



Rusland (84)

101

1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

RUSSIA

Politically, economically, and socially, Russia continues to be a state in transition. While constitutional structures are well defined and democratic in conception, democratic institution building continues to face serious challenges, often due to significant limitations on the State's financial resources. The 1993 Constitution establishes a government with three branches and checks and balances, although it provides for a strong executive. The executive branch consists of an elected president and a government headed by a prime minister. There is a bicameral legislature (Federal Assembly), consisting of the State Duma and the Federation Council, and a judicial branch. Both the President and the legislature were selected in competitive elections judged to be largely free and fair, with a broad range of political parties and movements contesting offices. President Boris Yeltsin was elected in 1996, and Prime Minister Vladimir Putin took office in August. A more centrist-leaning Duma was elected on December 19 in elections that were judged by international observers to be largely free and fair, although preelection manipulation of the media was a problem. On December 31, President Yeltsin resigned and Prime Minister Putin became Acting President. A presidential election is scheduled for March 2000. The judiciary, although still seriously impaired by a lack of resources and corruption, has shown signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government throughout the Russian Federation. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The military's primary mission is national defense, although it has been employed in local, internal conflicts for which it was prepared inadequately, and is available to control civil disturbances. More recently, internal security threats in parts of the Russian Federation have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Many members of the security forces, particularly within the internal affairs apparatus, continued to commit human rights abuses.

The economy has performed better than expected following the August 1998 financial crisis and the sharp devaluation of the ruble. Industrial production reached its 1997 level again in March and continues to grow. Gross domestic product (GDP) growth for the year was estimated at 1.5 percent, substantially higher than previously expected. At year's end, GDP was estimated at \$75 billion (1.84 trillion rubles) for the first 6 months of the year. GDP per capita for the first 6 months of the year was \$85 (2,086 rubles) per month. The inflation rate for the first 11 months of the year was 34.8 percent and was not expected to exceed 40 percent by year's end. Growth in industrial production is aided by high world prices for commodities such as oil, gas, and nickel. The ruble's devaluation also has given domestic producers a significant cost advantage over imported goods. However, greatly reduced domestic demand limits the scope of economic recovery. Real incomes shrank significantly during the year, and wage arrears continued to increase. Average wages were \$66 (1,717 rubles) per month in October 1999, compared with \$68 (1,123 rubles) per month in October 1998. Real consumer spending is still 11 percent below the 1997 average. Lack of investment also inhibits sustained economic growth. Although the ruble devaluation in August and September 1998 made Russian assets inexpensive, foreign investment has not increased. Domestic investment is being funded mainly from retained earnings. The ailing banking system also hampers domestic investment. The 1998 crash reduced the total assets in commercial banks by 52 percent. The public is wary of the

private banking system, preferring to keep its money in state-owned Sberbank, where deposits have grown by 50 percent. The government statistics office estimates that the informal economy--barter and hidden commercial activity designed to avoid heavy tax and regulatory burdens--accounts for 24 percent of GDP. However, other authoritative sources believe it to be much higher. Corruption continues to be a dominant, negative factor in the development of commercial relations. Official unemployment was 11.7 percent in October, but actual unemployment was estimated at approximately 23 percent, with significant regional variation.

The Government's human rights record remained uneven, and worsened in some areas. Government forces killed numerous civilians through the use of indiscriminate force in Chechnya, and security officials' beatings resulted in numerous deaths. There were credible reports--and government officials admitted--that law enforcement and correctional officials tortured and severely beat detainees and inmates, and government forces reportedly raped civilians following the battle for the Chechen town of Alkhan-Yurt. Prison conditions continue to be extremely harsh and frequently are life threatening. According to human rights groups, between 10,000 and 20,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government has made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remain largely underdeveloped. During the year, the military procuracy reported decreases in the number of reported crimes and hazing incidents. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law. There were reports of military officers and units sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators.

Arbitrary arrest and detention remain problems. Police and other security forces in various parts of the country continued their practice of targeting citizens from the Caucasus and darker-skinned persons in general for arbitrary searches and detention on the pretext of fighting crime and enforcing residential registration requirements. Police corruption also remains a problem. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries, but remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. While the President and the Government have supported human rights and democratic practice in statements and policy initiatives, they have not institutionalized the rule of law required to protect them. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made little progress in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition, the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. However, there were indications that the law is becoming an increasingly important tool for those seeking to protect human rights. Nonetheless, serious problems remain. For example, the case of Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, continued to be characterized by serious violations of due process, and there are credible charges that the FSB's case against him was politically motivated. St. Petersburg judge Sergey Golets found Nikitin not guilty on charges of treason and espionage in December after the FSB for the eighth time filed espionage charges against Nikitin in July. Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers to invest in equipment that enables the FSB to monitor Internet traffic caused serious concern. While the Government generally respected freedom of the press, significant systemic problems persisted, and there were continued reports of government pressure on the media. Private media, which flourished through the first half of 1998,

came under increasing stress in the months after the August 1998 financial crisis. Faced with major financial difficulties, many media organizations saw their already tenuous autonomy erode during the year. Federal, regional, and local governments continued to exert pressure on journalists by: Selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to unduly influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. Foreign and Russian journalists were frequent victims of kidnappings for ransom by criminals in Chechnya and throughout the northern Caucasus.

The Federal Government took steps to mitigate the potentially discriminatory effects of the 1997 religion law, and religious organizations, despite the severe limitations of the beleaguered judicial system, are winning some important court cases. By July religious groups reported that they were reregistering their local organizations successfully, although problems persisted in some regions. However, there are numerous reports that religious organizations either were denied registration or experienced long delays in reregistration, as local authorities sought to obstruct the activities of religious groups. On November 23, the Constitutional Court upheld the provision of the 1997 religion law that requires religious organizations to prove 15 years of existence in the country in order to be registered. However, the Court also ruled that religious organizations that were registered before the passage of the 1997 religion law are not required to prove 15 years' existence in the country in order to be registered. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration, to prevent a scenario in which a large number of religious organizations are left unregistered and therefore legally vulnerable to closure by court order after year's end. No extension was implemented as of December 31. While the Federal Government promised to implement measures to discourage local authorities from attempting to close unregistered religious organizations, critics of the law fear that at least some religious organizations may be forced to close. Discriminatory practices at the local level are attributable to the increased decentralization of power, as well as to government inaction and discriminatory attitudes that are held widely in society. In addition, some regional governments have passed laws and decrees since 1994 that restrict the activities of minority religious groups, some of which have been subject to harassment as a result. Societal discrimination, harassment, and violence against members of religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the Northern Caucasus and several serious anti-Semitic incidents.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, though successfully challenged in court, remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September, demonstrated the continued obstacles to the enforcement of judicial rulings. In September Moscow authorities expelled some 500 residents of the Caucasus from the city.

Government human rights institutions are still weak and lack independence but are becoming more active. Although Human Rights Ombudsman Oleg Mironov was not known previously for expertise in human rights, he has taken an increasingly active and public role in promoting human rights, speaking out on the religion law, the rights of psychiatric patients, and electoral rights. Mironov has established an office with 150 staff members, who are responsible for investigating human rights complaints and promoting human rights education. Activists report that the Presidential Human Rights Commission, chaired by Vladimir Kartashkin, was relatively inactive during the year. With few exceptions, human rights nongovernmental organizations (NGO's) documented and reported on human rights violations without governmental interference or sanctions.

However, some local officials harassed human rights monitors and, in some cases, arrested them. Violence against women, trafficking in women and young girls, and abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. There are some limits on worker rights, and there were reports of instances of forced labor.

Chechen separatists also committed abuses, including the killing of civilians.

The 1997 Khasavyurt Accord established an uneasy peace in Chechnya following the 1994-96 conflict. However, on August 8, the status quo was broken when armed groups from Chechnya carried out an insurgent raid on neighboring Dagestan. Deadly terrorist bombings throughout Russia, allegedly the work of Chechens, were cited by the Government along with insurgent attacks in Dagestan as justification to launch a brutal assault on Chechnya to reassert federal control. Russian troops launched a full-scale attack on Chechen separatists in Chechnya starting in September, shelling cities, killing numerous civilians, and displacing hundreds of thousands of persons.

On February 3, Chechen republic president Maskhadov announced the suspension of constitutional law and declared a state of Islamic Shari'a law in the region. According to press reports, a shura (council) of prominent figures came into being on February 10 to help oversee Shari'a law. In the process, the Maskhadov government stripped the region's legislature of most of its responsibilities and abolished the region's vice presidency.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no confirmed political killings by agents of the Government; however, an undetermined number--between 10,000 and 20,000--of detainees and prison inmates died, some from beatings by security officials, but most due to harsh conditions in detention (see Section 1.c.).

During the conflict in Chechnya in the fall, the military used indiscriminate force against areas containing significant civilian populations, resulting in numerous deaths (see Section 1.g.). On November 25, drunken soldiers opened fire on a Chechen kiosk and killed one woman, Larisa Titiyeva, and injured two others. Authorities in both the army and the Interior Ministry together with local authorities were investigating the case at year's end.

In December human rights NGO's and some pro-Moscow Chechen authorities alleged that government forces carried out extrajudicial killings in the village of Alkhan-Yurt in Chechnya. According to these allegations, government forces engaged in a looting spree in Alkhan-Yurt after they captured the village from Chechen fighters in early December. According to some accounts, government troops killed between 19 and 41 civilians through mid-December. The Ministry of Defense at first denied that there were extrajudicial killings in Alkhan-Yurt but later announced that the Chief Military Procurator's office was investigating the incident (see Section 1.g.).

Human rights NGO's and press organizations reported that up to 40 Ingushetiya-bound internally displaced persons (IDP's) were killed in a convoy attack on December 3 near Goity, southwest of Grozny. Survivors of the incident reported that the assailants, who were masked, wore Russian armed forces uniforms. Some survivors claimed that the assailants were government troops. However, government officials publicly denied such suggestions and claimed that Chechen fighters carried out the attack as a provocation. At least one government official claimed that the site of the convoy attack was not under federal government control at that time.

According to unconfirmed press reports, police in the Nogai okrug killed two Nogais (see Section 5).

A number of government officials were murdered. Some of these killings appear to have been politically motivated, while the majority were linked to private financial or commercial dealings. A number of law enforcement officials also were killed as a result of their attempts to stem crime.

On April 9, in St. Petersburg local Liberal Democratic Party of Russia (LDPR) leader Gennadiy Tuganov was murdered near his home on the Griboyedova channel embankment. While the LDPR considered the killing to be a political murder, many observers believed that it was business-related.

On October 20, St. Petersburg legislative assembly deputy Viktor Novoselov was killed when a bomb was detonated on top of his car. Novoselov's driver also was injured as a result of the bombing. Press sources speculated that the murder was politically motivated since Novoselov was set to testify at a hearing later that day about the date of gubernatorial elections, and his testimony might have proved embarrassing to St. Petersburg administration officials.

In December prior to the Duma elections, a campaign worker for former St. Petersburg mayor Anatoliy Sobchak was killed by unknown assailants.

According to an international labor organization report, on January 27 unknown assailants murdered Gennady Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares (see Section 6.a.).

Politically related violence at times resulted in death and injuries. For example, in April and May the republic of Karachayevo-Cherkesiya (in the northern Caucasus) held its first presidential elections in post-Soviet history. The campaign period and elections were filled with incidents of violence aimed at the major candidates, as well as a high number of election irregularities that strongly suggested electoral fraud. The ensuing victory of Vladimir Semenev, which was upheld by local authorities, renewed the protests that now threaten the republic's territorial integrity. On September 7, eight persons were wounded and one died as a result of injuries during clashes between supporters of Semenev and his rival Cherkessk mayor Stanislav Derev (see Sections 1.c., 3, and 5).

On November 23, the supreme court of Kalmykiya found Sergey Vaskin and Vladimir Shanukov guilty of the June 1998 murder of Kalmykiya newspaper editor Larisa Yudina. Both men were sentenced to 21 years in prison. A third man, Sergey Lipin, received a lesser sentence for concealing information about the crime. The trial began in July. Yudina's murder was widely believed to be regional government retribution for her news stories investigating high-level corruption in the republic and criticizing Kalmykiya president Kirsan Ilyumzhinov (see Section 2.a.). In his August 16 Duma confirmation hearing, Prime Minister Vladimir Putin testified that the FSB continues to investigate who may have ordered the killing.

In July 1998, the Ministry of the Interior announced that four hired killers who were apprehended in the Kyrgyz Republic had confessed to the August 1997 killing of St. Petersburg deputy mayor Mikhail Manevich. Media reports at the time of Manevich's murder suggested that Manevich, who was chairman of the city property committee, was killed by individuals whose financial interests were threatened by his property privatization program. The person or persons who ordered the murder have not been identified. The FSB has expressed confidence in its ability to solve Manevich's murder, but former St. Petersburg mayor Anatoliy Sobchak said that he no longer believed that the

murder would be solved.

In January authorities arrested a sixth person from the Ministry of Defense, Deputy Chief of the Special Paratroopers' Detachment Major Konstantin Mirziyayev, in connection with the 1994 murder of journalist Dmitriy Kholodov. In July Kommersant Daily reported that the Procurator General charged three officers of the airborne troops, one former officer, and another man in the case. A trial is expected in military court in the spring 2000.

No one has been charged yet in the November 1998 murder of State Duma Deputy Galina Starovoytova, who was murdered in what press reports characterized as a professional killing. Press reports at the time of the murder suggested that Starovoytova was killed to prevent her from revealing information on official corruption. Duma Deputy Yuliy Rybakov sent an official inquiry to the FSB, which replied that a politically-motivated murder is still the main scenario that it is investigating.

There has been no progress in the investigation of the 1995 murder of Russian Public Television (ORT) Director Vladislav Listyev. However, ITAR-TASS reported in March that investigators believe that his murder may have been connected with the division of the ORT's advertising market.

Reports of violence continue in the Northern Caucasus. On February 20, an explosion in Makhachkala, the capital of Dagestan, killed one person and narrowly missed a group of Russian soldiers. On March 21, a bomb in downtown Grozny killed one person and injured eight others in an apparent attempt to kill Chechen president Maskhadov. According to press reports, the bombing was the fourth attempt to kill Maskhadov since he became president in 1997. Chechen officials later claimed that the bombing was aimed, in conjunction with the Gennadiy Shpigun kidnapping, at destabilizing the political environment and discrediting the government (see Section 1.b.).

On March 19, an explosion in the central marketplace of the North Ossetian regional capital of Vladikavkaz killed at least 53 persons and injured about 100 more. Russian media reports attributed the explosion to a bomb. President Yeltsin and North Ossetian president Aleksandr Dzasokhov both criticized the explosion as an attempt to destabilize the republic and the Northern Caucasus region as a whole. President Yeltsin sent then-Interior Minister Sergey Stepashin to Vladikavkaz and ordered then-Prime Minister Yevgeniy Primakov to launch an investigation into the bombing.

Since the Vladikavkaz marketplace bombing, a wave of similar attacks unsettled the situation in North Ossetia. In May three bombs in the Sputnik military housing compound killed 4 persons and injured 15. On June 3, an antitank mine killed one person and injured two others near the Baku-Novorossisk oil pipeline.

On May 23, gunmen injured Danilbek Tamkaev, an adviser to Chechen president Maskhadov, and killed his brother when they shot at his car in Grozny. On May 25, a bomb hit the car of Chechen mufti Akhmad-hadji Kadyrov in Grozny and killed five of his bodyguards.

On August 31, an explosion at the Manezh shopping center in Moscow resulted in the death of 1 person and injuries to 40 more. On September 4, a powerful car bomb exploded on a military base in Buynaksk, a town in central Dagestan. The bomb was detonated near a military housing facility, and as many as 64 persons were killed and 145 were injured. Most of the victims were family members of officers serving in the region. On September 9, an explosion leveled an apartment complex in Moscow and killed 94 persons. Early in the morning of September 13, a bomb blast destroyed an apartment building in Moscow, killing at least 118 persons. On September 14, authorities arrested two men in connection with the bombing and were seeking another three suspects. In the following week, authorities detained more than two dozen suspects, detained illegal residents and aliens, and confiscated over 6 tons of explosives, drugs, and weapons. Government officials implied that Chechnya-based Islamic extremist groups were responsible for the bombings.

but have not presented any evidence or pressed charges against any individuals by year's end. Human rights activists argued that the authorities detained and discriminated against persons from the Caucasus in conducting their investigation (see Sections 1.d. and 5). On November 3, Moscow police reported that they had filed charges against a suspect in the bombings who they believed was loyal to militants in Chechnya.

Religious figures also were kidnaped, tortured, and killed during the year (see Sections 1.b., 1.c., and 5).

In January Chechen field commander Salman Raduev told reporters that he had ordered the April 1997 railway bombing in Pyatigorsk that killed 2 persons and injured 20, but that the 2 Chechen women on trial in Stavropol for the bombing were not those responsible and had confessed only after being tortured by authorities. An FSB spokesman denied these claims.

On February 24, the Supreme Court countermanded the decision of a Moscow oblast court in the 1995 murder and kidnaping of legislator Sergey Skorochkin. The Supreme Court returned the case to the Moscow court for a new trial. In November 1998, a jury found four suspects not guilty and two others guilty only of kidnaping. In December 1998, the Moscow oblast procurator's office appealed the Moscow oblast court sentence.

On April 20, the Moscow Military Court began hearing the case against Valeriy Radchikov, former chair of the Russian Fund of Invalids of the War in Afghanistan, and 2 alleged accomplices, in the November 1996 Kotlyakovo cemetery bombing that left 14 persons dead and about 30 wounded. At the hearing the two accomplices recanted their previous testimony against Radchikov, which they said had been made under pressure from the police and the procuracy. When the Court questioned Radchikov, he claimed that an investigator from the Procurator General's office had pressured him to incriminate former Prime Minister Viktor Chernomyrdin, former presidential administration head Anatoliy Chubays, and former federation council chairman Vladimir Shumeyko.

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months (see Section 1.b.). Chechnya's deputy procurator general told Interfax in March that his office had finished an investigation of the case, arrested four unnamed suspects, and passed their cases to the republic's supreme Shari'a court. He also claimed that another four unnamed suspects in the case already had been sentenced to death. For his part, then-Interior Minister Stepashin charged in a January interview that Arbi Barayev--a prominent Chechen warlord--was involved in the case.

Meanwhile, no formal charges have been filed in the investigation into the December 1996 attack on the International Committee of the Red Cross (ICRC) compound in Novyy Atagi, Chechnya, during which six ICRC workers were killed and one was wounded.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev, the 1996 murder of U.S. businessman Paul Tatum, or in the 1990 murder of Orthodox priest Aleksandr Men.

Chechen separatists killed a number of civilians (see Section 1.g.). There were credible Russian press reports that Chechen separatists tortured and killed a number of civilians (see Section 1.c.).

b. Disappearance

There were no reports of government involvement in cases of politically motivated disappearances. Kidnaping frequently is used by criminal groups in the Northern

Caucasus, some of which may have links to elements of the former insurgent forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones (see Section 5). Many of the hostages were being held in Chechnya. The Chechen interior ministry's chief of staff said in August that the ministry registered 76 kidnaping cases in the first half of the year but added that the real number of cases was higher. Otherwise, there were no reports of disappearance as a precursor to a political killing, although a number of persons remained missing at year's end.

On February 23, Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnaped in Grozny.

On March 5, unknown assailants abducted Major-General Gennadiy Shpigun--the Interior Ministry's special envoy to Chechnya--from his airplane at Grozny airport. Although the motives behind Shpigun's kidnaping are unclear, Russian press reports indicate that his role in the 1994-96 Chechen war earned him much local animosity. Although Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants, Shpigun remains missing.

U.S. missionary and university instructor Herbert Gregg was kidnaped in the Dagestan capital of Makhachkala in November 1998. The kidnapers tortured Gregg and cut off one of his fingers during his captivity in order to extort ransom (see Section 5). In January Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the Gregg case. Russian and Ingush interior ministry troops later freed Gregg on June 29. Other religious figures also were kidnaped (see Sections 1.a. and 5).

Geraldo Cruz Ribero, a New Zealander and ICRC medical administrator, was kidnaped in the Kabardino-Balkariya capital of Nalchik on May 15. Russian and Ingush interior ministry forces freed Ribero late in July. A Russian Interior Ministry official told reporters that his counterparts had arrested four persons--three Chechens and a resident of Kabardino-Balkariya--in connection with the kidnaping.

According to press reports, in December authorities arrested Salavdi Abdurazakov, a Chechen who is suspected of organizing the 1997 kidnaping of five Russian television journalists in Chechnya. Abdurazakov reportedly was sent to Moscow immediately for judicial proceedings.

Chechen authorities frequently have claimed that they are fighting kidnapers actively. New Chechen laws call for jail terms or public executions of kidnapers.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects, and that the Government does not hold most of them accountable for these actions. For the most part, the Government does not hold perpetrators accountable for these actions. There are also a few claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society.

Prisoners' rights groups, as well as other human rights groups, have documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. An Amnesty International researcher has described the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Observers noted that persons attempting to vandalize a foreign consulate in St. Petersburg on two separate occasions in March and May were beaten severely with fists, feet, and

nightsticks by police. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, and Africa (see Sections 2.d. and 5). Police also have used excessive force in dealing with demonstrators. In September after terrorist bombings in Moscow, law enforcement officers detained and beat persons from the Caucasus. Police also increasingly targeted defense lawyers for harassment, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes (see Sections 1.d., 1.f., and 2.c.). Police extort money from suspects, their friends, and their relatives (see Section 1.d.). Government forces in Chechnya killed numerous persons and injured many others. In one incident in November, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons (see Sections 1.a. and 1.g.). According to human rights NGO's, government troops raped civilian women in Chechnya in December in the village of Alkhan-Yurt and in other villages.

In October Ministry of Justice troops stormed the Vyborgskiy paper mill in Leningrad oblast and opened fire on workers who had barricaded themselves in the factory's administration building. The workers were protesting the mill's new foreign ownership. Minister of Justice Yuriy Chayka admitted to the Duma later that month that the troops' actions were "lawful in form, but digressed from the law in content" (see Section 6.c.).

According to Human Rights Watch's (HRW) report on torture in Russia released in November, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access to medical professionals, and because the techniques used often leave few or no permanent physical traces. The HRW research appears to support the conclusions reached in Amnesty International's 1997 report on torture. Amnesty International also reported the use of "press-camera," a system whereby violent prisoners are coopted by guards and used to control or punish other prisoners. The coopted prisoners are permitted to torture prisoners (sometimes to gain confessions) or deal with "difficult" prisoners. The "crucifixion of Christ" involves the victim being secured in a spread-eagle position to either a metal cot or prison bars, to which powerful electric shocks are applied. These allegations have been corroborated by other credible sources.

Torture is forbidden by Article 21 of the Constitution; however, since "torture" has never been defined in a subsequent law or the Criminal Code, it is difficult to charge perpetrators. Police only can be accused of "exceeding" granted authority, a far milder violation of the Criminal Code.

Research conducted by HRW indicates that the country's justice system encourages police to resort to torture and hampers an adequate defense of the accused. Law enforcement organs are expected to meet an unreasonably high 80 percent target rate for solving crimes, despite the loss of experienced officers and underfunding since the breakup of the Soviet Union. The official rate for crimes solved in 1998 was 74.4 percent; experts consider a 30 to 40 percent rate to be consistent with democratic practices and international standards for due process.

Sergey Pashin, a judge in a Moscow appeals court, has stated repeatedly that in the cases that come before him, confessions often have been beaten out of suspects. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin told the press in the fall, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. In a letter to then-Minister of Internal Affairs Stepashin in the fall of 1998, Human Rights Ombudsman Mironov reported that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential

committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training. HRW researchers confirm that no centralized information on torture is available in the country, and that regional human rights groups are able to document cases in some regions but not others.

HRW noted that the quality of criminal investigations is low and that they can drag out endlessly. Assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of extorted confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times.

Caucasus Press reported on June 22 that authorities beat and arrested 14 Azerbaijani citizens in Moscow in June. The newspaper Express reported that day that some 34 Azerbaijanis were beaten and arrested as a part of a police search for 6 prisoners who escaped from an Irkutsk penal colony.

The Moscow Times reported on September 1, that the local procurator's office has been unaccountably slow to resume investigation of the case of Aleksey Mikheyev, who jumped out of a third-story window to escape torture by Nizhniy Novgorod police in September 1998. Mikheyev, now paralyzed from the waist down as a result of his fall, said that he was tortured repeatedly with electric shocks. He was forced to confess to the murder and rape of a young woman (who turned up 2 days after the torture occurred); police also attempted to extract confessions to five other unsolved murders.

In April 1998, Olga Smirnova testified before the Human Rights Chamber of the President's Political Consultative Council that she had been raped and beaten over the course of a 10-day detention in 1994 at a Moscow police station. Police were trying to force her to testify as a witness in a criminal case of which she had no knowledge. She said that she tried three times to file a complaint with the district procurator's office, but that her complaint was rejected each time. Valeriy Abramkin of the Moscow Center for Promotion of Criminal Justice Reform (MCPCJR) said that the Moscow procurator's office finally ordered an investigation into the case, but as of the end of 1998 it had not been completed. Although the MCPCJR continues to follow this case, no new information was available as of September 1.

Under the Operation Clean Hands program, created in 1995, MVD officials continued to work to combat police crime. By the end of 1998, more than 34,000 citizen complaints had been lodged against police officers. Over 2,100 cases have been initiated against police personnel. Of that number, 922 were group crimes and 127 included civilian perpetrators.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior military recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former military personnel, the Military Procurator's Office, and NGO's monitoring conditions in the military indicate that this mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment has resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

According to the Central Military Procuracy, there were 818 reported cases of military commanders assaulting their subordinates in 1998, an increase of 100 percent over the previous year. In July the Main Military Procurator's Office (MMPO) reported a 40 percent increase in bribe-taking in the first half of the year, compared with the same period for 1998, while abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. In general, incidents of brawling increased roughly 23 percent and hooliganism, or disorderly conduct, increased 17 percent. However, the MMPO also recorded a 14 percent drop in reported crimes during the year, and a 10 percent decrease in reports of hazing. In part, the reductions were attributed to a reported decline of roughly 30 percent in military service evasion. Offenses against military service declined about 28 percent, and premeditated murder dropped 22 percent. Specifically noted were some 20 criminal investigations aimed at general officers and admirals on charges of graft. The MMPO also reported that it opened over 14,000 investigations of allegations of abuse of office during the year, 11,000 of which went to trial.

Both the Soldiers' Mothers Committee and the MMPO also have noted an increase in the number of reports about "non-statutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the military and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of the year, just on the aircraft carrier cruiser "Admiral Kuznetsov." Similar activity, including the theft of military hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) "Petr Velikiy."

Other reported abuses of military personnel included the practice by officers and sergeants of "selling" soldiers, most often linked to units in the Northern Caucasus Military District. The 10-year-old Committee for the Protection of the Rights of Servicemen and Their Families has worked actively throughout the Northern Caucasus region, successfully rescuing 42 ethnic Bashkiri conscripts who were sold by NCO's and officers, but has been reluctant to act on behalf of ethnic Russian captives or soldiers from other ethnic groups. One person reportedly was held for 7 years. The Committee also reports that in many instances, the army apparently was not even aware officially that these men had been abducted from their units. There were also reports of military officers and units sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators (see Section I.e.).

There were similar incidents in the armed forces of the Ministry of Internal Affairs. In June 44 ministry soldiers in the Far East went absent without leave after enduring repeated systematic abuse and beatings not only by senior servicemen, but by officers as well. Military investigators determined that 20 of these soldiers had injuries of varying severity and also found that over 50 conscripts from the same small garrison had illnesses caused by neglected injuries. Among those implicated were the unit commander, chief of staff, the deputy commander for personnel, the deputy commander for supply, and the unit's medical officer.

The MMPO continues to cooperate with the Soldiers' Mothers Committee to investigate allegations of abuse and recently established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the Soldiers' Mothers Committee believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity.

According to the armed forces' Medical Service, approximately 45 percent of those committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages was also a factor, particularly in cases of suicide among officers. The Mothers' Rights Foundation and the Soldiers' Mothers Committee believe that many of those who reportedly committed suicide were driven to do so by violent hazing or abuse. The Soldiers' Mothers Committee believes that the vast majority of hazing incidents are never reported. In incidents brought to the attention of the military or civilian authorities, the Soldiers' Mothers Committee reported in 1997 that in 60 percent of the cases there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result.

The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence of selection committees during the conscription process. In one Moscow-region unit cited by the Soldiers' Mothers Committee, 46 percent of the newly arrived conscripts had physical or psychological health problems, which should have exempted them from military service. The rise in the number of draftees unfit for military service also allegedly is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its antidraft evasion efforts and cracked down on conscription abuses during the year. In January and February, these efforts resulted in the detention of 1,633 servicemen absent without leave. Those who turn themselves in voluntarily and have a "good reason" for being absent without leave are given reduced sentences, with the assistance of the military procurator's office.

Degrading and substandard living conditions persist throughout the military, principally due to insufficient funding. As of April, the number of armed forces personnel without housing was 93,400, and a further 43,200 need housing on military bases.

Despite the acknowledged seriousness of the problem, the military leadership has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse, at least in part due to lack of funding and the leadership's preoccupation with urgent reorganizational issues and the fighting in Chechnya.

There is still no law providing for the constitutional right to alternative civilian service, and the proposal for all-volunteer armed forces has been put off indefinitely, in the face of the current economic crisis and the Government's inability to sufficiently raise military pay. Although some regional authorities are attempting to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has yet to be passed by the Duma. Without such legislation there is no legal basis for any current alternative service program, beyond the constitutional language itself. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment during the Soviet-era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities apparently occasionally still abuse the practice of psychiatry for other purposes: In St. Petersburg, six members of Sentuar, a local Scientologist organization, were hospitalized forcibly in June for a 3-week psychiatric evaluation. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects." In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.).

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents),

told Time magazine in 1998 that military, police, and state security agencies often use internal, closed-door tribunals to deal with whistle-blowers by sending them to psychiatric institutions. He said that "more and more" policemen and military and intelligence officers sought out his organization after they had been labeled mentally ill.

There were credible Russian press reports that Chechen separatists tortured a number of civilians (see Sections 1.a. and 1.g.).

Politically motivated violence also occurred. In October according to the St. Petersburg police two activists from Stepashin's campaign to the State Duma were assaulted in connection with their electoral activities. Their injuries did not require hospitalization (see Section 3).

On August 3, in Yekaterinburg, the apartment of independent television company Channel Four Plus President Igor Mishin was destroyed by a bomb. Mishin, who was not in the apartment at the time of the explosion, reportedly had rejected requests by gubernatorial candidates to "alter the company's position" in their favor, instead maintaining an independent posture in covering the elections. No arrests were made in this incident by year's end (see Section 2.a.).

On February 2, a bomb seriously injured a paratrooper in Dagestan. On April 24, a bomb exploded outside a building housing two Western consulates in Yekaterinburg. While no one was injured, the building was damaged severely. On June 22, a bomb exploded near the Ministry of Interior in Moscow. On June 28, an antipersonnel mine injured 11 persons in Vladikavkaz.

After the Karachayevo-Cherkesiya supreme court ruled the results of the May 16 presidential election valid, supporters of Cherkessk mayor Stanislav Derev (who had received 20 percent of the vote) attacked the jeep of former commander in chief of ground forces Vladimir Semenev (who had received more than 70 percent of the vote). On the night of September 8-9, three explosions, reportedly grenades, went off near the homes of Semenev supporters. On the night of September 14-15, after ethnic Karachay president Semenev was inaugurated, two Karachay-owned cafes were bombed. On October 11, an aide to President Semenev was injured seriously during an attempted murder, but it cannot be confirmed whether this attack was politically motivated (see Sections 1.a., 3, and 5).

Ingush president Ruslan Aushev issued an official protest early in July on behalf of ethnic Ingush refugees trying to return to the Prigorodnyy district of North Ossetia. Up to 70,000 Ingush refugees fled the Prigorodnyy and Vladikavkaz areas in 1992, when interethnic fighting broke out between Ossetian and Ingush inhabitants. According to Russian media reports, just over 10,000 of the refugees have been able to return so far. According to a June report by the Ingush branch of the Memorial human rights group, ethnic Ingush refugees have faced systematic harassment while trying to return to the Prigorodnyy district (see Section 2.d.).

Incidents of societal violence apparently based on religious belief also occurred. For example, according to press reports, in August between 10 and 15 youths burst into a Moscow Hare Krishna temple, beating followers and giving at least 1 person a head laceration severe enough to require hospitalization. In May two bombs exploded near a Moscow synagogue, and in July the director of a Jewish cultural center was stabbed (see Section 5). An unexploded bomb was discovered in another Moscow synagogue in July. Religious figures also were kidnaped, tortured, and killed in the Northern Caucasus (see Sections 1.a. and 5).

Prison conditions are extremely harsh and frequently life threatening. The penitentiary system is administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penitentiary facilities.

Conditions for detainees and prisoners in most government facilities remain extremely harsh, particularly in pretrial detention facilities (SIZO's) where overcrowding is rampant and the authorities frequently employ physical abuse and torture to coerce confessions. Most detainees face extremely harsh and even life-threatening conditions. Russian news agencies reported in June 1998 that Procurator General Yuriy Skuratov had written to then-Minister of Interior Stepashin that human rights are "systematically and massively violated" in the nation's prisons. According to the MCPCJR, the 1998 economic crisis worsened underfunding for prisons. Some prison directors have been forced to find unusual solutions in order to feed their inmates, such as using prison labor to run small businesses.

According to the 1995 law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

The country's penal institutions remain extremely overcrowded. According to the MCPCJR's analysis of government statistics during the year, the total number of persons held by the penitentiary system in May was 1,038,000, up from 1,009,863 in January 1998. The number of detainees in the 191 pretrial detention centers went up from 275,000 in January of 1999 to 285,600 over the first 4 months of the year. According to May data, 731,400 convicts are held in correctional labor colonies (ITK's). The January 1999 MCPCJR analysis showed that pretrial detention centers are overcrowded on the average 2.3 times over capacity, i.e., 2.3 persons are being held in space designed for 1. On average SIZO detainees have 5.2 square feet per person, compared with 12 square feet per person required by law. (Statutory space requirements for other penal facilities range from 6 to 15 square feet.) In May 85,000 persons had no personal sleeping spots in SIZO's. In one example, a Volgograd SIZO accommodated 4,800 detainees in a space designed for 1,500, averaging 1.2 square feet per person in communal cells. Similarly, in 1998 a SIZO in the Urals held 8,000 persons in facilities designed for 3,500. According to 1998 data, in "Kresty," St. Petersburg's largest SIZO, 5 to 15 prisoners were held in cells that were built 100 years ago to hold 1 prisoner. The situation is less severe in ITK's. As of January, ITK's were only 1.1 times over planned capacity, and correctional labor colonies for prisoners serving life sentences were only 1.05 times over capacity. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. As of January, there were 39,800 women held in correctional labor colonies, according to the MCPCJR.

Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are stiflingly hot in summer (up to 40 degrees centigrade, or 104 degrees Fahrenheit, according to the MCPCJR) and dangerously cold in winter. Prisoners report that matches cannot be lit in many SIZO cells during the summer because of a lack of oxygen.

Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. This situation was aggravated by the country's economic crisis and resulting budgetary problems. The MCPCJR reported that in the first half of 1998, actual government budget disbursement for food for prisoners was \$23 (142 rubles) per prisoner per month. This amount represented 63 percent of the Government's guideline of \$36 (225 rubles) per prisoner per month. After the August 1998 financial crisis, this sum shrank to \$0.88 (22 rubles) per prisoner per month, and some regions received no money at all in August and November 1998. Prisoners and detainees typically rely on families to provide them with extra food.

According to statistics provided by the MCPCJR, the 1998 planned federal budget

allocated \$1.25 billion (at the precrisis exchange rate, or 7.8 billion rubles), or 61 percent of what was required by the penal system. Only \$983 million (at the precrisis exchange rate, or 5.9 billion rubles), or 46 percent of required funding actually was granted. Even if the budgeted allocations for 1999 were disbursed in full, they only would provide 60 percent of the amount needed for maintenance of penal institutions. Many penal institutions also supplement significantly their budget allocations with income from prison labor. In many cases, prisoners produce much of their own food. Increased funding appears very unlikely.

According to the MCPCJR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the MCPCJR. Other support is offered by NGO's and religious groups.

Inmates in the prison system suffer from inadequate medical care. In March the Human Rights Chamber again stated that over 10,000 prisoners and detainees die each year. In August 1998, Yuriy Shcherbanenko, a senior official of the Procurator General's office, told colleagues at a conference that the level of medical services in prisons was far below international standards and even elementary sanitary norms. Every year 10,000 persons die in prisons, he said. Common causes of death in prisons include typhoid, cardiovascular diseases, and tuberculosis.

Detention facilities have infection rates of tuberculosis far higher in than the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international, health threat. In June 1998, the Government's main sanitary doctor, Gennadiy Onishchenko, told journalists that tuberculosis rates in the prisons were five times the national average. The MCPCJR reports that as of January, 92,000 detainees had tuberculosis in the active form. Each year an estimated 35,400 prisoners contract tuberculosis. Due to a shortage of space in specialized tuberculosis care facilities, about 2,000 infected inmates live among healthy prisoners. Another 15,000 are kept in isolated sections of regular penal institutions. HIV/AIDS infection rates also are a source of concern. The MCPCJR reported that as of January, 2,300 prisoners (compared with 2,000 in September 1998) were infected with HIV, the virus that causes AIDS. Space shortages do not allow for separate facilities for prisoners with AIDS. Then-Justice Minister Pavel Krasheninnikov said in October 1998 that the number of HIV-infected inmates increased 500 percent since September 1997.

The tuberculosis epidemic in prisons became particularly urgent in mid-1998, when doctors drew attention to the presence of a new multidrug resistant form of tuberculosis, known as MDR-TB, in the country. They said that the strain was concentrated primarily among prison inmates. As of March, approximately 20,000 prisoners with tuberculosis were infected with a multidrug-resistant strain. In 1998 Doctors without Borders, Medical Emergency Relief International, and the Public Health Institute of New York sent a joint letter to President Yeltsin warning that the country had become "an international incubator of a new illness." Alexander Goldfarb, director of the Soros Foundation's anti-tuberculosis program in the country, stated in August 1998 that in recent years the supply of anti-tuberculosis drugs seldom met more than 20 to 25 percent of prison requirements. Prison personnel often administered incorrect dosages of medicine, encouraging the development of drug-resistant strains of tuberculosis. Currently about 12 percent of tuberculosis infected inmates have a multidrug resistant strain that is especially difficult to cure.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for use of excessive force are not released publicly. While reliable figures are extremely difficult to establish, Russian human rights groups have in the past estimated that between 10,000 and 20,000 detainees and prison inmates die each year in penitentiary facilities. Some die due to beatings, but most as a result of overcrowding, poor sanitary conditions, or lack of medical care. The Ministry of Internal Affairs does not break down its statistics to specify how many of the 21,000 personnel dismissed were punished for abusing detainees or convicts. The

Procuracy General receives approximately 1,000 complaints of torture per year. The HRW 1999 report on torture quotes a procuracy official as saying that this figure "does not reflect the number of such incidents." The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, rape victims, child molesters, and others are to be "untouchable" and treated very harshly, with little or no protection from the prison authorities.

There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's). Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). Conditions in police station detention centers vary considerably but as a rule are harsh. In most cases, detainees are not fed and have no bedding, sleeping place, running water, or toilet.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal are confined in pretrial facilities (SIZO's). The GUIN has 178 SIZO's. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain extremely harsh; they fall far short of minimum international standards and pose a serious threat to life and health. Cells are overcrowded and prisoners must sleep in shifts due to insufficient numbers of beds.

The 1997 Amnesty International Report on Torture in Russia noted that "torture and ill-treatment occur at all stages of detention and imprisonment," but most often was reported in pretrial detention. These conditions have not improved. In February 1998, then-Justice Minister Stepashin admitted that "the pretrial detention centers are the most serious problem" in the prison system. Vyacheslav Budnov, the Interior Ministry official in charge of prisons was quoted in 1998 as saying that "this is a Russian paradox." Persons incarcerated in detention centers "have not gone to trial, but they are living in worse conditions than those already sentenced."

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. According to January statistics of the MCPCJR, there are 719,500 convicts (of whom 39,800 are female) incarcerated in the ITK's. According to the MCPCJR, conditions in the ITK's are better than in SIZO's and prisons only to the extent that there is fresh air. In the 122 timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards are common.

The country's "prisons"--distinct from the labor colonies or ITK's--are actually penitentiary institutions for those who repeatedly violate the relatively lax rules in effect in ITK's. Conditions in many prisons are extremely harsh. Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved.

Educational labor colonies for juveniles (VTK's) are facilities for juveniles from 14 to 20 years of age. The MCPCJR's January statistics indicate that there are 20,000 persons in the 63 educational colonies. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells suffer from beatings, torture, and rape. The MCPCJR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights.

The President's Commission for Prison Reform monitors prison conditions and has prepared recommendations and legislation for reform. None of these efforts has led to any demonstrable progress.

The formal transfer of responsibility for managing the MVD's prison facilities to the Ministry of Justice on September 1, 1998 fulfilled one of Russia's obligations as a member of the Council of Europe. Neither government officials nor human rights activists expected this transfer to improve conditions in the near future, but, as the Moscow office of Human Rights Watch noted, the transfer was an improvement because it took the prisons "out of the hands of those whose main concern is to have good statistics on the number convicted." MVD official Vyacheslav Bubnov reportedly estimated that it would take at least 7 to 10 years before conditions approached European standards. Bubnov estimated that transfer of control to the Ministry of Justice would provide 20 percent of the solution to improving conditions at prisons, but that the rest was dependent on increased funding. In view of the Government's serious budgetary problems, increased funding appeared unlikely.

In recognition of the inhuman conditions present in detention facilities, on June 18, the State Duma passed an amnesty bill intended to free an estimated 94,000 prisoners in the course of 6 months, beginning on June 22. The amnesty was intended to grant freedom to prisoners held for minor crimes and for first-time offenders, specifically veterans of military service in defense of the Motherland, pregnant women, women with children, invalids, tuberculosis-infected prisoners, minors, and senior citizens. In order to qualify for amnesty, prisoners in most categories must be serving sentences of 5 years or less. The amnesty also included persons recently sentenced and tried. Prison activists and prison officials said that they did not expect that the amnesty would resolve fully the ongoing prison overcrowding crisis. The numbers of prisoners increased by 42,000 in just the first 4 months of the year; therefore, even a 94,000-person decrease would not alter the overall numbers. Moreover, some persons believe that the amnesty conditions are too demanding; the newspaper *Noviye Izvestiya* cited estimates by the GUIN that only 35,000 prisoners actually qualify for the amnesty. Human Rights Watch pointed out that without a change in the policy of the Procurator's Office of placing persons in detention and arresting them for minor crimes, in view of the time needed to obtain a court hearing there would not be any major improvement in the prison situation.

At a March 19 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code, which could yield a prison population decrease of 400,000 over 1 year.

Prison reform activists, prison experts, independent observers, and Duma deputies agree that the country's Criminal Code is at the root of the penal system problems. According to Valeriy Borshchev, the country has the largest percentage of its population in jail in the world. The 1999 MCPCJR report states that for every 100,000 persons in the country, 760 are imprisoned.

According to the MCPCJR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code. The Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance). According to a MCPCJR report during the year, Sergey Vitsin, deputy chairman of the Presidential Council on Judicial and Legal Reform commented that the Criminal Code does not distinguish between petty theft and larger-scale thefts and robberies. In an example cited by the MCPCJR during the year, one person was sentenced to 3 1/2 years in prison for stealing three chickens and 2 kilograms of meat.

Theft is the leading reason for incarceration and detention in the country. The director of the Pskov SIZO reported according to a 1999 MCPCJR report that 53 percent of his detainees are charged with theft. As an example, he told of a 16-year-old who had already spent 2 months in a Pskov SIZO simply for stealing some margarine, pasta, and bread. The MCPCJR reports that of the 21,000 minors incarcerated in the country, 52 percent are

charged with theft and similar petty crimes.

Custody is used systematically as the only means of restraint. The MCPCJR called for more use of alternatives to custody, such as bail and house arrest. Moreover, the MCPCJR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the MCPCJR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make frequent visits to the prisons in the Moscow area, but they have neither the resources nor a national network to investigate conditions in all 89 regions.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. However, the Constitution's transitional provisions specify that these provisions do not take effect until a new criminal procedure code is adopted. The new Criminal Code that was passed in 1995 went into effect at the beginning of 1997. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the new 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper protocols of arrest or for confiscated property. Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Police officers reportedly planted drugs or ammunition on some of these persons as a pretext for arrest (see Section 2.d.). Local authorities throughout the country detain members of religious minority groups, especially the Church of Jesus Christ of Latter-Day Saints, for brief periods of time, although formal charges seldom are filed (see Section 2.c.).

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the current Criminal Procedure Code and presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The MCPCJR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless.

For example, Articles 47-49 of the Criminal Procedure Code provide that in certain cases the court, investigator, or procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. Sometimes the

right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait in line for days to get a meeting with the client).

A 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and social rehabilitation of the homeless. However, according to Duma and NGO sources there is not yet any such law under consideration.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The MCPCJR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the MCPCJR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

The Code provides that a prosecutor may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their right to request judicial review of their detention due to fear of angering the investigating officer.

There also were credible reports that persons have been detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives. The situation has improved somewhat since the issuance of a presidential decree in 1997 that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is still not uncommon, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Some suspects actually serve the equivalent of their sentences while awaiting trial. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or the case is controversial. Instead, such cases often are returned to the procurator for further investigation.

Some authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference

in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

In August Vladivostok environmental scientist Vladimir Soifer filed a complaint in Vladivostok municipal court alleging that in early July the FSB confiscated a large number of documents from his apartment, which was not covered by its warrant and not documented in the FSB's official record of the search (see Section 2.a.).

Authorities detained or arrested a number of other environmental activists during the year. In October Vladimir Slivyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Slivyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an antinuclear camp near the Novo-Voronezh nuclear power plant and threatened him with drug possession charges if he failed to appear. In November disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public.

Based on this series of cases and the Nikitin and Pasko cases from previous years, environmentalists both in the country and abroad criticize the FSB for its active campaign of harassment, especially of environmental activists critical of past government abuses.

St. Petersburg judge Sergey Golets ruled on December 29 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty of charges of espionage and treason. Although prosecutors are expected to appeal the decision, legal observers believe that the legal foundations of the ruling were sound and believe that it may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with Bellona, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin had served. In December 1996, Nikitin was released from pretrial detention but was restricted to the St. Petersburg city limits.

Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. On October 29, 1998, the judge in the case returned the indictment to the prosecution for further investigation, as there was insufficient evidence to support the charges. Although Nikitin's defense claimed a qualified victory, this did not constitute an acquittal. The FSB was given another opportunity to solidify its case against Nikitin. On February 2, the Supreme Court upheld the St. Petersburg court's October 1998

decision to return the case to the FSB for further investigation. An eighth indictment filed against Nikitin in July is almost identical to the previous seven, according to Nikitin's lawyer. The trial against Nikitin resumed on November 23 in St. Petersburg. In his December 29 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore was not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's constitutional rights.

In July after 20 months in pretrial detention, military journalist and active-duty officer in the Pacific Fleet Grigoriy Pasko was sentenced to 3 years' imprisonment for misuse of office but immediately was released under the prisoner amnesty. Pasko originally was charged with treason and espionage after conducting freelance reporting on radioactive contamination and passing to Japanese media a videotape of Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. Both Pasko and the military procurator intend to appeal the decision to the Supreme Court, and Pasko announced on July 22 his intention to appeal his case to the European Court of Human Rights. Nikitin's defense attorney said that Pasko's conviction is legally dubious, as the charge is based on a military code of conduct that technically has not been in force since 1990, although the military continues to enforce it internally. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court. Also a key witness recanted his earlier testimony, which he said had been made under pressure from investigators. As of year's end, Pasko resides in Moscow, unable to work as a journalist for Russian media in either the Far East or Moscow. The Committee to Protect Journalists and the Glasnost Defense Fund observed that, while the verdict was better news than expected, the case is still a powerful disincentive to investigative reporting.

In September press reports described Moscow authorities' use of the mass detentions of persons who appeared to be from the Caucasus as part of "Operation Whirlwind," the authorities' program to stem terrorism in response to the September bombings in Moscow (see Sections 1.a. and 5).

No new cases of arrest of human rights activists were documented during the year, although the Moscow Helsinki group stated that three human rights monitors participating in its regional reporting program were harassed (also see Section 4). No progress was reported during the year in the case of Yuriy Shadrin of Omsk, who was arrested in November 1996 on several unrelated charges. Released on December 31, 1996, Shadrin remains subject to arrest and trial. The same is true for Yuriy Padalko of Irkutsk, who was arrested in 1992 on what Human Rights Watch called "presumably trumped-up charges of libel, hooliganism, and other offenses."

Larisa Kharchenko, a housing adviser to former St. Petersburg mayor Anatoliy Sobchak, was detained in July 1997 in connection with a corruption case involving the former mayor. She was held incommunicado for 17 days and then charged with bribery and abuse of office. Her lawyer contended that the authorities do not have a case against her and that she was kept in jail and deprived of medical care in order to force her to testify against Sobchak. Kharchenko was released in mid-December 1997 but was instructed to stay in St. Petersburg pending further developments in her case. Doctors determined that, along with other medical complications, she had suffered a stroke while detained and classified her as legally disabled. No trial date was set for Kharchenko in 1998 or 1999. According to Sobchak, Kharchenko has left the country.

St. Petersburg authorities arbitrarily detained Scientologists for psychiatric evaluation (see Section 2.c.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there are signs of limited independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. The development of an independent judiciary continued. A 1996 law separated the courts of general jurisdiction from the Ministry of Justice and placed them under a separate agency, the Judicial Department, which is under the supervision of the Supreme Court. Although not entirely functional, the Department has assumed primary administrative and financial responsibilities for court management previously held by the Ministry of Justice. Reformers who sought to create the Department felt that the Ministry was not zealous enough in defending the interests of the judiciary, especially on budget matters. In the 1998 and 1999 budgets, the Department was funded independently of the Ministry. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system, under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of both city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. A 1998 federal law provides for new judicial officers--justices of the peace, or magistrates--several thousand of whom are expected to begin serving in 2000. This new category of judicial officer is to be elected or appointed at the regional level. It is not yet clear whether justices of the peace are to form separate courts or to serve directly under the courts of first instance. Magistrates are to consider administrative and criminal cases, for which the maximum sentence does not exceed 2 years, and civil cases whose claims do not exceed a certain sum of money.

Low salaries and scant prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges have received some incremental salary increases aimed at improving the quality of judges and raising the retention rate. Although judges' pay has improved, working conditions remain poor, and support personnel continue to be underpaid.

In its 1998 budget the Government called for cutting spending on the court system by 26 percent. This was despite appeals by the Federation Council (upper house of Parliament) and leading judges, as well as presidential orders issued in July 1998, which had instructed the Government to make the "normal functioning of the judicial system" a priority. In response, the Supreme Court launched a legal challenge to the budget cuts with the Constitutional Court. On July 17, 1998, the Constitutional Court struck down the article in the 1998 budget that authorized the Government to reduce spending on the judicial system. The Court cited Article 124 of the Constitution, which stipulates that the federal budget must provide for the "complete and independent" functioning of the judiciary. Despite this decision, courts were not funded fully in the current fiscal year. However, the Duma and Federation Council passed and President Yeltsin signed by February the Law on the Financing of the Courts, which makes receipt of the judiciary's budget independent of the Ministry of Finance.

Cuts in the judicial system's budget raised concerns over the permanence of gains made in recent years in judicial independence. For example, according to the Constitution, courts should be financed only by the Federal Government. But because of federal budget cuts, district courts often seek additional funds from their local governments, leaving them more vulnerable to pressure from local politicians. A 1997 survey of 250 judges, conducted by the University of Toronto, found that about half were receiving financial aid from local governments. Many courts now lack adequate funding to cover such basic

expenses as electricity, telephone charges, and postage. Because of unpaid debts, many courts lost their telephone and electricity service. Without money to mail subpoenas, courts often are forced to hold trials without key witnesses. A human rights organization reported that in Bryansk in November and December 1998 all courts closed and put signs on the doors saying that the closure was due to lack of funds. These and other kinds of disruptions in the work of courts are common throughout the country.

Progress was made during the year to improve the financing of the court system. In February a federal law on the financing of the courts of general jurisdiction provided for a mechanism to ensure that the courts received money allocated to them in the budget. The Council of Judges of the Russian Federation noted that as of October 1, the courts received 100 percent of the amount allocated to that date, compared to the only 47 percent of the budgeted amount that the courts received during the same period in 1998. Moreover, the 2000 budget is to increase funding for the judicial system and to fund it entirely out of the federal budget, so that courts are no longer dependent on local or regional authorities for funding.

Judges are subject to physical intimidation and bribery. Judges have been murdered in Moscow, Irkutsk, and Yekaterinburg, although there were no reports of judges who were murdered during the year. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In January 1998, then-Prime Minister Chernomyrdin signed a decree that allowed judges to apply for permission to carry firearms. Many judges reportedly took advantage of the decree. In July chair of the Primorskiy kray arbitration court Tatyana Loktionova announced that Primorskiy kray governor Yevgeniy Nazdratenko had been interfering in the court's activities. She reported that she and her colleagues feared for their personal safety. The governor has blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct.

In October then-Prime Minister Putin signed a decree providing for the establishment of the new Academy of Justice, the country's first judicial branch training organization.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little legal assistance, because funds are lacking to pay for trial attorneys for them, and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into giving false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In March the Supreme Court found Articles 218 and 220 of the Criminal Procedure Code unconstitutional. This finding permits defense attorneys to appeal the actions of the procuracy and investigative officials to a court, even during pretrial stages of criminal proceedings. The unconstitutional articles had restricted the conditions for pretrial appeals of the procuracy's actions and allowed appeals only to a supervising procurator, not a court.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports

indicate that in practice, the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover, in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20 decision and held that part of the article of the Code providing for this practice was unconstitutional. This practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZO's (see Section 1.c.). Adversarial jury trials, at the option of the accused in cases where there is a risk of a criminal penalty of 15 years or more, were introduced in 1993 and 1994 in nine regions, encompassing 23 percent of the population. In February the Constitutional Court held that in order for the death penalty to be applied, the accused must be given a trial by jury. The Court expressly stated that the death penalty could not be imposed anywhere until trial by jury was available everywhere. Since jury trials currently are provided in only nine regions, and funds to expand them throughout the country still are lacking, the decision in effect makes nearly impossible the legal imposition of the death penalty in the country. Despite plans to expand jury trials to 12 new regions, as of December the Department of Judicial Reforms of the State Legal Administration of the President failed to do so due to lack of funds. In December 1998, press reports indicated that the Ryazan governor and Ryazan дума chairman reported to the Supreme Court and the Presidential Administration that they had suspended the practice of trial by jury primarily due to the high cost of such trials. The trials reportedly cost the region between \$2,400 and \$3,900 (50,000 and 80,000 rubles) per year. A council of local judges appealed to the Procurator General and the Federation Council to overturn the decision of the Ryazan authorities.

The Ministry of Justice reports that 538 cases involving 772 persons were tried by jury in 1998. Of these, 165 resulted in acquittals. Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The heads of several lawyers' associations reported during the year that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Dmitriy Baranov, vice president of the Association of Lawyers of Russia, in an interview with the newspaper MK-Yug (the southern edition of Moskovskiy Komsomolets) said that during the last year or two, defense lawyers were increasingly targets of police harassment. For example, in Rostov he said that there were a number of attempts to coerce lawyers into giving testimony against their clients. Professional associations at both the local and federal levels report that such abuses are increasing throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities.

There also were instances in which the right to due process and a fair trial were violated. For example, the arrest, detention, and September 1998 trial of Krasnodar human rights activist Vasily Chaykin was marked by numerous serious legal procedural violations. Chaykin was denied access to a lawyer of his choice for 1 month after his arrest. The rape charges against Chaykin rested on the testimony of nine young women, five of whom recanted the statements that they made to investigators, saying that they had been coerced by the investigating officer. The judge reportedly did not allow the court secretary to record these charges of police intimidation. Instead he threatened the young women with criminal action for giving false testimony; finally, all witnesses agreed to confirm their previous statements. Protests by the defense attorney about these procedures were ignored and not recorded by the court secretary. During the trial, Chaykin requested medical help, but the judge rejected his plea, and Chaykin suffered a heart attack several days later. The trial was postponed until Chaykin recovers. Chaykin was released on April 17 but remains restricted to his city of residence. As of year's end, there were no reports of developments in this case.

There were reports of military officers and units sending soldiers to the front lines in

Chechnya as punishment instead of using the military justice system. Such incidents reportedly were being investigated by military procurators (see Section 1.e).

There was no reported progress in the 1997 case of the beating of defense attorney Oleg Kolesnikov.

On February 3, Chechen president Maskhadov declared Shari'a (Islamic law) to be in effect in the republic of Chechnya. Maskhadov signed several decrees stipulating that all local legislation be brought into line with the Koran and Shari'a regulations. Maskhadov ordered the Chechen legislature and the Council of Muftis to draft a Shari'a constitution within 1 month's time (also see Section 2.c.). Maskhadov's action apparently was a political response to pressure from Islamist rivals.

Authorities in Chechnya continued their efforts to establish a new criminal code based on the Islamic Shari'a code. Although the code has not been enacted formally, elements of Shari'a law already have been cited in court decisions, and Shari'a punishments reportedly have been imposed.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Authorities continued to infringe on citizen's privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems still remain, and no one has ever been convicted of violating those safeguards. In 1995 legislation was passed that gave broad authority for the FSB to utilize domestic surveillance and to conduct searches of private residences, with only limited oversight by the courts and the procuracy. These measures remain in force. There were reports of electronic surveillance by government officials and others. Moscow police reportedly entered residences without warrants during checks for illegal residents of the city (see Section 2.d.). Vladivostok environmental scientist Vladimir Soifer reported that the FSB confiscated personal correspondence, not covered by the warrant, during a July search of his apartment.

A senior official told a newspaper in November 1997 that the problem of abuse by governmental agencies was aggravated because the list of government agencies authorized to carry out wiretaps and undercover operations has been expanded and now includes, for example, tax authorities. He also noted that while the law provides that the Prosecutor General's office must authorize wiretaps and other undercover operations by state agencies, it does not allow prosecutorial oversight once those operations have begun.

Internet experts and right-to-privacy advocates say that interagency technical regulations called SORM-2 (SORM is the Russian acronym for System for Operational Investigative Measures), which were issued by the Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies, present a serious threat to privacy rights and violate the Civil Code, the Constitution, and international norms. SORM-2 is an amendment to SORM telecommunications regulations. The original SORM, issued in 1995, granted security services the power to monitor all telecommunications transmissions for investigative purposes. The original SORM required a warrant to carry out such monitoring, in accordance with the Constitution and other provisions of the law. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication as it did for telecommunication, but without ensuring judicial oversight.

Internet service providers are required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it still requires a court order, right to privacy advocates say that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

The first Internet service provider charged with refusing to comply with SORM-2, Bayard-Slavia Communications, and the St. Petersburg human rights organization Citizens' Watch filed complaints with the Volgograd procuracy in July. In enforcing SORM-2, the Volgograd FSB required providers to provide the FSB with a list of their subscribers and further information upon request. The Volgograd FSB charged Bayard-Slavia three times during the year with noncompliance. Bayard-Slavia Communications has demanded reversal of administrative noncompliance charges against it and confirmed its readiness to provide the required assistance to the FSB if a court orders it to do so. Citizens' Watch demanded the reversal of the Ministry of Communications order requiring SORM-2 compliance. Both complaints request that the FSB comply with the Constitution and the Civil Code.

Allegations continue to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather "kompromat" (compromising materials) on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, have been accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The indiscriminate use of force by government forces in the conflict with separatist elements in Chechnya resulted in widespread civilian casualties and the displacement of up to 200,000 persons, the vast majority of whom sought refuge in Ingushetiya.

Estimates vary of the total number of civilian casualties caused by bombs and artillery used by government forces. The number of civilian casualties cannot be verified, and figures vary widely from several hundred to several thousand. Government officials argue that they are employing "high precision" tactics against separatist and terrorist targets in Chechnya. However, a wide range of reporting indicates that government forces are relying mainly on unguided rockets and other low precision weapons.

In September and early October, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Basayev led attacks in Dagestan in July and August and was believed to have retreated to this region in Chechnya. Villagers living in the region under attack claimed that they were not supporters of Basayev.

Attempts by government forces to gain control over Chechnya's capital, Grozny, were characterized by indiscriminate use of air power and artillery, which destroyed numerous residential and civilian buildings. Up to 140,000 Russian military and security personnel

in the Northern Caucasus region were involved in the current conflict in Chechnya, far more than during the 1994-96 conflict in Chechnya. On September 24, government aircraft reportedly bombed a bus with refugees near Samashki, resulting in the deaths of eight persons. Human Rights Watch confirmed that on September 27, Russian aircraft allegedly bombed a school and residential areas in Staraya Sunzha, a suburb of Groznyy, killing 7 civilians and wounding another 20, including schoolchildren. Human Rights Watch confirmed an attack by Russian airplanes on Urus-Martan, 15 miles south of Groznyy, on October 3, which resulted in the deaths of 27 civilians. On October 5, a government tank fired on a bus near Chervlyonnaya, reportedly killing some 28 civilians. According to NGO reports, on October 7, government troops attacked the village of Elistanzhi, killing some 48 civilians. On October 21, explosions killed scores of civilians in Groznyy's downtown market and a local hospital. Western press organizations reported at least 60 civilian deaths and 200 persons injured, although Chechen government officials claimed that at least 118 persons died and more than 400 were injured. Russian officials offered contradictory explanations for the explosions; some denied any government complicity and blamed Chechen separatists. However, Ministry of Defense officials claimed on October 22 that special forces units had attacked a weapons market, but without using artillery or air power. The ICRC reported that two-thirds of Groznyy's 150,000 residents fled the city as a result of the military campaign. On October 27, government forces subjected Groznyy to the heaviest attacks up to that point as government aircraft bombed the city and killed dozens of Chechens. Chechen defense officials claimed that 116 persons were killed in the attacks that day. Also on October 27, government forces shelled the village of Samashki, killing at least 5 persons and injuring dozens. On November 1, government troops that had taken positions in a psychiatric hospital near Samashki overnight opened fire on the doctors and other medical staff who reported to work that morning, resulting in injuries to three staff members. Troops prevented hospital staff from returning to care for their patients for several days, and the condition of the hospital's patients remains unknown. On November 16, government troops surrounded and shelled two large towns near Groznyy, Achkhoy-Martan, and Argun. The attacks prompted criticism from international human rights organizations for indiscriminate attacks against civilian settlements.

According to human rights NGO's, government troops raped civilian women in Chechnya in December in the village of Alkhan-Yurt and in other villages.

Early in December, government forces airdropped a series of leaflets over Groznyy that warned civilian residents and rebel fighters to leave the city. In one leaflet directed at Chechen fighters, the command of the Combined Group of Federal Forces in the Northern Caucasus warned that any persons remaining in Groznyy after December 12 would be destroyed by air and artillery strikes. Amid international criticism of the leaflets, government officials later qualified the leaflets' language and denied that they had imposed an ultimatum on the city's inhabitants.

According to human rights NGO's, Government troops looted all valuables and foodstuffs from homes in regions that they controlled, particularly Sernovodsk, Ermolovskiy, and in the Naurskiy district. Refugees returning to their homes in Chechnya in late November discovered that they had been stripped by government soldiers.

On October 29, a government aircraft bombed a convoy of five vehicles with ICRC markings, according to ICRC officials. The bombing occurred at Shami-Yurt, west of Groznyy, and resulted in the deaths of at least 25 civilians and injuries to some 70 persons.

Finnish Foreign Minister Tarja Halonen, representing the European Union Presidency, carried out a humanitarian fact finding visit to Ingushetiya on October 30. In late November, U.N. High Commissioner for Refugees Sadako Ogata visited Chechnya and Ingushetiya. Norwegian Foreign Minister Knut Vollebaek, Chairman in Office for the Organization for Security and Cooperation in Europe (OSCE), visited the region, as agreed to by the Government at the OSCE summit in November. However, Vollebaek was not able to travel to Russian-controlled territory of northern Chechnya.

International organizations estimate that the internally displaced population as a result of the conflict fluctuated between 170,000 and 240,000, as individuals continued to cross back into Chechnya to check on their property or shop in markets. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. As of early November, as many as 170,000 were estimated to be displaced within Chechnya and without access to humanitarian assistance.

At various points during the conflict authorities restricted the movement of internally displaced persons (IDP's) fleeing Chechnya. In late October human rights groups reported that IDP's from Chechnya were not being permitted to move from Ingushetiya to North Ossetia. According to some reports by NGO's, border guards were permitting only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were being transported by bus back to parts of Chechnya that were under Russian government control. On November 3, government forces opened a crossing on the Chechnya-Ingushetiya border and allowed approximately 3,500 persons to enter. As many as 40,000 refugees had been stranded for more than 1 week at the border, where reportedly a line of refugees stretched almost 12 miles. Refugees at the border had been living in the open, often without access to food or water. Government forces were not allowing anyone, including medical personnel, access to refugees in the line waiting to cross into Ingushetiya, and several refugees died while waiting to cross, reportedly due to heart failure (also see Section 2.d.). Russian border guards and police officers on the border between Chechnya and North Ossetia reportedly required Chechen refugees to pay money to enter North Ossetia, at one crossing point demanding \$40 (1,000 rubles) for men and \$20 (500 rubles) for women. According to the U.N. High Commissioner for Human Rights, the authorities prevented medical supplies for Chechen hospitals from entering Chechnya.

Russian media coverage of events in Chechnya was limited and uneven. Journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the war resumed, federal authorities--both military and civilian--limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. Since November additional accreditation--besides the usual Foreign Ministry accreditation--is required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation.

Chechen separatists also committed abuses. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to dig fortifications, and prevented refugees from fleeing Chechnya. In particular, Russian officials reported in December that they had unearthed evidence of mass killings by Chechen fighters in Naurskiy raion. Government officials and some local residents claimed that the fighters singled out Russian-speaking residents for execution in October, just after the resumption of government ground combat operations in Chechnya. In addition, human rights NGO's reported that Chechen fighters on November 28 fired upon unarmed civilians who were trying to maintain a neutral zone in Gekhi, southwest of Groznyy. According to local residents, at least five civilians were wounded in the attack.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, while the Government generally respects these provisions, reports of government pressure on the media continue, particularly when coverage deals with corruption or criticizes a political official. Federal, regional, and local governments continued to exert pressure on journalists by: Selectively denying access to information (including, for example, statistics

theoretically available to the public) and filming opportunities; demanding the right to "clear" certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Private media, which flourished through the first half of 1998, came under increasing stress in the months after the August 17, 1998 financial crisis. Faced with major financial difficulties, many media organizations saw their autonomy further erode during the year.

The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that some 300 lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. In most of these cases, a government body or an individual (often with links to a figure in power) accused journalists of damaging its (or his or her) "reputation and honor." For example, then-Deputy Prime Minister Yuriy Maslyukov announced publicly in March that he was seeking an investigation by the Procurator General of *Nezavisimaya Gazeta* for articles suggesting that he and his staff embezzled \$130 million (approximately 3 billion rubles). As in 1998, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. Typically, judges seemed unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down, as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently, journalists were attacked physically; at least 10 persons died under circumstances that were presumed to be related in some way to their work as journalists. In 1998 the Committee to Protect Journalists (CPJ) came to regard journalism as the country's "most dangerous profession." Based on the record of violations of the rights of journalists during the year, the situation did not improve.

The financial dependence of most major media organizations on the Government, or one or more of several major financial-industrial groups, continued during the year to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1998—increased during the year, as the weakest players were forced out of the market, leaving only the largest media empires (including media outlets owned by the federal, regional, and local governments) intact and in control of key media. In particular, government structures, banking interests, and the energy giants Lukoil and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. The protracted effects of the 1998 financial crisis exacerbated this problem during the year, weakening the financial positions of most news organizations, thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result, the media's autonomy and concomitant ability to act as a watchdog was diminished.

According to the National Press Institute (NPI), a nonprofit organization dedicated to the development and maintenance of a free press, private newspapers faced intense pressure from major financial groups in Moscow and from dominant local business interests to influence their editorial content.

In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of media organizations continued to rely on state-controlled concerns for paper, printing, or distribution. Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the local administration and denial of access to journalists representing independent media organizations were widespread. The GDF reports that officials continued to manipulate a variety of "instruments of leverage" (including manipulating the price of printing at state-controlled publishing houses) in an effort to apply pressure on

private media rivals, noting that, as in 1998, this practice was more common outside the Moscow area than in the capital itself. For example, in May the chief of staff of Saratov's duma threatened to prevent reporters whose stories allegedly insulted the honor of duma members and staff from covering duma sessions. In September 1998, Saratov governor Dmitriy Ayatskov signed a special order stripping journalists of their accreditation if they repeatedly "distort" information. In July the editor of Severniy Kurier, the only independent newspaper in Karelia, was threatened with physical violence if he refused to transfer his shares in the newspaper to local entrepreneurs who are reportedly sympathetic to the republic's administration. Other newspaper staff have come under similar pressure to sell their shares to this grouping, which already controls over one-third of the publication's shares.

Independent and semi-independent television stations continued to develop, and the number of small private radio stations, mostly in the large cities, continued to increase. However, television companies faced government economic pressure similar to that experienced by the print media. Many stations were forced to rely on the State (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Private print and broadcast media, like other enterprises, were vulnerable to unpredictable changes in the policy and practice of tax collection. (Tax avoidance is extremely widespread both among commercial enterprises and individuals.) In July top editors of the Media-Most outlets, which include Independent Television (NTV), Ekho Moskvyy, Segodnya, and Itogi, publicly accused senior officials in the Yeltsin administration of singling out their organizations for "punitive" tax inspections in an effort to "muzzle the free press." The editors, as well as many in the journalistic community, argued that publications and broadcast operations that reported on the Government more sympathetically were not targeted for such inspections. The Presidential Administration has denied repeatedly these allegations. The disruption of the tax inspections notwithstanding, none of the Media-Most organizations were forced to shut down; each continues to operate today and to criticize the Government. The GDF and other media NGO's have documented independently many other similar cases across the country.

The private media continue to face more direct challenges from the Government as well. The Government owns 150 of the 550 television stations in the country and 18 percent of the 12,000 registered newspapers and periodicals. The State owns or controls Russian Public Television (ORT) and Russian Television and Radio (RTR) (two of the three national television stations), radio stations Mayak and Radio Rossii, newspapers Rossiyskaya Gazeta and Parlamentskaya Gazeta, and news agencies ITAR-TASS and RIA-Novosti. At the regional and local levels, governments operated a much higher percentage of media outlets than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus in a large number of media markets, citizens effectively received information only from unchallenged government sources. Officials from the Union of Journalists reported in April that local authorities around the country were reorganizing the editorial boards of various publications, allegedly to make them conform to civil code regulations. However, after the reorganization the boards are governed by the law on state employees and not the law on the mass media. In the opinion of the Union of Journalists, this change makes journalists function as mere mouthpieces of their editorial boards and circumscribes the publications' editorial freedom.

On July 6, President Yeltsin signed a decree abolishing the existing State Press Committee and the Federal Service for Television and Radio and establishing the Ministry of Press, Television, Radio Broadcasting, and Mass Communications. The head of the new ministry, Mikhail Lesin (the former deputy chairman of the Russian State Television and Radio Company), answers directly to the President. The decree stipulated that the Ministry's main tasks are to be "the development and implementation of a state policy toward the mass media." The Ministry also assumed authority over the registration of mass media organizations, the regulation of the production and distribution of audio and video products, and the regulation of radio and television broadcast frequencies. The

decree also suggested that television stations with nationwide broadcasting licenses may have to reapply to retain them--a provision seen by many observers as designed to influence the stations' policies on the eve of the Duma and presidential elections. This is the second major structural change in as many years designed to strengthen the hand of the Federal Government over the mass media; in 1998 the Government established the All-Russia Television and Radio Company (VGTRK), whose head also answers to the President. The creation of the VGTRK was part of the Government's effort to strengthen its control over the state media--and to a certain extent, to increase its leverage over other, private broadcast organizations--by consolidating its central and local television and radio companies into an enlarged and potentially more powerful holding company. In 1998 the VGTRK began to manage the sites that transmit the broadcasts of private television channels.

In August after a number of television stations showed footage of Chechen leaders in their reports on the conflict in Dagestan, the Ministry warned the companies against "giving air time to Chechen field commanders," stating that this "violates Article 4 of the Law of the Russian Federation on the Mass Media" (which forbids the inciting of racial violence or hatred). Days earlier, a city-owned station in St. Petersburg was issued an almost identical warning for airing anti-Semitic material (see Section 5). Later that month, Minister Lesin issued another stern warning to the ORT in connection with a news report by the station that allegedly displayed "flagrant disrespect for the flag of the Russian Federation" and allegedly contained "disrespectful comments about the Russian President." Minister Lesin informed the station that "such violations might lead to the revocation of the station's broadcasting license." In late August, the Ministry again warned the ORT that it could lose its broadcasting license, after the ORT broadcast a story about a mass demonstration in St. Petersburg by supporters of the Union of Right Forces. In February the newspaper Vremya MN reported that the State Committee for Publishing advised local authorities to withhold tax privileges and apply financial pressure to local newspapers that promote political extremism. According to the newspaper the local definition of political extremism may vary widely between regions.

On more than one occasion, senior government officials, including in one case President Yeltsin, voiced "expectations" or "suggestions" to media representatives and government officials that clearly were intended to change the way the media operated. After fighting in Dagestan and Chechnya broke out again in the fall, journalists apparently practiced self-censorship and provided few graphic descriptions of the killings and other abuses committed by Russian troops. Late in December, NTV broadcast limited coverage of alleged massacres by government forces in Chechnya, including video footage that showed military trucks loaded with items which government forces had looted. Despite officials' statements that such coverage was unpatriotic, the broadcast and print media continued to provide some information of the war in Chechnya from unofficial sources.

Local governments also applied pressure on media based within their jurisdictions in the period prior to the December Duma elections. In August fire authorities carried out a surprise inspection of the physical plant of the Moscow-based newspaper, Kommersant Daily. The authorities charged the newspaper with failure to comply with local fire safety standards and closed the newspaper down for a day. Kommersant executives appealed directly to Prime Minister Putin for relief. The Prime Minister intervened on Kommersant's behalf, stating that he would not allow "communal regulation of the media," and the newspaper resumed publishing. Immediately after the shutdown, Kommersant's publishers filed a lawsuit in the Moscow arbitration court to recover the losses that the paper incurred due to the forced stoppage. The Court has not yet ruled on this suit. Days later, in a similar case, Moscow authorities warned editors at another Moscow-based newspaper, Noviy Izvestiya, that unless the newspaper adhered to heating system regulations, the municipal government would "take action." To date the paper continues to publish without disruption.

In August the procurator in Omsk had the private television transmitter belonging to the station STV-3 impounded after the station aired accusations of financial impropriety against the deputy procurator. The procurator's office stripped STV-3 reporters of their

accreditation, conducted an investigation that concluded the accusations had no merit, and charged those responsible for the story with slander. After these steps the STV-3 continued to air stories against the Omsk administration, and the station's transmitter finally was impounded.

In November vice chairman of the Media-Most conglomerate Igor Malashenko argued in an interview that the Presidential Administration was trying to use economic means to close down the NTV during the parliamentary election campaign. On October 29, state-owned Vneshekonombank sued the NTV's holding company for immediate payment of a \$42 million loan. On November 2 and 3, Vneshekonombank had 39 Media-Most bank accounts in 8 banks frozen. Media-Most then agreed to pay back the loan in full.

Radio Free Europe/Radio Liberty noted in a 1998 report on the Russian media that the mayor of Moscow, Yuriy Luzhkov, could exert pressure on distribution companies, on paper suppliers, or on the corporate parents of "any media enterprise deemed to be objectionable," and that Luzhkov had used his power "to ensure a largely compliant press in his hometown."

During the year, there were many instances in which authorities disregarded and challenged the right of journalists to investigate and publish stories. In early 1998, President Yeltsin signed a decree, On the List of Information that Constitutes a State Secret, widening the scope of privileged information that legally could be withheld from the public. Information pertaining to the development, production, storage, and disposal of nuclear ammunition, for example, was included explicitly in the language of the decree, with the result that it has now become much more difficult--in fact illegal--for citizens residing near disposal sites to publicize through the media the increased health risks and environmental degradation. According to this decree, information on the preparation and conclusion of international treaties, as well as information in certain economic categories, falls within the domain of state secrets.

In efforts to control the media, local authorities often passed laws and issued orders in apparent violation of the Constitution and federal laws. In April the legislative assembly of the Perm region passed a law making state subsidies to local media organizations conditional on "the amount of news space or broadcast time provided by the organization for disseminating government information." In May local officials in the Belgorod region refused to register an independent newspaper, Zvezda, on the basis of an order signed by the head of the regional administration, Vladimir Gerasimenko, instructing the administration's information directorate "to act on behalf of the administration as the publisher of the region's newspapers." According to Zvezda's editor in chief, Alla Kaverina, the order clearly violates mass media law; she reported the case to the GDF, but the issue remains unresolved to date.

Government censorship remained a significant problem during the year. In May in the central Russian city of Kirov, Valeriy Fokin, the press secretary of the regional governor, demanded that the local television station, Channel 9, stop the production of a program containing criticism of the local duma. Fokin recommended that the program's writer, Aleksandr Bulakh, "change the focus" of the program and remove any criticism of local authorities. Feeling "powerless" to resist, Bulakh revised the program according to the specifications of the local administration. In a similar case in June, authorities in the city of Voronezh denied accreditation to a local version of the Moscow-based Novaya Gazeta. Galina Shatunova of the Voronezh city administration stated publicly that the decision was a result of the newspaper's "incorrect coverage of the work of the administration." At a human rights conference held in St. Petersburg in November, Yuriy Vdovin of the NGO Citizen's Watch charged that the FSB has played a role in censorship. He claimed that there have been cases in which journalists were not able to publish certain items due to the presence of an FSB "helper" in the controlling apparatus of the organization.

In June Svetlana Yanyushkina, editor in chief of MK Samara (a 4-page supplement to Moskovskiy Komsomolets in Samara), was forced from her position after she published a series of unflattering articles on the expansion of the activities of the financial-industrial

group Sibirskiy Alyuminiy. According to journalists in the region, Sibirskiy Alyuminiy coowner Oleg Deripaska complained about the coverage to the local administration, arguing that the articles "damaged the interests" of the group. Samara governor Konstantin Titov reportedly then conveyed his "displeasure" to one of the senior managers of the paper. Officially, Yanyushina then "offered to resign of her own volition," but journalists familiar with the case insist that she had no choice in the matter. No further investigation ensued. By the end of August, Yanyushkina had found work at a television station in Samara.

Journalists publishing critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder (see Sections 1.a. and 1.c.).

A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. The press and media NGO's reported 10 killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As was the case in the 12 murders in 1998, police seldom found the perpetrators of crimes against journalists.

On February 13, Viktor Chertkov, a correspondent at the Yantarniy kray newspaper in Kaliningrad, was beaten severely in the entrance of his apartment building by a group of unidentified men; the assailants also took drafts of the articles he was carrying at the time of the attack. Chertkov's colleagues linked the incident to his reporting. The same newspaper reported two other attacks against journalists in Kaliningrad. On July 1, two persons forced Oleg Altovskiy, a host of the television program City, into an entryway of an apartment building, took his camera and tapes, and threatened to kill him because he had "gone too far in his reports." On the same day, Vladimir Sazonov, a political observer at Kaliningrad's Kaskad newspaper, was hospitalized with severe head injuries after being attacked. Police investigations produced no results in either case. The assailants remain at large.

On March 1, in the southern city of Rostov-on-Don, two persons who introduced themselves as "employees of the police press service" visited the home of army journalist Aleksandr Tolmachev and offered him materials on the subject of corruption in the ranks of senior officials of the Northern Caucasus Military District. When Tolmachev went outside to meet the pair, the visitors brutally beat him with iron bars. The investigative journalist, who probes crimes by high-ranking army officers, survived a similar attack in 1995. The Rostov-on-Don police still are investigating the case but have not yet made any arrests.

On March 26, in Yekaterinburg several men attacked Eduard Khudyakov, a journalist who was working for a local television network. Khudyakov, who sustained severe knife wounds, believes that the attempt on his life was related directly to his professional activity as a journalist. The police launched an investigation and offered a reward of approximately \$10,000 (250,000 rubles) for information leading to the arrest of the perpetrators. In the same city on April 6, someone set fire to a vehicle belonging to a local independent television company, ATN. The culprit broke the window and threw a bottle filled with flammable liquid into the car. To date, the police have made no arrests.

In Yekaterinburg masked armed men entered the offices of MK-Ural and seized all copies of its April 1 edition, which included an interview with a candidate for the Sverdlovsk duma who was a victim of a contract killing on March 30. In the interview the candidate, who was an outspoken opponent of the Uralmash crime group, revealed the name of a man who previously had tried to have him killed.

On April 1, in the eastern Siberian city of Yakutsk, Sergey Sarkisov, a photographer at the local newspaper Yakutiya, was approached by an unidentified man who told Sarkisov to

open his camera and expose the film in it. Sarkisov refused to do so. Later, on the way to his office, he was attacked by three persons. The assailants took his camera and ruined the film. No one was arrested in connection with the attack. In a similar case, on April 2, Mikhail Vyalov, a photographer working for a local newspaper in the city of Ulyanovsk, reportedly was beaten by employees of the local FSB as he was trying to take photos of members of a criminal group who were being apprehended by the FSB. The FSB denied that the beating took place, alleging instead that the journalist had "fallen" when the FSB was "checking his documents."

On April 5, in Makhachkala, Dagestan, Elmira Kazhayeva, a reporter working for the newspaper Youth of Dagestan, received anonymous telephone threats in response to an article she authored exposing numerous violations of campaign rules on the part of Dagestan duma deputy Ruslan Ibragimbekov. Kazhayeva earlier had received threats after the publication of stories on other topics as well.

On May 13, Andrey Lependin, a sports reporter with the newspaper Voronezhskiy Kuryer, was beaten near his apartment building by three persons. Prior to the assault, the three first had asked Lependin his name. Lependin's colleagues link the attack to his reporting about the financial deals of the Fakel sports club. Valeriy Neneko, the head of the club, had called the newspaper to complain about the publications. Later, he reportedly said that if necessary, he would "communicate with Lependin in a different way."

On May 31, after the publication of a series of articles on the illegal privatization of Sochi's beach resorts, Novaya Gazeta investigative reporter Sergey Zolovkin learned of a "contract" on his life and that of his daughter. Concerned that local officials had links to the mafia group that had put out the contract on his life, Zolovkin asked his head office in Moscow to raise the issue with then-Minister of the Interior Vladimir Rushaylo. The Ministry reportedly opened an investigation.

On June 30, Yuriy Stepanov, the managing director of the independent radio station Lemma, was beaten severely outside his home in Vladivostok. The attack came after the station broadcast an interview in which a majority shareholder in shipping company Vostoktransflot alleged that Primorskiy kray Governor Yevgeniy Nazdratenko had embezzled from the company. On July 6, unknown persons forced Stepanov's daughter into a car and threatened her with bodily harm unless her father changed the station's policy of offering to broadcast the views of anyone who wanted to do so.

On August 3, in Yekaterinburg, the apartment of independent television company Channel Four Plus President Igor Mishin was destroyed by a bomb. Mishin, who was not in the apartment at the time of the explosion, reportedly had rejected requests by gubernatorial candidates to "alter the company's position" in their favor, instead of maintaining an independent posture in covering the elections. The police had made no arrests by year's end.

On August 9, in St. Petersburg, Aleksandr Borisoglebskiy, a well-known journalist and one of the founders of the 600 Seconds daily broadcast popular during perestroyka times, was assaulted by bodyguards at the residence of Damir Shadayev, a rich businessman and gubernatorial candidate in Leningrad oblast. Borisoglebskiy's cameraman Vladimir Mishin was assaulted as well. The two journalists approached Shadayev's residence but did not trespass on his property. In September Borisoglebskiy was murdered during a fact-finding trip to the Vyborg pulp and paper plant. In August workers at the plant had protested attempts by the owners of the plant to replace the management team.

In August Sergey Zhabinskiy, a reporter in Achinsk in Krasnoyarsk kray, discovered a grenade under his car that was set to explode once the car was set in motion. He had been receiving death threats since a story of his that criticized the Achinsk alumina plant appeared on local television.

On August 30, the editor in chief of the Novosibirsk newspaper Vesti, Lyubov Loboda,

was knifed to death. She had established and edited the nonpolitical weekly since 1996. An official investigation was launched under the special supervision of the head of the regional police authority. At present, investigators have not linked her death to her work as a journalist, but to date, no other motive has been put forward. Loboda had received threats at her office before.

There was no progress made in the investigation of the beating death of Anatoliy Levin-Utkin, deputy editor of Yuridichesky Petersburg Segodnya, in August 1998.

Journalists maintained and strengthened associations to defend their rights and monitor governmental abuse.

The country's Northern Caucasus continued to be a dangerous region for Russian journalists. On May 14, in Karachayevo-Cherkesiya a large group confronted a film crew of the Respublika television company. The group demanded the videotape footage of a report that the crew had produced on the recent republic-wide election; the footage contained evidence of violations of federal election law and explicit verbal threats against journalists issued by local officials. Members of the group severely beat the journalists and destroyed their equipment; they also took the videotape. In a similar incident in May, supporters of Vladimir Semenev, one of the candidates in the elections, abducted a camera crew and seized video material from journalists of Stavropol state television. After long negotiations, the journalists were freed on the condition that they "not film again." And on May 29, in the same region, unknown arsonists set fire to the home of Anna Belskaya, the editor of the official daily, Den Respubliki. According to Belskaya's colleagues, the attack was occasioned by the newspaper's independent commentary on the ongoing political battles in the republic.

On August 27, five armed men attacked a television center that was under construction in Nazran in Ingushetiya. The men took one security official hostage until Ingush police officers freed him. Four of the assailants escaped and one of was killed reportedly when a grenade he was carrying exploded.

In the period before the Russian military operations in the Northern Caucasus intensified, violations of journalists' rights in Chechnya were at a lower level than their 1997 peak, due in part to the withdrawal of most news organizations from the region. Kidnapings and threats against journalists by Chechen rebels were frequent. The Maskhadov government continued to take actions against opposition television stations. In addition, Maskhadov imposed a ban in February on Russian television programming deemed as not conforming to Shari'a norms. Since the war resumed, federal authorities--both military and civilian--limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. Since November additional accreditation--besides the usual Foreign Ministry accreditation--is required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation.

The FSB interfered with citizens' right to privacy by monitoring use of the Internet (see Section 1.f.).

Although the Government generally respects academic freedom, the case of environmental researcher Vladimir Soifer constitutes an apparent violation of academic freedom. On July 3, the FSB seized documents, including personal correspondence, from the Vladivostok office of Soifer, a prominent physicist who researches marine radioactive contamination. The search was conducted after the cancellation of government funds for his research and of his security clearance for access to his laboratory in March. Soifer filed a complaint with a Vladivostok procurator, alleging that the FSB failed to list in its protocol the items that its forces took from his apartment, such as his external passport. Further, Soifer alleged that the FSB confiscated personal correspondence, unrelated to his research, without a warrant. As of September 1, Soifer still was unable to continue his research and remains in Moscow. The GDF and Human Rights Watch see this case as part

of a larger pattern of harassment of environmentalists by authorities, which includes the Pasko and Nikitin cases (see Section 1.d.), and the Moscow directorate of justice's refusal to register Aleksey Yablokov's "Ecology and Human Rights" organization (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government.

The Constitution provides for freedom of association, and the Government respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. In 1995 a registration law was passed specifying that organizations had until June 1999 to reregister. When the deadline expired on July 1, some human rights activists expressed deep concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (closure by court order) by local authorities who were hostile to human rights or opposition political activity. In a move which human rights activists marked as a potentially serious blow to freedom of association, in November the Federation Council rejected a bill that was passed by the Duma to extend the reregistration deadline by 1 year. To date the Ministry of Justice maintains that there were not a large number of liquidations, as a result of the passing deadline. NGO's currently are studying the situation and attempting to track the number of organizations affected by the deadline. It was difficult to assess the scope of the problem due to the large number of registered NGO's that exist only on paper, as well as the large number of active but unregistered organizations. Ministry of Justice officials stated publicly, and a few NGO's agreed, that 4 years was sufficient time for most organizations to reregister, and that obtaining new registration generally was not difficult. However, there were several high profile cases in which well-known activists or organizations were refused reregistration--such as Sergey Grigoriants' Glasnost Foundation and environmentalist Aleksey Yablokov's Ecology and Human Rights association--by regional departments of justice on grounds that these organizations called illegal and discriminatory.

According to press reports, in January a district court in Bashkortostan banned the Tatar Public Center for allegedly calling for the secession of a Tatar region from the republic and for the ouster of republic president Murtaza Rakhimov. The Center's director contends that it only asked voters not to choose Rakhimov in the 1998 elections, and that it protested a draft language law that did not designate Tatar as an official language in the republic (see Section 5).

According to press reports, on July 15, the Ministry of Justice's regional office in Krasnodar kray denied the registration of the Association for the Protection of Human Rights on the grounds that the organization's goal of participating in elections violates the law. The group, which analyzes whether regional legislation conforms with federal and international law, had been operating in the region for 5 years.

On August 16, the Moscow City Court upheld the ruling of a municipal court and the Moscow Directorate of Justice to deny registration to Ecology and Human Rights, an association led by the country's leading environmental activist, Aleksey Yablokov. The court's decision echoed the Directorate of Justice's view that protection of the environment is the responsibility of the Government and that "interference of community entities in the activities of the organs of state authority and its officials is not permitted." The organization is seeking legal assistance in order to seek a solution. Observers have linked this development to the prosecution of environmental reporters Pasko and Nikitin (see Section 1.d.), and to FSB harassment of environmental researcher Vladimir Soifer (see Section 2.a.).

In September Dagestan's parliament passed legislation that outlawed "Wahhabi" groups and other organizations it considered extremist. During the year, federal and Dagestani authorities stepped up their pressure on what they label as the republic's "Wahhabi" Muslim community. After an incursion on August 7 by Chechen-backed Islamist guerrillas, Dagestan president Magomedali Magomedov declared that his government would take a harder line against "Wahhabism" (see Section 2.c).

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

On March 30, President Yeltsin signed the law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal law on public associations. These laws stipulate that associations must have charters that state specifically an intention to participate in elections, and that they must be registered with the Ministry of Justice 1 year prior to elections.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions.

In December 1990, the Soviet Government adopted a law on religious freedom designed to put all religions on an equal basis. (After the breakup of the Soviet Union, this law became part of the Russian Federation's legal code.) The 1990 law forbade government interference in religion and established simple registration procedures for religious groups. Registration of religious groups was not required; however, by registering groups obtained a number of advantages, for example, the ability to establish official places of worship or benefit from tax exemptions.

During the early and mid-1990's, many sectors of society, particularly nationalists and many members of the Russian Orthodox Church, were disturbed by a sharp increase in the activities of well-financed foreign missionaries. Many advocated limiting the activities of what they termed "nontraditional" religious groups and what sometimes were called "dangerous" or "totalitarian" sects.

In October 1997, the Duma enacted a new, restrictive, and potentially discriminatory law on religion, which raised questions about the Government's commitment to international agreements honoring freedom of religion. Passage of the law prompted concern in the international community, because for the first time since the breakup of the Soviet Union, the Government had adopted legislation that could abridge fundamental human rights. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity.

The new law ostensibly targeted so-called "totalitarian sects" or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions.

The critics of the law believe that the basic assumption behind the law is that religious groups must prove their innocence and their legitimacy before gaining the advantages of state recognition. Russian government officials, including President Yeltsin and then-Prime Minister Chernomyrdin, pledged that the law on religion would not result in any erosion of religious freedom in the country. Officials in the Presidential Administration and the Cabinet of Ministers have echoed and clarified these commitments during 1998

and the first half of 1999. They have taken a flexible approach to implementation of some of the law's most negative aspects and have shown some willingness to intervene with local authorities in defense of religious rights.

The 1997 law on religion is very complex, with many ambiguous and contradictory provisions. On its face, the law creates various categories of religious communities with differing levels of legal status and privileges. The law distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshipers that does not have the legal status of a juridical person, meaning that it cannot open a bank account, own property, issue invitations to foreign guests, publish literature, or conduct worship services in prisons and state-owned hospitals, among other things. Groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups." For example, a member of a religious group could buy property for the group's use, invite personal guests to engage in religious instruction, and import religious material. However, in this case, the group would not enjoy tax benefits and other rights extended to religious organizations, such as proselytizing.

The law's most controversial provisions are those that limit the rights, activities, and status of religious groups existing in the country for less than 15 years. Groups that can prove their existence in the country for 15 years have the right to obtain the status of "local religious organizations." Similarly, congregations that had existed for 15 years when the new law was enacted also are eligible for registration as an organization. Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under Russian law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

A "centralized religious organization" can be founded by a confession that has 3 functioning "local organizations" (each of which must have at least 10 members who are Russian citizens) in different regions. A centralized organization apparently has the right to establish affiliated local organizations without adhering to the 15-year rule. In implementing this provision, the Government has extended this definition to include a "registered centralized managing center." Centralized organizations also have been accorded the right to organize affiliated local organizations, which themselves do not comply with the 15-year rule.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's requirement that religious groups exist for 15 years before they can qualify for "organization" status. Also, many groups feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Representatives of some religions, such as the Church of Jesus Christ of Latter-Day Saints (Mormons) and some Pentecostal and charismatic Christian groups, have said that their activities in the country could be halted under the law. The law furnishes regional officials with an instrument that has been interpreted and used by officials at the local level to restrict the activities of religious minorities.

Human rights activists welcomed a March open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and

international norms for religious freedom. (Mironov's office is a government entity created by the Parliament in 1997 that is dedicated to investigating complaints of human rights abuses--see Section 4.)

Between February 12 and June 3, 1998, the Government issued three sets of regulations governing implementation of the new law. While providing procedural guidelines for registration, the regulations failed to clarify many key definitional points in the law.

In practice the registration process--which involves simultaneous registration at both the federal and local levels--has proven for a number of confessions to be onerous and requires considerable time, effort, and legal expense. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations governing reregistration. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's) reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure.

According to Ministry of Justice figures, by year's end, approximately 80 percent or 320 out of 400 religious organizations were reregistered on the federal level, representing 40 percent of the total number requiring reregistration. At year's end, the Ministry estimated that about half of the 16,850 religious organizations still were not reregistered on the local level.

The Government is attempting to address mounting concerns that a large number of religious organizations may remain unregistered when the deadline passes at year's end and be left vulnerable to attempts by local authorities to restrict their activities. In June the Ministry of Justice sent to the regional directorates of justice a recommendation that local religious organizations be reregistered. Another development may help religious organizations indirectly: on August 2, a presidential decree was signed which, among other things, clarified the relationship between the federal Ministry and the regional directorates of justice, stating that the directorates are "territorial organs of the Ministry of Justice." Observers and officials view this decree as a means to help bring insubordinate directorates more in line with federal policies, although it is unclear what effect this decree had in practice.

The Duma failed to pass before year's end an amendment to the 1997 religion law that would extend the deadline for registration of religious organizations by 1 year. It was unclear whether this development, which leaves approximately half of the total 16,850 organizations exposed to "liquidation" (closure by court order), would result in closures. Duma officials and representatives of the Ministry of Justice state that the amendment is to be voted on in late March 2000. On December 31, Deputy Minister of Justice Yevgeniy Sidorenko reported to the press that the Ministry of Justice sent to the regional directorates of justice a recommendation that they refrain from initiating legal proceedings to liquidate any organizations.

As of August, several religious groups report that local registrations have gone more smoothly, following a June Ministry of Justice recommendation to regional directorates of justice that local religious organizations be reregistered. Jehovah's Witnesses reported on September 1 that the group had registered 188 local organizations in 53 regions and hoped to register a total of 500 by year's end (Jehovah's Witnesses report a total of 1,000 congregations in Russia, not all of which require registration). Late in August, the Unification Church stated that it had registered five local religious organizations.

The delay in reregistration is due in part to the slow pace at which the federal Ministry of Justice has disseminated the regulations and guidelines to local authorities and understaffing both at the Ministry of Justice and at local levels. In many instances the

Ministry of Justice has asked for additional information and has demanded changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. Also, smaller, minority confessions sometimes feared the registration process, while others started the process late because they needed to agree internally on how to register their organizations in conformance with the law. Of 89 regions, 30 have laws and decrees on religion that violate the Constitution by restricting the activities of religious groups; presumably they would have to be changed. In the meantime, many local religious organizations continue to try to seek means of affiliating themselves with centralized organizations or confessions that can meet the 15-year rule and provide a protective legal cover. However, some individual local churches and religious orders, citing their theological and administrative independence, are reluctant to make themselves part of a larger organization. Under the new system, such religious communities face considerable legal disadvantages.

President Yeltsin and other high-ranking officials have stated consistently that the law would be applied in a liberal, tolerant manner, thereby preserving religious freedom and the equality of confessions. They insist that no mainstream religion already operating in the country would see its activities curtailed as a result of the new law. The full effect of the law on minority confessions or religions considered nontraditional is not expected to be clear until after December 31 (the deadline before which organizations registered under the old law are required to obtain new registration). To date no religious organization has ceased operations as a result of the law. Presidential administration officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. However, a federal government agency in the case of at least one religion has been responsible for significant restrictions on the activities of a church. In some areas, foreign Roman Catholic religious workers must return to their home countries every 3 months in order to renew their visas, unlike other foreign workers who can apply for multiple-entry visas or extend their stays.

Despite the Federal Government's efforts to implement the law liberally and to provide assurances that religious freedom would be observed, restrictions continued at the local level. The vagueness of the law and regulations, the contradictions between federal and local law, and varying interpretations furnish regional officials with a pretext to restrict the activities of religious minorities. Discriminatory practices at the local level are attributable to the increased decentralization of power and the relatively greater vulnerability of local governments to lobbying by majority religions, as well as to government inaction and discriminatory attitudes that are widely held in society.

For example, the Moscow directorate of justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the Ministry of Justice's April 30 decision to reregister Jehovah's Witnesses on the federal level. The directorate has refused three applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. Although there is no legal basis to do so, the directorate may be refusing registration pending resolution of the outstanding civil case against Moscow Jehovah's Witnesses.

At least one religious organization, the "Society of Jesus" (Jesuits), has had difficulty registering at the federal level because its structure does not fit assumptions underpinning the law's provisions.

The Church of Jesus Christ of Latter-Day Saints successfully has registered 20 local religious organizations but continues to encounter some problems. After some initial trouble concerning registration of missionaries residing in the cities of Tolyatti and Novokuybyshevsk in the Samara region, by November the Church was able to agree with the Samara directorate of justice to establish registered local organizations in these cities in order to allow Mormon missionaries to reside there legally.

During the year the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints several times, based on the alleged incompatibility of church activities with federal law. Even without registration,

the Church continued to hold regular services without incident, although its missionaries have suspended their door-to-door canvassing and other outreach activities. If the Church remains unregistered, its missionaries would be forced to leave the country when their visas expire in December. The directorate of justice also has rejected the registration applications of the Baptist, Adventist, and Pentecostal churches in Chelyabinsk on similar grounds.

Since mid-1998 the Church of Jesus Christ of Latter-Day Saints has been attempting unsuccessfully to be registered locally in Kazan in Tatarstan. At year's end, the Church's most recent application for registration was being reviewed according to regulations set out in Tatarstan's new religion law that was adopted on August 28. Church representatives argue that because their most recent application predated the new law by 2 months, it should not be considered under the new law. Moreover, the Church argues that the republic ministry of justice's previous cancellation of the Church's registration in February also was illegal under the 1997 federal religion law, because a court order is required to liquidate an organization. Tatar authorities failed to address these complaints adequately by year's end.

Although it can be a slow and costly process for religious groups, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya supreme court. In February the supreme court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite these difficulties, the Word of Life Pentecostal Church continues its normal activities. Since 1994 30 of 89 regional governments have passed restrictive laws and decrees intended to restrict the activities of religious groups. At the time the 1997 religion law was under discussion, its proponents argued that it was necessary in order to deal with the many restrictive local laws. The Federal Government has not challenged effectively the unconstitutionality of these restrictions, although the Presidential Administration sent warnings to 30 regions regarding the unconstitutionality of local laws. Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. There were reports that some local and municipal governments prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively have been denied the opportunity to practice their faith in large groups. For example, late in April the Moscow northern district administration gathered theater and assembly hall managers and ordered them to refuse to lease their facilities to Jehovah's Witnesses. In August Jehovah's Witnesses nearly were forced to cancel a convention for 15,000 Witnesses at Moscow's Olympic Stadium, reportedly because stadium management was under pressure from the Moscow city administration. The weekend convention also was disrupted briefly by a

telephone bomb threat, but no device was found. Moscow police concluded that the call was a prank, and did not open a criminal investigation. The Open Christianity private ecumenical school was evicted from its premises in St. Petersburg in March after a protracted battle with city officials about rights to the building, registration of the school, and the school's taxes. However, it is not clear that the school's religious orientation was at the root of city administration actions against it, and local government officials tried to relocate the school to an alternative site. In the summer of 1998, local officials in Rostov-on-Don cancelled a rental agreement permitting the Shield of Faith Pentecostal Church to sponsor a Jesus Festival concert in a sports complex. The chairman of the city's Department of Cossacks and Religion refused to permit the event. In June 1998, Canadian evangelist Viktor Hamm of the Billy Graham Evangelical Association cancelled an outdoor preaching event in Voronezh after city authorities denied the local sponsors of the event, the Evangelical Christian-Baptists, permission to hold the event. In August 1998, according to unconfirmed reports from religious press sources, authorities in Kasplya, in Smolensk oblast, closed a Sunday school and prohibited worship services by the Evangelical Christian-Baptists. In September 1998, city authorities required a cinema to cancel its rental agreement with the Shield of Faith congregation. Also in September 1998, the director of the Moscow Technical College ordered guards not to admit an unregistered Baptist congregation onto the premises it had rented. The action allegedly stemmed from an intervention by the Federal Security Service (FSB), according to unconfirmed reports from religious press sources.

Some local executive authorities continued to cite the new law or local laws to obstruct religious groups' activities or to rescind their existing local registrations. In late 1998, according to the United Church, its St. Petersburg branch was denied local registration after a federal court in St. Petersburg started proceedings against the Church.

Reports of harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions, including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints, continue to face discrimination in their ability to rent premises and conduct group activities. For example, in March local militia troops broke up services of the Church of Jesus Christ of Latter-Day Saints in Chelyabinsk and interrogated seven missionaries. In April regional officials forbade the Church from holding services on Easter Sunday and threatened the church leader with arrest if he assembled his congregation that day. Nonetheless, the Church held its Easter Sunday services without incident. Mormon missionaries throughout Russia frequently are detained for brief periods or asked by local police to cease their activities, regardless of whether they were actually in violation of local statutes on picketing (see Section 1.d.). In July 1998, according to unconfirmed reports from religious press sources, the mayor of Novokuznetsk in Siberia barred Gideons from distributing New Testaments in schools, although their charter, approved by the Government, states that they may do so. In August and September 1998, local authorities and agents from the FSB reportedly harassed, repeatedly interrogated, and threatened with imprisonment a U.S. missionary from the Baptist Mid-Missions. FSB agents warned members of the autonomous Baptist Church affiliated with Baptist Mid-Missions to stop attending services, according to the Keston News Service.

The country's first judicial proceeding to suspend the operations of an existing religious organization at the local level continues, as Jehovah's Witnesses in Moscow fight to avoid legal "liquidation" under Article 14 of the 1997 religion law. Based on a complaint from the Committee to Save Youth from Totalitarian Cults (a group that reportedly has ties to the Russian Orthodox Church), a Moscow municipal procurator is seeking "liquidation" (i.e., termination of the organization as a legal entity) of the Moscow Jehovah's Witnesses organization under Article 14 of the 1997 religion law for its alleged antisocial, antifamily character. In March the trial was suspended pending review of the case by a panel of court-appointed religious experts. On June 28, the Moscow city court upheld the decision of the Golovinskiy municipal court to appoint an expert panel. The expert panel is reviewing the case but is expected to render a split recommendation. Meanwhile, Jehovah's Witnesses are preparing a Supreme Court appeal.

In March in St. Petersburg, Nataliya Ilyina, the mother of a young mentally disabled woman, brought a second lawsuit against Jehovah's Witnesses in St. Petersburg's Frunzenskiy municipal court. Ilyina alleges that the Church psychologically damaged her daughter, Yekaterina Ilyina. Jehovah's Witnesses lawyer Artur Leontyev said that he believes that the anticult group Committee for Family and Personality and also self-described "sectomania" expert and Moscow psychiatrist Fedor Kondratyev are behind the case. The Committee for Family and Personality filed a lawsuit against the Church in 1997 on the same grounds, but the Frunzenskiy court ruled in April 1998 that the Church had not in any way harmed Yekaterina Ilyina, whose mental disability existed well before she began attending services.

The Khakasiya and Yaroslavl cases form the basis of the constitutional challenge to the law on religion, filed with the Constitutional Court in May 1998 by the NGO, the Institute for Religion and Law. The petition challenges the constitutionality of the law's 15-year requirement and its limitations on the rights and activities of confessions that do not meet that requirement. The Constitutional Court accepted the case for review in November 1998. On November 23, the Constitutional Court upheld the provision of the religion law that requires religious organizations to prove 15 years of existence in the country in order to be registered. However, the Court also ruled that religious organizations that were registered before the passage of the 1997 religion law are not required to prove 15 years' existence in the country in order to be registered. The Court also upheld the right of the Government to place certain limits on the activity of religious groups in the interests of national security.

Human rights activists contend that only 15 percent of actual violations of religious freedom are reported. According to various sources, most citizens, especially those living in the regions, are still skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Federal authorities did not take sufficient action to reverse discriminatory actions taken at the local level, or to discipline those officials responsible. Federal authorities and Moscow human rights activists often have limited information about what is happening in the regions.

The Vanino Baptist Church and its pastor, Dan Pollard, since March 1998 have fought a lengthy legal battle over registration in the Far Eastern region of Khabarovsk and obtaining the necessary permits for Pollard, or his temporary replacement Arthur Bristol, to remain in the country. Khabarovsk authorities maintained that the Baptist Church did not meet the 1997 religion law's requirement of over 15 years of existence and therefore could not be a sponsoring religious organization. To facilitate reregistration of the Vanino Baptist Church under the 1997 law, the Vanino Baptist Church and its lawyer negotiated an agreement to join the Russian Baptist Union. However, the Church's funding problems, as well as doctrinal differences, ultimately precluded this arrangement. In May Pollard was refused a visa to return to the country. Bristol left in September 1998, reportedly due to harassment, surveillance, and threats.

The Moscow procurator general and approximately 70 members of the FSB, Federal Tax Police, and local police raided two locations of the Church of Scientology in Moscow on February 25. According to church officials, the authorities confiscated documents, including tax records and priest-penitent privileged counseling records. The raids continued over 3 days. The tax police say that they are investigating possible tax evasion and other financial irregularities. Although there were earlier press reports that two church members were beaten, Western diplomats received no confirmation of this incident. On October 6, a Moscow district court revoked the operating license of a social center affiliated with the Church of Scientology because mistakes were made allegedly in the center's license application materials in 1993. Officials for the center acknowledge the mistake, but insist that it was corrected a few years ago; they intend to appeal the decision. The ruling was made under the law on social organizations (not the 1997 religion law) and does not appear to affect directly the functioning of the Church of Scientology. However, church officials believe that the ruling is part of a broader attack on the Church and its activities. The Church of Scientology is seeking to reregister both its social organization

and its religious organization.

According to press reports, in April the Stavropol procuracy expelled eight foreign citizens for spreading Islamic fundamentalism, which it labeled "Wahhabism." Most of the expellees reportedly were from Syria.

Property disputes are some of the most frequent complaints cited by religious groups. For the most part synagogues, churches, and mosques have been returned to communities to be used for religious services. The Federal Government has met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of State Property, over 2,000 federally owned properties have been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in the year that over 3,600 transfers of religious buildings had occurred at the regional level, and that approximately 30 percent of property designated for return has been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Church of the Immaculate Conception in Ryazan still has not been returned to the local Catholic community. The Moscow Patriarchate has claimed and taken possession of properties owned by other branches of Orthodoxy and, in certain cases, property of other religions. In some property disputes, religious buildings have been "privatized," and there are long delays in finding new locations for the current occupants, as required by law. Local authorities often refuse to get involved in property disputes, which they contend are between private organizations. Even where state or municipal authorities still have undisputed control of properties, a number of religious communities continue to meet significant obstacles when they request the return of religious buildings or when they seek to acquire land and necessary building permits for new religious structures. Since February local authorities in Omsk have not responded to the Mormons' request to lease land, although local church leaders were continuing their efforts to locate a site.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other sects. The Jewish community, which has met with some success on communal property restitution, faces the same obstacles as other religious communities and has concerns about the return of Torah scrolls, many of which are in state museum collections.

In its preamble (which government officials insist has no legal standing), the 1997 religion law recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has made special arrangements with government agencies to conduct religious education and to provide spiritual counseling to Russian military service members. These arrangements do not appear to be available to other religions. (In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim military service members.) The head of the Moscow Patriarchate, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. The traditional view that Russian soil is an exclusively "Orthodox domain" leads to frequent criticism and intolerance of foreign religious groups that proselytize in the country. Many Orthodox Church officials condemn such "sheep stealing" when practiced by other Christian churches. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects."

The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects." In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 1.c.).

St. Petersburg authorities arbitrarily detained six Scientologists for psychiatric evaluation. In January in St. Petersburg, Vladimir Tretyak, leader of Sentuar (the local branch of the Church of Scientology), was accused by St. Petersburg chief psychiatrist Larisa Rubina of inflicting psychological damage on his coreligionists. Beginning June 17, six members of Sentuar--Mikhail Dvorkin, Igor Zakrayev, Irina Shamarina, Svetlana Kruglova, Svetlana Pastushenkova and Lyudmila Urzhumtseva--were hospitalized forcibly and underwent 3 weeks of criminal psychiatric investigation by order of Boris Larionov, procurator of the Vyborgskiy administrative district of St. Petersburg. In televised remarks, Rubina reported their July 8 release and declared the six mentally competent. Rubina referred to the six as "the accused", despite the fact they were only witnesses in the criminal case against Tretyak.

Although Jews and Muslims continue to encounter prejudice and societal discrimination (see Section 5), they generally have not been inhibited by the authorities in the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

Following anti-Semitic remarks made by Communist Party leaders in late 1998, President Yeltsin has spoken out repeatedly against anti-Semitic and extremist attitudes. The Presidential Administration, the Government, and, in particular, the Russian media reacted immediately to the Communist Party's expressions of anti-Semitism. Communist Party leaders accused the press of conducting a smear campaign and threatened retribution. A December 16, 1998 presidential statement delivered to the Duma declared that "any attempt to insult ethnic groups, to limit the rights of citizens on the basis of origin, will be stopped in accordance with the Constitution and the laws of the Russian Federation." On December 30, 1998, Yeltsin ordered cabinet officials responsible for law enforcement issues to prepare a comprehensive federal program against political and religious extremism by March 1.

On February 20, during a speech to the "Movement for the Support of the Army" in Novocherkassk, Duma Deputy and retired General Albert Makashov made anti-Semitic remarks, following his notable anti-Semitic statements in the second half of 1998. He reportedly made the comment, among others, that "We will be anti-Semites and must be victorious." Following the speech, the Rostov regional procurator refused to take action against Makashov.

During a March meeting with a delegation from the Anti-Defamation League, then-Prime Minister Primakov publicly promised strong government action and new legislation to combat anti-Semitism and extremism, including new draft legislation. Later that month the Procurator General announced that he would press a criminal case against Makashov for his repeated openly anti-Semitic public remarks. However, Makashov cannot be prosecuted unless the Duma votes to lift his parliamentary immunity. In April the Ministry of Justice concluded that the Communist Party itself did not violate the law, since the statements of its members did not reflect the objectives of the party.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March the Government presented to the Duma a draft law on combating political extremism and also is drafting a law on national extremism, although by year's end the Duma did not pass the law. The Duma is considering a draft law forbidding "Nazi symbols and literature." Separately, the Procurator General sent to regional procurators in January instructions to

cut off distribution of any literature or printed material depicting Nazi symbols, and a letter describing the Moscow city procurator's experience in combating political extremism. The Government also states that, in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June and continuing on a quarterly basis, which involve the presidential administration, the judiciary, law enforcement organs, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and that in 1999 10 were opened by June. Also, the Moscow city дума adopted a law forbidding the distribution and display of Nazi symbols in May, and the Moscow regional дума passed similar legislation in June. However, on September 2 the Nezavisimaya Gazeta newspaper reported that Moscow oblast governor Anatoliy Tyazhlov refused to sign the law, saying that the draft law not only threatened artistic and academic freedom of expression, but also freedom of religion, as swastikas are displayed by some religious groups. Regional дума members are working to redraft the law.

Another prominent public figure who regularly engaged in anti-Semitic remarks was Krasnodar region governor Nikolay Kondratenko. The governor's public speeches in the region often contain crude anti-Semitic remarks and stereotypes and blame Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko has said that the essence of Russian history is the Russian battle against Jewish domination. He has blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality in the country. In addition, there have been credible reports that Kondratenko has urged the firing of Jewish public employees in the region.

A report issued in October 1997 by the human rights group Memorial criticized Krasnodar government officials for "encouraging radical nationalist groups," including the Cossacks, and "indirectly inciting them to violence" against ethnic minority groups in the area. Local government authorities have sanctioned patrols by Cossack paramilitary groups in the name of law enforcement. Such groups are not publicly accountable, and their activities have resulted in abuses (see Section 5).

After his 1996 election, Kondratenko adopted a new regional charter that declares Krasnodar kray the "place of residence for the (ethnic) Russian people." He appointed Cossack "hetman" Vladimir Gromov as deputy governor of the region. In April 1997, Kondratenko and Gromov issued a resolution making Cossack groups subordinate to the regional government instead of to the State, according to the Center for Human Rights Advocacy (see Section 5). The Center reported that President Yeltsin suspended this resolution in September 1997 on the grounds that it was unconstitutional.

Federal and Dagestani authorities stepped up their pressure on what they label as the republic's "Wahhabi" Muslim community. After an incursion on August 7 by Chechen-backed Islamist guerrillas, Dagestan president Magomedali Magomedov declared that his government would take a harder line against "Wahhabism." In September Dagestan's parliament passed legislation that outlawed "Wahhabi" groups and other organizations it considered extremist (see Section 2.b.). The Keston News Service reports that government and religious officials in several Dagestani districts have wrecked conservative Islamic mosques, suppressed religious broadcasts, and harassed local conservative Islamic communities. According to press reports, federal and Dagestani forces have followed up their initial counterinsurgency efforts with attacks on Muslim villages that they consider to be "Wahhabi" and that refuse to register their communities and turn in their weapons.

On February 3, Chechen president Maskhadov declared Shari'a (Islamic law) to be in effect in the republic of Chechnya. Maskhadov signed several decrees stipulating that all local legislation be brought into line with the Koran and Shari'a regulations. Maskhadov ordered the Chechen legislature and the Council of Muftis to draft a Shari'a constitution within 1 month's time. The legislature also was stripped of its legislative functions and on February 10 was replaced with a 34-member shura that has responsibility for "consulting" with the republic's president. The Shura includes several prominent opposition leaders.

According to one expert, the Shura created in Chechnya is not a traditional Muslim shura run by religious men, but instead is a council of military men. Maskhadov's action apparently was a political response to pressure from Islamist rivals (see Sections 1.e. and 3).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system.

Although citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow it is 24 hours). However, travelers not staying in hotels usually ignore this requirement.

Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as citizens of former Soviet republics who decide to move to Russia, often face enormous difficulties or simply are not permitted to register in some cities. The United Nations High Commissioner for Refugees (UNHCR) and refugee rights NGO's have cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the least open to migrants. The UNHCR reports that the cost of registration is no longer prohibitive. Permanent registration costs only \$0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs \$0.16 (4 rubles and 18 kopeks) regardless of the length of stay.

While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, unregistered persons, migrants, and asylum seekers frequently are denied these services.

The Government and residents of Moscow and other large cities defend registration as necessary in order to control crime, to keep crowded urban areas from attracting even more inhabitants, and to gain revenue.

The city of Moscow frequently is cited by NGO's for violating the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum.

Mayor Luzhkov has been quoted in the past as calling for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON units, conduct frequent document checks, particularly of persons who are dark-skinned or who appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police have fined unregistered persons in excess of legal requirements and have not provided proper documentation of the fine. According to Human Rights Watch, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

Mayor Luzhkov signed a resolution in 1996 ordering the deportation of all unregistered persons living in Moscow back to the place where they last were registered to live. Estimates on the number of unregistered persons living in Moscow range from 300,000 to 1.5 million (Moscow has 8.7 million registered residents.) Moscow city authorities have

released no figures on the number of individuals who have departed "voluntarily" from Moscow but readily admit that some 20,000 to 25,000 annually are deported against their will. This procedure consists of being taken to special shelters, checked for criminal records, then escorted 100 to 150 kilometers out of town. The authorities complain that these deportations are only temporary measures because deportees steadily find their way back to Moscow. At year's end, the resolution was still in effect, and the practice, which police reportedly use to extort money, continues.

In connection with the bomb explosions in August and September, which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13 requiring all temporary residents in Moscow since January 1 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, of whom approximately 15,500 persons were refused. In order to reregister, residents had to demonstrate a legitimate place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180 hotels, 415 guest houses, and 548 nightclubs and cafes. Human rights NGO's claim that authorities detained some 2,000 persons and expelled some 500 from Moscow (See Section 1.d.).

In August the press reported the story of an amputee named Yuriy Polyakov, who, along with 14 other homeless men, was rounded up by Moscow police and dropped off outside the city limits at the town dump. One homeless man died as he tried to return to Moscow. Polyakov, who has no legs, attempted to drag himself to the nearest train station and was later hospitalized with infected leg stumps. A municipal procurator and the police reportedly are reviewing the incident to determine whether charges should be pressed against the officers involved. Doctors Without Borders blamed the incident on Luzhkov's 1996 resolution.

Similar complaints were made in St. Petersburg during the year. NGO's estimate that the number of homeless persons in St. Petersburg is anywhere from 12,000 to 3 times that number. The city offers few services and little support for the homeless, although a 70-bed shelter is planned. Press reports have claimed since the summer of 1998 that city police, acting on orders from governor Yakovlev, have been rounding up homeless persons from train stations, taking them outside the city limits, and abandoning them in remote, forested areas.

According to press reports, in Krasnoyarsk law enforcement officials began stricter enforcement of passport and visa regulation after violence broke out between two Azerbaijani groups in April. The authorities detained some 400 persons, and of the group, 40 were arrested for violations of passport regulations. The Moscow Helsinki Group's (MHG) human rights report, which was published in September, highlighted restrictions placed by the authorities on Meskheti Turks. During 1989-90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar kray, and approximately 700 settled in the Kabardino-Balkarian republic. Authorities in both regions have denied the Meskhetians recognition of their Russian Federation citizenship. According to the provisions of the Constitution, all Meskhetians who were residing in the country at the time of the collapse of the Soviet Union are entitled to citizenship. In violation of the Constitution, authorities in Krasnodar kray and the Kabardino-Balkarian republic deny the Meskhetians the right to register, and this denial deprives them of all rights of citizenship. According to press reports, the 13,000 Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days at a cost of \$12 (180 rubles) or to pay a \$27 (400 ruble) fine every time that they are stopped by local police officers and Cossack irregulars. According to the MHG, in May 1998 Krasnodar kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998, it was believed that almost 90 families left the region for Turkey.

In February 1998, the Constitutional Court again addressed the issue, declaring unconstitutional the most restrictive aspects of the propiska system. It ruled that a city may only "certify the act of the free expression of the will of a citizen" to live there. The city could not "grant permission" or limit where persons choose to live, nor could it dictate how long a person could live in a particular place. However, Moscow mayor Luzhkov stated in a March 1998 television interview that he was refusing to implement the Court's decision. He announced that he had instructed the city's police to continue to enforce the old registration regulations.

Luzhkov's actions were clearly illegal, as the Constitution states that the Constitutional Court's rulings are final and mandatory for all state officials. In July 1998, the Supreme Court made a ruling that repealed both temporary and permanent residence permits. Nevertheless, Moscow city authorities have made clear their intention to oppose the ruling and, by the end of 1998, seemed to have persuaded the Federal Government that Moscow merits an exception to such decrees. The federal authorities have demonstrated little enthusiasm for enforcing the court rulings. However, the Moscow city regulations have had little if any impact on the numbers of such persons in Moscow.

Despite constitutional rulings, many local governments have been resistant and continue to enact regulations that introduce additional registration requirements. For example, the city of Moscow has shown a high level of inventiveness in circumventing Constitutional Court rulings. Following a February 2, 1998 ruling, the city enacted rules that would not allow officials to refuse citizen registration. However, the new rules retain a feature that ties registration to the size of housing and requires the consent of all those registered in an apartment or house. Basically, as during the Soviet period, only members of the owner's family can move in. Without consent the application would not be considered complete. It would not be refused, nor would it be accepted. Other large cities facing high population influx and migrant pressures retain similar restrictive regimes.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average, it takes 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in the August 1996 law on exit from and entry into the country. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within 6 months of the passage of the law. However, as of September, implementation of the law (which was to go into effect early in 1997) is still incomplete: according to the International Organization for Migration (IOM), border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency OVIR continues to issue it.

Another feature of the law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. However, there were no reports that the provision was applied in a restrictive manner.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission chaired by the First Deputy Foreign Minister (until his promotion in September 1998 to Foreign Minister, this was Igor Ivanov--hence the commission commonly is referred to as "the Ivanov Commission"). The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, has been eliminated except for court-ordered obligations, such as alimony payments. In May the Ministry of Foreign Affairs annulled the passport of former Procurator General Skuratov for technical reasons, according to press reports. During the year, Skuratov was engaged in an extended battle with the Presidential Administration over allegations of corruption in the administration. According to officials in the Ministry of Internal Affairs visa department, legislation on restricting the right to leave the country does not apply to Skuratov because he is only a witness and was not formally charged or arrested himself.

Emigrants who have resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country (though they may enter without difficulty), as they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The Supreme Court in August 1998 overturned two Soviet-era regulations that limited the movement of foreigners within the country. The Court stated that foreigners no longer have to notify police before traveling to another part of the country. In addition, the Court ruled that organizations and private citizens no longer have to report the visits of traveling foreigners. However, the Court left standing the threat of deportations for foreigners who violate registration regulations. Starting in October 1998, the Foreign Ministry no longer required that Russian visas list the cities that foreigners are allowed to visit, and this change has been implemented in practice. President Yeltsin had signed a decree in 1997 that permitted foreigners to move freely around the country regardless of which cities were listed on their visas. However, a few local officials continued to enforce the visa limitation, sometimes denying entrance to foreigners--including missionaries--they considered undesirable. The Federal Government at times intervenes in cases of local noncompliance but only on a case-by-case basis.

Ingush president Ruslan Aushev issued an official protest early in July on behalf of ethnic Ingush refugees trying to return to the Prigorodnyy district of North Ossetia. Up to 70,000 Ingush refugees fled the Prigorodnyy and Vladikavkaz areas in 1992, when inter-ethnic fighting broke out between Ossetian and Ingush inhabitants. According to Russian media reports, just over 10,000 of the refugees have been able to return so far. According to a June report by the Ingush branch of the human rights group Memorial, ethnic Ingush refugees have faced systematic harassment while trying to return to the Prigorodnyy district (see Section I.c.).

The Government's indiscriminate use of force in Chechnya resulted in a very large number of internally displaced persons. Up to 200,000 persons were displaced, the vast majority of whom sought refuge in Ingushetiya (see Section I.g.). By year's end, the Government with the assistance of international organizations appeared to have provided for most of

the basic needs of internally displaced persons in Ingushetiya.

At various points during the conflict in Chechnya during the fall, authorities restricted the movement of refugees fleeing Chechnya. In late October human rights groups reported that IDP's from Chechnya were not being permitted to move from Ingushetiya to North Ossetia. According to the Russian press, some displaced persons were being transported by bus back to parts of Chechnya that were under Russian government control. On November 3, Russian forces opened a crossing on the Chechnya-Ingushetiya border and allowed approximately 3,500 persons to enter. Thousands of refugees had been stranded for more than 1 week at the border, where reportedly a line of refugees stretched almost 12 miles. Refugees at the border had been living in the open, often without access to food or water (see Section 1.g.).

Human rights NGO's and press organizations reported in mid-December that federal and republic authorities were pressuring refugees to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. Human rights NGO observers and refugees reported that government authorities without warning moved up to 40 train wagons that were housing refugees from the Sputnik camp in Ingushetiya to the Chechen town of Sernovodsk on December 17 and 18. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 36,000 asylum seekers who originated from outside the territories of the former Soviet Union (1,163 were registered in the period from January 1 to July 31). The UNHCR estimates that only 13,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either have integrated into Russian society, left the country, or have been resettled or repatriated.

According to the UNHCR, as of the end of October, the Government had granted since 1993 refugee status to only 491 persons from outside the former Soviet Union (including the Baltic states); all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union (mainly ethnic Russians) who were granted refugee status by the Federal Migration Service (FMS) is 98,188. The Government acts more expeditiously for the latter group and applies a more lenient standard.

In July 1997, President Yeltsin signed the federal law Concerning Changes and Additions to the Law of the Russian Federation Concerning Refugees. This law offers substantially fewer benefits to refugees than the original 1993 law it replaced. The earlier law's fairly generous commitments of integration and social assistance for refugees had been cited by some observers as discouraging the FMS, which has few resources to meet this obligation, from adjudicating the cases of asylum seekers. With the passage of the new law, the FMS had been expected to expedite its procedures for adjudicating asylum claims. However, this did not occur. In the first 8 months of the year, the FMS recognized 68 asylum seekers from countries outside the former Soviet Union; all but 2 of these persons were from Afghanistan. The UNHCR reported that the FMS still was declining to grant refugee status to qualified individuals, based on its decision that such persons were not refugees. However, the FMS decision making process is considered to be flawed by many NGO's, and UNHCR officials consider many of those refused to be in fact refugees.

Despite some progress by the regional branches of the FMS in adjudicating nonformer Soviet Union asylum claims, there are still major concerns about the ability and willingness of the Moscow office to process asylum seekers from outside the former

Soviet Union. Human rights organizations claim that this lack of progress is part of intentional efforts by the authorities to rid the city of foreign asylum seekers. Local legislation in Moscow, St. Petersburg, Rostov, and other major population centers prohibits the settlement of refugees within these cities.

According to the NGO Civil Assistance Committee, involuntarily displaced persons and asylum seekers suffer the greatest difficulties in cities with restrictive registration regulations. Their migrant registration documents generally are not recognized by the MVD officials who control registration. They often are subject to harassment, unauthorized detention, and the payment of bribes.

There were unconfirmed reports that the FMS has attempted to have asylum seekers unwittingly sign an "application form", supposedly to extend the validity of their registration documents but which instead renounces their claims for asylum in the country.

A large number of workers and students from Africa and Asia, who came to work or study in accordance with treaties between their countries and the former Soviet Union, remain in the country. The Government has not deported them but encourages their return home. Their numbers have increased in recent years due to the recent arrival of persons seeking refugee status.

The UNHCR and Amnesty International are working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. Part of the problem is widespread ignorance of refugee law. To remedy this problem, FMS officials, lawyers, and judges also are participating in training sponsored by the UNHCR, the European Union's Technical Assistance for the Commonwealth of Independent States program, and the Council of Europe. However, according to the UNHCR, the Government lacks the political will to grant refugee status and provide a durable solution for asylum seekers.

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger announces that he or she wants asylum, Aeroflot gives out telephone numbers for the FMS and the UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia, but not if returned to the country of origin.) Human rights organizations allege that Aeroflot deports hundreds of asylum seekers. Until December 1998, the FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully-equipped office inside the transit zone, which UNHCR staff also are permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is not fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact either the FMS or the UNHCR.

Treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency. The UNHCR documented one case in early 1998 in which a woman and a baby, who nearly died, were hospitalized after their second month spent sleeping on the floor of the poorly-heated transit zone. The UNHCR was prohibited access to the transit hotel until May 1997 and was allowed only one subsequent visit. The UNHCR reports that up to 28 passengers are detained in 9 rooms behind an iron door and barred windows. The average stay in the transit hotel is 2 weeks.

In 1998 and 1999, the UNHCR continued to have occasional problems obtaining access to visit asylum seekers in the airport's transit zone, and, with the exception of two visits, was denied regular access to the transit hotel. Access to transit hotel passengers often is granted to the UNHCR only hours before deportation, which does not give the UNHCR or the FMS an adequate opportunity to assess the case.

Armenians evacuated from Baku in the wake of late 1980's ethnic violence are recognized as refugees, although their credentials require annual renewal. The vast majority of those evacuated either have emigrated from Russia or found some way to live in the country. However, a group of about 1,400 to 2,000 still are housed in the "temporary quarters" assigned after the evacuation, usually in Moscow hotels or workers' dormitories in the greater Moscow area. They are unable to return to Azerbaijan and are not accepted by Armenia. Since they lack residency permits for Moscow, they cannot apply legally for work and effectively are denied the ability to register their children for public schooling. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially (although such a step would allow them to establish legal residence, seek work, and apply for benefits such as foreign travel passports). They also have rejected offers of relocation to other regions of the country, because they allege that the alternative residences that they are offered frequently are not habitable, still are occupied by others, or simply do not exist. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized and the new owners exert financial and other pressure on them to depart. A number of eviction orders already have been served in such cases. The courts are required legally to appoint a new residence, but have been uneven in meeting this requirement. According to Human Rights Watch, on August 24, representatives of the Baku Armenian community met with FMS Director Vladimir Kalamonov, who promised that they would be issued residence permits and apartments within 3 months. Activists and refugees were unanimously skeptical of this promise. In an August 31 follow-up meeting, the FMS agreed to explore housing options with the mayor's office.

The Constitution states that the Russian Federation does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December the Government deported seven North Korean refugees to China, in an apparent violation of the Refugee Convention. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercise this right in practice.

The Federal Assembly is composed of two chambers. The lower chamber, the State Duma, consists of 450 deputies, half elected in single-mandate constituencies, half by party lists. Approximately 26 political parties and movements participated in the December 19 Duma elections. The upper chamber, the Federation Council, has 178 members--the 89 chief executives of regional administrations and the 89 chairpersons of regional legislatures, all of whom are elected. Regional parliamentary speakers are elected popularly to their seats, then elected to the speakership by their colleagues. The Constitution provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. However, the opposition of a majority in the Duma has checked administration initiatives in a number of areas, including basic changes in property ownership and legal reform.

A democratic election for the President of the Russian Federation took place in 1996 for the first time in the history of Russia as an independent state. President Yeltsin was reelected in a generally free and fair election. Presidential elections are scheduled for March 2000, as a result of President Yeltsin's December 31 resignation.

On March 30, President Yeltsin signed the law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal law on public associations. These amendments clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot, such as financial deposits and other financial penalties, alongside signature-collection provisions; increase the level of information available to voters about candidates' financial and criminal history; introduce provisions allowing multicandidate constituencies; and add other provisions affecting federal-level and regional-level elections and referendums. Despite stricter rules regarding financing and reporting, the new law did not diminish the importance of money in the December Duma elections.

Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The regionally oriented Federation Council continued to express its dislike for the level of detail in the law, but its veto was overridden by the State Duma in September 1997. In June 1998, the Constitutional Court ruled against a complaint brought by the Federation Council that alleged that the Voting Rights Act contradicts the Federal Constitution by not allowing the regions the right to adapt electoral procedures unique to their situations. The Constitutional Court also is expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

Human Rights Ombudsman Mironov's office set up a working group to monitor electoral rights violations as the Central Electoral Commission prepared for the December Duma elections. In August Mironov called for legislation to increase the transparency of elections funding.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19. According to the Central Electoral Commission (CEC), the Communist Party won 24.3 percent of the federal party list votes, the Unity movement aligned with the Presidential Administration won 23.3 percent, Fatherland-All-Russia won 13.3 percent, the Union of Right Forces aligned with the Presidential Administration won 8.5 percent, Vladimir Zhirinovskiy's bloc won 5.8 percent, and the Yabloko party won 5.9 percent of the vote. Many observers pointed to problems with biased media coverage of the election campaign. Paid political advertising in newspapers often is disguised as legitimate news stories. Campaigns pay under the

table for stories favorable to their candidate, which allows the campaigns to bypass limits on campaign spending. In the fall, media outlets linked to the Presidential Administration launched an effective "media war" against the Fatherland-All-Russia (OVR) party led by Moscow Mayor Luzhkov and former Prime Minister Primakov. The ORT and the RTR news programs were filled with negative stories about the OVR, which by late October resulted in lower popular support for the OVR and Luzhkov, according to opinion polls. The rival NTV network broadcast frequent counterattacks against the Presidential Administration. In late November, the Bashkortostan дума moved to block Sunday evening news analysis programs broadcast by the ORT and the RTR due to their strong bias in favor of the Presidential Administration. However, Bashkortostan president Murtaza Rakhimov met a few days later with Prime Minister Putin and agreed to resume broadcasting the news programs (see Section 2.a.).

The campaign was marred by instances of anti-Semitic rhetoric. In an August 2 debate between Leningrad oblast legislative assembly candidates in St. Petersburg, Vasily Terenyev, chairman of the anti-Communist Pro-Workers' Party, blamed "Zionists" for the loss of the Soviet Union's former republics and current secessionist tendencies, and Aleksandr Vtulkin, chairman of the local Russian National Unity branch, argued that "Jewish bureaucrats" in St. Petersburg would destroy the Leningrad oblast economy if the two entities were reintegrated.

In early October, the CEC disqualified two of the top three candidates on the party list of Vladimir Zhirinovskiy's Liberal Democratic Party of Russia (LDPR) for failing to list all the vehicles and property they own. This action voided the entire LDPR list and made it ineligible to participate in the Duma elections. However, later that month Zhirinovskiy formed a new party bloc with two minor parties in order to qualify to compete in the elections, and the new party list did not include some of the most controversial LDPR candidates. On November 13, a Moscow district court invalidated the registration of the Spas, a party bloc led by Russian National Unity leader Aleksandr Barkashov. The court based its decision on a Ministry of Justice review of the Spas's registration materials, which found inaccuracies and false statements.

Elections to local and regional offices continue to be marred in some cases by interference from federal authorities and less than democratic practices by incumbent governors. For example, April-May presidential elections in the republic of Karachayevo-Cherkesiya (in the Northern Caucasus) sparked intense controversy. In the region's first presidential elections in post-Soviet history, former commander in chief of ground forces and ethnic Karachay Vladimir Semenev received 18 percent in the first round of voting and between 75 and 80 percent in the second round. Stanislav Derev, an ethnic Cherkesiyan and the expected winner, received 40 percent in the first round but less than 20 percent in the second round. According to press reports, voting irregularities that primarily affected ethnic Cherkesiyan prevented up to one-third of the electorate from casting their ballots in the second round. The local electoral commission reported that it received 1,527 complaints of voting irregularities. The Russian press reported several arson and grenade attacks against staff members of both candidates before the run-off elections. The Karachayevo-Cherkesiya supreme court ruled on August 27 that the election results were valid, sparking public protests in the region's capital of Cherkessk, which now threaten the region's territorial integrity. As a result of clashes on September 4 between supporters of the rival leaders, eight persons were wounded and one died later as a result of injuries. On September 14, president Vladimir Semenev was inaugurated despite massive protests in previous weeks. On October 22, the Supreme Court found the second round election results to be valid (see Sections 1.c. and 5).

Another seriously flawed election was held in Dagestan on March 7. Although the law requires republic and local officials to take a leave of absence from their jobs while campaigning for a seat in the legislature, two-thirds of the over 400 candidates in Dagestan's legislative election violated that law. The legislature they sought to replace included 35 members who were convicted criminals and 5 who are under investigation. The campaign finance laws in Dagestan also were circumvented by many candidates who felt that the legal spending limits were too low (approximately \$200, or 5,200 rubles).

Candidates paved roads and fixed apartment building entryways with personal funds but were not disqualified. Candidates also avoided spending limits by failing to label widely distributed campaign materials. Most opposition candidates were denied registration for the elections. Although two candidates were able to win registration by appealing to the local courts, many candidates were told that the signatures in support of their candidacy were forged.

There were reports of politically motivated violence elsewhere the country. In St. Petersburg on July 22, LDPR supporter Viktor Yashin was robbed. According to Yashin, the robbers took from his car a suitcase with lists of voters' signatures for Yuriy Kuznetsov, a gubernatorial candidate in Leningrad oblast. Kuznetsov is also a member of the LDPR and a state дума deputy. The electoral commission of Leningrad oblast registered Kuznetsov as a gubernatorial candidate on August 13. Anatoliy Yezhelev, former president of the St. Petersburg Union of Journalists, was assaulted on June 15 in Vsevolozhsk. Yezhelev, age 64, spent 3 weeks in the hospital. Both Yezhelev and police authorities link the assault with Yezhelev's participation in the electoral campaign of Vadim Gustov, one of the two most popular gubernatorial candidates in Leningrad oblast. Currently Yezhelev continues his work in the electoral headquarters of Vadim Gustov. In early October, two activists for Sergey Stepashin's campaign were assaulted, although they did not require hospitalization. In mid-December a campaign worker for former St. Petersburg mayor Anatoliy Sobchak was assaulted and killed.

On February 3, Chechen Republic president Maskhadov suspended constitutional law and declared a state of Islamic Shari'a law in the region. According to press reports, a shura (council) of prominent figures came into being on February 10 to help oversee Shari'a law. In the process, the Maskhadov government stripped the region's legislature of most of its responsibilities and abolished the region's vice presidency. On February 10, the legislature was replaced with a 34-member shura that has responsibility for "consulting" with the republic's president. The Shura includes several prominent opposition leaders. According to one expert, the Shura created in Chechnya is not a traditional Muslim shura run by religious men, but instead is a council of military men. However, on July 12 the Chechen government announced the formation of a national council to include president Maskhadov and his rival field commanders. The statement did not explain the council's role or specify its relationship to the Shura, to which Maskhadov and his rivals also belong and which has never met. Also in July, Chechen officials criticized remarks that Russian authorities made asserting that Duma elections would be held in Chechnya. Chechen officials contended that the republic would not participate in the December Duma elections.

Women are underrepresented in government and politics. In the December elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups operate freely. Most groups investigated and publicly commented on human rights issues, generally doing so without government interference or restrictions. However, some local officials harassed human rights monitors, going so far as to arrest and convict them (see Section 1.d.). In 1998 Human Rights Watch repeatedly criticized the Procurator General's response to these incidents. With a few notable exceptions, human rights monitors have worked mostly unhindered by authorities in recent years. No new cases of arrests or harassment of human rights activists by authorities were reported in the first half of the year. Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Moscow Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Soldiers' Mothers' Committee, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in

certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees, such as the draft law on community monitoring of prison conditions, which passed its first Duma reading in June. Also, the prominent human rights organization, Memorial, was expected to play a significant role in elections monitoring.

Various types of regionally-based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to Memorial these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work have become even scarcer after 1998 financial crisis, threatening the work of activists.

Regional groups, which generally receive little if any international support or attention, reported that local authorities have obstructed their work and that law enforcement officers have begun criminal investigations based on fabricated charges against certain regional human rights groups' leaders (see Section 1.d.). With these exceptions, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Regional human rights advocates have been charged with such offenses as libel, contempt of court, and interference in judicial proceedings, along with other crimes, in cases with distinct political overtones (see Section 1.d.). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

The importation of copies of the NGO report "Russia's Northern Fleet: Sources of Radioactive Contamination," authored in part by former naval Captain Aleksandr Nikitin (see Section 1.d.), still is blocked by the FSB. Although the Bellona Foundation received some reports from St. Petersburg and Moscow that users had difficulty accessing the Foundation's website, it appears that Russian, English, and Norwegian versions of the 1996 report on the contamination by the Northern Fleet are accessible through Russian internet service providers. Bellona Foundation employees no longer experience difficulties when applying for visas to enter the country.

Because of the risk of kidnaping and other criminal attacks (see Section 1.b.), NGO's largely have withdrawn from Chechnya since the murder of six ICRC personnel in 1996. Chechen authorities generally have discouraged NGO's from returning to Chechnya, although the motive for such discouragement appears to be based more on security concerns than unwillingness to submit to nongovernmental human rights monitoring.

The Government's human rights institutions lack independence but appear to be making serious efforts to promote human rights. The President's Human Rights Commission, now composed primarily of government officials (unlike the 1993-96 commission under Sergey Kovalev, which included a large number of human rights activists), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. Commission chair Vladimir Kartashkin has indicated to the press that his role is mainly consultative and investigatory, without powers of enforcement. Although the Commission examined and was often critical of the Government on various issues during the year, its work does not appear to have delivered concrete results. On the other hand, the office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile, which may enable it to promote human rights effectively. Implementing a March 1997 law establishing the

position of a human rights ombudsman, after a lengthy delay, the Duma selected Communist Duma Deputy Oleg Mironov on May 22, 1998, who in accordance with the law resigned from both the Party and the Duma after the vote. During the year, Ombudsman Mironov worked diligently to become an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights activists due to his lack of human rights expertise. Although in 1998 his comments to the press tended to focus on violations of socioeconomic rights, such as wage arrears, he has criticized publicly anti-Semitic incidents, called for government protection against "racism, xenophobia, and anti-Semitism," criticized violence and religious intolerance in Dagestan, and called for strengthened legislation on campaign funding. In a March open letter, Mironov proposed amendments to the 1997 religion law to bring it into compliance with international norms for religious freedom. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. Based on information available at this time, the effectiveness of Mironov's office in assisting individual victims cannot be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), is planning to develop guidelines and materials for teaching human rights to the public. The office reportedly has plans to establish a section on religious freedom. In August Mironov announced a new annual prize for recognition of outstanding contributions in the field of human rights, the recipient of which would be selected by a commission composed of established human rights activists, academics, scientists, and government officials. Mironov's office also has set up a working group to monitor violations of electoral rights.

In 1996 President Yeltsin signed a decree entitled, On Certain Measures of State Support for the Human Rights Movement in the Russian Federation, which called for a high degree of coordination between federal structures and the human rights community. Specific measures laid out in the decree included the creation of three entities: An interregional human rights center to coordinate human rights activities; a human rights training center; and a center to publish human rights literature. In addition, regional administrations were instructed to establish bodies analogous to the federal Human Rights Commission. Progress on establishing the bodies has been slow, and there were some reversals during the year. In direct contravention of the 1996 presidential decree, new governors elected in Pskov, Irkutsk, and Chelyabinsk abolished the commissions that had been working effectively in their regions. By September 1998, there were 58 commissions, compared with 66 in 1997. Of those, only 8 to 10 are working effectively, according to the Moscow Helsinki Group, compared with 12 effective commissions in 1997.

In 1996 President Yeltsin established by decree a Political Consultative Council (PCC) with 12 standing chambers to assist in the creation of a legal framework for economic and political reforms. It includes a human rights chamber, headed by Duma Deputy Valeriy Borshchev, and a legal chamber, headed by Boris Zolotukhin, a former Duma Deputy. The PCC meets monthly. The Human Rights Chamber includes representatives of the various Duma factions as well as 10 members of the human rights NGO community. The Chamber has held hearings on issues such as conditions in the nation's prisons, the situation of refugees, and freedom of conscience. The Chamber's hearings on a variety of areas involving human rights have given greater public exposure to such problems. However, human rights organizations criticize the Government for being unresponsive to the Chamber's recommendations. NGO's point out that the Chamber itself has not been responsible for any significant human rights improvements or legislation.

Citizens also can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations. The ECHR only can consider cases based on events that occurred after Russia's May 5, 1998 accession to the Council of Europe. Complainants first must exhaust all appeals in Russian courts before they can turn to the European Court. Human Rights Ombudsman Mironov announced in June that the Government submitted a list of three candidates for the Russian judge in Strasbourg. The

new judge was elected in September. Various sources reported that the ECHR has received at least 2,000 complaints from Russians, none of which have been scheduled for a hearing because of the absence of a Russian judge. However, observers familiar with human rights law point out that a large percentage of these cases are expected to be rejected because the plaintiffs have not yet exhausted all their legal options in Russia.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

There were credible reports that homosexuals were attacked or killed because of their sexual orientation. According to the editor of a magazine for gays, most gays are reluctant to report crimes against them to the police because they expect at best indifference or at worst harassment. Although the press rarely reports crimes against gays, in one rare exception, an August *Kommersant* Daily article referred without providing details to the murder of seven gay men in Chelyabinsk in 1998.

Women

Domestic violence remains a major problem, as victims rarely have recourse to protection from the authorities. Police frequently are reluctant or even unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem that remains is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family.

According to a December 1997 Human Rights Watch report, the Government reported that almost 11,000 women reported rape or attempted rape in 1996. In September 1998, a Human Rights Watch Europe researcher for women's rights estimated that only 5 to 10 percent of rapes are reported to police. Human Rights Watch further reported that Yekaterina Lakhova, President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, Human Rights Watch notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

There is a general lack of understanding of this issue in the legal community and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also a lack of national political will to consider these issues seriously. Thus far more than four dozen renditions of a national civil law to address domestic violence have failed to make any progress through the Duma.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the details of a sexual assault, fearing that they may be required to spend long periods in court. While noting that the Government had begun to address the seriousness of the problem of violence against women, the 1997 Human Rights Watch report criticized the Government for failing to afford victims of violence "the protection of the law." The report also criticized law enforcement officials for not ensuring effectively that incidents of violence against women are investigated and prosecuted and for sometimes obstructing their investigation and prosecution. The report further noted that the discrepancy "between the law as written and the law as applied" demonstrated the Government's "failure to fulfill its international human rights obligations." The report also criticized the Duma for its "seriously flawed"

drafting of a law on family violence. It noted that many women's groups had faced considerable difficulty in gaining access to and commenting on drafts of the law. At year's end, there were about 40 women's crisis centers in the country, all founded within the last few years, and their number is growing.

In October 1998, the Government cosponsored an international conference on domestic violence against women, the first conference on this subject in the country. Conference participants discussed the root causes of domestic violence and cooperation among NGO's, academics, and government officials to address the problem.

Particularly because of lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain (see Section 6.f.).

Despite serious problems and difficulties in addressing these issues, many effective projects are underway. Crisis centers have formed an association in order to coordinate their efforts better. They have chosen Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference on September 23-25 in Moscow. Due to successful collaboration for the October 1998 joint conference in Moscow, nongovernmental work in the area is recognized and supported by several government entities.

Women have reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no."

There is credible evidence that women encounter considerable discrimination in employment. At a 1996 Duma-sponsored roundtable, representatives of 53 women's associations appealed to the Duma to improve the legal status of women by creating a council to assess all draft legislation to ensure that it provides for equal opportunities for women and men. In their appeal to the Duma, the women's associations' representatives raised their concerns that women form a disproportionately high percentage of the officially registered unemployed, that women are discriminated against in hiring and firing, that the differences between the salaries of men and women had increased sharply, and that few women attain senior positions. Conditions have not improved significantly since the hearings were held.

Human Rights Watch in a December 1996 report accused the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Employers prefer to hire men, thereby saving on maternity and child care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. In 1996 a change in the Labor Code prohibited women between the ages of 15 and 49 from being hired for jobs that are considered to be harmful to their health, including working on the night shift. Many of these jobs pay more, allow early retirement, or both. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no other recent substantial research in this area. Human Rights watch notes that the situation for working women may have worsened after the 1998 financial crisis, as women were more likely to be fired first.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Government statistics for 1997 showed that women earn between 69 and 81 percent of men's salaries in 5 of the 10 fields examined, but between 95 to 105 percent of men's salaries in the remaining 5 sectors. However, these figures do not provide a complete picture of the problem. Women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much

lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 11.7 percent of the work force in October, also disproportionately affects women.

In July Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code.

Children

The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children. While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.).

A new family code regulating children's rights and marriage and divorce issues came into effect in 1996. Although the President has stated that government policies to improve the situation of children were a top priority, progress has been slow. Many Moscow charitable organizations have established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. In 1995 Duma Deputy Mariya Gaydash stated that 2 million children under 14 years of age suffer from physical or mental abuse, with as many as 200,000 dying each year from injuries received at home, usually from parental abuse or neglect. About 50,000 children run away from home each year, Gaydash asserted, and 2,000 commit suicide. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

In August 1998, a group of prominent Russians signed an appeal calling on the President to take "energetic measures" to help the country's homeless children. According to the Ministry of the Interior, there were approximately 1 million homeless children on the streets. The Duma estimated this number to be between 2 and 4 million. Oleg Zykov, Head of the No to Alcoholism and Drug Abuse Foundation, estimates that there are about 15,000 street children in Moscow alone. Other sources suggest that there are as many as 60,000 street children in the cities of Moscow and St. Petersburg. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to a life of prostitution in order to survive.

An estimated 50,000 children run away from their homes each year. Boris Altshuler, director of the Rights of the Child Program at the Moscow Human Rights Research Center, said that the main reasons children run away are family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is to be investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Altshuler told of a 9-year-old boy who escaped from his stepfather's beatings 28 times, only to be taken by police to COVINA and then returned to his stepfather. Many officials see domestic problems as private and prefer not to interfere.

In St. Petersburg local and international NGO's provide a variety of services for the homeless. In particular Medecins du Monde (MDM) supports homeless children with a "social hotel" and a medical/social consultation center that provides medical help, vaccines, and referrals to hospitals and orphanages. The MDM also organizes specialized training seminars for medical and social professionals and city officials engaged in work with homeless youth.

As the former Soviet Union opened to the international community, attention has focused on the status of orphans and the disabled, who had been removed from mainstream society and isolated within state institutions. The segregation of these populations had multiple repercussions. A complex and cumbersome system was developed to manage their life-long institutionalization. Three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the child, the system revolves around the institution itself. Child welfare is easily lost within the bureaucracy; little clear recourse exists in instances of abuse by the system. Human rights activists allege that children in state institutions are provided for poorly (often because funds are lacking), and in some cases are abused physically by staff.

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several reports have compiled important information. There is a groundswell of opinion calling for reform to the child protection system today. Dozens of NGO's and several professional organizations are trying to improve the system. Regional governments in certain oblasts have undertaken reforms.

The available data from a 1997 report from the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans in the country. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster families increased by 46 percent (most children are related to the members of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

Although comprehensive statistics are not available, the prospects of those who are disabled physically or mentally are extremely bleak. The label of "imbetsil" or idiot, which signifies "uneducable," is almost always irrevocable. The most likely future is a lifetime in state institutions. Even the label of "debil," or lightly retarded, follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights, found that, on graduation from a state institution for the lightly retarded at age 18, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. Even for those orphans classified as "normal," life after institutionalization poses serious problems, as they may lack the necessary social, educational, and vocational skills to function in society.

Human Rights Watch released in December 1998, "Abandoned to the State," a highly critical report that documented the dismal conditions that persist in many, although not all, orphanages. According to the report, children emerge from the orphanage system undereducated, physically underdeveloped, inadequately socialized, and unprepared for life outside an institution. Boris Altshuler, of the Rights of the Child Program, has said that these problems are caused less by funding shortages or malfeasance than by inherent defects in the state orphanage system.

The existing system provides little oversight and no formal recourse for orphans who have

been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Altshuler has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg, in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions.

Trafficking in children and young girls is a problem, but there are no reliable estimates of its scope (see Section 6.f.).

People With Disabilities

The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other military conflicts. Special institutions exist for children with various disabilities, but do not serve their needs adequately. The Government does not mandate special access to buildings for the disabled. The NGO, Society for the Defense of Invalids, is working to broaden public awareness and understanding of issues concerning the disabled.

A 1995 law established a requirement that firms with over 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities have found work within factories run by the All-Russian Society for the Disabled, but the majority are unable to find work and frequently are discouraged from working rather than subsisting on social benefits.

The December 1998 Human Rights Watch report "Abandoned to the State," documented the dismal conditions which persist in many orphanages. The report contains especially dramatic photographs of severely emaciated children in special state orphanages for the disabled. Being disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled.

Indigenous People

Until its abolition by presidential decree on September 22, 1998 (as part of a larger cabinet restructuring), the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by the presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. On March 6, the Duma approved a bill on indigenous ethnic communities, providing them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. Yeltsin signed the law in April. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North,

including the Enver, Tafari, and Chukchi; and others have worked actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country have criticized the Federal Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. According to unconfirmed press reports, in May approximately 1,000 Nogais in Stavropol met and called for the resignation of the regional and educational administration in the Nogai okrug, after a police officer reportedly killed two Nogais; no further details were available about this incident. According to the chairman of the executive of Birlik, the interregional association of Nogais, Nogais in the Neftekumsk region reportedly do not enjoy the same rights as other ethnic groups, and there are no Nogais in the region's administration or in any law enforcement agencies. According to unconfirmed press reports, in Karelia Karelians and Vepsians are calling for laws in the republic to ensure that minorities have sufficient representation in the republic and local governments. Local Karelian and Vepsian leaders reportedly blame local authorities for not taking sufficient action to protect local languages and culture. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

Religious Minorities

There were many instances of violence in the Northern Caucasus, some of which had religious motivations. The RIA news agency and Keston News Service reported in April that Abuzar Sumbulatov, Chechnya's leading religious affairs official and a specialist in Islamic law, was kidnaped from his home in Grozny. No ransom was demanded and Sumbulatov is presumed dead. The reasons for the kidnaping are unknown but Keston News service noted that Sumbulatov, a Muslim, was known for promoting religious tolerance. Sumbulatov criticized the Moscow Government for attacking Chechen cultural heritage by destroying university archives, but also accused former Chechen president Dzhokhar Dudayev's government of deliberately allowing attacks on Chechnya's ethnic Russians. Sumbulatov's abduction coincided with several kidnappings of Russian Orthodox and Baptist clergy in Chechnya and its bordering areas in 1998 and 1999 which, according to the Keston News Service, suggests that Christians are being targeted specifically. One kidnaped Baptist pastor later was found beheaded in March, and another is feared dead. ITAR-TASS reported in July that Father Zachary, the dean of the Archangel Michael Church, and two church workers were kidnaped in Grozny. In March three Russian Orthodox priests also were kidnaped, two in Chechnya and one in Ingushetiya, and one later was released. A U.S. missionary was kidnaped in Dagestan in late 1998 and was released by his abductors in June, after being tortured in order to extort ransom (see Section 1.b.). The Russian Baptist Union advised its members in 1998 to leave Chechnya.

Muslims, who constitute approximately 10 percent of the population, continue to encounter societal discrimination and antagonism in some areas where they are a minority. In February Murmansk residents protested the construction of a mosque with a prominent minaret at a highly visible site.

As foreign or so-called "nontraditional" religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks. For example, according to press reports, in August between 10 and 15 youths burst into a Moscow Hare Krishna temple, beat followers and gave at least one person a head laceration severe enough to require hospitalization (see Section 1.c.). In Altay in March leaders of local organizations signed a petition protesting the construction of a Roman Catholic cathedral on Lake Teletskoye and accusing Catholic missionaries of engaging in brainwashing. The head of the Altay republican government has pledged to prevent the construction of a Catholic church in the region. In April in Chernyakhovsk in the Kaliningrad region, an Adventist pastor and his wife filed a criminal complaint against the sons of an influential Orthodox priest after the sons

disrupted an Adventist meeting, beat the pastor's wife, and ripped her clothing in March. According to the Institute of Religion and Law, the attacker apologized, and the case eventually was settled out of court. Mormons and Pentecostals have reported instances in which they may have been followed, harassed, and, in at least one case, physically struck. On August 21, an anonymous bomb threat led to the evacuation of 15,000 persons attending a Jehovah's Witnesses convention in Moscow's Olympic Stadium. There are believed to be more cases of such harassment than are reported. In several instances during the year, local press outlets accused Scientologists, Mormons, and Jehovah's Witnesses of espionage, brainwashing, and other activities that they believed to be harmful to citizens. A political commentator for the ORT network alleged in a November broadcast that Moscow Mayor Luzhkov is a Scientologist, as part of his station's effort to reduce Luzhkov's party's chances in the December Duma elections (see Section 3).

In February Russian Orthodox Patriarch Aleksiy II called for the continuation of the struggle against foreign religions, which he believed were threatening the spiritual health of the nation. Metropolitan Kirill of Smolensk and Kaliningrad, head of the Russian Orthodox Church's Department of External Relations, has stated repeatedly that existing international human rights standards are "exclusively Western and liberal." In an August discussion on religious tolerance, a representative of the Moscow Patriarchate echoed this view, asserting that such norms are based on Western standards, which do not take into account Eastern tradition. In March the Moscow Patriarchate of the Russian Orthodox Church stated that it considers the Church of Scientology to be a dangerous sect that can have a negative impact on individuals and families. A spokesman for the Patriarchate said that it wanted the activities of the Church of Scientology to be scrutinized by the appropriate legal entities. These comments came immediately after Moscow police raided the offices of the Church of Scientology (see Section 2.c.). In February Russian Orthodox Metropolitan Kirill criticized Jehovah's Witnesses for their practice of proselytizing and accused the group of resorting to manipulation and psychological pressure. Metropolitan Kirill's comments came during the course of the civil trial against Jehovah's Witnesses in Moscow.

Occasionally, opposition to the dissemination of information came from religious groups. From time to time, the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Religious groups frequently complain of discriminatory stories in the local press. While the scope of the problem is difficult to gauge, newspapers have published sensational or biased articles criticizing nontraditional religions.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than in the Soviet period, the number of Jews emigrating to Israel for economic reasons as well as fear of persecution increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews--80 percent--live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities have been criticized for insufficient action to counter it. In August the Ministry of Press, Television, Radio Broadcasting, and Mass Communications issued a warning to a city-owned television station in St. Petersburg for airing anti-Semitic material in violation of the mass media law's prohibition on inciting racial violence or hatred (see Section 2.a.). In August St. Petersburg Commissioner for Human Rights Mikhail Chulaki publicly criticized the program that broadcast the anti-Semitic material.

Until recently, there was little evidence to suggest that increased anti-Semitic rhetoric has led to increased violence, but observers in the country and abroad are watching closely to see if these most recent events are part of a sustained pattern of intensified anti-Semitism (see Section 2.c.). There were several reports of major crimes or acts of intimidation linked to anti-Semitic groups or motives during the year. The interior of the Jewish

synagogue in Novosibirsk was ransacked and largely destroyed by vandals in March. The vandals painted graffiti, including the swastika-like symbols and initials of the ultranationalist Russian National Unity (RNE) organization, on the interior walls of the synagogue. It was not clear whether the RNE was responsible for the incident. Neither city nor regional government officials spoke out against the attack, and no arrests were made in the case. In May a synagogue in Birobydzhan (the Jewish autonomous region) reportedly was vandalized by hooligans on two occasions. Also, on May 1, two bombs exploded simultaneously near the Marina Roshcha Synagogue and the Moscow Choral Synagogue in Moscow. Federal authorities are unsure whether the attacks were motivated by anti-Semitism, but Jewish leaders are convinced that they were. Then-Interior Minister Stepashin announced the next day that the Ministry had formed a joint team with the FSB to investigate the two bombings. No progress has been reported in investigations of the May 13, 1998 bombing of the Marina Roshcha synagogue, which caused extensive property damage and slightly injured several workers at an adjacent construction site but no congregants.

There were several serious anti-Semitic incidents beginning with the July 13 stabbing of Jewish Cultural Center director Leopold Kaymovskiy at the Moscow Choral Synagogue. Kaymovskiy's attacker, 20-year-old Nikita Krivchun, said that he acted alone but that he considers Jews "evil." Krivchun was charged with attempted murder for reasons of national, racial, or religious hatred. On July 25, a bomb was found in the Bolshaya Bronnaya Lubavitcher synagogue. The bomb was removed by synagogue workers and later detonated by the FSB, causing some damage to the synagogue. Moscow Mayor Luzhkov criticized the bombing and attended a July 29 service at the synagogue. The FSB is investigating the bomb as a terrorist act. Vandals desecrated six Jewish graves in Tomsk on August 2. On August 2, President Yeltsin told visiting Israeli Prime Minister Ehud Barak that the Government would prosecute anti-Semitic crimes and proposed Israeli-Russian cooperation on combating anti-Semitism.

The ultranationalist and anti-Semitic RNE paramilitary organization, led by Aleksandr Barkashov, appeared to extend its presence beyond its stronghold in the south during 1998. Although reliable figures on its membership are not available, the RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, in Kostroma and Vladimir the RNE has representatives in regional governments; Tver and Samara oblasts provide resources for RNE youth groups; and in Voronezh RNE members patrol the streets with local militias. According to press sources, joint street patrols failed in Kostroma and Yekatarinburg, where RNE members turned them into opportunities for petty crime, causing local authorities to cancel the programs. RNE "uniformed" members were increasingly visible during 1998 at political and cultural public gatherings, but their day-to-day visibility on the streets and in public areas of Moscow had not been as obvious. However, on January 31 approximately 150 RNE members marched in Moscow to protest Mayor Luzhkov's ban on holding an RNE congress in the city in December 1998. The march received a great deal of media coverage. After the ban on its congress in Moscow, the RNE staged smaller meetings in 10 other cities, the largest with 300 participants in Stavropol, according to press reports in March. In Borovichi the RNE and another local Fascist group, Mertvaya Voda, were active according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and hung anti-Semitic posters. The local Borovichi duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April officials from the Borovichi city administration invited the Harold Light Center, a Jewish NGO, to present a 2-day seminar on combating anti-Semitism and extremism.

The increased visibility of the RNE and other extremists across the country prompted government efforts to address the problem of extremism more forcefully. Moscow authorities banned the RNE from convening a congress in December 1998, citing the

RNE's lack of credentials as a legally registered public organization at the time. (The Ministry of Justice twice had denied the RNE's registration.) The RNE subsequently managed to register but was then stripped of its registration by a Moscow court in April. However, some observers called the municipal procuracy's case weak and motivated only by the desire of city authorities to ban the organization.

Anti-Semitic themes continued to figure prominently in hundreds of extremist publications, and some politicians made anti-Semitic remarks. Jewish groups believe that the Communist Party of the Russian Federation (KPRF) uses anti-Semitism as a political tool to build populist support. In October and December 1998, KPRF Duma members Makashov and Ilyukhin made anti-Semitic remarks and called for quotas limiting the number of Jews in public office. Communist Duma members blocked a November 4, 1998 Duma motion to censure anti-Semitic remarks (see Section 2.c.). Some Russian Jews believe that these public statements may have contributed to increased societal anti-Semitism.

Jewish NGO's claimed that anti-Semitic themes were a factor in December 6, 1998 legislative assembly elections. A December 17, 1998 article in Novyy Petersburg by Yuriy Shutov, a deputy of the legislative assembly currently in prison awaiting trial on seven counts of homicide, stated that Grigoriy Yavlinskiy, the leader of the Yabloko party, was Jewish. Lvov said that anti-Semitic graffiti all around the city also were used to smear Yabloko candidate Aleksandr Druz. At an August 4 roundtable in St. Petersburg, candidates for Leningrad oblast's legislative assembly publicly used anti-Semitic rhetoric to argue their positions (see Section 3).

A prominent public figure who regularly used anti-Semitic remarks was Krasnodar region governor Nikolay Kondratenko (see Section 2.c.). A report issued in October 1997 by the human rights group Memorial criticized Krasnodar government officials for "encouraging radical nationalist groups," including the Cossacks, and "indirectly inciting them to violence" against ethnic minority groups in the area. Local government authorities have approved patrols by Cossack paramilitary groups in the name of law enforcement. Such groups are not accountable publicly, and their activities have resulted in human rights abuses. For example, in July 1998 Cossacks detained and whipped an Adventist distributing Bibles in a public park in Anapa in the Krasnodar region. The Cossacks refused to return the 60 Bibles that they had confiscated from him. In May Cossacks in Anapa beat a man connected with a Catholic church in their efforts to stop construction of a new Catholic chapel. The man was hospitalized as a result of the beating. A local priest had received a threatening letter signed by the leader of a local Cossack organization demanding that construction of the chapel cease. The church had all the necessary permits from local authorities to build the chapel.

After his 1996 election, Kondratenko appointed Cossack "hetman" Vladimir Gromov as deputy governor of the region. In April 1997, Kondratenko and Gromov issued a resolution making Cossack groups subordinate to the regional government instead of to the State, according to the Center for Human Rights Advocacy. According to the statements of the radical Cossack chieftain Ivan Bezgulyi, reported in the media, he has 44,000 Cossacks at his disposal, ostensibly to enforce law and order. Estimates of the total number of Cossacks in Krasnodar are as high as 300,000. The Cossacks' tactics appear designed to brutalize and intimidate the area's ethnic minorities and to bring about the group's stated goal of cleansing the area of all nonslavic Russians.

In July 1998, the presidential Human Rights Commission issued an official statement that warned that the legalization of the activity of extremists on the part of a number of local authorities and law-enforcement agencies under the pretext of "providing assistance in restoring law and order" and in "the patriotic indoctrination of youth," had become a "new and dangerous phenomenon." This comment apparently referred to, among other things, the use by authorities in the Kuban area of the south of Cossack paramilitary units to assist law enforcement authorities.

In December 1998, the Ministry of Justice launched an investigation into the reported

distribution of anti-Semitic leaflets in Krasnodar that called on the population to destroy the homes of Jews. The extent or effectiveness of federal investigations of racial or ethnic provocations in Krasnodar is thus far unknown. According to press reports, in June Cossacks in Stavropol threatened to take over law enforcement functions since they lacked faith in the Government's ability to protect its citizens after four policemen were killed.

National/Racial/Ethnic Minorities

In July 1998, the presidential Human Rights Commission issued an official statement noting that "the increase in the threat of fascism" was "taking on visible and ominous features," and that incitement of national, racial, and religious enmity was "taking on an increasingly organized nature." It noted the increasing number of extremist groups that advocated racial supremacy and "national xenophobia," and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to "acts of direct terror, hoodlum attacks on persons of 'unwelcome' nationality, the desecration of cemeteries, and explosions of monuments." The statement followed a number of well-publicized incidents that spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records.

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. There were reports of police beatings, harassment, and soliciting bribes of persons with dark skin, or who appeared to be from the Caucasus, Central Asia, and Africa. In addition, since 1993, discrimination against persons from the Caucasus and Central Asia increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the bombings in September in Moscow, when authorities detained some 2,000 persons and deported more than 500, according to NGO's (see Sections 1.c., 1.d., and 2.d.). In Moscow such persons--including refugees from Africa, persons with dark skin, or persons who appeared to be from the Northern Caucasus--are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police. Reports also suggest a pattern, at least tacitly supported by city authorities, of extortion and beatings by law enforcement officials.

On August 11, Ivan Sydoruk, procurator of St. Petersburg, charged Denis Usov, a local journalist, with extremist nationalist activities. The charges were based on the views expressed in Usov's article in the suburban newspaper *Rodnoye Kolpino*, in which he called for the population of the Kolpino suburb to "get rid of blacks" (persons from the Caucasus usually are called "black people"). The article was published in the summer of 1997. The Kolpino procurator's office pressed charges against Usov then, but the issue was closed because Usov managed to prove to the investigator that in the article he meant black cockroaches, not black people. Sydoruk reopened the issue; however, according to press reports, Usov plans to insist on a public trial in order to attract public attention to his views. (Usov also is a member of Kolpino's municipal council.)

During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. However, arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks and report indifference on the part of police. In May 1998, several young white men assaulted a black foreigner at an outdoor market in Moscow. One of the attackers was charged with hooliganism and investigated on the more serious charge of inciting racial hatred. In March he was convicted on the charge of hooliganism and sentenced to 3 years in prison,

but he was released in September under a prisoner amnesty.

In Stavropol kray, the local branch of Aleksandr Barkashov's neo-Nazi RNE and a parallel organization called Russian Knight claim support from local leaders, members of the armed services, and law enforcement officials. The stated goal of the organizations is to develop Russian youth to establish "Russian order," a vision of a great Russia with Orthodox values, a goal for which they claim to be ready to shed blood. The group runs kindergartens in Stavropol and trains youths of various ages. The group reportedly has several hundred followers in the kray and claims to have 64 branches throughout the country and 100,000 members.

The RNE was named by the Presidential Commission on Countering Political Extremism, created in October 1997, as one of the first two extremist groups it would investigate. However, in making the announcement, then-Justice Minister Stepashin, chairman of the Commission, added that the RNE no longer existed officially, since it had lost a court case in December 1997 to renew its registration with the Ministry of Justice. The Ministry of Justice twice had denied the RNE's registration. The RNE subsequently managed to register but then was stripped of its registration by a Moscow court in April. However, some observers called the municipal prosecutor's case weak and motivated only by the desire of city authorities to ban the organization. The RNE still is active as an unofficial organization.

On January 30, members of the National Bolshevik Party, headed by right-wing author Eduard Limonov, disrupted a congress of the Russia's Democratic Choice political organization with chants of "Stalin-Beriya-Gulag" and Nazi salutes. Members of the two parties engaged in a fistfight, according to the Russian press.

In August after a number of television stations showed footage of Chechen leaders in their reports on the conflict in Dagestan, the Ministry of Press, Television, Radio Broadcasting, and Mass Communications warned the companies against "giving air time to Chechen field commanders," stating that those actions violate Article 4 of the media law, which forbids incitement of societal violence or hatred (see Section 2.c.). Human rights activists in St. Petersburg protested local media broadcasts on the city-owned station that called for ethnic cleansing and referred to residents of the Caucasus as "needing extermination."

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. As of July, 10 cases have been opened, and courts have ruled on 9 of them.

Chechen internally displaced persons (IDP's) and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment. The St. Petersburg Times in April reported that a similar pattern of discrimination exists against persons from the Caucasus in St. Petersburg. Although the housing law forbids discrimination, according to human rights lawyer Yuriy Shmidt, the chances of a would-be tenant winning a lawsuit are low because there is no legal precedent.

In February the republican legislature in Bashkortostan passed a law naming Bashkiri and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Although the best estimates are that approximately 63 percent of the work force are unionized, and approximately 8 percent of union members belong to independent unions, there are no authoritative data on union membership. There was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Since the onset of the wage arrears crisis, workers have been unable to transfer dues to their chosen trade union structures. The Government did not carry out its threat to decertify the Free Miners' Union (NPG) following that union's protest activities in July 1998.

The FNPR claims to represent 80 per cent of all workers, largely dominates the union movement, and thus still provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income and fees for member services. Its unions frequently include management as part of the bargaining unit. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership vary depending on union affiliation and generally discourage the formation of new unions. Various benefits are provided by the Social Insurance Fund. By arbitrarily deciding who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members of the federation, FNPR unions enjoy a privileged position with regard to distribution of state funds at the municipal, oblast, and federal levels. For example, families normally would pay 60 percent of the cost of summer camp for children, while FNPR members would pay only 20 percent.

Court decisions have limited the right of association. In 1998 the Russian Trade Union of Locomotive Engineers declared its intention to strike. The Ministry of Railroads filed a court case to have the planned strike declared illegal. The prosecutor demanded that the court declare the union's constitution illegal, as it specifically limited trade union membership to workers and excluded management, in alleged violation of the International Labor Organization's (ILO) convention on freedom of association. The court ruled that the union had to change its constitution to allow managers to join the union. Despite an official document from the ILO that supported the union's position, the court has yet to overturn its original ruling.

Plant management and FNPR local unions often work together to destroy new unions. For instance, the new union Solidarity united 900 of the 2,500 workers at the Samara ball-bearing factory. At the end of 1998, the factory changed hands, and a new director joined forces with the FNPR against Solidarity, which had grown at the expense of the FNPR union. Briefings in the director's office included daily updates from shop floor managers as to the number of employees who had left Solidarity and rejoined the FNPR local. The incentives for leaving Solidarity were considerable--avoidance of the threat of dismissal and possible receipt of a "cash bonus" (in the form of a credit, since there was almost no cash available). In 2 months Solidarity lost 200 members due to this campaign.

All civic organizations founded before 1994 were required to reregister with the Ministry of Justice. The registration procedure for other NGO's requires that the local departments of justice check all articles of charter documents, but for unions, the procedure simply involves "notification" and submission of documents. However, Department of Justice officials have extended their authority far beyond the letter of the law and have canceled the registration of a large number of unions. For example, after submission of documents for registration, the Sverdlovsk oblast department of justice required that all founders gather at the department of justice and resign the founding documents. In another case, despite having filed the proper forms, the Russian Trade Union of Locomotive Brigades,

which has enjoyed all-Russian status (a term of informal recognition throughout the country) for more than 5 years, was refused registration in July on the grounds that local unions were not documented properly. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism. Court rulings have established the principle that nonpayment of wages--by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired for participation. Prior to 1999, collective actions were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments. Court decisions throughout the year came to reflect the view that even these actions did not concern a collective dispute. This ruling called into question the value of a collective agreement.

As part of bargaining, the right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are common, although strictly prohibited by law. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Following a strike by dock workers at the Kaliningrad port over management's refusal to negotiate a collective bargaining agreement in October 1997, all union members were "transferred" to other brigades that were the last to receive work orders. In order to move back to a working brigade, workers simply had to resign from the union. In October the union won a court decision against these transfers.

In 1995 transportation unions had complained that, because transportation can be considered an essential service that must be provided under law, their right to strike was denied. The Constitutional Court agreed and found that banning industrywide strikes is unconstitutional, and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal law on collective labor dispute resolution banned railway strikes. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in July to ban all strikes in the air traffic sector.

During the year, there were no prolonged strikes like those that occurred in recent years. As the Government began to pay salaries and pensions systematically, the grievance of nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. According to official statistics, during the first 11 months of the year there was a decrease in the number of strikes compared to the same period in 1998. In November some 5,700 workers were on strike at 341 organizations, while in November 1998, some 65,500 workers were on strike at some 2,135 organizations. In January a national teachers' strike received considerable publicity and was noteworthy in comparison to the few minor work slowdowns and stoppages that were scattered in other sectors.

According to an international labor organization report, on January 27 unknown assailants murdered Gennady Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares (see Section 1.a.).

In October Ministry of Justice troops stormed the Vyborgskiy paper mill in Leningrad oblast and opened fire on workers who had barricaded themselves in the factory's administration building. The workers were protesting the mill's new foreign ownership. Minister of Justice Yuriy Chayka admitted to the Duma later that month that the troops' actions were "lawful in form, but digressed from the law in content" (see Section 1.c.).

Unions may freely form federations and affiliate with international bodies.

b. The Right to Bargain Collectively

The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union; however, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. In addition, employers often ignore the requirement to negotiate and refuse to come to the bargaining table. Various employers successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. Despite a legal requirement to do so, management also frequently refuses to provide the financial information demanded by trade unions. The Ministry of Labor indicates that 5.4 percent of enterprises have officially registered collective bargaining agreements. It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. According to the Ministry of Labor, during the year the most common causes for strikes, not counting actions over wage arrears, were the refusal of employers to negotiate or conclude a collective agreement and the refusal to recognize the union and enter into negotiations.

A gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. Lack of clear identification of the employer has complicated and delayed tripartite tariff agreements at the municipal, regional, national, and industrial levels and has brought their legal validity into question. For example, in the air traffic controllers' struggle to negotiate a national compensation agreement, it was unclear who was the employer--the Federation Aviation Service or the Government Aviation Corporation. As a result, negotiations dragged out for 2 years, and the Government only clarified the identity of the employer when faced with a proposed strike. Even after an agreement is signed, employers often claim that the "employer representative" had not been authorized to represent the factory involved.

There are no export processing zones. Worker rights in the special economic zones/free trade zones are covered fully by the Labor Code.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its use. Soldiers regularly are sent to work on farms to gather food for their units. There are documented cases of soldiers being sent by their superior officers to perform work for private citizens or organizations. There were reports of officers and sergeants "selling" soldiers (see Section 1.c.). Such labor also may violate military regulations. There were no reports of forced or bonded labor by children.

According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work free or almost free because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions, work in apprenticeship or internship programs at the ages of 14 and 15. While in some instances children can be found selling goods on street corners, accepted social prohibitions against the employment of children and the availability of adult workers at

low wage rates combine to prevent widespread abuse of child labor legislation. Homeless children are at risk for exploitation in prostitution or criminal activities. Other children are used by their parents to lend credence to their poverty when begging. The mayor of Moscow in August 1998 issued a decree that required enterprises with more than 15 employees either to hire a young intern or disabled person or to contribute about \$59 (1,400 rubles, or the average monthly wage of a metallurgical worker) per month to the Employment Fund. The absence of a program to implement the decree encourages the hiring of fictitious employees to avoid contributing to the Fund. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

The monthly minimum wage of \$3.33 (83 rubles) is well below the living wage of \$38 (950 rubles) per month, and is insufficient to provide a decent standard of living for a worker and family. In August 37.7 percent of the population had incomes below this survival minimum, compared with 21.8 percent 1 year earlier. However, most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. Various sources estimate that from 50 to 70 percent of the working population have extra jobs, the incomes from which are not reported. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence on such subsidies, in conjunction with the residency registration system--illegal but widely practiced--generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours, with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is, 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers. Because of the financial crisis, workers often go without pay for the normal workweek but are offered cash for overtime work, which they accept in order to survive.

Nonpayment of wages continues to be the most widespread abuse of the Labor Code. Wage arrears, which were generally between 3 and 9 months, especially affected workers in the education, medicine, industry, and energy/coal sectors. Although government salary debt virtually has been eliminated, the salary debts of enterprise workers continue to be a problem. Payments to government workers have not been indexed to account for devaluation of the ruble, and their current value is about one-quarter of their value when earned. The loss of purchasing power explains the steady increase of the portion of the population whose incomes are below the survival minimum. Many enterprises were forcing employees to take wages in barter, sometimes in goods with limited appeal. The vast majority of government workers continue to receive less than the survival level.

Although a small but increasing percentage (perhaps 6 percent) of workers owed back wages seek relief through the court system, this has proved to be a lengthy process. Courts often are willing to rule in favor of employees, but the collection of back wages is difficult. Courts often insist that cases be filed individually, in contradiction to the law on trade unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store. At least one appeals court has ruled in favor of employees who demanded indexation of back wage payments.

The problem of wage arrears is aggravated by limitations on labor mobility. For various reasons, many workers are not able to move to other areas of the country in search of

work. Many say that they are constrained economically: Their savings were destroyed by the rampant inflation of the early 1990's; they have not been paid for periods of 5 to 9 months; and their freedom to move in search of new employment is limited further by the system of residency permits (see Section 2.d.). These workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Also, due to the inability of the local Employment Agency to provide benefits or to absorb laid-off employees from one factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor. Approximately 4 million workers were considered "underemployed" due to involuntary leave or curtailed hours.

The law establishes minimal conditions for workplace safety and worker health, but these standards are not enforced, as the Government's efforts in this area did not increase during the year. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. As economic activity continued to decline during the year, funds were not available for safety and health in the workplace. The pressure for survival displaced concern for safety. For example, trade union sources have reported that it has become commonplace for miners to remove the supports from mineshafts and sell them for scrap metal. Doctors' unions admitted to various international agencies that health and safety equipment provided to the hospitals was sold to patients' families, due to the wage arrears crisis and the fact that even when doctors and nurses are paid on time, their salaries are below the survival level. A worker at the Uralmash Machine Building Factory had 6 months of wage arrears and had to work a second job. When he fainted on the job, doctors associated his loss of consciousness and consequent injury with malnutrition and exhaustion from working at his second job. However, union leaders state that if work were conducted only in accordance with health and safety regulations, 70 percent of all work would stop.

Workers were still at high levels of risk of industrial accidents or death. Reliable, recent statistics on accident and death rates for workers were not available.

The Labor Code establishes workers' right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions.

f. Trafficking in Persons

Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope (also see Section 5).

Particularly because of a lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Often, women respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. The Global Survival Network, an international NGO, completed a comprehensive 2-year study of trafficking in the former Soviet Union in 1997. The study concluded that most women being trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women reportedly are trafficked to European Union

countries, the Middle East, and the U.S.

According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work free or almost free because their passports are held by firms which brought them into the country (also see Section 1.c.).

There were also reports of officers and sergeants "selling" soldiers (see Section 1.c.).

[end of document]

[1999 Report Europe and NIS Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)

