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The Moscow Bureau of Human Rights report on the violation of human rights in the Russian Federation in 2008

2008 was a difficult year for citizens of the Russian Federation. Russia, like many other countries, found itself wrestling with many varied manifestations of the global economic crisis. In addition to unresolved problems in the socio-economic and political life of Russian society, citizens are having to deal with a sharp escalation in social conflict provoked by the crisis. Last year witnessed mass job losses, rising unemployment and financial problems. The government of the Russian Federation did a great deal to improve the lives of the economically deprived and to aid the economy in conditions of crisis, but these measures proved clearly inadequate. As a result, the rights of citizens in very different spheres were violated, the level of interethnic tension – already high – rose, and pressure was put both on NGOs and the mass media.

In this report, the Moscow Bureau of Human Rights systematically presents data about the violation of human rights in 2008.

Pressure on NGOs from organs of state

In 2007, 212 communications about the persecution of civil society activists and non-governmental organisations (NGOs) were recorded in Russia, compared to only 144 such complaints in 2008. This positive dynamic is probably linked with the end of the election campaigns and a general reduction of government pressure on activists and non-governmental organisations. Such a reduction may be explained in turn by the Ministry of Justice being busy taking over the functions of the Federal Registration Service (Rosregistration) and paying less attention to NGOs.

Checks by the Federal Service of Financial Monitoring and the budgetary surveillance of organisations in receipt of government finance became a new way of persecuting NGOs in 2008, according to analysts of the AGORA Association. As a result, NGOs were obliged to return part of the monies given them via the Public Chamber of Russia and faced multiple fines. The Centre of Civic Education

and Human Rights in Perm region, for example, was accused of not fully spending its grant and required to return 150,000 rubles to the Treasury.¹

A section of the Russian elite retains the view that the majority of Russian NGOs are financed from abroad for subversive purposes. In April 2008 the director of the FSB (the Federal Security Service) N. Patrushev made statements about the possible financing of subversive activities in Russia by foreign NGOs, and the positive media coverage given to separatists by them.²

NGOs received the right to financial support from abroad, but only where the donor is on a special register approved by the government of the Russian Federation. Additionally, at the end of June 2008 the list of international organisations whose grants are tax-exempt was radically reduced from 101 to 12.³

As we have seen before, pressure on NGOs often took place at regional level in 2008.

In December a search of the premises of the Petersburg branch of Memorial was conducted, during which their database of Soviet repressions was taken.

The authorities of Kabardino-Balkaria republic have been trying to ban as extremist the organisation the Council of Elders of the Balkarian People (*Sovet stareishin balkarskogo naroda*) for a number of years. On 25 July in Ingushetia Zurab Tsechoev, editor of the website of the human rights organisation Mashr was kidnapped and beaten by unknown representatives of the security forces. On 13 August near the Mashr organization's office in Karabulak, unknown assailants (probably policemen) shot at its manager, Magomed Mutsol'gov, from automatic weapons, in a clear attempt to intimidate him.⁴ On 14 October in Nal'chik, Dalkhat Bidaev, a member of the Council of Elders of the Balkarian People, was beaten up.⁵

In Dagestan, since spring 2008, a campaign has unfolded to discredit the human rights organisation the Mothers of Dagestan for Human Rights Movement, which investigates cases of kidnapping and torture.⁶

The restriction of social rights

The economic crisis which developed in 2008 led to mass redundancy. Since the government requested business not to allow mass job losses, (Prime Minister Vladimir Putin, for example, declared that 'the heads of regions, side by side with municipalities and enterprises, must implement a package of measures to save jobs, directing adequate financial resources at this' during a nationwide television call-in show on 4 December 2008),⁷ enterprises began to use such means of restricting work activity as sending workers on unpaid leave, cutting the working

¹ <http://www.civitas.ru/news.php?code=6267>

² <http://newsru.com/russia/10oct2007/razvedka.html>;
http://www.gazeta.ru/politics/2008/04/08_a_2689664.shtml

³ <http://www.civitas.ru/news.php?code=6267>

⁴ <http://www.memo.ru/2008/10/27/2710081.htm>

⁵ <http://www.kavkaz-uzel.ru/newstext/news/id/1231014.html>

⁶ <http://www.memo.ru/2008/10/27/2710081.htm>

⁷ <http://www.novopol.ru/text58162.html>

week and the working day. Forced ‘voluntary’ resignations, or dismissal without severance pay, was practiced on a massive scale. In a few enterprises employers began to pay only the official minimum wage, cutting many semi-official payments (‘cash in hand’ wages, bonuses etc.) which were earlier used to limit the amount of tax due on workers’ wages.

Wage arrears grew sharply. The precipitous growth of wage debt reached a peak in November 2008, when it more than doubled from 3.75 to 7.96 billion rubles. According to data from 1 December 2008, 40% of the total amount of wage debt is found in the manufacturing sector, 15% in transport, 14% in construction and 11% in agriculture.⁸ 600,000 people faced the problem of unpaid wages.⁹ In December 2008 wage arrears were noticeably reduced, to 4.674 billion rubles.¹⁰

The tensest situation with withheld wages has arisen in Chechnya, which accounts for almost 5% of the total debt.

Employers, instead of constructive collaboration with the trade union leaders who strive to ensure legality in the sphere of worker relations, are at times resorting to threats and force. Activists in the interregional trade union of car industry workers of the Taganrog car factory, Aleksei Gramm and Sergei Bryzgalov, were beaten up. Two attempts were made on the life of Aleksei Etmanov, chair of the trade union committee at the Ford factory in Vsevolozhsk.¹¹ On the other hand, the degree of trust in official trade unions is extremely low: according to a survey by VTsIOM, only 4% of workers turn to their trade union for help in cases of dismissal, cutbacks or other action by the administration.¹²

The level of unemployment benefit is far from according with the minimum subsistence level. The highest level of benefit is 4,900 rubles, despite the fact that in a number of regions the minimum subsistence level is higher than that sum.

The resolution of labour disputes was practically driven into deadlock. Labour legislation surrounds the declaration of a strike by a mass of difficult to meet conditions. There must first be a general conference of the workers collective, that is all workers of the given enterprise, and the decision to strike must be supported by a two thirds majority. A conciliation commission must be formed, which must reach an agreement (which, as a rule, doesn’t happen) or not within a five-day period. If the employer does not fulfil the commission’s requests, a strike may be called. However, before this it is necessary to hold a meeting at which more than half the workers or their authorised representatives must be present. The decision to strike must be supported by more than 50% of those present at the meeting.

If the decision to strike is nevertheless taken, then the workers must announce the date and time of the strike, the number of participants, the length of action, the name of the bodies initiating the strike, and the minimum number of workers who will work over the period of the strike. The strike itself must be conducted within two months from the moment the decision to strike is taken. If any of these

⁸ <http://www.finansmag.ru/news/4857>

⁹ <http://www.newsru.com/finance/16dec2008/arrears.html>

¹⁰ http://www.gazeta.ru/money/2009/02/17_n_2944419.shtml

¹¹ <http://kprfnsk.ru/inform/news/4572/>

¹² <http://www.profile.ru/items/?item=28140>

elements is not fulfilled, then the strike is considered illegal. Furthermore, the legislation makes provision for lockouts, the possibility of shutting the enterprise during a labour dispute, giving material incentives to workers who don't participate in the strike (in effect, fostering strike-breaking). O. Neterebsky, deputy chair of the federation of independent trade unions of Russia (*Federatsiia nezavisimykh profsoiuzov Rossii*, FNPR) and chair of the Public Chamber's commission on labour relations and pensions acknowledged in April 2008 that 'it is impossible to legitimately hold a strike'.¹³

Notwithstanding the decision taken in 2006 by the Constitutional Court, a mechanism regulating the payment of money to military pensioners working under contract of employment has still not been established – except for state pensions and the insurance part of a work pension, subject to the insurance premiums accumulated in their individual personal accounts in the Pension Fund of the Russian Federation.¹⁴

In 2008, after the right of those with a child of less than three years old to postpone army conscription was abolished, a problem arose with the wives of soldiers called up to serve in 2007 being denied the pay due to them by law.¹⁵

Violence by employees of the law enforcement agencies

In 2008 there were instances of groundless violence by employees of law enforcement agencies against detainees, suspects etc., which has also presented a serious problem in previous years.

According to the Committee against Torture, the centre of which is in Nizhnii Novgorod, by March 2009 975 complaints about acts of torture by the police had been registered. Legal proceedings were instituted in 253 of these cases. In 90 cases the fact of torture was established, 64 employees of the Ministry of Internal Affairs (*Ministerstvo vnutrennikh del*, MVD) were convicted, 257 illegal judgements were repealed and almost 17 million rubles compensation awarded.¹⁶

The beating of six youths, three of whom were minors, by employees of the Sokol'niki Department of Internal Affairs (*Otdel vrutrennykh del*, OVD) in Moscow on 4 April 2008 was widely reported. They were punched, kicked, and hit with truncheons and stun guns. When the youths were brought to hospital, doctors preferred to define them as 'drug addicts who overdosed'.¹⁷

The situation hasn't changed even after a string of decisions by the European Court of Human Rights and by Russian courts which have awarded significant compensation to victims of police arbitrariness. Thus, on 24 January 2008, the European Court of Human Rights unanimously ruled that Olga Maslova of Nizhnii Novgorod had been subjected to repeated torture and violence by employees of the office of the public prosecutor and police who had interrogated her as a witness.

¹³ <http://ikd.ru/node/5869>

¹⁴ http://ombudsman.gov.ru/doc/vistup11/p24_04_08.shtml

¹⁵ <http://www.soldiers-mothers-rus.ru/bul7.doc>

¹⁶ <http://www.pytkam.net/web/>

¹⁷ <http://www.vremya.ru/2008/122/46/208045.html>

Violence was similarly used against Fedor Nalbandor. In connection with this infringement the Court awarded Olga Maslova 70,000 euro, and Feodor Nalbandov 10,000 euro. Efforts to appeal against this decision were unsuccessful.¹⁸

On 17 July 2008, Sormovsky district court in Nizhnii Novgorod settled the claim filed by Yury Sidorov, a lawyer of the Interregional Committee against Torture, on behalf of Nizhnii Novgorod resident Sergei Sankin, beaten by employees of the Sormovsky police in 2000. In accordance with the court's decision, the defendant in the case (the Ministry of Finance of Nizhnii Novgorod region) had to make a lump sum payment of 1.137 million rubles to Sergei Sankin, as compensation for the injury to his health, and a further 2 million rubles in compensation for moral harm. Besides this, as of April 2009 Sergei Sankin is to be paid 17,000 rubles a month.¹⁹

However, the payment of compensation is not accompanied by the prosecution of those guilty of inflicting torture. In a string of cases they have not been sacked (as with the policeman who beat Azerbaijani E. Dadashev, who remained in post even during legal proceedings about this case).

The situation of the convicted

Violations of the rights of the convicted were recorded in 2008, as in previous years. According to the data of MVD inspections, the management of institutions within the prison system forced convicted individuals to withdraw money from their personal accounts to purchase building materials, fire-fighting equipment, housekeeping stock, electrical appliances, computer and office equipment needed by the institutions. In only the first seven months of 2008, in five penal colonies in the Tver region, 600,000 rubles was illegally taken from the accounts of convicted individuals. The extortion of donated humanitarian and charitable aid is widely practiced in penal colonies.²⁰

There is evidence of the use of physical coercion against prisoners by the administration of penal institutions, more reminiscent of torture (at least two such cases were known of in 2008, in Sverdlovsk and Kostroma regions). In Kopeisk town (Cheliabinsk region) on 31 May 2008, during the suppression of a riot, four prisoners were severely beaten and left without medical help, resulting in their deaths.²¹

Despite the fact that in 2008 the law 'On public control for securing human rights in places of compulsory detention, and the assistance of persons in places of compulsory detention', its implementation, in essence, hasn't even begun.

A significant portion of temporary detention centres (*izolator vremennogo sodержaniia*, IVC), in which suspects and those accused of crimes are detained, do not comply with legislative requirements. The Ministry of Internal Affairs of the

¹⁸ <http://www.pytkam.net/web/index.php?go=News&in=view&id=991>

¹⁹ <http://www.pytkam.net/web/index.php?go=News&in=view&id=1006>

²⁰ http://ombudsman.gov.ru/doc/vistup11/p12_08_08.shtml

²¹ <http://www.rian.ru/society/20080724/114843354.html>

Russian Federation has now developed a special purpose departmental programme 'The security of detained persons, prisoners in custody in temporary detention centres of the agencies of internal affairs of the Russian Federation', planned for 2009-2011, which makes provision for improving the conditions of detention for suspects and those accused of crimes. But even after the implementation of this programme, during which 648 IVCs will be built or rebuilt, almost 30% of these institutions will still fail to meet the required norms.²²

There is also a problem of discrimination against individuals from Chechnya in penal institutions, since some representatives of the administration consider them enemies. At least one such case, with 7 victims, was recorded in April 2008 in Murmansk region.²³

Protecting the rights of victims of crime

Society's attention was drawn to the problem of protecting the rights of crime victims in 2008. The interregional human rights movement Resistance (*Soprotivlenie*) was the driving force in this respect.

Article 46 of the Constitution of the Russian Federation guarantees everyone the legal protection of their rights and liberty, and article 52 guarantees victims of crime access to justice and compensation for harm and damage .

Despite this, at many points during legal proceedings the victim is put in an unequal position to the detained, accused and defendants, and thus, in effect treated as a participant of secondary importance in the criminal process. The most obvious manifestation of inequality is the absence of the right of victims to use the services of a free defence lawyer, and the awarding of victim status only by special decision of the investigator, prosecutor or court. As a result victims cannot effectively stand up for their rights, and their access is blocked to information about the progress of the criminal case.

The procedure for claiming compensation for harm inflicted, which may proceed exclusively by civil action and without the help of law enforcement agencies, remains complicated. Moreover, of the sums awarded as a result of such lawsuits, no more than a third is actually paid out as compensation. The victims also cannot count on compensation for harm inflicted by a criminal in cases where the perpetrator is not ascertained, or is ascertained but hides from the investigation and, accordingly, cannot be made criminally liable. Furthermore, the state guarantees of compensation for damages to victims inflicted by criminals are notable for their incompleteness (especially as regards the victims of terrorist acts, in cases of compensation for moral harm etc.).

The law on the protection of victims and witnesses essentially doesn't work (thus, in 2006, protection was provided to a grand total of 1000 witnesses) – not least because of inadequate finance and under-developed technical elements of the

²² http://ombudsman.gov.ru/doc/vistup11/p17_03_08.shtml;
http://ombudsman.gov.ru/doc/vistup11/p30_06_08.shtml

²³ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/04/m129378.htm>

witness protection programme.²⁴ Moreover, representatives of the MVD announced that the implementation of compensation financed by the state is impossible, since ‘due to the high level of crime in the country the implementation of such a recommendation requires substantial financial outlay’, and notifying victims about the release of criminals could lead to an increase in suicides.²⁵

Restrictions on the right to freedom of assembly

The right of Russian citizens to meet freely continues to be restricted. In accordance with the federal law ‘On assemblies, meetings, demonstrations, processions and picketing’, notification about the conducting of public actions (except for assemblies and pickets conducted by one participant) is given by its organiser in written form to the executive government branch of the constituent entity of the Russian Federation or to the branch of local government not earlier than 15 and not later than 10 days before the public action is to be carried out. For a picket conducted by a group of people, information about the public action may be provided not later than three days before it is conducted.

By law, a public action may be conducted in any place suitable for its purposes, if it poses no threat of buildings or facilities collapsing, or other dangers to participants of the given public action. However, this right has been limited by the authorities of executive power, which, in accordance with article 12 of the law, may ‘inform the organiser of the public action within three days of receiving information about the public action to be conducted (and in the case of a picket to be implemented by a group, no less than five days before it is to be conducted – on the day of receipt of information) of a well-founded proposal to change the place and (or) time of conducting the public action’. Thus, the mayor of Moscow attempted to curtail public activity by providing the distant Shevchenko embankment as a location for processions. Besides, the conducting of public actions is limited by articles 15 and 16 of the law, in accordance with which the grounds for stopping such a public action may be the failure to eliminate infringements of law and order at the request of an authorised representative of the executive government branch of the constituent entity of the Russian Federation, or the local government body. Yet another restriction is the ban on conducting public actions on ‘territory, immediately adjacent to buildings and other facilities in which state agencies are accommodated’.

One may also note the presence in regional legislation of restrictions which impede the rights of citizens to express their will: on ‘the declaration of notification as not served’, ‘the non-registration of notification’, ‘refusal to accept notification’ and so on. A typical example is the legislation of Bashkortostan, where part 5, article 4 of the Law of the Republic of Bashkortostan as of 19 April 2005 ‘On the procedure of notification about conducting public action’ decrees that an authorised agency of government may at the first stage take a decision about the

²⁴ <http://ombudsman.gov.ru/doc/spdoc/0108.shtml>

²⁵ <http://ombudsman.gov.ru/doc/vistup11/otzivi.shtml>

registration or non-registration of the notification served, and at the second stage – about its acceptance or declaration as not served. Thus, bureaucrats may declare as ‘not served’ already accepted and registered notifications.

In some parts of the Russian Federation (in particular, in Volgograd and Lipetsk regions), the organiser of a public action, together with the notification, must present a copy of his or her passport or other identifying document, a copy of the founding documents of the political party or public association, their decision to conduct a public action, and also a document attesting to his or her authority. In Perm region the organiser of a public action is obliged to submit a plan showing the physical arrangement of participants together with the notification, a copy of the passports of those individuals authorised to act as helpers during the event, and also the regulations for the action.

The record-holder in this case is Bashkortostan. Here the organiser must submit: a copy of the passports of organisers of the public action and of individuals authorised to help with event organisation during the event; the written agreement of authorised persons for the implementation of the latter’s duties; the decision of the political party (or other association) to conduct the public action, sealed and authorised by an authorised individual; a copy of the minutes of the meeting of the political party (or other association), sealed and authorised by an authorised person; a copy of the registration document of the political party (or other association) certified by a notary and a copy of its charter (or a document attesting the foundation and activity of an association not operating under a charter).

There is practically no restriction on the change of venue for a public action in the form of an order. The federal law ‘On assemblies, meetings, demonstrations, processions and picketing’ does not give concrete expression to potential motives for such actions by the authorities, only noting that their proposals must be justified or well-founded. At the same time, the practice of agreeing the format of the public action, which is not reflected in the law, has been introduced by regional authorities without prior arrangement.

There is also in regional legislation a straightforward infringement of the notifiatory principle for organising meetings. Thus, in Chitinsk region the organiser of a public action must report to the local government body not with a notification, but with an application for the issuing of permission to conduct an event. The permission procedure for conducting public actions is also maintained in Oktiabr’sk (Samara region), Kyzyl (Tuva) and Ryazan region.

The practice of dispersing processions and demonstrations continues. Most often ill-founded bans and severe measures during dispersal (including the beating of participants) are employed against demonstrations known as Dissenters’ Marches and organised by opposition activists from the Other Russia (*Drugaiia Rossiia*) coalition.

In January in Kaliningrad a Dissenters’ March was wrecked by the detaining of numerous activists from the Other Russia.

In February 2008 an action by the Other Russia was banned by the authorities in Moscow.

On 3 March and 14 December, also in Moscow, a march and picket of ‘dissenters’ were dispersed.

On 11 April a demonstration of youths protesting against the beating of those detained by members of the law enforcement agencies was dispersed.

Only the Dissenters’ marches in St Petersburg on 3 March and 14 December went ahead relatively peacefully.

Ingushetia became one of the centres of such practice by the authorities, as president M. Ziazikov tried to suppress the opposition with harsh measures. On 26 January and 2 September a meeting of the opposition in Nazran was dispersed, including by the use of tear gas and rubber batons. In the first instance, the venue for the meeting was designated as a ‘zone of counter-terrorist operations’.

Non-political assemblies were also dispersed.²⁶ In Vladivostok on 20-21 December 2008, members of OMON sent from Moscow savagely dispersed a meeting protesting against the raising of import tax on cars. On the evening of 21 December the Moscow police detained around 20 participants of a protest action by motorists.²⁷

Violence within the army

According to the data of the Ministry of Defence, in 2008 471 armed forces personnel (29 more than in 2007) died while fulfilling official duties and during non-working time, 231 of whom committed suicide. The growth in the number of deaths during peace time indicates that the situation in the Russian army remains extremely difficult. In 24 cases the military officially recognised the cause of death as so-called hazing (*dedovshchina*) – unofficial relationships within troops in which the ‘seniors’ violently bully the ‘juniors’.²⁸ The total number of victims of hazing is considerably higher. According to the data of the Chief Military Prosecutor’s Office, 2000 servicemen suffered as a result of such unofficial relationships in only the first seven months of 2008. And although the number of manifestations of hazing in 2008 was reduced by more than a quarter in comparison to 2007 (moreover, there was a 16% drop in instances of abuse of rank related to violence against subordinates), these numbers are nevertheless very significant.²⁹

Absconding from army divisions because of mockery and assault has become such a common phenomenon that the Supreme Court of the Russian Federation, in its resolution of 3 April 2008, freed soldiers fleeing their units to save their honour and health of criminal responsibility for desertion.³⁰

²⁶ http://ombudsman.gov.ru/doc/vistup11/s31a_01_08.shtml;
<http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146320.htm>

²⁷ <http://www.kasparov.ru/material.php?id=494E7F03C0CA9>

²⁸ <http://www.newsru.com/russia/18jan2009/pote.html>

²⁹ <http://www.newsru.com/russia/11dec2008/dedov.html>

³⁰ http://www.afanasy.biz/articles/detail.php?ELEMENT_ID=2691

Xenophobic attacks and vandalism

For the period from January to 30 December 2008, no fewer than 293 xenophobic attacks were recorded, as a result of which 122 died and no fewer than 380 were injured.

The majority of victims were recorded in Moscow and Moscow region (54 dead, no fewer than 177 injured), followed by St Petersburg and Leningrad region (21 dead and no fewer than 42 injured), Sverdlovsk region (six dead and eight injured), Yaroslavl (four dead), Ul'ianovsk region (three dead, three injured), Ingushetia (three dead, three injured), Omsk and Novosibirsk (two dead and two injured each), Dagestan (one dead, no fewer than 24 injured), Voronezh (two dead, no fewer than 17 injured), Nizhnii Novgorod region (two dead, six injured), Udmurtia (one dead, four injured), Petrovsk-Zabaikal'sky (one dead, three injured), Stavropol, Tula, Cheliabinsk region (one dead, two injured each), Krasnoarsk region, Togliatti, Obninsk and Saratov region (one dead, one injured each), Kaluga region (one dead), Nal'chik (no fewer than 29 injured), Briansk (14 injured), Vladivostok (13 injured), Lipetsk (no fewer than eight injured), Penza, Kazan and Kaliningrad (six injured apiece), Ryazan region (five injured), the republic of North Ossetia, Ufa (four injured apiece), Arkhangelsk and Volgograd regions (three injured each), Kaliningrad region, the republic of Chuvashia, Amursk, Tver, Belgorod and Vladimir regions (two injured apiece), Kursk, Pervoural'sk, Orel, Yaroslavl, Novgorod region, Rostov-on-Don, the republic of Kalmykia, the republic of Kabardino-Balkaria, Vologda and Tambov (one injured apiece), Orenburg (precise number of injured unknown).

Most often Uzbeks become the victims of attack (20 dead and 29 injured), and also Kirgizes (10 dead, five injured), Tajiks (10 dead, 36 injured), Russians (nine dead, 35 injured), Azerbaijanis (nine dead, 25 injured), Armenians (four dead, three injured), Ingushis (three dead, five injured), Dagestanis (two dead, no fewer than 26 injured), Chechens (two dead, 22 injured), African emigrants (two dead, nine injured), Kalmyks (two dead, no fewer than six injured), and also Turks (two dead, one injured), Roma (two dead), Chinese (one dead, 17 injured), Ossetians (one dead, one injured), Moldavians, Germans, Tuvinians (one dead each), emigrants from the Near East (14 injured), Indians, Turkmenis (five injured), Jews (four injured), Koreans, Ukrainians (three injured), English, Mongolians, Georgians, emigrants from Latin America (two injured), Kazakhs (no fewer than two injured), Vietnamese, African Americans, Buriats, Lebanese, Sri Lankans, French, Swedes, Japanese (one injured each).

There were 69 cases of xenophobic vandalism recorded in 2008. In 20 cases religious premises were subjected to attack and desecration. In eight cases these were the premises of synagogues and other Jewish organisations, and in five cases mosques and Muslim prayer houses. Six cases of vandalism and desecration were recorded in connection with facilities belonging to the Russian Orthodox Church, one against a Jehovah's Witnesses Kingdom Hall and another against a pagan temple. In a further 11 cases, xenophobic and antisemitic graffiti appeared on

objects connected with the struggle against fascism, memorials to victims of the Holocaust and so on. In five cases Jewish graves were desecrated, and in a further two cases Muslim graves were desecrated. 33 cases of xenophobic graffiti were recorded on 'neutral' targets.

As before, ultra-right terrorism, attempts to provoke inter-ethnic conflict by spreading rumours of 'migrant atrocities' (this tactic has been named 'Kondopoga technology' after the name of the town where, in September 2006, it was used with greatest success) and the activities of skinhead bands specialising in the murder of 'foreigners' are still in evidence.³¹

Pressure on the mass media and the persecution of journalists

There were 35 attacks on journalists in connection with their professional activities in 2008.³²

On 21 March Gadzhi Abashilov, head of the Dagestan state television and radio broadcasting company, was killed in Dagestan.

On 16 June the investigating committee of the investigating department for the Kirov district of Makhachkala passed a resolution to institute criminal proceedings against Rizvan Rizanov, the general director of the weekly newspaper *The Present Tense* (*Nastoiashchee vremia*), under the article 'impeding the legal, professional activities of journalists'. Then, a month later, in the absence of representatives of the victims, the court of Kirov district of Makhachkala revoked this resolution, but the Supreme Court of the Russian Federation retained this decision in force. Journalists of *The Present Tense* accused Rizvan Rizanov of giving them directions to single-mindedly 'go after' the president of the republic of Dagestan, Mukhu Aliev, in the role of 'media killers'. In the words of the journalists, Rizanov introduced a 'blacklist' of individuals who could not be mentioned in the publication. On this list, in particular, were Gadzhi Abashilov and the journalist of the First Channel (*Pervyi kanal*) Ilyas Shurpaev, killed on the same day in March.³³

In mid-June in Dagestan the state mass media were forbidden to pass recordings of official events to independent publications. The scandal flared up after the publication of several quotations from a meeting about counter-terrorist operations.³⁴

In August Tuapse town court sentenced a Krasnodar journalist, Sergei Rozhkov, to three years in a penal colony-settlement under article 318 part 1 of the Criminal Code 'Use of violence against a representative of the authorities, not dangerous to health'. In fact Rozhkov, who had been hunting evidence on the falsification of the

³¹ <http://tupikin.livejournal.com/319761.html>

³² http://www.gdf.ru/attacks_on_journalists/list/2008

³³ <http://www.hro.org/node/4036>

³⁴ <http://www.hro.org/node/3222>

referendum on the unification of Tuapse and Tuapse district according to some accounts, was himself beaten by police.³⁵

On 2 September an attack was carried out on the Dagestan journalist Abdul (Tel'man) Alishaev. Alishaev died as a result of his wounds on 3 September.³⁶

In 2008 a campaign of persecution began in Dagestan against the newspaper *Rough Draft* (*Chernovik*), which was declared extremist by the authorities (although in actual fact the material under consideration reported on the Islamist underground). On 31 July the Dagestan administration of the Investigating Committee of the Prosecutor's Office of the Russian Federation initiated criminal proceedings against the editor-in-chief of this weekly newspaper, Nadira Isaeva, under two articles of the Criminal Code, 'public appeals to carry out extremist activity, conducted by means of the mass media' and 'the incitement of hatred or enmity on the grounds of nationality [ethnicity]'. On 9 November a sports correspondent of the *Rough Draft* newspaper, Alexander Poliakov, was beaten up in the entrance to his home.

The same methods were used against the newspaper *Action Time* (*Vremia deistvii*), published in Derbent since 2006. In September 2008 the Federal Service for the Supervision of Mass Media, Communications and the Preservation of Cultural Heritage (*Rossviaz'okhrankul'tura*) began to check for the presence of extremist material in the newspaper.³⁷

On 13 November in Khimki (Moscow region) the editor of *Khimki Truth* (*Khimkinkaia pravda*), Mikhail Beketov, known for his opposition publications, was discovered beaten about the head and unconscious in the courtyard of the building where he lives. Prior to this, there were attacks on the editor of the Khimki newspaper *Civil Forum* (*Grazdanskii forum*), Anatolii Yurov.³⁸

On 21 November in Makhachkala the deputy editor-in-chief of the popular Dagestan independent weekly newspaper *New Business* (*Novoe delo*), Gadzhimurad Sagitov, was beaten in his own office. Earlier, in October 2008, Makhachkala's vice-mayor Abdurakhman Guseinov had accused journalists of *New Business* of aiding and abetting militants.³⁹

In 2007-2008 the administration of president M. Ziazikov attempted to shut the website *Ingushetia.ru*, which had become the main media outlet for political opposition. Every method has been employed: attempts to shut the site as extremist (the courts have returned a negative decision several times, thus far, and lastly on 12 August 2008 Moscow city court did not decide to close the site), pressure on the relatives of the site's owner, M. Evloev, and his colleagues, etc. Finally M. Evloev was killed (accidentally, according to the official version), after being arrested in Nazran by security guards of the then-Minister of Internal Affairs, M. Medov. The site, however, has not ceased to exist, although it has changed its address.

³⁵ <http://www.hro.org/node/4054>

³⁶ <http://txt.newsru.com/russia/03sep2008/alishaev.html>

³⁷ <http://www.hro.org/node/3159>

³⁸ <http://www.novayagazeta.ru/data/2008/85/19.html>

³⁹ <http://www.hro.org/node/3698>

In March 2008 the Ingushetian authorities attempted to stop the television channel REN-TV from broadcasting, addressing a request to the Federation Council in that regard. The presence of REN-TV journalists on Ingushetian territory was declared unwelcome.⁴⁰

The situation in the North Caucasus

The unstable situation in the North Caucasus, provoked by the existence of the Islamicist underground and the authorities efforts to eradicate it, continues. At the end of March 2008, the senior commander of Interior troops of the MVD, army general N. Rogozhkin declared that 400-500 militants were, at that moment, active on the territory of the North Caucasus. At the beginning of 2009 the deputy Minister of Internal Affairs A. Edelev named a higher figure, declaring that up to 500 militants are active in Chechnya alone, with a further 120 individuals active in Ingushetia. Furthermore, emissaries of al-Qaeda – according to A. Edelev – are active on the territory of Chechnya and Dagestan. According to MVD data, militants began to be armed with a new system of radio-detonated explosives which cannot be detected by instruments.⁴¹ Given that the federal security forces are conducting active operations against the underground, it can be established that there is a steady flow of new participants into the structures of the armed underground.

In 2008, as a result of attacks by militants, gun battles and explosions, at least 226 members of the law enforcement agencies were killed and no fewer than 420 wounded. In a year, no fewer than 80 caches were found, at least 129 terrorist acts were committed, and more than 64 bombs were discovered and defused in the region. More than 65 civilians were killed and no fewer than 139 injured during special security force operations and attacks by unknown persons, as a result of landmine explosions, grenades and unidentified explosives. A further 73 victimless clashes with militants and attacks by unknown persons are also known of.

In practice in 2007-2008 the centre of armed underground resistance to the official authorities moved from Chechnya to Ingushetia. In 2008 at least 61 terrorist acts took place in the republic (almost half of all terrorist acts recorded in the North Caucasus) and a further 31 were prevented. 70 members of the law enforcement agencies were killed and a further 167 injured in attacks (in 2007 there were 32 fatalities and 80 wounded). These figures are entirely comparable with the situation in Chechnya, where there were 39 terrorist acts, 97 servicemen and police killed and 138 injured. However, it is worth noting that Ingushetia is considerably smaller than Chechnya in terms of both territory and population. In many respects the growth in conflict arose from the fact that the Ingushetian authorities failed to establish contact with local influential clans and encourage them to join the struggle against the Islamists (as has happened in Chechnya). We note that until November 2008 arrests in Ingushetia were often carried out by

⁴⁰ <http://www.hro.org/node/1565>

⁴¹ <http://www.kavkaz-uzel.ru/articles/148344>

representatives of the state security services of North Ossetia or Chechnya, and this practice was stopped only after Yu. Evkurov took presidential office.⁴²

Severe actions by the law enforcement agencies, including the abduction and murder of those suspected of collaboration with Islamists, only helped recruit supporters for the underground. In 2008 a worsening situation was recorded in Dagestan, North Ossetia and Kabardino-Balkaria. While conducting large-scale counter-terrorist operations in Dagestan, whole villages (Gimry, Gubden) were practically under siege for months. In North Ossetia a whole series of assassination attempts was made on government and law enforcement representatives (although it is possible that these attempts were criminal or commercial in nature): on North Ossetia's head of presidential and governmental administration, Sergei Takoev (27 January); on the head of the department for combating organised crime (*Upravlenie po bor'be s organizovannoi prestupnost'iu*, UBOP) colonel Mark Metsaev (7 March, killed); on police lieutenant-colonel Ilya Kasradze (9 September, killed); the republic's head of criminal investigation, Vitalii Chel'diev (1 October, killed); the deputy mayor of Vladikavkaz, Mairam Tamaev (22 September); the mayor of Vladikavkaz Vitalii Karaev (26 November); the ex-mayor of Vladikavkaz, Kazbek Pagiev (31 December, killed). In Kabardino-Balkaria there were 11 terrorist acts in 2008, as a result of which 13 members of the law enforcement agencies were killed and a further 18 wounded.

A series of assassination attempts was carried out against representatives of the Muslim clergy:

On 7 March unknown assailants shot Muhammad Gebekov, imam of Khasaviurt town mosque, as he was leaving the mosque. He was admitted to hospital gravely wounded.

On 24 July an attempt was made on the life of Kambulat Ziazikov, the deputy mufti of Ingushetia. Ziazikov received several gunshot wounds of medium severity and was admitted to hospital where he was swiftly operated on.

On the night of 2 August, in the Al'tievsky municipal district of Nazran on Akhriev street, two unknown assailants shot at the house of the imam of the local mosque with automatic weapons, and fled. The imam and his son received minor injuries.⁴³

On 29 August an unidentified criminal shot the imam of Sunzhevsky district of Ingushetia, 74 year old Iakh'iu Makhloev, who was returning home after Friday prayers.⁴⁴

In the evening of 11 September in Malgobek town, Ingushetia, unknown assailants blew up a car belonging to Hussein Shadiev, imam of the local mosque. Two people were injured, including Shadiev himself.⁴⁵

⁴² <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m155366.htm>

⁴³ <http://www.rian.ru/incidents/20090303/163723413.html>

⁴⁴ <http://i-r-p.ru/index.php?show=page&stream=event&index=21464>

⁴⁵ <http://www.interfax-religion.ru/?act=news&div=26461>

On 18 November in Makhachkala an attempt was made on the life of the advisor to the mufti of the Spiritual Directorate of Muslims of Dagestan, 56 year old Sultan Sultanmagomedov.

Cases of people disappearing, taken by unidentified representatives of the security forces during counter-terrorist operations, were also recorded in 2008, as in previous years. Thus, in Chechnya, no fewer than 42 individuals were abducted (20 of whom were returned home for ransom, a quarter were killed, and the rest disappeared), according to human rights activists.⁴⁶ No fewer than 60 people were abducted in Dagestan in 2008. Many of those abducted were tortured to make them confess to links with Islamists. Such practices are fairly widespread, since 'siloviki' (members of the security services) believe that examining the case in ordinary courts will lead to those accused of participation in underground activities or of supporting such activities being freed either as a result of family connections, or by the relatives and accomplices of the defendant pressurising judge or jury. In reality, such abductions further undermine confidence in law enforcement agencies and in the results of their work, and lead to jury courts treating such cases with mistrust all the more often, deeming such testimony as 'beaten out'. People surviving such abductions, and their relatives, will often subsequently join the militants. In Ingushetia, in turn, the practice of the arbitrary murder (with the subsequent imitation of a shoot-out) of those suspected of belonging to the Islamist underground has spread. 26 people were killed in this manner between January and 5 August 2008 alone.⁴⁷

One may with good grounds speak of attempts to introduce collective responsibility into Chechnya. On 24 July the president of Chechnya, R. Kadyrov, speaking at a meeting on the struggle with extremism, declared that all 'chiefs' whose relatives don't 'come out of the woods' within ten days will be removed from their posts and 'brought before the court'. He also forbade the burial of militants in cemeteries, threatening that he would remove from their posts all the leaders of any village where such burials took place. In July-August 2008 in Argun (Chechnya) the relatives of persons suspected of participation in the Islamist underground were ordered to leave their home and town. Those evicted were told to persuade their relatives 'in the woods' to surrender in order to revoke this decision.⁴⁸ Moreover, no fewer than 17 cases of arson against the homes of those whose relatives had joined the militants were recorded in the summer of 2008.⁴⁹ At the beginning of October it became known that inhabitants of Vedensky region had decided in a special meeting to subject their relatives amongst the militants to a boycott – to refuse them social aid, to exclude them from social events, to refuse them a portion of the meat distributed after ritual sacrifices and so on.⁵⁰

Figures from October 2008 show that the European Court of Human Rights has passed judgement in 37 cases filed by inhabitants of Chechnya and Ingushetia who

⁴⁶ <http://www.memo.ru/2008/06/19/1906081.htm>

⁴⁷ <http://www.memo.ru/2008/10/27/2710081.htm>

⁴⁸ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m144307.htm>

⁴⁹ <http://www.memo.ru/2008/10/27/2710081.htm>

⁵⁰ <http://www.memo.ru/2008/12/26/2612081.htm>

have suffered during counter-terrorism operations. All decisions, apart from one, were made in favour of the applicant.⁵¹

Restrictions on freedom of conscience

In Russia the various confessions continue to be accorded unequal status, being officially divided into 'traditional' (in first place, Orthodox Christianity in the shape of the Russian Orthodox Church, but also Islam, Judaism and Buddhism) and 'non-traditional' (such as the so-called 'new religious movements' and a number of Protestant denominations).

The basic problems that religious communities wrestle with are: refusal to register religious associations; not securing land on which to build houses of worship and other religious facilities; red tape or refusal in the handing over (or restoration) of houses of worship or church property earlier confiscated by government order; the removal from the community of buildings newly built or acquired by them; the exclusion of clerics and other religious workers from the penal system; the conducting of public actions organised by a few religious (or public) associations, demanding that the lawful activity of other religious (public) associations be forbidden; mass media publication of materials containing deliberate lies or uncorroborated information leading to the kindling of religious discord and intolerance.

Fables equating non-Orthodox Christian churches with Satanism are proliferating. Thus, a letter to the Ministry of Education of the Republic of Bashkortostan, declares with reference to a letter of the FSB that 'one of the current significant factors presenting a threat to security is the activity of the foreign religious organisations (*zarubezhnye religioznye organizatsii*, ZRO) of destructive persuasion'. Scientologists, Jehovah's Witnesses, Moonies, Mormons are enumerated amongst these ZROs, but also Baptists, Adventists and Pentecostals. In Murmansk the missionary department accused the Church of Christians of Evangelical Faith of 'extremism of proselytising'.⁵²

In 2008 a whole series of persecutions of representatives of religious minorities was recorded. Thus, on 28 February a decision was delivered to the address of the local branch of the Church of Scientology by the Nizhnekamsk town office of the public prosecutor, accusing them of public actions conducted by a religious group which do not accord with the aims of the founding and activity of a religious group.⁵³

Yet another disturbing trend is the 'creeping Islamisation' of the North Caucasus region. Chechnya is out in front here, the leader of which, R. Kadyrov, is evidently attempting 'to beat the Islamists at their own game'. Besides the ban on the sale of alcohol in the month of Ramadan, the leadership of Chechnya is at least conniving in the murder of women who 'behave immorally' (the best known such story happened in November 2008, when the bodies of seven murdered women

⁵¹ <http://www.memo.ru/2008/10/27/2710081.htm>

⁵² <http://www.sclj.ru/news/detail.php?ID=2117>

⁵³ http://ombudsman.gov.ru/doc/vistup11/p18_08_08.shtml

were immediately located).⁵⁴ Prisoners in the Chernokozovo colony in Chechnya are dressed in Islamic-style clothes. The republic's wedding shops are forbidden to sell European-style wedding dresses. All women working in Chechnya's state institutions must wear a headscarf during working hours, as must schoolgirls and female students.⁵⁵ Women not wearing a headscarf, irrespective of ethnicity and religious affiliation, are banned from entering Chechen State University.⁵⁶

According to various accounts, five shops selling alcoholic spirits were burned in Ingushetia on the night of 4 October. Between August and October, no fewer than three of the republic's Russian inhabitants were murdered by Islamists.⁵⁷

Violation of the right to compensation for property forfeited

In 2008 there was large-scale violation of the right of citizens to be properly compensated for property forfeited as a result of the actions of government agencies.

The story of the inhabitants of Nizhneimeretinsky valley in Sochi, evicted on the pretext of the need to build Olympic facilities, is widely known.

At the end of May 2008, the houses, gardens and pastures of the inhabitants of six villages of the Untsukul'sky region of Dagestan were flooded as a result of the building of the Irganaisky hydroelectric power station. The population was not forewarned about the date of the flooding. As a result, village inhabitants lost practically all their property, around two thousand head of livestock, small and large, and a harvest of apricots. Far from all inhabitants were paid compensation, the bed of the reservoir was not cleaned, platforms for new building plots were not cut, and no strengthening of the reservoir banks was carried out (as a result, four girls died in a landslide on 13 August).⁵⁸

The activities of the administration of Grozny, which evicted almost 70 households from state-owned buildings with clearly inadequate compensation (the distribution of new building plots on the territory of a former dump, the refusal to provide material compensation) became known in Autumn 2008. In July 2008 a quarter of Gudermes was appropriated, and again the inhabitants of confiscated buildings received inadequate compensation.⁵⁹

Conclusion

In 2008 the unfavourable situation with regard to the violation of human rights in the Russian Federation remained largely unchanged.

Political and civil rights violations were recorded in practically all regions. A number of non-governmental organisations were pressurised and discredited by

⁵⁴ <http://www.blagovest-info.ru/index.php?ss=2&s=7&id=26041>

⁵⁵ <http://chechnya.kavkaz-uzel.ru/articles/150430>

⁵⁶ <http://www.memo.ru/2008/02/22/2202081.htm>

⁵⁷ <http://www.memo.ru/2008/12/26/2612081.htm>

⁵⁸ <http://www.memo.ru/2008/11/26/2611081.htm>

⁵⁹ <http://www.memo.ru/2008/12/26/2612081.htm>

federal and regional agencies. The offices of human rights centres were searched and activists were beaten up.

The economic crisis led to restrictions on the social rights of citizens: employers often allow wages to go unpaid for many months; arbitrarily and severely cut wages; force workers to resign 'voluntarily'; deprive them of their severance pay; crudely violate employment legislation. The new Codex of employment laws makes it almost impossible to legally conduct strikes.

As before, citizens come up against the arbitrariness and lawlessness of law enforcement agency employees. Cases of the torture of those detained and arrested, the beating of defendants and other types of physical pressure have been recorded. There are often procedural violations during legal proceedings, resulting in clearly unsound verdicts.

The rights of citizens to freely conduct assemblies, meetings and demonstrations are regularly restricted. More than once public actions have been groundlessly forbidden and dispersed with undue force, their participants detained by the police.

Violence within the army, connected with 'hazing', has taken place as before, resulting in victims of both murder and suicide.

According to the data of the human rights organisations, the number of xenophobic attacks has risen. In 2008 more than 100 individuals were killed and around 400 injured as a result of aggressive xenophobia. The leaders in this respect are large cities, above all Moscow and the Moscow region, St Petersburg and Leningrad region. The actions of extremists – primarily skinheads – and chauvinistic public moods are not always met with the required response from the authorities.

Mass media outlets were also subject to pressure. Their workers were often subjected to threats. Attacks on journalists became an almost ordinary occurrence, accompanied by beatings and murders.

The tense situation in the North Caucasus continues. Law enforcement agencies often permit harsh, unjustified measures during counter-terrorist operations in the republics of the North Caucasus; as before there have been abductions of those suspected of terrorism, cases of torture and forced confessions. Attempts on the lives of Muslim clerics are increasing in number.

All in all, it needs to be recognised that, according to many indicators, the position with regard to human rights in the Russian Federation remains unsatisfactory, and the swift adoption of a range of measures to improve the situation is required.