

## Russia

Russia's armed conflict with Georgia over South Ossetia and its subsequent temporary occupation of parts of Georgia sparked international concern over the balance of power in the region and Russia's willingness to use force to protect its interests. The election of Dmitry Medvedev to the Russian presidency did not result in immediate improvements in the rule of law or the environment for civil society, with the government continuing to crack down against independent groups and activists.

International criticism of Russia's human rights record remains muted, with the European Union failing to challenge Russia on human rights issues in a consistent and sustained manner.

### Elections

In February the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe cancelled its planned observation mission to the presidential election, citing "severe restrictions on its observers."

On March 2, Dmitry Medvedev was elected president by over 70 percent of the vote in an election that was orderly but uncompetitive. The Parliamentary Assembly of the Council of Europe (PACE) characterized the election as a "plebiscite" on outgoing president Vladimir Putin's rule and his handpicked successor rather than a truly democratic election. Medvedev assumed the presidency on May 7 and immediately appointed Putin prime minister.

### The Armed Conflict over South Ossetia

After months of escalating tensions and clashes between Georgian and South Ossetian forces, Georgia launched a military assault on Tskhinvali, the capital of

South Ossetia, a breakaway region in Georgia, on the night of August 7-8. Russia moved significant forces into South Ossetia, ostensibly to protect Russian peacekeepers and Russian citizens there. After several days of heavy fighting, Georgian forces retreated, and Russian and South Ossetian forces pursued the Georgian army beyond the South Ossetian administrative border and occupied significant portions of uncontested Georgian territory. On August 15-16, Russia and Georgia signed a peace agreement.

On August 26, Russia recognized the independence of South Ossetia and Abkhazia, a breakaway region in western Georgia. On October 10, Russia withdrew from uncontested areas of Georgia.

All parties committed serious violations of international human rights and humanitarian law during the conflict (see also Georgia chapter). The fighting resulted in many civilian deaths and injuries. The Office of the United Nations High Commissioner for Refugees estimated 133,000 people were displaced by the conflict, but at least 80 percent have now returned to their homes. The majority of those still displaced are Georgians unable to return to their homes in South Ossetia.

Immediately following the fighting, Ossetian militias and looters systematically destroyed Georgian enclave villages in South Ossetia, with some militia members admitting that they wanted to prevent ethnic Georgians from returning.

Russian forces used cluster bombs in areas populated by civilians in the Gori and Kareli districts of Georgia, leading to civilian deaths and injuries. Russia also launched indiscriminate rocket attacks on civilian areas, causing casualties.

Russian forces in Georgia failed to protect civilians in areas under their effective control and prevented Georgian authorities from policing these areas, creating a security vacuum. Ossetian militias and armed criminal gangs looted and burned homes and killed, raped, beat, and threatened civilians in these areas.

Ossetian forces unlawfully detained at least 160 civilians, mainly elderly, in South Ossetia and the Gori district. Detainees were held in conditions that amounted to

degrading treatment. Some were subjected to beatings and forced labor. Russian troops and Ossetian militias detained at least 14 Georgian servicemen, subjecting them to severe torture and ill-treatment, including beatings, burnings, and starvation, and summarily executed at least one Georgian soldier.

## **Civil Society**

The government continues tightening control over civil society through selective implementation of the law on NGOs, restriction and censure of protected expression and the media, and harassment of activists and human rights defenders. These actions form an unmistakable part of the Russian government's efforts to weaken—in some cases beyond recognition—the checks and balances needed for an accountable government. In May oversight of NGOs was transferred from the Federal Registration Service to the Ministry of Justice, raising hopes that the law would be implemented less selectively, but as of this writing the transfer appears to have had little practical effect.

In April Russia's Supreme Court upheld the liquidation of Sodeistvie, a refugee assistance NGO in Vladimir. Sodeistvie had submitted an activity report in 2007 but was liquidated for failure to submit past reports; a violation the government argued could not be remedied.

Two offices of the voters' rights NGO Golos suffered harassment, apparently to interfere with elections-related work. In the two weeks before the presidential election, Novosibirsk authorities made numerous onerous demands for documents from Golos's regional affiliate. In Samara the prosecutor ordered the Golos director to undergo psychiatric and drug examinations while investigating specious accusations of software piracy.

2007 amendments to the extremism law allow any politically or ideologically motivated crime to be designated extremist. Russian authorities apply these provisions to silence government critics, and in 2008 initiated cases against NGOs, activists, and independent media, including internet sites and blogs. The Nizhni Novgorod environmental NGO Dront received a warning for unspecified extremist

content on its website. In August the Moscow City Court upheld the liquidation of the independent news website Ingushetiya.ru for extremism.

In July a court in Syktyvkar convicted Savva Terentyev for inciting hatred against police for a blog comment. A blogger associated with the youth political organization Oborona came under investigation for allegedly inciting hatred against the Federal Security Service (the state security police), having criticized them for corruption and attempting to close Oborona. In both cases incitement provisions were applied on the basis of officially characterizing the respective police forces as “social groups.”

## **The North Caucasus**

In Chechnya the armed conflict has subsided and significant reconstruction is ongoing in Grozny, the capital. However, security forces loyal to Chechen President Ramzan Kadyrov continued to use torture and illegal detention, especially against those with suspected rebel ties. A growing atmosphere of intimidation fostered by the government in Chechnya inhibits human rights monitoring and accountability for human rights abuses.

Local human rights groups continued to report a decline in the number of enforced disappearances, documenting 30 abductions leading to nine disappearances by September. However, few efforts have been made to address the cases of as many as 5,000 people “disappeared” since 1999. On August 3, 2008, Mokhmadsalakh Masaev was abducted and “disappeared,” less than a month after a newspaper published his account of ill-treatment during four months in a secret prison in Chechnya. A local police station refused to register the abduction report filed by Masaev’s brother.

Violence continued elsewhere in the North Caucasus, with armed clashes between rebels and police in Ingushetia and Dagestan. In Ingushetia law enforcement and security forces involved in counterinsurgency committed serious human rights abuses including summary and arbitrary detentions, acts of torture and ill-treatment, enforced disappearances, and extrajudicial executions.

On January 26, police in Nazran, Ingushetia, arrested 10 journalists and two human rights defenders monitoring a violent demonstration against government repression and corruption. Two of the journalists, Said-Khussein Tsarnaev and Mustafa Kurskiev, were kept overnight in custody and denied access to counsel, food, and water. Police severely beat Kurskiev, then denied him access to medical care.

In July approximately 50 armed members of the security forces in military vehicles took Zurab Tsechoev of the human rights group Mashr from his home in Magas, Ingushetia. Tsechoev was blindfolded and driven to an unknown location. His abductors accused him of working for Ingushetiya.ru, beat him causing serious injuries to his chest and legs, and threatened his family.

On August 31 Magomed Yevloev, owner of Ingushetiya.ru, was shot in the head while in police custody after being detained at Nazran airport. The killing was ruled accidental, and no disciplinary measures were taken. Yevloev's killing and the lack of accountability for the perpetrators prompted public indignation against the Ingush authorities. Alleged insurgent attacks increased in the republic in the latter part of 2008. Against this background, on October 30 President Medvedev dismissed Murat Zyazikov as president of Ingushetia and replaced him with a military general, Yunus-Bek Yevkurov. Political and civic activists in Ingushetia expressed hopes that the new president would be capable of overcoming the republic's pressing human rights and security challenges.

In October the trial of 59 alleged participants in the 2005 Nalchik uprising, in Kabardino-Balkaria, began again after a long delay. Many of the defendants have alleged torture and other abuses while in custody.

### **Migrant Construction Workers**

Russia has between 4 and 9 million migrant workers, over 80 percent of whom come from other countries of the former Soviet Union. Forty percent of migrant workers are employed in construction, where they face abuses that include confiscation of passports, denial of contracts, non-payment or delayed payment of wages, and unsafe working conditions. Some employers threaten or use violence to intimidate workers who protest against non-payment. Police frequently use document

inspections to extort money from visible minorities, including migrant workers, and may physically abuse them or force them to perform work for free. Although Russia has liberalized migration policy in recent years, migrant workers have few effective options for redress for these abuses.

## **HIV and Drug Dependence**

Hundreds of thousands of people in Russia are dependent on drugs and at immediate risk of HIV infection. While Russia has made considerable progress expanding access to antiretroviral treatment for people living with HIV, its efforts to ensure that injection drug users have access to effective drug dependence treatment services—a key factor in both general HIV prevention and treatment for injection drug users—have fallen far short.

Methadone maintenance therapy helps reduce HIV infections as it enables many patients to stop using illicit drugs or helps them adopt less risky injection behavior; it also helps drug users obtain and adhere to antiretroviral treatment. Yet Russia refuses to make maintenance therapy available to drug-dependent people and has banned the use of methadone for treatment purposes. Available drug treatment services are insufficiently accessible, incomplete, and often not based on scientific evidence.

## **Key International Actors**

While many global leaders expressed concern over developments in Russia, such as the war over South Ossetia and restrictions on civil society, human rights issues remained on the margins of Russia's bilateral and multilateral relations, with many key interlocutors failing to press Russia for reform or to challenge it on entrenched problems.

The European Union held two rounds of human rights consultations with Russia, meetings ultimately undermined by the lack of high-level Russian participation or adequate follow-up mechanisms. Human rights did not figure prominently in the broader EU-Russia agenda. Due to Russia's military actions in Georgia, in September the EU froze negotiations to renew its Partnership and Cooperation Agreement with

Russia, which expired in December 2007, but the EU decided in November 2008 to resume the negotiations.

The United States government issued several strong statements on human rights but lacked the leverage to challenge Russia meaningfully on its worsening human rights record.

Russia has served on the new United Nations Human Rights Council since its inception in May 2006, and is due to be reviewed under its Universal Periodic Review mechanism in February 2009. The government has not fulfilled its obligation to cooperate fully with UN human rights mechanisms, including the UN special rapporteur on torture, who canceled a visit planned for October 2006 and has remained unable to visit the country due to the government's continued refusal to provide conditions that accord with the mandate's terms of reference.

The Parliamentary Assembly of the Council of Europe resumed its monitoring mandate on Chechnya. An introductory memorandum declassified in April 2008 concluded that "abductions, secret detentions and torture" remained "commonplace" and termed the rights situation in the North Caucasus "by far the most alarming in the whole of the geographical area covered by the Council of Europe." A fact-finding visit and full report were repeatedly postponed, most recently due to the conflict over South Ossetia.

The International Criminal Court (ICC) announced that crimes committed by all parties to the conflict over South Ossetia are under analysis by the ICC prosecutor. Although not an ICC state party, Russia has provided the ICC with evidence of what it claims are Georgian crimes.

Unable to secure justice domestically, hundreds of victims of abuse in Chechnya have filed applications with the European Court of Human Rights. In more than 50 rulings to date, the court found Russia responsible for serious human rights abuses in Chechnya, including torture, extrajudicial executions, and enforced disappearances. In every ruling the court has found a failure by the Russian government to launch a meaningful investigation. Russia has not sufficiently

implemented the general measures recommended by the court to remedy systemic problems and prevent abuses from recurring. Russia remains the only Council of Europe member not to have ratified Protocol 14 of the court's charter, which would streamline the court's procedures and reduce backlog.