

THE RULE OF LAW. LIBERTY AND SECURITY OF THE PERSON.

MATERIALS OF RUSSIAN NGOs FOR THE UNIVERSAL PERIODIC REVIEW OF THE RUSSIAN FEDERATION IN THE UNITED NATIONS HUMAN RIGHTS COUNCIL IN 2013

These materials have been produced in October 2012 by a coalition of Russian NGOs for submission to the United Nations Office of the High Commissioner for Human Rights in the course of preparation of Universal Periodic Review of implementation of international obligations by the Russian Federation in the UN Human Rights Council in 2013. The coalition includes the following Russian NGOs: Institute for Human Rights, “Social Partnership” Foundation, “Public Verdict” Foundation, Soldiers’ Mothers of Saint Petersburg, “Memorial” Human Rights Center, Interregional Committee against Torture, and the Center for the Development of Democracy and Human Rights.

CONTENTS

The Rule of Law.....	1
The Judicial System	1
The Right to Liberty and Habeas Corpus	2
The Situation in the Penitentiary System	3
Torture and Inhuman Treatment at the Law Enforcement Agencies	4
The Situation of Asylum Seekers	6
Torture-Related Practices in the Armed Forces and Forced Labor Unrelated to the Military Service...7	
Counter-Terrorism and Human Rights: Situation in the North Caucasus	8

The Rule of Law

In 2009 the state parties to the UN Human Rights Council reviewed the Universal Periodic Report of the Russian Federation and offered numerous recommendations regarding the rule of law, independence of the judiciary, the right to liberty, habeas corpus, and the penitentiary system. These recommendations have largely been ignored.

In particular, Russia has stopped short of abolishing the death penalty de jure since it has not signed the Second Optional Protocol to the International Covenant on Civil and Political Rights and Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, has not eliminated this form of punishment from its Criminal Code, and has not replaced life imprisonment for some crimes introduced as an alternative to capital punishment, with long, but limited prison terms.

The Russian authorities are not even considering plans to join the global fight against crimes against humanity, genocide, and war crimes. Therefore, they are keeping off the table the ratification of the Rome Statute of the International Criminal Court.

Judicial System

Despite the pledges made by the previous President of Russia Dmitry Medvedev, Russia has been unable to create sound guarantees of independence of the judiciary. To a large extent, this has to do with the concentration of powers in the hands of chairs of court who distribute the workload and the cases among the judges and are responsible for commending the judges or imposing administrative sanctions on their judicial work. The chairs of courts are not elected by the judges, but are instead appointed by the executive branch. They are not subject to rotation and are not accountable to the judicial community.

Loopholes in disciplinary procedures create additional opportunities for firing judges because of inadequate legal provisions. Independent lawyers and NGOs cannot take part in the judicial process. Almost all cases are conducted by professional judges, while fewer cases are becoming admissible for jury trials, especially those concerning crimes against the government, constitutional order, and state security.

The equality of arms in criminal trials remains a formality since the law does not call for supplying the attorneys with trial information and materials and does not allow for the creation of independent expert institutions. Also, there is no set procedure that governs submitting evidence by defense attorneys. Aside from that, attorneys face constant pressure from the law-enforcement agencies.

The aforementioned problems create the conditions for conserving the dependence of the judicial system from the executive branch of power and enable its representatives to exert pressure on the judges. These effects are clearly visible during trials when the interests of public officials are affected or when individuals whose actions threaten “political stability” are persecuted, according to the opinion of the powers that be. This leads to politically motivated trials and court decisions that are not based on the international principles of fair trial, including selective and arbitrary application of law, unlawful convictions, and disproportionate punishment.

Criminal prosecution of participants of economic relations (entrepreneurs) continues in cases when they are incapable of meeting their contractual obligations in spite of the fact that those are private transactions. There are still a large number of cases in which criminal prosecution is possible without a legal complaint from the person affected.

Instances of discrimination are often observed during parole hearings at the courts and in the process of preparing presidential pardons. Approval of parole petitions effectively depends on the opinion of the departments of corrections. Often the petitioners are coerced into incriminating themselves.

The Right to Liberty and Habeas Corpus

Law-enforcement officers often violate the rights of detainees suspected of having committed a crime by refusing to document the exact time of detainment, falsely incriminating misdemeanors to carry out administrative arrests in place of regular detention, violating the right of the detainees to contact family members, and limiting access to a lawyer and a doctor.

There are widespread instances of arbitrary detentions of participants of protest actions and civic campaigns that are often accompanied by falsifying detention protocols, false testimony in courts by police officers, refusals to admit evidence for the defense by the judges, and unlawful administrative arrests for several days. Apart from this, law-enforcement officers practice arbitrary and unlawful “preventive” detainment of civil and political activists at their homes or on their way to a public event with subsequent release without bringing them up on charges or charging them with a misdemeanor.

Similarly, excessive use of pretrial arrests remains a problem with regard to persons accused of nonviolent crimes, i.e. misconduct while in office, and crimes committed by people who are not a threat to the society, especially business crimes. In particular, suspects remain under arrest without serious grounds and the time spent in prison while awaiting trial appears to be excessive in many cases. These problems are especially acute for pregnant women and women with children who do not have the opportunity to keep in contact with their mothers, as well as members of ethnic minorities and members of the LGBT community.

The Situation in the Penitentiary System

Even though the period between 2009 and 2011 was marked by efforts to develop a probation system, extend the scope of alternative punishment instead of imprisonment, minimize the grounds for the pre-trial confinement, in practice there has been little change in these areas.

Despite a decrease in the prison population that started in 2010 and has since reached 2004 levels (fewer than 800,000 inmates), the human rights situation in the penal system is not showing any significant improvement. There are regular reports of arbitrary and excessively violent treatment, including killings, torture, and inhumane treatment at the hands of the penitentiary officers.

Although, according to official data, only 18 regions have pretrial detention facilities that do not meet a legal area standard per person (4 square meters) in the cells, in practice the problem of overcrowding remains a top concern for virtually every Russian region. Many cells fail to meet hygienic norms: instead of regular toilets they have holes in the floor and the toilet area does not have a partition separating it from the living space. These issues have been highlighted by the European Court of Human Rights on more than one occasion. The government is making efforts to bring the penitentiaries up to acceptable hygienic standards. However, many pretrial detention facilities are too dilapidated to allow for significant improvement of living conditions¹.

The recommendation adopted in the wake of reviewing the first Universal Periodic Report by Russia that urged to use non-detention measures of sentencing or pretrial confinement for pregnant inmates and inmates with children, as well as ensuring the contact between children and their mothers, has not been fully implemented. Approximately 70% of women at Russian penal colonies and pretrial detention facilities have children. Pregnant women are held in high-occupancy cells and are allowed only one-hour walks. Children up to three years of age at women's penal colonies live in child care facilities and their mothers are allowed to be with them only for one hour.

The adoption in 2010 of the arguably controversial Concept of the Development of the Russian Criminal Penal System until 2020 has brought about some improvements. For example, the measures taken under this initiative have led to the liquidation of the so called "discipline and order" groups consisting of inmates that have been severely criticized by human rights activists. However, some of the changes have encroached upon the rights of inmates. Since April 1, 2011 Russian penitentiaries have been implementing a system of incentives, stimulating inmates to comply with the rules and regulations of their confinement (the so called system of social lifts). This system includes a set of rewards for good behavior. According to both human rights activists and independent researchers, this system based on the principle of loyalty that an inmate is supposed to demonstrate toward the administration of the penitentiary in exchange for promises of privileges and parole does not, in any way, promote his or her socialization, correction, or improves the ability to live in a community, but, to the contrary, encourages asocial traits, such as dissimulation, readiness to report on fellow inmates, lies, etc.

The situation with healthcare during pretrial and trial remains especially dramatic. There are widespread refusals to provide medical aid to the seriously ill people remaining in custody, as well as bureaucratic and inhumane attitude with regard to inmates' health and wellbeing. Such treatment is often purposeful. Law-enforcement officers use it to extract confessions or make complainants renege on their claims or allegations, which was patently obvious in the "Sergey Magnitsky case". The roots of this problem are not only in the fact that medical facilities at penitentiaries and detention centers are underequipped, understaffed, and underfinanced. The problem is that prison doctors report to the

¹ For instance, the Butyrka Prison in Moscow, pretrial detention centers in Voronezh, Irkutsk, Kaluga, and other cities.

prison administrations and not only have little incentive to be independent in their decisions, but also have to run the gauntlet for expressing their professional opinions and practicing them.

Transportation of inmates in Russia remains a serious problem. A prison railway car has five large cells 3.5 square meters each with 6 bunks in three levels; the capacity of such a cell is 12 inmates. There also 3-4 small cells 2 square meters each for 5-6 inmates. At night the inmates do not receive any bed linen. They cannot use the restroom during long stops. The cars have poor ventilation and lighting. Ill and healthy inmates remain on the same premises. On October 18, 2001 the European Committee against Torture ruled that it was unacceptable to transport more than six people in large cells and more than three people in small cells. However, Russia has not revised these norms even though prison transfers in such conditions often last more than two days. Prison vehicles made by GAZ have two cells 3 square meters each. The cells have the capacity of up to 10 inmates. There are also 1-2 single cells 0.4-0.5 square meters each (the so called glasses). Often these tiny cells are used to transport two inmates. Prison vehicle made by KAMAZ have two cells 4.2-4.4 square meters each. These cells accommodate up to 15 inmates each. There are also 1-2 cells 0.4-0.5 square meters each. Inmates often spend more than five hours in such vehicles.

The penitentiary system is not becoming more transparent. In many regions representatives of the Public Oversight Commissions and NGOs are obstructed in their attempts to visit places of confinement. The administrations of penitentiary facilities and law-enforcement officials ignore the evidence of blatant violations of inmates' rights and systemic lawlessness.

Another example of problems in the course of reforms is the transition to new corrective centers for underage inmates. This system harbors endemic violations of many UN Rules. It is based on "correcting" a teenage offender rather than being focused on caretaking, protection, education, and professional training.

Among rampant violations of international standards governing the rights of inmates are such coercive measures as limiting visitation, placing in secure lock-up and using inhumane conditions and solitary confinement in it as a punitive measure, compulsory labor and professional training as criteria of getting additional privileges, limiting the number and duration of phone calls to family members, especially for underage inmates.

There are no security guarantees for those inmates who choose to complain about the conditions of their confinement and no workable procedures for investigating the facts underlying such complaints, as well as holding the administrations of the places of confinement accountable for failing to pass the complaints to the proper authorities.

Investigative measures undertaken at penitentiaries are often used to put pressure on the suspects and the convicts.

Torture and Inhuman Treatment at the Law Enforcement Agencies

Regrettably, torture and ill-treatment remain a wide-spread practice at law-enforcement agencies. Every year Russian human rights organizations receive hundreds of new complaints from people who have suffered from torture and ill-treatment at the hands of law-enforcement officers².

These actions harm the very people whose security is the primary mission of law-enforcement. In many cases, wrongful acts committed by law-enforcement officers lead to grave consequences for the victims' health, and even end in their death.

² See, for example, case descriptions on the website of the Public Verdict Fund at <http://publicverdict.ru/topics/cases/>

Despite public calls, the reform of the Ministry of the Interior inaugurated at the end of 2009 has not achieved any breakthroughs in putting a stop to torture and ill-treatment. Moreover, measures undertaken in 2010-2011 were often sporadic, set obscure goals, and failed to bring about sustained and systemic change. Of particular concern is the fact that the country's leadership has made numerous declarations of its commitment to democratic values and respect for human rights, but none of these declarations has resulted in practical steps to ensure security of the people³. The problem of torture has been ignored during the reform of the Ministry of the Interior. No targeted action has been taken to prevent torture and guarantee protection from it.

As a result, in spring 2012 a series of events resulted in deaths under torture in Saint-Petersburg and the Republic of Tatarstan, inflaming the public opinion. It has also come to light that refusals to initiate criminal cases in response to reports of torture and ill-treatment committed by law-enforcement officers have become a common practice. The Russian authorities had to admit that the reform had failed. In the early summer of 2012 the Ministry of the Interior underwent a change of leadership. The new Minister of the Interior declared the need for a second round of reforms. As of yet, nothing is known about the conceptual content of this reform, but there have been reports that a roadmap for it is being drafted. This can be considered a positive development since, from the moment the reform started at the end of 2009 until present, the public has not received a comprehensive reform plan aimed at modernization, structural optimization, improving efficiency based on the principles of respect for, observance, and protection of human rights and freedoms.

Human rights organizations identify the following causes of continued use of torture:

- inadequate staff training that would match contemporary standards based on respect for human rights and dignity,
- the existing system of management and performance assessment of the police that is based on the in-house statistics and emphasizes positive numbers in solving criminal cases, but turns a blind eye to the quality of police work,
- an absence of effective investigative procedures in torture and ill-treatment cases, regular violations of such investigative principles as promptness, thoroughness, independence, and access to the investigation for the victim,
- courts rarely identify and rule out evidence obtained under torture.

Over the past years the system of assessing staff performance at the Ministry of the Interior has gradually improved, but observation and analysis of these changes have shown that the Ministry is not yet ready for independent oversight. This means that the existing management system in the Ministry, the system of punishment and incentives, excessive attention to quantitative measures of performance and the need to report good statistics, and also in-house control over public opinion polls will continue to play in the hands of those who perpetrate torture and ill-treatment.

As far as ineffective investigation of torture and ill-treatment cases is concerned, in spring 2012 the Investigative Committee of the Russian Federation took note of the criticism and recommendations voiced by human right activists⁴ and citizens and announced the creation of a special task force to investigate crimes committed by law-enforcement officers. This was done, first and foremost, to ensure independence and impartiality of investigative procedures in such cases. However, an analysis of the Committee's order⁵ to create the task force leads to the conclusion that it will hardly be capable of achieving the declared positive goals. The order sets the staff number for the force at 60 investigators for the entire country. Such a team will not be able to cope with several thousand

³ More information is available from <http://publicverdict.ru/topics/articles/10173.html>, analytical materials, prepared by the Working Group of Russian Human Rights NGOs on the reform of the Ministry of the Interior for a special meeting of the Council for the Development of Civil Society and Human Rights called to discuss the outcomes of the reform at the Ministry of Interior.

⁴ More information about recommendations of human rights NGOs is available at <http://publicverdict.ru/topics/library/10137.html>

⁵ Decree № 20 from 18.04.2012 "On additional Measures for Organization of Investigation of Crimes Committed by Law Enforcement Officials", <http://sledcom.ru/upload/iblock/a4c/a4cdc6b6dc00679897197909e1682a3d.pdf>

criminal cases lodged against law-enforcement officers and review thousands of referrals on reports of malfeasance in law-enforcement agencies (such are the current statistics of such violations) in a country with eight time zones.

The Situation of Asylum Seekers

Extradition and deportation procedures in the Russian Federation remain a cause for concern from the human rights standpoint.

Extradition requests by foreign states are handled by the RF General Prosecutor's Office. Over the past two years the Office has denied a number of such requests. However, there is no evidence that these decisions took into account all potential risks of violation of prohibition of torture since the General Prosecutor's Office is not obligated by law to justify its extradition rulings.

Appealing extradition rulings is made difficult by the absence of a legal norm that would require the General Prosecutor's Office to notify the legal counsel or attorney about the extradition ruling issuance in his or her client's case. Considering the fact that, as a rule, foreign citizens subject to extradition are not familiar with the relevant legislation governing such cases in the Russian Federation and are held in custody without access to a lawyer, their right to legal defense is significantly curtailed. Appellants with no knowledge of the Russian language are further impaired in their right to legal remedy because they often receive extradition notices without a translator present.

Russian law distinguishes between two kinds of deportations procedures: administrative expulsion (enforced or controlled transfer outside the territory of the Russian Federation carried out in accordance with the Russian Federation Civil Code) and deportation proper (enforced transfer outside the country in the absence of lawful grounds to remain or reside in it).

Administrative expulsion is authorized by court rulings. The person subject to it has a chance to contact his or her lawyer and appeal this decision in higher courts. Deportation decisions are made by government officials, including the Director of Russia's Federal Migration Service, his or her deputy, and/or heads of the regional directorates of the Service. Denial of asylum directly leads to deportation and does not require additional investigative actions or a court ruling.

Refugees awaiting deportation or administrative expulsion are usually housed at detention centers for foreign citizens. During detention at the center they are often denied the opportunity to appeal their extradition. Similarly, they cannot come into contact with the UNHCR, lawyers, or NGOs to get help with their appeals. Extradition decisions are made behind closed doors and leave virtually no room for appeals. Over the past years there have been numerous attempts to use administrative expulsion to extradite foreign citizens into states that made such requests. Courts refuse to examine the risks of torture upon extradition with respect to such foreign nationals, assuming that this issue falls outside their purview in cases involving illegal residence in the Russian Federation. Extradition in such cases can only be averted if the European Court of Human Rights initiates interim measures under Rule 39 of the Rules of Court⁶.

No changes have been made to Article 18.8 of the Civil Code that governs administrative expulsion. The government has ignored the recommendation by the UN Committee against Torture adopted at the 37th session of the Committee after reviewing the fourth periodic report by the Russian Federation. The Committee argued that "the State party should further clarify the violations of immigration rules which may result in administrative expulsion and establish clear procedures to ensure they are implemented fairly."

⁶ See, for instance, *Yakubov v. Russia*, No. 7265/10, judgment passed on November 8, 2011, §§ 25, 28.

Joint order No. 758/240⁷ issued on October 12, 2009 by the Ministry of the Interior of Russia and the Federal Migration Service of Russia gives the right to make deportation decisions to the heads of the regional directorates of the Federal Migration Service. This change in regulations has led to steep increases in deportations that are difficult to reverse (362 deportations in 2010 and 656 deportations in 2011 compared to 60 deportations in 2009)⁸.

In what constitutes a new practice that started in 2011 administrative expulsion proceedings have been initiated simultaneously with extradition. This practice concerns individuals appealing extradition rulings (see, for instance, appeals to the European Court of Human Rights No. 27843/11 *Niyazov v. Russia* and No. 67474/11 *Azimov v. Russia*) and/or subject to release after their maximum detention terms have expired and immune to extradition due to the European Court initiating interim measures in accordance with Rule 39 of the Rules of Court (appeal No. 77658/11 *Latipov v. Russia*). Generally, transfer of such individuals to foreign states has only been possible to prevent owing to the interim measures initiated by the European Court of Human Rights.

The years of 2011 and 2012 saw an increasing number of cases when individuals who could not have been legally extradited or expelled or could have undergone such a procedure only after lengthy proceedings were unlawfully transferred to foreign states. Such individuals became victims of abductions with subsequent illegal transfer to the state that had requested their extradition. Since all of these individuals were shipped out by plane from Russian airports without undergoing mandatory airport procedures (a security check, passport control, and a customs inspection), there is no chance that the Russian authorities could be exonerated of their complicity in these cases. Overall, human rights organizations possess evidence concerning more than 10 individuals who have recently been abducted and unlawfully transported to Uzbekistan and Tajikistan. In the majority of cases these individuals suffered from torture upon their arrival to the destination countries and sentenced to long prison terms on bogus charges.⁹

Torture-Related Practices in the Armed Forces and Forced Labor Unrelated to the Military Service

In the course of its previous review of Russia's performance under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2006, the Committee against Torture expressed concern at the continuing reports of hazing in the military (*dedovschina*) and other torture-related practices in the armed forces conducted by or with the consent, acquiescence or approval of officers or other personnel. The Committee urged the Russian Federation to apply a zero-tolerance approach to this continuing problem in its armed forces and to take immediate measures of prevention and ensure prompt, impartial and effective investigation and prosecution of such abuses. In particular, the Russian Federation was urged to ensure the protection of victims and witnesses of violence in the armed forces and establish a rehabilitation program including appropriate medical and psychological assistance.

Russian human rights NGOs continue to record well-founded cases of torture, cruel, inhuman and degrading treatment or punishment in the armed forces. Most of the soldiers who had fallen victim to violent hazing explained that beatings were due to their refusal to hand over their money and/or valuable personal belongings (such as cell phones) to older servicemen. As such, these acts were usually part of widespread extortion which is endemic in the Russian army. In some cases beatings serve as retaliation to soldiers who failed to obey or were perceived as failing to obey the informal "rules of the game" pursuant to which "younger" soldiers (who have served less time) should submit to power and are frequently left at the mercy of the "older" ones (who have served for longer).

⁷ <http://www.fms.gov.ru/law/866/details/37127/2/>

⁸ <http://www.fms.gov.ru/about/statistics/data/>. Statistics compiled using form 1-RD for 2011.

⁹ *Savridin Dzhurayev v. Russia* (No. 71386/10), *Koziyev v. Russia* (No. 58221/10) and *Shamsiddin Dzhurayev*.

Impunity for torture-related practices in the military is a systemic problem. Although article 117 of the Russian Criminal Code now refers to torture (although this definition is not in full compliance with article 1 of the International Convention against Torture), in over fifty cases of attempts to investigate and prosecute torture-related practices which Soldiers' Mothers of St. Petersburg followed up in 2009-2011, no one was convicted under this provision.

Convictions for torture-related practices which were secured concerned mostly lower-ranking perpetrators who received sentences without actual imprisonment (such as fines or suspended prison sentences).

There is no practical provision in the Russian legal system, especially in the military context, for the victim of an act of torture and other forms of ill-treatment to obtain redress and to have a practically enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible. In practice, even basic medical care is not adequate for military survivors of torture. Apart from medical rehabilitation for military torture survivors which is practically unavailable, psychological rehabilitation is completely left out.

Human rights organizations have observed widespread practices of unpaid use of soldiers' involuntary labor by their superiors for private purposes or by "leasing" them to private businesses. This forced labor is unrelated to the military service and is prohibited by Russian laws. Such treatment of the military servicemen constitutes a modern form of slavery and inhuman and degrading treatment. *De facto* servitude and slavery of the soldiers in the modern Russian army is an absolutely abhorrent phenomenon. It shows that soldiers are considered not as human beings but rather as a commodity.

Over the past three years we have witnessed a new form of involuntary labor in the Armed Forces that has led to numerous casualties and corrupt practices. The labor in question is done by conscript military servicemen who utilize obsolete and decommissioned munitions. This work relies on primitive methods – detonating the munitions at military ranges. Military personnel perform hazardous loading and offloading operations that include transporting artillery shells and other munitions, offloading them from trucks, etc. This work often goes on for 12-14 hours without breaks. Previously the military personnel received compensations for such hazardous work, but they were canceled in early 2012. Because of safety violations during blasting, loading, and offloading there are numerous accidents leading to injury and mortalities.

In the meantime, the government has allocated funds to utilize the munitions professionally at specialized facilities. Human rights NGOs believe that mass utilization breeds numerous instances of corruption and embezzlement. It is because of corruption that this work is delegated to unqualified military personnel rather than professionals who charge the top money for their services. In early September facts of gross financial misconduct connected with the utilization of munitions at military ranges were admitted by Russia's Chief Military Prosecutor.

Counter-Terrorism and Human Rights: the Situation in the North Caucasus

After considering the fourth periodic report of the Russian Federation at the thirty-seventh sessions of the UN Committee against Torture in November 2006, the Committee adopted its recommendations. Paragraph 24 of this document containing ten concrete recommendations was dedicated to the situation in the Chechen Republic. The Committee cited this paragraph as one of its priorities. None of these recommendations have been implemented.

Three years ago, in 2009, the state parties to the UN Human Rights Council reviewed the Universal Periodic Report by the Russian Federation and proposed a number of recommendations, two of which

(recommendations 29 and 36) focused on the situation in the North Caucasus. These recommendations have not been heeded.

In 2009-2012 human rights organization have continued to receive complaints of torture and ill-treatment of people detained or arrested by law-enforcement, federal security officers, and Russian military personnel, as well as people unlawfully captured by armed individuals in khaki uniforms who did not reveal their identity. Such reports have been coming from the Republic of Dagestan, the Chechen Republic, the Republic of Ingushetia, the Republic of Northern Ossetia-Alania, and the Kabardino-Balkaria Republic.¹⁰ Generally, people were subjected to torture at police stations, at the headquarters of anti-extremism centers belonging to the Ministry of the Interior, and in illegal custody. Additionally, in 2010-2011 there were regular reports of ill-treatment of detainees at the detention facility of Nalchik (Kabardino-Balkaria)¹¹. In the majority of such cases, after examining these reports, the investigative bodies refused to initiate criminal cases. In other instances, as a rule, the investigation yielded no results (only two criminal cases involving torture have reached the court¹²).

Law-enforcement officers often prevent lawyers from getting access to detainees. Usually this happens during the first days of detainment when the detainee is subjected to torture to coerce him or her to give confessions. Officers of the Ministry of the Interior keep lawyers under pressure. In 2010 in Dagestan there were five documented cases of attacks on or beatings of lawyers¹³. Nobody has been brought to justice for these crimes.

Compared to the previous periods, mass illegal detentions, torture, and beatings of citizens during security sweeps in towns and villages have become extremely rare. However, several such incidents have been reported, above all in Dagestan¹⁴.

The practice of forced disappearances persists, although on a lower scale than early in the first decade of the 21st century. In most cases the circumstances of such forced disappearances point toward the involvement of law-enforcers. In the absolute majority of the cases the fate of thousands of individuals who have fallen victim to forced disappearances remains unknown and the guilty persons have not been identified. A progressive “Comprehensive program to combat abductions, disappearances, and search for missing persons” developed in 2007 has not been implemented, primarily due to sabotage on the part of the parties tasked with implementing it (prosecutor’s offices, investigative bodies, the Ministry of the Interior, and the Federal Security Service)¹⁵.

Government officers continue to perpetrate executions of people suspected of covert terrorist activities without any judicial proceedings. Often these crimes are disguised as casualties during armed confrontations or “self-destruction” while planning or attempting terrorist bombings. On multiple occasions high officials in the Chechen Republic have gone on record calling for summary executions outside judicial proceeding of individuals suspected of having connections or even sympathizing with the armed underground.¹⁶ Human rights activists have also been labeled accessories to terrorists¹⁷.

¹⁰ For more information, see <http://www.memo.ru/d/3441.html>, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>

¹¹ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2011/03/m241252.htm>,
<http://www.memo.ru/hr/hotpoints/caucas1/msg/2011/03/m242492.htm>, <http://www.memo.ru/2011/04/01/0104111.html>,
<http://www.memo.ru/2011/04/25/2504113.html>, <http://www.memo.ru/2011/05/13/1305111.html>

¹² <http://www.memo.ru/d/130029.html>,

http://refugee.ru/news/pervyj_sud_protiv_policejskikh_sadistov_v_ingushetii_zatjanuvshijsja_fars_ili_drama_podli.nnogo_pravosudija/012-06-05-194, http://refugee.ru/news/na_storone_istiny_i_prava/2011-11-18-164, <http://www.memo.ru/d/128254.html>,
<http://www.memo.ru/d/121785.html>, <http://www.memo.ru/d/3431.html>

¹³ <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>, <http://www.memo.ru/2011/07/05/p6.html>, <http://www.memo.ru/d/126206.html>

¹⁴ <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>, <http://www.memo.ru/2011/07/05/p5.html>,

<http://www.memo.ru/2011/10/14/1410111.html>

¹⁵ <http://www.memo.ru/eng/news/2010/10/18/doc.pdf>, <http://www.memo.ru/2010/10/08/0810101.pdf>

<http://www.memo.ru/2011/04/20/pc/okpp.html>, <http://www.memo.ru/2011/04/20/pc/led.pdf>, <http://www.memo.ru/2011/04/20/pc/pr.pdf>,

¹⁶ <http://www.memo.ru/2011/03/02/02031111.html>, <http://www.hro.org/node/6340>, <http://www.memo.ru/2009/07/16/1607096.htm>

¹⁷ <http://www.memo.ru/2011/03/02/02031111.html>, <http://www.memo.ru/2009/11/17/17111092.htm>

Over the past years the situation of people who have been fighting to defend human rights and the rights of journalists covering this issue in the North Caucasus has significantly deteriorated, especially in the Chechen Republic. They have come under various forms of pressure ranging from threats to shootings, arson, abductions, torture, and killings. None of these crimes have been investigated.

Over the past years the situation of women in the North Caucasus, and primarily in Chechnya, has markedly worsened. There have been reports of the so called “honor killings.” Women suffer from discrimination. Public officials violate the laws by requiring them to wear certain clothes.¹⁸

Since November 2009 the Chechen Republic has become a venue for the activities of the Joint Mobile Group (JMG) of Russian human rights organizations. JMG investigates torture and abduction cases committed starting in 2009. Involvement of Chechen law-enforcement officials is one of the main leads in each case.

The experience accumulated by JMG proves beyond reasonable doubt the Investigative Directorate for the Chechen Republic has failed to conduct investigations even in the presence of evidence collected by the Group due to resistance from the Chechen police. Likewise, a lack of involvement on the part of the prosecutor’s offices to provide oversight remains a serious problem.

In response to appeals by the Interregional Committee against Torture, the top officials at the prosecutor’s office and Chechnya’s Investigative Directorate have admitted on numerous occasions that the problem of ineffective investigations does exist. However, this problem has still not found a solution. Recently the already extremely low levels of activity of Chechen investigative bodies to solve crimes allegedly perpetrated by officers serving at the Ministry of the Interior for the Chechen Republic entered a new downturn.

¹⁸ <http://www.donwomen.ru/archives/2314>, <http://www.hrw.org/sites/default/files/reports/chechnya0311ruwebwcover.pdf>