

# Written Evidence to the Conservative Party Human Rights Commission's Inquiry into Human Rights in Russia

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By Dr Andrew Foxall

Director, Russia and Eurasia Studies Centre at The Henry Jackson Society

## About the Author

Dr Andrew Foxall has been Director of the Russia and Eurasia Studies Centre at The Henry Jackson Society since 2013, and in 2017 became Director of Research. Previously, he held academic positions at Queen's University Belfast and the University of Oxford. He holds a DPhil from the University of Oxford.

Dr Foxall's research focuses on economic, political and security trends in Russia and the countries of the former Soviet Union. He is the author of *Ethnic Relations in Post-Soviet Russia* (Routledge, 2014 and 2017) and has written for major international media outlets, including *The New York Times*, *The Telegraph*, *The Wall Street Journal*, and *Foreign Affairs*.

## About The Henry Jackson Society

The Henry Jackson Society is a think-tank and policy-shaping force that fights for the principles and alliances which keep societies free, working across borders and party lines to combat extremism, advance democracy and real human rights, and make a stand in an increasingly uncertain world.

## Summary

- A defining feature of President Vladimir Putin's regime is its blatant disregard for human rights, both inside and outside Russia's internationally-recognised borders.
- In responding to Russia's human rights abuses, UK policy should be based on a determined effort to hold Russia to account, and a relentless defence of our interests and those of our allies.
- The UK should be willing to pragmatically engage with Russia where interests overlap, but such engagement should be on our terms, not the Kremlin's.

## Evidence

1. Since 2014, a new Russia policy has been taking shape in the UK. The policy seeks to strengthen our allies, deter Russia's aggression, and communicate the truth about the Kremlin's actions to the international community. Its aim is to protect the UK and our Western partners, and it reflects a realistic understanding of the challenge Russia poses.<sup>1</sup>
2. **A defining feature of President Vladimir Putin's regime is its blatant disregard for human rights, both inside and outside Russia's internationally-recognised borders.**

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<sup>1</sup> Foxall, Andrew. 'For years Britain was soft on Russia and its money – finally we are standing up to Moscow', *The Telegraph*, 16 November 2017, available at: <http://www.telegraph.co.uk/news/2017/11/16/years-britain-soft-russia-money-finally-standing-moscow/>

Inside its borders, a number of organisations – including Amnesty International, Human Rights Watch, and Memorial – have documented serious and sustained attacks by the authorities on citizens’ rights to various freedoms, including those of association, expression, and religion. Outside of its borders, these same freedoms have been curtailed, according to the United Nations and others, in Crimea since Russia illegally annexed the peninsula from Ukraine, in March 2014, and in eastern Ukraine, where Russia supports the so-called Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR).

3. Within Russia, the human rights situation is particularly acute in Chechnya, a republic in the North Caucasus region. The location of two bloody wars since 1991, Chechnya is run by Ramzan Kadyrov. The use of extreme and arbitrary violence – abductions, detention without trial, disappearances, collective punishment, extrajudicial executions, and the systematic use of torture – by authorities is commonplace.<sup>2</sup> The so-called “Kadyrovtsy”, Kadyrov’s private militia, have conducted some of these atrocities of their own volition, but the Chechen strongman has overseen many if not most of them himself. Last year, the Russian newspaper *Novaya Gazeta* revealed that a “gay purge” had been undertaken in which dozens of men were abducted and tortured, and at least three had died in extrajudicial killings.<sup>3</sup>
4. Since Crimea was annexed by Russia, authorities have targeted individuals and institutions that are not explicitly pro-Russian, including the Ukrainian Orthodox Church which has been forced to close a number of its parishes. Pro-Russian paramilitary groups, which act with the authorities’ permission, have been implicated in the disappearance of a number of pro-Ukrainian activists and, according to the United Nations, at least one extra-judicial execution.<sup>4</sup> The people who have borne the worst of Russia’s annexation, however, are Crimea’s Tatars. Several activists have been abducted, some of them killed. One of the community’s most prominent leaders, Mustafa Dzhemilev, has been barred from entering the peninsula.<sup>5</sup>
5. In eastern Ukraine, the United Nations estimates that more than 2,523 civilians have been killed and over 7,000 civilians have been injured since 14 April 2014.<sup>6</sup> Local authorities operate without checks and balances, and law and order have broken down to the point where neither is (fully) present. This has led to a situation in which, according to Human

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<sup>2</sup> ‘Joint NGO Submission by the European Center for Constitutional and Human Rights and Human Rights Watch’, *Human Rights Watch*, 12 November 2012, available at: <https://www.hrw.org/news/2012/11/08/joint-ngo-submission-european-center-constitutional-and-human-rights-and-human>

<sup>3</sup> ‘Ubiystvo chesti’, *Novaya Gazeta*, 1 April 2017, available at: <https://www.novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti>

<sup>4</sup> ‘Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)’, *Office of the United Nations High Commissioner for Human Rights*, 25 September 2017, available at: [http://www.ohchr.org/Documents/Countries/UA/Crimea2014\\_2017\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf)

<sup>5</sup> Foxall, Andrew. ‘To See Ukraine’s Future Recall Crimea’, *The New York Times*, 25 March 2015, available at: <https://www.nytimes.com/2015/03/25/opinion/to-see-ukraines-future-recall-crimea.html>

<sup>6</sup> ‘Report on the human rights situation in Ukraine 16 August to 15 November 2017’, 12 December 2017, available at: *Office of the United Nations High Commissioner for Human Rights*, available at: [http://www.ohchr.org/Documents/Countries/UA/UARReport20th\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/UARReport20th_EN.pdf)

Rights Watch<sup>7</sup> and Amnesty International<sup>8</sup>, enforced disappearances, arbitrary and incommunicado detentions, and torture and ill-treatment of detainees are commonplace. During the initial stages of the conflict, from April through to September 2014, Amnesty International reported a small number of “deliberate, execution-style killings of civilians – primarily pro-Ukrainian activists – by insurgent groups in the areas of eastern Ukraine under their control”.<sup>9</sup>

6. In addition, Russia has enabled President Bashar al-Assad’s forces to commit war crimes, violate international humanitarian law, and abuse human rights with impunity in Syria. According to Amnesty International, Syrian and Russian forces have carried out indiscriminate aerial and artillery bombing campaigns (including with chemical and other internationally-banned weapons) on civilian areas, killing hundreds of civilians and injuring many more.<sup>10</sup>
7. Russia’s abuse of human rights should not be seen in isolation, but instead is part of a wider pattern of behaviour. At home, Russia is a grotesque kleptocracy in which the rule of law is subordinated to politics, chauvinistic nationalism is on the rise, and dissidents and political opponents are killed by, and on behalf of, the state. Abroad, it pursues an aggressive foreign policy in which it: invades, and annexes territory from, its neighbours; supports separatist movements and militias in de facto and unrecognised states; foments the spread of terrorism: and, engages in repeated acts of military sabre-rattling and economic coercion.
8. **In responding to Russia’s human rights abuses, UK policy should be based on a determined effort to hold Russia to account, and a relentless defence of our interests and those of our allies.** This should include:
  - a. Supporting international investigations into human rights abuses beyond Russia’s borders. The UK, like the West as a whole, has little influence over developments inside Russia. Because of this, it is important that the UK exerts influence on Russia outside of its borders. This means supporting and participating in international investigations into Russia’s human rights abuses whenever and wherever they occur. A recent example of this is the Dutch Safety Board’s investigation into the destruction of Malaysian Airlines Flight MH17 over eastern Ukraine in June 2014, in which the UK was involved together with representatives from Ukraine, Malaysia, the United States, Australia, and Russia.<sup>11</sup>

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<sup>7</sup> “‘You Don’t Exist’: Arbitrary Detentions, Enforced Disappearances, and Torture in Eastern Ukraine”, *Human Rights Watch*, 21 July 2016, available at: <https://www.hrw.org/report/2016/07/21/you-dont-exist/arbitrary-detentions-enforced-disappearances-and-torture-eastern>. See also, ‘Ukraine: Events of 2017’, *Human Rights Watch World Report 2018*, 9 January 2018, available at: <https://www.hrw.org/world-report/2018/country-chapters/ukraine>

<sup>8</sup> ‘Amnesty International Report 2017/18: Ukraine’, *Amnesty International*, 1 February 2018, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/>

<sup>9</sup> ‘Summary killings during the conflict in eastern Ukraine’, *Amnesty International*, 1 October 2014, available at: <https://www.amnesty.org/download/Documents/8000/eur500422014en.pdf>

<sup>10</sup> ‘Amnesty International Report 2017/18: Syria’, *Amnesty International*, 1 February 2018, available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>

<sup>11</sup> ‘MH17 Crash’, *Dutch Safety Board*, October 2015, available at: <http://libraryonline.erau.edu/online-full-text/ntsb/miscellaneous-reports/mh17-crash-en.pdf>

- b. Adopting ‘Magnitsky’ legislation. The UK may not be able to stop human rights abuses taking place in Russia, but it is able to ban those who commit human rights abuse from travelling to the UK and seize any assets such individuals hold here. Sergei Magnitsky was a Russian whistleblower who, in 2008, uncovered an alleged US\$230 million fraud perpetrated by Russian officials against the Russian state. After making his claims public, he was imprisoned, tortured, and later died, in 2009. Adopting legislation in Magnitsky’s name – as the United States, Canada, and other Western allies have done – would clearly signal that the UK holds to account perpetrators of gross human rights abuses or violations.
  - c. Applying much tougher money-laundering laws to keep corrupt Russian individuals out of the UK. Human rights abuses are often connected to corruption, and in order to counter one it is often necessary to counter the other. For far too long, the UK, through the City of London and Britain’s tax havens, has been a centre of Russian corruption. In 2006, the City allowed Rosneft, an oil company, to list its shares. Rosneft is a loosely-disguised arm of the Russian state whose riches are based on the Kremlin’s illegal dismemberment of the Yukos energy company – a process which involved the imprisonment of its owner, Mikhail Khodorkovsky, for nearly a decade and led to him being recognised by Amnesty International as a “prisoner of conscience” in 2011.<sup>12</sup>
9. At the same time, **the UK should be willing to pragmatically engage with Russia where interests overlap, but such engagement should be on our terms, not the Kremlin’s.** Pressing global issues – from terrorism and the proliferation of weapons of mass destruction to climate change – require coordinated global action, and that includes Russia.
10. If the UK is to be a global leader on human rights once it exists the European Union, it will be necessary to hold Russia – and other countries – to account for its human rights abuses. As with many aspects of UK foreign policy, such action will be most effective when it is formulated and implemented with our allies.

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<sup>12</sup> ‘Russia: Khodorkovsky and Lebedev are prisoners of conscience’, *Amnesty International*, 25 May 2011, available at: <https://www.amnesty.org.uk/press-releases/russia-khodorkovsky-and-lebedev-are-prisoners-conscience>