

## **UNDER PRESSURE: INCREASED STATE RESTRICTIONS ON INDEPENDENT CIVIL SOCIETY IN THE RUSSIAN FEDERATION**

**March 2018**

### **INTRODUCTION**

Over the last two decades, legislative and institutional changes, limitations imposed on freedom of expression, association, assembly and press freedom in Russia have significantly reduced space for social and political discourse. Throughout his time in office, President Putin has deliberately restricted all forms of communication between society and government and legal and institutional changes and restrictions on these fundamental freedoms have resulted in declining space for public debate, civil society participation and more limited opportunities for citizens to influence decision making processes.

Since President Putin came to power electoral legislation has been undermined by the introduction of amendments increasing the executive's power over electoral procedures<sup>1</sup> to a point where it has now become virtually impossible to register a political party. It is also increasingly difficult to register an NGO and independent NGOs have been widely branded as "foreign agents"; foreign organizations are declared undesirable and civic activists are increasingly prosecuted for peaceful activities.

This briefing gives a short overview of challenges faced by civil society, the independent media, and activists, journalists and demonstrators as well as individual citizens who simply wish to exercise their right to freedom of opinion, association and assembly in Russia. It concludes with a set of recommendations to the international community.

Recently, human rights campaigns conducted both in Russia and abroad have achieved some positive outcomes in individual cases of civil society activists and others who had been targeted for exercising their right to freedom of expression.<sup>2</sup> Such cases clearly illustrate the need for continued international pressure on the Russian authorities to urge them to respect their international human rights obligations. Moreover we have many other reasons to believe that resistance by civil society and criticism from abroad were instrumental in slowing the pace of deterioration of the human rights situation in Russia.

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1 The cancellation of pledges and unfounded rejection of signatures (300,000 in the Presidential elections, 200,000 for the party in the elections to the Duma, and 3 percent for the single-mandate); The election of governors was abolished, then restored with a municipal filter; The system of elections to the State Duma is changing in accordance with the needs of the authorities; Direct elections of mayors of cities are canceled; Limited observation capabilities

2 For further information see: <https://ovdinfo.org/express-news/2017/08/08/osuzhdennye-za-sms-zhitelnicy-sochi-vyshli-na-svo-bodu>; <https://memohrc.org/ru/defendants/dadin-ildar-ildusovich>



## RESTRICTIONS ON CIVIL SOCIETY: NGOS LABELLED AS «FOREIGN AGENTS»

Since the Law on Amendments to Certain Legislative Acts of the Russian Federation Regarding Regulation of Activities of Non-Profit Organizations Performing the Functions of a Foreign Agent (further Law on Foreign Agents) entered into force on 21 November 2012,<sup>3</sup> Russian NGOs that receive funding from abroad and engage in “political activities” are considered to be “foreign agents” and are required to sign themselves up to a government administered “foreign agents” register. Later amendments from 2014 additionally empowered the Ministry of Justice to add organizations to the register on its own initiative. The absurdly broad understanding of what is meant by political activity in the 2014 law, which covers any activities aimed at influencing state and municipal bodies or public opinion<sup>4</sup>, results in the selective listing of NGOs in retaliation for their criticism of government policies. NGOs that are publicly critical of the authorities in Russia including well known human rights NGOs were the first ones to be listed as “foreign agents” since the adoption of the law. Now independent NGOs that do not criticize the authorities, but receive funds from abroad (for instance NGOs working in the environmental and social fields) are also being labelled as foreign agents, in order to boost statistics.

- For example, on 1 December 2017, the Ministry of Justice added the All-Russian Public Organization for the Promotion of Road Transport “Association of Carriers of Russia” onto the Foreign Agent Register.<sup>5</sup>

As of the end of 2017, 81 non-governmental organizations appeared on the Ministry of Justice list of foreign agents; 13 were added in 2017.<sup>6</sup>

NGOs which have been declared as “foreign agents” are obliged to comply with additional reporting obligations: they must report to the Ministry of Justice quarterly, instead of once a year, and include the label of “foreign agent” on all information they publish. NGOs that do not comply with these legal requirements can be held liable under administrative and criminal law, with punishments ranging from fines (from 30 to 300 thousand rubles – 400 to 4,000 euro) to up to two years’ imprisonment.

In addition, dozens of NGOs have been forced to close because they either judged it impossible to work effectively if branded as a “foreign agent” or were not able to pay the fines incurred for refusal of inclusion onto the register or for failing to comply with the reporting obligations (including using the label of “Foreign Agent” on publications).

In a recent example amongst the dozens of NGOs labelled “foreign agents”:

- On 16 November 2017 the human rights organization “Committee for the Prevention of Torture” was fined 400,000 rubles (about 5,600 euro) for failing to comply with obligations imposed on groups listed as “foreign agents”. The Director, Igor Kalyapin, reported that the organization has been in the process of shutting down for the last two months and that a new legal entity has been registered instead – the “Committee against Torture” which has been working since 19 July 2017.<sup>7</sup>

**Appeals to the European Court of Human Rights:** On 31 January 2018, the European Court of Human Rights (ECtHR) approved a second case for consideration related to the Law on Foreign Agents. The applicant Yuri Shirokov, former president of an environmental fund, is a pensioner who was fined 50 000 rubles (or 700 Euros) for publishing articles on conferences without the label “foreign agent”. The case is led by the Coalition in Support of Human Rights. Last year the ECtHR communicated to the Russian government 48 complaints from 61 Russian NGOs in *Ecodefense and Others v. Russia* and this case is now pending with the court.

## RESTRICTIONS ON FREEDOM OF EXPRESSION AND THE MEDIA

State control over press and media freedom further increased in 2017, as high ranking officials made public statements criticizing the work of independent media and accusing it of serving foreign interests. For example, on 26 April 2017, the General Prosecutor’s Office stated that several media outlets and organizations (such as Open Russia, Institute of Modern Russia, Inc, Open Russia Civic Movement, Public Network Movement “Open Russia”) “carry out special programs and projects on the territory of the Russian Federation in order to discredit the results of the elections held in Russia.”<sup>8</sup>

3 <http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=163972> the law on “foreign agents” was adopted against a background of a wave of political protests in 2011-2012.

4 Including legal and policy analysis, monitoring, conducting surveys of public opinion, research etc.

5 <http://www.rosbalt.ru/russia/2017/12/01/1665299.html>

6 <http://unro.minjust.ru/NKOForeignAgent.aspx>

7 <https://www.svoboda.org/a/28861207.html>

8 <https://meduza.io/news/2017/12/12/roskomnadzor-zablokiroval-sayt-otkrytoy-rossii-po-trebovaniyu-genprokuratury>, <https://ovdinfo.org/express-news/2017/12/14/roskomnadzor-potreboval-u-youtube-udalit-akkaunt-otkrytoy-rossii>, <http://newsoftheday.ru/n2rossiya-roskomnadzor-trebuuet-u-youtube-i-twitter-zablokirovat-akkaunt-otkrytoy-rossii-hodorkovskogo.html>

On 25 November 2017 President Putin signed a Law on Media Foreign Agents, according to which media outlets with the status of “foreign agent” will be bound by the same requirements as for NGOs considered “foreign agents”.<sup>9</sup> On 5 December 2017 the Ministry of Justice decided to include nine media outlets such as Crimea Realia, the Russian service of RFE/RL and Voice of America, onto the newly created register of “Foreign Mass Media Serving as Foreign Agents”.<sup>10</sup> The Ministry also ruled to deprive Radio Liberty and Voice of America of press accreditation to the State Duma, stressing that the decision was “*political, not technical*.”<sup>11</sup> The government justified these measures in response to decisions by the US administration to designate the Russian Russia Today as a foreign agent in November 2017.<sup>12</sup>

The websites of organizations working on issues of democracy and election monitoring are also targeted. For example, in December 2017, the Federal Service for Supervision of Communications (Roskomnadzor) added the “Open Russia” website to the list of banned websites and blocked access to the websites of Open elections, Open University and khodorkovsky.ru.<sup>13</sup>

Freedom of expression is increasingly restricted by expansions of the „list of extremist materials“, as well as the broad and problematic definition of extremist materials,<sup>14</sup> the introduction of new administrative and criminal penalties for statements considered extremist and their increasing implementation in practice.

### **Politically Motivated Persecution of Activists, Journalists, Demonstrators and Individuals**

The Russian authorities also increasingly target individual activists, independent journalists and dissidents who have been particularly vocal in criticizing the government. Politically motivated criminal prosecutions against civil society activists, independent journalists and government critics pose a particular danger to both the victims and to Russian society as a whole, especially against the background of the lack of an independent judiciary.

As of 1 March 2018, HRC Memorial had recorded 143 cases of political prisoners including 97 who were persecuted on religious grounds.<sup>15</sup> The actual number of victims of politically motivated criminal prosecutions is much higher. In 2017, the average prison sentence imposed in relation to persons convicted on politically motivated charges was six years and two months (up from an average of six years and two months in 2016).

A review of the cases of political prisoners demonstrates the extent of political repression currently employed by state officials in the Russian Federation, where politically motivated prosecution is used as a form of retaliation against people who peacefully and legitimately exercise their rights to freedom of assembly, freedom of expression and information dissemination. For example, falsified criminal charges are instigated with the aim of putting a stop to civil activists’ peaceful and legitimate activities. The ongoing dependence of the judiciary on the executive ensures that in most cases those individuals facing politically motivated charges are convicted.

The Russian authorities perceive public protests and internet publications as the main threats to be combated with criminal prosecutions. Those targeted by politically motivated prosecution are often charged with extremist offenses. The lack of clarity and transparency of “anti-extremist” legislation facilitates the broad interpretation of the law and judicial processes often rely on the testimony of so-called experts who do not testify objectively.

### **Individuals Targeted For Exercising their Right to Freedom of Expression and Opinion**

The Russian authorities continue to prosecute, imprison and arrest individuals seeking to exercise their rights to freedom of expression, prosecuting increasing numbers of people under broad anti-extremism laws. Often individuals critical of the government are perceived to be expressing extremist views – this applies in particular those critical of the Crimea annexation and Russian military operations in Syria.<sup>16</sup>

An analysis of the HRC Memorial’s list of political prisoners shows that in 2017, most often - in 23 cases people were prosecuted for crimes relating to public events (mass riots, violent actions against a public authority). In

9 <https://ovdinfo.org/express-news/2017/12/05/golos-ameriki-radio-svoboda-krym-realii-i-eshche-shest-smi-popali-v>

10 “Voice of America”, “Idel Realities “,” Caucasus. Reality “,” Crimea. Real TV channel, the present-day TV channel, the Tatar-Bashkir service of Radio Liberty (Azatliq Radiosi), Radio Free Europe / Radio Liberty (PCE / PC), Siberia. Realia “,” Factograph “.

11 <https://ovdinfo.org/express-news/2017/12/05/golos-ameriki-radio-svoboda-krym-realii-i-eshche-shest-smi-popali-v> [https://www.gazeta.ru/politics/2017/12/06\\_a\\_11036444.shtml](https://www.gazeta.ru/politics/2017/12/06_a_11036444.shtml)

12 <http://www.bbc.com/news/world-europe-42234582>; <https://www.reuters.com/article/us-russia-usa-media-restrictions-rt/russia-rt-america-registers-as-foreign-agent-in-u-s-idUSKBN1DD25B>

13 <https://meduza.io/news/2017/12/12/roskomnadzor-zablokiroval-sayt-otkrytoy-rossii-po-trebovaniyu-genprokuratury>

14 See also: <http://www.sova-center.ru/en/misuse/news-releases/2018/03/d38978/>

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

16 <https://memohrc.org/ru/tags/ukrainskiy-sled>; <https://memohrc.org/ru/monitorings/politzaklyuchennye-i-zalozhniki> According to a statement by Minister of Foreign Affairs of Ukraine, Pavel Klimkin, the process of attaining the release of Ukrainian citizens who were imprisoned in the Russian Federation has been frozen for the past year and a half. There are no precise figures about the number of Ukrainians in prison in the East of the country and in the Russian Federation

21 cases, which were mostly linked with publishing posts on the Internet, prosecutions were initiated under the “anti-extremist” articles of the criminal code. In 13 cases criminal proceedings were instituted based on accusations of murder, bodily harm, beatings, 12 cases were related to terrorism, 10 cases to mercenary crimes, eight cases were related to charges of treason; six cases – were related to possession of weapons; and five cases were drug related. The unlawful use of extremist legislation takes a firm second place.

For example:

- Crimean Tatar activist **Danis Safargali** was accused of incitement to hatred and enmity for publication and sharing of posts in social networks containing criticism of the Russian authorities. Opposition activist **Vladimir Egorov** is facing prosecution in retaliation for his criticism of Russia's leadership, including Vladimir Putin personally. Egorov was detained from July to November 2017, before being released under travel restrictions.<sup>17</sup>
- Others who remain behind bars including **Robert Zagreev, Alexey Kungurov** (who criticized Russian military operations in Syria), **Vadim Tyumentsev, Vitaliy Shishkin, Kirill Barabash** and **Valeriy Parfenov** were sentenced to 4 years' imprisonment, **Alexandr Sokolov** – to 3.5 years' after being found guilty of “organization of extremist activities” in relation to propaganda relating to the idea of a referendum. Independent Chechen journalist **Zhalaudi Geriev**, was sentenced to three years in prison in 2016 on trumped up drug-related charges.

The trend of “spy-mania” has resurfaced again in Russia, with the authorities prosecuting people for sharing information they deem to be sensitive or against state interests. For example 77-year-old scientist **Vladimir Latypin** was sentenced to 12 years' imprisonment in September 2016<sup>18</sup> after being found guilty of “treason” (Article 275 of the Criminal Code ) for the legal exchange of scientific information with his Chinese colleagues.<sup>19</sup>

The use of such diverse criminal charges for false accusations in politically motivated cases makes it difficult to effectively monitor trends and detailed analysis is needed to determine whether treason and similar charges are used groundlessly or not.

### Human Rights Defenders

Trumped up criminal charges are also used against human rights defenders, such as charges on drug possession or membership of an extremist group or organization.

For example: In September 2017, the creator of a social network page on LGBT rights in Rostov region, **Fyodor Laptev**, was threatened with criminal charges and he and his mother were intimidated by officials from the Novocherkassk Ministry of Internal Affairs. The officers told Laptev that LGBT community issues fall under Article 6.21 of the Code of Administrative Offenses “Propaganda of Unconventional Sexual Relations among Minors”. He has not been formally charged and has moved out of Rostov.<sup>20</sup>

In addition to trumped-up criminal charges and detention, state persecution and harassment of human rights defenders in Russia also takes other forms, including arbitrary detention, searches and ill-treatment by law enforcement authorities. For example, on 14 December 2017 human rights defender **Igor Nagavkin**, Chair of the board of the Volgograd organization of social and legal protection of convicts and detainees, was allegedly beaten by police officers as they escorted him to Moscow City Court. He was detained on 29 September 2016 accused of theft. Human rights activists believe that he was persecuted by the authorities in retaliation for his professional activities, in particular his attempts to expose drug trafficking in official power structures.<sup>21</sup>

### Individuals targeted for exercising the right to freedom of assembly

An ongoing trend in Russia relates to state persecution of people exercising their right to peaceful assembly. In 2014 Russian parliament amended the law on public assemblies, introducing increased fines and introducing criminal responsibility for repeated involvement in unauthorized rallies, with a punishment of up to 5 years' imprisonment.

17 <https://memohrc.org/en/defendants/egorov-vladimir-petrovich>

18 <https://memohrc.org/ru/defendants/lapygin-vladimir-ivanovich>

19 Others serving prison sentences on similar charges include **Genadii Kravtsov** <https://memohrc.org/ru/defendants/kravcov-gennadiy-nikolaevich>, **Svyatoslav Bobyshev** <https://memohrc.org/ru/defendants/bobyshev-svyatoslav-vasilevich>, and **Petr Parpulov** <https://memohrc.org/ru/defendants/parpulov-petr-ivanovich>, none of whom had no access to state secret information.

20 <http://www.rosbalt.ru/russia/2017/11/20/1662091.html>

21 <https://ovdinfo.org/express-news/2017/12/14/v-mosgorsude-izbili-pravozashchitnika-igorya-nagavkina-obvinyemogo-v-krazh>

Excluding cases of religiously motivated persecution, the greatest numbers of criminal prosecutions on the HRC Memorial lists were instigated in relation to participation in public events.

Criminal charges are the most serious form of persecution but detentions in these cases are usually carried out for alleged violations of the Code of Administrative Offences (CoA). Mass detentions and prosecutions for administrative violations were witnessed in relation to the peaceful anti-corruption rallies which took place in over 100 cities in Russia on 26 March 2017; which led to a new wave of repression against activists and civil society. In cities across Russia more than 1500 people who participated in the protests were detained and held in police custody. On Tverskaya Street in Moscow alone at least 1 043 people were detained, often with the use of physical violence and excessive use of force by the authorities. Most of those detained were subsequently charged with administrative offenses. In Moscow alone, over 65 people were remanded in custody for periods ranging from 2 to 25 days and courts issued fines ranging from 10 000 to 15 000 rubles to some 1000 Muscovites.<sup>22 23</sup>

- The most egregious example of the persecution in connection with the realization of the right to freedom of assembly is the case of **Ildar Dadin**. The civil activist was charged in December 2015 with multiple violations of the established order for holding a series of peaceful (Article 212.1 of the Criminal Code) and was sentenced to 30 months in prison.<sup>24</sup> In February 2017 Russia's Constitutional Court ruled that criminal sanctions for repeated breaches of regulations on public assembly should not apply when protesters did not pose a threat. Dadin's criminal sentence was then quashed by the Supreme Court and he was released in February 2017.<sup>25</sup>
- **Dmitriy Borisov, Stanislav Zimovets, Dmitriy Krepkin, Yuriy Kuly, Alexey Politkov, Alexandr Shpakov** became new victims of violations of the right to freedom of peaceful assembly in 2017. They were sentenced to different terms of imprisonment for allegedly using violence towards police officers during a peaceful protest against corruption which was held on 26 March 2017, despite the lack of evidence of them using violence being presented. The persecution of these people forms part of the trend of intimidation towards participants of peaceful demonstrations.

## **VIOLATIONS OF THE RIGHT TO FREEDOM OF RELIGION AND BELIEF**

Criminal proceedings are regularly used in relation to those who exercise their right to freedom of religion. According to the non-exhaustive list of political prisoners compiled by HRC Memorial over 2017, the numbers of persons imprisoned in connection with exercising their right to freedom of religion has increased alarmingly: rising from 45 in 2015 to 79 in 2017. As of 1 March 2018, HRC Memorial had 97 cases of persons who have been imprisoned for peacefully exercising their right to freedom of religion and belief on record.<sup>26</sup>

More than a half of the "religious" political prisoners are accused of participation in "Hizb ut-Tahrir al-Islami" (membership of which in Russia can be punished by up to 20 years' and organization of its activity by life imprisonment). In recent years there have been increasing numbers of cases where a person accused of participation in "Hizb ut-Tahrir" who refuses to cooperate with the investigators is additionally charged with preparing for the violent overthrow of constitutional order. However, it is important to note that there is not one case where charges have been brought in relation to actual violence or to the actual preparation of violent acts. Criminal cases can be instigated in relation to someone for merely participating in a discussion about the political-religious doctrine – and in many cases lengthy prison sentences of 10 to 18 years are imposed. Especially outrageous is the persecution on charges of membership of Hizb ut-Tahrir of Crimean Tatars given that this organization is legal in Ukraine.

In 40 percent of the cases documented by Memorial, charges of participation or supporting terrorism were brought against those prosecuted on religious grounds.<sup>27</sup> The average prison term handed down to those prosecuted on religious grounds has increased from six years and seven months in 2016 to eight years and seven months in 2017.

22 <https://ovdinfo.org/articles/2017/04/24/repressii-protiv-uchastnikov-antikorrupcionnoy-akcii-26-marta-2017-goda>

23 <https://ovdinfo.org/articles/2017/04/12/vokrug-26-marta-novaya-volna-politicheskikh-presledovaniy>

24 <https://memohrc.org/ru/defendants/dadin-ildar-ildusovich>

25 <https://memohrc.org/ru/defendants/dadin-ildar-ildusovich>; <http://www.newsru.com/russia/28nov2016/dadinimitator.html>; <https://lenta.ru/news/2017/07/07/dadin/>

26 <https://mailchi.mp/memohrc/the-human-rights-center-memorial-publishes-lists-of-political-prisoners-as-of-march-1-2018?e=eef9f2417f>

27 <https://memohrc.org/ru/blogs/rossijskie-politizaklyuchennye-v-2017-m-godu-situaciya-i-tendencii>

## SITUATION IN THE NORTH CAUCASUS

The persecution of activists and critics of the authorities in the North Caucasus is more severe than in the rest of the Russian Federation. This is especially true of the Chechen Republic. Those who speak out in public or on social networks against the current political regime are at risk of being kidnapped, tortured, kept in secret prisons, charged with false crimes, publicly humiliated, and forced to make public apologies in front of television cameras. Relatives and family members are also targeted, including by being taken hostage. The method of generating fear by “collective responsibility” used in the Chechen Republic is widely used to combat dissent and ensure self-censorship. Systemic public humiliation has been used in relation not only to activists but also to other residents of the Chechen Republic who criticize Ramzan Kadyrov.

### Memorial Human Rights Centre in Chechnya and Oyub Titiev: politically motivated persecution

On 9 January 2018, 60-year-old **Oyub Titiev**, human rights activist, head of the Grozny office of the Human Rights Center “Memorial” was detained on suspicion of drug possession.<sup>28</sup> He was charged on 11 January 2018 - if found guilty he could face three to ten years’ imprisonment. There are strong grounds to believe that evidence has been fabricated in this case, and that serious procedural violations occurred during the preliminary detention and investigation; these will be explained below.

**Background: Oyub Titiev** has worked at Memorial and the Civic Assistance Committee since 2000, documenting human rights violations and implementing humanitarian projects. Titiev is an observant Muslim and neither drinks nor smokes. After the murder of Memorial representative Natalia Estemirova, the organization suspended its work there for several months due to security concerns. Titiev persistently stressed the need for Memorial to resume the work continue helping victims of abuses. Despite the risks involved, he became the head of Memorial in Chechnya. From summer 2017, Titiev was closely involved in Memorial’s investigation concerning 27 Chechnya residents who were allegedly executed without trial by local security officials in December 2016.<sup>29</sup> Titiev verified relevant allegations, interviewed the victims’ relatives, etc. It is clear that Titiev’s arrest was in retaliation for his human rights work.

**Arrest and detention:** According to Titiev’s relatives, on the morning of 9 January 2018 he left his house in the village of Kurchaloi for a 9am meeting with friend in the village of Mayrtup Kurchaloevsky district, before travelling to Grozny together. Titiev’s friend waited for him for about an hour, and tried unsuccessfully to reach him by phone. Later, as the friend was driving he saw that Titiev had been stopped by police and his car was being examined by police officers while Titiev stood alongside. Titiev motioned to his friend to drive past. Later reports indicated that Titiev’s car had driven into Kurchaloy with someone else sitting in the passenger seat, and accompanied by a police vehicle.

Memorial lawyer Sultan Tel’khigov immediately drove to the police station at Kurchaloi but police officers there denied that Titiev was there and did not let the lawyer enter the premises. In a statement issued the same day,<sup>30</sup> the Chechen Ministry of Internal Affairs reported that Oyub Titiev had been detained as part of a “preventative measures” search when a bag containing 180g of marijuana was found in his car. However, court documents later referred to about 206.9 grams. The statement claimed that the confiscated substance had been sent for examination and that Titiev had also been sent for an examination.

However, Titiev was taken directly to the Kurchaloi Regional department of internal affairs (ROVD). For six hours, the Ministry of Internal Affairs refused to confirm that Titiev had been detained, and he was not allowed to see a lawyer. In the absence of the lawyer, and in grave violation of due process, police officials took samples of cells on Titiev’s skin and nails and carried out other investigative actions. Police officials pressurized Titiev by making threats against his family including his son in an attempt to force him to confess.<sup>31</sup> Later in the evening of 9 January a criminal case was officially opened against Titiev.

28 Art. 228.2 of the Criminal Code “Illegal acquisition, storage, transportation, manufacturing, processing without the purpose of selling narcotic drugs, psychotropic substances or their analogues in a significant amount, as well as illegal acquisition, storage, transportation without the purpose of marketing plants containing narcotic drugs or psychotropic substances, or their parts containing narcotic drugs or psychotropic substances, on a large scale”

29 <https://www.novayagazeta.ru/articles/2017/07/09/73065-eto-bylo-kazn-v-noch-na-26-yanvarya-v-groznom-rasstrelyany-desyatki-lyudey>

30 <https://95.med.pf/news/item/11988057/>

31 [https://memohrc.org/ru/news\\_old/chechnya-oyub-titiev-dal-obyasnenie-sotrudniku-sledstvennogo-komiteta-ob-obstoyatelstvah;](https://memohrc.org/ru/news_old/chechnya-oyub-titiev-dal-obyasnenie-sotrudniku-sledstvennogo-komiteta-ob-obstoyatelstvah;) [https://memohrc.org/ru/news\\_old/chechnya-vchera-oyubu-titievu-predyavleno-obvinenie-v-nezakonnom-priobretenii-i-hranenii;](https://memohrc.org/ru/news_old/chechnya-vchera-oyubu-titievu-predyavleno-obvinenie-v-nezakonnom-priobretenii-i-hranenii;) [https://zona.media/article/2018/01/12/oyub;](https://zona.media/article/2018/01/12/oyub) [https://memohrc.org/ru/defendants/titiev-oyub-salmanovich;](https://memohrc.org/ru/defendants/titiev-oyub-salmanovich) <https://www.novayagazeta.ru/articles/2018/02/01/75354-byut-svoih>

On the evening of 10 January Oyub Titiev was charged in the presence of his lawyer with the large scale illegal acquisition and possession of drugs (Article 228 part 2 of the Criminal Code). The police investigator claimed that Titiev had bought the drugs for his personal use. Titiev categorically denies that the drug package “discovered” in his car belongs to him. On the same day, police officers went to Titiev’s family home in Kurchaloi and threatened female relatives.<sup>32</sup> On 11 January 2018 Shali Town Court sanctioned the detention for two months in a closed hearing.<sup>33</sup>

On 17 January, Memorial Human Rights Center’s representative office in Ingushetia was the target of an arson attack. In the days prior to this Titiev’s lawyer and Memorial representatives had made several trips in the organization’s car from Ingushetia to Chechnya to work on Titiev’s case. During the trips, they were subjected to surveillance and harassment by security officials.<sup>34</sup>

On the same day the Chechen branch of Russia state television, Grozny-TV, featured a speech by Ramzan Kadyrov to officials from Chechnya’s Ministry of Internal Affairs in which he called independent human rights defenders “enemies of the people” and stated that their work will not be tolerated in the republic. He emphasized that human rights activities in Chechnya can only be carried out with the permission of the authorities and with his personal knowledge. Without referring to Titiev by name, Kadyrov implied that Titiev is the “personal druggie” of the UN and the US State Department. In his televised broadcast, Kadyrov also openly called for extrajudicial reprisals.<sup>35</sup>

On 19 January 2018, as part of the investigation into the criminal case against Titiev, police conducted a search of Memorial Human Rights Center’s representative office in Grozny. In the course of the search police found and seized a makeshift ashtray and two cigarettes containing an unknown substance on the balcony. However, Memorial staff stated that they had no ashtray on the balcony. The staff members themselves do not smoke, and journalists who had visited the office in the previous days had gone onto the balcony to smoke without any ashtray. It is alleged that these items were planted before the search by someone accessing the balcony from a neighbouring apartment.<sup>36</sup>

On 22 January 2018, in the city of Makhachkala, Dagestan, unknown perpetrators set on fire the car belonging to Memorial’s local office in Dagestan. Earlier that day, one of Titiev’s lawyers had used the car to travel from Makhachkala to Kurchaloi, Chechnya, to work on Titiev’s case.<sup>37</sup>

On 23 January 2018, the mobile telephone belonging to Memorial’s office in Dagestan received phone and text messages threatening that unless they shut down their activities, their office would be burned along with its staff, claiming that the events of the previous day were a warning.<sup>38</sup> On 25 January Chechnya’s Supreme Court rejected Titiev’s appeal against the decision to remand him in custody.

On 26 January a state witness failed to identify Titiev in an identity parade. The police investigator duly noted the fact in the record signed by the witness himself, observers, Titiev and his lawyer Zaikin. The next day the investigators made an attempt to change the outcome of the identity parade, arguing that witness had indeed identified Titiev but that the police investigator had made a mistake in the record, of which Titiev and his lawyer took advantage. The investigator and the observers present at the lineup were then called as witnesses. When subsequently questioned in Titiev’s presence, the former investigator and the observers denied the original results of the line up and claimed that the witness had positively identified Titiev, a fact which Titiev disputes.<sup>39</sup>

On 28 January Titiev and the witness were interrogated and the witness stated again he had identified Titiev in the lineup of 26 January. There are thus strong grounds to believe that fabrication of evidence, which began when drugs were planted in Titiev’s car by police, is continuing as part of the pre-trial investigation.

On 6 February 2018, Titiev’s lawyer Zaikin filed a complaint to the Shali City Court relating to the police investigators’

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32 [https://memohrc.org/ru/news\\_old/chechnya-na-zaderzhannogo-pravozashchitnika-pytayutsya-vozdeystvovat-ugrozhaya-ego](https://memohrc.org/ru/news_old/chechnya-na-zaderzhannogo-pravozashchitnika-pytayutsya-vozdeystvovat-ugrozhaya-ego)

33 [https://memohrc.org/ru/news\\_old/chechnya-vchera-oyubu-titievu-predyavleno-obvinenie-v-nezakonnom-priobretenii-i-hranenii;https://memohrc.org/ru/news\\_old/chechnya-podrobnoe-izlozhenie-hoda-sudebnogo-zasedaniya-po-izbraniyu-mery-presecheniya](https://memohrc.org/ru/news_old/chechnya-vchera-oyubu-titievu-predyavleno-obvinenie-v-nezakonnom-priobretenii-i-hranenii;https://memohrc.org/ru/news_old/chechnya-podrobnoe-izlozhenie-hoda-sudebnogo-zasedaniya-po-izbraniyu-mery-presecheniya)

34 [https://memohrc.org/ru/news\\_old/podzhog-ofisa-pravozashchitnogo-centra-memorial-v-nazranij](https://memohrc.org/ru/news_old/podzhog-ofisa-pravozashchitnogo-centra-memorial-v-nazranij)

35 [https://memohrc.org/ru/news\\_old/chechnya-v-syuzhete-na-chgtrk-groznyy-ramzan-kadyrov-dal-chetko-ponyat-za-cto-posa-dili#sdfootnote1sym](https://memohrc.org/ru/news_old/chechnya-v-syuzhete-na-chgtrk-groznyy-ramzan-kadyrov-dal-chetko-ponyat-za-cto-posa-dili#sdfootnote1sym) At the end of December 2017, Chechen parliamentary official website and various mass media outlets quoted a statement by the parliament’s speaker, **Magomed Daudov**, in which he called for action against human rights defenders.

36 <https://memohrc.org/ru/monitorings/obysk-v-groznenskom-memoriala-v-protokole-izyatogo-policiy-pravozashchitniki>

37 [https://memohrc.org/ru/news\\_old/v-mahachkale-podozhgli-avtomobil-memoriala-na-kotorom-advokat-ezdil-v-chechnyu](https://memohrc.org/ru/news_old/v-mahachkale-podozhgli-avtomobil-memoriala-na-kotorom-advokat-ezdil-v-chechnyu)

38 [https://memohrc.org/ru/news\\_old/dagestan-sotrudnikam-memoriala-v-mahachkale-ugrozhayut](https://memohrc.org/ru/news_old/dagestan-sotrudnikam-memoriala-v-mahachkale-ugrozhayut)

39 [https://memohrc.org/ru/news\\_old/lish-cherez-tri-nedeli-posle-aresta-oyubu-titievu-okazali-medicinskuyu-pomoshch](https://memohrc.org/ru/news_old/lish-cherez-tri-nedeli-posle-aresta-oyubu-titievu-okazali-medicinskuyu-pomoshch)

failure to provide him with footage from the surveillance camera at Kurchaloi police station.<sup>40</sup> The next day the Deputy Prosecutor General of Chechnya discharged the Chechen police officer leading the criminal investigation and put an officer from the Russian Investigative Committee's Chechen branch in charge. On 8 February, the European Parliament adopted a resolution calling for Oyub Titiev's release.<sup>41</sup> On 13 February, Memorial recognized him as a political prisoner. On 16 February, the police investigators responsible for investigating Oyub Titiev's complaint about his treatment in detention told Titiev's lawyer that they had been unable to obtain video footage from the video cameras positioned in the Kurchaloi police station as none of them were working on 9 January 2018. In early March 2018 it became known that on 15 February 2018, the Senior Investigator of Gudermesky inter-district investigation department had issued a refusal to instigate criminal charges against police officers from the Kurchaloi police station, who Titiev claims planted drugs in his car. Only on 26 February 2018 did he lawyer manage to acquire a copy of this refusal – in which the investigator asserted that Oyub Titiev was guilty of the illegal possession of drugs. The investigator thus violated the law and Constitution of the Russian Federation which enshrine the principle of the presumption of innocence and stipulate that only a court can determine guilt. The investigator had not attempted to verify Oyub Titiev's account of events but simply justified his statement by referring to the explanations of those officers that Oyub Titiev accuses of planting drugs on him or their accomplices. Also in early March, the General Prosecutor ruled that there had been no violations of procedure during the detention and criminal prosecution of Oyub Titiev. On 6 March 2018, Staropromyslovskiy district court in the city of Grozny ruled to extend the detention of Oyub Titiev by two months to 9 May 2018.<sup>42</sup>

In over one and a half months the investigative authorities have failed to take any effective measures to identify the perpetrators of the arson attack on Memorial human rights center office in Ingushetia and of the arson attack on the Memorial office car.

The Investigative authorities have also failed to take legal action regarding the public statements by Magomed Daudov and Ramzan Kadyrov about human rights defenders.

### **Politically motivated persecution of Memorial staff in Chechnya**

In recent years, Memorial has been the only independent human rights organization maintaining a presence in Chechnya. There are grounds to believe that the attacks on the human rights defenders in Chechnya, including the fabricated criminal case against **Titiev** and the arson attacks in neighboring republics, have been orchestrated in retaliation for Memorial's work exposing and human rights violations and seeking justice for victims in Chechnya, including its possible influence on the initiation of US sanctions against **Ramzan Kadyrov** and to the blocking of his social media accounts in the US.

Over recent months Oyub Titiev and other Memorial staff in Chechnya have been working on the case of 27 people who were extra-judicially executed on 26 January 2016 following their detention in December during operations carried out by Special Forces. According to an article in Novaya Gazeta those executed were not officially charged or tried.<sup>43</sup> Oleg Orlov, director of the "Hot Spots" programme at Memorial stated that Memorial were working on verifying the information published in the Novaya Gazeta paper and that he believes that Oyub Titiev's detention is connected to this issue.

The chairman of the Memorial HRC Executive Committee, Alexander Cherkasov pointed to a pattern of charging human rights defenders on drugs charges in the republic: "If we recall the case of Ruslan Kutayev, who was convicted after holding a roundtable on the anniversary of the deportation of the Vainakhs, the case of "Caucasian Knot" correspondent Zhaladi Geriev, and other cases of people convicted for possession of drugs, we can say that this is a kind of tradition in Chechnya. One can also recall the words of [the Deputy Minister of the Chechen Ministry of Internal Affairs] Alaudinov, who called for a fight with enemies, planting drugs on them. The case against Oyub Titiev is an obvious fabrication. "

We believe that Oyub Titiev's detention is in retaliation for his human rights work and an attempt by the authorities of the Chechen republic to put a stop to his public work and prevent him from exercising his right to freedom of expression. The circumstances of his detention violate key procedural rights including the right to a fair trial as well as other rights and freedoms guaranteed by the Constitution of the Russian Federation, the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

40 [https://memohrc.org/ru/news\\_old/chechnya-advokat-oyuba-titieva-prosit-sud-priznat-nezakonnym-bezdeystvie-sledovateley](https://memohrc.org/ru/news_old/chechnya-advokat-oyuba-titieva-prosit-sud-priznat-nezakonnym-bezdeystvie-sledovateley)

41 <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0034&language=EN&ring=B8-2018-0102>

42 <https://memohrc.org/ru/finder?keys=%D0%9E%D1%8E%D0%B1+%D0%A2%D0%B8%D1%82%D0%B8%D0%B5%D0%B2>

43 <https://www.novayagazeta.ru/articles/2017/07/09/73065-eto-byla-kazn-v-noch-na-26-yanvarya-v-groznom-rasstrelyany-desyatki-lyudey>

## Other Journalists and human rights defenders at risk in Chechnya and North Caucasus include:

- **Jalaudi Geriev**, journalist for the Web publication “Caucasian Knot”. On 5 September 2016, Shali Town Court of the Chechen Republic sentenced him to three years in a prison colony after finding him guilty of drug possession (Article 228.2 of the Criminal Code). He has been in custody since 16 April 2016. HRC Memorial believes the case was fabricated by the authorities in retribution for his journalistic activities.<sup>44</sup>
- **Zarema Bagavutdinova** member of the NGO “Human Rights Protection” working in the Republic of Dagestan. Bagavutdinova was sentenced to five years’ imprisonment on falsified charges of incitement to commit a crime (Article 205.1 of the Criminal Code) and has been in detention since 4 July 2013.<sup>45</sup>
- **Ruslan Kutayev**, a well-known Chechen public figure, suffered persecution after organizing a conference in Grozny about the historical aspects of the deportation of the Chechen people in 1944 which displeased the authorities. On 20 February 2014, he was detained and prosecuted on trumped-up charges of drug possession. He was tortured in detention and although the case against him collapsed in court, he was nevertheless sentenced to 3 years 10 months imprisonment.<sup>46</sup>
- The interregional Russian NGO Committee Against Torture (CPT)’s came under systematic attack throughout 2014-2016 in Chechnya. On 13 December 2014, after a state organized rally in Grozny, where there were protests against human rights defenders, the CPT Grozny office was subjected to an arson attack.<sup>47</sup> On 3 June 2015, the renovated office was destroyed in a mob attack in which the police did not intervene.<sup>48</sup> In the evening of 9 March 2016, a bus carrying CPT representatives, Russian and foreign journalists was attacked as it entered into Chechnya. The attackers severely beat human rights defenders and journalists. The same night, the CPT office in Ingushetia was destroyed.<sup>49</sup> On 16 March 2016 Igor Kalyapin, Head of the CPT was attacked and beaten.<sup>50</sup> After this, the CPT was forced to close its office in Chechnya.
- **Timur Kuashev**, a public figure in the Kabardino-Balkar Republic, who collaborated with human rights organizations and the media was found dead on the road on 1 August 2014. The body had a bruise in the left eye and the mark of an injection in the armpit. A criminal case was opened into the murder.<sup>51</sup>

## Justice long overdue for murdered human rights defenders, journalists and activists working in the Caucasus

Human Rights defenders and journalists working to expose abuses in the North Caucasus have been targeted by state actors for persecution for decades. Impunity for human rights abuses has become the norm.

Those responsible for the murder of human rights activist Natalya Estemirova in 2009 and journalist Anna Politkovskaya in 2006 have not been brought to justice, neither have those responsible for killing humanitarian workers Zarema Sudalayeva and Alik Dzhabrailov in 2009. The whereabouts of humanitarian worker Zarema Gaisanova who was abducted in October 2009 are still unknown. None of the cases of an attack on journalists and human rights defenders has been investigated. Only in the case of the murder of Anna Politkovskaya were the perpetrators brought to justice, but not those who ordered the killing. In the remaining cases, neither the perpetrators nor those who ordered the killings have been found.

44 <http://memohrc.org/special-projects/geriev-zhalaudi-nasrudinovich>

45 <http://memohrc.org/special-projects/delo-bagavutdinovoy>

46 <https://memohrc.org/ru/defendants/kutayev-ruslan-mahamdievich>

47 [https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/doklad\\_severnyy\\_kavkaz\\_-\\_angl.pdf](https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/doklad_severnyy_kavkaz_-_angl.pdf)

48 <http://memohrc.org/news/chechnya-kadyrov-obvinil-organizaciyu-kalyapina-v-finansirovanii-terrorizma>; <http://president-sovet.ru/members/blogs/post/994>.

49 <http://www.kavkaz-uzel.ru/articles/278876/>, <http://www.kavkaz-uzel.ru/articles/278881>, <http://www.kavkaz-uzel.ru/articles/278881>

50 <http://www.pytkam.net/press-centr.novosti/4337/pg6>; <http://www.newsru.com/russia/16mar2016/kalyapin.html>.

51 <http://www.kavkaz-uzel.ru/articles/246809>; <http://echo.msk.ru/blog/shevchenkomax/1371558-echo>; <http://newsru.com/crime/04aug2014/timurkuashev-murd.html>; <http://memohrc.org/bulletins/byulleten-pravozashchitnogo-centra-memorial-situaciya-v-zone-konflikta-na-severnom-kavka-2>.

## **RECOMMENDATIONS TO THE EUROPEAN UNION AND THE REST OF THE INTERNATIONAL COMMUNITY**

- Closely monitor cases of politically motivated criminal persecution and participate in the trial monitoring on politically motivated cases across Russia;
- Consider imposing sanctions in relation to people responsible for flagrant violations of human rights related to illegal politically motivated imprisonment;
- Use all possible diplomatic channels to secure the immediate and unconditional release of Oyub Titiev from detention;
- Urge the Russian authorities to ensure accountability for the attacks on human rights defenders by the Chechen authorities;
- Urge the Russian authorities to allow human rights defenders to operate without hindrance in Chechnya and elsewhere in the Russian Federation.
- Call on the Russian authorities to ensure that the perpetrators of attacks on human rights defenders, journalists and public figures are brought to justice throughout Russia. Draw the attention of the Russian authorities to the fact that the situation in the Chechen Republic is particularly in this respect.
- Continue the provision of sustained and flexible financial support to Russian civil society organizations.