



**Testimony by Tanya Lokshina, Senior Russia Researcher for Human Rights Watch, at  
the Tom Lantos Human Rights Commission Hearing on Human Rights in Russia**

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**Unprecedented crackdown on Russian civil society**

There has never been a more important time in the post-Soviet era for the United States to articulate a clear policy on Russia's adherence to international human rights standards and make human rights concerns a key part of the agenda with Russia. Human Rights Watch has had an office in Russia for over 20 years, and we firmly believe that a truly unprecedented political crackdown is presently under way.

The crackdown was foreshadowed in the lead-up to Vladimir Putin's May 7 presidential inauguration, when authorities in some cities repeatedly used arbitrary lawsuits and detentions, threats from state officials, beatings, and even an arson attempt in an effort to intimidate political and civic activists and interfere with news outlets critical of the government. State-controlled media ran articles seeking to discredit the political protest movement and government critics.

From May through the present, Russia's parliament rammed through a raft of laws that set out broad new restrictions on freedom of expression, association, and assembly. The restrictions appear to be in response to the protest movement that took shape in winter 2011, but they also give the government ample tools to persecute human rights defenders and critics for years to come.

**New laws severely undermining freedom of expression, freedom of association, and freedom of assembly and providing powerful tools to put pressure on activists**

Soon after Putin's inauguration, the Duma amended the law on demonstrations, imposing new restrictions on public assemblies and increasing by as much as 30-fold fines for violating rules on holding public events, which essentially makes those fines equivalent to fines for criminal offenses. The new rules stipulate, inter alia, that anyone found responsible for violating the rules for public events at least twice can no longer organize demonstrations and other public gatherings. They also allow local authorities to compile lists of permanent public-event-free locations as well as to treat mass movements of people or gatherings of people in one place as

unsanctioned rallies. The parliament rushed through the adoption of these amendments and ignored critical evaluations of the draft law by Russia's Presidential Council on the Development of Civil Society and Rule of Law and other authoritative bodies.

In July the Duma adopted amendments recriminalizing certain kinds of libel, only seven months after it had been decriminalized on the initiative of then-president Dmitry Medvedev. Unlike the criminal libel law eliminated under Medvedev, the new law does not provide prison terms for violators. However, it provides harsh financial penalties, even in comparison with the previous legislation. Libelous public statements or remarks reproduced by media outlets will be punished by a fine of up to about US\$61,000. If an individual is libeled by being falsely accused of a grave crime, the penalty is a fine of up to about US\$153,000. Such fines can effectively suffocate smaller Russian media outlets and seem designed to increase self-censorship in mass media and online.

The new "libel law" includes a special article "on libel against judges, jurors, prosecutors, and law enforcement officials" and is punishable by a fine of up to 2 million rubles. Such a provision is incompatible with Russia's human rights obligations to protect freedom of expression. Under international human rights law, the threshold for criticism of a public official is greater than for a private individual, and therefore this provision could restrict legitimate criticism of public officials to an extent not permitted under international standards.

Another deeply problematic law adopted in July requires internet providers to block websites that contain content deemed harmful to children or termed "extremist" by a court. In practice, this can be used to force internet-hosting services to block offending websites upon executive authorities' instructions.

Legislative amendments adopted in July require nongovernmental advocacy organizations that accept foreign funding to register and identify themselves publicly as "foreign agents," which demonizes them in the public eye as foreign "spies." Failure to do so can result in a two-year prison term. NGOs that work on controversial issues and are unlikely to receive adequate domestic funding are essentially forced to make an intolerable choice between facing criminal sanctions, debasing themselves as "foreign agents," or severely reducing their work. The new law also appears designed to make human rights defenders and others reconsider what is a standard aspect of human rights work anywhere: seeking improvements through advocacy.

In October, on the initiative of the Federal Security Service, Russia's parliament adopted amendments to the criminal code that changed the definition of treason in ways that directly threaten the exercise of protected fundamental rights. Under the new law, the definition of treason includes "providing financial, technical, advisory or other assistance to a foreign state or international organization . . . directed at harming Russia's security." Those charged with treason face a prison sentence of between 12 and 20 years. The overly broad and vague definition seems

deliberately designed to make activists think twice before doing international human rights advocacy and laypeople to think twice before approaching international human rights organizations. In Russia's new political climate, it is reasonable to believe the authorities' threshold for interpreting what "harming Russia's security" means will be quite low.

When it introduced the law as a draft, the Federal Security Service (FSB, the KGB's successor), issued an explanatory memorandum justifying the amendments by referring to the "active use by foreign secret services" of foreign organizations, governmental and nongovernmental, to harm Russia's security. Russia's Presidential Council on the Development of Civil Society and Rule of Law criticized an earlier draft of the treason law for setting out a definition of treason that would be open to abuse. The council's statement emphasized that the law could apply to information shared with intergovernmental organizations of which Russia is a member, such as the United Nations and the Council of Europe. The parliament and the authorities paid no heed to the council's criticism and with remarkable speed passed the law.

The new treason law also makes it a crime to pass on to foreign and international organizations information garnered from open sources if the organization receiving the information plans to use it to harm Russia's national security interests. The law can be used by law enforcement and security services to justify close surveillance of NGOs and activists in the name of an inquiry, and could also be used to open a criminal case for alleged treason as a way of paralyzing a critic or political adversary.

Public smear campaigns in state and pro-government media have targeted prominent political opposition figures and several prominent NGOs. Officials in several regions are apparently warning civil servants against having contact with foreigners. Many of those arrested or threatened with arrest in connection with the May 6 protest rally, when protesters clashed with police on the eve of Putin's presidential inauguration, appeared to have had no connection whatsoever to the violence. (Twenty-one persons are presently awaiting trial on charges of taking part in mass riots and using violence against law enforcement officials; 15 of them are in pre-trial custody.) Two members of the feminist punk band Pussy Riot are serving a two-year prison sentence for a political stunt that should have been treated as a misdemeanor.

### **Attacks at human rights defenders and independent journalists**

In April, two men attacked Elena Milashina, a journalist with the leading Russian independent newspaper *Novaya Gazeta*, near her home in the Moscow suburb of Balashikha. The attackers kicked and punched Milashina, causing her multiple bruises, including over a dozen hematomas on her head, and kicking out a tooth. Three passers-by interfered and the criminals left, taking Milashina's money. Investigation authorities characterized the attack as common mugging and

even claim to have arrested the perpetrators. Milashina, who is known for her tough reporting on very serious, controversial human rights issues, is convinced that police arrested the wrong men and that the attack was linked to her work.

In June, the chief editor for Novaya Gazeta, one of Russia's leading independent media outlets, Dmitry Muratov, stated in an open letter that the head of Russia's Investigation Committee (chief state agency in charge of criminal investigation), Alexander Bastrykin, blatantly threatened Muratov's deputy, Sergei Sokolov, because he had, in a recent article, accused the Investigation Committee and its leadership of "covering up" for crime bosses. Muratov said that on June 4 Bastrykin's security guards forced Sokolov into a car and took him to the woods outside Moscow, where Bastrykin personally confronted the journalist and aggressively threatened him with physical violence. Bastrykin initially denied the allegations but confirmed them several days later. These shocking developments, however, did not move the Kremlin to dismiss him from his high-level position in law-enforcement.

In November, in the run-up to a major demonstration planned by local protestors in Nizhny Novgorod, unidentified assailants attacked the apartment and office of the human rights activist Stanislav Dmitrievsky, who is also actively involved in the protest movement. Two men in hooded jackets, face masks, and gloves broke the windows in Dmitrievsky's ground floor apartment in the middle of the night while he was away and his wife and teenage daughter were home alone. The assailants wielded heavy hammers and also manipulated the lock on the door so that Dmitrievsky's family could not get out. Their actions were recorded by video cameras that Dmitrievsky, a frequent victim of harassment and attacks, had installed on his door and windows. The investigation team arrived to the scene of the crime only hours later. The attack was similar in nature to the attack at Dmitrievsky's office just three nights earlier, when four men, dressed in the same manner, had smashed the office windows with hammers and metal bars and poured a pail of orange paint into the office, an apparent reference to the "Orange Revolution" in Ukraine of 2004.

## **North Caucasus**

The North Caucasus remains Russia's most problematic region as regards the intensity of human rights violations and the rampant impunity for perpetrators of human rights violations. Little has been done to stop ill-treatment, including torture, and forced disappearances, extrajudicial killings, and other abuses committed as part of the effort to counter the Islamist insurgency in the North Caucasus.

Ramzan Kadyrov, Chechnya's leader, does not tolerate human rights reporting or criticism of government policies. Human rights defenders face serious threats in Chechnya, and victims of human rights violations increasingly refuse to report their experiences due to fear of retribution.

As a result, torture, abduction-style detentions, and acts of collective punishment against the families of suspected insurgents (notably the torching of their homes) are believed to be greatly underreported.

In a letter to a Russian NGO in March 2011, federal authorities stated that police in the Chechen Republic sabotaged investigations into abductions of local residents and sometimes covered up for perpetrators. The letter marked the first public acknowledgement of the impotence of federal investigative authorities in investigating abuses in Chechnya.

To date, the European Court of Human Rights has issued more than 210 judgments holding Russia responsible for grave human rights violations during the armed conflict and counterinsurgency campaign in Chechnya. While Russia continues to pay the required monetary compensation to victims, it fails to meaningfully implement the core of the judgments by not conducting effective investigations and using statutes of limitation and amnesty acts to prevent perpetrators from being held to account.

Kadyrov's so-called virtue campaign for women in Chechnya is on-going. Women are required to wear headscarves in public buildings such as government offices, schools, and the like, and there is pressure on women to wear them in all public places. Posters with slogans, "A Headscarf is a Chechen Woman's pride" have been widespread, especially in the capital. Also, in August, staff members of the Ministry for Youth Affairs distributed headscarves to women in the streets of Grozny, as well as in the Sunzha and Shali districts. Women's rights activists in Chechnya across the board have told Human Rights Watch that with the evolution of the virtue campaign, "honor" killings have become more frequent in Chechnya. They attribute this to the fact that such crimes are not only largely unpunished by the authorities, but tend to be welcomed and encouraged. Two cases reported to Human Rights Watch in the summer of 2012 also suggest that the mere refusal of a woman to adhere to the prescribed dress code and wear a headscarf may potentially, in the most extreme cases, trigger violence or even an "honor" killing.

According to official data, the number of insurgent attacks in the North Caucasus declined slightly in 2012 as compared to 2011, but the insurgent attacks, which in many cases kill law enforcement officials and civilians alike, are still numerous, particularly in Dagestan. The Presidential envoy in the North Caucasus Federal District, Alexander Khloponin, estimated the number of insurgents operating in the North Caucasus to be roughly 1000 and stated that this number is not declining because the places of slain insurgents are filled by new volunteers, aged 18 on average.

In Dagestan, where the insurgency is most acute, the authorities broadly target Salafi communities as suspected members or supporters of the insurgency. According to the Memorial Human Rights Center, between January and August 2012, six local residents were forcibly disappeared following apparent abduction-style detentions, most of whom were Salafi Muslims, a

decrease as compared to 28 in the first nine months of 2011. From 2011 to 2012, Dagestan's government appeared to seek social consensus and stability, including by starting a dialogue with the republic's Salafi communities. However, many fear that the killing of a Sufi leader by a suicide bomber in 2012 could undermine this process.

Starting in 2009, the leadership of Ingushetia undertook rhetorical commitments that counterinsurgency operations would be carried out in line with Russia's legal obligations, but local organizations continue to report that government forces commit extrajudicial executions, unlawful, abduction-style detentions, and torture and cruel or degrading treatment in counterinsurgency operations.

Human rights defenders working in the North Caucasus remained especially at risk, with impunity for the past attacks being absolute.

The investigation into the 2009 murder of a leading Chechen defender, Natalia Estemirova, has not been effective, and staff of the Joint Mobile Group of Russian Human Rights Organizations in Chechnya, created after Estemirova's killing to work on the most sensitive cases of human rights abuses by law enforcement and security agencies, face severe harassment from both local and federal authorities. In January 21, police in Nizhny Novgorod detained one of the group's leading members, Anton Ryzhov, interrogated him about the organization's work, and confiscated his work laptop and memory sticks for eight months. In June, Chechnya's leader, Ramzan Kadyrov, personally threatened three Mobile Group lawyers at a televised meeting they were forced to attend, sending a clear warning to victims to avoid the organization. In July federal investigators interrogated Mobile Group head Igor Kalyapin as part of a criminal inquiry regarding alleged disclosure of secret information regarding a torture case. This is the authorities' third attempt in two years to open criminal proceedings against Kalyapin.

The end of 2011 saw the brazen murder of Gadzhimurad Kamalov, founder and publisher of Dagestan's leading independent weekly, *Chernovik*, which is known for its relentless reporting on corruption and human rights abuses by law enforcement and security agencies. Kamalov was killed close to midnight on December 15, in Makhachkala, the capital of Dagestan. He had been working late and stepped out of *Chernovik's* office when a masked gunman opened fire. The investigation into his killing does not appear to be effective, with the perpetrators still at large. The former editor-in-chief of *Chernovik*, Nadira Isaeva, had to leave Russia out of fear for her security.

In January 2012, Umar Saidmagomedov, a local lawyer who frequently defended individuals arrested on insurgency-related charges and worked closely with local human rights activists, died from gunshot wounds in the Dagestani capital, Makhachkala, together with local resident Rasul Kurbanov. According to official reports, Kurbanov opened fire on police officials, who responded,

killing both men. Saidmagomedov's colleagues, however, argued that the circumstances of the killing were different and that law enforcement officials killed the lawyer in retaliation for his work. There has been no effective investigation into their allegations. In March, the authorities informed Sapiyat Magomedova, a prominent Dagestani human rights lawyer, that they had closed the criminal case against the police officers who had beaten her two years earlier, causing her serious physical injury.

In May in Kabardino-Balkaria, a police official explicitly threatened Rustam Matsev, a lawyer with the Memorial Human Rights Center who is defending a client charged with insurgency-related crimes. They insinuated Matsev supported Islamic insurgents and warned he could be "eliminated." Matsev's formal complaint to the Prosecutor General and other competent authorities yielded no result.

### **Abuses linked to preparations for the 2014 Olympic Games**

Authorities have expropriated property from hundreds of Sochi families for construction of Olympic venues. Most homeowners received compensation, but in many cases amounts were unfair and the process not transparent. In September, authorities forcibly evicted one family of six, including two small children, without any compensation or alternative home.

Thousands of migrant workers are involved in building sports venues and other infrastructure for the Olympics. Some workers reported employers' failure to provide contracts or promised wages, excessively long working hours, and few days off.

Some journalists reporting on Olympics-related concerns have faced censorship and threats of firing. Activists have faced harassment and arrest. For example, police detained several residents and activists peacefully voicing concerns about a proposed Olympics thermal power plant and pressed administrative charges against some of them in early fall. Authorities have failed to fully investigate alleged illegal construction at the plant site.

In Krasnodar, environmental activists Suren Gazaryan and Evgeniy Vitishko, both engaged in monitoring the environmental situation around the Sochi Olympic construction, were convicted in a flawed criminal trial on June 20, 2012 for trespassing and causing damage to property. The court's sentence included restrictions that limit the activists' ability to engage in scientific field work and public demonstrations.

### **Recommendations:**

- Put an immediate end to the crackdown on civil society activists ;
- Repeal the amendments to the law on treason;

- Repeal the amendment under which NGOs that accept foreign funding must register and identify themselves as “foreign agents”;
- Revise laws on public assemblies, ensuring in particular that any sanctions for violations are proportionate and do not create undue obstacles to freedom of assembly;
- Investigate and prosecute attacks on human rights defenders and journalists;
- Ensure access to the North Caucasus region for international monitors, including the UN Working Group on enforced disappearances and the Special Rapporteurs on torture and on extrajudicial executions, in full agreement with the requirements for conducting visits that these procedures set forth;
- Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice, and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;
- Stop the practice of extrajudicial executions, enforced disappearances, abduction-style detentions, and other abuses in the North Caucasus;
- Fully implement judgments on Chechnya handed down by the European Court of Human Rights;
- Ensure protection for all workers employed on Olympics-related sites and also establish an independent commission to investigate and report on labor-related abuses relating to Olympics venues;
- Ensure fair and transparent compensation for those facing resettlement in Sochi and those who have already been resettled, and insist that the government effectively respond to any complaints about compensation or resettlement, including for those who have already been resettled.