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Dear Christophe,

We appreciate the time that Mark and Robert spent with us in Sochi last month. We are writing to follow up with the promised information concerning the three topics we were able to cover during our time together:

- The lack of running water and severe deterioration in road access in the village of Akhshtyr;
- Nonpayment of wages to more than 800 construction workers employed on Olympic sites, as well as the government's ongoing sweep campaign to detain and expel thousands of migrant workers;
- The government's refusal to relocate Yulia Saltykova's family and several other families from their home at Acacia Street 5a.

Village of Akhshtyr

We felt it was very important that IOC staff see firsthand the continuing Olympics-related problems this village continues to face, particularly in light of the repeated, unsubstantiated assurances from the Russian authorities that serious concerns regarding the water supply and residents' access to a key road had been or were being resolved. Attached is a timeline of the correspondence between Human Rights Watch and the IOC regarding Akhshtyr and the assurances provided to the IOC, and subsequently shared with Human Rights Watch.

As Mark and Robert saw on September 26, more than four years after the wells in Akhshtyr were first destroyed, there is still no reliable water supply to the village. Villagers continue to receive water delivered by truck once a month, which they claim is often not enough to meet their need for water, and also have no information about the source or quality of the water. The pumps built in 2011 do not function and are located at the edge of the village, whereas previously villagers had had access to a series of wells much closer to their homes. This means that if and when the pumps begin to work, villagers will have to haul water significantly farther than before in order to bring it to their homes.

We were also able to witness that while a pedestrian crossing under the high-speed railway has been built, there is no pedestrian crossing over the highway, or even a crosswalk. Additionally, there is no entry or exit onto the new federal highway from Akhshtyr, although it is located approximately

one kilometer from the road. Residents are forced to rely on a narrow mountain road in poor condition to reach Adler. They have no easy access to other villages along the Mzymta River.

As we also reported to the IOC previously (see, in particular, the January 2013 letter to the IOC), heavy construction truck traffic accessing quarries and construction dumping just above the village has also caused a significant deterioration in the village road and has posed risks to villagers' health by generating huge amounts of heavy dust and by triggering small landslides that have damaged some homes. This heavy truck traffic was evident during our visit.

At the end of the visit, the villagers also shared with Human Rights Watch numerous complaints that they have filed with the local and regional governments, the federal ombudsman, and President Putin.

Recommendations:

- The IOC should insist that the Russian authorities ensure a safe, reliable, permanent, accessible water supply to the village of Akhshtyr without delay. The IOC should monitor closely that the authorities develop and implement a concrete plan for realizing this project, particularly since repeated assurances in the past four years regarding the village water supply have not been honored by the authorities.
- The IOC should insist that the Russian authorities should, without delay, ensure safe and permanent access to the pre-existing Adler-Krasnaya Polyana road in order to ensure residents' access to school transportation and public transportation to access their workplaces, schools, medical facilities, and other basic necessities.

Migrant Workers

Attached are relevant documents concerning ongoing ill-treatment of migrant workers in Sochi, including evidence about mass detentions of migrant workers and others, many of whom were held in inhuman conditions (including in a shed in a police yard) and some of whom were expelled in violation of Russian and international law. Many of those detained had all the necessary documents to work and reside legally in Russia. This campaign started in early September and is ongoing, including during the period you were in Sochi.

We also include information regarding over 600 complaints filed by workers with the Sochi office of the Migration and Law Network, a program of the Memorial Human Rights Center, concerning severe delays in wage payments, nonpayment of wages, and other abuses, including employers' failure to provide written employment contracts, work permits, or other documentation. Of these, dozens are related to the same sites documented in our February 2013 report on exploitation of migrant workers on Olympic venues and other sites in Sochi. As far as we aware, despite the consistent reports of abuse across these sites and other sites documented in our report, the authorities have not undertaken any investigations into labor practices at these sites.

We also have not received any information from the IOC regarding the case of Khusein Karimovich Nurberdiev and 16 other workers in his work brigade who complained to the Migration and Law Network concerning nonpayment of wages on Olympic sites, as shared with you and Mark Adams by email on April 15, 2013. We would welcome such information. Following a hearing on June 3 in the Adler District Court in Sochi, the administrative case

against Husein Nurberdiev for “minor hooliganism” was dropped for lack of evidence of an offense having occurred.

Recommendations:

- The IOC should insist that the authorities desist from this campaign of illegal detentions, holding migrant workers and others in inhuman detention conditions, and expelling migrant workers in violation of Russian and international law.
- The IOC should also urge the Russian authorities to investigate complaints from workers regarding nonpayment of wages.

Families Living at Acacia Street 5a

Human Rights Watch first wrote to the IOC about this case in our May 2013 letter. In its July 5, 2013 letter, the IOC noted that it had raised the issue with the Sochi authorities and that the IOC considered the main issue to be to “ensure a proper access to the house without destroying the outdoor structures.” As Mark and Robert saw during our recent visit, merely assuring proper access is neither feasible nor appropriate, nor is it consistent with the protection of these residents’ rights to private property and private and family life.

We would also note that we raised this case with Alexandra Kosterina of the Sochi 2014 Organizing Committee during our February 2013 visit with her (during which she also visited the home and met with affected families) and in subsequent emails with Ms. Kosterina.

A detailed description of the case and the key relevant documents are attached.

Recommendations:

- We urge the IOC to insist that the authorities immediately ensure fair compensation for families who own property, including by allowing for an independent appraisal of the properties, such as monetary compensation or relocation of families to apartments or houses of commensurate size and quality and given full ownership of the new property. Families who have social leases with the Sochi Administration should be guaranteed resettlement to apartments or houses of commensurate size and quality.
- We also urge the IOC to press the authorities to desist from bringing further lawsuits against the families concerning the property, which we have described in previous correspondence, and refrain from pressuring the families to agree to a declaration of their home as derelict/inhabitable.

Other Concerns Raised in Previous Letters

Requirement for residents to “beautify” properties at their own expense ahead of the Olympic Games

Thank you for the information you shared with us on this issue. As to whether these requirements apply only to those homes “newly constructed or being renovated,” Human Rights Watch spoke with three long-term residents of Sovkhoz Rossiya, a village located just east of the Olympic Park, who stated that the authorities required them to undertake these renovations, at their own expense, as detailed in our May letter to the IOC. None of these residents lived in homes that were newly-constructed or were undergoing renovations of the type required by the Sochi authorities.

Furthermore, the documentation provided to residents, copies of which we shared with the IOC, indicate very specifically that any home falling within the so-called “zone of international hospitality,” which extends approximately 15,800 hectares, should take certain highly specific measures to beautify their homes. As you may recall, the documentation includes very specific instructions and descriptive drawings indicating what these renovations should look like.

We would welcome the offer you have made to provide a full explanation by Mayor Pakhomov concerning these requirements as well as any additional information that would explain why these requirements do not impinge on residents’ right to property and to private and family life.

Property cases

As we have stated in our previous letters, including most recently in our May 2013 letter, Russia has not met its obligations under international law concerning the rights to private property and to private and family life in its treatment of residents in numerous cases, including that of the Khlistov family, the Mzokov family, the Kravets family, and the residents who live on Bakinskaya and Ternovaya streets whose properties have been damaged as a result of Olympic construction.

We note that the IOC readily accepted readily the authorities’ assurances on these cases and declined to accept Human Rights Watch’s thorough documentation of these cases and analysis of how the authorities’ actions in these cases violate international law. We would welcome an explanation of the IOC’s reasoning in this regard.

We find the IOC’s reluctance to critically examine information provided by the authorities particularly surprising in light of the multiple assurances that the Russian authorities have provided to the IOC concerning Akhshtyr, for example, which proved to be wholly unfounded, as Mark and Robert saw for themselves last month.

Harassment, pressure, intimidation of activists, journalists and others

We are deeply concerned about the authorities’ harassment of activists, journalists, and others who have voiced concern about the negative impact of preparations for the Games. Research we published in August 2013, attached for your convenience, documents cases in which the authorities sought to intimidate organizations and individuals who investigated or spoke out against abuse of migrant workers, the impact of the construction of Olympics venues and infrastructure on the environment and health of residents, and unfair compensation for people forcibly evicted from their homes. Human Rights Watch also documented how authorities harassed and pursued criminal charges against journalists, apparently in retaliation for their legitimate reporting.

We are most urgently concerned about the authorities’ efforts to intimidate two nongovernmental organizations, Environmental Watch of the North Caucasus (EWNC), and the Sochi office of Memorial’s Migration and Law Network. Both organizations have documented and brought attention to negative impacts on rights brought on by preparations for the Games. As noted above, Mark and Robert met with the head of the Migration and Law Network’s Sochi office, Semyon Simonov, while in Sochi. As described in the attached

document, both groups have been targets of government inspections that serve no legitimate purpose and appear clearly aimed at intimidation. These are groups that have sought to promote basic human dignity – for EWNC, to live in an environment that does not undermine health; and for Memorial’s Migration and Law Network, to be paid a fair wage and work in conditions that meet international standards.

The pressure on activists and journalists in Sochi has taken place in the midst of a broader government crackdown on civil society throughout Russia, in which numerous new laws restrict basic freedoms; in which state media has engaged in public smear campaigns against independent activists; and in which the authorities have arrested some activists on grossly disproportionate charges in order to send a chilling message to others.

Recommendations:

- We again urge the IOC to raise its serious concern with the Russian authorities that inspections of organizations conducting legitimate and lawful human rights, environmental, and other work, including of several organizations that have raised concerns regarding Russia’s preparations for the 2014 Winter Olympic Games, have a chilling effect on civil society and should be ceased immediately.

LGBT Rights

In previous correspondence with the IOC we have explained why the propaganda law is inconsistent with the Olympic Charter’s principle that discrimination is incompatible with belonging to the Olympic Movement. The Russian authorities’ assurances that there will be no discrimination at the Games are irrelevant and misleading. No assurances can address the fact that the law is inherently discriminatory and puts “nontraditional sexual relationships,” a euphemism for LGBT, on par with suicide, drug abuse, and other phenomena harmful to children. This assumption affects every LGBT person in the Olympic movement and those who support LGBT rights, regardless of whether they choose to speak about LGBT issues.

Mr. Killy, Mr. Bach, and others have said numerous times that the IOC has no authority to tell the Russian government what laws it should have, but surely it has the obligation to urge the Russian government to ensure its laws are not incompatible with the Olympic Charter.

Recommendation:

- The IOC should urge the Russian to immediately repeal the “propaganda” law.

Meeting with Thomas Bach

Given the seriousness of the human rights concerns in Sochi, we would also like to request a meeting with IOC President Thomas Bach and Human Rights Watch Executive Director Ken Roth before the end of 2013 to discuss our concerns regarding Sochi as well as the IOC’s future work in relation to human rights abuses occurring in the context of the Olympic Games. We would welcome specific suggestions for a time when such a meeting would be convenient for you, either in Lausanne or in our offices in New York. We regret that a meeting with President Jacques Rogge was not feasible, despite numerous requests.

We again thank you for your willingness to meet with affected families and activists in Sochi and very much hope that those meetings will offer additional perspective into the urgency of

these cases and the crucial role that the IOC can have in seeing that the Russian authorities resolve them in a timely, effective manner. We look forward to further updates regarding the implementation of these cases.

Best regards,



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Attachments:

- **Attachment 1:** Summary timeline of Human Rights Watch-IOC correspondence concerning human rights concerns in the village of Akhshtyr.

- **Attachment 2:** Complaints received by the Sochi office of Memorial's Migration and Law Network from 615 migrant workers employed on Sochi 2014 Winter Olympic Games construction sites regarding long-term delays of wage payments and other concerns (as shared by Memorial on October 12, 2013); summary of information in English.
 - **Attachment 2A:** Complete list of migrant workers on Olympic venues who filed complaints with the Migration and Law Network regarding nonpayment of wages, among other complaints (in Russian).
 - **Attachment 2B:** Human Rights Watch press release of October 3, 2013 documenting arbitrary detentions, detentions in inhuman conditions, and illegal expulsions.
 - **Attachment 2C:** Two articles documenting the detentions and expulsions since early September (in Russian), provided by the Memorial Human Rights Center.

- **Attachment 3:** Summary of Developments and Human Rights Concerns Regarding Residents of Acacia Street 5a, Adler, Sochi.
 - **Attachment 3A:** Letter of November 16, 2010 from the Krasnodar Krai Olympic Department to residents at Acacia Street 5a informing them of expropriation.
 - **Attachment 3B:** Letter of February 2, 2011 from the Krasnodar Krai Olympic Department to residents at Acacia Street 5a informing them that there will not be expropriation.
 - **Attachment 3C:** Letter of August 22, 2012 from the Ministry of Transport/RosAvtoDor in response to Acacia Street 5a residents' July 2012 complaint, indicating, *inter alia*, that based on a request from the Krasnodar Krai administration, the property would not be expropriated due to "the absence of funds for relocation" [*otsutsvie pereselencheskogo fonda*] and that no driveway was envisioned [*ne predusmotreno*].
 - **Attachment 3D:** Letter of January 17, 2013 from the Krasnodar Krai Olympic Department letter to residents saying that the Krasnodar Krai administration does not have the authority to resolve the issue and referring them to the general prosecutor's office.
 - **Attachment 3E:** Summary of official minutes of a June 10, 2013 meeting held by Krasnodar Krai Deputy Governor A.A. Saurin, indicating an instruction from Deputy Prime Minister Kozak regarding the relocation of families at Acacia Street 5a. Also available at: <http://www.olympdep.ru/press-center/anons/anons-item?n=21&PHPSESSID=76b3cadfb321abd351f7efe87dd4od76>.
 - **Attachment 3F:** Official Summary from the September 9, 2013 meeting between Sochi Administration officials and property owners and renters at Acacia Street 5a, offering them an unspecified apartment in an apartment building at an unspecified address on Yana Fabritsiusa Street in central Sochi.

- **Attachment 3G:** Sochi Administration Instruction of September 16, 2013 declaring the home at Acacia Street 5a “inconsistent with habitation requirements” and recommending their relocation.
- **Attachment 3H:** September 25, 2013 decision of the Adler District Court in Sochi ordering, *inter alia*, that a driveway to be built for the families at Acacia Street 5a, given that the previous driveway was destroyed as a result of Olympic construction of the M-27 Federal Highway.

Attachment 1

Akhshtyr Summary Timeline

- **September 2009:** Human Rights Watch first visited Akhshtyr and documented the absence of drinking water.
- **October 2009:** Human Rights Watch first wrote to the IOC about concerns in this village, shortly after Olympic construction related to the quarry road destroyed their drinking water wells.
- **December 2010:** Having received no response about the case, Human Rights Watch again wrote to the IOC regarding the situation in Akhshtyr and other cases.
- **March 2011:** In response to the issue of the destruction of wells, the IOC's March 2011 letter to Human Rights Watch stated, "It appears this issue is also being resolved," citing Sochi 2014 Organizing Committee information that "OAO Russian Railways conducted a modern water-supply facility that complies with all hygiene and ecological standards and provides water for Akhshtyr."
 - Official letters from Russian government agencies from 2012 and 2013 in response to residents' complaints about the water supply state that because "the water pipeline to Akhshtyr village did not meet the sanitary-protection norms and did not meet firefighting requirements in the village, the project documentation did not pass the state inspection." The letters are on file with Human Rights Watch, and Human Rights Watch shared one of these letters with the IOC in January 2013.
- **April 2011:** Human Rights Watch made telephone calls to residents in Akhshtyr to confirm the IOC information regarding the new wells.
- **May 2011:** Human Rights Watch wrote to the IOC stating that, based on in-depth interviews with residents, "in November 2010 OAO Russian Railways indeed constructed two wells, approximately 800 meters to one kilometer from many of the residents' homes. A ceremony was held, with much fanfare, to open the wells. However, since that time the wells have not functioned. Residents also noted that even if the water were available, to access it, residents would need to carry water in buckets up to one kilometer each way, along a dusty construction road."
- **September 2011:** In a Human Rights Watch letter to the IOC, we again stated that, despite the previous assurances, there had been no change in the water supply to the village.
- **February 2012:** An IOC letter to Human Rights Watch states that the overall water problem in the village "was solved by having OAO Russian Railways 'RZD' drill wells to ensure that the villagers are provided with water to tend their kitchen gardens" and makes no reference to a stable drinking water supply.
- **December 2012:** Human Rights Watch visited Akhshtyr, during which we document no change in the drinking water situation as well as a deterioration in residents' access to a key road linking them to public transportation, school buses, and essential services.
- **January 2013:** Human Rights Watch again wrote to the IOC with concrete evidence that that there was still no stable and safe water supply for the village and that villagers were concerned about continuing access to the pre-existing Adler-Krasaya Polyana Road.
- **March 2013:** An IOC letter to Human Rights Watch notes that the IOC "was surprised to learn from your latest letter that the water supply for the village of Akhshtyr has

still not been resolved” and that “there is still work being undertaken on this issue and that the full restoration of the water supply will take longer than first envisioned.” It seems appropriate to note that this information came two years after the Russian authorities had assured the IOC, and the IOC in turn assured Human Rights Watch, that the absence of a water supply in Akhshtyr was “being resolved.” This letter also noted that “a decision was taken to construct a pedestrian crossing near the route of the railway and the road, which should be completed in the first quarter of 2013.”

- **April 2013:** Human Rights Watch made telephone calls to residents in Akhshtyr to assess the IOC assurances provided regarding access to the road and for a description of any concrete actions being undertaken to resolve these issues.
- **May 2013:** Based on information from residents that there was no solution to the absence of water or the severe deterioration in residents’ access to the main road, in a letter to the IOC Human Rights Watch again raised our concerns both about the water supply and the pedestrian crossing to access the pre-existing Adler-Krasaya Polyana Road.
- **July 2013:** The IOC’s two letters to Human Rights Watch indicated that the IOC had “reiterated the urgency of a permanent and safe source of drinking water for the villagers, and have once again asked for more detailed information.” The letters also noted that a pedestrian undercrossing under the railroad would be constructed but provides no further information regarding safe and manageable access to the pre-existing Adler-Krasaya Polyana Road.
- **September 27, 2013:** Human Rights Watch and International Olympic Committee officials visit Akhshtyr. At that time, there was still no running water in the village and no reasonable access across the new highway to the preexisting Adler-Krasaya Polyana Road. Due to recent flooding, the footbridge across the Mzymta River used by the residents to access the road was partially damaged, rendering it unsafe for use.

Attachment 2

Complaints received by the Sochi office of Memorial's Migration and Law Network from 615 migrant workers employed on Sochi 2014 Winter Olympic Games construction sites regarding long-term delays of wage payments and other concerns (as shared by Memorial on October 12, 2013).

The attached list in Russian contains the name of the Olympic venue site, the names of employers, and the names of employees who filed complaints and are awaiting wage payments. Below is a summary of the information in English.

- 1) Multi-apartment buildings for housing of temporary personnel, volunteers, and security personnel contracted for the duration of the XXII Winter Olympic Games and XI Winter Paralympic Games 2014 in Sochi
 - *Companies:* Okhotskaia Construction Company, Ltd. and Promavtomatika, Ltd.
 - 86 workers (as listed, nos. 1-85)
- 2) Complex of buildings to accommodate the Olympic Family and the International Paralympic Committee
 - *Companies:* Rai, Ltd.
 - 191 workers (as listed, nos. 86-276)
- 3) Main Olympic Village
 - *Company:* RosYugStroi, Ltd.
 - 45 workers (as listed, nos. 277-322; NB: one duplication at nos. 293 and 294)
- 4) Tourist Complex Gazprom
 - *Company:* AutorRemStroy, Ltd.
 - 20 workers (as listed, 323-342)
- 5) Main Media Center, water treatment facilities in the Adler district (Olympic Program point 72), Formula One Auto Race Track (Olympic Program point 54.1), and Complex of Buildings "Malii Akhun"
 - *Company:* Park, Ltd.
 - 119 workers (as listed, nos. 343-461), filing complaints on behalf of up to 300 workers
- 6) Main Media Center and Complex of Buildings "Malii Akhun"
 - *Company:* RollSkat Engineering
 - 8 workers (as listed, nos. 462-469)
- 7) Main Media Center
 - *Company:* Investstroy, Ltd.
 - 14 workers (as listed, nos. 470-483)
- 8) Main Media Center

- *Company:* Putevy and subcontractors
 - 29 workers (as listed, nos. 484-512)
- 9) Hotels for Journalists, a component of the Main Media Center Project
- *Company:* “Summa Turizm Yatyrymjylygy anonym shirketi”
 - 15 workers (as listed, nos. 513-527)
- 10) Main Media Center
- *Company:* FSK EES, Ltd.
 - 6 workers (as listed, nos. 528-533), filing complaints on behalf of a total of 20 workers
- 11) Water treatment facilities in the Adler district (p. 72)
- Multiple subcontractors, including Park, Ltd. and Progress, Ltd.
 - 14 workers (as listed, nos. 534-547); unique group from workers listed under same facility and Park, Ltd. above, point 2.
- 12) Alpine Olympic Village
- *Companies:* Usta, Ltd., and others
 - 59 workers (as listed, nos. 548-606)
- 13) Combined Road Adler-Alpika Service
- *Company:* Absolut Construction Company
 - 10 workers (as listed, nos. 607-616)

Attachment 3

Summary of Developments and Human Rights Concerns Regarding Residents of Acacia Street 5a, Adler, Sochi.

Please find attached a summary of recent developments regarding the property at Acacia Street 5a, provided by Yulia Saltykova, whom Mark and Robert met on September 26. Relevant correspondence is also appended.

Summary, History, and Legal Cases

The building at Acacia Street 5a, Adler, Sochi, kadastr number: 23:49:04020521499, consists of 7 “apartments” which are groups of rooms. It was formerly a barracks and was declared residential (*priznan zhilim*) in 1951. It houses a total of approximately 40 people, including 11 children, in 6 families. Four of the apartments are under private ownership. Three are under municipal lease. There are three registered owners of the Saltykova apartment: Irina Kharchenko, N. Dragan, and S. Saltykov.

The local authorities have never provided a public water supply, gas supply, or sewer services to the building. The residents have relied on outdoor kitchens, two communal outhouses, a bathhouse, and storage sheds for firewood and other purposes. These structures were built on land immediately adjacent to the house/apartments, given that the house contained none of these facilities. These structures have existed on the property for decades and are essential to residents’ health and hygiene.

The Olympic Department of the Krasnodar Krai Administration informed the residents in November 2010 (**Attachment 3A**) that the building and adjacent land would be expropriated in conjunction with construction of the M-27 Federal Highway, part of the Olympic program (point 40 in the official Olympic Program of Construction of Olympic Venues and Infrastructure).

Following this announcement, the residents who are private property owners were given appraisals and promised compensation. For the residents under municipal lease, they had been promised relocation to newly built apartments in the village Veseloe built for families resettled for Olympic construction.

In February 2011 the Krasnodar Krai Department for Olympic Preparation sent a letter to the families at Acacia Street 5a informing them that the property would not be expropriated (**Attachment 3B**). Since that time, the families remained in their homes as the federal highway is constructed immediately adjacent to the building to the north. As a result of the road construction, the existing driveways and access points to the building have been destroyed. The families now access their homes through a driveway accessing the railway customs post, just west of the border with Georgia (Abkhazia).

A letter of August 22, 2012 from the Federal Ministry of Transport Agency for Road Construction (RosAvtoDor)’s Federal Budget Agency for Automobile Road Construction and Reconstruction on the Black Sea Coast (FKU DSD “Chernomorye”) in response to Acacia Street 5a residents’ July 2012 complaint about the failure to compensate or relocate them

indicated, *inter alia*, that based on a request from the Krasnodar Krai administration, the property would not be expropriated due to “the absence of funds for relocation” [“*otsutsvie pereselencheskogo fonda*”] and that no driveway was envisioned [“*ne predusmotreno*”] (Attachment 3C).

On March 20, 2013, the families received notification of a lawsuit filed by Sochi Administration in the Adler District Court in Sochi asking that the court to order the families to dismantle six of the structures on the land around the building, including a communal outhouse and a firewood storage shed, which, according to the lawsuit, interfere with the construction of the M-27 Federal Highway. On May 20, 2013, a Sochi district court decided in favor of the administration, and an August 20, 2013, a Krasnodar Krai Appeals Court decision left the lower court decision unchanged. However, court marshals responsible for implementing this court decision subsequently told the families that the demolition of the outbuildings is impossible due to the lack of driveways and access to the buildings now. The families spent extensive time and resources defending against the administration’s lawsuit at the same time that their property, health, and quality of life was being rapidly degraded by the construction of the highway immediately adjacent to their property.

As we saw during our recent visit, the families now have very limited access to their home, since there are no driveways, no pedestrian crossing, and no sidewalks.

In addition, for the last two-and-a-half years, since the February 2011 withdrawal of an offer of compensation, the families at Acacia Street 5a have sent numerous appeals to the Krasnodar Krai Olympic Department and other state agencies in an effort to secure their rights.

Relevant International Legal Standards

The authorities’ expectation that the families remain in the home at Acacia Street 5a, which, as a result of Olympic construction, has been reduced to a small sliver of land situated between a federal highway and a federal railroad, and only be allowed to access it through a railway customs post, places an excessive burden on the residents at Acacia Street 5a and fails to strike a fair balance between their rights and those of the community, as required under international law (please see the May 2013 letter from Human Rights Watch to the IOC for a detailed legal analysis). It also constitutes an unjustified interference in their right to peaceful enjoyment of their property, protected by the European Convention on Human Rights (ECHR).

Under the International Covenant on Civil and Political Rights (ICCPR) and the ECHR, the Russian government is obliged to respect and protect the rights of all people from arbitrary interference in their home and family life, and failure to do so is a violation of Russia’s international legal obligations.

The European Court of Human Rights has repeatedly found that the state has a positive obligation to ensure that a person’s home and family life are not arbitrarily and unfairly interfered with, including through environmental harm, due to the activities of a third party or development of state infrastructure (see for example *Lopez Ostra v. Spain*, application no.16798/90, Judgment of December 3, 1994). Indeed in two cases against Russia (*Fadeyeva v. Russia*, application no. 55723/00, Judgment of June 5, 2005 and *Ledyayeva, Dobrokhotova,*

Zolotareva and Romashina v. Russia, application nos. 53157/99, 53247/99, 53695/00, and 56850/00, Judgment of October 26, 2006) the court reminded Russia that it has a positive obligation to strike a fair balance between the rights to respect for the individual's home and private life and the interests of the community, in those cases in the functioning of a steel plant. The court emphasized that Russia had an obligation to appropriately resettle the applicants.

The European Court has also found violations in a number of cases involving a state's failure to mitigate interference with the homes of applicants by the construction and operation of nearby roadways. In *Deés v. Hungary* (application no. 2345/06, Judgment of November 9, 2010) and *Grimkovskaya v. Ukraine*, (application no. 38182/03, Judgment of July 21, 2011), both governments failed to strike a fair balance between the article 8 rights (right to private and family life) of the applicants and the interest of the general community in the road.

Recent Developments

The issue of the conditions for the residents at Acacia Street 5a received the attention of the federal authorities by June 2013, as indicated by a summary of official minutes of a June 10, 2013 meeting held by Krasnodar Krai Deputy Governor A.A. Saurin. The meeting minutes reference an instruction issued by Russian Deputy Prime Minister Dmitri Kozak (no date), "concerning the relocation of citizens from the residential building at Acacia Street 5a, Sochi." (**Attachment 3E**). Despite requests to the Sochi and Krasnodar Krai authorities, the authorities have not provided the families with a copy of this instruction.

In July 2013 the Saltykova family also received a verbal offer from an official in the Krasnodar Krai Olympic Department of relocation for a single apartment located in the apartments built for Olympic volunteers after the Olympic and Paralympic Games. The family declined the offer as unfair compensation for their current home.

In response to a complaint to the general prosecutor's office filed by the residents, in July 2013 the Adler Region Prosecutor's Office informed the families that it had filed a complaint with the Sochi central region court against the Sochi Administration regarding the absence of a driveway and the lack of running water and other services to the families. The families are not aware of any result of this complaint.

Since August 2013, officials from the Sochi Administration have visited the families on multiple occasions, analyzing the possibility of declaring the home uninhabitable. On September 9, 2013, Sochi Administration officials visited the home and sought to declare the living space unfit for dwelling, making the building derelict and subject to demolition, and offered the families relocation. The residents declined the designation of their home as unfit for dwelling, as is their right under Russian law. As the meeting minutes and official protocol (**Attachment 3F**) shows, the Sochi authorities' only written offer to the residents, including the Saltykova family, indicates an unspecified apartment in an apartment building at an unspecified address on "Yana Fabritsiusa Street" in central Sochi (indicated in handwritten notes).

At this time, the authorities verbally told Yulia Saltykova that the family would be entitled to occupy an apartment of 32 square meters in size (including bathroom and kitchen). It is not

clear whether the government also offers the family actual ownership rights to this apartment.

As discussed during our meeting with the Saltykova family, this offer, if made official, would be wholly inadequate for the family of 10. Furthermore, the family has built their life in Adler, where they work and where their children attend school. Forcing them to relocate to central Sochi, approximately 25 kilometers away, particularly given the lack of efficient and effective transport between the two locations, would constitute a hardship and undue burden to the family.

The families are also concerned that a declaration of the home as unfit for living would set in motion an immediate relocation, as specified under law, and allow the authorities to provide less compensation than the families deserve.

A subsequent Sochi Administration Instruction of September 16, 2013 (**Attachment 3G**) declares the home at Acacia Street 5a “inconsistent with habitation requirements” and recommends the relocation of the families. The document also recommends that the state company responsible for the construction, “DSD “Chernomor’ye,” “examine the question of expropriation of the property and relocation of residents.”

This document is significant in that it emphasizes the authorities’ ongoing unwillingness to take responsibility for the fair compensation and relocation of the families, with the Krasnodar Krai Olympic Department, the Sochi Administration, and the state road construction company “Chernomor’ye” having repeatedly claimed that they do not have responsibility but that another state agency does.

At the same time, the Saltykova family brought legal action in the Adler District Court against the Sochi Administration and the state road construction company “Chernomor’ye” in order to secure a driveway, and, on September 25, 2013, the court decided in favor of the families (**Attachment 3H**), ordering “Chernomor’ye” to “correct the obstacles to egress” to and from the property and construct sound protection.

Although the families do not wish to remain in their homes, given how degraded the property has become, they have undertaken this lawsuit in order to attempt to secure their rights and to continue to press the authorities to resolve the situation with their home in a fair and legal manner.

As the families have noted and as the September 25, 2013 court decision confirms, the reason that the residence has become unfit for dwelling arises not from the structural conditions of the house or the residents’ own neglect or misuse, but from the government’s actions in building the M-27 Federal Highway, an item in the Olympic Program. This fact further emphasizes the government’s responsibility to provide the Saltykova family and other property owners with adequate compensation and renters with alternative accommodation.

Conclusion

The relevant authorities should urgently reach a solution for compensation and resettlement that will ensure respect for the human rights of residents at Acacia Street 5a, some of whom

are property owners, including the rights of the children living on the property. There should be a prompt determination of fair compensation for families who own property, including by allowing for an independent appraisal of the properties, and resettlement of families who have social leases with the Sochi Administration in suitable alternative accommodation.

Official documents Relating to This Case, Attached:

- **Attachment 3A:** Letter of November 16, 2010 from the Krasnodar Krai Olympic Department to residents at Acacia Street 5a informing them of expropriation.
- **Attachment 3B:** Letter of February 2, 2011 from the Krasnodar Krai Olympic Department to residents at Acacia Street 5a informing them that there will not be expropriation.
- **Attachment 3C:** Letter of August 22, 2012 from the Ministry of Transport/RosAvtoDor in response to Acacia Street 5a residents' July 2012 complaint, indicating, *inter alia*, that based on a request from the Krasnodar Krai Administration, the property would not be expropriated due to "the absence of funds for relocation" [*otsutsvie pereselencheskogo fonda*] and that no driveway was envisioned [*ne predusmotreno*].
- **Attachment 3D:** Letter of January 17, 2013 from the Krasnodar Krai Olympic Department letter to residents saying that the Krasnodar Krai Administration does not have the authority to resolve the issue and referring them to the general prosecutor's office.
- **Attachment 3E:** Summary of official minutes of a June 10, 2013 meeting held by Krasnodar Krai Deputy Governor A.A. Saurin, indicating an instruction from Deputy Prime Minister Kozak regarding the relocation of families at Acacia Street 5a. Also available at: <http://www.olympdep.ru/press-center/anons/anonsitem?n=21&PHPSESSID=76b3cadfb321abd351f7efe87dd40d76>.
- **Attachment 3F:** Official summary from the September 9, 2013 meeting between Sochi Administration officials and property owners and renters at Acacia Street 5a, offering them an unspecified apartment in an apartment building at an unspecified address on Yana Fabritsiusa Street in central Sochi.
- **Attachment 3G:** Sochi Administration Instruction of September 16, 2013 declaring the home at Acacia Street 5a "inconsistent with habitation requirements" and recommending their relocation.
- **Attachment 3H:** September 25, 2013 decision of the Adler District Court in Sochi ordering, *inter alia*, that a driveway to be built for the families at Acacia Street 5a, given that the previous driveway was destroyed as a result of Olympic construction of the M-27 Federal Highway.