

**Testimony of Frank S. Jannuzi**  
**Deputy Executive Director, Amnesty International, USA**  
**Freedom Under Assault in Putin's Russia**

Thanks for inviting me to testify before the Senate Foreign Relations Committee on the subject of Russia's deteriorating human rights situation. I have submitted my full testimony for the record, and request permission to briefly summarize my remarks.

**Overview**

In recent months, Russian authorities have intensified their assault on basic freedoms and undermined rule of law. The assault takes many forms. New bills – passed just this week by the country's lower house of Parliament and expected to be approved in the near future by the upper house of Parliament and signed into law by President Vladimir Putin – restrict the activities of non-governmental organizations, criminalize public actions “committed to insult the religious feelings of believers” and outlaw activism by lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals and their supporters. I would note that the new law criminalizing “propaganda of non-traditional sexual relations,” passed 436-0 by the rubber stamp Duma this week, comes as much of the world marks Pride month.

New controls over the media are being used to smear government critics and bolster the government's policy line. Authorities use secret detention facilities and torture, especially in the North Caucasus region, to silence critics and deny them access to counsel. These measures are widespread and systematic. They are being imposed on domestic and international civil society groups alike.

This crackdown, coming as Russia prepares to host the 2014 Winter Olympics in Sochi, should be a matter of grave concern to the U.S. government. Moscow's lack of respect for human rights speaks volumes about its reliability as a potential partner to the United States and Europe in addressing pressing international security concerns, from the conflict in Syria to the danger of nuclear proliferation. Moreover, it marks an ominous turn in a country that had been making progress towards developing more open, transparent, and accountable governance.

Many of you may be aware that Amnesty International has itself been subjected to various forms of harassment. For some NGOs, the significance of this particular brand of harassment is that it can result in self-censorship, restriction of activities, or flight. John Dalhuisen, Amnesty International's Europe and Central Asia Director, has expressed our concern that Russia's new NGO law will be used to target prominent civil society organizations. Already 43 Russian non-governmental organizations in 16 regions are undergoing inspections and investigations, with devastating effect. Many prominent organizations, such as Golos (Voice) Association which monitors elections, the *Levada* Center for sociological research, the Moscow School for Political Research, and the Human Rights Center *Memorial*, have been labelled by prosecutors as “Foreign Agents.” Our biggest concern is that this is just “round one,” and that forced closures are likely to follow.

Indeed, the National Democratic Institute and the International Republican Institute – arms of the National Endowment for Democracy funded by Congress – have already suspended operations in Russia given the threat that their employees might be charged with treason or espionage. This is because the NGO law passed late last year provides for sentences of up to 20 years for individuals “providing

consultative assistance to a foreign organization” if that group was involved in “activities aimed against Russia’s security,” a catch-all phrase that could be used to criminalize almost any activity the government deems hostile.

## Prisoners of Conscience

Amnesty International coined the term “Prisoner of Conscience” to describe individuals who have been imprisoned for the peaceful expression of their beliefs or identity. These individual cases are often emblematic of systemic problems, so let me briefly highlight some cases to underscore two key points:

- 1) First: Russia’s crackdown is not just about silencing opponents at the political fringes. It is about stifling all who would question the consolidation of power under President Putin and his Federal Security Service (FSB) siloviki associates. This network of former and current state security officers is consolidating control over all key political and economic levers of power in Russia. The influence of these KGB-trained operatives, and their willingness to use force to maintain their privileged status – should not be underestimated.
- 2) Second – while the stifling of dissent is widespread, it is arguably most pronounced in the North Caucasus region, home to violent insurrections against Russian rule for centuries. Human rights defenders who bravely speak out about the situation in the North Caucasus region are particularly at risk.

Russia’s most famous Prisoners of Conscience are the members of the band Pussy Riot. Pussy Riot’s one minute long performance in Christ the Savior Cathedral in Moscow, and the band members’ subsequent arrest and sentencing, sparked a global outcry and brought Russia’s mounting repression to an international audience. The YouTube video of their punk performance, in which they criticized President Putin, generated over 3,000,000 YouTube views.

Amnesty International championed the case of Pussy Riot, not because we have an opinion on their musicality – I am more of a Sondheim fan myself – but because we recognize that artists are often at the cutting edge of political commentary. When artists are arrested for exercising their fundamental right to freedom of expression – whether in China with painter and sculptor Ai Wei Wei, in Egypt with TV Bassem Youssef, or in Burma with comic Zarganar – broader restrictions on the general public are likely to follow.

Two of three Pussy Riot members remain imprisoned, and Amnesty International has designated them as Prisoners of Conscience. We are calling on Russian authorities to immediately and unconditionally release Maria Alekhina and Nadezhda Tolokonnikova and clear all charges against them.



**Nadezhda “Nadya” Tolokonnikova** is serving a two year sentence at the notoriously brutal IK-14 women’s penal colony in the Republic of Mordovia. Prior to her arrest, Nadya was a student of philosophy at Moscow State University and split her time juggling the demands of being a student, mother, and a political activist. Her daughter Ghera is five years old. I had the honor to meet Ghera last fall when I hosted her along with a more famous human rights activist – Daw Aung San Suu Kyi – at the Newseum. Ghera misses her mommy very much.



The second jailed Pussy Riot band member, also a Prisoner of Conscience, is **Maria "Masha" Alekhina**. Masha has a four-year old son, Philip. She was a senior at the Institute of Journalism and Creative Writing in Moscow prior to her arrest. Masha is serving the rest of her term in Perm Krai, a Siberian region notorious for hosting some of the Soviet Union's harshest gulags. Like Ghera, Masha's son misses his mother very much.

An HBO documentary – *Pussy Riot: A Punk Prayer* – debuted *this week*, and Amnesty International, in collaboration with the producers, has produced a viewing guide, available at our web site [www.amnestyusa.org](http://www.amnestyusa.org). Concerned citizens – including members of Congress – can also express solidarity for the band members by visiting [pussyriot.amnestyusa.org](http://pussyriot.amnestyusa.org).

Unfortunately, the case of Pussy Riot is just the tip of the iceberg when it comes to political repression in Putin's Russia. Other critics of the government – less colorful, perhaps, but no less brave – suffer in obscurity. They are likely to be treated even more harshly than their more famous kindred spirits.

The situation is especially grave in the North Caucasus region, which has been characterized by insecurity and armed attacks on security forces, civilians, and local officials. Many Americans may have first become aware of this region during the Boston Marathon bombing, but the region has long been troubled. Heavy-handed security operations have led to human rights violations such as extrajudicial executions, enforced disappearances, secret detention, torture, and other forms of ill-treatment.

The absence of rule of law fuels unrest. The criminal justice system of Russia is set up to deliver quick convictions, not justice. Defense lawyers are often seen as obstacles to law enforcement officers, who would prefer to see them removed from the equation altogether. Lawyers who dare to defend individuals suspected of membership in armed groups are themselves often threatened, attacked, or murdered by law enforcement officials. Complaints against law enforcement officials often receive no response, are dismissed, or are countered by criminal investigations against those who have filed the complaint.



**The case of Sapiyat Magomedova is emblematic.** As a defense lawyer, Magomedova is known for her work on cases involving human rights violations committed by law enforcement agencies in Dagestan. In June 2010, when she went to the Khasavyurt town police station to visit a client, police officers prevented her from gaining access to her client. They forcibly removed her from the police station and physically assaulted her. When she attempted to file a complaint about the attack, the police launched their own investigation saying that she in fact attacked them. Investigators repeatedly tried to

pressure her into withdrawing her complaint, and warned her that she would face criminal charges herself if she pressed ahead. She refused to be intimidated. In the end, the courts dismissed both complaints – hers and that of the police – without explanation. While some might have interpreted this as a victory, she doesn't see it that way, and neither does Amnesty International. When police assault lawyers simply for attempting to do their jobs, the authorities should hold those police accountable. Magomedova is still seeking justice, and still being persecuted for her persistence. Just last month, Magomedova reported receiving death threats via text messages. Amnesty International stands beside this brave human rights defender and supports her call for justice and accountability.

## What can be done?

There are no quick fixes to reverse the ever shrinking space for freedom of expression in Russia. A blend of public and private initiatives may work best. Let me suggest four things the members of *this* committee can do to perhaps deter some of the worst of the abuses and support those inside Russia who are courageously doing their part to advance human rights and rule of law.

- First – Continue to shine a spotlight on what is happening and help the American people understand *why* they should care. Ideally, you should synchronize your efforts with Parliamentarians in Europe and through the Helsinki process, because when you speak in unison with your fellow legislators, your voices are amplified. Russia is a great power with enormous potential to help solve the world's problems. But what happens in Moscow does NOT stay in Moscow. It speaks volumes about Russia's reliability as a global partner of the United States in every field, from trade to international security.
- Second, insist that when President Obama travels to Russia in September, that he put human rights prominently on his summit agenda. The Russian government cares about its reputation, and the United States should not give President Putin a free pass on repression.
- Third, join Amnesty International's Defenders of Freedom program, a cooperative venture we launched last fall with the Tom Lantos Human Rights Commission and the International Religious Freedom Commission. You can adopt a certified Amnesty Prisoner of Conscience and tell their story on your web pages, give floor statements about them, and pass resolutions calling for their release. YOUR voices can help unlock cell doors, and we've already done the research work for you.
- Finally, notwithstanding budget pressures and Russian restrictions, you can generously support funding for nongovernmental organizations striving to strengthen Russian civil society. Training in international human rights law for journalists, lawyers, judges, and even public security officials can improve their performance and better equip them to be human rights champions. And let me say for the record that this is NOT an appeal for funding for Amnesty International. We don't take government money for our research or advocacy.

These would all be constructive, welcome steps. You may not win any thanks from President Putin, but I can assure you, as a representative of the world's largest grassroots human rights organization, that your efforts can make a difference in the lives of Nadia, Masha, Sapiyat, Ghera, and countless other brave citizens of Russia who would will benefit if the U.S. Senate makes a firm commitment to advancing human rights at home and abroad.

## **APPENDIX: Chronicle of Rights Violations in Russia**

[Drawn from Amnesty International's 2013 Annual Report, available on-line here:

<http://www.amnesty.org/en/region/russia/report-2013> - page

Vladimir Putin's return as President, following widely criticized elections, led to a surge in popular protest and demands for greater civil and political freedoms, particularly around his inauguration in May. The result was increased restrictions. Protests were frequently banned and disrupted. New laws were adopted, often without public consultation and in the face of widespread criticism, which introduced harsh administrative and criminal penalties that could be used to target legitimate protest and political and civil society activities, and to restrict foreign funding for civic activism.

The Russian Federation responded belligerently to international criticism of its human rights record. A law on travel and other sanctions on officials allegedly responsible for the death of lawyer Sergei Magnitsky in custody in 2009 was passed by Congress and proposed in several other countries. The Russian authorities retaliated with reciprocal sanctions and by banning the adoption of Russian children by US citizens and prohibiting Russian NGOs from receiving funding from the USA.

### **Freedom of assembly**

Peaceful protests across Russia, including gatherings of small groups of people who presented no public threat or inconvenience, were routinely dispersed by police, often with excessive force. The authorities regarded every such event, however peaceful and insignificant in number, as unlawful unless expressly sanctioned, although gatherings of pro-government or pro-Orthodox Church activists were often allowed to proceed uninterrupted even without authorization. There were frequent reports of police brutality towards peaceful protesters and journalists, but these were not effectively investigated.

On 6 May, 2012, the day before the inauguration of President Putin, a column of protesters moving along a permitted route to Bolotnaya Square in Moscow was halted by police, resulting in a stand-off and localized skirmishes. Subsequently, 19 protesters faced criminal charges in connection with events characterized by authorities as "mass riots"; one pleaded guilty and was sentenced to four-and-a-half years' imprisonment; the remainders were still awaiting trial at the end of the year. Several leading political activists were named as witnesses in the case and had their homes searched in operations that were widely broadcast by state-controlled television channels. Over 6 and 7 May, hundreds of peaceful individuals were arrested across Moscow, some merely for wearing white ribbons as a symbol of protest against electoral fraud.

The law governing public events was further amended in June. It expanded the list of violations, introduced new restrictions and increased sanctions.

### **Freedom of expression**

The right to freedom of expression was increasingly restricted. Most media remained under effective state control, except for some outlets with limited circulation. Prime-time national television was regularly employed to smear government critics.

Libel was re-criminalized, eight months after its decriminalization. Changes to the Criminal Code expanded the definitions of treason and espionage and made them vaguer by including sharing

information with, or providing miscellaneous assistance to, foreign states and organizations whose activity is “directed against security of the Russian Federation”.

New legislation gave the government powers to blacklist and block websites publishing materials considered “extremist” or otherwise harmful to public health, morals or safety. By the end of the year, this legislation was already being used to shut down sites publishing content protected by the right to freedom of expression.

Maria Alekhina, Ekaterina Samutsevich and Nadezhda Tolokonnikova, members of the punk group Pussy Riot, were arrested in March after a brief and peaceful, albeit provocative, political performance in the Cathedral of Christ the Saviour in Moscow. They were convicted of “hooliganism motivated by religious hatred” in August and were each sentenced to two years in prison, although Ekaterina Samutsevich received a conditional sentence on appeal and was released on 10 October. On 29 November a Moscow court declared video footage of the group’s church performance “extremist”, rendering its publication on the internet unlawful.

### **Discrimination**

Discrimination on grounds such as race, ethnicity, gender, religion or political affiliation remained widespread. Discriminatory legislation targeting LGBTI individuals was introduced in several regions and proposed at the federal level. A law banning “propaganda of sodomy, lesbianism, bisexuality and transgenerness among minors” came into force in St Petersburg in April. Similar laws were also introduced in Bashkiria, Chukotka, Krasnodar, Magadan, Novosibirsk and Samara regions, and tabled before the State Duma. A number of public LGBTI events were forbidden and participants dispersed by police.

Across Russia, LGBTI individuals and members of various minority groups continued to face attacks. Such attacks were not effectively investigated by the authorities, and the perpetrators often remain unidentified.

On 4 August, four men forcibly entered an LGBTI club in Tyumen and physically and verbally assaulted several customers. Police detained the attackers. When the victims came to the police station to file complaints, they were left in the same room with the perpetrators, who continued to threaten them and were later released without charge.

### **Human rights defenders**

Reports of harassment of human rights defenders continued. In the North Caucasus and elsewhere, activists, journalists and lawyers representing victims of human rights violations continued to face physical threats, including from law enforcement officials.

Investigations into many past attacks, including the killing of Natalia Estemirova, made no ostensible progress.

New legislation introduced further administrative hurdles and a legal obligation for NGOs to register as “organizations performing the functions of foreign agents” (language evocative of espionage) if they received foreign funding and engaged in broadly defined “political activities”. Failure to comply with these provisions might lead to heavy fines, and imprisonment for NGO leaders.

Public officials routinely sought to blacken the reputation of individual human rights defenders and specific NGOs, as well as the work of human rights NGOs in general.

In October, a senior Federal Security Service (FSB) official reportedly stated that the FSB had secured the closure of 20 NGOs in Ingushetia for their links with foreign intelligence services. He provided no information either on any specific case involving charges of espionage against an NGO in Ingushetia, or on which NGOs had supposedly been closed for this reason. However, he singled out the well-known Ingushetian human rights NGO, Mashr, as a “foreign agent” still in operation.

On 20 January, lawyer Omar Saidmagomedov and his cousin were shot dead in Makhachkala, Dagestan, by security officials. The authorities reported the incident as a killing of two armed group members during a shoot-out. Omar Saidmagomedov’s colleagues dismissed this report and demanded an investigation into allegations that he had been extra judicially executed because of his professional activities. The investigator summoned the lawyer representing Omar Saidmagomedov’s family for questioning as a witness, apparently with the aim of disqualifying him from acting as legal counsel in the case.

Elena Milashina, a journalist from the independent newspaper Novaya Gazeta, together with a friend, was assaulted by two men in the street in Moscow on 4 April, and received serious injuries. The investigator identified and charged two individuals who initially signed confessions but retracted them after their families hired independent lawyers. The investigator ignored protests by Elena Milashina that the two did not fit her friend’s description of the men who assaulted her and that the real perpetrators had not been identified.

Igor Kalyapin, head of the NGO Committee Against Torture, was threatened with criminal proceedings in connection with his work on the case of Islam Umarpashaev, torture victim from Chechnya. On 7 July, Igor Kalyapin was summoned by a criminal investigator for questioning for allegedly disseminating confidential information. In September, journalists who had interviewed Igor Kalyapin and individuals who wrote letters to show their support were summoned for questioning.

### **Torture and other ill-treatment**

Allegations of torture and other ill-treatment remained widely reported and effective investigations were rare. Law enforcement officials allegedly frequently circumvented the existing legal safeguards against torture through, among other things: the use of secret detention (particularly in the North Caucasus); the use of force supposedly to restrain violent detainees; investigators denying access to a lawyer of one’s choice and favoring specific state-appointed lawyers who were known to ignore signs of torture.

In March, one torture case in Kazan was widely reported in the media after a man died of internal injuries in hospital. He claimed that he had been raped with a bottle at the police station. Several police officers were arrested and charged with abuse of power, and two were later sentenced to two and two-and-a-half years’ imprisonment respectively. Many more allegations of torture by police in Kazan and elsewhere followed media reports of this case. In response to an NGO initiative, the Head of the Investigative Committee decreed to create special departments to investigate crimes committed by law enforcement officials. However, the initiative was undermined by the failure to provide these departments with adequate staff resources.

On the night of 19 January, Issa Khashagulgov, held in a pre-trial detention center in Vladikavkaz, North Ossetia, was allegedly taken to an undisclosed location and beaten and threatened with further violence for refusing to co-operate with the investigation against him. Reportedly, between 6 and 8 February he was transferred from the detention center to a different location in North Ossetia for several hours each day when his lawyers tried to see him, and subjected to ill-treatment. Issa Khashagulgov, suspected of armed group membership, had earlier been repeatedly transferred between different detention facilities while his family and lawyers were denied information about his whereabouts, sometimes for several days. His complaints were not investigated.

Russian opposition activist Leonid Razvozhayev went missing on 19 October in Kiev, Ukraine, outside the office of a partner organization to UNHCR, the UN refugee agency. On 22 October, the Investigative Committee in Moscow stated that he had voluntarily returned to the Russian Federation and handed himself in to the authorities. Leonid Razvozhayev disavowed this statement via his lawyer, and alleged that he had been abducted and smuggled into the country, held at a secret location, ill-treated and forced to sign a statement implicating him and other political activists in plotting mass disturbances in Russia on foreign orders. The Russian authorities dismissed his allegations and refused to investigate them.

### **Justice system**

The need for judicial reform was widely acknowledged, including by senior officials. However, no effective steps were taken towards ensuring the independence of the judiciary. Reports of unfair trials were numerous and widespread. A range of court decisions, including those concerning extremism and economic and drug-related crimes, were affected by political considerations, and a growing number of convictions appeared politically motivated, including those of the Pussy Riot members. Allegations were frequently made of collusion between judges, prosecutors, investigators and other law enforcement officials resulting in unfair criminal convictions or disproportionate administrative penalties.

Lawyers across the country complained of procedural violations undermining their clients' right to a fair trial. These included denial of access to clients, detention of individuals as criminal suspects without promptly informing their lawyers and families, appointment of state-paid lawyers as defense counsel who are known to raise no objections about procedural violations and the use of ill-treatment.

Lawyer Rustam Matsev complained that on 31 May a senior police official at a pre-trial detention center in Nalchik, Kabardino-Balkaria, demanded that he should "stop teaching his defendant to lie" and convince him to withdraw a complaint about abduction and ill-treatment by police. The officer allegedly told Rustam Matsev that lawyers "get blocked" in the same way as members of armed groups during their "elimination" in security operations. The authorities refused to investigate the lawyer's allegations.

On 27 October, dozens of protesters lined up 50m apart (a form of picketing which requires no prior authorization) in front of the central FSB headquarters in Moscow. Later, when several known political activists tried to leave, surrounded by reporters, they were detained by police. On 30 October and 4 December respectively, activists Alexey Navalny and Sergei Udaltsov were fined nearly US\$1,000 each for organizing and participating in an unauthorized rally that violated public order. The judge hearing Alexey Navalny's case reportedly declined his defense lawyer's request to cross-examine the police officers who had detained him, and refused to admit video footage of the event as evidence.



## North Caucasus

The region remained highly volatile. Human rights violations in the context of security operations remained widespread.

Armed groups continued to launch attacks against security forces, local officials and civilians. A double bomb attack on 3 May in Makhachkala, Dagestan, left 13 people dead (including eight police officers), and over 80 emergency and rescue workers were injured. On 28 August, an influential Dagestani Muslim cleric, Sheikh Said Afandi, and his five visitors were killed by a woman suicide bomber. Other attacks by armed groups took place across the North Caucasus.

Some republics sought to develop non-repressive responses to the threats posed by armed groups. Commissions for Adaptation were established in Dagestan and Ingushetia with the aim of encouraging the surrender and re-integration into society of former members of armed groups. The Dagestani authorities adopted a more tolerant attitude towards Salafi Muslims.

However, security operations continued to be conducted on a regular basis throughout the region. In the course of these, numerous human rights violations by law enforcement officials were reported, including enforced disappearances, unlawful detentions, torture and other ill-treatment, and extrajudicial executions.

The authorities systematically failed to conduct effective, impartial and prompt investigations into human rights violations by law enforcement officials, or to identify those responsible and bring them to justice. In some cases, criminal proceedings were initiated, but for the most part, the ensuing investigation either failed to establish the perpetrators or confirm involvement of officials in the relevant incidents, or concluded that there had been no violation by law enforcement officials. Only exceptional cases led to the prosecution of police officials for abuse of authority in connection with torture and other ill-treatment. Not a single case of enforced disappearance or alleged extrajudicial execution was resolved, and no perpetrators from any other law enforcement agency were brought to justice.

Rustam Aushev, a 23-year-old resident of Ingushetia, was last seen on 17 February at Mineralnye Vody railway station in the neighboring Stavropol region. The next day, his relative spoke to staff at the station. They reported seeing a young man being detained by plain-clothes men and driven away in a Gazelle minivan, which was also captured on CCTV. A security guard had reportedly spoken to the minivan's driver asking it to be parked in the designated area, and was shown an FSB official's ID. Rustam Aushev's family reported these details to the authorities and demanded an investigation, but his fate and whereabouts were unknown at the end of the year.

In Ingushetia, the first ever trial of two former police officials concluded in Karabulak. Some charges related to the secret detention and torture of Zelimkhan Chitigov although the officials faced other charges as well. The announcement of the verdict was postponed repeatedly for almost three months, and on 7 November the judge sentenced one defendant to eight years' imprisonment, and fully acquitted the other, his former superior. Allegations of intimidation of victims and witnesses had persisted throughout the trial, during which both defendants remained at large. No other perpetrators were identified despite Zelimkhan Chitigov naming at least one other official by name and alleging that many others had been involved in the incessant bouts of torture during the three days he was kept in secret detention.

## **Additional Resources: Reports available from Amnesty International's International Secretariat on Russian Human Rights Conditions**

### **THE CIRCLE OF INJUSTICE : SECURITY OPERATIONS AND HUMAN RIGHTS VIOLATIONS IN INGUSHETIA (2012)**

[http://www.amnestyusa.org/sites/default/files/3680\\_ingushetia\\_cover\\_contents\\_web.pdf](http://www.amnestyusa.org/sites/default/files/3680_ingushetia_cover_contents_web.pdf)

In recent years, the Russian authorities have tried to extend and diversify their approach to threats posed by armed groups. This approach in Russia usually comes coupled with scant regard for the rule of law, and results in Human Rights Abuses that hinder the entire region's stability. Citizens in Ingushetia are the victims of extrajudicial executions, secret and incommunicado detentions and torture. Authorities fail to investigate allegations of torture, or the investigations are inadequate especially of complaints and accusations against security forces. Amnesty also documents the purposeful meandering of the legislative process to delay the development of justice.

Security forces in the North Caucasus partake in covert operations with masked and camouflaged men that bare no distinguishable markings. This tactic helps them to set the groundwork for the elaborate process of misleading investigators, refusing accountability, denying secret detentions, and deferring justice. No one has ever been held accountable by the Russian Government for enforced disappearances or extrajudicial executions in the North Caucasus.

### **CONFRONTING THE CIRCLE OF INJUSTICE: THREATS AND PRESSURE FACED BY LAWYERS IN THE N. CAUCUSES (2013)**

<http://www.amnesty.org/en/library/asset/EUR46/003/2013/en/6af890a1-d79f-487d-bd39-2af4020a5835/eur460032013en.pdf>

Human rights violations such as enforced disappearances, unlawful killings, torture and other ill-treatment committed by members of law enforcement agencies are regularly reported from the North Caucasus and almost never effectively investigated. These violations, and the Russian authorities' systematic failure to investigate them effectively, produces a circle of injustice and leads to further violations of fundamental human rights. This in many cases includes the inability for defendants to access or choose their own lawyer. Furthermore the lawyers that are chosen to represent the defendants are coming under increasing pressure and threats from the criminal justice system.

This intimidation fundamentally undermines the right to a fair trial, and in turn makes the lawyers themselves victims of human rights abuse. The atmosphere of intimidation and harassment creates a festering environment for the continued "success" of a repressive justice system. The Lawyers who choose to defend the rights of individuals accused of military or political crimes, routinely come across procedural and institutional obstructions which limit their ability to see and communicate with their clients. They are threatened by law enforcement officials and often receive no assistance from their respective bar associations.

## Illustrative Cases

- **RUSTAM MATSEV:** As a defense lawyer, Matsev has worked on a number of cases of individuals accused of membership in armed groups, many of whom claimed to have been tortured and mistreated by law enforcement officials. Prior to a cross-examination of one of his clients, the officer who would question his client asked Matsev why he had “taught his client to lie.” **He was then warned that “During security operations, while eliminating members of armed groups, we block lawyers as well. We will definitely meet again. When you walk, always look back because we are watching you and know everything that you do.”** Matsev believes this was a direct threat against him, but when he filed a complaint with the authorities, he was informed that the officer was joking, and Matsev must have misunderstood him.
- **OMAR SAIDMAGOMEDOV:** Saidmagomedov acted as defense counsel for several individuals accused of being members of armed groups, and alleged the use of torture and fabrication of evidence for use in criminal proceedings against his clients. **On January 20, 2012, Saidmagomedov and his cousin were murdered by security officials in front of his cousin’s house.** A news broadcast the same night reported that the incident was a security operation in which two armed criminals were fleeing law enforcement officials who were shot as they tried to escape. Saidmagomedov’s family and colleagues have been prevented from pursuing the case.
- **SAPIYAT MAGOMEDOVA:** A criminal lawyer known for her work on cases involving human rights violations allegedly committed by law enforcement agencies in Dagestan, **Magomedova was beaten by police officers while trying to gain access to her clients.** When she filed a complaint about the beating, the police opened a criminal investigation to prove that she, in fact, had beaten the police officers. Magomedova was repeatedly pressured to drop the charges. In 2011, both Magomedova’s case against the police officers and the officers’ case against her were closed. Magomedova plans to appeal the decision to close the criminal investigation of the assault by police officers.

## FREEDOM UNDER THREAT: CLAMPDOWN ON FREEDOMS OF EXPRESSION, ASSEMBLY AND ASSOCIATION IN RUSSIA (2013)

<http://www.amnestyusa.org/sites/default/files/eur460112013en.pdf>

Vladimir Putin was inaugurated as President of the Russian Federation in May 2012. His election in March fueled protests all over Russia. From December 2011 to December 2012 at least 5,100 protestors have been arrested in more than 220 protest gatherings.

His administration's response to the protest movement has been almost entirely repressive. Through administrative and legal changes he has severely curtailed the rights to freedom of expression, association and assembly. The rights of political opponents, human rights organizations and activists, and all Russian citizens wishing to raise their voice in protest have been curtailed. These rights are explicitly guaranteed to the people by the Russian Constitution.

AIUSA’s interactive timeline on the above report is here: <http://www.amnestyusa.org/russia/>

## Additional Resources: Amnesty International's Prisoners of Conscience (POCs) and other Individuals At Risk in Russia

### MIKHAIL KHODROKOVSKII AND PLATON LEBEDEV (Prisoners of Conscience)

AI believes that there is a significant political context to the arrest and prosecution of Mikhail Khodorkovskii and Platon Lebedev. They were arrested in July 2003 and charged with seven counts of fraud, tax evasion and embezzlement and were accused of defrauding the state of over \$1 billion. Both men denied the charges against them and maintained that the case was politically motivated, as did many domestic human rights groups. After a trial lasting almost one year in May 2005 a court found them guilty and sentenced them to nine years in prison. On appeal, Khodorkovskii's sentence was reduced to eight years.

AI is concerned about a number of fair trial violations, both publicly and in letters to the Russian government.



**Mikhail Khodorkovskii:** Khodorkovskii was arrested in 2003 and has faced two trials: Tax evasion and fraud and embezzlement and money laundering. He was an outspoken activist against government corruption and was once considered a potential leader for the anti-Putin opposition party. The international community has spoken out in support of Khodorkovskii and many believe that his arrest was politically motivated. AI expresses concern about the timing of the charges against him, the reported harassment of his lawyers, and cited procedural violations that could have exonerated him. He is married and has four children.



**Platon Lebedev:** AI declared Russian businessman Platon Lebedev a prisoner of conscience after his convictions on money laundering were upheld by a Moscow court in 2011. Lebedev was a close associate of Khodorkovskii and the 4<sup>th</sup> largest shareholder in Yukos oil. AI believes that his arrest was politically motivated. He has spent nine years in jail on dubious charges. He is married and has four children.

### Lawyers in the N. Caucasus (Individuals at Risk)

**OMAR SAIDMAGOMEDOV:** Saidmagomedov was a defense lawyer for several individuals accused of being members of armed groups. Many of his clients stated they had been mistreated by authorities and were the victims of torture. On January 20, 2012, Saidmagomedov and his cousin **were murdered** by security officials in front of his cousin's house. That same night, the authorities claimed that he was killed in a security operation in which "two armed criminals shot at police officers during their escape". Saidmagomedov's family and colleagues have been blocked by the judicial process when attempting to pursue his case.



**RUSTAM MATSEV:** As a defense lawyer from Nalchik, Kabardino-Balkaria, Matsev has worked on a number of cases for individuals accused of membership in armed groups, many of whom claimed to have been tortured. For this representation he has received personal and direct threats against himself and his clients. He was threatened prior to a cross-examination of one of his clients, when an officer who would question his client accused Matsev of teaching his client to lie. He was then told, *“During security operations, while eliminating members of armed groups we block lawyers as well. We will definitely*

*meet again. When you walk, always look back because we are watching you and know everything that you do.”* The officer also kept insisting that his client should confess to the crime he had been charged with. Matsev perceived the officer’s words as a direct veiled threat against him and a warning that a criminal case against him may be fabricated. He later filed a complaint with the authorities but it was dismissed.