

Russian Federation

Memorandum to President Dmitry Medvedev

On the occasion of your inauguration one year ago, you pledged to respect and protect human rights and citizens' rights and to observe and defend the constitution. You also made a commitment to enhancing the rule of law, working against legal nihilism and developing civil and economic freedoms. During the year, you set several goals, which, if implemented, could lead to enhancing the rule of law, such as tackling corruption and strengthening the independence of the judiciary. However, major changes are not yet visible. Although some initial steps have been taken in this direction, Amnesty International considers that insufficient action has been taken to substantially alleviate any of the human rights concerns which we raised with you at the beginning of your presidency – in a similar memorandum which still remains without response. Indeed, we consider that in some areas the situation has worsened. Impunity for human rights violations by law enforcement officials prevails, whether for torture or other ill-treatment, enforced disappearances or disputed killings, in particular in the North Caucasus. Impunity has also prevailed for attacks by state agents or private individuals against human rights defenders, journalists, lawyers and civil society activists. Violence against women in the family remains widespread, but government support for hotlines and crisis centres remains inadequate. Impunity has been perpetuated by the failure of the authorities to ensure that investigations into all allegations of serious human rights abuses are prompt, effective and impartial. Freedoms of expression, assembly and association continue to be undermined by state bodies, hampering the development of a strong civil society.

Russian human rights organizations report that at least 23 people have died so far in 2009 as a result of racially-motivated attacks. Although government officials have acknowledged this as a serious problem, and called for harsh punishments for those convicted of such crimes, there is still no comprehensive programme in place to combat racism and discrimination.

In the international arena, during your first year as president Russian armed forces were reported to have indiscriminately attacked civilian housing during the armed conflict between Russia and Georgia, and to have failed to protect the civilian population in territories under de facto Russian control from human rights abuses committed by South Ossetian forces and militia.

Thus one year on in your Presidency, Amnesty International is calling on you to take urgent measures to strengthen the rule of law and to ensure that the authorities of the Russian Federation respect and protect human rights, as required under both Russian legislation and the various international human rights treaties to which the Russian Federation is a state party.

Restrictions on Freedom of Expression

Right to assembly not fully respected

Under international law the right to freedom of assembly can only be restricted in conformity with the law and where necessary in the interest of national security, public safety, public health and morals, for the prevention of disorder or crime or for the protection of the rights and freedoms of others. However, Amnesty International has monitored a number of instances in which demonstrations or other gatherings have been obstructed by the authorities solely because the views of those involved have run counter to, or been critical of, official policies – or have been viewed as ‘unpopular’.

The right to assembly has been frequently violated in many places across the Russian Federation with the authorities’ banning of demonstrations, in particular by members of the political opposition. Protestors have been frequently detained for attending such demonstrations. Moreover, activists have been sentenced to administrative detention under circumstances which give rise to fear that they are being targeted solely for peacefully exercising their right to freedom of expression. For example, on 31 January 2009, Roman Dobrokhotov of the youth organization My (We) was detained while holding up a white placard and having his mouth taped. On that day opposition groups had called for anti-government demonstrations across the country. He was sentenced to five days administrative detention for swearing in public. He was released after four days after a video was shown during an appeal hearing in court demonstrating that he had not used abusive language.

For three years in a row gay rights activists have been denied permission to hold a demonstration in Moscow. The authorities have justified the ban “in the interest of public security and national safety” and because it would be unpopular with a large part of the population. You will know, however, that the European Court of Human Rights has stated explicitly that: “A demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however be able to hold the demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community.”

Amendment of NGO law

Amnesty International welcomes your statements on 15 April this year to the Presidential Council for Civil Society Institutions and Human Rights, in which you called for a positive dialogue between the government and non-governmental organizations (NGOs). You suggested that the 2006 law regulating the work of NGOs was “clearly not ideal” and could be amended in the future. It was reported that you

recognized that NGOs were working in difficult conditions: "There are many cases when the activities of NGOs are restricted without sufficient reason. Of course, this happens also because many government bureaucrats see non-profit, non-governmental organizations as a threat to their own unlimited rule. Our country is probably not the only place where this happens, but we have our own, quite heavy, historical traditions in this sense."

Amnesty International has consistently called for the 2006 NGO law to be reviewed. The difficulties experienced by NGOs in recent years have been manifold and range from excessive administrative burdens to judicial harassment. Some NGOs have been subjected to a high level of scrutiny by the authorities, while others have been entangled in criminal investigations against individuals allegedly linked to the NGO, which has in some cases paralyzed the work of these organizations.

Amnesty International notes that one of your first acts, in May 2008, was to abolish the Federal Registration Service, the body which had been so counter-productive in its attempt to control the compliance of the activities of NGOs with the law. The oversight of the implementation of the law and the work of NGOs is now under the control of the Ministry of Justice. However, concerns remain about the law itself, and Amnesty International welcomes the establishment of a working group, consisting of government and NGO representatives, to prepare proposals for amending the law. The working group needs to review the experience of NGOs in the last three years and take it into consideration in order to eliminate any future arbitrary interpretation of the law, and any unjustified limitations of the right to freedom of association

Amnesty International urges you to ensure that measures are taken, in addition to amending the law, which would ensure that civil society organizations and activists can carry out their activities without threats, harassment or intimidation. It is important that official statements be made recognizing the contributions made by civil society activists, including human rights defenders, to the development of the protection of human rights for all.

Amnesty International would like to draw your attention to one case, in which it believes that the NGO has been harassed and intimidated because of its legitimate activities, and urges you to investigate this incident. On 4 December 2008, an office of the NGO Memorial in St. Petersburg was raided by police and prosecutors. All archive material of the research centre, which works on the history of repression in the Soviet Union, was confiscated. A court in St. Petersburg ruled on 19 January 2009 that the raid had not been wholly lawful and ordered the return of the material. The St. Petersburg City court confirmed this ruling on 6 May 2009, after the district prosecutor had appealed against the earlier decision.

Law enforcement officials conducting the raid reportedly alleged a link between the NGO and a criminal case regarding the newspaper *New Petersburg*. Memorial has repeatedly stated that it has no links with either the newspaper or its staff.

Furthermore, although Amnesty International is among those foreign NGOs legally registered as operating in the Russian Federation in accordance with the law, staff members based in both our Moscow office and elsewhere have experienced interference in the conduct of their lawful work by the authorities while travelling to, from and within the Russian Federation. For example our staff members appear to have been placed on a so-called "special list" of the Federal Security Service, which entails a special passport check at the border involving greater scrutiny than routine procedure, including by taking copies of their passports. According to these officials they are applying a special procedure, distinct from the usual procedures applicable to all persons wanting to cross the borders of the Russian Federation, and which takes up considerably more time. A staff member at our Moscow office has also been detained twice while travelling outside of Moscow, although courts have upheld her right to do so under the terms of the work permit and visa granted.

Human rights in the North Caucasus

In the context of a high level of continued violence and instability in the North Caucasus, serious human rights violations continue to be perpetrated with impunity, in particular, in Chechnya, Ingushetia, Dagestan and Kabardino-Balkaria. Armed opposition groups in the region continue to mount attacks on law enforcement officials, who respond with counter-terrorism measures which, in many instances, are reported to entail serious human rights violations. Disappearances continue, albeit in a shifting pattern, with the civilian population in many places enduring continuing fear and insecurity.

What also continues is the almost total failure of political will to uphold the rule of law and address the climate of impunity for past abuses of human rights -- which has let those responsible walk free while countless victims or their families still wait for truth and justice. Stretching back over 15 years Amnesty International has documented a range of grievous abuses, as well as the ineffective, inadequate measures by the Russian authorities to investigate them.

Amnesty International is still receiving reports of such violations, such as people being forcibly disappeared or abducted, arbitrarily detained, tortured or otherwise ill-treated, or even killed while in detention. Trials of suspected armed opposition members have been marred by violations of international fair trial standards. The legitimate aim of tackling violence by armed groups and bringing stability to the region is still being pursued by means which violate international human rights law. The respect for the

rule of law remains visibly absent in statements such as those reportedly made by the Minister of Interior of Dagestan, who was quoted as saying at a conference in November 2008 that there are only two ways of dealing with extremists: “kill them or put them behind bars for life.”

These obstacles to accountability in the North Caucasus are compounded by barriers placed on access and public reporting by both the international community and Russian sources. While international human rights bodies regularly visiting the region include the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Russian authorities continue to refuse to allow this body to publish reports of their visits and are obstructing scrutiny of the region by other independent observers and international human rights mechanisms. This applies in particular to Chechnya but also affects the wider region. For example the Russian federal authorities continue to block a visit by the UN Special Rapporteur on torture to Russia, including the North Caucasus region, on his standard terms of reference. Amnesty International has twice been refused entry to Chechnya, most recently in June 2008.

Independent journalists, media outlets and NGOs in Russia have not only been obstructed but also targeted by the authorities for reporting about human rights violations in the North Caucasus. They have also been repeatedly accused by government representatives of supporting “extremism” and working for foreign secret services.

Chechnya

Amnesty International notes that on 16 April 2009 the government announced that the “counter-terrorism operation” in the Chechen Republic had ended. A few days later it was reinstated in some mountainous regions of Chechnya. The end of the counter-terrorism operation in large parts of Chechnya is seen by the authorities as a step towards normalization.

However, Amnesty International considers that normalization in Chechnya is not possible without full accountability for the grievous human rights violations that have taken place in the region ravaged by two wars in the last 15 years. The true benchmark of a return to normality is to give people justice, including by bringing perpetrators of human rights violations to justice. Only thorough and independent investigations into past and continuing human rights violations can bring normalization and security in Chechnya. Such investigations would also be a deterrent to future violations.

Over the years Amnesty International has consistently investigated cases of human rights abuses, including war crimes, committed by the Russian federal forces, forces under the present government of President Ramzan Kadyrov and Chechen armed groups. They include indiscriminate killings, excessive use of force, deaths in custody, torture and ill-treatment in custody, alleged unlawful killings, arbitrary detentions, secret detention, abductions, enforced disappearances, threats to human rights activists, the targeting of relatives of suspected members of armed groups, and the forced evictions of internally displaced people.

The organization has repeatedly called for impartial investigations and for those found responsible to be brought to justice. The investigations carried out so far by the authorities are ineffective and have led to entrenched impunity for abuses committed by law enforcement agencies. Investigations into crimes committed by armed opposition members have been marred by allegations of torture and ill-treatment of suspects, and a blatant absence of respect for international standards of fair trial.

Not being able to obtain justice in the Russian Federation, people turn to the European Court of Human Rights for redress. However, many of those submitting cases have faced reprisals ranging from threats and intimidation to disappearances. To date the European Court of Human Rights has made rulings in 100 cases concerning human rights violations committed in the course of the conflict in Chechnya. In most of these cases the Court found Russia responsible for the death, torture or enforced disappearances of people in Chechnya or for the failure to investigate such crimes

While during 2007 it seemed that the number of enforced disappearances had decreased, this practice nevertheless continued in 2008 and into 2009; indeed unofficial reports seem to indicate that the numbers may once more be increasing. Although in some cases the victims of abductions returned or were found dead, the fate and whereabouts of others remains unknown and they have to be considered victims of enforced disappearance. On 3 August 2008, for example, Makhmadsalors Masaev was abducted in Grozny by men in camouflage. He has not been seen since. During early 2008, Amnesty International had met repeatedly with Makhmadsalors Masaev, who gave consistent and detailed reports about his arbitrary detention in 2006 in Tsenteroi, on territory under the command of then Chechen Prime Minister Ramzan Kadyrov. He told Amnesty International he had been held there for four months during which he was ill-treated, humiliated and threatened with being shot. His reports about facilities in Tsenteroi being used as a secret detention centre support statements made by Umar Israilov, a 27-year-old Chechen, who was shot in January in 2009 in Vienna, where he had sought refuge. Umar Israilov alleged he had been tortured in Tsenteroi in 2003, including by Ramzan Kadyrov, and had been

forced to join the security services under the command of Ramzan Kadyrov¹. After fleeing to Austria, he had informed the police about threats against him by other Chechens.

There continue to be reports about torture and other ill-treatment, including in the facilities known as ORB-2, the Police Operation and Search Bureau-2, in Grozny and Urus-Martan. For several years there have been reports about unlawful detention, torture and ill-treatment at this facility under the command of the Main department of the Ministry of Interior of the Russian Federation for the Southern Federal District. As a result, part of the facility in Grozny has been converted into a temporary holding facility (IVS). However, detainees reportedly continue to be tortured or otherwise ill-treated in ORB-2

Amnesty International has received detailed testimony alleging torture and other ill-treatment of a detainee, Sadrudin Makhtiev, at the ORB-2 building in Urus-Martan in August 2008. Sadrudin Makhtiev, born in 1974, was detained on the morning of 26 August 2008 by law enforcement officials from ORB-2 and taken to the ORB-2 building in Grozny. Subsequently, he was taken to the ORB-2 building in Urus-Martan where he alleged he was subjected to torture and other ill-treatment. He described being taken into an office where his hands were pushed behind his back and a plastic bag put over his head. He alleged he was threatened that if he did not “confess” he would be handed over to the military at the Russian federal military base at Khankala and no one would know of his fate. He stated that he was beaten, threatened with being raped and for the rape to be videoed, and threatened with being subjected to electric shock treatment. He was later transferred to ORB-2 in Grozny, where he allegedly stayed in an office rather than in the IVS.

During the last year there have been repeated reports about reprisals against families of persons suspected of having joined armed opposition groups. The houses of such families have been burned down and while no one has been prosecuted for these crimes, statements made by government officials, including by President Ramzan Kadyrov, appear to condone such actions. Families of individuals suspected of having joined armed groups have been labelled as terrorists and criminals and in October 2008 it was decided by representatives of the administration of some regions that such families would be unable to access state health care or other social services.

The above-described treatment of family members of alleged members of armed groups would amount to collective punishment, prohibited under international human rights law as well as under Russian law.

¹ At that time Ramzan Kadyrov headed the security guards of his father, then Chechen President Akhmad Kadyrov.

Ingushetia

The situation in Ingushetia remains tense. During 2008 armed groups carried out numerous attacks, often fatal, against members of law enforcement agencies, including a failed attack on the republic's Minister of Internal Affairs. While human rights activists in Ingushetia report that during recent months they have faced less difficulties working in the republic and that the right to freedom of expression has been better protected, there are still high numbers of reported human rights violations by law enforcement officials, including killings of civilians, torture and enforced disappearances.

Magomed Yevloev, a prominent opposition figure and owner of an independent website in Ingushetia, died on 31 August 2008 of gunshot injuries sustained while in a police car; he had been detained by police at the airport upon arrival in Ingushetia. His death was initially categorized as caused by negligence; an appeal by his colleagues and lawyer for it to be classified as murder is still pending. In January 2009, the Supreme Court of Ingushetia confirmed that Magomed Yevloev's detention had been unlawful. A hearing regarding the killing of Magomed Yevloev started in April 2009, but Amnesty International is not aware of any steps taken to date against those responsible for the unlawful detention of Magomed Yevloev.

Relatives of suspects in the case of an attack on government buildings in Nazran, Ingushetia in June 2004, in which nearly 100 people died, continue to protest against the length of pre-trial detention of their relatives and the conditions of detention.

Threats against Human Rights Defenders

Human rights defenders who stand up to defend the rights of others deserve support and protection from the state. However, in the Russian Federation human rights defenders – as well as journalists and lawyers who speak openly about human rights abuses – face threats and intimidation. The police appear to be reluctant to investigate such threats and a climate of impunity for attacks on civil society activists prevails.

A case in point is the murder of human rights journalist Anna Politkovskaya in October 2006. The trial of three people accused of her killing ended on 19 February 2009 with the acquittal of all the defendants. Amnesty International is concerned that the trial has not answered a number of crucial questions – mainly who ordered the killing, who committed it and how many more people may be responsible for violations of the law in connection with this crime. Several participants in the trial, including officials from the Office of the Prosecutor General, have pointed to gaps in the investigation.

In your address to the Presidential Council on Civil Society Institutions and Human Rights, you confirmed that investigations into such crimes must never be abandoned. Amnesty International will continue to follow the investigation into the murder of Anna Politkovskaya and expects that the Russian authorities will renew their efforts to investigate the crime and to ensure that all perpetrators of this crime are brought to justice in fair proceedings.

While the trial into the murder of Anna Politkovskaya was ongoing, two more people were killed in Moscow, most likely because of what they stood for – defending human rights, working against impunity and challenging those who abuse human rights.

Human rights lawyer Stanislav Markelov and journalist Anastasia Baburova were shot dead on 19 January this year, in broad daylight in the centre of Moscow. The investigations are still ongoing and Amnesty International urges you to ensure that they are carried out effectively and impartially in order that those responsible for these two killings be brought to justice.

Both Anna Politkovskaya and Stanislav Markelov had received threats prior to being murdered. Their names as well as the names of other human rights activists had been placed on the internet, labelled as “enemies of the Russian people” or similar. In some instances the photos and addresses of the human rights activists were also provided.

Since the murder of Stanislav Markelov and Anastasia Baburova, other human rights defenders have received threats and faced abuses for trying to protect the rights of others.

Galina Kozhevnikova and Aleksandr Verkhovskii from the SOVA Centre, an NGO monitoring hate crimes and extremism, continue to receive threats, which they have reason to take seriously. Galina Kozhevnikova received a message on 8 February warning her she would be killed in the same way as Stanislav Markelov and Anastasia Baburova. SOVA Centre had just announced the holding of a press conference at the independent press centre, the same location where Stanislav Markelov held a press conference on 19 January, just before he was shot dead. Russian police responded to this threat and the press conference was guarded

Lev Ponomarev, the 67-year-old head of the movement For Human Rights was attacked by three men late on 31 March 2009, near his home in Moscow. Lev Ponomarev was thrown to the ground and kicked and beaten.

Lev Ponomarev is an outspoken critic of the authorities’ handling of the case of former Yukos oil-company owner Mikhail Khodorkovskii and his associate Platon Lebedev. He

has also repeatedly criticized the Russian penal system. At a press conference in June 2008 during which he described ill-treatment of detainees in penal colonies, he was attacked by a group of young people, allegedly acting on behalf of a Russian parliamentarian. The young men threw eggs at Lev Ponomarev and another human rights defender, Ludmilla Alekseeva, the head of the Moscow Helsinki Group. At the end of 2008, Lev Ponomarev told his family that he believed he was under surveillance.

Amnesty International is calling on you to take urgent measures to protect the rights of human rights defenders in Russia in order to demonstrate not only to those who commit such heinous crimes, but also to those who condone them, that there will be no tolerance for such crimes and no impunity.

Human rights defenders, independent journalists and lawyers fulfil an important role for civil society, including in those cases where they publicly highlight gaps in the protection of human rights.

Torture and other ill-treatment and fair trial concerns

Amnesty International continues to receive information about torture and other ill-treatment in places of detention and during police investigation. Allegations that law enforcement officials use unlawful methods have been received from across the Russian Federation. In many cases which have come to the attention of Amnesty International the complainant has been tortured or ill-treated in order for him/her to sign a "confession" or to incriminate another suspect. Judges who were made aware of allegations of torture and ill-treatment in order to extract a confession have rarely responded to appeals not to admit such confessions as evidence and have not as a matter of routine initiated investigations into allegations of torture.

For example, Amnesty International is continuing to monitor the treatment of former Guantánamo detainee Rasul Kudaev, currently in pre-trial detention in Nalchik, in the Republic of Kabardino-Balkaria. He and 57 other men are in court regarding their alleged participation in a raid on government buildings in Nalchik on 13 October 2005, which resulted in the death of about 150 people and many more injured. Amnesty International is concerned that there has already been considerable delay in the men's right to a fair trial in a reasonable time. Rasul Kudaev and most of the other detainees have been in pre-trial detention for three and a half years now, which in many cases has adversely affected their health. Rasul Kudaev, who returned from Guantánamo with serious health problems, is now suffering from chronic hepatitis. His mother and lawyer are concerned that he is not being given the necessary medical treatment. Rasul Kudaev and several other detainees claim they had been subjected to torture and other ill-treatment during their detention. Rasul Kudaev's lawyer has

repeatedly appealed to the court to exclude confessions allegedly made under torture from the case material. So far the judge has turned down these appeals. The case of the 58 men was designated to be heard by a jury trial and the process of jury selection had been ongoing for nearly a year. Following recent amendments to the Code of Criminal Procedures of the Russian Federation, abolishing jury trials in cases of crimes against the state and terrorism-related crimes, it has been decided not to hold a jury trial in this case.

In a separate illustration of our concerns relating to pre-trial detention, Sergei Liapin from Nizhnii Novgorod was reportedly tortured and ill-treated in April 2008 in order to make him confess to a number of thefts. Sergei Liapin told Amnesty International that the law enforcement officials who detained him were mainly interested in closing the criminal case as 'solved'. Amnesty International's research has led the organization to consider that appraisal for law enforcement officials, focussed on the quantity of solved crimes, is an incentive for officers to use unlawful methods of investigation. Sergei Liapin repeatedly tried to file a complaint, asking for his allegations of being subjected to torture or other ill-treatment to be investigated. On two occasions, the case was closed after the prosecutor stated that no evidence could be found that a crime had been committed.

Amnesty International has received various reports over the past year of convicted people being subjected to torture and other ill-treatment in prison colonies, as well as inhuman or degrading conditions of detention. People in prison colonies are vulnerable to enduring human rights abuses as they may be subjected to reprisals by the prison authorities if they complain about their treatment or conditions in detention. The organization is concerned that there is a failure to investigate independently and effectively such allegations.

In August 2007 Zubair Zubairaeiev from Chechnya was sentenced to five years in a high security prison and sent to prison colony IAR-154/25 in Frolovo, Volgograd Region. According to sources close to Zubair Zubairaeiev, he was tortured and otherwise ill-treated by prison colony officers throughout the period he was held there. This included the use of electric shocks. The sources reported that he was also repeatedly beaten with plastic bottles filled with water, as well as with truncheons and rifle butts, until he fainted, after which guards revived him in order to continue the beatings. No medical help was provided and the injuries he received were not recorded.

After making several complaints to the prosecutor's office of Volgograd Region about being tortured and ill-treated, Zubair Zubairaeiev was transferred to prison colony No 9 in Volgograd. In February 2008 he was admitted to prison hospital LIU-15 in Volgograd; however, the beatings and other ill-treatment from the prison officers reportedly continued.

Officials at the prison hospital, as well as an official from the Volgograd Public Prosecutor's office, are said to have verbally threatened Zubair Zubairaeu that if he did not stop complaining about his treatment in detention, his prison sentence would be extended or he might "accidentally" die in prison. Prison officials also reportedly made threats against his family, saying "something might happen" to his sisters.

Reportedly, several lawyers, who wanted to take up the case, were intimidated and warned not to defend Zubair Zubairaeu.

In 2007, a new structure, the Investigative Committee, was established within the Office of the Prosecutor General. The Investigative Committee is charged with responsibility for criminal investigations, including into complaints of torture or other ill-treatment by law enforcement officials. Amnesty International has been monitoring such investigations, and is concerned that in some cases the independence and impartiality of the investigations has been compromised. Amnesty International would be grateful to receive information as to whether a comprehensive review is being carried out into the functioning of the Investigative Committee with a view to recommending further changes to ensure that all investigations are carried out promptly, thoroughly, independently and impartially.

Amnesty International further notes reported statements made by you, on 15 July 2008 at a meeting with senior Russian judges, including about corruption in the judicial system: "As applied to the justice system, it is exceptionally dangerous...It seems that current legislation should reliably protect it [judicial independence], but pressure [and] influence are exerted, administrative resources are employed and direct bribery is often used."² You called for various remedies, including a law that would compensate people whose right to a speedy trial had been violated or who suffered because a court decision was not enforced. Furthermore, on 2 December 2008, you reportedly told a congress of Russian judges that Russia must reform its courts to stem the flow of people turning to the European Court of Human Rights for justice. You expressed concern about a perceived lack of independence of the judiciary and said you wanted to consult with the judges on measures to make courts more independent. Amnesty International would be grateful to receive from you information about what measures have been taken since then to promote the independence of the judiciary.

Mikhail Khodorkovskii and Platon Lebedev

The trials and treatment in detention of ex-Yukos executives, Mikhail Khodorkovskii and Platon Lebedev, illustrate serious flaws within the criminal justice system that

² As reported by AP on 15 July 2008,

undermine the right to a fair trial. As the second trial of Mikhail Khodorkovskii and Platon Lebedev unfolds, Amnesty International urges you to ensure that it is conducted in accordance with international and domestic fair trial law. Of concern are emerging allegations of procedural flaws, including the defence lawyers' contention that many of their petitions are not being agreed to by the court, as opposed to those of the prosecution, and that they are not being provided with an adequate explanation, as required by law, for the decisions.

Amnesty International has been monitoring the treatment of Mikhail Khodorkovskii and Platon Lebedev since October 2003. We have expressed various concerns to relevant authorities over the years in connection with their right to a fair trial, including procedural flaws in the proceedings, the harassment of their lawyers, and the seemingly unprecedented decision to hold the investigation of the second set of charges in Chita (the distant location in which the accused are serving their previous sentences), which in itself raised serious concerns about their right to effective legal assistance. Moreover, their period of imprisonment has been marred by harassment by the authorities, including their apparent exceptional dispersal to regions far from Moscow, impinging on their rights to family life and legal assistance, and a pattern of punishment for alleged violations of prison rules, which were later found by courts to have been unlawful.

In a related case, Amnesty International is deeply concerned about the treatment of Vasillii Aleksanian, former lawyer and vice-president of the oil-company YUKOS, who alleged that he had been offered release from pre-trial detention in order to receive adequate treatment for his AIDS-related illnesses in exchange for making statements against Mikhail Khodorkovskii. The denial of medical care in pre-trial detention to Vasillii Aleksanian amounted to torture and inhuman and degrading treatment. Vasillii Aleksanian has been released on bail from pre-trial detention, following a decision by the European Court of Human Rights; however, Amnesty International is not aware of any investigation into his allegations.

The Georgia-Russia conflict

The five-day war between Georgia and the Russian Federation which broke out in August 2008 resulted in hundreds of civilian deaths, thousands of injuries and, at its peak, the displacement of almost 200,000 people. Information collected by Amnesty International, both in the field at that time and from other sources, strongly suggests that serious violations of both international human rights law and international humanitarian law – the laws of war – were committed by all parties, both during the course of the conflict and its aftermath.

Some of Amnesty International's concerns at the conduct of Russian forces surround the Russian aerial and artillery attacks that took place over 8 to 12 August 2008. While most of the bombardments appeared to have targeted Georgian military positions outside of built-up areas, villages and some towns were also hit amid reports that some attacks may have been indiscriminate, or directly targeted civilians and/or civilian infrastructure.

Russian forces also reportedly failed to take adequate action when militia groups loyal to the de facto South Ossetian authorities carried out large scale pillaging and arson of several Georgian-majority settlements in South Ossetia, and threatened and abused the residents there. These settlements were under Russian military control at the time. As the occupying power, the Russian army had a duty to ensure the protection of civilians and civilian property in areas under their control. This may have been difficult in practice in the early days of the conflict, when Russian forces were still engaging the Georgian army. But the looting and destruction of property owned by ethnic Georgians, and the threatening of the remaining Georgians in South Ossetia and the neighbouring 'buffer zone', continued on a large scale for several weeks after the formal cessation of hostilities. It is clear that the Russian authorities singularly failed in their duty to prevent reprisals and serious human rights abuses being carried out by militia groups loyal to South Ossetia.

There is also evidence that Russian and Georgian forces used cluster bombs during the fighting. Cluster munitions pose severe risks to civilians' lives and livelihoods both at the time of their use and after hostilities have ended. This is due to their wide-area effect and the large number of unexploded "bomblets" they leave behind. For these reasons Amnesty International has called for many years for a moratorium on their use.

Cooperation with international governmental organizations

On 4 February 2009, the UN Human Rights Council discussed Russia's human rights record and the country's compliance with its obligations under international human rights law, making a number of recommendations. These, if implemented, would ensure a thriving civil society where the freedoms of expression, assembly and association could be freely enjoyed and where there would be accountability for all serious human rights violations.

Just recently, in April 2009, the Committee for the Prevention of Torture of the Council of Europe (CPT) visited several places of detention in the North Caucasus. Due to Russia's continuous refusal to publish the reports of the CPT – the only country among the Council of Europe member states to do so – the detailed reports of

the CPT visits are not publicly available. This is deeply regrettable given the many allegations of torture and ill-treatment in detention facilities.

More than 10 years ago, Russia became a full member of the Council of Europe and committed itself to the full respect for the rights and freedoms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), including by implementing the decisions of the European Court of Human Rights. To date, Russia has not ratified Protocol 6 of the ECHR and has not abolished the death penalty in law. As noted above, the European Court of Human Rights has made rulings in 100 cases concerning human rights violations committed in the course of the conflict in Chechnya, most of which found Russia responsible for the death, torture or enforced disappearances of people in Chechnya or for the failure to investigate such crimes. However, the implementation of these rulings has been incomplete and unsatisfactory. The failure to implement fully these rulings gravely hinders accountability for human rights violations.

In 2006, then President Vladimir Putin suggested that Russia ratify the Optional Protocol to the UN Convention against Torture; however, Amnesty International is not aware of any further steps taken in this regard. We will be monitoring effectiveness of the public control committees in Russian regions, which have been recently established and are authorized to visit places of detention. However, it is regrettable that the long-requested visit of the UN Special Rapporteur on torture to the Russian Federation has still not yet been facilitated.

Recommendations

In recent meetings with journalists and human rights activists, you have made statements which give rise to hope that change is possible, that human rights will not be ignored and that the decline in civil and political freedoms as seen over recent years can be turned around. In order to really achieve concrete and lasting changes, we urge you to show leadership and focus the necessary political will to ensure the following measures be taken.

Accordingly, Amnesty International calls on you to:

1. Create an environment in which the rights to freedom of expression, assembly and association can flourish by:

- Speaking out visibly and clearly in support of the positive contribution made by civil society including human rights defenders, journalists and lawyers;

- Initiating a meaningful review of the 2006 law regulating the work of NGOs, and amending it as appropriate to ensure full respect for the right to association;
- Ensuring perpetrators of crimes against human rights defenders, journalists and lawyers are brought to justice in proceedings that meet international standards for fair trials.

2. Demonstrate a clear political will to address the situation in the North Caucasus by:

- Publicly condemning the continuing human rights abuses committed in the North Caucasus region;
- Eroding the impunity for past violations there by ensuring prompt, comprehensive and impartial investigations, with the results made public and those responsible brought to justice;
- Enable the establishment of a functioning forensic laboratory working on the identification of bodies found in mass graves;
- Ensuring unrestricted access to the region for independent media and human rights monitors, including from international organizations, and enabling human rights defenders to carry out their legitimate activity in the area in safety and without fear of harassment or intimidation.

3. Commit to upholding and respecting the rule of law in Russia by:

- Reviewing the functioning of the Investigative Committee of the Officer of the Prosecutor with a view to ensuring that all allegations of serious human rights violations are investigated promptly, thoroughly, independently and impartially;
- Ensuring that international fair trial standards are upheld in all cases, including that of Mikhail Khodorkovskii and Platon Lebedev, and that they are not subjected to legal or other official harassment;
- Publicly and unequivocally condemning racism, discrimination and xenophobia, and developing a meaningful programme to tackle racism.

4. Demonstrate respect for Russia's international human rights obligations by:

- Allowing publication of the reports of the European Committee for the Prevention of Torture;
- Abolishing the death penalty in law, and ratifying Protocol 6 of the European Convention on Human Rights;
- Facilitating the visit of the Special Rapporteur on torture to the Russian Federation, including to the North Caucasus;

- Fully implement all judgments of the European Court on Human Rights concerning the North Caucasus to ensure justice for the applicants, and non-repetition of the violations in the future.