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## **Roma, Migrants, Activists: Victims of Police Abuse**

**A report submitted within the framework of the review of the 5th periodic report  
submitted by the Russian Federation to the Committee Against Torture  
for its 49th session  
(short version)**

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The NGO, **Anti-Discrimination Centre MEMORIAL**, was registered in 2007 and continued work on a number of human rights and anti-discrimination projects previously coordinated by the Charitable Educational Human Rights NGO “MEMORIAL” of St. Petersburg.

**ADC Memorial's mission** is to defend the rights of individuals subject to or at risk of discrimination by providing a proactive response to human rights violations, including legal assistance, human rights education, research, and publications.

**ADC MEMORIAL's strategic goals** are the total eradication of discrimination at state level; the adoption of anti-discrimination legislation in Russia; overcoming all forms of racism and nationalism; Human Rights education; and building tolerance among the Russian people.

**Since 2003, ADC MEMORIAL** has monitored Roma rights, producing both human rights reports and recommendations, as well as providing direct legal and psychological assistance to victims of racism. **Since 2009, ADC MEMORIAL**, with the support of Sida, has been developing a project entitled “Legal Assistance and Advocacy to Representatives of National Minorities in the Northwest Region of the Russian Federation”. The project encompasses work on monitoring, advocacy, legal and psychological assistance, Human Rights education and the production of publications. **Since 2011, ADC MEMORIAL**, with the support of the Open Society Initiative, has been developing a project entitled “Public Activists Rights Protection in North-West Russia”.

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FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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## EXECUTIVE SUMMARY

On 1 March 2011 the Law 'On police' entered into force. This Law forms the basis for reform of the Russian law enforcement system. Article 7 of the Law emphasizes that wrongful treatment and punishment directed at ethnic minorities should be avoided and bans discrimination on the grounds of any characteristic whatsoever. Police officials are required to "protect the rights, freedoms, and legal interests of a person and a citizen regardless of gender, race, ethnicity, language, origin, property status, official position, place of residence, or attitude toward religion" and "demonstrate respect for citizens' ethnic practices and traditions, consider the cultural and other characteristics of different ethnic and social groups and religious organizations, and facilitate inter-ethnic and inter-religious harmony." (Article 7.1-3)

However, despite the nominal recognition of the practices of ethnic profiling and discrimination against non-citizens and ethnic minorities, members of the reformed Russian police are by no means always governed by the above principles in their daily work. This has led to numerous violations, particularly against members of vulnerable groups. Following the re-qualification process for police officers carried out as part of the reforms, police abuses directed at foreign nationals continue unchanged. The experiences of ADC "Memorial" demonstrate that abuse of authority, and even systematic violence, against those belonging to other ethnic groups or viewed by police as having another particular status remains typical of the practice of the law enforcement system in the Russian Federation.

Roma and migrants within the Russian Federation are victims of sanctioned police abuses of authority perpetrated through special operations, like Operation 'Tabor' and "Illegal Migrant," as well as other cruel and degrading practices, which systematically target persons specifically on the basis of their national origin.

Ethnic profiling by the police exacerbates the already dramatic position of minorities facing increasing xenophobia, aggressive racism, and chauvinism. Attempts by citizen initiatives, LGBT societies, activists, and anti-fascists to oppose abuses of authority, discrimination, racism, xenophobia, and corruption often lead to reprisals against individuals themselves. Police subdivisions known as Centers for Extremism Prevention ("E Centers") exercise de facto political control over of the segment of society that refuses to tolerate abuse of authority. With increasing frequency police actions towards social activists and anti-fascists exceed their legal limits; citizens attempting to express their views have become the victims of all possible forms of administrative abuse of authority, including threats, beatings, torture and other cruel, inhuman or degrading treatment. Under these conditions of systematic physical and mental violence perpetrated by state agencies, social activists and antifascists are a group as vulnerable and discriminated as migrants, ethnic minorities and Roma.

This cannot but be cause for alarm, particularly considering the high incidence of torture and violence perpetrated by police. ADC Memorial underlines that even in 2012, after the law enforcement reform and requalification process, detainees are often victims of abuse of authority and subjected to torture, beatings and sexual violence, sometimes leading to death.

It is clear that impunity, lack of accountability, and the invariably benevolent attitude of investigative agencies and courts towards offenders from law enforcement agencies create fertile ground for abuse of authority, violence, and torture. No reform can resolve this problem until each crime and violation committed by a police officer is investigated and prosecuted to the fullest extent of the law and perpetrators punished in proportion to their position of responsibility. This should be the case both for abuse of authority directed at citizens of the Russian Federation and that directed at foreign nationals. Groups at risk such as actual and perceived ethnic and other minorities, political activists, and LGBT youth rights defenders must also receive particular protection. In the absence of these measures abuse of authority will remain unavoidable in Russia and “human rights” will exist in words alone.

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# Roma, Migrants, Activists: Victims of Police Abuse

The renowned St. Petersburg historian Lev Lurie was among the hundreds of peaceful demonstrators arrested and cruelly beaten on 5 March 2012 in St. Petersburg. As police dragged the elderly scholar into a van, a journalist was able to ask him, “Lev Yakovlevich, is what’s happening normal?” Lurie answered: “Unfortunately, yes. This country’s history bound up with violence...”

“The police should do their work rationally. They should follow the law, they shouldn’t be bought, shouldn’t break the law, shouldn’t shame their uniform, and shouldn’t sell out the government with their behaviour. But most of the police break the rules; they consider all migrants to be criminals, and take money to let the real criminals go. If there’s no order among those who enforce the law, there will never be any order in society.”  
Mairam, labour migrant

## Introduction

The abuse of police authority in targeting members of vulnerable groups is a stubbornly persistent practice in Russia. Various human rights violations, from threats and insults to murders at police stations, create an atmosphere of terror in which the primary victims belong to the most vulnerable social groups, like migrants, Roma and activists. Moreover, the planning and execution of “special operations” and “campaigns” against particular groups by law enforcement officials underscores the intentional and discriminatory nature of actions systematically targeting these groups. Violations committed by individual police officers during these actions are almost always deemed insignificant by their superiors and therefore no appropriate investigation of abuses is conducted.

For example, during operations such as “Illegal Migrant”, migrants are regularly subject to systematic raids for “document checks”, which give rise to corruption and rights violations against foreign nationals. Blatant ethnic profiling is targeted at the Roma during special operations such as “Operation ‘*Tabor*’” (a *tabor* is a Roma encampment). Police targeting of these groups is also intentional and planned when conducting operations aimed at “keeping the peace” during large-scale protests. Groundless prosecutions, threats, and cruel treatment are used to intimidate and politically persecute targets, and limit freedom of assembly and speech. The most active protesters find themselves attracting particular attention from law enforcement officials, and are subjected to various measures aimed at intimidating them. The position of these vulnerable groups is exacerbated by the limited opportunities they have to defend their rights, the impossibility of seeking police assistance due to the common perception that they are not law abiding persons, and the difficulty of finding remedies in domestic courts due to the absence of an

independent judiciary. Indeed, even when the actions of police or other law enforcement agencies are the object of a complaint, legal proceedings are not impartial. These factors create an atmosphere of impunity for police officials and creates the dangerous illusion that some human rights violations can be justified in certain contexts, thus giving rise to abuse of authority, including the use of violence.

The Russian Federation has acknowledged the numerous human rights violations, abuse of authority, and corruption in the Russian law enforcement system as a problem on the legislative level. Thus it has begun to undertake law enforcement reforms in adopting the new Law 'On police', which entered into force on 1 March 2011. During the preparation and implementation of these reforms police officers were required to undertake a recertification process and the principles of respect for human rights in police work were proclaimed. More than a year has passed since the new law was introduced. A working group for further reform of the Ministry of Internal Affairs was created by Minister Kolokoltsev in mid-June 2012. This group has admitted that "neither the recertification nor the creation of a new legislative basis has led to qualitatively positive results".<sup>1</sup> This lack of improvement in law enforcement is due not so much to loopholes in the law or its implementation, bribery, or insufficient police training; rather, it is mainly caused by a lack of actual understanding that the defence of rights and freedoms is a goal of police activity specifically and law enforcement activity in general. The poor impact of the reforms are also a result of the fact that on the policy-making level, the belief persists and grows that it is appropriate to use the police as a tool to intimidate and persecute specific groups, including ethnic minorities, the opposition, and foreigners within the territory of the Russian Federation.

### **The prohibition on torture and cruel, degrading and inhuman treatment and the problem of police violence in Russia**

The prohibition on torture is enshrined in Chapter 2 Article 21 of the Constitution of the Russian Federation: "No one shall be subject to torture, violence or other severe or humiliating treatment or punishment. No one may be subject to medical, scientific and other experiments without voluntary consent."

Moreover, according to the Federal Law 'On police',<sup>2</sup> police officials may not use torture, violence, or other cruel or degrading treatment and must cease actions that intentionally cause physical or mental pain (Article 5(3)). Use of physical force and special equipment or firearms by police officials must take into consideration the circumstances, nature, and degree of danger of individuals toward whom they are directed, and any damage must be minimized (Article 3(19)).

Nevertheless, the reality of the everyday activities of law enforcement agencies is far from meeting the principles proclaimed in law. After examining the Fourth Periodic Report of the Russian Federation on its compliance with provisions of the Convention Against Torture, the Committee Against Torture expressed concern regarding the

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<sup>1</sup> 'Пять принципов Колокольцева придадут полиции человеческое лицо Читать полностью' [The five principles of Kolokoltsev will give a human face to the police. Read more] 31 August 2012, RBC Daily, available at: <http://www.rbcdaily.ru/2012/08/31/focus/562949984624622>.

<sup>2</sup> Federal Law No. 3-FZ "On Police" of 7 February 2011 (entered into force on 1 March 2011). Similar provisions are contained in the previous Law of the Russian Federation "On Militia."



numerous and continual claims regarding the use of torture and other cruel, inhuman or degrading treatment and punishment by law enforcement officials, including against those in police custody.<sup>3</sup> The Human Rights Committee has likewise expressed concern at reports of the use of extreme force by police officials during demonstrations, in particular in connection with the Presidential and State Duma elections. It has recommended that the Russian authorities establish an independent agency authorized to receive and investigate all complaints involving the excessive use of force.<sup>4</sup>

### **Special circumstances regarding the defence of migrants**

As early as 1983 the Parliamentary Assembly of the Council of Europe noted with trepidation the appearance of xenophobic attitudes and movements within various states parties, which sometimes took the form of violent acts.<sup>5</sup> Noting that such developments may have been aggravated by economic, social, moral and educational factors, the Parliamentary Assembly indicated that such attitudes and movements are nevertheless unfair.<sup>6</sup>

In 1990 the Parliamentary Assembly condemned the use of violence increasingly being directed at immigrants, terming this a resurgence of xenophobia and racism in some European countries.<sup>7</sup> In 1993 the Parliamentary Assembly called upon member states to take adequate measures to combat the use of ethnic and racial violence and harassment directed at immigrants.<sup>8</sup>

In 2010 the Parliamentary Assembly returned to the issue of the need to defend migrants as one of the most vulnerable groups of the European population. In order to avoid incidents of violence the Parliamentary Assembly recommended that detention of migrants should be used only when necessary and there are no other alternatives available, including in respect of migrants present in European countries illegally. It recommended that such detention should be for the shortest time possible, and in conditions guaranteeing respect for the rights and dignity of migrants.<sup>9</sup> Although resolutions and recommendations by the Parliamentary Assembly of the Council of Europe have no formal binding effect, the Constitutional Court of the Russian Federation assumes that “they are based on the principles generally recognized by modern democratic states of supremacy of law, humanism, justice, and equality before the law.”<sup>10</sup>

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<sup>3</sup> Conclusions and recommendations of the Committee against Torture: Russian Federation, 6 February 2007, UN Document CAT/C/RUS/CO/4, at § 9(a).

<sup>4</sup> Concluding observations of the Human Rights Committee: Russian Federation, 24 November 2009, UN document CCPR/C/RUS/CO/6, at § 26.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, §§ 3 and 4.

<sup>7</sup> Recommendation 1125 (1990) on the new immigration countries, § 10.

<sup>8</sup> Recommendation 1206 (1993) on the integration of migrants and community relations, § 12.

<sup>9</sup> Resolution 1707 (2010) Detention of asylum seekers and irregular migrants in Europe, §§ 4, 9 and 10.

<sup>10</sup> See paragraph 3 of the findings in the Decision No. 15-P of the Constitutional Court of the Russian Federation of 27 June 2012 on the constitutionality of Articles 29.1 and 29.2, Article 31.2, and Article 32 of the Civil Code of the Russian Federation in connection with the complaint by citizen I.B. Delova.

In its resolution on the rights of all migrants adopted at its 20th session in June 2012,<sup>11</sup> the Human Rights Council stressed the global nature of migration, and again affirmed the obligation of states to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status.

### **Basic obligations to defend members of ethnic minorities**

In its application of law, the European Court of Human Rights assumes that the authorities should not only defend representatives of ethnic minorities, but should also appropriately investigate the xenophobic motivations behind violent attacks on them in an appropriate fashion, including when these transgressions originate with the police or other law enforcement agencies.

The European Court of Human Rights has emphasized that racially motivated violence is a particular affront to human dignity.<sup>12</sup> In view of its perilous consequences, such violence requires that the authorities display a special vigilance and a vigorous reaction.<sup>13</sup> Therefore law enforcement agencies must use all available means to combat racism and racist violence.<sup>14</sup>

Along with the obligation to investigate torture under Article 3 of the European Convention authorities must carry out effective investigations into violent attacks against minorities and their underlying motives, even when such attacks are carried out by private persons with no connection to the government.<sup>15</sup>

The Council of Europe's European Commission against Racism and Intolerance (ECRI) has noted that the fact that law enforcement agencies have almost complete impunity in committing racially motivated and discriminatory acts facilitates the current increase in racism and intolerance within society as a whole.<sup>16</sup> Such impunity, the Committee argues, not only facilitates racist elements in committing violent attacks on members of ethnic minorities (particularly those visibly identifiable as belonging to such minorities), but indirectly sends a signal to society as a whole.<sup>17</sup> In view of this, ECRI has called upon the Russian authorities to adopt additional measures to halt the cruel and discriminatory treatment of members of ethnic minorities by law enforcement agencies, so that society recognizes that such behaviour by police is unacceptable and will be punished.<sup>18</sup>

The Committee Against Torture (CAT), in turn, has also noted reports of increasing attacks founded on the victim's race or ethnicity the Russian Federation, and about the

<sup>11</sup> Human Rights Council, Human rights of migrants, 28 June 2012, UN Document A/HRC/20/L.6.

<sup>12</sup> See *Nachova and Others v. Bulgaria*, Applications nos. 43577/98 and 43579/98, European Court of Human Rights (Grand Chamber) decision issued 6 July 2005, at §145.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> See *Koky and Others v. Slovakia*, Application no. 13624/03, European Court of Human Rights decision issued 12 June 2012, at §215.

<sup>16</sup> Ibid. §146.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid. §147.

absence of effective investigation of these crimes.<sup>19</sup> The CAT has therefore recommended that the Russian authorities instruct all officials that racist or discriminatory attitudes will not be permitted or tolerated and that any official complicit in such attacks will be prosecuted and suspended from his/her post pending resolution of the case.<sup>20</sup> The Russian authorities were also charged to ensure, prompt, impartial and effective investigation into all acts of racially-motivated violence.<sup>21</sup>

### **Special obligations applicable to the protection of social activists subject to degrading treatment**

As the UN Special Rapporteur on the situation of human rights defenders notes, in many countries there is a growing characterization of human rights defenders as “terrorists,” “enemies of the state,” and “political opponents”. This is a worrisome trend as it is regularly used to delegitimize the work of these actors and increase their vulnerability.<sup>22</sup> The Special Rapporteur has expressed serious concern over the stigmatization of human rights defenders, as it facilitates the creation of an impression that they are fair game for abuse by both governmental and private actors.<sup>23</sup>

This attitude on the part of the authorities directly correlates with the social activism of many human rights defenders, who are therefore in particular need of protection.

On 9 December 1998 the UN General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,<sup>24</sup> also known as the Declaration on Human Rights Defenders (though it also encompasses other social activists, such as environmental activists). This Declaration has been applied by the Constitutional Court of the Russian Federation.<sup>25</sup>

As such, the state must effectively defend human rights defenders from all violence, threats, retaliation, discrimination, pressure, or any other arbitrary treatment resulting as a consequence of such a persons’ legal engagement in human rights activity.<sup>26</sup>

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<sup>19</sup> Conclusions and recommendations of the Committee against Torture: Russian Federation, 6 February 2007, UN Document CAT/C/RUS/CO/4, § 23.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 30 December 2009, UN Document A/HRC/13/22, § 27.

<sup>23</sup> Ibid.

<sup>24</sup> Appendix to General Assembly Resolution 53/144, 8 March 1999.

<sup>25</sup> See paragraph 2 of the findings in the Decision No. 19-P of the Constitutional Court of the Russian Federation of 18 July 2001 on the constitutionality of Clauses 1 and 2 of Article 29 and Article 3 of the Federal Law “On the Examination of Applications from the Citizens of the Russian Federation” upon the request of the Legislative Assembly of Rostov Province.

<sup>26</sup> Ibid. Article 12 § 2.

# 1. Torture and inhumane and degrading treatment of Roma by police in Russia

Police violence towards Roma is widespread and persistent throughout Russia. Violence by law enforcement personnel, including torture and inhumane and degrading treatment, occurs during arrest, detention, and search and investigation operations.

## 1.1 The link between discrimination and violence by police officials towards the Roma

Members of the Roma community in Russia are visually identifiable and subject to complex discrimination based on their ethnicity.<sup>27</sup> Many law enforcement personnel prejudicially believe “criminal occupations” such as theft, drug trafficking and kidnapping to be the “traditional occupations” of the Roma population.<sup>28</sup> Roma often encounter xenophobia and racism from law enforcement personnel, expressed not only verbally, but through actions, aggression and violence. First and foremost these responses are received from police personnel whose actions impact priority human rights such as the right to life, health and personal inviolability, as well criminal proceedings and the collection of evidence. Any abuse and intolerance displayed by police has practical consequences such as lack of objectivity in criminal proceedings, illegal detention and torture. Police officials intentionally direct criminal proceedings at Roma for the purpose of, for example, increasing their case clearance rate.

The prejudicial approach towards Roma is not only supported by rank and file police officers but indirectly affects the development of leadership decisions and the formation of plans for crime control. “Special operations” intended to uncover crimes perpetrated by Roma specifically are regularly conducted. Specific Roma databases are created and in practically every Roma settlement fingerprints are taken; although fingerprinting in Russia is not mandatory, it is carried out on Roma even without a formal legal basis during searches and detentions. Ethnically motivated violence is visited upon all Roma groups present on Russian territory. Nevertheless, the specific lifestyle of individual groups and societies contributes to the worsening of their position as victims of police abuse and violence.

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<sup>27</sup> For further information on discrimination against Roma in the areas of housing, education, and social and economic rights see ADC “Memorial” reports, available from <http://adcmemorial.org/www/category/pravozashitnyie-otchetiyi>.

<sup>28</sup> In general this attitude is typical of most officials, based on comments expressed by police personnel in conversations with ADC “Memorial”. Moreover the official websites of divisions of the Ministry of Internal Affairs regularly publish information about the dangers of Roma and “Gypsy hypnosis”, warning people to beware of Roma (See for example <http://mvd.tatarstan.ru/rus/index.htm/news/92818.htm> . The official press service of the Russian Ministry of Internal Affairs for Primorsky Territory states that “Roma are good psychologists and can instantly ascertain a person’s weak spots and can understand from a fleeting facial expression what is bothering him. In general the wise residents of Vladivostok and visitors to the city should avoid passing the Roma outpost.” [http://www.mvd.ru/news/show\\_107600/](http://www.mvd.ru/news/show_107600/)

## 1.2 Compact Roma settlements: a particularly vulnerable socio-economic situation contributing to violations by police personnel

Roma in the Russian Federation include **residents of compact settlements** largely populated by Kalderash Roma. These settlements and their inhabitants are characterized by a particular lifestyle and by their isolation. Kalderash settlements are located in most areas and often near large cities. They consist of 30-500 families, who frequently have many children. Most Kalderash Roma are uneducated or illiterate and live in dire socio-economic conditions.

After visiting a compact settlement during a mission to Russia, the United Nations Special Rapporteur on Racism noted the “extreme vulnerability and discrimination faced by the Roma community in Russia, especially affecting women and children, and particularly visible in the housing, education, health and employment sectors - often linked to the difficulties in obtaining Russian citizenship and residence registration.”<sup>29</sup> He also noted that “Roma are increasingly suffering from racist violence, mostly by ultranationalist groups, from violence and abuse by law enforcement officials, and from persistent negative stereotypes associating them with criminality and drug-dealing, often for electoral reasons.”<sup>30</sup> Moreover, as the residents of compact settlements are greatly impacted by problems concerning personal documents, the comments of the UN High Commissioner for Human Rights, Thomas Hammarberg, regarding the Roma as stateless persons are particularly relevant to these individuals. Without identity documents Roma “are often denied human rights in the fields of education, healthcare, social assistance, employment, housing, freedom of movement and the right to vote”<sup>31</sup>

Due to their isolation and vulnerability, residents of compact Roma settlements are convenient targets for any abuse of authority by law enforcement agencies. As a rule, police stations located not far from Roma settlements “specialize” in regularly prosecuting residents of the settlement, detaining them, beating them, and extorting bribes. One such pattern of activity conducted over many years by such a police department in the Moscow District of Ryazan has been highlighted by the Roma settlement of Dyagilevo.<sup>32</sup> Residents of Roma settlements find themselves de facto completely dependent on police personnel, leading to mass human rights violations.

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<sup>29</sup> Report of the UN Special Rapporteur on racism, racial discrimination and xenophobia Doudou Diene, Mission to the Russian Federation, 30 May 2007, A/HRC/4/19/Add.3, para.53.

<sup>30</sup> Ibid.

<sup>31</sup> Statement by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, at the 4th Council of Europe Conference on Nationality “Concepts of Nationality in the Globalised World”, 17 December 2010 <http://www.coe.int/t/dghl/standardsetting/nationality/Speech%20Commissioner%20of%20HR.pdf>

<sup>32</sup> Information from surveys of residents of the village of Dyagilevo conducted by ADC “Memorial” associates during human rights monitoring between 2010 and 2011.

### **1.3 Lack of effective investigation, identification, and arrest in instances of violence and discrimination by law enforcement personnel (CAT, Art. 12, 13 and 14)**

Numerous examples of even the gravest abuses against Roma remain not only uninvestigated but unknown to anyone except the victims and their close relatives, who fear speaking about such events. Nevertheless, the complaints about police abuses that *are* made known to ADC “Memorial” permit conclusions to be drawn about the sheer scale of abuses perpetrated.

When victims of violence appeal to law enforcement agencies that comprise a single system, those responsible for conducting investigations **fail to identify and address instances of discrimination against Roma, particularly by representatives of law enforcement**, even when those representatives have committed violent crimes.

Moreover 2011’s attempts to reform the police system through the enactment of the Federal Law ‘On police’ and subsequent re-qualifications, has not decreased the number of violations perpetrated against vulnerable groups in practice. Although the overall function of the police, as enshrined in Article 1 of the Federal Law ‘On police’, is to “protect life, health, rights, and freedoms,” law enforcement personnel themselves often violate these rights and freedoms. The most serious violations concern infringements on life and health and involve the use of force, beating and murder.

### **1.4 Instances of violence and inhumane and degrading treatment by police officials**

#### *1.4.1 The beating and murder of Roma by police officials, and inhumane and degrading treatment at police stations*

The Russian police system is organized by territory, with divisions located in city districts or provinces. Those arrested are brought to police stations and can be held for up to 48 hours depending on the basis for arrest. After being arrested and brought in people are frequently beaten in police stations, as police attempt to browbeat arrested persons to obtain information or a confession, or to vent frustration and anger at detainees.

ADC “Memorial” has encountered instances where entire police stations have “specialized” in mistreating Roma, including through beatings. Such stations are located in districts with large Roma populations living either compactly or scattered, such as in Ryazan (settlement of Dyagilevo) and Pskov Province (city of Ostrov). In addition, investigators utilize force to obtain evidence, as well as confessions to false charges, from suspects and defendants.

Roma are regularly beaten in police stations in the city of Pskov and its surrounding province.<sup>33</sup> There have also been documented instances of Roma dying in police stations and detention centers in Pskov Province. Three such instances are as follows:

#### **Example 1: The death of Fatima Alexandrovich at Pskov Police Station**

On 20 May 2002, Fatima Alexandrovich, of Roma ethnicity, was detained and brought to the police station in Pskov. She was found dead in the police station courtyard later that day; according to the police Fatima had jumped from a window in an act of suicide. Nevertheless, the police sought to avoid investigating the incident. According to eyewitnesses there were injuries on Fatima's body that could not have occurred as a result of a fall. Thus there was every reason to believe Fatima had been the victim of violence at the police station and was murdered to conceal the vestiges of a crime and avoid accountability.

After exhausting the domestic remedies available in Russia, a complaint was filed with the European Court of Human Rights. In its decision, *Kleyn and Alexandrovich v. Russia*,<sup>34</sup> the Court found a violation of Russia's obligation to conduct an independent and effective investigation into a death in police custody. The Court was unable to find a violation of Fatima's right to life as it was impossible to provide sufficient evidence of murder at the police station. However, the Court's finding of a violation of the procedural limb of Article 2 of the European Convention highlights the Russian authorities' disinterest in conducting an effective and independent investigation in cases of potential violation of the right to life by police agents. After his wife's death the petitioner was left with two small children. Ten years after the tragic incident he received 20,000 Euros in compensation and an award of legal fees.

#### **Example 2: The death of Roman Samulevich in Pskov Detention Center**

In 2005 **Roman Samulevich, of Roma ethnicity**, was found dead in the detention center of the city of Pskov. His death resulted from asphyxiation (the body was found with a noose around the neck), but according to expert opinions there were numerous injuries on his body that were inconsistent with death by hanging. Despite having grounds to institute a criminal investigation into the possibility that detention center personnel had participated in Roman's death, an effective investigation was never carried out. The refusal by law enforcement agencies to investigate was appealed to the Russian courts, and a complaint was then prepared and filed with the European Court of Human Rights.<sup>35</sup>

#### **Example 3: The death of Nikolai Nikiforov in Pskov Detention Center**

Nikolai Nikiforov, of Roma ethnicity, was arrested in Pskov at the end of February 2011 for fighting and released to return home before trial. Following his release Nikolai received a summons to return to the police station but was unable to attend for health reasons. He was consequently arrested and brought to Pskov detention center. Two days later his relatives received the news of his death, allegedly from pneumonia. According to his mother when the police officers came for Nikolai they beat him severely. Relatives who attended Nikolai's funeral report that his entire body was covered in bruises, clearly as the result of beatings.

<sup>33</sup> Data from regular monitoring conducted by ADC "Memorial," 2003-2012.

<sup>34</sup> Application no. 40657/04, European Court of Human Rights decision issued 3 May 2012. Information on this case was published in the report 'Roma in Russia: the subject of multiple forms of discrimination', November 2004, ADC "Memorial", p.17, available at: <http://adcmemorial.org/www/758.html>.

<sup>35</sup> Materials from the case are in the ADC "Memorial" archive.

Despite the participation of an attorney representing Nikolai's mother in the subsequent inquiry into Nikolai's death, no criminal case was ever instituted. A complaint regarding the refusal to bring criminal charges in respect of Nikolai Nikiforov's death in Pskov detention center has been filed with the Pskov Municipal Court under Article 125 of the Russian Procedural Code.<sup>36</sup>

Roma deaths in police custody are not restricted to Pskov Province and have also occurred in nearby Novgorod:

#### **Example 4: The death of a Roma man in a police car in Vyalka, Novgorod Province**

ADC "Memorial" have been made aware through information received from the media of the death of a Roma man in a police car,<sup>37</sup> declared by police as a suicide. According to journalists, police officials had placed a 60-year-old resident of Vyalka into an official police vehicle and a short time later found him hanging by his own belt. Police claimed that the individual was intoxicated.

ADC "Memorial" staff traveled to Vyalka to investigate the situation. After questioning local residents and witnesses they learned that the deceased man's name was Nikolai Shakhovskoi and that on 1 October 2011 he had been at a friend's house in Vyalka when an argument had occurred and local residents had called the police. When the police arrived Shakhovskoi was detained and placed in a service car, where he was soon found dead, allegedly having hung himself on his belt. He left no surviving relatives.

On the basis of the findings of its investigative mission to Vyalka, ADC "Memorial" submitted a statement of facts and a demand for verification of the circumstances surrounding Shakhovskoi's death to the Investigative Division of Novgorod Province. Even if Shakhovskoi's death was the result of suicide, police officials were obliged to ensure the safety of a person in detention (including after being placed into a police vehicle). The Investigative Division's response to ADC "Memorial"'s request was that it was not required to reply to requests from "every charitable institution."<sup>38</sup>

Like many others, this incident did not have a positive outcome. An official investigation was never conducted, and it was impossible to initiate an official investigation without relatives who would have had standing as victims. Indeed, the Investigative Division of Novgorod Province's reply to ADC "Memorial"'s petition indicted that the law does not require "charitable institutions" to be notified about the results of an inquiry and allows a complaint to be filed only by relatives of the deceased.<sup>39</sup>

The situation in police stations in Pskov and its surrounding province give cause for serious alarm. There are continual reports of illegal detentions and beatings of the local Roma, including those that follow:

<sup>36</sup> Materials from the case are available from the ADC "Memorial" archive.

<sup>37</sup> See 'СК продлил проверку по факту гибели новгородца в машине полиции Читайте далее' ('IC in Novgorod extended investigation of the fact of the death in a police car. Read more' 10 October 2011, RIA Novosti, available at: <http://www.ria.ru/inquest/20111010/454599556.html>).

<sup>38</sup> Materials from human rights monitoring and the texts of responses are in the ADC "Memorial" archive.

<sup>39</sup> Ibid.



**Example 1:** In September 2011, Yana K., aged 25, was arrested for drug trafficking. During her arrest Yana was beaten and had to be hospitalized with liver and kidney malfunction.

**Example 2:** Zabar Nikolaev, age 22, was stopped for a document check by police officials on 18 November 2011. Zabar did not have identification with him and was therefore taken to the police station where he was interrogated to obtain a confession to involvement in criminal activity. Zabar's denial of engagement in such activities led police to beat his legs and kidney area in an attempt to force a confession. Zabar was eventually released after police realized he wasn't going to confess and has refused to make a statement in respect of these events due to fear that it would occasion further beatings.

**Example 3:** On 25 January 2012 in the city of OPOCHKA, Pskov Province, a Roma man named Matsinkevich was riding a bicycle when it struck a car. According to relatives, Matsinkevich was subsequently taken to the local Ministry of Internal Affairs (MID), where a statement was prepared admitting his guilt for the violation of traffic laws and a fine was imposed. An ambulance was called to the police station and Matsinkevich was taken to hospital where the doctors documented his injuries. Matsinkevich's relatives report that he had been beaten at the police station to make him confess to the traffic offence. The victim would not confirm these assertions and would not make a statement, most likely due to fear of reprisals by police officials.

**Example 4:** D. was detained by Pskov police while on his way home in March 2012. A police officer demanded to see the D's personal documents, and then took his passport. He said that he would return the passport if D. himself came to the police station. However, he was too afraid to go to the police station for fear of being charged with crimes he had not committed.<sup>40</sup>

**Example 5:** Alexander N., a 19-year-old Roma, was detained on his way home on Herzen Street in Pskov in May 2012. He was pushed into a police car and taken to the police station where he was beaten and information demanded on locations for drug trafficking. Alexander was intimidated in an attempt to make him an informant, including through threats that drugs would be planted on him if he refused to cooperate. Alexander was kept at the station for an entire day and only released in the evening when his mother came for him. Alexander had injuries on his body made by a club and boot prints on his back. Both he and his relatives refused to file a complaint out of fear of harassment by the police.

**Example 6:** Mikhail N is a 43-year-old resident of Ostrov in Pskov Province. While in Pskov in March 2012 Mikhail was stopped in the city center by police officials for a document check. He didn't have his documents with him and the police took him to the central station to verify his identity, where he was held for three days. Mikhail states he was beaten the entire time by police officials, received no food, and was only released on the third day.

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<sup>40</sup> According to information obtained through human rights monitoring by ADC "Memorial" staff. Reports from staff members are in the ADC "Memorial" archive.

Moreover, there is evidence that police officers have also engaged in deliberate and targeted cruel and degrading treatment of Roma populations, consciously taking into account the cultural particularities of this group in order to do so.

**Example 1: Cruel and degrading treatment of women arrested in Ryazan compact Roma settlement**

On 12 December 2011, at around 12:00pm three female residents of the Dyagilevo settlement in Moscow District (Maritsa Arturovna Mikhail, Grusha Buzovna Muityan, and Fatima Buzovna Mikhail), were detained in Taxi Van No. 31 by members of the Ryazan Department of Internal Affairs, Soviet District. According to the victims and other residents of the settlement, police officials from this station are well-known for their many years of mistreatment of Ryazan Roma. The police officers did not identify themselves and without explanation took the women to the police station in the Soviet District of Ryazan city, where their passports and phones were confiscated (Fatima Mikhail had only a telephone since her passport was not with her). The women were locked in an office and beaten on their legs and arms, and mostly on the head. There were four policemen beating the women, one of whom was clearly the “leader.” They then cut off the women’s braids (some of the men held the women’s heads as they struggled, while others cut the hair), saying “we know you’ll be ostracized by the *tabor*” and that now they were shamed. Photographs and videos were taken of all the women, and they were shown pictures of other victims and told “we’ve cut off the hair of 21 Roma women already”. These statements clearly indicated that this mistreatment was purposeful and premeditated, consciously taking into account the distinct cultural traditions of the Kalderash Roma, among whom the cutting off of a woman’s braids is a shame comparable to being a victim of sexual violence. This approach should be considered dual discrimination founded on both the ethnicity and gender of the victim, as it is specifically Roma women for whom hair-cutting has a particularly offensive connotation.<sup>41</sup>

The beatings and mistreatment of these three women continued until the evening, when one of the policemen said, “Now call the *tabor*.” The women told their relatives what had happened. The first to arrive was the husband of one of the women, Artur, who was nearby. One of the policemen went outside and showed Artur the amount demanded for the women’s release on his telephone. Although the initial amount was 40,000 rubles this was lowered to 30,000 rubles. Artur said he only had 5,000 rubels with him and the policemen took the money and released the beaten women; it was then 7:00 in the evening. The women’s passports and phones were not returned.

Relatives took the victims to hospital on the same day, where all were diagnosed with concussion. An ambulance was also called to the settlement several times, and upon learning

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<sup>41</sup> Such “methods” have long been noted in the course of human rights monitoring conducted by ADC “Memorial. Thus, the appendix to the 2006 NGO Shadow Report “The Situation of Roma in Russia” indicates that this sort of practice is widespread: “When Roma women (most often Magyar) are detained by the police, their hair is shaved off or cut by the police. In so doing, the intent of the police is to disgrace and shame the victim as much as possible with a conspicuous, hideous haircut (the police will cut a cross into the hair on the crown of the head, dye the forehead and/or a head with green, etc.) A similar practice exists not only with the police, but in the prison system as well. A prison of St. Petersburg on the Arsenalskaya Street houses women from very different ethnic groups (Kelderari-Roma, Russko-Roma etc.) who, while under investigation, have their heads shaved. This is as much racial discrimination as it is gender, since hair is extremely important for women of Romany communities (only married women are deliberately shaved for certain types of guilt by their relatives to shame them). Since not all Romany women, but rather only those with long thick hair, had their heads shaved by the police, the Roma themselves tend to assume that the hair is then sold (Field Report, ADC “Memorial” St. Petersburg archives, see ‘On the situation of Roma in Russia’ February 2006, available at: <http://adcmemorial.org/www/752/html?lang=en>).

the cause of the women's injuries one of the nurses planned herself to file a report with the police regarding the beatings.

On 13 December 2011, the victims, their relatives, and other residents of the compact settlement personally attended the Investigative Committee to request an inquiry. Their claim was accepted but they were told that they should have come the same day as the incident. The victims also sent an electronic notice to the Ministry of Internal Affairs of Ryazan Province. On 14 December 2011 the victims were summoned to the MID where they were questioned and viewed a photographic line up. They all identified the officers who had beaten them, but were not provided with the names of the suspects.

Following these events *tabor* residents began receiving threats; for example, Artur, the husband of one of the victims was threatened with prosecution for bribery. On 28 December 2011 a policeman from another station arrived at the settlement and attempted to take advantage of the women's low level of literacy by getting them to sign false statements. However, the husband of one of the victims and other literate *tabor* residents noticed that the statements were inaccurate, and the women refused to sign.

An attorney was allocated to represent the victims' interests during the investigation. A case was filed only after the attorney filed a complaint, but was closed shortly thereafter as the investigator expressed the opinion that there was insufficient evidence that the beatings had taken place at the station.<sup>42</sup>

#### 1.4.2 Anti-Roma campaigns by law enforcement agencies

Law enforcement agencies often conduct "raids" against the Roma population. These are purposeful campaigns to "search for criminals" and "verify operative information" and are implemented specifically against Roma. This is reflected in the name of these special operations; for example, the name "Special Operation 'Tabor'" is widely used in many regions. Internal instructions and orders from the Ministry of Internal Affairs usually form the basis for these actions, rendering complaints difficult and providing police with broad discretion. The residents of compact Roma settlements are those that suffer the most from these actions as their living conditions are conducive to the perpetration of police abuses and the large-scale campaigns and operations carried out against Roma. The treatment to which these persons are subjected amounts to degrading treatment as interpreted under the Convention against Torture and Other Cruel, Inhumane and Degrading Treatment and Punishment.

##### **Example 1: Anti-Roma campaigns in Bryansk**

Law enforcement agencies organized an anti-Roma campaign in Bryansk in March 2012, when the entire Roma population of the city fell under suspicion regarding the disappearance of a 9-month-old girl, an incident widely publicized in the local and federal media. A harsh campaign of operational-investigative actions was initiated against the Roma. Between 19 and 23 March 2012, ADC "Memorial" staff members who were in Bryansk Province conducting human rights

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<sup>42</sup> The decree refusing to open a criminal case and other case materials are available from the ADC "Memorial" archive.

monitoring and providing legal assistance to the Roma population, witnessed the actions of police officials. The residents of the Roma settlement of Antonovka were primarily targeted. Squads of police surrounded Roma homes, entered without warrants, and conducted searches with specially trained dogs. This harassment was supported by numerous “volunteers” from the local population, who willingly assisted police. The operation continued for four hours.<sup>43</sup>

On 22 March 2012, additional searches were conducted in another compact settlement in Bryansk Province, located in the village of Timonovka. According to the Roma, permission to search had only been granted in respect of one home, but all were checked. The reason for this police activity was the fact that the man whose home was covered by the arrest warrant had filled out a birth certificate for his child.

Thus procedural actions toward Roma took place without solid grounds and represented gross violations on the community members’ rights. Moreover the illegal searches and photographing were conducted on an ethnic basis as the homes of Russian neighbours were not searched. This indicates a **discriminatory approach to the conduct of investigations, victimizing the entire Roma population of the region, which had fallen under the groundless suspicion of kidnapping a child.**

#### **Example 2: Tula: Conflict with the police in a Roma settlement**

In February 2012, ADC “Memorial” became aware of a conflict between the residents of the Roma settlement Kosaya Gora (Tula Province) and the police. A Memorial representative, A. Yakimov, was dispatched to mediate the conflict and defend the settlement residence from violence and threats by police, along with an attorney who had already had experience of successfully opposing police abuse of authority.

They were able to clarify that the conflict arose between police officials who had come to the *tabor* to arrest a resident on suspicion of theft, his relatives, and the other residents of the *tabor*. During the conflict police called in the riot police (known by the Russian acronym OMON), conducted searches, and intimidated women and children of the *tabor*.

On 14-16 February 2012 meetings were arranged with the parties to the conflict and representatives of the administration and governmental agencies. Statements were submitted and complaints were prepared.

Only after the intervention by the attorney and the Memorial associate was it possible to defend the residents of the Roma settlement from illegal acts of “revenge” by police officials against the Roma population, including women, the elderly, and children.

The intentional persecution of Roma is a practice often encountered in various regions. Thus, according to attorney S. B. Malanovsky, in the summer of 2011 the Roma population in the region of the Bolkhovets settlement near Belgorod, comprising around 30 individuals, were the victims of illegal detention. Police officials, displeased that there was a Roma *tabor* in their territory, created an “action group” composed of local residents, who began writing letters to various entities. Illegal searches and detentions began shortly thereafter. The police surrounded the settlement, burst into homes and searched everyone for drugs, forcing residents, including

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<sup>43</sup> Video footage of the search conducted at the Roma settlement is located on ADC “Memorial”’s website at: <http://adcmemorial.org/www/4680.html?lang=en>.

children, outside. Members of the Federal Migration Service also participated by checking documents and filling out reports on violations of registration requirements and the lack of documentation. Police officials explained to the attorney who arrived that they had received a complaint about drugs being sold in the *tabor*, and that this was the formal basis for the operational search and investigative action. After the attorney's intervention the police left without writing a single report and the illegal searches were not the subject of any workplace audit.

Similar problems have arisen in the Roma settlement of Shishino, in Belgorod District of Belgorod Province, populated by around 80 individuals. After the situation at the settlement of Bolkhovets improved, police officials began the mass detention of residents of this settlement.<sup>44</sup>

Illegal searches (i.e. searches without warrants or the preparation of a report, or violating other procedural safeguards), which constitute the forced invasion of Roma homes, occur continually in various regions:

On 3 October 2011 in the settlement of Gorelovo (St. Petersburg), two police officials burst into a Roma home in the evening without identifying themselves or displaying a warrant. Tatyana, the woman of the home, was standing on the stoop and would not let them in, but they forced her aside and entered. The police began demanding documents from everyone inside the home and went through the entire house in search of something. The protests of the owners were rudely answered with the assertion that "they had a bulletin to search all Roma homes in Gorelovo." After verifying that everyone's documents were in order, the policemen threatened to come back with the OMON, and then left.

Residents of compact Roma settlements are particularly vulnerable to searches because most of the homes in these settlements are not registered, and therefore do not legally "exist".<sup>45</sup> This situation allows law enforcement officials to conduct searches of dwellings without a warrant or following the requirements of the Criminal Procedural Code.

#### *1.4.3 The creation of conditions of vulnerability to torture and cruel, inhuman or degrading treatment by police officials: illegal document checks, arbitrary detention and confinement at police stations*

The Roma population throughout Russia must live in conditions that render them vulnerable to constant police abuse. These abuses and illegal actions, particularly illegal detentions, spark further violations and violence towards those detained. Using any official basis for detention available to them, police take Roma to police stations where they effectively become hostages, being under the complete power and control of local police and deprived of their freedom. Most often, no charges are brought after such detentions and no special action taken; thus, the detentions are conducted either for prophylactic reasons or to conduct verification pursuant to internal plans that are not accessible to the

<sup>44</sup> An article by attorney S. B. Malanovsky on discrimination against Roma in Belgorod was published in ADC "Memorial" bulletin No. 3 of June 2012, available (in Russian) at <http://adcmemorial.org/www/5399.html>

<sup>45</sup> For details on unregistered Roma homes see the joint report by ADC "Memorial" and "FIDH", entitled 'Forced Evictions and the Right to Housing of Roma in Russia' 2008, available at: <http://adcmemorial.org/www/750.html>.

general public. Once isolated and deprived of their freedom (their telephones are taken away or they are forced to turn them off without being given their right to telephone their relatives), those detained have no influence over their situation. This creates a sense of complete impunity for police officials.

An attorney representing the residents Shishino village who were subjected to large-scale detentions describes the situation as follows:

“Over a lengthy period of time police officials, acting under the orders from the Belgorod Ministry of Interior Affairs, detained citizens of Roma background without cause, and brought men, women, and children to the police for verification, fingerprinting, and photograph-taking. As a result of these illegal actions the law-abiding citizens of Shishino became the victims of abuse of authority. They are detained at the market, the clinic, in hospitals, and at railway stations. They are detained illegally at the police station from 4-14 hours and subjected to humiliation, insults, and violence. They are held without food or water and are fingerprinted and photographed several times. All the while police officials attempt to charge them with committing non-existent transgressions and crimes they haven’t committed. After intervention by an attorney the detentions without cause were investigated and the Belgorod Procuracy issued information to the Belgorod Ministry of Interior Affairs that abuse of authority and ethnically-motivated discrimination against Roma was prohibited.”<sup>46</sup>

The following are further documented examples of the subjection of Roma to detentions and other procedures rendering them vulnerable to further abuse:

#### **Example 1: Instances of illegal detention in Belgorod<sup>47</sup>**

On 22 May 2012 at the market on Chicherin Street private security guards detained Natalya Nikolaevna Khristova and her daughter-in-law, residents of the settlement of Bolkhovets. They were taken to the Belgorod Ministry of Interior Affairs where they were held for more than three hours and released after intervention by an attorney.

On 26 May 2012 a member of the Patrol and Inspection Service detained Svetlana Nikolaevna Khristova, a Roma resident of Bolkhovets, at a bus station where she was seeing off some relatives. Members of the service insulted and degraded her and she was forced to call an attorney using the speakerphone on her telephone. The attorney spoke to the police officials, demanded they cease abusing their authority, and warned them a complaint would be filed with the procuracy and their superiors, after which Svetlana was released and even received an apology.

On 4 June 2012 two Roma women were detained in the village of Streletskoe by the Belgorod District Ministry of Internal Affairs. Svetlana Nikolaevna Khristova and Fatima Nikolaevna Khristova, residents of the compact Roma settlement of BolkhovetsI were forced by police into a police car with the explanation that “Roma aren’t permitted on this territory”. The detainees were

<sup>46</sup> ‘Проблема дискриминации цыган в Белгороде’ [‘Discrimination of Roma in Belgorod’] *published on: 26.06.2012*, available at: <http://adcmemorial.org/www/5399.html>

<sup>47</sup> From information in the ADC “Memorial” archives provided by attorney S. Malanovsky, who represented the interests of the detainees.

taken to the local police department without grounds, spent over two hours attempting to resolve matters, and were released only after the intervention of an attorney who threatened to file a complaint with the procuracy.

### **Example 2: The detention of Roma in Tver Province constituting a continual abuse of police authority**

The continual illegal detention of Roma is a daily occurrence with which the residents of the compact Roma settlement of Savvatevo in Tver Province must cope. According to residents, since January 2012 they have been subjected to illegal detentions on an almost daily basis. By spring this situation had led to large numbers of Roma fearing to go outside, to clinics, the store, or standing at public transport stops, such was the threat of detention at any time and in any location solely on the basis of ethnic background. The residents are unaware of the official reasons for commencing these detentions. Below are several examples of groundless detentions in Savvatevo.

Larisa Ristovna M. and another Roma woman were detained by police near the marina. Without identifying themselves or presenting any sort of official documentation, the police demanded Larisa Ristovna and her friend produce identification. The women having done so, the police ordered them to follow them to the station without explaining why. There, the women were fingerprinted and photographed, and then released. Several days later Larisa Ristovna was again detained in a grocery store, where she had gone with her daughters-in-law. Police officials approached them there and asked them to show their passports. They then forcibly removed the women from the store and pushed them into a police car. At the police station an arrest statement was prepared by police indicating that Larisa Ristovna had resisted arrest and torn a shoulder strap from a policeman, and that her daughter-in-law had been disturbing passers-by whilst drunk and cursing loudly. As Larisa Ristovna is not very literate and her daughters-in-law cannot read at all, they signed the statements without reading them. They learned the contents of these statements only after receiving a court summons, although according to procedural legislation the police are obliged to read the statements and confirm that its content is understood by the detainee.

On 18 March 2012 a Roma man, Radzhi Yanch, was riding in a car on Tupolev Street, together with Rustam Yanch and Artur Mikhail. They were stopped by the police, who asked for their documents and said they had to follow them to the station. There, their personal belongings were examined and the men were photographed and fingerprinted. According to the detainees, the policeman conducting the examination was very rude and said that if he found anything "illegal" in their pockets they would be "really be sorry."

On 20 March 2012 three Roma were detained in Tver: Samir Petrovich, Radzhi Petrovich, and Artur Mikhail. They had been walking down the street when a Patrol and Inspection Service vehicle stopped near to them. Policemen exited the vehicle and demanded to see their identification papers without stating a reason. After the documents were presented, the policeman told the men that they were being detained and rudely demanded that they follow the police to the police station of the Moscow District of Tver. The reason given for the detention was that the policeman's supervisor had ordered them to detain some Roma. All the detainees were examined at the station, fingerprinted, photographed, and prints taken of their shoes. They were insulted during the examination, and one of the policemen told them; "Everything I find in your pockets is mine." After being held for four hours at the station they were released without being given a copy of the arrest statement.

Another resident of Savvatevo, Kulai Petrovich, relayed how he was also detained many times and that on 26 March 2012 police officials detained his son, Dmitry Petrovich. A Patrol and Inspection Service vehicle stopped next to him while he was walking down the street toward a store. A policeman exited the car and asked for his passport. He then placed Dmitry in the vehicle and took him to the central district office of the Ministry of Internal Affairs. Dmitry was held there for two hours with no explanation, fingerprinted and photographed, and prints taken of his boots.

In March 2012 alone over 20 Roma from Savvatevo were subjected to detention in various police stations in Tver Province.<sup>48</sup>

### **Example 3: Forced photographing and fingerprinting of all residents of Roma ethnicity in Smolensk**

In September, 2010 ADC “Memorial” received complaints from the Roma residents of Smolensk and Smolensk Province about the start of a **campaign of forced fingerprinting of Roma**, although by law this procedure is not mandatory.

Human rights defenders telephoned the Smolensk Ministry of Internal Affairs and were told by officials there that the actions were being carried out due to the commission of a crime whose victims had stated that the perpetrators were Roma. ADC “Memorial” sent a fax to the Smolensk MID highlighting the discriminatory nature of operative actions conducted on an ethnic basis targeting Roma. The following written reply was received: “Your assumption that selection is being made on an ethnic basis is mistaken.” It also stated that everyone “suspicious” was being photographed, and not just Roma, including those with criminal records, drug users, the homeless – which was clearly not the case.<sup>49</sup>

### **Example 4: Illegal detentions of Roma in Vladimir Province**

Residents of the compact Roma settlement Glubokovo in Petushinsky District of Vladimir Province complained to ADC “Memorial” regarding the actions of police officials. They related that on 14 April 2011 police officials from the Petushinsky District MID (one of whom was named Belov) had arrived in two police cars and began conducting document checks (witnessed by many local residents), detaining settlement residents, and taking them to the Petushinsky District MID. As MID officials later explained, those detained (those with the last name Mikhail) had been located outside the area in which they were registered (Tula Province), which served as the basis for their detention. This type of action is without legal basis under Articles 13 and 14 of the Federal Law ‘On police’ and constitutes a gross violation of citizens’ rights.<sup>50</sup>

### **Example 5: Illegal detention of Roma in St. Petersburg**

The illegal detention of Roma is widespread in all regions and cities in Russia, including St. Petersburg. On 14 November 2011 at around 14:00pm, Grigory Nikolaev and Alexandra

<sup>48</sup> According to interviews conducted with the residents of the Roma settlement on 12 April 2012 by ADC “Memorial” personnel during human rights monitoring; the reports are in the ADC “Memorial” archive.

<sup>49</sup> The text of the correspondence is contained in the ADC “Memorial” archive.

<sup>50</sup> According to oral statements by the victims; the reports are located in the ADC “Memorial” archive.



Baurova were riding in a car on Moscow Prospect toward downtown St. Petersburg when they were stopped and detained by police officers. These officials did not identify themselves and demanded the identity documents of the two men (it was later learned the officials were from the 12<sup>th</sup> Police Station). Although the documents of both men were in order, Nikolaev and Baurova were detained and brought to the 12<sup>th</sup> District (at 29 Warshavskaya Street, Building 3). The officials conducting the detention and transport did not explain the basis for their actions and refused to give their names and job titles. At the police station an explanation of the purpose of their travel and other questions of a personal nature were demanded of the detainees, which were eventually placed in written form and signed. The detainee's requests for copies of any documents regarding the detention were denied. After an explanatory report, Grigory Nikolaev was released, but Alexandra Baurova was kept at the station until 19:00 pm. The detainees had told police that they had young children at home, but no regard was paid to this fact. Upon inquiry into the reasons for the detention of these two men, ADC "Memorial" personnel were informed that the detention was conducted "to verify an all-points bulletin."

ADC "Memorial" subsequently filed a complaint with the procuracy for the following violations: first, administrative detention is not supposed to exceed three hours (Article 27.5 of the Code of Administrative Offenses (CAO)), but according to Alexandra Baurova their detention had lasted from 15:00pm until 19:00 p.m. Secondly, a report should have been prepared to indicate and explain the legal basis for the detention, among other things, and a copy should have been provided to the detainee at his request (Article 27.4 of the CAO); multiple requests from the detainees for a copy of the reports were nevertheless denied by police.

An audit by the procuracy revealed that there had never been any record of such detainees at the 12<sup>th</sup> District Police Station. As no documents regarding the detention had been created or destroyed, it was practically impossible to demonstrate the illegality of the detention or any instances of violence used.<sup>51</sup>

## **1.5 The ineffectiveness of the remedies against police force: complaints to law enforcement agencies and courts, and the difficulties of triggering international remedies (CAT, Art. 13)**

### *1.5.1. The ineffectiveness of complaints to domestic law enforcement agencies and courts*

An additional condition underlying the repeated instances of police violence is the **almost complete impunity enjoyed by police officials**. In many instances victims of police transgressions, especially members of disadvantaged groups, are afraid to complain. This is connected not so much with the victims' vulnerable position and the danger of "retaliatory measures" by the police as with the absence of effective means of legal defence. Complaints to the Prosecutor or to investigative agencies regarding members of the same law enforcement agencies practically never lead to a genuine investigation or functional audit. Responses to these complaints can be summarized by the phrase that the Prosecutor "has conducted an investigation and found no violations."

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<sup>51</sup> According to material received by ADC "Memorial" and contained in the organizational archive.

Appeals against refusals to institute a criminal case (under Chapter 25 of the Civil Procedural Code, which provides the opportunity to appeal illegal actions or inactions by members of state agencies) are also predominantly ineffective as courts almost always agree with the conclusions of the investigation or assert insufficiency of evidence, which can only be obtained by the investigation.

### 1.5.2 *The difficulty of using international mechanisms*

The difficulties experienced in the course of exhausting domestic remedies also create problems for any subsequent international complaint.

Victims of police violence often encounter difficulties in collecting evidence, since the majority of evidence is controlled by investigators who are not interested in an objective inquiry. There have also been instances where evidence has been destroyed by police officials. Thus in the aforementioned case of *Kleyn and Alexandrovich v. Russia* it was impossible to establish that a murder had been committed at the police station as immediately after the death of Fatima Alexandrovich police officials did everything possible for not to collect evidence of beatings and violent death in order to confirm their account that the cause of death had been suicide<sup>52</sup>.

The difficulties of legal defence for victims of police violence are also related to the reluctance of victims to testify against state agency employees. Another obstacle is that human rights organizations may not file complaints in the absence of relatives (as in the above case involving the death of a Roma man in a police car in Vyalka). The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, has stressed the need to provide NGOs with direct standing to represent the interests of petitioners in court in individual situations. This is particularly important in those instances when a victim has died without relatives to complain regarding human rights violations. Hammarberg calls attention to the significance of the work of human rights NGOs in cases such as those of a Romania Roma man who died in a psychiatric hospital and whose interests could not be represented in court due to the lack of heirs or close relatives. In the majority of domestic and European court systems human rights organizations can act only through relatives and can either represent them or hire an attorney, but cannot participate in court directly on behalf of the victim. The Council of Europe Commissioner for Human Rights has therefore proposed that the right of NGOs to lodge applications in courts, both domestic and international, should be re-examined.<sup>53</sup>

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<sup>52</sup> No specific attention was paid to the traumas reported in medical papers and seen by witnesses (black eye, bruises on inner side of hips) in this case. These traumas could not be the result of falling out of the window, and there were serious suspicions that F. Alexandrovich was heavily beaten in the police station. The attorney Olga Tseytlina pointed out these facts but they were never investigated.

<sup>53</sup> See Third party intervention by the Council of Europe Commissioner for Human Rights under Article 36, paragraph 3, of the European Convention on Human Rights (Application No. 47848/08 - The Centre for

ADC “Memorial” frequently encounters these sorts of situations in practice, as there are almost always difficulties in locating relatives of victims from the most vulnerable and marginalized groups. Even where relatives are located, it is not always possible to obtain their consent to found a complaint; some fear for their safety, others do not believe in the effectiveness of the judicial process, and yet others cannot participate in an extended complaints process for health reasons. This is particularly the case in criminal matters connected with violations by law enforcement personnel. It is very difficult to convince potential plaintiffs to appeal the illegal actions of enforcement officials, even after severe consequences such as the death of a relative have occurred, including death while deprived of freedom.

## **2. Police Violence and Abuse towards Migrants**

### **2.1 The overall human rights situation for migrants in Russia and “ethnic profiling” violations by law enforcement agencies**

During the 1990s, Russia became one of the top recipients of immigration. More than 10 million foreigners enter the Russian Federation annually. Seasonal migrants from Central Asia and the South Caucasus coming to Russia in search of jobs account for a large proportion of this number. In the Russian Federation, foreign nationals are employed in construction, manufacturing, commerce, and service sectors, as well as in maintenance of housing, utilities and transportation infrastructure.

With a sizable presence in Russian cities, migrants – both with foreign citizenship or no citizenship whatsoever – constitute one of the most vulnerable groups in society. Often members of easily recognizable ethnic and religious minorities, foreign nationals, who also often come from the poorest population segments, encounter structural discrimination in the enjoyment of human rights and fundamental freedoms. This discrimination is driven by xenophobic attitudes and racial prejudices towards migrants that are widespread throughout Russian society. Studies have shown that migrant-phobia is expressed in the criminalization of ethnic migrants, who are perceived not simply as “alien” to Russian society, but as potential or actual “delinquents” violating Russian immigration laws.

In their daily practice, law enforcement and other government agencies are guided by a presumption of guilt on the part of ethnic migrants. For example, special “Illegal Migrant” operations are coordinated at the highest inter-agency level aimed at conducting systematic checks on those who have entered the country.<sup>54</sup> Sociological research has

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Legal Resources on behalf of Valentin Câmpeanu v. Romania), available at: [http://www.coe.int/t/commissioner/News/2011/111018TPIRomania\\_en.asp](http://www.coe.int/t/commissioner/News/2011/111018TPIRomania_en.asp).

<sup>54</sup> Internet reports include: ‘В Кировской области прошла операция «Нелегальный мигрант»’ [‘An “Illegal Migrant” Operation was carried out in Kirov Province’], 21 June 2012, regions.ru, available at:

shown that both at the rank-and-file and officer level, the police and Federal Migration Service branches use document checks, which are accompanied by insults and extortion, as a commonplace means of street-level “redistribution of resources.”<sup>55</sup>

The problem of abuse of foreign nationals and stateless individuals by police (as well as of foreign-looking Russian citizens) has long been a source of concern for human rights professionals.

The Human Rights Watch report ‘Exploitation of Migrant Construction Workers in Russia’ includes a chapter devoted to ‘Ill-Treatment and Extortion by Police and Other Officials’ that recounts numerous instances of violence by police during raids and street checks targeting migrants. The report also documents police exploitation of labor migrants and collusion with unscrupulous employers.<sup>56</sup>

According to information compiled by ADC “Memorial” for 2010-2012, approximately 90 percent of labour migrants surveyed reported that they or someone they knew personally had suffered abuse from the police. According to the survey, the most common abuses committed by law enforcement against ethnic migrants were:

- Random document checks (on the street, in the Metro, or where migrants live or work);
- The illegal confiscation of migrants’ personal documents to be held as “security”;
- The use of forced labour by foreign workers; and
- Acts of violence motivated by xenophobia or racism.

Such illegal actions were, as a rule, accompanied by the extortion of bribes, racist insults, and the confiscation of valuables and money.

Surveyed migrants overwhelmingly listed abuse by members of law enforcement among the primary threats to the lives, health, and wellbeing of foreign workers in Russia. Actions aimed at exposing and victimizing “illegal” migrants, as well as the well-established practice of ethnic profiling, create an atmosphere of terror for migrants. Foreign workers are constantly forced to limit their movements out of concern that they could become a victim of abuse: they avoid travelling certain routes or going out on their own and try to

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<http://regions.ru/news/2413351/>; ‘Совместные Рейды Приносят Результаты’ [‘Joint raids yield results’], 18 June 2012, Federal Migration Service website, stating that “In the Mokrousovo District of Kurgan Province, the local Federal Migration Service Office, in conjunction with the Mokrousovo Police, conducted a raid of places where foreign citizens are known to congregate and residences of Russian citizens as part of an ‘Illegal Migrant’ Operation, available at: <http://fms45.ru/prensa/2579-sovmestnye-rejdy-prinosjat-rezultaty.html> ; ‘Результаты работы участковых уполномоченных полиции Отдела МВД России по Серебряно-Прудскому району за 6 месяцев 2012 г’ [‘The results of the Police Department precinct Russian Interior Ministry in Serebryano--Prudskoy area for 6 months in 2012’], 4 July 2012, stating that “during an ‘Illegal Migrant’ Operation, 14 Violations of Immigration law were uncovered. 18 People have been charged”), available at: <http://www.mosoblpress.ru/39/82712/>.

<sup>55</sup> B. Gladarev and Zh. Tsinman, ‘The Police and Guest Workers: Redistributing Resources on the Street’, *Sotsiologicheskii zhurnal*, 2010, pp. 37-63.

<sup>56</sup> ‘Are You Happy to Cheat Us? Exploitation of Migrant Construction Workers in Russia’, Human Rights Watch, 2009, available at [http://www.hrw.org/sites/default/files/reports/russia0209\\_webwcover.pdf](http://www.hrw.org/sites/default/files/reports/russia0209_webwcover.pdf).

spend as little time as possible outside or in the Metro. Many migrants even try to alter their appearance in order to avoid looking like a “*Gastarbeiter*” (guest workers, a German term adopted in Russia) and thus draw the attention of the police. They avoid wearing clothing or accessories that could give away their ethnicity and dress like an average European, wearing baseball caps that partially cover their faces; women even lighten their hair colour. Many migrants carry small sums of cash specifically to pay bribes in case they are stopped for a document check. Official Federal Migration Service communiqués distributed through the media spark concern or even panic among migrants. For example, during the autumn of 2011 – when a widely publicized “anti-Tajik campaign” was being conducted by the Service, entailing raids, mass detentions, and expulsions – Tajik labour migrants, as well as Central Asian migrants in general, tried to leave their homes as little as possible .

## **2.2 The abduction and beating of migrants by police, amounting to torture and ill treatment**

All foreign workers without exception are familiar with police document checks. These checks give migrants a sense that they are subject to total control and relentless persecution; a typical description of such checks is that “It is as if we’re viewed as enemies wherever we go; they are always checking on us”. Migrants truly have no place to go to avoid the relentless attention of government authorities: district police conduct checks where they live and work; special raids are conducted jointly by OMON (special police detachments) and the Migration Service; when they are out on the street, on public transport, or in stores, foreigners are subjected to checks by Transit Police or members of the Patrol and Checkpoint Service or the Transit Police. There are a number of numerous descriptors that underscore the “otherness” of nationalities and origins and are used as grounds for detaining someone purely on the basis of their visual identification as an “alien” requiring a document check. These include “Caucasian nationality,” “Asian features” or a “non-Slavic appearance.” These formulations make it permissible to cast suspicion on any migrant from Central Asia or the Caucasus in respect crime. Moreover, the police suspect all migrants of violating the rules governing foreigners in the Russian Federation, which offers an additional justification for checking identity documents.

Ethnic profiling is far from being the only ground for police checks; they can be based on a whole range of agency regulations, guidelines and resolutions that criminalize migrants in general and foreign immigrants in particular. For example, despite the fact that Patrol and Checkpoint Service personnel are not officially authorized to check foreigners’ registration and work permits (such authority rests with district police officers and Migration Service inspectors), during special campaigns against “illegal migration” they are

deputized to conduct such checks under interagency “cooperation agreements” between the Migration Service and the Ministry of Internal Affairs.

Large-scale police operations “to suppress illegal immigration” are conducted regularly. For example, between the 20th and 24th of August 2012 alone, members of the Ministry of Internal Affairs and the Migration Service office for St. Petersburg and Leningrad Province inspected 1,079 employers and checked 5,227 foreign workers, as well as 772 locations with a high concentration of foreign citizens. In total, more than 7 million rubles worth of administrative fines were levied for violating the migration regime and 41 migrants were expelled.<sup>57</sup> Furthermore, these special operations are open-ended: “Illegal Migrant Operations” are constantly underway. This suggests that what is announced in the media as being “Illegal Migrant Operations”, far from being special, intermittent campaigns are in fact regular state practices. Labor migrants as a group are thus the targets of a permanent special police operation. Under these conditions, the noticeable visual and cultural traits of “ethnic” migrants allow law enforcement agents to easily identify “suspects” and pursue them 24 hours a day. Unfortunately, reports issued by the Ministry of Internal Affairs press service do not, as a rule, provide information about employees charged with extorting bribes and exceeding their authority during such operations.

Thus, the ubiquitous practice of exposing and victimizing members of ethnic minorities and labour migrants on the basis of race under the guise of “combating illegal migration” sees government agencies and law enforcement officials evoking almost emergency-like powers to limit human rights, whilst provoking a surge in xenophobia and chauvinism. It is hardly surprising that abuses of power – extortion and intimidation – in regard to “suspects” often serve as the main (and often only) motive guiding the police in their daily work. Evidence compiled by ADC “Memorial” supports this conclusion. A law enforcement policy that seeks to terrorize migrants, together with the total sense of impunity enjoyed by law enforcement personnel paves the way not only to ill-treatment such as extortion and confiscation of documents, but also to acts of enforced disappearance, beatings, threats, psychological duress and other treatment amounting to torture. Examples of such abuses brought to the attention of ADC “Memorial” include the following:

**Example 1:** On 26 August 2011, relatives of an Uzbek citizen by the name Erkin Khudoikulov came to ADC “Memorial” and reported that a week earlier he had been detained by the police and was being held at a construction site near the Chernaya Rechka metro station under guard by Migration Service agents. Inquiries were made with police from the departments near the *Chernyshevskaya* and Chernaya Rechka metro stations, as well as with local Migration Service personnel, but to no avail: duty officers claimed that it was impossible that they were holding Erkin or that they had detained him. The most candid statement was made by Migration Service agents for the Primorsky District: “We don’t know anything, and we

<sup>57</sup> ‘41 иностранец выдворен из страны по итогам операции «Нелегальный мигрант» в Петербурге и области’ [‘41 foreigners deported on the basis of the operation “illegal immigrants” in St. Petersburg and the region’], 4 September 2012, *Fontanka*, available at: <http://www.fontanka.ru/2012/09/04/071/>

won't tell you, because this is private information." Once communication with Erkin was re-established it turned out that the authorities had taken his passport and forced him to "work off" 4,500 rubles. Erkin was suddenly released only after human rights advocates reported his abduction to the police.<sup>58</sup>

**Example 2:** Tochiddin G., a Tajik citizen, turned to ADC "Memorial" in May 2011. He reported being threatened with retribution by Nikolai K., a senior lieutenant in St. Petersburg's 35th police district. Earlier, after confiscating his passport, Nikolai had drawn Tochiddin into an illegal business stealing and selling roadway slabs. After his passport was returned, Tochiddin refused to work with Nikolai, who, fearing that Tochiddin might tell others what had happened, drove him in an unknown direction "to settle things in the woods." After Memorial personnel went to the 35th police district to report that one of their officers had abducted Tochiddin, he was released and threats against him ceased.<sup>59</sup>

**Example 3:** In February 2011, a group of Tajik citizens came to ADC "Memorial". Between February 2009 and February 2011 they had been subjected to repeated illegal actions by a member of the police. Each of the victims, who had been making purchases in the *Narodny* store, were shown police identification by a man. The labour migrants were then searched without witnesses, handcuffed, put in a car, and driven to a nearby automobile service station, where accomplices were waiting. On instructions from the "police officer" the captives were robbed of their money and mobile phones and then beaten. After the beatings the migrants were told that they would be killed if they ever showed up at the *Narodny* store again, and especially if they lodged a complaint. One victim, Nasimdzhon, recounted: "After they beat me at the service station for a whole day, they put me in a car and drove me across the Finnish border, where they handed me over to some unknown people to work. I worked on two plots – one day on one, the next on the other. I asked the owner of the plots to let me go. He told me that he'd bought me for 10,000 rubles and that I had to work for him for ten days. Beside me, there was another Uzbek fellow working there, and he had a telephone. I worked for three days and then was able to call my friends. After that I ran away, and my friends picked me up on the road and brought me back to St. Petersburg. I never went back to the *Narodny* department store. They told me they'd kill me if I ever showed up there again." A complaint concerning the beating and robbery of six Tajik citizens by a police officer and unknown accomplices at the *Narodny* company was filed with the Personal Security Directorate, which forwarded the complaint to the Investigative Committee. The committee responded that, despite poor accounts of the character of the member of the 13th police district (the man accused by the victims of participating in the beatings), the investigators trusted him more than the petitioners. The committee therefore refused to initiate a criminal case. The refusal to initiate a criminal case has been appealed in the courts.<sup>60</sup>

Police impunity creates conditions for hate crimes against migrants. Instances have been documented in which torture and physical violence have a pronounced racist quality:

**Example 1:** On 19 May 2011, after being detained for possessing a forged work permit, Uzbek citizen Umid N. was badly beaten at the 68th police district. Here is how the victim describes what occurred: "I entered, closed the door, and turned around – and he started beating me! He spat on me, beat me, and said, 'You're not going to be speaking Uzbek

<sup>58</sup> Case materials from ADC "Memorial" archives.

<sup>59</sup> Information from ADC "Memorial" archives.

<sup>60</sup> Case materials from ADC "Memorial" archives.

anymore, you're going to lose your mind.' He threw himself at me and started to punch me in the head with both his fists... He was like a beast... He beat me and spat on me, and when I fell down, he punched and kicked me... You know, I can't describe it, if there was a video recording you'd see for yourself... I was like a human punching bag, I didn't do anything, didn't resist. One minute he was punching me, the next kicking me, then he'd get me to my feet and beat me some more... He beat me for about two hours. He would rest, smoke, spit – and then get back to beating me... 'You're an Uzbek, and I hate you!' he said... The worst thing about it was that he spat on me, he was always spitting, and even later, when I was in the cell, he walked up to me and spat." After the beating, Umid was hospitalized as an emergency patient, and after paying the administrative fine, was flown to a hospital in Uzbekistan. In St. Petersburg, the only consequence for the policeman was a procuratorial inquest, though no disciplinary action was taken.<sup>61</sup>

**Example 2:** On 10 July 2012, Kiyomiddin Saidov, who serves as both the general director of the St. Petersburg office of Tajik Air and a founder of the Society of Tajik Students in St. Petersburg, was beaten by members of the Patrol and Checkpoint Service in the Admiralteisky District of St. Petersburg. He was placed in the Mariinsky Hospital with two broken ribs, a concussion, and various contusions. As he describes it, he was standing near the exit of his restaurant on Moskovsky Prospekt, seeing departing customers out of the door. Three policemen approached him and asked him to produce his documents, which he did. Saidov said to them: "If you check everyone outside my restaurant like this, soon I won't have any customers." The policemen replied, "We're not going to be asking you who to check and what to check." After that, they handcuffed Saidov, and he was beaten by all three of them. An open letter issued by the Society of Tajik Students in St. Petersburg, expressed the hope that "at least a criminal case against this three and at most the dismissal of their chief" would be achieved.<sup>62</sup>

**Example 3:** Mukhammadnaim (Naim) Shakhdorov, born in 1975 and a citizen of Tajikistan, has been living and working in Northwest Russia for 5 years, in construction and fastfood cafes. On 26 September 2012, at around 23.00pm Naim walked on Grazhdansky prospect (St.Petersburg) towards the closest Metro station, but was stopped by a police patrol. A police sergeant exited the car and asked Naim about his nationality. "I am Tajik" responded Naim. "Oh, really! You bloody Tajiks, Uzbeks come to our city, rape our women, buy land for your bloody mosques! There is no business for you here! I will take revenge upon you for my friends from Moscow OMON!" was the officer's response. Naim tried to oppose racist insults but he was pushed into the car. The policemen started to beat him, took away his bag where his documents were, and searched his pockets. They then drove to a forest outside the city. Naim refused to get out of the car, but the driver took a bat and kicked him saying "Get out, or I'll break your head!" After that the officers dragged Naim out of the car and started to beat him; there were three of them, the driver used the bat. They targeted Naim's chest, stomach and head saying "Be careful, not to make the wounds visible". The sergeant strangled Naim with the collar of his shirt causing him to lose consciousness only to recover because of punches to his face. A big jeep appeared nearby and lighted up the policemen, their patrol car and Naim. After this the policemen dragged Naim back to the car, drove him to the metro station and pushed out taking his money and documents (a foreign Tajik passport, migration card and registration). After being informed that Naim was beaten by policemen the

<sup>61</sup> This case was published in the ADC "Memorial" report entitled, 'Discrimination in the Enjoyment of Social and Economic Rights

by Ethnic Minorities and Migrants in Russia', 2010, p.30, available at: <http://adcmemorial.org/storagef/3b0b922813d2eba48184837dbd2aec58.pdf>.

<sup>62</sup> Open letter from Farrukh Sattarov addressed to a broad segment of society, 9 June, 2012 available at <http://онк.рф/profile/33/blog/225.html>.



emergency doctors refused to admit him to hospital or make an X-ray examination commenting: “The disease is not ours” and “It is a home trauma”. They prescribed Naim analgesics and let him go with the diagnosis “contusion of thorax”.<sup>63</sup>

It should be emphasized that not only foreign migrants, but citizens of the Russian Federation who resemble members of non-Slavic minorities are subject to violence by law enforcement officials.

**Example:** In December 2010, Agvan M., an ethnic Armenian who is a Russian citizen residing in St. Petersburg, came to ADC “Memorial”. On 9 November of that year, Agvan had gone to the Frunzensky District Federal Migration Service office to get advice on obtaining citizenship documents for his children. Agvan complained to a woman who worked there about intermediaries from commercial firms who manage to arrange expedited migration service processing for their clients. Agvan was invited to go through a door, supposedly to speak with someone more senior, but it turned out that this door led to the neighbouring police station. Agvan was met by members of the police who assaulted him both verbally and physically. The fight ended when Agvan lost consciousness from a punch to the face. The EMS doctors summoned by the police identified four deep cuts on the face and a concussion, and Agvan was hospitalized. A complaint charging illegal actions by the police in respect of this incident that had been submitted to the Frunzensky District procuracy was ignored. Furthermore, the police filed a counter-complaint claiming that it was Agvan who attacked and beaten them. Criminal proceedings were launched against Agvan. The court gave preference to the police testimony and Agvan was faced with the prospect of imprisonment. Only as a result of intervention by Memorial lawyers, were charges against Agvan dropped and a “reconciliation of the parties” achieved.<sup>64</sup>

## 2.3 Raids Designed to Uncover Migration Law Violations

As well as these serious violations, a number of activities undertaken by law-enforcement officers are deeply rooted in police practices, such as illegal inspection, confiscation of identification documents and raids. Repeated over time and targeting migrants in a discriminatory manner, these practices amount to degrading treatment within the Convention’s understanding of that term.

For instance, law enforcement agencies (the Federal Migration Service and the police) issue official reports on their efforts to combat the use of “illegals” as labour. Unfortunately, these efforts often take the form of punitive anti-migrant expeditions accompanied by extortion, racist insults and beatings.

**Example:** A Russian citizen named Tatyana, a resident of the town of Pushkin outside St. Petersburg, witnessed such a police raid firsthand. Tatyana was helping Uzbek and Moldovan factory workers by buying them food in the evening. These illegal migrants lived right on the factory premises and were afraid to go outside to buy groceries. One evening in

<sup>63</sup> Case materials from ADC “Memorial” archives.

<sup>64</sup> Case materials from ADC “Memorial” archives.

January 2010, migration service agents “came to check documents, used profanity, grabbed people, and beat and insulted them. One person was severely beaten. I was also asked for my documents, but they themselves refused to introduce themselves. They were calling everyone names. Then they gathered everyone into a group, demanded 2,000 rubles from each of us, and put us in their vehicle. Everyone was taken to the Pushkin courthouse and they continued to demand money. Some paid; some were held for two days.”<sup>65</sup> Such raids were carried out regularly, approximately once every one or two weeks. According to Tatyana the last roundup took place on 10 March 2010, and the workers were told to “get out, or it won’t go well for you.” After this, most of the migrants took this ultimatum seriously and left the factory.

Indeed, such operations often serve as opportunities to check documents and bring migrants to the police station in order to extort “fines.”

**Example:** On 10 July 2012 in St. Petersburg’s Nevsky District, an armed conflict broke out between citizens of Azerbaijan and Uzbekistan, resulting in six hospitalizations and two deaths. After the fighting, the neighbourhood where the Central Asian migrants lived was flooded with “investigators”: agents of the Patrol and Checkpoint Service, OMON, and the Federal Migration Service. According to migrants, between the 12th and 18th of July 2012, more than 300 foreign workers had their “documents checked,” with an informal “fine” of 500 rubles levied in each case. Many workers were “fined” several times. Police from the 32nd Department, under whose jurisdiction the fighting took place, advised the migrants to stay out of sight during the check – to sleep “in the basement, on discarded heat system equipment so they won’t find you in the abandoned building.” The 42nd police district came up with an inventive extortion technique: migrants brought into the department could get their documents back only by buying a “theatre ticket” for 500 rubles from a police officer.<sup>66</sup>

## **2.4 Detention conditions, and violence and brutal treatment of foreign citizens imprisoned pending expulsion or deportation (CAT, Art. 11)**

Under Article 31.9 of Federal Law No. 115-FZ (25 July 2002) ‘On the legal position of foreign citizens in the Russian Federation’, foreign citizens subject to deportation based on a court decision shall be held in special facilities established in accordance with the laws of the given administrative unit of the Russian Federation pending implementation of the deportation decision.

In the Northwestern Region of the Russian Federation, facilities belonging to the Ministry of Internal Affairs have been adapted for use as foreign citizen temporary holding facilities. These facilities are temporary detention centers designed for stays of 1-15 days and former sobering stations, designed for stays of no more than 24 hours. For example, in Murmansk, a former medical sobering station (at 32 Radishchev Street, next to the investigative detention center) is being used as a temporary holding center. Foreign citizens are held in a separate building called “the Ward” that was designed to hold 3-4

<sup>65</sup> Interview of Tatyana K. recorded by Memorial staff members.

<sup>66</sup> Testimony by victims living in an abandoned building who came to Memorial for help.

people.

Within the Northwestern Region, government facilities specially designed for the temporary holding of foreign citizens currently exist only in Vologda Province, in the Komi Republic, and in St. Petersburg. A Temporary Holding Center for foreigners was opened on 1 July 2012 in the village of Vodny in the Komi Republic's Ukhtinsky District. The Center is designed to hold 30 people. The rooms are designed for 3-6 people and there is hot and cold running water, a kitchen and a dining area. It remains unclear what conditions and rules (for example, established Federal Corrections Service guidelines for the transport of prisoners) will govern which prisoners will be brought to this center. The Center is located 300 kilometres from Syktyvkar, the Komi Republic's largest city, where, presumably, the largest number of detentions takes place. The Center's remote location will inevitably complicate efforts to provide legal support to detainees.

In St. Petersburg, the city government adopted a special resolution (No. 1443, dated 18 August 2004) 'On the allocation of additional facilities for the temporary holding of foreign citizens subject to deportation or administrative expulsion from the Russian Federation.' Approximately four years later, in accordance with Order No. 926 dated 19 June 2008, a section of the Internal Affairs prisoner receiving center at 6 Zakharevskaya Street was redesignated to act as a Detention Center for Foreign Nationals (DCFN). The living conditions in this facility were extremely poor.

An important achievement for human rights advocates in their effort to improve the conditions under which foreigners are held was the 2011 decision by the European Court of Human Rights in favor of paying compensation based on Memorial's complaint in the case "Lakatosh and Others v. Russia."<sup>67</sup> This case challenged the illegal incarceration and brutal prison conditions at the Detention Center for Foreign Nationals at 6 Zakharevskaya Street. Migrants were held in inhuman conditions (exercise once per 10-45 days; cells that provided 1.3-2 square meters per person; no tables, benches, chests, or shelves in the cells for individual possessions or food; electric lighting 24 hours per day; no separation between toilets and living areas) and were subjected to demeaning treatment without ever having committed a crime beyond lacking citizenship papers. Since neither Russia nor Ukraine (the country of origin) recognized them as citizens, the claimants constantly found themselves confined to temporary holding centers (living, essentially, in prison conditions). After admitting the violation, Russia agreed to pay a sizeable sum to the claimants, and in September 2011, the holding center was finally shut down for renovation. A new DCFN in Krasnoye Selo (53a Kingiseppskoye Shosse) was officially opened on 18 December 2009, but only really began to operate in the spring of 2011. The Center is a modernized, eight-story building (a former dormitory used by the Television Research Institute) designed to accommodate 150-180 people. It has a staff of 40-65 employees. On 19 April 2012, S.V. Kopylov, who previously served as deputy commander of the *Granit* special rapid response detachment, was appointed head of the Center.

The main systemic problem confronting temporary holding centers is a lack of legal status and corresponding regulations defining the conditions under which someone can be held long-term pending expulsion (according to amendments to the Code of Administrative

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<sup>67</sup> "Lakatosh and Others v. the Russian Federation: Compensation in the Millions for Brutal Treatment" <http://adcmemorial.org/www/3326.html?lang=en>

Violations, since 1 April 2011 it has been legal to hold someone for up to two years). Furthermore, the mechanisms for establishing the identity of those detained in these centers has not been determined; there is no limit on how much time can elapse before establishing the identity of undocumented persons, and there are no guidelines governing access by relatives or communication with relatives by telephone. Temporary holding centers currently prohibit meetings with relatives, mobile telephone communication, and receiving transmitted items, and there is no access to legal assistance (only attorneys are allowed to enter the centers). These limitations are, in essence, stricter than those in force in investigative detention centers or prisons.

The conditions in temporary holding centers are also similar to those in prisons in other respects. For example, “in the interest of security,” at the DCFN in Krasnoye Selo (St. Petersburg), “instigators” and those who do not accept the rules of the institution are placed on a special floor. Here, they are not able to move around freely and are limited to the confines of their room. According to one foreigner who used to work in the Center's kitchen while awaiting deportation, misconduct in doing his job led to him being placed in an isolation cell for several days. There are no known regulations governing such treatment.

It is self-evident that no document could possibly sanction the cruel and inhuman treatment to which migrants are subjected by police charged with preventing the escape of foreign citizens. While being held in a DCFN is not, in and of itself, a form of punishment akin to incarceration under criminal law or administrative arrest under administrative law, foreign citizens being held in such centers pending deportation are subjected to unjustified violence under the pretext of security and preventing escape.

**Example:** ADC “Memorial” received information from a witness to a conversation between guards about the threat of harsh methods against foreign citizens in Krasnoye Selo holding center: “Junior police personnel were standing in the Center corridor with dogs and were being told by an officer that technical means (specifically, sticks) should be used in the case of the slightest insubordination by the Center's inmates in order to achieve absolute obedience from them and increase the authority of guards. 'If someone steps out of line, give him a good whack, otherwise he'll walk all over you' one guard was instructing another, less experienced one” (Unprintable words have been omitted from this quote).<sup>68</sup>

The difficulty migrants have in obtaining legal assistance and their lack of communication with relatives leads to a situation where much time can elapse between the issuing of a deportation verdict by the court and the deportation itself. Throughout this time there are no established regulations beyond the limitation of a two-year stay at the Center that are applicable to the detained persons. It is extremely difficult for someone who has lost identity documents and finds himself utterly isolated in a DCFN to replace these lost documents; this is even acknowledged by DCFN staff members. In the words of Andrei Mashanov, Deputy Head of the Federal Migration Service for the Komi Republic, correspondence with the embassies of the appropriate country is a long, drawn-out process: by the time that the documents needed to expel a foreigner lacking a passport

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<sup>68</sup> Witness testimony from 21 February 2012.

arrive, their one-month period of validity has already expired.<sup>69</sup>

Secondly, the deportation process is often drawn out due to lack of funds for a ticket. ADC “Memorial” monitoring has shown that in most cases relatives of detainees try to buy a ticket or give money to Center personnel to buy one in order to accelerate the deportation process (a process complicated by the difficulties of communicating with detainees). Deportation at the expense of the Russian Federation or the country of origin, as stipulated under Article 3.10 of the Code of Administrative Violations, as well as a number of bilateral agreements covering readmission, is difficult to achieve in practice.

On 1 January 2012, Federal Law No. 410-FZ ‘On amending the Federal Law “On court bailiffs”’ enacted on 6 December 2011, came into effect. In accordance with this Law, beginning 1 January 2012, DCFNs would no longer fall under the rubric of the Main Directorate of the Ministry of Internal Affairs but would be transferred to the Federal Bailiff Service. The Law stipulates that if special centers for the temporary holding of foreigners are not yet equipped, until they are ready for use responsibility for holding foreign citizens will continue to rest with internal affairs police (the deadline for having special DCFNs up and running is 1 January 2013).<sup>70</sup> These transitional allowances led to utter confusion in the process of shifting responsibility from one federal authority to another – both in respect of how long and where someone could be held pending deportation.

A meeting was held in July 2012 in St. Petersburg at which a resolution was passed to transfer the Krasnoye Selo DCFN from the Internal Affairs system to the St. Petersburg Committee on Social Policy. Meanwhile, regulatory documents on funding the center after the transfer and regulations governing the conditions of detention within the center itself have yet to appear. Currently, the St. Petersburg Committee on Social Policy is planning to use either private security firms to guard those in temporary holding facilities or conclude an agreement with the Federal Penitentiary Service.

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<sup>69</sup> ‘1 июля в Коми откроется Центр временного содержания иностранцев’ [‘On July 1, 2012 a detention centre will be opened in the Komi Republic’], 31 May 2012, *Коминформ*, available at: <http://www.komiinform.ru/news/89906/>.

<sup>70</sup> Article 5: “Until special facilities for holding foreign citizens and stateless persons subject to administrative expulsion beyond the borders of the Russian Federation or deportation have been properly created by the agencies of executive authority of administrative units of the Russian Federation, the police will continue to perform their duties in holding foreign citizens and stateless persons subject to administrative expulsion beyond the borders of the Russian Federation in facilities specially allocated by internal affairs agencies, but not beyond July 1, 2012”. This date was extended to 1 January 2013 by legislative amendment.

### **3. Police abuses of authority regarding activists**

#### **3.1 The use of threats and violence toward activists in Russia by members of law enforcement agencies**

Violence and threats are often used by state agents for political purposes as repressive measures targeting those who actively express their social or political position. The state often seeks to justify the persecution of activists by reference to the need to fight extremism, which becomes in actuality a fight against non-conformism. It should be emphasized that law enforcement agents in the Russian Federation bear a particular hostility towards activists with anti-racist and anti-fascist views, who are often subjected to police persecution specifically in connection with their anti-fascist views (examples will be provided below). Such persecution is completely encompassed in the designation recently introduced by OSCE: racism by association. This wide interpretation of racism, which includes in the concept of racial violence attacks and persecution of people for their anti-racist convictions. Between 2004 and 2012 many people involved in combating racism in the Russian Federation became the victims of “racism by association” in various forms. Among those who died at the hands of Neo-Nazis were the ethnographer Nikolai Girenko, the attorney Stanislav Markelov, the journalist Anastasia Baburova, and the anti-fascists Timur Kacharava, Alexander Riukhin, Stanislav Korepanov, Ilya Borodaenko, Ivan Khutorsky, Ilya Dzhaparidzhe, Alexei Krylov, Fedor Filatov and Nikita Kalin.

Attacks upon and beatings of anti-fascists are a constant occurrence in various regions within the Russian Federation. In a number of instances investigations into attacks and even murders of victims of “racism by association” were insufficiently prompt and ineffective.

In addition to the threat of such attacks by neo-Nazi's, anti-racists are often subjected to violence and threats by members of the police. Instances are also known of activists being tortured; for example, the persecution of anti-fascists in Nizhny Novgorod, who are accused of engaging in a fight with local nationalists, has been widely-publicized:

In mid-January 2011 two anti-fascists, Albert Gainutdinov and Alexander Cherny were returning from an event honoring the memory of Markelov and Baburova in Nizhny Novgorod when they were approached by three men. “Got a cigarette?” the approaching men had asked before attacking the young men shouting “Stop!” and “Smash them!” Officers from an “E Center” (Center for Extremism Prevention) who later arrived pushed Gainutdinov and Cherny into a car and took them to the police station. Here, they were interrogated for several hours and subjected to beatings and threats regarding a case against a non-existent organization called “Antifa-RASH.”

In October 2010, a nationalist by the name of Redkin, had received a minor injury to his hand during a fight in downtown Nizhny Novgorod, though he did not complain to the police. Nevertheless, personnel from the Center for Extremism Prevention learned of the incident and insisted on prosecuting those responsible for attacking Redkin.

On 1 May 2011 the anti-fascists were detained at a demonstration and attempts made to get them to cooperate, including torture at the “E Center”. An attorney was not permitted to see them until the evening, having been given false information on their whereabouts. In order to secure a statement from the “victim”, Redkin, he too was beaten and tortured. “Redkin was howling in the office next to me,” said one of those arrested. The procurator refused to accept a statement about the beatings at the police station, and the Internal Security Directorate stated that “beatings cannot be proven and you may as well not do the forensic medical exam, you’d be wasting your money.” In addition to the pressure put on all participants in the matter (both victim and accused), Agora Association attorneys working to defend the anti-fascists complained in May 2012 that their Skype connection had been tampered with.<sup>71</sup> The attorneys connect these attacks directly to the cases of the anti-fascists in which they are involved. Indeed, the night before an ordinary trip to court, Dmitry Dinze suddenly had problems with his passport, an event he connects with his participation in the anti-fascists’ case.<sup>72</sup>

A similar case in St. Petersburg involving attacks against the ultra-right ended on 28 January 2011 with the sentencing of four people to deprivation of liberty under Article 282.2(a) of the Criminal Code for “degrading the human dignity of a group of people on the basis of their belonging to a particular social group.”<sup>73</sup> The “social group” was described as “Russian nationalists”. This is a complete distortion of the essence and meaning of the very concept of “hate crime”, which was intended to provide additional protection specifically to vulnerable social groups and segments of the population.

The situation of pressure put on activists by the special services is evolving so unpredictably that it is difficult to study and evaluate in respect of the types of pressures and structures involved. For example, three security agencies exist in St. Petersburg independently of each other, and civil activists often fall into their respective zones of interest and attention. These agencies are the Center for Extremism Prevention (CEP), which is now primarily a subdivision preoccupied with persecuting activists; the Northwest CEP (for a while it handled the case against the art group “Voina”); and the Fifth Directorate of the Federal Security Service. It is impossible to determine which agency handles what, what their powers are, and what assignments and obligations they have, due to closed information and lack of access to the governing documents and internal instructions according to which these agencies operate.

Situations in which activists are subject both to direct and indirect pressure from these agencies are occurring with increasing frequency. Threats of physical harm, imprisonment and attempts at blackmail and recruitment are combined with the use of actual violence. These incidents, including those involving the direct use of violence,

<sup>71</sup> See ‘У правозащитных адвокатов взламывают аккаунты’ [‘Hack into the accounts of human rights advocates’], 25 May 2012, [openinform.ru](http://openinform.ru/news/unfreedom/25.05.2012/26877/), available at: <http://openinform.ru/news/unfreedom/25.05.2012/26877/>

<sup>72</sup> See ‘В Петербурге адвокат АГОРА узнал, что его паспорт в розыске’ [‘An advocate from ‘Agora’ found out that his passport had been anted’], 5 May 2012, [openinform.ru](http://openinform.ru/news/pursuit/05.05.2012/26783/), available at: <http://openinform.ru/news/pursuit/05.05.2012/26783/>.

<sup>73</sup> ‘Осуждена группа молодых людей, которая напала на двух представителей движения “русские националисты”’ [‘Condemnation of a group of young people who attacked two members of the “Russian nationalists” movement’], 10 February 2011, Prosecutor’s Office website, available at: <http://procspb.ru/news/spb/3460>.

can only rarely be confirmed in writing. There have also been attacks on activists that only representatives of special services could have perpetrated, though this is almost always impossible to prove due to a lack of effective and independent investigation.

One example of pressure placed on activists was a visit to the anti-fascist Rinat Sultanov in December 2010 at the St. Petersburg Pre-trial Detention Center No. 4 by members of the operational-investigational bureau of the Municipal Department of the Ministry for Internal Affairs for the Northwestern Federal District. Sultanov's attorney, Dmitry Dinze, has confirmed that two investigators from the Center for Extremism Prevention went to see Sultanov, one of whom was V.I. Trifan. The investigators had not arranged their visit with Sultanov or his attorney in advance but had simply received permission from the officer, V. V. Briukovkin. According to Dmitry Dinze, the investigators attempted to persuade Sultanov to admit to committing a serious crime that he could not have had anything to do with, threatening him that if he refused to do so he would be placed in a cell with Neo-Nazis and the likely subject to physical reprisals on their part. The illegal actions on the part of these investigators led Sultanov's attorney to send a telegram to the General Procurator of the Russian Federation requesting that Sultanov be shielded from illegal actions and pressure by members of the "E Center".<sup>74</sup>

Such actions are typical for the Center for Extremism Prevention, and in particular of V.I. Trifan. It was Trifan who participated in conducting a search in the apartment of anti-fascist, Filipp Kostenko, in St. Petersburg in November 2010 where multiple violations of the rights of apartment residents were permitted, including beatings, threats of reprisals, property damage, and preventing access to an attorney. Trifan was among those who told the owner of Filipp Kostenko's apartment, who was not accused or suspected of anything: "When you live near a forest at some point someone's going to find you with a broken head." When Filipp Kostenko was subsequently attacked near his home (see below), these words, together with numerous other threats originating from V.I. Trifan, became particularly suspicious.

The same V.I. Trifan was also involved in the detention and transport from Moscow to St. Petersburg of Oleg Vorotnikov and Leonid Nikolaev, members of the art group "Voina". These persons were charged with hooliganism (charges which were ultimately dropped). During their detention and transport the artists were tortured by being beaten, kept for hours in handcuffs and having polyethylene bags placed over their heads. Marks from the beatings received during transport from Moscow to St. Petersburg were documented during a medical examination of Oleg Vorotnikov at the Special Receiver of the Municipal Department of the Ministry of Internal Affairs, and the event was even reflected in the report by the Social Monitoring Commission.<sup>75</sup> Attorneys filed complaints in both instances regarding these actions by E Center officials on the grounds of illegal pressure, physical coercion, and threats, as reflected in the criminal file case materials. Anastasia Ekimovskaya, who represents Oleg Vorotnikov, specifically indicated in her complaint:

*"On November 15, 2010 at around 8:00 in the morning unknown individuals broke into Apartment No. 95 at 14 Novaya Bashilovka Street in Moscow, where Oleg Vladimirovich Vorotnikov, his wife Natalya Vasilievna Sokol, their son (born 2009), L. L. Nikolaev, and others were located. The officials did not identify themselves or provide a procedural decision authorizing them to enter a dwelling without the consent of its residents. Only after a considerable period of time, past 11:00, and after numerous requests by Natalya Vasilievna Sokol, did one of the officials – a colonel – provide her with his employment identification, Badge No. 2598 assigned to Ivan Olegovich Omarov. The police officials beat Oleg*

<sup>74</sup> Materials from the criminal case are in the files of attorney D. Dinze.

<sup>75</sup> Information on the report can be found on the Official website of the Association of Independent Monitors, at <http://www.onk-ru.info/?p=5996>.



Vorotnikov, striking him numerous times about the head and torso. Then he was handcuffed and placed face down on the floor. One of the officers stepped on his back. Some time later he was taken outside and placed in a microbus without being allowed to dress completely or to take clothing with him. Before leaving a polyethylene bag was placed on his head to be worn the entire way. He was forced to lie on the floor of the bus. He spent the entire trip from Moscow to St. Petersburg (around 630 kilometers or 400 miles) lying on the floor with a bag on his head, with the police periodically striking him about the head and torso. Leonid Lvovich Nikolaev, who was detained along with him and is currently held at IZ-47/4 at the FSIN (Federal Penitentiary Service) for St. Petersburg and Leningrad Province.”<sup>76</sup>

Filipp Kostenko, an activist and human rights worker, describes his encounter with E Center personnel thus:

“My first encounter with the Center for Extremism Prevention was about three years ago. At that time we’d been detained after a demonstration called ‘Food Instead of Bombs’ while distributing food to the needy. One of their people came up and started pressuring us. Then I starting running into them more and more frequently until I experienced their entire arsenal: threats, mental and physical pressure, insults, and last year even fabricating of administrative and criminal cases. All the trials I was involved in, and the arrests I was subjected to, occurred under the control and “sensitive leadership” of E Center officials.”<sup>77</sup>

In early February 2012, Filipp Kostenko was attacked by unknown persons:

“There were two of them. One grabbed me by the throat and threw me onto the snow while the second started demanding my name. When they didn’t get an answer, a tough looking guy leaned over me and examined my face, then after saying triumphantly, “It’s Filipp!” they started beating me. They aimed for my knees and head and broke my glasses. Someone appeared far away in the snow-covered alley of the park. My attackers took off, leaving me in a puddle of blood. I wound up in the hospital that night and was diagnosed with a concussion and a broken knee.” Filipp implicates the security agencies in his attack:

“I received many threats both from specific officers at the E Center and from unknown individuals. After I was released from jail in January I was threatened with having my legs broken in the park near my home. Obviously they tried to carry out their threat. It’s too coincidental. The E Center has picked a new tactic of terror in the open. They couldn’t put me in prison so they had to use physical intimidation. But it won’t work.”<sup>78</sup> Immediately following his attack Filipp Kostenko received a letter from the email address of Vasily Trifan, the Senior Investigator from the CEP of the Investigative Division for the Northwestern Federal District, who had threatened Kostenko while searching his apartment in 2010. The letter, which came from [vitrifan@mail.ru](mailto:vitrifan@mail.ru) read as follows: “So Filipp, do your legs hurt? That’s only a warm-up. If you keep f-king around you’ll be f-ked up even more. So sit tight and keep your trap shut or you’ll be sh-tting blood the rest of your life.”<sup>79</sup>

On 6 February 2012, ADC “Memorial” filed a criminal complaint on behalf of its associate, Filipp Kostenko, with the Investigative Committee of St. Petersburg and Leningrad Province. It also filed a statement wherein human rights defenders protested the posting on the official website of the Municipal Department of the Ministry of Internal Affairs of its refusal to open a criminal case regarding the attack on Mr. Kostenko. ADC “Memorial” indicated that the crime was of a public nature since Mr. Kostenko was not simply beaten but subjected to a severe

<sup>76</sup> Materials from the criminal case are in the files of attorney D. Dinze.

<sup>77</sup> Interview with the activist conducted in February 2012 and contained in the ADC “Memorial” archive.

<sup>78</sup> See blog entry by Filipp Kostenko, ‘Центр “Э” бьет по ногам’ [‘Center “E” beats the legs], 4 February 2012, available at: <http://grani.ru/blogs/free/entries/195416.html>.

<sup>79</sup> See ‘Центр “Э” меняет тактику’ [‘Center “E” changes tactics’], 3 February 2012, available at: <http://cherno-sliv.livejournal.com/40338.html>

attack, threats, and intimidation in connection with his active civil position and professional activity. Many international human rights organizations have expressed their concern at the situation, including the Observatory for the Protection of Human Rights Defenders, a joint program of the International Federation for Human Rights (FIDH), the World Organisation Against Torture (OMCT), and Human Rights Watch. Although some significant time later, a criminal case regarding Kostenko's attack was opened, no effective investigation was performed.<sup>80</sup> Moreover, on 19 February 2012, human rights workers from ADC "Memorial" and other activists held a protest against the actions of the E Center and in support of Filipp Kostenko. The event was sanctioned by the authorities, and yet Irina Putilova, one of the organizers, received telephone calls and emails including threats of violence, both before and after the event.<sup>81</sup> The letters originated from the same email address as the threats to Filipp Kostenko.

Attorneys involved in defending civil activists are also subjected to significant pressure:

Dmitry Dinze, the attorney for the art group "Voina," states:

*"I connect the actions taken toward me by the investigative services with my professional activity as an attorney. Police officials likely expected I would lead them to the group 'Voina' and to my client Leonid Nikolaev specifically, with whom I've often met recently. Although it's entirely likely they were fine-tuning the orders of the investigators from Nizhny Novgorod. On New Year's Eve an investigator from the Main Investigative Unit of the Novgorod Province Ministry of Internal Affairs issued an order to E Center personnel to check up on me and report to her. I'm leading a criminal case involving the anti-fascists in Nizhny Novgorod. Members of the E Center have artificially 'created' an extremist society and are now trying to lock people up."<sup>82</sup>*

An activist N. describes one of the many widespread situations connected with abuse of authority by police and the E Center frequently encountered by the activist subculture:

*"Two cops came up and asked us for our documents, but we didn't have them. One of us didn't have a registration, but had his documents. When I was searched they found a non-lethal pistol, but my permission to carry was in my passport, which I didn't have with me. We were both detained and processed and our shoeprints taken (they've started taking shoeprints along with fingerprints in case they turn up at a crime scene). I refused to be fingerprinted and photographed by an investigator I didn't know, not the one who detained me, especially as my passport was already being brought in. He showed me some law about the police where it was written that the cops have the right to use equipment to produce their card files. I said they might and obviously can have the equipment but they weren't going to photograph me. After I refused to be photographed they took me to the second floor where there was a CEP investigator in addition to this one. They handcuffed me and threatened me with homosexual rape and that they'd beat me and piss all over me, and other threats like that, while also mentioning I was a skinhead and asking me about that. Afterwards they started beating me and that went on about a half an hour. The one from the E Center shared his fantasies about when the revolution would come and they'd get knife bayonets in addition*

<sup>80</sup> Material from the statements, requests, and answers received from state agencies regarding the attack on Filipp Kostenko are in the ADC "Memorial" archives.

<sup>81</sup> See 'Новые угрозы активистам от спецслужб' ['New threats to activists from the secret services'], 20 February 2012, available at: <http://cherno-sliv.livejournal.com/42878.html>

<sup>82</sup> See 'Адвокат арт-группы «Война» – о том, как за ним следили оперативники' ['Attorney of the art group "Voina": how the field investigators were following him'], 21 January 2012, *Novaya Gazeta*, available at: <http://www.novayagazeta.ru/news/53285.html>.

*to their guns and he'd use just such a knife to cut the heads off of people like me...One of them said, 'Just don't hit him on the face.' Then a bell rang that my documents had come and they stopped beating me, copied my passport, and took the photographs I had in it. As I was leaving the one from the E Center said he hoped he'd meet me in a dark alley. The other guy I was arrested with was sitting in the room the whole time, but he wasn't touched because he'd gone to be photographed.'*<sup>83</sup>

Thus violence, threats, and intimidation by police officials towards activists and anti-fascists is a widespread practice amounting to degrading treatment. It is a *de facto* war against those who demonstrate civil activism other than that sponsored and controlled by the state, as well as a *de facto* groundless restriction on the freedoms of speech, expression and creativity, and the right to peacefully protest.

### **3.2 Large-scale perpetration of cruel and degrading treatment by police officials during protests between late 2011 and early 2012**

Since the end of 2011, the persecution of political opponents, representatives of various protest movements and participants in large demonstrations, has been observable on a large scale in the legal defence of activists.

Members of vulnerable groups, particularly LGBT activists, occupy the worst position among persecuted activists. LGBT activists are subjected to dual discrimination and particularly serious persecution at the hands of police and other law enforcement agencies. Moreover they often become victims of hate-based attacks that are not investigated, creating an atmosphere of impunity for such attacks on LGBT activists in various regions of Russia:

On 14 August 2012 at around 21:30p.m. near the Central Park of Togliatti, an LGBT activist and coordinator of the Samara Socio-Ecological Union, named Konstantin Golavu, was beaten by eight unknown individuals. According to the victim, the criminals called him a fag and threatened him and his family if he didn't keep his nose out of things or if he went to the police. Konstantin believes the attack has three possible motivations: ordinary hooliganism, his professional environmental activity, or his human rights work as an LGBT activist. He is inclined toward the latter option. Despite the threats, he did file a complaint with law enforcement agencies.<sup>84</sup>

In 2010, activists from the regional division of the Russian LGBT Network were attacked in Tomsk. Several human rights workers wound up in hospital. Despite all efforts made by the organization to ensure an appropriate investigation was conducted into the crimes and a strong reaction from the international human rights community, law enforcement agencies closed the case.<sup>85</sup>

On 28 May 2011 a group of Russian and foreign activists in Moscow were attempting to conduct a peaceful street demonstration in defence of human rights and against discrimination based on sexual orientation and gender identity. Participants in the demonstration were

<sup>83</sup> The interview with the activist is in the ADC "Memorial" archive.

<sup>84</sup> See 'В Тольятти совершено нападение на ЛГБТ-активиста Константина Голаву' ['In Togliatti, an attack on the LGBT activist Konstantin Golavu'] 16 August 2012, Squeer, available at: <http://squeer.ru/news/item/napadenie-v-toliatti>.

<sup>85</sup> Sozaev, V. V., Kirichenko, K.A., and Kochetkov, I.V. 'What Do LGBT Activists Want?' 2011, Russian LGBT Network. St. Petersburg, available at: <http://lgbtnet.ru/sites/default/files/lgbt-activists.pdf>

attacked and detained by police officials using physical force. One of the participants was hospitalized, and there were other injuries. These events were rendered possible due to a complex violation of human rights and a failure by the Moscow authorities and the police to observe their obligations to defend participants in the peaceful demonstration. The Mayor's Office refused to consent to a demonstration by gay activists on trumped-up and non-legal grounds. The officials responsible for the decision were guided not by legal standards but by their own personal prejudices. At the same time the Moscow authorities approved demonstrations and picketing by the opponents of a gay rights parade.<sup>86</sup>

The situation surrounding the beating of the journalist Elena Kostiuhenko during a gay rights parade in Moscow on 28 May 2011 is telling. During the investigation the police categorized the actions of Roman Lisunov, a member of the "Orthodox Brotherhood" who punched Kostiuhenko, as a crime "motivated by hooliganism." The obvious motive of hatred towards LGBT individuals as a social group (Lisunov came to the gay rights parade with the intent to physically harm its participants) was not considered by the law enforcement agencies. Consequently the case against Lisunov was dismissed for lack of evidence that a crime had been committed.<sup>87</sup>

Several simultaneous attacks occurred on 15 May 2012 during a "Rainbow Flash-mob" against homophobia conducted by LGBT activists in St. Petersburg. At first an unknown person shot a gas pistol into the face of one of the participants. Then, around two dozen tough-looking men started throwing stones, bottles and smoke bombs, and began beating Central Asian labour migrants who had been passing by in buses. The attackers expressed their anger that the LGBT activists could leave the demonstration under police protection. The individual responsible for shooting the pistol was charged with infliction of light bodily injury under Article 115.1 of the Russian Criminal Code. However, the investigator refused to reclassify the attack as motivated by political, ideological, racial, ethnic, or religious hatred or enmity or motivated by hatred toward a particular social group. A case against those who attacked the buses carrying labour migrants was not even opened.<sup>88</sup>

In St. Petersburg LGBT activists have been victims of attacks and beatings as well as abuse of authority by police and pressure from state agencies. The 2012 St. Petersburg Law prohibiting "gay propaganda," condemned by human rights workers and lawyers as unconstitutional, has become a secondary official "indication" to members of the police and other law enforcement agencies that the activity of those advocating for LGBT equality is undesirable. It has also become a new instrument for persecuting LGBT activists in St. Petersburg.<sup>89</sup> Moreover, since early 2012 the activities of LGBT organizations who participate in general protest activities and conduct their own numerous

<sup>86</sup> See 'Геев не пустили к Вечному огню' ['Gays were not allowed to see the Eternal Flame'], 28 May 2011, *Zero Gazeta*, available at: <http://www.gazeta.ru/social/2011/05/28/3631965.shtml>.

<sup>87</sup> See 'Полиция разрешила избивать журналистов на акциях протеста' [Police were allowed to beat journalists during protest demonstrations], 26 September 2011, *openinform.ru*, available at: <http://openinform.ru/news/pursuit/26.09.2011/25671>.

<sup>88</sup> According to attorney D. Bartenev, who represents one of the victims. See also 'Полиция позволила погромщикам отвести душу на мигрантах вместо геев' [Police allowed thugs to unburden on migrants instead of gays], 18 May 2012, *Piter TV*, available at: [http://piter.tv/event/Policiya\\_pozvolila\\_pogrom/](http://piter.tv/event/Policiya_pozvolila_pogrom/).

<sup>89</sup> Local laws against "gay propaganda" were also enacted in Ryazan Province (2006), Arkhangelsk Province (2011), Kostroma Province (2011), Novosibirsk (2012), Magadan Province (2012), Samara Province, and Krasnodar Territory (2012). Valentina Matvienko, former Governor of St. Petersburg and presently the Chairman of the Federation Council has proposed enacting similar legislation at the Federal level.

demonstrations and cultural events, have been monitored. Participation by LGBT activists in public protests, even approved ones, often becomes a reason for law enforcement personnel to illegally detain people carrying rainbow flags:

On 1 May 2012 many representatives of political movements and civil initiatives attended an approved demonstration in St. Petersburg. Various radicals also attended. Almost all persons were able to walk down Nevsky Prospect peacefully and without being detained. Only a few of the peaceful demonstrators from a democratic formation were charged by law enforcement agencies and at least 17 people were detained and taken to the 76<sup>th</sup> and 78<sup>th</sup> police districts. Those detained had not disturbed the conduct of the public demonstration nor had they posed a threat to social order. Their participation in the approved demonstration was no different to that of other demonstrators; they had walked peacefully, carrying flags with LGBT symbols and signs with anti-discrimination slogans. The sole reason for the prosecution of these participants and their detention and transport to the police station (where human rights workers and activists, including Igor Kochetkov, the Chairman of the Russian LGBT Network, had been held for an extended period of time) was clearly their advocacy for the rights of minorities.<sup>90</sup>

Moreover, those active in the area of defending the rights of LGBT individuals are regularly attacked. These events demonstrate the particularly vulnerable position of LGBT activists, who are persecuted both as members of a vulnerable group and as people engaging in protest activity:

On 12 June 2012 at around 17:15 pm at the corner of the Griboedov Canal and Engineer Street in St. Petersburg, around 10 young people in masks attacked a group participating in the Straights for LGBT Equality Alliance as they returned from an approved demonstration by the opposition. The attackers fired pepper spray cartridges and started beating people. Within several minutes on the corner of Griboedov Canal and Nevsky Prospect the same people attacked two more people, stragglers from the group. Members of the Straights for LGBT Equality Alliance surmise that the attacks were carried out by the ultra-right. Several people received injuries with varying degrees of severity: gas burns, abrasions, contusions, and a suspected concussion. All the victims obtained a medical examination and five statements were filed with the police, including photo and video recordings of the attack. A criminal case was opened. Previously on Konyushennaya Ploshad in St. Petersburg an approved meeting by the opposition had taken place, and members of the Straights for LGBT Equality Alliance had participated, along with activists from the LGBT organizations “Vykhod” and “Ravnopravie.” On 23 July 2012 the court placed a suspect in the 12 June 2012 beating of the LGBT activists under arrest.<sup>91</sup>

All those active in protest movements are members of a “risk group” in that they

<sup>90</sup> Statement by ADC “Memorial” in defense of the activists. Complete text is available at: <http://adcmemorial.org/www/4962.html>.

<sup>91</sup> See ‘Петербургская полиция задержала участника нападения на ЛГБТ-активистов’ [‘St. Petersburg police arrest the attackers of LGBT activists’], 23 July 2012, *Neva 24*, available at: [http://www.neva24.ru/a/2012/07/23/Peterburgskaja\\_policija\\_zad/](http://www.neva24.ru/a/2012/07/23/Peterburgskaja_policija_zad/).



could easily become victims of political violence, threats, and intimidation. In addition, the actions of law enforcement officials during large-scale demonstrations are becoming increasingly harsh, with force being actively applied and protest participants facing subsequent administrative and criminal prosecution. Law enforcement agencies conduct special operations during large-scale protests, not so much to maintain order but to prevent and halt protest activity and intimidate the protest participants.

The “March of Millions” in Moscow on 6 May 2012 was also the scene of such police activity though it was approved by city authorities and conducted peacefully. Several tens of thousands of people took part, according to various estimates. “The “March of Millions” ended in conflicts with the police, and the meeting was broken up by the authorities using force towards demonstrators. Many participants in the march were wounded or injured, as documented by medical professionals. Eyewitnesses indicated that the force used by the police was without regard to any actual threat presented by the demonstrators. OMON troops dragged demonstrators by their hands and feet, twisted their arms, and stomped on those who fell. Witnesses also related that some demonstrators being beaten or dragged across the asphalt were covered in blood. The human rights worker Sergei Davidis describes the events as follows:

*“They were grabbing people every which way. They used force not only on those who were behaving aggressively. One woman was tazered. I saw the OMON troops beating people. They used clubs, including against those who were behaving peacefully.”<sup>92</sup>*

None of the police officials who broke up the march were prosecuted. Authorities thus sanctioned the use of force by police officials to break up an act of protest.

In other cities, first and foremost St. Petersburg, there were many large-scale protests between the end of 2011 and the beginning of 2012 whose participants were subjected to threats, groundless detentions and cruel treatment while being held for extended periods at police stations.

Many complaints arrived at ADC “Memorial” from protest participants detained in St. Petersburg, including regarding the use of force during arrest, beatings of detainees in buses, and inhuman detention conditions at police stations. Moreover, threats and intimidation were often employed towards protest participants. There is every reason to conclude that this behaviour toward detained protest participants was purposeful and that the violations committed by individual officers were likely done with the knowledge and at the behest of the police leadership. Testimony by attorneys who participated in the court proceedings against the detainees serves as indirect confirmation of this. In response to questions regarding these violations, police officers summoned for questioning in court referred to orders and directives from their leadership.<sup>93</sup>

Conducting public demonstrations, whether or not approved by the authorities, has for many years served as a convenient outlet for the use of violence by law enforcement officials against participants in these demonstrations. This situation results from several factors. First, some detentions take place very quickly and it is often impossible to understand who exactly is responsible for the perpetration of violence. Secondly, law enforcement personnel never identify themselves while detaining people,

<sup>92</sup> Information from Sergei Davidis blog: <http://davidis.livejournal.com/>.

<sup>93</sup> Evidence from the ADC “Memorial” Archive.

which also renders it impossible to determine who utilized violence to pursue prosecution for unlawful acts. Situations often arise where detention is performed by one group of people and the preparation of statements at the police station by another. Sometimes these people are not only from different police stations or regions, but may be completely unknown to each other. Third, public demonstrations are not encouraged by the authorities; this creates a situation of impunity in which law enforcement personnel violate the rights of demonstration participants. Moreover, many participants are viewed by employees of state agencies as violating the social order.

The majority of participants, for their part, try to avoid dealing with state entities, including to protect themselves against the violation of their rights. This is connected, on the one hand, with lack of knowledge of methods for legally defending one's rights, and on the other, with a lack of desire to collaborate with state agencies and the dearth of examples of effective investigation actually occurring. This situation is further complicated by the difficulty of demonstrating the violation of rights by police officials. First aid stations often refuse to treat persons who have been subjected to beatings when they learn that the injuries were caused by police officials. Police stations, both regional and higher, either refuse to conduct investigations of violations provided in a report or provide the official answer that an investigation was conducted but no violation found.

Instances of abuse of police authority, threats, and cruel treatment also occurred in St. Petersburg prior to 2011, when protest actions were not large-scale and their participants were individual activists.

Over several years actions known as "Strategy 31" have taken place in St. Petersburg, aimed at defending Article 31 of the Russian Constitution, which guarantees the right of citizens to peaceably assemble. On every 31<sup>st</sup> day of the month activists go to the Gostiny Dvor metro station and conduct their protest. Each time protestors are arrested:

*Pavel K., an activist, has participated many times in "Strategy 31" protests. In May 2011, he and other protestors were detained. Violence was not used during the arrest, but Pavel agreed to follow behind a police car: "We were held in the bus for more than an hour and a half, letting us pickle. Then they took us to the 43<sup>rd</sup> Police Station on the Petrograd Side. They treated us ok, we weren't beaten. They drew up the statements that listed an hour past the time we were arrested and cited us with two administrative offenses. All the protesters were left at the station for the night, 11 people. One of them was beaten by the police – Maxim Gromov – he was drinking water when the police approached. They shoved him and the water spilled. They threw him on the ground and handcuffed him. He lay like that way at the station for more than an hour. We were visited at the station by investigators from the Center for Extremism Prevention. Two men about 40 in plainclothes 'had a discussion' with me separate from the other demonstrators. They threatened me that I'd have problems with my education if I kept participating in the protests. It was the next day at 6 p.m. by the time they brought me to court to Judge Kuznetsov. I was fined 500 rubles and let go."<sup>94</sup>*

An unequal approach in applying security measures and preventative measures is also often demonstrated by law enforcement personnel:

*On 1 May 2011, the day of international worker solidarity in St. Petersburg, the authorities broke up a legal demonstration by anti-fascists and anarchists. The pretext, just as in 2009,*

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<sup>94</sup> The interview with the activist is in the ADC "Memorial" archive.

was the need to prevent conflicts with the ultra-right, who had already passed by peacefully on Nevsky Prospect a half hour before. The anti-fascists were cordoned off and loaded into police buses. The person with the demonstration permit was not cordoned off and stood ten meters from the OMON police ring, but the protestors were not permitted to retrieve the permit from him and didn't want to do it on their own. The detained anti-fascists – around 70 in total – were dispersed among several police stations and held there for several hours. The charges were the usual ones: participating in an unauthorized demonstration and disobeying police orders. At the same time about 20 activists were detained for trying to block the route of a formation consisting of the ruling “United Russia” party.

All those detained on 1 May, 2011 were brought to stations in the central part of the city. Filipp Kostenko relates:

*“The police grabbed us and dragged us off of Nevsky to the sidewalk. Activists were beaten and then made to sit on the asphalt near a building. When one of us tried to stand up they were rudely shoved back down. After 20 minutes we were pushed into a car and taken to the 28<sup>th</sup> station. There they started preparing statements under Article 19.3 of the Administrative Code, failure to follow a police order. An investigator from the Municipal Center for Extremism Prevention (A. I. Chekushkin) arrived along with investigators Trifan and Aleshin from the Investigative Division of the Northwestern Federal District. Chekushkin created a database of those detained and wrote down information, while the Investigative Division personnel summoned everyone one by one for a talk. During the ‘talks’ they were threatened with prosecution and subjected to psychological pressure.”<sup>95</sup>*

**Since December 2011**, after the increase in protest activity as a reaction to the elections to the State Duma and for the Presidency, the ill-treatment of protestors began occurring on a large scale.

Citizens' rights and freedoms during arrest and transport to police stations following demonstrations are frequently violated. Abuses include arrests conducted by police officials not authorized to do so, detentions with no basis or explanation, and lack of clear orders beyond “arrest everyone present in the area of the demonstration”. They also include detention in vehicles intended for transport for an extended period of time (this time is not regulated by Russian law and is not counted as part of the period of detention, despite the deprivation of freedom involved, thus contradicting the jurisprudence of the European Court of Human Rights); as well as the extended transportation of people from one station to another due to lack of capacity, space and staff to accept and process detainees.

Detainees are generally kept at police stations in inhuman and degrading conditions that violate both international standards and Russian law.<sup>96</sup> Hundreds of detainees are not provided with food, despite being kept at police stations for more than 36 hours; in some stations detainees are also denied the food or water brought to them by friends and relatives. Some detainees spend more than ten hours a day for one or two days on buses, deprived of food and even the opportunity to use the bathroom.

<sup>95</sup> Testimony of Filipp Kostenko from the ADC “Memorial” Archive.

<sup>96</sup> Thus violating standards for detention established by Decree No. 627 of 15 October 2003 ‘On confirming the Regulation on detention conditions for persons arrested for an administrative violation, food Supply standards, and medical treatment for such persons.’



They await court proceedings that can be continued to later dates or dismissed altogether and which are held in judicial districts located in their place of registration. This highlights the thoughtlessness and lack of grounds for such lengthy detention, exacerbated by the inhuman conditions.

People detained after their participation in protest activity in December 2011 and later found themselves spending over 24 hours, including overnight, in stuffy, cramped cells with the light kept on and lack of ventilation, and in some stations lack drinkable water. Between 6 and 13 people were kept in cells from 2 to 8 square meters containing two narrow benches not meant for sleeping. According to many detainees, the stuffy and cramped cells caused the most stress and fear. Many felt ill from the stuffiness, especially those with breathing difficulties.

Statements for protesters were prepared for them in the middle of the night as they were attempting to sleep on the floor. Detainees did not realize they would have to sign and make individual marks on the statements. Many judges are not pleased if detainees do not indicate their disagreement with their statement at the time of signing the statement, despite the fact that this is in the middle of the night, under stressful circumstances. Judges consequently dismiss posterior challenges to the statements. Police officials forced detainees to sign their statements without providing them copies, even when asked and despite their legal obligation to provide such a copy. Moreover, those who demanded copies were threatened with being left in detention for another 24 hours or with physical violence. Similar problems arose when the detainees were fingerprinted. Almost all detainees had their documents or copies with them, allowing them to be clearly identified. The police nevertheless forced them to submit to fingerprinting, despite the fact that this is not mandatory under Russian law in those circumstances. The detainees who knew their rights and attempted to inform the police of this whilst refusing to be fingerprinted were subjected to degradation and threats.

A detainee named Ivan relates a typical incident:  
"They called me at about 4. The policeman [at the 15th District] on duty's last name was Zhelezny ["Iron"]. He said to me, 'Come on, we're going to take your fingerprints.' [I said] 'Pardon me, but under what law?' Zhelezny pointed to the wall. A copy of the fingerprint law was hanging there (No. FZ-128, I think). Part Zh reads: 'It is permitted if there is no other way to establish a person's identity.' 'Hey! You have my passport and can identify me!' 'But it says I have the right...' 'Under what law?' Zhelezny lost patience and grabbed my hand. His grip, however, wasn't a match for his name, and I got away easily. Two more cops heard the noise and came in (Cop 1 and Cop 2).  
C1: 'What's happening here?'  
I gave a brief explanation and referred to the law.  
C1: 'Yeah, you're right. The law says you can refuse.'  
C2: 'Listen, let me take this guy out for a few words...'  
C1: 'No, never mind. The guy's right, he has the right to refuse. But now we're going to charge you with disobeying a police order.'"<sup>97</sup>

Those who contacted ADC "Memorial" for legal assistance were asked about the detention process and conditions. Many of them described incidents of violence whilst being detained, either applied to or witnessed by them.

On the eve of the December 2011 elections, protest participants were arrested near the Legislative Assembly of St. Petersburg. One of those arrested, Zhenya Ch., described her

<sup>97</sup> The interview with the activist is in the ADC "Memorial" archive.

experience:

*"On December 3, 2011 I was arrested with some others on Issakevskaya Ploshchad near the Legislative Assembly for demonstrating against the elections. We were searched illegally, without witnesses. I said it was illegal and I wanted to refuse, but I was handcuffed as a result and placed in a cop car, separate from the rest. A cop sat with me and started saying my pupils looked dilated and I must be an addict, and suggested we go for a test. He found a flare and a flag on me and started quizzing me on who we were, but I didn't say anything to him. Then they took us to the 2<sup>nd</sup> district station. There we were searched again and photographed illegally. The E Center spoke with some of us. Then they put us into cells. The conditions at the station were more or less ok. At 4:00 in the morning I and three girls from the same cell were taken to the Admiralteisky District Ministry of Internal Affairs. One of the staff came in dressed in plainclothes (an investigator or someone) and started yelling and swearing at us. He wanted to fingerprint us but we said we wouldn't do it. He yelled at us, and swore and insulted us, that he didn't give a damn that fingerprinting was only voluntary under the law in these circumstances. At first he wanted to fingerprint us on a Papillon scanner, and then took us upstairs. There he told one of the girls to come with him. She did, and she was forcibly fingerprinted. Then he came back. We grabbed on to each other. Someone (I think the cop we came with, or another one) starting threatening us that they were going to 'call 20 people.' That investigator started dragging me away from the others. Then he and some other men pulled me down the corridor toward an office. There he started yelling and insulting me again. I yelled back and when he took offense at what I said he beat me with his folded belt. He said if I refused to let them roll my fingers he'd cut them off and do it. I said he'd be put in jail for that, and he whispered to me, 'My mother works for the police, and my father for the prosecutor, so nobody's going to put me anywhere.' He wouldn't identify himself, only pointed at himself and said, 'There's my documents'...they kept us until the morning of December 5<sup>th</sup> without letting us vote in the Duma elections, then took us back to the 2<sup>nd</sup> district, and then to court."<sup>98</sup>*

Innokenty was arrested near the Gostiny Dvor metro station on 6 December 2011. He relates:

*"They grabbed me and stuck me in a police truck and took me to the 30<sup>th</sup> district police station on Vasilievsky Island. There in the light you could see who these valiant defenders of our peaceful efforts had captured: three juveniles, five girls, and one woman, and a bunch of intellectual-looking students. There were around 7-10 policemen in our jail, which didn't stop them from taking 4 hours to process the 11 of us, turning the whole thing into a farce. They took our belts, shoelaces, and chains so nobody would strangle themselves. But they left our blouses and skirts that I guess they thought nobody could strangle themselves with. They put us in some cells that couldn't be called anything but torture chambers. The floor was hot, there was no ventilation, and the air temperature was around 40 degrees Celsius. We were also not allowed to receive packages, which meant 24 hours without food. They gave us water from the tap and only grudgingly let us to go the bathroom. And there were constant gloomy smirks from the policemen."<sup>99</sup>*

Subsequent protests were dispersed just as harshly. Vasily participated in a flashmob entitled "The Funeral of Democracy" in St. Petersburg on 10 December 2011. He was arrested by the police simply for bringing white flowers to Senate Square and laying them at the Bronze Horseman. He relates:

*"They arrested us on Senate Square and took us to the 19<sup>th</sup> district on Politekhnicheskaya Street. There were more than 20 of us in all who had come with flowers. They put us in a recital hall and starting suddenly writing the statements, which said we were protesting in defence of Article 31 of the Russian Constitution, although nothing had been said about that. We were all forced to be fingerprinted and photographed. There were people in plainclothes at the station. They threatened me that I would have problems with the enlistment office and be called up. They finally put us in cells at 3 o'clock in the morning. There were 6 of us in a cell for 4. They took us to court in the morning, but Judge Chernikova refused to examine the*

<sup>98</sup> The interview with the arrested activist from March 2012, is in the ADC "Memorial" archive.

<sup>99</sup> The interview with the arrested activist from May 2012, is in the ADC "Memorial" archive.

materials the cops prepared due to mistakes, and they took us back to the station. The policeman left us there for another night and wrote up other statements that said all the detainees had laid candles and flowers at the feet of a man carrying a sign. On the second day they took us back to court, which was continued, and then they finally let us go.”<sup>100</sup>

Pyotr was arrested in St. Petersburg on 5 March 2012 on the Blue Bridge near the Legislative Assembly Building. The activist recalls, “We met on the Blue Bridge. The OMON troops surrounded us and started arresting us. Two of them grabbed me and stuck me in a police truck. Then they took a long time bringing the 20 or so of us to the station and ended up taking us to the Ladozhskaya metro district. That’s where we spent the night. It was crowded in the cell, and there were 6 of us. We took turns sleeping sitting up on a bench and on the floor. It was 2:00 a.m. when they took us to Court on Sennaya Ploshchad. We sat there in a bus until 9 p.m. until all the cases were done.”<sup>101</sup>

Kirill was also arrested on 5 March 2012 and taken to the 31<sup>st</sup> district. He relates,

“All told we were held for 29 hours. We didn’t get any water at all. Once they brought us a single serving of instant soup. There wasn’t any place for us to sleep either. They made us all be photographed and fingerprinted. Many people refused and had to write their reason for refusing. But a fact is a fact. On top of that we were kept like animals inside the bus. They packed three stations in, and many people stood for 5-6 hours. When shift change came the policemen on the bus refused to identify themselves, which we have on video.”<sup>102</sup>

Another detainee, Georgy, was held at the 18<sup>th</sup> district station and describes his situation,

“There were eight people in our cell of two square meters. Only six of us could sit on the bench. We slept that way too in that cell. They fed us once on the first day at 11:00 pm and once on the second day at the same time. The menu for the first day was soup with pasta and carrots for the first course, and boiled noodles for the second, and nothing to drink. On the second day there was borscht (no meat) for the first course, wheat kasha for the second, and tea for the third. The second day they gave us plates, but no spoons. They told us, ‘Eat it however you like.’ We had to scoop the soup and the second out of the bowl with a glass. They allowed us food packages. The cell was pretty clean, with only a few boot marks on the walls and the marks ours made on the floor, and fairly warm, sometimes even hot and stuffy. We asked for air, which they didn’t always give us. The toilet was a hole in the floor, like a railway station, with a holding tank and a sink. There was no latch on the toilet and no toilet paper. Instead of soap there was laundry soap. The toilet was very dirty. They took everything we had but our clothes. The first time they didn’t take my shoelaces, belt, or watch. The second day they took my shoelaces but left my watch and belt. On the first day they didn’t want to give us packages. Then they gave them to us with no problems.”<sup>103</sup>

Another detainee, Tima, was brought to the 44<sup>th</sup> district station:

“They took us to the 44h district and we were met by an officer who was drunk, and that’s how he was in charge of us the whole night. He even called himself “just a dumb officer,” although it wasn’t far from the truth. They brought twenty people into the station and started processing us, complaining that here it was their day off and they had to fool around with us. They asked what the hell we’d gone to the square for, and of course the most popular question was, ‘How much do you get paid for this?’ All 20 people burst out laughing in response. There were nine people in my cell (which was 3 x 4 meters); in the next one there were 6 (the cell was even smaller). The girls were luckier, they had one cell for the two of them. The conditions were repulsive. The nine of us trying to sleep was unreal. The benches were only good for sitting, and I wasn’t allowed to keep my jacket which I could have laid on. Some good people gave us a sleeping mat so one of us was able to sleep in relative peace. Near morning they started processing documents and calling us one by one. A women police officer yelled that we weren’t as competent as the previous “dissenters” and that she’d call the judge and we’d have problems in court. She took an inventory of our property, which took

<sup>100</sup> The interview with the arrested activist from March 2012, is in the ADC “Memorial” archive.

<sup>101</sup> The interview with the arrested activist from May 2012, is in the ADC “Memorial” archive.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

place toward morning, based on our word, with no witnesses. Moreover she insisted on fingerprinting. All told, after the sixth person she realized there was no time and announced we'd refused to sign everything and started putting the documents together without calling anyone. Therefore I didn't see a single document since the time I'd been put on the bus. Nobody had talked to me, or asked or showed me anything! They just took us, put us in a cage, and brought us to court. At court it turned out I had immunity as a member of the election commission. Outrageous."<sup>104</sup>

On 22 March 2012 a peaceful protest took place in St. Petersburg in the form of a bike ride. Participants of this protest were also arrested. Innokenty O. describes what happened:

*"It was March 22 at 7:15 p.m. when I came to see the bike ride. I was arrested when I saw them arresting a girl. I went up to the policeman and asked him why he was arresting her. He didn't say anything and grabbed me by the collar, and then two officers grabbed me by the shoulders. On the way to the car they yelled and insulted me. While they were putting people in the car the cop wanted to shove me in there too but it didn't work because there were already two people and a bicycle inside and nowhere to put me right away. I didn't resist."*

The police officers twisted Innokenty's arm, called him a bastard and an asshole, threatened him ("thought you'd take a swipe at the authorities, snotnose?"), and tried to force him into the car while running, which caused him to bang his knee. At the station,

*"we were taken in one by one, sat on a bench, and there were Center E guys there disguised and listening. The policeman took us to a cell and when our bicycles arrived 10 minutes later he tied white balloons to them that hadn't been there before. I was threatened with Article 318 and told I'd do some time and my fate was sealed. They told us a police officer had been injured. And there really was someone in a police uniform wearing a case. Sometimes they wouldn't let us go to the bathroom and ordered us not to move, to sit down and not to stand. They kept us a day and a half, though they'd said they'd let us go at 10 pm. It took a long time to prepare the statements and so we couldn't fall asleep because we were constantly being tugged at."<sup>105</sup>*

Thus the actions of Russian law enforcement personnel towards activists participating in large-scale protests is characterised by the intentional use of force and threats, as well as by measures of cruel, inhumane and degrading treatment. These actions are used by police officials to create fear, justify the need to combat "extremism" and prevent mass unrest. However, they are in fact are a form of political persecution. Moreover, such actions often take on the nature of special operations targeting groups of people who are distinguished by political and ideological characteristics.

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<sup>104</sup> The interview with the arrested activist from May 2012, is in the ADC "Memorial" archive.

<sup>105</sup> The interview with the arrested activist from June 2012, is in the ADC "Memorial" archive.

## Conclusion

On 1 March 2011 the Law ‘On police’ forming a basis for reform of the Russian law enforcement system, entered into force. Article 7 of the Law asserts the need to avoid wrongful treatment and punishment of ethnic minorities and bans discrimination based on any characteristic whatsoever. Police officials must “protect the rights, freedoms, and legal interests of a person and a citizen regardless of gender, race, ethnicity, language, origin, property status, official position, place of residence, or attitude toward religion”.<sup>106</sup> They must also “demonstrate respect for citizens’ ethnic practices and traditions, consider the cultural and other characteristics of different ethnic and social groups and religious organizations, and facilitate inter-ethnic and inter-religious harmony.”<sup>107</sup>

However, despite this nominal recognition of the need to combat the practices of ethnic profiling and discrimination against non-citizens and ethnic minorities,<sup>108</sup> members of the reformed Russian police by no means always follow the above principles in their daily work. This leads to numerous violations, particularly against members of vulnerable groups. Despite the re-qualification process for police officers, police abuses against foreign nationals has not improved at all. The experience of ADC “Memorial” demonstrates that abuse of authority, and even systematic violence, towards those actually or perceived to be of another ethnic origins or political persuasions is typical of the practice of the law enforcement agencies in the Russian Federation.

Roma and migrants within the Russian Federation are victims of sanctioned police abuses expressed through systematic targeting of these groups in special operations such as Operations ‘Tabor’ and ‘Illegal Migrant’, and other cruel and degrading treatment. Moreover, ethnic profiling by police exacerbates the already extreme vulnerability of minorities to rising levels of xenophobia, aggressive racism, and chauvinism.

Attempts by citizen initiatives, LGBT societies, activists, and anti-fascists to oppose abuse of authority, discrimination, racism, xenophobia, and corruption often lead to reprisals against the individuals themselves. Centers for Extremism Prevention (“E Centers”) exercise de facto political control over the activities of such persons. The increasing frequency of police abuses against such persons render them vulnerable to all possible forms of administrative abuse of authority, including threats, beatings, torture and other cruel, inhuman or degrading treatment. In these conditions, social activists and antifascists are just as vulnerable and discriminated against as a group as migrants, ethnic minorities, and Roma.

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<sup>106</sup> Federal Law No. 3-FZ “On Police” of 7 February 2011, Article 7.1.

<sup>107</sup> Ibid, Article 7.3.

<sup>108</sup> For examples see footnote 56 above.

This is cause for serious alarm, particularly considering the high risk of torture and violence at the hands of police. ADC Memorial underlines that even after the reform of the law-enforcement and re-qualification process, detainees are often victims of abuse of authority and subjected to torture, beatings and sexual violence, sometimes leading to a lethal outcome.

In Kazan, Voronezh, Samara, Penza, Nizhny Novgorod, Krasnodar Territory, Moscow and St. Petersburg, victims of police excess are trying to get criminal cases instituted against officials responsible for exceeding their authority. These excesses take the form of murder, torture, sexual violence and brutal beatings.<sup>109</sup> However, inquiries seldom if ever lead to police being officially suspected of such serious crimes, and even less frequently result in the institution of criminal cases. Even when victims' attorneys are successful in securing the opening of a criminal case, offending officials are rarely subject to significant pre-trial restraints and convictions virtually never arise. Courts give police officials the benefit of soft pre-trial restrictions such as house arrest rather than imprisonment. In displaying its "institutional solidarity" with the police the judiciary demonstrates the application of a distinct approach to cases involving law enforcement officials, contributing to the impunity that prevents a decrease in the occurrence of these crimes.<sup>110</sup>

In a number of instances criminals have remained free and preserved their professional connection with other policemen, while placing severe pressure on the claimants, victims and victims' representatives.<sup>111</sup>

It is clear that impunity, lack of accountability, and the invariably "benevolent" attitude of investigative agencies and courts towards criminals from law enforcement agencies create fertile ground for abuse of authority, violence and torture. No reform will resolve this problem until all crimes and violations committed by law enforcement

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<sup>109</sup> Instances of such acts being perpetrated are reported in the following media reports:

<http://www.business-gazeta.ru/razdel/476/>;  
[http://openinform.ru/news/law\\_enforcement/19.04.2012/26719/](http://openinform.ru/news/law_enforcement/19.04.2012/26719/); <http://www.trkterra.ru/news/2012-09-26/123553>;  
[http://openinform.ru/news/law\\_enforcement/13.04.2012/26690/](http://openinform.ru/news/law_enforcement/13.04.2012/26690/);  
<http://www.vesti.ru/theme.html?tid=85093>; and  
[http://openinform.ru/news/law\\_enforcement/11.04.2012/26675/](http://openinform.ru/news/law_enforcement/11.04.2012/26675/).

<sup>110</sup> See 'В Воронеже суд отказался заключать под стражу полицейских, обвиняемых в жестоких пытках' ['In Voronezh the court refused to detain police officers accused in torture] 19 April 2012, openinform.ru, available at: [http://openinform.ru/news/law\\_enforcement/19.04.2012/26719/](http://openinform.ru/news/law_enforcement/19.04.2012/26719/).

<sup>111</sup> For example, in a highly-publicized case involving the murder of a young man from Georgia in Samara, the claimants and the witness became the target of unexpected operations. On 25 March 2012, the main witness to the death was arrested and detained for two months and the father of the victim was searched in connection with a case of "assault to commit robbery of 600 rubles worth of beer." (See 'В Петербурге, Самаре и Казани оперативники оказывают давление на потерпевших по делам о полицейских пытках' ['In St. Petersburg, Samara and Kazan policemen put pressure on victims in cases of police torture'] 25 March 2012, openinform.ru, available at: [http://openinform.ru/news/law\\_enforcement/29.03.2012/26611/](http://openinform.ru/news/law_enforcement/29.03.2012/26611/)). On 25 September 2012 the investigation was halted because the perpetrators could not be identified. (See 'Следователи не нашли виновных в гибели Мамуки Кахишвили', ['Investigators don't find anyone guilty for the death of Mamuka Kahishvili], 26 September 2012, ТЕРРА, available at <http://www.trkterra.ru/news/2012-09-26/123553>).

officials are investigated and prosecuted to the fullest extent of the law, and punishment is proportionate in severity to the position of responsibility held by the offender. This should be the case both for excesses directed at citizens of the Russian Federation and those directed at foreign nationals. At risk groups such as actual and perceived ethnic and other minorities, political activists, and LGBT youth rights defenders must also receive special protection. In the absence of these measures abuse of authority will persist in Russia and “human rights” will remain a purely nominal concept.

## **Recommendations**

**ADC “Memorial” recommends that the Russian authorities take all of the following steps to address the problems described in this report and eliminate abuses of authority by security agencies in respect of vulnerable groups in the Russian Federation:**

### **Implementation of national legislation**

1. Enforce the standards set in Russian legislation regarding respect for the rights of detainees, including effectively investigating all complaints of cruel and inhuman treatment, torture and extortion;
2. Adopt rigorous measures to prosecute members of the police and other security agencies involved in committing the above crimes to the greatest extent of the law;

### **International mechanisms**

3. Cooperate fully with independent international human rights mechanisms. Issue a standing invitation to UN special procedures, including the Special Rapporteur on Torture, the Special Rapporteur on contemporary forms of **racism, racial discrimination, xenophobia and related intolerance** and the Special Rapporteur on Migrants. Provide swift and full responses to urgent appeals and other communications;
4. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted in 2002 and entered into force in 2006;
5. Ratify the International Convention on the Protection of all Migrant Workers and Members of their Families, adopted in 1990.

### **Protecting the human rights of Roma**

6. Guarantee the protection of the Roma community from police abuses of authority, including ethnic profiling operations, such as Operations “Tabor” and similar operations;

### **Protecting the human rights of migrants and combating racism and xenophobia**

7. Design and implement an Action Plan on fighting abuses against foreign nationals, following consultation with civil society, containing concrete measures to ensure the physical safety of foreign nationals, including migrant workers, and effective protection from abuse of authority by government and security agencies (including the Federal Migration Service, court bailiffs and the police).
8. Intensify efforts to combat racially motivated violence, including by ensuring that judges, procurators and the police take into account the motive of ethnic, racial or religious or enmity as an aggravating circumstance in any proceedings and provide updated statistical data on the



number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.

9. Intensify education and awareness-raising campaigns to combat prejudices against ethnic minorities and to promote inter-ethnic dialogue and tolerance within society, in particular among the Russian youth.

10. Intensify efforts to combat ethnically motivated hate speech in the media, on the internet and in political discourse, by publicly condemning such statements and imposing adequate sanctions for publicly making racist statements, in accordance with recommendations issued by the Committee on the Elimination of Racial Discrimination (CERD) in 2008.

### **Detention conditions**

11. Improve conditions at Detention Centers for Foreign Nationals (DCFNs); ensure access by detainees to their relatives and to legal assistance, including guaranteeing persons detained in a DCFN for over 15 days have access to an attorney appointed at state expense (as is already the case in criminal prosecutions);

12. Repeal the Federal Law 'On amending the Code of Administrative Offenses and the Federal Law on Assemblies, Rallies, Demonstrations, Marches and Picketing' of 8 June 2012;

### **Participation of Civil Society in the prevention of torture**

13. Provide civil society with an opportunity for engagement with the authorities in an atmosphere of openness;

14. Create mechanisms for public oversight of investigations of crimes committed by members of security agencies and of the results of the investigations (such as punishment of offenders and an improvement in general conditions) in the form of social councils, supervisory commissions, and so on;

15. Ensure access to places of detention and DCFNs by members of social supervisory councils and commissions, representatives of the media and civil society, and human rights workers;

16. Enact legislation granting social organizations the right to represent the interests of deceased victims when there are no relatives who might be acknowledged as complainants;

### **Sexual minorities**

17. Align itself with the UN Declaration on Sexual Orientation and Gender Identity, condemning human rights violations based on sexual orientation or gender identity, in particular the practice of torture and other cruel, inhuman and degrading treatment or punishment;

18. Repeal regional laws prohibiting “gay propaganda,” which infringe on the rights of LGBT individuals, and ensure the safety of LGBT activists, including during public demonstrations and after arrest;

19. Guarantee the safety and protection of LGBT individuals during detention and arrest, with due consideration for the vulnerability of this group of activists and the necessity of providing additional measures to protect them from aggression and violence, including by thoroughly investigating all attacks and violence toward LGBT individuals, and creating conditions to prevent such attacks;

### **Training and instructions to law-enforcement agencies**

20. The Ministry of Internal Affairs should provide training and systematic instruction to Russian immigration agencies and police services on international standards prohibiting torture and inhuman treatment, including on decisions of the European Court of Human Rights in torture cases, and report on training activities conducted;

21. Ban the practice of ethnic and other forms of profiling and prohibit the conduct of police operations, document checks, and so on based on discrimination against members of vulnerable groups, including ethnic minorities, like Roma and other visually identifiable minorities, and labour migrants;

### **Accountability and judicial remedies**

22. Effectively investigate all complaints of excess by police and other security agencies, including racially motivated crimes and abuse of office, guaranteeing the objectivity and independence of the agencies or individuals conducting such investigations and punishing offenders to the fullest extent of the law;

23. Effectively investigate all complaints received from those detained during large public demonstrations, and ensure public oversight of the actions of police officials during large demonstrations and the detention of activists;

24. Require law enforcement agencies to make their governing documents available, including internal orders and directives indicating the grounds for conducting procedural actions against individuals, whether or not requested. This may be done under a non-disclosure agreement, if necessary to preserve the integrity of an investigation;

25. Require law enforcement agencies to effectively investigate every instance of death in detention, beginning with when a person is actually deprived of their liberty (in custodial detention).

## **ADC “Memorial” recommends the following**

### **to the UN Committee Against Torture:**

1. Condemn the practice of profiling that is discriminatory towards ethnic and visually identifiable minorities and labour migrants, in view of their vulnerable position, and demand the effective protection of members of minorities from violence, arbitrary detention, extortion and torture;
2. Focus particular attention to the protection of LGBT activists as members of a vulnerable group and demand the effective investigation of all complaints of cruel and degrading treatment perpetrated against such persons, including physical and mental violence by security agencies;
3. Condemn police violence during large-scale protests and demand that the Russian Federation investigate the use of cruelty and extreme force in the dispersal of the demonstration in Moscow on 6 May 2012 and in St. Petersburg during the election periods of December 2011 and March-April 2012, as well as similar actions by the police in other cities;
4. Condemn cruel and degrading treatment and torturous detention conditions in DCFNs (acknowledged by the Russian Federation in *Lakatosh and Others v. Russia*). Demand an improvement in detention conditions in these institutions and their humanization, including by allowing access to relatives, social observers and human rights workers; providing psychological assistance; and appointing counsel and providing interpreters. Demand at minimum information on foreign nationals detained in DCFNs and that such centers be used only under conditions of extreme necessity.
5. Focus particular attention on the position of vulnerable groups in correctional facilities (jails, colonies, investigative isolators, etc). Demand effective investigation of all complaints of cruel treatment and violence, including racially motivated violence;
6. Demand that the Russian Federation effectively investigate all instances of racially motivated violence. Insist that victims be protected and crimes against them effectively investigated irrespective of their status in the Russian Federation or the existence of official registration, work permission, etc., and that those responsible for committing such crimes be prosecuted to the fullest extent of the law; and
7. Require the state to take an interest in the just punishment of racism.