

Dear Chairman Mr Smith and members of the Commission, thank you for the invitation to make a presentation on the human rights situation of Roma in Russia.

As a consultant of the Open Society Institute, having among my tasks the assessment of the situation of Roma in Russia, I have traveled quite extensively throughout Russia in the last year and a half and witnessed widespread abuse of Roma rights. I believe the international community should be very concerned about their plight.

In sharp contrast with Roma in Central and Eastern Europe, Roma in Russia are invisible. They have not yet been the subjects of detailed reports by human rights organizations and almost no legal cases defending their rights have been taken by domestic and international human rights lawyers. The Open Society Institute is making steps to change this, but the magnitude of the problems faced by Roma in the Russian Federation is such that the civil society sector can do little without the support of the governments of the western democracies, including the US government.

In my testimony today I will limit my comments to three issues, each of them of primary relevance to fundamental rights. (i) ill-treatment of Roma by the police, (ii) access to justice, and (iii) personal documents issues.

Police abuse:

Police abuse against Roma occurs in two most frequent situations. The first is when Roma are stopped in the street or approached in marketplaces, railway and bus stations for identity checks. The second is when the police conduct raids in Romani settlements. If Roma do not have valid personal documents, especially residence registration in their passports - which is often the case - the police take them to the police station. The detainee is threatened with long detention, big fines and further complications. The rule of law simply doesn't work. Most Roma do not know their rights and can be easily manipulated. They are often made to believe that serious charges can be brought against them, for various offences that they are not guilty of but that are routinely ascribed to them - theft, fraud including by fortune telling, or drug dealing. Roma think that the best or even the only way to be released is to pay a bribe. If they have money, they pay and go. If not, senior relatives and local Romani leaders are contacted to play the role of intermediaries, negotiating the sum to be paid, collecting it and providing to the officials. I can provide information on dozens of such cases reported to me. The pattern is so common that it can be described as an inevitable part of the everyday life of Roma in Russia.

In the case of police raids of Romani homes, matters can become much worse. During recent field trips it has been revealed that violent police raids on Romani settlements occur routinely, and unfortunately the Russian public, including the Romani communities, perceives raids as the norm. According to testimonies of Roma, in some areas of central Russia, for example, police raids have been carried out several times per month. You are certainly aware of the tragic wave of terrorism-related violence that has plagued Russia in recent months. But even the tragedy of the Beslan school hostage at the beginning of September 2004, in which over 330 people died, was exploited by local police in southern Russia, when police conducted abusive raids in Romani

settlements under the pretext of looking for terrorists. In Rostov-on-Don, for example, police stated that terrorists might be hiding in Romani settlements disguised as "Gypsies".

Raids are usually conducted with the purpose to search for drugs, drug-dealers, or suspects of drug related or other offences. In reality, when no drugs are found, the police threaten to "plant" drugs and use various other intimidation techniques to extort money. The media facilitates the continuation of this practice by constantly describing Roma as drug dealers. At the same time, there are indications that the actual involvement of Roma with drugs may be decreasing. For example, at a roundtable discussion between Roma and police, which we organized in Samara in April 2004, a colonel responsible for fighting organized crime provided us with the following figures: in 2002, there were 77 cases in the Samara region in which Roma were accused of drug dealing, in 2003 – 30, and for the first quarter of 2004 – only 3.

I must note that apparently police raids are becoming more frequent and more violent. Unfortunately, Russian human rights lawyers are very stretched and have done little to challenge this type of racist abuse in the courts. One serious barrier to any future attempts to do so is the fear among the Roma. We have documented cases in which Roma have had the courage to file complaints, but have been forced to withdraw them by direct or indirect threats. For example, we worked with one attorney in a certain place in southern Russia. He had been representing Romani victims in one particularly grave case of police brutality during a raid. Two weeks ago he received phone calls from the local prosecutor's office and advised not to file an appeal before the higher instance. It was made clear to him that should he continue his involvement in this particular case, he should expect something terrible to happen to his young children. Another difficulty in pursuing legal avenues is that Romani organizations, with very few exceptions, have no links with the rest of civil society organizations. One priority of those who want to help should be to foster links between Romani organizations and human rights organizations, and to assist Roma in identifying and developing trust toward allies among civil society and local administration. Right now, Roma are very isolated.

Discrimination in the Criminal Justice System:

The information we have collected or received from human rights advocates, lawyers, local Romani leaders and Romani victims of abuse throughout Russia suggests that almost everywhere police and prosecution, aware of the low level of education and high illiteracy among Roma, very often infringe Criminal Procedure legislation and enjoy nearly full impunity for doing so. Racially based discrimination of Romani individuals in the criminal justice system is among the serious human rights violations in Russia. In comparative terms, although reliable statistics is missing, it can be plausibly contended that Romani defendants are kept in pre-trial detention more often and for longer periods than non-Roma. Roma are sentenced to imprisonment for longer terms than non-Roma for the same offence.

With regard to criminal justice, one observes a tricky vicious circle. For example, police stop Romani people in the streets and keep them in detention accusing them of crime they have never committed. The Roma hire attorneys. The attorneys routinely have conversations with police, investigators, prosecutors or judges discussing how much money has to be paid to release the Roma, who thus cannot be described as detainees but rather as a kind of hostages taken by

corrupt authorities. The negotiating leverage of the attorneys comes from procedural and other circumstances, such as, for example, the degree of demonstrable unlawfulness of the detention. Often, when the victimized family of the "hostage" cannot afford to pay the "ransom" in the agreed amount, more distant relatives and the whole Romani community are asked for help. Many Roma believe that only money can rescue them from long pre-trial detention and subsequent imprisonment. Roma have told us they view the attorney primarily as the distributor of bribe money, their legal skills serving as the basis of deciding how much to offer to which official. Roma are then released, while police start looking for the next victim. The practice of extorting bribes seems deeply entrenched in Russia. Roma with whom we have talked are very aware that their presence in a certain community is regarded as a source of sure income by law enforcement officers. The seemingly endless cycle of bribes lead to further economic marginalization of Roma. When a family has spent all its money and jewelry for paying bribes, as a next step they sell their car, if they have one. Further, they sell their home. For some time it is possible to live with relatives in crowded rooms. And in the end, we meet the victims as homeless persons in the street or at the communal dumpsite.

Personal Documents:

A serious and complex problem for Roma in Russia is the widespread absence of personal documents, for which the overly rigid personal documents system is partly to blame. In practice, the passport system in Russia is very repressive and restrictive and the most frequent victims of this system are people whose faces indicate that they are not ethnic Russians. Roma are among the main disadvantaged groups. Administration officials, especially in housing and immigration departments, abuse the discretionary decision making power accorded them by the passport system to discriminate against Roma and members of other vulnerable groups. Many Roma arrived in Russia in the past years and decades from other countries of the former Soviet Union, but failed to acquire Russian citizenship through the so-called "simplified" procedure established by a 1991 law covering citizens of the Soviet Union residing in Russia. Some of the Roma that I have interviewed have residence registration in Belarus, Tajikistan, Ukraine, etc., and are regarded by local authorities in Russia as foreigners. To obtain Russian citizenship, such people must prove that they do not have citizenship of the country in which they lived before their arrival in Russia. But this is extremely difficult to do.

Let me give one tragicomic example on how Roma in Russia are coping and surviving the draconian passport regime. In a small town near Moscow, a Romani man who had arrived in the early 1990s from Belarus, was living in poverty and unable to afford legal counsel. All his attempts to legalize his family residence in Russia had been unsuccessful. When we were talking to him, he complained that, "If I go out of the house towards the road the police inevitably stop me for passport checks. They then have to be bribed to leave me alone. And I was tired of this". Finally, the man convinced one local policeman to keep his old and invalid Soviet passport in the police station, while issuing him a paper, undated, according to which the passport had been declared as lost! He found it easier to pass police checks with this odd little paper and indeed he obtained, for a while, some freedom of movement. In the meantime, the passport was deposited in the police as if it was a bank.

In cooperation with the ERRC we organized an action called “To live with the passport”, for those Roma who for different reasons didn’t fulfill an obligation to have valid personal documents. In some regions we distributed educational leaflets explaining that a valid passport is an effective remedy against police abuses. We hope it was helpful. But it is depressing that during field trips Romani people often explained to us that it is better to pay bribes during each of their numerous encounters with police than obtain regular personal documents. Indeed, we are told, it is cheaper! Because obtaining regular documents involves even more bribes.

In conclusion, I would like to call on you to use your considerable powers to persuade the Russian government to place the human rights problems which the Roma face high on their agenda. These problems have been ignored far too long. It is time for this to change.