



FOR HUMAN RIGHTS

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Review: Human Rights Situation in the Russian Federation, 2004-2008.

**Prepared for the UN Human Rights Council
by the All-Russia Public Movement "For Human Rights" jointly with the
Foundation "In Defence of Rights of Prisoners"**

Brief information on the All-Russia Public Movement "For Human Rights"

The All-Russia Public Movement "For Human Rights" was founded in November 1977 as a federation of human rights organizations. Currently over 120 regional and local human rights organizations are members of the movement. The aim of the All-Russia Public Movement "For Human Rights" is to establish the constitutional state and to develop the civil society in Russia. The movement has a diversified structure. It is headed by a board of 11 members representing regional human rights organizations. Lev Ponomarev, the Executive Director (Chairman of the Board) of the Movement, is a former deputy of the Russian Parliament, PhD in physics and mathematics. The Public Council of Experts has been created with the Movement.

Brief information on the Foundation "In Defence of Rights of Prisoners"

The Foundation "In Defence of Rights of Prisoners" was established in October 2006. It is headed by the most famous human rights activists Lyudmila Alexeyeva, Chairperson of the Moscow Helsinki Group, Valery Abramkin, Chairman of the MCPR (Moscow Center for Prison Reform), Lev Ponomarev, the Executive Director of the Movement "For Human Rights". Svetlana Chuvilova is the Executive Director of the Foundation.

The Foundation "In Defence of Rights of Prisoners" is involved in the protection of human rights as well as in raising public awareness and in the research activities.

Deterioration of the compliance with the major set of rights and freedoms stipulated by the existing Constitution of the country was so dramatic that a number of the public representatives and experts drew a conclusion of a hidden constitutional coup and of the elimination of rights and freedoms themselves.

The extent of changes in the legislation and in its application practices which have been accumulating starting from the late 1990's and, especially, after 2000, actually caused modification of the form of the state political system – *i.e.*, transformation of the federal state with a developing political and ideological competition into a practically unitary police state with political, informational and ideological monopolism and with dozens of political prisoners.

We would like to give an overview of the major violations by Russia of the human rights and freedoms stipulated by the International Covenant on Civil and Political Rights and suggest recommendations to Russia be made on behalf of the UN Human Rights Council.

First of all, it should be mentioned that the Russian Federation had assumed responsibility to apply the rules stipulated by international and regional human rights acts as having supreme legal force compared to those stipulated by the national law (Art 15 paragraph 4 of the Constitution of the RF). It means that, formally, the Russian citizens enjoy quite a broad range of the commonly recognized rights and freedoms.

In this review we would like to mainly focus on the human rights situation within the penal system where a person is particularly vulnerable and remains at the uncontrolled disposal of the state. However, we would also like to draw the attention to the systematic persecution of the opposition and independent structures of the civil society, as well as to the manifestly unlawful actions of the security and police forces in the national republics of the North Caucasus and to some other problems.

1. Civil rights situation

1.1. Major violations

For several years now a few national republics in the North Caucasus, including Chechnya, Dagestan, Ingushetiya and Kabardino- Balkaria, have been actually living under the state of martial law: abductions, actions of the death squads, tortures, summary executions, use of the heavy army equipment in densely populated areas have become usual.

Much of the time criminal investigation in Russia involves tortures. Gravest crimes, tortures and murders are committed in the penal institutions including by hand of the so-called “activists” affiliated with the “sections of discipline and order”; dozens of special “torture zones” function there. Actually, a new “GULAG archipelago” has emerged. Anyway, more on this will follow.

Russia faces an outbreak of racially motivated killings committed by the ultra rightists’ groupings; true neo-Nazi terrorist clandestine organizations have been formed. At the same time, the law-enforcement bodies expend their energies to fight informal youth groups of various types.

Political murders and killings of dozens of journalists involved in the investigation of violations and crimes have become a sad customary practice.

Brutality, arbitrariness and corruption erode the armed forces – the soldiers escape from the army or commit suicide; the conditions of the contract military service are unbearable and force the soldiers to escape. Military leadership prevent from the development of the alternative (civil) service.

Politically motivated proceedings now take place in Russia, plain politically motivated investigations appear, and dozens of political prisoners are detained in prisons and correctional labor colonies. Defence lawyers for the political prisoners are persecuted. The public appeal of the human rights activists of May 2008 addressed to the new President Dmitry Medvedev requesting to grant pardon (which does not require admission of guilt) to 14 political prisoners who are currently serving the longest sentences, was actually neglected (from the Administration of the Head of the State it was forwarded to the Procuracy General and from there on – to the Procurator of the City of Moscow).

Political proceedings “on order” taking place in Moscow, primarily the YUKOS case, gave the green light to initiating reprisals against independent regional entrepreneurs whom the local authorities considered to be “dangerous” – the so-called “small YUKOS cases”.

It’s only in the environment of such “justice” that passing a sentence upon the activists of the banned National Bolshevik Party (NBP) to a few-years’ imprisonment for unauthorized actions in the public waiting room of the RF President’s Administration or for hanging a poster out of the hotel room could be possible.

A number of trials were held against the Islamic “party” “Hizb ut-Tahrir Al-Islami” members showing all signs of the “witch-hunt” – the Muslims throughout various regions were convicted of membership in the organization which was secretly declared by the Supreme Court of the RF to be a “terrorist organization”. The Russian human rights activists recognized them as political prisoners.

Oftentimes, not only those who order those crimes but also those who execute (commit) them, remain unpunished.

In late November 2007 Yuri Chervochkin, an activist in the banned National Bolshevik Party, was beaten into a coma by baseball bats in the suburbs of Moscow. 40 minutes before his death he managed to say that he had been shadowed by two officers of the Ministry of Interior.

In late August 2008 Magomed Yevloyev, a lawyer, leader of the peaceful Ingush opposition, owner of the “Ingushetiya.ru” website was injured in his head, supposedly by recklessness, while he was detained in the car of the body guards of Mr. Medov, the Minister of Interior of Ingushetiya. Mr. Yevloyev died in the hospital shortly afterwards.

Recommendations of the UN Human Rights Council for the Russian Federation:

It is necessary to stipulate in the legislation the rights:

- of the victims of the acts of terrorism and of those who suffered in the process of anti-terrorist activities to social assistance from the state;
- of the citizens to compensation of the moral damage and material harm inflicted as a result of failure of the state to meet its obligations on ensuring the right to life, as well as on protecting the rights and freedoms of man and citizen, and the rights to fair and effective trial.

1.2. Right to fair trial

As a result of the legal reforms conducted by the leadership of the Russian Federation and of the actual monopolization of powers by the leading party, the judicial power has actually lost its independence (impartiality). The judge is now entirely under control of the chairperson of the court (presiding judge) and the qualification panels which include representatives of the civil structures controlled by the leading party, or, to be more precise, by the executive power officials.

Opportunities for judicial protection - up to appearance of the legislative suggestions to deprive the defence lawyers of their right to legal professional privilege and to protection by the lawyers' community - are reducing rapidly. Multiple facts of manipulating the jury trials, especially in connection with the notorious trials and intimidation of the jury have been stated.

Procedural criminal law deprives citizens of an opportunity to appeal in court against the actions of the investigative authorities if, in breaching of the law, they, according to the court, did not violate the “constitutional rights” and leaves hiring of the defender (not of the defence lawyer) to the discretion of the investigator and the court.

Amendments introduced into the civil procedural law deprived the NGO's of their right to appeal against unlawful actions of the authorities, primarily, against the decisions of the executive power violating the rights of an uncertain (general) public (i.e., their right to protect the interests of the whole society).

The civil procedural law separated appealing against unlawful actions of the authorities and the officials from claiming by the victims of such actions for compensation of the moral damage and physical harm.

Amendments introduced in the correctional legislation have actually eliminated provisions requiring detention of prisoners in that part of the country where they reside which would significantly complicate making visits by the relatives and the defence lawyers and allow for detention of these prisoners over thousands of kilometers away from home.

Recommendations of the UN Human Rights Council for the Russian Federation:

1) In order to create an environment where the civil society could easily seek for observance by the state of the law, amendments need to be introduced in the Civil- Procedural and Criminal- Procedural Codes, stipulating that any citizen and any NGO should be entitled to appeal in the court against any actions (failures to act) of any authorities and officials (the so- called actions to protect public interests) if they, according to the applicants, contradict the legislation. This should also apply to the right to unlimited appeal in the court against actions (failures to act) of the investigator, inquirer and the prosecutor irrespective of whether or not they affect constitutional rights of the applicant.

2) Application to the court with a complaint against actions (failures to act) of the state representative should be exempted of state duties and an opportunity should be created to procedurally link such complaints to the civil claims on compensation for moral damage and physical harm inflicted.

3) Victims of the unfair judgement should be entitled to unconditional compensation by the state of the moral damage and physical harm inflicted.

4) In order to achieve actual impartiality of judges, chairpersons of the courts should be deprived of their powers of authority in regard to judges. It might be desirable to introduce election by the public of the magistrates.

5) The right of the lawyer to special protection and to legal professional privilege should be restored; representatives of the state should be deprived of the right to be in control of the professional qualifications of the lawyer.

6) Everyone should be entitled to invite any person for his/ her defence at the stage of detention, inquest, investigation and court trial (including all types of the judicial protection of the rights and legal interests when in custody).

1.3. Persecution of dissent, repressions

The law enforcement bodies shamelessly fabricate criminal and administrative cases against those they dislike, that is against participants in the peaceful protest actions or members of the opposition organizations and groups, in the first place.

“Espionage” and other politically motivated proceedings are constantly fabricated as well. Fabrication of criminal cases has become a tool to take away businesses and to deal shortly with the dissidents. Cases of psychiatric abuse are becoming customary again. Pervasive system of political investigation has been created by joint efforts of the Federal Security Service (FSB) and the Ministry of Interior (MVD). Restricted instructions equaling social danger of the members of peaceful protest groups to that of the criminals, racists and terrorists have been repeatedly issued to carry out actions against the opposition.

Ideological censorship has moved from the political to cultural front. Two criminal cases were initiated in connection with the art exhibitions held at the Andrey Sakharov Museum.

Due to unreasonably extended interpretation, prohibition of any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence pursuant to the international law (Article 20 of the International Covenant on Civil and Political Rights) has been turned into a tool to suppress dissent.

More and more “flexible” anti- extremist legislation has now come close to that way of interpreting the “subversive activity” which existed in the legislation of the Stalin era. For instance, it may include public addresses or speeches, “allowing for” or “causing extremism”, accusing officials of having committed grave crimes, civil disobedience acts.

Such interpretation of the law was sufficient for bringing absurd charges against human rights activists Yury Samodurov (Director of the Andrey Sakharov Museum and Public Center in Moscow) and Stanislav Dmitriyevsky (Editor of the “Law – Defence” [Pravo – Zashchita] newspaper) – of “incitement of the religious and interethnic hostility” in 2005. Samodurov was convicted for hosting in his Museum of the art exhibition “Look out – religion!” and Dmitriyevsky – for publication of the Maskhadov’s and Zakayev’s addresses urging for peace talks.

A new criminal case was initiated against Mr. Samodurov and art critic Andrey Yerofeyev in 2008 for hosting the exhibition «Forbidden Art – 2006”.

Recommendations of the UN Human Rights Council for the Russian Federation:

1) Provision of the Russian law stipulating responsibility for extremism, should be narrowed down to accusations of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence pursuant to the international law pursuant to Article 20 of the International Covenant on Civil and Political Rights.

2) The principle of “collective responsibility” of the party or NGO for the actions of its leader even if those actions had been recognized by the court as extremist should be cancelled.

1.4. Restricting the activities of the civil society

Realizing that the NGO’s and independent media are now the last bastion to defend democratic values, the authorities exert merciless pressure upon them, torment them with the petty annoyances, close them, conduct searches accompanied by seizures of the office equipment and printed copies of their publications, organize provocations against their leaders, fabricate administrative and criminal cases.

New draconian amendments to the legislation on the non-governmental organizations and public associations that came into effect in spring 2006 doomed those entities to overcome a huge amount of bureaucratic procedures and created favorable conditions for mass liquidation of such organizations.

New amendments to the anti- extremism legislation created favorable conditions for the political persecution of any protesters or those who appear to be beyond the scope of the developing state ideology. Organizations the leaders of which were convicted of “extremism” are due to banning. That’s exactly what happened in 2006 with the organization called “The Society of Russian – Chechen Friendship” headed by Mr. Dmitriyevsky.

Almost all major media became tools of the state propaganda based on the cult of the state leader and on the fear of the external and internal “enemies”. Independent media are persecuted; journalists are being killed.

Seizures from the organizations and editorial offices of all the printed copies of publications, as well as of the computers under the pretext of fighting against extremism or against the use of illegal software programs are widely spread.

Significant restrictions have been introduced in regard to the activities of the NGO’s.

The right to political meetings (rallies) and gatherings has been sharply restricted; some of the organizations were prohibited to take part in any demonstrations.

The civil society in the present-day Russia has to conduct its activity in the environment of arbitrary rule of all branches of power, their policy of dictate, bribery and corruption, xenophobia which is widely spread throughout the country.

Recommendations of the UN Human Rights Council for the Russian Federation:

- 1) Political and non- governmental organizations should be saved from petty control and discrimination, including revocation of the new restrictive measures introduced in 2006.
- 2) Liquidation of the non- governmental organizations as a result of their violating the formal bureaucratic rules or due to the public stand of their leaders should be prohibited.
- 3) In order to ensure protection of the rights and dignity of the participants in the peaceful gatherings and demonstrations an absolute ban should be introduced to use special police detachments (OMON) and interior army units for crackdowns against the civilians even if those actions are of uncoordinated with the authorities (unauthorized) nature.
- 4) It should be stipulated by the law that upon inspecting by the law enforcement authorities of the printed products for any signs of legal violation just a single copy (sample) of each circulation should be seized. While checking up computers for illegally installed software or for the data pointing to the traces of the committed crime a back-up copy of the discs should be created instead of the seizure of hardware. As an exception, copies could be created in the premises of the law-enforcement units in front of the interested persons and of the witnesses.

1.5. Arbitrary behavior of the police

The phenomenon of the “beaten up cities” has appeared in the recent years. It concerns mass beatings in a way of collective punishment of the residents. In September 2004, hundreds of the participants in the peaceful opposition meeting held in the city of Elista (capital of Kalmykiya – a republic of the Russian Federation) were severely beaten. In December 2004, within the framework of the “crime prevention” crackdown (after a conflict with the policemen in a café) about a thousand residents of the small city of Blagoveshchensk (Republic of Bashkiriya) and a few neighboring villages were unlawfully detained in the “temporary filtration posts” and beaten up by the OMON police. This was formally recognized as a crime. The organizers managed to escape liability. The action was conducted pursuant to the restricted instructions issued by the Ministry of Interior in September 2002 which assigned the officers of the law enforcement bodies with emergency powers which included killings on the spot (MVD Order No. 870). Later on, a few more cases of mass beatings were mentioned in November 2004 and February 2005 (the city of Bezhetsk) and in March 2005 (the village of Rozhdesnvennoye) in the settlements of the Tver Oblast.

The following events became culmination of the punitive actions:

1) burning in early June 2005 of the Chechen village of Borozdinovskoye by the notorious battalion “Vostok” headed by Sulim Yamadayev, where 12 people died and the remaining villagers escaped to the territory of Dagestan where they live as refugees up until now;

2) shooting down of the peaceful political opposition meeting (one person died and a few more were injured) near the village of Miskinja (Dokuzparinsky District of the Republic of Dagestan), severe beatings and detentions of its participants on April 25, 2006.

All those involved in those actions managed to escape liability.

Recommendations of the UN Human Rights Council for the Russian Federation:

The Russian authorities should publish all the by-laws of the law enforcement bodies related to their relationships with the citizens. First of all, pursuant to the Constitution of the RF, all the classified or restricted documents related to the issue of human rights and freedoms should be declassified and made public.

1.6. Tortures and abuse

The review of the situation concerning the repressive policy in Russia would not be possible without mentioning tortures and turning of the penal system into a new GULAG.

The situation with tortures and beating is deteriorating. The most recent and widely discussed event took place in early April 2008 when the police officers in Moscow severely beat up a group of teenagers who were escorted to the police station for the crime preventing purposes. The administration of the Moscow and federal interior authorities immediately – without any investigation – announced that all the accusations against the police officers would be prosecuted as a calumny and that the police had received instructions to fight the ‘counter- cultural’ groups of the youth as with the extremists. It was only in June 2008 that the human rights activists managed to achieve initiation by the procurator’s office of the criminal case.

The connection between the ‘outbreak’ of tortures in Russia and that latent legalization of tortures and internments, which took place after October 2001 within the framework of the so-called “combating international terrorism”, is obvious. This “combating international terrorism” has significantly increased the permissible standard (up to the level which existed right in the midst of the cold war).

The tortures (other types of abuse, violence, brutal and humiliating treatment as well as the threat of subjecting to the above – will hereinafter be referred to by use of the general notion of TORTURE) in Russia were especially widely spread in the three main areas.

1. Tortures at the stage of pre-trial investigation conducted in the law enforcement bodies where the use of torture ensures obtaining a significant part of the “initial” confession which serves grounds for consequent accusations and convictions. It is worth mentioning that the hopes of the victims of the investigation conducted with the use of torture that in the court they would be able to reject evidence (confession) extracted under torture oftentimes appear to be illusive. Tortures ensure the triumph of the “queen of the evidence” – confession of guilt. It is very unfortunate and shameful that the pre-trial investigation with the involvement of torture, the widest spread of which has become a fact of common knowledge in the Russian society was accepted as unavoidable evil.

2. Tortures as an element of collective punishment, an element of the policy of repressions and terror applied to the inhabitants of a certain area.

3. Tortures in the “restricted” institutions (the army and the penal institutions) where they serve to ensure complete obedience and depersonalization. The situation in the army is to a certain extent covered by the media, whereas the materials concerning reprisals in the penal institutions, concerning transformation of the Federal Service for the Execution of Punishments (FSIN RF) into the system of the ‘concentration camps’ type are almost inaccessible to general public. However, the evidence collected by the human rights activists unambiguously confirm that during a few recent years under the guidance of Colonel General of the Interior Yury Kalinin, the FSIN has turned into a new version of GULAG. Crackdowns in prison provoked a few large- scale actions of protest, the most significant of which were those that took place in late June 2005 in Lgov (Kursk Oblast), where about 300 prisoners injured themselves (two representatives of the prison administration were convicted on parole in connections with these events) and those that took place in January 2008 in the labor colony for the tubercular prisoners in the Amur Oblast, where about 800 prisoners injured themselves in protest.

The incident which occurred in the transit prison (colony) in the city of Kopeisk (Chelyabinsk Oblast, the Urals) where 4 prisoners died and 8 prisoners were hospitalized after being beaten up by the colony staff became a practically unique case of initiating criminal proceedings against the representatives of the prison administration and of their arrest.

The fact that a wave of the actions of protest (including those involving self-injuries) conducted by prisoners was caused by a grave violation by the prison administration of human rights was officially declared both by Vladimir Lukin, the Human Rights Ombudsman for the Russian Federation and Yury Chaika, the current Procurator General of the Russian Federation. The 2007 annual report of the Human Rights Ombudsman for the Russian Federation directly indicated that the conditions existing in the penal institutions are of the torturous (or very close to that) nature.

Recommendations of the UN Human Rights Council for the Russian Federation:

1) In order to do away with the environment conducive to forcing prisoners to self-incrimination, amendments should be introduced into the Criminal- Procedural Code stipulating that the court should leave out of account the evidence obtained at the stage of the inquest and pre-trial investigation unless it is confirmed by the accused.

2) Court trials, official interrogations, questioning and confrontations conducted during the inquest and pre-trial investigation should be recorded and filmed.

3) The definition of “torture” pursuant to the UN Convention against torture and other cruel, inhuman, or degrading treatment or punishment should be introduced in the criminal law.

1.7. Violations in the penal system (FSIN Archipelago)

The materials on hand of the human rights activists indicate that crucial changes have recently taken place in the system of the Federal Service for the Execution of Punishments (FSIN) of the RF – it has completely gone out of the public and administrative control. Actually all previously existing opportunities for visits by the human rights activists, by experts of the human rights ombudsman for the RF and even by the deputies are gone. They would only be admitted to the ‘unproblematic’ institutions.

The Law on the public control in prisons - finally adopted after a few years’ delay - deprived organizations other than those selected by the “Council of the Public Chamber of the RF” of their right to visit prisons (the Public Chamber is a state institution organized based on the corporate representation principle). Moreover, meetings between the human rights activists and the prisoners may only take place in front of the representative of the prison administration.

As a result, previously uncontrolled system of FSIN initiated working out prisoners’ control techniques which could only be compared with those existing in the totalitarian systems.

First of all, it concerned the creation of the so-called “pressure zones” – that is, of special areas where tortures are used in order to extract confessions (and self-incriminations) as well as to achieve “behavior correction” (psychological destruction). Turning of the so-called “sections of discipline and order” (SDP) into detachments of “prisoner warders” who oftentimes performed functions of the “capos” in the Nazi concentration camps became another totalitarian innovation. These SDP detachments are authorized to exercise control over the prisoners but, unlike in case with the official warders, their actions are not restricted by the law and, therefore, they are capable of extreme violence which would remain unpunished.

At the same time, the existence of such a strict totalitarian system in the penal institutions does not prevent from – say – wild outburst of corruption. Information is received from the penal institutions of the Leningrad Oblast about numerous deaths of prisoners caused by drug intoxication.

“Collaborationism” between the criminal leader and the prison administration aimed at suppression of protests against the grave violations of rights of prisoners has become a significant element of the “New GULAG” (the events of June – July 2005, following the actions of protest in Lgov constitute a typical example of it).

Thus, there appeared a sophisticated system of control over prisoners involving use of tortures with participation of warders, prisoners - “red armband wearers”, and criminal leaders.

Special attention should be paid to the fact that the threat itself of sending the suspect to the isolator which has a reputation of a “pressure zone” is more than enough to make him sign any testimony the

investigator wants. This is what happened, for instance, in the notorious correctional facilities IK-1 (the settlement of Yagul, Zavyalovsky District, Republic of Udmurtiya), IK-2 (Yekaterinburg) and IK-3 (Lgov, Kursk Oblast), where beatings of prisoners provoked actions of protest with the involvement of hundreds of prisoners on the night of June 27, 2005.

In fact, the list of such zones is quite long. According to incomplete data, such institutions exist in some two dozens of regions (data on some 40 “pressure zones” are currently in the process of refinement). At the same time, the total number of penal institutions exceeds 700.

The information obtained from the letters and applications of the prisoners and their relatives helps to get a clearer picture of the methods of reprisal applied in the “*pressure zones*”. The newcomers have to sign up for the “section of discipline and order” (SDP) otherwise the life of these prisoners becomes hell: reprisals of the “red band wearing capos” range from systematic beatings and humiliation to rape and murder, in addition to that they are subject to beating and unlawful persecution by the administration of the prison. Another very important issue is that of the long (sometimes, for many months) detention of prisoners in various “internal prisons”, the conditions of staying in which significantly differ from the imprisonment conditions specified by the court sentence. In fact, it’s an extrajudicial restraint or a new punishment imposed on the prisoner. In the first place, the units functioning as investigative isolators (PFRSI) created in 1997 by the Decree of President Yeltsin, should be mentioned where the persons under investigation – who have not yet been found guilty (!) – are already on the territory of the colonies. The most terrible example of the extrajudicial restraint is that of endless placements – based on the decision of the colony administration – in the SHIZO (penal isolators – for the duration of up to 15 days, which can be repeated infinitely many times), in the PKT (cell type premises – for up to half a year), in the common cell type premises (EPKT – for up to 12 months with no investigation or trial) and in the barracks with “special conditions of detention” (SUS – no limitations, for up to 2 – 3 years). The prisoners in such extrajudicial “internal prisons” are deprived of – or significantly restricted in – the exchange of letters, access to the legal materials, getting parcels and visits.

It may happen that even in case the relatives of the prisoner who informed them of being subject to beating or torture manage to invite lawyers or representatives of human rights NGOs who do not personally know the victim, the prison administration would send a “volunteer” to them who would be stating that he had no complaints and that he did not want to see the defenders. This is what happened, for instance, during visits paid to the camps located in Mordoviya, where dozens of prisoners were severely beaten up in March 2006. By the time the lawyer and the representative of the human rights ombudsman for the Russian Federation arrived, the victims of the torture were hidden under board lumber in a bunker underneath the shop. After that, the prisoners were promptly transported to various remote areas.

In addition to that, there exist a number of complaints concerning extremely poor nutrition and bad quality of the meals, as well as lack of necessary medical treatment of the HIV- infected prisoners and prisoners with hepatitis or tuberculosis. Keeping healthy and sick prisoners together is also a problem. It’s important to mention that should there be a good will of the administration, staying in colonies could be quite bearable; the order could be maintained with no torture or other methods typical of the concentration camps, the prisoners could work and earn money.

If you view the problem of political persecutions from the aspect of the NEW GULAG, you can also note a significant deterioration of the situation compared with the situation of the Brezhnev era. Political prisoners, formally recognized as criminals, are not detained in separate camps but are spread all over the country, usually, thousands miles away from their homes to make it difficult for the relatives to visit them. It’s usually the warders who are used to exert pressure upon the political prisoners. Among the best -known examples: a whole series of unlawful sanctions imposed on Mikhail Khodorkovsky, provocations against him when his cellmate attacked him and stabbed him on the face; this person has not even been recognized as having committed a crime (!), a series of provocations and unlawful sanctions against Mikhail Trepashkin, a lawyer who had been recognized by the “Amnesty International” as persecuted for the political reasons, and deprivation of his right to necessary medical treatment.

Recommendations of the UN Human Rights Council for the Russian Federation:

1) A provision should be restored in the Correctional Code stipulating that the prisoner should only serve his sentence at the penal institution located in the region of his domicile or, as an exception, in one of the neighboring regions.

2) The so-called “sections of discipline and order” (SDP) should be dismissed and creation of unauthorized structures of prisoners which would in this way or other be entitled to any kind of educational or day-to-day control functions should be put under strict ban.

3) In order to save the administration of the penal institution from the need to exert pressure upon the prisoners and to win over to their side of instigators from out the prisoners, as well as to ensure complete independence of the law enforcement bodies from the law machinery, it is necessary to forbid the penal institution staff get involved in the investigation and search operations aimed at the investigation on actions committed outside the specific correctional institution and in regard to persons outside this institution.

4) The right to visits to the penal institutions should be granted to the representatives of the human rights organizations who had acquired the status of a visitor from the federal or regional representations of the human rights ombudsman.

5) When dealing with persons of interest, the visitors should enjoy rights similar to the statutory legal professional privilege of the defence lawyer; the visitors should be entitled to visit with no preliminary coordination.

6) The right to visit should be extended and, in addition to the correctional facilities and penal institutions should also apply to medical institutions, social care institutions and military units.

2. Situation in the area of political rights

The critical situation in this area has been determined by the following circumstances:

- actual liquidation of the Council of Federation as the Upper chamber – instead of being represented by the heads of the legislative and executive powers, who definitely have the mandate of the voters, the regions are represented by the civil servants and businessmen, who oftentimes do not even live in this part of the country;

- cancellation of the direct elections of the heads of executive powers in the regions and replacing the elections by appointing them by the head of the state;

- discriminatory legislation on the parties and on the referendum which has actually made it impossible to put forward initiatives disliked by the authorities;

- introducing of the ban to create election blocs, to participate in the elections on the national level beyond the party list;

- all-out shadowing the civil and opposition political activists acquired systematic character and, starting from June 2006, turned into numerous series of the provocations and threats in regard to hundreds of the participants in the actions considered by the state to be too radically oppositional – the Second Russian Social Forum (July 2006, in St. Petersburg) as well as conferences and rallies conducted by the coalition “The Other Russia” in 2006 – 2008.

In early November 2007, simultaneous seizure - under the pretext that there was a need for a check up for extremism – of practically all the election materials of the “Union of Right Forces” all over the country actually doomed it to failure in the elections. Afterwards, these seizures were acknowledged illegal but that was already after the elections.

As a result, a political system based on the cult of powers and supported by the special security service was formed in the Russian Federation.

A wave of persecution of the participants in the civil and political actions, and, particularly, the so-called “election” of the parliament (the state Duma of the fifth convocation) in December 2007 and the presidential elections in March 2008 which turned into the bacchanalia of unlawfulness, falsification and repressions, which included illegal seizure of the materials of the opposition became culmination of the violations of the political rights.

Huge billows of propaganda of lie and hatred to the opposition fell upon the Russian society during the election campaign.

Participants in the rallies banned by the authorities and just regular passers-by are arrested and taken in prison for a few days based on false accusations of disobedience to the law enforcement authorities’ staff (police and OMON officers).

The human rights activists in Russia have been repeatedly stating that simple respect of the law would not allow us to recognize legitimacy of the “elections” results.

Elimination of the democracy and justice resulted in carrying on the struggle for power between bureaucratic clans in the form of conspiracy and fabrication of criminal cases.

The interrelation between violations of the human rights in different areas and the general situation in our country becomes more and more obvious. Absence of guarantees of the civil rights blocked legal opportunities to uphold political freedoms, and elimination of the democracy created opportunities for the authorities and the monopolies to carry on continuous attacks on the social, economic and cultural rights.

Recommendations of the UN Human Rights Council for the Russian Federation:

- 1) The social and political organizations should get the right to equal and free participation in the election.
- 2) Participants in the elections should get the right to establish pre- election blocs and coalitions.
- 3) Equal access to the federal TV channels should be ensured for all the organizations and coalitions taking part in the elections.
- 4) In order to extend opportunities for the political pluralism, the threshold for passing of the parties and their blocs to the Parliament in the elections based on the proportional system should be reduced to 3 %.

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