

## Written evidence: Human Rights in Russia

Zoya Svetova

30.04.2018

1. I, Zoya Svetova, have been engaged in journalism since 1999. I write about human rights, and the judicial and penal systems in Russia. I am published in independent and opposition publications: “Novaya Gazeta”, “The New Times” magazine, and in the last four years I have been cooperating with the sites “Open Russia” and “MBK.media” supported by Mikhail Khodorkovsky. Within several months of each other, both sites were blocked in Russia by the media monitoring agency Roskomnadzor due to the publication of investigations which were critical of and embarrassing for the authorities.

From 2008 until 2016, I was a member of the Public Monitoring Commission of Moscow, which was established in accordance with federal law № 76, passed by the Russian parliament in 2008 and is analogous to the institute of prison visitors that exists in the United Kingdom. For eight years, I visited Moscow prisons and was engaged in a public investigation into the death of Hermitage Capital lawyer Sergei Magnitsky at the “Matrosskaya Tishina” prison in Moscow on 16<sup>th</sup> November 2009.

2. I believe that one of the key problems in Russia today, which shapes the lives of Russian citizens regardless of their wealth or social status, is the absence of an independent judiciary. Over the 18 years of the Putin regime, thousands of people have become victims of the Russian court. Their cases, in the opinions of independent journalists and human rights activists, showed signs of being so-called “frame-up” cases. These are, as a rule, business people and entrepreneurs whose business has attracted the attention of a high profile competitor, or a representative of law enforcement agencies or the FSB. According to the business ombudsman’s [report](#), in 2016 244,000 cases were opened for economic crimes, yet 80% of these cases did not make it to court. They were closed. Experts believe that in 33,8% of these instances criminal cases were used as a tool to put pressure on entrepreneurs and eliminating commercial competitors. Undoubtedly, this began with “The Yukos Affair” – the persecution of Mikhail Khodorkovsky and Platon Lebedev. In July 2013, when Mikhail Khodorkovsky was serving his sentence in Karelia, the trial of another active Russian oppositionist, Alexei Navalny, ended in Kirov. He was given a five-year suspended sentence for his alleged embezzlement of money from the company “Kirovles”.

The Russian court is compromised by prosecutorial bias. This is indicated by the number of acquittals. In 2017, the number of acquittals from all court rulings was 0.36%.

The judicial system is subject to a lack of regularity when courts and law enforcement agencies demand sentences based on certain specific articles of the Criminal Code: during the Soviet era they fought against hooliganism and vagrancy. Now, there are thousands of verdicts based on the so-called “extremist article”, Article 282 of the Criminal Code of the Russian Federation: “inciting hatred or enmity”. However, in reality this is a question of criminal cases based on “thought crimes”.

According to the Russian Supreme Court, in 2016 600 people were convicted for public statements that were deemed to have been extremist in character. This counts for both reposts and publications on the internet. The punishment handed out for these crimes ranges from a fine, up to 3-5 years in a prison colony.

At the beginning of 2016, 502 people had already been convicted of extremism.

Furthermore, in the last six years, the number of convictions for all crimes against state authorities (treason, espionage, terrorism) has increased dramatically.

In November 2012, a new offence was added to Article 275 of the Criminal Code of the Russian Federation on “treason”, defined as: “granting any other form of assistance to a [foreign] state in activities to the detriment of the security of the Russian Federation”. People with no access to state secrets began to be considered traitors; the FSB locked up housewives and market traders for texts sent to friends in Georgia, air-traffic controllers for revealing well-known “secrets” to their relatives, businessmen for their trade in bona fide goods, and scientists for sending widely-known information via email. In 2016, in Moscow alone there were no fewer than 16 people convicted of being spies and traitors.

In 2012, following an authorised protest demonstration on Bolotnaya Square held by the opposition after the presidential elections, more than 30 participants were given prison sentences.

3. The judicial system in Russia is closely connected with the Russian penal system, as judges consider the court to be a punitive body. The accused person is taken into custody, regardless of their state of health or the severity of the charge against them. This particularly applies to suspects in economic crimes, who may be kept under house arrest and required to give written undertaking not to abscond. Judges completely ignore facts which provide evidence of the lack of both intent and of opportunity to abscond from legal authorities.

Moreover, there have been reports of overcrowding by 40-60% in the remand prisons of Russia’s major cities for several years now.

I saw this with my own eyes in Moscow prisons. Due to overpopulation, each prisoner there has 2.6 square metres. Cells designed for 10 people routinely hold as many as 18. In many cells, prisoners take it in turns to sleep, or they sleep on the floor. Their rights are violated: doctors are unable to administer medical care and lawyers must stand in queues throughout the night in order to see their clients. If they wish to improve their situation, prisoners can get into more comfortable cells if they agree to pay prison employees.

In Russian remand prisons, there are so-called “sweatboxes”, where, at the request of the investigating officer, accused persons will be transferred if they do not want to give a testimony that is necessary to the investigation. There, prison officials place psychological pressure on prisoners or extort money from them using threats of physical violence.

Russian remand prisons do not provide qualified medical assistance, sometimes deliberately, by order of the administration in order to exert pressure on prisoners during

the investigation and sometimes, as was exemplified by the Sergei Magnitsky case, an accurate diagnosis for seriously ill patients comes far too late. Due to low salaries, doctors do not go to work at Russian prisons and, although the total number of deaths in custody has declined in the last few years, I was witness to the release of prisoners from remand prisoners who died a few days after their release.

In the prison colonies, slave labour is still practised, whereby prisoners receive scant amounts of money for hard work.

4. The problems relating to Russian law enforcement and the penal system can be exemplified by the case of the Ukrainian film director Oleg Sentsov, which sparked public outcry, and which I have followed closely from the very beginning. In August 2015, Oleg Sentsov, along with anarchist Olexandr Kolchenko, was sentenced to 20 years for organising a terrorist association in Crimea. Sentsov is a laureate of international film festivals and an activist of the Ukrainian “Maidan”. He opposed the annexation of Crimea and helped the Ukrainian military to get out of Crimea to Ukraine. In May 2014, he was arrested at home after being tortured and searched. A plastic bag was put over Sentsov’s head to suffocate him until he lost consciousness, and he was threatened with rape and murder while being forced to confess to organising explosions, setting fire to offices, and possessing weapons and explosives.

There were two witnesses for the accusations against Sentsov: Alexei Chirny, a teacher of military history and Gennady Afanasyev, an employee of the prosecutor’s office. They confessed to participating in the arson attacks and preparing to carry out explosions on Sentsov’s orders. At the trial, Gennady Afanasyev withdrew his testimony, claiming that he had slandered himself and Sentsov under torture. Sentsov himself did not plead guilty. When I visited him in the Lefortovo prison in Moscow, Sentsov said that the criminal investigator had promised he would be sentenced for 20 years if he did not admit guilt. The trial and the verdict, founded on slander and forced using torture, clearly brings to mind the political trials of the Stalin era. Intervening on Oleg Sentsov’s behalf were famous Russian filmmakers: Andrey Zyagintsev and Alexander Sokurov, and Western filmmakers: Pedro Almodovar, Wim Wenders, Agnieszka Holland, Mike Leigh, Krzysztof Zanussi, Andrzej Wajda, Ken Loach, and members of the European Film Academy.

In the summer of 2016, President Putin pardoned Gennady Afanasyev and exchanged him for Russian citizens convicted in Ukraine. Oleg Sentsov continues to serve his sentence in Yamal in the Far North, thousands of kilometres from Crimea, where his 75-year-old mother lives with his two children. The Ukrainian consul is not allowed to visit him as Sentsov is considered a Russian citizen, although he did not renounce Ukrainian citizenship and did not take Russian citizenship.

5. When I speak at international conferences, I talk to foreign journalists or politicians and they ask what people in the West can do to change the situation in Russia. I always say the same thing: we must write and talk about political prisoners in Russia. According to [figures](#) from the International Memorial Human Rights Centre, today there are 117 political and religious prisoners in Russia, including the longest-serving prisoner, Alexey Pichugin, who is sentenced to life. We need to demand their release,

in particular Oleg Sentsov and other Ukrainian political prisoners – there are several dozen of them.

In addition, it is no secret that the Russian Prosecutor-General's Office constantly demands the extradition of Russian citizens who went abroad, in particular to the UK. When considering extradition cases, British judges should not trust Russian prosecutors when they “guarantee” respect for human rights in Russian remand prisons and prison colonies, and an independent court. The evidence of prisoners suggests the opposite: failure to abide by provisions of the European Convention on Human Rights, and torture both in remand prisons and prison colonies. Institutions for the establishment of human rights in Russia – the Human Rights Commissioner and the Human Rights Council – unfortunately depend on President Putin and are not in a position to protect Russian citizens from the violation of their rights by the state. Therefore, it is necessary to support independent Russian human rights activists who work selflessly in a country where they are considered “foreign agents” or representatives of “undesirable organisations”.

I am well acquainted with the problems of undesirability due to my cooperation in recent years with Open Russia. In April 2017, the Russian web-based movement, Open Russia, was declared undesirable, along with such organisations as the NED, Open Society Foundation, the NDI, the IRI and others. Open Russia in no way fell under the criteria for undesirability, since it was not a foreign organisation. The inclusion of Open Russia in the list has allowed authorities to launch a campaign to prosecute Open Russia activists, primarily from the [regions]. For example, one of the Open Russia activists, Dmitry Semenov from Chuvashia, is already facing four administrative cases for participating in activities of an undesirable organisation and now faces criminal prosecution.

And in December 2017, on the basis of the decision by Roskomnadzor that it was undesirable, all Open Russia internet resources were blocked in a grave attack on freedom of speech in Russia. We were forced to transfer the bulk of our information resources to social media, in particular to Telegram. It is precisely this large amount of uncensored information available on Telegram, inaccessible to the authorities, as well as the possibility of uncontrolled communication that has prompted the messaging service to be banned and blocked in Russia.