

Stockholm 2009-10-28

Recommendations to the EU on protection of human rights defenders and the improvement of human rights conditions in the North Caucasus

The human rights situation and conditions for human rights defenders in North Caucasus have become increasingly alarming. During recent months the number of murders, threats and incidents of intimidation directed against activists and journalists has increased. Human Rights Defenders are systematically targeted: for example, on October 25 the activist Maksharip Aushev was shot dead while travelling in Kabardino-Balkaria; on August 11 the journalist Malik Akhmedilov, editor of a Dagestan-based newspaper, was found shot dead in his car in the Dagestan capital Makhachkala; on August 10 the Chechen activist Zarema Sadulayeva and her husband Alik Dzhabrailov were illegally detained and found killed the next day; on July 15 Natalia Estemirova, working at the Memorial Chechnya office, was abducted in Grozny and later the same day found shot dead in neighbouring Ingushetia. In addition to these killings, during the night of August 19 the office of the organisation Mothers of Dagestan was burned to the ground. In recent weeks leaflets were distributed in Dagestan naming human rights activists as targets and direct threats against activists in Chechnya and Ingushetia continue. Impunity prevails and perpetrators of human rights violations remain at large. The Russian authorities are not only unwilling to conduct thorough investigations of these systematic attacks, but also hamper the work of human rights defenders.

The signatories of this document recognize the importance of dialogue and exchange of views between Russia and EU. We also believe that the human rights situation in Russia in general and in the North Caucasus in particular has become so serious that the EU must raise its voice and take a leading role in pressuring Russia to respect its international commitments, and take concrete actions to reverse the trend of increasing human rights violations.

When the EU engages in negotiations with Russia, Brussels must send a clearer message to Moscow that human rights are key concerns and should be integrated in all parts of the dialogue. On November 18 a summit between the EU and Russia will be held in Stockholm. A new EU-Russia general cooperation agreement will be one of the topics of the meeting. This agreement is naturally of great importance for the development of the relations between the EU and Russia in terms of social, political, economic and energy cooperation – but also with regard to respect for democracy and human rights. The new Russia-EU Partnership and Cooperation Agreement must be elaborated to include a strong human rights clause prioritizing common obligations under international human rights law.

To date, the European Court of Human Rights in Strasbourg has adopted more than 100 judgements against Russia for grave human rights abuses. Except for paying the financial compensation decided by the court, Russia remains unwilling to combat the problem of impunity. Russia has failed to implement the judgments of the court by not investigating cases of grave crimes such as extrajudicial executions, enforced disappearances and torture, and by not putting the alleged perpetrators of such crimes on trial. Instead of opening credible investigations against high ranking officers of the Russian armed forces named in European Court judgements, such as Yakov Nedobitko, Vladimir Shamanov and Alexander Baranov, Russia has promoted them.

Currently cases against Russia make up approximately one third of all cases pending before the European Court of Human Rights. At the same time, Russia remains the only Council of Europe member state that has not ratified Protocol 14, designed to streamline court procedures.

A strong civil society with independent NGOs that are able to conduct their work in an atmosphere of freedom and security is crucial in any democracy. The existing EU Guidelines for Human Rights Defenders provide a solid basis for EU actions in support of human rights defenders at risk. Unfortunately the prevailing atmosphere of lawlessness and impunity hinders the work of NGOs.

The current legal framework in Russia, including the NGO-law and the anti-extremism law, worsens the problem.

We therefore recommend the EU and the current Swedish presidency to:

1. Exert increased pressure on Russia regarding the human rights situation and the systematic targeting of human rights defenders. Concerns about human rights violations should be raised in all dialogues with Russia such as EU-Russia Summits, Foreign Ministerial meetings and EU-Russia Human Rights Consultations, as well as in more routine diplomatic consultations and exchanges. In connection with the EU-Russia summit on November 18, we ask the Swedish presidency to specifically encourage Russia to:

- Fully implement the judgements of the European Court of Human Rights regarding the North Caucasus. Impartial and thorough criminal investigations against alleged perpetrators of human rights violations must be initiated or reopened in the cases where the European Court of Human Rights concludes that prior investigations were inadequate. The judgments from the European Court also highlight fundamental shortcomings of the Russian judiciary. Systematic reforms of legislation and practice are required to ensure compliance with the European Convention of Human Rights.
- Promptly and effectively amend the domestic NGO legislation that are in breach of international standards and detrimental to the work of domestic and international NGOs, and human rights organisations in particular. Problems of intrusive official inspections, onerous reporting requirements, particularly for foreign-funded Russian organizations and international organizations, are especially problematic.
- Undertake a thorough review and revision of domestic legislation and regulations and law enforcement practices, regarding the use of lethal force by military and security forces, in order to ensure compliance with international standards.
- Ratify Protocol 14 and 14bis to the European Convention on Human Rights.
- Provide unhindered access to the North Caucasus for international human rights organisations, media and international bodies such as the Council of Europe agencies, including the Rapporteur on human rights in the North Caucasus for the Legal Affairs Committee of the PACE, ICRC, OSCE, the UN Special Rapporteur on torture, the UN Working Groups on enforced disappearances and extra-judicial executions, the UN Special Rapporteur on countering terrorism while upholding human rights, and other UN mechanisms.
- Ratify the Rome Statute for the International Criminal Court.
- Ratify the UN International Convention for the Protection of all Persons from Enforced Disappearance.

We further urge the European Union to:

2. Establish a permanent EU monitoring mechanism for the North Caucasus. Also, the EU should regularly request from the Russian authorities updates on the progress of investigations into the killings of human rights defenders.

3. Strengthen the protection for human rights defenders by interpreting the EU Guidelines on Human Rights Defenders more proactively. Within the framework of the OSCE, EU member states should act collectively to promote and uphold existing human rights commitments. The member states should be encouraged to facilitate multi-entry long term visas for human rights defenders from the North Caucasus and for their family members.

4. A small group of victims or witnesses to grave human rights violations are making an essential contribution to ending impunity by testifying. They are at grave risk and cannot remain in Russia. EU member states should be encouraged to offer fast track refugee resettlement to them.

5. Given the recent increase in human rights violations and incidents of violence in the North Caucasus, EU member states should reevaluate their practices of restricting the granting of asylum to refugees from the North Caucasus. The principle of non-refoulement must not be violated.

6. Develop professional exchanges and other interactions to support the independence of Russian judges and prosecutors and the proper functioning of law enforcement agencies so that they will effectively investigate human rights violations.

Civil Rights Defenders

Carl Gershman, president, National Endowment for Democracy
Memorial

American Committee for Peace in the Caucasus, Freedom House

Chechnya Advocacy Network

International Youth Human Rights Movement

Legal Initiative for Chechnya

Lidiya Yusupova, Human Rights Lawyer

MASHR

Mothers of Chechnya for Peace

Mothers of Dagestan

Mothers of Kabardino-Balkaria for justice and democracy

Human Rights First

Press Now

Russian-Chechen Friendship Society

Russian Justice Initiative

Swedish Peace and Arbitration Society

Varvara Pakhomenko, North Caucasus expert

Voice of Beslan

Women's Dignity

Östgruppen/The Swedish Initiative for Democracy and Human Rights

Norwegian Helsinki Committee

Front Line

Human Rights Center of Azerbaijan

Austrian Helsinki Association for Human Rights and International Dialogue