



human rights *first*

FORMERLY THE LAWYERS COMMITTEE FOR HUMAN RIGHTS

The Honorable Michael G. Kozak
Acting Assistant Secretary
Bureau of Democracy, Human Rights and Labor
U.S. Department of State
2201 C Street, N.W.
Washington, DC 20520-7802

April 27, 2005

Dear Mr. Kozak:

Thank you for your letter of March 25 responding to our February 4 letter regarding the Department of State's 2004 Human Rights Country Report on Russia. On behalf of Human Rights First, I appreciate your response and welcome the opportunity to work with you and your colleagues in the Bureau on this and other important human rights issues.

I write to follow up on the points made in your letter concerning the report's coverage of Mikhail Trepashkin – as part of a broader concern about report definitions and terminology. We welcomed the 2004 Report's accurate assessment that Russia's human rights record is poor in several areas and worsened in many respects over the past year. The report provides a thorough cataloging of abuses. At the same time, we are concerned that the report, while noting that various organizations have characterized certain individuals as political prisoners, did not describe in sufficient detail the circumstances of the growing number of prisoners in Russia whose imprisonment appears to be politically motivated.

In this regard, perhaps the narrow definition of the term "political prisoner" in the Department's longstanding editing guidelines inhibited a fuller analysis. By requiring that an individual has been **convicted** before he can be considered a political prisoner, the guidelines fail to recognize those in Russia and other countries who are imprisoned based on clearly political motives but have not yet been formally convicted. Individuals who are persecuted for political reasons often are jailed for prolonged periods without **any** judicial process. The Department's overly narrow definition creates the real risk that its reports will ignore the plight of most of those individuals being held in government custody for political reasons.

Specifically, in Russia there are many individuals who have been imprisoned for political reasons even though they have not been convicted. Those who speak out against abuses by the Russian government in the context of the conflict in Chechnya face increasingly direct pressure from the authorities, and in Chechnya many have been detained. Yet these individuals were not described as political prisoners by the State Department.

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For example, Mikhail Trepashkin, whose prosecution appears to arise from his investigation into the circumstances of the devastating apartment building bombings in Moscow in 1999, should be considered a political prisoner. Even within the constrained editing guidelines utilized, Mr. Trepashkin was convicted of divulging state secrets in 2004, and therefore fit within the Department's definition of a political prisoner for the 2004 report. He was also recently convicted of another charge, and faces an additional year in prison. We would encourage the State Department to take a close look at his case in preparing its 2005 report.

We also appreciate your invitation to share further information about the human rights situation in Russia that may be helpful as your bureau begins to prepare the 2005 report. We welcome this opportunity to highlight several ongoing cases against human rights defenders who have called attention to government abuses in Chechnya and other parts of Russia. In January 2005, the Russian Federal Security Service (FSB) commenced a criminal investigation into the Russian-Chechen Friendship Society (RCFS) in Nizhny Novgorod, claiming that articles published by the organization's periodical "Human Rights Defense" were extremist under the Criminal Code. Although it has questioned RCFS staff and collected their biographical data, the FSB has not yet pressed charges against the organization's director, Stanislav Dmitrievsky. However, if it does, Dmitrievsky could face pre-trial detention, and if convicted he would receive a sentence of up to 5 years. Whether or not Dmitrievsky is convicted, we would view his arrest as politically motivated, and would hope that the State Department would consider him a political prisoner.

The Chechen Committee for National Salvation (CCNS), a human rights organization in Nazran, Ingushetia, again faces closure under a counterterrorism law passed soon after September 11, 2001. In October 2004, a Nazran, Ingushetia court dismissed government claims that CCNS violated the law "On Countering Extremist Activities" by issuing press releases describing government violations of human rights in Chechnya. The government prosecutor appealed, and in February 2005 the Supreme Court of Ingushetia held hearings while the organization's chairman, Ruslan Badalov, was attending his mother's funeral. Neither Badalov nor his lawyer was notified. The Supreme Court reversed the decision of the lower court and sent the case back for new hearings. If the materials are found to be "extremist" the organization may be closed down, and Badalov could face pre-trial detention and criminal prosecution.

Finally, we enclose a copy of our recent report, *The New Dissidents: Human Rights Defenders and Counterterrorism in Russia*, as well as an update to some of the cases profiled therein. We will plan to transmit additional materials as they become available.

Thank you again for your interest and consideration. Despite our above-noted concerns about the consequences of the overly narrow definition of "political prisoner," we welcome the Bureau's careful consideration and analysis of human rights abuses in Russia and elsewhere.

Sincerely,



Neil Hicks
Director of International Programs