

PUBLIC

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Fear for safety

29 April 2004

RUSSIAN FEDERATION

Stanislav MARKELOV (m), aged 29, human rights lawyer

Amnesty International is seriously concerned for the safety of human rights lawyer, Stanislav Markelov, following a recent attack on him by a group of five men, whilst he was travelling on the Moscow metro. It is feared that he has been targeted for his work as a lawyer on behalf of victims in several key human rights cases, a number of which relate to the conflict in Chechnya.

At around 11:30pm on 16 April, Stanislav Markelov was attacked as he travelled home on the metro by a group of five men in their twenties. According to Stanislav Markelov, the men, who wore civilian clothing, surrounded him and shouted: "You got what you're asking for. No more speeches for you [in court] then". They then hit him on the head with a heavy object, causing him to lose consciousness. He woke up two hours later at the last metro station. His mobile phone, which contained the phone numbers of all his clients, was missing as were various identity documents, including his lawyer's licence card, his passport and an entry card for the State Duma. He later discovered that various documents from the case files of his clients were also missing from his bag. He was surprised that neither his money, nor his expensive Swiss watch had been stolen in the attack. Without his lawyer's card, he is currently unable to appear in court until a replacement is issued.

Stanislav Markelov went home, where his wife called the emergency services. He was then taken to the City Hospital No 68, where he was diagnosed as suffering from concussion and the doctors asked to hospitalize him, although he refused to stay. After recovering at home for two days, on 19 April Stanislav Markelov visited the Moscow Department of Internal Affairs No 8 in charge of providing security in the metro, in order to file a complaint about the attack. The police officers on duty reportedly told Stanislav Markelov that the medical certificate of the injuries he sustained was fake and insisted that he filed a complaint about "lost property", but not about the violent attack against him. On 21 April, Stanislav Markelov filed a complaint about the attack with the Moscow City Department of Internal Affairs. A criminal investigation into the events has reportedly not yet been opened.

Among the missing case documents were those relating to the trial of Sergei Lapin (known as "Kadet"), who has been charged in connection with the "disappearance" and torture of Chechen student Zelimkhan Murdalov, whose family is represented by Stanislav Markelov. Sergei Lapin served in Chechnya as a member of the special police detachment (OMON) from the Khanty-Mansyski region in the Russian Federation which was operating in Grozny. Zelimkhan Murdalov "disappeared" on 2 January 2001 after having been detained by Russian OMON forces in Grozny. Witnesses claimed that he was tortured to death in police custody.

On 7 January 2001, a criminal investigation was opened into Zelimkhan Murdalov's "disappearance". In September 2001, journalist Anna Politkovskaya published an article in *Novaya Gazeta* newspaper called "The Disappearing People", in which she spoke about the allegations connecting Sergei Lapin and his OMON colleagues to the torture of Zelimkhan Murdalov. Following the publication of this article, Anna Politkovskaya received two letters containing threats to her life, reportedly written by Sergei Lapin. The Office of the Procurator of the city of Nizhnevartovsk in Khanty-Mansyski region opened a criminal investigation in October 2001 into Sergei Lapin's involvement in threatening the safety of Anna Politkovskaya. This investigation had been reportedly closed and renewed at least nine times and in November 2003 it was transferred to the Regional Office of the Procurator of Khanty-Mansyski Autonomous Region of the Russian Federation. Stanislav Markelov also represents Anna Politkovskaya.

In January 2002, Sergei Lapin was arrested and charged in connection with the allegations of torture of Zelimkhan Murdalov in detention. Sergei Lapin was released pending trial in May 2003 because he was

found not to be threatening to the public safety. His trial began in Grozny at the end of 2003, but he reportedly has not attended any of the hearings so far because he claimed he suffered a mental illness. However, according to reports, he was first dismissed from OMON, but later reinstated as a police officer in the city of Nizhnevartovsk, where he currently serves. Reportedly, he was recently awarded a medal "For Protecting Public Order", accompanied by a letter, signed by the Russian President.

BACKGROUND INFORMATION

Amnesty International continues to receive reports concerning the harassment and intimidation of activists, NGOs and lawyers in connection with the conflict in Chechnya. For example, there has been a pattern of harassment of people from Chechnya who have petitioned the European Court of Human Rights, as well as those who are defending the rights of victims of abuses. Human rights groups in the region have also faced increasing levels of harassment and intimidation. A number of activists have been "disappeared" and/or extra-judicially executed.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian or your own language:

- expressing concern for the safety of human rights lawyer Stanislav Markelov who was violently attacked on 16 April 2004;
- calling for an immediate, prompt and impartial investigation into the attack and for those responsible to be brought to justice;
- expressing concern at the reported refusal of the police to file his complaint about the attack against him;
- calling on the authorities to put an end to the persecution, harassment and intimidation of human rights defenders, lawyers and activists, as well as the applicants to the European Court of Human Rights from Chechnya;

APPEALS TO:

President of the Russian Federation

Vladimir Vladimirovich PUTIN

g. Moskva, Kreml

Russian Federation

Telegram: President Vladimir Putin, Moscow, Russian Federation

Fax: + 7 095 230 24 08 / + 7 095 206 51 73 / + 7 095 206 85 10

e-mail: president@gov.ru

Salutation: Dear President

Procurator General of the Russian Federation

Vladimir USTINOV

General Procuracy of the Russian Federation

Ul. B. Dimitrovka 15a

103793 Moscow K-31

Russian Federation

Telegram: Procurator General of the Russian Federation, Moscow, Russian Federation

Fax: + 7 095 292 8848 (if someone answers say "fax please")

Salutation: Dear Procurator General

Minister of Internal Affairs

Rashid NURGALIYEV

Ul. Zhitnaia, 16

117049 Moscow

Russian Federation

Telegram: Minister of Internal Affairs, Moscow, Russian Federation

Fax: + 7 095 237 49 25 or + 7 095 230 25 80

Salutation: Dear Minister

COPIES TO:

Ombudsman for Human Rights

Vladimir LUKIN

47 Ulitsa Miasnitskaia
103084 Moscow
Russian Federation

Fax: + 7 095 207 3977

E-mail: press-sl@ropnet.ru

Salutation: Dear Ombudsman

and to diplomatic representatives of Russian Federation accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 June 2004.