

HUMAN RIGHTS IN RUSSIA GOING BEYOND THE PERILS OF ACTIVISM



Human rights activism in Russia can be a dangerous ordeal for those involved in it. One only needs to recall the killings of prominent human rights activists and lawyers like Natalia Estemirova and Stanislav Markelov. Moreover, the Duma introduced NGO legislation in 2006 and 2012 that will likely curtail the work of human rights organizations and their foreign financial sponsors. The international press incessantly reports on the immediate negative effects of these laws for human rights associations. How do these dedicated human rights lawyers and activists nonetheless manage to advance human rights in Russia?

In June 2012, Freek van der Vet spoke with Valentina Melnikova, leader of Soldiers' Mothers, Oleg Kozlovsky, blogger, protest organizer, and political analyst, and Vanessa Kogan, executive director of Russian Justice Initiative, on the current state of human rights activism in Moscow.

by **Freek van der Vet**
photos **Joris Besseling**

PROTECTIVE MOTHERS

“I have been working for these civil organizations for such a long time; we have survived so many new situations.”

Valentina Melnikova has seen it all: the aftermath of the conflict in Nagorno-Karabakh from 1989 to 1991 and the two violent conflicts in the Chechen Republic of 1994–1996 and 1999–2005. As the acting director of the Union of Committees of Soldiers' Mothers of Russia (UCSMR; *Soyuz Komitetov Soldatskikh Materei Rossii*), Melnikova has been lobbying for the past twenty-four years for a contract-based army and for giving free legal aid to conscripts who want to avoid the obligatory military service. The organization monitors human rights violations in the Russian army. Hazing, or *dedovshchina*, is still practiced among conscripts and is allegedly the cause of many suicides and other non-battle deaths. Their work has often been compared to that of the Argentinean Madres de Plaza de Mayo, who demanded the truth about what happened to their children who had disappeared during the military dictatorship. According to the sociologist Amy Caiazza, the work of the Soldiers' Mothers has been so successful because they used their own roles as responsible mothers protecting their children, children at the mercy of an irresponsible state.¹ Adopting the role of the mother made them a respectable organization, often bringing them to places where other human rights activists were not allowed to venture. They were given access to some military barracks and were able, in some regions, to establish close cooperation with military officials and prosecutors.

“Some groups have been active since 1988. We are celebrating our twenty-fourth anniversary. Can you

imagine a female organization that has fought the army for this long? This is absolutely unique. We are not victims, but a true human rights organization with specific goals. Only one of our original demands has remained unfulfilled since the beginning: Russia has not changed the obligatory military service to a voluntary service. That is why we continue to work, which is of course remarkable in view of the difficult times we have had: a new political regime, a new economic system, and new people in positions of responsibility in the army. And that is to say nothing of the wars we have had. Our first war was in Nagorno-Karabakh from 1989 to 1990. Then we gathered on Red Square. Now everybody is complaining, ‘They don’t allow us to organize protests.’ But back then, we didn’t even ask for permission!

“There are a lot of people working in the regions who solve their problems on the local level. They understand that it is not necessary to turn to Putin with every little problem. Our experience tells us that you need to try to solve issues on this level: raise awareness, make new contacts, and correctly formulate the claims you make. You know, we don’t work through the Internet. Of course, people can send us e-mail or text messages, but they have to come to us. We want to see their papers, documents, and applications. Imagine a big country with several hundreds of committees of soldiers’ mothers. They all established themselves. We can’t force each other to do things. That was also a big internal problem of the organization.”

The UCSMR’s local offices became hubs where conscripts could go for legal aid, especially during the two conflicts in the Chechen Republic. The Chechen



conflicts left many casualties, both in the Russian federal forces and among the civilian population. During the winter of 1994, Russian military forces captured Grozny, Chechnya's capital, to regain control over the republic which had just announced its independence. The conflict ended in a peace treaty. Yet, after a series of apartment bombings in 1999 and the spread of the conflict to the neighboring republic of Dagestan, Russia initiated a second "anti-terrorist" military campaign. Some activists embarked on a risky journey to the Chechen Republic during the first military campaign – where many young conscripts were fighting against the Chechen armed forces – to save their sons from prisoner of war camps. They were able to get some of them released.

"When the first Chechen conflict started, a lot of people came to us for help every day. Every day 200 to 250 people came, which was awful, of course. Journalists often ask me, 'When was your work harder: back then, or now?' I answer, 'It was tough during the Chechen War, it has never been that difficult, and I hope it never will be again.' It was terrible. We turned out to be one of the few women's organizations that resisted this war. Of course, there were a lot of people who opposed it and who complained to Yeltsin. But we helped the wave of people who sought protection because they did not want to participate in the war or were looking to liberate those who were held captive there.

"Now, in Chechnya, nothing can be done. We have 600 people who have been lost without a trace since the first Chechen War. These 600 people lay in dozens of graves in the territory of the Chechen Republic. In 1998 there was a budget for the exhumation and identification of these lost soldiers and citizens and for

"WE HAVE 600 PEOPLE WHO HAVE BEEN LOST WITHOUT A TRACE SINCE THE FIRST CHECHEN WAR. THESE 600 PEOPLE LAY IN DOZENS OF GRAVES IN THE TERRITORY OF THE CHECHEN REPUBLIC."

their return to their relatives for burial. Some remains were found, but a special investigation team was never allowed to go there. They still have not returned the remains. Besides, there are only two brigades left there, and we have good contact with the prosecutor in that area, so there are actually few problems arising there."

Valentina Melnikova remains optimistic about the current situation in the Russian military. Mandatory military service was cut to a one-year term in 2008. According to Melnikova, her group's connections to the military prosecutor allowed them to file legal claims

against the Russian and Soviet military.

"Our experience is enormous. The history of our organization has been quite successful. Especially in the last two years, thanks to our own efforts, Medvedev and Minister of Defense Anatoly Serdyukov have changed the situation in the army; they have a more humane approach to the army. The violence has decreased. Since 2008, military service has been shortened. In the past three years, under the authority of Medvedev, serious conflicts have almost disappeared. Officers no longer cover up violations. I think a good recent development is that officers are no longer afraid to talk with parents. It was quite surprising for us when we were told by the parents themselves that they had direct contact with the officers about their sons. We never had this before, not in the Soviet army and not for a long time afterwards. The problem we faced in the Soviet Union was that its military system was completely closed. They said nothing, published nothing, and accepted no complaints. The first thing we heard from the parents was that they were generally forbidden to visit the barracks, and when they were allowed to visit, they saw that the conditions were horrible. Their visits improved the way we gathered information on the situation in the army. We were able to identify the problem. After that, you only need to find somebody whom you can turn to with these issues.

"But who can you talk to if the system is closed? The military is basically inaccessible. We thought, instinctively, to approach the military prosecutor. We choose the right path, because we knew more than the prosecutor knew. Because of our courage [laughs] we started to become partners. In this way we acquired the ability to react fast: when a mother comes to us with a complaint about her sick son in a military unit

What remains is abolition of mandatory military service. Political top dogs have been advocating that too.

in Khabarovsk for instance, why would we contact the military commanders? I wouldn't even have known how to contact these barracks back then when nobody had mobile telephones. They only had special military telephone lines. The prosecutor always had a telephone and a fax, so we just had to pick up the receiver and call."

In their search for new networks, the UCSMR sought to gain influence in the Russian parliament. In Russia, NGO activity and opposition party politics often overlap. The Russian parliamentary elections in December 2003 were a watershed moment for Russian politics, consolidating the dominance of the United Russia party (*Edinaya Rossiya*) in the Duma. Democratic parties, like Yabloko and the Union of Rightist Forces (*Soyuz Pravykh Syl*) lost most of their seats. As United Russia became the focus of political power, the UCSMR rose to high popularity among the population – so high that it decided to enter the political arena by forming a political opposition party in 2003.

"In 2003, in December, there were parliamentary elections. The next morning my colleagues from the region called me and asked, 'Valya, what are we going to do? Whom are we going to work with?' Everybody understood that these elections were a political disaster. We understood that there would be nobody to talk to in the Duma. We organized a meeting with about fifteen people, where we discussed whether we should combine our efforts to make one big human rights organization, and thus lose our own official status as Soldier's Mothers. Another option was to create a political party ourselves. It would not be a problem with our wide network. So that is what we did. We started to recruit members. But ten days after our first congress, the Duma changed the law on political parties. From then on, the number of members necessary to form a political party changed from 10,000 to 50,000. So establishing a political party became practically impossible. We didn't have the resources to travel to all the different municipalities to gather all these people to support us. We tried, though. We still have 25,000

applications lying safely in our archives somewhere. But then the Republican Party approached us with a proposal to join them, which we did. In the end, however, we were not registered."

The Republican Party was banned by the Supreme Court of the Russian Federation in March 2007. Valentina Melnikova and her colleagues in the party filed a complaint before the European Court of Human Rights (No. 12976/07), claiming that the Russian state had violated their right to freedom of assembly and association. On September 15, 2011, the European Court decided in favor of the applicants (plaintiffs) and ruled that the dissolution of the party had been disproportionate. Melnikova says that what happened afterwards was unique: the Supreme Court of the Russian Federation quashed its earlier decision to dissolve the party. The party could continue to exist.

As an NGO leader with many years of experience, overcoming political and bureaucratic obstacles has become part and parcel of her everyday work. She believes in the path through the legal system: "I have always said you need to apply to the courts. If you believe that you are right, sooner or later you will obtain your rights."

Melnikova reminisces on her own first protests: "Nobody knows how many protests we have visited and how many people we have gathered! There is a big picture on the Internet of the protests in 1990 on Manezhnaya Square in Moscow. We were standing there with a banner that read 'Return our soldiers from the Caucasus'. I see a lot of young people today at these protests. I even went when it was freezing. This is also a wave of action that helps people to articulate their grievances. This wave comes from people who are able to organize something. I am almost jealous of them! These protests are good, because we practically never had them before. The communication between human rights organizations back then was of course much harder. We did not have many phones and did not have the Internet back then. A letter could take two weeks. Today those problems have disappeared. We have a totally different country now where communication is just easier." ✕

INVISIBLE BEHIND THE PROTESTS

Oleg Kozlovsky, blogger, activist, and PhD candidate, belongs to the new generation of activists that provoked the current wave of protests. Like an invisible hand, Kozlovsky plans the protests, tweets about them, and tries to unite the opposition. However, protesting is never spontaneous, but always follows precise planning and timing. The summer is a low season for demonstrations: "It doesn't make much sense to organize protests during the summer; people have other things to think about." Like many contemporary young political activists, Kozlovsky was first active in a political opposition party in the early 2000s. In his case, it was the Union of Rightist Forces (*Soyuz Pravykh Syl*; SPS) that nurtured his taste for opposition politics and activism.

The early and middle 2000s were a crucial time in the mobilization of protest. In Ukraine, Georgia, and Serbia, the popular youth movements Pora!, Kmara, and Otpor sparked the "color revolutions" that eventually led to the overthrowing of the sitting presidents at that time. These mass demonstrations inspired international hopes of a transition towards a democracy in those states. The revolutions were contagious, generating similar mass protests in the region. In 2005, Russian youth activists attempted to emulate the success of these movements by creating the movement *Oborona* ("Defense") in St. Petersburg and Moscow. They copied the logo of the Serbian youth movement Otpor: a clenched fist in a black circle.

"Oborona was a grassroots democratic youth movement based on non-violent resistance and other legal techniques. It never had a vertical structure, but was a network of regional branches. The St. Petersburg branch is still active, whereas the Moscow branch has become virtually non-existent. *Oborona*'s main goal was to make Russia into a democratic, free country without censorship, with fair elections and all the basic democratic institutions in place. *Oborona* was different from the opposition at that time because it was very outspoken. Most organizations at that moment practiced self-censorship: they would never attack Putin and say he was responsible for this or that. I remember when I was a member of the SPS youth group, we were planning a protest in Moscow that was connected with the Orange Revolution in Ukraine. I prepared a press release and an official statement that accused Putin of supporting Viktor Yanukovich [the president of Ukraine who lost the 2004 elections after the Orange Revolution] in the unfair Ukraine elections. When the SPS spokesperson looked at the statement and press release, he struck out every reference to Putin. He said, 'Our approval rating is four percent; his is seventy percent. When those figures are reversed, we can start criticizing him.' That was the general attitude back then. I didn't see much use in maneuvering within this political system when it clearly did not want the opposition to have any influence, to be anything but a shield or an alibi. Of course *Oborona* was inspired by the Orange Revolution. Everybody saw how effective mass protest can





“WHEN I TOLD PEOPLE LIKE MY CLASSMATES AT THE UNIVERSITY THAT I WAS DOING SOMETHING WITH POLITICS OR PROTESTING, THEY COULD THINK UP A COUPLE OF EXPLANATIONS FOR THAT: EITHER I WAS GETTING INTO GOVERNMENT OR I WAS JUST CRAZY.”

be and that you can achieve results. Youth can be important in that way.

“A lot of well-known people in Russia’s civil society used to be active in Oborona. It was like a school for them. Some are now in the liberal opposition groups, some in the left wing, others in the media as journalists. Like Ilya Yashin [former leader of the youth movement of the democratic party Yabloko] and the *Ekho Moskvy* journalist Irina Vorobyeva. They are pretty much everywhere, a new generation of activists.”

Since the 2011 parliamentary elections, the streets of Moscow have seen abundant public protests that gathered tens of thousands of people against the ruling United Russia party and the current government under the presidency of Vladimir Putin. Kozlovsky is an active blogger and uses his Twitter account to inform a large audience in Russian and English on current political affairs and ongoing demonstrations.

“You could probably sense a change on the Internet. Even among some Internet users. The first change was that people’s attitudes began to change towards civic activism. Five years ago, when I told people like my classmates at the university that I was doing something with politics or protesting, they could think up a couple of explanations for that: either I was getting into government or I was just crazy. That was usually sufficient explanation for them. But over the years more people are getting engaged in charitable campaigns, to benefit children for instance. It has nothing to do with politics, but people at least began to feel that they had some responsibility in society. We did not notice any radical change; we could only see that the society was becoming more tolerant towards this kind of protest activity.

In 2011, this process began to accelerate sharply and the approval ratings of United Russia began to fall towards the end of that year. Even on the night of the parliamentary elections, there were only a couple of hundred people protesting. Just the usual suspects: activists who had already been protesting all these years. But the other day it was around 10,000 people, which was a big protest for Moscow. And later the number of people grew further.”

Much of the work in organizing public protests occurs behind the scenes. Kozlovsky acknowledges that much of his work in the creation of the social movements is covert. The education of a new generation of activists and NGO leaders is a long-term process. Oborona taught Kozlovsky and his peers about political activism in Russia today. With this experience in mind, he appreciates educating a new generation of future activists.

“I was just like many others who used their blogs and participated in the protests. Most of the time I used the blog and Twitter to discuss political issues. My role has been to make all this happen in the long run. Maybe two years ago I decided, well, that I need to concentrate on the long-term preparation of the next generation of activists and civil society leaders. That is why I created a foundation, an NGO that organizes training for promising young civil activists. We organize conferences on new technologies for civil society organizations. It was mostly the invisible work of helping these activists become more knowledgeable and effective.”

Besides participating in numerous demonstrations, such as the Dissenters’ Marches and the Strategy 31 protests, Kozlovsky has been involved in various attempts to unite the opposition into a single social movement. After setting up Oborona, he became an active broker in other opposition movements and political parties, such as the United Democratic Movement Solidarnost (meaning “Solidarity”, a political wink to the Polish trade union movement Solidarność). The movement assembled a number of former opposition activists and politicians, including the former chess world champion Garry Kasparov, the SPS leader Nikita Belykh, and members of the Russian United Democratic Party Yabloko.

“Solidarnost is different from Oborona. It is a high-profile organization. People like Garry Kasparov helped to give the movement some of its initial fame. While Oborona was just saying, ‘we want democracy, whoever wins the elections’, Solidarity has a more thorough program, including plans for economic, domestic, and international policies. We think of it as a kind of proto-party, because it was impossible to register as a political party back in 2008 when it was founded. So they created a movement. Most of it has now joined the coalition of Solidarnost, Kasyanov’s People’s Democratic Union, and Vladimir Ryzhkov’s Republican Party.

“It will take some time for the political parties to know whether they can get enough support. It will depend on the leadership and whether they are pragmatic enough to create coalitions with other parties. Or will they be ‘ambitious’ and get their 0.2 percent of the votes? I will see what kind of approaches these

What could have been portrayed as a united front is actually a coalition of networkers.

parties have, and then maybe later I will join one of them. Oborona, from the start, wanted a united opposition, when I was their coordinator. Back in 2006 this approach began to prevail when the Other Russia coalition [under the leadership of Garry Kasparov] was created. It was a time when left-wing groups, National Bolsheviks, and liberal groups came together and found that they had a lot in common in their immediate goals. From this initiative came the Dis-senters' March movement, for instance. Oborona was also among the founders of that coalition. From 2006 to 2008 I was part of the leadership of the Other Russia coalition, and I think we did a lot to bring together all these ideological groups, to show them that while people have different opinions, they are also citizens of this country. They may have different answers to questions, but in the end we can find some compromises and solutions. There is a new atmosphere in Russia. At the protests you can see people with red flags, LGBT activists, nationalists, all of them together at the same square. No quarrelling and no fighting. There is no formal organization that unites them now, but a network of people. There is no need for this formal organization, when you have the Internet with its network structure."

Despite the protesters' optimism, the Russian authorities attempted to curtail their activity. In June 2012, President Vladimir Putin signed a new law that imposes high fines on those involved in the organization of street protests. *The New York Times* reported that this legislation will give "Russian authorities powerful leverage to clamp down on the large antigovernment street protests that began six months ago".² Nevertheless, Kozlovsky believes that these new measures will only increase the numbers of protesters on the street:

"I don't think that these new fines on protests will have a serious effect. When people are angry enough to protest, such measures only make things worse for the government, because then people have more reasons to protest. If people are fined, it will cause more outrage. They will have to sell their cars because of this. It is another reason for people to protest. Soon I will be the first who will be tried under this new law. Because we have purposely decided to challenge this law, and in particular one of its provisions that says that if you have been convicted of disobedience or a violation of public assembly laws over the past year, then you may not organize a protest. This is against the Constitution and even against common sense. You will be charged with a violation of public assembly laws because you have violated them in the past. We filed a notice that we are going to have a protest and that one of the organizers had been convicted of these offenses in the past year. The protest was banned of course, and we got arrested for it. Then we filed a lawsuit against the Moscow authorities. If we lose it, we will go to the constitutional court and later to the European Court of Human Rights to challenge the law itself. So we have already planned to take it to the higher court; this is a campaign that will perhaps take a year. The European Court will take a longer time though." ✕



SEEKING JUSTICE AT THE EUROPEAN COURT OF HUMAN RIGHTS

The organization Russian Justice Initiative (RJI) does not protest. Vanessa Kogan, RJI's executive director, firmly states, "No. To protest as an NGO would be absolutely inappropriate. We are absolutely not a partisan organization. We do not care who the president is as long as rights under the European Convention are protected. I really think that should be the position of every NGO." In 2002, a few Dutch human rights defenders established RJI to aid victims of grave atrocities in Chechnya. Between 2001 and 2012 they lodged hundreds of complaints before the European Court of Human Rights (ECtHR) in Strasbourg on disappearances, torture, and indiscriminate bombings that occurred during the anti-terrorist military campaign in Chechnya. The ECtHR is the international tribunal of the Council of Europe that protects the rights guaranteed under the 1950 European Convention on Human Rights. Citizens of the 47 Council of Europe member states (including Georgia, the Russian Federation, Ukraine, and Turkey) can lodge individual claims with the Court when they fail to obtain justice at home. The Chechen applicants are often family members of people who disappeared after having been arrested by armed men. Most of those who disappeared were never reunited with their families.

Kogan became the executive director of RJI after working for the legal office of Human Rights Watch in New York. She recalls that, in 2011, RJI experienced firsthand the bureaucratic restrictions on NGO registration. The NGO was registered in Utrecht, the Netherlands, but primarily works from its Moscow main office:

"RJI always was a Dutch NGO in a technical sense, but the overall majority of the staff has always been Russian. There has never been a permanent office in Utrecht. So it is just a matter of the configurations that will allow you to work most efficiently and get around the restrictions. The NGO law that came into force in 2006 has much more restrictive or draconian provisions regulating the activities of foreign NGOs. One of

those provisions has to do with the actual registration of the office. What happened to us was that we made a mistake in our required reporting. We acknowledged this mistake: it was not intentional, but a human error. But still, they struck us out of the registry, just like that. They have the power to do that under Russian law. They don't have the power to do that to a Russian NGO, however. You can only strike out a Russian NGO by court order. So you have a little bit more protection. But it was quite a shock when we received the letter that stated that 'you don't exist any more!'

Instead, RJI created another partner organization, Astreya, a Russian NGO: "Well, the shell of it already existed, which was fortunate. Basically it was the foresight of some former staff members. The organization had already had registration problems in 2006–2007 when the NGO law came into force and all the foreign NGOs were obliged to reregister. And RJI failed to reregister twice as a branch office. So after the second rejection they set up this Astreya as a backup, but then we were registered on the third attempt. Luckily we kept Astreya."

Despite the bureaucratic problems it has faced, RJI assists hundreds of clients in bringing their complaints before the ECtHR. The organization has been vital in voicing the grievances of Chechen civilians on the international stage. While the overall majority of their clients are family members of people who have disappeared, they also represent victims of torture, and people who lost their relatives during aerial bombings of their villages. A typical aspect of disappearances is that authorities deny involvement. Consequently, these families have limited access to domestic courts. RJI gives them free legal aid, lodging approximately 200 complaints across Russia's borders with the ECtHR. The NGO has been immensely successful, winning close to 100 percent of its claims against the Russian state, with the Court finding violations of fundamental rights such as the right to life and protection from torture. In addition, the Russian authorities have had to pay financial compensation to the applicants.



“At the moment we are still working on what is considered RJI’s traditional mandate, which concerns the most serious violations of the Convention in the North Caucasus: disappearances, extrajudicial killings, torture, and in connection with these, arbitrary detention and violation of the right to a fair trial. We have also, in the past year or so, been expanding our mandate. We have started looking into other violations that we consider systematic in the North Caucasus. The area that we have chosen is women’s rights in the North Caucasus. Which is a rather lesser known and much more hidden aspect – as it often is – of the human rights situation there.”

Although the Russian authorities have often paid the compensation in a timely fashion to successful applicants, Kogan is concerned that the authorities will not take any further measures to find alternative forms of redress for them. The Russian state established a special investigation unit to investigate the violations named in the ECtHR’s rulings, yet Human Rights Watch reports that such investigations are carried out ineffectively.³ Reparations concern more than financial compensation alone, as disappearances in particular have a profound emotional, social, and economic impact on the lives of those left behind:

“There is a broader idea for reparations for the victims of armed conflict and disappearances, including returning the body, making an effort to locate and exhume mass graves, and identifying remains. For the traditions of the North Caucasus, which is predominantly Muslim, not being able to bury the remains is a great hardship. As often as we hear the applicants say that they want the perpetrators punished, they equally say that they want to know what happened and get the bodies back and bury them. That is an equal concern to them. But in cases concerning disappearances that have gone to the European Court, the persons have never been found. To my knowledge no body has ever been identified and returned to the relatives.”

Since only few bodies have been identified by the authorities, the relatives of disappeared people live in uncertainty about the fate over their loved ones. In its numerous judgments against the Russian state, the ECtHR has adopted the rule that, after a period of

“WE ARE TRYING TO EXPLAIN TO THEM THAT, BECAUSE OF THE CIRCUMSTANCES OF THE CASE, THE PERSON IS LEGALLY DEAD. BUT THAT NO ONE CAN SAY THAT THE PERSON IS ACTUALLY DEAD.”

three to five years of disappearance without any news, a person can be presumed dead. Kogan indicates that RJI must explain to its clients what the Court’s judgment, and the abstract human rights language in it, mean:

“One thing that applicants in disappearance cases also tend to get upset about when they read the Court’s judgment is that the ECtHR says that their relatives are dead. Obviously that is very upsetting, because as long as they do not have the body, many of the applicants continue to say, ‘They are not dead, they are going to come back.’ So that’s sort of a reality of working with people. We are trying to explain to them that, because of the circumstances of the case, the person is legally dead. But that no one can say that the person is actually dead. We also explained them to see a positive side to the Court’s finding that the person can be presumed dead, because it holds the state to a much higher degree of responsibility.”

Since 2005, the number of ECtHR rulings against the Russian state from Chechnya has skyrocketed. As these judgments began to accumulate, RJI, together

with its partner organizations, started to lobby for domestic prosecution of the perpetrators under Russian criminal law. According to Human Rights Watch, the Russian state has failed to start effective investigations into the various violations, failing in the long run to bring perpetrators to justice.⁴

“Prosecution is not the only way to provide redress. But it is an important way to provide justice, especially because the government has undertaken nothing else in the way of reparations. In Latin America there were amnesty laws, but there were also other forms of reparations the government provided, like official apologies. There was an official process for moving on. But in the case of the North Caucasus, there has been absolutely nothing. Impunity is not a value of the Council of Europe. I think that is more of a value statement than a legal standard though. But we are very concerned that prosecutions will not take place. One of the perpetrators was put into custody and was tried for certain offenses. He was found guilty of exceeding official powers, but later he was amnestied. There is an amnesty law that has been in force since 2006. This was a very disappointing outcome for us. It is a case that we have been writing about furiously to the Council of Europe’s Committee of Ministers [the body responsible for the execution of the ECtHR’s judgments] and we’re going to appeal to revoke the application of the amnesty act. But it certainly is an indication of the government’s lack of will to start prosecutions. In addition to the amnesty law there is also the problem of limitation periods. These crimes were committed many years ago. Of course we argue that many of these crimes are crimes against humanity or even war crimes, but of course trying to get the Court to establish that is, to put it mildly, an uphill battle.” ❌

Note: The interview with Valentina Melnikova was conducted before Anatoliy Serdyukov stepped down as defense minister of the Russian Federation in November 2012.

references

- 1 Amy Caiazza, *Mothers and Soldiers: Gender, Citizenship, and Civil Society in Contemporary Russia*, New York 2002.
- 2 David M. Herszenhorn, “Russian Law Will Impose Heavy Fines for Protesters”, in *The New York Times*, 2012-06-08, <http://www.nytimes.com/2012/06/09/world/europe/putin-signs-law-with-harsh-fines-for-protesters-in-russia.html>.
- 3 Human Rights Watch, “Making Justice Count in Chechnya: Implementation of European Court of Human Rights Rulings Against Russia”, 2011; accessed 2012-09-17, http://www.hrw.org/sites/default/files/related_material/2011_Russia_ECHRImplementation.pdf.
- 4 *Ibid.*