

MEMORIAL

Human Rights Centre

ANNUAL REPORT

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Introduction

Board Chair of the Human Rights Centre
Alexander Cherkasov

“These have been difficult years”. That all too familiar phrase has only now acquired its full meaning. In the “nasty 1990s” and the “mean 2000s” we worked in a relatively stable environment, something we came to appreciate when, in 2013—2014, we faced the authorities' attempts to destroy the “civil sector” or at least make it directly accountable to the authorities. We have failed to realize the *Memorial* mission, as it was originally formulated — to prevent the return of the totalitarian past. This has manifested itself in the emergence of new political prisoners, an unprecedented scale of unjust prosecution, using charges based on the Administrative Code, and Russia's involvement into a new prolonged and large-scale military conflict.

1. Since the launch of the *Memorial Human Rights Centre* in the early 1990s its work has concentrated primarily on mass-scale human rights abuses and their consequences in the so-called “hot spots”. At that time, the conflicts were taking place at the periphery of the disintegrating Soviet Union. The former USSR republics were able to avoid the worse case “Yugoslav” scenario involving large-scale standoffs and military conflicts between the biggest republics of what used to be the Soviet Union. But the worst did happen in 2014, with the annexation of Crimea and the emergence of a new major “hot spot” in the east of Ukraine. The area brought a major inflow of refugees; the Migration Rights Network programme led by Svetlana Gannushkina provides aid and support to them. As the conflict developed, Oleg Orlov of the “Hot Spots” programme organized several missions to monitor the situation in the region. Importantly, the conflict did not produce a deep divide between the civil societies of the two countries. Indeed, cooperation between Ukrainian and Russian human rights activists increased, and *Memorial HRC* played an active part in the joint efforts.

2. The “totalitarian past” and peculiar features of the *ancien régime* saw a comeback manifested in the use of political repression, both judicial and extrajudicial, as a means of ruling the country, and systematic pressure on civil organizations and activists. But other traditions have survived as well. The programme “Support for Political Prisoners” programme led by Sergei Davidis has monitored political prosecutions and published lists of political prisoners. These efforts may have helped to make the issue of political repression an important part of the national agenda. With

the number of political prisoners falling by half, at the time of the opening of the Sochi Olympic Games in the winter of 2014, we could celebrate. However, that trend did not last. Soon came the “Bolotnaya Square” court case and its verdict, and new arrests and trials took place. Furthermore, while the scale of protest in Russia was smaller compared with that of 2011—2012, the prosecution of protesters on administrative grounds was as high as before. Mass-scale detentions at meetings, rallies, and pickets continued; harsh measures, introduced into legislation, were (ab) used by state agencies. These developments were monitored and analyzed by the *OVD-Info* project led by Grigory Okhotin, which was also able to provide much-needed legal aid to thousands of those detained on administrative charges.

It was these programmes that led the Prosecutor's Office to send *Memorial HRC* a formal letter (April 30, 2013) classifying our work as “political activity”. Ironically, the prosecutor's warning could make us proud because it arrived on the 45th anniversary of the first ever issue of the dissident *Chronicle of Current Events*. The Russian authorities are today charging *Memorial HRC* with allegations similar to those used against the *Chronicle* editors, namely publicizing facts about political prisoners and extrajudicial persecution.

3. Regrettably, a significant part of our efforts had to go into protecting ourselves, and the *Human Rights Centre* acted in line with, and as part of, the *Memorial* network as a whole. The so-called Foreign Agents Law that came into force in November 2012 is below any critics indeed, this evaluation refers to the law in general rather than to some minor issues relating to certain of its provisions. It is our duty as a human rights organization to fight its unlawfulness by legal means. By doing this we defend not only ourselves but also the freedom of association guaranteed to Russians by the Constitution and Russia's international obligations.

In the spring 2013 officials from the Prosecutor's Office paid a visit to the *Memorial* Society offices aimed at conducting a “check” on the Society's activities. As part of that “check” *Memorial*, organizations provided the Prosecutor's Office representatives with copies of some 9,000 pages of documents. Subsequently, an official letter from the Prosecutor's Office arrived, stating that *Memorial HRC* was to register as a “foreign agent”. *Memorial* appealed against that ruling through the Russian courts and predictably lost the case. But, prior to that, in February 2013 The *Memorial* International Society and a coalition of ten NGOs lodged an application with the *European Court of Human Rights* against

the Foreign Agents Law. Lawyers of the *Memorial HRC* ECHR programme, led by Tatyana Kasatkina, drafted this. The lawyers working for the programme assisted NGOs in Russian regions in trials related to the Foreign Agents Law. In fact, a new NGO coalition came into existence as a result. A boycott was declared against the Foreign Agents Law. Over the last two years, no civil organization in Russia has registered voluntarily as a “foreign agent”, and this has prompted the authorities to amend the “law”. Since mid-2014, the authorities have taken it upon themselves to put NGOs on the Foreign Agents List. *Memorial HRC* was included in the list on July 21, 2014. However, we continue to defend ourselves with all the legal means at our disposal and have no intention of describing ourselves as “foreign agents”.

4. A large organization such as *Memorial HRC* finds it extremely difficult to survive in a zone of turbulence, but its new executive director, Natalya Sokolova, who took up the post in early 2013 is tackling the task professionally. On numerous occasions, the *Memorial* Society has stated that using grants provided by certain sponsors does not turn us into the donors' “agents”. We are not “enemies of the state”, we just remain independent. With that logic in mind, *Memorial HRC* participated in the tenders for presidential grants, a new programme, and was awarded funding for refugee aid and publications. The share of presidential funds in the HRC's total budget was not large and the new grant application was turned down after *Memorial* had been put on the Foreign Agents List. The bottom line was as follows: in 2013, *Memorial HRC*'s budget rose to RUB 109 million, while in 2014 it dropped to RUB 89 million. We have experienced serious difficulties with receiving grants from long-time donors. Some of them decided to leave Russia for good; others were given friendly advice to do the same. And still others said or at least were thinking: “Now that you have been declared ‘foreign agents’, is it a matter of days or months before your work will be banned? Or maybe you yourselves are thinking of quitting?”

Well, we have not stopped and have no plans of doing so. We are not sure what to expect in the coming year, although life is certainly not going to become easier. I hope, however, that we are prepared for it.

Alexander Cherkasov

Board Chair

Memorial Human Rights Centre

Memorial Human Rights Centre:

Facts and Figures

The **Memorial HRC** activities include:

- identifying and documenting human rights abuses;
- distributing information about human rights abuses;
- circulating **Memorial** books and other publications to a targeted readership;
- providing legal aid to victims of human rights abuses;
- representing victims of human rights abuses in domestic and international courts;
- writing reports, reviews, and other analytical papers; presenting those at meetings in Russia and abroad;
- preparing recommendations for state agencies.

"Hot Spots" programme

Active since 1991, the programme staff examine the human rights situation and adherence to international humanitarian law standards in the areas of large-scale conflicts that have the potential to evolve or have already evolved into armed conflicts.

5 monitoring missions in the area of conflict in Ukraine (2014);

4 reports released detailing mission results;

18 Ukrainian, Russian, and international human rights NGOs, including **Memorial HRC**, took part in writing Recommendations for the OSCE pointing out the necessity of involving the civil society on a bigger scale in OSCE responses to the crisis in and around Ukraine;

202 news stories about human rights abuses in the North Caucasus published in 2014;

350 North Caucasus stories with references to **Memorial HRC** appeared in the Russian media in 2013;

501 such stories appeared in 2014;

8 quarterly news and analysis bulletins, 'Human Rights Activists'

Appraisal of the Situation in the North Caucasus Conflict Zone', produced in 2013—2014;

1 omnibus 2009—2013 edition of the bulletins produced in 2014

2,194 consultations provided by **Memorial HRC** lawyers over the two years;

13 cases in courts won by **Memorial HRC** for North Caucasus residents.

Migration Rights Network

A network to provide legal aid to forced migrants, founded in 1996, and currently with offices in 41 Russian cities and towns.

46 of Russia's cities and towns had **Migration Rights Network** offices in 2013;

41 of Russia's cities and towns had **Migration Rights Network** offices in 2014;

10 round table discussions and seminars held in 2013—2014;

over **100** people attended three-day seminars for **Migration Rights Network** lawyers;

27,473 consultations were provided in 2013—2014;

6,445 applications submitted to the state agencies;

29 complaints lodged with the ECHR;

729 visits to penitentiary institutions;

642 visits to detention and compact settlement centres;

1,978 cases litigated in Russian courts;

789 cases with favourable verdicts;

220 cases were solved by pretrial agreements.

International Legal Mechanisms in Defense of Human Rights Programme (ECHR)

Active since 2000, the Programme aims at aiding private individuals, lawyers, and NGOs in Russia in litigation at the ECHR; raising the professional level of rights defenders / NGOs who lodge ECHR applications.

16 ECHR cases won by the programme's lawyers;

5 meetings in the *Committee of Ministers of the Council of Europe* were held with analytical papers on Chechnya and extradition cases prepared by the programme;

101 applications were lodged for litigation at the ECHR in 2013—2014;

87 cases at the ECHR won.

"Support for Political Prisoners" programme

Launched in 2010, the programme provides both the Russian and international public with detailed and systematic information on people facing politically motivated criminal charges and on civil rights activists under pressure from the authorities.

5 political prisoners lists released in 2013—2014;

55 people were added to the **Memorial HRC** list of political prisoners on the grounds of dossiers prepared by the programme;

14 people were recognized as civil society activists who find themselves under politically motivated pressure from the authorities;

47 political prisoners and civil society activists who find themselves under politically motivated pressure from the authorities received legal assistance and financial support;

the programme was among the organisers of numerous rallies in support of political prisoners in Moscow (2013—2014), marches for freedom of Bolotnaya Square prisoners on October 27, 2013, and February 2, 2014;

the programme took part in organizing the “RosUznic post” (December 2013 and 2014), an action aimed at raising public awareness of political prisoners in Russia and support for those behind bars by sending them New Year postcards and greetings.

OVD-Info project

*The project has been active since December 2011. The **Memorial HRC** became OVD-Info's major partner in 2013. The project focuses on pressure on activists by the state, and the state agencies that make the pressure possible (the police, the court system, and prisons).*

The project provides a 24/7 hot-line to register calls about detentions at public events. To inform about a detainee is also possible by an online fill-in form;

over **120** cases of those detained in Moscow on February 21, 24, and March 2, 2014 were litigated by **Memorial HRC**, **Public Verdict Foundation**, and Jurix lawyers and attorneys that were trained by the above mentioned staff;

5 analytical reports were published;

over **5.000** media mentions of the project in 2013—2014.

Central Asia Programme

Created in 1999 following the launch of mass-scale political repression in Uzbekistan.

In autumn 2013 **Memorial HRC** resumed its work on Turkmenistan, one of the most closed countries in the world; participation in an international humanitarian campaign 'Prove They Are Alive!', aimed at uncovering the truth about the fate of tens of political prisoners;

Contribution in 2014 of two campaign reports;

interview with a former prisoner of the Ovadan-Depe secret prison; lists of politically motivated criminal prosecutions in Uzbekistan in 1998—2010 updated, an analytical review was compiled, and lists for 2011—2014 that include over 460 names;

research revealed a wide-spread practice of fabrication of criminal investigations against labour migrants from Uzbekistan, accused of establishing “extremist communities” in Russia and other countries;

monitoring the situation in the south of Kyrgyzstan that saw large-scale inter-ethnic clashes in June 2010;

participation by the programme leader in the annual OSCE consultations on Human Dimension.

Countering Fabrication of Criminal Cases on Islamic Extremism in the Russian Federation

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 under the pretext of the fight against terrorism and extremism.

Human rights monitoring of criminal and extradition cases, unfounded arrests, and bans on Islamic literature;

consultations for applicants (from 20 regions) with complaints of the infringement of the rights of Muslims; in some cases provision of a lawyer; in Chelyabinsk, Moscow, Gorno-Altai, members of the programme acted in court as representatives of the defense, experts, or witnesses, and drafted submissions;

an open letter from programme head Vitaly Ponomarev and the head of **Migration Rights Network** Svetlana Gannushkina to the Russian President, urging a review of the use of legislation in the fight against extremism was filed;

motions prepared pertaining to Russian Muslims who apply for asylum in foreign countries.

Memorial Human Rights Centre Board Members

Cherepova, Olga Ivanovna, Memorial activist since the late 1980s, works in the **Memorial Human Rights Centre** programmes on preventing ethnic discrimination in the Russian Federation and, amongst others, with the **Migration Rights Network**.

Cherkasov, Aleksandr Vladimirovich, Chair of the Board of the **Memorial Human Rights Centre**, journalist, member of the Board of the **International Historical and Educational, Charitable and Human Rights Society Memorial**, staff member of the “**Hot Spots**” programme, member of the *Expert Council under the Commissioner for Human Rights of the Russian Federation*.

Davidis, Sergei Konstantinovich, lawyer, sociologist, has campaigned for 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 *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 “**Support for Political Prisoners**” programme.

Gannushkina, Svetlana Alekseevna, mathematician, in the late 1980s organized legal and humanitarian assistance to refugees and worked in the “hot spots” areas of the former Soviet Union and Russia. Head of the **Migration Rights Network**, member of the Board of **International Historical and Educational, Charitable and Human Rights Society Memorial**, Chair of the *Civic Assistance Committee*, member of the government *Commission on Migration Policy*.

Karetnikova, Anna Georgievna, writer, journalist, lawyer, anti-war activist. Member of the *Public Oversight Commission for Human Rights Observance in Moscow Detention*

Centres. Staff member of the programme “**Support for Political Prisoners**” programme, member of the *Union of Russian Writers*, coordinator of the *Union for Solidarity with Political Prisoners*.

Kogan-Yasnyi, Viktor Valentino-vich, Memorial activist since the late 1980s, participated in **Memorial's** mission to the conflict zone in Chechnya (1995), Chair of the Board of the NGO *Regional Civic Initiative – Right to Life and Human Dignity*.

Okhotin, Grigory Nikitich, journalist and independent researcher, co-founder of the **OVD-Info** human rights media project, co-founder of the *Data4Society* project (a group of journalists and IT specialists engaged in analyzing and popularizing information that is important to the public). Member of the Board of **International Historical and Educational, Charitable and Human Rights Society Memorial**.

Orlov, Oleg Petrovich, head of the “**Hot Spots**” programme, Board member of the **International Historical and Educational, Charitable and Human Rights Society Memorial**, chair of the **Memorial Human Rights Centre** in 1996–2011, member of the *Expert Council under the Commissioner for Human Rights of the Russian Federation*.

Ponomaryov, Vitaly Anatol'evich, 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 **Central Asia** programme and the **Countering Fabrication of Criminal Cases on Islamic Extremism in the Russian Federation** programme.

Raczynski, Jan Zbigniewich, Memorial activist since the late 1980s, Chair of **Memorial Human Rights Centre** (1993–1996), took part in **Memorial's** missions to conflict zones

(from 1990 onwards), 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 Moscow **Memorial**.

Shkapov, Dmitrii Vadimovich, Memorial activist since 1989, worked for the “**Hot spots**” programme in Tajikistan, Moldova, and during the Ossetia —Ingushetia war conflict. In charge of the **Memorial Human Rights Centre** archives since 1998; media monitoring as part of the “**Hot Spots**” programme since 1999. Contributed to 'The System of Corrective Labour Camps in the USSR: 1923–1960', monograph published by **Memorial**.

Soboleva, Darya Borisovna, sociologist, staff member of the “**Hot Spots**” programme, secretary of the organizing committee of the *Russian Alternatives conference*, project coordinator in the *Civic Assistance Committee* (August 2012–July 2013).

Sokiryanskaya, Ekaterina Leonidovna, PhD at the *Central European University* (Budapest). In 2003-2008 worked in **Memorial Human Rights Centre** offices in Chechnya and Ingushetia, 2008–2011 in charge of **Memorial Human Rights Centre's** programme in Nalchik and Makhachkala. Head of the office of *International Crisis Group* in Russia since 2011. Member of *Expert Council under the Commissioner for Human Rights of the Russian Federation*.

Vakhnina, Liudmila Vsevolodovna, PhD in biology, activist in the democracy movement since the late 1980s, from 1994 onwards involved in the protest movement against the war in Chechnya. Coordinator of the *Redundant Soldier* programme since 2003.



“Hot Spots” Programme

Head of the programme — Oleg Orlov

The “Hot Spots” programme has been focused mainly on the North Caucasus region for over several years. It was only in 2008 that our activities crossed Russia's borders given the need to monitor the situation that resulted from the war between Russia and Georgia. Again, in 2014 the events in Eastern Ukraine led the programme to extend its activities to the territory of a neighboring country.

Objectives

When the programme was launched in 1991, its objectives were to examine the human rights situation and adherence to international humanitarian law standards in the areas of large-scale conflicts that have the potential to evolve or had already evolved into armed conflicts, as well as

in the post-conflict areas.

Our work in the North Caucasus region has always been aimed at getting those representatives of the state who committed crimes to be held accountable for human rights violations or defend victims of abuses committed by law-enforcement officers or security agencies (siloviki) or by government officials. We believe that in those unfortunately rare cases when we managed to do so, our efforts in fact helped the Russian state in its fight against terrorism. Insurgents try to present Russia as inherently cruel and unjust state. On the contrary, we attempt to get the legal mechanisms working, making it clear to society in the North Caucasus that its members do not need to turn to arms to achieve

justice because there exist other, legal, means to this end.

In the long-term scenario, severe law violations that are allowed to take place during a fight against terrorism encourage terrorist activities. In order to preserve peace and stability the state needs to observe the protection of human rights.

Methods

Providing legal aid to victims of rights violations committed by the authorities (mainly the siloviki); human rights monitoring; preparing reports based on the information gathered and analytical papers to be distributed widely using media and other channels in order to raise awareness about the issues that require public attention.

Outcomes — Ukraine

We conducted five monitoring missions in the conflict zone in Ukraine in 2014, either on our own or in collaboration with our Ukrainian colleagues. As a result, four reports on the conflict were published.

‘[The Failed Referendum](#)’ report looks into the events prior to and following the time when the conflict in the Donetsk region turned into an armed phase.

Conclusion and recommendations:

- the self-proclaimed Donetsk People's Republic, or DPR, authorities and activists have been involved in serious and systematic human rights violations and terror against dissidents;
- the referendum held on May 11, 2014, cannot be seen as legitimate. The methods used to conduct the referendum make it impossible to determine its results with any credibility;
- Ukrainian authorities ought to bring to order their own military and security personnel making sure that ill-

equipped troops lacking proper training are no longer sent to the areas where they might clash with hostile civilians;

- Ukrainian authorities must put a stop to the activities of all illegal armed groups including those that position themselves as defenders of the Ukrainian state. Uncontrolled armed groups' activities, historically known in the region as atamanshchina, may do just as much harm to the Ukrainian statehood as the actions of the separatists.

‘[The Report on the Monitoring Visit to the City of Krasny Liman, in the Donetsk Region, Ukraine](#)’. Results of the monitoring visit by a group of Russian and Ukrainian human rights activists to investigate allegations that the Ukrainian National Guard fighters had shot and killed wounded fighters of the self-proclaimed Donetsk People's Republic and that the Krasny Liman hospital had come under Ukrainian artillery fire during fighting in the city.

Conclusion:

- Contrary to the statements made by the representatives of the self-proclaimed Donetsk People's Republic,

the witnesses could not confirm that the wounded armed groups members had been shot and killed.

- On June 3 the hospital came under Ukrainian mortar fire. A doctor was killed. There are good reasons to believe that the fire was deliberate.

‘[The Report on the Monitoring Mission to the Donetsk and Luhansk Regions of Ukraine. Strikes against Civilian Targets in July 2014](#)’.

Conclusion:

- As the ceasefire proclaimed by Ukraine came to an end on July 1, 2014, the town of Slavyansk residential areas, including the districts that did not house military sites of the self-proclaimed DPR armed forces, repeatedly came under mortar and artillery fire.

The strikes conducted by the Ukrainian army against Slavyansk led to numerous fires, damages and numerous civilian deaths and may be qualified as non-discriminatory and thus constitute a violation of the international humanitarian law.

- According to the information gathered on the site, it is highly likely that the strikes on July 2, 2014, against the villages of Luhanskaya and Staraya Kondrashovskaya were carried out by Ukrainian air forces.

It is not known whether the strikes were deliberate or resulted from mere negligence. However, they clearly violate the international humanitarian law and constitute a crime.

- During the monitoring mission to the town of Kramatorsk on July 5, 2014, it emerged that the Ukrainian forces primarily shelled the self-proclaimed DPR military units that were stationed on the outskirts of the town, outside the residential area. The town itself remained nearly intact.

Thus, considering the large-scale military standoff in the region, no serious humanitarian law violations, carried out by the Ukrainian military and security personnel against the Kramatorsk residents were identified.

The report 'Between Ceasefire and War'. Details international humanitarian law violations by both sides of the conflict in Ukraine during the fighting in the summer of 2014 and the ceasefire that followed. Also describes the situation with food and medical aid in the conflict zone. The report was presented in February 2015 at the OSCE Parliamentary Assembly session.

Conclusion:

- Starting at least from the second half of August 2014, the armed conflict in Donetsk and Luhansk regions of Ukraine evolved into an international armed conflict between Ukraine and Russia. It should be noted, however, that the emergence of an international armed conflict on the territory of Ukraine does not prevent one from qualifying the conflict between the government-controlled forces, the self-proclaimed Donetsk, and Luhansk People's Republics as a non-international armed conflict.

- Both sides of the military conflict in Eastern regions of Ukraine have neglected their obligations to take all possible measures to avoid or minimize civilian deaths and injuries, destruction and damage to civilian houses etc. Such negligence resulted in civilian deaths and destruction of the Donbass towns and villages, which was completely unjustified by war purposes.

- During the armed conflict both sides deployed their weaponry, including artillery fire positions inside residential areas of towns and villages. When firing from those positions, they inevitably provoked response from

the enemy, causing deaths of civilians and destruction of civil objects.

- District areas have repeatedly come under multiple rocket launcher (MRL) fire which is a source of special concern. MRLs use in urban areas is unacceptable, represents a violation of laws and customs of war and can be qualified as a war crime because it knowingly leads to unjustified civilian deaths and destruction.

- The severity of the humanitarian situation on the territories under separatists' control was made worse when salaries were stopped to in- and outpatient hospital staff who had remained in the area saving lives of and providing medical aid to the local population. Also affecting the humanitarian situation negatively was the decision to stop retirement payments to pensioners residing in the area.

Also in 2013 and 2014 the "Hot Spots" programme issued smaller reports on the situation in Eastern Ukraine that were shared on social networks and *Echo of Moscow* radio station blogs. Inter alia, they drew parallels between the two ongoing military conflict in Eastern Ukraine and the conflict in the Chechen Republic. Mention was also made of the fact that people, who had earlier been implicated in crimes during the fight against terror in the North Caucasus, now appeared in the Ukrainian conflict area.

The **Memorial Human Rights Centre** was part of a group of eighteen Ukrainian, Russian, and international human rights NGOs which wrote *Recommendations* to the OSCE saying that the OSCE response to the crisis in and around Ukraine should aim at involving the civil society on a bigger scale.

Ukrainian Conflict: all things considered

In late November 2014 a **Memorial HRC** group went to the town of Pervomaysk, Luhansk Region, Ukraine, that had previously come under control of the separatist forces. During the mission, **Memorial** documented heavy damage done to residential buildings by the Ukrainian artillery fire, as well as depressing conditions for the civilians amounting to being on the verge of a humanitarian catastrophe. Starvation was on the horizon. Simple medicine equipment and drugs were lacking. There was no building blocks to rebuild the damaged houses. It was getting chilly inside homes. However, the humanitarian aid that was sent to Eastern Ukraine from Russia could not reach the region. The authorities of the self-proclaimed Luhansk People's Republic had no desire to provide food and other aid to the areas under control of Cossacks who had demanded autonomy. As a result, the civilians suffered most.

On return to Moscow **Memorial** wrote to the *Russian Ombudsman* expressing the hope that the Russian authorities might use their influence to persuade the authorities of the self-proclaimed Luhansk People's Republic transfer the Russian aid to those who need it most in Pervomaysk. **Memorial** does not excuse the international law violations that Russia has been committing when sending the humanitarian convoys to the neighbouring country without consent of the Ukrainian authorities and international organizations. However, if the convoys bring humanitarian aid, it is only logical that it ends up where it is needed most.

Memorial's reports on the situation in Pervomaysk were met with attention in some Russian and foreign media. At the end of December, Pervo-



Distribution of bread in Pervomaysk, Luhansk district. November 2014.

maysk and the neighboring villages received the first supplies of food and building material from Russian humanitarian convoys that came their way since July. *Memorial* has been told that the *Russian Ombudsman* informed the *Emergency Situations Ministry*, in charge of the humanitarian aid provision, about the grave situation in Pervomaysk.

Major Outcomes: North Caucasus

Over the course of 2013—2014 “Hot Spots” staff in Dagestan, Chechnya, Ingushetia, and Kabardino-Balkaria continued to gather information that went into news releases and analytical reports on the human rights situation in the region. The news were circulating among the mass media and posted on *Memorial HRC website*, with 210 news stories published in 2013 and 202 in 2014. It is estimated that the Russian media ran 350 and 501 North Caucasus stories with references to *Memorial* in 2013 and 2014 respectively.

A quarterly news and analysis bulletin was produced, ‘Human Rights Activists’ Appraisal of the Situation in the North Caucasus Conflict Zone’. The bulletin is a digest of *Memorial* and other human rights NGOs reports, media stories, and official documents and is aimed at journalists, politicians, and civil activists. An omnibus 2009—2013 edition of the bulletin was released in February 2013.

Over these two years, the lawyers working under the auspices of the “Hot Spot” programme provided 2,194 consultations. These included legal aid with lodging complaints with the courts, the *Investigative Committee and the Prosecutor’s Office*, the police, and other official agencies. In individual cases, the “Hot Spots” lawyers were involved in the cases at the preliminary investigation stage and later in courts.

The programme has closely cooperated with other *Memorial HRC* programmes and partner NGOs, including the *Civic Assistance Committee*, the *United Mobile Groups of Human Rights Defenders* in Chechnya, and the *Committee against Torture*. When the attempts to achieve justice on a domestic level fail, the cases are referred to the *International Legal Mechanisms in Defense of Human Rights programme* and are litigated in the *European Human Rights Court*. In 2013—2014 *Memorial* won eighteen cases in the European Court where applications originated from the Northern Caucasus residents.

Facing the Difficulties

In 2009—2012, due to the efforts of *Memorial Human Rights Centre* and the whole of the human rights community in Ingushetia and later in Dagestan and (to a lesser extent) in Kabardino-Balkaria, a so called “New way” policy was launched aimed at a dialogue with different layers of the society and human rights activists and showing the authorities’ commitment to lawful actions in the fight against terror.

Adaptation Commissions were created in the four North Caucasus republics in order to help former militants and their supporters, who were ready to lay down their arms, to return to peaceful lives. Despite certain setbacks, the work of those commissions had positive impact. Joint work between the public human rights organizations and state agencies was strengthened, and state-sponsored dialogue between representatives of various trends in Islam began.

The implementation of the “New way” policy has, *inter alia*, helped to limit the losses among the *siloviki*. That was primarily evident in Ingushetia that emerged as the most tranquil of all the North Caucasus republics. Similar results were also felt, albeit to a lesser extent, in Dagestan. There emerged hope that the new emphasis on “soft power” and the authorities’ refusal to rely exclusively on methods of state terror might develop further.

The newly-adopted policies, though, were not adhered to in any consistent way and met powerful opposition by both the state security agencies unwilling to give up methods of “state terror” and the insurgents who feared that the “New way” might limit their ability to mobilise support among the local population.

Regrettably, in 2013—2014, against the background of growing hysteria in Russia provoked by the Ukrainian conflict, the authorities in the North Caucasus reverted to the old policies of unlawful violence. The “Hot Spots” programme deems it important to raise awareness of society, the mass media, the Russian authorities, and international organizations as to the negative impact this has on the establishment and maintenance of peace in the North Caucasus.

We at the “Hot Spots” programme believe it to be of utmost importance that society, the mass media, the Russian authorities, and international organizations perceive clearly the negative impact that such

policies are having on the attempts to establish and maintain stability in the North Caucasus.

Dagestan

The Republic of Dagestan has probably seen the most marked change. The following issues have become part of Dagestani reality over the last two years: mopping up operations in towns and villages accompanied by looting and violence, destruction of homes belonging to relatives of Dagestani insurgents, curtailing of the dialogue with the Salafi Muslim community, torture and refusal to grant attorneys access to their defendants.

The Dagestan-based *Pravozashchita* human rights organisation has been under pressure since summer 2013. Criminal proceedings on trumped-up charges were instigated against *Pravozashchita’s* Zarema Bagavutdinova. The *Memorial HRC* provided attorney’s services to Ms. Bagavutdinova and put her on the list of political prisoners. In Ms. Bagavutdinova’s case, the attempt to attract media and public attention resulted in success and the case nearly collapsed during the trial, nevertheless which did not prevent the court from sentencing the defendant to five years in jail.

On March 1, 2013, *Memorial* organized a press-conference in Moscow ‘Dagestan: The Police in Conflict Zone – A View from Inside.’ The conference that resonated both in and outside Dagestan saw the participation of former and current Dagestani Interior Ministry officers. The participants detailed corruption in the Dagestani police, provided evidence of unlawful appointment or sacking of police officers and the overall damage done to the professionalism of the police. Colonel Salekh Gadzhiev, who had been in the police service for over 35 years and held numerous awards, was fired because of his participation in that press-conference. In November 2014 *Memorial HRC* lodged a complaint on Colonel Gadzhiev’s behalf to the *European Human Rights Court* pointing to the violation of Article 10 of the ‘European Human Rights Convention’ (freedom of speech).

The *siloviki* produced an outrageous example of lawlessness by conducting a mopping up operation in the village of Vremenny. The operation continued from September 18 to November 26, 2014, and was shaped as a punitive act. All the residents were expelled from the village. There remained no home intact, looting and

destruction of property were widespread. Entire houses, gardens, and garden sheds were destroyed while the cattle, no longer taken care of by its owners, was used as food by the *siloviki*. When the Vremenny residents were allowed to return to the village they found themselves without property, and many were left homeless. One of the villagers, who had been detained by the *siloviki*, disappeared without trace. **Memorial** staff visited the village at the very moment it was possible to do so. Currently, a lawyer hired by **Memorial**, represents the interests of the villagers, with the view of lodging complaints on their behalf and ensuring that a criminal investigation is opened into abuses.

Ingushetia

The **Memorial** HRC was able to maintain constructive relations with the local authorities in the changing circumstances, although the government had taken a step back in the human rights sphere. In September 2013 Ingushetia President Yunus-Bek Yevkurov, who had previously been known for favoring dialogue and “soft power” methods, made clear the authorities' intention to destroy the homes of militants and their accomplices. **Memorial** alongside other civil society representatives contributed to the fact that the statement was soon disavowed. Despite that, in March 2014 the *siloviki* intentionally destroyed two houses that belonged to the family of a man who allegedly supported the insurgents in the region.. Two unarmed suspects were shot and killed. **Memorial** conducted its own investigation and sent a formal letter to the Republic's President. Fortunately, no similar events have taken place since. The *Republican Adaptation Commission* resumed its work in February 2014, and Ingushetia is the only republic where adaptation commission work is continuing. **Memorial's** Nazran office head Timur Akiyev is a member of the *Commission*.

Kabardino-Balkaria

In late 2014 all the defendants in a high-profile “Trial of 58” were sentenced to various prison terms. The court trial on the attack against the offices of the state in the city of Nalchik on October 13, 2005, had been ongoing since March 2009 in the *Kabardino-Balkaria Supreme Court*. **Memorial** HRC followed the trial closely and hired attorneys, initially Magomed Abubakarov and later Batyr Akhil'gov and Magomed Gagiyev, to defend Rasul Kudayev and Kazbek Budtuyev. Relying



Rep. Dagestan, Vremenny village aftermath of a special forces operation. 2015.

on strong evidence **Memorial** believes both of them to be completely innocent. While their innocence became obvious during the trial, Rasul Kudayev was sentenced to life imprisonment and Kazbek Budtuyev received four years and ten months in jail. Mr. Budtuyev had already served his prison term while in pre-trial custody, but the very fact of his being found guilty casts doubts on the legality and fairness of the judgment. Other defendants received lengthy prison terms as well although their guilt was not sufficiently proved and there remain serious doubts as to the very fact of their implication in the Nal'chik events on October 13, 2005.

Memorial HRC has extensively covered the developments in the trial. In December 2014, **Memorial** published the report, '[Nal'chik. "Trial of 58" – On the Eve of the Court Ruling](#)' saying that the expected sentence would hardly help to calm down the situation in the North Caucasus. Presently, the attorneys hired by **Memorial** HRC are drafting the appeals.

In August 2013, the trial started in the town of Chegem concerning torture used against two teenage students. An ill-advised game ended up in them being held suspects – they were supposedly watching a police officer's house at the request of the fighters. The teenagers were taken to a local police station and cruelly beaten. The court issued its sentence as late as March 2015. The police officer who tortured the teenagers received four years of imprisonment. Nevertheless, this just sentence is yet to be reexamined in the appeal court, where it can be altered.

Since November 2014, a trial has been going on in the Kabardino-

Balkaria Supreme Court. The accused is Alexei Makoyev who, according to the official version, was killed in a security operation. This is an episode in a long row of killings or disappearances of Kabardino-Balkaria residents. Alexei Makoev's family members disagree with the official version and demand the criminal investigation to be continued. They intend to prove Alexei's innocence and ensure his rehabilitation. Eva Chaniyeva, the defense attorney hired by **Memorial** HRC, says, “As soon as relatives of young people killed in security operations stop saying OK when an investigation is closed “due to death” – provided that they believe them to be innocent – as soon as the relatives take steps to prove their innocence using the entire range of courts, up to the European Court, – we are going to see fewer extrajudicial executions.”

Chechnya

In the Chechen Republic, in contrast to the rest of the North Caucasus republics, the authorities have opted for the use of state-directed violence as a means of combatting the insurgency. Under those circumstances, the work of human rights organizations faces serious difficulties and sometimes comes under threat. For example, the office of **Memorial's** partner, the *United Mobile Groups*, was burnt down in Chechnya. Notwithstanding that, **Memorial** was able to win a number of the *European Court* applications which were the first abduction cases in Chechnya under Ramzan Kadyrov. These include 'Suleymanov v. Russia', 'Askhabova v. Russia', 'Turluyeva v. Russia', 'Makayeva v. Russia'. These winning cases came

because of joint efforts of the *United Mobile Groups* and the **Memorial** Human Rights Centre.

For fear of reprisals, the Chechen residents have lately been reluctant to file complaints with human rights organisations. Despite that, **Memorial** staff who were part of the *Chechen Public Supervisory Commission*, a body in charge of supervision of conditions in prisons and other detention facilities, were able to gather information about victims of torture among people who were detained or arrested by Chechnya's branch of the *Russian Interior Ministry* personnel. Aggregating that information plus the results of monitoring of the Chechen courts and television, **Memorial** produced reports detailing the horrifying state of the legal and judicial system in the Chechen Republic. In late 2014, **Memorial HRC** itself turned into an important information source when it was able to [document](#) several occasions where homes of those suspected of ties with militants were burnt down and their families expelled.

During the wars in Chechnya, a large number of Russian speakers had to flee the republic. Not infrequently, their flats were taken over by people who had no right to that property. Up until now, legal owners find it difficult to restore their property rights. A positive example was set by the civil application lodged by L. P. Stashevskaya who complained that unknown persons illegally seized her flat in the republican capital, Grozny, after the end of the Second Chechen War. The *Zavodskoy District Court* in Grozny held on February 14, 2013, ruled that the property rights were to be fully restored to Ms. Stanishevskaya.

With widespread lawlessness in relations between officials and local residents, the case of Davydenko Village, Achkhoy-Martan District, was important. The local officials wanted the local residents to pay rent for their land despite the fact that the residents had owned the land for a number of years and had long ago built homes on their plots. The court ruled on September 12, 2013, that the residents had full property rights to their land and that rent contracts signed by the local administration were invalid. A **Memorial** lawyer represented the claimants' interests in the court. The litigation that took over a year to complete created a precedent allowing other residents of the same district to appeal against the illegal demands of the local officials.

Media Profile

May 20, 2013 Echo Moscow

[Interview with Alexander Cherkasov, Memorial HRC Chair](#)

Words of the authorities are supposed to emanate from a single brain centre. Instead, what we have here is a number of brain centres that have peculiar and primitive connections. It was just a year ago when both the National Anti-terrorist Committee and Anatoly Bortnikov, the head of the FSB, were saying that the "soft power" methods used by the Adaptation Commission brought about positive changes in Dagestan. But it seems that they then were given a different task, and the rhetoric changed accordingly.

March 2, 2013 Kavkazsky Uzel

[Dagestani police officers demand the local Interior Ministry to be scrutinised](#)

Kavkazsky Uzel's report on the press-conference, "Dagestan, Police in the Conflict Zone: a View from Inside."

May 21, 2014 TV Rain

[-Criminal Negligence vs. Organised Crime - Memorial Issues Report on Life in "Luhansk People's Republic"](#)

Memorial HRC's Oleg Orlov releases a report on what was happening in Ukraine's Donetsk Region prior to the referendum [on indepe-

ndence from Kyiv]. Memorial's Oleg Orlov who has just come back from Ukraine told TV Rain about the referendum in the Donetsk region and events that followed the creation of the self-proclaimed republic.

December 11, 2014 'Kommersant'

[Fighters Homes Burnt Down](#)

As Memorial HRC's chair Alexander Cherkasov told Kommersant, soon after all the 11 fighters who had been killed in Grozny on December 4 were identified, the Chechen siloviki went about burning down homes of their relatives. The first to suffer that fate was the Yunus Gekhayev's house in the village of Novy in the eastern suburbs of Gudermes, the human rights activists say.

December 24, Deutsche Welle

[Human Rights Activist: "58 Trial" Sentences Neither Fair Nor Lawful](#)

The authorities are about to lose the chance to calm down tension in the North Caucasus, Oleg Orlov, Memorial HRC board member, says. "We perceive the court decision as neither lawful nor fair. The court found guilty not only those whose involvement had been proved, but also those who had refused to take part in the attack on Nalchik [in 2005], those who had not fired a single shot and surrendered to the authorities voluntarily. The court should have shown leniency to those persons."



Chechnya. A burnt down house of insurgent's relatives. December 2014.



Migration Rights Network

Head of the Programme — Svetlana Gannushkina

The Network is dedicated to providing legal aid to forced migrants. It was founded in 1996 and currently runs offices in 41 Russian regions.

Objectives

To make legal aid readily accessible to migrants and to provide legal aid.

Methods

Regional offices form the basis of the network. In most cases, they were founded in cooperation with local NGOs engaged in migration issues and refugee rights advocacy.

The lawyers in regional offices provide consultations to migrants, assist migrants in writing complaints and applications to state agencies and the courts; defend their interests in the courts and, if necessary, lodge complaints with the *ECHR*.

The situation as regards migrants

A toughening of migration legislation marked the years 2013 and 2014. The changes were unsystematic, contradictory and had a strongly pronounced repressive character.

Asylum in Russia failed to develop as an institution, although a good-quality legislative framework was in place. By the end of 2014, only 808 persons had been granted refugee status. However, the authorities showed more generosity than in previous years in granting provisional asylum – the provisional right to remain was granted almost exclusively to asylum seekers coming from Ukraine. In 2014, provisional asylum was granted 70 times more often than in the previous year, reaching 217,000 cases.

In 2013, as in previous years, the main flow of asylum seekers originated from Syria. Before the beginning of 2014, the *UNHCR* had always insisted that expelling Syrian citizens to their home country was unacceptable because of the armed conflict there. *The Russian Ministry of Foreign Affairs and Federal Migration Service (FMS)* had repeatedly expressed their agreement with the *UNCHR* position. However, *FMS* local offices tended to ignore the recommendation. Syrians were only rarely granted asylum and many were sent to Turkey or back to Syria. By the end of 2013, 1,162 Syrian citizens had been granted provisional asylum.

In 2014 the *UNHCR* issued a new document stating its position: not only was the expelling of Syrians back to Syria unacceptable, their expulsion to its neighboring countries was also unacceptable because Lebanon, Jordan and Turkey had already accepted around 2 million Syrian citizens. More than 3,500 Syrians asked for provisional asylum in Russia in 2014, less than a thousand of them were granted it, bringing 2,021 of provisional asylum permit holders. The Migration Rights

Network currently works on over 200 appeal cases concerning refusals to grant asylum status to Syrian citizens.

In 2014, the armed conflict in Ukraine brought about a massive inflow of refugees. The very first asylum applications were registered in spring 2014, while the largest number of refugees arrived in the summer months. The official agencies, beginning with the *Federal Migration Service* and the *Emergency Situations Ministry*, made a significant contribution to the relief effort. Refugee camps were established, with many observers reporting that they were operating to a high standard. A decree of the Russian government (No. 690 dated July 22, 2014) eased the procedure of granting asylum to Ukraine citizens and the time frame required to decide on an application was reduced to just three days.

While it had been quite easy for Ukrainians to get provisional asylum in the spring of 2014, the initial enthusiasm of both — the state and the Russian society — was wearing then by the summer. More and more seekers were refused asylum because they had come from regions not involved in the



Mirsobir Khamidkariev was persecuted in Uzbekistan and in Russia. His defence was carried out with the support of the programmes of Svetlana Gannushkina and Vitaly Ponomaryov

armed conflict or arrived prior to the beginning of the armed conflict. Moreover, the city of Moscow, the Moscow region, St. Petersburg, the Rostov region, Crimea and Sevastopol stopped accepting applications from Ukrainian citizens altogether. Interestingly, the authorities used the same government decree (No. 691) as grounds to decline asylum applications because it did not list the above-mentioned regions as responsible for receiving Ukrainian refugees. Meanwhile applicants in Moscow were told the city does not establish "any asylum quotas".

By the end of 2014, 227 Ukrainian citizens had been granted asylum. These were mainly members of the *Berkut* battalion, prosecutor's office staffers, etc. A further 214,152 were granted provisional asylum.

Providing legal aid

The Migration Rights Network offices operated in 46 regions of Russia in 2013 and in 41 regions in 2014, including the North Caucasus. Legal aid was provided to asylum seekers, refugees, stateless and internally displaced people, working migrants, and occasionally to other vulnerable categories. In 2014 saw a mass of applications from families that provided shelter to their Ukrainian relatives.

Legal aid included:

- giving legal advice;
- preparing complaints, applications and appeals to law enforcement agencies;

Representing applicants' interests in courts, primarily protecting applicants' asylum rights;

- accompanying migrants to the *FMS* offices;

Visiting compact accommodation points (CAPs) for asylum seekers and refugees and migrant detention centers;

- negotiating with employers who violate their employees' rights.

The majority of applications received by the network offices in the North Caucasus dealt with human rights abuses, including those relating to the right to property and the right to accommodation. Lawyers in the Republic of Ingushetia and the Chechen Republic succeeded in a number of cases involving the return of property (homes) or compensation for property (homes) lost because of military operations.



In a refugees camp in Moscow. August 2013

The largest number of appeals in the courts concerned the authorities' refusals

- to give access to the refugee status determination procedure;
- to grant refugee status;
- to provide provisional asylum;
- to accept applications for Russian Federation citizenship.

Appeals also dealt with the following categories:

- preventing extradition, expulsion, deportation;
- protection from harassment;
- providing access to the welfare system.

The court ruled in favor of the applicants supported by the Network staff in the following cases:

- preventing extradition, deportation, expulsion;
- providing provisional asylum to persons whose lives or freedom may be under threat upon return to their home countries or if those persons have humanitarian grounds to stay in Russia (underage children and/or spouses who are Russian citizens);
- concerning protection from harassment;
- concerning issues of citizenship, provisional asylum permit, residence permit, resident registration, children's citizenship, etc.;

- establishing the fact of residence on the 06.02.1992 that let individuals get a Russian Federation citizen passport;

- establishing the employment history of individuals, who left the Chechen Republic, Ukraine and other

former republics of the Soviet Union, admissions to pensions and pension's redistribution, dealing with problems in accessing social security services and employment services and housing assistance.

The work of the network's lawyers brought positive results as far as legalizing specific migrant categories is concerned. Previously the courts tended to decline appeals of HIV-infected migrants against *FMS* agencies' refusals to grant provisional asylum, a residence permit or a temporary residence permit. Over the last two years, however, the courts have ruled in favor of applicants more often, a change traceable to the 2006 *Constitutional Court* decision that has only recently become part of court practice.

There have been improvements too concerning individuals who have violated the regime of residence in Russia (Article 18.8 of the Administrative Offenses Code). The courts have overturned decisions to expel foreign nationals found guilty of violating the Administrative Offenses Code, often considering family/children/health concerns. There were a number of favorable decisions in St. Petersburg, the Leningrad region, Moscow and the Moscow region despite the fact that Part 3 of Article 18.8 does not provide any alternatives to expulsion from those Russian regions.

Use of the European Human Rights Court and UN Committees mechanisms

It should be pointed out that the largest number of extradition cases are only settled by virtue of international legal mechanisms. However, that is not

the case as far as asylum is concerned. Given a single case where the application of Rule 39 persuaded the *FMS* to grant asylum immediately, no further *ECHR* litigation has been required.

The main extradition issues concern the continuing attempts by the state to carry out extraditions disguised as expulsions for an administrative offence or as deportations. In some cases, asylum seekers are abducted by the security services of their home countries with the support of their Russian colleagues. The decision about whether to apply rule 39 of court rules (preventive measures) is made within a few hours. Despite the fact that it takes several years for decisions on appeals to be made, Migration Rights Network lawyers use rule 39 of court rules to stop extradition to a home country where an asylum seeker runs the risk of being tortured or inhumanely treated. That is why over the years lawyers have succeeded in stopping the extradition of a dozen citizens of Uzbekistan, Turkmenistan, Tajikistan, Kirgizstan, and lately citizens from Syria, Somali and Belarus. In 2013-2014, network lawyers had 18 ongoing cases that were sent to the *ECHR*.

Round Table Discussions and Seminars

Three-day seminars for the Migration Rights Network lawyers took place in April and again in October 2013. Lawyers and human rights activists from other NGOs, the *Federal Migration Service* staff members, representatives of *UNCHR* and *Russia's Ombudsman office* also attended. The participants, who included high-profile lawyers and law professors, numbered over 100 at each of the seminars.

On 25-27 April 2013 a seminar on "Citizenship. Refugee Rights Defence in Courts. Other topical issues" was held.

On 27 April 2013 the network leader, Svetlana Gannushkina, took part in an expert round table on "International Debate: Encountering Refugees — Europe and Russia" at the *Sakharov Centre*.

A round table discussion, "Should we fight labour migration?" was held on 15—16 October 2013.

A seminar "Innovations in the Legal Status of Foreign Nationals" was held on 17—19 October 2013.

Also in 2013 a round table discussion on "Registration Regime Impact on Asylum Seekers and Refugee Rights" was held as a joint event with *UNCHR* in Russia and the *office of the Russian Ombudsman*.

Major outcomes

Activities in numbers	2013	2014
Consultations provided	14 351	13 122
Applications to courts, prosecutor's office, and other law-enforcement agencies	1 396	1 280
Application to Russia's Federal Migration Service (applicant accompanied by Migration Rights Network staff member)	1 140	1 214
Application to administrative bodies / other state agencies (applicant accompanied by Migration Rights Network staff member)	782	633
Welfare etc.	230	165
Cases solved in pretrial agreements	140	80
Cases litigated in courts – court ruling obtained, 2013—2014,	1 053	925
Of those, court delivered favorable ruling	416	373
Applications to the <i>ECHR</i> Court, 2013—2014	16	13
Visits to detention and compact settlement centers	331	311
Visits to penal institutions	425	304

Applications

		2013	2014
Application for	Refugee status	1	4
	Temporary asylum	64	119
	Russian citizenship	194	149
	Temporary residence permit	189	158
	Residence permit	103	61
Preventing	Expulsion, deportation, extradition	166	172
Internally displaced persons, forced migrants	Housing	45	39
Labour migrants	Ensuring salary payments or proper work registration	22	202

A second seminar, "Innovations in the Legal Status of Foreign Nationals – Part II" was held on 22—24 May 2014.

A seminar, held on 23—25 October 2014 in co-operation with *UNCHR*, focused on "Legalization of Refugees from Ukraine. Reduction of Non-Citizenship as a task of the International Community".

The coordinating centre of the Migration Rights Network participated in a meeting held by the *Presidential Human Rights Council* on "Migration Policy Unresolved Issues".

Media Profile

With xenophobia and anti-migration feelings on the rise in the Russian society, the Migration Rights Network's coordination centre in Moscow and the regional lawyers have worked in close co-operation with the mass media. That, as well as blogging and social networks, were aimed at strengthening the dialogue between the NGOs and Russian society and at creating a positive attitude towards migrants in Russian society.

April 15, 2014 Izvestiya

[The Presidential Human Rights Council to Look into Rights of Crimea Residents who Kept Ukrainian Passports](#)

Russian human rights activists are to supervise the rights of the Crimean peninsula residents who decided not to obtain Russian citizenship.

May 22, 2014 Novye Izvestiya

[Olympic debt](#)

The contractors in Sochi owe up to 40 m Russian roubles to migrants who were building the Olympic site, the **Memorial Human Rights Centre** and Civic Assistance Committee say. The joint report, released by both NGOs, details human rights violations during the largest construction effort in Russia over the last few years.



In a refuges camp in Moscow. August 2013

April 17, 2015 Radio Liberty

[Playing with the law](#)

Migration Rights Network chair Svetlana Gannushkina says, "I took part in some TV and radio shows to discuss the events in Birulyovo. What I said to my opponents was, 'It's time to stop arguing. We see pogroms in Russia and that is horrifying. We should join efforts and do everything we can to prevent the conflict from escalating'. My opponents nodded in agreement and then the discussion slid back to the usual line that migrants are responsible for all the evil, and then people started talking about what can be done to get rid of the migrants. This is what the Russian TV and the press have been doing lately, and on a subconscious level, that is what Russian people think. The migrants are the source of evil, and if something bad happens, they are inevitably to blame".



Svetlana Gannushkina receives "Schwarzkopf Europe Award" 2014



International Legal Mechanisms In Defence of Human Rights (ECHR)

Head of the Programme — Tatiana Kasatkina

Objectives

The programme aims at aiding private individuals, lawyers, and NGOs in Russia in litigation at the *European Court of Human Rights (ECHR)*; raising the professional level of rights defenders/NGOs who lodge *ECHR* applications.

Methods

- providing consultation in individual cases on domestic level;
- in-court support for the most complicated cases in trial;
- rendering legal aid to public organizations that are subject to the Foreign Agents Law;
- preparing complaints to Russia's *Constitutional Court*;
- providing consultation on drafting *ECHR* applications;
- lodging *ECHR* applications and work on subsequent litigation at the *ECHR*;
- following-up on *ECHR* judgments implementation.

Activity areas

- protecting public freedoms (freedom of expression, freedom of assembly, NGOs status);
- protecting from violence used/ supported by the state (police torture, use of force against protesters) and by private individuals;
- protecting LGBT protesters from violence;
- preventing refusals to provide anesthesia for critically ill patients;
- protecting against discrimination on the ground of citizenship, ethnicity, sexual orientation, opinions, etc.;
- insisting on procedural rules to be followed, in particular where it concerns criminal investigations and investigation into administrative offences;
- 'bringing the rights back home' cases where the courts can use human rights defense;
- standards that emerged as a result of *ECHR* decisions, in particular where implementation of
- *ECHR* decisions is concerned.

Activity areas in North Caucasus

- defending local residents from violence used by the state (torture, forced disappearances) and by individuals;
- defending property rights;
- defending women's rights.

Major outcomes

Thirteen applications were submitted to the *ECHR* in 2013–2014. These include the application concerning a dismissal of a Kemerovo Region judge; two applications concerning detentions in Moscow during the protest rallies on December 5, 2011, and May 6, 2012; a complaint against the authorities refusal to permit a picketing in Arkhangelsk, and a case lodged collectively by eleven NGOs against the so-called Law on Foreign Agents.

The programme staff did a massive amount of work on the Law on Foreign Agents. In addition to the *ECHR* application, the programme lawyers defended NGO rights in courts appealing against the prosecutor's office warning letters, lawsuits brought by the Russian *Justice Ministry*, those brought by NGOs against the prosecutor's offices and lawsuits launched by the prosecutor's offices.

The deterioration of the situation with human rights in Russia led to further prosecutors' "checks" in 2014 while courts in all of Russia's regions knowingly issued unlawful decisions declining NGOs lawsuits.

Three more NGOs joined the *European Court* application against the Foreign Agents Law, which was an important outcome of our efforts.

Memorial HRC lawyers prepared lawsuits against the prosecutors' "checks" on NGOs. Despite losing these lawsuits in courts formally, e.g. checks on *Memorial* organizations in Moscow and the *Civic Assistance Committee* and the *Public Verdict* offices, the trials can be seen as a moral victory because from a legal standpoint the lawyers' arguments were immaculate.

A complaint was drafted to the Russian *Constitutional Court* arguing that

some of the provisions of the Federal Law on the *Prosecutor's Office* are illegal. The text argued against the power of the Prosecutor's Office to conduct "checks" on legal entities alongside other official agencies, which may lead to "double checks". The *Prosecutor's Office* may arbitrarily choose the reason/frequency/duration of the "check" on an organization, the *Memorial* complaint said. In practice, prosecutor's checks lack clear reasons and/or a framework and further complicate the work of NGOs, *Memorial* said.

The complaint drafted by *Memorial* was made part of a larger case file that included complaints from other NGOs. The *Constitutional Court* ruling of February 2015 held that a number of the provisions of the Law on the Prosecutor's Office were not in line with the Russian Constitution and tasked the legislature to take appropriate steps. The cases of the NGOs that fell victim to the use of the law were to be revised.

Analytical papers for five meetings at the *Committee of Ministers of the Council of Europe* were prepared in 2013, concerning the Chechen cases of investigation and extradition.

The programme lawyers won thirteen cases in the *ECHR* in 2013–2014.

These include abduction cases. 122 Chechen residents lodged complaints about abductions of 49 of their relatives. The applicants say that their relatives were abducted by the federal "siloviki". Russia's representatives at the *ECHR* did not deny it. The *ECHR* held the agents of the state responsible for the fate of the missing persons. The court found violations of the right to security and the right to effective remedy. In addition, the Court found that the provision prohibiting torture and inhuman treatment had been violated because relatives had been left ignorant about their family members' fate.

The *ECHR* decision in 'Dobriyeva and Others v. Russia' points to the importance of investigation at initial stages. The case had once again demonstrated systemic problems affecting investigation in Russia:

investigation into disappearance was opened too late, the interests of victims were neglected, the state agencies failed to conduct an investigation in a prompt and complete manner. As a result, those crimes, including abductions and disappearances, remain unresolved. Owing to the *ECHR* judgment, victims and their representatives may lodge cases with the *ECHR* in a prompt and more effective way.

Every year, a number of recruits die in the Russian army. In 2014, the *ECHR* delivered a judgment in the case of 'Perevedentsev v. Russia' making it the first *European Court* ruling on a death of a Russian army conscript. The applicants' son was drafted into the army in 2003. Writing to his family, he described various abuses that he was suffering at the hands of more senior conscripts known as *dedy*, including beating and extortion. In 2004 Mikhail Perevedentsev was found dead with a noose around his neck. Criminal investigation into Mikhail Perevedentsev's death was opened; later, it was suspended and then reopened. For over six years, Perevedentsev's parents were denied access to investigation material. The *ECHR* judgment found that Russia violated Article 2 of the 'European Human Rights Convention' (failure to protect the conscript's life and conduct an effective investigation into his death).

ECHR rulings in 'Amadayev v. Russia' and 'Antayev and Others v. Russia' are also important as they represent judgments concerning ethnically-motivated violence against residents of the Kurgan Region, of ethnic Chechen origin, the reluctance of the authorities to investigate the crimes and take steps to prevent ethnically-motivated violence from happening in the regions with complicated inter-ethnic relations.

The programme staff has continually cooperated with the *Committee of Ministers of the Council of Europe*. Analytical papers were prepared for meetings of the *Committee of Ministers*. In the past two years, the programme lawyers participated in five *Committee* meetings that dealt with investigation of Chechnya cases and extradition.

The Russian Federation has acknowledged that the problem exists with implementation of the *ECHR* judgments. This is an important step forward considering the fact that some five years ago the Russian authorities ruled out all criticism outright saying the crimes were due to individual excesses and accidents. Failure to investigate disappearances, torture and extrajudicial executions has now been acknowledged as a problem, and a special group of investigators was set up to deal with it. The only progress made so far is the decision of the authorities to allow access to criminal investigation material. Earlier, even the *ECHR* was denied access to Russian domestic investigation papers presum-

ably because the documents and the conduct of investigation could, in most cases, only confirm the applicants' point that their relatives had been abducted or killed by the Russian military and that the defendant could not provide sufficient ground for its actions. Now that access to investigation material is allowed, we may find out much more than before on what has happened and on who was involved in abductions, extrajudicial executions or torture.

Emerging Trends

Since 2012, the human rights situation has been deteriorating in nearly all Russia's regions. The groups that were subject to repressive legislation in 2012-2013 were among the first affected by the negative trends. These groups include migrants (forceful expulsion from Moscow and St. Petersburg for a minor offense; continued abductions and extradition to Central Asia states); human rights activities and NGOs (the Law on Foreign Agents); political opposition members and civil activists (the laws that restrict freedom of assembly and freedom of expression, particularly in the Internet); LGBT community (the law introducing the ban on so-called propaganda of non-traditional sexual relations). The justice system does not provide remedies to these vulnerable groups

The emergence of the *European Court of Human Rights* and Russia's acceptance of its jurisdiction signified an important change, providing hope for people seeking justice. Since 2000, when **Memorial Human Rights Centre** began cooperation with the London-based *European Human Rights Advocacy Centre (EHRAC)*, the *ECHR* has delivered 87 positive judgments on 101 applications lodged by programme lawyers (the discrepancy between the numbers is because the Court sometimes consolidated several applications into one when issuing a judgment).

In each case, the Court found at least one breach of the 'European Convention for the Protection of Human Rights and Fundamental Freedoms', including violations of the right to life (Article 2), prohibition of torture and/or cruel treatment (Article 3), the right to liberty and security of person (Article 5), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8), the right to an effective remedy (Article 13), the prohibition of discrimination (Article 14), the right to private property (Article 1, Protocol 1), the right not to be tried or punished twice (Article 4, Protocol 7). In two cases, both parties concluded amicable settlements.

The *ECHR* has delivered over 1,000 judgments in favor of the Russian applicants and ruled that the Russian authorities eliminate rights abuses. More often than not, though, what the Russian government did was only to pay damages to the victims of abuses, thus following

the formal part of the *ECHR* rulings. Deficient legislation has not been improved. Those responsible for human rights abuses have not been held accountable. Lack of systemic measures makes it possible for human rights abuses to be repeated in the future. That is why monitoring *ECHR* judgments implementation constitutes a separate part of the **Memorial HCR** programme.

Major Media Publications

February 7, 2013 Radio Liberty

[Strasbourg Court to Overturn the Foreign Agents Law?](#)

Memorial senior lawyer Furkat Tishaev interviewed on the case against the Foreign Agents Law, an application that has been submitted to the *ECHR* by eleven Russian NGOs.

January 9, 2014 Kavkazsky Uzel

[ECHR Judgment Concerning 36 Disappearances in Chechnya "Without Precedent" - Alexander Cherkasov](#)

Memorial's Alexander Cherkasov says, "The Strasbourg Court has already issued more than 150 judgments concerning cases of relatives of people who went missing in Chechnya. Compare that to the mere three sentences on similar cases in Russian courts".

July 21, 2014 Rapsi news agency

[Agora, Memorial and Public Verdict Pronounced Foreign Agents](#)

Furkat Tishaev says the Justice Ministry violated the principle of legal certainty by putting the NGOs that had appealed against the prosecutor's office order on a list of "foreign agents."

August 27, 2014 Radio Liberty

["Foreign Agent" in Russia - an Easy Job?](#)

Kirill Koroteyev, Boris Altschuler and Natalya Taubina discuss the relations between the Russian authorities and the NGOs.

September 12, 2014 RBC

[ECHR Requests Russia to Account for Authorities' Actions at Bolotnaya Square](#)

"We ask the *ECHR* to establish the fact of violations of the European Convention on Human Rights, viz. violations of the right to freedom of assembly, of the right to freedom of expression, of the right to a fair trial and of the right to be held in custody under acceptable conditions," **Memorial** senior lawyer Kirill Koroteyev says.



“Support for Political Prisoners” programme

Head of the Programme — Sergei Davidis

Objectives

- raising awareness in Russia and internationally that there are individuals facing criminal prosecution for political reasons in the Russian Federation;
- supporting individuals facing criminal prosecution for political reasons in the Russian Federation;
- helping civil society activists in cases of persecution relating to their civil rights activism;
- attracting public attention to such cases.

Methods

The programme carries out monitoring of all cases of politically motivated criminal prosecutions as well as persecution of civil rights activists.

The programme offers detailed and well-organized information concerning victims of politically motivated criminal prosecution as well as of civil society activists who find themselves under pressure from the authorities.

An important part of the programme is providing legal aid to those facing politically motivated criminal prosecution and to civil rights activists being subjected to repression for their views and beliefs.

Trends

In 2013-2014 diverging trends regarding politically motivated criminal prosecution in Russia.

On the one hand, the evidence suggests a quantitative and qualitative rise of political repression where quality refers to the blatant use of criminal prosecution against political opponents. The most glaring examples are the “Bolotnaya Square” case, the criminal proceedings opened against Alexei Navalny, Sergei Udaltsov and Leonid Razvozyaev, Daniil Konstantinov,

Mikhail Savva, Mikhail Kosenko, and the “Arctic Sunrise” crew.

The number of political prisoners on the **Memorial HRC's** list has grown considerably, reaching 70 individuals in the autumn of 2013 compared with less than 30 in 2012. On the other hand, at the end of 2013 the authorities made several concessions to the public. Political repression weakened in December 2013 and January 2014 on the eve of the Sochi Olympic Games. An amnesty was announced; although partial and insufficient, it put an end to criminal prosecution of the “Arctic Sunrise” crew members, the release of “Pussy Riot's” Maria Alekhina and Nadezda Tolokonnikova, several suspects and those accused in relation to the ‘Bolotnaya Square’ case, and a number of others persecuted for political reasons. Mikhail Khodorkovsky was released, while Platon Lebedev's sentence was reviewed and he was released on parole. Daniil Konstantinov's case was sent back to the *State prosecutor's office*. The rapid reduction in the number of political prisoners to 40 in February 2014 is explained by the

amnesty and the release of the 30 members of the “Arctic Sunrise” crew.

As 2014 has shown, this trend was not there to stay. In fact, it was coming to an end by February-March 2014 and turned into its opposite when an aggressive foreign policy was accompanied by an attack on democratic institutions and growing repression, including the one in Crimea, a territory annexed from Ukraine.

By the end of 2014 **Memorial's** political prisoners list grew to include 45 people. It is important that some individuals, who were most likely deprived of freedom for political reasons, are not on the list yet, and **Memorial** is still doing research into the circumstances of their cases. Admittedly, there were rare examples when prisoners were released from custody. However, the releases only happened following major public campaigns that were in danger of seriously damaging the authorities' reputation. Release was better option. However, liberation in these cases did not mean being cleared of all charges.



A participant of a street manifestation in support of Pussy Riot, March 2013.
Foto by Evgeny Feldman.

It should be pointed out, that in 2013-2014 the criminal legislation became more repressive. For example, 'Article 280.1' was introduced into the 'Criminal Code' in 2013, establishing liability for "public calls for actions aimed at violating the territorial integrity of the Russian Federation". In 2014, the punishment under 'Article 280.1' was increased to up to 5 years' imprisonment.

In 2014 'Article 212.1' was introduced into the 'Criminal Code', establishing penalties for "repeated violation of the established order of organization or holding of a public gathering, manifestation, demonstration, rally or picketing" of up to 2 years of prison. The year 2015 has already seen the use of 'Article 212.1'.

In 2014 fines and terms of imprisonment were increased for "crimes of an extremist character" under the 'Criminal Code's' 'Article 280' (public appeals to encourage extremist activity), 'Article 282' (incitement of hatred or enmity), 'Article 292.1' (extremist community organization) and 'Article 282.2' (organization of an extremist organization).

The "Bolotnaya Case", involving the prosecution of the "Moscow Bolotnaya Square" participants (May 6, 2012), is an emblematic one. In 2013 - 2014, the number of suspects rose to 32. Groundless charges, direct falsification of evidence, numerous breaches of the procedure and lack of objectivity on the part of the judge became evident at the trial. Combined with the arbitrary and extended understanding of substantive law provisions, e.g. vague wording of 'Criminal Code' 'Article 212' ("Mass disorders"), guilty verdicts reflected decisions settled in advance.

In 2014 the annexation of Crimea and the conflict with Ukraine led to emergence of a new group of political prisoners: Ukraine nationals facing trumped-up charges. One of the most prominent of those is prisoner of war Nadezhda Savchenko. Captured illegally on the territory of Ukraine and held in custody in Russia, she was accused of complicity in the killing of Russian journalists, despite the lack of evidence to prove the charges.

Directly or indirectly, these developments gave rise to numerous cases of politically motivated criminal prosecution and imprisonment. These included prosecution of Kaliningrad activists for displaying a flag of the Federal Republic of Germany; prosecution of a group of people who jumped



with parachutes from the Kotelnicheskaya Embankment high-rise – they were later accused of painting the star at the top of the building in the Ukrainian national colors although they denied their involvement in the stunt; multiple cases of prosecutions for expressing opinions on the internet or even for re-posting or re-tweeting messages on social networks. These included prosecution under the 'Criminal Code Article 280' of Stanislav Kalinichenko (Kemerovo Region), K. Zarinova (Chelyabinsk Region), Elizaveta Lisitsina (Ivanovo Region), Alexander Byvshev (Orlov Region). These instances reflected a clear trend of growing repression concerning the expression of opinions and views on the internet.

Data collected by programme staff shows that political and civil rights activists were to a large extent the main group of those facing politically-motivated criminal prosecution.

Another important group are Muslim fundamentalists, being prosecuted for peaceful religious activities and dissemination of opinions. In particular, members of the Hizb ut-Tahrir al-Islami religious organization were targeted.

Mikhail Savva's case serves as an example of repression against independent non-commercial organizations; that of Sergei Reznik of repression against journalists.

To sum up, politically motivated prosecution in 2013-2014 often tended to be clearly political and involved clear violations of civil rights and freedoms. However, those cases of prosecution that were camouflaged with criminal charges had grown even more unlawfully trumped-up and shamelessly falsified.

It should be mentioned that the list of cases of politically motivated prosecution, not involving deprivation of liberty, as compiled by the programme, is far from exhaustive. Rather it reflects prosecutions that involved flagrant violations or set important precedents.

The growing number of political prisoners and individuals facing criminal prosecution for political reasons was accompanied in 2013 by a rise of public and media attention and growing civil rights activity. Similar trends, but to a lesser extent, were observed in 2014.

Major outcomes

On October 30, 2013, the *Memorial* HRC released a [list of political prisoners](#) to the public for the first time. The initial version numbered 70 people, and subsequent lists have been made public every three months.

Programme members took part in organizing events in support of political prisoners in Moscow, as well as rallies for the liberation of "Bolotnaya Prisoners" on October 27, 2013 and February 2, 2014.

The programme took an active part in organizing "RosUznic Post" (December 2013 and 2014), an action aimed at raising public awareness of the political prisoners issue in Russia, and increase support for those behind bars by sending them New Year postcards and greetings written by ordinary people.

The programme has helped a great deal in coordinating the defense or raising funds to pay attorneys' fees for victims of politically motivated prosecutions, sending parcels to political prisoners, etc.

Media Profile

October 22, 2014 Radio Liberty

[Forum in defence of freedom](#)

Garry Kasparov, Anna Gaskarova, Sergei Davidis on political prisoners in Russia and Mikhail Khodorkovsky's speech.

October 31, 2014 Radio Liberty

[Political Prisoners](#)

The 30th of October – **Memorial** day for a Political Prisoner? Sergei Davidis, Alexander Cherkasov, Sergei Nikitin in “Déjà vu” programme hosted by Alexander Podrabinek.

Alexander Podrabinek: “On October 30 two memorable dates are celebrated in Russia – Victims of political repressions Remembrance day and

Political prisoner day. Yes, don't be surprised, it's been a while since they have become two different events. The Political prisoner day has been celebrated since 1974, and the Victims of political repressions Remembrance Day since 1991.”

October 31, 2014 [Sobkor.ru](#) news agency

[Human rights activists on the growing number of political prisoners, vague articles of the Criminal Code and the Soviet experience](#)

“Political prisoners in Russia today” press conference held at the **Memorial Human Rights Centre**. **Memorial** experts say that the state has deliberately been creating the base for political repression and restricting feedback between society and the authorities.

November 6, 2014 [kasparov.ru](#) (currently blocked)

[New political prisoners. The number of political prisoners on the rise in Russia. Crimea. Reality](#)

Solidarnost' movement activist Darya Poludova from Krasnodar, accused of encouraging separatism, Moscow municipal assembly deputy Konstantin Yankauskas, accused of fraud, and Ukrainian military were added to the list of political prisoners released by Memorial in late October.



Arrest of Alexander Makarov near Zamoskvaretsky Court in Moscow on the day of verdict for four prisoners of 'Bolotnaya case' was announced. Foto by Evgenia Miheeva.



OVD-Info project

Head of the Programme — Grigory Okhotin

OVD-Info is an independent media project that emerged in December 2011. Memorial Human Rights Centre became OVD-Info's major partner in 2013. The focus of the project is set on the pressure by the state on rights activists, and the state agencies that make that pressure possible — the police, the juridical and penitentiary systems.

Objectives

OVD-Info project's main focus is on monitoring detentions during public events. In 2013, **OVD-Info project**, in collaboration with its partners, was able to extend its activities to include the cities of St. Petersburg, Nizhny Novgorod, and Voronezh, as well as Moscow. Since 2014, **OVD-Info project** has been able to report on detentions in any of Russia's regions. That was made possible by the opening of a Federal hotline that receives calls from detainees and by making a fill-in form available online.

Methods

- 24/7 hotline to register calls about detentions at public events;
- media and social networks monitoring;
- prompt news releases on detentions; publication of media stories on freedom of assembly;
- writing reports on freedom of assembly in Russia;
- quality and quantity data analysis and reporting;
- data visualisation;
- coordination of legal aid in cases of violations of the right to the freedom of assembly.

Monitoring — major results

Violations committed during detention

Monitoring during 2013 revealed the following violations committed by the police against participants in public events both during detention process, in police wagons and at police stations:

- police fail to give their names and/or state the reason for detention;
- widespread unjustified and unpunished use of violence during detention and at police station;
- detention of journalists sent to public events by media editors; detention of passers-by who happen to be at the site of a public event;
- violations at police stations are numerous: access to detainees by public attorneys is frequently denied, detainees are forced to give fingerprints, they are kept at police stations longer than the period allocated by the law.

Regions — What's Special

The 2013-2014 data allows us to identify the following regional differences:

- Moscow is the leader among Russian regions in terms of detentions,

detention figures decrease with city size;

- In Russia's regions, detainees are arrested on administrative charges more often than in Moscow. Also, regional police frequently practice preventive detention — they prevent activists from leaving their homes or detain them prior to an event thus preventing the event from happening;
- Compared with those in larger cities, Nizhny Novgorod and Voronezh police tend to exert greater influence on individual activists outside the holding of public events;
- The range of protest topics is wider in Moscow than in other regions;
- As official court statistics show, the courts in Moscow tend to favor "guilty" verdicts. In 2013 in Moscow the share of guilty verdicts reached 76%, while in St. Petersburg it was 28% and in other regions around 49%. The difference was even more pronounced in the first six months of 2014: 90% of rally participants standing trial were found guilty in Moscow; in St. Petersburg the figure was 14% and in other Russia's regions 51%.

Detention statistics, 2013 - 2014

The fraction sign (/) shows total number of public events followed by a number of detentions

	2013	2014
Moscow and Moscow Region	151/1433	153/2418
St. Petersburg and Leningrad Region	36/450	44/266
Nizhny Novgorod	33/81	8/20
Voronezh	5/19	3/3

Trials: What's Special

Not all those detained at political events reach the stage where they are charged with committing offences. Some of the detainees are released after having spent some time at the police station and no formal police record, or *protocol*, is drafted. The charge most frequently used against participants in public events is the one from Article 20.2 of the Russian Code on Administrative Offences (Violation of Established Procedures of Organizing Rallies). In addition, Article 19.3 of the same code (Showing Defiance towards Police Officers) is widely used. Other articles used less frequently include Article 20.1 (Disorderly Conduct) and Article 20.2.2 (Organization of an Unsanctioned Public Event).

Starting from January 1, 2013, administrative offences covered by Article 20.2 of the Administrative Offences Code have been handled by district courts and not by magistrates' courts, an innovation that failed to bring about any significant improvement. Widespread procedural violations and abuses of detainees' rights that were detailed in the OVD-Info project's research into legal procedures in magistrates' courts in 2012 were repeated in 2013, with the only difference that they were now happening in district courts. The violations in question included unsubstantiated refusals to accept motions, and relying wholly upon police records and witness reports, which contribute to the producing of guilty verdicts.

Legislation Concerning Freedom of Assembly

The basic law, the so-called "Law on Rallies" (Law on Meetings, Gatherings, Marches, and Pickets of 2012)

forms the framework for further legislation concerning freedom of assembly. The law had a major influence on the changes made to that legislation in 2013-2014.

Major amendments envisaged by the law were aimed at: extending a list of violations that lead to punishment (prohibition for participants in public events to cover their faces or to damage trees, lawns, flowers, etc. at the venue); increasing fines for violations of the Rally Law, with a minimum fine set at a high level; narrowing the range of possible rally organizers while simultaneously strengthening their accountability, including for acts committed not by the organizers themselves but by other participants; extending the powers of the police. A new type of a public event emerged in the law, "a simultaneous mass presence or movement of persons in public places". It is now forbidden to let people know that an event is coming before the local authorities have given their consent to the event. The law also decreed that designated areas are to be created in cities and towns to "collectively discuss topical public issues and give room for expression of the attitudes of the masses" (these areas were immediately dubbed "Hyde Parks" by the media). Also, the legitimacy of regional authorities to define local rules for public events was extended.

The new law came into force in the mid-2012, but it was not until 2013 that the legislation emerged in its final form. The most important change in 2013 came as a result of the February 2013 *Constitutional Court* ruling on the application lodged by writer and political activist Eduard Limonov and a

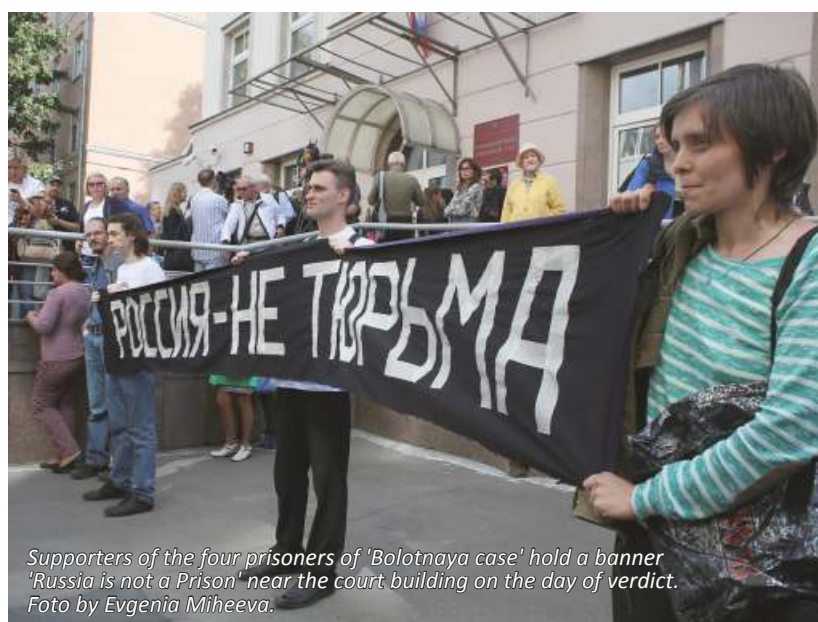
number of the *Duma* MPs. While the *Constitutional Court* held that the law was not in violation of the Russian Constitution, it did request that the State introduces amendments that may soften some of the provisions in the law.

The Court deemed unconstitutional the accountability of rally organisers for actions committed by other event participants. The Court also said that the minimum fine level envisaged in the law was too high and had to be lowered. As to the "Hyde Parks", the Court said that these designated areas were to be created in every city or town. While the law was being finalized at federal level in 2013, its introduction began at regional level, with the local authorities tasked with choosing a definition for "single picketing" and the rules for local "Hyde Parks".

New strict measures were introduced into Article 20.2 of the Code on Administrative Offences (Violations during Rallies"). Administrative arrest for up to 20 days was introduced (Summer 2014) for violations committed during public events. It is illuminating to compare that arrest term with an earlier one where the law envisaged up to 15 days in custody for carrying out, without the authorities' consent, public events in the nuclear sites neighborhood. A new form of punishment was added for committing a second violation of the rules — either a fine ranging from 150,000 to 300,000 Russian roubles (at that time approx. 5,000 – 10,000 USD) or an arrest for up to 30 days in custody. Moreover, new rules approved in July 2014 state that if the court finds someone guilty of violating Article 20.2 four times, criminal proceedings might be instigated against the person under the newly introduced Article 212.1 of the Russian Criminal Code (up to five years in jail).

Legal aid

OVD-Info project began coordinating legal support for detainees in the courts in 2014, in collaboration with lawyers from the **Memorial Human Rights Centre**, **Public Verdict Foundation**, **Jurix Lawyers** and attorneys that received training in these organizations. As of now, **OVD-Info project** has handled over 120 court proceedings against those detained in Moscow on February 21 and 24, 2014, and March 2, 2014. Ninety nine of those cases concerned alleged violations of Article 20.2 of the Administrative Offences Code.



Supporters of the four prisoners of 'Bolotnaya case' hold a banner 'Russia is not a Prison' near the court building on the day of verdict. Foto by Evgenia Miheeva.

The district courts in Moscow did not acquit any of those 99 charged with violation of Article 20.2. Ninety five defendants were found guilty. In 42 cases the courts found that Part 5 and not Part 2 of Article 20.2 was violated – ascribing responsibility for rally rules violations to the participants and not the organizers. Two of the cases were closed and another two were referred back to the police.

At least 90 appeals were made to the *Moscow City Court*. By the end of 2014, 32 applications concerning breach of freedom of assembly and the right to a fair trial were lodged with the *European Court of Human Rights*.

Analysis

Analytical reports became a major feature of **OVD-Info project's** work in 2013-2014. They were posted on the **OVD-Info project's** website and elsewhere; hard copies were distributed.

[Our Man in the Paddy Wagon - Politically-motivated detentions in Moscow](#): **OVD-Info** Annual Report, 2012

In 2014:

Right to freedom of assembly, a contribution to a series of articles on human rights in Russia published by the Moscow Helsinki Group

Politically motivated detentions in 2013: **OVD-Info** Annual Report, 2013

Grigory Okhotin on political repression and harassment in Russia in 2012–2013, part of a book published by the *Liberal Mission* foundation.

[White Ribbons to Soap Bubbles](#) Social protest in Russia as seen through the prism of politically motivated detentions — Grigory Okhotin, Natalya Smirnova

Proceedings of “Human Rights and Law Enforcement Agencies: Current Reforms Experience” international conference.

[Violation of Established Procedure Administrative Code Article 20.2](#), an article by Grigory Okhotin and Natalia Smirnova in a book on police reform published by the *Public Verdict* Foundation.

Media profile

OVD-Info had over 5,000 media mentions

February 5, 2013 TV Rain

[A Year after Bolotnaya Square Events: 5,169 Politically Motivated Detentions, Ending in Beatings and Hospitalizations](#)

OVD-Info project has made available its report entitled, “*The Paddywagon Man: Politically Motivated Detentions in Moscow*” that sums up the results of a year of active politics. TV Rain's Yulia Taratuta spoke to OVD-Info project coordinator Grigory Okhotin.

February 12, 2013 Vedomosti

[Grigory Okhotin: Our Man in the Paddy Wagon as a New Social Group](#)

The journalists behind the OVD-Info Media Project documented 5,169 detentions in the course of 228 public political events in Moscow and the suburbs from December 4, 2011 till December 31, 2012. The statistics and the main rights abuses committed by the law-enforcement agencies are summed up in our yearly report, “*Our Man in the Paddy Wagon: Political*

Detentions in Moscow.” We hope that a detailed classification of abuses based on evidence obtained from the detainees will be of use to (future) lawmakers who, sooner or later, will bring about the judiciary reform.

April 16, 2013 The Global Journal

[Fighting Censorship: An Interview with Grigory Okhotin](#)

June 27, 2014 Moskovskiye Novosti

Grigory Okhotin: [Just Normal People](#)

Former journalist Grigory Okhotin launched monitoring of detentions during rallies after the protests in the late 2011. Now the OVD-Info website makes it possible to access data on rallies and other protests for the last two years. A telephone hotline for those detained is open and information on any incidents is promptly forwarded to volunteer lawyers. Grigory Okhotin described to Moskovskiye Novosti where the most difficult police stations are located, what we need rallies for, and how to go about without even feeling the need for the police.



Arrest of supporters of four 'Bolotnaya case' prisoners near Zamoskvaretsky Court. Foto by Evgenia Miheeva.



Central Asia Programme

Head of the Programme — Vitaly Ponomaryov

The **Central Asia** programme was founded in 1999 after the launch of mass-scale political repression in Uzbekistan. **Memorial HRC** is the only Russian human rights organization that has continually been working in Central Asia.

Objectives

Monitoring of political and religious persecution in post-Soviet Central Asian states; aiding the defence of refugees arriving from the region.

Methods

Monitoring of human rights abuses through interviews conducted both inside and outside the region; collecting documents (court decisions, complaints, etc.) in several languages; research into media reports; co-operating with partner organizations and activists.

The programme reports are distributed via **Memorial HRC** channels, the internet and other mass media focusing on Central Asia, including *Radio Liberty* Central Asia language services, *Ferghana.ru* website, regional news agencies and websites.

Major outcomes

The programme's main objectives in 2013–2014 were monitoring of human rights violations in the course of combatting terrorism/extremism in Central Asia and defending the human rights of refugees arriving from the region.

In 2014 lists of politically-motivated criminal prosecutions in Uzbekistan in 1998–2010 were updated, an analytical review was compiled, and lists for 2011–2014 made available that include over 460 names. All in all,

Memorial's list of political repression victims in Uzbekistan for the last 15 years numbers over 7,500 names and includes only the people who could be identified. Further 1,450 missing persons are being searched for internationally. Programme activities have continued, despite increasing difficulty in obtaining information from Uzbekistan. **Memorial's** research allowed us to discover a widespread practice of fabrication of criminal investigation against labour migrants from Uzbekistan who are often charged with creating "extremist communities" in Russia and other countries. In 2014 programme monitoring also described the specifics of the situation in the Karakalpakstan republic in Uzbekistan, which arose from an active movement for the republic's independence.

In 2013–2014, programme staff continued to monitor the situation in the south of Kyrgyzstan that saw large-scale inter-ethnic clashes in June 2010. The Programme plans to pour more efforts into the work in that region.

In autumn 2013 **Memorial** resumed its work on Turkmenistan, one of the most closed countries in the world. The **Memorial** programme has co-operated with an international humanitarian campaign, 'Prove They Are Alive!', aimed at uncovering the truth about the fate of tens of political prisoners who disappeared in Turkmen prisons under Saparmurat Niyazov. Russian and Western NGOs take part in the campaign that includes work with international organizations, relatives and friends of the missing persons, and research on "special prisoners" in Turkmenistan. In 2014, the programme contributed to the two reports that were issued as part of the campaign. In addition, the programme recorded a detailed interview with a former prisoner of the Ovadan-Depe secret prison who had managed to escape from Turkmenistan.

Constant features of the programme were asylum consultation to refugees from Central Asia, monitoring of attempts of forced repatriation of refugees from the CIS countries, preparation of letters to the *UNHCR* and migration services. Applications on those issues increased dramatically in 2013–2014, with those in the Moscow region totaling 60. Programme staff helped with applications from Central Asia migrants who have limited command of Russian.

Programme representatives have traditionally participated in annual *OSCE* consultations on Human Dimension. During the latest meeting in autumn 2014, the programme leader, Vitaly Ponomaryov, called on the *OSCE* and other international organizations to launch monitoring of the situation with Central Asia refugees in the CIS countries. He [suggested](#) that they should be regarded as a special high-risk group that faced specific threats.

Media Profile

January 23, 2013 *Ferghana* news agency

[Memorial Human Rights Centre on Possible Extradition of Uzbek Imam from Kyrgyzstan](#)

On January 28, 2013, the Bishkek City Court is to hear a motion submitted by Attorney Toktogul Aby'ev. The document concerns possible extradition to Uzbekistan of an Uzbek national named Khabibullo Sulaymanov who was arrested by Kyrgyz State Security Committee in Bishkek on October 6, 2012. Sulaymanov's case is a classic example of religious persecution, Moscow-based Memorial Human Rights Centre says: If the attempt to extradite Sulaymanov to Uzbekistan succeeds, the former Imam will face torture and imprisonment on fabricated extremism charges.

June 12, 2013 Ferghana news agency

[Memorial releases report on the Oshevents in June 2010](#)

Memorial Human Rights Centre held a round table on June 11, 2013, entitled "Post-Conflict Resolution in Kyrgyzstan – Topical Issues". At the event, **Memorial** presented a hard copy version of the report on "The Chronicle

of Violence: June 2010 Events in South Kyrgyzstan (Osh Region)".

July 7, 2014 Birzhevoi Lider

[Uzbekistan accuses Russian national of attempt to "overthrow constitutional order"](#)

Ablakhat Itakhunov, an ethnic Uigur and a Russian national, who was

arrested in Kyrgyzstan at the request of the Uzbekistan authorities, has already spent seven months in jail in Bishkek. "Human rights activists say it is only the intervention by international rights NGOs that prevents the Prosecutor General's Office in Kyrgyzstan from extraditing Itakhunov to Uzbekistan", Birzhevoi Lider says quoting Ozodlik Radio Liberty Uzbek service.



Countering Fabrication of Criminal Cases on Islamic Extremism

Head of the Programme — Vitaly Ponomaryov

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 the North Caucasus under the pretext of the fight against terrorism and extremism.

Objectives

Countering the fabrication of criminal cases on Islamic extremism mainly concentrated on monitoring the criminal and extradition cases, which arose from the large-scale campaign of pressure on independent Muslim communities. Initiated in 2012, the campaign was accompanied by a growing number of unfounded arrests, bans on Islamic literature, including

works that are part of Islamic canon, fabrication of criminal charges, toughening of anti-terrorism and anti-extremism articles of the criminal legislation and related legal measures.

Methods

Monitoring of human rights abuses through interviews; collecting documents (court decisions, complaints, etc.); research into media reports; co-operating with partner organizations and activists; expert help in court trials; awareness raising at international meetings. The reports made by the programme are released via **Memorial** channels, other news sources, and mass media.

Major outcomes

In 2013-2014, the programme focused its efforts mainly on the human rights monitoring of criminal and extradition cases connected to the campaign. Pressure from the Russian security agencies led to an emergence of a small outflow of Muslim refugees migrating from Russia to Turkey and

Ukraine. The refugees include the so-called "Russian Muslims," who are subjected to additional pressure from the security agencies.

Complaints about infringement of the rights of Muslims were coming to **Memorial HRC** from twenty Russian regions, not including the North Caucasus. These concerned criminal prosecution and other forms of persecution, legal issues, groundless bans on religious literature, mass-scale arrests of Muslims, disappearances, etc. Most applicants received consultation and some were provided with a lawyer. In a number of instances, e.g. in Chelyabinsk, Moscow, Gorno-Altai, Programme staff spoke in court as representatives of the defence, experts, or witnesses, and in these cases drafted the submissions.

In December 2013 programme head Vitaly Ponomaryov, in collaboration with Svetlana Gannushkina, submitted a letter to the Russian President urging Vladimir Putin to review the common practice of implementation of the anti-extremism legislation by law enforcement and prosecution officers. The letter stated that prevailing practice may seriously violate the rights of members of religious communities. The letter also

suggested a round table discussion be held with the participation of independent experts and religious communities and representatives of law enforcement agencies. No response has yet been received.

Persecution of Muslims who study Said Nursi's books was one of the issues raised during the OSCE Human Dimension briefing in Warsaw (autumn 2013). Unlawful use of anti-extremism legislation featured in Istanbul at the conference and in an accompanying TV programme organised by the Mazlumder human rights NGO (February 2014). Both events were attended by **Memorial** representatives.

The programme also prepared motions relating to Russian Muslims who apply for asylum in foreign countries.

Media Profile

April 23, 2013 Kavkazkaya Politika

[Arrest of "International Terrorist" in Stavropol](#)

Stavropol law enforcement agencies have reported that a native of Tajikistan, Abdurakhim Toshmatov, was arrested. They call him "a dangerous terrorist." Meanwhile, the wife of Mr. Toshmatov told journalists and human rights activists that there were no grounds to suspect him of involvement in terrorism.

December 10, 2013 Kavkazskaya Politika

[Thousands of Russians risk being sentenced on charges of involvement in terrorism](#)

Open letter to the Russian President by Svetlana Gannushkina and Vitaly Ponomaryov.

February 5, 2014 Listock

[Alleged Extremists. Memorial on the case of Tablighi Jamaat in Altai](#)

Memorial HRC believes that the criminal investigation opened in May 2012 clearly shows that allegations of "extremism" against local religious leaders are frequently open to serious doubts. It also begs the question whether the Tablighi Jamaat movement was lawfully banned in Russia.

March 6, 2014 Listock

[Serzhan Svatov Found Guilty](#)

Imam Serzhan Svatov's case has reached Moscow where Memorial seminar participants called on improving Russian legislation.

November 18, 2014 Jarayon

[Government propaganda in Russia promotes Islamophobia – Vitaly Ponomaryov](#)

Tens of refugees and migrants from Central Asia were kidnapped in Russia in 2014. They later emerged in detention centres in the countries of their origin facing serious charges of violations of the so-called "religious" provisions of the local criminal codes.

December 10, 2014 Listock

[Imam Svatov's case, a typical example of unlawful use of anti-extremist legislation – Memorial](#)

A trial took place in the Altai Republic Supreme Court on December 9, 2014. It is the third attempt to hear a cassation appeal in a criminal case against former Kosh-Agach district imam Serzhan Svatov (the two previous appeals were turned down for formal reasons). The court of the first instance found him guilty of violating Part 1 of Article 282.2 of the Russian Criminal Code (membership in an organisation that was earlier declared extremist by a court).



Activists of "Prove They Are Alive!" campaign



The Russian *State Duma* passed a law on non-profit organizations in July 2012, dubbed the law on “foreign agents” or Foreign Agents Law. The law requires any NGO that receives financial funding from foreign sources and is engaged in political activity to register on a list of non-profit organizations acting in a capacity of a foreign agent.

A number of provisions in the law were of immediate concern. First, the definition of “political activity” was vague and all-encompassing. The term “foreign agent” used by the law had negative connotations in the Russian language implying that one is talking about a spy, an enemy, or even a traitor. The law envisaged discrimination of the NGOs that receive foreign funding and imposed more oversight over those NGOs (keeping detailed files of their activity, unscheduled inspections, sanctions, etc.).

Representatives of human rights NGOs, including the *Moscow Helsinki Group*, the *For Human Rights* movement, the **Memorial Human Rights Centre**, and the *Golos Association*, said they had no intention to register as foreign agents and were about to “take all legal measures at their disposal against the discriminatory practice” established by the new law.

In the early hours of morning on Wednesday, November 21, the words “Foreign agent ♥ USA” were spray-painted on the walls of the **Memorial** building in Maly Karetny Pereulok in Moscow. Next to the **Memorial** door, sign posters were glued saying “Foreign agent.” The inscriptions appeared exactly on the day when the Foreign Agent Law officially came into force. A week later unidentified persons, again acting at night, managed to mount a poster on the building's roof. The poster said, “Here resides a foreign agent”.

On February 6, 2013, eleven NGOs, including the **Memorial HRC**, lodged a complaint with the *European Court of Human Rights* protesting against the Foreign Agent Law. The applicants said that the law was in grave violation of their rights set out in the 'European Human Rights Convention Article 11' (freedom of assembly and association), 'Article 10' (freedom of expression), 'Article 14' (prohibition of discrimination), and 'Article 18' (limitation on use of restrictions on rights).

Later with the law being implemented by the *Prosecutor's Office* and the *Justice Ministry*, the concerns raised in the preventive ECHR application submitted by the NGOs, were confirmed. March 2013 saw the beginning of a comprehensive inspection of the **Memorial Human Rights Centre**. The *Prosecutor's Office*, the *Justice Ministry* and the tax authorities' representatives who conducted the inspection said its

aim was to “check whether **Memorial** complies with the current legislation”. The inspection resulted in an official letter, or request, issued by the *Russian Prosecutor's Office* saying that the **Memorial HRC** was to register as a foreign agent.

Memorial HRC responded by contesting the Prosecutor's request at the *Zamoskvoretsky District Court*, Moscow. In its lawsuit, **Memorial** pointed to the unfounded conclusions drawn by the *Prosecutor's Office* as well as to unverified information that was used as a pretext to conduct a “check” its activities. The *Zamoskvoretsky Court* ruled in favour of the *Prosecutor's Office* request that **Memorial HRC** register as a foreign agent, thus rejecting the Memorial lawsuit.

Subsequently the appeals *collegium* of the *Moscow City Court* rejected an appeal by **Memorial** and said that the *Zamoskvoretsky District Court* decision to label **Memorial HRC** a “foreign agent” was legal and well-founded.

On July 21, 2014, the *Justice Ministry* put the **Memorial Human Rights Centre** on the list of non-profit organizations acting in a capacity of a foreign agent.

Nevertheless, **Memorial Human Rights Centre** strongly denies any involvement in political activities of any kind and thus cannot be considered as a “foreign agent”.

Finances

2013/2014



Amnesty International <https://www.amnesty.org/en/>



Civil Rights Defenders <http://www.civilrightsdefenders.org/>



French Embassy in Moscow <http://www.ambafrance-ru.org/>



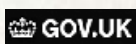
National Endowment for Democracy <http://www.ned.org/>



The Norwegian Helsinki Committee <http://nhc.no/en/>



People in Need <http://www.clovekvtisni.cz/en>



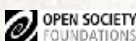
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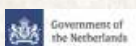
Deutsch-Russischer Austausch <http://www.austausch.org/>



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Open Society Foundations <http://www.opensocietyfoundations.org/>



Government of the Netherlands <http://www.government.nl/>



Korean Embassy in Moscow <http://rus-moscow.mofa.go.kr/worldlanguage/europe/rus-moscow/main/index.jsp>



Royal Norwegian Embassy in Moscow <http://www.norvegia.ru/Embassy/>



UNHCR in Russian Federation <http://www.unhcr.ru/>



EHRAC <http://www.ru.ehrac.org.uk>



Black Sea Trust for regional cooperation <http://www.gmfus.org/civil-society/black-sea-trust-regional-cooperation>



Civil Dignity www.civildignity.ru/



Institute of Civil Society Problems <http://inngo.ru/>



Front Line Defenders <https://www.frontlinedefenders.org/ru/>

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