



human rights *first*

30th
ANNIVERSARY
CELEBRATE
ADVOCATE
PARTICIPATE

The Honorable Barack H. Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

June 23, 2009

Dear President Obama:

When you and Russian President Dmitry Medvedev met on April 1 of this year, you stated that U.S.-Russia relations would “be guided by the rule of law, respect for fundamental freedoms and human rights.” I write to urge that you use the opportunity presented by your upcoming meeting with President Medvedev to underscore that Russia’s respect for human rights and a vibrant civil society is essential to building a strong foundation for better relations between the two countries in the years ahead. Indeed, a more authoritarian Russia would be a less reliable partner for the United States in addressing a range of economic, security, and other issues of mutual interest in this vital relationship.

Human Rights First is deeply concerned about the harassment and intimidation of human rights and other nongovernmental organizations by Russian authorities and about violent attacks against human rights activists, journalists and other nonviolent government critics. The perpetrators of these attacks act with near total impunity, while our NGO colleagues in Russia operate in increasing danger.

Some of those at risk are focused on combating the rising tide of hate crimes in Russia, an issue of particular concern to Human Rights First. Over the last several years there has been a proliferation of racist and other bias-motivated attacks in Russia—nearly 100 reported murders in 2008 alone. The government response to these heinous acts has been completely inadequate. In addition to the terrible cost to individual victims, these hate crimes pose a threat to the society at large, undermining the very notions of equality and the equal protection of the law. The recent murder at the United States Holocaust Memorial Museum is a stark reminder that our own country also continues to struggle with the scourge of violent hate crime. Your stated commitment to combating this scourge at home and abroad makes the United States well-placed to lead by example, sharing best practices and championing bilateral and intergovernmental efforts to stop hate crime.

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During the upcoming summit meetings, we urge you to:

- ◊ **Express concern** about the sharp rise in violent hate crimes in Russia and the inadequate response of the Russian authorities and underscore the common interest of the United States and Russia in combating violent hate crime throughout Europe and North America through developing shared solutions to this important human rights issue.
- ◊ **Encourage** a regular dialogue between the U.S. Department of Justice and the Russian Interior Ministry and prosecutorial officials to improve responses to hate crime. This dialogue can be supported with programs of technical assistance and other opportunities to exchange experiences and best practices.
- ◊ **Raise** with the Russian authorities the set of concrete and practical recommendations (enclosed with this letter) for combating violent hate crime.
- ◊ **Show support** for Russian human rights and other civil society groups by meeting with them while you are in Moscow and, building on your discussion with President Medvedev in London in April concerning the attack on prominent human rights activist Lev Ponomarev, call for progress in the investigations into the unsolved murders of and assaults on human rights activists.

We appreciate the many facets of the U.S-Russia relationship and the complex agenda of the upcoming Summit in Moscow. But we believe, as you stated in April, that respect for human rights and the rule of law is the bedrock of a more constructive relationship between the United States and Russia. You also said then that “it is time to get down to business and translate our warm words into actual achievements of benefit to Russia, the United States, and all those around the world interested in peace and prosperity.” Your attention to Russia’s efforts to combat racist, xenophobic and other violent hate crimes and to strengthen and protect human rights organizations and civil society will help the move from words to deeds by making clear that the United States considers progress on these issues essential to building a strong bilateral relationship with Russia in the future.

Sincerely,

A handwritten signature in black ink that reads "Elisa Massimino". The signature is written in a cursive, flowing style.

Elisa Massimino

Chief Executive Officer and Executive Director

Human Rights First

Combating Violent Hate Crime in the Russian Federation

Background

Russia is experiencing an upsurge in hate violence to which the government has heretofore had a relatively weak response. Racist and ethnically motivated murders and other violent attacks by neo-Nazi skinhead groups have been steadily on the rise since 2004, increasing by approximately 15 percent each year. A leading NGO monitor in Russia reported 97 bias-motivated murders in 2008, up from 86 in 2007, 64 in 2006, and 47 in 2005. At least 30 such murders have taken place in the first five months of 2009. There have been few prosecutions in these cases, and there are no reliable official statistics.

The Russian government has made legal and political commitments within the framework of the Council of Europe, the Organization for Security and Cooperation in Europe, and the United Nations to provide protection from such forms of violent discrimination. Yet the government response to the increased violence has been grudging and feeble. Political leaders have begun to recognize neo-Nazi violence as a formal matter, but their calls for action against extremism have been misdirected by law enforcement officials who have focused their attention, selectively, on the nonviolent forms of speech prohibited by Russia's deeply flawed legislation on combating extremism. This legislation has been used to silence government critics, rather than on thoroughly investigating and prosecuting the cases of increasingly brutal violent hate crimes. One important step that the Russian government could take to address this problem would be to clearly separate initiatives to combat bias-motivated violence from those aiming to address political extremism, which are so often abused in practice.

President Medvedev has on several occasions expressed concern with the growing problem of extremism, including violent acts. However, the Russian government has yet to define a clear strategy and implement any serious measures directed at combating the violence.

Human Rights First recommends that the Russian authorities undertake the following concrete and practical steps to strengthen the official response to violent hate crimes:

Recommendations to the Russian authorities

Strengthening Political Will

- President Medvedev, Prime Minister Putin, and other senior government officials should speak out to publicly condemn crimes of racist violence and other violent bias crimes whenever they occur, and take action to ensure that such crimes are thoroughly investigated, perpetrators prosecuted and bias motivations are taken into account in the investigation and prosecution.

- Senior government officials should respond to public statements by political leaders and by public officials at any level of government that promote intolerance and discrimination by publicly condemning such statements.
- President Medvedev should appoint a special commission or personal representative with the mandate to investigate and propose a comprehensive national plan for combating bias-motivated violence and other forms of intolerance.

Enhancing the Response of Police and Prosecutors

- Law enforcement and criminal justice agencies should publicly commit to investigate allegations of bias motives in specific violent hate crimes, and to provide regular public updates into the investigation and prosecution of such crimes. They should separate initiatives to combat bias-motivated violence from those targeting political extremism.
- The Russian authorities should provide training for police and prosecutors in identifying and recording bias motivations, and in bringing evidence of bias motivations before the courts. They should commit to take advantage of training opportunities available by international organizations, e.g., the OSCE's Law Enforcement Officer Program on Combating Hate Crimes, as well as through bilateral programs with the United States.
- Criminal justice officials should undertake a more systematic application of available criminal law provisions that allow for bias motivations to be treated as an aggravating circumstance.
- The relevant authorities should immediately undertake a review of the tools available under current laws, regulations, and rules to prosecute bias-motivated violence, consistent with international human rights standards, including witness and juror protection programs, the admissibility at trial of prior acts and convictions, as well as procedures for recognizing the testimony of suspects as cooperating witnesses. The results of this review, along with recommendations for improvements, should be made public.
- Law enforcement officials should work together with victims, their communities and civil society groups to increase the confidence of hate crime victims to report crimes to the police. The authorities should ensure thorough investigation and prosecution of any reports of police harassment of hate crime victims.

Improving Systems of Monitoring and Reporting

- The Interior Ministry should seek to enhance the current system of data collection by disaggregating crimes "of an extremist nature" so as to report on violent crimes motivated by bias separately from other forms of extremism.
- As part of engagement with the OSCE, the Russian authorities should fulfill their obligation to report hate crime data to the Office for Democratic Institutions and Human Rights.