

# REPORT ON THE SITUATION WITH HUMAN RIGHTS IN CERTAIN STATES

## United States of America

The situation in the USA is far from the ideals proclaimed in Washington. The main outstanding issue is an abhorrent Guantanamo prison, which is still detaining 171 prisoners, suspected of having ties with terrorists. President B. Obama sanctioned indefinite and extrajudicial detention and the resumption of military tribunals.

The incumbent administration continues to apply a variety of methods of controlling society and **interfering in the private lives of the American people** that were adopted by the special services under George Bush on the pretext of the combating terrorism. At the same time, the White House and the US Department of Justice shelter from liability CIA operatives and high-ranking officials, guilty of mass and severe violations of human rights standards.

There are ongoing **violations of international humanitarian law in the armed conflict areas and in the course of counterterrorism operations, indiscriminate and disproportionate use of force.**

Longstanding systematic problems of the American society are aggravating, such as **racial discrimination, xenophobia, overcrowded prisons, unreasoned use of death penalties, in particular with respect to innocent, minor and mentally disabled persons, as well as flawed electoral system and corruption.**

There has been a sharp worsening of situation concerning the fulfillment of basic social and economic rights of citizens, including collective bargaining rights. Permanent deficits of federal and local budgets revealed **gaps in the judicial system, including inadequate access to justice.**

Extraterritorial application of American laws affects Russian-American relations most seriously. It leads to **violations of the basic rights and freedoms**

of Russians, including arbitrary arrests and abductions from third countries, ill-treatment, criminal prosecution based on the basis of evidence given by false agents and doubtful evidence (cases against Viktor Bout and Konstantin Yaroshenko are the most striking examples).

During Obama's presidency the USA has not expanded its international legal obligations in the humanitarian field and still participates only in three out of nine core human rights treaties. The Americans have not so far ratified the Convention on the Elimination of All Forms of Discrimination against Women and the UN Convention on the Rights of the Child (only Somalia has not also acceded to it). Washington refuses to cooperate with convention mechanisms to consider individual and collective complaints related to violations of human rights by states, arguing that American judicial system copes with that task without outside assistance.

In January 2012 it will be 10 years since a special prison in the US navy base at **Guantanamo** was established. 171 prisoners remain in that prison (242 at the time B. Obama took the office). There is one Russian citizen among them - R. K. Mingazov, arrested in Pakistan in 2002.

In July 2010 the USA for the first time repatriated a prisoner against his will: a 35-year old Algerian A. Nadgy was sent home despite the concerns that he will be again subject to tortures by the governmental authorities or by islamists.

B. Obama revised his earlier critical attitude towards military commissions. He authorized their resumption under the condition of giving additional assurances to defendants, including restrictions on the use of hearsay evidence and those obtained by torture. Regarding 48 most dangerous Guantanamo prisoners, against which criminal proceedings could be hardly organized in the absence of sufficient proof of their guilt or due to the expiry of the statute of limitations, the administration decided to continue its **practice of indefinite extrajudicial custody**. Probably the same destiny will be shared by

30 Yemenites, whom the administration is ready to repatriate as soon as the security situation improves in their home country.

In September 2006 G. Bush de-facto acknowledged the existence of CIA **"black site" prisons** announcing the transfer of 14 detainees to the Guantanamo base. As it became known later, in 2002-2003 special services established about 10 similar detention centers, including in Afghanistan, Iraq, Thailand, Morocco, Romania, Lithuania and Poland, which kept approximately 100 prisoners "in a legal vacuum".

On behalf of five former CIA prisoners, the American Civil Liberties Union (ACLU) filed a federal lawsuit against Jeppesen DataPlan, a subsidiary of Boeing company, which transferred the captives to **"black site"prisons**. However, Obama's administration blocked this case, referring to a state secret. At the same time, the US Supreme Court denied the appeal by plaintiffs in May 2011.

In violation of the US international legal obligations under the Convention against Torture, the US Department of Justice decided not to prosecute intelligence officers, who practiced **harsh interrogation techniques towards suspected terrorists**. Meanwhile, treatment of prisoners in CIA black sites was identified as tortures, particularly in reports made by the ICRC and by Thomas Hammarberg, the Council of Europe Commissioner for Human Rights. Interrogations under torture resulted in deaths of several detainees (a special prosecutor J. Durham, who in 2009 was tasked to investigate whether the CIA's interrogation techniques were legitimate, recommended to initiate criminal cases only on two violent deaths).

Former officials from the US Department of Justice have not been sentenced either (for instance, J. Yoo is a professor of law at Berkly University, J. Bibby became a Judge of the Nevada Court, S. Bradbury is a legal advisor of one of the main presidential candidates from republicans for the forthcoming elections, M. Romney). They authorized the use of such torture techniques, as

forced deprivation of sleep for a long time, placing in a box with insects, forced nudity, waterboarding and simulated drowning.

A. Rahim al-Nashiri, who was kept in American "black site" prisons in Afghanistan, Thailand and Poland, failed to access justice in the USA. In this regard the lawyers of the Saudi citizen filed a request to the Polish Prosecutor's Office to investigate the detaining conditions of their client in the secret prison in that country. For the same reason, this March a Yemen national, M. al-Asad filed to the African Commission on Human and Peoples' Rights a lawsuit against another state with CIA "black site" prison on its territory, Djibouti.

Published in 2011, the **report with an explicit title "Torture without punishment: treatment of prisoners during G. W. Bush administration", Human Rights Watch**, became an illustrative example. This report, compared to the same reports, contains more evidence of crimes during G. Bush presidency and indicates persons, who, in view of the NGO, should be personally brought to criminal responsibility (G. W. Bush himself, former Vice-President D. Cheney, former Secretary of Defence D. Rumsfeld, the CIA Director G. Tenet, the President's National Security Advisor C. Rice, the Secretary of State C. Powell, the Attorney General G. Ashcroft and other high-ranked officials, who reportedly "developed a legal basis for the use of torture").

According to human rights defenders, Barak Obama's assumption of office did not put an end to the practice of **spying against "internal enemies"** used by American intelligence agencies. In particular, since 2008 the investigation is underway into the links between a pacifist and trade union movement, and foreign entities which the Administration has listed among terrorist organizations – Revolutionary Armed Forces of Colombia, Popular Front for the Liberation of Palestine and Hezbollah. The list of suspects includes members of NGOs, teachers, bloggers, religious leaders – anyone who openly criticizes the US policy in Latin America and in the Middle East. Only last autumn 23 activists were summoned to court.

In May 2011, the US Congress extended the USA Patriot Act adopted after the events of September 11, 2001. Law enforcement bodies retain a right to follow those suspected in extremist activities, even if they are not connected with any specific terrorist organizations. Apart from that, the FBI, National Security Agency and other intelligence agencies have reserved almost unlimited powers **to tap telephone conversations without court's sanctions, as well as to intercept electronic and regular mail of individuals and organizations suspected of terrorism.** Furthermore, they can further request from any institutions and business companies any information they are interested in, including confidential one (financial accounts, medical records, banking statements etc.). The official data published by the FBI in 2010 indicate that the agency increased four times the number of permanent wiretapping operations. During the same period 24,300 orders to provide confidential information related to Americans and foreigners (for a total of 14,200 people) were forwarded to various organizations.

Early this year with the sanction of Eric H. Holder, Attorney General of the United States, the FBI has prepared a classified handbook for their agent which gives them the right not to clarify legal safeguards to individuals suspected of association with Al-Qaeda and Taliban when they are detained on the US territory.

Following the failed terrorist attack in the Detroit airport in December 2009, the list of individuals banned from flying with the American airlines, as well as foreign airlines passing through the US airspace was almost doubled (before December 2009 the list contained about 3,400 names, now it has nearly 6,000 names). As a result, some Americans are unable to return to their homes from abroad and remain in forced exile. In June 2010, the American Civil Rights Union filed a lawsuit against the Government on behalf of 10 American citizens included in this list. Human rights defendants believe that the FBI uses

this practice in order to interrogate abroad persons of interest to intelligence agencies without a lawyer.

**Freedom of expression and press** is guaranteed in the United States by the First Amendment to the US Constitution and has traditionally been one of the most protected liberal values; but it has also been seriously restricted in the years following the terrorist attacks of September 11, 2001.

According to the *Reporters Without Borders* organization, in 2009-2010 the United States held 20<sup>th</sup> position in the world (out of 178) in terms of the level of freedom of press. Another NGO, Freedom House, put the US at 25<sup>th</sup> position in 2010.

Despite Barack Obama's promise to increase the level of transparency of governmental bodies, the US Administration has declared a real war against Julian Assange, the founder of the WikiLeaks web project that has published thousands of files containing classified information about the wars in Iraq and Afghanistan, as well as secret correspondence of the US foreign service.

Criminal charges were brought against Pfc. Bradley Manning suspected of disclosing classified information to the web site. Barack Obama qualified measures taken in respect of the soldier as "adequate". Under pressure from international human rights defenders, initial conditions of his confinement were improved. At the same time he faced 22 additional charges, including "aiding the enemy", which can lead to a death penalty.

Twice this year – on April 11 and July 12 – Special Rapporteur on Torture of the United Nations Human Rights Council, Juan Mendez, has criticized the United States for its refusal to grant him an unhindered and unchecked access to B. Manning.

In May 2011, Federal Prosecutor sent a summons to the New York Times reporter James Risen. The journalist is asked to testify against the former CIA agent Jeffrey Sterling. According to public prosecution office, the ex-CIA officer had provided the reporter with secret information which he used to write

one of the chapters of his book *State of War* (about CIA's plans to provide Iran with false nuclear technologies with the aid of a Russian agent).

It has been a few years now that the US Congress fails to pass legislation entitling journalists to keep their sources secret (except for certain situations when a court acknowledges disclosure of information necessary).

Journalists in America have been increasingly losing their jobs due to their "politically incorrect" language. Thus, in June 2010 under pressure from influential Jewish circles legendary Helen Thomas ended her career after he had criticized Israel's actions in respect of the Freedom Flotilla. In July 2010, CNN's Middle East affairs senior editor Octavia Nasr was fired after she had expressed on Twitter her regret over the death of Sayyed Fadlallah, the spiritual leader of the Lebanese Shias.

On November 11, 2011, Dunja Mijatović, the OSCE Representative on Freedom of the Media, attacked with severe criticism the US authorities for the arrests of **journalists who had been covering *Occupy Wall Street* public protests**. She qualified the actions of the law enforcement bodies as "jeopardizing freedom of the media and public interests". On the EU's initiative, this issue was tabled at the session of the OSCE Permanent Council on November 17, at which the US side had to report on the unlawful actions of New-York police with respect to the journalists. The representative of the United States to the Council admitted that the "wrongful" detention of journalists "would be subject to investigation".

According to the data provided by the Iraq Body Count project, **by August 2011 the conflict in Iraq cost up to 111,600 civilian lives**. These figures are backed by the secret reports from the theatre of operations published on WikiLeaks web-site (109,000 lives between January 2004 and December 2009). A research conducted by a reputable medical journal *The Lancet* with due account for extraneous factors – illnesses, famine, general crisis of the health system and crime fighting, etc. – shows that over a single period from

March 2003, when the US intervention began, to October 2006 more than 650,000 Iraqis (servicemen and civilians) died in the country in addition to regular mortality.

In April 2010, WikiLeaks published the so-called *Iraq Dossier* that disclosed previously unknown facts of civilian casualties in Iraq in 2004-2009. Among other things it includes a 39-minute helicopter video of an air attack on Baghdad on July 12, 2007 that killed two Reuters reporters and destroyed a building with women and children inside. The documents show that American servicemen knew about the offences but often turned a blind eye to them. The United Nations High Commissioner for Human Rights Navanethem Pillay has urged the US authorities to carry out an inquiry into these cases and bring those responsible to justice.

**The death toll among the Afghan civilians since the beginning of the Enduring Freedom operation in this country in 2001 reached nearly 11.5-14.2 thousand** (up to 34.5 thousand given the indirect death factors). Moreover, around 5.7-9 thousand civilians were killed by the international coalition forces led by the USA (mostly as a result of air strikes and drone attacks).

Staffan de Mistura, Special Representative of the UN Secretary General in Afghanistan, stated on July 14, 2011, that over the last six months the civilian casualties increased by 15 per cent compared to the 2010 level and reached nearly 1.5 thousand (of which 14 per cent died because of the international coalition and pro-Government forces). As many as 368 civilians were killed in May.

Violence, intimidation and terrorization practices have been continuously used against the civilians by many employees of **private security companies**, actively recruited (more than 110 thousand) by the US agents to work in Iraq, such as *Blackwater*, *DynCorp* and others. The most notorious incident called the "Nisour Square Bloodbath" took place in Baghdad on September 16, 2007, when the Blackwater contractors (renamed Xe Services in February 2009) shot



dead 17 unarmed Iraqi civilians. In December 2008 five perpetrators faced criminal charges that were dismissed a year later by the Washington federal court on the grounds of immunity of the guards contracted by the government. Xe Services remains one of the three major mercenary firms employed by the US Department of State to work in other countries, including Afghanistan.

The UN Committee on the Elimination of Racial Discrimination in its concluding observations regarding the fourth, fifth, and sixth periodic reports of the United States expressed concern about **increased racial profiling by the US law-enforcement authorities**. The Committee expressed concern, inter alia, that racial, ethnic and national minorities, mainly African Americans and Latin Americans, are concentrated in deprived areas with poor housing conditions, limited employment opportunities, inadequate access to medical and social care and high criminality.

In the aftermath of the terrorist attacks of September 11, 2001, **Islamophobia** has become highly visible in the USA. Thus, e.g., the citizens firmly opposed plans to build three mosques in various parts of New York (Manhattan, Brooklyn and Staten Island). In Murfreesboro, Tennessee, unknown assailants set fire to construction equipment at the future site of an Islamic cultural center and placed the sign "not welcome".

Evidence given during the hearings in the US Senate Committee on the Judiciary in March 2011 show that adherents of Islam constitute less than 1 per cent of the US population, however they are victims of 14 per cent of all religious discrimination incidents. In general, since the 2001 terrorist attacks the US Department of Justice investigated 800 cases of violence, vandalism and arson against Muslims, Arabs and South Asians.

Under the pretext of combating terrorism the FBI has developed and is actively implementing the **program for monitoring the Arab and Muslim communities**. The intelligence agencies propose illegal migrants to legitimize their status if they agree to spy on "suspicious individuals" within their religious

communities, and threaten to deport them from the country if they refuse to cooperate.

In total, according to the *Amnesty International*, over 32 million US nationals at least once in their life have suffered from **racial discrimination by the law-enforcement authorities**. Moreover, the white Americans have also been raising the alarm about the increased incidences of "**black racism**". There has been a growth in the numbers of both **xenophobic groups** which, according to human rights organization, reached 926 in 2008, and **extremist movements of African Americans** campaigning against the Anglo-Saxons and Jews.

Willie Lee Bell, a 47-year-old famous black poet, one of the leaders of the African American culture, which gained wide public recognition for its protest rap songs dedicated to the fight against racial discrimination in the USA, was shot dead in Florida on May 30, 2011.

According to the *Human Rights Watch*, about 38 million aliens and stateless persons currently live in the USA, of which around 11 million are **illegal immigrants**.

The joint report of the National Immigration Law Centre and the ACLU of Northern California issued in 2009 show that the immigrants are held in conditions similar to, if not worse than those of the inmates. Since 2003, 100 people died in US immigration centers.

From September 2009 to September 2010 a record number of illegal aliens – 392 thousand (a new goal of 404 thousand was established for 2011) – were deported. The year 2010 set another record – over 250 immigrants died while trying to cross the US-Mexican border.

In July 2010 the ACLU together with the *Human Rights Watch* published a report stating that persons with mental illnesses, including the US nationals, are often **erroneously deported**.

The USA remains a **country with the largest prison population** (according to the US Department of Justice, in 2009 it constituted 2.3 million) and

highest per capita prison population in the world (743 per 100 thousand people). Every 132 US resident is currently in prison. Furthermore, over 140 thousand are serving a life sentence.

The experts believe that the main reason for the overcrowding in the prisons is the steady and general **strengthening of the criminal law** over the last 40 years. Since the 1960s the focus has progressively shifted from reeducation to extreme isolation of offenders.

About 20 thousand people are permanently held in solitary confinement which often leads to mental diseases. Detainees of the Pelican Bay Maximum Security Prison went on another hunger strike in July 2011 in protest at the **inhuman conditions of detention**.

The international NGOs are raising great alarm about the **situation of juvenile offenders in the USA**. Today around 90 thousand juvenile offenders are serving various sentences, of which nearly 7 thousand got a life sentence (1.7 thousand – without parole).

The human rights defenders are deeply concerned about the **situation of female prison population** (206 thousand in 2008). Twenty-three states and the Federal Bureau of Prisons allow handcuffing women during labor.

In June 2011 an article of Sara Flounders, member of the US Workers World Party and leader of the International Action Center, was published on the Global Research website containing evidence that major US military corporations, in pursuit of excess profit, increasingly use prison labor and violate the rights of inmates by given them meager pay.

The American Civil Liberties Union drafted a report, which states that over recent 20 years **the number of private prisons in the United States has increased many times**. According to official statistics as of 2010, dozens of private prisons hosted 148 thousand of the estimated 2.3 million American "prison population". These are 6 per cent of all state prisoners, 16 per cent convicted under federal laws, and half of the illegal migrants detained in the

USA. Human rights activists believe that it is groundless to refer to half-empty budgets of states and huge federal budget deficit as a reason for privatization of a key function of the State – isolation of criminals from society. The report explains the privatization of correctional facilities by the fact that many states in the U.S. have laws establishing long prison terms for minor offenses. The resulting benefits go to **large corporations that organize part of secondary production in prisons to use their very cheap labour force**. The study by the ACLU has specific facts showing that the situation in private detention facilities (morbidity, mortality and violence against the prisoners, conditions of their detention) is no better, and often worse, than in state penitentiary system.

Although in March 2011 Illinois became the 16th state in the U.S. to abolish the **death penalty**, it is still used actually in 12 states. After 10 years of steady decline in the number of executions (from 98 in 1999 to 37 in 2008), under Barack Obama the number of executions surged to 52 in 2009 and 46 in 2010. Over the first 7 months of 2011, 31 death sentences were enforced (the first place is consistently taken by Texas: 24 in 2009 and 17 in 2010). The U.S. government continues to **execute minors** (22 cases since 1976) and **mentally challenged** (at least three in recent five years). The total number of inmates on death row in the U.S. is more than 3.2 thousand people (including foreigners, two Russians among them).

The chink in armour of the American justice system in terms of capital punishment is the **perversion of justice**. Over the past 30 years, more than 130 convicted people had been found not guilty *post factum*. The execution in September 2011, 22 years after the death sentence, of a black American Troy Davis, advocated by many human rights activists worldwide, has once again demonstrated the serious nature of the death penalty issue in the United States.

On July 8, 2011, the UN High Commissioner for Human Rights Navi Pillay expressed deep regret over the execution of Mexican citizen Humberto Leal Garcia in the U.S. Back in 2004, the International Court of Justice issued a

ruling ordering the U.S. to review the cases of 50 Mexicans, including Mr. Garcia, sentenced to death, on the grounds that they were not provided with consular assistance. Navi Pillay said that by executing Garcia, the United States **violated international law.**

Human rights activists are concerned by the fact that **independent candidates** are barred from **elections and electoral offices**, as well as the practice of appointing senators to governors' offices in case of offices becoming vacant early. In this regard, it is worth noting the case of former Governor of Illinois Rod Blagojevich, who in fact attempted to sell the seat of a senator from Illinois, which became vacant after Barack Obama was elected U.S. President.

The U.S. is still criticized for failure to comply with international labour standards. The U.S. has **one of the weakest systems in Western countries securing workers' rights for organizing trade unions and collective bargaining**, and in recent 10 years the country has not ratified any ILO convention. There is no effective system of arbitration in the event employers deny to compromise. In March 2011, the state of Wisconsin passed a law that further restricts the rights of workers for collective bargaining. Similar bills are being prepared in the states of Colorado, Indiana, Iowa, Michigan, New Mexico, Ohio, Oklahoma and Tennessee.

Mass **shootings of innocent civilians** by mentally ill persons remain an acute problem in the U.S. One of the latest shocking examples is the incident of January 8, 2011, in Arizona, where during the meeting of Gabrielle Giffords, member of the U.S. House of Representatives (Democratic Party), with her voters, the fire opened by mentally ill 22-year Jared Lee Loughner killed six people (including a judge, a clergyman, a 9-year-old girl) and wounded 14, including the Congresswoman herself.

Under the Second Amendment to the U.S. Constitution, the right to keep and bear arms cannot be infringed by authorities. At the moment, its bearing for

self-defence is permitted by law in 49 states (except Illinois). Twenty six states do not require any special license for that.

Attempts to toughen up the laws in this area have consistently been opposed by advocates of the Second Amendment, including the influential National Rifle Association comprising four million people.

According to the report by the U.S. Department of Health and Human Services published in 2011, in 2009 (later data not yet available) human services agencies received about 3.3 million applications for suspected **cases of violence against** more than 6 million children. The checks resulted in strong evidence of ill-treatment against 763 thousand victims (one in a hundred of Americans minors). Among them, 1770 people (2.4 per 100,000) were killed, 75 per cent of them at the hand or by an oversight of their parents. The greatest number of victims (over 80 per cent) are children under 4 years. The vast majority of incidents are related to the fact that children were left unattended (78 per cent). The second most common cause is physical abuse (17.7 per cent), the third one is sexual violence (almost 10 per cent), and the fourth one is psychological pressure (7.6 per cent).

As a result of identified violations of the law, about 211 thousand children were separated from their parents or guardians, placed in orphanages and foster homes. More than 700 thousand other children needed other kinds of public assistance, including medical care, defending legal rights in court and preventive registration of their mothers and fathers in social security agencies.

The influential American Bar Association (ABA) in its 2011 special report concluded that, due to cost reductions in the judiciary institutions of the United States (at the average by 10-15 per cent over the past three years) **the burden on judges has risen sharply and quality of justice has decreased.**

The crisis in the U.S. economy has led to numerous cases of litigation. The courts were literally inundated with claims. At the same time, 31 states have cut or frozen wages of court officials, 26 states have discontinued

recruiting judges to fill existing vacancies, 24 states have increased fees from the participants of litigation, and 14 states have reduced business time of courts.

In Florida alone, the delays of justice in housing disputes led to about \$ 10 billion of damage for the participants of litigation. The total losses due to prolonged commercial dispute proceedings in the largest U.S. city court of Los Angeles (5,400 employees and 600 meeting rooms) were above \$15 billion, while losses for lawyers amounted to about \$13 billion

The employees of the judiciary system are beginning to show open discontent. In 2010, for example, 330 employees of New York Court of Appeals demanded the state government to increase wages (there was no salary increase during 11 years). They also complained about the excessive workload, since on average every judge handles 3,500 cases.

**Extraterritorial application by the American side of the US legislation to Russian citizens** is among the main humanitarian and human rights concerns in our bilateral relations with the US. First of all, they include arrests of Russian citizens in third countries made at the requests of the US law enforcement agencies with the direct involvement of agents of American special services and agencies.

**Viktor Bout** was arrested in Thailand in March 2008 by the local police and agents of the United States Drug Enforcement Administration (DEA) to be later extradited to the USA and charged with conspiring to murder US citizens and servicemen, acquiring and selling MANPADS, financing a foreign terrorist organization, money laundering, fraud related to cash transfers, and violating US sanctions introduced against him in 2004. The Russian Foreign Ministry demanded that Bangkok provide the official documents authorizing the extradition of the Russian citizen to Washington. Since August 10, 2011, several court sessions have been held in Bangkok to discuss the legitimacy of the extradition of the Russian citizen to the United States, including the procedure of his transfer from the local prison to US special agents. On

November 2, 2011, the US jury court unanimously found Viktor Bout guilty of all charges, and the sentence will be pronounced on February 8, 2012.

**Konstantin Yaroshenko** was arrested in Liberia in May 2010 with the assistance of officers of the United States Drug Enforcement Administration (DEA). On May 31, 2010, he was forcibly brought in the American territory without any court decision. The Russian diplomatic mission was not informed of the arrest of our citizen. Konstantin Yaroshenko was subject to both psychological and physical pressure. In the USA he was charged with conspiring to smuggle cocaine into the United States and sentenced to a 20-year imprisonment on September 7, 2011. All the evidence was based on intercepted phone calls rather than concrete actions.

Another Russian citizen **Stanislav Satarinov** (charged with narcotics-related crimes and transferred from Germany to the United States on April 14, 2011) was arrested in Germany in November 2010 at the request of the U.S. Department of Justice as **Mr. Zdorovenin** arrested in Switzerland in March 2011.

Provocative political games played in the United States around the case of Sergey Magnitsky, *Hermitage Fund* lawyer, who died in Moscow pre-trial detention center in 2009, are also directed against Russian citizens. A list of Russian officials allegedly involved in the lawyer's death (so called "Magnitsky list") was drawn up with assistance of a number of US law-makers and new bills were brought before US Congress to impose visa and financial sanctions against those individuals, which violates the presumption of innocence principle. In July 2011, the State Department announced its decision to restrict access to the US for a number of undisclosed officials of Russian law enforcement agencies referring to their involvement in Magnitsky case.

Two Russian citizens face death penalty in the United States. In 2007 **Yuri Mikhel** was sentenced to death for complicity in a series of murders by the Court in California. He has been held in a separate cell with no windows for



many years and is not allowed to have walks and communicate with other prisoners. **Natalia Leshchenko-Wilson** is charged with killing the ex-spouse of her American husband and her son.

Violence against **adopted Russian children in US families** is another grave concern.

Legal proceedings against Michael Grismore charged with raping an adopted Russian girl **Ksenia Antonova** continue in the United States. The defense uses all possible tricks, including forged papers, to excuse the defendant. And the social service of the Cherokee County, Georgia, delays granting that girl the US citizenship ignoring the fact that she has been repeatedly placed in mental hospitals without cause and in violation of the procedures existing in the United States.

On November 18, 2011, the Court of York, Pennsylvania, passed an unreasonably light sentence to the Cravers charged with the death of adopted Russian boy **Vanya Skorobogatov** in August 2009 (the body of a seven-year old child had about eighty injuries). Although the prosecution called for the capital punishment believing that Vanya Skorobogatov died through his foster parents' fault, the Cravers were released in a court room after a 1.5-year imprisonment.

Adoptive mother of a Russian boy **Daniil Bukharov** Jessica Bigley, Alaska, who was filmed to openly abuse him, was found guilty of *minor offense* in August 2011. The administered punishment includes a 180-day imprisonment and a fine of USD 2,500 with a three-year test period.

**Dmitry Zharkov** came to the United States for medical treatment in 2008 and is staying with the Ekman family in South Carolina. Contrary to their promises they have never launched the adoption procedure although the boy's US visa has already expired. As for **Julia Oshchenko** even with the appropriate arrangements in place, the procedure of her adoption by US national R.Silanksas has not been formally completed either. The child was brought to

the United States for medical treatment in 2004 and is still there in violation of both Russian and American laws.

### **EU Countries**

**The situation of non-citizens in the Baltic countries, Roma people, migrants and refugees, and manifestations of racism and xenophobia** are particularly troublesome human rights issues in the EU.

These problems were voiced most clearly at the briefing on racial and religious intolerance in Europe held on September 15, 2011, by high-profile human rights NGOs *Human Rights Watch*, *International Federation for Human Rights* and *Amnesty International* in the margins of the 18<sup>th</sup> session of the HRC.

Human rights defenders expressed a deep concern over the situation of national and religious minorities in the European Union that has emerged in recent years. The situation of Muslim minorities as well as Africans and Roma people was mainly subject to criticism. A particular emphasis was placed on such issues as the ban on wearing pieces of clothing traditional for Muslim woman (hijab, niqab, paranja etc), raising obstacles to religious worships, appalling conditions of detention of illegal migrants, deportation of Roma people etc. The situation was described as a purposeful discrimination on the grounds of race and religion. The main conclusion suggests that xenophobia and intolerance are increasing in the EU while the far-right rhetoric is growing more popular. It was noted that the trend is aggravating after the well-known terrorist attacks in Norway. It was emphasized that the European governments did not try to address it but, on the contrary, were using these developments for internal political purposes. It mainly concerned Germany, Italy, the Netherlands and Spain. Meanwhile, France was specifically targeted by the critics for its failure and unwillingness to comply with appropriate European legislation. Switzerland was criticized for banning construction of mosques in the canton of St. Gallen.

Following the entry into force of the Lisbon Treaty (on December 1, 2009), the Charter of Fundamental Rights of the European Union became mandatory for implementation by the EU structures and Member States. It is applied, however, only in cases when Member States implement the EU legislation; it is not applied when they adopt and enforce their own national laws that are not directly connected with the EU law.

After the Charter had become effective, the European Parliament (EP) started engaging in monitoring the human rights situation in the EU. On December 15, 2010, its plenary session in Strasbourg adopted the resolution “Situation of fundamental rights in the European Union (2009) – Effective implementation after the entry into force of the Treaty of Lisbon”. The latter stated that the situation with human rights in the EU countries is far from being good. The most serious concerns were raised by the issues in such fields as **freedom of movement; privacy and personal information protection; rights of refugees and migrants; human trafficking; protection of victims of crime; rights of detainees; protection of children, including from maltreatment, sexual exploitation, pornography and negative influence of the Internet; freedom of mass media; combating racism, xenophobia and anti-Semitism; discrimination, including against ethnicities; the absence of a strategy of social integration of the Roma (Gypsies).** “Sanctions for using a language other than the official language of a Member State” were considered an infringement on the fundamental rights.

The criticism of the European Parliament toward the EU is characteristic of a halfway approach and has no concrete target: they only indicated problems without attributing them to specific countries; there are no concrete examples of human rights violations. The resolution provides only one such episode, which concerns the non-compliance by the European Commission and Council of the European Union with the 2007 EP recommendations with regard to the alleged use of European countries by the CIA for the transportation and illegal detention

of prisoners.

On the whole, however, the EU competence with regard to human rights regulations is quite limited since protection and promotion of human rights remain the prerogative of its Member States. As far as consistency of national legislations with the provisions of the EU Charter of Fundamental Rights and other fundamental legal documents of the UE is concerned, it is monitored by the European Commission. Lately, it has twice warned the EU Member States that steps might be taken with regard to the violations of the Charter, including initiating legal action in the European Court. The first case was related to the deportation of Roma from France (late summer-early fall 2010); the second one concerned the adoption by Hungary of the law on mass media limiting the freedom of expression (December 2010). In both cases, the countries preferred not to take the issue to court and agreed to modify their legislations in compliance with the recommendations of the European Commission. Despite the successful resolution of the above situations, the EU problems have not been fully eliminated and continue being discussed on various levels.

The reports by the EU Agency for Fundamental Rights (FRA), which since 2007 is the main body monitoring human rights situations, admit that the existing mechanism for application of the EU anti-discrimination legislation is not effective enough; which is especially noticeable in the situation of increased racism and xenophobia. It is noted that the EU existing legal instruments and their practical application do not yield due results in terms of combating discrimination. The registered crime related to racism, xenophobia and anti-Semitism is on the increase everywhere although their statistical registration practices leave much to be desired (for example, the data on anti-Semitism-related crimes are satisfactory collected only in 6 EU countries). There is also poor awareness among the citizens on their rights and the existence of organizations supporting victims of such discrimination.

Regular public opinion surveys by the FRA among the UE States'

citizens show that about 75 per cent of those interviewed are not aware of their rights and have no idea of where they could refer in case of violation of their rights while migrants and minority representatives virtually have no knowledge of the EU anti-discrimination laws.

According to the FRA, **the Roma**, while being the EU largest ethnic minority, are suffering, more than any other population group, from discrimination, poverty, unemployment, unsatisfactory living conditions and low education and healthcare levels. The life expectancy among Roma in the EU countries is on average 11-15 years shorter compared with that of their native population.

There has been practice of **deportation of Roma** into Bulgaria and Romania. According to the European Roma Rights Centre, in 2009 about 10,000 Roma were deported from France and 100 from Germany; in 2010, 23 Roma were deported from Denmark, 50 from Sweden, 100 from Italy and 8,000 from France.

Some EU countries (Czech Republic, Greece, Slovak Republic) are still practicing **segregation of Roma children in schools**, concentrating them in special classes for the mentally retarded.

A year later after the “Roma scandal”<sup>1</sup> in France, Viviane Reding, the Vice-President of the European Commission and EU Commissioner for Justice, Fundamental Rights and Citizenship, said that the European Commission had taken steps to bring the legislations of the 27 EU countries in consistence with the 2004 Directive on the right of EU citizens and their families to move and reside freely on the territories of Member Countries; she also noted that 16 countries had already successfully implemented the guidelines of the European Commission. As of August 11, 2011, however, 11 countries (Austria, Cyprus, Czech Republic, Lithuania, Republic of Malta, Poland, Portugal, Spain, Sweden

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<sup>1</sup>In July 2010, Paris has started eradicating illegal Roma settlements and sending the settlers back to their home countries (spending the French budgetary funds), to the discontent not only of human rights activists but Brussels, as well.

and Great Britain) have not yet made the necessary changes to their legislations, which can lead to their cases being possibly referred to the European Court. That concerns 75 provisions of the national legislations of the EU countries related to **family members' rights to entry and permanently reside, residence permits for citizens from third countries and provision of safeguards against deportation.**

In 2010, the FRA conducted a survey among almost 900 asylum seekers. It showed that many of them are unable to receive clarifications on the procedure of granting asylum in their native language. In France and Greece, those documents are printed only in 5 languages while the applicants represent over 100 nationalities.

Noticeable human rights violations were observed with regard to **granting asylum and immigration policy** during the refugee seekers influx from Northern Africa into the EU countries in spring 2011. As of May, Italy, France and Malta have received about 25 thousand people from Tunisia and 11-12 thousand from Libya. In **the refugee camps** on the island of Lampedusa and on Malta, there was no access to adequate medical and legal assistance while the sanitary and hygienic conditions left much to be desired.

Under the EU Dublin Regulation, which determines the procedure for considering asylum applications, applicants should wait for the decision on their cases in the country of their entry into the EU territory. Such practice led to infringements of the rights of this group of people.

In this context, the European Court of Human Rights (ECHR) issued the judgment on the case *M.S.S. v. Belgium and Greece*, proving the human rights violation during the examination of the refugee status applications.

The ECHR likened the attitude to asylum seekers with **abuses and inhuman treatment**, as the persons while awaiting a decision on their applications had no livelihoods, shelter, medical and legal assistance. Currently, such practice has been suspended. However, since in Greece and Italy there is

still a significant number of persons awaiting for their applications being examined and the conditions of their detention in the camps were not improved, their rights are still being violated in these countries.

According to the European Union Agency for Fundamental Rights (FRA), **the situation of refugee children** unaccompanied by the parents causes concern, especially the problem of their inadequate access to healthcare, as well as their placement in the asylums for refugees together with adults.

In the EU countries **the manifestations of racism** represent a serious concern in such areas as employment, healthcare, education and housing. According to the FRA, “**the racial hate crimes** are committed every day”. However, from its point of view, lack of the mechanism of comparable statistics collection hampers the analysis of this phenomenon and European fight against it. At the same time although the efforts to establish such a mechanism have been taken, they were insufficient.

Information about **ethnic discrimination** in employment more often came from Belgium, France, Germany, the Netherlands, Lithuania and Romania. According to the FRA, in the area of labour in 2009 the following groups suffered most from discrimination: North Africans in Italy (30%), Roma in Greece (29%), Roma in the Czech Republic (27%), Africans in Malta (27%), Africans in Ireland (26%), Roma in Hungary (25%), Brazilians in Portugal (24%), Turks in Denmark (22%), Roma in Poland (22%).

According to the FRA, in 2010 in the UK **the unemployment among ethnic minorities** was two times higher than among the Englishmen. A noticeable **inequality was noted among migrants/minorities and majority population**. This is typical for migrants in Italy and ethnic Russians in Estonia.

As it follows from the FRA 2009 Annual Report, the public opinion surveys revealed that the police officers stopped in the streets the minority representatives more often than those of majority population. On the average the police officers stop 33% of all North Africans, 30% of Roma, 27% of sub-

Saharan Africans, 22% of the Central and Eastern Europe representatives and the former Yugoslavs, 21% of Turks.

Even before the terrorist attacks perpetrated in Norway **the increase of hate crimes in Internet** aroused concern of the FRA. However, the Additional Protocol to the Council of Europe Convention on Cybercrime (entered into force in 2006), requiring Member States of the Council of Europe to criminalize the dissemination of information calling for racism or xenophobia through Computer Systems was ratified by only eleven EU countries- Germany, France, Denmark, Cyprus, Latvia, Lithuania, Romania, the Netherlands, Portugal, Slovenia and Finland.

In 2010, Germany and Kosovo concluded an Agreement on the gradual repatriation of Kosovar refugees, of whom about 10 000 were Roma. In 2010, 116 children returned to Kosovo, but 75 per cent of them experienced serious difficulties in schools, because having lived in Germany for 15 years they spoke local languages poorly or did not speak them at all.

This runs contrary to one of the fundamental principles set forth in Article 3 of the Convention on the Rights of the Child, which states that “in all actions concerning children,...the best interests of the child shall be a primary consideration.”

According to the European Association for Injury Prevention and Safety Promotion, **more than 19 per cent of children in the EU countries are subjected to physical violence in the family**. The increase was noted in the number of judicial examinations of cases related to **child sexual abuse**, including those committed by the Catholic Church representatives and senior officials (for example, in Austria, the Netherlands, Portugal, Belgium). At the same time, only ten EU countries (Austria, Denmark, Greece, Spain, Luxembourg, Malta, the Netherlands, Romania, Finland, and France) ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.



**“Non-citizens”** in Latvia are still deprived of the opportunity to participate in the elections to the European Parliament. And it is in spite of the fact that the quota of the Members of the European Parliament from Latvia (as well as other EU Member States) is calculated on the basis of the total population in the country, i.e. it also takes into account the “non-citizens” living there.

In 2008, two petitions about the violation of the rights of “non-citizens” during the elections to the European Parliament: from Latvia (over 16,000 signatures collected) and Estonia (over 3,000 signatures collected) were sent to the European Parliament. According to the results of the hearings, the European Parliament gave recommendations to Latvia in favor of the claimants. However, no changes to the voting procedure have been made.

The fact of the deprivation of the Latvian “non-citizens” of the voting right in the European Parliament was noted in the OSCE/ODIHR Report concerning the elections to the European Parliament of 2009. In spite of the facts that, in the ODIHR’s view, the commitments to the OSCE related to the domestic elections require granting electoral rights only to citizens of the Member States, the situation with elections to the supranational body is essentially different. It is evidenced by the fact that the EU Member States offer the citizens of other EU countries the opportunity to vote in its territory, and the example of the UK granting the right to the citizens of the Commonwealth, i.e. the States which are not EU Members at all. According to the ODIHR, as it stands, the issue goes beyond the responsibility of an individual State and needs to be addressed at the EU level. Brussels should develop minimum standards of voting rights that would contribute to the implementation of “the fundamental principle of the European Union - the principle of equality.”

## **Bulgaria**

According to a number of international and local human rights organizations, the human rights situation in Bulgaria remains unsatisfactory. It is stated in the Report of the UN Human Rights Council on Bulgaria of November 4, 2010, containing 113 recommendations addressed to the authorities of the country aimed at improving the situation in this area. In particular, attention is paid to **the disproportionate use of force by law enforcement authorities, infringement of the minority rights, use of violence against children and persons with psychological disorders who are under the tutelage of the State and living in specialized state institutions, rampage of racist and xenophobic sentiments in society, violation of freedom of expression, exerting pressure on the mass media.**

The Bulgarian Helsinki Committee expressed the similar evaluations. One notes an increased number of the accusatory decisions passed in 2010 by the European Court of Human Rights against Bulgaria (71 in total) the overwhelming majority of which (61) relate to the **non-observance by the State of the main provisions of the European Convention on Human Rights and Fundamental Freedoms**. Despite the repeated reminders of the need to bring national legislation into line with international standards in respect of the greater responsibility for the use of force by law enforcement authorities and use of firearms, it has not been done yet. **Many incidents involving officials of law enforcement authorities** are still being registered.

## **Great Britain**

The British coalition government seeks to maintain the image of a vigorous fighter for human rights around the world. Yet, lately London has had to make excuses for the wrongdoings of the British authorities in this area.

1. Due to response to the disorders in August 2011, their suppression by the law enforcement services and automatic issuance of verdicts to the participants in the disorders by the judiciary system, the human rights activists brought charges against the authorities for **interference in the separation of powers** and **politization of the criminal proceedings**. The disorders were caused among other things by numerous **murders of ethnic minorities' representatives** committed by policemen, racial profiling, lack of trust to authorities and their institutions in society and **discontent with imperfection of judicial and law enforcement systems** as a whole.

After the August events the British courts began to automatically issue guilty verdicts to those who participated in the disorders. By September, the number of prisoners exceeded the detention capacities. According to human rights activists, the conditions in penal facilities have been the worst lately; the conditions are largely antisanitary. The Wandsworth prison report “added fuel to the fire”; this report listed **the facts of abuse of prisoners' rights** (no access to basic hygiene, etc.). Every month, up to 32 prisoners attempt to commit suicide in protest against detention conditions; up to 11 death cases are recorded each month and 4 of them are usually suicides.

2. In September 2011, the special civil commission headed by William Gage, finished a three-year inquiry into the death of Iraqi citizen Baha Mousa and infliction of grave bodily injuries to another 9 Iraqis detained by British soldiers in Basra in 2003. The commission concluded that the soldiers of the 1st Bn Queen's Lancashire Regiment **used illegal and impermissible means of interrogation of prisoners of war**, in fact – **torture**. Beatings caused death of one of 10 detainees. The Ministry of Defence was officially recognized guilty for failing to inform the soldiers of the interrogation standards.

The chairman of the commission identified 4 soldiers who bear personal responsibility for the death of B. Mousa, including Cpl Donald Payne (the only British citizen who was convicted for this crime, sentenced to one year in prison

in 2006 and then acquitted) and Colonel Jorge Mendonca, who as the head of the unit should have been aware of the wrongdoings by his subordinates. The commission also identified 19 more servicemen who had been involved in **ill-treatment of prisoners**, including the chaplain of the Regiment.

It is expected that the conclusions made by the commission will significantly influence the British Ministry of Defence, which has already become a subject of more than a hundred compensation claims submitted by the Iraqi citizens. The criminal proceedings on Mousa case are likely to be resumed.

3. In August 2011, the British media published materials on **close contacts between British secret services and special units with the Gaddafi regime**. Specifically, in 2004 the British initiated the arrest of A. Belhadj in Thailand, who was one of the leaders of the Libyan Islamic Fighting Group (today he is the head of the Tripoli Military Council). Then, in collaboration with the CIA he was transported to his home country where British intelligence officers took part in his “interrogations” after he had been tortured by the Gaddafi special services.

Furthermore, it was reported that the British secret services followed the opponents of the Gaddafi regime residing in the territory of Great Britain and regularly reported all their steps to Tripoli. London also helped in training Libyan servicemen while SAS officers were sent to Libya to instruct the Libyan special forces.

4. **The law enforcement agencies** also abuse human rights. In July 2011, the Thames Valley Police kept track of those who came to see a documentary about nuclear weapons. It was considered a pressure on citizens and **infringement of the freedom of assembly**. Police officers took note of car registration numbers of those who attended the screening, and they also filmed and took photos. Similar measures had been taken in Great Britain earlier against environmental protesters. Peter Burt, director of the Nuclear Information

Service, said that such measures taken against political activist was a “hallmark of totalitarian regimes”.

5. The so-called “Newsgate” has become one of the biggest scandals related to **infringement of the right to privacy, inviolability of correspondence and telephone conversations**. The newspaper “News of the World”, which journalists hacked phones of celebrities and politicians, as well as victims of resonant crimes and their relatives, was closed. Police and judicial investigations are also underway; a dozen of journalists and private detectives were arrested. The senior officials of the Scotland Yard had to resign. Law enforcement officers might be sentenced to imprisonment.

6. For the last quarter of the year, several cases were recorded when suspects died due to **unprofessional actions of the police officers** during the arrest. Philip Hulmes, 53, and Dale Burns, 27, had a heart failure after Taser. Jacob Michael, 25, died from the allergic reaction to pepper spray after he had been beaten by 11 police officers in front of his relatives and neighbors.

7. Another resonant lawsuit over the fact of **torture, violence, other forms of violent or degrading treatment and punishment** was the case of Kenyan businessman Omar Awadh Omar who sued the British authorities to recognize an **involvement of the secret services in kidnapping terrorist suspects**. On September 17, 2010 (two months after the July terrorist attack in Kampala) he was kidnapped by the Ugandan secret services and accused of arranging the explosion that took 76 human lives. At the interrogations he was beaten and tortured. According to Omar Awadh Omar, officers of American and British secret services participated in the inquiry. In particular, he said that in January 2011 persons who introduced themselves as MI5 officers, showed him for identification photos of British citizens who had ties in Somalia or had visited this country. Representatives of the British Foreign Office and Home Office traditionally refuse to comment on the situation related to the activities of the secret services. They try to excuse themselves stating that on March 29 they

published an instruction for the members of the British diplomatic missions obliging them to report cases of torture even if an interrogated person is not among those whom they have to render consular assistance.

8. The UK Home Office does not abandon the practice of **forceful deportation of illegal immigrants**, including deportation to those countries where they might be subject to torture and ill-treatment. In May 2010 it was announced that the government did not intend to refuse from “diplomatic guarantees” and would expand their application. At the same time, it was stated that such guarantees were enough to lower the risk of torture. In accordance with this practice, the immigration services deported a group of more than 20 Tamils to Sri Lanka in July 2011. Yet, the deportation did not run smoothly; several illegal immigrants preferred to attempt suicide, and one of them said that he had received several threatening calls from Sri Lanka. Now they are in hospital, but the immigration authorities intend to send them home when they leave it.

## **Hungary**

The **state of the Hungarian penal system**, deficiencies in the execution of punishments, poor conditions in prisons and pretrial detention centers (duration of stay in detention facilities, at the pre-trial stage, overcrowded cells, poor feeding etc.) give rise to complaints of international and local human rights organizations.

**The situation with the Roma population** is a permanent problem of the Hungarian authorities (according to the official data, there are 190-200,000 Roma and according to independent experts this number amounts to 1 million people and it is likely to rise almost to 1.5 million by 2050). The human rights organizations are concerned about the consistent trend in the Hungarian society

towards reprehension and openly negative attitude to the Roma and growth in anti-Roma sentiments.

After a number of severe attacks on Roma communities in 2008-2009, Hungarian HGOs reported new similar cases. In September 2010, the Advisory Committee of the Council of Europe Framework Convention for the Protection of National Minorities expressed concerns in relation to attacks on Roma and noted that despite the arrest of the alleged perpetrators, the “atmosphere of fear” persists in the country.

The United Nations Human Rights Committee expressed its concern with **discrimination against Roma people in education, housing, health care and political participation**, as well as with the fact that collection of statistics broken down by ethnic origin is not carried out in the country.

Both international and Hungarian human rights organizations found out a number of **structural weaknesses of Hungary’s criminal justice system**. One of them is that **hate crimes** are not qualified as such and, therefore, are not properly investigated. In November 2010, in materials, prepared for the United Nations Human Rights Council's Universal Periodic Review of human rights situation in Hungary, Hungarian non-governmental organizations also expressed their concern with the fact that crimes tend to be qualified as “common” rather than as hate crimes with racist motives as an aggravating factor. As a result, there are no publicly available reliable statistics reflecting the real number of racially motivated crimes in Hungary.

In Hungary, there are problems related to **freedom of speech**. Despite all the protests, in September and December 2010 the Hungarian parliament adopted two new legislative acts on mass media. Both acts were criticized by local non-governmental organizations, press and the international community because of their possible consequences, including restrictions on the contents of articles, lack of clear rules for journalists and editors and too wide powers of the new regulatory body. All this might result in an unjust limitation of freedom of

speech. The newly established National Media and Communications Authority (NMCA) has the right to impose large fines (up to 730,000 euro in case of over-the-air mass media) should it decides that the content of the programs contradicts “public interests”, “universal moral values”, and “national order”. Fines can also be imposed for “unbalanced” news reporting.

In Hungary **there have been attempts to revise history, including the results of World War II.** Janos Lazar, head of the ruling Fidesz party's parliamentary group, announced the plans aimed at amending the existing criminal code of the country and thus creating a legal basis for holding liable those people who were engaged in suppression of the “Revolution and Liberation Struggle” in 1956, as well as the functionaries of the former regime of Janos Kadar. Their actions are supposed to be qualified as crimes against humanity with no statute of limitation, and assessment of constituent elements of criminal acts in such cases will be based upon the decisions of the Nuremberg Tribunal and other international legal acts adopted in line with them. That would serve as a legal basis for a legislative rule making it possible to reduce retirement pensions of a range of people (former party functionaries and public servants, security officers, militia employees, Young Communist League functionaries, etc.); the obtained funds will be distributed among “victims of political repressions”. Janos Lazar emphasized that the new Hungarian constitution creates a foundation for adopting such measures, as it disavows the legislation of 1944 – 1990, when Hungary was “under foreign occupation”. This attempt to “punish” representatives of the “socialist past” and to distort the Nuremberg Trials decisions can be viewed as an obvious intention to rehabilitate, in retrospect, the regime of Horthy, who pushed Hungary to fight against the USSR on Hitler's side, as well as to justify the crimes of Hungarian fascists who intensely worked, among other things, on “Final Solution of the Jewish Question”.



## Poland

Recently, trends in human rights situation in Poland have been studied by several international organizations. The fact that Parliamentary Assembly of the Council of Europe in its Resolution 1787, adopted on January 26, 2011, classified Poland as one of the countries with serious problems with regard to the execution of the decisions of the European Court of Human Rights (ECHR), was most widely discussed. **The main Polish problems include judicial red tape, unreasonable temporary detentions for unjustifiably long periods, over-crowding of prisons and poor health care of inmates.** The existence of such problems was proved by the recent verdicts of the ECHR against the Republic of Poland: in January-February 2011, the Strasbourg Court obliged Warsaw to pay an indemnity of two thousand euro to Mr. Zbigniew and one thousand euro to Mr. Oskar for violations of confinement standards, and 10 thousand euro to Mr. Kupchak (case 2627/09) for a failure to provide the inmate with necessary medication.

In December 2010, the European Union Agency for Fundamental Rights (FRA) presented a report on the observance of the **rights of refugee children** in the European Union countries, mentioning Poland among the most troubled countries in this regard. Thus, centers for temporary stay of refugee children are often over-crowded with inadequate food and health care. Besides, according to the Agency's assessments, Polish tutors and teachers are not sufficiently trained to work with refugee children. The FRA report also emphasizes that **children trafficking problem** cannot be excluded.

Recently human rights defenders in Poland have often stated that Polish investigative authorities do not pay enough attention to **manifestations of anti-Semitism, racism, xenophobia and related intolerance.** Thus, according to statistics, investigators closed 55 per cent of such cases in 2007, and 77 per cent - in 2010, because “elements of crimes could not be established”; besides, an

accusation was made in 36 per cent and 16 per cent of the cases correspondingly. Having taken these facts into account, the Polish Prosecutor-General forwarded to prosecution offices a circular letter recommending to carry out a more thorough analysis of this kind of offenses with due account for recent amendments to the Criminal code. In particular, new provisions of the Criminal code criminalized promotion of fascist symbols in the Internet and simplified the procedure of prosecuting participants of rallies and demonstrations for crying out anti-Semitic or racist slogans. Human rights defenders are looking forward to a revision of such notorious cases as the offense against Ms. Zavanovskaya, a Judaism teacher of Maria Curie-Skłodowska University in Lublin, committed by a professor of the same university Mr. Edynak, and the case of Mr. Petrusevic, director of the theatre NN in Lublin working on the history of the Jewish community of that city, whose apartment was broken into. In both cases, law-enforcement authorities did not find any “traces of anti-Semitism” and considered those cases to be just acts of hooliganism because the aggrieved persons were not Jewish. Polish experts believe that accusations can now be made against football fans, who unfolded banners with anti-Semitic slogans during the match in Zhashuv in May, 2010.

As well, the Prosecutor-General's office had to interfere in order to revise the sentence for a notorious case related to the vigilantism towards **a family of Roma people** on behalf of Limanov (Malopolskie province) residents in July 2010. The local prosecutor's office eventually made accusations only against the Roma people themselves, having recognized them as instigators of the clash. After the protest of the Helsinki Foundation for Human Rights (HFHR), the Prosecutor-General's Office carried out an analysis of all the manifestations of xenophobia in Poland and sent for additional investigation 13 out of 48 similar cases initiated during the first six months of 2010. As a result, the prosecutor's

office of the city of Limanov considered the events of July 2010 to be acts of incitement to racial and ethnic intolerance and resumed investigation.

The story of the two children from a family-type orphanage, six and nine years old, infected with HIV, who were refused admission to day-care centers, schools and private educational institutions of Torun, was widely publicized by Polish mass media. After human rights defenders, the HFHR above all, interfered, on January 5, 2011, the Polish Ombudsman for children Mr. Michalak published a statement denouncing any discrimination of **the disabled and ill children**. According to him, the educational institutions and the authorities of Torun committed violations of Article 32 of the Constitution of Poland.

## **Romania**

Relevant European bodies and human rights organizations continue to criticize the Romanian authorities with regard to the human rights situation and note a number of serious violations.

Above all, attention is drawn to the unsatisfactory situation with regard to the **rights of Roma people**, particularly in terms of ensuring their access to the labour market and creating conditions for receiving proper education.

Another systemic problem, related to human rights observance in Romania, is the **violation of citizens' rights for unbiased court administration**. What is more, the situation is aggravating. The citizens of Romania demonstrate the lowest in the European Union level of confidence in the legal system – 26 per cent, and this figure is decreasing every year.

Human rights organizations are also concerned with the **situation in the penitentiary system** due to poor conditions of confinement, over-crowding of wards and lack of health care. According to them, only one third of penitentiary establishments in Romania conform to the minimal standards in this area.

## Finland

Among the drawbacks of the human rights protection in Finland (particularly those pointed out in the reports of the UN Committee against Torture and the UN Committee on the Rights of the Child, ECHR decisions) that have attracted special attention throughout 2011, the following can be noted:

In the area of **investigation and court proceedings**, the periods of investigation and court proceedings are unduly extended (up to eight years from the opening of the investigation to the announcement of the court decision), inopportune and insufficient provision of legal assistance, non-observance of the rights of persons under investigation during search and seizure procedures. ECHR have adopted numerous decisions in this regard, including in 2011.

The following problems relate to **discrimination of refugees and immigrants**:

1) employment discrimination, which affects to a considerable extent the Russian-speaking population of Finland. In 2010, the Report of the Commissioner for Minority Rights on this topic was presented, revealing that the unemployment rate among Russian-speaking immigrants is 31 per cent, with 17.6 per cent among immigrants and 8.8 per cent in the society;

2) social discrimination of immigrants, first of all of Roma and the Russian-speaking ones (mostly in everyday life). In September 2011, a fine was imposed on an owner of a flea market who refused to lease a market stall to a Roma woman referring to his previous negative experience with Roma;

3) manifestations of national intolerance on the part of indigenous population. Ethnic clashes are rather frequent in Finland. In particular, clashes occur among different ethnic groups of immigrants: e.g., in June 2010, a mass scuffle broke out in a Helsinki amusement park between the Somalis and the Kurds. Cases of vandalism against the property of immigrants and their

associations are more and more common. In 2010, three attacks were made against the property of the first ever Buddhist temple in Finland, which is under construction;

4) intolerance shown by representatives of public authorities towards cultural peculiarities of private life of various nationalities. In May 2011, the attention of mass media was focused on the thesis paper by Johanna Hiitola of Tampere University, in which she proved a prejudiced attitude towards immigrants by Finnish courts in cases involving foster care. In more than 300 cases examined by the candidate, problems related to child-rearing in immigrant families were always attributed to the personal qualities of parents and their incapability to raise children in a civilized way due to cultural characteristics of their countries of origin. But as far as Finnish parents were concerned, the main reason for their failure always seemed to be “exhaustion”, and in cases with immigrant parents, this reason was never taken into consideration;

5) redirection of refugees to other EU countries where receiving an asylum is much less likely;

6) lack of humane treatment of refugees and immigrants in cases of family reunification. In 2010, wide public attention was drawn to the cases of the so-called “grandmothers”: decisions on deportation were adopted in respect of elderly and gravely ill Egyptian Eveline Fadayel and Russian Irina Antonova who visited their relatives in Finland with tourist visas. Irina Antonova’s relatives agreed to the deportation, while Eveline Fadayel's relatives sheltered her; afterwards the Finnish authorities issued her a visa as an exception. Both women died in 2011. The relatives of the deported Russian filed a lawsuit for the compensation for moral damage. In September 2011, the Turku Administrative Court began to examine a similar case of a 87-year-old Kosovo Albanian, Ramadan Kostanica. In 2010, the Finnish Parliament deemed it inappropriate to amend the legislation in order to resolve that problem.

7) lack of experts to work with refugees and immigrants. For instance, the report of the United Nations Committee against Torture noted the complete absence of representatives of national minorities in the judiciary.

**A high rate of domestic violence** on the whole and in relation to spouses in particular; widespread violence and victimization among students; high suicide rates; extremely high rates of mental disorders among children and youth and lack of knowledge about the underlying causes; **high latency of sexual crimes** and insufficiently tough punishments for them are also observed. For instance, in August 2011, the sentence passed on four men guilty of committing a rape of a 14-year-old girl triggered wide public indignation. They were given from 40 days to 6 months of conditional sentence including a penalty of 500 to 3 000 euro. There has been another noteworthy case in the year: a man who had conditional sentence for raping a child continued to work as a football coach of underage girls, since provision of information on prior convictions by persons working as volunteers was not required by law.

**Violations in the area of psychiatric/neurologic care** have also been identified: lack of independent expertise and medicolegal investigation of compulsory hospitalization, performing involuntary electroconvulsive therapy, unjustified prescription of potent psychotropic drugs when treating the attention deficit and hyperactivity child disorder (from the report of the UN Committee against Torture).

**Violations of the freedom of speech** principle pointed out in the ECHR decisions are caused by the restrictive interpretation barring the mass media from interfering into private life which is applied in Finland.

**The gender pay gap** in the area of remuneration for work of equal value in private sector - the 'female euro' was worth 81 euro cent in 2010.

Yet another challenge is the **lack of a consistent national policy towards the Russian-speaking population** of the country, although this is the third largest ethnic group after the titular nation and the Swedes. The

recommendations of the Council of Europe Committee of Ministers to ensure the rights of the Russian-speaking population as a national minority are poorly implemented. Finland disregarded the recommendation of the UN Working Group on Minorities to establish a special advisory body on the issues of the Russian-speaking population despite the appeals by local organizations of Russian-speaking community.

The UN Committee on the Rights of the Child has repeatedly noted the lack of legislative and political guarantees in Finland of the **right of the child** to express his/her opinion to the official authorities on the issues of his/her interest; excessive numbers of children removed from families (16 thousand children are now separated from their families) and insufficient knowledge of the underlying causes; prolonged examinations of guardianship disputes.

Regarding human rights shortcomings in Finland which are important for the Russian side, the following cases remain of utmost relevance:

1. **Salonen Case.** In 2008, Russian and Finnish national Rimma Salonen took out to Russia her 5-year-old son Anton without consent of his Finnish father. The latter immediately called the police, and a criminal case was opened. When the mother found it out, she decided not to go back to Finland. In 2009 the father took the child from his mother by force in the territory of the Russian Federation and brought him to Finland in the trunk of the diplomatic car of the Finnish Vice-Consul. Rimma Salonen, who came to Finland after her son, was convicted of international abduction and was deprived of her custody rights. According to Rimma Salonen, free legal assistance provided to her was so insufficient that the lawyer refused to listen to her and seemed to be interested in supporting the prosecution rather than defending her interests. The Embassy recommended another lawyer to her. At the present moment Rimma Salonen is allowed to see her son once or twice a month in the presence of social workers. Initially they were not allowed to speak Russian during these meetings and the court confirmed this decision as lawful. After the Russian side drew the

attention of the Finnish side to the fact that this prohibition did not comply with international human rights standards, *de facto* it was lifted. Meanwhile, social workers still do not allow her to talk about Orthodox religion during the meetings (even though the mother is an active churchwoman and the son is a baptized Orthodox). In June 2011, Rimma Salonen's representative prepared a complaint for submitting to the ECHR.

2. **Putkonen Case:** in 2010 Helsinki social workers took Julia Putkonen, Finnish citizen, away from her mother Valentina Putkonen, citizen of the Russian Federation, and decided that she should stay with her father Jouni Putkonen, citizen of Finland, in Saint Petersburg where he lives and works. At the present moment, Julia lives in Russia, her mother is allowed to see her.

3. **Rantala Case:** in December 2009, Robert Rantala, who has dual Russian-Finnish citizenship, was taken away by social workers from his parents – Russian citizen Inga Rantala and Finnish citizen Veli-Pekka Rantala. The boy ran away from the orphanage (according to the Finnish side, it was his mother who took him from it) and was returned to his parents following Presidential Ombudsman for Children's Rights Pavel Astakhov's intervention. In June 2010 the mother of the boy, having his father's written consent, took him to Saint Petersburg. Inga does not plan to return to Finland where she has to appear before court on charges of inflicting bodily harm on her son, which was the main reason why the boy was taken away from his parents. According to Inga, she is trying to escape trial not for fear of punishment, but in order to prevent her son from being returned to orphanage.

4. According to the ruling from the Russian court, **Clara Sitnova-Toivonen**, citizen of the Russian Federation living in Finland, was the guardian of her grandson V. Bogdanov, who was taken away by Finnish social workers in 2009 and placed in an orphanage. During the holidays, which the boy was allowed to spend with his grandmother, she took him to Saint Petersburg to their relatives and, at the boy's request (he is older than 12), transferred custody



rights to them, as the boy wanted to live in a family rather than in an orphanage. When she came back to Finland, legal proceedings were initiated against her for child abduction.

5. A 15-year old daughter of **I. Tiensuu** was taken away from her mother in autumn 2010 following a suicide attempt. According to her mother, the girl tried to commit suicide after being raped and it had nothing to do with the situation in the family. Both mother and daughter filed written objections against the girl's placement to an orphanage. The reply to the Consular Office's request was that, according to the Finnish legislation, any suicide attempt gave grounds for taking a child away and that Finnish social workers considered the requirement of the Consular Convention between Finland and the USSR to inform consular offices of a detention of any national of the Sending state inapplicable to children being taken away.

### **France**

More and more often France becomes a target for criticism from international and domestic human rights organizations (*Amnesty International*, the International Federation for Human Rights, *Reporters without Borders* and others). Human rights activists are increasingly concerned with the current **governmental policy aimed at toughening immigration policy, stepping up fight against illegal migration, as well as new approaches to and requirements for immigrants' integration into French society, conditions in French prisons and interference in the work of mass media.**

French authorities' **expulsion campaigns of Romanian and Bulgarian Roma** (who flooded the country after the citizens of Romania and Bulgaria were allowed visa-free access to the Schengen states for 90 days) provoked the strongest response from human rights activists. Starting from July 2010, Paris has been dismantling illegal Roma camps and expelling their inhabitants back to

their home countries (at the expense of the state budget), which has drawn criticism not only from human rights activists but also from Brussels.

**The second large-scale expulsion campaign that also resulted in many protests of human rights activists concerned the natives of North African countries (mainly Tunisia),** who tried to get to France illegally through the Italian island of Lampedusa and continental Italy under the pretext of the Arab Spring. Paris took severe measures – border control at the Italian-French border was temporarily restored, intruders were caught and headed back home.

Human rights NGOs fiercely criticize any attempts by the government to tighten requirements for integration of legal immigrants into French society. Particularly, in the past year the legislation was amended to make it more difficult for immigrant families to reunite, obtain the right for refuge and French citizenship. The law passed under Jacques Chirac yet which banned wearing religious symbols in state educational institutions is being strictly observed. It is prohibited to wear hijab in public places, to conduct religious ceremonies and to pray in the street.

French officials sweep away all accusations of human rights activists. The authorities promise to intensify the fight with illegal immigrants. It is noted that not only Arabs and Roma, but all illegal immigrants regardless of their origin are being expelled.

**The immigration law,** which came into force at the end of 2007 and restricted the right for family reconciliation, allowing DNA tests in order to prove family links, is widely criticized even by the State Ethics Commission.

The ECHR and the UN Committee against Torture regularly register **violations of the ‘non-refoulement’ principle and of the state’s obligation to ensure effective right to legal assistance.**

The French **judicial system** is often criticized by the EU and human rights NGOs. Investigations are unreasonably prolonged; as the process of moving the cases on to courts. During court proceedings, access to case files for

defendants is extremely limited. **Ill-treatment of legal and illegal immigrants** and French citizens of foreign origin **by policemen** is becoming more and more common during preliminary detention and repatriation process. All human rights organizations note an actual impunity of French policemen as well as biased approaches of judges and the inadequacy of their decisions in similar cases.

According to *Amnesty International* and the Council of Europe Commission, French **prisons are the worst in the European Union due to their unsatisfactory state** in terms of overcrowding and unsanitary conditions.

France was criticized for the **law adopted in March 2004 to prohibit wearing religious symbols in public schools that characterizes it as infringing on the rights to freedom of religion and restricting the right to education**. Muslim girls face the choice – either to remove a head covering or leave a public school.

Human rights activists were especially concerned with the situation related to the **deportation of Roma**.

On August 19, 2010, deportation of Roma to Romania and Bulgaria began. In total, the government planned to deport about 700 Roma on a voluntary basis. Each deported adult received 300 euro and a child 100 euro from the government. On August 20 and 26 airplanes with Roma left for Romania.

On September 9, 2010, the European parliament urged France to immediately suspend the deportation of Roma migrants to Bulgaria and Romania. Actions by Paris were condemned by the United Nations.

France ignored the European Parliament's call to suspend the deportation of Roma. In view of Viviane Reding, European Commissioner for Justice, Paris **violated the EU laws on the freedom of movement**.

There are about 400,000 Roma in France, the majority of which live in that country for centuries. All of them are French citizens, their nomadic life is

considered to be a cultural heritage and the law obliges local authorities to allocate plots of land to Roma camps. There are also about 15,000 descendants from Eastern Europe, mainly from Romania and Bulgaria.

In 2009 about 11,000 of Eastern European Roma were expelled home, but many of them soon returned to France. Since the beginning of 2010 France expelled to Romania and Bulgaria about 8,000 Roma with 1,000 of them in August only.

The scandal with Roma has led to **toughening of immigration legislation** in France. An initial version of the draft immigration law was supplemented with provisions that any foreign individual who threatened the life of policeman, gendarme or any other law-enforcement official could be deprived of French citizenship.

**Moreover, draft law provides for a simplified procedure for the expulsion of illegal Roma residents and includes a directive on return that allows an administration, in addition to expulsion, to prohibit the return to the European Union for 3 to 5 years.**

### **Federal Republic of Germany**

The report of the UN Committee on Economic, Social and Cultural Rights, published in the end of May 2011, raised a range of concerns about the situation with human rights in Germany, particularly in connection with **the persistence of social and labour discrimination of refugees and migrants, limited access to the labour market for the persons with disabilities, poor living conditions in the nursing homes for the elderly, the lack of preschool institutions for children, the prohibition of strikes for some categories of state officials, the gender-based discrimination in employment and professional career.**

A special emphasis is placed on the **need to address child poverty**

(according to the Committee, 2.5 million of children in Germany live below the poverty threshold).

The majority of human rights concerns are related to the **migration policy** of Germany. Actions taken in this area by the German government were criticized by Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, who said that migrants should not be required to learn the language of the country of stay and adapt to the national peculiarities of life in Germany as soon as possible. In his letter to the Federal Minister of Interior of Germany of November 15, 2010 (Thomas de Maizière at that time, the incumbent Minister of Defence), Thomas Hammarberg noted the **discriminatory policy** of Berlin **towards the representatives of Sinti and Roma** and called to abandon the practice of their deportation to Kosovo.

The report of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities on the human rights situation in Germany (December 2010) indicated the need to create more favourable conditions for encouraging **national minorities** to use their native tongues in daily life.

The report submitted to the Human Rights Council during its 14<sup>th</sup> session (June 2010) by Githu Muigai, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, highlighted the intensification of the ingrained racist attitudes in Germany and the insufficiency of efforts made by the national authorities to eradicate these problems. It also criticized legal regulations on stay applied in Germany to **refugees** which does not grant them a right to a free choice of a place of residence.

Well-known human rights NGOs, including *Amnesty International*, Human Rights Watch and others, have repeatedly described the **facts of xenophobia and racism, deficiencies of the penitentiary system and deterioration of the situation of migrants and refugees**. The human rights

defenders are concerned with the refusal of Germany to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. According to Amnesty International, the Federal Constitutional Court of Germany receives annually up to 12 thousand complaints concerning violations of political, economic, social, national and religious rights.

The NGO accuses security forces of **detaining persons suspected of involvement in terrorist activities and extraditing them illegally to the States of their nationality** (and highlights the lack of "diplomatic guarantees" that suspects will not be subject to torture). In this context, the human rights community notes that in January 2011 the German Federal Ministry of Justice declined the proposal of Wolfgang Neskovic, a Bundestag deputy from the Left Party, to request extradition of 13 CIA agents from the United States of America. They are suspected of abducting Khaled al-Masri, a German national of Lebanese origin, in Macedonia in 2003 and illegal detention in a prison in Afghanistan. In 2007 the Administrative Court of Munich satisfied the request of the Prosecutor's Office for issuing arrest warrants against those agents, but the German Federal Ministry of Justice "soft-pedaled" the case.

To provide additional facts of violations it can be mentioned that in January 2011 mass media published information that mail correspondence of **the German soldiers serving in Afghanistan was secretly examined**, allegedly, by officers of the Federal Intelligence Service (BND) and Military Counterintelligence Service (MAD).

In 2010 the ECHR ruled against Germany in 26 cases concerning violations of fundamental rights and freedoms, related primarily to the refusals of the judicial authorities to release dangerous offenders, who had served their prison sentences for grave offenses, but were still considered dangerous for the society. The Court asked the German lawmakers to revise relevant regulations.

Human rights defenders particularly regret that Germany has not yet ratified the United Nations Convention against Corruption, as well as the

Council of Europe criminal and civil law conventions on corruption.

## **Sweden**

Sweden has been criticized for human rights violations by the international institutions (the UN, the European Court of Human Rights, the Council of Europe and the European Parliament) and by the leading non-governmental human rights organizations (*Human Rights Watch* and *Amnesty International*).

In particular, in 2011 the UN Human Rights Council drew attention of the Swedish authorities to the need to take actions to combat **racism and xenophobia, hate crimes and discrimination of migrants and representatives of ethnic minorities and indigenous peoples, as well as to eradicate violence against women.**

**Quite many cases and complaints against Sweden are brought before the ECHR, most of them referring to the European Convention for the Protection of Human Rights and Fundamental Freedoms (an average of more than 400 cases and a dozen of condemnatory judgments per year).**

**The UN Committee on the Elimination of Racial Discrimination has repeatedly criticized the Swedish policy towards national minorities and migrants, noting that the Swedish migration authority often refuses to grant residence permits to people who really need an asylum.**

**The human rights organizations Human Rights Watch and Amnesty International reiterate in their reports that the Swedish migration authority sometimes refuses to accept applications for asylum from nationals of Eritrea. As a consequence, refugees are exposed to a risk of being deported to the country of their origin, although the Office of the United Nations High Commissioner for Refugees advised the governments of all countries to suspend the forced return of people to that country.**

**When deciding on asylum issues, particularly those with political background, the Swedish authorities sometimes use double standards. An example** of such practice is the politically motivated refusal of the Swedish side to extradite those accused of committing grave crimes (Magomed Uspaev and Aslan Adaev) to Russia. The provision of all evidences of their involvement in criminal activities, including gangsterism and terrorism, to the Swedish authorities has had no effect.

**There is still an urgent need to address problems related to racial discrimination, particularly in employment, as the Swedish companies, in most cases, prefer to recruit native citizens. According to the Center against Racism NGO, the difference in the numbers of immigrants and native citizens working in their professional areas today is about 20 per cent.**

**The Council of Europe and some international human rights organizations note that Sweden does not make enough effort to comply with the Council of Europe convention on the rights of national minorities signed in 2000. According to experts, Sweden is not active enough in registering its people, speaking the languages of national minorities (there are five languages with such status in Sweden). It is emphasized that the Swedish authorities are responsible for providing all children of the representatives of national minorities with an opportunity to receive education in two languages: their native language and the Swedish language.**

Furthermore, in January 2009 the law on examination of electronic messages (2008:717) entered into force. According to the law, the special services of Sweden may track any relevant information on the Internet and tap mobile and stationary phones of any person suspected of criminal or terrorist activities without a warrant issued by judicial authorities. It is noteworthy that the abovementioned "anti-terrorist" law does not preclude the continued



operation of Kavkaz-Center website run by the Chechen combatants at the server of the Swedish Internet service provider.

### **Baltic States**

Discrimination policy by the Baltic States authorities towards Russian-speaking minority remains practically the same.

The **unresolved problem of mass statelessness** in Latvia (about 330,000 non-citizens) and Estonia (about 100,000 non-citizens) and resulting **violations of the rights of Russian-speaking minority** in the said countries are of particular concern. Despite the continued recommendations by international and human rights organizations the procedure for naturalization has not been simplified for older persons and children of non-citizens are not automatically granted birthright citizenship. Thus, the problem of statelessness is being self-reproduced.

The problem of **granting active and passive voting rights to non-citizens in Latvia and active voting right in Estonia** at municipal elections remains unresolved despite the fact that this category of residents of Baltic States represents good-faith taxpayers. That also refers to concern expressed by the United Nations Committee on the Elimination of Racial Discrimination (CERD) with restrictions on non-citizens' rights to participate in political parties.

CERD is concerned with an excessive focus on Estonian language and use of language sanctions, and all the more so because punitive measures do not motivate national minorities to study state language and to the naturalization. The same situation prevails in Latvia.

With Latvia and Estonia having **mass statelessness and extremely low naturalization as their main problems, narrowing of Russian information and cultural and educational space and persecution of veterans of the**

**Great Patriotic War and law-enforcement authorities of the former USSR is also taking place in Lithuania, besides the above-mentioned countries.**

Of special concern is the policy continued in all three Baltic states to **rewrite the history of World War II** (glorification of Fascist henchmen, public meetings of Waffen SS legionnaires, desecration of monuments, demonstrations and camps of nationalist youth, persecution of veterans sacrificing their health and often their lives to liberate Europe, including Latvia, Lithuania and Estonia from Nazi enslavement), **equalization of Nazi and Soviet regimes, attempts to glorify Nazis and their local collaborators.** This policy is one of the main factors to promote neo-Nazi, racist and extremist sentiments that provoke manifestations of nationalism, xenophobia and anti-semitism, racial and religious intolerance.

### **Latvia**

A distinctive feature of the human rights situation in the Latvian society is **mass statelessness**. According to the Office of Citizenship and Migration Affairs of Latvia, as of July 1, 2011, it amounts to 319,267 people (about 14.3 per cent of the country's population) and is gradually decreasing mainly due to mortality and migration.

A total of **79 restrictions of rights of "non-citizens"** are maintained, including such fundamental ones as the right to vote and be elected. This also includes the bans on professions (47 in total). "Non-citizens" in Latvia cannot hold state and municipal offices, serve as judges, prosecutors, be elected as associate judges and serve in the army. They are also denied of the right to establish political parties, conclude real estate transactions without the consent of the municipal authorities, etc.

**The authorities do not recognise "non-citizens" as national minorities.** Latvia ratified the Framework Convention for the Protection of

National Minorities (FCNM) on May 26, 2005, with two reservations that cancelled the provisions of the Convention, under which national minorities in places of their compact residence are given the opportunity to communicate in their native language with the authorities, as well as to use the native language in topographical names. Furthermore, the additional declaration adopted by the Latvian Parliament upon ratification clarifies that the said Convention does not apply to “non-citizens”, whereas more than 50 per cent of the population living in the largest cities of Latvia (Riga, Daugavpils, and Liepaja) is Russian-speaking in terms of its ethnic composition.

In recent years, **the rate of naturalization is steadily falling** (from 19,169 people in 2005 to 2,336 people in 2010), and the policy of integration of the Latvian society came to a deadlock. In the document approved by the Latvian Government in October 2011 “The Major Issues of the Policy of National Identity and Social Integration (2012-2018)” key guidelines are formulated aimed at full assimilation of the Russian-speaking population. This programme states that the priority areas of activity of the Latvian authorities in this sphere are as follows: consolidating the positions of the Latvian language and culture, ensuring adherence to European democratic values, “forming a cohesive national memory” based on loyalty to the concept of “the Soviet occupation”.

The consequences of such a policy had been so negative that they became a subject of permanent concern of European human rights institutions and other international organisations. Problematic human rights situation in Latvia has recently been noted, inter alia, by the OSCE High Commissioner on National Minorities Knut Vollebaek (in November 2010 at the OSCE Permanent Council meeting in Vienna, in February 2011 during a visit to Latvia, in April 2011 in the remarks made at the International Peace Institute in New York and the Woodrow Wilson International Center for Scholars in Washington, D.C.); the Council of Europe Commissioner for Human Rights Thomas Hammarberg (in

December 2010 at the 4th Council of Europe Conference on Nationality in Strasbourg); the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (in December 2010 at the meeting of the ILO Committee).

On March 30, 2011, the Committee of Ministers of the Council of Europe (CMCE) adopted a resolution on the implementation by Latvia of the Framework Convention for the Protection of National Minorities (FCNM). This made possible the publication of the assessments by an independent monitoring body of the FCNM – the Advisory Committee (AC). The resolution generally confirmed the assessments by the AC. It notes that the problem of persistent significant number of “non-citizens”, including among children born after August 21, 1991, requires a priority solution. It points to the unacceptability of language discrimination in the sphere of labour and communication, the reduction of opportunities for education in the languages of the national minorities in Latvian public schools. It contains a call for Latvia to eliminate the shortcomings concerning the participation of the national minorities in the life of the society, including municipal elections.

On May 5, 2011, the 11th session of the working group of the United Nations Human Rights Council (HRC) on the Universal Periodic Review (UPR) in Geneva considered the situation with human rights in Latvia, including on the basis of the report prepared by the Government of the Republic of Latvia on the human rights situation in the country. The report contains, as usual, a rather blurred picture, which does not give a full understanding of the true state of affairs in this sphere, whereas not all Latvian NGOs by any means were involved in preparing the report. First of all, those are excluded that represent the Russian-speaking population. Among them is the Latvian Human Rights Committee (LHRC).

In this regard, the LHRC submitted an alternative paper to the Office of the High Commissioner for Human Rights prepared on the basis of its own

research in the area of mass statelessness, language discrimination, the unequal situation of minorities on the labour market, the significant demographic differences between Latvians and non-Latvians.

The LHRC, in particular, draws attention to the fundamental differences in the estimates and points contained in these materials, although both were based on the same pattern. For example, the Government of the Republic of Latvia mentions the international documents to which the Latvian authorities acceded, and the LHRC refers to those that Latvia does not hasten to join because they provide for the right to submit individual complaints to international institutions.

Following the discussion of the situation in Geneva, in which the representatives of 43 Member States of the UN, including Russia, participated, a whole range (122) of practical recommendations was offered to the Latvian side.

On September 6, 2011, the Government of Latvia at a closed meeting considered the recommendations of the HRC following the discussion of the human rights situation in Latvia in Geneva at the 11th session of the working group of the HRC on the UPR on May 5, 2011. As appears from the press release of the Ministry of Foreign Affairs of Latvia on this matter, a number of key claims, in particular, the immediate elimination of the status of “non-citizens”, are completely unacceptable to Riga.

The situation of “non-citizens” deprived of voting rights was described as “a challenge for Latvia” by the Head of the Limited Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) Konrad Olszewski, who was in the country in September 2011. In his opinion, the Latvian Government does not pay enough attention to the issues of social integration, while the OSCE has no effective leverage but to constantly remind of its human rights recommendations and periodically draw attention to the

situation in this area. “The fact that “non-citizens” do not participate in the elections and remain without representatives,” emphasised Mr. Olszewski, “still is a difficult task.” He also noted the absence in Latvia of the right to stand for election as independent candidates, which contradicts its OSCE commitments.

The inaction of the Latvian authorities and their virtual disregard for multiple recommendations of the international institutions prompted a number of Latvia’s human rights organisations (the Union of Citizens and “Non-Citizens”, the Humanitarian Perspective, and the LHRC) to request information from 12 international organisations in August 2011 on how these bodies respond to Latvia’s non-fulfilment of these recommendations. It notes, in particular, that from 1995 the number of “non-citizens” declined by approximately 380 thousand people (from 700 thousand to 319,267 people). 40 per cent of them acquired Latvian citizenship through naturalization, 32 per cent died in this status, 17 per cent emigrated, and 11 per cent took citizenship of the third countries. At the same time, the process of naturalization has gradually slowed down in recent years: only about 1 per cent of “non-citizens” undergo this procedure annually.

On September 9, 2011, the Head of the United Congress of Russian Communities Alexander Gaponenko, a “non-citizen”, demanded from the Constitutional Court of the Republic of Latvia to recognise the article of the Law on Elections to Local Authorities, which secures the right to elect the self-government institutions only for the citizens of Latvia, as inconsistent with the Constitution of the country. Mr. Gaponenko’s argumentation is based on the fact that Article 91 of the Constitution of the Republic of Latvia guarantees the implementation of human rights without any exceptions or discrimination.

On August 28, 2011, at the regional conference of the Russian compatriots of the Baltic States in Riga a prominent human rights activist, the representative of the LHRC Vladimir Buzaev promulgated the report “Ethnic Policy and Demography of the Russian Population in Latvia, Lithuania, and

Estonia”, in which he virtually accused these countries’ authorities of **the genocide of the Russian population**.

To substantiate his version, Mr. Buzaev referred to three features that are characteristic of such actions.

The first one is the deliberate creation of the living conditions for an ethnic group aimed at its total or partial physical annihilation. The second includes measures intended to prevent child births within such group. The third is the forcible transfer of children from one ethnic group to another.

In respect of Latvia, it is manifested, according to the author, in the fact that the mortality rate among the national minorities is on average higher by 18 per cent, and the birth rate is by 25 per cent lower than those of the Latvians. In comparison with 1990, the number of students in Latvian schools decreased by 14 per cent, and of Russian schools – by 64 per cent. In 2009 the number of first-grade pupils in Russian schools was 20 per cent lower than the number of seven-year-old non-Latvians, while the figure for Latvian schools was 12 per cent higher than that for seven-year-old Latvians, because due to the closure of Russian schools, the Russian-speaking parents have to send their children to schools with education in the Latvian language.

The discrimination policy of the Latvian authorities with regard to national minorities leads to **the intensification of interethnic confrontation** in the Latvian society and **unties the hands of the radical nationalists**, who from the 10th Saeima (from October 2010) wage an ever-strengthening attack from the parliamentary rostrum on the positions of the Russian language in the country. In practice, this has already been manifested in the adoption of their bill on a severe increase in the fines for the failure to use the state language and the expansion of the list of professions that require a high proficiency in Latvian.

## Lithuania

According to the latest data provided by Statistics Lithuania, national minorities account for 13.2 per cent of the Lithuanian population<sup>2</sup>. Representatives of national communities living in Lithuania, as well as a number of authoritative international organizations view **the official Lithuanian policy as sometimes inconsistent with the principles of international law regarding the protection of the rights and interests of national minorities. The Polish minority of the country is especially insistent in expressing its discontent**, enjoying the support of Poland, a strategic Lithuanian partner in the European Union, and its officials. In the last two years, **a number of Russian-speaking political and social organizations act together** with the Polish community to defend their rights. Thus, two largest national diasporas share basic similar goals directed against the policy of local authorities seeking to assimilate the country's minorities in disregard to the fundamental international instruments, which include the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE<sup>3</sup>. Official data provided in recent years by Statistics Lithuania clearly confirm the trend towards downsizing of national communities<sup>4</sup>.

**Lithuania has not acceded to the European Charter for Regional or Minority Languages** (Strasbourg, 5 November 1992) despite the fact that

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<sup>2</sup> Excluding 3.7% of the population of Lithuania, whose nationality was not specified.

<sup>3</sup> According to which, "Persons belonging to national minorities have the right freely to express, preserve and develop their national, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will".

<sup>4</sup> For instance, Russians made up 9.4% of the population of Lithuania in 1989, 6.3% in 2001 (last census) and 4.8% in 2011, according to Statistics Lithuania. In other words, Russian population has almost halved over the twenty years of Lithuania's independence. Thus, according to Vladas Gaidys, a Lithuanian sociologist and head of Market and Opinion Research Centre "Vilmorus Ltd.", "the assimilation is one of the major reasons why the number of Russians has decreased" A similar trend is being observed with other communities in Lithuania (the downsizing of communities in the period between 1989 and 2011): Ukrainians from 1.2% to 0.6%, Belarusians from 1.7% to 1.1%, Poles from 7% to 6%, Jews from 0.3% to 0.1%. At the same time, the share of Lithuanians in total population has increased from 79.6% in 1989 to 83.1% in 2011.



within its territory the nationals of the state “traditionally use” minority languages and the said languages are “the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter”<sup>5</sup>.

**National minorities report a significant setback in pursuing their rights over recent years:** in 2009, the Department of National Minorities and Emigration of the Government of the Republic of Lithuania<sup>6</sup> was dismantled, the Law "On National Minorities" (of November 23, 1989) expired<sup>7</sup> leaving many of its provisions unimplemented. It has become significantly more difficult for national minorities to receive information in their native language<sup>8</sup>. The Seimas began to discuss amendments to the Law on Science and Studies of the Republic of Lithuania to substantially reduce the number of teaching hours in native languages, as well as to introduce a single state language exam for students of both Lithuanian schools and schools for national minorities. The demands of national minorities to use their names according to the rules of their native language remain unsatisfied. Disregarding the established practices and European legislation Lithuania has banned the use of minority language (along with the state one) in geographical names, even in localities where its representatives comprise more than 80 per cent of total population. In 2008, the Administrative Court banned the use of Russian and Polish languages for signs and topographical indications in the places of compact residence of national minorities (Vilnius and Šalčininkai districts), the ruling also contradicts the provisions of Article 11, Paragraph 3 of the Framework Convention. In 2010

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<sup>5</sup> Part I of the European Charter for Regional or Minority Languages.

<sup>6</sup> Created by the Decree of the Government of Lithuania of 14.02.2003 to be in charge of national minority policy.

<sup>7</sup> In 2009, the Seimas didn't extend its duration as it used to do before.

<sup>8</sup> According to Statistics Lithuania, 44 Russian-language publications were being published in Lithuania in 1995 compared to only 16 in 2009. The total circulation of publications in Russian is also decreasing: from 14.7 million copies in 2008 to 11.8 million copies in 2009. The airtime share for programs in Russian and other national minorities' languages on state television is decreasing too. It is now 0.7%. For instance, the duration of “Russian Street”, a program for Russian-speaking audience, has been reduced from 30 down to 13 minutes due to its allegedly low ratings.

alone, there had been reported several administrative punishments in form of fines against local self-government officials and entrepreneurs for public use of the Polish language (along with the official language, of course).

**The new version of the Lithuanian Law on Education (adopted on March 30, 2011) does not comply with certain provisions of the OSCE documents** and does not reflect the opinion of Russian and Polish communities that had managed to collect over 60 thousand signatures against it on the eve of a vote in the Seimas. Thus, according to the Charter of Paris for a New Europe of November 21, 1990, the CSCE participating States undertake to improve the situation of national minorities (not to worsen it), and according to the Paragraph 33 of the Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE (29 June 1990) to provide such protection, they “take necessary measures after due consultations, including contacts with organizations or associations of such minorities”. It should be also noted that in their comments regarding the amendments to the Lithuanian Law on Education, Lithuanian officials were referring to statistics not directly related to students of national minorities’ schools (it is about how successful national minorities’ schools graduates enter Lithuanian high schools and graduate from them).

Besides, **the Polish and Jewish communities demand speedy resolution of issues related to property restitution**, noting the infringement of their rights compared to the representatives of the titular nation.

A report on Lithuania published in September 2011 by the European Commission against Racism and Intolerance (ECRI) highlights the **legal vacuum in the regulation of the situation of national minorities** left by the expiry in 2010 of the 1989 Law on National Minorities and views it as a serious flaw in the human rights protection. The provision of the Law on Presidential Elections that impedes Lithuanian citizens of non-Lithuanian origin from standing for presidential elections has been also subject to criticism.

ECRI pays traditionally close attention to **the situation of Roma**. It is noted the Program for the Integration of Roma into Lithuanian Society for the years 2008-2010 had not produced any tangible results, despite some positive initiatives undertaken to remedy the situation in the field of education. The most problematic areas are **the employment of Roma and provision of housing to them**.

The Commission draws attention to the continued **manifestations of anti-Semitism** already reported in the previous monitoring cycle.

There is a **lack of clear policies in relation to the situation of other national minorities**. The role of the Council of National Minorities is minimized in the situation when its advice practically is not being sought. ECRI draws attention to **the problems of national minorities concerning the implementation of the right to get education in their mother tongue: scarcity in minority language textbooks, lack of properly trained teachers, actually increasing share of education in Lithuanian language in minority schools, in other words, the actual displacement of other languages from the learning process**.

The international community's evaluation of Lithuania's human rights performance (on October 11, 2011, the UN Human Rights Council in Geneva reviewed the human rights record of Lithuania as part of the Universal Periodic Review of Human Rights of UN Member States) indicates serious persistent problems of human rights in Lithuania - **the discriminatory policy of the authorities towards national and linguistic minorities, manifestations of racism and anti-Semitism, poor condition of the prison system, human trafficking, violation of human rights of children, women and people with disabilities**, etc. UN Member States made a significant number of recommendations to Lithuania. Russia especially stressed **the need to eradicate the manifestations of racism and neo-Nazi attempts to revise the outcome of World War II and cease the glorification of Nazi henchmen and**

**prosecution of anti-fascist veterans, as well as the discrimination against Lithuania's Russian-speaking population in both cultural and linguistic spheres.**

In October 2011, during the examination of Lithuania's human rights performance by the UN Human Rights Council in Geneva under the Universal Periodic Review, Lithuanian Minister of Justice Remigijus Šimašius actually equated the Soviet Union to the Nazi Germany in his statement, saying that "both regimes violated human rights" and "occupied Lithuania". Such offensive remarks made by an official representative of the state being the OSCE-Chairman-in-Office are especially intolerable.

**Distortion and falsification of facts and events related to World War II**, the "Soviet period" of Lithuania and the period of gaining independence, are growing in scale in Lithuania and, in fact, become the pillars of state policy. Lithuania continues to **launch large-scale campaigns** linked to "important" dates associated mainly with the "black pages of the Soviet past" and country's "fight" for independence: the 20th anniversary of shooting of the "border guards" in Medininkai (in August 2011, on the request of the Prosecutor General's Office of Lithuania the District Court of Vilnius has ordered the arrest in absentia of three citizens of Russia: A. Ryzhov, C. Mlynnik and A.Laktionov, suspected by the Lithuanian side of murdering Lithuanian "border guards" at the "checkpoint" in Medininkai on July 31, 1991, and issued a European Arrest Warrant), the 22nd anniversary of the "Baltic Way" campaign, the 20th anniversary of the death of Arturas Sakalauskas, who is called "the last victim of the occupation of Lithuania" and "a defender of the Supreme Council", a remembrance day of the "Soviet repressive organs" victims in Tuskulenai, etc. **Top governmental officials and the foreign minister regularly participate** in such events reiterating the well-known "postulates" about "Soviet occupation", the need to compensate the "damage", "Soviet genocide of Lithuanians". The Lithuanian side places a strong emphasis on the "historical significance" of the

Treaty on the Foundations of Inter-State Relations between the Republic of Lithuania and the Russian Soviet Federal Socialist Republic (as it contains a reference to the annexation of Lithuania in its preamble).

Consistent efforts to establish the vision of occupation in the legal framework of the country are mainly being undertaken by the legislative authorities, mass media and partisan NGOs. Thus, the conservative government has recently approved an idea to grant the status of victims of occupation of 1939-1990 to those who after the restoration of independence of the Republic of Lithuania were forced to undergo military service in the Red Army. In addition, a draft law was introduced to the Seimas designed to grant a status of the participant in resistance to the Soviet occupation regime not only to those who fought against the first occupation of 1940-1941 but also to those who fought against an occupation regime in 1944-1990.

Lithuanian authorities both in the country and international fora also continued to aggressively raise the issue of crimes of Soviet law-enforcement structures during the events of January 13, 1991. To promote it, including in the anti-Russian context, in addition to multi-level actions concerning an incident in Vienna with M.V.Golovaty Vilnius also used the trial against Algirdas Paleckis, chair of the Socialist People's front, prosecuted for his public statements running counter to the official Lithuanian version of the events of January 13, 1991, in Vilnius (some witnesses gave evidence for A. Paleckis in the court proceedings. Meanwhile, Lithuanian authorities are trying to hush up those facts).

Vilnius continues to make considerable efforts to inflate the historic significance of heroic struggle of Lithuanian partisans, the so called Forest Brothers. The state-supported action such as the opening of the monument in honour of the fighters for the freedom of Lithuania who maintained contacts with western countries through the Baltic Sea in 1944-1953 in Sventoji received a wide coverage.

Despite the fact that the year in memory of the victims of the Holocaust was announced in Lithuania and the law on compensation of immovable property of Jewish religious communities was adopted, the official Vilnius continues to shade inconvenient historic facts related to the extermination of Jewish population of Lithuania during World War II with the participation of Lithuanians themselves. Various anti-Semitic actions by nationalists which are not virtually suppressed by public authorities should be noted.

Demonstrations by young Neo-Nazis have been organized in Vilnius in recent years. In August 2011 the National Youth Union of Lithuania using the public funds organized a summer camp in Deveniskes, a place inhabited by national minorities, under nationalist slogans “Lithuania for Lithuanians” and “cleaning out Slavic and Germanic languages“.

Characteristically, historic claims of Lithuania go beyond the Soviet period. The theme of the uprising of 1831 against the Tsar power is actively engaged through a number of commemorative events.

Historic themes are also widely covered in local periodicals. Bookstores have plenty of tractates, including by the Chairman of the Seimas Committee on National Security and Defense Arvydas Anusauskas, telling about the crimes of the Soviet totalitarian regime and heroic resistance of Lithuanians to Soviet occupants. Recently, a latest offer appeared on sale -a book in Lithuanian by Timoty Snyder explicitly called “Bloodlands: Europe Between Hitler and Stalin” and published with assistance by the Ministry of Foreign Affairs of the Republic of Lithuania. However, to be fair, it should be noted that local people do not hunt for such literature.

Local school teaching books also advocate a biased approach towards history. In view of local Russian experts, they give a one-dimensional overview of the centuries-old Russian history with a focus on Ivan the Terrible, Peter I, Lenin and “bloody” Stalin. The school history curriculum consciously portrays an unattractive image of Russia which should be afraid of.

## **Estonia**

Estonia has about 100,000 non-citizens whose legal status is a special invention of Estonian authorities to ensure that this group of people be not subject to international conventions, including the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and be excluded from official statistics showing the number of stateless persons. Too high language requirements and absence of the automatic granting of citizenship to children of non-citizens and policy towards assimilation of our compatriots pursued by Estonian authorities resulted in lower rates of naturalization. In 2010 only 1,184 people received Estonian citizenship (7,000 people in 2005).

Today there are no grounds to believe that in the near future Estonian leaders will be ready to take real measures to overcome existing situation, although relevant international organizations, local communities and even members of Estonian parliament proposed such steps to this end as automatic granting of citizenship to children of holders of grey aliens' passports, simplified naturalization of stateless persons born in the territory of the Estonian Soviet Socialist Republic/Estonia, full or partial abolition of language requirements for granting citizenship to all those who reached pension age and not only to those born before January 1, 1930, as now.

Another systematic problem of Estonia is practical non-operation of provisions of the Framework Convention for the Protection of National Minorities. That instrument was ratified by Estonia on November 21, 1996, with a declaration that only citizens of the Republic of Estonia may be considered as "national minority". On that basis the authorities have long refused to accept requests by municipalities of places inhabited by Russian-speaking minority to grant an official status to the Russian language referring to the ratification law. Currently, non-citizens account for considerably more than the required 50 per

cent in area in the Republic where they constitute a majority of the population but the situation persists.

At the same time, municipalities of the North-East part of the country where our compatriots mostly live adapted to the present situation (records are managed in Russian, including discussion of and voting on various issues with final documents and protocols in the state language being backdated) and do not intend to draw the government's attention to that issue again being aware of its firm position.

Another acute problem is the **policy pursued by the Government of Estonia aimed at full abolition of Russian-language education**, at the level of gymnasiums for the time being. Despite the fact that existing Estonian legislation (Law on the basic school and gymnasium) provide for a possibility to study not only in Estonian but also in other languages, the Ministry of Education and Science does not believe in the need to strictly implement the rules of law. The plan to develop an education system for 2011-2020 that was made public does not provide for studies in public schools in languages other than Estonian. Over many years relevant higher educational institutions do not train teachers for Russian schools. The former and current Minister of Education Tonis Lukas and Jaak Aaviksoo, respectively, said that the norm in the said Law that schools can exist with instruction in other languages than Estonian is an exception that will be never allowed and thus demonstrate both legal nihilism of some Estonian leaders and disrespect towards their legislation. Starting from the current academic year 60 per cent of disciplines in all gymnasia will be taught in Estonian that can but lower the quality of education first of all of Russia-speaking pupils.

The parliamentary elections held in March 2011 that conserved the previous political landscape do not give grounds to expect positive changes in the human rights in the near future. In this connection one should note an opinion of human rights activists of the Legal Information Centre for Human



Rights based in Tallinn that Estonian authorities skillfully play in that field and even a few cases identified in recent years and publicized by the centre are interpreted by the European Court of Human Rights, as a rule, against claimants due to lack of clear signs that their rights were infringed upon.

**Estonia continues to see increasing Neo-Nazi manifestations.** This August an annual sports and military competition Erna 2011 funded by the Ministry of Defence was organized again to virtually glorify actions by the Abwehr subversive units in the rear areas of the Red Army in August 1941. Public meetings of Waffen SS legionnaires that became traditional are held in Estonia, the “Bronze Soldier” (monument to the Liberators of Tallinn from Nazi invaders) was removed from the historic centre of Tallinn.

### Georgia

On the night of May 26, 2011, the Georgian police scattered the group of protesters in front of the Georgian Parliament. One of the protesters died, dozens, including women, were brutally beaten. Not only protesters, but journalists as well became victims of the repressions. All this is just one more evident proof of the critical situation with human rights in Georgia. Tbilisi’s actions became another flagrant **violation of the right to peaceful assembly and freedom of opinion and expression**. Respective strict recommendations were addressed to the Georgian authorities this January during the first stage of the Universal Periodic Review procedure undergone by Georgia in the framework of the UN Human Right Council.

In August 2011, the *Amnesty International* published a report criticizing Tbilisi for the **forced deportation of temporarily displaced persons (TDP)** from temporary shelters. The report notes that as a result of armed conflicts in the 1990s and 2008 TDP currently represents about 6 per cent of the Georgian population (247,000 people). For more than 20 years the majority of them have

not been able to exercise their right of return, have not received permanent accommodation and experienced considerable difficulties in employment and accessing medical services in the absence of social and economic protection.

In the midst of new deportations started this July human rights activists note that Tbilisi's policy leads to the deterioration of the TDP situation and goes against Georgia's international legal obligations. In particular, the rights of the TDP to preliminary notice of deportation, return to their original places of residence, compensations and new adequate accommodation are not ensured. Georgian Government also does not take measures for social adaptation and economic support of the victims, moving people to isolated and less developed regions of the country with limited employment opportunities.

It is noted that in the period from June 2010 to January 2011 more than one thousand people were moved from Tbilisi to remote parts of the country with no basic infrastructure and extremely hard living conditions.

Although in 2005 the Georgian Parliament ratified the Council of Europe Framework Convention for the Protection of National Minorities, Tbilisi made a number of substantial reservations regarding its implementation. Particularly, Georgia stressed that it was not possible to guarantee the Convention's full entry into force until the territorial integrity of Georgia is restored. Concerning support and development of minority languages, the Parliament pointed out that the state is obliged to provide national minorities with an opportunity to learn the official language, but did not acknowledge the state's obligation to support minority languages and promote their development. At the present time **the Georgian Parliament continues to delay the ratification of the European Charter for Regional or Minority Languages** that is strongly recommended by the Council of Europe in order to create a legal framework corresponding to European standards for the protection of human rights.

The draft resolution by the Committee of Ministers of the Council of Europe (CMCE) on Georgia's implementation of the Framework Convention

for the Protection of National Minorities (FCNM) in 2010 notes that the main challenge the authorities face is **ensuring language rights of the national minorities**. Despite the fact that the Georgian authorities take efforts to ensure the teaching of Georgian for the minorities, these efforts clearly do not satisfy the existing requirements. Participation of the national minorities in the cultural, social, economic and public and political life is noticeably limited. A concern has been expressed that the escalating interreligious tension in Georgia has a particular influence on the situation of national minorities.

The concluding observations of the UN Committee on the Elimination of Racial Discrimination (CERD) on Georgia's reports on the human rights situation in the country in August 2011 point out **the absence of legislation for the protection of minorities**. It is noted that the Criminal Code does not have any anti-racist regulations. Racism is not considered an aggravating circumstance in a crime. Experts think that these factors explain the small number of court cases on racial discrimination. Instances of preconceived attitude and domination of negative stereotypes about ethnic and religious minorities in mass media, public statements by politicians and school textbooks are causes for concern. In addition, the experts noted that some minorities have been openly presented as "enemies" since the 2008 conflict. They expressed concern over the messages about arbitrary detentions and ill-treatment of foreigners by law-enforcement officials.

The experts observed poor knowledge of Georgian among the minorities, which is an obstacle to their full integration into society, adequate education, employment and representation in government institutions. Ignorance of Georgian language is also cited as a reason for multiple arbitrary detentions by the police. Another negative factor is the lack of detailed statistics on many social groups, including minorities, TDP and refugees. It was noted that a large number of children are not registered at birth.

A few paragraphs in the text deal with discrimination against Azerbaijani and Armenians, oppression of Roma, obstruction to repatriation of Meskhetian Turks, distressed state of the TDP and refugees who for many years have not been supported by integration programs.

The Report of the UN HRC Working Group on Arbitrary Detention issued after their visit to Georgia (final text is planned for release by the next session of the Human Rights Council in March 2012) arrives at the conclusion that **judicial authority is in complete dependence of executive authority in the country**. The Working Group was shocked by **the situation in the penitentiary system**, where possible release entirely depends on the prisoner's money and connections. The Report mentions that **the law-enforcement officials in the country enjoy almost complete impunity**.

Georgian authorities intentionally pursue **discrimination policy towards Azerbaijani**, the largest national minority in the country. The total number of ethnic Azerbaijani in Georgia is about 300,000 people (about 7 per cent of the country's population).

In the region of Kvemo Kartli Azerbaijani sector in middle schools is systematically reduced and Georgian applicants are given preference in public service employment. In addition, some incidents leading to the aggravation of interethnic relations took place here in December 2004 and March 2006.

Georgian enclaves are being purposefully formed in the areas of compact settlement of Azerbaijani.

The Law on Cultural Heritage envisaging an additional tax for the inhabitants of Tbilisi's historical part adopted by the Georgian Parliament led to discrimination against ethnic Azerbaijani. The historical part is where mostly resides the city's Azerbaijani population, the majority of which have low income. Representative of the Azerbaijani community claim that this is **an attempt to drive Azerbaijani out of the capital using economic levers**.

The map of Georgia containing **Azerbaijani villages under Georgian names** posted on the official web-site of the Georgian state register can be considered one of the latest anti-Azerbaijani provocations that triggered public response. Those included 5 villages in Marneuli district and 12 villages in Tsalka district – all of them in the region of Kvemo Kartli (Azerbaijani name is Borchali). Starting from 1990s, 38 localities have been renamed, and this trend continues. Such actions of the Georgian authorities undoubtedly hurt national feelings of the local population and do not help raise their popularity. As a result, **immigration of Azerbaijani to the neighboring Azerbaijan is becoming mass-scale.**

In 1944, there was mass deportation of **Meskhethian Turks** (about 90,000 people) from Georgia to Middle Asia. Upon its accession to the Council of Europe in 1999, Georgia undertook to adopt within two years a law on repatriation of Meskhethian Turks granting them Georgian citizenship and to provide for their return within the next decade (i.e. till the end of the current year). The relevant law adopted in Georgia in 2008 has declarative character and does not provide for any real incentives or guarantees for repatriates. The return process depends on a number of severe restrictions and bureaucratic requirements which are difficult to meet. Repatriation virtually does not take place. This issue is occasionally raised in the framework of the OSCE, in particular by its High Commissioner on National Minorities K. Vollebaek. In the conclusion of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities for 2008 it is noted that there are many difficulties with repatriation ranging from requirements to file applications to financial problems of implementation of the Meskhethians' integration programs. In its Report on Georgia in 2010 the European Commission recommended the country to take urgent measures for integration of the Meskhethian population that should relate not only to Meskhethian Turks but also to local Georgian population, which is still hostile

towards the Meskhetians, in particular in the regions historically inhabited by the Meskhetian Turks’.

On July 26, 2010, Chairman of the International Meskhetian Turks Community “Vatan” **S.M. Barbakadze** was arrested in Georgia. The circumstances of the case show that his arrest has no legal grounds and is a provocation aimed to prevent mass return of Meskhetian Turks to Georgia. After the arrest of S.M. Barbakadze his son R.S. Barbakadze addressed to the UN High Commissioner for Human Rights N. Pillay and to the Council of Europe Commissioner for Human Rights T. Hammarberg. In January 2011, S.M. Barbakadze was sentenced to 11- year imprisonment and a large fine. The health situation of that aged man has further considerably worsened during imprisonment. The international human rights institutions and non-governmental organizations continue to closely follow his case.

According to official data, the **Armenian** community in Georgia consists of 246,000 people. Due to a high level of emigration of the Armenian population from Georgia to Russia, Greece and other countries of Europe, which is mainly preconditioned by difficult socio-economic situation and unemployment in the country (about 35 per cent of working-age population of Georgia), already in early 1990s most of the Armenian intelligentsia and successful businessmen left the country.

In accordance with the resolution of the Georgian government the “bilingual education” system was introduced, according to which Armenian schoolchildren are taught the school disciplines in their native language only in primary school, and then such disciplines as chemistry, physics, mathematics etc. are taught in the Georgian language and the history of Armenia is taught in the Armenian language.

The district of Samtskhe-Dzhavakheti inhabited by Armenians (Dzhavakh in Armenian) is in disastrous socio-economic situation. About 40 per cent of the population have to travel to Russia in winter to earn their livelihood (about

20,000 people have Russian citizenship). The administrative positions in the local self-government are predominantly occupied by Georgians. In January 2009 the situation was aggravated by the arrests of the director of the Armenian youth center “Akhaltsikhe” **G. Minasyan** and of the president of the charity organization “Charles Aznavour” **S. Akopdzhanyan** charged by Georgian authorities of separatist activities and espionage. The action was unanimously condemned by Armenian public organizations both in Georgia and Armenia (including the parliamentary ones). In June 2009 the deputy of the Armenian National Assembly, chairman of the expatriates’ union “Dzhavakh” **Sh. Torosyan** was refused entry by Georgian border control officials. In this connection the MFA of Armenia expressed an official protest to Tbilisi.

**Russian citizens, primarily ethnic Georgians**, coming to Georgia on private business, **become targets of provocations and abuse by Georgian special services**. Different spying scandals that are being invented become more and more far-fetched.

They have worked out the following scheme: confiscation of passport, “invitation for an interview” during which the Russian citizen is proposed “cooperation”; while arms, illegal drugs or counterfeit money are “found” with those who refuse. V.V. Vakhania, Doctor of Law and member of Russian Journalists Union, and P.G. Bliadze, retired lieutenant-colonel of the Russian army, were imprisoned on such fabricated “cases”.

Doctor of Law **V.V. Vakhania** residing in Moscow has worked for a long time for Russian Prosecutor’s Office and is a member of the Union of Journalists of the Russian Federation. In 2008 he also received Georgian citizenship.

In summer 2008 V.V. Vakhania arrived on private business with his wife and three children in his hometown of Zugdidi. In October 2008 trying to return to Moscow with his family V.V. Vakhania was not admitted to an airplane.

Without any explanation, his documents were confiscated, and he was being forced to admit spying for Russia.

On March 11, 2009, a journalist accused V.V. Vakhania of threatening her, and on March 15 his house in Zugdidi was searched. In the course of the search an assault rifle with ammunition and grenades were “found”. At the end of March 2009 V.V. Vakhania was arrested on clearly fabricated charges: Illegal Interference into Professional Activity of Journalists (Article 154 of the CC of Georgia) and Illicit Purchase, Keeping, or Sale of Fire-Arms (Article 236 of the CC of Georgia). On September 11, 2009, the Zugdidi District Court sentenced him to four-year imprisonment.

According to his relatives, though V.V. Vakhania is seriously ill he is refused proper treatment and is not allowed to undergo a medical examination. It is said that prison doctors intentionally give him pharmaceuticals that further aggravate his health situation.

In May 2009, a retired Russian lieutenant-colonel **P.G. Bliadze** came to Georgia to resolve family problems. When crossing the border already Georgian special services proposed to make a video recording of his declaration that he was “Moscow agent” and participated in plotting the rebellion at the Mukhrovani military base. A month later he was arrested after a firearm (a gun) had been planted on him, as in the case of V.V. Vakhania. During the investigation P.G. Bliadze was being numerously promised, including by the appointed lawyer, an immediate release in exchange to a video recording of him admitting to “cooperate with Russian special services and participate in anti-Georgian activities”.

In November 2009, the Tbilisi City Court found P.G. Bliadze “guilty of illicit purchase and carrying of firearms” and sentenced him to five-year imprisonment.

The court proceedings have been rather formal from the very beginning. Motions and protests were declined without any explanation. Only officers of



the Ministry of Interior of Georgia who participated in P.G. Bliadze detention were invited as witnesses.

Georgian special services attempted to use a similar scheme against Y.M. Kenkadze, a Russian citizen and a former serviceman (residing in the Krasnodar region, arrived to Georgia at the end of September 2009 to meet his mother).

When entering the country he already felt an increased attention – a border officer carefully noted his Georgian address and telephone numbers. On October 26 two persons who called themselves “Special services officers” came to **Y.M. Kenkadze**’s house having shown no identity cards. Without any explanation, they confiscated his Russian foreign passport and asked him to “come to an interview after making a call on the indicated telephone number”.

Only because Y.M.Kenkadze turned for official assistance to the Section of Interests of the Russian Federation at the Embassy of Switzerland in Tbilisi he managed to leave the country safely. The consular officers urgently issued him a laissez-passer and accompanied him to the Armenian border. The Swiss party was duly informed of the situation.

On May 13, 2010, in Georgia, there were arrested **Yu.D. Skrylnikov, Yu.A. Marchuk and M.I. Vyalov**, citizens of the Russian Federation (the latter also has Georgian citizenship), on charges of counterfeit money production and distribution.

On October 7, 2010, the Batumi City Court found Skrylnikov, Marchuk and Vyalov guilty of committing a crime under Article 212 of the Criminal Code of Georgia (production or distribution of counterfeit money or securities) and sentenced Marchuk and Vyalov to six-year imprisonment, and Skrylnikov as the one who organized it to 18-year. He was also fined 12,000 Georgian laris (about 70,000 US dollars).

The information obtained while visiting the arrested Russians by a consular official of the Russian Federation Interests Section of the Embassy of the Swiss Confederation in Georgia gives rise to a reasonable suspicion that the

initiated criminal case has been trumped up. Thus, it has turned out that the counterfeit banknotes in Skrylnikov's and Marchuk's possession amounting to 3,800 USD and 2000 USD respectively were found only two hours after their arrest, and that in both cases the attesting witnesses were Georgian Ministry of Interior officials.

It should be also noted that Marchuk and Vyalov had earlier served on the Russian military base in Batumi, and one of Skrylnikov's sons is a serviceman of the North Caucasus Military District of the Russian Armed Forces. During interrogations at the pretrial detention center Skrylnikov was mainly asked questions concerning his son's service (official position, responsibilities, etc.).

On November 5, 2010, Tbilisi announced the detention of 13 persons on the charge of spying for Russia. The Ministry of Internal Affairs of Georgia published a list of the detainees. **Yu.D. Skrylnikov**, a Ministry of Interior retiree, shortly before convicted in Batumi to 18-year imprisonment "for distribution of counterfeit banknotes" also appeared there. The trial of the above-mentioned persons ended in Batumi on July 6, 2011. Nine persons accused of spying were sentenced to 11 to 14 years. Skrylnikov got the most severe sentence (14 years). The Court did not take into consideration the fact that the Russian citizen was seriously ill and could not move on his own.

The Georgian authorities fail to implement their commitments on the provision of legal assistance undertaken in accordance with the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters signed in Minsk on 22 January 1993 to which Georgia is a party despite its withdrawal from the CIS. *Inter alia*, it ignores requests by Russia to extradite persons so that they could serve sentences in the Russian Federation.

For example, **V.G. Gudushauri** was arrested by Georgian law-enforcement authorities in June 2006 between two border-crossing points: "Verkhni Lars" (Russia) – "Kazbegi" (Georgia). In 2007, he was sentenced to 10-year imprisonment on the charge of theft and spying. In August 2009, the

Ministry of Justice of the Russian Federation sent a request to the Georgian side to extradite Gudushauri so that he could serve his sentence in the territory of Russia. There was no reply to this request.

In 2008, **P.P. Siukaev**, a Russian citizen, was sentenced by a Georgian court to 9.5-year imprisonment for the crime under paragraph 262(2) of the Criminal Code of Georgia – illegal acquisition and possession of narcotic substances. According to our information, the criminal case has been trumped up by Georgian Ministry of Interior officials who planted heroin on him. Court hearings were rather formal, evidence against Russian citizen have not been carefully studied. The appeal petition to a court of appellate jurisdiction was not considered. The Chamber of Cassation of the Supreme Court of Georgia did not change the sentence either.

According to P.P. Siukaev, during the investigation, officials of Georgian special services explicitly told him that he could receive a probation sentence should he provide information about his service in the internal armed forces of Russia.

In violation of the generally recognized international rules, the Georgian authorities prevented Russian consular officials from visiting Russian citizens in penitentiary facilities. The permission is usually issued after continued reminders and only thanks to assistance of the Embassy of Switzerland. In case of P.G. Bliadze, that took several months.

On April 19, 2011, **Z.R. Blizadze-Rodionova**, a Russian citizen and a close relative of an staunch oppositionist of the current Georgian regime N.A. Burjanadze, was attacked during the customs control procedures in Tbilisi airport. The innocent woman has been detained for more than 4 hours and suffered injuries of varying severity.

## Canada

In Canada, the human rights situation remains complicated. The country has been criticized, mainly in the regular report *Returning to Human Rights* issued in July 2011 by the international NGO *Amnesty International*.

In the report, the **treatment of indigenous citizens** was called a national shame. According to the report, it has been a long time that the Federal and Province Governments do not admit the right to land and there has been **gross inequality of the indigenous citizens as for access to health, fresh water, education and accommodation**. According to the research conducted by a team from the McGill University, the **rights of Inuits to nutrition** are systematically violated (6 out of 10 Inuits are undernourished) which leads to mass prevalence of diabetes and cardio-vascular diseases in this group of the population.

Here **increasing cases of ill-treatment by the police** should also be added. For example, in November 2010, Ottawa was shocked by video recordings that were made public and that captured beating and **degrading treatment of a detained underage girl by police officers**. Also, there is multiple evidence of misuse of power by the police in Vancouver during mass disturbances after the Stanley Cup finals in June 2011, as well as of **using service dogs to disperse demonstrators**.

In Canada, **indigenous women and underage girls suffer from violence and discrimination**. In 2010-2011, the Federal Government significantly reduced financing of women rights organizations, studies and services of lawyers to protect women's equality.

**Observance of the rights of refugees and immigrants** in Canada also raises concerns of the human rights activists. Treatment of refugees from a ship *Sun Sea* who arrived to Canada from Bangladesh in August 2010 was called a "procedural abuse" by a Federal Court judge. The draft law C-49 that was

proposed to resolve the situation was criticized by all the opposition parties as violating human rights principles such as prohibition on arbitrary detention and arrest.

Deportation without charge or trial of more than 30 people accused of military crimes and crimes against humanity caused a wide response in the local human rights community.

Also, **when abroad, citizens of Canada do not enjoy sufficient protection from their government.** The list of countries where incidents occur is quite long: China, Saudi Arabia, Ethiopia, Iran, Egypt, the USA. In some cases, the Government of Canada refused to interfere or limited itself to minimal interference; in other cases, in view of the citizens, its interference never brought any positive results. Despite enquiries and rulings of the Supreme and Federal Courts, the cases are not being investigated.

In that country, as well as in other countries, one can hear local politicians calling for limiting access to Internet under the pretext of fighting extremism, but taking into consideration the lack of efficient mechanism that could curtail freedom of electronic mass media and reduce universal access to web resources.

### **Violations of International Humanitarian Law within the Context of Actions of NATO and the Libyan Sides During an Armed Conflict in Libya**

The NATO operation in Libya was accompanied by a large-scale propaganda campaign to support the Alliance's mission to protect the civilians. At the official level, the NATO leadership has completely denied **civilian casualties in the aftermath of missile and bomber strikes of the coalition forces coordinated by the Alliance's military command structures, indirect victims resulting from the blockade of the Western regions of Libya as well as the destruction of civilian infrastructure.** It was stated that the targets for the bombings were thoroughly selected to rule out civilian casualties. The point

that “if it had not been for NATO, there would have been much more casualties” was promoted in relation to direct support provided by NATO to the National Transitional Council of Libya (NTC). The Alliance’s leadership tried to portray such reports solely as propaganda of M. Gaddafi.

By implementing the concept of collective responsibility, NATO members, in essence, set a main goal of the overthrow and murder of the colonel (according to some sources, the order to eliminate M. Gaddafi was given to units of the armed forces of the USA, France and UK). They had placed stake on provoking unrest among the population on the territories controlled by Gaddafi and interrupting normal life there.

The coalition forces under NATO command committed the following violations of international, including humanitarian, law:

1. According to various information, intensive bombardment in the first days of the campaign (and even before the operation was headed by NATO) led to **civilian casualties**: from 64 to 90 civilians were killed, including up to 40 in Tripoli, and 150 people were injured; on May 13, 2011, in the city of Brega, 13 were killed and 50 imams were wounded during a collective prayer; 9 people were killed in the course of the bombardment of Tripoli on June 19; 15 people, including 3 children, were killed as a result of NATO bombing on June 20, 2011; 8 civilians of Tawergha were killed on June 28, 2011; during the bombing of a hospital in Zliten on July 25, 2011, not less than 11 people, including medical staff, were killed.

The most egregious case was registered on August 9, 2011, when in the aftermath of the missile and bomber strike on the village of Majar 85 people, including 33 children and 32 women, were killed. Finally, according to numerous reports, victims among civilian population were registered during the fight over Sirte and Bani Walid (when artillery and tanks were used).

Various evidence provided by eyewitnesses and media (in some cases, even pro-NATO media publications in the West) indicates that a considerable

part of this information is true. Moreover, the exact casualties taking into account the number of NATO tactical air missions and the intensity of bombing have not been determined.

2. On the night of May 9/10 2011, the NATO air strike resulted in a **serious damage to civilian infrastructure** in Tripoli, including the house of parliament, the centre for children with disabilities, burns centre and the city court. The bombing of the University of Tripoli was reported on June 12, 2011. The water supply system providing the majority of the Libyan population with drinking water was hit on July 22, 2011. NATO forces also attacked the airport of Tripoli, energy infrastructures and food warehouses. NATO representatives asserted that all targets were military. The strikes targeted at civilian facilities have substantially aggravated the humanitarian situation in the country.

The television centre in Tripoli suffered bombing on July 30, 2011, and, as a result, 3 people were killed and 15 injured. Irina Bokova, UNESCO Director-General, and the International Federation of Journalists which is the major association of media workers levelled harsh criticism at NATO. The representatives of the Alliance have denied the attack on the television centre.

3. Using an arms embargo regime as a pretext, the Navy of the NATO countries taking part in the operation practically cut off the **access of fuel** to the territories controlled by M. Gaddafi. In particular, the oil tanker “Cartagena” owned by the Libyan government and at the time transporting fuel to Tripoli was intercepted in August by the rebels directly supported by NATO forces. There were also other cases of **broad interpretation of the embargo regime**, i. e. disrupting shipments of nonmilitary cargoes to the capital of Libya.

The actions of the coalition forces under NATO and rebels’ command led to serious problems with fuel supply (for instance, as a result of blocking the pipeline in Zawiyah) and, consequently, to the shortages of electricity in the Western regions of Libya, all that in summer heat during Ramadan. Problems

with providing the population with food and medical aid were registered on the territories controlled by M. Gaddafi.

4. In the course of the operation, there were cases when **NATO coalition forces ships did not come to the rescue of ships suffering distress** in the Mediterranean **with Libyan refugees** aboard. In particular, the PACE and the *Human Rights Watch* organization called for an investigation on the failure to offer assistance to the boat with migrants who had had to return to Libya on April 10, 2011, after two weeks in the open sea (only 9 of 72 passengers survived). A similar case was registered at the beginning of August when, according to some reports, the coalition forces ship failed to render assistance to another boat with migrants aboard, which caused a loss of more than 100 lives. Judging by the total number of refugees trying to escape from Libya at the time of the conflict, the list of victims of NATO undisguised neglect of the maritime law should include other cases as well.

5. NATO did not take any effective measures on the **numerous crimes committed by the former Libyan armed opposition** and registered by international human rights NGOs, including **killings, violence, ethnic crimes**, etc., which essentially promoted such actions taken by rebels. The representatives of the Alliance countries' leadership just criticized that practice.

The report by the *Amnesty International* cites various examples of human rights violations committed against members of M. Gaddafi's armed forces and supporters of his regime as well as against suspected mercenaries, and notes the use of torture. The majority of the detained were arrested by local paramilitary authorities and armed groups without any court ruling. The work of Libyan courts was suspended after the National Transitional Council of Libya (NTC) had come to power. The prison conditions in Libya do not correspond to international standards: minors are kept in the same wards with adults, women prisoners are guarded by men, etc.



Having examined the deaths of 53 people in a deserted hotel in Sirte, the *Human Rights Watch* has come to the conclusion that the mass shooting was perpetrated by opposition detachments. Taking into consideration that some people were shot after their capture, human rights advocates regard the actions of opposition members as a war crime according to the Rome Statute of the International Criminal Court. The organization demanded that the NTC of Libya immediately start the investigation on mass slaughter in the course of establishing control over Sirte and bring those guilty to justice.

**The extrajudicial murders of former regime representatives and supporters were perpetrated with tacit consent of NATO members** who were just urging Libyan authorities to show tolerance. A separate inquiry should be made in M. Gaddafi's assassination, including from the standpoint of foreign countries' participation in it. The Office of the UN High Commissioner for Human Rights, the representatives of Russia, USA and other states and a number of reputable international human rights NGOs have called for an investigation.

Presenting the United Defender operation as a model for the conflict settlement, the Alliance's leadership is seeking to hush up such facts. The Western media either wants to demonstrate its independence, in most cases reproducing the NATO stance. The new Libyan authorities are neither interested in the exposure of discreditable facts.

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