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Russia

Country Reports on Human Rights Practices - 2006

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The Russian Federation has a weak multiparty political system with a strong presidency, a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The propresidential United Russia party controlled more than two-thirds of the State Duma. The country had an estimated population of 142.9 million. Vladimir Putin was re-elected in 2004 in an election process the Organization for Security and Cooperation in Europe (OSCE) determined did not adequately reflect principles necessary for a healthy democratic election, particularly in equal access to the media by all candidates and secrecy of the ballot. However, the voting itself was relatively free of manipulation, and the outcome was generally understood to have represented the will of the people. The government's human rights record in the continuing internal conflict in and around Chechnya remained poor. Both federal and Chechen Republic security forces generally acted with legal impunity in Chechnya where civilian authorities generally maintained effective control of the security forces. Chechen security forces at times appeared to act independently of the Russian command structure, and there were no indications that federal authorities made any effort to rein in those forces' extensive human rights abuses.

The most notable human rights developments during the year were the contract-style killings of proreform Central Bank Deputy Chairman Andrei Kozlov and journalist Anna Politkovskaya, known for uncovering human rights abuses in Chechnya. Continuing centralization of power in the executive branch, a compliant State Duma, political pressure on the judiciary, intolerance of ethnic minorities, corruption and selectivity in enforcement of the law, continuing media restrictions and self-censorship, and harassment of some nongovernmental organizations (NGOs) resulted in an erosion of the accountability of government leaders to the population. Security forces were involved in additional significant human rights problems, including alleged government involvement in politically motivated abductions, disappearances, and unlawful killings in Chechnya and elsewhere in the North Caucasus; hazing in the armed forces that resulted in severe injuries and deaths; torture, violence, and other brutal or humiliating treatment by security forces; harsh and frequently life-threatening prison conditions; corruption in law enforcement; and arbitrary arrest and detention. The executive branch allegedly exerted influence over judicial decisions in certain high-profile cases. Government pressure continued to weaken freedom of expression and media independence, particularly of major national networks. Media freedom declined due to restrictions as well as harassment, intimidation, and killing of journalists. Local authorities continued to limit freedom of assembly and restrict religious groups in some regions. There were also reports of societal discrimination, harassment, and violence against members of some religious minorities and incidents of anti-Semitism. Authorities restricted freedom of movement and exhibited negative attitudes toward, and sometimes harassed, NGOs involved in human rights monitoring. Also notable was the passage and entry into force of a new law on NGOs, which has already had some adverse effects on their operations. There was widespread governmental and societal discrimination as well as racially motivated attacks against ethnic minorities and dark-skinned immigrants, including the outbreak of violence against Chechens in the northwest and the initiation of a government campaign to selectively harass and deport ethnic Georgians. Xenophobic, racial and ethnic attacks, and hate crimes were on the rise. Violence against women and children, trafficking in persons, and instances of forced labor were also reported.

In the internal conflict in Chechnya, antigovernment forces continued killing and intimidating local officials. There were also reports of Chechen rebel involvement in both terrorist bombings and politically motivated disappearances in Chechnya and Ingushetiya during the year. Some rebels were allegedly involved in kidnapping to raise funds, and there were reports that explosives improvised by rebels led to civilian casualties.

There were also some positive developments with regard to human rights. Reforms initiated in previous years continued to produce improvements in the criminal justice system. Authorities sought to combat instances of racial and ethnic mistreatment through prosecutions of groups and individuals accused of engaging in this behavior.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agent committed politically-motivated killings, but there continued to be credible reports that federal armed forces engaged in unlawful killings in Chechnya. The use of indiscriminate force in areas of Chechnya with significant civilian populations resulted in numerous deaths (see section 1.g.).

While security forces generally conducted their activities with impunity, courts did address a few incidents. In June the Supreme Court overturned the acquittals of four servicemen charged with killing Chechen civilians and ordered new trials (see section 1.g.).

As of October, according to Prosecutor General Yuriy Chayka, hazing incidents in the military led to 20 deaths. On August 11, a commander kicked soldier Dmitry Panteleyev to death. On October 12, the Ryazan Garrison Military Court convicted Captain Vyacheslav Nikiforov, a former company commander in a Railway Troops unit, of kicking Panteleyev to death, Russian media reported. Nikiforov was sentenced to 12 years in a maximum security prison on charges that could have brought him a sentence of up to 25 years. This case notwithstanding, observers complained that there was little accountability for such offenses.

In Chechnya rebels killed a number of federal soldiers whom they had taken prisoner; many other individuals were kidnapped and then killed in Chechnya by both sides, as well as by criminal elements; and there were deaths from land mines and unexploded ordnance (see section 1.g.).

There were a number of high-profile killings by unknown persons. On the night of March 30, Viktor Dorkin, the mayor of Dzerzhinsky in Moscow Oblast, was shot 16 times and killed in the courtyard of his apartment building as he was returning from a local television studio. Investigators believe that at least three persons were involved in the killing. On May 5, police detained Sergei Bulavin, a local resident with a prior criminal conviction, for the assassination, *ITAR-TASS* reported. Police were still searching for the other two suspects.

On September 13, unknown persons shot Central Bank Deputy Chairman Andrei Kozlov; he died of his injuries on September 14. In October authorities arrested three Ukrainian nationals in the suspected contract killing. At year's end police had not determined who ordered the killing. A supporter of banking reform, Kozlov had revoked the licenses of dozens of banks in the past few years. It was widely believed that Kozlov's killing was connected to his professional activities.

On October 11, the branch director of VneshtorgBank Alexander Plokhin was shot and killed in the stairwell near his apartment. The prosecutor general's office said it was considering all motives for Plokhin's killing "including links to his professional activities." At year's end, no progress has been made in the investigation.

On October 19, unknown persons killed mayoral candidate Dmitry Fotyanov in the town of Dalnegorsk, Primorskiy Krai. Because he was killed days before a runoff election, many believe the killing was politically motivated; the prosecutor general's office was reportedly continuing to investigate whether the killing was connected with the elections (see section 3).

On November 22, Konstantin Meshcheryakov, co-owner of Spetssetstroibank, was killed outside his apartment in central Moscow. As the third prominent banker to be killed within three months, prosecutors quickly admitted that his professional activities may have led to the attack; the case remains open and no further information appeared in the media.

On November 23, former Russian intelligence officer Aleksandr Litvinenko died in London as a result of radioactive poisoning by polonium-210 (a highly restricted substance) by unknown actors. At year's end, investigations into the death continued in both Russia and the United Kingdom.

Some killings of government officials appeared connected with the ongoing strife in the North Caucasus. As of November, the prosecutor's office of Chechnya reported that, between 2000 and 2006, 71 criminal cases were opened based on actual or attempted assassinations of municipal administration leaders or their staff. Of these cases, nine went to trial.

On June 9, Ingushetiya Ministry of Internal Affairs Lieutenant Colonel Musa Nalgiyev, three of his children, a driver, and bodyguard were killed as he took the children to a childcare center. Also on June 9, a short distance away, deputy district administrator Galina Gubina was shot and killed (see section 1.g.). On August 8, Dagestani prosecutor Bitar Bitarov died in a car bomb attack in the town of Buinaksk, Dagestan Republic. When Dagestani Interior Minister Adilgeriy Magomedtagirov was traveling to the scene, his car was targeted by a car bomb, but he survived due to his car's armor. On October 24, the administrative head of the village of Chechen-Aul, Umar Khatsiyev, was shot and killed in his home.

In May a jury acquitted four men accused of carrying out the 2005 assassination of Zagir Arukhov, minister of nationality policy, information, and external ties of Dagestan, and of bombing a prosecutor's office in Makhachkala. The

prosecutor's case was largely based on confessions made by the four defendants, and defense attorneys claimed the confessions were obtained through torturing the defendants. The prosecution appealed the case to the Supreme Court, which overturned the lower court's acquittal and ordered the case to be further investigated.

At year's end hearings were still ongoing for two additional defendants allegedly involved in the 1998 killing of Galina Starovoytova, a prominent State Duma deputy. In June 2005 two of the initial six defendants tried in connect with the killing were convicted of terrorist acts and the four others released. The individual who ordered the killing had not been identified. In September two others were found guilty in connection with Starovoytova's killing. One of the defendants was sentenced to 11 years. The other, although found guilty, was released under statutes of limitations. The court ruled there were no political motives for the murder. Three identified suspects as well as one unidentified individual, who ordered the killing, remain at large.

During the year several journalists were killed for reasons that appeared to be related to their work, including Anna Politkovskaya, known for her reporting on human rights abuses and the Chechnya conflict (see section 2.a.).

Skinheads and members of neo-Nazi groups attacked and killed members of ethnic minorities and foreigners during the year (see section 5).

b. Disappearance

There were reports of government involvement in politically motivated disappearances in Chechnya and Ingushetiya, although the number of disappearances declined compared to 2005. In 2005 Memorial documented 316 "abduction" cases; 127 of these "disappeared" without a trace and 23 were found dead. During the year Memorial documented 184 abductions. Of these, Memorial reported that 91 persons were released, 63 "disappeared," 11 found dead, and 19 were under investigation by authorities. Unlike previous years, there were no reports of disappearances of individuals who had appealed court cases to the European Court of Human Rights (see section 1.g.).

In April Bulat Chilaev, an employee of the NGO Civic Assistance, and Aslan Israilov disappeared after being detained by armed men thought to be members of the Chechen Republic security forces near Sernovodsk, Chechnya. According to Civic Assistance, investigators found identification at the site of the kidnapping belonging to a member of the West (Zapad) battalion, a Chechen unit attached to the Ministry of Defense, controlled by military intelligence. Chilaev and Israilov were later reported killed on the day they went missing.

Criminal groups in the Northern Caucasus, possibly having links to rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

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

The law prohibits such practices; however, there were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment or punishment to coerce confessions from suspects and that the government did not consistently hold officials accountable for such actions. Although prohibited in the constitution, torture is defined neither in the law nor the criminal code. As a result the only accusation prosecutors could bring against police suspected of such behavior was that they exceeded their authority or committed a simple assault.

Cases of physical abuse by police officers usually occurred within the first few hours or days of arrest. Some of the methods reportedly used were: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension by body parts (for example, suspending a victim from the wrists, which were tied together behind the back). Allegations of abuse were difficult to substantiate because of limited access to medical professionals. According to the annual report of the country's human rights ombudsman, published in June, the majority of police brutality cases in 2005 were reported in Khanty-Mansiysk, Bashkortostan, Tatarstan, Bryansk, Moscow, and Tver regions. A report in November by Amnesty International documented 114 cases of torture by police to obtain a confession.

In January, in the case of Aleksey Mikheyev, the European Court of Human Rights (ECHR) found that the government had violated Article 3 (torture) of the European Convention on Human Rights. Specifically, the ECHR found that Mikheyev had been falsely accused of murder. In order to force him into confessing, investigators severely beat him and tortured him with an electric shock. After the torture, he jumped out of a window and broke his spine. The two investigators were prosecuted in the country and sentenced to four years imprisonment each.

In Chechnya, there were credible reports that both government forces and Chechen rebels tortured detainees (see section 1.g.). Human Rights Watch reported that it had documented 115 torture cases in Chechnya between July 2004 and September 2006. The report concluded that most of the incidents were carried out at one of at least 10 unlawful detention centers.

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin or who appeared to be from the Caucasus, Central Asia, or Africa, and at Roma. For example, in March, two militia officers were detained for extorting money from a foreignwoman who lived in the Voronezh region without registration. In June 2004 the press reported that in Novosibirsk four policemen were arrested on suspicion of extorting over \$1 million (28 million rubles) from a Romani family by kidnapping and torturing family members until their demands were met. The case reached court in April 2005 and the press reported it. Policemen were reportedly later tried and convicted.

Police reportedly harassed defense lawyers by calling them in for questioning regarding their conversations with their clients and continued to intimidate witnesses (see section 1.e.).

Trial proceedings continued at a slow pace for the eight police officers charged for abuse of office in August 2005 by the Bashkortostan prosecutor's office in the beatings of at least 32 persons during the 2004 "crime prevention" crackdown in Blagoveshchensk. The accused were mostly junior officers of the town police and the Bashkortostan OMON (a special police detachment). The highest ranking defendant was Lieutenant-Colonel Ildar Ramazanov, head of the Blagoveshchensk town police. Defendants included the chief of Blagoveshchensk police and the OMON unit commander. In March the district court returned the case to the prosecutor's office for clarification and to separate it into two cases, one for rank-and-file policemen and the other their commanders. Bashkortostan's Supreme Court supported the decision in a July ruling, but the Bashkortostan's prosecutor's office disagreed with separating the cases and in August announced that it would appeal the decision to the Supreme Court. Most of the defendants continued working in their positions.

In February three Blagoveshchensk residents were convicted of attacking a police patrol, triggering the 2004 crackdown. Two received suspended sentences, but the third, Victor Geroyev, was sentenced to 2 1/2 years in prison. In April Bashkortostan's Supreme Court annulled the sentences and sent the case to the Blagoveshchensk district court for retrial.

There are a limited number of cases where psychiatry has been used against those dissatisfied with the authorities, according to the Russian Research Center on Human Rights. There is some indication that psychiatry was being used as a tool in the resolution of inheritance, business, and property disputes. The government's and courts' interpretation of the 2001 law on "Legal Expertise Activities in the Russian Federation" led to a monopoly by government consultants in the provision of expert testimony in court cases. The exclusion of testimony by nongovernmental expert psychiatric witnesses leaves plaintiffs desiring a second opinion with no recourse and such a monopoly has led to allegations of corruption and bribe-taking. The human rights ombudsman's office was working to create a "Service for the Defense of Patients," as required by law and sent letters backing the appeals of several court cases whose verdicts did not seem to be supported by the evidence.

Various abuses against military servicemen continued, including but not limited to the violent hazing of junior recruits in the armed services, Ministry of Internal Affairs, and border guards. Press reports cited serving and former armed forces personnel, the main military prosecutor's office, and NGOs monitoring conditions in the armed forces as indicating that such mistreatment often included beatings or threats of increased hazing to extort money or material goods. As of August 31, according to Prosecutor General Yuriy Chayka, hazing incidents led to more than 100 soldiers suffered injuries. The number of hazing cases and use of physical force by commanders grew by 3 percent, and there were more than 3,500 cases of hazing reported. According to the chief military prosecutor, the number of registered crimes and service-related accidents in the Armed Forces decreased by 2 percent from the previous year, to 21,252 cases this year. The number of grave crimes in the armed Forces decreased by 7 percent, while the number of murders dropped by 18.8 percent. There was some variation in reported statistics; other sources reported increases.

According to the Ministry of Defense, there were 1,318 casualties recorded during the year (not including casualties in the Internal Troops, special units, Border Guards, or Emergency Situation Ministry, which are recorded individually. The ministry earlier reported that 554 servicemen died in the Armed Forces during the year. Among those, 210 servicemen committed suicide and 27 died in hazing attacks. The ministry maintained that 43 percent of the suicides were due to personal relationship problems and 23 percent were due to the hardships of military service. Approximately 19 percent of the casualties (250) were killed by other military personnel.

By year's end, the Moscow Committee of Soldiers' Mothers registered over 1000 complaints from conscripts and parents, mostly related to beatings. Servicemen also complained about sexual abuse, torture, and enslavement. Soldiers often did not report hazing to either unit officers or military prosecutors due to fear of reprisals, since in some cases officers reportedly tolerated or even encouraged such hazing as a means of controlling their units. Officers reportedly also used beatings to discipline soldiers.

Hazing reportedly was a particularly serious problem in units that had previously served in areas of military conflict.

One high profile case involved the hazing of private Andrey Sychoy, 19, a first-year conscript at the Chelyabinsk Armor Academy. In December 2005 servicemen brutally beat and tortured Sychoy at the Chelyabinsk Tank Academy, and Sychoy had to have his legs and genitals amputated. The Sychoy case prompted the State Duma to hold hearings on discipline in the army in February. Minister of Defense Ivanov testified and attributed hazing incidents to a "morally

pathological society" and violence in the media. On January 30, President Putin ordered the Ministry of Defense to draft "legal and organizational measures" to boost "the work of education and upbringing" in the military. Also in February President Putin ordered the Ministry of Defense to create a military police force tasked with ending hazing, fighting criminal activity, and restoring discipline. In March the Council of Europe issued a report on the situation in the Russian Army and the practice of hazing. The report stated that the situation is extremely worrying and noted that in the view of both NGOs and conscripts themselves, young recruits lived through real torment. According to the report, deaths occur every year among young conscripts who have been ill-treated, subjected to initiation rites, suffered accidents, committed suicide or suffered untreated illnesses. Between 50 and 80 percent of all conscripts and young servicemen are reported to be subjected to physical violence, initiation rites, beatings, rape or humiliation on the orders of superiors or their peers. *Dedovshchina* (hazing) very widely practiced, and the authorities seem unable to gauge the extent of the problem.

After a three-month trial, a Chelyabinsk military court on September 26 convicted Junior Sergeant Aleksandr Sivyakov, who had consistently maintained his innocence, on five charges in the Sychoy case, including "exceeding authority, resulting in grave consequences," and sentenced him to four years, less time already served, in a medium-security penal colony. Sivyakov was also stripped of his rank, banned from holding a command position for three years, and ordered to pay \$825 (22,000 rubles) to cover the cost of transporting witnesses and experts to the court. The prosecution and defense both intended to appeal the conviction: the prosecution for a stiffer sentence and the defense for a new trial. Two codefendants in the trial, Private Pavel Kuzmenko and Private Gennadiy Bilimovich, were convicted of hazing a soldier of equal rank and given suspended sentences of 1 1/2 years, followed by a year of probation. Sivyakov could be eligible for parole after two years; since he had served nine months of his sentence, he could be free in 15 months.

In February local media reported that three recruits from Tyumen Oblast serving at Yekaterinburg's military base No. 32 were hospitalized as a result of hazing. One of them, Anton Afanasyev reportedly was first hospitalized and operated on following a brutal beating by fellow servicemen in September 2005. After two months in hospital, he returned to his unit, only to be beaten again in January, according to statements by his mother to the press. The second, Yuriy Afanasenko, was said to have been beaten by older soldiers on New Year's Eve (2005-06) in the same way as Andrey Sychoy. Despite his swollen legs, Afanasenko reportedly received no help from military medics for several days. The third soldier, identified as Aleksandr Laptev, reportedly tried to commit suicide in late January because of beatings. A spokesperson for the Volga-Urals military district said that reports of violent hazing at Yekaterinburg's military base No. 32 were "greatly exaggerated," and that "not every bruise a soldier has is a result of *dedovshchina*." The officer added that facts were being distorted because of the "hysteria" over Sychoy's case.

Hazing reportedly was also a serious problem in the Russian Pacific Fleet units. On March 9, in Vladivostok, it was reported that a local sailor was so severely beaten that he could not stand. At first his attackers hid him in their quarters, but when found, he was sent to various hospitals, misdiagnosed, and accused of trying to avoid his duties. Whenever his mother called his unit, officers told her he was "on duty" and did not mention his injuries. After arriving in Vladivostok, she had to go to the military prosecutor's office in order to convince officials to open an investigation. According to a press report, only after the mother met with a reporter, did military officials apparently become more responsive.

Local and national news reports highlighted measures taken by the Russian Pacific Fleet to stem military hazing in its ranks. Select groups of officers attended courses on psychological causes of military hazing. Navy officials expressed optimism that the training will help reduce the number of criminal hazing incidents in the navy.

Both the Union of Soldiers' Mothers Committee (USMC) and the main military prosecutor's office received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. Despite the acknowledged seriousness of these problems, the leadership of the Armed Forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse.

During the year federal and local Chechen government forces, as well as Chechen rebel forces, violated the human rights of civilians, inflicting widespread civilian casualties, abductions, and other abuses (see section 1.g.).

Prison and Detention Center Conditions

Prison conditions remained extremely harsh and frequently life-threatening. The Ministry of Justice's Federal Service for the Execution of Sentences administered most of the penitentiary system centrally from Moscow. On April 15, the State Duma passed a law prohibiting the FSB (Federal Security Service) from operating prisons. Pursuant to the law, all FSB prisons were transferred to the Ministry of Justice. There were five basic forms of custody in the criminal justice system: police temporary detention centers; pretrial detention facilities, known as investigation isolation facilities (SIZOs); correctional labor colonies (ITKs); prisons designated for those who violate ITK rules; and educational labor colonies (VTKs) for juveniles. As of July 2005, approximately 797,500 persons were in the custody of the criminal justice system, including 48,600 women and 14,500 juveniles. In December 2005 the ministry reported that the number of the persons held in custody in 2005 exceeded 800,000. As of December 31, approximately 872,000 persons were in the custody of the criminal justice system, including approximately 60,000 women and 13,000

juveniles. The number of people held in custody in 2005 was 823,451. In most cases juveniles were held separately from adults.

In 2004 according to official statistics approximately 2,000 persons died in SIZOS. According to the Ministry of Justice, in 2005, the mortality rate among inmates rose 12 percent and remained at 12 percent during the year. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press reported that individuals were mistreated, injured, or killed in various SIZOs. Some of the reported cases suggested habitual abuse by officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded, but there were reports of some improvements. For example, while many penal facilities remained in urgent need of renovation and upgrading, some reports indicated that these facilities were closer to meeting government standards, which include the provision of four square meters per inmate. According to the Federal Service for the Execution of Sentences, in 20 regions of the country the actual living space was less than four meters per SIZO inmate during the year, while in 18 regions living space was less than three meters per inmate. By December 31, approximately 48 percent of the SIZOs met the governmental space minimums for prisoners.

Inmates in the prison system often suffered from inadequate medical care. According to the Ministry of Justice, as of March 17, there were over 58,000 tuberculosis-infected persons and 35,000 HIV-infected persons in SIZOs and correction colonies, compared to approximately 49,000 tuberculosis-infected persons and 31,000 HIV-infected persons in September 2005. Tuberculosis infection rates were far higher in detention facilities than in the population at large. The Moscow Center for Prison Reform reported that conditions in penal facilities varied among the regions.

Conditions in SIZO pretrial facilities, where suspects were held until the completion of a criminal investigation, trial, sentencing, or appeal, remained extremely harsh and posed a serious threat to health and life. However, conditions within different SIZOs varied considerably. Health, nutrition, and sanitation standards remained low due to a lack of funding. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. According to the Federal Prison Service, the total number of detainees in the system increased by 31,000. As of December 31, as a result, facilities originally designed to house 130,000 held approximately 161,000 suspects in 216 detention centers, seven prisons, and 160 facilities performing similar functions.

ITKs held the bulk of the country's convicts. As of December 31, there were 696,900 inmates in 765 ITKs, which provided greater freedom of movement; however, at times, guards humiliated, beat, and starved prisoners. The country's "prisons"-distinct from the ITKs-were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

The 62 VTKs held juvenile prisoners from 14 to 20 years of age. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings and rape. The Moscow Center for Prison Reform reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. While juveniles were generally held separately from adults, there were two prisons in Moscow where children and adults were not separated and boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best.

In August 2005 the NGO For Human Rights reported that it had been able to monitor prisons in 40 of the country's 88 regions; however, according to the group's executive director, it had become increasingly difficult for domestic observers to monitor prison conditions in the last six years. Human rights activists were allowed into those prisons where the situation was good enough, specifically in female and juvenile prisons. Krasnodar Kray was one of the few regions where the situation in prisons is good and activists from the NGO For Human Rights are allowed in to monitor. For Human Rights counted 40 prisons where human rights activists and even defense attorneys were not allowed into prisons where prisoners' rights were being seriously violated (mass beatings, mass tortures, mass punishment, and humiliation). The For Human Rights chairman estimated the situation with human rights violation in prison as critical and said that the situation worsened. Others, such as the Committee for Civil Rights, report that the situation improved in a few regions.

Since 2004 authorities have refused to grant the International Committee of the Red Cross (ICRC) access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits. As of December 31, it had not regained access to detainees.

Human rights groups also documented cases of illegal places of detention in Chechnya and in other locations in the North Caucasus where abuses occurred. Chechen Republic security forces reportedly maintained such secret prisons in Tsentoroy, Gudermes, and other locations. Human Rights Watch reported it had detailed descriptions of at least 10

unlawful detention facilities. Human rights groups also reported that officers of the federal Ministry of Internal Affairs' Second Operational Investigative Bureau illegally detained and tortured people in its Groznyy offices. The UN Committee Against Torture noted its concern about these unofficial places of detention.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, they remained problems.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs, the FSB, and the Office of the Prosecutor are responsible for law enforcement at all levels of government. The FSB's core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The FSB operated with limited oversight by the office of the prosecutor general and the courts.

The national police force, which falls under the Ministry of Internal Affairs, is organized on the federal, regional, and local levels. Although regulations and national laws prohibit corrupt activities, corruption was widespread and there were few crackdowns on illegal police activity. The government reportedly addressed only a fraction of the crimes that federal forces committed against civilians in Chechnya (see section 1.g.). Although government agencies, such as the ministry, have continued to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments, the security forces remained largely unreformed.

Arrest and Detention

Under the law an individual may be taken into custody for 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the committed crime on the individual's person or in his house or when the crime victims or witnesses identify the person as a perpetrator. Otherwise a court-approved arrest warrant is required. According to statistics provided by the Supreme Court's judicial department in 2005, the number of motions for pretrial arrests filed by law enforcement authorities to courts increased by 19.8 percent in comparison to 2004, including an increase in the number of motions filed for juveniles (8.3 percent more) and women (29.5 percent more). Statistics for the first six months of the year indicated that courts approved approximately 92 percent of all arrest requests from law enforcement authorities, approximately the same as in 2004 and 2005.

After arrest detainees were typically taken to the nearest police station where they should be informed of their rights. The police are obliged to write an official protocol, signed by the detainee and the police officer within three hours of detention, which states the grounds for the detention. Police must interrogate the detainee within the first 24-hours, but prior to the interrogation the detainee has the right to meet with an attorney for two hours. No later than 12-hours after a detention, police must notify the prosecutor and the detainee's relatives about the detention unless a prosecutor's warrant to keep the fact of detention secret is obtained. The detainee must be released after 48 hours, either subject to bail conditions or on their own recognizance, unless a court decides to keep the person in custody in response to a motion filed by police no later than eight hours before the expiration of the 48 hour detention period. The defendant and his/her attorney must be present at the court hearing.

The law specifies that, within two months of a suspect's arrest, police should complete their investigation and transfer the file to the prosecutor for arraignment, although a court may extend the criminal investigation for up to six months in "complex" cases. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months.

Legal limitations on detention were generally respected; however, there were reports of occasional violations of the 48-hour time limit following an arrest. Most frequently, authorities failed to write the official protocol of detention within three hours after the actual detention and held suspects in excess of detention limits. In addition there were reports that police obtained defense counsels friendly to the prosecution. These "pocket" defense counsels allowed interrogation of their clients. The general ignorance of legal rights by both citizens and their defense counsels contributed to the persistence of these violations.

Judges suppressed confessions of suspects whose confessions were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court deemed inadequate grounds.

Unlike in previous years, there were no new reports or allegations that authorities detained and engaged in selective prosecution of political adversaries. In recent years observers considered the 2003 arrest on fraud charges of prominent and politically active businessman Mikhail Khodorkovskiy and the 2004 arrest on fraud charges of Yukos Oil Company lawyer Svetlana Bakhmina to constitute possible cases of selective arrest and prosecution with political motives, regardless of their guilt or innocence on the specific charges against them (see section 1.e.).

There were a limited number of cases where psychiatry was used against those dissatisfied with the authorities.

Amnesty

In July, following the death of terrorist warlord Shamil Basayev, the government issued a partial amnesty, which gave militants two weeks to surrender. The original amnesty was extended through September 30. On September 23, the State Duma passed legislation to grant amnesty to militants in Chechnya and the North Caucasus through January 15, 2007. The amnesty requires militants to disarm and surrender themselves to authorities. According to the federal and Chechen Republic authorities, as of December 25, 375 militants had surrendered to authorities. The amnesty does not apply to militants suspected of crimes such as rape, murder, or terrorism. The amnesty also applies to servicemen but not to those accused of selling or stealing weapons (see section 1.a.).

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and there were a number of indications of judicial independence; however, the judiciary did not consistently act as an effective counterweight to other branches of the government. For example, in April the Kemerovo Oblast governor's office issued a press release describing a meeting between the governor and the chief judge of the region, during the course of which the chief judge attempted to counter perceptions that the region's judges might be too lenient in their sentences. Human Rights Ombudsman Vladimir Lukin criticized both the governor and the judge for not maintaining attitudes appropriate to a true separation of judicial and executive powers.

The law provides for strengthening the role of the judiciary in relation to the prosecutor general by requiring judicial approval of arrest warrants, searches, seizures, and detentions (see section 1.d.). Judges allegedly remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases.

President Putin decreed a 32 percent pay raise for judges effective July 1 and, as of year's end, there was an additional 7.2 percent raise. According to President Putin's official Web site, the pay raise was to provide material guarantees to judges that will permit them "fully and independently to render justice." While judges' salaries have increased significantly, the judiciary remained susceptible to corruption. Judges accepted bribes from officials and others. For the first six months of the year, the Supreme Qualifying Collegium of Judges reported that 39 judges were removed from the bench and 151 were given warnings. One NGO specializing in issues of corruption estimated that in 2005 judges received \$209 million (5.9 billion rubles) in bribes annually for favorable rulings. Authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants. Judges' salaries were increased in order to reduce incentives for corruption and to attract more qualified candidates. In several cities, new modern courtrooms opened. Many of these courtrooms have recording equipment which allows for the recording of judicial proceedings and the production of accurate transcripts, which is essential to fair appellate review.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. An arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the State. The federal constitutional court (as well as constitutional courts in a number of administrative entities) constitutes the third branch.

The president approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges (including some public members). After a three-year trial period, the president must reconfirm the judges. Judicial watchers have alleged that the executive's role in approving and reconfirming judges has ensured an increasingly progovernment judiciary. The collegia also have the authority to remove judges for misbehavior and to approve prosecutors' requests to prosecute judges.

Justices of the peace deal with criminal cases involving maximum sentences of less than three years and with some civil cases. In 2005 justices of the peace assumed 71.6 percent of federal judges' civil cases and 36.7 percent of their criminal matters. Justices of the peace work in all regions except Chechnya. In contrast to previous years, justices of the peace worked in Nenitskiy Autonomous Okrug.

Trial Procedures

Trials typically are conducted before a judge without a jury. The defendant is presumed innocent. The defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area and must quietly consult with their attorneys through the bars. Defendants have the right of appeal. According to Supreme Court statistics, in 2005 the number of convictions decreased by 1.3 percent and made up 71 percent of all criminal cases heard by courts; the acquittal rate stayed at 0.7 percent; courts dismissed 27.3 percent of criminal cases during trial for various legal reasons. According to Supreme Court statistics, during the first six months of the year, the percentage of convictions in

criminal cases increased by approximately 4.7 percent in comparison to the same period in 2005. The percentage of cases dismissed also increased by approximately 2 percent.

The law provides for the nationwide use of jury trials for a limited category of "especially grave" crimes, such as murder, in higher-level regional courts. In 2005, out of 1,263,000 persons tried by criminal courts, 1,389 persons were tried by jury. By January 1, all regions except Chechnya implemented jury trials, as a result of a law passed by the State Duma during the year. In contrast to trials conducted by a judge, 0.7 percent of which ended in acquittal in 2005, approximately 15 percent of cases tried by juries ended in acquittals, although one-third of those acquittals were later reversed on appeal by the Supreme Court. The professional competence of jury trial participants, including both parties and, to some extent, judges, remained an issue of serious concern to domestic and international observers. In a speech in November, President Putin stated that the problem with jury trials was not the jurors, but poorly trained prosecutors and investigators.

Jury trials play an important role in overcoming general public distrust of the judicial system. As an opinion poll conducted by the All-Russia Center for Public Opinion during the year demonstrated, almost 80 percent of citizen respondents, who participated as jurors in jury trials in 2004-2005 in Moscow city and Moscow and Yaroslavl regions, reported that their opinion about the judiciary system improved after they served as jurors in criminal trials.

Prior to trial defendants are provided a copy of their indictment, which describes the charges in extensive detail. They are also given an opportunity to review the criminal file following the completion of the criminal investigation. Defense attorneys are allowed to visit their clients in detention, although conditions reportedly made it difficult for attorneys to conduct meaningful and confidential consultations with their clients.

The law provides for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. The high cost of competent legal services meant that lower-income defendants often lacked competent representation. There were no defense attorneys in remote areas of the country. Public centers, staffed on a part time basis by lawyers, continued to offer free advice on legal rights and recourse under the law; however, they were not able to handle individual cases. In August 2005 the government issued regulations to govern a program creating state legal aid offices in 10 regions on an experimental basis beginning in January. The program was extended for another year. However, official results of the program had not been published. Although a system of paying qualified attorneys for representation of indigent defendants has nominally been in place for several years, defense attorneys indicated that it only began to work efficiently during the year. As a result defense attorneys were now more likely to receive compensation for representation of indigent defendants, which has resulted in an improvement in the quality of legal assistance rendered.

According to the NGO Independent Council of Legal Expertise, defense lawyers were the targets of police harassment. Professional associations at both the local and federal levels reported police efforts to intimidate attorneys and cover up their own criminal activities.

Authorities abrogated due process in continuing to pursue several espionage cases involving foreigners who allegedly obtained information considered sensitive by security services. In some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

In February 2005 the FSB detained Oskar Kaibyshev, the former director of the Institute for Metals Superplasticity Problems, on charges linked to exporting sensitive technological information to South Korea while working as a research scientist. Several scientific panels stated that the information Kaibyshev gave the South Koreans was not subject to export controls. The espionage charges initially brought against Kaibyshev were later dropped, but he faced other criminal charges related to the case. Kaibyshev was later charged with unsanctioned export of technologies and theft. In October 2005 court hearings opened at the Supreme Court of Bashkortostan Republic for passing dual-use technology to South Korea. The trial was held behind closed doors, as the FSB stated that top secret information could emerge in the case. On August 8, Kaibyshev was given a suspended prison sentence of six years after being convicted of unsanctioned export of dual use technologies, abuse of authority, and embezzlement. He was also banned from holding any positions of authority in state organizations for three years and had to pay \$130,000 (3.5 million rubles). The scientist's lawyer said he would appeal the verdict, as did the state prosecutor, who said the sentence was too lenient. An appeal had not occurred by year's end.

Political Prisoners and Detainees

Human rights organizations and activists have identified various individuals as political prisoners: Zara Murtazaliyeva, Mikhail Trepashkin, Valentin Danilov, Igor Sutyagin, Mikhail Khodorkovskiy, Platon Lebedev, and Svetlana Bakhmina. All remained imprisoned at the end of the year.

Zara Murtazaliyeva, a 22-year-old Chechen citizen, was arrested in March 2004 in Moscow. In January 2005, Moscow City court found her found guilty of charges of preparing to carry out a terrorist attack in Moscow; involving other

people in the commitment of a terrorist act; and illegal acquisition and storage of explosive substances, and sentenced her to nine years in a general regime prison. Murtazaliyeva's defense lawyers as well as human rights defenders who monitored the trial believed that the charges against her were fabricated. During the trial before the Moscow City Court, the prosecution was unable to give any evidence that would have substantiated any of the charges brought against her. Murtazaliyeva's defense appealed to the Supreme Court and in March 2005 the Supreme Court reduced the sentence by half a year, but left the charges in force. The defense lawyers appealed the verdict to the Presidium of the Supreme Court and also filed an appeal to the European Court of Human Rights (ECHR) in September 2005. Human rights advocates in the country continue to assert that the charges were fabricated, while her lawyers argue that she was framed by authorities eager to catch a "black widow" female terrorist.

The 2004 conviction of Mikhail Trepashkin, a former consultant to a parliamentary commission investigating possible FSB involvement in a series of 1999 apartment bombings, gave further cause for concern about the undue influence of the FSB and arbitrary use of the judicial system. The bombings were officially blamed on Chechens and served as partial justification for the government's resumption of the armed conflict against Chechen fighters. Trepashkin, an attorney and former FSB official, was arrested in 2003 and charged with disclosing state secrets and illegal possession of a handgun and ammunition. Trepashkin's arrest came a month after his charges of FSB responsibility for the bombings were cited in a book and a week before he was scheduled to represent the relatives of a victim of one of those bombings. In 2004 the Moscow Circuit Military Court sentenced Trepashkin to four years of forced labor. In April 2005 a Moscow court found Trepashkin guilty of illegal possession of a handgun and added one year to his four-year term, although this additional ruling was later reversed on appeal. In July 2005 Trepashkin began serving his prison term in Nizhniy Tagil, Sverdlov Region. In August 2005 a Nizhniy Tagil court granted Trepashkin's appeal for an early release from prison. However, in September 2005 a Sverdlovsk regional court overturned the August ruling. In late September 2005, according to reports, Trepashkin was again taken into custody and sent back to the Nizhniy Tagil prison camp. A new hearing on his early release was held in November 2005, and the Nizhniy Tagil court turned down his application for release on parole. In a November 2005 letter to State Duma deputy Yevgeniy Roizman, Trepashkin said he feared for his life since he was kept together with convicts who had committed capital crimes. The following March, the press reported the Sverdlovsk Regional Court upheld a district court ruling that denied parole to Trepashkin, after which he went on a hunger strike. His defense lawyer, Lyubov Kosik, said she would appeal the denial to the Supreme Court. Trepashkin said that he was receiving no treatment for his severe asthma and that he was concerned about his health. In December 2006 he had an apparent asthma attack in court. Trepashkin's defense appealed the decision of the Federal Service of Penalty Execution to move Trepashkin to Nizhniy Tagil. In September 2006 the Zamoskvoretskiy District Court in Moscow found Trepashkin's transfer to colony-settlement in Nizhniy Tagil legitimate. In December 2006 the Nizhniy Tagil court started hearings of Trepashkin's four appeals against several discipline penalties leveled on him by the prison's authorities and the prison authorities' cross-appeal to move him to a general regime prison-settlement.

In 2004 the Supreme Court overturned the 2003 jury acquittal of Valentin Danilov, who had been charged with spying for China while working on a commercial contract. Allegedly, Danilov's activities in China involved the transfer of classified technological knowledge that would assist China's military goals, and divulge secrets concerning an electron accelerator at Krasnoyarsk University. Colleagues and supporters asserted that the information in question was declassified over a decade ago, leading some human rights organizations to consider Danilov's case to be politically motivated. In 2004 Danilov was convicted by a judge and sentenced to 14 years. In June 2005 the Supreme Court reduced his sentence to 13 years. In January 2006 Danilov's defense appealed the verdict to the Presidium of the Supreme Court. Danilov also had an appeal before the European Court of Human Rights. Neither had responded to the appeals by the end of this year. In December 2006 Danilov's defense lawyers said he was planning to appeal to the Pardon Commission of Krasnoyarsk Krai because his health is getting worse.

In August 2005 the Supreme Court rejected an appeal by Igor Sutyagin, a disarmament researcher with the US and Canada Institute, of his conviction on espionage-related charges. Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm. In 2001 the Kaluga Regional Court ruled that the evidence did not support the charges against Sutyagin and returned the case to the prosecutor for further investigation. In 2002 the ECHR registered Sutyagin's appeal and in March 2004 the decision was made to view Sutyagin's case in priority order. In April 2004 a Moscow city court found Sutyagin guilty and sentenced him to 15 years in a maximum security facility (the sentence included time served since his arrest in 1999). Also in April 2004, Amnesty International recognized Sutyagin as a political prisoner. Sutyagin claimed the Moscow city court's decision was unjust and insisted that he had no access to confidential information. Some observers agreed that he had no access to classified information and described the severe sentence as an effort to discourage citizens from sharing sensitive information with professional colleagues from other countries. Government officials asserted that Sutyagin had wittingly or unwittingly entered into a paid arrangement with a foreign intelligence service. Because of the conduct of the trial and lengthy sentence, a number of domestic and international human rights NGOs, in addition to Amnesty International, raised concerns that the charges were politically motivated. In 2005 Sutyagin was transferred to a colony in Arkhangelsk Oblast, which is even further from his family than his previous detention place in Udmurtiya, and his attorneys were reportedly appealing the move. In June 2006 Sutyagin's defense appealed the verdict to the Presidium of the Supreme Court but there was no information on the decision of the Presidium available at year's end. In May 2006 ECHR sent 20 questions to the Russian government regarding Sutyagin's case.

On June 9, 2006, the Public Chamber Commission on Control over Law Enforcement Bodies, Power Structures, and Legal System Reform made a decision to send President Putin an appeal for pardon of Danilov and Sutyagin. However, Anatoliy Kucherena, head of the Commission, told a Moscow radio station that the Public Chamber

eventually decided against addressing President Putin with the request to pardon Danilov and Sutyagin. The decision was based on the rule that the president cannot be asked to pardon someone before that person has appealed for pardon himself.

In May 2005 Mikhail Khodorkovskiy and codefendant Platon Lebedev were convicted on six charges of fraud, tax evasion, and embezzlement and sentenced to nine years in prison after an 11-month trial. Khodorkovskiy's conviction was upheld on appeal in September 2005, with the sentence reduced to eight years. Both Khodorkovskiy and Lebedev continued to appeal their convictions in Russian courts as well as the ECHR. As of April 19, 2006, the ECHR began preliminarily viewing Khodorkovskiy's appeal. The arrest and conviction of Khodorkovskiy raised concerns about the rule of law, including the independence of courts, the right to due process, the sanctity of contracts and property rights, and the lack of a predictable tax regime. Many observers believed that Khodorkovskiy's conviction was one of a number of politically motivated moves against wealthy "oligarchs" who represented centers of actual or potential political and media opposition to President Putin. Some observers believed that, despite the possibility that the charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his politically oriented activities and as a warning to other oligarchs against involvement in political affairs or providing financial support to independent civil society. In October 2005 authorities transferred Khodorkovskiy to a prison in Chita Oblast and Lebedev to a prison in Yamalo-Nenetskiy Autonomous Okrug. In December 2005 Lebedev's defense team filed an appeal stating that sending him to a prison not in the area where Lebedev lived or was sentenced violated Russian law. The Moscow City Court has rejected all appeals to review the case against Khodorkovskiy. Some human rights activists have objected to sentencing both men to prisons that were not in the area where they lived or were sentenced. On November 29, 2006, the Supreme Court refused to proceed with Khodorkovskiy's appeal. According to Khodorkovskiy's defense attorney Genrikh Padva, the defense was considering appealing this decision to the chairman of the Supreme Court. Meanwhile, the prosecutor general's office was forming a new case against Khodorkovskiy and Lebedev. Both were transferred to the detention center in Chita in December 2006 due to new investigation activities being conducted.

Some human rights groups considered Svetlana Bakhmina, a lawyer who worked for Yukos Oil Company (Yukos), to be a political prisoner. She was arrested in December 2004 on fraud charges and held without bail. Several organizations expressed concern about reports regarding Bakhmina's lack of access to her family and medical treatment while in custody. Some observers stated that she was being held in an attempt to pressure Dmitriy Gololobov, her former boss at Yukos, to return from London. In September 2005 a Moscow city court ruled that she could be held in detention until October 2005. In October 2005 her trial began in Moscow, and she was convicted and sentenced in April 2006 to seven years' imprisonment for tax evasion and embezzlement. In August the Moscow City Court overturned Bakhmina's tax evasion conviction but upheld the embezzlement charge and only reduced her sentence by six months, to 6 1/2 years. Bakhmina had appealed her April convictions and requested that all charges against her be dropped. In September Bakhmina's lawyers requested the court postpone the imposition of her sentence until her youngest child turns 14-years-old. A lawyer for Bakhmina explained that Bakhmina's youngest child is presently five years old, and that the law allows for applications to delay sentencing in such cases. On October 2, the Simonovsky Court in Moscow rejected the request and sent Bakhmina to a women's penal colony in the central part of the country. On December 27, 2006, a Moscow city court refused to postpone Bakhmina's imprisonment. Many observers saw the treatment of Bakhmina as politically-motivated and linked to the Khodorkovskiy case.

Civil Judicial Procedures and Remedies

The criminal procedure code provides that an individual or business may seek civil compensation for a criminal violation. The law clearly provides for bringing a criminal or civil case on human rights violations, but implementation is inconsistent.

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

The law states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The law permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. While these provisions were generally followed, problems remained. There were accounts of electronic surveillance by government officials and others without judicial permission, and of entry into residences and other premises by Moscow law enforcement without warrants. There were no reports of government action against officials who violated these safeguards.

In September 2005 the press reported that the government, citing concerns about terrorism, approved new regulations, which came into effect on January 1 for interactions between communication companies and certain government agencies. The new regulations give law enforcement agencies greater access to telephone and cellular phone company clients' personal information and require providers to grant the Ministry of Internal Affairs and FSB 24-hour remote access to their client databases. Some experts believed these new rules contradict the constitution, but most mobile phone operators took it in stride. Given that the authorities have had legal access to these records for 10 years, mobile operator MegaFon's press secretary suggested that the new rules change nothing, and simply make the process "more transparent."

The government continued to require Internet service providers to provide dedicated lines to the security establishment so that police could track private e-mail communications and monitor Internet activity (see section 2.a.).

Human rights observers continued to allege that officers in the special services used their services' power to gather compromising materials on public figures. There were credible charges that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often to coerce them into becoming informants.

Federal forces and progovernment Chechen forces reportedly abducted relatives of rebel commanders and fighters (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year unrest continued in and around the Chechen Republic and in the neighboring republics of Ingushetiya and Dagestan. Federal forces and Chechen Republic forces engaged in human rights abuses, including torture, summary executions, disappearances, and arbitrary detentions. Chechen rebels also committed human rights abuses, including major acts of terrorism and summary executions.

The year saw a continued shift of government tactics away from operations involving Russian military formations and toward greater reliance on paramilitary and police units of the Chechen Republic or other Chechen units subordinated to the Ministry of Defense or the federal Ministry of Internal Affairs. There were fewer mopping-up operations, known as "*zachistki*," than in previous years, although more targeted operations, such as night raids, continued. Memorial noted that these mop-up operations were often conducted with no serious human rights abuses but that in some cases such operations were accompanied by abductions, looting, and beatings. Chechen security forces were nominally under the control of Chechen Republic civilian authorities but also often conducted operations jointly with federal forces. In reality, Chechen security forces were under the command of Chechen Prime Minister Ramzan Kadyrov and often appeared to act with relative independence. The limited measures taken by the federal and Chechen leaders to rein them in have been largely ineffective.

Federal authorities both military and civilian have limited journalists' and human rights observers' access to war zones since the beginning of the second war in Chechnya in 1999, in part due to security concerns. In addition coverage has been restricted in government-controlled media, and the government has sought to pressure independent journalists into engaging in self-censorship (see sections 2.a. and 4). These restrictions made independent observation of conditions and verification of reports difficult and limited the available sources of information about the conflict. In addition, victims of human rights abuses and their relatives were reluctant to speak to human rights monitors or to file complaints with the authorities because they feared retaliation.

The indiscriminate use of force by government troops, which during the course of the conflict has resulted in widespread civilian casualties, the displacement of hundreds of thousands of persons, and massive destruction of property and infrastructure, appeared to decrease further during the year. Memorial reported that in comparison to 2001-02, government forces used less indiscriminate force in 2004 against civilian areas and this trend appeared to continue during the year. Memorial and others also noted that the reconstruction of destroyed housing and infrastructure in Chechnya was accelerating, but also noted that many of these changes were largely cosmetic.

Nonetheless, there continued to be instances of indiscriminate use of force by government troops. According to the *Prague Watchdog* Web site, the southern districts of the Chechen Republic were repeatedly subjected to long-range shelling and aerial attacks. The Shalinsky district was subjected to regular shelling and aerial bombardment. In October the mountain village of Zumsoi was subjected to an aerial bombardment and two missile strikes. Memorial reported that on December 19, two civilians were killed and one wounded when they came under fire from a military helicopter near the village of Chozhi-Chu.

Zumsoi was subjected to repeated artillery shelling and aerial bombardment as well as sweeps by security forces during 2005, according to Memorial. In January 2005, the village was bombed for several days. Airborne forces then arrived in the village and took three men and a teenaged boy into custody. Their whereabouts remained unknown. Federal servicemen also allegedly robbed villagers, desecrated the village mosque, and killed cattle. In July 2005 unknown perpetrators, who were believed to be Chechen rebels, killed the head of the village administration. Also in July 2005, all but one of Zumsoi's residents left the village citing the continuing insecurity there.

In June 2005 members of the Vostok (East) Battalion conducted a security sweep in the village of Borozdinovskaya. During that operation, 11 men from the village were detained. Some homes in the village were burned and two villagers were killed. Subsequently villagers left en masse and crossed into the neighboring Republic of Dagestan. According to press reports, most of the villagers have returned to their village but approximately 160 others remain in a tent camp in Dagestan. Although prosecutors announced an investigation, and federal and Chechen officials publicly called for those responsible to be held accountable, the whereabouts of the men detained remained unknown. Military prosecutors initiated criminal proceedings against one Vostok commander Mukhadi Aziyev. A military court in Chechnya convicted him in October 2005 of abuse of power, and he received a three-year suspended sentence.

In most cases security forces acted against civilians with impunity, and even limited efforts of authorities to impose accountability were frequently timid. However, there was at least one case where the courts addressed an abuse. In June the Supreme Court overturned the acquittals of Captain Eduard Ullman and three other servicemen charged with killing Chechen civilians and ordered new trials. Lower courts had already acquitted the defendants twice, most recently in May 2005. A retrial began in December 2005. Following a Constitutional Court ruling in April that cases involving serious crimes in Chechnya could be tried without a jury, the Supreme Court ruled in June that Ullman and his codefendants could be tried in a non-jury trial. On November 2, the military district court started hearing the case in a non-jury trial. The trial continued at year's end. At least one other serviceman was convicted on similar charges.

Government forces and Chechen rebels continued to use landmines extensively in Chechnya and Dagestan. According to estimates by the UN Children's Fund (UNICEF), 3,065 persons were killed or wounded by landmines or unexploded ordnance in Chechnya since 1995.

Amnesty International reported that it was aware of only one conviction by a Russian court in cases involving disappearances in Chechnya. In March 2005 a Grozny court convicted Lieutenant Sergey Lapin, a member of an OMON riot police unit, of inflicting serious harm to health and other charges related to the torture and disappearance of Chechen citizen Zemlikhan Muralov in 2001. Amnesty International noted, however, that none of the charges against Lapin related to Muralov's actual disappearance, nor were any others charged in the case.

In March federal serviceman Aleksey Krivosheonok was convicted for the November 2005 killings of three persons detained by federal forces at a checkpoint near the village of Staraya Sundzha in Chechnya. According to investigators, Krivosheonok and others in his unit detained six people at the checkpoint, beat three of them severely, forced them to lie face down, and then shot them in the head. Krivosheonok was sentenced to 18 years in prison and ordered to pay \$7,692 (200,000 rubles) to the family of each victim. Separately, on May 15, the Grozny garrison military court convicted serviceman Pavel Zinchuk of causing grave bodily harm in the same incident and sentenced him to seven years in prison.

In two separate cases in November, the ECHR found the government responsible for the disappearances and deaths of three Chechens. In the first case the ECHR found the government responsible for the disappearance and killing of Nura Luluyeva. Luluyeva was detained by military forces at a market in June 2000. Her body was found in February 2001 along with fifty other bodies in a mass grave in Chechnya.

The ECHR also held the government responsible for the disappearance and presumed death of Said-Magomed and Said-Khusein Imakaev, a father and son. Said-Khusein Imakaev, the son, was detained at a check point in 2000. A year later, his father filed a complaint with ECHR and four months later he was detained and never seen again. In the verdict, the court noted the authorities' failure to cooperate; specifically their failure to provide requested documents.

In October the ECHR ruled that Russian forces were responsible for executing a Chechen family during a security operation in Grozny and ordered Moscow to pay the victims' relatives more than \$285,000 (7,500,000 rubles) in damages. At least 55 other Chechen civilians were killed in the February 2000 operation. The government has not held anyone responsible for the killings.

During the year there were 102 judgments, 64 of which were based on the right to a fair trial. Ninety-six of the judgments found at least one violation, 5 found no violations, and one judgment was found "other" (i.e., just satisfaction, revision judgments, preliminary objections and lack of jurisdiction). During the year, the ECHR received the highest number of applications to investigate human rights violations from the country, totaling 10,569. As of December 31, the country had 19,300 cases pending in the ECHR, 21.5 percent of the total cases pending. In previous years, the court typically received around 4,000 complaints from Russia. The court has expanded its staff by 10 percent in part to handle this increase in complaints.

Despite the opening of a criminal case, a human rights organization reported that no charges were filed after a federal warplane bombed Maidat Tsintsayeva's house in 2004, killing her and her five children. According to a human rights NGO, there were no indications of progress in investigating the launching of several missiles at the village of Tevzen-Kale in 2004. One of the missiles hit the house of the Suleymanov family, killing one family member and wounding two others. The Chechen interior ministry told the press that the federal military refused to acknowledge that it had bombed the village and was impeding all investigation efforts.

There were no reliable estimates of civilian casualties as a result of military operations. Then Chechen State Council Chairman Taus Dzhabrailov reportedly told the press in June 2005 that more than 160,000 persons had been killed in Chechnya since 1994. Memorial has estimated that 75,000 civilians and up to 14,000 servicemen have died during the two Chechen conflicts.

There were varied estimates of the number of those detained, abducted, or made to disappear (see section 1.b.). While Chechen rebels and criminals seeking ransom carried out many abductions and disappearances, federal and progovernment Chechen forces were also involved. In May Memorial representatives discovered an illegal detention center in Grozny where detainees were reportedly held, tortured, "disappeared," and killed by federal police units that had temporarily been assigned to Chechnya. Then-Chechen Republic Ombudsman Lema Khasuev stated in

December 2005 that there were 2,096 cases of "enforced" disappearances by unidentified security forces in Chechnya. His successor, Nurdi Nukhazhiyev, stated that more than 7,000 persons have gone missing or been abducted in Chechnya since the beginning of the first Chechen conflict, and 2,780 of them have gone missing since the second conflict started in 1999. Chechen President Alu Alkhanov has stated that 54 people were abducted during the year, compared to 77 persons in 2005, and 213 in 2004.

Memorial reported that since 2002, 1,948 persons have been abducted, of whom 685 were freed, 189 were found dead, 1,040 were missing, and 34 were on trial. Memorial noted that its monitors had access to only about 25 to 30 percent of Chechnya. According to Chechen President Alu Alkhanov, 54 abductions were officially registered in Chechnya during the year.

During the year, according to Memorial, 184 persons were abducted, of whom 91 were freed or ransomed, 11 were found killed, 19 were thought to be in detention, and 63 disappeared. Memorial attributed at least part of this decline to a climate of fear in which individuals were afraid to report abductions. In 2005, according to Memorial, 316 persons were abducted, of whom 151 were freed or ransomed, 23 were found dead, 15 were thought to be in detention, and 127 disappeared. Memorial reported that 448 persons were abducted in 2004 and has estimated that 3,000 to 5,000 have gone missing in Chechnya since 1999. Memorial reported that it has information on 1,988 cases where persons disappeared after being detained by federal security forces since fall 1999. The federal prosecutor's office reported in December 2004 that 2,437 persons had been abducted in Chechnya in that period.

Abductions and disappearances continued to occur following operations conducted by federal forces, Chechen Republic security forces, and joint operations involving Chechen and Russian units, according to various sources. In April, Chechen Prime Minister Ramzan Kadyrov publicly accused officers of the federal Ministry of Internal Affairs' Operative Investigative Bureau of illegal detentions, torture, and other cruel treatment and requested the unit be withdrawn from Chechnya, although human rights activists said Chechen Republic security forces, many of them under Kadyrov's control, were also engaged in abductions and disappearances. Kadyrov also claimed that many of those allegedly abducted had joined the rebels or fled to Western Europe, but acknowledged there were cases where persons were abducted and disappeared. Aslanbek Aslakhonov of the federal Presidential Administration was cited in the press in 2005 as saying that he could not rule out the involvement of forces under command of then-Chechen first deputy prime minister Ramzan Kadyrov or federal forces in such activities. Colonel General Arkadiy Yedelev, head of the Russian forces general staff in the Northern Caucasus, acknowledged in February 2005 that federal forces and Chechen Republic security forces had taken part in disappearances of civilians.

According to NGOs federal forces and progovernment Chechen militias commonly detained Chechen men at checkpoints along the borders between Chechnya and Ingushetiya in targeted operations known as "night raids," or during "mopping-up" operations following military hostilities. Detainees were often beaten or tortured. Human rights groups also reported that security forces increasingly detained women.

In April unknown security forces detained Bilat Chilayev, a driver for the NGO Civic Assistance, and Aslan Israilov at a checkpoint near the village of Sernovodsk. Israilov had earlier been detained by security forces conducting a sweep operation in the village but he had been released. Their whereabouts were unknown. Both men were later reported to have been killed on the day they were detained (see section 1.b).

In April 2005 security forces detained Murad Muradov, the director of the Chechen NGO "Let's Save the Generation" during a firefight between federal and rebel forces in Grozny. According to human rights groups, Muradov was detained because he lived near the apartment where rebels were hiding. His whereabouts were unknown. In March 2005 Muradov's parents were informed his body had been identified and they could claim it at a morgue in Rostov-on-Don. According to press reports, Muradov's parents were given official documents that he was not suspected of any illegal activities.

There were continued reports during the year that government forces took relatives of Chechen rebels as hostages to force them to surrender. According to Memorial, on January 16, officers of the Republic of Chechnya's Anti-Terrorism Center abducted five relatives of Khozh-Akhmed Dushayev in the village of Kurchaloy. Dushayev was wanted on suspicion of being a Chechen rebel. All five were later released. On April 15, officers from the Anti-Terrorism Center detained relatives of Bislan Ilmiyev, an ATC officer under suspicion of aiding anti-government fighters. Ilmiyev's wife, mother, one-year-old child, his brothers, their wives, and their children were all detained. Ilmiyev's brother Ruslan was later released and ordered to find his brother, according to Memorial.

Chechen security forces seized relatives of Chechen commander Doku Umarov in May 2005, including his 70-year-old father, wife, and six-month-old son. They later released the wife and child, but the father's location remained unknown. In August 2005 security forces also detained Doku Umarov's sister, Natasha Khumadova. A source in the Urus-Martan district administration told *Interfax* that armed persons broke into Khumadova's house and threatening her with weapons, led her away. In August Chechen officials erroneously announced that Umarov, who later became the separatist "president," had voluntarily surrendered. Subsequent reports noted that it was Umarov's older brother, Akhmad, who surrendered. Appearing at a press conference with Chechen officials, Akhmad Umarov said that he had been arrested in March 2005 and had been held by authorities since. Human rights activists suggested that Akhmad Umarov had never participated in fighting alongside rebels and his detention was an effort to pressure Doku Umarov to surrender. At year's end there was no further information on the whereabouts of Umarov's relatives.

Following the numerous arrests made after the October 2005 attack on Nalchik, Human Rights Watch reported that there were at least eight cases where detainees were mistreated and that lawyers for five detainees were barred from representing their clients on spurious grounds. A year after the arrests, authorities released some of the detainees but continued to hold others. Additionally, Ruslan Nakhushiev, the head of the Islamic Research Institute in Nalchik who sought to promote dialogue between authorities and the Muslim community, disappeared in November 2005 after being questioned by the FSB. Authorities had opened a criminal case against him in October 2005 for allegedly organizing the attack on Nalchik. Nakhushiev's lawyers tried to obtain copies of the documents on which the charges were based but they were denied. The Supreme Court of Kabardino-Balkaria ruled in March that the prosecutor's office must provide Nakhushiev's lawyers with copies of these documents. In December the Ministry of Internal Affairs of Karbardino-Balkaria again included Nakhushiev on its list of most wanted criminals.

There were no indications that the authorities intended to take action as a result of a 2004 sweep of the town of Argun, which resulted in the abduction and torture of many residents and the killing of two. Only after mass protests in Argun in January 2004 were most of the detainees released; all showed signs of physical abuse and required medical attention.

Although incidents continued, the statistics of both the authorities and Memorial appeared to indicate a continued decline in abductions and disappearances compared to previous years. However, human rights groups and authorities interpreted the data differently. Government spokesmen attributed the apparent decline in abductions to efforts begun by the Chechen government in 2004 to reinforce existing requirements that military forces have license plates on their vehicles when entering a village, be accompanied by a representative of the prosecutor's office and local officials, identify themselves when entering a house, prepare lists of all persons arrested during the operation, and share those lists with local authorities. Chechen officials subsequently prohibited law enforcement officers from wearing masks.

Human rights groups attributed at least part of the statistical decline to the reluctance of detainees' relatives to complain to the authorities or human rights groups out of fear of reprisals. Citing numerous incidents in which unidentified armed men wearing camouflage broke into houses and abducted civilians, they expressed skepticism about government assertions that regulations governing the behavior of security forces were being more closely observed.

Although federal forces were believed to have engaged in fewer abductions, this was to some extent offset by the increasing role of the security forces under the command of Chechen Prime Minister Kadyrov, either by themselves or in joint operations with federal forces. Human rights groups reported that these forces were frequently suspected of disappearances and abductions, including those of family members of rebel commanders and fighters. The International Helsinki Foundation for Human Rights estimated in a February 2005 report that Kadyrov's security forces were responsible for up to 75 percent of the crimes in Chechnya.

In April Kadyrov and other officials announced that steps had been taken to remove units from Kadyrov's direct oversight. Kadyrov announced that the Chechen Republic's Anti-Terrorist Center was to be abolished, and the forces attached to it reorganized into two police battalions, North and South, and subordinated to the federal Ministry of Internal Affairs. Human rights activists contended, however, that these forces maintained their loyalty to Kadyrov and he continued to exert control over them.

According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and noncombatants.

Amnesty International reported federal and Chechen security forces targeted female civilians, both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels.

In August masked men in camouflage detained Yelena Yersenoyeva, the widow of Chechen terrorist Shamil Basayev and also a journalist and AIDS activist in Grozny. A relative who was detained with her and later released said the two had been briefly held in a basement but then Yersenoyeva was moved. There was no further information on her whereabouts. Two days before the detention, she had written to human rights organizations claiming she and her family were being harassed by Chechen security forces. On October 6, Yelena Yersenoyeva's mother was reportedly abducted from a village near Grozny. At year's end, there was no further information on their whereabouts.

The whereabouts of Milana Ozdoyeva, whom the security forces questioned twice in 2004 about her alleged plans to become a suicide bomber, remained unknown. In 2004 several men entered her house and took her away, leaving her two children behind.

Troops also reportedly kidnapped and otherwise mistreated children (see section 5).

Abductions reportedly continued in Ingushetiya. Memorial stated that 35 persons were reported abducted during the year. Of them, 15 were freed, two were found dead, and 5 disappeared without a trace. The remaining 13 were later found in the custody of law enforcement agencies.

Amnesty International and other human rights groups reported that Adam Gorchkhanov disappeared from the village of Plievo, Ingushetiya, in May 2005 after being detained in a raid by an unknown security service. Relatives subsequently learned that he had been held in the pretrial detention center in Vladikavkaz, North Ossetia, and later transferred to the Regional Department for the Fight Against Organized Crime under the Ministry of Internal Affairs. In May 2005 relatives learned that he had been taken to a hospital where, according to police statements, he jumped from a fourth floor window. A doctor, however, later told Memorial that Gorchkhanov had been admitted with a serious head injury. He died in late May 2005 from his injuries.

There were no developments during the year in the case of Ingush Deputy Prosecutor Rashid Ozdoyev, who disappeared in March 2004 after he submitted a report on alleged FSB abuses in Ingushetiya.

Throughout the year security forces continued to conduct security sweeps and passport checks at temporary settlements in Ingushetiya housing IDPs from Chechnya. These sweeps sometimes led to reports of human rights abuses or disappearances.

Following rebel attacks across Ingushetiya in 2004, federal forces conducted sweeps in several settlements housing Internally Displaced Persons (IDPs) from Chechnya. Human rights groups reported cases in which military personnel beat or verbally abused persons during these sweeps; however, the 20 IDPs they arrested were all released. Human rights groups also reported that several dozen Ingush and Chechens disappeared in Ingushetiya. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed security sweeps.

Chechen Republic forces commanded by Ramzan Kadyrov and federal troops continued to arrest relatives of Chechen separatist leaders and fighters in an effort to force them to surrender, according to human rights groups. They noted that this practice may be linked to an October 2004 speech by Prosecutor General Ustinov suggesting that authorities detain relatives of alleged members of armed opposition groups in response to their hostage-taking (see section 1.d.).

In March 2005, according to Memorial, Zaudi Sadulayev, aged 65, and his son were detained by Chechen security forces under the command of Kadyrov in the village of Mairtup because another of Sadulayev's sons was allegedly a member of the Chechen rebels. Similar cases cited by Memorial included the detention of a 13-year-old boy in the village of Noviye Atagi by Kadyrov's forces and the abduction of four members of the Sirazhdiyev family in May 2005 by unknown security forces in revenge for the killing of a member of the Vostok battalion.

Government forces and Chechen rebel fighters have used landmines extensively in Chechnya and Dagestan since 1999; but there were fewer civilian landmine victims in Chechnya during the year. In June officials confirmed to *Landmine Monitor*, that forces continued to use antipersonnel mines in Chechnya, both newly emplaced mines and existing defensive minefields. The most-affected regions were Dagestan: 60 casualties (nine killed and 51 injured); Chechnya: 24 casualties recorded by UNICEF; Ingushetia: 15 casualties (one killed and 14 injured); and Bushkiria: 14 casualties (all injured).

Federal forces and their opponents continued to use antipersonnel mines in Chechnya, although *Landmine Monitor* reported that Chechen fighters increasingly used improvised explosive devices. Reports suggested that the number of landmine casualties was declining over time. According to statistics this year, UNICEF recorded 30 new civilian mine/UXO (unexploded ordnance) casualties, including 9 killed and 21 injured; 10 were children (three killed and seven injured). According to UNICEF, as of December 31, there were 3,065 landmine and UXO casualties in Chechnya since 1995. Of these, 2,363 were wounded and 702 killed. Among the casualties were 754 children, 623 of whom were wounded and 131 were killed. Unlike previous years, there were no reports that Chechen rebels used children to plant mines and explosives.

Chechen officials acknowledged the presence of mass graves and dumping grounds for victims, and there was one report of a new mass grave discovered during the year. In April, officials in Grozny announced they had found a mass grave containing the remains of at least 57 persons. The grave appeared to have been used for the burial of rebel fighters and civilians killed during government forces' bombardment of the city in 2000. Nurdi Nukhazhiyev, then-head of the Chechen Republic's Committee for Protecting the Constitutional Rights of Citizens, reported in 2005 there were as many as 52 mass graves in the republic, although this report resulted in no investigations. In April 2004 local residents near the village of Serzhen Yurt found the bodies of nine men in a ravine. According to Amnesty International, the bodies bore gunshot wounds and marks of torture. Federal forces detained eight of the men in 2004 in the village of Duba Yurt. The ninth man had disappeared from his home in Grozny, according to Amnesty International. There were no reports by year's end that the government had initiated any criminal cases related to the mass grave discoveries. Memorial reported that it was unaware of any charges brought against federal security officers in response to the discovery of any mass graves.

Armed forces and police units were reported to have routinely abused and tortured persons in holding facilities where federal authorities sorted out fighters or those suspected of aiding the rebels from civilians. Human Rights Watch documented 115 torture cases in Chechnya between July 2004 and September 2006.

In May, Memorial representatives discovered an illegal detention center in Grozny where detainees were reportedly

held, tortured, "disappeared," and killed by federal police units that had temporarily been assigned to Chechnya (see section 1.c.). Despite appeals to officials to investigate Memorial's allegations, the building--a former boarding school for deaf children--was demolished.

Federal forces and Chechen police units reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars.

Russian law prohibits the bodies of "terrorists" from being returned to their relatives. The body of Chechen rebel "President Abdul Khalim Saidulayev, who was killed in August, was not returned to his relatives.

Since the start of the Chechen conflict, there have been widespread reports that federal troops killed or tortured suspected rebel fighters they had detained and that rebel fighters killed or abused captured federal troops and Chechen security forces. A policy of "no surrender" appeared to prevail in many units on both sides. According to press reports, Chechen police beheaded a slain rebel in July and placed his head on a pole in what they claimed was retaliation for the fighter's beheading of one of their comrades.

According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many IDPs reported that guards at checkpoints forced them to provide payments or harassed and pressured them. The indiscriminate use of force by federal troops caused destruction of housing and commercial and administrative structures. In September an artillery bombardment near the village of Serzhen-Yurt reportedly inflicted heavy property damage although it caused no casualties.

A climate of lawlessness and corruption continued to flourish in Chechnya. The government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions and reports concerning the number of convictions differed. President Putin stated in a May 2005 interview that hundreds of criminal cases had been opened into alleged crimes by servicemen and that over 50 persons had been convicted and given various prison terms, but he provided no further details. While this figure agrees with others the administration has provided, it does not make note of the fact that the majority received suspended sentences, as stated by Duma deputy Sergei Kovalev in 2003.

According to Memorial there were no arrests or convictions of servicemen during the year for crimes committed against civilians.

In November 2005 authorities reportedly arrested four Russian servicemen for the November 2005 killing of three Chechen civilians in the village of Staraya Sunzha. According to press reports, the victims were shot and stabbed by drunken soldiers, who were stopping vehicles and demanding money at a checkpoint.

According to statistics compiled by the federal Prosecutor General's office, through June 2005 verdicts had been rendered in 103 cases involving federal servicemen charged with crimes against civilians since 1999. Of these, 27 were given prison sentences of from one to 18 years, eight were acquitted, and 20 were amnestied. Sentences in the remainder were suspended or the guilty were fined, according to Memorial. Government statistics also showed that 34 law enforcement officers were charged with crimes against civilians, with seven sentenced to prison and the rest convicted and given suspended sentences.

The prosecutor general's office released statistics in 2004 indicating that, since 2001, 1,749 criminal cases were initiated in Chechnya to investigate approximately 2,300 cases involving disappeared persons. Of these, only 50 cases reached the courts. Memorial concluded that the majority of cases opened for alleged crimes by federal servicemen against civilians resulted in no charges because of the absence of the bodies or an inability to identify a suspect.

In May 2005, a retrial began of federal interior ministry officers charged with murdering three civilians in Chechnya in 2003. The retrial of Yevgeniy Khudyakov and Sergey Arakcheyev began after the Supreme Court overturned the north Caucasus military district court's 2004 acquittal of the two officers. A news service reported that the court found the jury for the trial was convened improperly. Khudyakov and Arakcheyev allegedly shot the three civilians in 2003 after forcing them out of a truck near Grozny and doused the bodies with gasoline and ignited them in an attempt to cover up the crime. A jury acquitted them again in October 2005. In May the Supreme Court overturned the verdict and ordered a new trial.

Following the death of Chechen terrorist Shamil Basayev in July, FSB chief Nikolay Patrushev, as chair of the National Antiterrorist Committee, announced an amnesty for Chechen rebels with an initial deadline of August 1. The deadline was extended until January 15, 2007 in legislation passed by the Duma and through December 25, 375 rebels had surrendered according to press reports.

In April 2004 then-Chechen president Akhmed Kadyrov asked that the State Duma extend an amnesty that had expired in September 2003. In June 2004, following his assassination, his son Ramzan stated that the amnesty program should be ended and gave fighters three days to turn in their weapons.

On July 27, the ECHR found that the government was responsible for the "disappearance" of Khadzhimurat Yandiyev and ordered it to pay compensation to his mother. Yandiyev was detained in the village of Alkhan-Khala in 2000 and never seen again. Journalists had videotaped Colonel General Aleksandr Baranov aggressively interrogating Yandiyev and then ordering his execution.

In February 2005 the ECHR found in favor of six Chechen applicants to the court. The ECHR found the government in violation of several articles of the European Convention on Human Rights and Fundamental Freedoms. Two of the cases concerned the killing and mutilation of the applicants' relatives in Grozny in 2000. Three others were brought in response to the bombing of a convoy of civilians in 1999 by government military aircraft. The sixth case involved the artillery and aerial bombardment of the village of Katyr Yurt in 2000 that resulted in the death of one applicant's son and three other relatives (see section 4).

Government forces continued to abuse individuals seeking accountability for abuses in Chechnya and continued to harass applicants to the ECHR. Amnesty International and other human rights groups have reported reprisals against applicants to the court, including killings, disappearances, and intimidation. According to press reports and human rights NGOs, at least five applicants to the ECHR have been killed or abducted.

Memorial reported that in December 2005 unknown security forces arrested and detained Mekhti Mukhayev, whose relatives had complained to the ECHR over the disappearance of four men from the village of Zumsoi in January 2005. According to Memorial, Mukhaev was tortured repeatedly while in custody and authorities fabricated a criminal case against him (see section 1.c.). Mukhaev was convicted in August of participation in an illegal armed formation and sentenced to eight months in prison. Taking into account the time he had already spent in detention since January, he was ordered released in September.

In April 2005 armed men took two ECHR applicants from their homes. The body of one of them was found in May 2005, and the other was still missing. Other applicants reported that they were offered pay-offs or were threatened in an effort to have them drop their cases.

The authorities continued to target the Russian-Chechen Friendship Society (RCFS) and in October it was ordered to shut down (see sections 2.b. and 4). The RCFS urged negotiations with Chechen rebels to settle the conflict and reported on human rights abuses perpetrated by both sides of the conflict. In February RCFS Executive Director Stanislav Dmitriyevskiy was convicted of inciting racial and ethnic hatred by a Russian court and given a two-year suspended sentence and four years probation. The guilty verdict was appealed to the Nizhny Novgorod Regional Court, where it was upheld on April 11. In March authorities announced they were dropping a criminal case against the organization for tax evasion. Shortly after Dmitriyevskiy was convicted, authorities moved to shutdown the organization for failing to distance itself from Dmitriyevskiy. In October, under the new NGO legislation a Nizhny Novgorod court ordered RCFS to shutdown. At year's end, the RCFS remained open, pending appeals of Dmitriyevskiy's conviction and the court ruling to close it.

RCFS offices in Nizhny Novgorod were raided in January 2005 and separate criminal and tax cases were opened against the RCFS executive director and the organization (see section 2.b. and 4). In January 2004 human rights activist Aslan Davletukayev, an RCFS volunteer, was abducted, tortured, and killed in Chechnya under circumstances that suggested the involvement of government forces. He was the third volunteer with the RCFS to have been killed since December 2001. According to Amnesty International and other human rights groups, he had been in the custody of federal forces. A criminal investigation into the incident was inconclusive and no charges were brought. The RCFS reported that it received anonymous threats following the September 2004 seizure of the school in Beslan.

Government oversight over human rights conditions in the Northern Caucasus remained weak. In February Chechen President Alu Alkhanov appointed Nurdi Nukhazhiyev as Chechnya's new human rights ombudsman. According to Amnesty International, Chechen Republic authorities also established a database of missing persons, and Alkhanov also established an interagency commission with the participation of federal law enforcement authorities to address the issue. A separate parliamentary commission was also created, but Amnesty International noted it remained to be seen how these entities would work together or how effective they might be.

In January 2004 President Putin abolished the post of presidential human rights representative to Chechnya on the grounds that no other region had an analogous representative and Chechnya no longer warranted special treatment. Putin handed full responsibility for the issue to then-Chechen President Akhmed Kadyrov. In June 2004 Chechen President Alu Alkhanov appointed Lema Khasuyev as the republic's human rights ombudsman. In June 2005 Khasuyev said he would not cooperate with the human rights NGO Memorial, claiming that it was biased and worked in the interests of foreign donors.

The Independent Commission on Human Rights in the Northern Caucasus headed by the chairman of the State Duma Committee on Legislation has reduced the number of commission offices in Chechnya but as of November, it remained open. The commission heard hundreds of complaints, ranging from destruction or theft of property to rape and murder; however, it was not empowered to investigate or prosecute alleged offenses and had to refer complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other crimes by federal and Chechen Republic forces.

Chechen rebel fighters also committed numerous, serious human rights abuses. They committed terrorist acts against civilians in Chechnya and elsewhere in the country, killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, Chechen fighters killed elderly ethnic Russian civilians for no apparent reason other than their ethnicity. Verifying or investigating these incidents was difficult. Chechen Minister of Internal Affairs Ruslan Alkhanov identified 120 attacks that he characterized as terrorist acts in Chechnya in 2004, but it was unclear what methodology he used to cite that figure.

Chechen rebels and others affiliated with them have committed terrorist acts involving bombings during the year. Chechen terrorist leader Shamil Basayev, who was killed in July, when a truck full of explosives presumably to be used in another terrorist act blew up, had continued to take responsibility for rebel attacks outside Chechnya and to threaten new ones. In a 2005 interview in which Basayev acknowledged he was a terrorist, he said that attacks similar to the Beslan school attack were possible.

In July 2005, a bomb planted by fighters killed 15 persons including a number of civilians, and injured nearly 30 others in the Chechen village of Znamenskoye. Police were lured to the scene of the explosion after rebels placed a corpse in a stolen police car and made it appear as though a shooting was taking place. In August 2005, a woman and a 12-year-old boy were killed in central Groznyy when a car bomb exploded near the government compound. Eleven others were wounded.

According to authorities 12 civilians were killed during a large-scale rebel attack on Nalchik, capital of the Republic of Karbardino-Balkariya in October 2005. The attackers, who numbered as many as 300, targeted military garrisons and police stations throughout the town. The death toll among military and law-enforcement personnel was reported to be 34. Chechen terrorist leader Shamil Basayev claimed responsibility. Most observers believed that a majority of the attackers were natives of Karbardino-Balkariya.

There were also rebel attacks in other parts of the Northern Caucasus. Chechen rebels continued to launch attacks on government forces and police in Ingushetiya during the year.

In Ingushetiya, several officials were killed by unknown assailants. On June 9, Ingushetiya Ministry of Internal Affairs Lieutenant Colonel Musa Nalgiyev, three of his children, a driver, and bodyguard were killed as he took the children to a childcare center. A short distance away, on June 9, deputy district administrator Galina Gubina was shot and killed (see section 1.a.)

In May, rebels killed Ingushetiya's Deputy Minister of Internal Affairs Dzhabrail Kostoyev using a roadside bomb. Two bodyguards and four bystanders were also killed. There had been repeated attempts on Kostoyev's life.

These attacks followed a number of terrorist acts in 2004. In February 2004 Basayev claimed responsibility for an attack in which a suicide bomber blew up a car on the Moscow metro, killing 40 persons. In March 2004 terrorist Abu al-Walid stated that further attacks should be expected. In August 2004 suicide bombers from Chechnya were believed to have carried out the near-simultaneous downing of two civilian aircraft, killing 89 persons, and a suicide bombing later that month at a metro station in Moscow that killed 10 persons. In September 2004 terrorists took an estimated 1,200 teachers, children and parents hostage in a school in Beslan, North Ossetia. During the hostage-taking and the rescue effort by troops and security forces, at least 330 hostages died. Security forces subsequently killed most of the hostage takers in a firefight that lasted several hours.

In other incidents rebels took up positions in populated areas and fired on federal forces, thereby exposing civilians to federal counterattacks. When villagers protested, the rebels sometimes beat or fired upon them. Chechen fighters also targeted civilian officials working for the Chechen Republic. Chechen Prime Minister Ramzan Kadyrov stated November 14 that 71 heads of local administration and 60 imams had been killed in Chechnya from 2000-06. Memorial documented three cases in which local officials in Chechnya were killed during the year.

In November 2005 about 100 Chechen rebels raided the village of Avtury, killing the head of the village administration Ibragim Umpashayev and his son Isa. In May 2004 Chechen rebels assassinated President of the Chechen Republic Akhmed Kadyrov while he was attending a Victory Day celebration in Groznyy. Chechen fighters also reportedly abused, tortured, and killed federal soldiers whom they captured. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Chechen Republic. According to Chechen sources, rebel factions also used violence to eliminate economic rivals in illegal activities or to settle personal accounts.

Rebel field commanders reportedly resorted to drug smuggling and kidnapping to fund their units. As a result, distinguishing between rebel units and criminal gangs was often difficult if not impossible. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Government officials continued to maintain that there were 200-300 foreign fighters in Chechnya.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see section 2.d.). At various times during the

conflict, authorities restricted the movement of persons fleeing Chechnya and exerted pressure on them to return there (see section 2.d.). At year's end, the UN High Commission for Refugees (UNHCR) registered 20,075 IDPs from Chechnya for assistance in Ingushetia. About a third of these IDPs remained in temporary settlements. Approximately 150,000 persons lived within Chechnya, including thousands living in temporary accommodation centers. Conditions in those centers reportedly failed to meet international standards.

Beginning in 2004, authorities refused to grant the ICRC access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits. The suspension was still in place at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties, as well as pressure from the government and large private companies with links to the government, many media organizations saw their autonomy further weaken. The government used its controlling ownership in all national television and radio stations, as well as the majority of influential regional ones, to restrict access to information about issues deemed sensitive. It severely restricted coverage by all media of events in Chechnya. There were indications that government pressure frequently led reporters to engage in self-censorship. Nonetheless, on most subjects, the public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the government generally respected citizens' rights to freedom of expression, it sometimes restricted this right with regard to issues such as the conduct of federal forces in Chechnya, discussions of religion, or controversial reforms in the social sector. Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons for expressing views critical of the government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines.

Although all but two national newspapers remained privately owned, as did more than 40 percent of the 45,000 registered local newspapers and periodicals, the government attempted to influence the reporting of independent publications. During the year government friendly corporations purchased majority or significant minority stakes in several key publications. Media freedom advocates viewed this trend as further evidence of government efforts to expand control of media beyond national television before the 2007-08 parliamentary and presidential elections.

In June United Russia Duma Deputy Aleksandr Lebedev and former Soviet leader Mikhail Gorbachev purchased 49 percent of *Novaya Gazeta*, an independent investigative weekly. Both indicated that they did not intend to interfere with editorial policy and by year's end there was no indication that they had.

In August, after a year of rumors that the government controlled company Gazprom would purchase the independent business daily *Kommersant*, 100 percent of the paper's holding company was sold to the general director of Gazprominvestholding, Alisher Usmanov. There was not been a discernible shift in the newspaper's editorial slant by year's end.

Other significant transactions leading to greater state ownership included the April purchase of 49 percent of *Zhizn*, the fourth largest mass-circulation weekly, by UFG Private Equity Fund. Boris Fedorov, UFG general partner, also sat on Gazprom's Board of Directors. In June 2005 Gazprom purchased the daily newspaper *Izvestiya*. In late 2005, after a personnel change at *Izvestiya*, the newspaper's editorial staff was reportedly told on several occasions to be careful not to provoke government authorities.

In October 2005 liberal weekly newspaper, *Moskovskiy Novosti*, was purchased from the Ukrainian-Israeli media company, Media International Group (MIG) by Israeli businessman Arkadiy Gaydamak. MIG had just purchased the newspaper in July from Mikhail Khodorkovsky after pledging not to change the existing editorial policy. Upon purchasing *Moskovskiy Novosti*, Gaydamak stated that he would transform the newspaper into a progovernment media outlet devoid of opinion or polemics.

Approximately two-thirds of the 2,500 television stations in the country were completely or partially owned by the federal and local governments. Furthermore, the government indirectly influenced private broadcasting companies through partial ownership of such commercial structures as Gazprom and Eurofinance Bank which in turn owned controlling or large stakes of media companies. Such influence, however, was not uniform.

The government exerted its influence most directly on state-owned media. Of the three major national television stations, the government had a direct interest in two, the Rossiya Channel, which it owned outright, and the First Channel, in which it held a majority interest. Journalists and news anchors of Rossiya and First Channel reported receiving "guidelines" from the management prepared by the presidential administration, indicating which politicians

they should support and which they should criticize. The two networks promoted a positive image of President Putin and supported a completely Russo-centric angle on the gas crisis with Ukraine, the dispute with Georgia, and the gas crisis with Belarus.

Gazprom has a controlling ownership stake in NTV, which maintained a slightly more independent editorial line than Rossiya or First Channel, avoiding criticism of the government but continuing to highlight important stories--such as the prosecution of Mikhail Khordokovskiy--when other channels chose to bury the news deeper within their evening news programs. In March 2005 NTV management prohibited the broadcast of an investigative program about the 2000 murder of Ukrainian journalist Georgiy Gongadze. Media reports cited NTV sources as saying the program contained interviews with Ukrainian politicians and former senior government officials who made allegations of possible Russian government involvement in the murder. According to media freedom advocates, the program was pulled by order of Presidential Administration officials, who also demanded that NTV abstain from further reporting on Gongadze's case.

Of the two second-tier national television networks that have exhibited independence of the government, REN-TV was sold in 2005. REN-TV ended up under the shared control of Severstal Group and Surgutneftegas Company, each with 35 percent of the shares and both under the control of government allies. The German media company RTL owned the remaining 30 percent of REN-TV. Following the sale REN-TV, observers alleged that the network's editorial line became more pro-government. The network's November 2005 decision to cancel the news show "24," anchored by one of the country's most outspoken journalists, Olga Romanova, was seen as evidence of this trend. Romanova was later dismissed after publicly protesting censorship at the network followed by a wave of resignations among the news staff who alleged the network had started to practice self-censorship aimed at pacifying the government.

In August TV Center began broadcasting on affiliate stations in St. Petersburg and the regions. TV Center's core strategy is based on becoming an additional source for news, documentaries, and other informational programming. Owned by the city of Moscow, TV Center is widely considered Moscow's "local" television station and received a considerably higher audience share in the capital than in the country as a whole.

There were reports that the government will continue funding Zvezda, a military-patriotic channel featuring programs and movies focusing on the armed forces that was launched in February 2005, and increase funding for Russia Today, the state-owned English-language news channel aimed at foreign audiences, to almost \$90 million (2.43 billion rubles).

The government also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya, and the news agencies ITAR-TASS and RIA-Novosti.

Originally conceived as a nonpolitical television talk show, *V Krug Sveta (In the Spotlight)* was cancelled in September by the Domashniy television channel after only four episodes. Reports indicated that the show incurred the ire of the authorities, when lawyer Genrikh Padva and political writer Marietta Chudakova were invited to discuss the success or failure of the jury trial system in the country. The guests also touched on the light sentences imposed on those convicted of hate crimes, the unrest in the Karelian town of Kondopoga, and the cases of military officers Eduard Ullmann and Yuri Budanov, who had been charged with crimes against Chechen civilians.

The government also issued legal orders that directly curtail freedom of the press or could be used by the authorities to pressure independent journalists. On July 28, President Putin signed the new version of the law "On Countering Extremism," which stipulates that "public libel" of government officials is tantamount to extremist activity. Media freedom advocates expressed concern that this broad interpretation of extremism could create a basis for government officials to stifle criticism and label independent reporters as extremists (see section 3).

On July 25, RosOkhranKultura, the Federal Service for Media Law Enforcement and the Protection of Cultural Heritage (FSMLE) posted a letter from the director of the Federal Registration Service (RosRegistratsia) on its Web site regarding media mentions of the "liquidated" National Bolshevik Party (NBP) or any person claiming to act in the name of the NBP. The letter informed the media that all references to the NBP could be considered as the dissemination of false information and that disregard of this notice could lead to the "application of restrictive, precautionary and preventative measures."

In October Vladimir Rakhmankov, the editor of the now defunct Internet magazine *Kursiv*, was charged under the criminal code and fined \$750 (20,250 rubles) for a satirical critique of Putin's plans to boost birthrates in the country.

In September an Altai Republic court found the former head of the republican government's Information Policy Committee guilty of abusing his official position to interfere with legal journalistic activity. This decision resulted from an April 2005 complaint by the editors of two Altai newspapers, *Zvezda Altaya* and *Altaidyn Cholmony*, who complained that the head of the Information Policy Committee pressured them to report only positive stories about the Republic's government. The offender was sentenced to 10-months of incarceration (suspended) and one year of probation. He was also banned from government employment for a period of one year.

Government-controlled media exhibited considerable bias in favor of President Putin in its coverage of the 2004

presidential campaign. President Putin did not actively campaign, but, as the OSCE election observation mission noted, he received coverage on the state-controlled television channels far beyond what was reasonably proportionate to his role as head of state. For example, the OSCE election observation mission reported that in the four weeks preceding the elections, First Channel provided in total more than four hours of its political and election news coverage to President Putin. The next most covered candidate received approximately 21 minutes of prime time coverage (see section 3).

The federal Ministry of Internal Affairs continued to control media access to the area of the Chechen conflict. On September 10, police detained British reporters with the *CMI* independent news agency and Fatima Tlisova, editor-in-chief of the *Regnum* news agency's North Caucasian branch in the city of Nalchik. The British journalists intended to interview Tlisova but were detained for the entire day and prevented from doing so. The reason given for the detention was that the reporters had strayed into an off-limits area.

On November 24, reporters from Austria's ORF television channel were detained for more than six hours at a checkpoint in Chechnya by FSB officers. The authorities searched the journalists and confiscated video recordings, a satellite phone, and three special accreditation certificates allowing the journalists to work in a zone of antiterrorist operations.

On December 14, *Deutsche Welle* journalist Kristof Wanner was detained by authorities when he entered a zone of antiterrorist operations in Chechnya to record video for a report on a German NGO. He did not have the proper accreditation certificate and the authorities ordered his expulsion from the Chechen Republic.

In March Dagestani police and FSB officers detained freelance reporter Kelly McEvers in Khasavyurt. McEvers, who was doing research on Islamic extremism but lacked the proper accreditation, was questioned for 10 hours and released, only to be again detained for several hours upon arriving in Dagestan's capital, Makhachkala. McEvers had been warned by authorities previously not to travel in the area without proper accreditation but failed to heed the warning.

On November 20, Moscow journalist Boris Stomakhin, editor of *Radikalnaya Politka*, was sentenced to five years in prison on charges of inciting ethnic hatred, according to news reports. He has filed an appeal with the Moscow City Court. Human rights activists asserted that the severity of the sentence was unprecedented.

In February 2005 the Ministry of Culture and Mass Communications issued a warning to the daily newspaper *Kommersant* for publishing an interview with Chechen rebel leader Aslan Maskhadov. The ministry claimed the interview "justified extremist activities." Under legislation governing the media, multiple warnings might allow the ministry to suspend the newspaper's publication. In April 2005 the Moscow arbitration court rejected the newspaper's appeal of the warning. In June 2005 the Moscow arbitration court's ruling was upheld.

In June 2005 police and FSB agents in Nazran, Ingushetia, detained Mariusz Pilis, Marcin Mamon, and Tomasz Glowacki, journalists of the Polish state television station TVP. The journalists, who were working on a documentary about Chechnya, had valid visas and accreditation. After 14 hours in detention, authorities confiscated the journalists' tapes, told them that their visas and accreditation cards were no longer valid, and ordered them to leave Ingushetia within 24 hours.

At year's end the ABC television network was still unable to obtain accreditation necessary to reopen its bureau in Moscow. The Russian government withdrew the bureau's accreditation in July 2005 after ABC News broadcast an interview with Chechen terrorist Shamil Basayev.

Mistreatment of journalists by authorities was not limited to Caucasus-related coverage. The Glasnost Defense Fund (GDF) and other media freedom monitoring organizations reported numerous abuses of journalists by police and other security personnel elsewhere, including physical assault and vandalism of equipment. In most instances, however, the mistreatment appeared to have been at the initiative of local officials.

On February 2, in Vladikavkaz, police officers beat Channel One reporter Olga Kiri when she attempted to report on the victims of two explosions. When her television crew arrived at the hospital, three police officers barred their entry to the hospital, banned the use of cameras on the premises, and subsequently beat Kiri on the head and stomach. Channel One reported the incident and the offending officer was sentenced to 3 1/2 years in jail.

On February 3, reporters from the *Equipage* television show arrived at the village of Bolshoye Kozino to cover a story about an unauthorized search of a private house (i.e., without a warrant). When they arrived at the location where the search was taking place, a group of law enforcement officers attacked the cameraman, broke his camera, and confiscated the cassette.

In April Yevgeny Khamaganov, a reporter for the Aulan-Ude newspaper *InformPolis*, was detained by the Organized Crime Division of the police for his alleged involvement in a murder case. The authorities subsequently questioned him about a February trip he made to Irkutsk and the Ust-Ordynsky District during which he collected material for an article

critical of an upcoming unification referendum.

In May in Nizhny Tagil, Natalya Gorchakova, a reporter for the newspaper *Tagilsky Rabochiy*, was reporting on detainee abuse at a local police station when the officer on duty tried to tear the camera away from her and beat her in the presence of numerous eyewitnesses.

On June 7, Gennady Nikolayev, Yulia Yanbayeva, and Elena Volkovskaya from the Novy Region information agency were detained by FSB officers and regional prosecutors at the Volgograd municipal administration headquarters while gathering information about the recent arrest of Mayor Evgeny Ishchenko. The reporters were taken to the prosecutor's office and required to surrender their cell phones and computers.

In May 2005 police in Moscow's Red Square beat Aydar Buribayev, a correspondent for the daily *Gazeta*, and Shagen Ogandzhanyan, a correspondent for the daily *Novaya Gazeta*, who were covering a rally by a radical youth group. Buribayev, Ogandzhanyan, and *Novaya Gazeta* correspondent Irina Gordiyenko were subsequently taken to a police station, interrogated, and released after several hours.

According to the GDF, 69 journalists were physically attacked during the year and nine were killed. At least two of the deaths may have been related to their work in journalism. In most cases authorities and observers were unable to establish a direct link between an assault and the persons who reportedly had taken offense at the reporting in question. Independent media NGOs still characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

In July in Saratov, Yevgeny Gerasimenko, an investigative reporter for the newspaper *Saratovsky Rasklad*, was found dead in his home with a plastic bag over his head, his hands bound behind his back with duct-taped and numerous bruises covering his body. There was no sign of forced entry, and the only item missing was his computer. His colleagues noted that Gerasimenko was working on an investigative article just prior to his death.

On October 7, an unknown person shot and killed prominent investigative journalist Anna Politkovskaya as she entered the elevator in her Moscow apartment building. The contract-style killing was carried out during daylight hours. Politkovskaya was known for her articles in the liberal newspaper *Novaya Gazeta*. Her writing was highly critical of the war in Chechnya, the Chechen authorities, human rights abuses, and President Putin's administration. As a result of her writing, she received many death threats. Authorities continued to investigate the crime at year's end. Following Politkovskaya's killing, two other *Novaya Gazeta* staffers received death threats - one for his work on a series of publications highlighting problems in the North Caucasus and the other in connection with his efforts to investigate the Politkovskaya killing.

On January 8 in Tula, Vaghif Kochetkov, a *Trud* staff correspondent and a political observer for the newspaper *Molodoy Kommunar*, died in the hospital after being attacked by unidentified persons. He was initially found alive three hours after the attack and was unwilling to talk about the assault or his attackers. Kochetkov's relatives suggested the attack was in some way connected with his work as a reporter.

On July 21 in Cheboksary, the body of Vlad Kidanov, an independent journalist, was found dead on a park bench with numerous bruises. He was taken to the city morgue and his relatives were not called for a week. No criminal proceedings have been initiated.

In May 2005 Pavel Makeyev, a reporter from the local Rostov-on-Don television company TNT-Plus, was found dead in a ditch with multiple bruises and fractures. His equipment and cell phone were missing. It appeared that Makeyev died shortly after beginning work on a story about illegal drag racing, and some of his colleagues stated that Makeyev's death was linked to his work. An investigation later determined that a driver participating in a drag race struck Makeyev with his car, but a conviction against this person was not pursued.

In June 2005 unknown assailants in Makhachkala shot and killed Magomedzagid Varisov, director of the Center for Strategic Initiatives and Political Technologies and a columnist of the local weekly *Novoye Delo*. Varisov's colleagues said he received numerous threats in connection with his commentary on local politics. No progress in the investigation of Varisov's killing had been reported by year's end.

In October 2005 Tamirlan Kazikhanov, the head of the press service of the Counterterrorist Center of the Ministry of Interior in the Southern Federal District was killed by rebels during an assault on the center's office in Nalchik. A sniper fatally shot Kazikhanov after he took a camera and started to film the attack on the building. A criminal case relating to the overall assault is currently underway, but no case was open on behalf of Kazikhanov's death.

Other journalists who may have been attacked this year because of their work include: Sergey Davydov, crime news editor for the newspaper *Togliattinskoye Obozreniye* in the Samara Region; Andrei Yundin, ATV editor-in-chief in Stavropol; Malika Gortikova, reporter for newspaper *Serdalo* in Ingushetia; Yulia Vassilyeva, reporter for Rossiya TV in St. Petersburg; Valery Ustinov, reporter for *ITAR-TASS-Ural* in Yekaterinburg; Roman Kulguskin, St. Petersburg

freelance reporter in Moscow; Yuri Padalko, reporter for *Pravda.info* in Moscow; Dmitry Borko, photo correspondent for *Grani.ru* in Moscow; Alexei Savelyev, photo correspondent for Stringer news agency in Moscow; Boris Kosarev, reporter for Regnum news agency in Moscow; Vladimir Voronov, a New Times correspondent in Moscow; Viktor Volkov, a freelance journalist in the Moscow Region; Rustam Fakhretdinov, newspaper *Vechernyaya Tyumen* in Tyumen; Marina Litvinovich, editor-in-chief of the Web site *Pravda Beslana* in Moscow; Boris Pashkov, cameraman for RTR's *Vesti* in St. Petersburg; Vladimir Pozharsky, reporter for *Express Gazeta* in Moscow; and Vladimir Rakhmankov, editor of the Internet newspaper *Kursiv* in Ivanovo.

High-profile cases of journalists killed or kidnapped in earlier years remained unsolved. In 2005 the government detained two of five Chechens suspected of being the shooters in the 2004 killing of Paul Klebnikov (the American citizen editor-in-chief of the *Forbes Russia*). Three other suspects remain at large. One of the suspects, former separatist Chechen figure Khodz-Akhmed Nukhayev, was charged with ordering the killing. Although the initial trial of the two suspects in custody, Kazbek Dukuzov and Musa Vakhayev, resulted in an acquittal, that verdict was subsequently overturned by the Supreme Court and a new trial with a new judge was ordered in November.

In March 2005 the Military Collegium of the Supreme Court rejected the general prosecutor's appeal of the 2004 Moscow circuit military court's acquittal of all the defendants accused of organizing the 1994 killing of Dmitriy Kholodov, military affairs correspondent for the daily newspaper *Moskovskiy Komsomolets* (see section 1.a.).

Authorities at all levels employed administrative measures to deter critical coverage by media and individual journalists. One method was to deny the media access to events and information, including filming opportunities and statistics theoretically available to the public. For example, under the media accreditation regulations adopted by the Karachayevo-Cherkesiya Republic government in March 2005, only media outlets providing "objective" reporting on the local government are allowed access to government media events.

In January the Ivanovo Regional Legislative Assembly restricted journalist access to its session without explanation or prior announcement that the session would be closed to the press.

In February President of Khakassia's Supreme Council Vladimir Shtygashev told a news conference that accreditation for Alexei Kirichenko, a reporter for the newspaper *Chance*, was being "temporarily withheld." The reason given was that "the majority of Council members have spoken negatively about Mr. Kirichenko's writings" and suggested that he be barred from covering official meetings.

In March, Rostov's Regional Court denied 15 local and national journalists access to two "open" hearings.

In April reporters in the Mariy-El Republic were told that continued access to Legislative Assembly sessions was dependent upon the number of stories published concerning the performance of parliamentarians.

At times officials or unidentified individuals used force or took extreme measures to prevent the circulation of publications that were not favored by the government.

In January Oryol Deputy Governor Vitaly Kochuyev and Gubernatorial Trade Department Head Vladimir Agapov reportedly held meetings with companies leasing space to newspaper stalls and retail press distributors in order to pressure them to terminate retail sales agreements with the newspaper *Orlovskiy Novosti*.

On February 21, in Nazran, six armed men stormed into the home of Murat Oziyev, editor-in-chief of the independent newspaper *Angusht*. They searched his home without a warrant and confiscated 300 copies of the newspaper. Oziyev stated that the order to search his house and confiscate the *Angusht* circulation was issued by the Ingush presidential administration in retaliation for publishing an article critical of the Ingush president.

In June the national press distribution service RosPechat refused to distribute the newspaper *Ivanovo-Press*. The newspaper contacted RosPechat and was told that the newly appointed local head of RosPechat had issued an order not to accept subscriptions for *Ivanovo-Press* and later barred all agreements with the newspaper.

Legal actions against journalists and journalistic organizations were another tool employed by authorities at the federal and local levels, primarily in response to unfavorable coverage of government policy or operations. The GDF estimated that 48 criminal cases and almost 300 civil cases were brought against journalists during the year. The utility of this tool was partially diminished as a result of a decision by the Supreme Court in 2004 prohibiting courts from imposing sentences in libel and defamation cases that would bankrupt the media organization being sued. However, one NGO reported that the decision was not always implemented properly on the local level. The court's order stated that compensations "should be commensurate with the damage and not infringe upon press freedom." The GDF noted that during the year the courts have upheld civil defamation claims against journalists in amounts equivalent to approximately \$136.1 million (884.9 million rubles).

In January the Yamalo-Nenets District's Territorial Electoral Commission initiated criminal proceedings against a reporter for *Gazovik*, Vyacheslav Kalinin, under penal code ("Interference with the exercise of electoral rights or the

work of electoral commissions").

In April a defamation case was filed by the mayor of Lytkarino (in the Moscow Region) and a businessman against Artyom Danilov, editor-in-chief of the newspaper *Delovoy Press-Tsentr*. The journalist had asked regional authorities about municipal actions favoring the businessman, but the court ruled in favor of the plaintiffs and ordered the journalist pay \$3,775 (100,000 rubles) in "moral damages."

In May the Sverdlovsky District Court in Belgorod held a closed door trial involving a claim filed by Governor Yevgeny Savchenko against journalist Olga Kitova, founder of the newspaper *Moskovsky Komsomolets v Belgorode*. The paper had published an article critical of the governor and he received approximately \$37,750 (1,000,000 rubles) in "moral damages."

Authorities at various levels took advantage of the financial dependence of most major media organizations on the government or on major financial-industrial groups to undermine editorial independence and journalistic integrity in both the print and broadcast media. Government structures, banking interests, and the state-controlled energy giant Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Most news organizations experienced continued financial difficulties during the year, which reinforced their dependence on private sponsors and, in many cases, on the federal and regional governments. As a result the autonomy of the media and its ability to act as a watchdog remained weak.

Authorities also made use of the media's widespread dependence on governments for transmission facilities, access to property, and printing and distribution services to discourage critical reporting, according to the GDF and media NGOs. The GDF reported that approximately 90 percent of print media organizations relied on state-controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate various other "instruments of leverage," including the price of printing at state-controlled publishing houses, to apply pressure on private media rivals. The GDF noted that this practice was more common outside the Moscow area than in the capital.

Newspapers in Mariy-El could no longer afford to pay delivery costs after the Federal Antimonopoly Service canceled the benefits previously granted to the republic's print media outlets. Many district newspapers report they were unable to absorb the sharp rise in postal delivery costs, and had nearly doubled their subscription prices as a result, a move that has drastically reduced their circulation.

In February the Communist Party's regional branch in Oryol was forced to print its newspaper *Orlovskaya Iskra* in a neighboring region after a Oryol-based printing company unilaterally terminated its service agreement at the peak of preparations for the March 12 municipal elections in the region.

According to the GDF and other media NGOs, there were numerous instances of authorities using taxation mechanisms to pressure media across the country.

Internet Freedom

The government generally did not restrict access to the Internet; however, it continued to require Internet service providers to install, at their own expense, a device that routes all customer traffic to an FSB terminal called the "system for operational investigative measures" so that police could track private e-mail communications and monitor Internet activity. There appeared to be no mechanism to prevent FSB access to the traffic or private information without a warrant. The FSB was not required to give telecommunications companies and individuals documentation on targets of interest prior to accessing information.

There have been at least three known attempts by authorities to shut down local Internet sites. In February the governor of Vladimir held the Web site Kovrov.ru legally liable for allowing participants to post critical comments on its "Media and Politics" forum. The forum was closed without benefit of due process.

In May in Barnaul, the Altai Territory Regional Court heard a case brought by the FMLES against Internet news site *BankFax* under the criminal code (instigation or incitement of interethnic, racial or religious hatred or enmity). The site published a commentary on the scandal surrounding the caricatures of the Prophet Mohammed. The court ruled in favor of *BankFax*.

The "Internet in Russia" report, conducted by Public Opinion Fund during the year, concluded that the Internet audience in the country was roughly 26.3 million individuals (23 percent of the adult population). Almost 8.5 million individuals used the Internet daily, 15.6 million weekly, and 20.6 million at least once a month. An estimated 12.4 percent of all Internet users reside in Moscow and the wider Moscow region. The next largest groups of Internet users resided in St. Petersburg and the surrounding area (9.8 percent), and the Tomsk region (6.8 percent).

Academic Freedom and Cultural Events

The government did not restrict academic freedom; however, human rights and academic organizations questioned whether the convictions of Sutyagin, Danilov, and others inhibited academic freedom and contact with foreigners on subjects that the authorities might deem sensitive (see section 1.e.). This trend continued during the year as the renowned scientist Oleg Korobeinichev, an employee of the Institute for Chemical Kinetics and Combustion, was charged with disclosing state secrets to a foreign government. In December Novosibirsk investigators completed the probe into the case of Korobeinichev. The case brought against Korobeinichev has been passed to the court.

In March 2005 authorities found the Sakharov Center director and a staff member guilty of inciting religious hatred in connection with a 2003 exhibit of religious-themed art that many viewed as provocative (see section 2.c.).

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly and the government generally respected this right in practice; however, at times authorities restricted this right.

Organizations are required to obtain permits to hold public meetings. They must apply for these permits between five and 10 days before the scheduled event, which were generally granted to both supporters and opponents of the government. While police often granted demonstration permits, local elected and administrative officials at times denied some groups permission to assemble. Religious gatherings and assemblies do not require permits, but in several instances authorities denied religious groups access to venues where they could hold assemblies (see section 2.c.).

During the G-8 Summit in St. Petersburg in July, human rights activists claimed 577 alleged incidents of illegal action by law enforcement officials against protestors, including 94 cases of police taking person to police stations without explanation; 267 cases (three involving children) of temporary detention on trumped-up charges such as "minor hooliganism," "verbal abuse," and "resistance to law enforcement officials"; and 216 cases of persons prevented from traveling by bus or train to St. Petersburg for a "counter summit" organized by Russian NGOs.

According to Human Rights Watch, in the days before the *Other Russia* conference in Moscow in July, authorities tried to bar conference attendees from leaving their home cities. Tactics reportedly included summoning attendees to police departments, coercing from them written promises to stay at home, and threatening them with detention on administrative charges. In some cases police removed individuals from trains and airplanes as they were about to depart to Moscow. Some participants were reportedly attacked and beaten by unknown assailants just before the conference.

On May 27, police intervened belatedly to protect participants in a lesbian and gay rights festival in Moscow from attack by antigay protesters (see section 5).

After organizing a picket in Moscow on September 3 in commemoration of the victims of Beslan, Lev Ponomarev was arrested and detained for three days. Media reports indicate that Ponomarev, leader of the Russian organization "For Human Rights," submitted the required notification prior to the event, but chose not to observe the subsequent recommendation that it take place elsewhere or on a different date. Human rights organizations assert that such responses from the Ministry of Internal Affairs are not binding under the law, and that his detention was both arbitrary and illegal.

On October 16, police in Ingushetia arrested rights activists and violently broke up a rally in memory of slain reporter Anna Politkovskaya who was killed October 7. Security forces cordoned off a site in the center of Ingushetia's main city of Nazran as approximately 40 rights activists and others tried to gather. According to press reports, police tore photographs of Politkovskaya from demonstrators' hands and injured at least one person. *Kavkazky Uzel* reported on October 17 that three participants in the Nazran demonstration--Fatima Yandieva, Zoya Muradova, and Zarema Mukusheva, all of whom are Memorial staffers--were fined \$18.50 (500 rubles) apiece for "violating the established order for holding a picket," while local journalist Ruslan Maisigov was released after being briefly held by police. The organizers of the demonstration--Magomed Mytsolgov, chairman of "Marsh," a group made up of relatives of persons who have disappeared, and Albert Khantygov of Memorial--were set to appear in court on October 17 on charges of organizing an unsanctioned demonstration. Interfax quoted Ingush Interior Minister Beslan Khamkhoev as saying: "There was an attempt to hold an unsanctioned meeting. For some reason, there was a disagreement between the members of the meeting, which turned into a fight. To preserve order and safety, policemen were forced to intervene."

Police detained hundreds of opposition activists ahead of the Other Russia demonstration on December 16, the "March of the Discontented," in Moscow. Demonstrators were not allowed to march, but approximately 2,500 convened at a Moscow rally surrounded by approximately 8,500 police, special forces troops, and FSB officers. About 80 protesters were detained in Moscow throughout the day and about 320 other activists were detained or taken off trains and buses on their way to Moscow. Some were kept in detention cells, while others were released after the rally was over.

On December 17, Moscow city authorities prohibited approximately 300 members of the political party Yabloko and their supporters from marching in memory of killed journalists. Yabloko was allowed to meet, however, but was refused a permit to march.

In May 2005 Moscow police, after breaking up a demonstration in front of city hall, detained 10 congregants and supporters of the Emmanuel Pentecostal Church. Members and supporters of the church continued to demonstrate, alleging discrimination by authorities who had refused the church permission to construct a church and renovate buildings in Moscow and another district. In June 2005 several of these demonstrators were arrested during a demonstration. City authorities contended that the demonstrations were illegal and that they had advised the demonstrators to hold their protests at an alternate site. Protestors said that the demonstration was legal and that they had never received such instructions from city authorities. Several protestors were charged with holding an illegal demonstration and sentenced to five-day jail terms. A Moscow district court ruled in November 2005, that local authorities had violated the legal procedure for regulating public events in its handling of the Church's repeated demonstrations. The same court ruled in October 2005 that 13 police officers had wrongfully detained Emmanuel members following a demonstration a week earlier. The church pastor confirmed that police interference ended following these court decisions.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right; however, the government increasingly harassed several organizations of whose policies it disapproved. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. There was no clear evidence that these registration requirements were being used to discourage or prevent the formation of associations; however, they afford an opening for abuse on the part of the authorities. The law requires that political parties have 50,000 members nationwide, at least 500 representatives in each of half of the country's regions, and no fewer than 250 members in each of the remaining regions in order to be registered (see section 3). In addition, the finances of registered organizations are subject to investigation by the tax authorities and foreign grants must be registered. The authorities subjected some NGOs to lengthy investigations of their finances or delayed the registration of their foreign financed programs. Some NGOs said that these actions were intended to restrict their activities (see section 4).

President Putin signed into law on January 10 legislation providing strict measures to oversee NGOs through a registration body at the Ministry of Justice. The law, which entered into force on April 10, imposed more stringent registration requirements for NGOs, particularly the branch offices of foreign NGOs, strict monitoring of organizations, extensive reporting requirements on NGO programming and activities, and some limitations on the participation of foreign citizens in NGOs. The law also permits more intrusive means for government officials to scrutinize all forms of NGOs, including "public associations." In addition it granted the Federal Registration Service discretion to deny registration or shut down an organization based on vague and subjective criteria (see section 4).

On July 28, President Putin signed into law amendments to legislation "On Countering Extremism," despite concerns among many that the law may restrict activities of political parties, the media and NGOs, and legitimate criticism of the government. Critics say that it could be used to stifle politically sensitive NGOs, and opposition political parties during the 2007-2008 election cycle (see sections 3 and 4).

A number of senior officials made critical statements during the year that contributed to, and reflected, increased suspicion of NGO activity. For example, FSB Director Nikolay Patrushev in a December interview said that foreign intelligence agencies were increasingly using NGOs and press bureaus as cover, citing specifically the Danish Refugee Council. In a January 31 press conference in the wake of Russian accusations against four British diplomats of spying and providing money for NGOs, President Putin stated that society needs NGOs to monitor the activities of the state and power structures and pledged support for their activities, but added that their financing must be transparent and efforts to control them by "foreign puppeteers" would not be tolerated. On February 7 in a speech to the FSB, President Putin called on the FSB to "protect society from any attempts by foreign states to use [NGOs] for interfering in Russia's internal affairs."

At a July 2005 meeting of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, President Putin stated that he objected to foreign financing of "political activity" in the country. In May 2005 FSB Director Nikolay Patrushev said that foreign NGOs were often used for espionage. In his May 2004 State of the Nation address, President Putin charged that some foreign-funded NGOs existed "to serve dubious groups."

At the end of January, the Russian Ministry of Justice filed a lawsuit to close the Russian Research Center on Human Rights, an umbrella organization of a dozen Russian human rights groups, including the Moscow Helsinki Group and the USMC. The Ministry of Justice claimed that the group had failed to file reports of its activities for the past five years, a claim disputed by the group. Also in late January, a Moscow arbitration court ruled against the Russian PEN Center, an NGO that advocates freedom of expression, holding that it owed \$75,500 (2 million rubles) in property taxes. The authorities froze its account following the court ruling.

In late July the Russian Federal Tax Service filed a tax claim against the Center for International Legal Defense (CILD), an NGO headed by one of former Yukos CEO Mikhail Khodorkovskiy's lawyers, after it was audited by tax

inspectors (see section 4).

In October a Nizhny Novgorod court ruled that the Russian-Chechen Friendship Society should be shut down after its Executive Director Stanislav Dmitriyevskiy was convicted of inciting racial hatred earlier in the year (see section 4).

Authorities in a number of regions continued operations against Hizb ut-Tahrir (HT), which had been banned by the Supreme Court in 2003 as a terrorist organization, despite the organization's denials that it supported terrorism. For example, in Bashkortostan Republic, Tyumen, Chelyabinsk Oblasts, Moscow, and Nizhnevartovsk there have been arrests and trials of alleged HT members. In April a Moscow court convicted Sardorbek Siddikov and sentenced him to one year in jail for membership in HT. In September 2005 the city court of Nizhnevartovsk, Khanty-Mansiisk autonomous okrug gave a four-year suspended prison term to Eduard Khusainov, who was believed to have headed the local HT group. Officials reportedly found extremist propaganda in his apartment. Khusainov was charged with organizing the activities of an extremist organization and with "involving others in committing terrorist crimes or otherwise abetting such crimes." In October 2005 in Tyumen Oblast, a Tobolsk Court found nine members of the local HT branch guilty on all charges of extremism brought against them. Three of the accused-local leaders Marat Saybatalov, Dmitriy Petrichenko, and Rail Valitov-were sentenced to prison terms ranging from 5 1/2 to six years. Other members were sentenced to various terms from 12 months to 5 1/2 years. According to the Sova Center, police broke up an HT group in Chelyabinsk in March 2005 and detained one of its members, Rinat Galiullin. The criminal case against Rinat Galiullin was initiated in March 2005. He was arrested and tried in September-November 2005. He was given a one-year suspended sentence. Also Galiullin won a suit against a local newspaper for spreading information alleging that he had plotted a riot, stockpiled weapons, and encouraged people to sign a contract with Al Qaeda. The HT group to which Galiullin allegedly belonged was not found. As of July the courts had convicted 46 persons, 29 of whom were in prison, for membership in HT.

In August 2005 eight HT defendants were sentenced in Ufa, Bashkortostan to prison terms ranging from 3 1/2 to 8 1/2 years on charges of terrorism, forming a criminal group, involving others in terrorist crimes, illegal possession of arms, and sabotage. A ninth defendant was given a suspended sentence. Having appealed the case to the Supreme Court, the sentences were upheld in November 2005.

In August 2005 the Supreme Court overturned a decision by a lower court forcing the closure of the radical National Bolshevik Party. In October 2005 the Presidium of the Supreme Court canceled the August Supreme Court decision and sent the case back for new hearings. In November 2005 the Supreme Court ruled in favor of the previous lower decision to ban the party. In April, a Moscow district court upheld a January 30 decision by the Ministry of Justice to deny registration to the party. In August, a faction of the National Bolshevik Party split off to form the National Bolshevik Front. Also in August the Federal Registration Service asked the federal media agency to stop the media from referring to the National Bolshevik Party by its name, arguing that the organization was never registered as a political party.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, authorities imposed restrictions on certain groups. Although the constitution provides for the equality of all religions before the law and the separation of church and state, the government did not always respect these provisions in practice.

A 1997 law required all religious organizations registered under the previous 1990 law to reregister by the end of 2000. The law provides that a religious group that has existed for 15 years and has at least 10 citizen members may register as a "local organization," giving it status as a juridical person and certain legal advantages. A group with three functioning local organizations in different regions may found a "centralized organization" with the right to establish affiliated local organizations without meeting the 15-year requirement. In practice the law placed a hardship on groups that were previously unregistered and less well established, including groups new to the country. The process, which involves simultaneous registration at the federal and local levels, required considerable time, effort, and legal expense.

In January 2005 authorities amended the 1997 law to conform to a new law on state registration of other legal entities. The amended law requires all registered local religious organizations to inform the Federal Registration Service within three days of changes in its leadership or legal address. If a local organization fails to meet this requirement on two or more occasions, the Federal Registration Service can file suit to dissolve and deregister the organization. Some denominations with numerous local organizations feared that compliance with this change would be highly burdensome (see sections 2.b. and 4).

The law accords no explicit privileges or advantages to the Russian Orthodox Church or the other groups formally designated as traditional religions-Judaism, Islam, and Buddhism. However, many politicians and public figures supported closer cooperation with those religions, above all with the Russian Orthodox Church's Moscow Patriarchate. Many government officials and citizens appeared to equate Russian Orthodoxy with the Russian national identity. The Russian Orthodox Church has a number of formal and informal agreements with government ministries on matters such as guidelines for public education, religious training for military personnel, and law enforcement and customs decisions. These agreements have given the Russian Orthodox Church far greater access than other religious groups

to public institutions, such as schools, hospitals, prisons, the police, the FSB, and the army. Starting September 1, schools in four regions required the teaching of a controversial *Foundations of Orthodox Culture* course; in many other regions, the course is taught as an elective. Public statements by some government officials and anecdotal evidence from religious minorities suggest that the Russian Orthodox Church has increasingly enjoyed a status that approaches official.

On January 10, President Putin signed the Law on Public Associations (NGO Law) and implementing regulations took effect on April 10. While the law governing religious organizations is largely unaffected by the NGO law, some provisions of the new law appear to apply to religious organizations as well. For example, the new law's inspection provisions appear to permit government inspections of religious organizations and attendance at some of their public events with advance notice. Other provisions that appear to apply include new reporting requirements; authority for the registration body (located in the Ministry of Justice) to request certain documents, send its representatives to participate in events, and annually review compliance of an organization's activities with its statutory goals; and a requirement that covered nonprofit organizations inform authorities of changes to certain data (such as addresses and leadership) within three days of the changes. It was not clear at year's end how authorities would implement the new law and the impact it would have on religious organizations.

According to the human rights ombudsman's annual report, the Ministry of Justice had registered 22,513 religious organizations as of December 2005, approximately 500 more than January 2005. Local courts largely upheld the right of nontraditional groups to register or reregister. Nonetheless, some religious groups continued to contest denials of registration in the courts. While such cases were often successful, administrative authorities were at times unwilling to implement court decisions. In April, the Federal Registration Service restored the Salvation Army's registration documentation for the country-wide central religious organization, although the legal status of its Moscow branch remained unresolved. Although the Constitutional Court found earlier rulings by Moscow courts dissolving the Moscow branch to be unconstitutional, the Moscow Oblast Department of Justice had not reregistered the organization by year's end and two court judgments that legally dissolved the branch remained in force, despite the Constitutional Court ruling.

A court ruling against the Salvation Army's registration in Moscow's Presnenskiy District referred to the Salvation Army as a "militarized organization." The Slavic Center for Law and Justice was working with the Moscow office of the Salvation Army to overturn the Presnenskiy Court ruling. On October 5, the ECHR unanimously ruled in favor of the Moscow branch of the Salvation Army. The Court ruled Russia violated the Salvation Army's right to freedom of association and their right to freedom of religion. As a result, Russia was ordered to pay the Salvation Army approximately \$13,000 (344,500 rubles) in compensation, and the ruling has cleared the way for the Salvation Army to regain its legal status in Russia.

Moscow authorities continued to deny reregistration to the Moscow branch of the Church of Scientology, threatening it with dissolution. In February 2005, after years of legal proceedings, a Moscow appeals court ordered Moscow Oblast officials to permit the church to apply for reregistration and to examine the application on its merits. The Church of Scientology filed a suit against the dissolution order with the ECHR, which admitted the suit in 2004. The case was pending in the ECHR at year's end. The church had filed for reregistration 11 times; the Moscow registration service rejected the tenth claim in June 2005.

Local authorities have impeded the operation of Scientology centers in Dmitrograd, Izhevsk, St. Petersburg, and other localities. Since these centers had not been in existence for 15 years, they were unable to register and could not perform religious services, although they were allowed to hold meetings and seminars. The Churches of Scientology in Surgut, Khanty-Mansiysk and Nizhnekamsk, Tatarstan filed suits with the ECHR against the refusal of officials to register the churches, based on the 15-year rule. The ECHR found the suits admissible in June 2005; the cases were awaiting a final decision.

The Church of Jesus Christ of Latter-day Saints (LDS) has succeeded in registering 52 local religious organizations by year's end. During the year, authorities registered the LDS Church in Novocherkassk. In 2005 authorities registered the LDS Church in Tver following a series of rejections of its registration application. The LDS Church has not been able to register a local religious organization in Kazan, Tatarstan, despite numerous attempts since 1998.

The 1997 Law gives officials the authority to ban religious groups. Unlike dissolution, which involves only the loss of an organization's juridical status, a ban is a more serious legal step and prohibits all of the activities of a religious community. Authorities have not used the law to ban many groups to date. However, in a notable exception, the decision of a Moscow court judge in 2004 to uphold on appeal the ban on Jehovah's Witnesses garnered significant media coverage and prompted an upswing in restrictions on Jehovah's Witnesses. As of April authorities permitted registration of Jehovah's Witnesses groups in 404 local communities in 72 regions, but problems with registration continued in some areas, notably Moscow, where the Moscow Golovinskiy Intermunicipal District Court and the Moscow City Court of Appeal have banned them. There was a pending ECHR case on the Moscow ban.

The ban on the Islamic organization HT, which was declared by the government to be a terrorist organization, remained in effect and a number of prosecutions were undertaken (see section 2.b.).

Treatment of religious organizations, particularly minority groups, varied widely in the regions, depending on the decisions of local officials. In some areas local authorities prevented minority denominations from reregistering as local religious organizations and subjected them to legal harassment.

Contradictions between federal and local law in some regions and varying interpretations of the law provided some regional officials with opportunities to restrict the activities of religious minorities. According to many observers, local governments were often susceptible to discriminatory attitudes and lobbying by majority religions, leading to discriminatory practices. However, instances in which local officials detained individuals engaged in public discussion of their religious views remained isolated and were usually resolved quickly.

Some local and municipal governments prevented minority religious groups from obtaining venues for large gatherings and from acquiring property for religious uses. Regional and local authorities, as well as businessmen, on a number of occasions refused to lease facilities to local Jehovah's Witnesses communities. During the year Jehovah's Witnesses reported a problem similar to their 2004 attempt to find a suitably large venue in Sochi, when a landlord denied access to a meeting venue after FSB pressure but later reversed the denial. During the year 56 district conventions were scheduled between June and October. However, local authorities did not permit conventions to go ahead in Pervouralsk and Nizhniy Tagil (both in Sverdlovsk Region). In Ivanovo the city administration and the FSB forced the cancellation of the convention planned for July 28-30, but allowed it to be conducted at a later date. In some cities it was again impossible to find suitable premises for a single district convention, thus the program was held in shifts on the same weekend or repeated on consecutive weekends. In total 59 conventions were eventually held throughout the country. In Moscow Oblast, which is a separate jurisdiction from the city of Moscow, the Jehovah's Witnesses reported that a hotel conference center, a cinema, and a cultural center, each of which previously had been used by the church, cancelled their leases. During the year Jehovah's Witnesses religious assemblies were also disrupted or prevented in Yekaterinburg and Archangelsk. The Jehovah's Witnesses stated that Father Valeriy of the Arkhangelsk Orthodox Diocese exerted pressure on Archangelsk authorities to prevent the Jehovah's Witnesses from holding a district convention scheduled for August 2005.

Jehovah's Witnesses reported continuing difficulties obtaining construction permits in Sosnovyy Bor, Leningrad Oblast and were using a privately owned building for their meetings. Local authorities refused to let a Jehovah's Witness community construct a prayer center on the basis of a 2004 referendum in which 90 percent of voters opposed the construction.

On May 5, Mayskaya Gorka city circuit in the Arkhangelsk region held a public meeting to discuss a Jehovah's Witness application for a plot of land to build a place of worship. Reports indicated that the atmosphere was hostile, not giving the representatives of the Jehovah's Witnesses the opportunity to reply to all the questions, the majority of which were about religious beliefs rather than plans for the land. At the conclusion of the meeting, those present voted not to provide Jehovah's Witnesses with a plot of land.

In Zlatoust, Chelyabinsk Oblast, local authorities in June 2005 withdrew a building permit issued to the Jehovah's Witnesses, and threatened to tear down a new prayer hall. In February the Chelyabinsk Oblast Arbitration Court dismissed the city administration's application for demolition at the expense of the Jehovah's Witnesses; the city did not appeal the decision. As of December 31, the hall was still not being used for worship, as residents refused to remove garages that illegally occupied part of the land on which the hall was built, and the city authorities have not granted permission for the use of the building.

Various minority religious organizations encountered similar difficulties in obtaining or renovating property. The mayor's office in Krasnodar continued to deny the Muslim community's request to build a mosque in the city of Sochi, even though the organization's current rented premises barely accommodated the approximately 30 members who attended Friday prayers. The Muslim community in Kaliningrad has sought unsuccessfully since 1993 to obtain permission to construct a mosque.

Human rights groups and religious minority groups criticized the federal prosecutor general for encouraging legal action against some minority religions and for giving an official imprimatur to materials that were biased against Jehovah's Witnesses, the Latter Day Saints Church, and others. The FSB, the Office of the Prosecutor General, and other agencies conducted campaigns of harassment against some individual Muslims and members of some Protestant groups and newer religious movements. Security services continued to treat the leadership of some minority religions--especially Muslims, Roman Catholics, some Protestant denominations, and other groups--as security threats. Some religious groups were investigated for alleged criminal activity and violations of tax laws, landlords were pressured to abrogate contracts, and in some cases the security services were thought to have influenced the Ministry of Justice to reject registration applications.

The authorities permit Orthodox chapels and priests on army bases and also give Protestant groups limited access to military facilities. Authorities largely banned Islamic services in the military and generally did not give Muslim conscripts time for daily prayers or alternatives to pork-based meals. Some Muslim recruits serving in the army reported that their fellow servicemen insulted and abused them on the basis of their religion.

There were occasional reports of short-term detentions on religious grounds, but such incidents were generally

resolved quickly. Local police frequently detained missionaries for brief periods throughout the country or asked them to cease their activities, such as displaying signboards, regardless of whether they were actually in violation of local statutes on picketing. The Jehovah's Witnesses organization reported a number of incidents in which its members were assaulted by other citizens or briefly detained by authorities while conducting lawful preaching activities. As of November the Jehovah's Witnesses reported approximately 51 incidents, 28 of which took place in Moscow, in which authorities briefly detained their members or other citizens while conducting lawful preaching activities, and 35 incidents of assault on Jehovah's Witnesses, nine of which occurred in Moscow.

In April 2005 masked paramilitary troops stormed the Work of Faith Church in Izhevsk, Udmurt Republic, during a worship service. They reportedly took the worshippers outside, searched them without a warrant, and threatened some of the women with rape. Police detained 46 persons for several hours. Udmurtian officials claimed that there had been no time to get a warrant and that some police officials had been reprimanded for procedural irregularities. According to Udmurt authorities, the raid was part of a murder investigation involving two former parishioners of the Work of Faith Church.

Human rights groups reported that following the 2004 hostage-taking in Beslan, police activity was stepped up in the Northern Caucasus. Increasing numbers of Muslims, both Russian citizens and citizens of the predominately Muslim states bordering the country, were charged with extremism. Some observers said that police harassment of Muslim clerics and alleged militants in the Kabardino-Balkaria Republic, including torture and the closure of all but one of Nalchik's mosques, were part of the government's reaction to the October 2005 rebel attack on Nalchik (see section 1.g.). The Caucasian Knot Web site and other human rights organizations reported in March that law enforcement officials in Kabardino-Balkaria continued to monitor children in schools who observed Muslim customs, after the phrase "Jihad is freedom" appeared on the wall in a Nalchik school. The authorities reportedly kept lists of students who said Muslim prayers, had Muslim middle names, or who sent messages with Islamic themes via their mobile phones.

Nine female Muslim students at the Kabardino-Balkaria State University were reportedly detained in June 2005 and interrogated because they were wearing hijab and practicing group study of the Koran, which are against University statutes. The students were subsequently released. In October 2005 in Maykop, Adygea Republic, police allegedly assaulted and apprehended a group of young Muslims, including the Maykop mosque's imam, as they were leaving a mosque. The imam told a journalist that masked police dragged the group to minibuses and took them to the interior ministry's antiorganized crime department, where they were beaten and questioned about why there were wearing beards and observing Islamic norms of hygiene. After a night in detention they were taken before a judge, who ordered their immediate release.

Authorities either deported or denied entry to several religious workers with valid visas. On January 9, authorities deported the founder and legal/spiritual advisor of the Unification Church in Moscow, who may not reapply for a visa for five years, despite having lived in the country since 1990.

Some religious personnel experienced visa difficulties while entering or leaving the country. In September 2005 border guards at a Moscow airport denied reentry to the rabbi of the Moscow Choral Synagogue, Pinchas Goldschmidt. He had lived in Moscow since 1989 and his family resides in Moscow. Authorities did not tell Goldschmidt why they had annulled his visa. In December 2005 Goldschmidt was issued a one-month religious worker's visa and returned to Moscow; he subsequently left the country briefly in January to receive a one-year multientry religious work visa and was granted one. He spent the rest of the year in Moscow without incident.

The Dalai Lama was permitted to visit the Kalmykia Republic in 2004 after many years of denials. Catholic authorities reported a decrease in visa problems for Catholic priests during the year, although there was a report of one foreign priest whose visa was not renewed.

In March 2005 the government denied entry to high-ranking British and Danish Salvation Army officials who sought to attend a church congress. In explaining its decision to deny entry, the Moscow city branch of the federal Ministry of Internal Affairs cited the provision of law under which foreigners may be denied entry "in the interests of state security."

Laws in three regions, Belgorod, Kursk, and Smolensk, forbid foreign visitors from engaging in missionary activity or preaching unless specifically authorized by their visas. According to local religious officials the laws were not enforced.

After nearly two years of criminal proceedings, in March 2005, authorities found the Sakharov Center director and a staff member guilty of inciting national, racial, and religious hatred and fined them approximately \$3,750 (100,000 rubles) each. Officials acquitted a third defendant of all charges. Although the Moscow City Court dismissed their appeal, the center entered an appeal at the ECHR in December 2005. The charges stemmed from a 2003 exhibit of religious-themed art, which many viewed as provocative, entitled "Danger, Religion!" Authorities never charged those who vandalized the exhibit with a crime, and according to activists the verdict could enable the state and the Russian Orthodox Church to define parameters for religious and artistic expression (see section 2.a.).

Restitution of religious property seized by the Communist regime remained a problem. Many properties used for

religious services, including churches, synagogues, and mosques, have been returned, and more restitution cases were ongoing. The Russian Orthodox Church appeared to have had greater success in gaining restitution of prerevolutionary property than other groups, although it continued to pursue property claims. The Jewish community was still seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, a revered collection of the Chabad Lubavitch. The Roman Catholic Church reported 44 disputed properties, most of which they would use for religious services. Muslims in Beslan, North Ossetia, have appealed to the Presidential Council for Cooperation with Religious Associations to return a historic mosque to the Muslim community. The Cathedral Mosque, built in 1906 by decree of Tsar Nicholas II, was occupied by a vodka-bottling plant and a bottle washing shop, and was soon to be modified to accommodate a car wash. The North Ossetian government alleged that there was nowhere to move the plant, but the republic's Muslim council stated that locating a factory in a mosque was illegal and that there were several facilities in the town to accommodate the factory.

Societal Abuses and Discrimination

While religious matters were not a source of societal hostility for most citizens, members of minority and "nontraditional" religions continued to encounter prejudice, societal discrimination, and in some cases physical attacks. Conservative activists claiming ties to the Russian Orthodox Church disseminated negative publications and staged demonstrations throughout the country against minority religions. Some church figures publicly expressed similar views. Authorities usually investigated incidents of religious vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rare. Unlike previous years, relations between non-traditional religious organizations and traditional ones were sometimes tense, particularly at the leadership level.

Tensions between the Russian Orthodox Church and the Roman Catholic Church continued. Russian Orthodox Church figures accused the Roman Catholic Church of deliberately proselytizing among Orthodox faithful but less often than in previous years. In a meeting in March with a Franciscan Order delegation, Patriarch Aleksey II reportedly said that he hoped the Roman Catholic Church would stop proselytizing Orthodox believers and those with Orthodox roots because the "rivalry in winning souls makes their work more difficult at a time when the world needs the fruit of both churches in their Christian efforts."

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward Roman Catholics and adherents of newer, non-Orthodox, religions. Racially or ethnically motivated attacks increased significantly in recent years, although it has often been difficult to determine whether xenophobia, religion, or ethnic prejudices were the primary motivation. Ethnic tensions ran high in the predominantly Muslim Northern Caucasus, and there were problems in some cities outside that region. Anti-Chechen and anti-"Wahhabist" sentiment increased after each terrorist attack tied to Chechen rebels and spiked in some regions after the 2004 seizure of a school in Beslan, North Ossetia, in which hundreds of persons, including many children, died at the hands of terrorists (see section 1.g.). Government officials, journalists, and the public were quick to label Muslim organizations "Wahhabi," a term that has become associated with extremism. Such sentiment led to a formal ban on Wahhabism in Dagestan and Kabardino-Balkariya.

Muslim cemeteries and buildings were vandalized in Moscow and other regions. Two skinheads were given suspended sentences after being found guilty in a Yaroslavl court for inciting ethnic hatred, according to a December 25 report by the Regnum news agency. The Leninsky district court found the 17 and 18 year old college students guilty of throwing Molotov cocktails at a Yaroslavl mosque and a car parked nearby in September. The defendants also painted racist and neo-Nazi graffiti on the mosque. In April officials detained seven teenagers between the ages of 15 and 16 in the town of Dzerzhinsk in Nizhniy Novgorod Oblast for throwing stones and a Molotov. In December 2005 vandals set on fire a two-story wooden building housing the Muslim Board of Komi, which housed a mosque. The fire destroyed the roof and damaged 30 square meters of the premises; there were no injuries. The emergency situations' authorities said the fire was the result of arson. In January and February 2005, tombs in Muslim cemeteries in Moscow and Yoshkar-Oly, Mariy-El Republic were desecrated. Although several teenagers were detained in the January 2005 incident, the suspects were not charged due to their age. Vandals continued to attack the Tauba mosque in Nizhniy Novgorod. In January 2005 swastikas were painted on the mosque walls. The local prosecutor's office did not find grounds to initiate a criminal case. The local Muslim Spiritual Administration appealed to local authorities to guard the mosque. A mosque in Penza was reportedly vandalized in August 2005. Anti-Muslim slogans were painted on the wall and a brick was thrown through the window.

The number of underground nationalist-extremist organizations (as distinguished from such quasi-public groups as Russian National Unity) appeared to be growing (see section 5). Their targets included Muslims, Jews, and adherents of minority faiths they considered to be foreign in origin.

There was no progress in the investigation of the 2004 explosion and subsequent fire in a building belonging to a congregation of unregistered Baptists (known as Initsiativniki) in Tula Oblast. In 2004 an Initsiativniki church in Lyubuchany, Moscow Oblast burned down. The official investigative report in late 2004 on the fire attributed it to arson, but no one was charged in the incident. In the summer preceding the fire, security agencies, including local police and FSB officers, intimidated several thousand participants at an open-air gathering sponsored by the church. Press reports claimed that eyewitnesses placed some of the same law enforcement personnel at the church site minutes before the fire broke out.

Reports of the harassment of evangelicals and Pentecostals decreased during the year. In contrast to previous reports about the vandalizing and burning of prayer houses in Nekrasovskoye, Chelyabinsk, Bratsk, Izhevsk, Buryatiya, Oshkar Ola, Khalsk, and Poldolsk, where authorities made no arrests, few such instances appeared to have occurred since December 2005, when Bishop Sergey Ryakhovskiy joined the Public Chamber. Nevertheless, African-Russian and African ministers of non-Orthodox Christian churches experienced prejudicial treatment, based apparently on a combination of religious and racial bigotry.

In April 2005 vandals set fire to an Adventist church in Taganrog in Rostov Oblast, after breaking windows earlier that week. The fire was termed arson by police. A group of Pentecostals holding a demonstration on August 2005 in Moscow reported being attacked by a group of youths who yelled "burn the heretics," while assaulting them and destroying their posters. The Slavic Law Center reported that a Baptist Church in Chelyabinsk Oblast was firebombed in April 2005. The Jehovah's Witnesses organization reported two incidents in March 2005 in which members were physically assaulted by residents in areas where they were preaching, leaving one member with a concussion.

An estimated 600,000 to one million Jews (0.5 percent of the population) lived in the country, following large-scale emigration over the last two decades; the Federation of Jewish Communities estimated that up to 500,000 Jews lived in Moscow and 100,000 in St. Petersburg. These estimates significantly exceeded the results of the official government census. Between 5,000 and 7,000 Jews lived in the Jewish Autonomous Oblast (region), located in the Far East.

Anti-Semitism remained a serious problem. Racially motivated violent attacks against Jews decreased during the year, despite an increase in racist violence targeting other ethnic groups. Vandalism targeting Jewish religious and cultural facilities is common, sometimes combined with threats to the life and health of the attending persons. Anti-Semitic graffiti and leaflets appear frequently in many regions. While less frequent than vandalism and graffiti, anti-Semitism in mass media also occurred. However, there was positive progress in countering anti-Semitic manifestations since previous years. Many in the Jewish community attribute this to the absence of official "state-sponsored" anti-Semitism and because the Jewish community has undergone a major institutional revival.

On January 11, in Moscow, 20-year-old Aleksandr Koptsev attacked worshipers in the Chabad synagogue with a knife, wounding nine persons among them citizens of Russia, Israel, Tajikistan, and the United States. On March 27, the Moscow City Court sentenced Koptsev to 13 years' imprisonment, ordering him to undergo mandatory psychiatric treatment. The court dropped the charges of provoking interethnic hatred but left the charge of attempted murder of two or more persons for reasons of ethnic enmity. The lawyers of the victims filed an appeal, protesting the decision to drop charges of inciting ethnic hatred; Koptsev's lawyers also filed an appeal due to his mental illness and the fact that none of the victims were killed or disabled. On June 20, the Supreme Court overturned the verdict on the grounds that the charges had not referred to the incitement of racial and religious hatred and ordered a new trial in a different court. The second trial, at which a different judge presided, concluded on September 15. Koptsev was convicted of attempted murder and incitement of racial hatred and sentenced to 16 years in prison. Koptsev's attorneys and relatives informed reporters that they consider the sentence too severe. However, a formal appeal has not yet been filed. Both President Putin and Foreign Minister Lavrov publicly condemned this attack.

According to the *Obschestvennoye Mnenie* (Public Opinion) Foundation, after the January Moscow synagogue attack, the number of citizens who condemned anti-Semitism increased by almost 10 percent. A poll concerning the attack showed that the proportion of citizens who had a negative attitude towards anti-Semites increased from 34 to 42 percent, while the proportion of those who claimed to be indifferent decreased from 47 to 38 percent. Distrust and dislike of Jews was expressed by 7 percent of the respondents, while 5 percent sympathized with those who expressed dislike. No subsequent polling data is known to back up this trend. Anti-Semitic events, however, continued.

In late December a Jewish man in Moscow was stabbed to death on his way to pick up his son. Media reports speculate that anti-Semitism may have been a motive.

There were a series of attacks around a Moscow synagogue in Maryina Roscha in the winter of 2004-05; in one incident, the attackers beat Rabbi Alexander Lakshin. Although police arrested and convicted two suspects of disorderly conduct and of inflicting bodily injuries, the judge found insufficient evidence to recognize racial hatred as an aggravating circumstance. After this incident, and at the request of Jewish leaders, Moscow authorities increased police presence in the vicinity of Marina Roscha Synagogue. There were three known explicit anti-Semitic violent attacks and four incidents of public insults and threats in 2005, which was down from 2004.

Synagogues and Jewish community centers were frequently attacked during the year across the country. Police continue to not investigate such incidents as hate crimes, instead calling them acts of "hooliganism." On November 4, two petrol bombs were thrown at the Jewish cultural center in Surgut. The police classified the incident as "causing damage to property," not as an anti-Semitic attack. According to *RIA Novosti*, on the night of August 13, unidentified people threw a Molotov cocktail at the Khabarovsk synagogue, and a month later its windows and door were broken by attackers throwing rocks. The police classified the incidents as "hooliganism." The synagogue in Vladivostok was defaced in October, with swastikas and the words "Jews, go to Israel" written on the walls.

In June police arrested a man who entered a Jewish cultural center in the city of Yekaterinburg and stabbed the door

of the synagogue 10 times with a knife. According to local Jewish community leader Mikhail Oshtrakh, the man was mentally ill and was sent back to the psychiatric clinic. According to a report from the "UCSJ - Advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia," a May 18 article in the local newspaper *Saratovskaya Oblastnaya Gazeta* reported that the courts sentenced a 20-year-old man to a two-year suspended sentence for painting swastikas and anti-Semitic slogans on the Saratov Jewish Center. Unknown assailants have also thrown rocks at the center. Local police allegedly ignored the Jewish community's complaints until the swastika-painting incident. In April at the Orenburg synagogue, a group of young men threw stones, kicked the synagogue doors, shouted anti-Semitic slogans, and hit windows with a metal bar. Police detained a 15-year-old boy near the synagogue, while others escaped. Officials opened criminal proceedings on charges of hooliganism, not extremism. As a minor, the boy could not be prosecuted as a criminal. In March in Lipetsk, vandals painted a swastika on the fence in front of the main entrance of the Jewish community center and the region's first synagogue under construction.

On December 26, unidentified persons plunged a swastika-engraved dagger through a note that threatened: "We should kill the Jews or teach our children to kill them" into a tree just outside the Chabad house in Ulyanovsk. Chabad representative, Rabbi Yossi Marozov discovered the note when he went to investigate after a bottle filled with gasoline was thrown through the synagogue's front window. Police responding to the crime recommended placement of surveillance cameras and armed guards. The prosecutor of the Lenin region of Ulyanovsk opened a criminal case according to the criminal code (instigation or incitement of interethnic, racial or religious hatred or enmity). On December 28, the prosecutor opened another case for another attack on the building on December 27 in which two drunk 18- to 20-year-olds entered the premises and yelled "Get out of here now! We will cut you!" Then they broke a window and a mirror. In response to this attack, the head of the Ulyanovsk Ministry of Internal Affairs personally visited the scene to lead the investigation. One of the suspects was detained.

In May 2005 a fire deemed by the authorities to be arson destroyed the historic synagogue of Malakhovka on the outskirts of Moscow. Authorities detained the main suspect, Andrey Terekhov, a few days after the incident after he broke into a Christian church in Malakhovka. At the trial, which began in December 2005, the court convicted Terekhov of setting the fire in order to eliminate evidence of his robbery and sentenced him to five years in prison and a fine.

In December 2005, according to a press report, a suspect was sentenced to four years in prison in connection with the arson of the Jewish community center in the Moscow suburb of Saltykovka, which was hit by arson in January and again in February 2005. The suspect denied being an anti-Semite and said that he could not explain his motivation for the arson. The prosecutors found no criminal substance in his actions and closed the case.

The synagogue in the Perovo district of Moscow was vandalized in January and again in February 2005. In July 2005 unknown persons attempted to start a fire at the Jewish center in Penza and the Jewish Center in Taganrog was vandalized. In March a brick was thrown through the window of the Jewish center in Penza.

Many Jewish cemeteries were desecrated and were often prosecuted as hooliganism rather than as hate crimes. Desecration of Jewish cemeteries occurred in Volgograd, with 30 gravestones destroyed on the 65th anniversary of the Babi Yar mass-killing of Jews (September 27); in Nizhny Novgorod (May 6); and in Omsk (April 20). On October 16, 2005, vandals toppled and broke at least fifty tombstones, and Vandals also desecrated graves in the settlement of Khokhryaki near Izhevsk (November 2005), Kostroma (October 2005), in Velikiye Luki (September 2005), Tambov (August 29 and August 31, 2005). Most of these cases were classified as vandalism. Two cases, however, were classified as vandalism with ethnic and religious hate motivation: on October 6, 2005, vandals desecrated approximately seventy Jewish graves in St. Petersburg and in August 2005 vandals also desecrated graves in Tver. Earlier in 2005, vandals desecrated Jewish cemeteries in Kazan, Moscow, Saratov, Petrozavodsk, Makhachkala, Irkutsk, and St. Petersburg. In late May 2005, vandals painted swastikas on 26 Jewish tombstones in the Jewish section of Kazan's Arskoye Cemetery. The Federation of Jewish Communities reported that the authorities were investigating the incident as a hate crime and the Kazan City Council issued a statement condemning the attack. In May 2005 vandals desecrated Jewish graves at the Vostryakovskoye Cemetery, near Moscow; the case was being treated as a hate crime rather than simple "hooliganism."

In October a group of youths associated with the extremist group Russian National Unity were detained on suspicion of vandalizing Muslim and Jewish graves in the Tver region. They destroyed over 170 Jewish and Tatar graves and sprayed swastikas and offensive slogans about Jews and Muslims. A criminal investigation was opened under the criminal code article which deals with outrages upon the deceased and their burial places for reason of national, ethnic, racial, or religious hatred or enmity, which is punishable by a prison sentence of up to three years.

In April 2005 Nazi posters reportedly appeared in Petrozavodsk, Karelia Republic, on the anniversary of Hitler's birth. Although two students were arrested five days later, no criminal case was initiated. Law enforcement officials reprimanded the students and released them. Such posters did not appear during the year in the region.

In 2004, according to the Anti-Defamation League, two skinheads were arrested for the attack earlier in the month on Aleksey Kozlov, a human rights activist and anti-Semitism monitor, in Voronezh. The crime was treated as a misdemeanor, and the case was later closed with no further action taken by police.

Some State Duma deputies and other prominent figures expressed anti-Semitic sentiments. In May two Duma members reportedly made anti-Semitic comments while speaking at an April 29 gathering in St. Petersburg organized by the Union of Russian People. Addressing the group Duma Deputy Igor Rodionov reportedly claimed that "today our country is ruled by a Jewish mafia." In January 2005 approximately 500 persons, including 20 State Duma members, wrote to the Office of the Prosecutor General asking that he conduct an investigation of the country's Jewish organizations with the possibility of initiating proceedings to ban them. The letter charged that a Russian translation of a compilation of ancient Jewish law, the *Kitzur Shulchan Arukh*, incited hatred against non-Jews; the letter also accused Jews of ritual murders. The Ministry of Foreign Affairs condemned the letter, as did President Putin in remarks delivered in Krakow in late January 2005. In February 2005 the State Duma passed a resolution condemning the letter. In March 2005 approximately 5,000 persons, reportedly including a number of Russian Orthodox clerics and some prominent cultural figures, signed a similar anti-Semitic letter sent to the Office of the Prosecutor General. A Moscow district prosecutor opened an investigation into the Jewish organization that published the translation, as well as into charges brought by Jewish and human rights organizations that the letters violated federal laws against ethnic incitement, but closed both investigations in early June 2005 without bringing charges. Later in June 2005, the Moscow city prosecutor ordered the district prosecutor to reopen the investigation into the Jewish organization. The prosecutor closed the investigation again in late June 2005. In January some of the deputies who had signed the letter said in an interview that the letter had been the "right step."

According to the Anti-Defamation League, human rights organizations made numerous attempts to prosecute the authors of the "Letter of 500." However, their attempts were unsuccessful.

The human rights ombudsman for the Komi Republic was placed under investigation by the local prosecutor's office after making an anti-Semitic comment in an interview with a local paper, according to a December 20 article in the Komi edition of the national daily *Moskovsky Komsomolets*. Prosecutors were considering hate speech charges against Leonid Vokuev after he used the phrase "A kike is a kike, even in Africa" in an interview with the newspaper *Zyryanskaya Zhizhn*. Vokuev responded to the investigation by publicly denying any intent to insult Jews and at the same time refusing to apologize: "I don't think I did anything shameful and can say from the bottom of my heart that I have never insulted anyone."

According to the Anti-Defamation League (ADL), there were several cases against the editors of regional newspapers for publishing anti-Semitic articles. On October 19, Vladimir Vostryagov from Vladimir was found guilty of fueling ethnic discord. Vostryagov received a 1 1/2 year suspended sentence for publishing and distributing an unregistered *Vest* newspaper that called for the extermination of Jews. According to prosecutors, these articles were anti-Semitic. On November 27, Uriy Ekihev, a writer from Syktyvkar, Komi Republic, was sentenced to 1 1/2 years of imprisonment for anti-Semitic articles published in *Stenogramma* newspaper and statements at a nationalistic rally. On December 13 in Novosibirsk, Boris Mironov--former head of the Russian Publishing Committee--was indicted for fueling ethnic discord. The criminal case of Mironov started two years ago in connection with newspaper articles that were published during the 2003 regional election campaign, in which Mironov was a candidate for the region's governor position. In Ulyanovsk in January 2005 preliminary hearings were held arising out of a criminal case initiated in 2002 against the editor of the local newspaper, *Orthodox Simbirsk*, who ran a number of articles demonizing Jews. The Federation of Jewish Communities reported that the editor of the newspaper was fired, although the ADL noted that in March 2005, Ulyanovsk Governor Morozov promised to provide government financial support to keep the newspaper from going bankrupt. According to ADL, in February 2005 the St. Petersburg prosecutor's office reopened a case against "Our Fatherland" which has reportedly published anti-Semitic articles.

Anti-Semitic statements have been legally prosecuted and the government has publicly denounced nationalist ideology and expressed support for legal action against anti-Semitic acts; however, some lower-level officials remained reluctant to call such acts anything other than "hooliganism." State Duma Speaker Boris Gryzlov stated that, "Any expression of extremism is unacceptable. If existing legislative measures are not enough, then, possibly, they need to be strengthened."

The support of federal authorities, and in many cases regional and local authorities, facilitated the establishment of new Jewish institutions. On June 26, Arkadiy Gaydamak, president of the Congress of Jewish Religious Organizations and Associations of Russia, and Chief Rabbi of Russia Adolph Shayevich signed an investment contract regarding the construction of a Moscow Jewish community center. Work began on the \$100 million (2.7 billion rubles) complex on land donated by the Moscow city government to house Jewish community institutions, including a school, a hospital, and a major new museum devoted to the history of the country's Jews, the Holocaust, and tolerance.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights; however, the government placed restrictions on freedom of movement within the country and on migration.

All adults are issued internal passports, which they must carry while traveling internally, and they are expected to register with the local authorities within a specified time of their arrival at their new location. Authorities often refused to

provide governmental services to individuals without internal passports or the proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days; however, darker skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were many credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes from them.

Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Citizens moving permanently must register to reside, work or obtain education for their children in a specific area within seven days of moving there; those who are temporarily residing in a new place can stay 90 days before they are required to register. Citizens changing residence within the country and migrants, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. There were frequent reports of police demanding bribes when processing registration applications and during spot checks for registration documentation. In 2004 Krasnodar Kray authorities enacted a law that extended the definition of "illegal migrant" to include Russian citizens as well as foreign citizens and stateless persons.

Following the September arrest of four Russian officers in Georgia, a diplomatic feud erupted, which resulted in an anti-Georgian campaign against the approximately one million Georgians who live in the country. Officially, the Georgians were deported for violations of migration legislation. Law enforcement officials were reportedly instructed to step up actions against Georgians. Other anti-Georgian actions included raids on Georgian businesses, police orders for schools to produce lists of Georgian students, and severed transportation and postal links. The actions against Georgians were criticized as illegal by the state human rights body, civil society institutions, and the Human Rights Council. The council also called the actions a wave of "selective persecution" against Georgians. According to the Georgian parliamentary ad hoc Investigatory Commission Studying Actions Carried Out by the Russian Federation Against Georgian Citizens, as of October 31 the immigration service had issued decisions on deportation of 2,598 Georgian citizens, out of which about 1,140 were actually deported. As of December 28, commission head Nika Gvaramia said that the number of deportees had increased to between 3,800 and 4,000. The commission officially recorded the deaths of three people while in detention.

Unlike previous years, Krasnodar Kray authorities did allow some Meskhetian Turks to obtain residence permits (*propiskas*) in Krasnodar Kray if they had obtained Russian passports in other regions. Meskhetian Turks without Russian passports were denied the right to register, however, which deprived them of all rights of citizenship to which they were entitled under the law. Krasnodar authorities continued to prohibit Meskhetian Turks who were not registered in Krasnodar from leasing land, obtaining employment or engaging in commercial activity. Because of the difficult conditions in Krasnodar, about 23,000 Meskhetian Turks applied for emigration to a third country, and Krasnodar officials cooperated in facilitating their departure. As almost 11,000 Meskhetian Turks departed from Krasnodar since 2004 human rights groups and other observers reported a significant decline in arbitrary fines, public statements, and other forms of harsh treatment used previously by authorities against the community. Authorities continued to refuse to grant permanent residency to those wishing to remain in Krasnodar, depriving them of the rights of citizenship to which they were entitled under the law. They and some other ethnic minorities living in Krasnodar were permitted only temporary registration and were subjected to special restrictions, such as being required to reregister every 45 days. There have been reports, however, that police continued to arbitrarily fine those who were not emigrating. Human rights NGOs reported that police stopped and checked persons who looked like Meskhetian Turks, immediately releasing those who declared their intention to emigrate and penalizing others.

The law provides for freedom to travel abroad and citizens generally did so without restriction; however, there were exceptions. If a citizen had been given access to classified material, police and FSB clearances were necessary to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the first deputy minister of foreign affairs.

The law prohibits forced exile, and the government did not employ it.

The law provides all citizens with the right to emigrate and this right was generally respected. In some cases those trying to depart for countries that had granted them refugee status experienced logistical delays in gaining exit permission.

As of June 30, 6,941 Russian citizens had sought asylum in foreign countries, a decrease from the 21,633 appeals filed during 2005. Many persons fleeing Chechnya applied for refugee status.

The law exempts the estimated 1.5 million former Soviet citizens residing in the country without benefit of citizenship from having to meet most requirements for naturalization. In essence, this reaffirmed earlier provisions that granted citizenship to persons with Soviet citizenship who were legally in the country as of February 6, 1992. However, authorities have not always been willing to recognize the acquisition of citizenship on this basis. On January 5, President Putin signed an amendment extending the deadline for former Soviet citizens to obtain citizenship until January 1, 2008 and simplifying some earlier requirements. In addition the new law extended the right to seek citizenship to those who obtained a resident permit in the country after January 1, 2002, increasing the number of

persons potentially eligible for citizenship.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to one month while the prosecutor general investigates the nature of those warrants. This system was reinforced by means of informal links among senior law enforcement and security officials in many of the republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without legal grounds.

In June 2005 authorities detained 12 Uzbek citizens, one Kyrgyz citizen, and one ethnic Uzbek with Russian citizenship on a request from Uzbek authorities. The arrests occurred following violence in the Uzbek city of Andijon; their relationship to events in Andijon was unclear. The Russian citizen was subsequently released and left Russia for a third country after Russian officials moved to revoke his citizenship. The remaining 13 requested asylum in Russia because they feared persecution if they were sent back to Uzbekistan, but the Federal Migration Service denied their requests and Russian courts upheld that decision. They also applied for refugee status, which was rejected on January 17 and in subsequent appeals. In August the Office of the Prosecutor General announced that the 13 would be deported to Uzbekistan. The deportations were not carried out, however, after the intervention of the ECHR. Although Russian law limited the period in which an individual could be held to 180 days, officials refused to release members of the group when this period expired in December.

Two other Uzbek citizens were detained in Novosibirsk in November 2005 under a similar request from Uzbek authorities.

Internally Displaced Persons (IDPs)

At year's end 20,070 IDPs from Chechnya were in temporary settlements or in the private sector in Ingushetiya; approximately 30,000 Chechen IDPs reportedly were elsewhere in the country, and an estimated 200,000 Chechens were living as IDPs within Chechnya itself. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya during the strife of the past decade.

During the year Chechen Prime Minister Ramzan Kadyrov reaffirmed that efforts should be made for IDPs to return home but noted they should do so on a voluntary basis. Chechen and Ingush migration service officials jointly conducted another re-registration of IDPs in Ingushetiya, deregistering IDPs and trying to convince others to return to Chechnya.

Officials stated publicly that they would not pressure or compel IDPs to return to Chechnya. However, the UNHCR reported that government officials stated their intention to deregister those IDPs who had received compensation from federal assistance lists and indicated that 52 families were deregistered in June 2005. Those who were deregistered faced the threat of eviction from their accommodations in temporary settlements, despite their willingness to pay for the accommodation. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya despite the inadequacy of the temporary lodging. For example, in August the government of Chechnya submitted to UNHCR a list of 169 IDP families, largely from Ingushetiya, willing to return to Chechnya. The UNHCR along with the local NGO Vesta recorded 699 individual returns to Chechnya from Ingushetiya during the first six months of the year.

The UNHCR reported that, despite passport checks and occasional security sweeps that continued in IDP settlements, IDPs were generally able to remain in Ingushetiya without any pressure to return (see section 1.g.). The UNHCR reported that those who returned during a spring and summer campaign by the government did not return due to undue government influence. However, other international and domestic organizations expressed concerns during the year over the government's treatment of Chechen IDPs in Ingushetiya. In 2005 the Norwegian Refugee Council noted that IDPs were frequently denied status as "forced migrants" under Russian law, which severely limited their access to social benefits and protection. Others living in regions outside Chechnya were often denied residential registration by local authorities, in what the council characterized as discriminatory practices against Chechens.

The UNHCR also reported that progovernment Chechen authorities undertook an extensive campaign to return Chechen refugees from Georgia, with the first returnees arriving in Chechnya in May 2005. The UNHCR reported that the returns were voluntary.

In April Chechen Prime Minister Kadyrov announced that all temporary accommodation centers in Chechnya should be closed because they fostered drug addiction, prostitution, and other criminal behavior and because many persons living there could return to their homes. According to the UNHCR, five temporary accommodation centers across Chechnya were closed during the year, with many of those residents moving to other centers (see section 5).

Protection of Refugees

The law provides for granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the

Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice, the government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution; however, it rarely granted asylum. Individuals who sought entry into the country without proper documentation and who sought to claim asylum were often denied access to the Federal Migration Service by border guards and Aeroflot airlines and often returned them to their countries of origin, including in some cases to countries where they demonstrated a well-founded fear of persecution. The UNHCR stated that many refugee seekers at times faced detention, deportation, fines by police, and racially motivated assaults, which sometimes even led to the loss of life.

The government cooperated with the UNHCR and the International Organization for Migration (IOM); both organizations assisted the government in trying to develop a more humane migration management system. The UNHCR reported improved communication with the Federal Migration Service on regulatory provisions and practices that do not meet international standards. The UNHCR reported that the number of active, registered cases of asylum seekers and refugees continued to decline during year. At year's end it had 3,196 such cases. In 2005 it had 3,789 cases. The government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. Officials and would-be applicants continued to demonstrate widespread ignorance of refugee law.

Russian authorities deported Uzbek citizen Rustam Muminov in October for administrative violations, after a local court in Lipetsk had refused to order his extradition and ordered him set free. In 2005, Uzbek authorities sought his extradition on charges of being a member of HT. Muminov was deported after being arrested in Moscow, despite seeking refugee status, and a Moscow court later ruled in October the deportation had been illegal. Migration officials later said the deportation had been a mistake.

During the year four cases of deportation proceedings were reported to the UNHCR, including the case of Rustam Muminov.

In another example in 2005, authorities in Tatarstan deported an Uzbek student, Marsel Isayev, to Uzbekistan, where he was held incommunicado for 10 days after he refused to cooperate with authorities, according to the migrants' rights NGO Civic Assistance. The student was reportedly pressured by Russian authorities to provide false evidence against classmates accused of being members of the banned HT. Isayev appealed his deportation unsuccessfully to the courts; intervention of Human Rights Ombudsman Lukin was also unsuccessful. Marsel Isayev, was deported based on a court decision for violating registration rules. His family remained in Tatarstan.

According to NGO Civic Assistance, during the year Bakhrom Dadazhenov was accused of associating with an extremist group in a high-profile case in Arzamas, Nizhniy Novgorod. The court proceedings were reportedly based on fabricated evidence. NGO Civic Assistance's intervention helped prevent his family's deportation, and they were seeking asylum in a foreign country.

In November two brothers from Uzbekistan were deported from the Siberian city of Krasnoyarsk for allegedly violating Russian immigration laws and were handed over to Uzbek authorities. The two, who had lived in Krasnoyarsk since the beginning of the year, were arrested in September on charges of participating in HT.

An FSB spokesperson reported to the press that 19 Uzbek citizens had been extradited since January. The fate of many deportees is unknown to their families.

In 2005 the approximately 1,500 Armenian refugees who were held in "temporary quarters" for almost two decades were granted citizenship.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees in the country. The UNHCR reported that undocumented asylum seekers continued to face problems with law enforcement bodies over their status in the country. The government does not issue documents to asylum seekers who are awaiting review of their requests for asylum; consequently, they remained vulnerable to fines and detention, as well as being denied access to government-provided assistance. At Sheremetyevo Airport, authorities systematically deported improperly documented passengers before they were able to file asylum claims with the Federal Migration Service, including persons who demonstrated a well-founded fear of persecution in their countries of origin. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh.

During the year the UNHCR reported two instances of would-be asylees being stranded at the Sheremetyevo-2 Airport. Although authorities had been housing asylum seekers in a nearby hotel rather than requiring they remain in the transit zone, this arrangement ended when the hotel was sold. According to the UNHCR there was an Iranian family staying in the transit zone after seeking asylum upon arriving in the country after being turned back by German authorities. The family fled Iran after the mother had been imprisoned for dissident activities. None of these cases were recognized by either the Federal Migration Service or the UNHCR as a refugee. In the additional case, the

would-be asylum seeker's claim was rejected by both Russian authorities and UNHCR.

To the UNHCR's knowledge, no asylum seeker arriving at Sheremetyevo-2 Airport had been accepted since at least 1999. UNHCR received three applications at the Sheremetyevo-2 PIC during the year. Most cases involved labor migrants entering or leaving the country, but a few cases involved asylum seekers. During the year the UNHCR continued to examine each case and seek resettlement on an emergency basis for those deemed to be in need of international protection.

While federal law provides for education for all children, regional authorities frequently denied access to schools to children of asylum seekers if they lacked residential registration. Authorities frequently deny migrants and Russian citizens the right to work if they do not have residential registration. Refugees also cannot work legally if they are not registered, and cannot obtain registration if they are not officially accepted as refugees by the government.

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

The law provides citizens with the right to change their government peacefully; while citizens generally have exercised this right in practice, the March 2004 presidential elections did not adequately reflect principles necessary for a healthy democratic election, particularly in equal access to the media by all candidates and secrecy of the ballot. A move away from the election of governors to their nomination by the president, subject to confirmation by regional legislatures, led some observers to complain about reduced accountability of regional leaders to those whom they govern. The fact that the president could dissolve a regional parliament that rejected presidential nominations three times further increased this concern. Corruption also limited accountability. During the year further electoral amendments allowed the removal of candidates from the ballot for "extremism" and forbade negative campaigning. The government also did away with a minimum voter turnout to validate an election.

Elections and Political Participation

Incumbent President Vladimir Putin, who was first elected president in 2000, was re-elected in March 2004 by a wide margin. The OSCE, which observed the elections, offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet international standards. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the government used its influence over the media, particularly the electronic media, to promote President Putin, resulting in coverage that was heavily biased (see section 2.a.).

In the November 2005 parliamentary elections in Chechnya, human rights groups and members of a Parliamentary Assembly of the Council of Europe fact-finding mission who were present alleged that the official voter turnout numbers were artificially high. Human rights groups also concluded that poor security and continuing human rights violations did not allow for a free and fair election in Chechnya. Other reports suggested that the results of the election were predetermined in favor of candidates loyal to then acting Chechen Prime Minister Ramzan Kadyrov, although the Chechen Central Election Commission reported there were no complaints of election law violations filed by parties or candidates.

Regional elections were held on October 8. Many political actors and analysts claimed that the propresidential majority party, United Russia, had unfairly used administrative resources to sway results. There were no allegations, however, regarding misuse of the media. Additionally, parties in some regions alleged that votes had been mistallied. In the Tuva Republic, political party election monitors complained of nearly being prevented from reaching polling stations. Voter turnout was slightly lower than predicted. In particular, in Karelia turnout decreased significantly from almost 50 percent in 2002 to just over 33 percent. This decrease, however, was not attributed to voters being prevented from voting.

On October 19, unknown assailants killed mayoral candidate Dmitry Fotyanov in the town of Dalnegorsk. As he was killed days before a runoff election, many believe this was politically motivated; the prosecutor general's office stated it was looking into whether the murder was connected with the elections (see section 1.a.).

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media and the use of administrative resources by incumbents to support their candidacies. The counting of the votes in most locations was professionally done.

Laws enacted and implemented in 2005, particularly those eliminating direct gubernatorial elections, contributed to the consolidation of the government's political power. For example, the law specifies that, for future national elections, the State Duma will be chosen strictly on the basis of party lists. Electoral blocs will be banned and the threshold for a party to be represented in the State Duma will be raised to 7 percent of the vote. According to some experts, the laws worked to the disadvantage of parties not currently represented in the State Duma. In addition the electoral law limits domestic observation of federal elections, a provision that may have already created difficulties for NGOs hoping to

observe one regional election. The laws also provide that all regional legislative elections will be held on two dates a year and established a 7 percent threshold for parties to enter regional legislatures. Some commentators saw these laws as primarily benefiting the propresidential United Russia party and limiting the independent observer's ability to monitor future elections; whereas others thought the single election date would reduce the potential for fraud.

Another law provides that republic presidents and regional governors be nominated by the president subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president's nominee three times, the legislature may be dissolved. Regional leaders in power when the law entered into force in 2004 were given the option of either serving out their elected terms or resigning early and seeking a presidential appointment to serve a new term. The president also acquired the power to remove the regional leaders in whom he had lost confidence, including those who were popularly elected. At the end of 2005, the new system of choosing regional heads had been used in almost half of the country's regions. By year's end no regional legislature has failed to confirm a president's nominee and the new system has spread throughout the country's regions. The law gives the president significant influence over the federal legislative branch, since regional leaders appoint half of the upper house of that legislature, the Federation Council. In December 2005 President Putin signed a new law that allows political parties that have won elections to regional parliaments to propose their own candidates for head of a region subject to approval by the president and that region's legislature.

Election laws were further amended this year. In July the option "against all candidates" was eliminated from ballots. In December further amendments abolished early voting and the requirement for a minimal voter turnout, expanded circumstances under which a candidate may be removed from the ballot (including for vaguely-defined "extremist" behavior), and prohibited "negative" campaigning in television ad spots. There are concerns among commentators that candidates may be arbitrarily removed from ballots, thereby reducing voter choice.

Political parties historically have been weak. Although the law includes a number of measures to enlarge the role of political parties, particularly of established political groupings, it also gives the executive branch and prosecutor general broad powers to regulate, investigate, and close parties. Other provisions limit campaign spending, set specific campaign periods, establish conditions under which candidates can be removed from the ballot, and provide for restrictions on campaign materials. To be registered as a political party, the law requires groups to have at least 50,000 members with at least 500 representatives in half of the country's regions and no fewer than 250 members in the remaining regions, making it difficult for smaller parties to register. Galina Fokina, acting head of the Federal Registration Service announced that, as of December 31, of the 35 political parties that applied for reregistration in accordance with the amended and more demanding law, only 19 passed the inspection, although two decided to register as "public associations." As a result, the 15 parties that did not pass the inspection must re-register as public organizations, movements, or NGOs or be dissolved through court procedures.

On July 28, President Putin signed into law amendments to legislation "On Countering Extremism," despite concerns among many that the law may restrict activities of political parties, the media, and NGOs and legitimate criticism of the government. Critics say that it could be used to stifle politically sensitive NGOs and opposition political parties during the 2007-08 election cycle (see sections 2.b. and 4).

On December 12, government agents, both police and FSB, raided the offices of the political organization United Civil Front headed by Garry Kasparov. The officers had an order to search the premises due to suspicions of "extremist activity." The agents seized books and material promoting the "March of the Non-Agreers"--a demonstration planned for December 16 against President Putin's government. Although no charges were brought and the demonstration was held, albeit under the watchful eye of government security forces, some view this as an example of how the government is using the new law on extremism against opposition.

There were 44 women in the 450-member State Duma (there were currently 445 Duma deputies - some seats were unfilled), and 10 women in the Federation Council. A woman, Lyubov Sliska, served as First Deputy Speaker of the Duma. Svetlana Orlova was a Deputy Chair of the Federation Council, and Valentina Petrenko chaired the Federation Council's Social Policy Committee. One woman, Valentina Matviyenko, served as governor of a prominent region, St. Petersburg.

National minorities took an active part in political life; however, ethnic Russians, who by some estimates constituted approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Government Corruption and Transparency

The country is still to complete the transition from a former communist state to a modern democratic society based fully on the rule of law and a free market economy. Corruption was widespread throughout society, a conclusion supported by domestic opinion surveys, and was extensive in the executive, legislative, and judicial branches at the federal and regional levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and official collusion in criminal acts. International organizations gave the country poor marks on corruption issues. In an October Transparency International report, the country received a score of 2.5 on the organization's 10 point index of the degree to which

corruption is perceived to exist among a country's politicians and public officials, indicating a perception that the country has a serious corruption problem. Many public institutions remained weak. The media lacked a strong tradition of investigative journalism, although a number of journalists throughout the country reported on corruption cases, sometimes resulting in prosecution of the alleged offenders. In general, however, citizens lacked a broad range of outlets to voice their views concerning corruption or to lodge complaints about its existence. The principal exception is the work of some regional anticorruption committees who follow corruption at the city and state level. Business associations were also active watchdogs of corruption in some regions.

President Putin and senior government officials frequently addressed the issue in public statements, and many jurisdictions throughout the country established local anticorruption committees. An anticorruption conference that brought together representatives from several regional coalitions was held October 26 in Moscow. Several regional anticorruption committees have organized successful projects including: week-long anticorruption festivals, television spots, corruption report cards for local officials, and committees to evaluate draft laws for corruption loopholes. These efforts were largely isolated to particular regions.

Various initiatives were undertaken at the federal level, with indeterminate results. Most anticorruption campaigns tended to be limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic, which made it more difficult to determine the actual extent of corruption. Prosecutor General Yuri Chayka took office in June and made several statements about the problem of corruption. Although no new major corruption convictions occurred during the year, the prosecutor general's office claimed 9,000 bribery cases were uncovered through August. In August-September, prosecutors identified 47,000 incidences of corruption and initiated approximately 600 criminal cases. There were several high-profile dismissals of government officials following President Putin's annual State-of-the-Nation address May 10, including employees of the Federal Customs Service, the Federal Security Service, the Interior Ministry, and some regional governors and mayors. So far, none of them have been formally charged with corruption.

However, there was a widely publicized allegation of major corruption in October 2005 involving the videotaped handover of \$1 million (26.5 million rubles) to a federal tax inspector by a commercial bank officer. Both the federal tax inspector and the Central Bank official with whom he was cooperating were charged and remained in detention, but the case had not yet reached court at year's end. The tax inspector and the Central Bank official were asking a commercial bank for a bribe in return for eliminating tax claims against the bank.

In June a senior auditing official in the Ministry of Industry and Energy was arrested and indicted for allegedly accepting a bribe. In August the Moscow City Court sentenced the official to seven years in prison for bribe-taking.

The law authorizes public access to all government information resources unless the information is designated confidential or classified as a state secret, and refusal to provide access to open information or the groundless classification of information as a state secret has been successfully contested in court. However, access to information is often difficult, and subject to prolonged bureaucratic procedures.

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

Although a number of domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, official harassment of NGOs increased. Authorities harassed some NGOs that focused on politically sensitive areas during the year, and other official actions and statements indicated a declining level of tolerance for unfettered NGO activity, particularly for those NGOs that received foreign funding. NGOs operating in the Northern Caucasus were at times hampered, although these organizations had wider access than in the past.

An estimated 20-25 percent of the approximately 450,000 registered public associations and nongovernmental, noncommercial organizations were regularly active. The vast majority were engaged in social or charitable activities, although many were working to influence policy and were critical of the government. There were several dozen large NGO umbrella organizations as well as thousands of small grassroots NGOs. There was often a large gap between these two categories of NGOs in terms of their organizational capacity. In the regions NGO coalitions continued to advocate on such issues as the rights of the disabled and of entrepreneurs, environmental degradation, violations by law enforcement authorities, and the war in Chechnya.

On January 10, President Putin signed into law legislation providing strict measures to oversee NGOs and requiring their registration with the Federal Registration Service. After vocal criticism of the draft bill from the civil society sector and foreign governments, some controversial measures, such as the banning of subsidiaries of international NGOs and the required notification for informal groups, were dropped. The law, which entered into force on April 10, imposes more stringent registration requirements for NGOs, particularly the branch and representational offices of foreign NGOs, strict monitoring of organizations, extensive reporting requirements on NGO programming and activities, and some limitations on the participation of foreign citizens in NGOs. The law also permits more intrusive means for government officials to scrutinize NGOs, including "public associations," with very limited procedural protections and grants the Federal Registration Service discretion to deny registration or shut down an organization based on vague

and subjective criteria (see section 2.b.). All foreign NGOs were expected to register with the Federal Registration Service by October 18. While several organizations submitting applications reported difficulties obtaining approval from the Federal Registration Service, it appeared that most of these problems were bureaucratic, rather than political, in nature even though the process entailed a time-consuming and burdensome process of multiple editorial revisions that most organizations did not anticipate. By year's end most foreign NGOs that applied had been registered (197 total), with only a handful still awaiting final approval. All NGOs operating in the country will have to submit periodic reports to the Federal Registration Service in 2007 that disclose, particularly by foreign NGOs, potentially sensitive information, including sources of foreign funding and detailed information as to how funds are used. The reporting requirements will not begin to affect domestic NGOs until April 2007, therefore it was unclear how extensive the process will be and whether it could be used in a punitive fashion to limit the activities of selected organizations.

On July 28, President Putin signed amendments to the law "On Countering Extremism," despite concerns among many that they may restrict activities of political parties, the media, and NGOs as well as legitimate criticism of the government. The revised law expands the definition of extremist activity to include public libel of a government official or his family, as well as public statements that could be construed as justifying or excusing terrorism. Critics noted that the law could be used to stifle politically sensitive NGOs and opposition political parties during the 2007-2008 election cycle (see section 2.b.).

The government continued to scrutinize organizations that it considered to have an opposition political agenda. Numerous human rights and opposition groups reported politically motivated hostility from the government. During the year the government damaged the public image of the NGO community with statements that NGOs are suspicious organizations funded by foreign governments. Government accusations that implied connections between foreign-funded NGOs and alleged espionage by resident diplomats increased public perceptions that NGOs serve foreign interests and fuel instability.

The new "Law on the General Principles of Organization of Local Self-Governance in the Russian Federation," which went into effect January 1, provides more opportunities for NGOs to participate in policy-making at the local level. The law creates participatory mechanisms such as referendums, municipal elections, public hearings, law-making initiatives, community forums, and citizen surveys. The law requires public participation in drafting the charters for municipal entities, planning local development and budgets, deciding land use issues, and other activities. The Vladivostok Public Chamber advocated for transparent decision-making on adoption of the city's charter, and negotiation of lower tariffs for communal services.

While NGO advocacy efforts were sometimes hindered by a lack of unity and leadership, there were examples of successful advocacy campaigns. For example, efforts of the Primorye Coalition Against Corruption resulted in several new laws and amendments passed by the Primorskiy Kray and Vladivostok city governments, including a law regulating citizen access to public information, new provisions regulating conflicts of interests and gifts to public officials, and the establishment of a "one-stop-shop" for public services. Early in the year, the Free Choice Motorists' Movement headed a campaign to overturn the conviction of a driver charged in a fatal crash with an official vehicle in 2005 and persuade the government to limit, for the safety of the driving public, the number of official vehicles that are allowed to use blue lights and sirens to by-pass traffic.

On October 13, a Nizhniy Novgorod court ruled that the RCFS should be shut down after its executive director, Stanislav Dmitriyevskiy, was convicted of inciting racial hatred on February 3 (see section 2.b.). It was the first case in which courts shut down an NGO under new NGO legislation. Dmitriyevskiy was given a suspended two-year sentence and four years of probation for publishing statements by Chechen separatist leaders in RCFS's *Pravozaschita* newspaper; the Nizhniy Novgorod Oblast Court subsequently upheld the verdict. Under the NGO law, Dmitriyevskiy lost his right to found or participate in any public association; however, Dmitriyevskiy remained in his position while the RCFS pursued its appeals. Authorities dropped a tax evasion case against the RCFS in March, and the tax inspectorate discontinued pursuing claims for unpaid taxes on foreign grants.

There were no developments during the year in the criminal case that was opened after threatening leaflets were distributed near the home of RCFS coeditor Oksana Chelysheva in September 2005. The leaflets were distributed on Dmitriyevskiy's apartment block against both Dmitriyevskiy and Chelysheva.

During the year the Nizhniy Novgorod Human Rights Society resumed its activities, reportedly as a result of a campaign by international organizations. In June 2005 authorities ordered the closure of the society, a partner organization of the RCFS, on the grounds that it did not submit necessary documentation of its activities to the Ministry of Justice.

Authorities pursued legal action against the human rights NGO Chechen Committee for National Salvation (CCNS) in 2005. In February 2005 the Supreme Court of Ingushetiya ordered a retrial of the committee on charges that it had violated the law by issuing press releases accusing authorities of violating human rights. The organization had earlier been acquitted of the charges. Neither the committee's chairman, Ruslan Badalov, nor his lawyer was notified of the hearing. The retrial began in April 2005, with the court ordering a new expert analysis of CCNS's press releases to determine if they promoted extremism or hatred. The experts found no extremist content in the press releases, but the

trial continued. In April the court resumed the case, but the judge refused to conduct the trial, and a new federal judge was appointed. On April 26, the prosecutor made a new request to carry out another assessment of the CCNS press releases and the request was granted. In July the Supreme Court returned the Badalov case for further consideration. The general prosecutor's office protested the decision, and an appeal was pending at year's end.

In August 2005 State Duma Deputy Nikolay Kuryanovich, who was criticized in a report by the Moscow Bureau for Human Rights (MBHR), sent a letter to the government asking for the MBHR to be liquidated and accusing it of collaboration with foreign intelligence. In response to Kuryanovich's letter, several inspections were conducted by the Federal Tax Service and the prosecutor general's office. The prosecutor general's office did not find grounds to initiate a criminal case against the MHRB. As of November 17, the tax service continued its inspections of the MHRB, but had not made any claims.

There were no further official actions during the year regarding Open Russia, an NGO founded and heavily funded by former Yukos head Mikhail Khodorkovskiy. Open Russia's Moscow office was raided in October 2005 by authorities, who seized documents reportedly related to an ongoing investigation of money laundering and investigation of possible embezzlement by Yukos employees. Authorities did not bring charges against Open Russia; however, after Yukos declared bankruptcy, funding to Open Russia was cut and it has since shutdown.

In late July the Federal Tax Service filed a tax claim against CILD, an NGO headed by one of former Yukos CEO Mikhail Khodorkovskiy's lawyers, after it was audited by tax inspectors. On July 31, the Center appealed the claim to the Federal Tax Service. The center was founded in 1994 to assist victims of human rights violations through international legal mechanisms, including the ECHR, the UN Committee for Human Rights, the European Committee against Tortures, Inhuman or Humiliating Treatment and Punishment, and others. As of December 31, the ECHR had passed judgment on the merits of 17 cases presented by CILD lawyers and was considering 19 additional cases. Lawyers cooperating with the CILD accounted for approximately 8 percent of the 300 cases under ECHR consideration involving the country. The total tax claims and fines against CILD were approximately \$170,000 (4.6 million rubles), which if collected could potentially put the NGO out of business. The Federal Tax Service claimed that the CILD failed to pay taxes on \$500,000 (approximately 13.5 million rubles) in foreign grants received between 2002 and 2004 (see section 2.b.).

In the regions a few local officials harassed human rights monitors.

Some government officials viewed the activities of some NGOs working on Chechnya with suspicion. For example, in June 2005, Lema Khasuyev, the then-Chechen Republic's human rights ombudsman, stated that he would not cooperate with the human rights NGO Memorial, claiming that it was working in the interests of foreign donors.

A foreign NGO reported that central authorities continued to pressure it and its domestic partner, the VOICE Association for Voters' Rights, during the year. Prosecutors opened an investigation of the USMC in 2004 following the committee's announcement that it intended to meet with Chechen rebel leader Aslan Maskhadov or his emissary Akhmed Zakayev. State Duma deputies had called for an investigation of the group and its finances. Tax inspectors later conducted an investigation, but reportedly found no violations. The committee was permitted to register as an NGO, but was denied registration as a political party in conjunction with the Republican Party.

At times the government's attitude towards human rights NGOs appeared to depend on the perceived threat to national security or level of criticism that an NGO might offer. In the view of some observers, NGOs working in the Caucasus were particularly vulnerable to interference. For example, in April 2005 two expatriate staff members of the humanitarian aid NGO International Rescue Committee were denied entry into the country although they had valid passports, visas, and other necessary documents. Officials provided various explanations for the denial, and the two individuals were eventually told they could re-enter the country.

Officials, such as Human Rights Ombudsman Vladimir Lukin and the chairman of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, Ella Pamfilova, regularly interacted and cooperated with NGOs.

Government and legislative officials recognized and consulted with some NGOs, and such groups participated, with varying degrees of success, in drafting legislation and decrees. For example, a network of NGOs concerned with disability issues worked successfully with local authorities in Moscow and elsewhere in the country to promote the mainstreaming of students with disabilities into the school system and engaged both the Ministry of Education and a State Duma working group drafting education legislation.

Regional human rights groups generally received little international support or attention and often suffered from inadequate funding. They reported that at times local authorities obstructed their work. Some domestic NGOs involved in human rights advocacy reported receiving death threats from nationalist organizations. While these groups were generally free to criticize government and regional authorities, authorities in some areas were intolerant of criticism. Local human rights groups in the regions had some opportunities to interact with legislators to develop draft laws; however, local authorities excluded some organizations from the process entirely.

In 2005 the Siberian Civic Initiatives Support Centers in Omsk and Irkutsk worked with local governments to develop social policies on education, health care, and communal reforms. In the Jewish Autonomous Republic, Amur Oblast, and selected regions in Primorskiy Kray, NGOs worked with local governments to encourage citizen participation in local self-governance on issues related to implementation of the new law on local governance.

Some international NGOs maintained small branch offices staffed by local employees in Chechnya; however, all of them were based outside of Chechnya (see section 1.g.).

By law every person in the country may bring cases to the ECHR for alleged human rights violations after May 1998, provided they have exhausted "effective and ordinary" appeals in the courts. This provision was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. The ECHR received 8,781 complaints in 2005. Of those, 5,262 were declared inadmissible, 341 were communicated to the federal government, and 110 were declared admissible. Eighty-one cases resulted in findings of at least one violation by the government, and two cases were found to have no violations. During the year the ECHR received 10,569 complaints. Of those, 4,856 were declared inadmissible, 380 were communicated to the federal government, 10,177 were allocated to a decision body, and 151 declared admissible. One hundred and two cases resulted in findings of at least one government violation, 64 of which were based on the right to a fair trial. Ninety-six of the judgments found at least one violation, five found no violation, and one judgment was found "other" (i.e., just satisfaction, revision judgments, preliminary objections and lack of jurisdiction).

On October 26, the ECHR ruled in favor of four applicants from Vologda, finding the government in violation of their "right to respect for private and family life" by refusing to assist them to move outside a zone contaminated by pollution from the Severstal steel plant in Cherepovets. The court ruled that the government owed the plaintiffs compensation and that it must resolve their untenable living conditions, either by relocating or compensating them for new housing outside the zone or by forcing Severstal to reduce emissions. The government paid the court-designated damages but had not relocated or otherwise remedied the plaintiffs' living situation. The court ruled in favor of the plaintiff in an identical case in June 2005.

In February 2005 the ECHR ruled in favor of six Chechen applicants, finding the country in violation of several articles of the European Convention on Human Rights and Fundamental Freedoms. In these cases the ECHR found the applicants had no effective remedy in domestic courts. The ECHR rejected a government appeal of the rulings in July 2005 (see section 1.g.). The government generally paid financial judgments ordered by the ECHR in a timely fashion; however, it issued blanket refusals in response to ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure.

Human rights institutions that were a part of the government itself rarely challenged government activities, but sought to promote the concept of human rights and to deal with specific abuse complaints. Human Rights Ombudsman Vladimir Lukin commented on a broad range of human rights problems, such as the treatment of children, the rights of prisoners, hazing in the military, and religious intolerance. During the year Lukin spoke out against intolerance, stating that the growing wave of ethnic, religious, sociopolitical, and ordinary human hatred within the country is a threat to national security.

Lukin's office had approximately 200 employees and several specialized sections responsible for investigating complaints. During the year the office published reports on human rights issues, such as the rights of disabled children and human rights and the modernization of education. However, Lukin's role remained primarily consultative and investigatory, without powers of enforcement. In October the president signed into law amendments that considerably broadened the powers of the human rights ombudsman's office. The new law gives the ombudsman the right to propose parliamentary investigations into reported mass or flagrant human rights abuses, to participate in parliamentary meetings when the final results of investigations are presented, and to propose State Duma hearings into the violations of citizens' rights. At the end of November, 34 of the country's 88 regions had regional human rights ombudsmen with responsibilities similar to Lukin's. However, the effectiveness of the regional ombudsmen varied significantly.

The Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, headed by Ella Pamfilova, promoted NGO concerns and worked to advance human rights in the country. For example, from February through July, Pamfilova organized a series of civil society events within the framework of the G-8. The council was widely respected in the NGO community.

In January the 126-member Public Chamber of the Russian Federation began operation. The Public Chamber was established by legislative mandate in 2005 as a mechanism to channel public and civil society input into legislative decision-making. Forty-two of its members (one-third), distinguished by special services to the nation, were selected by President Putin. These members selected another 42 representatives nominated by national NGOs. The 84 members selected 42 representatives from regional and interregional associations. Some prominent human rights groups declined to participate in the chamber out of concern that the government would use it to increase control over civil society. The Public Chamber's tasks are broad, relying on some 30 committees on topics ranging from juvenile justice to anticorruption to philanthropy. Committees conduct public discussions on key issues, review draft laws, travel to the regions to promote the role of regional public chambers, conduct studies, and give nonbinding recommendations to the government and legislature. During the year the chamber held a competition for federal grant

subsidies for civil society organizations, totaling more than \$189,000 (5 million rubles). Several hundred final awardees were approved by the Presidential Administration, including some independent NGOs. During the year the Public Chamber urged reversal of the conviction of the driver involved in the car crash that killed Altai Governor Mikhail Yevdokimov, the prevention of eviction of families from Southern Butovo in Moscow's outskirts, and prosecution of the hazing case of Private Andrei Sychoy. The Public Chamber reviewed 18 bills during the year; however, the State Duma largely ignored its suggestions. The overall function and effectiveness of the Public Chamber as a check on the federal government was unclear as of year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women

Domestic violence, including spousal abuse, remained a major problem, and law enforcement authorities frequently failed to respond to incidents of domestic violence. There are no official statistics on domestic violence in the country. Nevertheless, an Amnesty International report estimated that approximately 36,000 women were beaten by a husband or partner every day. Official estimates indicated that, on average, more than 250,000 violent crimes were committed against women annually; however, because such crimes were usually not reported, the real figures were likely to be higher. According to official data, 9,000 women were killed as a result of family and domestic crimes in 2003. These crimes constituted 32 percent of the total murders in the country. A news report stated that each year 14,000 women are killed by their husbands.

There is no legal definition of domestic violence. While the law prohibits battery, assault, threats, and murder, those of its provisions most commonly applied to cases of domestic violence (such as light injury) are not within the jurisdiction of the prosecutor's office. Victims of crimes resulting in light injury are required to prosecute such cases without state assistance, and their complaints must satisfy certain legal requirements, which victims without legal knowledge have difficulty meeting. As a result few cases were prosecuted and there were few convictions. According to a survey of discrimination against women conducted during the year, police frequently discouraged victims from submitting complaints. Even when victims submitted applications, the majority of domestic violence cases were not adjudicated by the courts due to dismissal based on technical errors in the application or the fact that justices of the peace focus on reconciliation of the couple and preservation of the family, rather than punishment of the perpetrator. There are minimal remedies for domestic violence in the civil law; the most common were administrative fines and divorce.

In 2005 22 crisis centers for women operated as part of a broader structure of social protection institutions. Crisis services are not focused exclusively on violence against women, although some do offer services to domestic violence victims. NGOs operated centers for victims of domestic violence throughout most of the country; however, there are reportedly few domestic violence shelters. An informal informational network affiliated with the NGO National Center for Prevention of Violence "Anna," received 85,000 complaints of domestic violence in 2004. In 2005 "Anna" reported that 22 of the 170 organizations in its network closed, primarily due to lack of financing.

Under the law rape is illegal, but in practice it is a problem. In 2004 8,795 rapes were registered, and in the first half of the year, 5,007 rapes were registered. From January to October, 7,567 rapes and attempted rapes were reported. However, according to NGOs, many victims never reported rape due to social stigma and lack of government support. Rape victims can act as full legal parties to criminal cases brought against alleged assailants and can seek legal compensation as part of the verdict without seeking a separate civil action. Although some crisis centers may provide support to rape victims, anecdotal information suggested that women were discouraged from reporting rape cases by crisis center psychologists, who considered the investigation and prosecution process traumatizing; such advice did not reflect official policy. Members of the medical profession, including at hospitals and elsewhere, assisted women who were assaulted. However, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement; studies suggested that up to half of women and more men think that women cannot refuse sex in marriage. The criminal code makes no distinction based on the relationship between the rapist and victim. Women were unlikely to report cases of rape by persons they know. Law enforcement and prosecutors held many of the same notions and allegedly did not encourage reporting or prosecution of such cases.

The organization and operation of a prostitution business is a crime, but selling sexual services is only an administrative offense. Prostitution remained widespread in the country and some observers expressed concern about sex tourism. In addition there were reports of prostitutes bribing police and of violence against prostitutes by police.

Trafficking of women for sexual exploitation or forced labor was a serious problem (see section 5, Trafficking).

The law does not prohibit sexual harassment, and women have limited legal recourse when sexually harassed. Sexual

harassment remained a widespread but mostly unacknowledged problem. NGOs operating hotlines reported that women routinely sought advice on the problem. However, due to the lack of legal remedies and limited economic opportunities, many women tolerated harassment.

Although the law states that men and women have equal rights and opportunities to pursue those rights, credible evidence suggested that women encountered discrimination in employment. Job advertisements sometimes specified sex and age groups, and some ads specified desired physical appearance as well as a preference for applicants open to intimate relations with the prospective supervisor. Employers often preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. UN Development Program's 2005 Human Development Report, women account for 49 percent of wage employment, but according to official government statistics, on average women earned only two-thirds as much as their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. For example, according to the UNDP, in education where women are 80 percent of the workforce, women's average wages were 23 percent lower than those of men.

Children

The government expressed its commitment to children's rights and welfare, but devoted only limited resources to the welfare of children.

Children have the right to free education until grade 11 (or approximately age 17), and school is compulsory until approximately age 15 or 16. Primary education is compulsory, free, and, by law, universal. According to UNICEF statistics, 93 percent of school-age children attended school. The highest level achieved by the majority of children was secondary education. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, including Roma, asylum seekers, and migrants.

In Krasnodar in September producers of a documentary film about ethnic discrimination against children reportedly had difficulties in exporting the film footage from Russia-Krasnodar airport; airport security officials allegedly seized the film and later returned it damaged. Under the law health care for children is free; however, the quality varied and individuals often incurred significant out-of-pocket expenses. More than six years after the start of the second conflict in Chechnya, much of that republic's social and physical infrastructure remains destroyed or seriously damaged. As a result social services for children were inadequate, especially in the education, health and water, and sanitation sectors. These inadequacies, and the continued instability in the region, continued to threaten the health and well-being of children.

Although child abuse was a widespread problem, the majority of child abuse cases were not subject to legal action. The Moscow Human Rights Research Center estimated that approximately 50,000 children run away from home annually to avoid domestic violence. The Moscow Helsinki Group indicated that each year approximately two million children under 14 years of age were victims of domestic violence.

Trafficking in children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.)

There were reports that boys under 18 were detained as part of targeted raids and security sweeps conducted by Russian and pro-Moscow Chechen forces in Chechnya.

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group White Kerchief (*Belyy Platok*) reported that some federal forces kidnapped children in Chechnya for ransom. In September 2004 at least 338 hostages, about half of them children, were killed after terrorists took an estimated 1,200 hostages at a school in Beslan, North Ossetia (see section 1.g.).

Estimates of the number of homeless children ranged from two million to five million. During the year, according to the Russian Statistics Committee (Goskomstat), there were 800,000 abandoned children in the country. According to the Ministry of Internal Affairs, approximately 109,000 vagrant minors were removed from the streets and public places in the first quarter of 2004 alone.

According to the Moscow Department of Social Security, 12 percent of street children who ended up in shelters have run away from orphanages or boarding schools. Law enforcement officials reportedly often abused street children, pinned the blame for otherwise unsolved crimes on them, and committed acts including extortion, illegal detention, and psychological and sexual violence against them. According to the Public Verdict Foundation, in 2005, prosecutors refused to bring charges in 80 percent of cases of alleged police misconduct towards such minors; the situation improved slightly during the year. According to the Public Verdict Foundations, in some regions, like in Krasnodar Kray, the situation is better than in other regions, like in Blagoveshchensk, Amur Region.

A case was pending in Basmani Court of Moscow, alleging that police abused and beat a 12-year-old boy who was detained. The case was brought by the boy's parents with the assistance of Public Verdict lawyers and has received some media coverage. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned to, or were forced into, prostitution to survive. According to Ministry of Internal Affairs statistics, during the first six months of the year over 90,000 criminal offenses were committed by minors or with minors' participation.

Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. In St. Petersburg, NGOs ran seven drop-in centers. There are new Web sites www.usinovity.ru, a project of the Ministry of Education and Science, and www.siroty.ru which provide additional information about abandoned children. Also an increasing number of regions have children's rights ombudsmen.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking continued to be a substantial problem, although there is increasing awareness and sensitivity by authorities. Allegations continued that corrupt government officials facilitated trafficking, although it remained difficult to ascertain the scope of such corruption. The government at all levels remained committed to combat trafficking, and investigations and prosecutions significantly increased, from 11 in 2004 to 53 in 2005, since the State Duma amended the criminal code in 2003 to specifically outlaw human trafficking and the use of forced labor. During the year investigations and prosecutions more than trebled; the police opened more than 80 human trafficking investigations. In 2004 the government reported 26 human trafficking criminal cases of which eight related to forced labor, and 18 related to sex trafficking. In 2005 the government reported 80 human trafficking cases of which 20 related to forced labor and the remainder were sex trafficking cases. Although the Ministry of Internal Affairs does not report criminal statistics until March 1 of each calendar year, ministry officials stated that investigations and prosecutions of human trafficking cases continue apace. Recent amendments to the law permit confiscation of property in criminal cases involving sex and labor trafficking.

There were no reliable estimates of the scope of trafficking, but observers believe it remained widespread. The country continued to be a source, destination, and transit country for human trafficking; however, as a result of economic factors, there appears to be a decreasing number trafficked abroad. While women and children were trafficked for sexual purposes, men were also trafficked into the country on a significant scale from former Soviet Union countries to urban centers, particularly for the construction and agriculture industries. In the Russian Far East, there is trafficking in the fishing industry. The International Labor Organization (ILO) estimates that one million illegal immigrants living in the country are victims of forced labor.

According to the IOM, women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, and Middle Eastern and Asian countries. Women who were trafficked abroad and returned to Russia seldom reported their experiences to police, because they feared humiliation and retaliation by traffickers. Traffickers usually targeted unemployed females between the ages of 14 and 45, with females between the ages of 15 and 25 being the primary targets. Traffickers often lured women with promises of economic opportunities. Some trafficking victims knowingly agreed to work in sex industries. However, all the victims interviewed in the IOM study stated that they never suspected the severity of the conditions and abuse to which they would be subjected.

Igor Khvan, an Uzbekistan citizen who resides in Primorye, was arrested in December 2004 for trafficking women from Uzbekistan. His two female assistants recruited young women in Tashkent, Uzbekistan, for hostess positions in Ussuriysk, Primorskiy Krai. Upon their arrival, Khvan took away the women's passports and forced them to work in prostitution. Khvan took all revenue from their activities, leaving the women an allowance of only \$1.80 to \$3.60 (47.7 to 95.4 rubles) a day for food. On January 25, the Ussuriysk Court sentenced Khvan to seven years in prison. His two associates were sentenced to the same term in Uzbekistan.

Reports indicated that internal trafficking, fueled by poverty and unemployment, remained a problem. Women were recruited and transported from rural areas to urban centers typically to work for commercial sexual exploitation.

There were continued reports of child trafficking, primarily for sexual exploitation. The victims were usually homeless children or children in orphanages. There are no reliable estimates of how many children were trafficked. The country has become a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism.

The lack of effective legislation precludes effective investigation and prosecution of pornography cases. The law lacks a definition of child pornography, does not criminalize the possession of child pornography (thereby legitimizing a market for child pornography,) and the pornography manufacture and distribution statute is poorly drafted and seldom used. Police and prosecutors complained that cases are often thrown out of court because there are no ascertainable standards of what constitutes the offense. Even where cases are prosecuted and a conviction obtained, courts often impose the minimum sentence possible, often probation. Police complained that it was difficult to investigate these

offenses because the crimes are deemed "grave" offenses under law, and therefore, the investigative means available under law are limited. The consequence of these defects was that few child pornography cases were investigated and prosecuted, creating an environment where child pornography can flourish. There was wide agreement that reform is necessary but little interest in the issue from the administration.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that criminal groups carried out most trafficking with the assistance of front companies and established organized crime groups. Typically traffickers used a front company-frequently an employment agency, travel agency, or modeling company-to recruit victims with promises of well paying work overseas. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail order brides, and some victims were recruited by partners or friends. Once the victims reached the destination country, the traffickers typically confiscated their travel documents, kept them in a remote location, and forced them to work. The Ministry of Foreign Affairs placed detailed warnings about employment and travel abroad on its Web site. Newspapers and NGOs also reinforce these warnings.

Reports indicated that employers or traffickers withheld workers' passports or other documentation. They threatened workers with deportation or prosecution if they demanded compensation. One trafficking researcher indicated that some local police cooperated with employers to "shake down" such workers to deprive them of their wages. Traffickers often used their ties to organized crime to threaten victims with harm to their families should they try to escape. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid domestic organized crime entities a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement.

Under the law if certain aggravating factors are established, trafficking and forced labor are punishable by a maximum of 15 years' imprisonment, recruitment into prostitution by a maximum of eight years, organization of a prostitution business by a maximum of 10 years, and manufacture and distribution of child pornography by a maximum of eight years. In January 2005 new witness protection legislation went into effect that has been used as a mechanism to protect and shelter trafficking victims and their families against traffickers. Newly drafted asset forfeiture legislation pertains to trafficking offenses and permits the confiscation of criminal proceeds from traffickers. Four victims of trafficking benefited from the program in 2005.

Law enforcement agencies increasingly investigated and prosecuted trafficking cases. Then-prosecutor general Ustinov announced in February that in 2005, the government initiated 80 trafficking cases, of which 60 investigations were brought under the law against sex trafficking and 20 investigations were brought under the law against labor trafficking. The Ministry of Internal Affairs worked closely with foreign governments and continued to assist international trafficking prosecutions. The Ministry of Foreign Affairs developed guidance for consular officers abroad on dealing with trafficking victims and expressed a commitment to assist with the repatriation of trafficking victims, although funding was not made available to assist with the repatriation. The government cooperated with international trafficking investigations.

Journalists, politicians, NGOs, and academic experts stated that corrupt elements in the Ministry of Internal Affairs and other law enforcement bodies facilitated and, in some cases, controlled trafficking. In addition, individual government officials reportedly took bribes from traffickers in return for false documents and facilitating visa fraud. Law enforcement sources agreed that document fraud was often committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal activity. There were reports of prosecutions of officials involved in such corruption.

During the year reports noted the country failed to meet minimal standards for the elimination of trafficking; in particular, inadequate protection and assistance are afforded human trafficking victims. Assistance provided to trafficking victims remained inconsistent and inadequate, with the government relying in many instances on NGOs. There was a dearth of human trafficking shelters in the country and none funded by the Russian government which instead relies upon local shelters maintained by municipalities or upon assistance provided by NGOs to repatriate and shelter trafficking victims.

Many of the more than 100 NGOs that conduct antitrafficking activities throughout the country disseminated information on trafficking, engaged in preventative efforts, and provided assistance to victims. NGOs have helped to reintegrate victims upon return to the country. Such NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. The Primorskiy Krai administration worked closely with antitrafficking NGOs in the Russian Far East to organize a major international antitrafficking conference, the Stop Trafficking Now Conference.

Shelters run by local NGOs provided assistance to trafficking victims. There were no government-run shelters for trafficking victims, and the government intends to rely upon the provisions of the Witness Protection law to shelter and protect trafficking victims. A shelter run by the IOM, however, opened in Moscow with the assistance of city authorities and it receives referrals from the police and Federal Border Service.

The government had no official comprehensive trafficking prevention program but continued to sponsor several events designed to raise awareness among specific professionals of the problem. The State Duma, with the support of the Presidential Administration, sponsored seven regional conferences in 2005 and during the year to teach law enforcement officers, NGOs, and public officials about relevant laws and to encourage closer cooperation between police and NGOs. The Ministry of Internal Affairs sponsored three "train the trainer" conferences in 2005 for ministry training officers from regional academies throughout the country employing experts to develop well trained antitrafficking investigators. The government also sponsored some events designed to raise general public awareness of the danger of trafficking. On March 7, the Khabarovsk branch of the United Russia party, a local youth NGO Moy Kray, and the Russian Orthodox Church organized a protest rally about trafficking in the Khabarovsk central square. Speakers warned young persons, particularly young women, not to pursue "generous" job offers abroad. They also listed measures that the authorities need to urgently implement to combat this problem. At the end of August, the Primorye regional government sponsored the first annual Asian-Pacific International Forum "Stop Trafficking." Law enforcement officers, NGOs, public officials, speakers from the United States, China, Israel, and the OSCE Secretariat shared their experience in combating and in preventing trafficking in persons. The participants of the forum adopted a draft resolution with recommendations to develop a national comprehensive trafficking prevention program, to encourage closer cooperation between law enforcement agencies and NGOs, to increase public awareness.

Persons with Disabilities

Several laws prohibit discrimination against persons with disabilities or to establish conditions of equal rights for them; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and were denied equal opportunity to education, employment, and access to social life. Overall, the situation for persons with disabilities has reportedly worsened since the passage in 2004 of a law which replaced government subsidies for such items as transportation and medicine with cash payments. Some affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, most others regions provide a limited number of benefits such as free transportation.

The Minister of Health and Social Protection Zurabov at a conference organized by the All-Russia Society of Disabled People noted that there are 15 million persons with disabilities. In December the human rights ombudsman said that, in the previous 10 years, over 120,000 persons became invalids as a result of military actions and war injuries. Persons with disabilities were generally excluded from the social and political life of their communities and isolated from mainstream society.

The residents of disabled adult institutions were mainly "graduates" of the institutions for children. Institutions often did not attempt to develop the abilities of the interned persons. The residents were frequently confined to the institutions and sometimes movement within the institutions was restricted. The use of psychotropic drugs as punishment was allegedly widespread. Conditions in the institutions were often poor, with unqualified staff and overcrowding.

Laws prescribe penalties for enterprises that fail to build ramps or other accessibility features but contain no enforcement mechanisms. Federal law on the protection of persons with disabilities requires that buildings be made accessible to the disabled, but authorities did not enforce the law and in practice most buildings were not accessible.

Approximately 90 percent of persons with disabilities were unemployed. Laws providing employment quotas exist at the federal and local levels; however, some local authorities and private employers continued to discourage persons with disabilities from working, and there was no penalty for failure to honor quotas. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government has reportedly encouraged employers to hire disabled persons. Overall, according to NGO All-Russia Society of Disabled People, the number of persons with disabilities in the workforce declined from 72,500 in 2002 to 28,000 in during the year. The NGO attributed this to the 2002 elimination of tax benefits which encouraged employment of persons with disabilities.

Authorities generally segregated children with disabilities from mainstream society through a complex and cumbersome system that institutionalized children until adulthood. Observers concluded that issues of children's welfare were lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were poorly provided for and, in some cases, physically abused by staff members. "Graduates" of state institutions also often lacked the necessary social, educational, and vocational skills to function in society. According to a December 28 report by the prosecutor general's office, half of the more than 600,000 children with disabilities in state care lack medicines, hearing aids, and wheelchairs.

An international NGO delegation that visited two psychiatric hospitals in 2004 noted that there was no judicial process for commitment that provided individuals subject to commitment with the right to appear before a court for a determination of the legality of their commitment.

The assignment of categories of disability to mentally disabled children often followed them through their lives. The labels "imbecile" and "idiot," which are assigned by a commission that assesses children with developmental problems at the age of three, and which signified that a child was uneducable, almost always was irrevocable. Even the label of *debil*-lightly retarded-followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or

caregivers, but no one advocated for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including lack of access to schools. Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. At the same time, the "home program" for children with disabilities was highly inferior to school classes. The majority of teachers and administrators in schools and universities had little or no understanding of disability issues. Often parents of children without disabilities were averse to their children studying with children with disabilities.

NGOs cited some examples of courts ordering children with disabilities admitted to schools that initially refused to take them. For example, two children with disabilities in Petrozavodsk, Karelia, were denied permission to attend a preschool program because the preschool stated that it did not have the capacity to admit children with their disabilities. The Petrozavodsk court initially supported the preschool, but the children's parents prevailed in a rehearing in February, and the children were admitted to a different preschool, which was ordered to provide a satisfactory program. A final court decision on this case came on April 24, when the Petrozavodsk court ruled that the children's right to education had been violated. The court ordered a local special school (because by the time the court case was won, the children were already of school age) to provide a satisfactory special education program for the children.

According to government reports, of approximately 450,000 school-aged children with disabilities, approximately 200,000 did not receive any education. Of the approximately 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools comprised only 3 percent of all schools, most children with disabilities could not study in the community where they lived, were isolated from other members of the community, and received an inadequate education.

Persons with disabilities faced barriers to participation in political life, including inaccessible government buildings. The election laws contain no special polling-place accessibility provisions, and the majority of polling places were not accessible to persons with disabilities. While the use of mobile ballot boxes allowed them to vote at home, they sometimes lacked detailed access to information about candidates that was available at the polls.

Government bodies charged with protecting human rights also protect the rights of persons with disabilities, including the human rights ombudsman and the regional ombudsmen, the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, and the prosecutor's office. These bodies have carried out a number of inspections in response to complaints from disability organizations and, in some cases, have subsequently appealed to the responsible agencies to remedy the situation. For example, the human rights ombudsman has conducted inspections of homes for children with mental disabilities that disclosed severe violations of children's rights and substandard conditions.

In response to actions by disability rights NGOs and parents of disabled children, during the year the human rights ombudsman prepared a country report titled *On the Observance of the Rights of Disabled Children*, which called attention to the inequalities that children with disabilities face in view of the legislative changes, terming the legislation a violation of the constitution.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, dark skinned persons, and foreigners faced widespread governmental and societal discrimination, which was often reflected in official attitudes and actions (see section 1.c.). Skinhead groups and other extreme nationalist organizations fomented racially motivated violence.

Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious from ethnic motivations (see section 2.c.). Human rights observers noted that racist propaganda and racially motivated violence are punishable by law, but despite some improvement in law enforcement efforts, the law was employed infrequently. However, the authorities demonstrated an increased awareness of the problem through numerous public statements. For example, in his public address on May 9, Putin stated "those who try to raise the rejected banners of Nazism, who spread racial hatred, extremism, and xenophobia are leading the world to a dead end, to senseless bloodshed and cruelty."

Federal and local law enforcement continued to be applied disproportionately to members of ethnic minorities. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus region, Central Asia, or Africa.

Following the September arrest of four Russian officers in Georgia, a diplomatic feud erupted that led to an anti-Georgian campaign against the approximately one million Georgians who live in the country. Officially the Georgians were deported for violations of migration legislation. Law enforcement officials were reportedly instructed to step up actions against Georgians. Other anti-Georgian actions included raids on Georgian businesses, police orders for

schools to produce lists of Georgian students, and severed transportation and postal links. The actions against Georgians were criticized as illegal by the state human rights body, the Civil Society Institutions and Human Rights Council, which also called the actions a wave of "selective persecution" against Georgians. According to the Georgian parliamentary ad hoc Investigatory Commission Studying Actions Carried Out by the Russian Federation Against Georgian Citizens, as of October 31, the immigration service had issued decisions on deportation of 2,598 Georgian citizens, out of which about 1,140 were actually deported. As of December 28, commission head Nika Gvaramia said that the number of deportees had increased to between 3,800 and 4,000. The commission officially recorded the deaths of three people while in detention.

Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained or fined them in amounts that exceeded legally permissible penalties. The Moscow Metro Monitoring Study, published in June by the Open Society Justice Initiative and other organizations, found that persons of non-Slavic appearance made up only 4.6 percent of the riders on the Metro system but 50.9 percent of persons stopped by police at Metro exits. At one station, those of non-Slavic appearance were 85 times more likely to be stopped by police. According to a poll by the Public Opinion Fund, 52 percent of Russians would approve if some ethnic groups were expelled. This is an increase from 44 percent in 2002.

Police often failed to record infractions against minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In April Chechen Prime Minister Kadyrov announced that all temporary IDP accommodation centers in Chechnya should be closed. According to the UNHCR, five temporary accommodation centers across Chechnya were closed during the year (see section 2.d.). In March 2005 the Institute for War and Peace Reporting noted that police arrested illegal migrant workers from Central Asia, illegally took their money, then took them to the outskirts of Moscow instead of deporting them in order for police to pocket the cost of the deportation and leave the workers in Moscow for future arrests. This practice reportedly continued during the year.

A May 2005 report by the European Roma Rights Center noted "alarming patterns" of human rights abuse of Roma in the country. The report also asserted that the magnitude of the abuse was only comparable to that of the impunity of the perpetrators. The report stated that the media's frequent association of Roma with drug dealing provided the context for many of the human rights violations against them. It provided evidence of widespread police violence against Roma and noted that the abuse was rarely reported to higher authorities.

On December 17, a neighbor of a Romani family, who also happened to be a militiaman, reportedly sprayed an unidentified gas either in the apartment or on the landing next to the their apartment in Petrozavodsk, Karelia. The gas severely sickened the family's six-year-old child and an elderly relative, according to Olga Martynova, head of the Society of Gypsy Culture of Karelia. According to the family, they did not do anything to provoke the man and called militia. Shortly afterwards, policemen stormed into the house and started to beat everyone present, including elderly persons and women. The report offered no information about any criminal charges filed, but the family allegedly filed a complaint to the prosecutor's office and it was accepted.

On September 12, in Belgorod, the far right wing group, Belgorod National Corps, was found guilty of the assault on a Romani family. In August 2005 an armed, masked youth gang of approximately 20 persons attacked the house of the Nikolaenko family shouting "kill the gypsies." A Molotov cocktail was thrown into the kitchen window, followed by another incendiary device. The owner of the house, his wife, and son were then attacked as they fled into the yard. Eleven persons were detained, including two minors and also former students of the Judiciary Institute of the Ministry of Internal Affairs. All the detained were charged with hooliganism, deliberate infliction of grievous bodily harm by an organized group motivated by ethnic hatred, and organization of and participation in an extremist group. Three of the detained were also charged with the involvement of minors in criminal activity. The trial began on June 6; and on September 12, all the defendants were found guilty. The group leaders Maksim Sharov, Andrey Petrov, and Ilya Sutula were sentenced to five, four, and three years of imprisonment respectively. Another seven of them received prison terms of 18 months to 33 months in prison. One of them received a suspended sentence after cooperating with investigators.

From May 29 to June 2, authorities bulldozed 37 houses belonging to more than 200 Roma, including over 100 children, in the village of Dorozhnoe, Kaliningrad Oblast, and set fire to the ruins. Over 100 of the displaced Roma were forced to live in tents and other temporary shelters and were threatened with physical expulsion from their land, while the others left of were expelled from the area. Regional authorities began their eviction campaign by initiating court proceedings to have the Romani families' ownership of their homes declared illegal. According to observers, the proceedings violated fundamental standards of due process; on May 3, the court issued decisions rejecting the families' claims. On November 3, the Open Society Institute's Justice Initiative filed a request for interim measures with the ECHR on behalf of 33 of the evicted.

In July a Romani settlement in Arkhangelsk was demolished by local authorities. The mayor of Arkhangelsk offered about \$110,000 (3 million rubles) to the local Romani community as compensation for resettlement to Volgograd Oblast. The community reportedly accepted the sum and left.

On April 13, according the European Roma Rights Center, approximately 20 youths killed Grigoriy Marienkov, a Romani man, and a Russian woman whose first name was Galina. The attack and killings took place in the Volgograd

region. The attackers also severely beat and injured approximately six members of Marienkov's family. According to press reports, police arrested six suspects, all of whom were between the ages of 17 and 20, and three of whom were girls. The regional prosecutor reportedly opened a criminal investigation under statutes related to racially or ethnically motivated murder.

In February 2005 approximately 400 members of the Romani community left the village of Iskitim, Novosibirsk Oblast, after a group of armed men attacked and burned a number of Romani houses there. According to NGOs, similar attacks took place in January 2005 and in 2004. Members of the Romani community indicated that, after those incidents, law enforcement and municipal authorities had done nothing to prevent a recurrence. Police eventually arrested seven suspects, and the Novosibirsk regional prosecutor's office took over the investigation. The case reached court March 31, and there were reports that warrants were issued for nine other suspects. The case reached court on March 31.

There was also evidence of hostility on ethnic and racial grounds within the society at large. Despite appeals for tolerance during the year by senior officials, violence and societal prejudice against ethnic and national minorities, as well as against foreigners remained a problem. In a public opinion poll of Russians by the Public Opinion Fund conducted this year, 28 percent of respondents admitted personally disliking people of other nationalities. In the view of some experts and human rights leaders, this phenomenon worsened, but others insisted that it reflected better reporting and greater media attention.

During the year numerous racially motivated attacks took place against members of minority groups and foreigners, particularly Asians and Africans. According to Ministry of Internal Affairs statistics, 13,307 crimes were committed against foreign citizens and persons without citizenship in 2005, a 29 percent increase over 2004, although this figure covers all crimes against this sector of the population, not only hate crimes. The ministry's 2005 annual report reported 152 crimes "of an extremist nature" although it does not specify its criteria or the specific crimes categorized under that general heading. The St. Petersburg city prosecutor claimed 1.8 percent of the crimes against foreigners in the city were "extremist" in nature. According to the prosecutor, there were 39 foreigners killed in St. Petersburg in 2005 and only two of them qualified as hate crimes. St. Petersburg's African Union reported six deaths in the city as the result of xenophobia during the first 11 months of the year.

According to the NGO SOVA Center, xenophobic attacks killed at least 54 persons and injured 466 during the year; in 2005, the figures were 31 and 413, respectively. SOVA Center found four guilty verdicts reported with a bias motive in 2003, eight in 2004, 16 in 2005, and 28 during the year.

Ethnic conflict flared in Kondopoga, Karelia in the first week of September. Following the alleged murder of two ethnic Russians by local Chechens, a mob burned dozens of businesses owned by persons from the Caucasus. Several Chechen families had to leave the town, as the authorities could not guarantee their safety. It was not until special police arrived in Kondopoga after nearly a week of unrest that the authorities finally stemmed the violence. The police dispersed the mobs and arrested more than 100 suspects. The country's television media provided minimal coverage of the event. A poll by the Public Opinion Fund reported half of the country's population had not heard about the event. Authorities in the region attempted to minimize the event as the result of a common quarrel. The Karelian prosecutor's office announced there was "no ethnic basis for the conflict." President Putin was initially silent on the matter. At the end of October, he publicly criticized the regional governor for being on vacation during the crisis. As a result of the events, President Putin dismissed the head of the FSB for the region and the interior minister for the region. On November 14, the first trial began for one of the accused instigators of the fight. Authorities investigated four other criminal cases. On December 15, the Karelian prosecutor opened a criminal case accusing Alexander Potkin, as head of the Movement Against Illegal Immigration, of coming to Kondopoga and inciting the mob to violence (see section 1.a.)

The Moscow prosecutor's office charged Oleg Kostyryov and Ilya Tikhomirov with racially or ethnically motivated murder following the August bombing of Cherkizovsky market in Moscow. The bombing killed 13 persons and injured 53. As with most markets in Moscow, many traders at the market were from the North Caucasus region and Central Asian countries, as well as China and Vietnam. The suspects were also charged with the murder of a 17-year-old Armenian student, who was stabbed to death the day after the bombing while waiting for the metro.

On September 24, unknown assailants killed an Indian medical student in St. Petersburg. At the same location in April, another Indian student was attacked and wounded. The investigation was ongoing at year's end, but local human rights groups reported that the medical school's administration and the St. Petersburg city government had been unresponsive.

There were additional reports of violence against Asians in the Far East region. For example, in November two North Korean workers died after being severely beaten in Vladivostok; a third worker remained in serious condition. Several teenagers were later arrested for these attacks--and some earlier ones--which police say they committed at random while intoxicated; however, there was speculation in Vladivostok media that the crimes were racially motivated. Four teenagers in Vladivostok confessed to beating two North Korean men to death and injuring a third in December, RIA-Novosti reported. The four teenagers, aged from 15 to 16, were arrested on suspicion of attacking the three North Koreans on December. The suspects have been charged with deadly assault but released from custody on the condition that they do not leave the city.

On December 14, a district court in Yekaterinburg sentenced two skinheads who attacked and beat an African journalist in September 2003. Oleg Orlov, 21, was sentenced to 3 1/2 years' imprisonment, while Vladimir Molokov, 23, received a three-year term. Orlov and Molokov were found guilty of "inciting racial hatred" under the criminal code.

In November a Moscow court convicted three men of racially motivated assault in the case of Zaur Tutov, the culture minister of Kabardino-Balkaria, who was badly beaten by skinheads on April 1. Two of the men were sentenced to 18 months at a prison colony and the third received one year.

On November 13, the St. Petersburg City Court sentenced three persons under 18 to prison sentences for racially motivated attacks on students from Ghana (three-year sentence), from China (2 1/2 years), as well as a Palestinian (2 1/2 years). However, a jury in the same court on October 17 acquitted 14 defendants--including five charged with murder--accused of participating in the 2004 killing of a Vietnamese student. The Vietnamese community in St. Petersburg picketed the court following the acquittals and the Republic of Vietnam sent a formal note to the Russian Foreign Ministry.

In July 2005 approximately a dozen skinheads beat a Vietnamese man to death in a Moscow park (see section 1.a.). In September 2005 Roland Epassak, a Congolese student, was killed in St. Petersburg. In 2004 the same student was attacked and hospitalized, at which time he gave evidence that the attack was racially motivated. In May the trial of four men charged with Epassak's murder began. Lawyers demanded that court authorities take extra security measures to protect the defendants from possible attacks but the court declined this request. On July 25, the four were acquitted. St. Petersburg Governor Valentina Matviyenko publicly questioned the verdict and efficacy of jury trials in such cases. On November 2, the Supreme Court overturned the verdict and returned the case for a retrial. The new hearing will be with a new judge and a new jury.

In October 2005 in Voronezh, a Peruvian student was killed and two other students, from Spain and Peru, were badly injured when a group of youths attacked them. There had been several previous attacks on foreigners in Voronezh. Later in October 2005, the authorities charged Igor Pavlyuk, a Russian student, with murder and another 12 youths with hooliganism and robbery; ethnic hatred was also taken into account by authorities as a motivation for those participating in the attack. On August 25, in Voronezh, a city southeast of Moscow, Pavlyuk was sentenced to 16 years in prison for the murder. The court handed down prison terms from two to five years for five other defendants in the case, gave suspended sentences of up to three years to six more defendants, and acquitted a 13th defendant.

Not all of the attacks against foreigners were fatal. During the year there were at least 75 nonfatal attacks likely motivated by racism.

On March 25, assailants stabbed nine-year-old Liliana Sisoko, whose father is a native of Mali and whose mother is Russian, while she was returning home in the center of St. Petersburg. The girl was hospitalized. In February 2005 two Korean students were attacked and hospitalized in St. Petersburg. In March 2005 a Chinese student was attacked during daylight on a major city street in St. Petersburg. In these cases generally authorities initiated criminal investigations but arrested no suspects and made available no reports on the progress of the investigation. In March 2005 four skinheads attacked an African student of a pedagogical university in Lipetsk.

According to the Ministry of Internal Affairs, there were 557 crimes against foreigners registered in St. Petersburg during the first seven months of 2005. The ministry did not publicize such data this year. According to NGOs the city administration appeared to have begun to take hate crimes more seriously, but law enforcement agencies did not do enough to address the issue, in part because they lacked the necessary resources and, in some cases, because some working-level staff sympathized with the nationalistic causes.

On August 29, Yuriy Belyayev was given a suspended sentence of 1 1/2 years for publishing an article directly encouraging his readers to assault people from the Caucasus region. As head of the nationalist Party of Freedom, Belyayev had already been connected to incidents of vote-buying in the 2003 gubernatorial St. Petersburg election, as well as promotion of so-called "white patrol" units in St. Petersburg known for their violent actions against ethnic minorities. Human rights organizations lamented the light sentence, but were pleased that the case had at least resulted in a conviction.

Private individuals or small groups that espoused racial hatred generally carried out such attacks. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. 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. Police investigations of such cases were frequently ineffective and authorities were often reluctant to acknowledge the racial or nationalistic element in the crimes, often calling attacks "hooliganism." Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by police, chose not to report such attacks or experienced indifference on the part of police.

Skinhead activity continued to be a serious problem. Skinheads primarily targeted foreigners and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments and hostility toward adherents of "foreign" religions (see section 2.c.). According to the Ministry of Internal Affairs, neofascist movements have approximately 15,000 to 20,000 members, of which over 5,000 are estimated to live in Moscow. According to the

Moscow Bureau of Human Rights, there were approximately 50,000 skinheads in 85 cities. Skinhead groups were particularly numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. According to the Moscow Bureau of Human Rights, 170 attacks motivated by ethnic hatred were registered between January and December. As the result of these attacks, 51 persons died and 310 were injured. Numerically, the most xenophobic city is Moscow, with 27 deaths and over 125 injuries registered. There were five deaths and 48 injuries in St. Petersburg.

There were indications that the authorities were increasingly willing to acknowledge racial, ethnic, or religious motivations for such criminal acts; 109 persons were convicted for committing ethnically motivated crimes during the year. In most cases the attackers wore skinhead attire or proclaimed nationalist slogans. On June 30, three skinheads charged with organizing an extremist group were sentenced by a city court in Verkhnyaya Pyshma, Sverdlovsk Oblast, to imprisonment terms ranging from 10 1/2 years to one year and nine months. Two of the skinheads were earlier sentenced on murder charges to life imprisonment and 23 years' imprisonment respectively for murdering three Armenians in Verkhnyaya Pyshma in May 2005. The group was also involved in the killing of a Kyrgyz national in January 2005.

In March a Thai ship captain was attacked by Vladivostok skinheads and hospitalized with serious injuries. Police arrested four young men who appeared to be skinheads and found Nazi literature in their homes. On April 8, a group of 10 skinheads attacked a Chinese student when he was leaving a Vladivostok law school. According to two other Chinese students, the skinheads beat the victim with sticks. He suffered a broken nose and was taken by police to a hospital.

On December 22, a homemade bomb exploded outside the apartment of one of the creators of www.antifa.ru Web site, Tigran Babadzhanian. He discovered it when he came out of his apartment and called the police who tried to defuse it, but it exploded, injuring the police officers. Previously his photograph had been posted on skinhead Web sites, he had received death threats, and swastikas and other offensive graffiti had been left in the stairwell of his apartment building. The district prosecutor's office opened a criminal investigation for "hooliganism committed in a socially dangerous way" and identified three suspects from an extremist gang.

In May a district court in Ufa, Bashkortostan, sentenced two young residents of the city to 5 and 1/2 years imprisonment for beating an Iraqi student of Ufa Oil University in December 2005. Their accomplice got a five-year suspended sentence. The Iraqi--who suffered a skull fracture along with other severe injuries--was rescued by passersby. A spokesman for the Bashkortostan Interior Ministry said the attack was an act of hooliganism and had no racist overtones.

In July, for the first time, skinheads were tried for murder in the Jewish Autonomous Oblast. Two high school students were charged with the murder of three non-Russian homeless individuals. Witnesses gave testimony that there was a skinhead organization of more than 40 persons that targeted Chinese and other Asians, as well as Caucasians, but was indifferent to Jews. In order to join the skinheads' organization, prospective members had to assault a Chinese or a Caucasian. The director of the regional militia, Andrey Parkhomenko, reported to *Kommersant*-- in *Dal'niy Vostok*--that there were no formally designated skinhead organizations in the region.

On March 22, a St. Petersburg court convicted seven of eight defendants of "hooliganism" in a 2004 attack on a Tajik family, in which they killed a nine-year-old girl. Prosecutors dropped the original charges of racial hatred. The one defendant on trial for murder was acquitted of that charge, but found guilty of hooliganism. In August the Supreme Court confirmed the decision of the local court.

On February 13, a court sentenced the self-proclaimed leader Vladimir Popov of the group "Russian Republic" to one year in prison for inflaming racial hatred. Russian Republic had posted on its Web site a posthumous death sentence on Nikolay Girenko, a hate-crimes expert and senior researcher at the Museum of Anthropology and Ethnography at the Russian Academy of Sciences, who was killed in 2004 in his St. Petersburg apartment. The court also found the "Russian Republic" leader guilty of posting an Internet death sentence on Governor Matvienko for opening St. Petersburg to Asian migrants.

On December 30, the case of the murder of antifascist activist Aleksandr Riukhin was submitted to the courts for trial. On April 16, Riukhin was killed on the outskirts of Moscow. Three attackers (two were members of Slavic Union and one was a member of the Format 18 gang, both ultraright extremist groups) were detained and Nazi paraphernalia and literature were found at their residences. They were being charged with premeditated group hooliganism, premeditated nongrievous bodily harm, and assault. The murder case was being treated separately, with three suspects still at large.

Indigenous People

The law provides for support of indigenous ethnic communities; it permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. In some regions local communities organized to study and make recommendations regarding the preservation of indigenous cultures. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatar, Chukchi, and others) continued to work

actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter for those who lived in the far north, and claims to profits from exploitation of natural resources.

However, support for the self-government of indigenous ethnic communities was undermined in one region recently as the federal government made an attempt early in the year to remove the Republic of Adygea's autonomy. One of many such ethnic territories, the Republic of Adygea was created in 1991 as a homeland for the Adyghs, a group indigenous to the Northwest Caucasus. The move was thwarted, however, due to opposition within Adygea and among the region's other territories, given the prospect that even administrative changes could lead to widespread violence.

There continued to be reports of pressure on members of the Finno-Ugric Mari ethnic group. The Moscow Helsinki Group and International Helsinki Federation for Human Rights reported in September that two Mari national activists might have been prosecuted for exercising their freedom of speech. One activist, Vitaliy Tanakov, who earlier in the year published a brochure about the Mari people and their religious beliefs, was charged with incitement to ethnic, racial, or religious enmity under the law, a conviction is punishable with heavy fines and up to four years' imprisonment. On December 25, he was convicted and sentenced to 120 hours of mandatory work, which was viewed by many as a symbolic sentence. A second activist, Nina Maksimova, faced similar charges for helping to distribute the brochure. The International Helsinki Federation for Human Rights and Moscow Helsinki Group believed that the two cases were politically motivated, targeting the activists for their involvement in the Mari national movement.

Unlike the previous year, there were no reports of attacks on the Mari ethnic group.

In May 2005 the European Parliament adopted a resolution criticizing Russia for violating the rights of the Mari. According to press reports, in June 2005 the government blocked the release of a report by the Parliamentary Assembly of the Council of Europe that was critical of human rights abuses in the Republic of Mariy-El.

Other Societal Abuses or Discrimination

Persons with HIV/AIDS often encountered discrimination. Federal AIDS law contains antidiscrimination provisions, but these were frequently not enforced. Human Rights Watch reported that HIV-positive mothers and their children faced discrimination in accessing healthcare, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers.

While homosexuality is not illegal, the gay community continued to suffer societal stigma and discrimination. Medical practitioners reportedly continued to limit or refuse their access to health services due to intolerance and prejudice. According to recent studies, male homosexuals were often refused work due to their sexuality. Openly gay men were targets for skinhead aggression, which was often met with law enforcement indifference.

In May gay rights activists hosted a small international conference in Moscow on combating homophobia; however, the mayor of Moscow and the courts denied their applications to hold a gay pride parade. According to Human Rights Watch, on May 27, several dozen Russian lesbian, gay, bisexual, and transgender protestors, accompanied by Russian and foreign supporters, including members of the European and German parliaments, sought to hold two successive protest rallies, one to lay flowers on the Tomb of the Unknown Soldier near the Kremlin wall, and the second a vigil at city hall in support of the freedoms of assembly and expression. Organizers decided to hold these events after a court upheld Mayor Yuriy Luzkhov's ban on a march they planned for that day. At both events hundreds of antigay protesters, including skinheads and nationalists attacked the participants, beating and kicking many, while throwing projectiles and chanting homophobic slogans. Police intervened only belatedly, failing to protect demonstrators from violence; observers noted that police inaction aggravated the violence.

In protest of a large lesbian, gay, bisexual, and transgender "open party" held in Moscow on April 30, several hundred protestors gathered outside a night club, shouting threats and throwing bottles, rocks, and eggs at the attendees. The following night at least 100 protestors gathered outside another gay club, conducting themselves in a similar manner. While human rights groups protested the organized nature of what appeared to be a campaign against the lesbian, gay, bisexual, and transgender community, public officials were notably reluctant to condemn the violence, with one Duma deputy accusing gays of provoking Orthodox believers.

Gay rights organizations were few and often operated "under the radar." Projects working with homosexuals and educating them about HIV and sexual health continued to be scarce. In April, the Moscow city Duma urged President Putin to restrict the activities of foreign NGOs that fight HIV/AIDS, saying they encouraged pedophilia, prostitution, and drug use among teenagers. The Moscow Duma also accused the Ministry of Education of aiding NGO activities. The State Duma, however, responded at the federal level with a clear statement supporting the urgent need to prevent HIV/AIDS.

The government has made a major effort to deal with AIDS, including stigma and discrimination with dramatic increases in the federal and regional budgets for AIDS. HIV/AIDS media and prevention messages are being piloted in school curricula, and a national "stop AIDS" campaign was launched. The Ministry of Justice has agreed to make AIDS treatment available to prisons. President Putin spoke out about the fight against HIV/AIDS and in April specifically mentioned the importance of NGO work in the field.

Section 6 Worker Rights

a. The Right of Association

Although the law provides workers with the right to form and join unions, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. The FNPR reported that approximately 46 percent of estimated work force of 74 million workers was unionized, and approximately 95 percent of union members belonged to the FNPR (approximately 29 million members). Over the past five years, the federation's membership has decreased by 10 million.

The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures, giving FNPR advantages over unions without such established political ties. FNPR unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses.

In April a new law on NGOs was implemented which restricts their creation and existence (see section 4). Despite a separate law specifically governing trade unions, the Federal Registration Service stated in June that the provisions of the NGO law also apply to unions. Specifically trade unions must receive permission to register and submit programmatic and financial reports to authorities. Failure to do so will trigger a legal process aimed at the abolishment of the union. The government oversight agency has the right to attend union meetings and monitor all union activities. Migrant workers do not have the right to create or join unions.

The law specifically prohibits antiunion discrimination, but the FNPR reported that actions aimed at harassing union leaders and employees who wished to form or enter unions had increased since last year. Union leaders were at times followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Unregistered unions faced operational constraints, such as difficulty in opening bank accounts and collecting fees. There were also reports of employers using tax authorities or offices of the public prosecutor to put heavy pressure on unions using falsified investigations, often resulting in large decreases in union membership.

b. The Right to Organize and Bargain Collectively

The rights of unions to conduct their activities without interference and the right to bargain collectively are recognized in law but other legal provisions give employers a strong role in dealing with labor relations. The law makes collective bargaining mandatory if either employer or employees request it; it obliges both sides to enter into such negotiations within seven days of receiving such a request; and it sets a three-month time limit for concluding such agreements. Unresolved issues are to be included in a protocol of disagreement, which may be used to initiate a collective labor dispute. Despite these requirements, however, employers continued to ignore union requests to negotiate collective bargaining agreements. In July 2005 St. Petersburg dockworkers went on strike to protest management's refusal to sign a collective bargaining agreement and as a result, by that fall, all port companies signed an agreement favoring the workers; the dockworkers returned to work in March.

Labor experts have criticized provisions in the law that favor the designation of a majority union as the exclusive bargaining agent, a provision that favors larger unions. They have also voiced concern about such provisions of the Labor Code as the stipulation that there be only one collective agreement per enterprise, covering all employees, which limits the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. An employer has the right to refrain from negotiating with trade unions whose membership does not comprise of a majority of an enterprise. These smaller unions have the right to send a representative to negotiate, but any negotiation depends on the desire of the majority union and employer to participate. In May 2005, the ILO Committee on Freedom of Association renewed its request to the government that it amend the Labor Code to allow collective bargaining at the occupational level; the government had not taken any action on this request by year's end.

According to the International Trade Union Confederation, a 2004 law on commercial secrets specifies that information on wages in commercial companies is a commercial secret. Lack of access to this information disadvantaged unions engaged in collective bargaining.

Although collective bargaining agreements had been officially registered only by an estimated 16 to 18 percent of enterprises, the FNPR claimed that approximately 85 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. The law states that collective agreements become effective upon signature, regardless of whether they are registered or not.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal because they violated one or more of the exceedingly complex procedures governing disputes. A strike may be called at an enterprise only after approval by a majority vote at a conference composed of at least two-thirds of all personnel, including management. Strikes were banned in certain sectors, including the railway and air traffic sectors and government agencies.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition most public sector employees could not strike and other provisions were often manipulated to prevent many would-be strikers from walking off the job. Strike actions were further discouraged by the fact that civil courts have the right to order confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result labor actions were often organized by strike committees rather than by unions.

Unlike in previous years there were no major national strikes during the year, many were carried out on the local level. Court rulings have established the principle that nonpayment of wages--estimated to be the cause of 90 percent of labor disputes--is an individual matter and cannot be addressed collectively by unions. As a result a collective action based on nonpayment of wages was not recognized as a strike. The law does not protect individuals against being fired while on strike.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result workers in these professions at times resorted to other forms of protest, such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes, but reprisals were common, and included threats of night shifts, denial of benefits, blacklisting, and firing.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. According to credible reports, significant numbers of illegally employed migrants from other countries of the former Soviet Union were forced to work without pay because the firms that brought them into the country held their passports (see section 5). According to an ILO study, employers of illegal migrants withheld passports in 20 percent of forced labor cases.

It was reported that wages of some of the several thousand North Koreans reportedly employed in the Russian Far East were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments. Amnesty International has charged that a 1995 bilateral agreement with North Korea allowed the exchange of free labor for debt repayment, although the government claimed that a 1999 intergovernmental agreement gave North Koreans working in the country the same legal protections as citizens.

There were reported incidents throughout the year of military officers forcing soldiers under their charge to work for private citizens or organizations, often under abusive conditions.

In 2004 the television station Rossiya reported that dozens of workers died at a slave labor camp in Western Siberia, where the owners of a logging company reportedly decided to increase their profits by using slave labor. The Kemerovo regional prosecutor's office was trying the case at the end of 2005 and no further information on the case was available.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The government did not effectively implement laws and policies to protect children from exploitation in the work place. The law prohibits most employment of children under the age of 16 and regulates the working conditions of children under the age of 18, including banning dangerous nighttime and overtime work; however, the Federal Labor and Employment Service and the Ministry of Internal Affairs, which are responsible for child labor matters, did not enforce the laws effectively. Children are permitted, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten the health or welfare of the children. The Federal Labor and Employment Service, under the auspices of the Ministry of Health and Social Development, is responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2004 approximately 8,300 cases of child labor violations were reported. Most serious violations of child labor and occupational health standards were believed to occur in the informal sector. Local police investigations only occurred in response to complaints.

Accepted social prohibitions against employment of children and the availability of adult workers at low wages

generally prevented widespread abuse of child labor. Nonetheless, children working and living on the streets remained a problem. Parents often used their children to lend credence to their poverty when begging or had them beg. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see section 5). Trafficking of children was also a problem (see section 5).

e. Acceptable Conditions of Work

The monthly minimum wage, essentially an accounting reference for calculating transfer payments, increased to \$40 (1,100 rubles) on May 1, up from \$28 (800 rubles) in September 2005. The amounts were not sufficient to provide a decent standard of living for a worker and family. Since 2004 monthly subsistence wages have been set at the regional, not federal, level, and ranged from slightly less than \$112 (3,000 rubles) to approximately \$187 (5,000 rubles) a month. Approximately 15 percent of the population had incomes below the official subsistence minimum.

The law provides a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers complained that employers required them to work in excess of the standard workweek, abrogated negotiated labor agreements, and of being transferred against their will.

Although nonpayment of wages declined, especially in the public sector, it continued to be the most widespread abuse of labor legislation. According to the Federal State Statistics Service, wage arrears through July totaled \$200 million (5.4 billion rubles), 49 percent less than the same period in 2005.

The law imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer was at fault, however, was difficult. Courts often were willing to rule in favor of employees seeking payment of back wages, but collection remained difficult. Courts often insisted 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. Individually filed cases made for a lengthier process, one more difficult for the individual worker, and one that left them more exposed to possible retaliation (see section 6.b.).

Although the law establishes minimum conditions for workplace safety and worker health, the government did not allocate sufficient resources to enforce these standards effectively. According to the Center for Social and Labor Rights, approximately one-third of employees work under conditions that violate their labor rights. In many cases workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near containers of flammable substances. In June the Labor Code was revised to include a new requirement that businesses employing more than 50 workers must establish a work safety division and create a position of work safety specialist. Amendments were also added to improve the procedure for investigating industrial accidents.

The law provides workers the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, the government did not effectively enforce this right. The risk of industrial accidents or death for workers remained high. The Federal State Statistics Service reported 3,091 deaths in 2005 and 1,891 deaths from January to June.

The law entitles foreign workers working legally in the country to the same rights and protections as citizens and prohibits forced or compulsory labor; however, foreign workers reportedly were brought into the country to perform such labor (see section 6.c.). Foreign workers residing and working illegally in the country are subject to deportation but may seek recourse through the courts. Experts stated that millions of migrants, most of whom are citizens of other former Soviet Union countries, worked illegally in Moscow and other larger cities for lower wages than citizens and under generally poor conditions. The All-Russia Confederation of Labor stated that 45 percent of jobs in Moscow were in the shadow economy.