



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/163
4 March 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Federation for Human Rights (FIDH),
a non-governmental organization with special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

RUSSIAN FEDERATION

FIDH notes a serious rollback of the rule of law and human rights on the whole of the Russian Federation's territory.

Persistence of the armed conflict in Chechnya

Civilians remain the first victims of the conflict. Extra-judicial killings, enforced disappearances, torture and looting are ongoing and unpunished. According to the Human Rights Centre Memorial: 250 civilian persons were killed in 2004 and of the 300 "disappeared" 150 were later liberated, 20 killed and 128 are still missing.

For several years, local human rights organizations have been regularly monitoring and reporting on kidnappings in and around the Chechen Republic. There are strong allegations and evidence that members of local and federal enforcement agencies perpetrated some of these crimes to achieve the cooperation and/or surrender of said rebels. FIDH was informed by Memorial that members of the *kadyrovtsi*, the presidential security service under the command and order of Ramzan Kadyrov, abducted at least eight relatives of Aslan Maskhadov in December 2004, and allegedly brought them to their illegal "prison" in Tsenteroi, Gudermes district of Chechnya, in order to force Maskhadov to give up armed resistance against the Federal Government. End of January 2004, they are still detained.

Such practices closely follow an attempt to legitimize State-organised hostage-taking by Mr. Ustinov, the Prosecutor General of the Russian Federation. On 29th October 2004 he proposed the State Duma take hostage family members of individuals suspected of terrorism as a necessary and effective measure against terrorism.

FIDH condemns all violations of international humanitarian law and urges competent authorities in conformity with provisions of international human rights law to prosecute and condemn perpetrators whether they be State or non-State actors.

Deterioration of the situation of Human Rights Defenders

Attacks on Human Rights Defenders are increasing alongside restrictions of their rights. In September 2004 the Observatory for the Protection of Human Rights Defenders, a joint FIDH-OMCT programme¹, reported the negative impact of enactments restricting freedoms of expression, association and of assembly:

- New laws were adopted in 2004 restricting freedom of assembly and NGOs' freedom to receive funding,
- Attacks against Human Rights Defenders are many, especially in Chechnya where local NGOs are confronted with situations of extreme danger (eg, In January 2005, Mr. Makhmut Dchaparovic Magomadov, a lawyer and member of the Chechen Committee for National Salvation was kidnapped by people believed to be members of local authorities). Pressure and violence against

¹ Russia : Human rights defenders faced with the "Dictatorship of the Law" of 12 Octobre 2004, <http://www.fidh.org/IMG/pdf/Ru401a.pdf>

activists is also recorded in the rest of the country, in Moscow (persecutions on Andrei Sakharov Center), in St Petersburg (Soldiers Mothers of Saint Petersburg, Memorial, killing of Nicolai Girenko), in Krasnodar region where several proceedings have been instituted by the authorities against the local NGOs with a view to closing these down; in Tatarstan and elsewhere.

- Defamation campaigns to discredit Human Rights Defenders are numerous. On May 7th 2004 during a press-conference on the situation in Russian prisons, General Kraev, a high representative of the General Direction of Sentence Enforcement of the Ministry of Justice, said that "according to information received from the Ministry of Justice, certain NGOs were financed by criminal organisations". Worse, on May 26 2004, in a speech delivered to the Federation Council, the Upper Chamber of the Parliament, Vladimir Putin declared in his annual speech on the state of the Nation: "thousands of associations and civil unions exist and work constructively in [Russia]. However, far from all of them are concerned by the defence of the real interests of the people. For some of these organisations, the main objective has become to receive funds from influent foreign and domestic foundations, for others the aim is to serve dubious groups and commercial interests".

Downfall of the freedom of media

Freedom of the media, already severely berated over the last years, was seriously violated on the occasion of Beslan hostage-taking. Journalists present in Beslan were prevented from relating the exact situation to the public and families of the hostages.

Mrs. Politkovskaya, a journalist at the Russian bi-weekly Novaya Gazeta made two unsuccessful attempts on September 1st to board a flight at Moscow's Vnukovo airport. On her third attempt, when she was allowed to board, she felt bad ten minutes after having a tea. She was led to a hospital in Rostov where doctors diagnosed an acute intestinal infection.

Mr. Babitski, a journalist at the Russian-language service of Radio Free Europe, was detained at Vnukovo airport when he tried to leave for Beslan on September 2, 2004. He was assaulted by two unknown men, consequently arrested, detained and convicted of hooliganism.

The editor-in-chief of the newspaper Izvestia was fired three days after having published an article on the Beslan tragedy.

Racism and Xenophobia

Daily racism against foreigners and attacks and murders committed by violent nationalist groups and skinheads are highly preoccupying concerns.

Indeed racist violence is dramatically increasing in Russia. On October 13, 2004, in the neighbourhood of Moscow two Uzbek citizens were attacked. One person died, and the other was hospitalised. The following day a Vietnamese student of the Saint-Petersburg Polytechnic Institute was murdered, and in Chita-city a Chinese citizen was murdered. The full list of racist crimes is very long.

Conditions of detention

The situation in prisons remains problematic. As reported by local non-governmental organisations, law-enforcement bodies continue to practice torture and ill-treatment of inmates. In April-May 2004, a wave of protest and collective hunger-strikes engulfed the prisons of Tchelabinsk, Ural and Irkutsk. On May 6, the inmates of Irkutsk prison Sizo-1 started a hunger strike, which was followed by the inmates of two other Irkutsk prisons UK2727/15 and UK272/19.

Practice of the *Dedovshcina* in the Russian Army

According to local NGOs such as Soldiers Mothers of Saint Petersburg, physical violence is commonly used against conscripts and lower-ranked soldiers: this is known as *dedovshcina*. Thus, during the year of «initiation», higher-ranked soldiers practice a form of slavery on young soldiers. This often compels soldiers to run away and break the law. No effective measures of protection exist in such cases. Within only two years, the «Soldiers Mothers» organisation received 1898 complaints from conscripts who were obliged to leave their units so as to defend their rights to health care and dignity.

Recommendations:

FIDH requests the Commission on Human Rights to recognize the gravity of the situation prevailing in the Russian Federation, notably in Chechnya, and adopt a resolution by which it will *inter alia*:

- condemn on-going grave violations of human rights in Chechnya, in particular extra-judicial killings, enforced disappearances and torture in and around the Republic and impunity of authors of these violations and urge Russian authorities to stop all acts of violence against civilians;
- urge Russian authorities as well as all parties to the conflict to comply with international human rights instruments and international humanitarian law.
- urge Russian authorities to launch genuine political negotiations, so as to reach a political and peaceful settlement of the conflict in Chechnya;
- remind Russian authorities that all legislative or institutional reform must comply with principles of democracy and the Rule of Law, particularly the representation of all trends making up society and urge them to comply with human rights instruments on freedom of the press;
- remind the Russian authorities that the fight against terrorism, which in itself is legitimate and necessary, must always comply with human rights provisions and principles and may never justify the commission of serious crimes against the civilian population or hostage-taking;
- urge Russian authorities to fight racism through the adoption of appropriate statutes and creation of efficient mechanisms;

- improve conditions of detention and the military service, and criminalize the practice of *dedovshchina*;
- request an international mission of investigation to gather information on violations of human rights in Chechnya and report on that matter to the Commission on Human Rights and the General Assembly;
- welcome the visit of the Special Rapporteur on violence against women in Russia and request the Russian Authorities' cooperation with all special mechanisms of the Commission;
- with respect to human rights defenders, request the Russian Authorities to:
 - reform legislation governing the registration of organizations, streamlining the registration procedure by moving towards a system of declaration;
 - reduce the fees levied on human rights organizations and rule favorably on the request by human rights defence organizations to be placed on the list of tax-exempt organizations;
 - guarantee the physical and psychological integrity of human rights defenders and stop immediately all acts of violence and harassment towards them, carry out a complete and impartial investigation on cases of murder, attack, and harassment, and identify perpetrators of these acts, bring them to trial and punish them according to applicable law, stop all acts of defamation against human rights defenders;
 - guarantee human rights defenders and independent journalists free access to Chechnyan territory, so that they may exercise their tasks freely and safely;
 - and more generally comply with the provisions of the Declaration on Human Rights Defenders, as adopted by the United Nations on December 9, 1998.

- - - - -