

Russia (84)



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 PORTUGUÊS FRANÇAIS Pусский  
 ESPAÑOL 中文 العربية

 HOME  
 CONTRIBUTE  
 COMMUNITY  
 NEWS RELEASES  
 CURRENT EVENTS  
 PUBLICATIONS  
 ABOUT HRW  
 INFO BY COUNTRY

 • Africa  
 • Americas  
 • Asia  
 • Europe/Central Asia  
 • Middle East/N. Africa  
 • United States

## GLOBAL ISSUES

 • Arms  
 • Children's Rights  
 • HIV/AIDS  
 • International Justice  
 • Prisons  
 • Refugees  
 • Women's Rights  
 • More...

## CAMPAIGNS

 BOOKSTORE  
 FILM FESTIVAL  
 PHOTO ESSAYS  
 SITE MAP  
 CONTACT US

## SEARCH

GO

[Table of Contents > Europe & Central Asia >](#)

## Russian Federation

- [Human Rights Developments](#)
- [Defending Human Rights](#)
- [The Role of the International Community](#)

140

## HUMAN RIGHTS DEVELOPMENTS

Russia's new criminal procedure code entered into force in 2002, marking a fundamental break with the Soviet legacy in due process rights. But serious human rights problems eclipsed this important achievement. Federal forces



continued to brutalize civilians in the ongoing armed conflict in Chechnya, now in its fourth year. In late October, Chechen rebel fighters took more than seven hundred people hostage at a Moscow theater, demanding the withdrawal of Russian troops from Chechnya. Three days later, Russian special forces liberated over six hundred hostages in a raid that resulted in the deaths of 128 hostages and about fifty hostage takers.

Freedom of expression came under attack, with the government undermining the independent media and the security services persecuting journalists and scientists. State authorities did little to address racist assaults, and in some areas regional authorities led attacks on ethnic minorities. The government also failed to make any advances in addressing police torture and endemic abuses in the armed forces.

Little changed in the dynamics of the Chechnya conflict, with the Russian government insisting it was winding down but media reporting an average of twenty-five Russian soldiers killed each week. Chechen rebel forces assassinated dozens of local civil servants and religious leaders for their cooperation with the Russian government, and in numerous sweep operations Russian troops committed serious human rights violations. In a worrying departure from earlier years, the Russian authorities pressured several thousand internally displaced Chechens to return home, sparking fears that up to one hundred thousand remaining internally displaced persons (IDPs) would soon face the same fate.

New rounds of Russian sweep operations affected central and eastern Chechnya in late 2001 and early 2002, with some villages targeted repeatedly over several months. During these operations, Russian troops detained numerous men, often arbitrarily, and looted civilian homes. Detainees routinely faced ill-treatment and torture, and many subsequently "disappeared."

The operation in Starye Atagi in early March was particularly notorious.

[Table of Contents](#)[Download](#)[Printer Friendly Version](#)[Order Online](#)[Press Release](#)[More on Russian Federation](#)**Europe & Central Asia**
[Albania](#)  
[Armenia](#)  
[Azerbaijan](#)  
[Belarus](#)  
[Bosnia and Herzegovina](#)  
[Croatia](#)  
[Georgia](#)  
[Kazakhstan](#)  
[Kyrgyzstan](#)  
[Macedonia](#)  
[Russian Federation](#)  
[Tajikistan](#)  
[Turkey](#)  
[Turkmenistan](#)  
[Ukraine](#)  
[Uzbekistan](#)  
[Federal Republic of Yugoslavia](#)

Russian forces detained dozens of men and drove them off in military vehicles with obscured number plates; ten of the detainees subsequently "disappeared." While the sweep was ongoing, villagers discovered seven burned corpses. Investigators' failure to conduct a full forensic examination of these bodies left relatives of the ten "disappeared" not knowing whether their family members were among them.

In response to renewed international criticism, on March 27 the commander of the United Group of Forces in Chechnya issued an order instructing soldiers to identify themselves when entering houses on sweep operations, and requiring military vehicles to have clearly marked identification numbers. The order also said that local officials must be present during sweep operations to ensure that they were conducted properly. This was meant to provide better protection for civilians during sweep operations, but during subsequent such operations commanders made no attempts to enforce it. During an April 11-15 sweep in Alkhan-Kala, Russian troops denied repeated requests from the head of the village administration to observe the operation. According to the Russian human rights group Memorial, troops detained, tortured, and then released at least fifteen men. The next day, officials pressured the head of the Alkhan-Kala administration into signing a statement that the operation had been conducted without violations. Another day later, the soldiers returned to search for the fifteen people they had detained earlier. They extrajudicially executed two of the men on the spot; the others went into hiding.

In March and April, five women told Human Rights Watch about sexual violence they suffered during military operations. Three of the women attempted to report the assaults to the authorities, only to have local police and prosecutors refuse to investigate their complaints.

Russian troops detained a Chechen applicant to the European Court of Human Rights (ECHR), who then "disappeared." On June 2, about thirty soldiers searched the home of Said-Magomed Imakaev in Novye Atagi and detained him. Imakaev's wife immediately started a search, but the authorities denied ever detaining him. The "disappearance" happened four months after Imakaev and his wife had filed an application with the ECHR regarding the "disappearance" of their son, Said-Khussein, in 2000.

The Russian government continued to resist establishing a meaningful accountability process for abuses committed against civilians in Chechnya, and the majority of investigations into such abuses remained suspended. In an unprecedented disclosure about how such investigations are conducted, the Russian government informed the ECHR of steps taken to investigate the "disappearance" of Said-Khussein Imakaev. Investigators questioned two individuals, one of whom was his mother, and wrote three letters to police and security officials requesting information about the case. When the latter replied that they had no information, officials suspended the investigation. The procuracy's work on this case substantiated fears that its other investigations into "disappearances" were equally superficial.

The only trial of a high-ranking officer, Yuri Budanov, dragged on throughout the year. Budanov was charged with the April 2000 murder of Kheda Kungaeva, an eighteen-year-old Chechen woman. In July, prosecutors asked the court to drop murder charges against Budanov, citing a finding by a forensic psychiatrist that Budanov had been temporarily insane at the time of the murder. The court ordered a new psychiatric examination, and the trial resumed in October.

In July, local officials cut off gas, electricity, and water supplies at two IDP

camps in Znamenskoe, Chechnya, and took down the tents. The IDPs were told they could resettle in temporary facilities in Grozny and other cities, many of which at the time were uninhabitable. After the resignation as president of Ingushetia of Ruslan Aushev, who had championed the rights of the internally displaced, security conditions for them in Ingushetia worsened. Police in Ingushetia started detaining IDPs on suspicion of rebel collaboration, and several of them subsequently "disappeared." In June, authorities cut off electricity, gas, and rations in smaller settlements for IDPs in Ingushetia in an attempt to pressure them to return to Chechnya. In September, officials warned they would close the Aki-Yurt camp by October 31, giving the two thousand IDPs living there the option of either living in uninhabitable shelters in Ingushetia, or returning to Chechnya.

Chechen rebels staged a mass hostage taking at a Moscow theater in October, threatening to kill all seven hundred hostages if Russia refused to withdraw its troops from Chechnya. In the three days before Russian special forces launched their rescue operation, the rebels killed several hostages. In planning and executing the rescue raid, Russia's leadership did not ensure adequate medical care to released hostages, leading many to believe that some of the 128 hostage deaths could have been prevented.

Rebel fighters were also thought to be responsible for dozens of assassinations of civil servants and others who cooperated with the Moscow-appointed administration of Chechnya. Mines laid by rebel fighters on roads claimed the lives of federal soldiers and also of numerous civilians.

Despite repeated government statements in support of a free press in Russia, independent media continued to face significant pressure, which limited ordinary Russians' access to information. Several critical independent media outlets faced libel suits and financial and legal challenges over ownership in which the federal government denied playing a role. A number of journalists were murdered or otherwise physically attacked.

In late 2001, a minority shareholder of TV-6, an opposition-minded national television station owned by exiled industrial magnate Boris Berezovskii, filed suit to liquidate the television station's parent company. A Moscow court ruled in favor of the plaintiff, and by the end of January TV-6 went off the air. The shareholder was LUKOIL-Garant, a major Russian oil company partially owned by the Russian government. A year earlier, Gazprom, another partially government-owned company, had used its stake in the popular independent television station NTV to force a change of its editorial staff. Many of NTV's journalists had subsequently moved to TV-6.

Later in the year, TV-6 returned to the airwaves after it won a new license. Media observers, however, pointed out that in order to get the license TV-6 had entered into an alliance with establishment politicians that could threaten the station's independence and objectivity.

Two libel suits threatened the survival of *Novaia Gazeta*, a twice-weekly newspaper known for its aggressive investigative journalism. The newspaper published a disclaimer regarding the disputed articles to avoid paying U.S.\$1.5 million in damages, which would have forced it to close. One of the articles implied that a judge was corrupt; the other involved a bank, which claimed it lost a lucrative business deal as a result.

According to the Glasnost Defense Foundation, a press watchdog, fifteen

journalists had been murdered, and sixty-eight had survived violent attacks, as of late September; in the vast majority of cases, the circumstances surrounding the attacks were unclear. The organization also estimated that at least several small local papers had to close because of new burdensome tax regulations or their inability to pay damages awarded in libel suits.

Several journalists and scientists remained in custody, charged by the Federal Security Service (FSB) with espionage. The charges were based on secret regulations and related to work the accused had done with open sources. In a worrying new development, the Supreme Court in two instances ruled in favor of the FSB and failed to protect the rights of the defendants.

In December 2001, a Vladivostok military court sentenced military journalist Grigorii Pasko to four years in a maximum security prison for espionage. The court had thrown out nine of the ten charges, but found Pasko guilty of intending to hand the Japanese newspaper *Asahi Shimbun* handwritten notes he had taken at a closed meeting at the headquarters of the Far East Fleet in 1997. On appeal, Pasko's lawyers argued that their client was convicted on the basis of secret regulations, and that investigators had failed to provide any evidence of the alleged intent. In June, the Supreme Court upheld the conviction. In previous years, Pasko had published articles on nuclear waste dumping and other controversial issues.

Igor Sutiagin, an arms researcher for the USA and Canada Institute, remained in custody throughout the year. In December 2001, the Kaluga Province Court found that the FSB's charges against him were not specific and that Sutiagin had thus been deprived of his "constitutional right to defend himself," but instead of acquitting Sutiagin the court remanded the case to the FSB for further investigation. The FSB had arrested Sutiagin in October 2001 and charged him with eight counts of espionage. Sutiagin maintained he used only open sources in his work.

In 2001, the FSB charged Valentin Danilov, a physicist from Krasnoyarsk university, with espionage for allegedly giving documents divulging state secrets to a Chinese company. Danilov's lawyers and colleagues maintained that the documents had been declassified ten years previously and that the FSB's charges were based on secret regulations. In September 2002, Danilov was released from custody due to a serious heart condition, but the charges against him remained.

In September 2001, a group of attorneys appealed to the Supreme Court to challenge one of the secret decrees that the FSB has used in several groundless espionage cases. In March 2002, the court struck down the decree as unconstitutional, but in May the Supreme Court's presidium reinstated it.

Severe abuses remained endemic in Russia's armed forces, as illustrated by thousands of complaints conscripts sent to soldiers' mothers organizations. While the government announced plans for a long-term, radical overhaul of the military, it failed to take steps to address current abuses.

Throughout the armed forces, second-year conscripts humiliated, ill-treated, and sometimes tortured first-year conscripts through violent hazing. Because officers tolerated hazing and other abuses, throughout the year hundreds—if not thousands—of conscripts with nowhere to turn for redress fled their units to escape harm. In a typical case, soldiers at a base

near St. Petersburg forced nineteen-year-old Aleksei Dryganov to beg for money and wait on them, and beat him when he refused. Dryganov suffered a head injury when an older soldier hit him with a fire extinguisher. After attempting suicide, he fled the base.

In many units, conscripts were systematically undernourished. Fed mainly on watery cabbage soup and porridge, many conscripts received meat, fresh vegetables, or fruit during their service only if sent by their families. Frequently, conscripts were given too little time to eat and could not finish meals. Few conscripts received adequate medical care in their units. Many had problems gaining access to military doctors, and care was often inadequate and not timely. Numerous conscripts told Human Rights Watch that fellow soldiers threatened them with abuse if they sought medical help. Conscripts being treated in sick bays and military hospitals were not spared from hazing.

As reports of abuses in the armed forces made many young men wary of performing military service, draft boards in Moscow encountered difficulties meeting conscription quotas. As a remedy, throughout the year they detained perceived draft dodgers and forcibly brought them to military recruitment offices. Draft boards sent them on to military units on the day of detention, effectively stripping them of their right to appeal the conscription.

In July, Russia adopted a law regulating conscientious objection. Delayed in parliament for years, the law set out a three-and-a-half-year period of alternative service, and a three-year period for those willing to perform alternative service on military bases; conscripted military service is for two years. The law was set to enter into force on January 1, 2004.

In December 2001, President Vladimir Putin signed into law a new criminal procedure code that had been stalled in parliament since the mid-1990s. The code, which entered into force on July 1, transferred from the procuracy to the courts authority to issue arrest and search warrants, which many expected would result in better protection against arbitrary detention. Although the code initially deferred this provision's entry into force until 2004, the Constitutional Court ruled that it had to be implemented immediately.

The new code also eliminated provisions that had allowed courts to remand criminal cases to the procuracy for additional investigation, which often resulted in defendants spending years in pre-trial detention. In an important step toward ending torture practices, the new code stipulated that testimony obtained during pre-trial investigation in the absence of defense counsel is not admissible evidence if not confirmed in court. The code further gave defense lawyers the right to independently collect evidence, and envisaged the introduction of jury trials across Russia from January 1, 2003.

However, certain provisions of the new code gave rise to concern. Detainees must still obtain a referral from an investigator or judge for a forensic medical examination—a requirement that complicates securing medical evidence of police torture. Given the prevalence of police torture, the introduction of a simplified form of plea bargaining raised fears that police and prosecutors would abuse it by compelling detainees to sign confessions, or by promising release from appalling conditions in pre-trial detention.

The government again failed to adopt a comprehensive plan to address police torture. It also blocked attempts by several lawmakers to define

torture as a distinct crime in the criminal code, and to introduce a draft law allowing for unannounced inspections of detention facilities by independent monitors. A coalition of Russian nongovernmental organizations stated in a May submission to the United Nations (U.N.) Committee against Torture that they continued to receive numerous credible complaints about torture and ill-treatment at police precincts, and argued that the courts continued to rely heavily on such evidence; that the procuracy did not duly investigate allegations of torture and prosecuted few police officers for it; and that victims did not receive proper redress.

Prisoners' rights groups reported that the total number of inmates in Russian prisons and pre-trial detention facilities decreased, but that overcrowding, unsanitary conditions, and disease epidemics remained a severe problem. The AIDS Foundation East-West estimated that almost thirty-five thousand of Russia's 950,000 inmates were living with HIV, a drastic rise from fifteen thousand in 2001.

The year was also marked by an explosion of skinhead attacks on ethnic minorities, and an ugly campaign against them by the authorities in the southern region of Krasnodar. Skinheads killed several members of ethnic minorities and beat dozens of others in Moscow and other Russian cities. In a particularly egregious assault in September, a group of skinheads in St. Petersburg beat an Azeri watermelon vendor to death with iron bars. As of this writing, it was unclear what progress police had made in the investigation. Police generally did not take adequate steps to investigate such crimes, denying racial motivation unless presented with strong supporting evidence such as video footage of the crime. In May, a booby-trapped sign reading "Death to Jews" exploded near Moscow when a woman tried to remove it. In subsequent weeks numerous similar signs were found throughout Russia.

In Krasnodar, governor Alexander Tkachev announced a campaign against ethnic minorities and said he would create such an intolerable atmosphere for them that they would leave of their own initiative. The Center for Development of Democracy and Human Rights and Memorial reported that regional officials repeatedly threatened to deport ethnic minorities, and actively sought to strip them of income and access to medical care and education.

## **DEFENDING HUMAN RIGHTS**

There were several attacks and cases of kidnapping of human rights defenders and representatives of humanitarian organizations. On July 23, armed men wearing masks abducted Nina Davydovich, head of the humanitarian group Friendship, from her car in Chechnya. On August 12, masked gunmen pulled Peter-Arjan Erkel of Médecins sans Frontières from his car in the outskirts of Makhachkala, Dagestan, and took him away. As of October 2002, the fate and whereabouts of both aid workers were unknown. On September 1, a group of ten Ingush policemen in Karabulak, Ingushetia, assaulted Imran Ezhiev, chair of the Russia-Chechnya Friendship Society. Luiza Betergerieva, an activist with the same group, was killed at a checkpoint near Argun on December 13, 2001 when Russian forces opened fire on her vehicle.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

## United Nations

In January, U.N. High Commissioner for Refugees Ruud Lubbers visited Ingushetia to inspect living conditions of internally displaced Chechens. Following his trip, he called on the Russian government to improve security inside Chechnya by ending sweep operations and by cutting the number of roadblocks. He also called on the Russian government to start peace talks with the Chechen leader, Aslan Maskhadov.

That same month, the U.N. Committee on the Elimination of Discrimination against Women criticized Russia for failing to conduct proper investigations into, or hold perpetrators accountable for, rape and other sexual violence against women in the armed conflict in Chechnya. The committee urged Russia to investigate and punish sexual violence against women and girls in custody, adopt human rights education programs for the armed forces, and implement swift disciplinary measures for military and law enforcement personnel.

For the first time in three sessions, Russia escaped formal criticism of its conduct in Chechnya at the U.N. Commission on Human Rights. A resolution, brought to a vote when European Union-led negotiations about a consensus-based chairman's statement failed, was narrowly defeated.

The Committee against Torture considered Russia's third period report in May. It expressed deep concern over "numerous and consistent allegations of widespread torture ...by law enforcement personnel," reports of widespread hazing and other forms of torture and ill-treatment in the armed forces, a "persistent pattern of impunity" for torture, and reports of torture and ill-treatment in Chechnya. It recommended a series of steps to address these problems, including incorporating the definition of torture into domestic law.

In June, Olara Otunnu, the U.N. secretary-general's special representative for children and armed conflict visited Chechnya. Following his trip, he stated that more than three thousand children had died as a result of the conflict and that many more were falling victim to landmines. He called on both sides of the conflict to end the use of landmines, and on Russia to observe the principle of voluntary return of displaced persons, approximately half of whom were children. The Russian government on several occasions canceled long-overdue visits by the special rapporteur on violence against women and the representative of the secretary-general on internally displaced people, citing security concerns.

The Russian government again failed to invite the special rapporteurs on torture and extrajudicial executions to visit Chechnya.

## Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Assistance Group continued to work in Chechnya throughout the year, receiving victims of human rights violations at its offices in Znamenskoe and making on-site visits to gather information about abuses. The Assistance Group filed confidential bi-weekly reports to OSCE member states.

Inexplicably, in December 2001 the OSCE Permanent Council acceded to Russian demands to change the open-ended nature of the Assistance

Group's mandate. Set to expire December 31, 2002, as of this writing it remained unclear whether the Assistance Group would continue to work in Chechnya beyond that date.

## Council of Europe

Most Council of Europe institutions continued to monitor the situation in Chechnya, but their efforts yielded few tangible results.

The Council of Europe's agreement with Russia to second experts to the office of the Russian president's special representative for human rights in Chechnya was extended throughout the year. However, as the position of special representative remained vacant for months, the experts spent several months of the year at Council of Europe headquarters in Strasbourg. An extended mandate for the experts which the Council of Europe managed to agree on with Russia covered areas such as cooperation in the field of education and reform of the judiciary, raising concern that the crucial accountability component might become diluted as a result of these changes.

The Parliamentary Assembly (PACE) continued to monitor closely the situation in Chechnya. In January, it asked the Russian government to provide by April 10 a detailed list of investigations into violations against civilians; toward the end of April the Russian government provided partial statistical information of only limited use. PACE rapporteur Lord Judd carried out several trips to the region, repeatedly criticized Russia for continuing abuses and the lack of accountability, and expressed concern about the forced IDP return.

Human Rights Commissioner Alvaro Gil-Robles issued a constructive report in May which expressed concern about continuing reports of forced "disappearances" and about the near-total lack of access to justice for those detained during sweep operations. The report recommended that the procurator general take steps to remedy this situation.

Various Council of Europe institutions responded to the June 2 "disappearance" of ECHR applicant Said-Magomed Imakaev. The court immediately requested information about the "disappearance" from the government. The secretary general's office raised concern about the case in a letter to the Russian authorities, and the PACE rapporteur raised it in meetings with Russian officials in July.

The ECHR issued its first ruling in a case filed against Russia. In *Burdov v. Russia*, the court found that Russia had failed to execute a domestic court ruling to pay compensation, and awarded the applicant compensation. In a second, momentous ruling, in *Kalashnikov v. Russia* the court found that conditions in pre-trial detention may amount to degrading treatment: The conditions at issue were severe overcrowding and an unsanitary environment in detention combined with the length of the period of detention.

## European Union

The E.U. again failed to take a strong united stance on abuses in Chechnya. Poor preparation by the Spanish Presidency (first half of 2002)

and an apparent lack of political will in a number of member states gave the E.U. a false start at the U.N. Commission on Human Rights. As a result, commission action on Chechnya started far too late. When negotiations with the Russian side on a chairman's statement backfired and a resolution was finally introduced, the E.U. failed to make the necessary efforts to seek support for the resolution from third countries before it went to vote.

In August, French President Jacques Chirac, previously a strong critic of the Chechnya war, appeared ready to mute his criticism after an informal meeting with President Putin. Increasingly close relations between the Russian president and the leaders of the United Kingdom, Italy, and Germany also undermined a strong joint E.U. position on Chechnya.

## United States

President Putin's repeated attempts to justify his policies in Chechnya by casting them as part of the U.S.-led war on terrorism presented the U.S. with a special obligation to speak unequivocally about continuing abuses there. At times, the U.S. government did so, but many opportunities were missed to take a strong stand, and the U.S. increasingly allowed the war on terrorism to interfere with a consistent, principled policy. In his final summit meeting with President Putin in 2001, President George W. Bush stated: "I emphasized to Vladimir Putin that the war on terror is not, and cannot be, a war on minorities. It's important to distinguish between those who pursue legitimate political aspirations and terrorists." In January, State Department spokesman Richard Boucher stressed that "massive human rights violations" were taking place. But in subsequent meetings with Putin, Bush failed to press publicly for an end to human rights abuses in Chechnya. In June, he described Putin as someone "who understands the threat of terror, because he has lived through terror," a statement widely interpreted as an endorsement of Russia's official view that the war in Chechnya is primarily a fight against terrorists. The Bush administration continued to emphasize alleged links between Chechen fighters and al-Qaeda, but also the need for the Russian government to seek a political solution to the conflict.

The increasing tendency to show solidarity with Russia's imputed aim of "fighting terrorism" in Chechnya, instead of stressing the essentially political nature of the conflict, was reflected in the administration's reluctance to allow Russia's abusive conduct to have any consequence either in bilateral relations or in international fora. Nowhere was this more evident than at the U.N. Commission on Human Rights, where, in contrast to 2001, the U.S. failed to make necessary efforts to garner support for a resolution on Chechnya introduced by the E.U.

To its credit, the administration took a strong position on media freedoms in Russia, raising the issue at every opportunity. During his May trip to Moscow, Bush met with civil society and human rights leaders, stressing U.S. support for the rule of law, a strong, independent media, and ethnic and religious tolerance.

The U.S. government ranked Russia as one of nineteen countries in the world failing to take effective measures to combat trafficking in persons. Lacking a law on trafficking, the Russian government did not prosecute traffickers or vigorously investigate trafficking cases. The ranking set Russia up for a suspension of all non-humanitarian aid to the country in 2003 if its record did not improve.

## RELEVANT HUMAN RIGHTS WATCH REPORTS:

*Conscription Through Detention in Russia's Armed Forces, 11/02*

*The NATO Summit and Arms Trade Controls in Central and Eastern Europe, 11/02*

*Briefing Paper for the United Nations Committee against Torture Regarding Torture in the Russian Federation, 5/02*

*Last Seen...: Continued "Disappearances" in Chechnya, 4/02*

*Memorandum to the United Nations Commission on Human Rights on the Human Rights Situation in Chechnya, 3/02*

*Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya, 2/02*

[Back to Top](#)

[Table of Contents > Europe & Central Asia](#)



[Home](#) | [Current Events](#) | [News](#) | [Publications](#) | [About HRW](#) | [Documents by Country](#) | [Global Issues](#) | [Campaigns](#) | [Contribute](#) | [What You Can Do](#) | [Community](#) | [Book Store](#) | [Film Festival](#) | [Search](#) | [Site Map](#) | [Contact Us](#) | [Press Contacts](#) | [Privacy Policy](#)

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