The submitting organizations were invited by the Working Group on Enforced Disappearances to contribute to a thematic study focusing on elections and enforced disappearances.

The **Memorial Human Rights Defence Centre (Memorial)** was established in June 2022 by advocates of the Memorial Human Rights Centre, which was dissolved on 29 December 2021. This new entity was created to continue the mission of the original NGO. Founded in Moscow in 1993, Memorial became one of the first human rights NGOs in post-Soviet Russia, dedicated to addressing serious human rights abuses in (post-) conflict zones, advocating for civil and political rights, and supporting vulnerable groups. It has represented numerous victims at the national level and before the European Court of Human Rights. The **Stichting Justice Initiative (SJI)**, established in 2001, provides legal assistance to victims of human rights violations across the former Soviet Union. It aims to ensure that victims have access to effective remedies at both national and international levels. The organization focuses on conducting research on grave human rights violations in Russia, disseminating its findings, and leading initiatives to combat these abuses. A key area of the organization's work is representing victims of enforced disappearances in both domestic and international procedures, as well as conducting research and spreading information about the issue of enforced disappearances in the Russian North Caucasus region.

The comments provided by the submitting organizations thus may relate to issues 3, 4, 5, 8, 12, 13, 14, 15 in the questionnaire submitted to them.

Introduction

In the context of Russia's evolving political landscape and its actions on the international stage, the issue of enforced disappearances has become increasingly prominent. This analysis explores how enforced disappearances have been used strategically, particularly during electoral periods in Chechnya and across Russia in the lead-up to the presidential elections of March 2024. The cases of Alexei Navalny and Alexei Gorinov highlight the extent to which political opposition has been suppressed. These practices, although not new, have expanded and intensified, indicating a systematic approach to consolidating power. The use of enforced disappearances around electoral cycles points to a strategy of control that goes beyond regional issues, influencing the national political discourse. This examination reveals a pattern of behavior that raises questions about justice and human rights, underscoring the need for accountability and reform in Russia's political and legal frameworks.

Examples and Context

(i) Manipulation of the mechanism of mass enforced disappearances on the eve of elections in Chechnya

1. The instrumental use of enforced disappearances to achieve electoral goals reveals a dark strategy within the political landscape of regions like the North Caucasus.

2. Before the regional elections of 2003-2004 and 2006-2008, a temporary decrease in political violence and enforced disappearances was observed, suggesting a tactical softening aimed at achieving political objectives, such as the consolidation of Kadyrov's clan, whose establishment and influence resulted from the support of federal forces and whose representative, Akhmat Kadyrov, was killed in 2004 and subsequently succeeded by his son, Ramzan Kadyrov, the current leader of Chechnya. However, once these goals were met, the harsh tactics resumed, highlighting a controlled and centralized approach to the practice of enforced disappearance.[1]

3. Even before Kadyrov's regime took hold, the concept of free elections in Chechnya was a fiction; with his rise to power, this reality was cemented, diverting attention towards the systematic persecution of regime critics—ranging from abductions, disappearances and assassinations within and beyond national borders to relentless suppression, all occurring independently of electoral cycles.[2]

(ii) Disappearances of political opponents of the regime on the eve of the 2024 electoral cycle in Russia

4. In 2023, as Russia embarked on a new electoral cycle culminating in the Presidential elections of March 2024, concerns over political repression and the silencing of dissent grew more acute. For instance, in August 2023, Grigory Melkonyants, a co-chair of the "Golos," a leading independent election-monitoring group in Russia, was placed in pre-trial detention until April 17, 2024, effectively sidelining him until after the Presidential elections had concluded.[3]

5. The following opposition politicians experienced what is known as a short-term disappearance.[4]

- ***Alexei Gorinov***

6. Lawyers for municipal deputy Alexei Gorinov, who was sentenced to seven years in prison in 2022 under new laws penalizing the spread of "false information" about the Russian military, after he criticized Russia's invasion of Ukraine, reported that they had been unable to locate him for a week. At their last meeting, Gorinov exhibited severe health issues, including a bluish skin tone, difficulty sitting and speaking, complaints of active-stage bronchitis, fever, constant chills, and breathing

[1] "Enforced disappearances in Chechnya, Russia, 2023": https://crudeaccountability.org/wp-content/uploads/Enforced_Disappearances_Chechnya.pdf and "In an atmosphere of fear "Political Process" and parliamentary elections in the Chechen Republic.October - November 2005", report of 3 January 2006": https://memohrc.org/ru/reports/v-atmosfere-straha-politicheskiy-process-i-parlamentskie-vybory-v-chechenskoy-respublike

[2] The vast amount of information related to the persecution of critics of the Kadyrov regime is too extensive to fit within the context of this submission and, in itself, constitutes a topic for independent research beyond the scope of this document. However, in this context, it is perhaps worth mentioning the abduction and subsequent murder of Russian human rights activist Natalia Estemirova in 2009, which is associated with Ramzan Kadyrov himself: https://www.theguardian.com/world/2009/jul/16/murder-chechnya-natalia-estemirova-russia , as well as a series of crimes against dissenting Chechens, see among many others : https://www.hrw.org/report/2016/08/31/walking-minefield/vicious-crackdown-critics-russias-chechen-republic , https://freedomhouse.org/report/transnational-repression/russia

[3] "Russia arrests leader of prominent election watchdog", DW, 18 August 2023: https://www.dw.com/en/russia-arrests-leader-of-prominent-election-monitoring-group/a-66574196

[4] This practice, widely utilized and still in use across the North Caucasus, involves abducting a person for a period, typically to extract confessions or operational information through torture, break their will, intimidate, or recruit them. Moreover, the organizations submitting this input forwarded information on the phenomenon of short-term disappearances in Russia's North Caucuses in August 2023 in response to the call for input by the Working Group on Enforced Disappearances: https://www.ohchr.org/en/calls-for-input/2023/call-inputs-view-issuing-joint-statement-notion-short-term-enforced

difficulties.[5] Contact with Gorinov was lost on 8 December 2023, and, approximately 10 days later, reports emerged that he had been transferred to a hospital in critical condition.[6]

7. Despite later confirmation of Gorinov's whereabouts, his brief disappearance carried symbolic significance. As one of the first politicians convicted under the so-called 'fake news' law, which criminalizes the dissemination of what the government deems 'false information' about the Russian military's actions in Ukraine, Gorinov's case effectively silences criticism or dissenting views on Russia's involvement and conduct in the conflict. This act of repression serves as a stark reminder of the consequences of opposing the government, extending beyond criminal conviction to include the risks of enforced disappearances, unexplained absences, ill-treatment, and possible death.

- ***Alexei Navalny***

8. Alexei Navalny, a prominent Russian opposition leader, was imprisoned under charges seen as an effort to quell his anti-corruption activism and political ambitions. In August 2020, he survived a poisoning with the Soviet-era nerve agent Novichok, confirmed by tests in Germany where he recovered for a month. Undeterred, Navalny returned to Russia in January 2021, only to be arrested and sentenced to a lengthy prison term. Despite being jailed, his Anti-Corruption Foundation continues to challenge government corruption.[7]

9. On 6 December 2023, it was reported that Alexei Navalny disappeared from IK-6 penal colony. For the following 11 days, he was absent from court sessions, and it was claimed that his lawyers were denied access to him. The Federal Penitentiary Service (FSIN) attributed this to power outages in the colony. Later, it was disclosed he was moved to a harsher facility in Harp, Yamalo-Nenets, within the Arctic Circle, under a "special regime," highlighting the severe conditions and increased isolation he faces.

10. On February 16, 2024, news came of the death of Alexei Navalny.[8]

11. On 21 December 2023, the UN Special Rapporteur on the situation of human rights in the Russian Federation stated: "I am deeply concerned about the practice of forcibly disappearing arbitrarily detained political dissidents in Russia. Like his opposition colleague Aleksei Navalny, Alexei Gorinov has been subjected to enforced disappearance. As with Alexei Navalny, the enforced disappearance and detention of Gorinov incommunicado is tantamount to torture and cruel treatment, and it also exposes him to the risk of further human rights violations, including loss of life."[9]

Enforced disappearance crimes and Russian legislation

12. The crime of enforced disappearance is not recognized as a distinct offense under Russian criminal law. The crime is examined through the lens of criminal charges such as murder, unlawful imprisonment, and other offenses that correlate with the superficial characteristics of this crime. However, these categories are incapable of addressing the unique aspects, such as the long-term effects

[5] "Alexei Gorinov's health condition has deteriorated significantly in the colony", Govorit Nemoskva, 9 December 2023, https://nemoskva.net/en/2023/12/09/u-alekseya-gorinova-v-kolonii-silno-uhudshilos-sostoyanie-zdorovya/
[6] "Ex-MP Alexei Gorinov found in prison hospital", Radio Freedom, 25 December 2023: https://www.svoboda.org/a/eks-deputat-aleksey-gorinov-nashyolsya-v-tyuremnoy-boljnitse/32746715.html
[7] "The extraordinary courage of Alexei Navalny", FT: https://www.ft.com/content/a27d7417-7ad4-4a14-96ab-df614abc642b
[8] "Jailed Russian opposition figure Alexey Navalny dies, prison service says", CNN, 16 February 2024: https://edition.cnn.com/2024/02/16/europe/alexey-navalny-dead-russia-prison-intl/index.html
[9] "UN expert: enforced disappearances of dissidents in Russia must stop", 21 December 2023: https://news.un.org/ru/story/2023/12/1448017

of the crime on its victims. This issue has emerged almost exclusively in the context of actions by Russian forces during the conflicts in the North Caucasus, particularly during the second Russian military campaign. By the end of 2022, the European Court of Human Rights (ECtHR) had delivered 320 judgments against Russia for violations of the right to life related to military and counter-terrorist operations in the North Caucasus, primarily in Chechnya. These cases, which often consolidated complaints from multiple applicants, primarily concerned killings and abductions in areas under the control of Russian security agencies, including 150 civilian deaths, 111 instances of injury or torture, and 668 kidnappings (with 612 disappearances between 1999 and 2006, and 56 abductions from 2006 to 2017).[10] Disappearances remain a systemic issue that has become a routine practice of law enforcement agencies in the Chechen Republic.[11]

13. The Russian investigative system, particularly in the context of its ongoing invasion of Ukraine, faces challenges in maintaining independence due to the influence of higher-ranking officials in the Investigative Committee and the reduced autonomy of individual investigators. This issue becomes even more pronounced in political cases, including those involving electoral violence and disappearances, where the Investigative Committee tends to operate more as an arm of regime punishment than as an impartial investigative body. The system's hierarchical structure, centralized under the Investigative Committee and extending to military investigative bodies, compromises the procedural independence that Russian law theoretically guarantees to investigators.

14. The 2012 ECtHR's judgment in Aslakhanova v. Russia underscores the systemic issues within the Russian judicial system, including the failure to properly investigate disappearances in the North Caucasus, described as a national systemic problem lacking domestic remedies. The Court criticized the routine dismissal of complaints, the obstruction of justice, and the denial of compensation or information to victims, while issuing recommendations to improve investigation effectiveness and address victims' suffering. However, Russian authorities have not implemented these recommendations to meet the Court's objectives.

Conclusion and suggestions

15. The year 2023 underscored a grim evolution in Russia's political landscape, marked by a significant electoral cycle against the backdrop of the Ukraine conflict, strained international relations, and an intensifying crackdown on civil liberties. The instrumental use of enforced disappearances, a tactic once confined to the North Caucasus, notably expanded, aiming to stifle political dissent and manipulate electoral outcomes. High-profile cases, such as the detention and subsequent death of Alexei Navalny, underscore a dark strategy of repression. These instances, while not strictly classified as enforced disappearances, share a common goal: to deter opposition and influence political engagement, revealing a pattern of behavior that signals a concerning shift toward regime radicalization.

16. Based on the analysis of the escalation of strategic use of enforced disappearances in Russia, including electoral periods and the targeting of political opponents, several recommendations emerge to address these human rights violations and promote accountability:

[10] In May 2016, the Department for Enforcing European Court of Human Rights Judgments published an overview of the Court's rulings on enforced disappearances in North Caucasus from 1999 to 2006. The report includes details on nearly 300 missing individuals, with only 38 cases having known outcomes at the time of the verdict. Refer to 'H/Exec(2016)5 - 25 May 2016 Khashiyev and Akayeva v Russian Federation (No. 57942/00) group of cases – Summary of Court's judgments on enforced disappearances in North Caucasus and Russian authorities' efforts to establish missing persons' fate – Report by Department for Enforcing European Court of Human Rights Judgments.'

[11] See: Enforced disappearances in Chechnya, Russia (2023): https://crudeaccountability.org/wp-content/uploads/Enforced_Disappearances_Chechnya.pdf

- Legal and Judicial Reforms: States, including Russia, need to recognize enforced disappearance as a distinct offense under their criminal legislation to adequately reflect the severity and specificity of the crime. Legal reforms should aim to strengthen the independence of the judiciary and the investigative bodies, ensuring that they can operate without undue influence from political authorities.
- Support for Civil Society and Human Rights Defenders: International support should be extended to civil society organizations and human rights defenders who are working under increasingly repressive conditions. This support can take the form of financial aid, international platforms to voice their concerns, and protection mechanisms for those at risk.
- Enhanced Monitoring and Documentation: Efforts should be intensified to monitor, document, and publicly report on cases of enforced disappearances and other human rights abuses. This could involve the collaboration of international human rights organizations with local activists to ensure that abuses are accurately recorded and publicized.
- Engagement with International Legal Mechanisms: Victims' families and human rights organizations should be supported in bringing cases to international human rights bodies, such as the European Court of Human Rights and the UN Treaty bodies. Despite challenges in enforcement, these actions can provide some measure of justice and international recognition of abuses.
- Public Awareness and Advocacy Campaigns: Increasing public awareness about the issue of enforced disappearances and the specific cases of political opponents targeted by the regime can generate international and domestic pressure for change. Advocacy campaigns should aim to highlight the human impact of these practices and mobilize public opinion against them.
- Support for Independent Media: Strengthening independent media outlets and ensuring the safety of journalists who report on sensitive topics like enforced disappearances is crucial. International media support organizations can provide resources, training, and platforms for Russian journalists facing censorship and threats.
- Creating a Record of Abuses: Establishing a comprehensive and publicly accessible database of enforced disappearances and political repression in Russia would not only serve as a record of abuses but also as a resource for legal actions and historical accountability.