

**MEMORIAL**  
Human Rights Centre  
**ANNUAL REPORT**



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# Foreword

Chairman of the Board of the Human Rights Centre

This year was not an easy one. And it is not because it was hard for us or we were not able to achieve some goals. The next year might become like this, as it began with an attack of government on civil society. As to 2012, we have done a lot. It was a “good year” as the winemakers say.

It was strikingly different from the decade of “vile 2000s”. And it did not start on the calendar but in December of 2011. It was marked with the mass protest, unprecedented since the early 1990s rallies for fair elections, freedom of assembly, and freedom of political prisoners. Society has claimed for human rights agenda which was an achievement of Russian human rights activists, and partly of the “Memorial”. Our mission states: “To affect the society...”, but the result is usually invisible. For many years we seemed to be a forgotten rearguard on the fronts of the struggle for human rights, civic consciousness was awakening latently. Even knowing that the government fraud in the Duma elections “plucked the axle-pin,” it was difficult to foresee such a pace of developments. We will remember this feeling of joyful surprise.

Social uplift has set new tasks. The government responded with mass arrests (for only one year more than 5000 people were arrested in capital cities) and criminal repressions (“Bolotnaya case”) to the protests. Information and legal assistance from both a long-running program in the centre and from the new project recently cooperating with us, “ATS-Info”, has been claimed for by the victims of political persecution and civil activists.

New questions have arisen in this human rights agenda. The questions with no answers, no common understanding, no intelligible discussion, not clearly identified. And there is a temptation for easy answers. It depends to a great extent on us what this challenge will turn into: will it become a problem or a window of opportunity. “Who are these people, whose release we are demanding?” was a topic of discussion in February at the round table entitled “Political Prisoners in modern Russia.” Round table on “Article 282: cannot be saved or cancelled. Choose the alternative” was held in December. Nationalists

became not so numerous but a prominent part of the protest movement. Convicts for the murders on hate have appeared in a variety of “lists of political prisoners” almost like “prisoners of consciousness”. It turned out that it is necessary to speak again and again about the obvious things as, for example, about the rejection of the ideology of violence and discrimination.

Traditional work remained an important piece of our activities, being extensive, as well as routine associated with the second part of our mission: the impact on power structures and civil control where the state remains a major violator of human rights, monitoring, legal assistance in “hot spots”, the protection of refugees and internally displaced immigrants, filing cases to the European Court of Human Rights, etc.

Sick infinity: year by year security forces kidnap people during the “anti-terrorist operations,” hold them in illegal prisons, torture them. The man, who was abducted in the Caucasus, or even in central Russia, can “disappear” or be “killed in the armed clash.” The routine of unpunished violence could plunge the “Memorial” team into depression: nothing can be changed. There are thousands of “disappeared” people all over Russia and there are merely some isolated cases of sentencing. Strasbourg judgments are performed by the state only in compensations, the so-called “tax on impunity.” But working with the European Court did not allow to conceal the victims' names and to turn the tragedy into statistics; Russian courts are beginning to look up to Strasbourg in fixing the compensation to the victims. The fight against lawlessness of security forces and the fabrication of criminal cases involving terrorism sometimes gives the results. The conviction of the Ministry of Interior officers guilty of torturing was managed to be achieved in 2012 in Ingushetia and Dagestan. Each sentence undermines the system of impunity — the basis of criminal practices, hidden under the name of counter-terror.

Assistance to individuals, the practice of “small things”, is important for us not in and of itself: we have always tried to influence the situation in general, to make an impact on the policies and practices of government agencies. For many years, we repeat: “Terrorism is a real threat. The state is obliged to use force to protect its

citizens. However, the medicine should not be worse than the disease. And the protection of human rights is not an obstacle to security, but an essential condition.” This seems to be heard. In Dagestan and Ingushetia the Commissions on adaptation of “individuals who have decided to quit extremist and terrorist activity” and have pulled dozens of people from the underground, “out of the woods”, have started working. On July 10th during the meeting of Human Rights Council under the President in Moscow the dissemination of this practice to other regions, and its understanding at the federal level was discussed. Many agencies, including the National Anti-Terrorist Committee, acknowledged the validity of such statement of the problem.

It was not a year of a continuous progress. The authorities responded to the social uplift with a billow of laws, with each of them regulating the use of citizens' constitutional rights and freedoms guaranteed by Articles of the Constitution, and if not cancelling, but greatly restricting these rights and freedoms. One of the key laws among those is “The law on non-profit organizations - foreign agents”, which obliged all recipients of foreign aid, engaged in “political activities,” to register as “agents” under the threat of fines, closure and repressions. Nonlegal and blurred language of the “law” was to intimidate and paralyze civil society. But the discussion of the “law” among NGOs, deliberately suave without imposing merely right decisions, has led to its unanimous boycott. No organization has gone to seriously put a shameful stigma on its name. Memorial has taken its place in the confrontation, and is willing to pursue it.

A new chairman of “Memorial” HRC was elected in May. Previously, for more than fifteen years the position was held for by my friend and colleague, Oleg Orlov. We started together and continued the reorganization of the Centre with a focus on institutional strengthening of the core, which was integrating, organizing and informing all fields of work, increasing the interaction of programs, and we have been constantly trying to discuss new challenges.

2013 will certainly not be easy. I hope we are ready for it.

*Aleksandr Cherkasov*

Memorial Human Rights Centre is an independent, public, non-profit organisation of citizens united by humanist principles, with a common desire to contribute to the defence of human rights and the promotion of human dignity. The Centre was founded and is functioning in accordance with the terms of International law, the Law of the Russian Federation and its own Charter. It is a member of "Memorial" – an International Historical and Educational, Charitable and Human rights Society.

The Mission of the Centre is to promote the global respect and observance of human rights and fundamental freedoms, both in the Russian Federation and in other regions. It is focused on the most serious and massive violations of rights and freedoms.

Memorial Human Rights Centre has extensive experience in protection human rights in Russia.

#### Objectives and the scope of work of the Centre

Monitoring of the respect for human rights and fundamental freedoms; publication and dissemination of reliable information on significant violations of human rights and fundamental freedoms; bringing such violations to the attention of society, state and international bodies; conducting and support of research aimed at investigation of large-scale violations of human rights; promotion of compliance with international humanitarian law in situations of armed conflict and the peaceful resolution of conflicts; support to the adoption of laws and government regulations, which meet international standards of human rights protection by the authorities; theoretical and practical education on human rights and humanitarian law.

#### Seven programmes of Memorial Human Rights Centre

- Hot Spots Information and Analytical Centre
- Migration Rights Network
- Human Rights Protection through International Legal Mechanisms
- Support to the Persecuted for Political Reasons and Defence of Civil Activists in Russia
- Counteraction to Fabrication of Criminal Cases on Islamic Extremism in Russian Federation
- Monitoring of Human Rights Violations in Central Asia
- Harmonisation of Inter-ethnic Relations in Boarder Districts of the Republic of North Ossetia-Alania and the Republic of Ingushetia

#### These programmes include the following activities:

- Identification and establishment of evidence of human rights violations;
- Dissemination of information on human rights violations; e-mailing of press releases;
- Website newsfeed;
- Press conferences;
- Targeted distribution of literature etc;
- Legal advice to citizens whose rights have been violated;
- Conducting criminal and civil cases at the national and international level;
- Preparation and publication of reports, overviews and presentations of analytical materials at meetings in Russia and worldwide;
- Development of recommendations for state agencies.



*Press-conference on Dagestan. Moscow, Independent Press-Center, May, 25 2012*

# Board Members

## of the Memorial Human Rights Centre

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### **Liudmila Vsevolodovna Vakhnina**

— PhD in Biology, activist in the democracy movement since the late 1980s, member of the Expert Council under the Commissioner for Human Rights of the Russian Federation, coordinator of the Redundant Soldier programme since 2003.

### **Svetlana Alekseevna Gannushkina**

— mathematician, lecturer, in the late 1980s organised legal and humanitarian assistance to refugees, works in the “hot spots” of the former USSR and Russia. Head of the Migration Rights Network programme, member of Board of International Historical and Educational, Charitable and Human Rights Society “Memorial”, Chairperson of the Civic Assistance Committee, member of the government Commission on Migration Policy.

### **Sergei Konstantinovich Davidis**

— lawyer, sociologist, active participant in activities for the defence of the right to freedom of assembly and support to political prisoners since the mid 2000s, coordinator of the Union for Solidarity with Political Prisoners, member of the Coordination Council of the opposition, member of the Federal Coordination Council Bureau of the United Democratic Solidarity Movement, member of the Federal Coordination Council Steering Committee of the 5th of December Party. Head of the programme to Support Persecuted for Political Reasons and Defence of Civil Activists in Russia.

### **Anna Georgievna Karetnikova**

— writer, journalist, lawyer, anti-war activist. Member of the Public Oversight Commission of Moscow. Employee of the programme to Support Persecuted for Political Reasons and Defence of Civil Activists in Russia, member of the Writers' Union of Russia, coordinator of the Union for

Solidarity with Political prisoners, member of the Political council of Moscow department of the United Democratic Solidarity Movement.

### **Viktor Valentinovich Kogan-Yasnyi**

— Memorial activist since the late 90s, participated in an expedition to the conflict zone in Chechnya in 1995, Chairman of the Board of the NGO Regional Civil Initiative — Right to Life and Dignity of Citizens.

### **Oleg Petrovich Orlov**

— head of the Hot Spots programme, Board member of International Historical and Educational, Charitable and Human Rights Society “Memorial”, member of the Expert Council under the Commissioner for Human Rights of the Russian Federation.

### **Vitalii Anatol'evich Ponomarev**

— pro-democracy activist since the late 1980s, expert on Central Asia, journalist, worked in the conflict zone in South Kyrgyzstan in 2010, head of the programmes on Monitoring of Human Rights Violations in Central Asia, and Counteraction to Fabrication of Criminal Cases on Islamic Extremism in the Russian Federation.

### **Yan Zbigneovich Rachinskii**

— Memorial activist since the late 1980s, former Chairman of Memorial Human Rights Centre, was participating in expeditions to various conflict zones since 1990, worked in the Chechen Republic conflict zone, member of the Board of International Historical and Educational, Charitable and Human Rights Society “Memorial”, co-chair of the regional Moscow Memorial.

### **Darya Borisovna Soboleva**

— sociologist, employee of the Hot Spots programme, secretary of the organising committee of the Russian Alternatives conference.

### **Ekaterina Leonidovna Sokiryanskaya**

— PhD from the Central European University (Budapest). From 2003 to 2008 worked in Memorial Human Rights Centre offices in Chechnya and Ingushetia, from 2008 to 2011 was in charge of Memorial Human Rights Centre's programme in Nalchik and Makhachkala. Since 2011 was head of the office of International Crisis Group in Russia. Member of Expert Council under the Commissioner for Human Rights of the Russian Federation.

### **Olga Ivanovna Cherepova**

— Memorial activist since the 1980s, worked in the Memorial Human Rights Centre programmes on preventing ethnic discrimination in the Russian Federation, and the Migration Rights network, amongst others.

### **Aleksandr Vladimirovich Cherkasov**

— Chairman of the Board of Memorial Human Rights Centre, journalist, member of the Board of the International Historical and Educational, Charitable and Human Rights Society “Memorial”, employee of the Hot Spots programme, member of the Expert Council under the Commissioner for Human Rights of the Russian Federation.

### **Dmitrii Vadimovich Shkapov**

— Memorial activist since 1989, worked in the hot spots of Tajikistan, Moldova, and during the Ossetia-Ingushetia conflict. Was maintaining the Memorial Human Rights Centre archives since 1998, since 1999 was conducting press monitoring as part of the Hot Spots programme. From 1991-1998 participated in the drafting of a handbook “The System of Corrective Labour Camps in the USSR: 1923-1960”.



# Hot Spots Information and Analytical Centre

Head of the programme — Oleg Orlov  
Email: [orlov2@memo.ru](mailto:orlov2@memo.ru)

Upon opening this programme in 1991 we set the task of investigating respect for human rights and the standards of international humanitarian law in zones of widespread conflict with the potential to escalate (or which have already escalated) into armed conflict, as well as in post-conflict areas. The programme has been focused on the North Caucasus for many years. Currently, the programme is being implemented in Dagestan, Chechnya, Ingushetia, North Ossetia, and Kabardino-Balkaria. Representation offices of the Memorial Human Rights Centre have been opened in the majority of regions.

The objectives of the programme are as follows: to fight injustice and human rights violations in the course of counter-terrorist operations; support conflict resolution in the North Caucasus, and counter the exploitation of these conflicts to reinforce authoritarian and anti-democratic tendencies across the Russian Federation.

In 2012, Hot Spots programme staff commonly worked in the North Caucasus. They collected evidence on the human rights situation, provided legal advice, fought in the courts against the falsification of criminal

cases, and sought to punish those who violated the law.

Contrary to the widespread opinion that nothing is possible in Russia today, we not only managed to help individuals, but also to influence state policies in the field of anti-terrorism, demonstrating in practice the advantage of soft power approaches founded with respect for the law and human rights.

It is precisely the blatant violations of the law during counter-terrorist operations that provoke an increase of terrorist activities in the long term. By forcing the “rusty wheels” of the Russian legal system to turn, we assist the state in its fight against terrorism. Each time a uniformed offender shirks his responsibilities, when a detainee of the security services disappears without a trace, when a person arrested is tortured, when a court passes a guilty verdict on an obviously falsified case, the propagandists of the insurgency are given another argument to justify themselves: there are no other opportunities for victim and his parents to defend their violated rights except for taking up arms. The widespread and systematic practice of falsifying criminal cases is

not only dangerous for those judging the innocent, but it also means that real terrorists remain at large and continue their activities. Deliberately false information from falsified cases gains official status, disorients, and ultimately renders counterterrorist actions ineffective.

Peace and stability in the North Caucasus is tightly bound with respect for human rights. Human rights defenders, including Memorial HRC, have been repeating this for years, addressing to society and the authorities at various levels. It seems that we have been heard in recent years. An understanding of danger and futility of using state terror in the fight against terrorism is appearing in some republics and even at the federal level. In Ingushetia and partially in Dagestan the authorities have undertaken a new approach of engaging in dialogue with different groups of the population, with respect for the law, and of adapting former insurgents and their accomplices who are ready to lay down their arms to civilian life. This new direction has been implemented inconsistently, encountering powerful opposition from the security services as well as from terrorists.

**Here is a practical example from the Hot Spots programme demonstrating how the actions of the security services can provoke an increase in tensions.**

*In the evening of May 18th 2012 security services blockaded a house in Makhachkala. According to their statements, a group of insurgents were hiding within. However, those blockaded in the house made phone calls to journalists and human rights activists to tell them that there was only one insurgent in the house, the rest were innocent inhabitants – three women, two small children – and that the security services would not allow them to leave and were preparing to storm the building. A crowd gathered in the area surrounding the blockaded house and indignant people started to block the flow of transport.*

*Memorial HRC staff were forced to mediate, linking the peaceful inhabitants of the blockaded house with the head of the special operation and with a deputy of the State Duma for Dagestan, head of the Commission for the Adaptation of Insurgents. In the morning of May 19th the civilian inhabitants were released, one of them was arrested, and the insurgent who refused to surrender was killed during the assault on the house.*

*The detainee from the house was questioned at the district police department without a lawyer. It was revealed that he was being beaten during questioning. A crowd of people gathered around the district police department demanding the access to a lawyer for the detainee. The police refused. Confrontations commenced. Stones were*

thrown at the police. The crowd only dispersed when automatic gunfire was fired over their heads.

Memorial HRC addressed the public prosecutor of Dagestan and described what had happened in the press. The detainee was only given access to a lawyer on May 20th. The man was subsequently released, as the authorities had no evidence against him.

The local security services succeeded in bringing about a noticeable deterioration in the situation from scratch in Makhachkala. All they needed to do was to permit the civilians in the house, the women and children, leave the blockaded house and then allow those arrested access to a lawyer. But the use of violence as a method of counterterrorism, disrespect for the law and the blatant incompetence of the security services ultimately provoked riots.

The work of the Commission on Adaptation (Commission for Support to the Adaptation to Civilian Life of Those who have Decided to Cease Terrorist and Extremist Activities), which was created in four of the North Caucasus republics, is meeting with opposition from the departments of the Ministry of Internal Affairs and the Investigative Committee. It would seem as if the state and society are interested in having insurgents voluntarily lay down their arms, cease armed battle, and come “out of the forest” and in the event of being cornered — give themselves up without a fight. But insurgents should be provided with the opportunity to surrender, and protection from torture and falsified charges to reach this. This is what the Commission on Adaptation is supposed to deal with.

In 2012 Memorial Human Rights Centre was cooperating with these commissions, first and foremost in Dagestan and Ingushetia. The head of the Memorial Human Rights Centre representation office in Nazran (Ingushetia) Timur Akiev is a member of the Commission and participates in the selection of cases submitted to it. A total of 39 members or accomplices of the insurgency who had decided to lay down their arms have passed through this structure since the start of its work in September 2011. Each case not only saves the life of the former insurgent, but also of members of the security services and civilians.

On 10 July in Moscow on the initiative and with the participation of Hot Spots programme staff a meeting of the Presidential Council of Russia for the Development of Civil Society and

Human Rights, dedicated to the experience of and future perspectives for the work of the Commission on Adaptation was held. In addition to the members of the Council, leaders and staff of the four republican Commissions on Adaptation participated, as well as representatives of the Ministry of Internal Affairs, the public prosecutors, the Investigative Committee, the National Counter-Terrorist Committee, and human rights activists. The discussion was sharp, interesting and useful in general. However, subsequent events show that the opponents of the Commission on Adaptation are gaining ground within state structures.

Memorial Human Rights Centre provides free legal aid to victims of human rights violations. In the past year our lawyers have provided 2,543 consultations and claims for submission to the courts, the police, and the authorities. Our lawyers take on certain cases to the stage of preliminary investigation and further to the courts. As part of this work, the Hot Spots programme closely cooperates with other Memorial HRC programmes, as well as those of other NGOs, including: Committee for Public Action, Joint Mobile Teams of Human Rights Defenders in Chechnya, and the Committee against Torture. If justice proves to be elusive at the national level, the case is transferred to the Human Rights Protection through International Legal Mechanisms programme for preparation of a claim to the European Court of Human Rights.



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**In 2012 a number of important court decisions were achieved in various republics of the North Caucasus.**

In Ingushetia the deputy head of the city police department of Karabulak, Ilez Nalgiev, was convicted for the brutal torture of a detainee. In achieving justice, the claimants met with great resistance, and Nalgiev's boss, who evidently at least knew about the actions of his subordinate, was acquitted. But even with this caveat this sentence marked an important precedent for Ingushetia and the North Caucasus as a whole.

In Dagestan three police officers from the same mountain brigade were tried for beating a teenager in order to obtain an admission from him.

Justice is not only bringing criminals to trial but also acquitting the innocent. Sergei Evloev, resident of Makhachkala and convert to Islam, was targeted by the local security services: he was kidnapped on several occasions, tortured, demanded to confess to acts that he did not commit, and finally arrested on the accusation of being a bandit, participation in the insurgency, endangering the life of members of the security services and illegal possession of

*weapons. Thanks to the work of his lawyer, with whom Memorial came to an agreement, the accusations fell apart completely at the first trial. As the case was obviously transparent, the prosecution did not even appeal his acquittal. Evloev was subsequently awarded 500,000 roubles compensation by the court. This case was widely publicised in Dagestan.*

**The Hot Spots programme is facing a particular situation in Chechnya:** it is extremely difficult to work under the absolutely totalitarian regime. The authorities have created a situation which blocks most objective information from being spread: people are simply scared to inform anyone about what is happening to themselves or their relatives. Any piece of information from Chechnya is extremely valuable. In 2012 the programme reported on kidnappings in Chechnya, torture, severe violations of labour laws, and so-called honour killings. Apart from a few rare exceptions, people were not prepared to stand up for their rights: they submitted written statements to Memorial HRC, but asked not to bring charges against the security services, whilst they themselves also failed to initiate criminal proceedings.

It is not only difficult to work in Chechnya but also in other republics of the North Caucasus. The head of the MHRC representation office in Kabardino-Balkaria, Rustam Matsev, was directly threatened by a senior employee of the republic's police force. This hostility is most likely explained by the fact that the Memorial HRC representation office in Kabardino-Balkaria constantly receives information about violations of the law during the course of counter-terrorist operations, as well as on kidnappings and torture of suspects and on beatings of detainees.

In 2012 the European Court of Human Rights issued only four decisions on cases brought by inhabitants of the North Caucasus and conducted by Memorial lawyers – a significant drop from last year. Nonetheless, amongst these decisions are two that the European Court of Human Rights has passed for the first time, concerning kidnapping incidents in Dagestan. Two other decisions concern serious human rights violations in the course of the conflict in Chechnya: the deaths of six children and their mother during the bombardment of a Chechen mountain village in 2004 (this case was previously dealt with by Natasha Estemirova) and the murder of two sisters by Russian soldiers in Grozny in 2000.

An important aspect of our programmatic work is **the publication**

**of analytical materials,** books, reports and work with the media.

Each quarter the programme published the analytical bulletin “Situation in the North Caucasus Conflict Zone: Opinion of Human Rights Activists”. It is a specific digest aimed at politicians, social activists, and journalists with varying levels of insight on the situation in the region.

The **publication of the first volume of “Uncertain Fate”** is an important event for the programme. This book is a result of many years of work of a large team, who gathered evidence of kidnappings and forced disappearances. The book, which only covers late 1999 and the year 2000, contains information on 384 detainees of the security services who subsequently disappeared without a trace (or were found dead), and of 187 cases of people who disappeared in unexplained circumstances. Each person's story, with a description of the events linked to his or her kidnap and/or disappearance, includes evidence on the conduct of the investigation, attempts to obtain justice, the opening of criminal cases and the attempts of authorities to sabotage the investigation. The decisions of the European Court of Human Rights are also described, recognising the responsibility of the Russian Federation for the kidnap and killing of these people and for failure to investigate these crimes, which, nevertheless, did not stop the government from continuing to sabotage the investigation. The book shows that kidnap and disappearance of people in the course of the second Chechen war were not isolated excesses of the responsible party, but part and parcel of a widespread systematic practice. They could be qualified as crimes against humanity

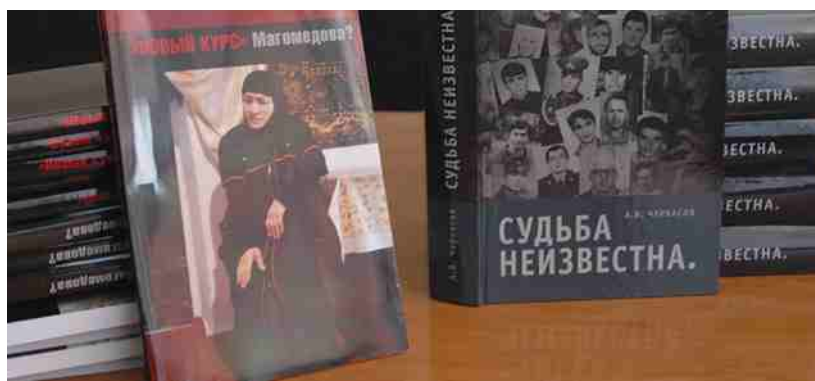
meaning the validity period for their investigation cannot expire. Work continues on the subsequent volumes of the series.

**“Magomedov's New Course” – the report about the situation in Dagestan was further developed and published as a book,** raising the interest of the media, experts and Dagestan's society.

Programme staff **prepared the majority of the chapter on the North Caucasus in the Alternative Report of Russian NGOs,** which focuses on the Russian Federation's respect for the UN Convention on Torture and Other Forms of Cruel, Inhuman or Degrading Treatment and Punishment in the period 2006–2012. It was published in November 2012. Rustam Matsev represented Memorial Human Rights Centre at the hearings in Geneva.

According to our information, which is incomplete, **in 2012 the media published more than 300 pieces on issues dealt with by the Hot Spots programme, referencing to Memorial Human Rights Centre.**

The Russian authorities attack on human rights is also impacting the North Caucasus. The hard line is gaining upper ground in state agencies: the security services are first and foremost using hard power tactics and unlawful force in their battle against the armed insurgency. The curtailment of dialogue between the authorities and society, the interaction between different religious groups, the return to the widespread methods of state terror can only bring about a new upsurge in terrorism, which, in turn, will mostly likely be used as a justification for another round of “tightening the screws” across Russia.







# Migration Rights Network

refugee, IDP and migrant workers rights programme

Head of the programme — Svetlana Gannushkina  
Email: [Svetlana.gannushkina@gmail.com](mailto:Svetlana.gannushkina@gmail.com)

The Migration Rights legal advice Network for refugees, forced migrants, internally displaced persons (IDPs), and migrant workers in Russia was founded in 1996 with the assistance of UNHCR. The main objective of the network is to defend the rights and legal interests of forced migrants by providing free advice, drafting legal documents, support in interacting with administrative and legal agencies in cases related to the determination of status, citizenship, legalisation of migrants and also for criminal cases supporting migrants who have suffered. In addition, the network's staff are working to analyse the regulatory and legal framework in the field of migration and to develop proposals for its amendment.

## Overview of the situation in migration field

In 2012 Migration Rights Network staff observed some positive developments in Russian migration policies.

Back in 2008 on the directives of Dmitri Medvedev, actual president of Russia, the State Commission for Migration Policies was renewed, having in the past ceased existence on several occasions. The Commission was headed by Igor Shuvalov. The head of the network, Svetlana Alekseevna Gannushkina, took an active role in the work of the Commission. In the first month of work Shuvalov twice brought together members of the Commission and outlined its work plan. After this, all work proceeded within the framework of Section 7 of Strategy 2020 entitled Labour Market, Professional Education, Migration Policies, the title of which obviously indicates that all attention will be focused on labour migration. Finally, after numerous meetings an important document was finalised — Conception of State Migration Policies of the Russian Federation through to 2025. It was approved by the President on June 13th 2012.

This document is mostly dedicated to labour migration. However programme staff also managed to introduce important points concerning forced migration, highlighted by Memorial Human Rights Centre and the Committee for Public Action. The points aimed to improve the asylum institute and statelessness. These issues were not presented at all in the initial version of the document.

The influence of network staff also brought about inclusion of a point on the necessity of simplifying the registration procedure for citizens of the Russian Federation aimed at removing administrative barriers preventing change of one's place residence. In addition, the institutes giving residency rights and approving temporary residency should be modernised according to the document.

The document also points out the need for state support for accommodation for forced migrants and IDPs, which are problems that have remained unsolved for decades.

In 2012 a law regulating the award of Russian citizenship was also adopted.

Network staff took active part in its discussion. This law in some sense offers amnesty for those who arrived in Russia before 2002 and have not been able to obtain citizenship. Those who obtained a passport from officials who had broken regulations are also covered by the amnesty. Network staff from the regions of Russia have reported different evidence on how this law is being implemented in practice. For example, it is being actively implemented in Samara and Borisoglebsk, but in other cities and regions the implementation is quite weak.

Some positive changes were introduced in the law on refugees. **Refugee status will now be granted indefinitely**, rather than for three years as was previously the case. However, every year and a half the refugee will have to re-register.

Nonetheless, some negative introductions were also made to the law, including a **Russian language exam for migrants**. The Committee for Public Action and Memorial Human Rights Centre convened a round table on this topic, with the participation of representatives of the Centre for Social-



Lawyer Rasiyat Yasieva (second from the left) giving consultations to labor migrants in Khasavurt

Employment Law, the Ministry of Education, educational institutes, the Embassy of Kyrgyzstan in Russia, the International Organisation for Migration (IOM) and various NGOs. Participants have concluded that our country is not ready for such an exam, but is ready to create corrupted methods for its use: the exam certificate was already being sold before the law even came into force.

**Round table event was organised on issues of labour migration in addition to that.** The State Labour Inspection, the Russian Federal Mig-

ration Services, and the Public Prosecutor of Moscow were among the participants.

**Two-three day seminars for lawyers** from Moscow and the regions of Russia were held in April and November as part of the network's activities. Lawyers and human rights defenders from other NGOs active in migration issues, as well as Russian Federal Migration Service staff, members of the Independent Expert Legal Council, lawyers and professors of leading universities also participated in the seminars. Over 100 participants

attended the seminars.

The **seminar in April** was dedicated to the latest innovations in Russian law. Leading lawyers in Russia, Mr. Krasikov, Mr. Mironov, Mr. Pashin, and Mr. Sokolskii gave lectures. The results of the seminar were published in a reference book of materials entitled Latest Changes in the Civil and Criminal Laws.

Samuel Butrash, Legal Advisor to the Representation of the UNHCR to the European Institutions in Strasbourg was invited to **November seminar**, which was dedicated to resolution of asylum issues with the help of national and international legal systems. In addition to his lectures, Mr. Butrash held activities with the seminar participants and gave advice on concrete cases concerning the protection of refugee rights in the European Court.

A round table on the **Influence of the Registration Regime on the Realisation of the Rights of Asylum Seekers and Refugees** was organised together with the representatives of UNHCR in Russia and the Office of the Commissioner for Human Rights. In March and December of 2012 with the participation of the network special meetings of the Council for the Development of Civil Society and Human Rights on migration issues were held.



Lawyer Elena Drozdova on the conference by inter-regional public charitable organization Faith, Hope, Love in Pyatigorsk

*“Our aim in the field of migration for the near future is the same as it once was for the Helsinki Accords. The accords were drawn up to look nice, and our nascent civil society said that it would take them seriously. Our task now is to deal with the conception of migration policies seriously and achieve their implementation.”*

Svetlana Gannushkina

*An awards ceremony was held for the **Sjur Lindebrækkes** prize for democracy and human rights, awarded to the head of the network **Svetlana Gannushkina**, Memorial Human Rights Centre, in Oslo (Norway) on **May 6th 2012**.*

*The official announcement on the award of the prize stated that although the developments in Russia in the past 12 years developments moved towards the limitation of rights — under the guise of reconstruction of the country the Russian authorities have brought the media, civil society and the elections completely under their control — there are still those who continue the affair of **Andrei Sakharov** — they are Svetlana Alekseevna Gannushkina and the members of Memorial.*

*The Legislative Assembly of Sverdlovsk Oblast awarded Irina Nekrasova of the Migration Rights network a diploma and medal for her important work in defending the rights of migrants.*

In addition, in 2012 lawyers of the Migration Rights network for legal advice, as in previous years, were receiving visitors, giving advice, drawing up statements and claims for submission to the courts and law

enforcement agencies, addressing the authorities, and defending the interests of claimants in the courts. Legal assistance was first and foremost provided to refugees, asylum seekers, stateless persons, internally displaced persons,

labour migrants, and, in particular cases, to other socially vulnerable people.

The network's lawyers also participated in legal cases to defend the victims of false accusations.

*An example of such a case is the "Golyanovo slaves" case — victims of decades of exploitation and cruel treatment by a shop owner in Golyanovo district, Moscow. The affair is progressing poorly, because the Investigative Division of the Investigative Commission of the Russian Federation and the Public Prosecutor of Moscow are in confrontation with each other over what should come first — the initiation of criminal proceedings and an investigation, or the thorough investigation and verification of the facts.*

*A similar story developed at the same time at the other end of Russia, in Blagoveshensk (Amurskaya Oblast), where Lyubov Tatarets, a lawyer working for Memorial, freed Zhavlon Sharipov, an Uzbek citizen, from slavery, having been held for half a year at a carwash on Kantermirov Street. A peculiarity of this case is the fact that the owner of the carwash went to the police with the claim that Shapirov had been kidnapped by the lawyer. Only the testimony of Zhavlon himself, who stated that he personally requested help and left with Lyubov Tatarets of his own free will, forced the investigator to dismiss the case against the Memorial lawyer.*

*Migration Rights — network of advice centres for migrants*

*46 towns, including in the North Caucasus*

*67 lawyers*

**Legal assistance** in 2012 was provided to over 20,000 claimants, of which:

*16,877 consultations were provided on legal issues*

*1,021 cases were taken to court by Memorial lawyers*

*2,718 complaints and statements were submitted to the courts, the public prosecutor and other law enforcement agencies*

*1,023 requests were made to the agencies of the Federal Migration Services of Russia, the commission on citizenship, and other ministries and agencies.*

*925 requests were made to the local administrative organs and other institutions*

*In 146 cases other help was provided, including social assistance*

*830 cases were closed, 480 with a positive result*

**Use of international protection mechanisms:**

*10 complaints were submitted to the European Court for Human Rights*

*4 complaints were submitted to the UN Committee for Human Rights*

**Results:**

*135 people obtained temporary asylum*

*987 received Russian citizenship*

*1,102 received temporary residency*

*682 obtained a residency permit*



*Lawyer Tatiana Sabinina at work, Samara*



*Lawyer Lubov Elie meeting UFSIN officials on the problems of foreign citizens and persons without citizenship*



# Human Rights Protection

## through International Legal Mechanisms

Head of the programme— *Tatiana Kasatkina*  
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The programme was designed in 2000 as a joint project between Memorial Human Rights Centre and the European Human Rights Advocacy Centre, London. Activities are focused on providing help to individuals and organising preparation and submitting of claims to the European Court of Human Rights (ECHR), carrying out controls on the implementation of ECHR directives at the national level, and also on raising the professional skills of lawyers and NGO activists involved in submitting claims to the ECHR.

In 2012 participants of the programme focused their efforts on cases

linked with the mass protests following the falsification of the parliamentary and presidential election results, as well as the latest changes to the law in Russia. The programme also traditionally focused much attention on cases for inhabitants of the North Caucasus, where in Dagestan a serious deterioration in the respect for human rights can be witnessed. Programme participants also continued to carry out controls over the implementation of ECHR decisions by the Russian authorities, including the cases involving Chechnya. The programme also continued with its standard practice of organising public

addressing and holding activities aimed at improving the skills of lawyers. This year was unusual in the sense that for the first time in its history we had to resort to Article 18 of the Convention on Human Rights and also deal with ecological topics, which are not the standard field of work for Memorial.

This year, the programme has handled around 40 to 50 cases and given a legal assessment by employees. As a result around 20 cases were taken on board and 8 claims were successfully submitted to the courts. The court issued a decision on three previously submitted claims.

### ECHR proceedings

In 2012 after the mass protests of late 2011 — mid 2012 brought about by the falsification of the parliamentary and presidential election results, a whole wave of legal action on human rights violations arose — predominantly concerning the right to freedom of assembly (Article 11 of the European Convention) and right to a fair trial (Article 6). The programme submitted three cases to the ECHR — **Gukovskii v. Russia, Petukhov v. Russia and Frumin v. Russia**. The claimants were arrested during the course of meetings and were subsequently found guilty for breaking the rules on holding public meetings and/or ignoring the orders of police officers. The claimants were given fines and/or administrative detention for 15 nights as punishment. In the cases, legal advisors proved that the claimants' rights were violated as per Articles 6 and 11 of the Convention.

On November 21st 2012 the so-called **law on "foreign agents"** entered into force. Lawyers of the programme together with representatives of 10 leading Russian NGOs started to prepare a case protesting this law employing the Notion of Potential Victim regulated by the Convention, as at that moment the law had not yet

been applied to any human rights organisations and there was insufficient basis to follow the normal legal procedure. The claim was submitted in 2013.

In 2012 for the first time in its history the programme submitted a claim based on violation of **Article 18 of the Convention** by the Russian authorities (permitted restrictions). The claimant, former army staff **Major Igor Matveev**, claims a criminal investigation was initiated against him to punish him for **publishing revelatory materials on the higher echelons of the Eastern**

**Command of the Ministry of Internal Affairs** and also to force him to stop uncovering instances of corruption in the MIA.

The list of cases taken on by the programme in the last year includes a somewhat unusual case for Memorial — concerning ecological issues. A group of citizens of Vladikavkaz complained about the catastrophic **deterioration of the ecological situation** in their area and, consequently, of their quality of life, due to the work of the Elektrotsink factory. Lawyers submitted the complaint to the ECHR based on violation of



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Article 8 (right to respect for private and family life) of the Convention. The programme also attracted the assistance of the lawyer in charge of exhausting the case at the national level. They successfully managed to get the court to force the administrative authorities of Vladikavkaz to conduct a complex expert analysis on the claimants' place of residence. Further actions on this case will depend on the results of the analysis.

Thanks to close cooperation with the MHRC Hot Spots programme, the programme receives a large number of cases from inhabitants of the North

Caucasus. In 2012 a particular deterioration of the situation was noted in Dagestan. It can be said that the republic is practically on the brink of civil war and as a result the programme received a significant number of cases from Dagestan. The programme considered around 10 cases, took on two cases and submitted two cases to the court.

In 2012 two judgements were passed on previously submitted cases from Dagestan.

**The case of Shafiev v. Russia** was taken to court in autumn 2009 and was

considered using the priority procedure. The ECHR issued a decision in May 2012, less than three years after the case was brought (normally cases take from 5 to 10 years). The Russian authorities were found responsible for ineffective investigation of the kidnap and supposed murder of Dagestan resident Sirazhudin Shafiev. In the decision issued on **Umarova v. Russia**, the Russian authorities were found responsible for the kidnap and presumed death of the Dagestan resident Ramazan Umarov, and also for ineffective investigation of this crime.

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### Monitoring execution of ECHR judgements

Programme staff continues to monitor the execution by the Russian authorities of ECHR judgements along with Chechen issues. As part of this work in 2012 materials of criminal cases involving kidnap were analysed, including the previously filed claims **Dubaev and Bersunkaeva v. Russia** and **Abdulakadyrova v. Russia**. The programme developed recommendations for necessary measures to undertake in order to ensure an effective investigation of these crimes.

Furthermore, programme staff continues to obtain access to materials concerning a range of criminal cases, some of which concern the investigation of civilian deaths in Novye Aldy and Katyr-Yurt in 2000.

The programme maintained contacts with representatives of the secretary of the Ministerial Committee

of the Council of Europe, which is responsible for international control over the execution of ECHR judgements.

In August, programme staff initiated **infringement proceedings** in relation to the Russian government's violation of the obligation to execute ECHR judgements. The proceedings are regulated by Article 46 (4) of the European Convention and were used for the first time since the adoption of this Article. The case concerned the **bombardment of the civilian population in the Chechen village of Katyr-Yurt by the Russian army** in February 2000, when civilians were not given the possibility to leave the area of military actions. Regardless of the fact that the ECHR twice (in 2005 and 2010) recognised the Russian authorities as responsible, inter alia, for failing to ensure the effective investigation of these events, up to this day they have failed to carry out an extensive investigation of the mass death of civilians in Katyr-Yurt.

The programme aimed to encourage the Ministerial Committee to return the case to the ECHR, which could establish the systematic failure of Russia to execute its judgements and oblige the Russian authorities to properly investigate the events of February 2000.

In 2012, thanks to the case jointly filed by Memorial and NGO Legal Assistance — Astreya with the Investigative Committee of the Russian Public Prosecutor, a criminal investigation into the events in Staropromslovskii district in Chechnya from October 1999 through January 2000 was reopened. During these events many civilians died as the result of special operations by Russian troops, accompanied by bombardments and shootings. Several cases submitted to the ECHR on this affair were previously won by the programme.

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### Training and speeches

In late November 2012 programme lawyers Kirill Koroteev and Anastasia Razhikova held a two-day seminar in Nazran, Ingushetia, for lawyers in Ingushetia, Chechnya and Dagestan who are cooperating with Memorial. During the course of the seminar participants were taught techniques for collecting evidence for the ECHR. Moreover, the lecturers explained the recent changes in the practices of the court. Lawyers paid se-

rious attention to the issue of exhausting national means for legal defence and the use of emergency measures (Rule 39 of the ECHR regulations).

Over the course of five days in September the yearly seminar with partners from London (EHRAC) was held. Priority areas of focus for programme activities were discussed, as well as the reform of the programme, cooperation with regional lawyers and new opportunities for cooperation. Regional lawyers and representatives

from partner organisations also participated in the seminar.

Kirill Koroteev, senior lawyer for the programme, made a presentation at the seminar with the participation of members from the Ministerial Committee and representatives of NGOs, which was held in November in Strasbourg. His report was dedicated to an analysis of the execution of ECHR judgements based on materials from the Memorial programme.



# Legal Clinic

## on Appeals to the European Court of Human Rights Project

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This project was launched in April 2012. Its creation was based on the observations by Memorial and EHRAC lawyers during their consultations that even specialists experienced in Russian law find it hard to prepare cases for submission to the ECHR. The main task of this programme is therefore to prepare lawyers to be capable of providing qualified assistance on conducting cases with the ECHR.

In 2012 the **Legal Clinic expanded its activities**: three courses on the Convention and practical issues on submitting claims were held, rather than two as in previous years. A total of 45 participants were trained, 18 of whom are now ready to independently provide consultations. The participants worked on 20 cases, of which seven complete cases or their legal components and annexes were formulated. The claims concerned the violation of material laws, the freedom of assembly, right to respect for private and family life and also the right to a fair trial.

The clinic's work fills a gap in the legal education system in Russian universities. This gap is clear from the stable level of interest expressed by future and practicing lawyers in this topic. Russia is one of the largest “sub-



mitters” of cases to the court in Strasbourg. Furthermore, there are still insufficient numbers of lawyers with the theoretic knowledge and practical skills to competently assess the prospects of a case for submission to the ECHR, prepare a claim and represent in court. Even if university courses include specific courses on

European law, the European Convention and the procedure for submitting complaints to the ECHR, these courses usually only cover the theory and often students do not acquire the practical skills that are necessary for work with the Convention. The facilitators of the legal clinic programme aim to allow participants to develop such skills.

*The Legal Clinic course of study covers two stages: theoretical classes on the principles of ECHR (the classes include a review of educational materials on cases that have already been considered by the ECHR) and consultations to real claimants on potential violations of the European Convention. The course consists of 12 classes (2 classes per week) and lasts around 6 weeks. The classes are held in Moscow and include not only lectures but also discussions of the most problematic topics.*

*In the second stage of the course participants consult real claimants on their prospects for submitting a claim to Strasbourg; this includes helping claimants formulate a case or annexes to a case for submission to the ECHR. Each participant focuses on a single case, and their work is discussed by a group of two to three people under the guidance of an experienced facilitator. Some cases are taken on by a group of participants, who have developed a strategy for working on cases. As a result the claimants receive a competently formulated case and the participants obtain vital practical work experience in making claims for submission to ECHR.*

In February 2012 the head of the Legal Clinics project took part in the **Inter-University Expert Conference on Free Legal Aid and Public Legal Education in the Activities of Law Universities**, which was held in the Russian Legal Academy of the Ministry of Justice of the Russian Federation. The head of project presented a report on the relationship between changes in the civil procedural code with the eligibility criteria of the ECHR.

In April, three Legal Clinic staff members participated in a **training seminar for teachers of the legal clinics entitled Interactive Classes for the Legal Clinic** at the Moscow State Law Academy. They learned the curricula of well-known Russian legal clinics, the basic training of the clinical disciplines, interactive methods of teaching, and also participated in master classes held by the founders and tutors of existing clinics.

The facilitator Nadezhda Ermolaeva gave an overview of the ECHR standards for guaranteeing freedom of speech and assembly during the **seminar for social activists**, organised by Sergei Davidis and the Solidarity movement in April, in relation to the upcoming mass protests.

In October two programme workers participated in the third **all-Russia Conference on Legal Clinics which focused on the subject of Free Legal Assistance in Russia: Cooperation of Legal Clinics and NGOs Working in the Social Sphere**, organised by the NGO Centre for the Development of Legal Clinics, where the programme staff made presentations and participated in master classes and roundtables.

In November the programme head participated in a **conference Problems in Providing Legal Assistance at the Present Stage of State Development: the Experience of Legal Clinics** at Saint-Petersburg branch of the Russian Customs Academy. The programme lead held a master class on the eligibility criteria of cases submitted to the ECHR, with the participation of around 30 students and teachers of the legal clinics.

During the year the legal clinics programme organised four expert meetings with specialists in human rights defence in the ECHR, including the lawyer Karinna Moskalenko.





# Support to the Persecuted

## for Political Reasons and Defence of Civil Activists in Russia

Head of the programme — *Sergei Davidis*  
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*This programme focuses on two main components:  
support to those persecuted in criminal proceedings for political motives  
and defence of persecuted civil activists.*

### Support to those persecuted in criminal proceedings for political motives

In 2012 the number of cases of persecution for political motives increased significantly compared to the last year. This is primarily linked to the mass protests that overtook cities in Russia after December 2011. In 2012 federal legislation underwent such serious changes that it is possible to say that there is a persistent tendency towards further intensification of repression based on political motives (the law on NGOs — “foreign agents”, the law on treason, law on meetings, etc).

One of the biggest cases of 2012 was the so-called “Bolotnaya case”. Criminal proceedings were initiated against around 30 people after the events on Bolotnaya Square in Moscow on May 6th, when police officers employed force to bring an end to the authorised public event. The charges against the participants of the demonstration by the opposition were based on Article 212 (rioting) and 318 (violence against representatives of the authorities) of the Criminal Code of the Russian Federation. Programme staff was active in this case throughout the year.

In May and June public hearings were organised on the Bolotnaya case. The large majority of the state-controlled press outlets and federal television stations reported on the case in a wholly biased and non-objective manner. The aim of the public hearings was to reconstruct an objective picture of what had happened, also depicting the position of the participants of the events on Bolotnaya Square. This was largely achieved during the discussions.

At the end of June the **Committee of the 6th of May** was created uniting civil activists and representatives of social and political movements with the goal of countering political repression of participants of democratic protests on Bolotnaya Square. Memorial programme staff participated actively in the Committee's work. Close coordination was ensured with Rosuznik, Social Verdict, the Union for Solidarity with Political Prisoners, Agora, and other organisations dealing with coordination of the activists' activities and lawyers working on the Bolotaya case, as well as on the related case on **Anatomy of a Protest-II**. (The NTV film *Anatomy of a Protest-II* shows negotiations between the coordinator of Left Front Sergei Udaltsov and former head of the parliamentary committee of Georgia on defence and security Givi Targamadze allegedly on financing the latest protests in Russia. This film was the basis for the criminal proceedings according to Article 212 (rioting)).

Memorial also provided material assistance in a number of less high-profile cases deemed to be instances of politically-motivated persecution: in the case of the **anti-fascists** in Nizhny Novgorod, **Other Russia** in Saint-Petersburg, the first **case against Suren Gazarian**, and the case against the Moscow **activist Stanislav Pozdniakov**.

In 2012 the programme also kept on conducting continuous monitoring of politically motivated criminal proceedings. As a result of the monitoring a number of cases were identified that fulfilled the programme's criteria. A detailed reference was written up on each case, which was then presented for discussion by the Memorial Human Rights Centre Board. After the Board had approved the cases (in disputed cases a face-to-face meeting was held) the reference was put on the website and information about the political prisoner was disseminated in the press.



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In 2012, **38 people were recognised as political prisoners or as persecuted on politically motivated charges.** Amongst them are the activists of various backgrounds: the left (Dmitrii Putenikhin of the anti-fascists of Nizhny Novgorod; Olga Komarova, Tatiana Kharlamova, Olga Shalina and other members of Other Russia), the right (Maksim Kalinichenko, Danil Konstantinov), liberals (Suren Gazarian of the Yabloko party, Stanislav Pozdniakov of Solidarity), activists unaffiliated with any defined political ideology (Pussy Riot), people far removed from the political sphere (scientists Evgenii Afanas'ev and Sviatoslav Bobyshev).

On February 4th during a meeting in Moscow a list of political prisoners was confirmed which was consequently handed to the Presidential Administration. Such lists are mainly based on programme materials.

The criteria used by the programme to define the political character of the investigations were primarily taken as the basis for discussion at an international meeting held in Vilnius in

August 2012. Sergei Davidis participated in the joint work on updating these criteria as part of the international cooperation efforts of human rights defenders from organisations based in countries of the former Soviet Union, on the initiative of Belorussian human rights defenders. Another meeting is scheduled for 2013.

The programme also conducted informational work, which included programme staff participation in the organisation of several public campaigns, making appearances on the radio and in the printed and internet press, and comments on events on the request of journalists.

In order to support public discussions and a search for a consensus on particularly burning questions the programme conducted several **round table events.** In February a round table was dedicated to the topic of political prisoners in today's Russia: problems and approaches. In December experts spoke about Article 282 (inciting hatred or hostility, or degradation of human dignity) of the Criminal Code of the

Russian Federation, which the authorities often use against dissidents. Representatives of various organisations in the social sphere, journalists and lawyers participated in the discussions. Transcripts and videos of the round tables can be found on Memorial's website.

#### Defence of persecuted civil activists

The programme conducted constant monitoring of the situation of civil activists suffering harassment without facing criminal charges. In 2012 the most common form of repression was within the framework of the Code on Administrative Rights Violations, although **attempts to attract the children's custody services for action against civil activists** were also recorded (the case of Maria Baranova). Incidents also included beatings of activists, preventative arrest, particularly before large public events, and people taken from trains, detained on the streets or not allowed out of their apartments.

The essence of most of the harassment is infringement of the right to assembly, which is guaranteed by Article 31 of the Constitution of the Russian Federation. The number of violations has increased, as has increased the scale of harassment. From December 2011 through June 2012 nearly 5,000 people suffered such repression, mainly in Moscow, Saint-Petersburg, Nizhny Novgorod, Krasnodar Krai, Rostov Oblast, and Komi. **Reports on harassment of civil society activists** have been posted on Memorial's website since June 2012. Programme staff receives this information from the printed and internet press, and from networks of social organisations. Each report covers a two-week period.

In 2012 the programme was active in organising the collection of information on people arrested during the course of political activities and meetings in Moscow. An initial database was created and the methodology for continuing this work was developed. The joint work led to the creation of the **OVD-Info web site**, which is tracking the number of people arrested at particular demonstrations, in which police departments and in which conditions they are being held, on which charges, and what sentence they will be given.



In key situations of harassment we provided activists **with legal assistance** as much as our means would allow. For example, assistance was provided to all three of those arrested on May 6th on Bolotnaya Square who were kept under arrest for 15 days. An appeal was lodged against the illegal actions of the magistrate Sibireva, who sentenced those arrested on Bolotnaya Square.



*The programme has documented several cases of non-legal harassment for extremist activity (classifying materials as extremist). We provided significant informational support to Vasiliy Bokin of Ulianovsk Oblast, who had published an article in the newspaper Our Voice (Nash Golos) in defence of his native Mordovian language. In the opinion of the public prosecutor this article constituted extremist material.*

*In Nizhny-Novgorod in 2012 a case was opened over the volume of the monograph An International Tribunal for Chechnya (authors: Stanislav Dmitrievskii, Oksana Chelysheva, Bogdan Gvareli) which had been classified as extremist material. The defence was aided by evidence collected during monitoring of the situation in the North Caucasus by the Hot Spots programme.*

*Programme staff continues to follow these cases.*

At the start of the year a seminar was held in cooperation with various civil society organisations focusing on administrative issues for social rights defenders. The experienced human rights defenders E. Prikhodina, A. Gorinov, and N. Ermolaeva shared their experience of assisting activists in the police departments, the Russian courts and the ECHR.

The programme participated in the organisation of several public events to express solidarity with political prisoners, including the collection of New Year greetings for prisoners, which was conducted on 29 December, as well as pickets. On July 26th and October 30th programme staff participated in the organisation of meetings dedicated to solidarity with political prisoners

#### **Public Oversight Commission**

In 2012 work was continued in cooperation with the Public Oversight Commission of Moscow. Programme

staff member Anna Karetnikova is a member of the commission. During her work Anna repeatedly visited detention facilities and police departments, and conducted monitoring of the detention conditions of political prisoners held in Moscow. Amongst many other tasks,

she visited **members of Pussy Riot band** on numerous occasions and provided them with all possible assistance. In particular, her work revealed the **circumstances surrounding the abduction and transport to Moscow of Leonid Razvozhayev.**



*"In response to the increase of repression by authorities, which is their reaction to the growth of protests, we are also increasing the level of assistance we provide... This year the issue of civil society activist persecution in particular and political repression in general has shifted from the margins to the focus of public attention."*

*Sergei Davidis speaking at the All-Russia Conference of Human Rights Organisations, 23 September 2012, Moscow.*



# Countering

## Fabrication of Criminal Cases on Islamic Extremism in Russian Federation

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The programme was founded in 2005 as Memorial's response to a sharp increase in the scale of unfounded persecutions in Russia of members of independent Muslim communities (outside of the North Caucasus) from autumn 2004 onwards, under the pretext of the battle against extremism and terrorism.

In 2012 the programme focused mainly on monitoring respect for human rights in criminal and extradition cases linked to the campaign against terrorism and "Islamic extremism" in Russia (outside of the North Caucasus). Assistance was provided on monitoring the rights of Muslims who had become victims of baseless persecution on religious grounds (together with the Migration Rights programme and partner organisations). In addition, programme events in 2012 focused on opposing the forced repatriation of Muslim refugees of CIS origin in Russia.

This year as a result of many months of hard work **Russian special services v. Risale-I Nur: 2001-2012, a 248-page report was published.** The report contains a detailed analysis of the practice of exerting unwarranted pressure on followers of the Turkish Islamic thinker Saida Nursi in various regions of Russia. The research presents a picture of how the Russian special services, using anti-extremism laws, manipulated information and expert conclusions to justify questionable bans of Saida Nursi's books, the fabrication of criminal charges, and to lobby for a ban on religious activity linked with the dissemination and study of Risale-I Nur. A detailed overview is provided on the corresponding criminal, extradition and civil cases in various regions in Russia. Instances of illegal restrictions of the civil rights of followers are noted, as well as attempts to sway public opinion by disseminating false information in the media.

**A round table event was timed to coincide with the publication of the report** which focused on the pressure exerted on followers of Saida Nursi in Russia. It was held on October 31st, with the participation of experts, journalists and representatives of Muslim communities.

After the acts of terrorism in Kazan on July 19th 2012, where the Mufti of Tatarstan was wounded and his deputy was killed, a marked increase in pressure on independent Muslim groups was observed. Many real and alleged followers of various Islamic streams were arrested, searched, and were subject to civil rights restrictions. Criminal accusations were fabricated in a number of cases based on various articles of the criminal code. **A press conference on July 30th, which was held together with human rights defenders from Bashkortostan,** highlighted attempts by the special services to manipulate the press, as well as the threat of an increase in tensions in the Volga region due to widespread illegal acts of the law-enforcement agencies.

Programme staff conducted monitoring of a criminal case in Chelyabinsk, where false accusations of preparations for a coup were made against a group of Muslims in late July. The interim results of the work of human rights defenders and lawyers were presented at a **press conference in Moscow on November 7th.** The wave of arrests reached Moscow in November. Programme staff provided assistance to those persecuted, and also carried out monitoring of criminal cases.

Work was also carried out on the appeals lodged throughout the year by Muslims of the Volga region; interviews were conducted with Muslims who had been released from detention.

In 2012 monitoring of the terrorism case in Astrakhan also continued. The official version of events published in Russian press was that Islamists were preparing terrorist acts in Astrakhan in May 2011. However study of the case materials revealed that the accusations of preparation of explosives were fabricated, those arrested were subject to brutal torture, some evidence was planted, and the court proceedings were neither objective nor fair. In June 2012 **Memorial published a letter received from one of the accused, Mussy Yasulov,** which described in detail the illegal methods of conducting the investigation that were being used. An ugly picture of how the investigation and court case were being conducted **was also demonstrated in the appeal hearing in the Supreme Court of Russia** on December 5th 2012, which was observed by programme staff. A report is being prepared on the situation in Astrakhan region on the basis of this and other cases.

Over the course of the year **consultations on the procedures for applying for asylum were offered to Muslims** from Russia and CIS countries persecuted for religious motives. In certain cases an accompanying letter was prepared for submission to UNHCR and the migration services and assistance was provided to apply for asylum, including people who could not speak Russian.

In December 2012 press releases on the threat of extradition and the illegal actions of staff of the special services of Uzbekistan towards Uzbek Muslims held in Russian penal institutions were published. One of them was severely beaten, whilst another committed suicide due to the stress of the threat of severe torture. **Memorial's publications about these incidents were reported on widely.**



# Monitoring of Human Rights Violations in Central Asia

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The programme was founded in 1999 after mass political repressions commenced in Uzbekistan. Memorial Human Rights Centre is the only Russian human rights organisation continuously working in Central Asia.

In 2012 the main focus of the programme's work was monitoring of human rights violations in the course of the war on terrorism in Central Asia; monitoring of the situation in the south of Kyrgyzstan which became a zone of mass inter-ethnic conflict in June 2010; and assistance for the protection of refugees from Central Asia.

On May 31st a **200-page report was published conjointly with the Norwegian Helsinki Committee and Freedom house. The report was entitled A Chronicle of Violence: the Events in the South of Kyrgyzstan in June 2010 (Osh region).** The report was based on materials collected during the

work in the zone of mass inter-ethnic conflict. This work was started by Memorial almost immediately after confrontations arised in Osh and continued for around two years. Almost 300 interviews were conducted for the preparation of the report, 550 videos and 3000 photos were studied, as well as a large number of documents.

On February 16th the preliminary version of the report was presented at a **round table in Bishkek entitled A Chronology of the Events of June 2010: "Blind Spots" and Problems of Reconstruction which saw the participation of representatives of state agencies of Kyrgyzstan — the President's office, the Ministry of Internal Affairs, the General Prosecutor, the State Security Services and also human rights activists and lawyers.**

On 15 March a discussion was held at the Institute of Ethnology and

Anthropology of the Russian Academy of Sciences in Moscow, where the head of the programme presented a report on the work that had been done. In the course of the discussion it was noted that the "report significantly changes the perception of the events in Osh" and that the report noticeably exceeded all previous publications in the range of sources used.



*"... There is not simply one more alternative description of the inter-ethnic conflict in Osh in front of us, but perhaps the highest quality attempt to reconstruct the tragic events; an attempt that is able to seriously undermine established notions of the causes and perpetrators of the massacre".*

*Fergana International Information Agency, 31 May 2012*

<http://www.fergananews.com/articles/7381>

The report materials were also used at the round table held on September 27th in Warsaw as part of the yearly meeting of the OSCE on the human dimension.

The printed version of the report in Russian and English was presented together with the Norwegian Helsinki Committee in Vienna on 19 June.

From June and onwards the work on preparing **an analytical report on the events in Jalalabad oblast** (in the south of Kyrgyzstan) has started. Its publication is planned for September 2013.

In 2012 the programme also continued to carry out the **monitoring of human rights** violation in the course of the fight against terrorism in the west of Kazakhstan (Aktyubinskaya, Atyrauskaya, and Zapadno-Kazakhstanskaya oblasts) and Kyrgyzstan. During trips to the region interviews were conducted and documentary materials were collected.

The electronic list of victims of political persecution in Uzbekistan from 1998 to 2012 was updated; it currently includes more than 7,000 names of prisoners and 1,200 of those on the international search warrant list.

The programme went on with providing **consultations to refugees from Central Asia** on issues of obtaining asylum, monitoring incidents related to attempts to forcibly repatriate refugees originating from CIS countries, and preparation of accompanying letters for submission to UNHCR and the migration services. Programme staff responded to the requests from the migration services of various countries (Sweden, Norway, Belgium and so on) on specific cases and on the general situation in Central Asia.



# Harmonisation of Inter-ethnic Relations in Boarder Districts of the Republic of North Ossetia-Alania and the Republic of Ingushetia

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The programme was set up in 2007 to reduce the inter-ethnic tensions in the Prigorodny district of North Ossetia-Alania and to integrate the Ingush minority living in that area by establishing horizontal links between communities, multicultural learning, as well as the creation and development of small businesses. The programme provides legal advice to mixed groups of Ossetian and Ingush youth, holds joint events for school children, capitalising on the potential of schools as a means of socialisation and integration, and also organised the Centre for Assistance to Small Businesses to help the population of these areas set up small businesses.

In 2012 tensions in the Prigorodny district of North Ossetia — Alania, and in particular in the villages with both Ossetian and Ingush residents, remained stable. The programme conducted monitoring in the villages of Chermen, Tarskoe, Fongaron, Kurtat, Kambileevskaya, Oktyabrskoe, Nogir and others. In some areas there is no contact whatsoever between Ossetians and Ingush. In others very slight improvements can be noted. For example, in Tarskoe there are two Ossetian teachers working at an Ingush school.

In 2012 monitoring and other programme activities encountered significant difficulties due to the

opposition of the local authorities, who declared on several occasions and at different meetings that the presence of Memorial Human Rights Centre was undesirable in the Caucasus region, albeit whilst expressing their satisfaction with the work of our programme. In summer an audit was carried out by the prosecutor's office on Memorial's office in the village of Kurtat. All requested documents, including regarding repairs of the building, were handed over to the public prosecutor.

Despite these difficulties, in 2012 three groups of students — 53 people in total — graduated from the courses provided by the Centre for Assistance to Small Businesses.

*The course entitled "How to become an entrepreneur" runs for three months and includes several thematic blocks — management for small business, accounting, business plans and market research, and legal and economic aspects of running a business. The aim of the course is not only to provide participants with concrete knowledge and teach them the skills to run a business, but also to create a field for cooperation between Ossetians and Ingush, and to facilitate the development of mutual understanding between the two communities.*

Three competitions for the best business plan were held. 7-10 people took part in each one, both Ossetians and Ingush. A total of 31 business plans were presented. The winners were Z. Khubaev with his plan for furniture pro-

duction (received 30 thousand roubles in a grant as prize money — around 685 EUR), D. Kochieva with a plan for a jewellery workshop (40,000 roubles grant prize) and T. Valgasova with a plan for a 24-hour taxi service (also received

40,000 roubles — 910 EUR).

Memorial staff also provided individual professional consultations to economically active Ossetians and Ingush.

*279 consultations were provided on accounting, 238 on economic issues, 170 on legal questions (tax, registration, etc), 109 on marketing and 212 on IT.*

*The centre also held two courses on computer literacy for young people (12 participants) and on raising the computer literacy of pensioners (10 participants).*

In 2012 a training session on conflict prevention in the North Caucasus was held for facilitators working at the centre, Memorial staff, and the Civic Assistance Committee in Ingushetia, as well as psychologists of local schools. The training consisted of four stages, and included issues and methods of psychotherapy. Participants of the training were taught new skills, which they will use in their work with partici-

pants of the centre's programme. Towards the end of the year training was conducted on the same topic for school teachers.

Moreover, a series of two-day psychology seminars for teachers entitled Directing a Lesson, Behaviour and Communication of the Teacher: General Provisions and Principles were organised.

In addition, four-stage training

was held for the centre's consultants on modernisation and improvement of the counselling methods of the centre.

The programme also organised two round table events for the people of the region on wider subjects — "assistance from the authorities for the development of small and medium businesses in the Prigorodny district" and "transport links in Prigorodny district".



# Centre for Contemporary Documentation

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The Centre for Contemporary Documentation was founded in 1996-1997 for the collection, handling and filing of materials formulated in during Memorial Human Rights Centre's work, as well as to provide informational support to the programme's work and other researchers.

In 2012, the archive continued to receive documents created and received in the course of Memorial's work in the North Caucasus (Nazran, Grozny, Gudermes, Urus-Martan). Around 10,000 pages of documents on various aspects of the armed conflict in the North Caucasus were digitised. Work with the Moscow archive of video

materials commenced. Around 25 hours of video were annotated in detail and transcribed.

The project includes the public archive and library, which contain materials on human rights issues and armed conflicts in Russia and countries of the former Soviet Union.

*The archive collections stored in Moscow represent 20 years of Memorial Human Rights Centre's work in areas of local conflicts throughout the former Soviet Union:*

*Nagorno-Karabakh;*

*South Ossetia;*

*Abkhazia;*

*Georgian internal conflict in the early 90s;*

*Transnistrian and Gagauz conflicts;*

*Civil war in Tajikistan;*

*The events of August 1991 in Moscow;*

*The events of October 1993 in Moscow;*

*The Ossetian-Ingush conflict;*

*The armed conflict in Chechnya;*

*Events of 1999 in Karachaevo-Cherkessia;*

*The situation in the Crimea, issues of the Crimean-Tatar people.*

The Centre's resources are organised by topic: Political Persecution (including cases from Russia, Georgia, Belarus, Central Asia), Ethnic Discrimination, Migration: refugees and IDP, Memorial International Society and Memorial Human Rights Centre (founding and development), Russian NGOs. The archives include documents from state agencies, NGOs, the media, reports and communications by human

rights and humanitarian organisations, leaflets, posters, video, photo and audio materials. There are more than 20,000 archived materials, including around 500 hours of video recordings, 400 hours of audio recordings, and over 8 thousand photographs. The documents are stored in more than 30 archives. An electronic database has also been created and maintained.

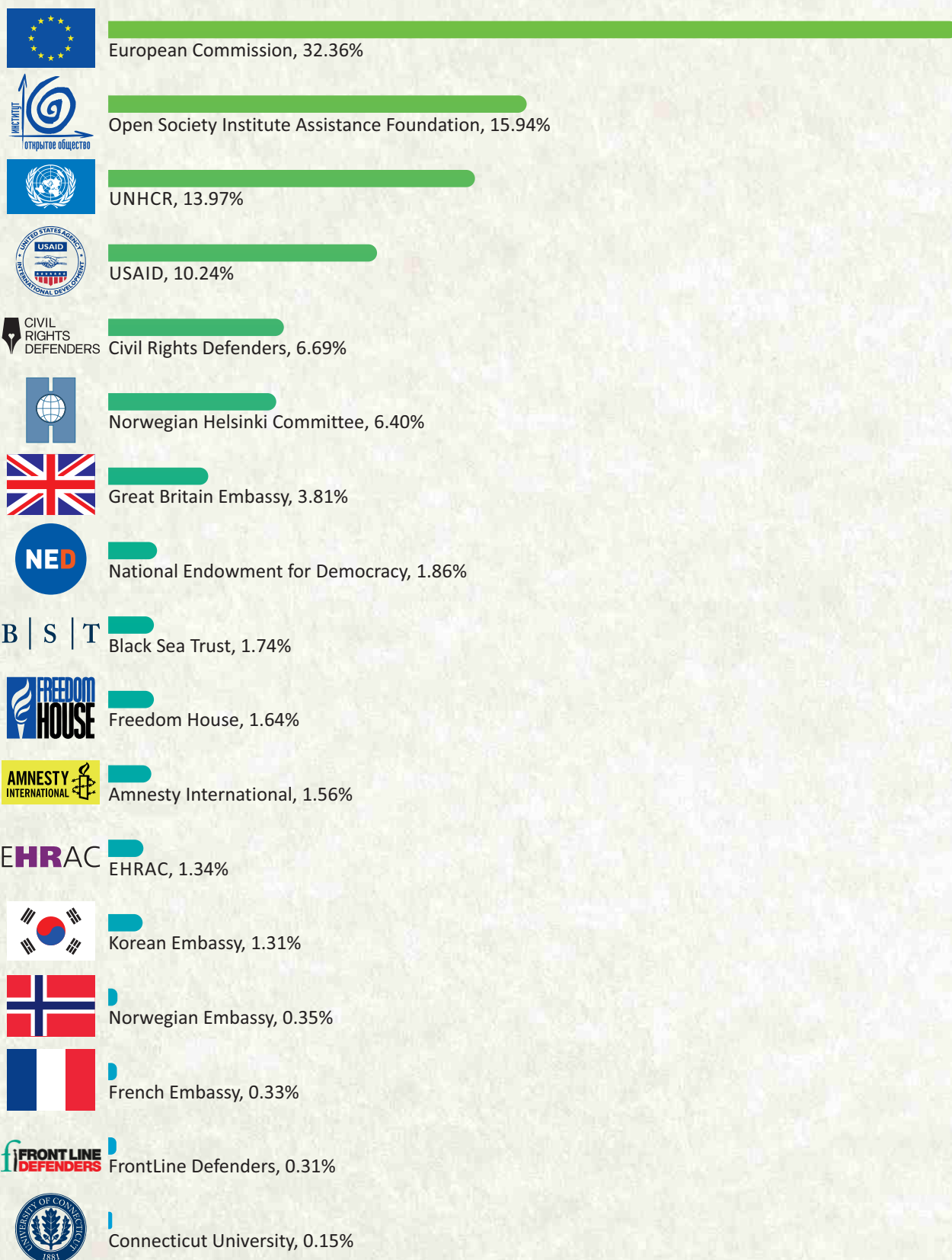


*Elza Shukueva, Archive specialist,  
Gudermes*

The library contains around 4,500 publications on topics related to the work of Memorial's programmes: human rights, armed conflicts, and the situation across the former Soviet Union. A transitional electronic catalogue has also been created.

# Financing sources

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