



**MEMORIAL**  
**Human Rights Centre**  
**Migration and Law Network**



**Civic**  
**Assistance**  
**Committee**

**Svetlana Gannushkina**

# **Why Are Residents of Russia Asking for Asylum in Europe?**

**Moscow**  
**2019**



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## INTRODUCTION

This report is yet another attempt to draw the attention of the European Union migration authorities to the fact that mass deportations of Russian citizens applying for asylum in Europe violate the principles of international law. The mass deportations of Russians began in 2014, which coincided with the publication of our previous report “Chechens in Russia.” This report describes many of the difficulties faced by Chechens—the main population seeking refuge from Russia<sup>1</sup>. We will continue bringing the attention to issues faced by Chechens in this report, but also expand to other populations in Russia. It is important to note that the situation in Chechnya has not changed, and all of the issues described in our 2014 report continue to affect countless citizens. The population of Chechnya today lives in even greater fear of the Kadyrov regime’s unchecked power; corruption and extortion flourish, and a wide variety of human rights violations are committed through justification of observing (misinterpreted and abused) traditions.

In September 2018, Moscow hosted a large international conference addressing difficulties associated with migration. Many scholars commented that migration laws in their own countries had been experiencing tensions with the law. Politics will naturally win over legal and moral principles in this struggle, as those who lead politics are also the enforcers.

Likewise, as the UN adopted the *New York Declaration for Refugees and Migrants* in September 2016, and drafted tentative steps for its realization in the *Global Compact for Migration* in December 2018, we observed immigration policies and practices in many countries move in the opposite direction. Asylum seekers are the first victims of aggressive immigration policies and anti-immigrant propaganda spread by far-right political coalitions. Germany, for many years, remained one of the most hospitable countries in its treatment of refugees—many of our compatriots found sanctuary there, safe from persecution by the Russian political regime.

Germany, however, now allows the same practice that we have been combatting in Russia for many years: deportation in place of extradition. This, for example, happened in the case of Shamil Soltamurov, a Russian citizen who requested asylum in the European Union. Despite the fact that Russia’s request to extradite Soltamurov was denied—first by Germany and again by France—Soltamurov was nevertheless deported to Russia. Thus, Soltamurov fell into the hands of the same people who had demanded his extradition.

The consequences of his deportation were thoroughly predictable: once back in Russia, Soltamurov was immediately imprisoned, and, after several days in prison, he confessed to crimes of which he had previously claimed to be innocent.

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<sup>1</sup> <https://refugee.ru/news/oni-nachinayut-lyubit-svoego-drakona/>

The reasons for his fast confession are not difficult to surmise. The chronicle and consequences of Soltamuradov's deportation are documented in this report, in Appendix 1.

A different extradition was thankfully, although with great difficulty, prevented: an active international campaign deterred Poland from extraditing Tumsu Abdurakhmanov—a blogger and outspoken critic of Ramzan Kadyrov's political regime in Chechnya—after Speaker of the Chechen Parliament, Magomed Daudov declared a blood feud against the blogger<sup>2</sup>. The very fact that the speaker of the parliament called for a blood feud is a striking statement on what is happening in one of Russia's regions. It is also worth noting that this was not the first example of Daudov's aggressive rhetoric. The Chechen parliamentary had previously characterized human rights activists and journalists as “enemies of the people” and accused them of participating in terrorist activities. “If [capital punishment] hadn't been abolished in Russia,” remarked Daudov, “we would be able and justified to just ‘salam aleykum’ enemies of the people, and that's it, end of story”<sup>3</sup>.

Human rights activists in Russia and Europe launched a campaign to imprison Poland from extraditing Abdurakhmanov because there were convincing reasons to believe that the charges brought against him in Chechnya were fabricated. In Russia, members of Moscow NGOs, such as Memorial Human Rights Centre and Civic Assistance Committee, both of whom had previously received the Pro Dignitate Humana award from the Poland's Ministry of Foreign Affairs, protested with solidarity pickets in front of the Polish embassy<sup>4</sup>. Embassy officials not only refused to address the protesters outside, but did not accept a letter to Poland's Ministry of Foreign Affairs from the two award recipients.

Are we to consider this a new norm in the relationship between the European authorities and Russian civil society?

Not to be excluded from this report is the 31 August 2018 deportation of Russian refugee Azamat Baiduev, who had fled from Russia more than 10 years earlier. The following day, Baiduev was kidnapped from his uncle's house in the village of Shalazhi in the Urus-Martan District of Chechnya by several dozen law enforcement officers. Chechnya's Ministry of Internal Affairs denied Baiduev's detention, but it soon became known that Baiduev was charged with participating in an illegal military group (Article 208 paragraph 2 of the Criminal Code of the Russian Federation). Azamat was put on trial in Chechnya and sentenced to 6 years in prison.

The most striking example of persecution concerning human rights activism

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<sup>2</sup> <https://www.bbc.com/russian/news-47531712>

<sup>3</sup> <https://chechnyatoday.com/content/view/309926>

<sup>4</sup> <https://www.kavkaz-uzel.eu/articles/329751/>

and criticism of authorities in Chechnya is the trial and imprisonment of Oyub Titiev, head of Grozny's "Memorial" branch. Shockingly, it was evident to everyone aware of the case, including Ramzan Kadyrov and Vladimir Putin, that the charges against Titiev were falsified. Putin was addressed about the matter on multiple occasions, both by heads of European states, and Russian politicians and civil activists. Kadyrov meanwhile began publicly referring to Titiev as "junkie" from the first days of his imprisonment<sup>5</sup>.

Nevertheless, the Kremlin did not respond. Russia's Commissioner for Human Rights, Tatyana Moskalkova, submitted a petition to move Titiev's trial from Chechnya to a different region of Russia, but the petition was rejected. In fact, none of the petitions submitted by Titiev's defense team were accepted by the court, and his sentence was as regrettably predictable as it was illegal. Furthermore, Titiev appeared to have been forced to waive his right to appeal his sentence—possibly because the appeal would result in a harsher punishment, being sent to a torture colony, or result in extrajudicial retaliation against himself and, more importantly, his family.

However, Chechens are not the only group of Russian citizens who have been victimized by false accusations of terrorism and extremist activity; other residents of Russia suffer from this form of persecution as well. Examples are in abundance—the Moscow-based Center for Information and Analysis SOVA publishes monthly reports on criminal prosecutions which are based on illegal application of anti-extremist legislation in Russia<sup>6</sup>.

This report also addresses the problem of women's rights in Chechnya, because it is often Chechen women who have to seek asylum in Europe in an attempt to escape domestic violence, forced marriages, and, most importantly, a tradition dictating the removal of a woman's children following divorce or the death of her husband.

There are, of course, other groups of Russian citizens who need protection and asylum—this report does not aspire to an exhaustive description. One of such groups is members of the Jehovah's Witnesses, which is among one of the most peaceful and friendly Christian denominations. In 2017, the Jehovah's Witnesses organization was outlawed in Russia. The prohibition set in motion a number of arrests and trials, one of which resulted in a 6-year sentence for Danish citizen, Dennis Christensen. This report provides a general description of the situation of Jehovah's Witnesses in Russia, and offers examples of problems faced by members of the organization due to the state's ban.

The final section of this report aims to alert the European reader to the truly

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<sup>5</sup> <https://www.novayagazeta.ru/news/2018/01/18/138710-kadyrov-prokomentiroval-arest-glavy-chechenskogo-memoriala-oyuba-titieva>, <http://titiev.info/>

<sup>6</sup> <https://www.sova-center.ru/misuse/publications/>

catastrophic situation concerning asylum in Russia. Many refugees have left their countries and come to Russia because they did not have any other choice, as Russia was the only country issuing visas in states with active military conflicts. During our conversations with refugees, we often hear that they were hoping to move somewhere else, namely: the United States, Canada, or the European Union.

But Europe has practically ceased to accept new refugees, reducing quotas to a bare minimum, the United States is preoccupied with building walls and sealing all their doors, and Canada only accepts those who can take care of themselves. Thus, having received their only available visa and coming to Russia, refugees then apply for, and are inevitably denied, both existing forms of asylum in Russia, refugee status and temporary asylum, and are subsequently left with no further options.

The most populous group of such refugees in Russia—as currently in the rest of the world—are Syrians. The final section of this report and Appendix 4 is devoted to Syrians in Russia. It is our hope that this report will help at least a small number of our applicants finally find their place in today’s hostile world.

Although the report is addressed, for the most part, to readers outside of Russia, the text was presented to Russian journalists at an event commemorating the 10-year anniversary of the murder of our colleague and human rights activist Natalya Estemirova; the event was held on 15 July 2019 in “Memorial’s” Moscow office. This is a revised version of that report.

## I. DESPOTISM OF RAMZAN KADYROV'S REGIME

Much has already been written about despotism in the Chechen Republic's Kadyrov regime. In recent years, Ramzan Kadyrov and his close supporters have demonstrated that they are completely above both legal constraints and federal authorities. Numerous human rights organizations, both Russian and international, regularly publish reports concerning unlawful arrests, abductions and disappearances, 'secret prisons,' where captives are denied any and all legal rights, persecution of the political opposition and religious minorities, fabricated criminal charges; torture, and extrajudicial executions in Chechnya.

Between 2016–2017, a wave of mass detentions, torture, and extrajudicial killings shook Chechnya, as well as a hunt for homosexuals, which continues to this day. *Novaya Gazetta*, one of the few independent newspapers in Russia, has extensively covered the persecution of LGBT individuals in Chechnya. *Novaya Gazetta* correspondent, Elena Milashina, was forced to temporarily leave Russia after facing harassment and persecution for her investigation. The human rights organization "Memorial" verified, and confirmed the veracity of, the facts of persecution reported by *Novaya Gazetta*<sup>7</sup>.

Although independent media and human rights organizations widely publicized the persecution, including victims' names and identifying information, criminal prosecution did not follow and no one faced any legal responsibility for these atrocities. Furthermore, the Chechen authorities accused journalists and human rights activists of fabricating the story.

It is worth noting that we cannot report some of these violations; likewise, a lot of cases remain unknown out of fear of torture and further retaliation against the victim and their family members.

On 20 December 2018, the Organization for Security and Cooperation in Europe (OSCE) published a report confirming the allegations of human rights violations in Chechnya and noted the complete inaction of Russian federal authorities<sup>8</sup>. This report followed an investigation conducted within the framework of the so-called "Moscow Mechanism"—the OSCE protocol which was originally invoked against the Russian Federation.

The OSCE report concludes that there is sufficient evidence to confirm severe human rights violations in the Chechen Republic, including "harassment and persecution, arbitrary or unlawful arrests or detentions, torture, enforced disappearances and extrajudicial executions." Among the victims are LGBT

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<sup>7</sup> <https://www.novayagazeta.ru/articles/2017/07/09/73065-eto-by-la-kazn-v-noch-na-26-yanvaryav-groznom-rasstrelyany-desyatki-lyudey>; <https://www.novayagazeta.ru/news/2019/01/14/148337-mozhno-napisat-tselyy-roman-o-strastnyh-prikluycheniyah-geev-vlasti-chechni-otvetili-na-zayavlenie-opresledovaniilgbt>; <https://memohr.org/ru/special-projects/chechnya-rasstrelnyy-spisok>

<sup>8</sup> <https://www.osce.org/odihr/407402?download=true>

persons, human rights activists, lawyers, independent media, civil society organizations and others. Additionally, the report notes that “there is a climate of impunity which is detrimental to any accountability for human rights violations.” Finally, the report also notes that institutions of the Russian Federation responsible for investigating crimes in Chechnya appear to have failed “in addressing the situation in Chechnya, which is treated like a special case, an area of exception, where the institutions of the Russian Federation are not effective and a special regime of impunity is tolerated for the sake of stability”<sup>9</sup>.

There is hardly any stability in Chechnya—any resident of Chechnya who is not a close associate of Kadyrov can be persecuted. This is how those with power in Chechnya settle personal scores and compete for status within their clan hierarchies.

Appendix 2 contains the story of the Tazurkayev family. Two of the younger Tazurkayev brothers terrorized, mutilated and killed their own family members, and went completely unpunished. The sole reason for their impunity was that the two brothers served in the Akhmad Kadyrov Regiment, and thus answered to no one except their superior officer and Ramzan Kadyrov himself.

The Tazurkayev family is currently in Germany where they have applied for asylum. Unfortunately, it appears that the German authorities are simply unable to believe that the events described by the Tazurkayevs could have taken place in the 21st century.

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<sup>9</sup> <https://osce.usmission.gov/ru/%D1%81%D0%BE%D0%B2%D0%BC%D0%B5%D1%81%D1%82%D0%BD%D0%BE%D0%B5-%D0%B7%D0%B0%D1%8F%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5-%D0%BE-%D0%BD%D0%B0%D1%80%D1%83%D1%88%D0%B5%D0%BD%D0%B8%D1%8F%D1%85-%D0%BF%D1%80/>

## II. FABRICATION OF CRIMINAL CHARGES AND EVIDENCE

Fabrication of criminal charges and evidence has been a common practice in Russia for many years. Most often, fabricated charges are used against those who somehow interfere with the interests of the ruling elites. Thus, the trials of Khodorkovsky, Ulyukayev, and Belykh show that participating in the power struggle, proximity to the president, or even simply having political ambitions can all lead to criminal prosecution based on fabricated evidence. Falsified criminal cases are also used as propaganda (as seen in the prosecutions of Ukrainians), as well as to settle personal scores and fill quotas on prosecuting certain types of crimes. Following this logic, if the state declares war on drugs, we should expect mass instances of enforcement agencies planting drugs and entrapping individuals buying or selling narcotic substances. A war on pedophilia likewise creates an overabundance of false ‘pedophiles,’ and a war on terrorism serves to develop the ingenuity of enforcement agencies and their operatives, whose active imaginations conjure detective stories out of thin air.

These state campaigns create perfect opportunities for some to get rid of inconvenient competitors, for example by accusing them of sponsoring terrorist organizations or participating in military conflicts outside of Russia. We have information about numerous cases in which people have been prosecuted for participating in the Syrian conflict, even when the accused have irrefutable documental proof that they were in a different country, for example studying or conducting business, at the time of their alleged participation in the Syrian conflict. Due to widespread fear of terrorism, the international public receives terrorism convictions fabricated by Russian courts uncritically.

One of the most blatantly absurd cases was the prosecution brought against Matlyuba Nasimova for planning a terrorist attack on Moscow’s “Kirgizia” theater—the so-called “trial of fifteen.” We have followed this case since the first days of its fabrication.

Nasimova, an energetic Uzbek mother of eight, rented an apartment in Moscow and started her own small, yet successful, business: renting out cheap, short-term accommodation in a room with 10 sleeping spaces on the floor. She began advertising in a mosque and gave her address to many of the mosque’s out-of-town visitors. Police soon took notice of the apartment, which regularly gathered groups of Muslims, and put it under surveillance—which is not out of the ordinary in the current political climate.

Events unfolded predictably. After a long period of surveillance, no criminal activity was detected, but police had to show something for the time and tax money spent on investigating Matlyuba’s apartment.

And so, police conjured a “terrorism prevention case,” and named the “Kirgizia” theater as the target of an alleged future terrorist attack, and law

enforcement officers simply came to the apartment and arrested everyone who was present at that particular moment. If they had come on a different day, the prosecution case would have been comprised of a different group of “suspects.” To make the prosecution case more plausible, police also claimed that the man residing in the apartment next to Matlyuba’s, Tazhib Makhmudov, was the ideologist of the terrorist movement. Police chose him because he was a Muslim who permanently resided in Moscow, and whose wife Elvira, a typical Muscovite, started to wear a head covering after marrying Tazhib.

When we were first contacted by Elvira and her father, they told us about the search in their apartment and how, after police turned their apartment upside down to no avail, police finally ‘found’ bullets in Elvira’s father’s nightstand. Importantly, the drawer where police ‘found’ the bullets was very easily accessible to Elvira’s 18-month old son; in fact, the boy was known to open the drawer and look through its contents. We can only assume that Elvira’s father wasn’t chosen as the ‘ideologist of the terrorist movement’ because he is a typical Muscovite well-known by his neighbors—much more so than his son-in-law.

Police also ‘found’ evidence in Matlyuba’s apartment—evidence that they themselves planted. This is indicated in a videotaped conversation between a police officer and a bomb disposal expert during the search of Matlyuba’s apartment; the video was part of the prosecution file. “Don’t worry, grab it; everything is isolated there,” says the police officer. “What do you mean ‘isolated’? Has someone tampered with it already?” asks the bomb disposal expert.

Altogether, police found a grenade stuffed under a pillow, an explosive device hidden in plain sight, and bullets in a nightstand during the search. A former tenant, Ersmak Saraliyev—a 55-year-old ethnic Tatar (all other ‘suspects’ were significantly younger)—attempted to testify to the innocence of Matlyuba’s tenants. Saraliyev’s desire to help cost him his freedom: he received an 11-year sentence to be served in a maximum-security facility. The other ‘terrorists’ also received between 11 and 13 years of imprisonment.

Their sentences stated that the accused were members of the banned international terrorist organization “At-Takfir wa al-Hijra,” the name of which the accused could not pronounce and the very existence of which was debated by experts. While this charge was enumerated during their sentencing, this accusation was not brought up against the defendants in court and was not investigated during their trials.

The fate of the three Tekilov brothers was especially tragic. Their mother, Patimat, worked tirelessly trying to coordinate lawyers on the cases, gather the media and attract public attention to the monstrous violations during the investigation and the trial. Unfortunately, nothing helped. Drained mentally and physically, and bankrupted by legal fees, Patimat fell grievously ill after her sons received long prison sentences.

Memorial Human Rights Centre recognizes all defendants in this case as

political prisoners, because the trial was nothing more than state propaganda meant to showcase the fight against terrorism. As of May 2019, “Memorial” listed 262 people as political prisoners in Russia<sup>10</sup>, based on the definition of political prisoner formulated in the PACE Resolution No 1900 (2012). It should be noted that this is a conservative estimate, and the real number of political prisoners in Russia may be higher. The international report on political prisoners in Russia, prepared with the assistance from “Memorial”, contains a more thorough analysis of the situation<sup>11</sup>.

Usually, natives of the North Caucasus region and Central Asia are the most vulnerable groups when it comes to fabricated terrorism charges—and this is unlikely to change. However, due to the recent events in Ukraine, Ukrainian nationals are more frequently becoming subjects of terrorist and extremist charges.

In 2010, a young Chechen man, whom we will call Ibrahim, confessed under torture that he participated in an illegal armed formation (IAF). Ibrahim’s relative, a Chechen businessman, was also arrested and surrendered all his wealth to Kadyrov’s associates to stop the torture. The relative finished serving his sentence first, but soon after his release, was abducted in Chechnya and disappeared without a trace. Ibrahim rightfully feared that the same thing would happen to him. In an attempt to act preemptively, Ibrahim decided not to return to Chechnya following his release, and, instead, tried to illegally cross into the European Union. He contacted us for help after being deported back to Russia.

A year later, Ibrahim was able to leave for Ukraine. Although it would have been more prudent to stay and wait for asylum, per his mother’s demand, he returned to Chechnya because the living conditions of asylum seekers in Ukraine turned out to be worse than he thought. At this point, Ibrahim was still hoping that he would manage to relocate to one of the countries of the European Union.

After some time, we learned that Ibrahim and several other young men were charged with vehicle theft in Moscow. Despite all other defendants in this case testifying that Ibrahim was not with them at the time of the crime, Ibrahim was convicted and sent to prison. While in prison, Ibrahim was presented with yet another accusation: that he had undertaken training to become a terrorist (Article 205.3 of the Criminal Code of the Russian Federation). According to the prosecution, during the month he spent in Ukraine, Ibrahim allegedly participated in a terrorist camp called “Crimea” located in the village of Novaya Greblya in the Vinnytsia region.

The Federal Security Service (FSB) summoned an employee of Civic Assistance Committee for questioning, and as a witness in the case. According to the employee, the wall in the FSB investigator’s office was adorned with three

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<sup>10</sup> <https://memohrc.org/ru/pzk-list>

<sup>11</sup> <https://www.perseus-strategies.com/wp-content/uploads/2019/04/The-Kremlins-Political-Prisoners-May-2019.pdf>

portraits: Joseph Stalin, Felix Dzerzhinsky, and Vladimir Putin. The investigator specifically questioned our colleague about the help that Civic Assistance Committee had provided to Ibrahim, and the circumstances of Ibrahim's departure for Ukraine. It is possible that he was trying to get our colleague to confess that our organization had sent Ibrahim to the terrorist camp.

During a brief internet search we found an article on a Ukrainian website which talks about the camp in the village of Novaya Greblya.<sup>12</sup> According to the article, the camp was organized to accommodate several families of Crimean Tatars who relocated after the Russian annexation of Crimea. The article elaborates that the refugees were warmly welcomed by the locals, expressed their gratitude, and talk about how well they have settled and that the locals help them with everything. With this information, we can discern how and why a Ukrainian refugee camp morphed into a terrorist camp during the FSB investigation: they were killing two birds with one stone by 'catching' a 'Chechen terrorist' and implicating the Ukrainian people.

Civil organizations are often contacted by relatives of young men from the Northern Caucasus accused of being ISIS members—an organization outlawed in Russia (it is mandatory for Russian citizens to mention that ISIS is outlawed in Russia every time they talk about the organization, lest they want to be charged with promoting extremism). For example, in 2015 we were contacted by Aslan Yevloyev—father of Rashid Yevloyev, who was extradited from Germany to Russia for his alleged participation in the Syrian conflict.

An ethnic Ingush family, the Yevloyevs resided in the Prigorodny District of North Ossetia—a region which is considered troubled due to an old territorial conflict between the Ingush and Ossetians. In 1992, the conflict escalated into a brief ethnic war between local Ingush and Ossetian paramilitary forces, and, while there is no active military conflict today, tensions are far from gone. Ingush families feel uneasy in the region and distrust the Ossetian administration and enforcement agencies. We have known the Yevloyevs for a long time; in the early 2000s, we helped the family get asylum for one of Aslan Yevloyev's relatives, who was persecuted by local authorities. From early on, we have known the Yevloyevs as a family of passionate civil activists, as well as tactful and intelligent people.

In 2013, Rashid received a jurisprudence degree from a university in Kabardino-Balkaria. He then returned to his native village, but could not find a job, and subsequently decided to go to Turkey, apply to an Islamic institute and study Arabic. His parents supported him. Rashid went to Istanbul to commence his studies, found a part-time job and sent his parents clothes to sell in their shop back home. Some time later, FSB agents came to the Yevloyevs' house and informed them that they had intelligence that Rashid was currently fighting for ISIS in Syria. Aslan

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<sup>12</sup> <http://misto.vn.ua/news/item/id/7741>

immediately called his son and passed the phone to one of their uninvited guests.

After speaking with Rashid on the phone, the agents left, seemingly satisfied that they were given bad intelligence. However, they had no intention of leaving the Yeloyevs alone. A month later, Rashid's parents were summoned to the FSB office, where the agents demanded that Rashid come home, or they would start criminal proceedings against him for participating in a terrorist organization (Article 205.3 of the Criminal Code of the Russian Federation). Aslan was enraged; he provided the FSB with postal receipts for items Rashid had sent him to sell in their shop, which showed that Rashid's packages came from Istanbul. However, the receipts did not help; the FSB still demanded that Rashid returned home. Rashid's parents realized that their son was in danger and advised him not to return home.

The FSB continued to regularly summon Rashid's parents and claim they had reliable intelligence that Rashid was in Syria fighting for ISIS. Rashid meanwhile moved to Germany in hopes of receiving asylum. He started the application procedure to receive refugee status, and was placed in a refugee camp in Hamburg. And just then Germany received Russia's extradition request, claiming that Rashid was an ISIS member and informing German authorities that there were criminal proceedings against him in Russia.

Providing absolutely no evidence, the extradition request claimed that, *“in September 2013, R.A. Yevloyev came to the Syrian Arab Republic, where he subsequently stayed at a militants' base located in Haritan. The base conducted mine and explosives training. R.A. Yevloyev underwent mine and explosives training with the purpose of committing terrorist acts in Russia and joining organized crime in the North Caucasus region.”*

At the end, Germany did not consider documentary evidence proving that Rashid was in Turkey at the time of his alleged participation in a Syrian terrorist camp. While Russia's first extradition request was refused on lack of evidence, Rashid was extradited 9 months later following a new trial.

Upon his return to Russia, Rashid was immediately placed into an FSB pre-trial detention center. The investigator met with Rashid's father and told him that Rashid would receive 3 years in prison if he confessed, and 10 years if he plead not guilty. Aslan Yevloyev refused to influence his son's decision and remained steadfast that his son was innocent.

The trial was fast and predictable for cases like this. There was a witness who had actually participated in the terrorist camp near Haritan and received 3 years of probation. The witness testified that he had seen Rashid in the camp in Syria with a weapon in his hands. Importantly, we are aware of at least 3 other cases where the same 'omnipresent' witness testified against other people facing similar charges.

Rashid received a 6-year prison sentence.

It should be noted that the German authorities failed to treat Rashid's case with due diligence and attention, despite our appeals to improve his living conditions at the detention facility and to make note of the complete lack of evidence against

him.

Women also become victims of state-fabricated terrorist and extremist charges. Take, for example, Saida Khalikova, a resident of Dagestan born in 1991. Saida was convicted of sponsoring terrorism (Article 205-1 paragraph 1 of the Criminal Code of the Russian Federation) and sentenced to 5 years in prison.

Saida's only 'crime' was repaying a debt she owed to another woman, her business partner. The two women co-owned a small business producing eco-friendly soap. Saida transferred the money to her business partner when the latter was in Turkey. Saida's business partner's husband was also convicted of sponsoring terrorists, but Saida had no knowledge of this at the time.

Saida's mother asked us to help Saida get placed in a penal facility close to Saida's home. Unfortunately, neither our, nor her mother's, petitions were accepted, and Saida was sent to a penal facility in Volgograd, far from home.

Saida had several pre-existing illnesses that critically worsened once she was imprisoned. She suffers from constant migraines and fever, feels pressure in her neck when she bends down, she is drowsy and out of breath after even a minor physical strain, and regularly suffers from herpes inside her throat. Saida also frequently experiences sharp sudden pain in her chest, which limits her ability to move, she suffers from bone pain, low appetite, and her skin has become jaundiced. After her blood work showed low levels of hemoglobin, Saida was diagnosed with chronic hypoxia accompanied by pronounced cyanosis.

Saida complained about her symptoms to the medical ward of her penal facility numerous times and requested a medical diagnostic, even suggesting that she would pay for it out of pocket in hopes that it would increase her likelihood of receiving the much needed treatment. She never received proper medical attention.

Despite constantly feeling sick, Saida was assigned a job at the prison sewing plant, and managed to work there for 3 days before her health significantly worsened. She was still forced to work despite her rapidly deteriorating condition and against her doctor's express recommendation. Saida went on a hunger strike in protest, the Civic Assistance Committee hired a lawyer to represent Saida's interests, and we filed complaints with the overseeing authorities, documenting the illegal actions of the prison administration. However, the overseeing institution 'found' that the prison administration did not commit any violations.

The only positive result was that Saida was finally sent to the prison medical ward for diagnostic and treatment. Unfortunately, the prison hospital conditions were not adequate to treat Saida's illnesses. In fact, Saida's pre-existing conditions legally exempt Saida from serving her sentence at a regular prison facility. However, Russian courts typically refuse to change the sentence in cases like Saida's, even when provided with a medical report confirming that the inmate's medical condition qualifies them for a medical exemption.

Since the annexation of Crimea, a new wave of prosecution cases against people accused of participating in illegal organizations—particularly, in Hizb ut-Tahrir—has begun. Because Hizb ut-Tahrir is not outlawed in Ukraine, members of the organization in Crimea did not know that they would be prosecuted once the peninsula became Russian territory. As in other such cases in Russia, the prosecution did not provide any evidence that the accused were, in fact, members of Hizb ut-Tahrir, and the accused often denied their participation.

Importantly, decisions to ban organizations as extremist or terrorist are reached through closed trials, which are closed to representatives of these organizations.

For example, on 14 February 2003, the Supreme Court of the Russian Federation outlawed 17 “terrorist” organizations, including Hizb ut-Tahrir. The court decision reads: “*The Islamic Liberation Party (‘Hizb ut-Tahrir al-Islami’) is an organization that aims to eliminate non-Islamic governments and establish an Islamic rule on a global scale by re-creating the ‘World Islamic Caliphate’—starting with predominantly Muslim regions including Russia and other countries of the CIS. Its main forms of activity include militant Islamist propaganda combined with intolerance of other religions; active recruitment of supporters; and strategic efforts to split the society (using powerfully financed propaganda campaigns). The organization is banned in a number of Middle Eastern states and some countries of the CIS (e.g. Uzbekistan).*”

Regardless of however alien its ideology may be to democratic principles, it must be recognized that Hizb ut-Tahrir did not commit a single act of terrorism or violence. Its only distinction from communist ideology is that it does not call for a world revolution.

These blanket decisions subsequently serve as a legal basis to hand out long prison sentences to real people who did not commit any crimes. Entire prosecution cases are built on allegations concerning the accused’s membership in a banned organization, on testimonies from secret witnesses, and on baseless attributions of ‘extremist’ beliefs to the accused. In many recent trials of the alleged members of Hizb ut-Tahrir, in addition to being charged with membership in a banned organization, the accused are charged with preparing a *coup d’état* and attempting to overthrow constitutional order in Russia.

In order to demonstrate the accused’s intent to overthrow the Russian government, the prosecution builds their case on dubious ‘expert examinations’ of Islamic theoretical texts dating back to the Soviet Union, or on their own discussion of such texts and any religious literature that was found during their searches—rather than on any specific actions or statements of the accused. In some cases, torture has been used to procure confessions.

In November 2018, Russian human rights activists issued a statement which warns that “*the problem with the flawed anti-terrorist legislation in Russia has*

*become more relevant in recent years: there is a trend for courts to hand out tougher sentences for participation in a banned organization (the maximum penalty under Article 282.2 of the Criminal Code was raised from 3 to 10 years in prison). In 2013, Article 205.5—the so-called ‘anti-terrorist article’—was added to the Criminal Code, where the minimum penalty was set to 10 years in prison, while leaders of (even small) terrorist groups convicted under the Article could be sentenced to life in prison. Meanwhile, those convicted the Article in many cases not only lacked any connection to terrorist activities and propaganda, but also actively morally condemned terrorism”<sup>13</sup>.*

This report leaves out two high-profile politically motivated cases: the ‘New Greatness’ and ‘Network’ trials. Both cases are actively covered by the media and remain at the center of attention of human rights activists. They are both unified by defendants’ age: the accused are young people—the so-called ‘unwhipped generation,’ who are regarded by democratically-minded Russians as the hope of Russian democracy. It appears Russia’s political elites are worried that active young people, who did not experience Soviet political repressions, are ready and able to take Russia’s politics into their own hands.

Charges in both cases are fabricated. In the “New Greatness” case, the FSB concocted an ‘organization threatening the constitutional order of Russia’ after three of their agents infiltrated a group of youth, suggested starting an organization and wrote its charter. This charter was the only piece of material evidence that proved their intent to overthrow constitutional order, and the only witnesses for the prosecution were the three agents who infiltrated the group. Despite the absurdity of the accusation and public outcry (which included press conferences, rallies, pickets, and “mothers’ marches”), the case remains open. The defendants—eight men and two women who were all minors at the time of their alleged crime—are in real danger of receiving up to 6 years in prison if they are convicted under Article 282.1 (organizing an extremist community)<sup>14</sup>.

The young defendants in the “Network” case face even tougher sentences—up to 10 years in prison—as they are accused of participating in a terrorist organization (Article 205.4 paragraph 2 of the Criminal Code). The police used severe torture techniques, a ‘tried-and-true method’ as shown by Chechen practice, to obtain the confessions<sup>15</sup>.

Some defendants in the “Network” case managed to leave Russia and seek

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<sup>13</sup> [https://memohrc.org/ru/news\\_old/sud-v-ufe-prigovoril-dvenadcat-figurantov-ocherednogo-dela-hizb-ut-tahrir-k-srokam-ot-11-do](https://memohrc.org/ru/news_old/sud-v-ufe-prigovoril-dvenadcat-figurantov-ocherednogo-dela-hizb-ut-tahrir-k-srokam-ot-11-do); <https://www.kommersant.ru/doc/3887699>, <https://ovdinfo.org/story/dela-hizb-ut-tahrir-v-krymu>; [https://memohrc.org/ru/news\\_old/spisok-presleduemyh-v-svyazi-s-prichastnostyu-k-hizb-ut-tahrir-obnovlyaetsya](https://memohrc.org/ru/news_old/spisok-presleduemyh-v-svyazi-s-prichastnostyu-k-hizb-ut-tahrir-obnovlyaetsya)

<sup>14</sup> <https://memohrc.org/ru/tags/novoe-velichie>

<sup>15</sup> <https://meduza.io/feature/2019/04/08/set-glavnoe-delo-protiv-levyh-aktivistov-v-rossii>

asylum <sup>16</sup>.

Even though the state is now terrorizing very young people—practically children—these cases did not evoke substantial public outcry, as, for example, in the Czech Republic in 1989. The ‘unwhipped generation’ is receiving its lashes.

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<sup>16</sup> <https://www.bbc.com/russian/features-43400894>

### III. WOMEN IN CHECHNYA

We talk about women in Chechnya in virtually every one of our human rights reports. Although many organizations have been researching this issue, and the topic is widely discussed at international conferences, there have been no improvements. Forced marriages, domestic violence, and separating children from their mothers following divorce or her husband's death are the sad facts of a woman's life in Chechnya. Neither law enforcement agencies, the Commission on Family Affairs, nor the Muftiyate have tried to stop the growing arbitrariness and violence against women. We are aware of only one civil organization in Chechnya which is helping disadvantaged or abused women. However, the leader of the organization was forced to leave Russia and seek asylum in Germany after facing persecution following a presentation at a conference in Berlin. The rest of the so-called 'human rights defenders' in Chechnya merely pretend to advocate for human rights.

The situation is exacerbated by the Kadyrov regime's view that interfering in family affairs is unacceptable and contrary to the Chechen tradition. The latter argument is incorrect, however, but Kadyrov has been interpreting Chechen traditions in whatever way suits him, even going so far as to create his own 'traditions.'

Below, we provide excerpts from several human rights organization's reports, which were written following field investigations of the problem in Chechnya.

*"In recent years, a new generation of men has emerged in Chechnya—men who consider women as some second sort creatures. It is the opinion of the young Chechen leadership that such attitude is based on the traditions of the Vainakhs (Chechens and Ingush). However, Kadyrov and his entourage interpret Chechen traditions in whatever way they see fit. The traditional democratic Vainakh society did not idolize might, power, and wealth. Humiliation and suppression of some members of society by others was not accepted; dignity and courage were esteemed higher than absolute power. One of the main values was education, because a person could not be stripped from their education at the time of war, occupation, or forced deportation of their people. Despite her secondary position in the social hierarchy, a married woman had a high status. The woman was dominant in the family. It was not considered acceptable to force a woman to wear a hijab. The only person who could reprimand her was the oldest man in the family. Firing paintballs at a woman, and verbally harassing or molesting her would be unheard of in the Chechen society of the past."* (From the report "Chechens in Russia," prepared by Memorial Human Rights Centre and the Civic Assistance Committee, ed. Svetlana

Gannushkina<sup>17</sup>).

The Heinrich Böll Foundation published a study regarding women in the North Caucasus. The study showed that domestic violence is widespread in the region, and that women are restricted in their movement and do not have access to the family funds. This information, unfortunately, is not new and fails to shock anyone. The Foundation is aware of instances where Chechen women had no option other than to escape their families; usually, these women escape as a result of restrictions on their finances and movement, or because they are confronted with a forced marriage or separation from their children.

The International Crisis Group (ICG) states in their report “Chechnya: The Inner Abroad” that *“violence against women in the North Caucasus, while certainly not a problem limited to this particular region, is exacerbated by the general climate of lawlessness, impunity and corruption prevalent in this region. In addition to domestic violence, women in the NC are victims of honor killings, bride kidnapping, forced marriage, child marriage and other harmful traditional practices that have become resurgent in the region over the past 20 years, and which are most readily observed—and openly promoted—in Chechnya under the regime of Ramzan Kadyrov, who has publicly stated that sharia law is more important than Russian law.”*

The submission form of the Russian Justice Initiative (RJI) and the Chechnya Advocacy Network concerning the Russian Federation’s compliance with the Resolution of the 62nd session of the CEDAW Convention states: *“In the North Caucasus, the ethnic and religious minority communities that make up most of the population of the republics of Ingushetia, Chechnya and Dagestan increasingly live by unofficial customary law—known as ‘adat’—or by Sharia law. These bodies of norms are extremely patriarchal and deny women and girls full legal personhood for their entire lives, deprive them of property and inheritance rights, enshrine men’s control over women’s lives and bodies and treat many forms of violence against women as permissible and justified ‘punishment.’”*

Can there really be women’s rights in a region ruled by an illiterate and cruel despot, who is absolutely confident in his right to ‘own’ a woman? *“I have the right to criticize my wife. My wife cannot criticize me. The woman is a housewife. The woman should know her place... Woman’s duty is to give us love... The woman is a property; the man is the proprietor. In our people’s ways, if a woman misbehaves it is her husband, father, and brother who are responsible for her actions. According to our tradition, if a woman is wanton her relatives kill her. It happens: a brother killed his sister, a husband killed his wife”* (from Ramzan Kadyrov’s interview to Aleksandr Gamov, printed in “Komsomolskaya Pravda” on 14.10.2008<sup>18</sup>).

<sup>17</sup> <https://memohrc.org/ru/reports/oni-nachinayut-lyubit-svoego-drakona-doklad-chechency-v-rossii>

<sup>18</sup> <https://kp.ua/incidents/58490-ramzan-kadyrov-rossiya-eto-matushka-rodnaia>

And so, when “property” rebels and demands recognition as a person with all due rights, she is punished and cannot expect protection from anyone, since her rightlessness is forced on her by the very people who are supposed to protect her.

Our experience also shows that children from Chechnya, separated from their mother and forced to live with their father and his new family, do not always live in a safe and healthy environment, as the new wife sometimes punishes the children for the abuse she endures at her husband’s and mother-in-law’s hands. We once helped a woman whose father-in-law was severely beating her four-year-old son. At the time when his mother brought him and his sister to our Moscow office, the boy was absolutely terrified; he shrunk away from every man and was clutching his mother’s hand the whole time. Fortunately, this family received asylum in one of the EU countries. If they are ever forced to come back, there is a real danger not only to the woman but also to her children. Human rights organizations are often contacted by women who live in constant fear of deportation after applying for asylum in the European Union.

Moving to a different region of Russia will not help a woman in this situation. A Chechen woman with children will not be accommodated by her relatives, she will not be able to find a place to live or a job, and she will not be able to procure the necessary documents to register her children for school. Attempting to do any of the above would mean she registered her new address at a police station. And as soon as the woman’s information is entered into the national police database, the Chechen police would also learn her location, as the police station registering a person’s new address is required to send this information to the police station in the district their previous residence, allowing her to be found by the same people she tried so hard to save her children from.

Appendix 3 documents a horrifying case showing the real dangers of returning to Russia after escaping. In this case, a woman and her children were captured by her husband, who was suspected of committing multiple murders.

## IV. JEHOVAH'S WITNESSES IN RUSSIA

In 2004, after a long series of court hearings, a Moscow court stripped the Jehovah's Witnesses of their legal status and outlawed their activity in Moscow. However, in 2010, the European Court of Human Rights (ECtHR) ruled that the ban was in violation of Article 6 (the right to a fair trial), Article 9 (freedom of conscience), and Article 11 (freedom of assembly and association) of the European Convention on Human Rights (ECHR), and ordered Russia to pay 70,000 euros in costs and damages to the community. The Grand Chamber did not satisfy Russia's appeal, and the ruling came into force. The legal status of the Moscow Jehovah's Witnesses community was not restored until 2015.

After similar trials in other Russian cities, the denomination was outlawed entirely according to the Russian Federation's 20 April 2017 Supreme Court decision to name the Jehovah's Witnesses Administrative Center in Russia an extremist organization. As expected, a large-scale persecution campaign against the Jehovah's Witnesses followed.

Similar to other instances where the Russian courts banned an 'extremist organization,' representatives of the Jehovah's Witnesses Administrative Center were not present at the court hearing, and nobody present could provide a defense. Decisions such as this have been, and continue to be, made at the request of the Ministry of Justice, based on out-of-context excerpts which neither clarify organization's activities, nor its ideology. One of the Jehovah's Witness trials was founded on a story about a man who, unable to find answers to spiritual questions with a Catholic priest, found those answers through the Jehovah's Witness organization. Several stories of this sort were declared "propaganda" or "religious superiority," but does any religion exist that does not consider its tenets to be closest to the truth?

It is reasonable to suggest that the real reason Jehovah's Witnesses are being persecuted is their growing popularity and rising numbers in Russia. As of 15 May 2015, there were 408 registered Jehovah's Witnesses branches in the country, 22 of which were located in Crimea. A 2016 report claimed 171,828 members throughout Russia.

The persecution campaign intensified sharply in April 2018. Dozens of believers were affected, many of whom quickly became defendants in criminal cases and were subsequently arrested. As of May 2019, at least 154 Jehovah's Witnesses adherents have become victims of persecution<sup>19</sup>. Most of the persecuted are charged with violating Article 282.2 paragraph 1 (organization of the activities of a religious organization which was banned as extremist) and face up to 10 years in prison.

<sup>19</sup> <https://memohrc.org/ru/special-projects/spisok-presleduemyh-po-obviniyu-v-prinadlezhnosti-k-svidetelyam-iegovy>

There currently are criminal cases against 41 adherents under Article 282.2 paragraph 2 (participation in a religious organization which was banned as extremist). Eight are charged with violating Article 282.2 paragraph 1.1 (recruitment of new members into an extremist organization) and face up to 8 years in prison. In addition, we are aware of 2 cases in Kabardino-Balkaria where the adherents were charged with violating Article 282 paragraph 1 (incitement of hatred and animosity, and attack on a group of people based on their religion), under which they can be sentenced to 5 years in prison. Another adherent is being prosecuted under Article 280 paragraph 1 (public incitement of extremist activity) which stipulates up to 4 years in prison. Finally, there are an additional 8 cases under Article 282.2 paragraph 1 and Article 282.3 (sponsoring extremist activity), for which the maximum penalty is 8 years in prison.

On 11 December 2018, during a meeting between President Vladimir Putin with the Council for Civil Society and Human Rights, members of the Council expressed their concerns about the persecution of Jehovah's Witnesses and the 20 April 2017 Supreme Court ruling to ban the organization. President Putin's response is directly quoted here: "*The Jehovah's Witnesses are Christians too; I do not understand why they are being persecuted. Therefore, we just need to analyze this problem; we need to do this. I will speak with Vyacheslav Mikhailovich [Lebedev, the Head of the Supreme Court of the Russian Federation — S.G], and we will try to solve this problem.*" Putin's emphasis on Jehovah's Witnesses being Christians (as if this is what exempts them from persecution) and his promise to influence the Supreme Court are questionable, to say the least.

Despite Putin's questionable assurance, on 6 February 2019, just 2 months after the President promised to "analyze the problem," the Zheleznodorozhny District Court of Oryol delivered an unprecedented decision, sentencing Danish national Dennis Christensen to 6 years in prison for organizing the activities of a banned religious organization (Article 282.2 (1) of the Criminal Code).

Human rights activists are troubled by this decision as it appears to throw the country back into the Great Terror, when religious and other minorities, including the Jehovah's Witnesses, were persecuted and purged by the Soviet government. Importantly, in 1994, President Boris Yeltsin issued a presidential decree which rehabilitated the Jehovah's Witnesses and recognized the religious minority as victims of Soviet political repression.

Several days later, on 15 February 2019, a law enforcement operation was carried out in Surgut (a Siberian city located in the Khanty-Mansi Autonomous Region) that resulted in 40 arrests, including children. The operation aimed to prove that Jehovah's Witness branches continue to function despite the Supreme Court's ban. The investigation into this case was conducted with the use of torture,

including strangulation with a plastic bag, electrocution, and severe beatings, to procure confessions and force defendants to waive their right to not testify against themselves (Article 51 of the Constitution of the Russian Federation). The defendants were interrogated immediately after the torture sessions, and the investigator would simply write down what the police officer extracted from the defendant. The defendant would endure more torture if they refused to sign the resulting statement.

On 28 March 2019, human rights activists organized a press conference devoted to the Surgut case. Lawyers and experts confirmed that torture was applied to the detainees based on their injuries and traces left on their clothes—the physical signs of which were preserved for several days after the detainees' release (the police were forced to release them upon reaching the maximum limit of investigative detention).

Lawyers submitted a complaint to the Investigative Committee of Russia (ICR). According to the ICR's response, "*the minor hematomas and abrasions on the detainees' legs are due to the fact that the detainees were actively resisting the police during their arrest and searches; the police thus had to use combat techniques against the detainees.*" As for the more serious injuries—such as burn wounds and traces of electrocution—the ICR speculates the detainees received these injuries after their release. In other words, they injured themselves.

This is not at all a new invention of Russian investigative thought. In the classic comedy by Nikolai Gogol "The Government Inspector," the mayor, trying to evade responsibility for using an illegal punishment on an officer's widow, exclaims, "*The officer's widow has lied to you! I did not flog her, I swear; she's lying! She flogged herself!*"

Persecution of Jehovah's Witnesses significantly worsened after Dennis Christensen's trial on 6 February 2019. During a March 2019 press-conference, the organization's representatives stated that there were more than 400 searches conducted in the homes of the adherents, 160 people (including 40 women) were convicted on criminal charges, and 70 more were currently facing criminal prosecution.

It should be noted that in their response to complaints from Jehovah's Witnesses to the ECtHR, the Russian government occupies a hypocritical and cynical position, claiming that the ban does not extend to being a Jehovah's Witness, but rather to *belonging* to a Jehovah's Witnesses organization. When asked if it would be possible for Jehovah's Witnesses to assemble and read the Bible, the government replied: well yes, of course, but only as long as they are not doing it as part of the organization. Meanwhile, it is exactly such informal meetings which served as the basis for conviction in the case against the Jehovah's Witnesses in Surgut.

Adherents whose relatives condemn their faith find themselves in an even more difficult situation. Take the case of E. and A., mother and daughter. E. was born in 1965 in the village of Rodnikovka located in the Aktyubinsk region, while her daughter ,A., was born in 1994 in Vladikavkaz, a city in the Republic of North Ossetia-Alania.

The family lived in Vladikavkaz from 27 July 1990 until 28 October 1997, and in 1995 E. met some members of the Jehovah's Witnesses. She became interested in their teachings because they were able to answer the questions which concerned her most at the time: what is the meaning of life, and what is God. E. began regularly attending gatherings of the Jehovah's Witnesses in Vladikavkaz.

At the time, E. was in a domestic partnership with R.B. When R.B. learned about her interest in the Jehovah's Witnesses, he prohibited E. from going to the gatherings. If he suspected that she had disobeyed, he would beat her. E. went to the police multiple times, but did not receive any assistance or protection.

The situation worsened, and beatings began taking place right in front of E.'s small daughter. Finally, in an attempt to escape R.B.'s violence, E. and A. left their home and tried to seek shelter with their acquaintances. However, R.B. and his relatives began searching for E. at Jehovah's Witnesses gatherings.

In the first half of 1998, E. and A. were forced to move to Kabardino-Balkaria, where they continued to go to Jehovah's Witnesses gatherings. But problems persisted: E., together with her small daughter and another member of her church, were detained by police twice for proselytizing their faith. The first time, E. was warned that she would be imprisoned if she attempted to proselytize in the city again. And when police detained the trio for the second time, officers shook all the contents of their bags out, and proceeded to go through, and make fun of, the religious magazines they found. After humiliating them, the officers threatened the women with prison. Because of this, E. and A. moved to a different city in the Kabardino-Balkar Republic.

In 2000, the city where the family moved was hit by severe flooding, and E. and A. returned to Ossetia. E. rented a room and found a job. Unfortunately, the family ran into E.'s former spouse R.B., who upon learning about their religion started to threaten and harass them because he considered their faith a crime.

In 2002, E. and A. moved to the town of Alagir, but R.B. did not leave them alone. He followed them to their new home and continued to harass them. R.B. beat A., demanding that she reject both her faith and her mother. He threatened E. with a knife.

In 2009, R.B. attempted to break into E. and A.'s home, but E. called the police. Thankfully, the police came (unlike many similar cases). However, police did not take E.'s complaints about R.B.'s threats and beatings seriously; they simply gave R.B. a 2000-ruble fine and left. The officers did nothing more to protect the women from R.B.'s continuing violent attempts to curtail their freedom of conscience, way of life and independence.

Since then, the mother and daughter have continuously moved from place to place, but R.B. always finds them. He continues to come to their house and harass them for hours, pushing them to abandon their 'false faith' and 'change their thinking.' Any attempt to argue angers him and provokes him to physically and emotionally abuse their daughter, A..

All our attempts to find asylum for E. and A. somewhere outside of Russia—where R.B. cannot reach them—have failed. The women were refused even a tourist visa. The women are currently living in a long-term shelter.

## V. THE NEED FOR RESETTLEMENT OF REFUGEES

At the beginning of 2019, 572 refugees were officially registered in Russia. In addition, about 77 thousand people had temporary asylum - a status that is granted for one year and requires renewal for each next year.

### DISTRIBUTION OF REFUGEES AND THE PEOPLE WHO RECEIVED TEMPORARY ASYLUM BY THE COUNTRIES OF FORMER RESIDENCE (according to the Ministry of Internal Affairs of Russia, from the beginning of registration)

	Refugees			People with temporary asylum		
	Individuals on 1 January 2019	1 October 2018	1 January 2018	Individuals on 1 January 2019	1 October 2018	1 January 2018
<b>Total</b>	<b>572</b>	<b>592</b>	592	<b>76825</b>	<b>93507</b>	125442
Azerbaijan	7	7	7	5	5	8
Afghanistan	305	307	305	484	441	356
Georgia	31	30	31	124	149	167
Kazakhstan	3	2	1	8	6	4
Kyrgyzstan	3	3	3	17	15	22
Syria	2	2	2	826	898	1128
Tajikistan	6	6	7	19	21	16
Turkmenistan	-	-	-	7	5	5
Uzbekistan	19	19	19	51	45	60
Ukraine	140	158	166	75006	91641	123434
Other countries	57	58	51	278	281	242

The table above shows that in 2018 the number of people with temporary asylum fell sharply, while Ukrainian citizens comprise the bulk of the lucky status holders; the remaining countries altogether account for only about 2 thousand people. This number has remained static essentially since its introduction in 2001. Ukrainians, namely, Ukrainians of Russian nationality, are the only group of refugees received warmly by both the authorities and civil society in Russia. In 2014, camps were built for them in the Rostov Region, the high quality of which was noted by the UNHCR, and Russians initially accepted them, one might say, fraternally.

About 400 thousand citizens of Ukraine have received temporary asylum

since 2014, and the application process has been simplified. As a result, about 250 thousand Ukrainians received citizenship—a number which increases to this day.

Fraternal enthusiasm, however, has quickly fallen. By the end of 2014, the Rostov region camps were destroyed, and by the end of 2015, the Ukrainians were expelled from hostels and boarding houses. Now, those who, for various reasons, could not obtain a registration and apply for Russian citizenship, are being expelled. Even those who are members of an unofficial militia, who face a high risk of being put on trial in their home countries.

The situation is even worse for refugees from other countries. Although the total number of individuals who have ample grounds to apply for Russian asylum does not exceed 50 thousand, a number ridiculously small for such a massive country, their children are not accepted into schools and kindergartens, the disabled do not receive medical care, and adults cannot legally work. They all live in constant fear of police detainment: there is a constant cycle of protests demanding their imprisonment and deportation. If detained, a judge will decide the case of a foreign citizen awaiting deportation with incredible speed—just two minutes per person, without taking into account individual circumstances.

Even foreign citizens with Russian spouses and children cannot hope for leniency. Theoretically, spouses of Russian citizens can obtain a temporary residence permit (TRP) without a quota and move towards obtaining a residence permit. However, for this they must be located on the territory of Russia legally, i.e. have a valid visa and registration. If their visa has expired and they have not been legally registered to a property for three years, their TRP applications are automatically rejected. And refugees, by definition, lack legal status.

One year after receiving their TRP, a foreign citizen is required to declare their income, which must exceed a certain threshold. With under-the-table salaries, it is next to impossible for refugees to obtain such a document.

Syrian citizens are in the most difficult situation, as they are unable to return home. Syrians in Russia can be divided into two groups: those who arrived before the conflict, but are unable to return, and those who arrived during the conflict. The latter, in particular, include families of migrant workers who fled to their Russian relatives after the conflict began. Both groups have grounds to apply for asylum, but, like clockwork, are prevented from entering the system.

Appendix 4 presents the 2017 report on the situation of Syrian refugees in Russia; the next report is still in production. However, in the previous year, there have been no improvements, aside from the fact that a coalition of human rights and journalists have begun working on it.

There are just three variations for a refugee: returning to their homeland, full integration into their place of asylum and replacement to a third safe country where they can live with dignity, or make use of the options at his disposal, waiting for one of the first two options (to bring an end to his refugee status). Representatives of the UN Refugee Agency (UNHCR) in Russia have written hundreds of descriptions of

the difficult situation of asylum seekers fleeing Russia. These are people belonging to vulnerable communities – the disabled, single women with children, families with a large number of children, and members of the LGBT community. Social organizations try, but do not have enough resources, to take care of all their basic human needs. Not all of them can survive in Russia.

We would like to hope that European countries will find the ability to accept at least a small number of these refugees. We ask this not to share responsibility, but in the name of humanitarianism and empathy to those who find themselves in Russia, assuming they have found refuge in Europe. They are not millions, as refugees from Syria, but only a few tens of thousands. And vulnerable groups comprise just a few thousand altogether. And, importantly, we ask you not to return them to Russia once they are already located on the territory of the European Union.

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## APPENDICES

### Appendix 1. The Story of Shamil Soltamuradov

Shamil Soltamuradov was born 14 April 1990 in the Chechen town of Gudermes. In 1995, the family moved to Cherkessk, of Karachay-Cherkessia.

In 2014 Shamil became eligible for army service. Afraid that he would be sent to Ukraine, he accepted his brother Isa's advice to leave for Turkey. Shamil began living in Turkey in August 2014, and made money doing odd jobs, such as working on construction sites and in various stores.

Russia's relation to those who had moved out of the country sharply worsened in 2015, and a series of murders against Chechens swept through Turkey<sup>20</sup>. One Chechen was shot in the building neighboring Shamil's.

Following the murder, Isa, who had already lived many years in France and held French citizenship, decided to bring Shamil to France. Remaining in Turkey was no longer an option: the situation was becoming more dangerous, and Russian citizens were no longer able to find work.

Isa and Shamil met in Minsk, Belorussia in December of 2015. They brothers then moved onward to Brest, where they crossed the Belorussian-Polish border into Terespol with the help of Isa's French passport. From Terespol, the brothers drove with a group of other Chechens through France via Germany. The car was stopped before reaching its final destination, however, and Shamil was forced to apply for asylum in Germany. He began living in Dresden in June 2016.

That same month, Shamil was detained while renewing his documents. He had been placed on an Interpol wanted list by law enforcement officials in his hometown, Cherkessk, Karachay-Cherkessia.

Shamil spent the next six months in jail. He was released on 21 November 2016 by the Supreme Court of Dresden, which refused to extradite him to Russia. Upon his release, Shamil immediately called his brother and left for France. The brothers began residing together in Paris on 24 November 2016.

Although Shamil was stopped in Paris in December of 2016 and asked to show his documents, the police found no reason to detain him. Shamil began to think that Interpol was no longer searching for him, and began to feel like a free man.

Not long after, Shamil's relatives in Chechnya relayed that the police were searching for him in Gudermes. According to his relatives, members of the police came to their home, and brought in his mother and sister for questioning at the local police station. They demanded both Shamil and Isa's phone numbers, and forced them to video chat with Shamil to prove that he was, in fact, located in France. Upon confirming his location, the authorities sent a request to the French

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<sup>20</sup> <https://www.youtube.com/watch?v=WOTnUCOeTtQ>; <https://www.kommersant.ru/doc/2195701>;  
<https://youtu.be/4H-1MAX6q4k>; <https://youtu.be/CNY3W63r7Oc>

Prosecutor's office for Shamil's detention.

On April 7, 2017, Shamil was scheduled to apply for asylum. He appeared in the Prefecture of Port-de-Klincyankur in Paris, where he was arrested again. Shamil remained in prison from 7 April 2017 until 31 January 2018, waiting for extradition.

Shamil's final court hearing took place on 31 January 2018 between 14:00 and 15:00. The judge, once again, refused the Russian authorities' request to extradite Shamil.

Shamil was driven back to the prison at about 23.00 on 31 January 2018, where his brother, Isa, was waiting. Isa waited for him until 02.00, but Shamil never appeared. Isa rose the alarm and Shamil's lawyer, Flora Peschanski, began searching for him throughout the prison system.

After waiting and searching to no avail, Peschanski was finally informed that Shamil had been sent to Germany in accordance with Regulation "Dublin-2," which stipulates that only one EU Member State can be responsible for examining an asylum application. It was later made clear that France had appealed to both Poland and Germany in Shamil's case, but Poland did not answer the French request.

The French authorities informed Peschanski that Shamil had been flown to Berlin, but this information turned out to be false. French human rights activists later managed to establish that he had, in fact, been flown to Frankfurt.

This was the last information concerning Shamil's whereabouts or condition available to Shamil's friends and family until the evening of 6 February 2018, when it became known that Shamil had been transferred into a deportation facility in Hannover: the decision to deport Shamil back to Russia had been approved.

Svetlana Gannushkina, through the German chapter of Amnesty International, sent a letter to Angela Merkel regarding the impermissibility of Shamil's deportation. Her office responded that every effort would be made to prevent his deportation. Nevertheless, on 14 February 2018, Shamil was extradited from Hannover to Moscow, where contact was once again lost.

Were found a lawyer in KCR, who found Shamil Soltamuradov in jail. He was accused of participating in the training of the NWF (illegal armed groups) article 205.3 of the criminal code. While at large, Shamil categorically denied his involvement in the IAF, which had no evidence. Once in jail, Shamil within 2 days fully admitted his guilt.

Methods for obtaining such confessions are known.

Apparently, he was promised a reduced sentence in exchange for a confession, but the investigator had deceived him, and after his confession added an infraction of 205.5 (participation in a terrorist organization). The case was then transferred to the Military court in Rostov. The verdict, which was announced only on April 10, 2019, found Shamil guilty under both articles of the criminal code and sentenced him to 17 years of imprisonment in a penal colony, even though the Prosecutor had demanded a sentence of 23 years in prison. Thus ended the story of the double refusal to extradite Shamil Soltamuradov, who was «simply deported» to Russia.

## Appendix 2. Persecution of the Mazurkevich Family in the Chechen Republic

The Mazurkevich family:

Salam Alaudinovich Tazurkaev, born 1968;

Saret Ramzanova Yunosova, born 1974, wife;

Aiset Salamovna Shavkhalova, born 1992, daughter;

Kheda Salamovna Tazurkaeva, born 1994, daughter;

Israpil Salamovich Tazurkaev, born 1997, son;

Ayshet Salamova Tazurkaeva, born 1998, daughter;

Aina Salamovna Tazurkaeva, born 2006, daughter;

Khadizha Salamova Tazurkaev, born 2008, daughter;

Rizdan (nickname Isa) Salamovich Taaev, born 1996, nephew – lives in the village of Shami-Yurt;

Islam Abdulhakovich Schavkhalov, born 1989, son-in-law;

Akhmed; born 2011, Yasmina, born in 2013; Iman, born 2015; Mohammed, born 2017.

Salam Tazurkaev's family lived in the village of Kater-Yurt in the Achkhoy-martanov district of the Chechen Republic, while Aiset and her family lived separately in the village of Asinovskaya. Salam has four brothers: one elder: Salamu, and three younger: Jakub, Adam and Alvi Tazurkaev.

Jakub and Adam were members of the NWF (illegal armed formations), where they were known to be particularly cruel. In 2004, Jakub and Adam were detained during a special operation, and after their release, they joined the regiment named after Ahmad Haji Kadyrov, where they serve to this day. According to their brother, Salam Tazurkaev—our client, Jakub and Adam's power in Chechnya is unlimited: they answer only to Ramzan Kadyrov himself.

The brothers' father, Alaudin, died in 2012, and their mother, Liza, born in 1944, is blind. The couple lived with Salam's family and did not support Jakub and Adam's aggression. After Alaudin's death, Liza was relocated against her will to live with Adam and his family. In a video filmed by her niece Aisat on 16 October 2017, Liza pleads with the viewers to save her granddaughters from their uncles – her sons<sup>21</sup>. Salam is certain that his brothers will not return to their mother, but hopes that they will not be cruel to her.

Salam Tazurkaev has always opposed the Kadyrov regime, and has never shied away from speaking about his views with those around him, including his brothers. He resented the baseless accusations of young people for allegedly sympathizing with extremist organizations. Their neighbor, a young man of 18 years, was sentenced to 13 years in prison for asking his friend via text message

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<sup>21</sup> <https://www.kavkazr.com/a/28798111.html>

what she thinks about those who have died in Syria. The authorities accused him of preparing to fight in Syria. One of Tazurkayev's cousins was convicted and given 7.5 years in prison, accusing him without any reason of assisting the NWF (illegal armed groups).

Both of these instances began when Salam Tazurkaev spoke openly about his views on the Kadyrov regime, which «compromised» his brothers' positions. They, in turn, told their leadership that Salam wanted his two daughters married off and sent to Syria. Salam and his children were constantly in danger. Nevertheless, Salam hoped that the police would protect him if necessary. However, the opposite happened.

**The family confrontation began six years ago.**

**Taus Taaeva, Salam's sister,** was widowed and later remarried a man named Arbi. Adam and Jakub were not pleased with their sister, although their father, Alaudin, and Salam supported her. Taus subsequently gave birth to four children. In 2012, Arbi suddenly vanished, and Jakub and Adam constantly told her that he would return disabled. Albi's body was found near Grozny pond with traces of torture on the body in April 2013.

Following Arbi's death, Jakub and Adam abducted Taus, who was mercilessly beaten and later hid, and her children, who were sent to live with the families of their respective fathers. Their mother and Alaudin's wife, Liza, demanded to know what Jakub and Adam had done with Taus. Under immense pressure, Adam admitted that she was being held prisoner in the basement of his house. Salam and Liza managed to rescue Taus from the basement and bring her to Ingushetia, from which Taus and her son, Ramzan, successfully flew to Germany. Once in Germany, Taus applied for asylum. Salam and Liza did not learn about this until 2016, two full years after she left Ingushetia.

**Rumisa, daughter of the eldest Tazurakaev brothers, Salamu,** has been married twice, and wanted to marry for the third time, but her uncles did not support her decision. She vanished three days before her wedding, and, shockingly, Jakub and Adam repeatedly boasted that they killed Rumisa for disobedience. Her four children are now being raised by their fathers' respective families.

**Aminat, daughter of the youngest of the Tazurkaev brothers, Alvi,** was involved in an accident while riding in a taxi. When her father and his brothers, Jakub and Adam, learned of the accident, they were enraged that she, a woman, got into the taxi with a male driver. So enraged that not only was she beaten and electrocuted, but her father cut off her left middle and ring fingers. Salam tried to save his niece, but there was nothing he could do. He told us this story with horror: how could you possibly do such a thing to your own child?

**Khede, Salam's daughter**, was told by her uncles that she would be crippled because her father taught her how to drive. They demanded that Salam forbid her to sit behind the wheel, or else they'd kill her.

Khede's parents asked her to marry a Chechen widower with four children named Arzu, who lives in Germany and knows Taus. She agreed, but her uncles would not consent to the marriage, and threatened to murder her entire family—which was a real threat. They likewise threatened to kill Arzu's relatives.

### **Important Events**

**On 16 October 2017, Jakub and Adam arrived at Salam's house. They demanded to see Khede. Unable to find her, they instead abducted Israpil, shoving him into the trunk of their car and threatening to kill him if Khede was not delivered to them.**

Saret called Aiset, who overheard gunfire, shouting and crying in the house. Aiset called a taxi and went immediately to the Achkoi-Martana police department, where she reported the attack on her parents and kidnapping of her brother, Israpil. When Iset and the police arrived at the house, Jakub told the police that it was family business and they could leave. The police left, despite Iset's pleas of intervention. Adam and Alvi hit Iset on the head for daring to bring in the police, threatening that they would kidnap her, too.

Aiset was able to record the uncles storming into their house. Her grandmother, Liza, and grandfather narrate what is happening during the recording. The recording is available on the website "Caucasus. Realities"<sup>22</sup>

The Chechen leadership is aware of the above information.

**On 17 October 2017**, representatives of Ahmad-Haji Kadyrov's regiment came to Salam's house. Salam reported that his son was forcibly taken from his home and held hostage. In exchange, Israpil was returned. Salam's family members were then forced to appear on the TV channel "Grozny," and explain that the preceding events had been nothing more than "a simple domestic quarrel." Nevertheless, during the same appearance, Jakub, sitting next to his blind and obviously dejected mother, admits that he and his brother were trying to prevent their niece from going abroad and wanted to take away her passport<sup>23</sup>.

Salam told Israpil that he should disappear while the family was being filmed. He ran away from home.

After finishing the recording and before leaving, Adam promised he would kill Salam's entire family within the next few days. **Once Jakub and Adam had left**

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<sup>22</sup> <https://www.kavkazr.com/a/28798111.html>

<sup>23</sup> <https://www.youtube.com/watch?v=qT9zWcNZtVM>; <http://www.kavkaz-uzel.eu/articles/311242/>

**the studio, Salam and his children began planning how and where they would run.** Aiset connected with Svetlana Gannushkina, whose number was given to him by Taus from Germany. Gannushkina could only advise them to flee.

Salam and his wife and children were the first to leave.

**On 19 October 2017,** at 06:00, Adam and Jakub drove to Aiset's house along with two cars filled with policemen. When Aiset was asked where Salam, Israpil and Sanet were, she said she did not know. Adam and Jakob then told her that if she didn't want any trouble, she'd better tell them where her parents were—otherwise they'd kill her and her children.

Jakub proceeded to hit Aiset several times in the face while Adam restrained her husband, Islam, by both arms. Islam shouted at them not to beat his wife, but the brothers threatened to stab him if he did not remain silent. Meanwhile, the police ransacked the house, frightened Aiset and Islam's children, and found Israpil's passport and driver's license.

Later on, Aiset noticed she was being watched: Adam sat, waiting, in a car near the house. He left at night.

Jakub left for Shami-Yurt to find Isa, but the latter had been warned and fled into the forest. Jakub nonetheless called Isa and threatened to kill him.

**After 01:00 on 20 October 2017,** Israpil called Aiset from an unknown number. He asked Aiset to pick him up; that he was very cold, hungry and hiding in the forest. Israpil also called Isa in Shami-Yurt in said that the uncles would come regardless and it would be better if he did not return to his house. Aiset informed her husband that they had to immediately pick up Israpil and Isa, and called her mother-in-law, who had stayed behind with her children. Islam and Aiset set out for Israpil and Isa, and then made a deal with a taxi driver, who brought them to Islam's uncle in Moscow.

On 20 October 2017, at 06:00, the brothers knocked on Aiset's gate. Along with Jakub and Adam, she was greeted with two cars filled with riot police. Adam grabbed her by the arms as the house was stormed and scoured for Israpil. Jakub and Adam threatened her, saying that she would never see her husband and children again, that she would rot in their basement if she did not give them Israpil. Aiset told the brothers she didn't know anything, but Jakub and Adam had been keeping track of her movements, and knew she was lying.

Jakub and Adam were determined to find Israpil because he had posted a video of the first house attack on the internet. Adam once again hit Aiset in the face, and Jakub put a gun to her forehead while demanding to know Israpil's whereabouts. Jakub and Adam threatened that if they couldn't find Israpil, Khede and Aishat, that Aiset would vanish – and no one would be able to find her. They also threatened Islam, who was beaten when he tried to protect his wife. Jakub boasted that he had already killed many like Islam and would not hesitate to do it again.

**During the night of 21 October 2017,** Aiset, Islam and their children left for Ingushetia to stay with Islam's uncle Rashid for two days. Rashid gave them

20 thousand rubles, and they family left for Moscow by bus. Jakub called her and threatened to kill her for embarrassing him in front of the entire world. He also threatened to kill Taus' son, Isa.

Svetlana Gannushkina had been in touch with Aishet and Aiset since the evening of 17 October. The pair travelled in cars one after the other with fugitives over night from Chechnya to Moscow. Gannushkina tracked their movement every two to three hours until they reached the capital. Once there, they were provided with the address of an apartment they could stay in.

All 14 people lived in this apartment for several months, and Rizvan Taaev continued to live there until just a few months ago. With help from the "Civic Assistance Committee," all family members received international passports, as they were no longer able to live safely in any region of Russia.

One of the girls came into contact with police while working in a store, who wanted to relay information about the family back to Chechnya. The police began asking questions concerning the circumstances around the family's decision to leave the region, and expressed their intention to contact the Ministry of Internal Affairs in Chechnya to update them on the family's whereabouts—only our insistent requests and a 'loyalty fee' payed on behalf of the shop owner prevented the impending tragedy.

We would like to emphasize that this situation could repeat itself at any given moment. Many instances have been brought to our attention where a band of policemen have abducted and delivered perceived "disobedient" citizens into Kadyrov's hands. The fates of these people were tragic. Some of them are still missing.

**These events cannot be considered a simple 'family conflict,' as Jakub and Adam would like the world to believe. Salam Tazurkayev, his children and nephew, oppositionists to the Kadyrov regime, are being persecuted by their own brothers, Kadyrov, local leadership and the police.**

**For all 14 individuals involved, there is no other solution than to obtain asylum in another country.**

Reports began on 10 March 2018 that Jakub and Adam had placed a great rewards on the "heads," i.e. for the murder and presented evidence, of Israpil, Aishat and Rizvan Taev. There is a high probability that individuals in Chechnya will be searching for them to receive money and please influential people in Kadyrov's regime. Their mother and younger sister are also in danger.

Aiset has since moved in with Islam's relatives, taking advantage of the fact that her family name, Shavkhalova, differs from that of the Tazurkayevs'. The rest of Salam Tazurkayev's family are seeking asylum in Germany.

### Appendix 3. OA's story

**OA, born in 1970, a native of Central Russia, an ethnic Chechen and a resident of the Chechen Republic.**

O.A.'s family lived in the Chechen Republic after the second Chechen war. Her father died in 2013, the younger brother died in 2010.

O.A. did not get married for a long time, which pushes the Chechen woman out of society. Many men died during the hostilities, there were many who left the Chechen Republic. When in 2008 a divorced man whom O.A. did not know at all proposed to her, she was already 39 years old - the age at which many Chechen women already have grandchildren.

Under pressure from the elders O.A. accepted the offer of D.Z., born in 1962

She hoped that their relationship would improve, they would get closer, and she would have her own family. It worried her, that her husband did not introduce her to his relatives, thought every Chechen has a lot of relatives. D.Z. answered her questions sharply: he will introduce her when it's convenient.

Gradually O.A. began to establish relations with neighbors, who were also in no hurry to accept a new neighbor and did not communicate with her husband. She learned from neighbors that D.Z. doesn't maintain relations even with his mother, not to mention another relatives. It was clear that the neighbors were afraid of D.Z. and did not tell the whole truth about him.

It took quite a while before O.A. found out that she was the seventh wife of D.Z., that the wives left him because of his cruelty, one of the wives died for an unclear reason. And, in addition, he has a son from one of his previous marriages.

When O.A. tried to talk with her husband about the boy, he sharply replied that he did not like this child and did not consider him to be his. Despite this, D.Z. introduced O.A. to his son, whose name was Rizvan, but treated him coldly and even cruelly. All this very concerned OA, but she herself was already expecting a baby and did not dare to break up with her husband, hoping that with the appearance of the baby D.Z. would change. She still hoped to establish a normal family life.

However, it did not happen. After the birth of the first child D.Z. became only darker and more aggressive. He beat her, threatened to take away the child. O.A. realized, that this was a normal situation in today's Chechnya and O.A. endured everything.

In 2011, a daughter was born, and in 2013 - the second daughter.

Like a true Chechen O.A. suffered beatings and tried to maintain the appearance of the family.

In 2014, Rizvan's mother died, and the boy was brought to his father's house. O.A.

Loved her stepson, according to her, he was an affectionate and kind boy, very fond of her children, studied well at school. She had no problems with him. But D.Z. hated the son. A real nightmare began in the house. D.Z. beat his son for any

wrongdoing, beat O.A. when she tried to protect Rizvan. Even the kids got beaten by him.

O.A. understood that according to their traditions, in the event of a divorce, the children would remain with their father, and therefore she stood everything.

In 2017, she applied to the Chechnya Muftiate for a commission on family issues. She asked to help her reason her husband. But there she was told that he does not drink, does not smoke and honors the Quran. A Chechen woman was born to endure everything, obey her husband and be strong.

We also encountered such a reaction of the muftiate in other cases, when women came to us. In 2011, a woman appealed to the prosecutor's office with a complaint about the ill-treatment of her husband, the prosecutor sent her to the same commission at the muftiate, where O.A. also was. She and her husband were called to the mufti. There they had a conversation: they told her that her husband is a good Muslim, and she must obey him. Then the mufti held a ceremony of expelling Shaitans (devils) from her and asked her husband not to beat her before childbirth. That's the help that was provided to a pregnant woman, who was brutally beaten by her husband. We took her to Moscow, where she gave birth to a child. We had to hide her and her child and ask her to accept her without registration at the maternity hospital. It was a very risky situation, as doctors violated the law. Later we managed to send a woman with her baby to Norway with the support of our Norwegian colleagues, where she received asylum.

D.Z. became more and more furious, realizing his impunity. After his beatings, O.A. had to seek help from doctors. Finally, she could not stand it and in 2018 left with three children.

O.A. were hiding, moving from one friend to another, and tried to find a solution to her problem.

D.Z. sought her, and raged more and more, beating his eldest child.

In October 2018, O.A. found out that Rizvan died. According to Muslim custom, he was buried on the same day. An autopsy was not carried out, although everyone was sure that Rizvan was beaten to death by his own father.

However, one of the neighbors wrote to the police about the crime. The police and investigative authorities initiated inquiry, which required the exhumation of the boy's body, D.Z. was notified about it by subpoena. In April 2019, exhumation was carried out. However the forensic concluded that it was no longer possible to determine the cause of death. This conclusion raises some additional questions in terms of the quality of the examination, which cannot be answered.

O.A. didn't wait for any further actions of her husband and left the Chechen Republic with her children. She decided to go outside of Russia, since it is impossible to punish those who commit crimes in Chechnya and who are supported by the Chechen authorities.

It remains to be said what it was also impossible to hide anywhere in Russia because the police in different regions are closely connected. She had no choice.

People persecuted in any region of Russia cannot live in peace, because at the first attempt to obtain temporary registration, the notification will be immediately sent to their place of permanent residence. This means that she will not be able to work legally, rent an apartment or receive documents.

*“In order to assess alternative domestic protection as a real and reasonable alternative, protection must be provided by a de jure authority; the applicant must be able to have safe, dignified and legal access to the protection area within the country; conditions must meet the needs of vulnerable groups; the conditions in this area should be such that the applicant is not forced to return back to where there is a risk of serious harm on one of the convention grounds; the absence of risk of serious harm in the proposed location should be established objectively. ECRE strongly recommends that you do not use the domestic defense alternative when the state itself or people associated with the state are agents of harassment<sup>24</sup>”*  
(ECRE, March 2011)

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<sup>24</sup> [http://unhcr.org.ua/img/uploads/docs/Guidelines%20on%20the%20treatment%20of%20Chechen%20internally%20displaced%20persons%20\(IDPs\),%20asylum%20seekers%20and%20refugees%20in%20Europe%20\(2011\)%20rus.pdf](http://unhcr.org.ua/img/uploads/docs/Guidelines%20on%20the%20treatment%20of%20Chechen%20internally%20displaced%20persons%20(IDPs),%20asylum%20seekers%20and%20refugees%20in%20Europe%20(2011)%20rus.pdf)

## Appendix 4. Syrian refugees in Russia

*Svetlana Gannushkina, Konstantin Troitsky  
Civic Assistance Committee*

**Recently, the migration authorities of the Ministry of Internal Affairs of Russia have been constantly refusing asylum to the Syrians and recommending that they go back. The reason often cited by officials is that Syria is no longer in particular danger, referring to the Ministry of Foreign Affairs and the Russian Ministry of Defense. We have compiled some decisions and compared them with the latest report of the “Independent International Commission of Inquiry on the Syrian Arab Republic”, acting under a UN mandate.**

According to the UN, by mid-2014 the number of deaths because of the war in Syria was about 250 thousand people, after which, due to intense military operations, the maintenance of these statistics was stopped. There are thousands of children and women, who are dead and crippled. It is estimated, that at the beginning of 2016, more than 5 million Syrians were forced to leave their country seeking safe place to live. Most of them found refuge in Turkey (about 2.7 million as of August 2016), Lebanon (about 1.5 million as of December 2015), as well as in Jordan and Germany.

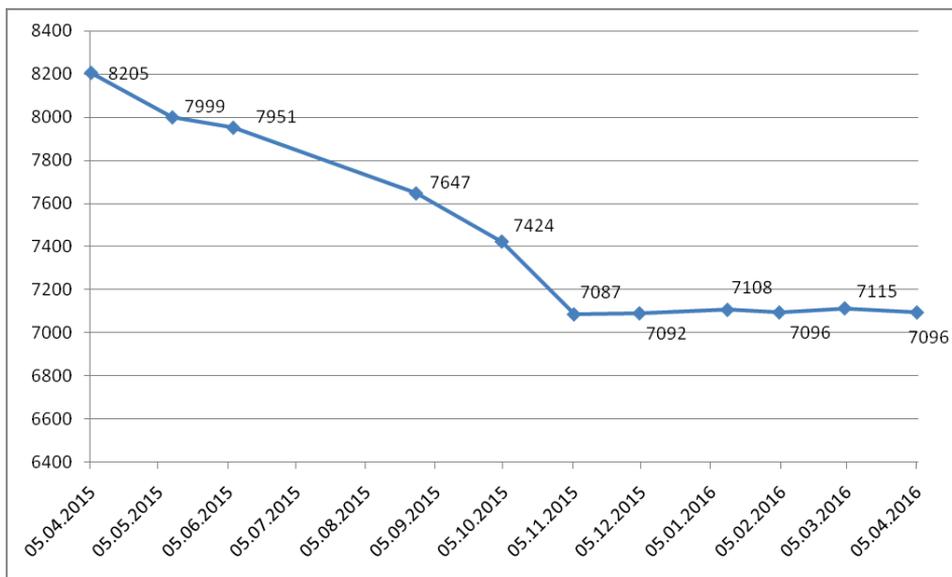
As of April 5, 2016, according to the FMS of Russia, there were 7096 Syrian citizens in the territory of the Russian Federation, the year before there were 8205 of them. This number includes embassy workers with families, and those who arrived before the conflict began to live and work in Russia permanently and did not seek asylum. Thus, the number of Syrians in Russia over the year decreased by 14%. Unfortunately, since the inclusion of the FMS in the Ministry of Internal Affairs, the publication of statistics has stopped.

The remaining Syrians can be divided into two groups: those who arrived before the conflict, but who were unable to return to get a new visa due to military conflict (refugees *sur place*), and those who arrived during the conflict. The latter include, in particular, the families of labor migrants who left for relatives in Russia after the outbreak of the conflict. Both groups have every reason to seek asylum.

During 2015, 5,5 thousand refugees, primarily Syrian citizens, left Russia and moved to Norway through a border checkpoint in the Murmansk Region<sup>25</sup>. This continued until November 2015, when Norway changed the rules for crossing the border, significantly complicating them. The Norwegian authorities sent back to Russia those Syrians who had legal status. However, most of the Syrians remained in Norway. In addition, about 500 refugees traveled to Finland in the same way. This, apparently, is associated with a decrease in the number of Syrian citizens in Russia, although there is still a small flow of Syrians to Russia.

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<sup>25</sup> <http://refugee.ru/news/dorogoj-bezhentsev/>



**Chart 1. The number of Syrian citizens in Russia (according to the FMS of Russia)**

Despite the small number of Syrian citizens in Russia, the worldwide practice of their non-refoulement, based on the recommendations of the UNHCR and human rights organizations, Russian migration authorities continue refusing them asylum. There were cases of the expulsion of Syrians to Turkey<sup>26</sup>, as well as attempts to forcibly send them to Damascus<sup>27</sup>. For the entire period of the conflict (2011-2015, there are no data for 2016), 2011 Syrian citizens applied for refugee status in Russia, but it was provided to only one of them. There were totally 4462 Syrians, who applied for temporary asylum, and 3306 got it. However, temporary asylum is granted only for a year and may not be extended. At the end of 2015, only 1,032 Syrian citizens who received temporary asylum were registered with the FMS of Russia, and only two Syrians had refugee status, one of whom received asylum long before the conflict began.

It should be noted that applying for asylum in Russia without the help of a lawyer or an NGO employee is almost impossible. Asylum seekers are simply not admitted to the procedure.

Asylum seeker visit to the migration service can end in different way.

He will be assigned an interview day, at best. Sometimes the waiting period for an interview can be a month or two, but sometimes it can last even several months. All this time a person, if he does not have a Russian visa, stays illegally in the territory of Russia. He can become a victim of any oncoming police officer who

<sup>26</sup> <http://refugee.ru/news/sirijskij-bezhenets-izbit-i-vyslan-v-turtsiyu/>

<sup>27</sup> <http://refugee.ru/news/komitet-dobilsya-otmeny-deportatsii-sirijtsev/>

either detains him for drawing up a protocol and sending him to court, or simply rob him, taking all the money found in bags and pockets. The police do not call it a search for which they should be authorized. They just want to find out if a foreign citizen has dangerous objects with him.

It is possible that they will not talk with the refugee and he will have to come many times without any result. And this is not the worst.

Officers of migration authorities, who should work with asylum seekers, call their colleagues who deliver the refugee to the police station, then a protocol is drawn up on violation of the order of stay in Russia. Then the “violator” is taken to court, where in a few minutes the judge decides to violate article 18.8 of the Code of Administrative Offenses of the Russian Federation and sentences the refugee to a fine with expulsion from Russia or without expulsion. If in general cases the judge himself decides whether to expel the person who turned to us for help, then in two metropolitan regions - Moscow and St. Petersburg - the law does not give him choice - the offender must leave Russia.

The decision on expulsion is made by the court and, as a rule, is also accompanied by placement in a special, prison type, temporary detention center for foreign citizens.

A person can be kept there for up to two years (Code of Administrative Offenses of the Russian Federation, Article 31.9. Limitation of execution of the decision on imposing administrative punishment), and he is not always given the opportunity to apply for asylum from this detention center, to appeal a negative decision in court without missing a deadline. The access of lawyers to the detention center is limited.

Unfortunately, the decision can be appealed without any prospect.

There is also a translation problem. Translators in a migration service do not have the necessary qualifications or are completely absent. Moreover, translators can be an enemy to a migrant: they can translate what the refugee said inadequately, give him bad advice, often offers to give a bribe to officers.

Therefore, it is so important that a refugee is accompanied by a member of a public organization in the migration service, so that he has a lawyer ready to come to his aid. It is also advisable to rely on the translator. The migration authorities cannot reject only the presence of a lawyer, although in accordance with the law any person can have a representative whom he trusts. As for translators, the migration authorities are ready to accept translator’s presence only if they have not had their translators for a long time.

In addition, for such a triple custody of every refugee, non-governmental organizations lack capacity. But even the participation of a representative, translator and lawyer does not guarantee that the course of events will go in the right direction.

Often, migration authorities, showing statistics on the number of applicants for asylum and those who receive it, say that the percentage of applications granted is much higher than in the countries of the European Union. It is clear from the

above that the reason for this is not a more favorable and generous attitude of Russian migration services to refugees, to Syrians, in particular, but in the absence of free access to the procedure of status determination. It means, that the screening of applications takes place before the registration of the application and they are not included in the statistics. Thus, one of the recognized human rights is violated: “Everyone has the right to seek asylum from persecution in other countries and to use this refuge” (Article 14 of the Universal Declaration of Human Rights)

In 2015, the approach to granting temporary asylum to Syrian citizens was changed by the migration services compared to 2014: the percentage of asylum seekers, even among those admitted to the procedure, fell. In 2016, according to preliminary data, the situation with obtaining asylum for Syrians in Russia became even worse, since the migration authorities are even less likely and reluctant to grant status, citing an improvement in the situation in Syria. Thus, according to our statistics, out of **82** decisions that were addressed to us during the first half of 2016 for help in obtaining asylum by the Syrians, **57 were rejected temporary asylum, 17 were rejected extension. Temporary asylum was granted only in 7 cases and was extended in 1 of them.**

Some decisions to refuse to grant refugee status can subsequently, in rare cases, be challenged in court by lawyers, but in general the situation looks very depressing. At the same time, in 2014, the ECHR had already decided that Russia was violating the European Convention for the Protection of Human Rights and Fundamental Freedoms and awarded three Syrians compensation for illegal detention and the real risk of being subjected to ill-treatment of 9 thousand euros<sup>28</sup>.

The last report was published in September 2016 “The Independent International Commission of Inquiry on the Syrian Arab Republic”<sup>29</sup>, which was compiled by the UN Human Rights Council based on a study conducted from January 10 to July 20, 2016.

We decided to compare the data from the report with typical wordings of decisions of the migration authorities on refusals to grant asylum to Syrian citizens for the same period. Typicality means that the quoted excerpts with minimal variations are not found in one or two refusals of asylum but repeated over the course of months in dozens of cases. As a rule, notifications of refusal to extend temporary asylum say the following: «the extension of temporary asylum is rejected as the grounds on which it was granted no longer exist.»

Let’s check, if it’s true.

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<sup>28</sup> <https://hro.org/node/19660> , <https://www.rbc.ru/rbcfreenews/561f879e9a7947d4d58f9294>

<sup>29</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/33/55](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/55)

## Torture in Syria

Migration authorities often refer in their rejection to grant asylum to the fact that in a case there is no risk of torture, and if there is one, it refers to the members of government forces and to certain minorities. In one of the decisions on the refusal to extend the temporary asylum issued by the FMSD in the Moscow region on January 28, 2016 to citizen A, it is stated:

*“According to the Russian Ministry of Foreign Affairs, from the beginning of the armed stand-off, the main risk group being targeted by the militants includes, first of all, army officers, special services and police, the leadership of the ruling Baath Party, public and religious figures who actively support the regime. Representatives of religious (Alawites, Christians, Druze) and ethnic minorities (Armenians) are seriously affected by the actions of the rebels. Regarding the practice of torture, according to the available information, the above mentioned groups may become its victims.”*

However, the report of the Independent International Commission of Inquiry on the Syrian Arab Republic indicates the systematic use of torture by government agencies as well: *“The use of torture by government forces, its intelligence and security, has been documented by the Commission since its inception. It is practically impossible to find people who were detained by the government and not subjected to cruel torture.”* The detention itself is not always associated with the participation in armed resistance, as «some victims were arrested because they were activists or were suspected of insufficient support from the government.» The prison conditions themselves, according to the report, are appalling: *“Former prisoners reported a lack of food, water, facilities, sleeping facilities, and low levels of hygiene and medical care. Cases of head lice and wound infections are regularly reported. One of the detainees, who had been held in the Hama prison for more than three years, said that during his detention he had lost more than half of his weight. A woman detained in Dayr al-Zaur in 2015 reported that her weight was so low that her periods stopped.”*

## Danger to women

Some officials of the Russian migration services recommend that not only men but also women return to their motherland in Syria. Moreover, even pregnant women. For example, on March 4, 2016, a Syrian citizen B, being at the 6th week of pregnancy, was refused a temporary asylum from the Federal Migration Service in the Moscow Region, which specifically stated that she *“did not provide data that would indicate that the risk of becoming a victim of persecution is higher than that of the rest of the Syrian population. Life’s difficulties are experienced by almost the entire population of the country. The unwillingness of the Syrian people to return to their motherland is justified by the poor economic and humanitarian*

*situation in their motherland.*” It should be noted that the author of this extremely cynical decision is a woman.

The Commission’s report on the contrary points to the vulnerability of women in Syria. This is confirmed by cases documented by the commission when *“women were raped by government officials during interrogations in detention centers controlled by government intelligence agencies.”* *In the territories controlled by some anti-government groups, slave markets were organized: “Thousands of Yezidi women and girls, some of whom are only nine years old, are sold in slave markets in the provinces of Raqqah, Aleppo, Homs, HaSaka and Dayr ez-Zaur,”* and here is also forced marriages in some areas.

It is even more dangerous for pregnant women to be in Syria. And not only because of a shortage of medicines and necessary specialists, but also because the maternity hospital is attacked and bombed. For example, on February 15, 2016, that is, shortly before the adoption of the decision in case B, *“pro-government aircraft fired at a street near a maternity hospital in Azaz in the northern part of Aleppo province. About five civilians died near hospital area, including two security guards who worked there. ”* Another case recorded by the commission: *“On May 3, an armed group located in the Bani Zeid in Aleppo launched a missile attack on areas around the Al-Dabbit maternity hospital in Al-Muhafaz. The facade of the hospital and the surrounding commercial buildings were destroyed. About 15 people were killed, including 3 people in the hospital. 20 people, including employees of the hospital, were injured. Soon after, the maternity hospital was closed.”*

Women and children become targets in large-scale hostage-taking cases: *“Armed groups, including those recognized as terrorist groups, take hostages for the exchange of prisoners of war or for ransom. Women and children are especially vulnerable to hostage taking, as families tend to quickly get money to pay ransoms or put pressure on opposing forces to organize prisoner exchanges.”* The report also includes cases of abductions and arrests organized by government forces when members of «families of men who are suspected of participating in hostilities against the government» are captured.

### **Danger to children**

Refugees from Syria with children are also rejected asylum in Russia. So, citizen X requested that he and his son (born in 2014) and daughter (born in 2007) temporary asylum. However, on May 12, 2016, a migration officer considered that *“the main reason for X to apply to the FMS of Russia in the Moscow Region with an application for temporary asylum in the Russian Federation is his desire to work in the Russian Federation”*. So, the officer decided to reject asylum to a Syrian citizen and his minor children.

The report says about cases of violence and numerous casualties among children in Syria, as well as an extremely unfavorable and dangerous situation

with children's rights in this country: *"Syrian children continue to be victims of offenses committed by all warring parties. "They constantly live in conditions of unbearable violence and suffer from constant, numerous and often untreated emotional injuries."* For example, on the same day that the negative decision was made, that is May 12, 2016, the following event happened in Syria: *"four girls and a 13-year-old boy were killed during the capture by the group " Jabhat an -Nusra ", the teams of "Al-Tawhid "and" Ahrar al-Sham "of the village of Zara in Hama. There are 17 individuals who are still reported missing, 8 of them are children. Many other children were injured during the capture, including a 4-year-old girl and a 16-year-old boy with DS. A 15-year-old girl described how she was shot in the arm while trying to escape from the village with her 6-year-old sister. " Shortly before, on May 5, 2016, "three children died in a temporary school in the Kamuna camp for internally displaced persons in Idlib."* According to the witness, *"the bodies of the victims were burned beyond recognition."*

Minor children are recruited by certain groups of radical Islamists: *"From April to May, hundreds of children were recruited by Jabhat al-Nusra and Jund al-Aqsa in Idlib, Hama and Aleppo, many of whom were under the age of 15".* Cases of recruitment of minors are also encountered by government forces: *«In government-controlled areas, People's Committees and National Defense Forces reportedly recruit minors into their ranks and send them into battle without any military training.»*

To all other disasters, there is also an increase in infectious diseases:

*«Cases of children with tuberculosis, cholera, meningitis and polio have reappeared due to the inability of medical services to conduct full-scale vaccination campaigns.»*

### **Shakiness of agreements reached**

Since March 2016, when making decisions on refusal of asylum, migration authorities began to refer to the ceasefire process, despite the fragility and constant violations of the above mentioned process. At the same time, the report of the Ministry of Defense of the Russian Federation dated March 18, 2016 was duplicated in the decisions of the migration authorities for several months. So, in the decision of the FMS for the Moscow Region dated June 15, 2016, it is stated: *"According to the Ministry of Defense of the Russian Federation dated March 18, 2016: The process of concluding a truce is actively ongoing. In total, 43 application forms were signed with the leaders of the armed forces of the "moderate opposition" on the cessation of hostilities..."* and some details are listed below, including humanitarian assistance. All this is put forward in the decision of the FMS as a justification for the conclusion that *"there are no humane reasons requiring an opportunity to temporarily stay in the territory of the Russian Federation"*.

The Independent International Commission of Inquiry on the Syrian Arab

Republic doesn't not see eye to eye with the FMS of Russia. The Commission's report states that, despite the agreements reached in February, *"since the end of March there has been a clear escalation of hostilities, with dire consequences for civilians."* The report dispels the myth of the absence of threats in places that are under the control of government forces. Only at the end of March 2016 there were several egregious cases that demonstrate the precariousness of the agreements reached and the continuing danger to civilians.

*"On March 23, five ISIS suicide bombers blew themselves up in various places in the city of Jabla in the province of Latakia,"*

*"On March 25, a sniper killed Dr. Mohammed Hus when he left Zabadani Field Hospital in Rif Damascus. In addition, snipers attacked those who tried to save him. Dr. Hus was reportedly the last doctor at the Zabadani hospital. It is reported that civilians died from wounds received as a result of sniper shelling in Zabadan due to a lack of doctors and medicines in the hospital."*

*"On March 31, attacks by pro-government forces in Dayr al-Asafir, an area near Damascus controlled by anti-government groups, hit the school, hospital, and mosque. At least 31 people were killed, including three children and their parents."*

In general, the report states that it's not safe in Syria at all, the law is almost never valid: *"Outside the battlefield, civilians and non-combatants continue to disappear, become hostages, are tortured and sexually assaulted, often in custody. The characteristic features of this bloody conflict remain unlawful killings, including deaths in places of detention and summary executions."*

Russian officials write the opposite in the refusals, referring to other and especially optimistic in their reviews about the situation in Syria, but would they be ready to send their friends and relatives there?

Probably, in this case, they would have relied on recommendations to Russian citizens of the Russian Foreign Ministry, which also indicates the danger of being located exactly throughout Syria. After all, in the section that "operates in a regular update mode<sup>30</sup>", the official website of the Russian Foreign Ministry, states: *"Due to the fact that there is a civil war in Syria, accompanied by violence against civilians and terrorist attacks, it is not recommended to visit the entire territory of the country"* So - no, apparently, they would not send their friends and relatives, and they would also say that it is dangerous there.

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<sup>30</sup> [https://sos.mid.ru/countries/-/asset\\_publisher/xDkex51VuOSj/content/siria](https://sos.mid.ru/countries/-/asset_publisher/xDkex51VuOSj/content/siria)





## **Appendix 5**

**Civic Assistance Committee**

### **REPORT**

**Protection of the Rights of Residents of North Caucasus  
Who Serve Sentences in the Russian Penal System  
(2015 – 2018)**

Compiled by: Olga Chmurova  
Edited by: Svetlana Gannushkina

**Moscow  
November 2018**



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**Abbreviations in the text:**

EPKT - Solitary penal ward (*Edinoe pomeshchenie kamernogo tipa*)

PF – Penitentiary facility (*Ispravitel'noe uchrezhdenie*)

PC – Penal colony (*Koloniya/Ispravitel'naya koloniya*)

Committee – Civic Assistance Committee (*Komitet «Grazhdanskoe Sodeistvie»*)

Convention – Convention for the Protection of Human Rights and Fundamental Freedoms

MLS - Detention facilities (*Mesta lisheniya svobody*)

ONK - Public Monitoring Committee (*Obshchestvennaya nabludatel'naya kommissiya*)

PKT - Penal ward (*Pomeshchenie kamernogo tipa*)

SUS/SUON - Strict detention conditions (*strogie usloviia sodержaniia/otbyvaniia nakazaniia*)

CC RF - Criminal Code of the Russian Federation (*Ugolovnii kodeks*)

PC RF - Penal Code of the Russian Federation (*Ugolovno-ispolnitel'nii kodeks*)

UIS - Penal/penitentiary system (*Ugolovno-ispolnitel'naia sistema*)

FSIN - Federal Penitentiary Service (*Federal'naya sluzhba ispolnenie nakazaniia*)

ShIZO - punishment cell (*Shtrafnoi izoliator*)

SIZO - pre-trial detention center —also called “investigative isolator” (*Sledstvennii izoliator*)

## INTRODUCTION

The report “Protection of the Rights of Residents of North Caucasus Who Serve Sentences in Russian Penal System (2015-2018)” sums up the work of the Civic Assistance Committee’ project for three years and aims at drawing attention of the public and authorities to issues of human rights violations of prisoners from the republics of North Caucasus.

The report is based on the results of the work of the Civic Assistance Committee’s project which was implemented since 2011 and aims at:

- protection and prevention of discrimination on ethnic and religious grounds of prisoners from the republics of North Caucasus who serve their sentences in detention;

- development of public control over penitentiary institutions,
- analysis of national and cultural needs of North Caucasus’ residents,
- humanization of the penal system as a whole.

The report describes this group of detainees as prisoners or convicts.

Since 2011, the Committee’s employees receive and verify information on human rights’ violation of North Caucasus’ residents in the RF penal system; identify and analyze reasons for ineffective investigation of human rights’ violation of the said group of prisoners. Lawyers and advocates invited to implement the project, conduct public investigations based on the convicts’ allegations and represent their interests before national authorities and European Court of Human Rights. Thanks to the project, it became possible to influence discriminatory policies prevailing in a number of Russian penal colonies by taking measures to protect prisoners’ rights and make public the fact of systematic violations of their rights.

The proposed report is the second one based on the project materials. The first report “On the situation of Chechen Republic and the Republic of Ingushetia residents in the Russian penal system” covered the period from September 2011 to August 2014 with regards only to residents of Chechnya and Ingushetia. Such choice was due to the fact that discrimination in the penitentiary system was primarily towards the Chechen and Ingush<sup>31</sup>. This was the result of two Chechen wars and employing by penitentiary system a large number of employees who had participated in hostilities. However, as time passes, the situation changed, and we began to receive applications from other North Caucasian republics, which prompted us to expand geographical boundaries of the project. The report will allow us to consider in dynamics whether the state takes measures to solve the

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<sup>31</sup> Report “On the situation of Chechen Republic and the Republic of Ingushetia residents in the Russian penal system”//Civic Assistance Committee <https://refugee.ru/wp-content/uploads/2015/04/Doklad-GS-2011-2014-ITOGOVIYJ.docx> [http://refugee.ru/wp-content/uploads/2015/09/prison-report\\_eng.pdf](http://refugee.ru/wp-content/uploads/2015/09/prison-report_eng.pdf)

systemic problems of prisoners from the republics of North Caucasus.

While preparing the Report, we used material and information from the Civic Assistance Committee and other Russian human rights organizations, public data from state authorities and mass media.

It is important to note the conditions for the project's implementation. At the beginning of the reporting period, the project team consisted of three coordinators who worked in Moscow, Grozny and Nazran, each of them received and processed information from prisoners and their relatives from different parts of the Russian Federation and prompted responses in case of violation of their rights. In recent years, the situation of human rights defenders has noticeably worsened in North Caucasus due to general tendency to suppress citizen activism. On January 9, 2018, on apparently fabricated charges, Oyub Titiev, the project coordinator in Grozny, was detained and accused of illegal acquisition and possession of drugs. At present, the case is under investigation. On the night of January 17, 2018, the representative office of Memorial Human Rights Centre was set on fire in Nazran, where the third project coordinator worked. After the arson, the work continued, but with great difficulty, due to the lack of premises, office equipment and partial destruction of files<sup>32</sup>.

However, over the years of the project work, awareness was raised, victims' complaints against ill-treatment began to come directly to Moscow coordinator and also by mail and e-mail to the Committee's address and the head of the organization. As practice shows the demand for the project does not decrease, despite difficulties of its implementation.

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<sup>32</sup> Alternative Report of the Coalition of Russian Human Rights Defenders to UN Committee against Torture C. 8 //Public Verdict Foundation <http://police-barometer.ru/cat-report-2018?fbclid=IwAR2RakCnaJH0r7FIIIk2EKX79HakYp4JvX9CgXAAue9A6pnNdNbimmkpMco>

## I. PROBLEM STATEMENT

We will once again indicate the reasons for the Committee's project to be exclusively dedicated to residents of North Caucasus, despite the fact that violation of convicts' rights who serve their sentences in prisons can affect any prisoner.

The experience of lawyers and public activists in this field shows that probability of violation of human rights of people from the republics of North Caucasus is extremely high. There is a tendency to tacit discrimination of this group of prisoners. We see at least two main reasons for this.

The first reason, as it was already mentioned, is associated with echoes of the Chechen wars, which left a negative imprint in the minds of Russian citizens and security forces. Some members of the penitentiary system are former participants in these wars. "People in military uniform" are hostile towards natives of Caucasus. Military actions have caused serious psychological damage to both sides of the conflict. The rehabilitation of participants in hostilities was either not carried out at all, or was carried out at an insufficient level, which in itself is a serious problem. For a former representative of the federal forces, the Caucasians appear to be members of illegal armed groups, i.e. enemies. Their subordinate position causes unrestricted aggression, creates a situation of potential threat of violence against convicted natives of North Caucasus. The situation is aggravated by the lack of proper control over the actions of the penitentiary system staff.

The second reason appears from a declared policy of active fight against terrorism, pursued over the past 20 years. The fight against terrorist threats has taken the form of absolute disregard for the law. A crucial role plays, as usual, reporting of law enforcement agencies, based on number of allegedly prevented terrorist acts and exposed criminals. As a result, imprisoned are both those who actually took part in armed resistance and those who have nothing to do with it.

For many years, the Committee and relevant human rights organizations, first of all Memorial Human Rights Centre, have continuously monitored human rights violation in North Caucasus. They systematically record abductions of citizens by security forces, use of torture towards them, falsification of criminal cases against public safety, and murders.

Besides, violation of human rights of North Caucasus residents in the penitentiary system has additional features related to religion. Misunderstanding of penitentiary service representatives of national-cultural characteristics, causes intolerance towards prisoners and hostility towards Caucasians. Penal colonies' staff is hostile towards Islam because of drawing a parallel with radical Islamist movements, perceiving Muslims from North Caucasus republics as ideologically radical Islamists, and have a common negative attitude towards this category of

convicts. As a result of general intolerance and lack of understanding of the needs associated with Islam, prisoners are subject to discrimination due to their religious identity and ethnicity.

It should also be noted that the majority of North Caucasus residents serve sentences thousands kilometers away from home. In accordance with Article 73 of Penal Code, a convict should serve his sentence in that territorial entity of the RF where he lives. This rule gives him an opportunity to communicate with relatives. However, in 2005, part 4 was added to this article with exceptions for convicts under certain articles of the Criminal Code<sup>33</sup>. Among the articles are those that are usually incriminated to North Caucasus residents. Communication of convicted Caucasians with the outside world is intentionally limited. They are in complete isolation and dependence on prison officials, who in fact, have unrestrained discretion concerning these prisoners. In such circumstances, people from North Caucasus are discriminated against in prisons without any rational goal and, accordingly, are one of the most vulnerable groups among convicts.

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<sup>33</sup> It is possible that it was done in connection with conviction of M.B. Khodorkovsky.

## II. LEGAL ASPECTS

Legal status of prisoners from North Caucasus republics, like any other prisoners, is determined by the European Prison Rules, Convention for the Protection of Human Rights and Fundamental Freedoms, Constitution of the Russian Federation, Penal Code of the Russian Federation, Federal Law “On custody of suspects and accused of committing crimes”, Internal Regulations of SIZO and penitentiary facilities, and other documents.

### European Prison Rules

*Freedom of thought, conscience and religion*

*29.1. Prisoners’ freedom of thought, conscience and religion shall be respected.*

*29.2. The prison regime shall be organised so far as is practicable to allow prisoners to practise their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs.*

**The Constitution of the Russian Federation** provides for prohibition of discrimination based on nationality in any form and guarantees equality regardless of nationality, language, origin, religion, etc.

*Part 2 Article 19 of the Constitution of the Russian Federation:*

*The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership of public associations, or of other circumstances. All forms of limitations of human rights on social, racial, national, language or religious grounds shall be prohibited.*

*Part 2 Article 29 of the Constitution of the Russian Federation:*

*Propaganda or agitation, which arouses social, racial, national or religious hatred and hostility shall be prohibited. Propaganda of social, racial, national, religious or linguistic supremacy shall also be prohibited.*

*Part 2 Article 14 of the Constitution of the Russian Federation:*

*Religious associations shall be separate from the State and shall be equal before the law.*

**Federal Law “On custody of suspects and accused of committing crimes”**

*Article 4. Principles of Detention*

*Detention is carried out in accordance with the principles of legality, justice, presumption of innocence, equality of all citizens before the law, humanism, respect for human dignity, in accordance with the Constitution of the Russian Federation, principles and norms of international law, as well as international treaties of the Russian Federation and should not be accompanied by torture, other actions aimed at causing physical or moral suffering to the suspect and those accused of committing crimes in custody (hereinafter - the suspects and the accused).*

### **Penal Code of the RF**

*Article 14. Providing freedom of conscience and freedom of religion of convicts*

*To convicted persons are guaranteed freedom of conscience and freedom of religion. They have the right to profess any religion or not to profess any religion, to freely choose, have and spread religious beliefs and act in accordance with them.*

**Convention for the Protection of Human Rights and Fundamental Freedoms** reads that although the right “to freedom of thought, conscience and religion” it is not absolute; interference in it must be provided for by law, meet legitimate goals, be proportionate and necessary in a democratic society.

In accordance with the Convention and established practice of the European Court of Human Rights, *the right to freedom of religion gives rise to the positive duty of the state to ensure or facilitate the realization of this right, and not create obstacles to its realization.*

### III. STATISTICS

According to the Alternative Report of the Commissioner for Human Rights in the Russian Federation submitted to the UN Committee Against Torture in 2018, *“According to the Ministry of Justice of Russia, following the results of 2017 ... criminal cases were initiated against 289 employees of the penitentiary system. 18739 acts of prosecutor’s response are added, among them 2618 acts relate to the observance of human rights in penitentiary institutions, 6465 employees were brought to responsibility for violation of legitimacy and human rights in penal institutions, including administrative penalties imposed on 19 people, criminal penalties - on 77 people, disciplinary ones – on 6302 people<sup>34</sup>.”*

According to data published by MediaZona, Russia in the report to UN Special Rapporteurs on extrajudicial executions, torture and ill-treatment, stated that 227 employees of Federal Penitentiary Service of Russia (FSIN) were convicted for offences committed while on duty in 2017, at the same time the letter did not specify committed crimes<sup>35</sup>.

Official statistics of the authorities, released to public, doesn’t give an opportunity to evaluate how many FSIN officers were convicted due to use of torture, physical or psychological pressure on prisoners. At the same time, it is known that, most often, penitentiary facilities’ staff are held accountable not for violating the rights of prisoners, but as a rule for crimes of corruption nature.

Nevertheless, the Committee’ statistics gives some general idea of the ratio of the number of complaints filed to the authorities in the interests of prisoners from North Caucasus republics and number of violations found, i.e. criminal cases and prosecuted FSIN officers.

The problem of xenophobic ill-treatment and national hostility still remains relevant. During the reporting period, the Committee received at least 2000 complaints from prisoners and their relatives with complaints against violation of their human rights, due to their national or religious affiliation, from more than 40 territorial entities of the RF that belong to all federal districts, with the exception of North Caucasus Federal District. The largest number of complaints came from Krasnoyarsk, Kemerovo, Tomsk and other remote regions of Russia, the Republic of Mordovia and Perm Territory.

40% of complaints received were related to use of physical and psychological

<sup>34</sup> Alternative Report of the Commissioner // Commissioner for Human Rights in the Russian Federation // [http://ombudsmanrf.org/news/novosti\\_upolnomochennogo/view/alternativnyj\\_doklad\\_upolnomochennogo\\_predstavlen\\_komitetu\\_oon\\_protiv\\_pytok](http://ombudsmanrf.org/news/novosti_upolnomochennogo/view/alternativnyj_doklad_upolnomochennogo_predstavlen_komitetu_oon_protiv_pytok)

<sup>35</sup> 227 employees of Federal Penitentiary Service of Russia (FSIN) were convicted...//MediaZona// <https://zona.media/number/2018/09/17/fsin-number>

violence by employees of the penitentiary system;

about 50% of complaints were on violation of right to religion;

45% - failure to provide medical care;

35% - placement in isolation wards;

70% - a request for counselling together with main complaints;

(transfer from one institution to another, search for relatives after their transfer from SIZO and other facilities, regime of detention and convicts' rights, revision of a sentence, release on parole, material aid, etc.)

It should be noted that appeals, as a rule, include complaints about several violations at the same time, for example, discrimination and humiliation based on nationality, violation of the right to religion, physical violence, lack of medical care, placement in a punishment cell on unsubstantiated grounds, poor nutrition, inadequate conditions, etc.

While protecting prisoners in national authorities, the Committee sends appeals, where among other things, gives explanations about national, cultural and religious characteristics of prisoners, thereby contributing to enlightenment of government officials. For most of the requests, the Committee receives responses from authorities that no violation was found during the review. At the same time, feedback from prisoners shows that the appeals of the Committee have a positive effect: penal colonies' staff realizing that a particular convict is under the control of a human rights organization, stops illegal actions against him.

For 170 cases, successful result was achieved (a criminal case was initiated, the colony refused to transfer the convict to a regime of detention, the convict was sent to hospital for treatment, etc.)

In some cases, the Committee protects detainees' rights at the European Court of Human Rights (ECHR). During implementation of the project, on the initiative of the Committee, 12 applications were lodged with ECHR (the Court), among them violations were found in 5 cases, 6 applications are under the Court consideration and 1 application was declared inadmissible.

For four complaints, the Court found violations of Articles 3 and 13 of the Convention due to failure to provide adequate conditions of detention and necessary medical care to people with disabilities, and due to the lack of effective remedies. All applicants had disabilities of the first and second category, three of them are in a wheelchair; the fourth one had his leg amputated. The applicants were

awarded compensation from 4,300 to 15,000 euros.

*“The European Court noted that applicants who suffer from various diseases were detained in inadequate conditions that did not meet their special needs. The Court refers to the principles laid down in its case law regarding conditions of detention of disabled prisoners and reiterates that in cases where the authorities decide to detain people with disabilities, they should take special care in ensuring conditions of detention to meet specific disability needs. The Court found no facts or arguments that could convince it to reach a different conclusion regarding admissibility and merits of these complaints. Taking into account its case law on this issue, the Court considers that in the present case the conditions of the applicants’ detention, aggravated by their special needs, represent «inhuman and degrading treatment» within the meaning of the Convention. The Court also finds that the applicants did not have at their disposal an effective remedy in respect of these complaints.”*

The fifth complaint about violation of the applicant’s rights to medical care - a cancer patient with stage 4 cancer, was declared inadmissible. At the same time, the Court noted that *“... the state failed to comply with the interim measure, the purpose of which was to enable the Court, following appropriate independent medical opinion, to respond effectively and, if necessary, prevent infliction of further anguish of body and mind on the applicant. Accordingly, the Court concludes that the state failed to comply with the interim measure indicated by it in the present case in accordance with Rule 39, in violation of its obligation under Article 34 of the Convention.”*

*“The Court notes that the applicant complains that he did not have cancer operation. It was not disputed by the parties that the applicant needed the operation and repeatedly refused it from 2013 to 2016. There is no doubt that refusals of treatment were reasonable and genuine. The applicant explained that he had no confidence in prison doctors. However, the Court cannot accept this argument, since it does not see shortcomings on the part of medical authorities that could justify such a mistrust of medical workers.”*

Currently, six complaints are pending before the European Court:

- Two complaints under Article 3 of the Convention regarding prisoners with disabilities who are not provided with adequate medical care, and are denied release due to their medical condition. A prisoner has a severe form of tuberculosis, another one suffers from HIV infection. In both cases, adequate medical care in prison condition cannot be provided. Both illnesses are included in the list of illnesses that prevent from serving sentences.

- Two complaints under Article 8 of the Convention in connection with the remoteness of the place of serving a sentence from the place of residence

of relatives for 3000 thousand km. One of the applicants is sentenced to life imprisonment.

- A complaint under Article 6 of the Convention, which guarantees the right to a fair trial. The Committee's lawyer approached the court of the first and second instance for the applicant, against who the criminal case was fabricated while he was serving his sentence for giving bribe. Despite the fact that there was no evidence in the case file, the applicant was found guilty and sentenced to additional 7 years in prison.

- A complaint under Article 2 of the Convention, which guarantees the right to life. The case of disappearance of one of the applicants' son. This case directly did not relate to violations in the penitentiary system. L.T. was the applicant; her two sons were serving their sentences the Vladimir and Sverdlovsk regions accordingly. There was some aid provided with regards to terms of their detention. The application was lodged with ECHR on disappearance of her third son, who had disappeared without a trace after being detained by security forces during the second Chechen war.

## **IV. Systemic violation of detainees' human rights**

**The committee considers all complaints received from prisoners from North Caucasus and their relatives, however the priority is given to complaints where it is clear that there is a threat to human health and life. Describing forms of violation, we give examples typical for them. Of course, the report does not share all details of our applicants' stories. Besides, for security reasons, we do not share full names of participants.**

### **Torture, cruel and degrading treatment on the grounds of racial and religious intolerance.**

Civic Assistance Committee continues to receive information on cases of torture, cruel and degrading treatment of convicts. Analysis of dynamics of cases of violence against natives of North Caucasus in Russian penitentiary system shows that the number of such cases does not decline. This is still connected with the general situation of intolerance towards representatives of North Caucasus republics, desire to break and suppress their will, to humiliate a human being.

During the project, cases of violations of detainees' rights have been monitored; for that, Hot Line was operated and allowed to monitor such cases and respond promptly. The experience of human rights organizations proves that effective mechanisms for conducting inspections and investigating complaints of those who undergo torture and cruel treatment are absent in Russia. Investigation of cases of torture towards natives of North Caucasus confirms this fact in the highest degree.

#### Case of E.R.

*E.R., a native of Chechen Republic, who was sentenced to 15 years of imprisonment, for establishing a stable armed group, was sent to serve time in Vladimir region. Since 2012, the Committee protects his human rights. The colony staff expressed an acute negative attitude towards him. The applicant is disabled, while in detention suffered a stroke, a heart attack, the right side of his body was paralyzed, he loses his eyesight, and almost no one cares for him, in spite of the fact that he is significantly limited by his physical abilities. In August 2014, on his behalf an application was lodged with the European Court; and in November 2017 the Court issued a decision and found violation of the applicant's rights contradicting Articles 3 and 13 of the Convention and awarded a compensation, so that admitted the fact of degrading conditions of the applicant's detention.*

*Despite the ruling of the Court, the applicant's situation has not improved; in July 2018, for an unknown reason, he was sent away to serve his sentence even in a more remote region. During a meeting with a lawyer, E.R. reported that he became*

*victim of sexual violence: “Upon arrival to the PC, I, practically a paralyzed man, was dragged to a basement by six masked men and they started beating, hitting me on the head, stepping on the face, they sharpened my upper molar with a metal file, shoved needles under my toenails, making the toenails blackened, made me chew sheets of paper torn from the Koran, accompanying it with insults of religious beliefs and faith. Everything that happened was filmed for passing on to people unknown to me. All this time I shouted, periodically fainted. However, they poured water on me so that I regained consciousness and the torture continued. After that, unidentified officers of security forces offered me to confess to crimes that I did not commit ...”*

*According to the information received, a petition was filed to open a criminal case.*

*We continue working on the case of E.R.*

### **Fabrication of Criminal Cases**

As a result of “counterterrorism” policy, often imitated, many of prisoners in question were put on trial, subjected to torture in order to receive confessional evidence of self-accusation, and then were deprived of liberty for a long term. They are a priori considered to be especially dangerous criminals who, upon arrival at correctional facilities, are put on preventive registration, as prone to violation of the regime of detention and escape, they experience very negative attitude from others. Representatives of human rights organizations systematically establish facts of fabrication of criminal cases against this category of prisoners, including the time of their detention. We can divide the cases in several groups.

For crimes against public safety (terrorism, banditry, etc.), in order to improve the statistics on solving crimes of a particularly serious nature, a convicted person is prosecuted again by extracting confessions or forcing him to give false testimony against other people.

#### **Case of B.G.**

*In 2018, the mother of convict B.G., a native of the Republic of Dagestan, who serve time in Kemerovo region, approached the Committee to share that her son was threatened with sexual violence and beaten by FSB officers in order to extract confessions and slander others. In May 2018, the Committee’s lawyer visited B.G., who confirmed his complaints and said that under pressure he had signed false testimony, where he had incriminated himself and other people. In June 2018, in Moscow District Military Court, B.G. participated in court session along with the Committee’s lawyer and recanted his earlier statements. The pressure on B.G. ceased, the Committee continues to follow his case.*

Since the said group of detainees is vulnerable, the employees try to manipulate and use these convicts in order to make them slander others or take the blame of new crimes upon themselves. The prisoner's resistance against such actions may result in fabricating new criminal charges against him.

#### Case of U.M.

*In 2018, convicted U.M.Y., a native of Chechen Republic, who serves a sentence in Perm Territory, approached the Committee and reported that prison officers forced him to intentionally making a false statement against the head of the medical unit, otherwise they threatened to open a criminal case against him. He refused, and as a result, a criminal case was opened against him for bribing the head of the medical unit.*

*The Committee's lawyers examined the case and found that U.M. was absolutely innocent. The Committee's lawyer defended U.M. in court, and despite the work, the court found U.M. guilty and sentenced him to 7 years in prison in addition to the previous term. With regards to the case an application was lodged with the Court under Article 6 of the Convention on violation of the right to a fair trial.*

The convicts who demonstrate integrity and resilience, demanding to observe their rights and, along with a lawyer strive to protect their violated rights, find themselves under real risk of legal proceedings being initiated against them for knowingly false denunciation, disorganization of activities of the correctional institution, etc.

#### Case of Kh.G.

*Kh.G., a native of Chechen Republic, was sentenced to 3 years in prison. In 2016, he arrived to serve his sentence in the Republic of Karelia. He told the lawyer that from the moment he arrived at the colony, he was subjected to violence - he was beaten on the heels with a wooden hammer, his head was dipped into the toilet, he was handcuffed to the heating pipe, he was taken to an isolation ward and his time there was repeatedly extended. The colony staff put lard into his food and a dirty floor-cloth on the Koran, they put the Koran in a puddle of soup.*

*In December 2016, in the interests of Kh.G. appeals were sent to authorities and the Commissioner for Human Rights in the Russian Federation, who visited Kh.G. in December, and he confirmed his complaints.*

*On January 30, 2017 against Kh.G. a criminal case was initiated under Part 2 of Article 321 of the Criminal Code (disorganization of the correctional institution's activities: he allegedly threw two plates at the colony employees, and hit one of them, causing physical pain. On March 15, 2018, the court sentenced*

*Kh. G. to 1 year 8 months of imprisonment. At that time he had to serve 4 months of imprisonment on the first sentence; as a result of additional sentence, the remaining term became 2 years. The case was examined according to special procedure, i.e. with a confession of guilt and out of court. Kh.G agreed to a special procedure, because he did not hope for a fair sentence, and such an order did not guarantee him more than 2/3 of maximum of possible sentence under this Article. The applicant refused to appeal against the sentence<sup>36</sup>.*

### **Medical Care**

Prisoners' complaints about poor medical care are among the most numerous. Prisoners complain about failure to provide medical care or inadequate one; doctors refuse to treat people subjected to beating; placement in isolation wards without taking into account the state of health; lack of medicine and single-discipline specialists, etc.

Since 2013, a new organizational structure of medical institutions was introduced to the Federal Penitentiary Service of Russia, which represents a single centralized system that includes a structural unit of the Federal Penitentiary Service of Russia, which directly controls 67 territorial medical and sanitary units. That is, the employees of medical and sanitary units are removed from the subordination of the heads of the colonies, SIZO, and UFSIN.

According to human rights community, this reform has not changed the situation. Despite the fact that the medical units of the colony are not formally subordinate to the head of the institution, they are still in their actual dependence. Human rights activists keep reiterating that one of the main problems in the field of medical care is dependence of medical workers on the administration of correctional institutions, a prisoner's access to medical care depends on the will and decision of the penal colony's administration, and not on medical indications or doctor's instructions. The institution administration uses refusal to provide medical care as one of instruments of pressure, humiliation and torture. If the institution administration decides that the prisoner should be placed in a punishment cell, he will be put there regardless of the state of his health and medical staff will allow it.

#### **Case of M.R.**

*M.R., who is a native of the Republic of Dagestan serves his sentence in the colony of Vologda region, suffers from epilepsy and should take anti-epileptic drugs for life. His relatives approached the Committee with a complaint that while his serious disease was progressive, there was no adequate medical care; PC administration refuses to conduct an additional medical examination.*

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<sup>36</sup> Territory of torture // <https://stop-torture.info/?s=Gabzayev>

*In 2017, the Committee lawyer visited M.R. In order to put pressure on M.R. and make him give up his complaints and legal aid, they stopped to provide him with medicine and that provoked a severe epileptic seizure. The critically ill patient was sent away to an outside hospital.*

*The project staff sent complaints and applications to the prosecutor's office, UFSIN of Vologda region, and FSIN RF requesting to check actions of the staff of the correctional institution and punish offenders. Also a report on the crime was sent to the Investigation Department of RF Investigative Committee for Vologda region.*

### **People with Disabilities in Detention**

On September 30, 2015 FSIN of Russia confirmed an action plan “road map” to increase accessibility of FSIN facilities for people with disability. Despite this, so far not all correctional institutions in Russia have necessary technical equipment to support people with disability: there are no handrails, ramps, other necessary devices, and no staff in staff schedule to care for the seriously ill. While detained, they experience ongoing hardships in everyday life and getting around the prison; they are often unable to take part in exercise, unable to bathe, unable to access the infirmary or library, and so forth. They are often unable to independently take care of their bodily hygiene, and forced to depend on voluntary help of a third party for a fee (cigarettes, tea, etc.), but the latter is also free to refuse providing such help.

The Committee was, but indirectly involved in adoption of this departmental act, because during the reporting period, at the initiative of the Committee, complaints were filed and considered by the Court on behalf of five seriously ill prisoners with regards to lack of necessary conditions in penitentiary facilities. For a country, it is economically more feasible to meet the requirements of detention rather than to pay the compensation awarded by the Court.

#### **Case of L.D.**

*L.D., a native of Chechen Republic, was detained in 2005, during a raid, where he received a severe gunshot wound and lost the ability to move independently, he received disability of the 1st category and became a wheelchair user.*

*It should be noted that the raid was not carried out for the purpose of detaining L.D., it aimed at arresting a car owner who offered to give L.D. a lift. The car was shot, its owner was killed.*

*Nevertheless, the same year, the Supreme Court of Chechen Republic sentenced L.D. to 12 years of imprisonment and sent him to serve the sentence to the Republic of Mordovia, where he could only move around in a wheelchair, while the facility's premises were not adapted for this (no ramps, handrails, etc.). He was completely*

*dependent on help of other prisoners, and had to repay them somehow. Courts repeatedly refused to release L.D. earlier due to a serious illness on the grounds not provided for by the law - participation in an illegal armed group and an absurd characteristic "prone to escape". In 2017, he was released after serving his time.*

*At the Committee's initiative, the lawyer Illarion Vasiliev lodged an application with the European Court, and in 2018, it issued a ruling and found violation of L.D. human rights, guaranteed by Articles 3 and 13 of the Convention and awarded a compensation. The Court ruled that the applicant was serving his sentence in inhuman and degrading conditions of detention, and he lacked effective remedies.*

*It should be noted that L.D. and his wife, who had been receiving some assistance from the Committee from time to time, asked not to announce the fact of receiving compensation, fearing that the Chechen authorities would force them, under the threat of persecution, to give up most of the amount received.*

### **Early Parole of Seriously Ill Detainees**

Provided by law a possibility of release of seriously ill prisoners from SIZO and detention facilities is not implemented in practice. Decisions of the medical commission that a detainee suffers from illness incompatible with detention is not sufficient for release. The decision on release is taken by the court.

The state cannot provide adequate conditions of detention and necessary medical care for people with disabilities, and at the same time it pursues a penal policy - seriously ill people are rarely released, despite the fact that official statistics indicate an improvement of the situation compared to the previous period. For example, according to the statistics of the Federal Penitentiary Service of Russia, in 2017, 2,341 of the 4,191 petitions for release of the ill were allowed by court. At the same time, 944 convicts died in detention after the medical commission made a decision confirming illness, which prevents from serving a sentence yet they were not released by court decision.

The Committee continues to receive complaints that critically ill prisoners cannot be released due to obstacles imposed by correctional officers (underreporting, negative characteristics, disciplinary measures, lack of incentives, etc.), prosecutor's objection to release or refusal of release by court.

#### **Case of R.M.**

*In 2012, R.M., a native of Republic of Dagestan who was sentenced to 11 years in prison (the end of term in 2022), serves a sentence in the Stavropol Territory. Before detention he was healthy. In 2015, R.M. developed pulmonary tuberculosis. In November 2017, his condition deteriorated sharply and he was diagnosed with pulmonary tuberculosis in phase of necrosis. R.M. was in a critical but stable*

condition.

*In December 2017, the medical commission concluded that he had a serious illness that prevented him from serving the sentence.*

*In February 2018, the court refused to release R.M. due to existing disciplinary sanctions, since the fact of a serious illness is not an unconditional ground for release.*

*On May 4, 2018, the court of appeal quashed the decision of the city court due to the fact that it was made without evaluation of all circumstances of the case and the case was sent for retrial.*

*R.M. is in need of a lung surgery, but at the same time there are contraindications to surgery until his condition is stabilized in a specialized medical institution. In correctional facilities, it cannot be done. Continued treatment in civic hospital, which is 50 km from the place of detention of R.M., may last for indefinitely long time. This situation is unacceptable for authorities, since UFSIN does not have the opportunity to provide guards and security officers for a detainee, and a hospital can't keep the convicted person in a separate room for indefinite time since he has to be isolated from other patients. Besides, guards and security officers won't be able to stay at the same room since the applicant has an open (infectious) form of tuberculosis. UFSIN employees offered R.M. treatment in a prison hospital in another region of the Russian Federation, which is 400 km away from the present place of detention and at the same time they refused to give guarantees that he would survive this transportation. In this regard, R.M. refused the prison transfer.*

*On 17 August 2018, the court again refused to release R.M. on grounds that he refused to be transferred to a prison hospital of another region of the Russian Federation and was negatively characterized by the administration of the correctional facility. On October 16, 2018, the court of appeal left the decision of the court of first instance unchanged, the appeals unsatisfied.*

*On September 21, 2018, on the initiative of the Committee, in the interests of R.M. an application was lodged with the European Court of Human Rights on violation of Articles 3 and 13 of the Convention. The work on the case of R.M. continues.*

### **Remoteness of Places of Serving Sentences**

As mentioned above, according to the general rule established by Article 73 of PC RF, convicts serve their sentences in the territory of territorial entity of the RF where they lived or convicted. According to the same rule, in the absence of a correctional institution of the relevant type in the constituent entity of the Russian

Federation or when it is impossible to detain them in existing correctional facilities, convicts may be sent to correctional facilities located in the territory of another constituent entity of the Russian Federation.

The majority of convicts from North Caucasus republics serve sentences in other regions of the Russian Federation, for several reasons. First of all, there are not enough penal facilities in these regions. For example, in Chechen Republic operates only one correctional colony and in the Republic of Ingushetia there is no correctional facility at all. Secondly, according to Part 4 of Article 73 of PC RF, people convicted for a number of crimes against public safety, serve sentences in those places determined by FSIN of Russia.

As practice shows, applications of convicts on transfer to a correctional institution, located closer to the place of residence of relatives, who are often unable to travel long distances due to their health or financial situation, in most cases remain without satisfaction. Appealing against these refusals in court is ineffective; courts find legitimate decisions of FSIN of Russia, with reference to Article 81 of PC RF, which states that convicts should, as a rule, serve their sentences in the same correctional institution.

On March 7, 2017, the European Court of Human Rights made a decision on *Polyakova and Others v. Russia*, No. 35090/09 and others. The prisoners and their relatives complained to the Court about the remoteness of the place of serving the punishment from the place of residence of their families, which amounted to from 2000 to 8000 km, which created obstacles in realization of the right to prison visitation. In its judgment, the Court expressed the position that Russian law, in particular, paragraphs 2 and 4 of Article 73 and 81 of PC RF does not meet the requirement of “quality of law”, since it does not contain obligations for FSIN of Russia to take into account consequences for the family life of prisoners or their relatives, which may arise due to particular geographical location of a correctional institution, and also it does not provide for possibility of transferring a prisoner to another institution on grounds related to the right to respect family life and does not guarantee a person possibility of judicial review of proportionality of FSIN’s decisions and a detainee’s interests, provided by law and related to support of family and social ties.

In September 2018, the Ministry of Justice of Russia by order of the President of the Russian Federation provided amendments to Penal Code of RF, expanding possibility of convicts to serve their sentence closer to home. Lawyers of the Memorial Human Rights Centre prepared an expert report, pointing out to the Ministry of Justice the document’s shortcomings, in particular, stating that the bill does not imply changes to Part 4 of Article 73 of PC RF, which provides that certain groups of convicts can be placed in any colony in Russia. Lawyers believe that the

level of real humanization of correctional legislation in the event of adoption of the draft law in its current form will be extremely low<sup>37</sup>.

#### Case of A.B.

*In 2011, A.B., a native of Kabardino-Balkar Republic, was sentenced to life imprisonment. In 2012, after the sentence entered into legal force, he was sent to serve his sentence to a correctional colony of Perm Territory at a distance of more than 2,700 kilometers from his former place of residence and place of conviction.*

*For the whole period while he was serving the sentence, his parents have never been able to use the right to visit their son since they are pensioners of 72 and 70 years old. Their age and illnesses of heart and musculoskeletal system, create real health risk for them and difficulties to handle the distance of 2 700 km by car from their place of residence to the correctional colony where their son was detained. To travel by railway is also difficult due to increase of the total distance to the colony by more than 1000 km. In order to achieve this, they have to go to Moscow from Kabardino-Balkar Republic, then to the city of Perm, then to the city of Solikamsk.*

*Parents were assisted in preparing an appeal to FSIN of Russia with a request to transfer A. B. to Republic of Mordovia, where there are two correctional colonies for people sentenced to life imprisonment. The distance between Republic of Mordovia and the parents' residence is 1,400 km. They could handle this distance without risks for their health. All supporting documents were attached to the appeal, including those on the state of health and financial situation. The appeal, in particular, stated that the state should, whenever possible, help prisoners to establish and maintain contacts with relatives and people from the outside world in order to support social rehabilitation of prisoners, including those sentenced to life imprisonment and ensure the right to respect their personal and family life.*

*In January 2018, a refusal was received from FSIN of Russia, with reference to Article 81 of PC RF, that convicts must serve their sentences in the same correctional institution.*

*In March 2018, in the interests of A. B. and his parents an application was lodged with the European Court with a request to recognize violation of Articles 8 and 13 of the Convention (the right to respect for family life and the lack of effective remedies).*

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<sup>37</sup> Memorial lawyers sent proposals to the Ministry of Justice on improvement of convicts' situation // Memorial Human Rights Centre [https://memohrc.org/ru/news\\_old/yuristy-memoriala-napravili-v-minyust-predlozheniya-po-uluchsheniyu-polozheniya-osuzhdennyh](https://memohrc.org/ru/news_old/yuristy-memoriala-napravili-v-minyust-predlozheniya-po-uluchsheniyu-polozheniya-osuzhdennyh)

### **Disciplinary Practice (transfer to isolation cells and change of regime of detention)**

An analysis of complaints submitted to the Committee shows that transferring detainees to PKT, EPKT, ShIZO, SUON and prison regime is often a form of exerting pressure and intimidating prisoners who are considered undesirable by the administration.

Case of K.Sh.

*In 2016, the relatives of the convict K.Sh. native of Chechen Republic who serves his sentence in Ryazan region approached the Committee. They were concerned about his transfer to prison regime (this is the most severe regime of detention for all correctional institutions). The Committee's lawyer who represented the interests of K.Sh. at the court hearing, managed to prove that the PC administration did not provide sufficient grounds for his transfer to prison regime. As a result of it, the prison administration withdrew its application for the transfer of the convict. This is one of the rare successful cases on protecting the rights of the prisoner.*

Detaining a prisoner in ShIZO is the most severe disciplinary punishment and entails two major negative consequences: prohibiting visits, telephone conversations with relatives and friends and is the most common reason for refusing parole and replacing it with a milder type of punishment, since the convict is characterized as one who “did not prove his correction”.

Despite the fact that the law determines grounds and procedure for application of disciplinary actions, it is not difficult to apply them to prisoners on unsubstantiated grounds; and people from North Caucasus republics are no exception, since the staff of penal colonies have a wide discretion and an employee's report on disciplinary violation found being confirmed by nothing, in practice, is sufficient reason to impose a penalty.

Case of S.Kh.

*S.Kh., born in 1991, a native of Dagestan who in 2015 was sentenced to 5 years in prison, serves a sentence in a colony in Volgograd region.*

*In April 2017, a lawyer sent by the Committee was refused a meeting with S.Kh. due to the fact that the lawyer had means of communication with him: a laptop and a camera he needed to provide qualified legal assistance.*

*These actions became the grounds for appeal to the Supreme Court of the Russian Federation, which on November 10, 2017 satisfied the administrative claim of the lawyer Valery Shukhardin and invalidated the provisions of paragraphs 77 and 17 of Appendix No. 1 of the Order of the Ministry of Justice of Russia of*

*December 16, 2016, no. 295 "On approving the internal regulations of correctional institutions" in a part where it is allowed while visiting a convict for a lawyer (defender) to bring and use a camera, video, audio, electronic media and data storage devices, means of mobile communications or equipment components.*

*On February 6, 2018, board of appeals of the Supreme Court of the Russian Federation uphold the earlier decision. Now all attorneys and defense lawyers can visit the convicts in correctional institutions to provide legal assistance using mobile phones, voice recorders, cameras, computers and other technical equipment they need.*

*In August 2018, the lawyer once again visited S.Kh., who reported that he suffered from a number of chronic illnesses and did not receive necessary medical care. In addition, she is under constant physical and psychological pressure from the colony staff and others convicts for practicing Islam, praying five times a day, and not eating pork. She is under systematically imposed penalties in the form of reprimands and placement in ShIZO, for example, for violation of the established form of clothing (wearing a robe, which length does not meet the requirements of the regime and a scarf to cover her neck).*

*Based on lawyers' survey, complaints were sent to authorities in connection with failure to provide medical assistance and illegality of the imposed penalties. As a result of it, S.Kh. was sent for medical examination to a prison hospital. Violations during the imposition of penalties on S.Kh. has not been established. As it turned out later, a departmental inspection arrived to the correctional facility due to the complaints. The applicant was taken out of the correctional facility in order for the applicant not to meet with the inspectors. On this fact, additional complaints were filed. Documents are being prepared for the application to the European Court under Article 3 (prohibition of torture), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion) of the Convention.*

Human rights organizations are also aware of cases when on the day of arrival of relatives for a visit, correctional institutions' administration places convicts in a punishment cell where they do not have the right to visits, phone calls, parcels, etc. In such a situation, it is impossible to warn relatives in advance that the visit was cancelled. Relatives, in turn, as a rule, do not have the opportunity to wait for release of their loved one from the punishment cell (as a rule, this is 15 days), they have to return home. Besides, to change the date of the visit is practically impossible, since there is a pre-formed schedule of dates. In this regard, the staff of correctional colonies successfully blackmail convicts with threats not to give a date if the convict writes complaints.

Case of M.G.

*In 2018, relatives of M.G., a native of Republic of Dagestan, who was serving a sentence in Vladimir region, approached the Committee and said that M.G. was not in contact for a long time, and during their last telephone conversations he complained about illegal actions on the part of the prison administration. The Committee sent a lawyer to M.G., but the visit did not take place, since the lawyer was given a letter from M.G. where he refused the meeting and any intervention. In some time, relatives reported that M.G. had to do it, since the administration of the correctional institution threatened him to cancel a long visit with relatives and place him in the punishment cell.*

One of the most common violations in transferring convicts to ShIZO, PKT, EPKT is a formalist approach to medical examination of a convicted person in order to keep him/her in prison. Despite the procedure approved by the Order of the Ministry of Justice of Russia on conducting medical examinations before transferring convicts to disciplinary units, of August 9, 2011, violations continue, as medical workers are subordinate to heads of institutions and do not have sufficient autonomy to make an objective and complete medical record about a prisoner's health status.

Article 115 of PC RF provides that a convicted person could be put in ShIZO for 15 days. In practice, a convict may be held for months in ShIZO, without leaving it, they can register his violations anew and place in ShIZO, after that to declare him repeat offender of detention regime and transfer to PKT, EPKT, to replace detention regime with prison one, which impose limitations on the detainee's rights. The official oversight mechanism of prisoners' grievances over transfers to isolation (ShIZO, PKT, EPKT) is analogous to the official oversight of declarations of torture and assault. Controlling and supervising authorities request documents and information from the prison colony, evaluate them, and prepare a response, stating that the allegations were not proven out.

Case of A.A.

*A.A., a native of Kabardino-Balkar Republic, was convicted by the Supreme Court of Kabardino-Balkar Republic to 16 years in prison. In April 2016, he arrived to the Republic of Yakutia to serve his sentence, where he was immediately placed in a solitary confinement cell of a quarantine room. Later he was transferred to strict detention conditions, as a repeat violator. From the moment of his arrival to present time, practically all the time he was detained in solitary confinement of ShIZO, isolated from other prisoners, allegedly for violations of regime of detention. His relatives are convinced that these repressions are related to the fact that A.A. was Muslim and convicted for terrorism. The relatives sent a lawyer to the colony to conduct an interview with A.A. After receiving the information, the Committee will take measures to protect the rights of A.A.*

## Religion

While an Orthodox priest permanently stays or attends on a regular basis correctional institutions, the staff of these institutions are at best indifferent to religious views of Muslims. This is due to low level of culture including legal culture, and the lack of education of employees regarding various religions and human rights. In 2016, FSIN of Russia introduced the position of assistant to the head of the territorial department of the Federal Penitentiary Service to organize work with believers; currently, assistants are appointed to 81 constituent entities of the Russian Federation, including 70 priests, 5 Muslims, 5 laymen, 1 Buddhist. Assistants hold events with both FSIN staff and convicts. According to Archpriest Konstantin Kobelev, Chief Specialist of the Department on Organization of Work with Religious Organizations of FSIN of Russia, admits, “in a number of regions it is not possible to get imams involved into prison work because of their small number in this region or insufficient activity. In general, in predominantly Orthodox regions, the number of Muslim prisoners often reaches 30%, and the number of imams is much less than the number of priests.<sup>38</sup>” It should be noted that on the official website of the Federal Penitentiary Service of Russia there is no information on how the convicts’ relatives can contact representatives of the specified department. The Committee’s employees managed to find contacts of the chief specialist of the department of work with religious organizations Konstantin Kobelev on the website “Assistant to Prisoners on the Way to Faith” at <http://helpprison.ru/contacts/>.

A basic lack of understanding of Muslims’ needs leads to violations of their rights to religious practice, and fosters a situation of conflict and tension, which as a rule, negatively impacts prisoners. Muslims are typically zealous about their religious obligations, insofar as their religion considers failure to fulfill ritual obligations as a sin and a violation of religious law, subject to inescapable punishment.

Practically every appeal from convicts contains a complaint about the violation of the right to religion. An analysis of complaints allows us to identify key issues regarding the religion of Muslims in places of detention:

- Inability to participate in collective praying five times a day, which involves performing five prayer cycles per day. The daily routine established in correctional institutions does not always allow Muslims to maintain this prayer cycle. Where the prison director wishes it, such a daily routine is possible.

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<sup>38</sup> Report at Nikolo-Ugresh seminary conference on October 25, 2018 // Assistant to Prisoners on the Way to Faith / <http://helpprison.ru/2018/10/27/video-prot-konstantin-kobelev-institut-pomoshnikov-nachalnikov-terroranov-fsin-po-organizatsii-raboty-s-veruyshhimi-doklad-na-konferentsii-v-nikolo-ugreshskoj-seminarii-25-oktyabrya-2018/>

- To perform ritual symbolic ablution, preceding prayer, access is needed to a place to wash, and a clean place to conduct prayer. As a rule, such access is not possible in prison establishments.

- Problems with the use / storage of objects of worship (a prayer rug, Koran, rosary). Upon transfer to isolation (ShIZO, PKT, EPKT), rules of internal prison order only allow prisoners to bring religious items worn as underclothes or able to fit into a pocket. Precise norms or directives about what Islamic religious objects can or cannot be brought along do not exist, which can lead to serious problems for religious practice and enable violations of the right to worship. Thus, prisoners are often prevented from taking along their prayer rugs into ShIZO, on the grounds that they do not fit in a pocket. Prayer beads are not always permitted in ShIZO, and prison staff sometimes forbids relatives from sending prayer beads to prisoners, on the basis that they are not mentioned on the list of permitted items.

- As a rule, prison establishments do not allow special rations for Muslims, who, for the most part observe a prohibition on consuming pork. Under these circumstances, Muslims are forced to abstain from meals that include pork, which leads to malnutrition and attendant negative consequences. During the holy month of Ramadan, Muslims keep the fast, only eating before sunrise and after sunset. However, during this time in prison establishments, lights are out for sleep, and it is forbidden to eat. Imprisoned Muslims are kept hungry, which poses a real threat to the health and life of many. During the reporting period, about 2,000 complaints from prisoners and their relatives were received by the Committee's staff. One third of these appeals fell on the holy month of Ramadan and dealt with the problem of inability of worship.

#### Case of M.N.

*In 2017, the mother of the convict M.N., a native of the Republic of Ingushetia, who serves his sentence in Vladimir region, approached the Committee with the information that her son had problems in a colony on religious grounds. He is prevented from performing religious rites. One of the employees of the PC said to M.N. that "they would change him and, if he comes out of prison at all, he will sing "Our Father in Heaven" and forget everything connected with Islam." Inspections carried out by the authorities on the Committee's appeals did not reveal any violations of the rights of M.N.*

#### Case of B.G.

*From a lawyer's inquiry of convict B.G., a native of the Republic of Dagestan, who serves a sentence in Kemerovo region (2018): "The right to freedom of religion for Muslims is actively violated in the colony, we are forbidden to pray, the Koran and prayer rugs are taken from us. If anyone is seen at prayer, they are sent to the quarantine unit, where convicts are subjected to violence. "*

*The report of the employee indicated that the prisoner was absent from his bed during lights-out. From the prisoner's interview: "At the time the officer came in, I prayed and could not respond to him until I finished the prayer. In fact, I was near my bed..." As a result of it, the prisoner was punished by being placed in ShIZO for 10 days. The authorities recognized it legal since, according to the regulations of correctional facilities, the prisoner must be in bed during lights-out.*

A separate violation of rights is the prohibition to have conversations with relatives (during telephone conversations and short visits) in a national language. According to paragraph 91 of Internal Regulations the reason to stop telephone conversation is to speak the language other than one mentioned in the prisoner's application. In practice, the convict is not given the opportunity to file such an application and will be refused to allow telephone calls.

Case of U.

*In 2017, relatives of convict U., a native of Chechen Republic who serves a sentence in the Republic of Karelia, addressed the Committee with a complaint that when his elderly mother came to see him, they had no opportunity to talk, because the mother did not speak Russian, and the administration forbade speaking Chechen.*

*A suggestion to contact the authorities with a statement on violation of the convict's rights was rejected by his relatives due to fear of worsening his situation.*

Controlling and supervising bodies while consider complaints of prisoners, including those against torture, degrading treatment on the grounds of nationality, isolation measures in correctional institutions (placement in disciplinary isolation, penal wards, solitary penal wards, etc.), violations of the right to religion, follow an established standard - a request for information and documents from the institution, evaluation of these documents and preparation of a response, as a rule, denying violations. This approach proves that there is no effective monitoring of prisoners' rights. Prisoners who have claimed a violation of their rights continue to refuse to support complaints, fearing reprisals, the initiation of new criminal cases and other repressions against them. It is important to note that these concerns are justified, since no one can ensure the prisoner's safety. Under these circumstances, illegal actions of correctional officers do not receive a proper evaluation, which creates conditions for further unpunished violation of prisoners' rights and escalation of intolerance towards people from North Caucasus republics.

### **Re-initiation of Criminal Proceedings**

In conclusion, it is necessary to note that in addition to the listed violations of the rights of natives of North Caucasus while serving their sentences, they are exposed to another danger. It is the fact that after the term of detention the convict

is not released from the place of detention, but transferred to law enforcement officers who immediately detain him under a new charge. Such an outcome is especially dangerous if FSB is interested in the prisoner. In the event of such a danger, relatives and a lawyer arrive to meet him. It is not always possible to prevent such a scenario.

Case of Z.B.

*A resident of Dagestan, Z.B., who had served a sentence in PC of one of central regions, in summer 2018, was to be released. Assuming the possibility of the above scenario the Committee sent a lawyer to meet her. The lawyer and an assistant were waiting for her at PC exit since early morning. However, she did not appear. At the same time, by two exits, the main one and the service one appeared people who could be easily identified as FSB officers. Z.B. was not released from the PC until afternoon. Through personal connections, the lawyer managed to find out that there was a plan to transfer her to security services. The lawyer approached the prosecutor's office, where he used to work in the past. They managed to achieve release of Z.B. only at the end of the working day. For the night, the lawyers placed her in a secure room, and then escorted her to the train. All this time, they were accompanied by people in civilian clothes - the same ones who met Z.B. at the PC gate. For security reasons, the relatives boarded the same train, before reaching their destination, and took Z.B. to a safe place. Z.B. is recognized as a political prisoner by Memorial Human Rights Centre who is persecuted for human rights activities.*

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## RECOMMENDATIONS

Analysis of cases under the umbrella of the Committee's project for 2015-2018 shows that systemic problems of prisoners from North Caucasus Republics covered by the Committee's report "On the situation of Chechen Republic and the Ingushetia residents in the Russian penal system" for 2011 - 2014 still remain relevant.

It certainly should be noted that in 2015-2018 the penitentiary system of Russia is slowly moving towards humanization of the execution of punishment. This shows in gradual reduction of prison population. Thus, at the beginning of 2015, 671 thousand people were kept in penitentiary institutions, and by October 2018 - 575 thousand people. That is, in less than four years, the number of prisoners has decreased by almost 100 thousand people and this trend continues.

Besides, since 2015, Federal Penitentiary Service of Russia tries to improve the situation of prisoners with disabilities, but so far these efforts are not sufficient and disabled people continue to be held in inhuman conditions of detention.

Despite the fact that in 2016, FSIN of Russia added the position of assistant to the head of the territorial department of FSIN for work with believers, currently assistants are appointed in 81 regions of the Russian Federation, of which only 5 are Muslims. This amount of helpers is not enough to understand and meet the needs of those who profess Islam.

Developed by the Ministry of Justice of Russia in September 2018, amendments to PC RF on the problem of remoteness of places of serving sentences, according to lawyers of Memorial Human Rights Centre, will not lead to a real humanization of the criminal executive legislation.

Thus, for 2015-2018, the state, represented by authorized bodies, has taken a number of measures to humanize the system of execution of punishment, but the effectiveness remains extremely low.

In this regard, the recommendations that were proposed by the Committee in the Report "On the Situation of the Residents of the Chechen Republic and the Republic of Ingushetia in the Penitentiary System Institutions" for 2011 - 2014 still remain relevant.

### Eliminating torture

Impunity for prison staff involved in torturing prisoners is the most serious problem in need of elimination. Most cases of torture, violence, humiliating and degrading treatment, and murders of prisoners—including, of course, natives of Chechen Republic and the Republic of Ingushetia—have not been investigated;

those guilty have not been found or have escaped responsibility. The investigation can be closed and resumed an unlimited number of times.

A wide reform of personnel of FSIN of Russia for professional suitability is needed. It is necessary to exclude from work for FSIN and law enforcement agencies those who had served in conflict zones. Experience shows that penitentiary system employees having served in the military, especially in the “Chechen” wars, are notorious for special cruelty towards not only natives of Chechen Republic and the Republic of Ingushetia, but towards other prisoners as well. A universal FSIN staff competency and professional aptitude test is necessary. Those who served in military “hot spots” should not be admitted to work for FSIN agencies or law enforcement. In view of their need of rehabilitation, and the inability of some to recover, they should fill positions involving interpersonal responsibility only upon being appropriately certified by independent psychologists.

#### Humanising the penal system

The policy concept of revitalising the penitentiary system (2010–2020) refers to the goal of humanising detention conditions and eliminating repressive forms of incarceration, in favor of educational work and re-socialisation as its goal.

Members of human rights organisations and Public Monitoring Commissions (ONK) report that the declared goals of reform are not being accompanied by effective practical mechanisms. The Russian penal system is still oriented towards exercising strict control over prisoners and formal adherence to established rules, without taking into account convicts’ needs, instead of improving and developing social, psychological and educational work with convicts.

There is an urgent need to humanise the penal system and the law enforcement system in general. Human rights community has repeatedly proposed humanisation measures, including: wide use of alternative punishment that does not involve isolation from society (fines, correctional work, etc.); introducing the institution of probation (suspended sentencing or temporary surveillance of the convict); development of a socialisation system and assistance to strengthen family ties: sending convicts to serve their sentences in the regions near their relatives’ places of residence, etc.

#### Training penitentiary system employees

There is a need to organize educational, legal and other workshops to build up the professional, legal, and cultural knowledge of penitentiary system employees. It would be useful to organize these workshops with the participation and help of NGOs.

Employees should regularly attend training devoted to studying the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as other international agreements and treaties governing treatment of prisoners. It would be most effective to involve specialists from governmental human rights institutions and NGO experts to teach international standards and human rights to penitentiary system employees. Such practices exist, but they should be expanded. institutions and NGO experts to teach international standards and human rights to penitentiary system employees. Such practices exist, but they should be expanded.

It is necessary to inform all employees of the penal system of ECHR findings of violations of Russian prisoners' rights.

### Freedom of religion

To conduct educational and outreach work with employees of the penitentiary system on issues of freedom of religion and respect for the national traditions of people in prison, including the list of items of religious worship that are required for Muslims to perform rites.

To eliminate contradictory opinions on what literature is considered extremist, penal facilities' administrators should cooperate with Muslim clergy, consulting them on the religious nature of literature. Scholars—of religion in particular—should be invited to participate in these consultations.

Changes must be made to the rules of order of penitentiary facilities to widen the list of necessary religious objects, to include those that pertain to Muslim rites. It is necessary to amend the daily routine in penal facilities for people professing Islam, to permit them to visit a prayer room for a five-times-daily prayer, and to pray after lights-out and before the wake-up call. Muslims should be provided with an opportunity for collective Friday prayer. Muslim prisoners should be allowed to eat after lights-out during their sacred month of Ramadan. Dishes for Muslims should be made part of regular rations, accounting for their particular needs, such as by replacing pork with beef or poultry.

To date, the state has paid out huge compensations to victims of torture and violations of other rights guaranteed by the Convention. The implementation of the above recommendations does not require significant material costs, but presupposes, above all, the presence of political will and the desire to promote systemic changes in the direction of legal society. It can be stated with absolute certainty that the state is interested in observance of human rights and principles of humanism, in the system of execution of punishment as well.

**The slogan of our project is “Punishment should correct,  
not humiliate or maim!”**

Svetlana Gannushkina

## **Why Are Residents of Russia Asking for Asylum in Europe?**

On April 20, 2015, the Ministry of Justice entered the Civic Assistance Committee in the register of “organizations acting as foreign agents”