human rights reforms in key areas of concern raised during the review, such as access for UN monitors, reform of the restrictive NGO law, and ending impunity for rampant abuses in the North Caucasus. Russia was reelected to the HRC in May, despite concerns about its human rights record. Following Natalia Estemirova's murder in July, the UN special procedures on torture, enforced disappearances, extrajudicial executions, and human rights defenders requested access to Russia to conduct an investigation, which the Russian government refused. Russia's human rights record came up for close scrutiny again in October during a review by the UN Human Rights Committee, which resulted in strongly-worded conclusions highlighting numerous concerns and urging Russia to take concrete action to address them.

The International Criminal Court continued to keep under analysis crimes committed by all parties to the 2008 conflict over South Ossetia. Russia is not an ICC state party.

The International Olympic Committee (IOC) made several visits to Sochi, the Black Sea resort that will host the 2014 Winter Olympic Games. The IOC did not grant a request to meet with activists or citizens seeking to raise concerns about property rights and environmental violations in connection with preparations for the Games.

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