

Submission to the UN Human Rights Council’s Universal Periodic Review Working Group on its fourth review of the Russian Federation with regards to the issue of human rights in the North Caucasus region of Russia

5 April 2023

Overview

1. This submission is prepared by the NGOs Stichting Russian Justice Initiative (SJI), Memorial Human Rights Centre (“Memorial”) and North Caucasus SOS Crisis Group (NC SOS)¹.
2. The submission concerns the situation with regards to human rights in the North Caucasus region of Russia since 2018. In the submission we will focus on the following issues: the impact of the invasion of Ukraine on the human rights situation in the North Caucasus region, impunity of the law enforcement officers in committing serious violations of human rights, politically motivated prosecution, and fabrication of criminal cases with false accusations, women’s rights, discrimination based on sexual orientation or gender identity. We will also provide our recommendations.

Methodology

3. During the preparation of this submission, we used the results of the monitoring of the situation in the North Caucasus by our organizations, including the interviews with the victims; the study of the complaints to the domestic courts and to the international mechanisms, and of the decisions of these mechanisms; the study of the reports published by our organizations and other organizations and mass media.

I. The impact of the war in Ukraine to the human rights situation in the North Caucasus region

4. The start of Russia's full-scale invasion of Ukraine on 24 February 2022 resulted in additional restrictions on freedom of speech in Russia in general and in the republics of the North Caucasus in particular. In March 2022, new offenses were added to the Russian Criminal and Administrative Codes, including the prohibition of discreditation of the Russian army and the prohibition of dissemination of fake information about the Russian army. Thus, the dissemination of any information critical of the Russian war against Ukraine became effectively prohibited.

¹SJI specializes in the issues of the protection of human rights in North Caucasus, with a particular focus on women’s rights and on accountability for violations committed by law enforcement agencies. “Memorial” specializes in the protection of civil and political rights in Russia with a particular focus on the North Caucasus region and on any areas involved in military conflicts. NC SOS operates mainly in the republics of the North Caucasus, helping LGBTIQ+ people facing discrimination, violence and mortal danger to flee from the region, and providing them with legal and social support.

5. This resulted in multiple prosecutions in the North Caucasus. Between March 2022 and March 2023, we documented the following prosecutions:
 - At least 16 administrative cases on the discreditation of the army have been initiated in **Dagestan**. In 12 cases, the defendants were convicted and punished with fines. At least one criminal case on the discreditation of the army has been initiated.
 - At least 12 administrative cases on the discreditation of the army have been initiated in **Ingushetia**. In 10 cases the administrative penalties were imposed. 4 criminal cases on the dissemination of fake information about the army have been initiated against 3 persons. One criminal case on the discreditation of the army has also been opened.
 - At least 44 administrative cases on the discreditation of the army have been initiated in **Kabardino-Balkaria**. In 21 cases, the defendants were convicted and punished with fines. One criminal case on the discreditation of the army has been considered by the domestic court – the person was convicted and sentenced to 2 years of conditional imprisonment.
 - At least 29 administrative cases on the discreditation of the army have been initiated in **North Ossetia**. In 24 cases, the defendants were convicted and punished with fines.
6. On 21 September 2022, Russian President Vladimir Putin signed a decree announcing the so-called "partial mobilization", which is not in fact partial. The decree does not contain restrictions on the mobilized - neither by age, nor by category, nor by region, nor by military registration specialties, nor by terms.
7. On 14 and 15 September 2022, the head of Chechnya, Ramzan Kadyrov, announced the need for "self-mobilization" in the regions, and his administration prepared a draft resolution on the mobilization of residents born between 1995-2004. In response to this, for the first time in several years, an attempt was made to organize a protest rally in Chechnya.
8. Information appeared on social networks showing that the Chechen women wanted to organize a rally on 21 September 2022 protesting against the drafting of their sons to serve in the war in Ukraine. On this day, the security forces cordoned off the central square and detained 30-40 women who arrived on the square. The women were taken to the Grozny mayor's office. The policemen also brought to this building the male relatives of these women. The policemen forced the male relatives to beat the women, threatening that otherwise the women would be beaten by the policemen and it would be much worse.
9. After this, at the request of Ramzan Kadyrov, some of the male relatives were forced to go as "volunteers" to the war in Ukraine. We would like to highlight the story of Adam Muradov. Like others, he was forced to beat his wife. Their 18-year-old son was forced to go to war. Unable to bear this, Adam Muradov died from a heart attack.
10. In other regions of the North Caucasus the authorities also prosecuted the persons protesting against the mobilization, referring to the new articles of the administrative and criminal codes as well as to the old ones, concerning procedural violations of the organization of the rallies.

11. In Dagestan, a number of protest rallies against the mobilization took place. The authorities used force to fight against the participants at the rallies. For example, the security forces dispersed the rallies of 25 and 26 September 2022 in Makhachkala and Khasavyurt. The policemen used tear gas and beat and detained the participants at the rallies. The policemen also beat and detained some bystanders including a medical orderly from an ambulance. Journalists have also been detained. After these rallies 148 persons were convicted under administrative articles for violations of the rules for organizing rallies². The policemen were not held responsible for the excessive use of force against the participants at the rallies.
12. Protest rallies against the mobilization also took place in Kabardino-Balkaria. 17 administrative protocols against the participants to the rallies were opened by the domestic courts.

II. Impunity of the law enforcement officers in committing serious violations of human rights in the North Caucasus region

General issues

13. The impunity of law enforcement officers in crimes against the civilian population is a systemic problem which is fundamental to the Russian state policy in the North Caucasus. The system of organized impunity appeared during the antiterrorist operation in the North Caucasus. The main mechanisms of this system are: the systematic intimidation of the population, including of the victims of crimes; the absence of the replies to the complaints of the victims; the refusals to open criminal cases on the complaints of the victims; the domestic courts' refusals to support the complaints of the victims; the non-execution of the decisions in favor of the victims. In the rare situations when criminal cases are opened the investigations can last for years without serious progress. The most egregious and troubling region in these respects is Chechnya, where the total impunity of the law enforcement agencies is based on the absolute power of Ramzan Kadyrov.
14. The Russian NGO "Committee against Torture" provides the following statistics on the investigation of allegations of torture in the North Caucasus for 2021-2022³:
 - Only in 13% of reported cases was a criminal case initiated immediately.
 - In 65% of applications criminal cases were not initiated.
 - Before a criminal case is initiated, investigators issue on average 2 decisions refusing to initiate it.
 - Cases where security forces are brought to justice for crimes against civilians are extremely rare⁴. During 19 years of work in the North Caucasus, the Committee against Torture has not been able to obtain a single conviction of law enforcement officers for torture in any case.

The non-investigation of enforced disappearances

²Caucasian knot, 08.10.22: <https://www.kavkaz-uzel.eu/articles/381905/>

³Russian NGO Committee against torture, 26.09.22: https://pytkam.net/wp-content/uploads/2022/09/ap_skfo.pdf

⁴ Human Rights Center Memorial, "One of the "success stories"" of conviction for torture: <https://memohrc.org/ru/special-projects/ingushetiya-cpe-otvetit-za-pytki>

15. Enforced disappearances are one of the most widespread crimes in the region, and were committed repeatedly by federal forces during the antiterrorist operation in the North Caucasus and Chechnya from 1999 to 2009⁵. In its 2013 judgment in the case “Aslakhanova v. Russia” for the first time the European Court of Human Rights (ECHR) found that non-investigation of disappearance cases in the North Caucasus constitutes a "systemic problem at the national level for which there is no domestic remedy"⁶. Despite the ruling of the ECHR, progress has not been made in this area⁷.
16. By the end of 2022, the ECHR had handed down 320 judgments holding Russia responsible for violations of the right to life during military and counter-terrorist operations in the North Caucasus (mainly in Chechnya). The number of applicants in these cases is higher than the number of the applications, as many of the decisions combine complaints from several applicants. These decisions deal primarily with killings and abductions in territories controlled by Russian security agencies, including 150 murders of civilians and 111 injuries or torture of persons, and 668 cases of kidnapping (612 people disappeared between 1999 and 2006, 56 were kidnapped between 2006 and 2017)⁸.
17. An investigation by Russian liberal outlet - Novaya Gazeta, published on 15 February 2021, documented the detention of at least 109 people in Chechnya in late 2016 and early 2017⁹.
18. According to official Russian data, as of February 2022 alone, 110 people for every 100,000 inhabitants go missing in Chechnya every year. That is four times the Russian average. Local law enforcement agencies find about 20 missing people a year. That is less than 1% of all the people who have disappeared - the lowest percentage in all Russian regions. Chechnya has the lowest murder clearance rate in the country: since 2016, only 50% of such crimes have been solved in the republic - almost half the Russian average¹⁰.

The non-investigation of the killing of 27 men in Chechnya in 2017

19. In April 2017, Novaya Gazeta handed over to the Russian Investigative Committee a list of 30 murdered Chechen residents. 27 people on that list were detained in December 2016 and January 2017 in police special operations, along with dozens of other Chechen residents. At the end of 2017, overnight, one of the largest extrajudicial executions in Chechnya took place. Some 27 men were executed at the base – under the jurisdiction of the official state institution - the Akhmad Kadyrov Patrol and Checkpoint Service Regiment. It is reported that some of the men were killed for their alleged homosexuality. Only two of that number were shot. The rest were strangled¹¹.

⁵ DW “Russia still lives in the shadow of the Chechen war”, 30.09.19: <https://www.dw.com/en/opinion-russia-still-lives-in-the-shadow-of-the-chechen-war/a-50609732>

⁶ 18.12.13, nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10

⁷ See CoM of the CoE latest decision of 8-10 June 2022: <https://hudoc.exec.coe.int/ENG?i=004-9>

⁸ See: [H/Exec\(2022\)12 - Memorandum - Khashiyev and Akayeva Group v. Russian Federation \(application No. 57942/00\)](https://www.echr.coe.int/ViewDoc.aspx?id=1000001374)

⁹ Novaya Gazeta “ I served in the Chechen police and didn't want to kill people ”, 15.03.2021:

<https://novayagazeta.ru/articles/2021/03/15/ia-sluzhil-v-chechenskoi-politsii-i-ne-khotel-ubivat-liudei-18>

¹⁰ Кавказ. Реалии “ In Chechnya, people go missing four times more often than the Russian average”, 3.02.22: <https://www.svoboda.org/a/vazhnye-istorii-v-chechne-lyudi-propadayut-v-4-raza-chasche-chem-v-srednem-po-rossii/31685032.html>

20. In March 2018, the Investigative Committee issued a final refusal to open a criminal case at the request of Novaya Gazeta and never returned to the topic of mass extrajudicial killings in Chechnya¹².
21. In December 2021 the ECHR handed down its judgment on the murder in the case of “A.A. and Others v. Russia” (37008/19). The ECHR found that the men had been abducted and unlawfully deprived of their liberty and that their right to life had been violated (Article 2 of the European Convention on Human Rights).

The case of the attack on Nalchik and the conclusions of the ECHR

22. In October 2005, several armed groups attacked law enforcement buildings and stores in Nalchik and were suppressed only the next day. As a result of the terrorist attack, up to 35 Russian security officers, 15 civilians and 95 fighters were killed. Fifty-eight people were convicted in the case, of whom five were sentenced to life imprisonment. Two of the convicts died in the prisons. The detainees testified against themselves and others under torture¹³.
23. In October 2022, the ECHR upheld the complaint of 29 applicants and established that they were subjected to the torture and had been forced to confess to participating in the attack¹⁴.

The non-implementation of ECtHR judgments and the impact on the North Caucasus

24. On 15 March 2022, Russia officially ceased to be a member of the Council of Europe. The Convention, the Court, and the Committee of Ministers of the Council of Europe were unequivocal in their assessment that Russia's withdrawal from the Council of Europe does not exempt the country from the obligation to comply with all judgments made by the Court prior to its withdrawal¹⁵.
25. On 11 July 2022, President Putin signed a law on the non-enforcement of ECHR judgments issued after 15 March 2022¹⁶.
26. The Russian government's refusal to comply with ECHR rulings is provoking one of the biggest crises in the history of the global human rights protection system. There are currently 16 thousand complaints pending before the ECHR, on which it is only able to issue its judgments [without hope of subsequent enforcement]. This is in addition to the fact that the Court will accept all complaints from Russians for violations committed

¹² Novaya Gazeta “I served in the Chechen police and did not want to kill people.” Suleiman Gezmakhmayev, a senior sergeant in Kadyrov's regiment, tells his first account of extrajudicial executions of Chechen civilians, without concealing the names of the executioners”, 15.03.21: <https://novayagazeta.ru/articles/2021/03/15/ia-sluzhil-v-chechenskoi-politsii-i-ne-khotel-ubivat-liudei-18>

¹³ Novaya Gazeta “Execution after death. According to the official data, these were terrorists killed by the security forces. In reality, they were victims of massacres in Chechnya”, 15.02.21: <https://novayagazeta.ru/articles/2021/02/15/89211-kazn-posle-smerti>

¹⁴ Caucasian Knot “Attack on Nalchik on 13-14 October 2005”, 13.10.2020: <https://www.kavkaz-uzel.eu/articles/219748/>

¹⁵ Kudayev and Others (nos. 4261/06 and 28 others)

¹⁶ As stated in its Resolution of 23.03.22, the Committee of Ministers will continue to supervise the execution of the judgments and friendly settlements concerned and the Russian Federation is required to implement them https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a5ee2f

before 16 September 2021¹⁷.

27. There is a strong risk that the judgements of the ECHR in the Khashiyev group of cases, concerning the serious violations of human rights by the law enforcement agencies in the North Caucasus, will not be implemented and the crimes committed will not be investigated.

Other examples of impunity of the law enforcement officers in the North Caucasus

28. We can also provide the following examples of impunity of the law enforcement officers in the North Caucasus:

- In December 2022 the Chechen president Ramzan Kadyrov ordered a special operation against the residents of Urus-Martan because they criticized a policeman who shot in the air during a conflict. Mass detentions took place during the special operation, one person was killed, and the property of residents was destroyed¹⁸.
- Ruslan Kasheshov, a resident of Kabardino-Balkaria, was detained on 22 June 2018 and falsely accused of several serious crimes. He complained many times about the use of torture against him. Investigators refused to initiate a criminal case eight times. Seven times the higher investigative body canceled these refusals. Without taking any additional measures, the investigator again issued a decision to refuse to open a criminal case. Twice this happened on the same day¹⁹.
- On 23 August 2016, the brothers Gasangusein and Nabi Gasangusenov were killed in the Shamil district of Dagestan by law enforcement officers. The case was not properly investigated. On 30 March 2021, the ECHR recognized that the Russian authorities were responsible for this murder and for the lack of an effective investigation of this crime²⁰.
- On 5 November 2017 the resident of Ingushetia Albert Khamkhoev was arrested on suspicion of an attack against policemen. On 22 January 2018 a criminal case was opened concerning his complaints of ill-treatment. However, the case was not properly investigated²¹.

III. Politically motivated prosecution

“Ingush case”

29. In December 2021, the verdict in the so-called "Ingush case" was pronounced. The case concerns the prosecution of leaders of Ingush NGOs who opposed the border agreement with neighboring Chechnya. Authorities accused the protest leaders of organizing violence against security forces, creating an extremist community and running a non-profit

¹⁷ Lawyer's Gazette , 14.06.2022: <https://www.advgazeta.ru/novosti/prezident-podpisal-zakony-o-neispolnenii-postanovleniy-espch-v-rossii/>

¹⁸ ECHR press release 3.02.2023:

<file:///C:/Users/user/Downloads/Future%20processing%20of%20applications%20against%20Russia.pdf>

¹⁹ BBC, 12.12.22, <https://www.bbc.com/russian/news-63941145.amp> , Grozny State Television and Radio Company, 11.12.2022: <https://t.me/groznytv/14723>

²⁰ “Memorial” Human Rights Center, 10.03.2021, https://memohrc.org/ru/news_old/memorial-obratilsya-v-espch-po-delu-osuzhdyonnogo-biznesmena-iz-kbr

²¹ Judgment of the ECHR, <http://hudoc.echr.coe.int/eng?i=001-208883> Human Rights Center Memeorial “Dagestan: law enforcers shot shepherds and presented them as members of illegal military formations”:

<https://memohrc.org/ru/news/dagestan-siloviki-rasstrelyali-pastuhov-i-predstavili-ih-chlenami-nvf> , Human rights center memorial “Dagestan: murder of the Gasangusenov brothers”: <https://memohrc.org/ru/special-projects/dagestan-ubiystvo-bratev-gasangusenovyh>

organization that "encourages citizens to refuse to perform civic duties". As a result, protest leaders opposed to the agreement on the border with Chechnya received between seven and a half and nine years in prison. This case has been described by human rights activists as the largest politically motivated persecution in Russia's regions. The leaders of the Ingush protest have been declared political prisoners by the Memorial Human Rights Centre²².

IV. Fabrication of criminal cases with false accusations

30. The practice of fabrication of criminal cases with false accusations is widespread in Russia in general and in the North Caucasus in particular. Cases are fabricated for various reasons - political motives and repressions against persons not favorable to the authorities, extortion of money in exchange for freedom, the desire to show an increase in the detection of crimes, etc.
31. The law enforcement agencies illegally deprive people of their freedom, fabricate the evidence against them, force the people by means of pressure and even torture to sign confessions, deprive them of their right to defense, and falsify procedural documents. These actions are carried out by the organizations affiliated with the Ministry of Internal Affairs or the Federal Security Agency. In these cases, the law enforcement agencies also resort to the use of secret witnesses²³, who give false testimonies; and lay witnesses (ponyatye)²⁴ who are appointed by investigators as well as of lawyers by appointment, who do not protect the rights of the accused persons and who in fact work for the prosecution. The court convictions in these cases are based on false evidence and do not take into account the evidence provided by the accused person and his defense.
32. We can provide the following recent examples of such fabricated cases with false accusations in the North Caucasus region:
 - In February 2021 the resident of Dagestan Bagavudin Omarov²⁵ was convicted on the charges of organizing a cell of the religious association of "At-Takfir wal-Hijra"²⁶. The accusation was based on the testimonies of witnesses who during the court's hearings rejected these same testimonies. The witnesses stated about pressure from the security services and that their testimonies were distorted. Subsequently, criminal cases were opened against these witnesses. We would note that similar prosecutions of Muslims often take place in the North Caucasus region and in the annexed region of Crimea.
 - In October 2020 the resident of Chechnya Islam Nukhanov was convicted on the charges of illegal possession of weapons and use of violence against a police officer. The accusation was based on Nukhanov's testimonies, obtained under torture.

²² Caucasian Knot "The court left Albert Khamkhoyev in custody", 25.01.18: <https://www.kavkaz-uzel.eu/articles/315580/>

²³Current Time, 15.12.21, "The Ingush case". What participants in a rally against the transfer of territories to Chechnya were convicted of": <https://www.currenttime.tv/a/osudili-uchastnikov-mitinga-protiv-peredachi-territoriy-chechne/31610992.html>

²⁴Radio Liberty "Who Benefits from Classified Witnesses" 28.11.09: <https://www.svoboda.org/a/1891893.html>

²⁵ Mediazona "Important Stories and Novaya Gazeta found 86 fake witnesses and buyers in drug cases in the Samara region", 31.03.21: <https://zona.media/news/2021/03/31/samara>

Nukhanov was abducted after publishing a critical video about Ramzan Kadyrov and was held and tortured for three weeks in the basement of the Ministry of Internal Affairs. Later he rejected his testimonies and complained about the torture. There was only one court hearing in his case. It lasted only 12 hours and the carry out proper examination of evidence²⁷.

- In December 2021 the resident of Kabardino-Balkaria Ruslan Kasheshov was convicted on the charges of terrorist activities. The conviction was based on the testimonies of Kasheshov under torture, which were subsequently rejected by him; on the testimonies of a secret witness, who affirmed to be a friend of Kasheshov but could not describe his appearance; and on the contradictive testimonies of the policemen who participated in the arrest of Kasheshov. When Kasheshov found out who the secret witness really was, he petitioned the court for a confrontation with him. However, the court refused to satisfy Kasheshov's petition.
- In September 2018 the resident of Ingushetia Albert Khamkhoev was convicted for the illegal possession of weapons²⁸. Several witnesses saw that these weapons were planted in his apartment during the searches. Khamkhoev was subjected to torture, which was confirmed by medical documents. The conviction was based on the testimonies of the policemen who tortured Khamkhoyev.

33. Islam Nukhaniv, Ruslan kasheshov and Albert Khamkhoyev complained about the unfair conviction and tried to bring those responsible to justice. However, their attempts were unsuccessful.

V. Women's rights in the North Caucasus

General issues

34. The women in the North Caucasus are often subjected to domestic violence and to multiple restrictions of their rights. The authorities and official agencies often do not investigate such cases, referring to the local traditions of noninterference in the affairs of the family. The authorities often interpret the traditions in such a way as to support the violence against the women. For example, the Chechen President Ramzan Kadyrov has said several times about women that they belong to their men and that their male relatives can punish or even kill them in cases of bad behavior²⁹. The report of "Memorial" Human Rights Center and of the Committee "Civic Assistance" and "Chechens in Russia" describes how Kadyrov distorts Chechen traditions for his political purposes³⁰.

35. In 2021, several Russian human rights organizations submitted a shadow report to CEDAW, which addressed harmful practices in the North Caucasus region. The report

²⁷ Human Rights Center Memorial "Dagestan: Extremism charges for conversations on religious topics?": <https://memohrc.org/ru/special-projects/dagestan-obvinenie-v-ekstremizme-za-besedy-na-religioznye-temy>

²⁸ On 15 September 2010, the Supreme Court of the Russian Federation recognized At-Takfir wal-Hijra as an extremist organization, banning its activities in Russia. Many specialists in Islamic studies question its existence in today's Islamic world: it is only known for certain that it was active in Egypt in the 70s of the last century.

²⁹ Human Rights Center Memorial "Tortured Kabardino-Balkarian complained about a pseudo-witness in a drug case and aiding and abetting IS": https://memohrc.org/ru/news_old/podvergshiysya-pytkam-zhitel-kbr-pozhalovalsya-na-psevdosvidetelya-v-dele-o-narkotikah-i

³⁰ Human Rights Center Memorial "Ingushetia: law enforcers detained and tortured a man who knew the perpetrator of the attack on the post in Yandara": <https://memohrc.org/ru/news/ingushetiya-siloviki-zaderzhali-i-pytali-muzhchinu-znavshego-ubitogo-uchastnika-napadeniya-na>

described the widespread dissemination of harmful practices aimed at discriminating against and suppressing women - such as honor killings, forced marriages, and female genital mutilations (FGM/C) of underage girls - into the family and the social fabric of society.

Honor killings

36. In Chechnya, Ingushetia and Dagestan honor killings are still common practice. Honor killings refer to the commission of murder by close male relatives for the purposes of rehabilitating family honor as a result of real or suspected “misconduct” or “inappropriate behavior”. The vast majority of victims are girls and young women of 20 and 30 years who were close relatives of the perpetrators³¹. According to research published by SJI in 2020³², an analysis of 43 judgments of honor killings showed that in one of every three cases, the court commuted the punishment for the accused, referring to “the immorality” of the victim’s behavior as the reason for the crime³³.

Forced marriages and bride kidnapping

37. Forced marriages exist both in the form of bride kidnapping and in other forms of forcing a girl to marry or to be unmarried. The perpetrator is very rarely punished. Even worse, the victim is in mortal danger from her own relatives, who may perceive the fact (real or contrived) of the girl having sexual relations as an insult to the family. Most often, the victim is forced to marry the man who has abducted and, in many cases, raped the victim. The provisions of national criminal law **essentially allow the crime to be resolved by** the relatives of the perpetrator and the victim³⁴.

Forcible separation from children

38. In North Caucasus (Chechnya, Ingushetia, parts of Dagestan), during divorce proceedings or after the death of a biological father the civil courts often issue custody decisions in favor of women, but these decisions are ignored by the defendants – **the former husbands or their families**. Most often, children are abducted when the father meets his child. After the meeting, the child is not returned to his mother. This often includes the involvement of relatives and friends in addition to, or instead of, that of the father. On 23 November 2021, the ECHR issued a judgment in the case of “Tapayeva and Others v. Russia” (24757/18), which concerned family "kidnapping". For the first time, the ECHR defined the practice of transferring children to the father's family and clans in divorces in the North Caucasus as discriminatory.

FGM

39. In 2016 and 2018, SJI published 2 reports on FGM. The reports were based on a survey of victims of FGM and were conducted in highland villages in the Republic of Dagestan. According to the surveys, FGM is performed on girls under the age of three. Most often,

³² KP.UA “Ramzan Kadyrov: “Russia is Motherland”, 14.10.08: <https://kp.ua/incidents/58490-ramzan-kadyrov-rossiya-eto-matushka-rodnaia>

³³ Refuge.ru “They begin to love their dragon”, 23.12.14: <https://refugee.ru/news/oni-nachinayut-lyubit-svoego-drakona/>

³⁴ “Killed by gossip: “Honor killings” of women in the North Caucasus. Report on the results of a qualitative study in the republics of Dagestan, Ingushetia and Chechnya (Russian Federation) “ , <https://www.srji.org/en/news/2018/12/honor-killings-of-women-in-the-north-caucasus-report/>

such operations are performed at home, using ordinary knives. Regardless of the basis and technique of such surgery, its intention is to exert control over female sexuality and behavior, both before and after marriage.

40. In recent years there has been evidence of the "medicalization" of FGM in Russia. Private medical clinics offer and advertise the operation. SJI knows of several cases in which commercial medical clinics publicly offered FGM services - in the Republic of Ingushetia and in Moscow. In all cases, the responsible doctors and parents were not subjected to any significant punishment or were not punished at all³⁵.

The pressure on the women to return from foreign countries

41. The Chechen authorities and some residents of Chechnya often try to bring back to the republic women who went to other countries. This practice often concerns girls who grew up or were even born in Europe, whom their relatives try to return to their homeland, into "traditional" relationships. The "Civic Assistance Committee" organized a small shelter, where over a five-year period 21 women who were in danger received protection.
42. The stories of these women are almost identical. Their families from Chechnya went to European countries and applied for asylum. In the European environment, children grow up "not the same as is customary in Chechen society." Parents who are not satisfied with the free behavior of the women try to send the girl "for re-education" to Chechnya. There, the main task is to marry her as soon as possible, and thereby shift the responsibility for her to her husband's family. It often happens that after the arrival of a young woman in Chechnya, their relatives take away by force her documents and force the woman to stay in Chechnya. These women face the same restrictions and risks as other women living in Chechnya. "Memorial" and "Civic Assistance Committee" documented a number of such cases. In several cases the human rights defenders helped the women to return to Europe.
43. It seems necessary in countries hosting refugees to organize strict control over the situation of young members of the families of refugees. Parents should be held accountable for the situation their children are in. Girls need to be explained the situation they may find themselves in if they follow the suggestion to "visit relatives at home".

VI. Discrimination based on sexual orientation or gender identity (SOGI)

44. The traditional societal norms in North Caucasus republics condone violence against LGBTIQ+ individuals, including torture and murder. It is still common for non-heterosexual persons to face violence, such as abduction, unlawful detention, and false accusations of criminal activity.
45. Conversion therapy clinics, where victims are subjected to physical and psychological abuse by their own relatives, are widespread. These relatives often attempt to prevent the victims from leaving the region and receive support from local security forces.
46. In many cases, police officers and security forces themselves initiate acts of blackmail, abduction, and torture against LGBTIQ+ individuals. The police often use fake dates to

³⁵ "Killed by gossip 2 - Analysis of court sentences in criminal cases involving honor killings in the republics of the North Caucasus", 2020: <https://www.srji.org/about/annual/Pravovaya-initsiativa-Otchet-UBITYE-SPLETNYAMI-2020/>

lure non-heterosexual men into extortion schemes.

47. Despite the prevalence of these abuses, victims are unlikely to file complaints due to fears of further persecution by the police, and the absence of investigation into such cases. In the year 2022, representatives of NC SOS defendants filed three crime reports and forty appeals to law enforcement authorities regarding incidents of police and family violence. However, no criminal cases were opened.

48. We can provide the following examples of the violence against LGBTIQ+ individuals:

- Brothers Ismail Isaev (born in 2003, gay) and Salekh Magamadov (born in 2001, transgender) lived in Grozny and moderated an opposition Telegram channel. They were several times abducted by Chechen security forces in 2020-2021. For instance, they were held for two months with 27 other prisoners at the base of the Patrol Guard Service in Grozny. They were subjected to torture and in 2022 convicted on false accusations³⁶.
- Salman Mukaev was detained by Chechen law enforcement in 2020 and accused of homosexuality. During his detention, he was severely tortured, which included being beaten, tied up, choked, and electrocuted. His friend was also detained and forced to confess to having had sexual contact with Mr. Mukaev. In exchange for his release, he was forced to cooperate with the authorities by luring homosexual men to an apartment that was being monitored by security forces³⁷.
- Magomed Askhabov, born in 2000, was sexually assaulted and blackmailed in Dagestan due to his identification as a member of the LGBTIQ+ community. He subsequently left the region, but in January 2021 he returned to Dagestan to visit his aunt, where his relatives abducted him and took him to a rehabilitation center with the aim of "curing" his homosexuality. Between January 13th and August 15th, he was forcefully held in the clinic and subjected to systematic physical and psychological torture, as well as food deprivation. After his release, he was able to be evacuated from the country with the assistance of human rights activists³⁸.
- Aminat Lorsanova, born in 1997, was subjected several times in 2018 to "jinn exorcism" and electric shock treatment by her Chechen relatives in an attempt to cure her bisexuality and atheism. Human rights activists trying to help her received numerous threats from Ms. Lorsanova's family, and her mother broke into one of the activists' flat with a group of unknown people, threatening the defender with death. Ms. Lorsanova was denied a criminal case despite the torture she experienced at the clinic and the violence inflicted upon her by her relatives³⁹.

³⁶ Article 61, Part 1, p. 3 of Russian Criminal Code

³⁷ Under Article 134 of the Criminal Code, an adult (over the age of 18) who marries a girl under the age of 16 with whom he has had sexual relations, presumably with her consent, is exempt from punishment for rape of a minor. The article expressly provides for the condition that "the person and the crime committed cease to be socially dangerous on account of marriage to the victim".

³⁸ "Female Genital Mutilation of Girls in Dagestan (Russian Federation) Report based on the results of a qualitative study on female genital mutilation performed on girls ", available on: : chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.srji.org/upload/iblock/52c/fgm_dagestan_2016_eng_final_edited_2017.pdf ; "The practice of female genital mutilation in Dagestan: strategies for its elimination. Report based on the results of a qualitative sociological study in the Republic of Dagestan, the Republic of Ingushetia and the Republic of Chechnya (Russian Federation) ", available on: <https://www.srji.org/en/about/annual/the-second-fgm-report-based-on-the-results-of-a-study-in-russian-federation/> , Kommersant "FGM in Clinics", 13.05.20: <https://www.kommersant.ru/doc/4343082>

- Ibrahim Selimkhanov, born in 2001, fled Chechnya from relatives who threatened to kill him because of his homosexuality. In the spring of 2021, Chechen security forces abducted him from Moscow and brought him back to the republic. Mr. Selimkhanov was interrogated at the Ministry of Internal Affairs department. Chechen security forces attempted to coerce him into giving information about human rights activists who are engaged in helping LGBTIQ+ people in the North Caucasus. After interrogation, Mr. Selimkhanov was handed over to his mother's relatives. While with the family, he was deprived of means of communication, but managed to escape⁴⁰.

Conclusions and Recommendations

49. On the basis of all the information stated above we can conclude that Russia has not implemented the recommendations previously made to the country during the last UPR review. For instance:

- Russian authorities did not ensure that all investigations into cases of abductions, unlawful detentions, torture and other ill-treatment, as well as killings, are conducted thoroughly and effectively, and that those guilty are brought to justice.
- Russia ignored the recommendation to release political prisoners, as well as calls for ensuring space for ensuring space for civilians to congregate and for opposition politicians to operate without fear of reprisals.
- Russia did not cooperate effectively with the international human rights mechanisms. Russia has also not implemented the recommendations to combat discrimination against women and LGBTIQ+ at all levels and to take the necessary measures to combat stereotypes concerning the roles and responsibilities of women and men in the family and in society.

50. In addition to this, new and serious problems have appeared, including the newly formed special laws, the prosecution of those who are against the war in Ukraine, the forced mobilization into the war and the State's official refusal to execute the judgments of the ECHR.

51. For this reason, we request that the following recommendations be made to Russia:

- To stop the prosecution of individuals for protesting against the war in Ukraine and to stop the forced mobilization of individuals into the war.
- To stop the practices of abductions, killings, unlawful detentions, torture and other ill-treatment, and to fully investigate these crimes and bring those responsible for them to justice.
- To fully implement the judgments of the ECHR despite Russia's exclusion from the Council of Europe.
- To stop the practice of fabrication of criminal cases on false accusations, and to liberate political prisoners and those who were convicted under the false accusations.

⁴⁰ Novaya Gazeta "I cried out in pain": abducted Chechen youths filed an application to the Investigative Committee for torture by the security forces in 2020-2021", 25.03.21: <https://novayagazeta.ru/articles/2021/03/25/ia-krichal-ot-boli-pokhishchennye-chechenskie-iunoshi-podali-zaiavlenie-v-sk-po-faktu-pytok-so-storony-silovikov-v-2020-2021-godakh>, Human Rights Center Memorial "Memorial considers gay men from Chechnya who criticized the authorities to be political prisoners": https://memohrc.org/ru/news_old/memorial-schitaet-politzaklyuchyonnymi-geev-iz-chechni-kritikovavshih-vlasti

- To condemn at the official level the discrimination against women and the LGBTIQ+ and to undertake proactive measures to overcome and eradicate the social stereotypes that support such discrimination.