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HUMAN RIGHTS IN RUSSIA YEAR 2006

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Prologue

A decade of cooperation bound our organization to Anna Politkovskaya. It began in August 1996 during the storming of Grozny, one of the more tragic episodes of the first Chechen campaign. When we were casting about to find any means possible to help people fleeing the war, I suddenly received a telephone call from Anna Politkovskaya.

To publish a newspaper portrait for the first day of class of a Chechen boy who was going to a Moscow school with a bouquet of flowers – this was the romantic notion with which the famous journalist turned to me. I was forced to disappoint her. Instead of happy first graders, every day we were seeing children from Chechnya who would not be going to school on September 1. At this very moment, Moscow city authorities were adopting a resolution that only children whose parents had Moscow registration – or, as it used to be called, a “propiska” (residence permit) – may attend the capital’s schools. Meanwhile, the parents not only had no Moscow residence permits, but also no idea of what they might feed their children for supper. On the very next day, Anna Politkovskaya came to our office with money collected by her publication and sat next to us, from start to finish, through an entire day of receptions of refugees. This was the start of her Chechnya, our Chechnya, which lasted until the end of her life.

Her articles about the second Chechen campaign, about what was happening in and around Chechnya today, became for many the only opportunity to discover the truth.

Anna Politkovskaya “was a sharp critic of the acting Russian regime,” as President Putin said in Dresden on October 10. And he was, without doubt, right. But her articles did not “inflict losses on Russia.” Here he was wrong – they brought honor to our country.

And the sphere of her influence on the country’s political life was not “very insignificant.” Anna Politkovskaya’s voice rang and was well heard around the world. It did not allow the world to forget about those who required urgent help, against whom crimes were being committed. Anna Politkovskaya demanded to be heard, for people to think and to know, and thus had great influence on hundreds of thousands of people in Russia and other countries. Thousands of people came to her with hope and received her support.

This small study on human rights in Russia is dedicated to the memory of Anna Politkovskaya.

General State of Affairs

The state of human rights in Russia is following a clear tendency of deterioration. One of the main causes of this, in our view, is the complete annihilation of the independence of various branches of power. Not much has been left of the legislature. The upper chamber of parliament – the Federation Council – since 2000 has been formed by appointment of half its deputies by local leaders, with the other half elected by local legislative bodies of the Russian Federation. Thus, citizens no longer take part in this process.

The lower chamber – the State Duma of the Russian Federation – is being elected with such use of what is being called “administrative resource” that it is completely missing its right wing, while its left wing has been reduced to rubble. United Russia has ascended the throne, its program based entirely on support for the president of the Russian Federation.

In 2004, an end came to elections for governors, who are now appointed by the president, which may be characterized as the fall of federalism in Russia. At the same time, federal authorities grant certain regions exclusive rights to ignore Russian laws and main principles of the Constitution of the Russian Federation that allow freedom of movement (st. 27), freedom of conscience (st. 28), inviolability of housing (st. 25), freedom of assembly (st. 31) and prohibit inciting social, racial, national and religious hostility (st. 29).

The judicial branch is completely dependent on the executive. This was clearly demonstrated by a whole series of “spying” cases, the fabrication of cases against Chechens and Muslim extremists, pseudo-terrorists, Khodorkovsky, Lebedev and many others.

At the same time, the territory of Russia is missing a uniform judicial practice. Thus, judges in the Krasnodar Krai region have been barred from accepting applications that may establish the fact of permanent residency in the Russian Federation. This has led to the de-legalization of residency in the region of many ethnic groups: Meskhetai Turks, Yezids, the Kumanch and other minorities populating the Krai. If their fact of living in Russia at the moment the USSR fell apart had been established, this would have led to them having Russian citizenship and the opportunity to receive a Russian passport. This mechanism works effectively in other regions; its workings are specifically explained to judges by the deputy chairman of the Supreme Court of the Russian Federation. In Krasnodar, these explanations are being called “a private opinion” and are not being taken into account.

There are many cases of candid collusion between courts and the executive branch on a certain category of cases. An example of one such case, which was most recently concluded, will be presented here later.

Against the backdrop of growing authoritarianism unfold corruption and arbitrary rule; nationalist and fascist tendencies are growing and transforming into open violence. Authorities are not taking adequate measures, and fascist organizations are joining into a united system used to intimidate and exploit disfranchised immigrants. Construction and other companies widely and mercilessly use their slave labor; law enforcement authorities live off bribes received from both the employers and the laborers; fascist groups keep the latter gripped by a constant state of fear. In this way strict and practically unenforceable laws on hiring foreign workers have created a system of global lawlessness in this sphere, and to the severe infringements of human rights.

Civic organizations, which at present remain the last refuge or real opposition and independence, are experiencing strong pressure from the authorities. Some of them are being “domesticated” by being invited to take part in semi-official state structures such as the Public Chamber and receiving small financial grants. In place of others, pseudo-independent organizations that act as the originals’ doubles are being prepared. The especially disobedient ones are being quashed by new laws or simply destroyed, their activists planted with arms or drugs and accused of terrorism.

The situation remains difficult in the Republic of Chechnya, where the population has been handed over to the mercy of those who only recently fought against the Russian authorities, and today are prepared to wreck havoc within rows of the federal structures themselves. Ramzan Kadyrov has become the undivided sovereign of Chechnya. His people collect tribute payments from all who own small businesses or have state jobs. This is done almost officially and completely openly in the guise of collecting contributions for a charitable fund.

In the mean time extrajudicial reprisals continue, people detained by official security forces during “special operations” vanish without a trace. This is also how Bulat Chilayev, a 27-year-old driver for a medical program of the Civic Assistance Committee, was detained and vanished in a Sernovodsk special operation on April 9, 2006.

Chechens are still unable to find housing and work in other regions of Russia, where they are being refused registration and work, and being stopped and insulted on the streets by a police force that fails to protect them from nationalists. On the contrary, much of the police force is itself inflicted with xenophobia and is prepared to back the fascists when they attack Chechens and others from the Caucasus.

Against this backdrop, the persecution of Muslims and simply migrants from Central Asia, especially Uzbekistan, is becoming widespread. The detention of Uzbeks is occurring with participation of the Uzbek secret services. Since extradition remains a fairly complicated legal procedure, it is being replaced by simple deportation for the smallest violations of residency rules. At the same time, the expelled are not given the opportunity to simply leave the territory of Russia but are handed over directly to the Uzbek secret services.

Of the widest scale, since the start of this October, has become the anti-Georgian campaign, which from its start to finish is based on lawlessness.

It is easy to trace a link in this campaign with specific interpretations of statements made by the head of state about problems in Russian-Georgian relations and the defense of the so-called indigenous population. These pronouncements have been accepted on the spot as instructions to wage an organized persecution of Georgian nationals.

This campaign touched not only Georgians and people without citizenship, but also ethnically Georgian citizens of Russia. There are numerous cases of their expulsion outside the boundaries of the Russia Federation, them being stripped of citizenship, the ruin of their businesses. Former inhabitants of Abkhazia who came to Russia as a result of the 1992-93 armed conflict have been left in an especially precarious state. They may not return to Abkhazia and have no alternative opportunity of resettling in Georgia.

While the police keeps busy hunting for Georgians, committed crimes go unpunished and court decisions not enforced. Anna Politkovskaya perished. Despite the prosecutor general’s refusal to grant extradition, the ban on deportation imposed by the European Court and the Moscow city court’s decision to overturn a district court’s deportation ruling, the cook Rustam Muminov has been handed over to the authorities of Uzbekistan after being defamed without any basis by the Federal Security Service (FSB) press service. Fascists are threatening human rights campaigners while the FSB sees no signs of criminal offenses in these threats. We shall examine some of these listed offenses more closely.

State of Residents in the Republic of Chechnya

We hear constantly from official authorities that the situation in Chechnya is stabilizing and the republic is stepping firmly on the path of renaissance. This is true. Housing is being built more briskly in Grozny: buildings are slowly turning up, and not only their facades are being restored, as was recently the case. Every family is trying to bring its home and household back up to living standards the best it can.

People are trying to put together their tiny businesses: cafes, stalls and stores are opening up. Libraries are being reassembled; the university and other teaching establishments are open. However we may only speak of a stabilized situation from one point of view: the Republic of Chechnya has been instilled with oppression, a constant fear that inhabits souls, a vow to silence that envelopes people's grief and suffering. The 2006th year has not brought encouraging news.

Federal authorities have managed to bring about what is being called "the Chechenization of the conflict." The East (Yamadayev) and West (Kakiyev) battalions, along with elements allegiant to Ramzan Kadyrov (converted into the South and North battalions) formally belong to the federal security forces and continue to terrorize the population no less so than it had been before.

Abductions continue. In the best case, relatives use ransom money to buy back their loved ones, dead or alive. In the worst – they disappear without a trace.

The crimes are not being investigated even in those obvious cases when the abductors are known. This was the case in the village of Borozinovskaya in June 2005, when fighters from the East battalion abducted 11 locals and burned down four homes, with the 70-year-old owner of one burned alive. Residents discovered whom the abductors were, but the case was ground to a halt with use of a stock phrase for such cases: "due to the impossibility of determining the person subject to be brought to justice."

The Let's Save the Generation organization head Murad Muradov and its staff member Ismail Kadayev were abducted by members of an undetermined security unit during a special operation in the Ippodromniy micro-district of Grozny on April 15, 2005.

None of the security services accepted responsibility for their abduction. Muradov and Kadayev were listed as missing, with their fate unknown. At the same time, the republic's prosecutor general's office launched a criminal case against Murad Muradov on terrorist activity charges. Based on this, it also confiscated Let's Face the Generation's technical equipment and documents.

At the end of February 2006, the relatives of Muradov and Kadayev received news that they could collect their loved ones' bodies. The Chechen prosecutor general's authorization to deliver Muradov's body stated that "the department of the FSB of the Russian Federation for the Chechen Republic has no compromising material concerning Muradov M. Kh., including his participation in illegal armed formations. It has no information implicating Muradov M. Kh., in accordance with Federal Law No. 1340 from 25.07.1998 On the Fight Against Terrorism, of crimes of a terrorist nature."

Civic Assistance Committee staff member Bulat Chilayev was abducted in Sernovodsk on April 9, 2006 during a special operation. A medal of a West battalion fighter was found at the scene of the abduction. The abductors were not questioned for an extended time. In September, the medal's owner was killed in another operation, and the case is not being investigated further.

An unbelievable story occurred to Khamzat Tushayev. A July 2006 telephone call placed to his wife's mobile phone invited him to visit the prosecutor. On the next day, he stepped onto the secured grounds of the Grozny government buildings, passed through the checkpoint and disappeared without a trace. An inquiry placed to the prosecutor met an empty response that suggests that there is also no investigation into the case.

All of the listed abductions were committed by official security structures. Without doubt, some blame for abductions lays on the conscience of illegal armed groups. However official authorities may not relieve themselves of blame for everything that goes on in Chechnya, where – according to their own proclamations – peace and order now reigns.

Corruption has turned into the unwritten law by which everyone lives and which perhaps only the human rights organizations fail to accept. Its scale is monstrous.

Temporary housing areas are being destroyed in Chechnya; compact housing settlements are closing in Ingushetia; temporary housing centers are shutting down in other regions of Russia. The residents of Chechnya are being driven from everywhere, giving them no opportunity to gain housing or compensation for the losses suffered during carpet bombings inflicted by the state.

Outside the republic's boundaries, Chechens, whom the president of Russia has repeatedly called "fully fledged citizens," in practice are being laid off from work, are in constant jeopardy or being put under suspicion of committing crimes, or simply become victims of fabricated criminal cases commissioned on someone's orders. They are still being denied registration in rented residences. The police refrain "I do not want Chechens on my beat!" is being constantly repeated in its various forms in different regions.

Compensation payments for lost housing and property have stopped practically everywhere. A country that spent 10 billion roubles to stage a G8 summit over several days has spent 20 billion roubles on compensation for the destroyed housing of its own citizens during the entire course of the campaign.

There is continued persecution of those who appeal to the European Court, pressure put on witnesses, torture of detainees, forced confessions leading to incriminations of self and others, and enormous sentences brought on those who committed no crimes.

Insults and denigrations of human dignity have long ago turned into a fact of Chechens' lives.

Recently, the rejuvenation of fascist movements has reached threatening proportions. Their representatives have visited the Kremlin and Kondapoga, where interethnic fighting that resulted in deaths flared. Under their influence, the conflict has grown into a popular appeal to expel Chechens, the destruction of Chechen property and the burning of their homes. A wave of pronouncements in support of the "glorious people of Kondapoga" rolled across the country. The fascists warn: "It will be like this everywhere!"

What may human rights organizations achieve in these conditions? Since the start of military operations in the Republic of Chechnya and to this day, the human rights center Memorial, the Society of Russian-Chechen Friendship, the Chechnya Justice Project, the Civic Assistance Committee and other civic organizations help civilians in Chechnya and outside its boundaries. This modest help may prove effective in certain specific cases but, without doubt, does not have a decisive effect on the general state of lawlessness and impunity in Chechnya itself, nor on that facing its residents in other subjects of the Russian Federation. Several non-governmental organizations that, like the Memorial human rights center, give their all to end the oppression in reality achieve only one thing: the truth about Chechnya may be discovered by anyone who takes the effort to familiarize themselves with our regular monitoring reports, statements, press releases, accounts and papers.

We are forced to draw two conclusion based on our analysis of the situation. A minimal level of security for civilians has not been established in the Republic of Chechnya.

An alternative opportunity for resettlement within Russia does presently exist for the residents of Chechnya.

Campaign of Fabricated Criminal “Islamic Extremism” Cases

The majority of criminal cases we investigated in central Russia, the Volga region and Siberia are based on a Supreme Court of the Russian Federation ruling made on 14.02.2003 recognizing a series of Islamic organizations as terrorist in nature. The decision was reached in a closed court hearing without representatives from the banned parties and movements being present. The motivation for including a raft of organizations into the list was fit into a few lines that failed to demonstrate any facts proving the organizations’ terrorist ways. As basis for pronouncing them terrorist, vague phrases of a general character were used – such as “militant Islamic propaganda,” “intolerance of other religions,” “active recruitment of supporters” and others. The decision does not stand up to any legal criticism.

Among others, the banned list includes the Islamic Party of Liberation (Hizb ut-Tahrir al-Islami).

The ideal of the birth of a Sharia state advocated by Hizb ut-Tahrir without doubt contradicts democratic values but, in our opinion, should in no way be grounds for criminal prosecution of its followers.

Beginning with the summer-fall of 2004, criminal cases of alleged involvement in a terrorist organization based on the above-mentioned Supreme Court decision have been launched against dozens of suspected members of Hizb ut-Tahrir in a number of Russian regions.

Material evidence in these cases includes mention of the term “keeping banned literature,” despite the fact that such a concept does not exist under Russian law.

In several cases, discussion of “banned” literature and its distribution among followers is equated to the perpetration of grave and especially grave crimes – to involvement in terrorist activity and creation of a criminal organization (st. 205-1 and st. 210 of the Criminal Code of the Russian Federation), which carry maximum prison sentences of eight to 15 years, respectively.

According to our data, to this day 49 people have been convicted of belonging to Hizb ut-Tahrir in Russia, 33 of whom have been jailed – including for extended periods (up to 8.5 years of a strict prison regime). None of these people took part in terrorist activity, its perpetration or committed it in any way.

These criminal cases, for the above-mentioned reasons, are difficult to view as anything other than ideological persecution.

Thus, Eduard Khusainov from the city Nizhnevartovsk was handed a four year, five month conditional sentence for openly voicing to the chairman of the Supreme Court and to the Russian prosecutor general’s office his disagreement with the party’s ban, and requesting to see the wording of that ruling.

A separate group is made of up repressions again Muslim faithful who refuse to give false testimony against the accused, or who grant them and their families humanitarian assistance. The most active in this regard are the authorities of Tatarstan and Bashkortostan.

It should be noted that torture during investigation of fabricated criminal cases against Islamic extremism is used in no less than 40 percent of the cases.

There is also evidence of threats being used by security services against citizens who sign petitions protesting Muslim repressions. This has happened in several Russian regions, with Tatarstan, Bashkortostan, Udmurtia and Samara leading the way.

Another element of the campaign of fabricated criminal cases of this category is cooperation that goes outside the bounds of existing law between the secret services of Russia and Uzbekistan, which was stepped up greatly following the events in Andijan.

October 2005 saw the illegal deportation from the city of Kazan to Uzbekistan of Marsel Isayev, who was in the process of gaining refugee status. The decision on his deportation was reached after he refused secret service pressure to give false court testimony in a Hizb ut-Tahrir hearing. Witness intimidation and threats of deportation from Russia against citizens from other Commonwealth of Independent States (CIS) states that also practice religious persecution have become widely used in fabricated criminal cases – we know of many other similar examples.

A noticeable danger is posed by the growing practice of abduction and illegal expulsion from Russia of people from Uzbekistan wanted by the Uzbek secret services on fabricated charges of involvement in Islamic extremism. Thus the role of the Russian secret services in the abduction and illegal transfer to Uzbekistan of Alisher Usmanov, whose extradition was never officially examined because of his Russian citizenship (of which he was later illegally stripped), has been practically proven: the Uzbek National Security Service (SNB) released a press statement saying that the operation of his “phased movement” to Tashkent was conducted jointly with the Russian FSB. Human rights organizations have reliable evidence confirming other similar cases over recent years.

In order to overcome legal obstacles facing claims from Uzbek authorities against Russian citizens who come from Central Asian, there is also the illegal practice of recognizing people as having “failed to gain Russian citizenship.”

This ruling, based on documents falsified in Uzbekistan, was reached by a Khanty-Mansiysk autonomous region court again Khatam Khadzhimatov, who was detained in June 2005 in the city of Ivanovo along with 13 other ethnic Uzbeks destined for extradition on fabricated charges of their participation in the Andijan events. Fearing handover to Uzbekistan, Khadzhimatov fled to Ukraine, where with the help of the UNHCR he was resettled to Sweden, which granted him asylum. The 12 citizens of Uzbekistan and one of Kyrgyzstan that he was arrested with remained locked up in the Ivanovo city detention center, SIZO-1. Russia has denied them refugee status, and the Russian prosecutor general’s office has since allowed their transfer to Uzbekistan, despite a UNHCR appeal for their international defense. This decision was delayed only following a ruling by the European Court of Human Rights, which enforced article 39 of the court’s statute after hearing evidence of a lawyer invited from the Memorial human rights center.

There is a clear tendency in cases involving extradition of Uzbek citizens where, following their detention in Russia, the Uzbek side arbitrarily changes the criminal charges, amending them to meet Russian criminal laws, while the Russian prosecutor general's office ignores the clear falsifications that occur. This prompts the conclusion about the mutual interests of Uzbek and Russian authorities to adopt and use extradition decisions against people who are persecuted by Uzbek secret services on religious grounds.

The clear interest of the Russian secret service to meet Uzbek extradition requests by any means possible is seen in the case of Uzbek citizen Rustam Muminov. He was released from detention in the city of Lipetsk in September 2006 following a denial of his extradition by the Russian prosecutor general's office. Immediately thereafter, Muminov left for Moscow to appeal the UNHCR and the Civic Assistance Committee for protection. However the secret services traced his movements. He was detained at the Civic Defense Committee office on October 17 and immediately transferred to court, where he was denied the right to attorney's or human rights workers' help, or to present his case. The court ruled to expel him from Russia. For two days, the security services lied to Civic Assistance Committee staff and refused to disclose Muminov's whereabouts. On the third day, we were able to find Muminov in a center used to detain foreigners facing deportation, bringing with us a copy of a filed appeal to the court's extradition decision. We received assurances that Muminov would not be expelled until the court ruling entered into force. In addition, we filed an appeal with the European Court.

But on October 24, under instructions from the FSB and Russia's Federal Migration Service (FMS), Muminov was handed over to Uzbek authorities only five hours after the European Court of Human Rights informed the Russian representative about its decision to enact statute 39 in the case, demanding a halt to Muminov's forced return to Uzbekistan.

Yet our appeal was heard and upheld by the Moscow city court on November 2. The decision on Muminov's extradition thus never officially entered into force.

Muminov's case seems unprecedented, however we have evidence of other similar cases of illegal extraditions, which are legally presented as deportation cases.

Anti-Georgian Campaign Unfurled on the Territory of Russia

Since the start of October 2006, many regions of Russia have borne witness to an anti-Georgian campaign.

Testimony and documents received from people appealing us for help, along with from civic organizations and state services demonstrate that the campaign came as a result of a specific interpretation put on pronouncements made by our national leaders concerning problems in Russian-Georgian relations and internal political affairs.

These pronouncements were met on the spot as a call to arms for an organized persecution of Georgian nationals.

Mass checks of documents required for staying in Russia, working, and running small or mid-sized – and even large – businesses are being wrongfully carried out against Georgian citizens and simply ethnic Georgian. As a result of selective targeting of a set category of people, even if it does answer the law On the Legal Status of Foreign Citizens, these events are gaining overtones of persecution based on national identity, which is inadmissible.

However these checks, as a rule, are being carried out with grave violations of the law. Small and mid-sized businesses are being shut down if they are found employing ethnic Georgians, entry visas legitimately issued to Georgian citizens are being annulled, required visa registrations based on place of residence are not being renewed.

People are detained directly on the streets and, after being collected into large groups, delivered to court, where on a prearranged understanding they are within minutes and without attorneys or hearings into circumstances of the case all found guilty of administrative violations and expelled outside the boundaries of Russia. Often these people are not even admitted to court and are left waiting in the corridor or vehicle that brought them. The courts fail to examine details of the cases before them, fail to take into account marriages to Russian citizens, families or children brought up in Russia and having Russian citizenship, nor take into account the absence of any crimes committed by those about to be expelled.

Former inhabitants of Abkhazia who came to Russia as a result of the 1992-93 armed conflict have been left in an especially precarious state. They cannot return to Abkhazia and have no alternative opportunity of resettling in Georgia.

We are approached by former residents of Georgia who have received Russian citizenship through the courts, when passport authorities spoke before judges on their behalf. Now these same authorities are asking the courts to restore the dates of a potential appeal. The courts accept their appeals, the Georgians lose their citizenship and their passports are annulled.

An atmosphere of fear has gripped Georgian nationals living in Russia. It is being fanned by anti-Georgian themes being played up by the mass media, particularly on television. By police orders, some schools and universities are compiling lists of students with Georgian or Georgian-sounding surnames; student surveys are being taken about their parents' occupations. There have been cases of books by Georgian authors being removed from circulation.

Centers for temporary detention of foreigners who face expulsion are overfilled. Their condition cannot be considered satisfactory: meager food, cramped surroundings, lack of necessary sanitary conditions and medical assistance, inaccessible legal help – by international standards, such conditions may be compared to the use of torture against detainees.

A family visiting the Civic Assistance Committee saw its business of trade shops closed down. He had proper papers, the owner of the two small stores was his wife, and their two children are Muscovites. The reason for the stern police interest into their case was the surname of the husband, on whom the family business depended. The family was left without any finances, since all of their savings were spent on making sure their businesses were not completely destroyed.

The son of a Russian citizen – the son, a Moscow student and Ukrainian citizen – was taken away from her very home. The reason for his detention was his Georgian last name. He was not expelled yet the family, frightened by actions of the police, moved their son out of Russia.

Also leaving Russia was the family of a fairly prosperous businessman, a Russian citizen. After a series of insulting in their form, and obviously tendentious in their character, checks that suddenly befell him from all sides, the businessman liquidated his Russian business within a week and relocated to the West.

Such selective harassment of a specific group of people is a form of inadmissible discrimination, may in no way be viewed as a legal method of fighting illegal migration, and is an especially inappropriate attempt to bring order to this area, since it only feeds corruption as a result.

Staff from our organization in various Russian regions is reporting a growing number of official directives in accordance with which the anti-Georgian campaign is being perpetrated. According to some evidence, these directives are coming from above, according to others – they are being issued at the local level and formulated independently.

Specifically, in Saint Petersburg and the Leningrad region, a mass “cleansing” of ethnic Georgians is being pursued based on secret order No. 0215 issued on 30.09.2006 by the main department of the interior.

The main department of the interior of Saint Petersburg and the Leningrad region sent out an order to its precincts requiring them to report daily accounts of the number of Georgian citizens it caught committing various offenses. These were to be filled out in a special form. In part, this form asks them to list “the amount of ammunition, units of armaments and drugs seized from the Georgian citizens.”

It also demands that the precincts “conduct ... wide-scale events meant to maximize the detection and deportation of citizens of the Republic of Georgia, illegally staying on the territory of Russia. “And also to initiate before the courts, during hearings about violations to the rules on the stay of foreign citizens, decisions ONLY on deportation of the stated category of citizen, with detention” at the holding center prior to banishment. “The conduct of these operations has been agreed with the department of the Federal Migration Service for Saint Petersburg and the Leningrad region, while the rulings – with the court of the city of Saint Petersburg, and the court of the Leningrad region.”

Especially monstrous among the listed demands is the assertion about the preliminary agreement concerning the expulsion of Georgian citizens reached with the judicial authorities. Such agreements deprive legal hearings of any meaning and have a ruinous effect on the judicial system.

Law on Non-Commercial Organizations (NKO) and the State of Human Rights Workers

The draft law on NKO appeared at the end of 2005 and was still not entered for ratification into the Duma when the first response to it already registered. The signal was issued, in various regions the registration authorities filed hundreds of lawsuits meant to shut down non-governmental organizations. Simultaneously came a wave of nitpicking checks into their activities by the tax authorities. Such large NKO as the Forum of Migrant Organizations and the Soldiers’ Mothers Committee were forced to defend their right to exist before the prosecutors and the courts.

The Memorial organization, the International Protection Center and numerous other groups were suddenly declared tax cheats and required to pay tens of thousands of dollars in fines.

Memorial lawyers spent more than a year on legal hearings with the tax authorities. The main claim of the latter consisted of the improper spending of finances and the non-payment of taxes

on income made from fund donations. An example of improper spending consisted of the purchase of a wreath for the grave of victims of Stalin's repressions laid on the anniversary of their execution. This expenditure was claimed to have been private revenue of Memorial directors. After going through an entire series of tortuous proceedings, Memorial was able to prove that it had no outstanding tax payments.

Yet far from all hearings ended so successfully. The Society of Russian-Chechen Friendship (ORChD) in Nizhny Novgorod was able to stand up for itself at the end of 2005, when the registration authority filed a court petition aimed at closing the organization down. But on February 3, 2006, the organization's chairman Stanislav Dmitriyevsky was conditionally sentenced to a two-year jail term with a four year parole under st. 282 of the Criminal Code of the Russian Federation (incitement of national, racial or religious hatred) for the publication in the Rights-Defense newspaper of an appeal by Aslan Maskhadov and Akhmed Zakayev for peaceful negotiations of the Chechen conflict.

Therefore, on October 13, the courts dissolved ORChD, citing paragraph four of st. 19 of the law On NKO, which does not permit for the "founder, staff or member of a civic organization to be a person who is found by a court decision to have taken actions that constitute signs of extremist activity." At the same time the organization was found guilty of having failed to publicly disassociate itself from the activities of Stanislav Dmitriyevsky, and for keeping him on as chairman and one of its cofounders. None of these potential transgressions existed in previous versions of the law.

The new law, besides these novelties, contains such complicated and two-fold – even compared to the tax authorities – demands for accountability that any non-governmental organization will be forced at the end of the year to fill out numerous vaguely expressed forms and questionnaires in which they will, without doubt, eventually make mistakes. This way, as a result of selective checks, any organization may be temporarily derailed while it is forced to exert massive efforts to account for itself. These "mistakes" may also be considered proper bases for the organizations' formal closure.

As an example of persecution against human rights workers, we may cite the story of Osman Boliyev, who was the subject of several articles written by Anna Politkovskaya.

Osman Boliyev is the chairman of the civic group Romashka (Daisy). He initiated an appeal to the European Court concerning the October 19, 2004 abduction by Khasavyurt interior ministry officers of a local named Yaral Israilov, and also disclosed the death a six-year-old girl named Sumaya Abdurashitova, who fell victim to the security forces during a March 14, 2005 special operation in the Khasavyurt region village of Solnechnoye.

Boliyev faced the absurd accusation of the illegal procurement, storage and carrying of arms (st. 222, pt. 1 of the Criminal Code of the Russian Federation), which led to an arrest that demonstrated all disdain for legal procedure and consequent torture aimed at forcing his confession. Thanks to united and active support of human rights organizations and professional work of attorney Sergei Brovchenko, Osman Boliyev was acquitted.

However this failure did not prompt authorities to halt their persecution of Boliyev. Judge Ramazanov, who decided to acquit Boliyev, was forced into retirement. And on June 15, 2006, Boliyev was again charged under the same st. 222, and also under st. 208 (participation in an illegal armed formation). Anna Politkovskaya found his name listed among the alleged

participants in the Dubrovka theater terrorist hostage taking. We were able to urgently lead Osman Boliyev out of Dagestan. He was forced to leave Russia and win asylum in Europe together with his family, which also started receiving threats.

How the European Union May Influence the State of Human Rights in Russia

An open dialogue is required between the Russian Federation and the European Union with the participation of representatives of civic organizations. This dialogue may take on various forms, seeing the development of programs for monitoring, analyzing and preparing recommendations on improvements to the human rights situation in Russia, as well as educational programs.

Some human rights problems are characteristic not only of the Russian Federation but also the European Union. These include problems of asylum, defense of migrants' rights, constraints on human rights within the context of the fight against terrorism, the rise of xenophobia. Certain approaches to resolving these problems need to be developed and see changes dictated by modern day demands. This perhaps should be the approach to discussions on the spirit of Dublin II Regulations and their application within an expanding European Union.

An effective dialogue may be achieved only if it is fairly direct and impartial. Political correctness should not become a cover for egotism. Indifference to the state of human rights in Russia carries with it a deep and serious threat not only to its population, but also to the future development of the situation across the world, and first of all in Europe.

Therefore the European Union must clearly define its priorities, moving democratic values into first place and expressing readiness to forgo its own economic interests to a certain extent.

If a readiness to sacrifice a part of its personal comfort does not become a part of the European community's ideology, then influencing the situation in Russia will become an unattainable task.

There are means independent of Russia for expressing an attitude toward what is happening to the citizens of discriminated groups. To this end, in part, may become a decision to extend asylum to these groups' members.

Human rights consultations between the European Union and Russia must expand, deepen and grasp more widespread civic groups and subjects. In such a case, their influence may become very tangible.