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HRW.org

January 22, 2013

Christophe De Kepper
Director General
International Olympic Committee
Chateau de Vidy
1007 Lausanne
Switzerland

Subject: Human rights concerns ahead of one-year countdown to Sochi Games

Dear Christophe,

Thank you for your letter of November 2, 2012 regarding the power plant in Kudepsta as well as your letter of December 9, 2012 about concerns related to migrant workers employed on Olympic construction sites in Sochi. That response has been incorporated into our forthcoming report on migrant workers in Sochi.

We would like to take this opportunity to respond to a few points that you raised regarding **the Kudepsta power plant and migrant workers**, as well as to share with you **four other areas of concern** which we documented during our most recent research trip to Sochi in November and December 2012. These concerns relate to **forced evictions** and demolitions; health and environmental issues faced by the residents of **Akhshtyr**; the harmful effects of **landslides** triggered by Olympic construction activity on two streets in Sochi; as well as **pressure on civil society activists and journalists** who seek to document Olympics-related abuses, which is happening against a backdrop of a number of federal laws passed in the last eight months severely restricting freedom of expression and association.

1) Kudepsta Power Plant

Thank you for your long and detailed response on this issue. As you may know, on December 7, 2012, the Russian Environmental Protection Agency approved the permits for the project to go ahead. No additional work has been started on the site at this time, although the authorities maintain that the plant will be completed by the end of 2013.

With respect to the issues raised in our earlier letter, we reiterate our concerns about numerous media reports indicating that the IOC is strongly advocating for the power plant at a time when there are legitimate and unresolved concerns by the residents of Kudepsta about the impact of the power plant. Residents have voiced additional concerns that the power plant may also adversely affect their livelihood by decreasing Kudepsta's

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popularity as a resort destination, since tourism provides an important source of income for the majority of Kudepsta residents.

Your letter states that the works done on the power plant site to date related to “obtaining data to be used for the application of permits.” Repeated visual observations of the site confirm that works done through December 2012 included the following: cutting of trees, building of an extensive fence to cordon off the area, the construction of a bridge to access the site, and the transport of large dump trucks and other equipment to the site. We would be grateful for further information as to how these works relate to “obtaining data” for environmental permits.

In response to our question about concerns raised by local residents, you state that in November 2011, “a group of villagers were present” when an IOC official and government officials visited the site, that these villagers “expressed their satisfaction” about the plant, and that “the IOC has closely followed updates on the steps being taken to reduce the environmental impact of the facility.” Your letter does not indicate any response to or acknowledgement of local residents’ repeated, vocal concerns about the plant.

We would like to ask again what specific steps the IOC has taken or plans to take to raise with the authorities local residents’ concerns about the plant, including its potential environmental impact, and impact on their lives and health, including noise and other pollution. Those concerns have been raised both by us, in our October 2012 letter to you, and communicated to the IOC directly by the residents themselves. Further evidence of these concerns include: numerous public protests by residents in 2012, including in August 2012 which resulted in the detention of two community leaders; a tense public hearing in August 2012 in which residents raised a number of concerns directly with the local authorities; and the 24-hour monitoring at the site undertaken continuously through this writing by residents who are concerned about the plant and its potential impact.

Finally, in December, a Human Rights Watch researcher met with a group of approximately 40 Kudepsta activists and residents who for the last year and a half have voiced concerns as described above. Activists again said told us that they had sent numerous letters and meeting requests to the International Olympic Committee, but were not given the opportunity to meet with IOC representatives during any one of their regular inspection visits to Sochi.

2) Migrant workers

Again, thank you for your response to our November 12, 2012 letter. We have received a letter from Olympstroy relaying much of the same information provided in your letter. We believe the information we provided should be sufficient for each of the relevant companies and Olympstroy to undertake investigations into potential abuses on their sites. As noted above, the information received from the IOC, Olympstroy, and the companies who responded to our letters will be included in our forthcoming report.

3) Forced evictions, demolitions

a) The Khlistov family

As we have noted repeatedly in our correspondence, forced eviction, or the coerced or involuntary displacement of individuals from homes or lands that they occupy or depend on, without provision of and access to appropriate forms of legal or other protection as well as provision of reasonable compensation, is a serious violation of international law.

The Khlistov family lost not only their home of 16 years, in which the six family members lived together, but their extensive gardens and land to raise livestock, which they depended on for food.

Although two very small apartments were given to the family as compensation for a dorm room which Sergei Khlistov received from the local administration in the 1960s, these apartments cannot be considered to serve as compensation for the family's loss of the house, land, and income in the form of food and livestock which they subsisted on or sold for income.

The information provided to the IOC by the Russian authorities, which you have accepted as the final word on this case, disregards established international law.

We also have not received a response from the IOC (or the Russian authorities) as to how the authorities explain that:

- 1) The state had previously treated the house as a legal structure. This is evidenced by the facts that the land was registered with the state individual constructions fund in 1994 (indicating that a house could be built on it), that the building was twice issued a technical passport, and that the family paid taxes on the land and the house; and
- 2) The eviction and demolition also went forward despite the legal opinion issued by the regional prosecutor's office responsible for oversight of Olympic preparations which found that the Khlistovs' use of the land was legal and recommended that the authorities include the family in the compensation program for persons resettled for Olympic construction.

We are requesting an answer to the following questions:

- 1) How do the authorities explain their actions as consistent with international law, including Russia's commitments under the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Social, Economic and Cultural Rights?
- 2) What is the authorities' position on the legal opinion issued by the regional prosecutor's office responsible for oversight of Olympic preparations?

3) After treating the Khlistov's use of the land and the house on it as legal for 16 years, how do the authorities explain the 2011 change regarding this property why did the government then sue the family for illegal construction?

b) The Kravets family

We would welcome more information on the failure by the authorities to award this family fair compensation for the demolition of their home located on the shore of the Black Sea. Details of the case were emailed to Mark on November 7, 2012. A copy of that email is attached here for your reference.

c) The Mzokov family

During our November 2012 visit to Sochi, we documented the forced eviction of the Mzokov family. The family of 12, including 4 children, had been living in a three-story house at 17 Yana Fabritsiusa Street since 1999. The family had full legal title to the plot of land and the house they built on it. In April 2012, the Mzokovs learned that their house was to be demolished to make way for the road connecting Kurortny Prospect and Transportnaya Street, which the local authorities told the family was considered part of the Olympics infrastructure.

Also in April 2012, the local authorities sued the family for having built their house unlawfully, despite the family's possession of all necessary legal documents pertaining to the land and the structure. A local court ruled in favor of the family in April, but the Sochi administration successfully appealed the decision and on August 22 won a court order to demolish the house. The court decision was subject to immediate execution.

Between August 22 and September 17, court bailiffs regularly called and visited the Mzokovs, demanding that they leave the house and threatening them with immediate eviction in order to demolish the house. On September 18, court bailiffs attempted to forcibly evict the family, but were unable to do so as Mr. Mzokov fell ill and an ambulance was called. The Mzokovs' house was finally demolished on the bailiffs' orders on October 4, 2012, while the family was still in the process of removing their belongings. The Mzokovs have not been offered resettlement or compensation for the house or the land. Family members are now living with relatives and friends.

We would welcome more information on the legal basis on which the Sochi authorities challenged the court ruling finding that the Mzokovs held legal title to their house they have been living in for the past 13 years, and on what legal basis the authorities have denied the family access to the property compensation program for homeowners evicted due to Olympic construction. We would also like more information on why the Mzokovs were not given the opportunity to appeal the court decision ordering the demolition of their home.

4) Akhshtyr

We continue to have serious concerns about the treatment of residents in the village of Akhshtyr and believe that the information provided to you by the Russian authorities is inaccurate.

Destruction of wells and continuing absence of sustainable water supply

As you recall, we raised concerns regarding the destruction of the wells in Akhshtyr in letters to you on October 1, 2009, December 9, 2010, and May 20, 2011. Our information is based on visits to the village, which include physical observation as well as corroborating interviews with village residents.

In a letter to us on March 16, 2011, the IOC wrote, “According to the information provided by Sochi 2014 ... [a]s part of the [road] construction project, OAO Russian Railways constructed a modern water-supply facility that complies with all hygiene and ecological standards and provides water for Akhshtyr.”

In a February 3, 2012 letter, the IOC wrote, “According to our information from Sochi 2014, it seems that the Krasnodar Region Administration has not yet received any information that there is a problem with the supply of drinking water. However, there were problems with the supply of water to be used in the kitchen gardens of residents. This problem was solved by having OAO Russian Railways “RZD” drill wells to ensure that the villagers are provided with water to tend their kitchen gardens.”

However, there is clear evidence, from both Akhshtyr residents and according to an official letter from the regional authorities, that there is still no stable and safe water supply for the village.

In interviews with 10 residents in December 2012, residents confirmed that following the destruction of the village wells during road construction, they still do not have a stable water supply. Drinking water continues to be delivered by truck once a week, as we first reported to you in October 2009. Sometimes the delivery is less regular than that. Residents continue to collect rain water in barrels.

In an October 2012 letter in response to complaints filed on behalf of residents by one village leaders, V. Kalinin, the Krasnodar Region Directorate of Motor Roads stated that “as a result of numerous appeals by Akhshtyr village residents ... in November 2011 ... Russian Railways drilled a well 40 m deep and installed two water taps, which are located in the lowest part of the village. [However], considering that the pipeline to Akhshtyr village did not meet the sanitary-protection norms and do not meet firefighting requirements in the village, the project documentation did not pass the state inspection.”

The letter further states that some steps may be underway to try to address the continuing lack of a water supply in the village: “The Sochi Administration Directorate on Capital Construction has prepared an approximate estimate for design and exploratory work in order to provide a stable water supply for Akhshtyr village, which amounted to 14.7 million rubles (US\$483,000). This information has been presented to the Head of the Sochi administration in order to determine a possible funding source.”

A copy of the original letter and an informal translation are attached for your reference.

The residents of Akhshtyr have been without a regular water supply for over four years. They continue to face risks to hygiene and health. In light of this, we call on you to press the Russian authorities to urgently resolve the situation by providing a stable, continuous,

sanitary supply of water of sufficient quantity to meet the household and agricultural needs of local residents, and that is in compliance with all relevant sanitary and fire safety norms.

Heavy truck traffic accessing quarries and garbage dump

The October 2012 letter from the Krasnodar Krai Directorate of Motor Roads referenced above also states that the local administration that has jurisdiction over Akhshtyr village has raised concerns about the heavy truck traffic running along the one-lane road through Akhshtyr village. The overwhelming majority of houses within the village are situated directly along either side of the narrow road for several kilometers. Large dump trucks used in construction drive continuously, 24 hours a day, seven days a week, through the village. The trucks access two quarries and a garbage dump in the mountains above the village and to return to Sochi from those locations. The gravel from the quarries is used for construction of Olympic infrastructure as well as other construction.

The truck traffic creates large amounts of dust, which residents complain has adversely affected their health, properties, livestock, and agriculture. When we visited the village, we could see layers of dust up to 5 inches (12 centimeters) thick on roads, driveways, houses, trees, etc. The drivers of the trucks also often speed, creating dangerous conditions for the residents, including for their children.

In the case of Vladimir and Valentina Kalinin, who live at 22 Kropotkinskaya Street, the heavy traffic along the road, which runs directly above their property and hillside home, has caused the land to slide, causing visible cracks in the exterior and interior of their home. They have been offered no compensation for the damage done to their home.

The October 2012 letter from the Krasnodar Krai Directorate of Motor Roads stated that it had sent appeals to Russian Railways' construction division, "RZhDStroi," requesting that the agency take concrete actions necessary to minimize the negative impacts of the trucks, such as reducing the speed of the trucks, spraying water on the roads to keep the dust down, and repairing the road as necessary. The roads agency also sent an appeal to the Krasnodar Region division of the Environmental Protection Agency (Rosprirodnadzor) asking them to investigate and consider installing windows to help protect residents from the dust. A final appeal had been sent to another agency responsible for environmental oversight to investigate whether the companies operating in this area are in compliance with environmental legislation.

While this letter is encouraging, we are concerned that the situation created by the heavy truck traffic, dust, and other problems has persisted for over four years in Akhshtyr without resolution. Insofar as the heavy dump truck traffic along the road is directly related to Olympic construction, we call on you to intervene with the authorities, including RZhD, to immediately take measures to remedy the situation. These include but are not limited to the measures outlined by the Krasnodar Krai Directorate of Motor Roads to mitigate the impacts of the road on the village and its residents. Steps should include immediately evaluating the options for constructing an alternative route along the river to access the village and providing separate access for construction-related traffic and residential traffic.

Access to the A148 road for Akhshtyr residents

The completion of the combined road and rail line to Krasnaya Polyana running adjacent to Akhshtyr will cut off residents' pedestrian access to the main existing road running from Adler to Krasnaya Polyana, the A148. Akhshtyr's residents' only ready access to school bus and public transportation stops is on the A148 at the point where the A148 is nearest to the village.

Akhshtyr has never had convenient and direct automobile road connection to the A148. The only road from Akhshtyr into and out of Sochi connects to the A148 when it crosses the Mzymta River several kilometers south. There is public transportation service on this road.

Residents have always accessed the A148 at its closest point to the village by walking across an unpaved trail and a swinging wooden footbridge across the Mzymta River. Many villagers have no other way to get their children to school, in the absence of their own vehicle, or would have to drive over an hour to do so. The combined rail line will make it impossible for residents to use the unpaved trail they have relied on, and there is no pedestrian crossing on or over the combined road.

In order to preserve the crucial link to the A148 for villagers, residents are requesting that a pedestrian bridge be built over the combined road and that the swinging wooden footbridge, which is in disrepair and dangerous even when all wooden planks are in place, be replaced with a permanent bridge. These projects would be a small contribution against the backdrop of the substantial investment in the combined road.

We encourage the IOC to raise this important issue, as without a pedestrian crossing, the lives of the residents of Akhshtyr will be deeply compromised as a result of the combined road and rail link, a crucial piece of Olympic infrastructure.

5) Landslides at Ternovaya and Bakinskaya Streets

Ternovaya Street

Residents of Ternovaya Street in Chereschnya village of Sochi's Adler district have suffered from the effects of landslides triggered by the nearby Olympic construction of power lines, which involved cutting down large parts of surrounding forest and removing large amounts of topsoil. Since the beginning of the construction in April 2012, residents, some of whom have been living in the area for over ten years, witnessed their houses deteriorate right before their eyes.

Three houses on Ternovaya Street, nos. 14, 12, and 6, have been especially harmed, as landslides caused them to slide down and led to massive cracks in the walls and foundations. For example, Luda Ogonyan, 54, who lives at 12 Ternovaya Street, told us one of the walls in her house collapsed in March 2012.

In May 2012, the Commission for Warning and Clean-up of Emergency Situations of the Adler (Sochi) district administration (Комиссия по предупреждению и ликвидации чрезвычайных ситуаций и обеспечению пожарной безопасности администрации Адлерского района г. Сочи), upon inspecting houses 6, 12 and 14 on Ternovaya Street, concluded that the landslides were caused by the nearby construction of power lines, conducted by the company ZAO "Electrosetstroiproekt." The Commission requested that the company and the

Sochi administration take a number of steps to remedy the situation. The steps included, among others: immediately providing alternative housing to affected families; conducting a detailed environmental assessment of the area; immediately installing barriers to prevent further landslides in the area; and immediately commencing reconstruction of the affected houses. Despite this initial encouraging response, the promised support was limited to the authorities providing a trailer for temporary housing for the Ogonyan family. Ogonyan said that for the last few months, the family of five, including two children, aged 5 and 6, have been living in a tin trailer, which was installed next to the house.

Bakinskaya Street

In April 2011, Bakinskaya Street in the Veseloe village of Adler was affected by a landslide, triggered by repeated unlawful dumping of heavy construction materials above the street. Local residents and environmental experts allege that the construction materials dumped there were from Olympics-related construction nearby in Adler.

The Kaladjians are a family of eight who live on Bakinskaya Street 2a/7. The landslide caused their house to tilt and sink about three meters into the ground. The family has not been offered permanent resettlement or compensation for their house and continues to live in it. They have been offered temporary resettlement only to dormitory-style accommodations in a large apartment block, which is not feasible or appropriate for a family of eight.

In response to a joint lawsuit filed on behalf of a group of families affected by the landslide, in March 2012, the Adler District Court requested the Federal Supervisory Natural Resources Management Service to “inspect the area of the landslide and document the existence of an unlawful dump of construction waste that may have triggered the landslide” on Bakinskaya Street. However, since that time no further steps have been taken to execute the court decision.

With regard to both Ternovaya and Bakinskaya streets, we are concerned that the threats to residents’ wellbeing and the decline in their quality of life are serious, protracted, and unresolved. On Ternovaya Street, these adverse effects are unequivocally a direct result of the authorities’ preparations for the Olympics. On Bakinskaya Street, the authorities should conduct a prompt and thorough investigation to determine who is responsible for the illegal construction waste dumping and whether it is related to Olympic construction, as local residents and experts suggest.

We encourage the IOC to urgently raise these situations with the authorities and urge on them to, at minimum, carry out the measures called for by the Adler District Court and the Adler District Administration Commission for Warning and Clean-up of Emergency Situations. The authorities should also immediately ensure the safety and well-being of the residents in these areas and consider appropriate compensation for the damage done to their properties.

6) Concerns related to pressure on civil society and media restrictions in Sochi

In a number of cases, the authorities have sought to intimidate and retaliate against journalists and activists who have sought to report on or protest against concerns related to preparations for the Olympic Games. This includes harassment and threats against

nongovernmental organizations that report on environmental issues, arrests of activists who have peacefully protested violations, and harassment and censorship against local journalists who try to publish information critical of the preparations.

Most of the independent journalists we spoke with said they link the increased censorship with the authorities' attempts to control and restrict negative information about Sochi and the Olympic preparations.

Journalists also reported significant difficulties when trying to access high-profile public events connected with the 2014 Olympics, such as press conferences organized around regular International Olympic Committee inspection visits to Sochi. Most told us that while a pool of journalists who can be relied on to publish uncritical information are able to get accredited for such events, some local journalists are "shut out." They indicated that because the authorities so actively strive to restrict independent or critical reporting on Sochi, it was not worth the effort to try to obtain accreditation.

Semyon Simonov, a local activist and journalist with Caucasian Knot, an online news site, told us, "Whenever the IOC comes here, the authorities make sure to completely shelter them from residents, activists and especially journalists who are known for asking 'uncomfortable questions.' The IOC visited Sochi many times and we could never meet with them. I know that people have tried and failed." An editor-in-chief of an independent online news source also said that all high-profile events in Sochi, especially Olympics-related, are heavily censored and that the authorities "make it very clear" that local journalists are not welcome.

As you are likely aware, the Russian federal authorities have in the past eight months adopted a series of measures that increasingly restrict freedom of expression and association. Such measures include laws imposing new restrictions on public assemblies, re-criminalized libel, and imposed new restrictions on internet content. Moreover, in November, Russian parliament adopted a law that expanded the definition of treason in ways that could criminalize international human rights advocacy. Laws adopted July and December law impose new restrictions on nongovernmental organizations. One law requires organizations that engage in advocacy or political work and receive funding from overseas to publicly label themselves as "foreign agents."

A wave of anti-foreigner backlash among Russian officials seems aimed at branding as "foreign" ideas about human rights and accountability. Top-level Russian government officials have embraced anti-foreigner rhetoric, successfully signaling to local officials to do the same and to discourage contact with foreigners.

These measures are sharply at odds with Russia's press freedom obligations under the Olympic Charter and the country's responsibility to welcome the international community as host of the Games.

Comments by Kevan Gosper at the World Press Briefing

With this recent backdrop of repression, which has been widely reported in the global media, we were surprised to read media reports quoting Kevan Gosper's unmitigated praise of the preparations for the Sochi Games, as well as the positive comparison between the

Sochi Games preparations and the Beijing Games. The Vancouver Sun reported on December 22, 2012:

“You're visiting one of the most exciting parts of the world, in terms of what's happening,” Kevan Gosper, chairman of the International Olympic Committee's press commission, told journalists at the World Press Briefing in Sochi last month. “What Russia is doing with Sochi to showcase itself to the world is very much like what the Chinese did with the Beijing Olympics. Russia is making a new presentation of itself to the world through these Games.... It's one of the most extraordinary transformations of a community I've ever seen. It's one of the fastest-changing landscapes not just in Europe, but on the globe.”

Future cooperation

We value this written dialogue and our meetings with you regarding Sochi over the last five years and would like to propose additional opportunities for engagement and cooperation on human rights concerns related to preparations for the Games.

We believe that in many cases the information provided to you by the Sochi 2014 authorities may not fully reflect the situation on the ground for many of those affected by the Olympic preparations.

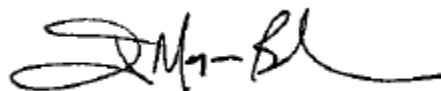
We would very much welcome the opportunity to spend 1-2 days with Mark and other officials during an upcoming visit of the Coordination Committee to Sochi, to arrange meetings with affected citizens and site visits to affected areas. We feel this would yield important firsthand information that would enable the IOC to more thoroughly assess and evaluate the information provided by Sochi 2014. We would welcome a concrete discussion with you about realizing such a trip.

We look forward to meeting with you in early February in Sochi.

Sincerely,



Minky Worden
Director of Global Initiatives



Jane Buchanan
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