

A Human Rights First White Paper

Russia's Human Rights Defenders in Danger

The Example of the Russian-Chechen Friendship Society

February 8, 2006

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Human Rights First is a leading human rights advocacy organization based in New York City and Washington, DC. Since 1978, we have worked in the United States and abroad to create a secure and humane world – advancing justice, human dignity, and respect for the rule of law. All of our activities are supported by private contributions. We accept no government funds.

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Introduction

On February 3, 2006, a court in Nizhny Novgorod, Russia, convicted human rights defender Stanislav Dmitrievsky, director of the Russian-Chechen Friendship Society and editor-in-chief of the newspaper Pravozaschita, of violating a law intended to combat religious and nationalist extremists who incite hatred and violence against minority groups. This is the first time a human rights defender has been convicted under a counter-extremism law for publishing articles calling for peace in Chechnya. The conviction sets a dangerous example for all Russians - including human rights defenders and independent journalists - who exercise their right to question and criticize government policies.

Over the past year, Russian authorities have stepped up efforts to weaken independent nongovernmental organizations (NGOs) involved in promoting democracy and human rights. Capitalizing on the climate of fear stoked by the September 2004 terrorist attack on a school in Beslan, North Ossetia, and by other terrorist incidents that have resulted in civilian casualties, the Putin government has sought to discredit human rights activists – especially those who report on violations occurring in the context of the conflict in Chechnya. It has done so by impugning their patriotism and insinuating that their activities demonstrate sympathy and support for terrorists. Using the need to safeguard national security as a pretext, it has applied measures intended to control religious extremism against those who work daily to prevent it. Most recently Russian authorities alleged that human rights organizations are receiving support from foreign spy agencies; on January 31, President Putin accused some NGOs of working for “foreign puppet masters.”

No case exemplifies the mounting pressures exerted on Russian human rights organizations better than the multifaceted persecution endured by the Russian-Chechen Friendship Society (RCFS). RCFS is a human rights organization based in the city of Nizhny Novgorod, about 250 miles east of Moscow, that reports on human rights violations occurring in Chechnya. Though RCFS members in Chechnya had suffered physical attacks in the past, the government has sharply escalated its legal and media campaign against the organization’s head office in the last year. The government campaign to discredit and ultimately close the organization has included the use of tax and administrative challenges and the criminal prosecution of Stanislav Dmitrievsky, the managing director of RCFS, under a counter-extremism law.

This case is especially worrisome because it comes at a time when human rights defenders in Russia are facing a combination of tactics to undermine human rights groups and other independent organizations including restrictive legislation, administrative harassment and prosecutions of the leaders of these groups. Recent legislation gives the authorities broad power to interfere with and close human rights organizations. The government is also taking steps to create organizations that provide the illusion of functioning like independent NGOs but are in fact controlled by the government. The weakening of these independent organizations impedes efforts to hold the Russian government accountable for its ongoing human rights violations.

Background

In 1999, bombs exploded in several apartment buildings in Moscow, killing more than 100 people. These attacks were widely believed to be the work of Chechen separatists. In response to these attacks then-Prime Minister Vladimir Putin sent Russian troops into Chechnya, sparking the Second Chechen War. These actions enhanced Mr. Putin’s popularity and contributed to his success in the presidential election in 2000. The continuing brutal conflict in Chechnya has been the constant backdrop to Putin’s presidency. His government has skillfully used the crisis in Chechnya to justify the centralization of power and the undermining of independent voices.

Since becoming President Mr. Putin also has sought to control independent business leaders, secured state dominance over broadcast media and major newspapers, reduced the independence of regional governors, and

installed a legislature over which he has broad power. This weakening of the checks on executive authority has coincided with the worsening of the conflict in Chechnya and the North Caucasus.

In the last seven years, thousands of people in Chechnya have been killed or died as a direct result of the fighting. The region has been ravaged by instability and growing poverty. Today there are tens of thousands of displaced people in and around Chechnya and in the neighboring region of Ingushetia. They receive little or no assistance from the Russian government and rely on private humanitarian organizations for their basic needs. Meanwhile, the seemingly intractable conflict is one factor fueling the continuing brutal attacks on Russian civilians by violent Chechen separatists.

Those who have sought to expose state violations of human rights in Chechnya, including independent journalists and human rights defenders, are often the targets of government attacks. Government control of the news media has limited the dissemination of independent reporting on human rights violations in Chechnya while providing a vehicle to repeatedly discredit Russia's human rights movement and others who gather information in the conflict zones. Violent attacks against civilians by Chechen separatist groups have heightened public fear and provided an environment in which Russian authorities can more easily discredit and obstruct the independent organizations providing information about governmental abuses in Chechnya.

The wave of these attacks against Russian civilians escalated in September 2004 when violent Chechen separatists seized approximately 1,200 hostages at a school in Beslan, North Ossetia. This brutal attack, for which Shamil Basayev – a self-described terrorist – later claimed responsibility, resulted in the deaths of hundreds of children, teachers, and parents. They died when Russian forces stormed the school on the third day of a hostage standoff.¹ Just days later President Putin announced political “reforms” intended to further consolidate executive power, including a change from the election of regional governors to their appointment by the President.

In late 2004, the success of the so-called “Orange Revolution” in the Ukraine created added concerns in Russia and elsewhere in the region about the effect of outside political influences on domestic politics. Responding in part to this, the Russian government enacted additional restrictions on foreign funding of domestic organizations, further weakening the capacity and influence of Russian civil society.

On January 10, 2006, President Putin signed yet another new law further regulating the activities of all NGOs operating in Russia. Under this law, government agencies are authorized to deny registration to domestic and foreign organizations – or force them to close down altogether – on loosely defined grounds. Using the vague and sweeping provisions of this law, human rights defenders who have been the target of politically motivated prosecutions or smear campaigns could be prohibited from holding leadership positions or being actively involved with human rights groups.

In late January, the State Duma (legislature) ordered an investigation into claims made by Arkady Mamontov, a journalist with a Russian state owned television channel, that prominent human rights organizations including the Moscow Helsinki Group, the Center for Democracy and Human Rights, the Eurasia Foundation, and the Nizhny-Novgorod-based Committee against Torture have accepted funds from British secret services. President Putin made reference to these unsubstantiated claims to justify his efforts to increase controls on the activities of NGOs. At the same time, Svetlana Gannushkina, a leading activist working on behalf of minorities and refugees, was questioned by Moscow prosecutors under suspicion of aiding extremists.

Seen in this context, the prosecution of RCFS director Stanislav Dmitrievsky reflects a broader pattern of government harassment and persecution of human rights and democratic activists in Russia.

The Russian-Chechen Friendship Society

The Russian-Chechen Friendship Society is a non-profit NGO based in Nizhny Novgorod, the third largest city in Russia. Stanislav Dmitrievsky, the managing director, coordinates the monitoring activities of volunteers, consultants and staff members operating in branch offices in Moscow; Nazran, Ingushetia; and Grozny, Chechnya. Since its establishment in 1999, RCFS has assisted with numerous humanitarian activities in Chechnya and Ingushetia. The organization's activities include helping to provide accommodation, food, and medical assistance to refugees, children, and aged and disabled people, in collaboration with other Russian and international NGOs.

The organization is also committed to exposing ongoing violations of human rights, and does "everything possible to break the shameful wall of silence around Chechnya."² RCFS' Russian-Chechen Information Agency issues frequent statements about "disappearances," beatings, killings, and other abuses occurring in the context of the conflict in Chechnya, and posts them online to inform the Russian public and the international community. Independent journalists and human rights activists in Chechnya serve as correspondents, providing timely information for public dissemination.

In addition to his position as managing director of RCFS, Dmitrievsky is also the editor-in-chief of a newspaper called Pravozaschita, or "Human Rights Defense." It is published in conjunction with the Nizhny Novgorod Society for Human Rights.³ Pravozaschita features news articles discussing developments in Chechnya that are informed by RCFS correspondents living in the region. It is available in print and online free of charge. According to Dmitrievsky, the paper is "dedicated to the human rights situation in Chechnya, from the perspective of seeking a peaceful settlement of the conflict.

In 2004, RCFS received an award of recognition from the International Helsinki Federation for Human Rights, which is comprised of 44 organizations based throughout the region of the Organization for Security and Cooperation in Europe. The award stated: "Your work on behalf of victims and to promote tolerance and peace reflects the transcendent values of our civilization. It evokes feelings of solidarity and sympathy more powerful than hatred, fear and revenge."⁴

Persecution of RCFS and Its Members

As a result of their work in publicizing atrocities occurring in Chechnya, members of RCFS have faced mounting persecution. Since the organization's establishment, more than a dozen monitors and journalists associated with RCFS have been the subject of serious abuses, including:⁵

- Aslan Davletukaev, a journalist working for RCFS, was picked up by federal agents at his home in Chechnya in 2000. When his body was found a few days later, his face had been battered, his limbs broken, and he had been shot in the back of the head.
- Luisa Betergiraeva, a volunteer with RCFS, was shot and killed at a Russian military roadblock in Chechnya on December 13, 2001.
- Malika Umazheva, an outspoken critic of Russian military actions in Chechnya who worked closely with RCFS, was killed on November 29, 2002, by masked, uniformed men who entered her house in the middle of the night claiming to be looking for "Islamic extremists."
- Imran Ezhev, the RCFS' senior official based in Chechnya, has been detained at least 17 times, most recently in February 2004. In addition, his cousin was shot and killed near his home in December 2002. His brother – a volunteer with RCFS – was pursued and killed by masked members of the armed services at his home, and another brother was shot in the leg during the same incident.

- Arthur Akhmatukaev, a member of RCFS married to Imran Ezhev's niece, "disappeared" after he was taken away by Russian soldiers in August 2003. His body has never been found.

No one has been held responsible for these crimes and the investigations have been inconclusive. Monitors based in Chechnya who report on the violence in that region in conjunction with RCFS have been subjected to persecution aimed at intimidating and silencing them. Until recently, those based at the organization's headquarters in Nizhny Novgorod had been conducting their reporting in relative safety.

The tide turned for RCFS members in Nizhny Novgorod after the Beslan killings and the Ukrainian Orange Revolution in late 2004. In early 2005, three legal actions were begun by separate government agencies against Dmitrievsky and RCFS. The first, as detailed below, was the criminal case against Dmitrievsky as editor of *Pravozaschita*; the second a demand by the Tax Inspectorate of Russia for large sums of back taxes and fines it claimed RCFS owed; and the third was initiated by the Ministry of Justice based on alleged noncompliance with a registration requirement. Each action threatened the closure of the organization.

The cases appear to be part of a politically motivated, coordinated campaign to put a stop to the unique and invaluable work of RCFS in monitoring abuses in Chechnya. Soon after the legal actions were initiated, the state-owned media made a series of highly disparaging comments about RCFS. Dmitrievsky and other members of the organization were the targets of beatings, as elaborated below. Neither these attacks nor other threats against them were ever investigated.

The Prosecution of Dmitrievsky

On January 20, 2005, the Federal Security Service (FSB), the successor organization to the Soviet-era KGB, summoned Dmitrievsky to its Nizhny Novgorod office for questioning. The FSB interrogated Dmitrievsky about his political beliefs and activities, including his views on official Russian policy toward Chechnya. The agents also asked Dmitrievsky to discuss two articles published almost a year earlier in *Pravozaschita*.

The articles in question appeared in the March and April-May 2004 issues of *Pravozaschita*. The first article was written by Akhmed Zakayev, a former representative of Chechnya to Moscow. Zakayev addressed the Russian public, urging them not to vote for President Putin during his re-election campaign that year. The second article was written by now-deceased separatist leader Aslan Maskhadov, who appealed to the European Parliament to classify the conflict in Chechnya as "genocide."⁶ Both also called for peace in Chechnya.

The FSB indicated that by allowing publication of the two articles, Dmitrievsky, as editor-in-chief, could have violated Article 280 of the Russian Criminal Code, which bans "public calls to carry out extremist activity" and threats to Russia's "constitutional order." A criminal investigation was opened although no charges were filed; at that point, Dmitrievsky was only questioned as a witness. (Human rights activists in Russia speculated this may have been because Dmitrievsky would have had the right to challenge certain aspects of the investigation had he been summoned as a suspect.)

On the same day that Dmitrievsky was interrogated, several other members of RCFS were summoned and questioned as well. The FSB also raided the RCFS office in Nizhny Novgorod, seizing the organization's legal documents and employment contracts. These contracts included biographical data – including home addresses – pertaining to all RCFS members and the organization's correspondents in Chechnya. This raised concern for members' security, especially in Chechnya, given the history of beatings and killings of individuals associated with RCFS.

For several months, Dmitrievsky's fate remained unclear while the investigation continued. The FSB called on legal experts associated with the Ministry of Justice to review the articles published in *Pravozaschita* and determine

whether they amounted to extremist propaganda under Article 280 of the criminal code. The experts found that the articles did not violate that provision. Other portions of the criminal code were reportedly researched as potential grounds for prosecuting Dmitrievsky, including criminal libel under Article 129 and extremism under Article 282.⁸ On June 20, 2005, the prosecutor's office of Nizhny Novgorod held a press conference announcing that another expert report determined that no crime had been committed under Article 282. Dmitrievsky and RCFS commissioned an independent expert who similarly concluded that the two articles could not be treated as violating either Article 280 or Article 282.

Ultimately, the FSB relied on the expert opinion of Larissa Teslenko, a specialist of the Privolzhsky Center of Legal Expertise, which is associated with the Ministry of Justice. On September 2, 2005, based largely on her assessment, the government charged Dmitrievsky under part 2b of Article 282, which bans "inciting hatred or enmity on the basis of ethnicity and religion." Teslenko later testified in court that the two articles published in *Pravozaschita* could both be read to incite hatred that is ethnic, national and social in nature.⁹

The protracted investigative process gave the impression that the government was searching for a way to bring charges against Dmitrievsky. Ultimately the authorities chose to utilize a law that is meant to curb the extremist groups committing an increasing number of unpunished attacks on racial and religious minorities in Russia.¹⁰ Instead of using the law to prosecute perpetrators and instigators of nationalist and racist violence, the Russian government is increasingly using this law to silence its critics. In fact, Dmitrievsky's prosecution was commenced on the heels of a case in which Article 282 had been used to convict the director and curator of the Sakharov Museum and Public Center in late March 2005.¹¹

To explain Dmitrievsky's prosecution under Article 282, a Nizhny Novgorod prosecutor, Konstantin Moiseyev, stated that the Maskhadov and Zakayev articles displayed a "tendency to reflect negatively on the policy of the Russian president and soldiers of the Russian forces."¹² Yet the provision under which Dmitrievsky was charged and tried is intended to curb hatred against ethnic or national groups, not against the government.

Subsequently the same prosecutor sought to link this prosecution to the stabbing of eight people in a Moscow Synagogue. He said "in a time when incidents like the recent crime in a Moscow synagogue happen more and more often, it is necessary to be strict within the boundaries of freedom of expression." This reflects the Putin government's efforts to make a case that curbing the work of human rights monitors will somehow contribute to a more racially and religiously tolerant Russia.

At Dmitrievsky's trial, his lawyers argued that section 282 should not be used against the editor of a human rights newspaper, and that under the laws that govern the dissemination of publicly significant information, the articles – which presented the perspectives of two public figures – were perfectly legal.¹³ The defense team also argued that as editor-in-chief of *Pravozaschita*, a registered newspaper, Dmitrievsky was exercising his freedom of expression, protected by Article 10 of the European Convention for the protection of Human Rights and Fundamental Freedoms (to which Russia is a party).¹⁴ The defense relied on the expert testimony of Galina Vronskaya, a senior lecturer at the journalism department at the Chuvash State University and the president of the Chuvash Guild of Linguists. She testified that the articles in question did not contain any statements intended to insult any racial, ethnic or social group.¹⁵

On February 3, 2006, the court convicted Dmitrievsky under article 282, part 2b of the Russian Criminal Code. Though he was allowed to leave the courthouse, he was given four years of probation with a two year suspended sentence. Thus Dmitrievsky risks immediate imprisonment at any time over the next four years. He also faces potential additional restrictions which could limit his ability to change his place of residence, move within Russia, or leave the country during this time. Furthermore, under the law regulating NGOs signed on January 10, 2006, Dmitrievsky will no longer be allowed to manage the activities of the RCFS or to serve as editor-in-chief of *Pravozaschita*. Dmitrievsky's lawyers will appeal the verdict and the sentence. If the superior court does not overturn the lower court's decision, his lawyers plan to appeal to the European Court for Human Rights on the grounds that Dmitrievsky has been denied his right to freedom of expression, protected under the European Convention for the protection of Human Rights and Fundamental Freedoms.

Freedom of Expression under the European Convention

Under Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention), everyone has the right to “impart information and ideas without interference by public authority.” However, this right can be limited “in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime,” and on other bases.¹⁶

The European Court for Human Rights, the body that interprets and applies the European Convention to cases brought by individuals alleging abuse of their rights under its provisions, has expounded on the meaning and scope of the restrictions of the freedom of expression in ninety cases to date.

According to the Court, freedom of expression is an essential foundation of a democratic society.¹⁷ In order to foster public debate, without which a democracy cannot thrive, governments must tolerate and protect the expression of information and points of view that “offend, shock or disturb the State or any sector of the population.”¹⁸ Furthermore, according to the Court, criticism of a government should be protected – even more than criticism of a private citizen or public figure – so that the actions of governments are subject to the “close scrutiny” of the public.¹⁹

However, the Court has decided that a government can limit expression without violating Article 10 by prohibiting individuals from writing or allowing letters to be published that directly call for acts of violence as a “necessary and justified” measure of defense against the government.²⁰ The Court considers the proportionality of the punishment in these cases, and finds that imprisonment may be disproportionate to such a crime.

Finally, the European Commission’s executive body, the Committee of Ministers, issued a declaration on freedom of expression in the context of the fight against terrorism on March 2, 2005, reaffirming that “the free and unhindered dissemination of information and ideas is one of the most effective means of promoting understanding and tolerance, which can help prevent or combat terrorism.”²¹

The Tax Case

In March 2005, the Federal Tax Inspectorate (FTE) began an audit of RCFS’ financial activities. On June 16, 2005, the FTE issued an demand of payment of 1,001,561 rubles (roughly US \$35,000) in income taxes and fines, based on a determination that grants received by RCFS during 2002-04 were profits and were therefore taxable.²²

On June 28, RCFS lodged a complaint with the FTE, claiming that its grants could not be taxed as any funds from its donors were exempt under Russian law. Under section 251 of the Tax Code of the Russian Federation, grants from international organizations are not counted as taxable income and are exempt from taxation if the donor’s name is on an official government list and if the grant is provided for the implementation of programs in education, arts, culture, environmental protection and scientific research.²³ Although the FTE retracted its original assertion that the donors making the grants were not included on the government’s tax-exempt list, it argued that the grants were nevertheless taxable as they were used for publications.²⁴

On August 15, RCFS appealed this decision to the commercial court of Nizhny Novgorod, requesting that no funds be withdrawn until the appeal was heard. Nevertheless, on August 26, the FTE declared that it would withdraw 844,227 rubles from RCFS bank accounts. On September 12, the commercial court ruled to suspend the withdrawal of funds until the completion of the tax case, but the FTE did not comply for several weeks. Finally, on October 5, RCFS regained access to its accounts.²⁵

The FTE then requested that the tax case be postponed until the conclusion of the criminal trial. They concluded that a conviction would show that grants given to RCFS to contribute to the peaceful resolution of the Chechen conflict were instead used to incite hatred, making such grants taxable as profits. Commenting on this request by the FTE, Dmitrievsky said "the tax agents openly confirmed that the campaign aimed at annihilation of the RCFS is a politically motivated planned action and not the chain of coincidences as they stated before."²⁶ The request was granted by the court, and a resolution to the tax case is pending.

The Registration Case

In April 2005, the Federal Registration Service (FRS) within the Ministry of Justice sought a court order to close down RCFS due to the organization's failure to produce originals of documents concerning its financial operations. At the time, these documents were in the possession of the tax authority. The FRS kept pushing for the order until finally, on June 16, 2005, the FTE completed its tax audit and all seized documents were returned. Its requirements promptly satisfied, the FRS renewed the organization's registration until September 2005.

In October, the FRS sent a warning to RCFS that the organization was in breach of Article 14 of the federal law "On Public Associations" by using the word "Russian" in the name of the organization. The FRS stated that the words "Russia" and "Russian" could only be used to refer to all-Russian organizations rather than "inter-regional" organizations such as RCFS.²⁷ After the organization complied with this warning and made appropriate amendments (including changing the official name to the Russo-Chechen Friendship Society), it appeared that the FRS would withdraw its demand for the closure of the organization.

Instead, later in October the FRS renewed its request to close down RCFS, stating only that the documents the organization submitted in June had been provided late – even though it had already analyzed them and renewed RCFS' registration.²⁸ On November 14, the judge presiding over the request ruled not to close RCFS, bringing an end to the registration case.²⁹

Beating and Threats

Since the legal actions against RCFS began in early 2005, both Dmitrievsky and Oksana Chelysheva, the deputy director of RCFS and co-editor of *Pravozaschita*, have been the subject of repeated threats. In March 2005, leaflets in the name of the "Patriotic Front of A.P. Ivanov" were distributed throughout the area where Chelysheva resides, calling her "shameful and contemptible," a "beast," a "whore," and a "supporter of terrorists." The flyer also included her home address and called on fellow citizens to join in actions against her. RCFS lodged a complaint with the local prosecutor's office, but were informed by authorities that they did not expect to find those responsible as the identified group did not exist.

In May 2005, Dmitrievsky was severely beaten at a train station by a group of unidentified attackers. The assailants destroyed his passport and other documents. Dmitrievsky suffered a concussion and other injuries. The perpetrators were never brought to justice.

Both Chelysheva and Dmitrievsky were the targets of another defamatory and threatening leaflet campaign in September. The leaflet stated: "At the same time when young patriots are fighting against the domination of people from the Caucasus in Russia, so-called human rights defenders Dmitrievsky and Chelysheva are getting their bloody money from their mountainous soul brothers and are making profit out of the annihilation of the local population of Russia. We say no to the pro-Chechen vermin who live among us and at our expense. Death to the

enemies! We are waiting for you.”³⁰ These leaflets were produced in the name of the National Bolshevich Party (NPB), a political group that opposes the policies of President Putin’s government, including with regard to the conflict in Chechnya.

When Dmitrievsky and Chelysheva called the leaders of the party, they denied all responsibility for the leaflets. Several days later, a news program on the state-owned “Kremlin” television broadcasting company covered the story about the leaflets, but failed to air an interview with Chelysheva in which she stated that she did not believe the NPB had anything to do with the flyers. Instead, the program’s correspondent stated that RCFS members believed that the NPB was responsible.³¹

The Broader Impact of the Campaign against RCFS

RCFS members have faced this sustained persecution for their criticism of the Russian government’s policies in Chechnya despite their right under Russian and international law to monitor and speak out about human rights conditions. The series of legal actions against the organization, the physical threats, and the media campaign have affected the ability of the organization to do its critical work. RCFS has had to expend its time, energy, and money organizing its legal defenses to the three simultaneous legal actions. The organization’s leaders have been pulled away from their duties of reporting on human rights abuses to focus on their own safety and the survival of the organization.

In addition to the financial constraints that have resulted from the actions of the tax inspectorate, RCFS faces added financial hardship as some European funders have withdrawn because of these high-profile controversies around it.

But the impact of this persecution reaches well beyond RCFS. The details of each administrative case could serve as a road map for the types of harassment the government may direct against other organizations that criticize its policies. While thus far no other human rights organizations in Russia – many of whom receive foreign grants – have recently been targeted for audit, under the new law the prospect of future audits is very real. Realizing this, human rights defenders from other organizations joined together in Nizhny Novgorod on September 2, 2005, to protest the unfairness of the tax inspectorate’s withdrawal of funds from RCFS; having been denied a permit to protest, many were arrested and released hours later.

The use of the counter-extremism law to target Dmitrievsky in his capacity as editor of *Pravozaschita* also sets a dangerous precedent for human rights defenders and journalists alike in Russia. On January 17, 2006, representatives of several leading Russian human rights organizations held joint press conferences in which they expressed their concern about the detrimental impact the trial will have on their freedom. On January 25, Svetlana Gannushkina, chairperson of the Civil Assistance Committee (whose work is described above), was summoned to the prosecutor’s office in Moscow to discuss her activities in monitoring trials of Muslims accused of extremism. Other defenders now fear that they also will find themselves under investigation in connection with these counter-extremism laws.

Journalists have also expressed their belief that the criminal trial could have a deeply negative impact on freedom of expression for the independent media. Editors of several popular independent online news journals have posted the two articles that are at the heart of the trial against Dmitrievsky on their own websites, challenging the government to also prosecute them or instead admit that the charges against Dmitrievsky are politically motivated.

The significance of the trial is especially great when viewed in light of other recent developments in Russia. The interplay between this case and the January 2006 NGO law seems clear. Under the vague and sweeping provisions of that law, defenders who have been the target of politically motivated prosecutions or smear

campaigns – such as those that Dmitrievsky and other RCFS leaders have endured – could be prohibited from further involvement with human rights groups.

According to the prosecutor, Dmitrievsky used Pravozaschita as a platform to criticize the Russian government's policies in Chechnya and the Northern Caucasus. According to government prosecutors the fact that RCFS received grants from government-funded agencies in the United States, the European Union and Norway, is evidence of undesirable foreign interference in Russian affairs. "We think that [Dmitrievsky] is receiving grants from abroad - not only from the United States," the prosecutor said at trial, "but also from other countries that are interested in the Chechen war and reflect the interests of Chechen extremists. They pay for that."³² Many human rights organizations in Russia receive grant money from overseas foundations. Though many private citizens in Russia are sympathetic to the activities of human rights organizations, they risk official reprisal by openly providing financial support for the activities of these groups. Consequently, human rights organizations in Russia are highly dependent on foreign assistance.

The prosecution of Dmitrievsky, in which the receipt of foreign funding is in itself seen as incriminating, sends a chilling message to the many other Russian human rights organizations that rely heavily on such support. Too often today senior officials of the Russian Government characterize legitimate international support for human rights promotion as a suspect activity. They charge that foreign spy agencies are exploiting Russian NGOs and using them as fronts for illegitimate foreign interests.³³

If respect for human rights and the rule of law is to develop and grow in Russia, these official threats and acts of harassment and unwarranted official obstructions against human rights defenders must cease. The fate of Stanislav Dmitrievsky, of RCFS, and of other independent human rights organizations in Russia will be a telling indicator of the Russian government's commitment to democracy and the rule of law.

¹ On September 1, 2004, heavily armed men and women burst into the school as approximately 1,200 children, their parents, and teachers gathered to celebrate the beginning of the academic year. The assailants, who made demands concerning the conflict in Chechnya, held the hostages without food or drinking water for over 48 hours. The mass killings began on September 3, and Russian security forces stormed the school. A Chechen separatist website subsequently published a letter in the name of Shamil Basayev claiming responsibility for the Beslan attack. The official death toll of hostages at Beslan has been fixed at 335, although claims continue to be made by some Russian commentators that the death toll was even higher.

² Russian-Chechen Friendship Society, "The Prosecutor and The FSB Have Evaluated Our Work; We Will Persevere," Press Release no. 1105, January 21, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

³ *Ibid.*

⁴ International Helsinki Federation, "2004 Recognition Award presented to the Society of Russian-Chechen Friendship," November 15, 2005, available at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3983.

⁵ See Human Rights First, "The New Dissidents: Human Rights Defenders and Counterterrorism in Russia," February 2005, available at <http://www.humanrightsfirst.org/defenders/pdf/new-dis-russia-021605.pdf>.

⁶ The two articles have been reprinted in English by Prima-News: "Why Dmitrievsky is in the Dock," available at <http://www.prima-news.ru/eng/news/articles/2006/1/18/34631.html>.

⁷ Human Rights First interviews with Russian activists in Moscow, names withheld, March and April 2005.

⁸ Bill Bowring, interview with Dudnik, in *Actions of State Bodies of The Russian Federation in Relation to Human Rights NGOs in Nizhnii Novgorod*, June 2005, on file with Human Rights First.

⁹ Russian-Chechen Friendship Society, "Report from Today's Hearing in the Criminal Case against Stas Dmitrievsky, Head of the Russian Chechen Friendship Society," Press Release no. 1683, January 18, 2006, available at <http://www.hrvc.net/htmls/srcf2.html>.

¹⁰ While the freedom of expression of human rights advocates is being stifled with the use of Article 282, ultra-nationalist publications and organizations are allowed to spread their message of hate. A group calling itself the National Sovereign Party campaigned for a ban on anyone not of Russian descent holding lawmaking positions. Furthermore, if a person is Russian, but is married to a non-Russian, they too should be prohibited from holding lawmaking positions. This group was not prosecuted under any law; moreover it was allowed to register as a party by the Russian Ministry of Justice. Radio Svoboda, available at <http://www.svoboda.org/programs/ls/2002/ls.112002.asp>.

¹¹ Yuri Samodurov and Ludmila Vasilovskaya, the director and curator of the Sakharov Museum and Public Center, were both convicted of inciting ethnic and religious hatred under Article 282 on March 29, 2005. The provocative exhibit "Caution/Religion" aimed to examine religion in modern Russia. One of the works was the face of Jesus imposed on a Coca-Cola logo next to the words "This is my blood." The exhibition provoked vandalism from alleged members of the Movement for the Russian Renewal of the Fatherland and the exhibition was forced to close after being open for only four days.

¹² Steven Lee Myers, "Russia Hounds Human Rights Group That Gets U.S. Help," *New York Times*, September 18, 2005.

¹³ Russian-Chechen Friendship Society, "Report from Today's Hearing in the Criminal Case against Stas Dmitrievsky, Head of the Russian Chechen Friendship Society," Press Release no. 1683, January 18, 2006, available at <http://www.hrvc.net/htmls/srcf2.html>.

¹⁴ *Ibid.*

¹⁵ Russian-Chechen Friendship Society, "The next hearing of the criminal case against the chief editor of the "Pravo-zaschita" newspaper," December 7, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

¹⁶ European Convention for the protection of Human Rights and Fundamental Freedoms, entered into force September 3, 1953, available at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=06/02/2006&CL=ENG>.

¹⁷ European Court for Human Rights, *Lingens v Austria* (1986), available at

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=AUSTRIA&sessionid=5621727&skin=hudoc-en>.

¹⁸ "Subject to paragraph 2 of Article 10, it is applicable not only to "information" or "ideas" that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population." European Court for Human Rights, *Handyside v UK* (1976), available at

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=handyside%20%7C%20%22THE%20UNITED%20KINGDOM%22&sessionid=5622465&skin=hudoc-en>.

¹⁹ "The limits of permissible criticism are wider with regard to the government than in relation to a private citizen, or even a politician. In a democratic system the actions or omissions of the government must be subject to the close scrutiny not only of the legislative and judicial authorities but also of public opinion. In a democratic system the actions or omissions of the government must be subject to the close scrutiny not only of the legislative and judicial authorities but also of public opinion." European Court for Human Rights, *Ceylan v Turkey* (1999),

²⁰ European Court for Human Rights, *Surek v Turkey* (No 1) (1999).

²¹ Council of Europe, Committee of Ministers, "Declaration on freedom of expression and information in the media in the context of the fight against terrorism," adopted March 2, 2005, at the 917th meeting of the Ministers' Deputies.

²² These grants were received from the European Commission, the National Endowment for Democracy (whose budget mainly comes from the U.S. Department of State), and the Norwegian Helsinki Committee. Russian-Chechen Friendship Society, "The tax inspection insists on their claims to the Russian-Chechen Friendship Society," August 15, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

²³ Article 251 Tax Code of the Russian Federation, available at http://www.garweb.ru/project/mns/en/law/garweb_law/10800200/10800200-055.htm#251.

²⁴ Russian-Chechen Friendship Society, "The tax inspection insists on their claims to the Russian-Chechen Friendship Society," August 15, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

²⁵ Russian-Chechen Friendship Society, "Hearing of the suit lodged by the RCFS against the tax inspection was held at the court of arbitration," December 13, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

²⁶ Russian-Chechen Friendship Society, "The law nonsense: the tax inspection insists on attaching the criminal case against Dmitrievsky to the case at the arbitrage court initiated by the RCFS," October 26, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

²⁷ Russian-Chechen Friendship Society, "Registration department at the Ministry of Justice again insists on closing the RCFS down," October 25, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

²⁸ *Ibid.*

²⁹ Russian-Chechen Friendship Society, "The court refused to liquidate the Russian-Chechen Friendship Society," November 14, 2005, available at <http://www.hrvc.net/htmls/srcf2.html>.

³⁰ Russian-Chechen Friendship Society, press release no. 1482, September 8, 2005.

³¹ Russian-Chechen Friendship Society, press release no. 1496, September 14, 2005.

³² Steven Lee Myers, "Russia Hounds Rights Group That U.S. Help," *New York Times*, September 18, 2005.

³³ Article 13 of the U.N. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in 1998, provides: "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means..."