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112



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Russia

Country Reports on Human Rights Practices -2000
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The 1993 Constitution established a governmental structure with a strong head of state (a president), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach of almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March, and Prime Minister Mikhail Kasyanov took office in May. Both the presidential elections and the December 1999 Duma Elections were judged by international observers to be largely free and fair, although in both cases pre-election manipulation of the media was a problem. There were credible reports in March of election fraud in some locations; however, there was no evidence that such abuses affected the outcome of the presidential election. There were some modifications to the legislature and administrative structures; however, democratic institution building continues to face serious challenges, in part due to significant limitations on the state's financial resources. The judiciary, although still seriously impaired by a lack of resources and by high levels of corruption, has shown signs of limited independence.

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

Economic recovery following the August 1998 financial crisis and the steep ruble devaluation continued to exceed expectations. Gross domestic product (GDP) grew 3.5 percent in 1999, and according to preliminary estimates was 7.6 percent in 2000. Industrial production increased by 9 percent in 2000. GDP was estimated at \$197.1 billion for the year. In 1999 inflation was 36.5 percent; by year's end it was 20.2 percent. The ruble's devaluation continued to give domestic producers a significant cost advantage over imported goods, although the ruble has appreciated approximately 10 percent since the 1998 crisis. Economic growth during the year was led by a recovery in domestic demand, with net exports contributing less than in previous years. Real income grew in the first half of the year by 8.7 percent, compared with the same period in 1999 but remained 10 percent lower than in 1998 and 25 percent lower than in 1997. Average wages increased to \$89 per month by year's end, compared with \$66 per month in the fall of 1999. However, approximately 36 percent of citizens continue to live below the official monthly subsistence level of \$35. Official unemployment was 10.2 percent, down from 12 percent at the beginning of the year. Reported levels of barter transactions—which make up a significant element in the economy—declined steadily in 1999, stabilizing during the last quarter of 1999 and the first quarter of the year. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in many areas, serious problems remain, including the independence and freedom of the media and the conditions of pre-trial detention and torture of prisoners. Its record was poor in Chechnya, where the Russian security forces demonstrated little respect for basic human rights and there were credible reports of serious violations. There were numerous reports of extrajudicial killings by both the Government and Chechen separatists. Beatings by security officials throughout the country resulted in numerous deaths and injuries. Law enforcement and correctional officials tortured and severely beat detainees and inmates. Police also beat, harassed, and extorted money from persons. Prison conditions continued to be extremely harsh and frequently life-threatening. According to human rights groups, approximately 11,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remained largely underdeveloped. While the military Procuracy reported decreases in the number of reported crimes and hazing incidents in 1999, human rights groups continued to receive the same number of complaints of such abuses and claimed that only about 10 to 12 percent of serious cases are reported. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law.

Arbitrary arrest and detention and police corruption remain problems. Police and other security forces in various parts of the country continued their practice of harassing citizens from the Caucasus, Central Asia, Africa, and darker-skinned persons in general through arbitrary searches, detention, beatings, and extortions on the pretext of fighting crime and enforcing residential registration requirements. In August human rights groups in Moscow complained of increased detentions of persons from the Caucasus. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have attempted to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries; however, such institutions remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. The President and the Government were mostly silent about violations of human rights and democratic practice. While the President made statements about the need for a "dictatorship of law," the Government has not institutionalized the rule of law required to protect human rights. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made no progress during the year in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. There were some indications that the law was becoming an increasingly important tool for those seeking to protect human rights; however, serious problems remain. For example, in August the Procurator appealed the December 1999 ruling by a St. Petersburg judge that found Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, not guilty on charges of treason and espionage. The Presidium of the Supreme Court rejected this appeal on September 13, ending Nikitin's four year legal battle with the FSB and the Procurator.

Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers and telecommunications companies to invest in equipment that enables the FSB to monitor Internet traffic, telephone calls, and pagers without judicial approval caused serious concern. However, in response to a challenge by a St. Petersburg journalist, the Supreme Court ruled in September that the FSB is required to obtain and show court approval to telecommunications companies before it can proceed to initiate surveillance. Past practices raised questions among many observers about whether the FSB would abide by this ruling.

The Government's record on media freedom worsened and significant problems persist. There was persistent evidence of government pressure on the media. Federal, regional, and local governments continued to exert pressure on journalists by: initiating investigations by the federal tax police, FSB, and MVD of media companies such as independent Media-Most; selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. The disappearance and subsequent arrest and prosecution of Radio Liberty reporter Andrey Babitskiy caused great concern, since there was credible evidence that the Babitskiy case was politically motivated and that units of the Federal Government were involved in trying to silence critical reporting about the Chechen conflict.

The Federal Government took few steps to mitigate the potentially discriminatory effects of a 1997 religion law that required national and local religious organizations to register or reregister with the Government. By year's end approximately 70 percent of religious organizations had managed to register or reregister their local organizations successfully. There were numerous reports that religious organizations from certain minority or "nontraditional" denominations either were denied registration or experienced long delays in reregistration. The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. However, delays and rejections also are due in part to discrimination by some local officials. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration to prevent a situation in which a large number of religious organizations are left unregistered and therefore vulnerable to legal liquidation by court order after year's end. No extension was implemented by year's end. While the previous presidential administration promised to implement measures to discourage local authorities from attempting to liquidate (i.e., eliminate the organization's status as a juridical person) unregistered religious organizations, President Putin and the Government did not comment on the law by year's end. Critics of the Religion Law fear that, while the law does not require the closure of unregistered religious organizations, that may be the practical effect of losing legal status. Discriminatory practices at the local level were attributable in part to the decentralization of power that took place during the Yeltsin administration, as well as to government inaction and widely held discriminatory attitudes; it remains unclear whether President Putin's efforts to strengthen central authority throughout the country might in some cases affect the situation for religious minorities.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, although repeatedly challenged in city court (most recently in September with success by a human rights organization), remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September 1999 and were reinvigorated following an explosion in Moscow in August, demonstrated the continued obstacles to the enforcement of judicial rulings.

Government institutions intended to protect human rights are still weak and lack independence but are becoming more active. Human Rights Ombudsman Oleg Mironov has played an increasingly public role in promoting human rights, speaking out on human rights abuses in pretrial detention, Chechnya, psychiatry, and

on religious freedom. Mironov has an office with 150 staff members who investigate human rights complaints and promote human rights education. The Presidential Human Rights Commission, chaired by Vladimir Kartashkin, also investigates human rights complaints and promotes human rights education. Kartashkin currently is working with the armed forces to introduce human rights training manuals for soldiers. Nonetheless, the Presidential Commission has not played a vital role and receives limited financial support from the Government. The Office of Vladimir Kalamonov, the Presidential Representative for Securing and Defending Human Rights and Freedoms in Chechnya, is understaffed, underfunded, and has as limited mandate. While Kalamonov worked with the Council of Europe and the nongovernmental organization Memorial, he lacked a prosecutorial mandate and even the independence and resources to monitor human rights abuses adequately. Nongovernmental organizations (NGO's) in the human rights field documented and reported on human rights violations; however, they also reported some limited governmental interference. Some environmental and human rights groups complained of harassment from the Procuracy, tax police, and the FSB. In August armed masked men accompanied by a local police official in uniform raided the office in Moscow of the Glasnost Public Foundation, a human rights organization, holding personnel at gunpoint for nearly 40 minutes.

Violence against women, and the abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. People with disabilities continue to face immense problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the North Caucasus and several serious anti-Semitic incidents to which the government did not adequately respond. There were credible allegations of politically motivated government interference in the internal affairs of the Jewish community. There are some limits on worker rights, and there were reports of instances of forced labor. Trafficking in women and young girls is a serious problem.

Chechen separatists reportedly committed abuses, including the killing of civilians and Russian security forces they captured. Government officials accused separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no confirmed political killings by agents of the Government.

During the conflict in Chechnya in February, there were credible reports that the military used indiscriminate force in areas of significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that military forces engaged in extrajudicial killings in Chechnya. For example, on February 5 Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chemorechiye, suburbs of Grozny. The perpetrators raped some of the victims and extorted money, later setting many houses on fire to destroy evidence. According to Human Rights Watch (HRW), authorities suspended their investigation of the incident, and there were no indications that those responsible for similar incidents in late 1999 were apprehended or punished (see Section 1.g.). According to the Presidential press service, since the start of the second war in Chechnya, 35 cases relating to crimes committed by servicemen against the local population were initiated; seven have been found guilty. NGO's argue that this is only a fraction of the true number of cases and there is little or no progress in accountability. According to HRW, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkjan-Yurt, Staropromyslovski, and Novye Aldi in late 1999 and 2000.

A number of government officials were murdered throughout the country. Some of these killings appear to have been politically motivated, connected with the ongoing strife in Chechnya, and others may be connected to local politics. For example, on December 5 Svetlana Semenova, SPS regional coordinator for the Leningrad Oblast was murdered; that same day the Mayor of Murom, Petr Kaurov was also murdered. It is not clear whether these incidents were politically motivated.

An estimated 11,000 detainees and prisoners died during the year (see Section 1.e.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On August 11, a bomb exploded in a crowded Moscow pedestrian way at the Pushkinskaya metro station, killing 12 people and injuring nearly 90. Government officials implied at first that Chechnya-based Islamic extremist groups were responsible for the bombing and arrested four Muslim suspects from the Northern Caucasus. However, investigators have not ruled out the possibility that the incident was a result of feuding between rival criminal gangs.

According to media reports in February, a woman was being held in connection with the murder of a prominent member of Parliament, Galina Starovoitova. Starovoitova was shot outside of her apartment in 1998 in what appeared to be a political killing. In 1999 a former police officer became a suspect in the assassination, but charges were dropped due to lack of evidence.

There were no developments in the 1999 killings of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov and Deputy Mayor Mikhail Menevich. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, police arrested the killers but had no information on who hired them.

On November 9, a military court began hearings against five former military intelligence officers accused of organizing the murder of "Moskovskii Kosmolets" journalist Dmitri Kholodov. A sixth defendant, the head of a bodyguard agency, is charged with complicity. Kholodov was killed by a suitcase bomb in 1994; at the time of his murder, he was investigating widespread corruption among the military leadership.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen Republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev.

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

There were credible press reports that Chechen separatists tortured and killed a number of civilians and Russian captives. For example, on September 10, separatists shot and killed Mayor of Oktyabrskoye village Bukara Akhmatov. Government officials accuse separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since then, authorities have tied incidents in Dagestan and several cities in Southern Russia to separatists. Authorities have produced evidence and tried and convicted at least six persons for bombings around Russia. In addition separatists have executed summarily Russian soldiers whom they have taken prisoner (see Section 1.g.).

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months.

Government forces and Chechen Separatists have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.).

b. Disappearance

There were reports of Government involvement in politically motivated disappearances in Chechnya. According to credible reports, units of the Government were involved in the detention and the temporary disappearance of journalist Andrey Babitskiy in January. The Government at first denied any knowledge of Babitskiy's whereabouts, but after considerable international pressure officials asserted that the journalist was in the custody of "local Chechens." Despite assurances that Babitskiy would be released on February 2, Russian officials declared the following day that he had been delivered to Chechen separatists in exchange for three Russian prisoners of war. However, separatists denied they had participated in such an exchange or that they held Babitskiy. Almost 2 months after his initial disappearance, Babitskiy was released but then was held by Russian authorities at a detention center in Makhachkala, Dagestan. Authorities stated that he had been charged with carrying a falsified passport. Babitskiy subsequently claimed that the passport was thrust upon him, essentially to set him up to be arrested. Journalists and human rights activists believe Babitskiy was targeted by the Government for his critical reports on the conflict in Chechnya. Babitskiy was tried in Makhachkala in September and convicted of possession and use of a false passport. However, he was covered under the amnesty granted for the anniversary of World War II and was released (see Sections 1.g. and 2.a.).

The NGO Memorial claimed in October that the total number of detainees had exceeded 15,000 persons. Many of these persons disappeared, but the majority were bought back by relatives. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred to one thousand.

In a December report, Vladimir Kalamonov, the President's Special Representative for Human Rights in Chechnya, stated that his office had received complaints of 853 disappearances by year's end. His office forwarded a list of 462 missing residents of Chechnya to the Ministry of Interior. Forty-eight of the 462 were found to have been convicted and incarcerated into corrective labor institutions. According to this report, the Government began 34 criminal cases in connection with the disappearances of persons after their detention, including the Chairman of the Chechen Parliament, R.A. Alikhagiyev. Several media reports in October claimed that Alikhagiyev was being held in Lefortovo prison by the FSB; however, to at year's end there is no word on his whereabouts.

In 1999 Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnaped in Grozny.

On March 5, 1999, unknown assailants abducted Major General Gennadiy Shipgun--the Interior Ministry's special envoy to Chechnya--from his airplane at Grozny airport. Although the motives behind Shipgun's kidnaping are unclear, Russian press reports indicate that his role in the 1994-96 Chechen war earned him much local animosity. Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants. Russian authorities reported that what most likely were Shipgun's remains were found in May; forensics tests were being conducted in a laboratory in Rostov at year's end.

There has been no progress in the case against the alleged kidnapers of a foreign missionary and university instructor, who was kidnaped in the Dagestan capital of Makhachkala in November 1998. In 1999 Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the case. Russian and Ingush interior ministry troops later freed the victim on June 29, 1999. Other religious figures also were kidnaped (see Sections 1.a. and 5).

Kidnaping frequently is used by criminal groups in the Northern Caucasus, some of which may have links to elements of the separatist forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages are being held in Chechnya or Dagestan. For example, Alla Geyfman, the daughter of a Jewish businessman, was held for nearly 7 months by a Chechen gang demanding ransom. She was freed in February by security forces.

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

Article 21 of the Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the Government does not hold most of the torturers accountable for their actions. There were credible reports that Government and separatist forces in Chechnya tortured detainees. There are also claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society. Since torture has never been defined in a subsequent law or the Criminal Code and is only mentioned in the Constitution, it is difficult to charge perpetrators. Police only can be accused of exceeding granted authority, a far milder violation of the Criminal Code.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. However, press reports and human rights groups indicate that police in some republics engage in beatings and torture as part of investigative procedures as well. Police also increasingly harassed defense lawyers, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police are reported to plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes. Police also are reported often to extort money from suspects, their friends, and their relatives.

According to Human Rights Watch's (HRW) report on torture in Russia released in November 1999, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

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

In 1999 Sergey Pashin, a Moscow judge and rule of law activist, stated repeatedly that, in the cases that come before him, confessions often have been coerced from suspects through beatings. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin has told the press, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. Human Rights Ombudsman Oleg Mironov estimated in October that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training.

HRW noted that, assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of forced confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times (see Section 1.e.).

Under the "Operation Clean Hands" program, created in 1995, MVD officials continued to combat police crime. By the end of 1998, more than 34,000 citizen complaints were lodged against police officers. Over 2,100 cases were initiated against police personnel. Of that number, 922 were group crimes, and 127 included civilian perpetrators. For example, in Ulyanovsk court, proceedings were initiated against five militiamen on charges of "exceeding their authority," for regularly subjecting young male suspects to torture. A Ministry of Justice (MOJ) official estimated that during the first nine months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 1999, with 108 convictions in the first six months of the year.

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

In July 1999, the Main Military Procurator's Office (MMPO) reported that cases involving the abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. However, the MMPO also recorded a 14 percent drop in reported crimes during 1999 and a 10 percent decrease in reports of hazing. Statistics for the year were unavailable, although MMPO officials estimated that from January to June, over 4,800 investigations into allegations of human rights abuses were initiated.

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

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of 1999 just on the aircraft carrier cruiser Admiral Kuznetsov. Similar activity, including the theft of hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) Petr Velikiy in 1999. According to press reports, in September, a warrant officer on a Pacific Fleet ship became drunk and began to beat enlisted men on board. As a result, 41 sailors, over half the ship's company, left the ship and went to the Pacific Fleet Headquarters to complain about repeated, savage beatings by drunken noncommissioned officers. Admiral Rasskazov told the press that sailors complain to him or to prosecutors every day. In the same article, a prosecutor revealed that, as of July 10, criminal cases had been filed in Vladivostok against naval officers and sailors who "tortured" their subordinates and shipmates.

Other reported abuses of armed forces personnel included the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.) or to other officers who have a military need for personnel but are not able to work through the system, most often linked to units in the Northern Caucasus military district. The USMC reported that such practices continue. In one recent complaint received in the USMC's Moscow office, a soldier was allegedly sold for approximately \$2 (50 rubles) to another unit. In another case, an officer bought a soldier for 10 bottles of vodka. The USMC continues to receive complaints about the Ministry of Internal Affairs and accused it of being among the worst of the branches in its human rights record.

The MMPO continues to cooperate with the USMC to investigate allegations of abuse and established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the USMC believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. The USMC estimates that only 10 to 12 percent of serious incidents are reported; it received nearly 4,000 complaints in its Moscow office alone during the year.

According to the armed forces' Medical Service, approximately 45 percent of military personnel committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages could also be a factor, although nonpayment decreased significantly during the year. (However, contract soldiers serving in Chechnya complained of chronic nonpayment, and in some cases, such as in Rostov on the Don in September, they engaged in protests). The USMC reported in 1997 that in 60 percent of the cases brought to the authorities attention, there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result. These figures remained unchanged by year's end. The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence during the conscription process. A rise in the acceptance of draftees who are unfit for military service allegedly also is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its campaign against draft evasion and cracked down on conscription abuses. The USMC reported that after the spring draft, police often dragged unsuspecting recruits without documents, regardless of their mental or physical health, into draft board offices.

Degrading and substandard living conditions persist throughout the armed forces, principally due to insufficient funding. August television reports of naval housing in the Murmansk region showed decrepit, crowded apartments even for officers.

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

There was still no law providing for the constitutional right to alternative civilian service, and the proposal for an all-volunteer armed forces has been put off indefinitely by the Government's inability to raise military pay

sufficiently. Although some regional authorities have attempted to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has not been passed by the Duma. Without such legislation there is no legal basis beyond the constitutional language itself for any alternative service program. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment prevalent during the Soviet era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities reportedly still sometimes abuse the practice of psychiatry for other purposes. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" and in testifying against "nontraditional" religions in court cases. In deprogramming cases, authorities allegedly use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.). Human rights groups are concerned about court-appointed "expert commissions" charged with evaluating rituals, beliefs, and the mental health of believers. Groups assert that the commissions lack objectivity and often act under pressure from regional authorities negatively disposed toward the religious denominations.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), and other human rights activists such as the Moscow Helsinki Group head Lyudmila Alekseyeva, criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent. Human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. Obukhov's case is currently under appeal.

Prison conditions are extremely harsh and frequently life threatening. Since 1998 the penitentiary system has been administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). The country's penal institutions remain extremely overcrowded. According to January statistics of the Public Center for Penitentiary Reform (PCPR), 1,060,000 persons were incarcerated in the prison system run by GUIN. By year's end, PCPR estimated there had been a decrease of prisoners that brought the total to 912,100, approximately 655 per 100,000 persons of the population at large. While this number only includes prisoners in the GUIN system, PCPR estimates that approximately 90 percent of all prisoners fall into this system. Conditions for detainees and prisoners in most government facilities remain extremely harsh. According to the 1995 Law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

Conditions in police station detention centers vary considerably, but as a rule are harsh. In most cases, detainees are not fed and have no bedding, places to sleep, running water, or toilets.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility, mainly for a person who is awaiting trial. Persons can spend up to three years awaiting trial in a SIZO. Around 280,000 persons are held in the 195 SIZO's. Around 65,000 are held in police detention centers with another 5,000 to 6,000 in special facilities for the homeless. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain extremely harsh and pose a serious threat to life and health. Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. Prisoners and detainees typically rely on families to provide them with extra food. The PCPR estimates that SIZO's are filled to 230 percent of capacity. In larger cities such as Moscow, the average space per prisoner amounts to 0.5 cubic meters. In the majority of police detention centers there is no shower and no outdoor exercise, and inmates are fed only twice a day. To alleviate overcrowding, the Government announced an amnesty (to reach 120,000). According to PCPR, on September 1 more than 99,000 inmates were released in an amnesty (358 of them were juveniles). The total number amnestied was expected to reach 120,000 by November. While the amnesty has affected the overall number of prisoners, by most accounts the greatest decrease is due to the increased use of alternative punishments such as selective parole for certain offences. In some regions such as Murmansk, more than 70 percent of all convicted offenders are given sentences not involving incarceration. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. As of September, there were 40,800 women held in correctional labor colonies, according to the MCPCJR. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. Of the 742 ITK's, 644 are designated for men (122 of these are "timber" correctional colonies). Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved. According to the PCPR, conditions in the ITK's are better than in SIZO's prisons only to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly are common. A total 678,500 male prisoners and 40,800 female prisoners are held in the ITK's. Of the 34 colonies for women, there are a few special facilities for children to be held with their mothers (465 children up to 4 years old). In the educational labor facilities, there are 19,000

males and 1,100 females. The country's "prisons"—distinct from the labor colonies or ITK's—are penitentiary institutions for those who repeatedly violate the rules in effect in ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for from 14 to 20 years of age. The PCPR's September statistics indicate that there were approximately 20,000 persons in the 64 educational colonies, some 19,000 males and 1,000 females. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There currently are two prisons for children in Moscow. Boys are held in small crowded, smoky cells with adults. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

According to statistics provided by the PCPR, the proposed federal budget as of the end of September allocated \$778 million (14 billion rubles) for the upkeep of the GUIN system. According to GUIN, \$1.3 billion (23 billion rubles) are needed to maintain the system adequately. However, the full allotment is not always spent. For example, in a Ryazan educational colony for females, less than \$1 (18 rubles) per day for each inmate is considered necessary. In the budget, the institution is allotted only 10 rubles per inmate, while in actuality, less than four rubles actually make it to the institution. There are no steps underway at present to increase the portion of the budget allotted to GUIN.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Inmates in the prison system often suffer from inadequate medical care. Detention facilities have infection rates of tuberculosis far higher than in the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international health threat. PCPR estimates that 96,000 prisoners suffer from infectious tuberculosis—approximately 42 to 43 percent of all tuberculosis patients in Russia. A total of 25,000 of these prisoners are infected with a drug-resistant form of the disease. Some 90,000 of the overall patients, mostly under 30 years of age, are incarcerated in SIZO's. Of these, 26,000 are in special prison hospital wards for tuberculosis, 42,000 in medical facilities, and 17,000 in isolation in prison facilities, with the rest being held among the healthy prison population. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. GUIN is working the with Soros Foundation to develop programs in some regions to combat tuberculosis.

HIV/AIDS infection rates are also a source of concern. The PCPR estimated that there were 8,000 prisoners infected either with HIV or who had developed AIDS, but the lack of adequate health care precludes estimating the true number of such prisoners and suggests that this is an underestimate. Space shortages do not allow for separate facilities for prisoners with AIDS.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for the use of excessive force are not released publicly. PCPR estimates that around 11,000 prisoners died in penitentiary facilities during the year (2,500 of whom died in SIZO's). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), but some died due to beatings. The Procuracy General claimed that it receives approximately 1,000 complaints of torture per year, but no reliable figures are available. The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

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

At a March 1999 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code that could yield a prison population decrease of 400,000 over 1 year.

According to the PCPR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code provisions regarding pretrial, parole and probation, and postconviction release measures. Zubkov stated that the Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance, for example). The PCPR called for greater use of alternatives to custody, such as bail and house arrest. Moreover, the PCPR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the PCPR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make infrequent visits to prisons in the Moscow area, and they have neither the resources nor a national network to investigate conditions in all 89 regions. The pretrial detention centers and filtration camps for suspected Chechen fighters, are not usually accessible to human rights monitors (see Section 1.g.). In May, the ICRC began to visit persons detained by Russian authorities. The ICRC works throughout Russia and is especially active in the North Caucasus. They are currently carrying out regular prison visits, but by agreement with the Government, their findings are kept confidential. The ICRC

provides advice to authorities on how to improve conditions.

In January and February the remand prison at Chernokozovo was the principal detention center for those detained in Chechnya. Prolonged beatings to the genitals and to the soles of the feet, rape, electric shocks, tear gas and other methods of torture were used at the center. Guards subjected detainees to humiliation and degrading treatment. At least one person was beaten to death. Often prison guards and other law enforcement officers use torture to coerce confessions or testimony. Conditions improved at Chernokozovo in mid-February; however, an increasing number of detainees subsequently were held elsewhere and continued to suffer abuses, including torture, according to Human Rights Watch. The Government has allowed ICRC access to some facilities in the North Caucasus where Chechen detainees are held.

In one of many reported incidents, a Chechen man described how he saw federal guards puncture detainees' eardrums and file their teeth and damage their lips with a file forced into their mouths—an apparently new form of torture. In another reported incident, a Chechen man was pulled from his cell, homosexually raped, and taunted with anti-Chechen epithets. In the case of the Chernokozovo prison, the torture of prisoners by federal guards came to light in part through reports of Andrey Babitskiy, a reporter for Radio Liberty who was himself detained and beaten there. According to credible reports, units of the Government were involved in the detention and disappearance of Babitskiy in January for his reporting in Chechnya (see Section 1.b. and 2.a.).

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain serious problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

Efforts to achieve Duma approval of a new Criminal Procedure Code have been unsuccessful.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper arrest warrants or receipts for confiscated property. This is especially true for persons from the Caucasus. There are credible reports that security forces continue regularly to single out persons from the Caucasus for document checks, detention, and extortion of bribes. In 1999 Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September 1999, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Russian forces commonly rounded up and detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities, and engaged in severe beating and torture.

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

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

Articles 47 to 49 of the Criminal Procedure Code provide that in certain cases the court, an investigator, or a procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. At times the right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client).

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

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is

conducted. The PCPR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

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

There also were credible reports that persons were detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The situation has improved somewhat since the issuance of the 1997 presidential decree that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is common, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted. In the juveniles' prisons, boys and girls (in separate facilities) are incarcerated in the facility for up to several years while they await trial and sentencing.

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

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

On June 2, Taisa Isayeva, a Chechen journalist, was arrested at the border checkpoint "Nizhny Zaramag", between North Ossetia and Georgian controlled Ossetia. Isayeva, who works for the Chechen Press agency based in Georgia, was detained at the border because she was carrying a video camera and a portable computer.

On October 3, Primorye Regional FSB authorities opened a criminal case against Vladimir Schurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute (POI). He was charged with divulging state secrets, unlawful transfer of dual use technologies, and also for organizing a criminal group. Schurov has denied all charges.

Russian authorities took measures in two "espionage" cases involving foreigners who worked with Russians and obtained information the authorities considered sensitive. In both cases, proceedings took place behind closed doors and the defendants and their attorneys encountered difficulties in learning the details of the charges. In both cases, the circumstances suggested that the security services were seeking to discourage foreigners on issues they considered to be sensitive.

In November 1999 disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public. At first the case appeared to focus on his work on a study of civil-military relations funded by the Canadian Defense Ministry. Sutyagin's family stated that the study did not deal in secret matters and was partially funded by the Russian Defense and Foreign ministries. Evidence in the case is secret and lawyers stated that Sutyagin received copies of the details on December 15. The trial was recessed until January 9, 2001.

Throughout the year there have also been numerous other cases of individuals charged with treason and detained. In August 1999 Vladivostok environmental scientist Vladimir Soyfer filed a complaint in Vladivostok municipal court alleging that in early July 1999 the FSB confiscated a large number of documents from his apartment, the removal of which was not covered by its warrant and not documented in the FSB's official record of the search. While under investigation the FSB dropped the case stating that Soyfer fell under the November amnesty. Soyfer appealed this decision to clear his name, arguing that he was innocent, and that there was no basis or need to amnesty him. The court agreed, passing the case back to the FSB for either investigation and prosecution, or dropping charges.

In October 1999 Vladimir Silvyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Silvyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to

city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an antinuclear camp near the Novo-Voronezh nuclear power plant and threatened him with drug possession charges if he failed to appear.

St. Petersburg judge Sergey Golets ruled at the end of 1999 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty on charges of espionage and treason. Although prosecutors later appealed the decision, the Presidium of the Supreme Court on September 13 upheld the acquittal. Legal observers believe that the legal foundations of the Golets ruling were sound and that it, along with the Supreme Court decision, may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with the Bellona foundation, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin served. Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. In his December 1999 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore were not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's constitutional rights. The case against Nikitin was finally closed by the September ruling of the Supreme Court presidium that the prosecutor's appeal of Nikitin's acquittal was without merit. However, the Federal Tax Police continued to harass him, claiming that the money provided by Bellona for his legal defense was taxable income.

Media-Most chairman Vladimir Gusinskiy was detained in Moscow's Butyrka Prison for three days in June, in connection with the General Procuracy's criminal fraud case against him. Gusinskiy left Russia in July, shortly after the Procuracy dropped its criminal case against him. Later it became known that Gusinskiy signed an agreement with Gazprom-Media chief Alfred Kokh just before leaving the country in which he pledged to sell a controlling share of his media enterprises to Gazprom. Gusinskiy insisted publicly that he had signed under duress, citing a protocol to the agreement that was co-signed by Press Minister Mikhail Lesin. Many observers interpreted the protocol as a quid pro quo in which the Government agreed to drop its criminal investigations of Gusinskiy and Media-Most in exchange for receipt by Gazprom of a controlling share in NTV and Media-Most. Later in the year, the General Procuracy cited Gusinskiy's refusal to appear for further questioning on a broader criminal fraud case against Media-Most as grounds for seeking his extradition. At year's end, Gusinskiy remained in Spain under house arrest as Spanish officials considered the Government's extradition request.

No new arrests of human rights monitors were documented during the year.

In July 1999 after 20 months in pretrial detention, military journalist and active-duty officer in the Pacific Fleet Grigoriy Pasko was sentenced to 3 years' imprisonment for dereliction of duty but immediately was released under the prisoner amnesty. However, prosecutors subsequently appealed the sentence and the military collegium of the Supreme Court dismissed the earlier conviction and sent the case back to Vladivostok to be retried for the more serious charges of espionage and treason. The trial is expected to begin in March 2001. Pasko originally was charged with treason and espionage after reporting on radioactive contamination by Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court and also a key witness recanting earlier testimony claiming it had been made under duress from investigators. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case is still a powerful disincentive to investigative reporting (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there are signs of limited judicial independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. Efforts to develop an independent judiciary continue. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. Qualifying Collegium nominate judges for approval (by the President), remove them, and approve requests by prosecutors to investigate judges. Approximately 1,000 justices of the peace were appointed in 33 regions throughout the country during the year. These judges handle family law and criminal cases where the maximum sentence is 2 years.

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

The 2000 government budget increased funding for the judicial system; however, it is not enough to cover all of the system's needs. Not all of the money allocated was dispersed and regional administration support is still needed.

Judges are subject to intimidation and bribery from officials and others. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In July 1999, the chair of the Primorsky Krai arbitration court, Tatyana Loktionova, announced that Primorsky Krai Governor Yevgeniy Nazdratenko had been interfering in the court's activities and that she and her colleagues feared for their personal safety. The governor blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct. Loktionova was removed from the court but appealed to the Supreme Court for reinstatement. On August 23, the Supreme Court's Board of Appeal upheld the lower court's ruling removing Loktionova from the bench. Loktionova appealed to the Constitutional Court of the Russian Federation. In October the Moscow City Collegium of Judges removed Moscow City Judge Sergey Pashin from the bench for ostensible infractions of professional etiquette. However, most observers believe that Pashin was removed for political purposes, as punishment for his outspoken views criticizing judicial colleagues on cases ranging from the conscientious objector Neverovskiy in Kaluga to the legal procedures surrounding Media-Most. Pashin appealed the Collegium's decision to a higher body and he was later reinstated.

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

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

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20, 1999, decision that held that part of the article of the Code providing for this practice was unconstitutional. The practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZOs (see Section 1.c.).

Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The Independent Council of Legal Expertise reported that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities. For example, on March 28 Moscow defense lawyer K. Moskalenko was assaulted by members of Moscow's Organized Crime Unit of the MVD while attempting to assist a client illegally detained by the Unit at a residence. Moskalenko complained to the Procurator, but her complaint was rejected at the end of April. The Glasnost Public Foundation criticized the September 30 arrest of public defender Mikhail Konstantinidiy in Novorossiysk. Konstantinidiy was arrested for purported "illegal entrepreneurial activity," which human rights activists believe was concocted in retaliation for the lawyer's successes against an oil company and a local politician.

There were no reports of political prisoners.

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

Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems remain, and no one has ever been convicted of violating those safeguards. There were reports of electronic surveillance by government

officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. For example, on October 19, three investigators from the Organized Crime Unit and Economic Crime Unit of the MVD entered the premises of the Moscow Choral Synagogue without a warrant and searched the offices of Moscow Chief Rabbi Pinchas Goldschmidt (see Section 2.b.).

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

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

On July 25 Minister of Communications Leonid Reyman issued an order implementing the last stage of SORM. According to the order, registered by the Ministry of Justice on August 9, the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or any information about targets of interest. Human rights activists suggest that this order only formalizes the practices established since SORM was introduced. However, Pavel Netupskiy, a St. Petersburg journalist, challenged Reyman's order in court, claiming that it was unconstitutional. The Supreme Court examined the case and ruled September 25 partially in Netupskiy's favor, leaving the requirement that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance. However, despite the court ruling, adequate oversight and enforcement of this constitutional provision and the court order are lacking. On September 12 Putin signed the "Doctrine of Information Security of the Russian Federation" which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that would justify greater state intervention. The Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

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

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

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

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

The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. The Federal Government has been fighting a war against separatists in Chechnya since August 1999 following attacks by Chechen separatists in neighboring Dagestan. In the fall of 1999, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Attempts by government forces to regain control over Chechnya were accompanied by indiscriminate use of air power and artillery, particularly in the fall 1999 campaign to retake the capital, Grozny. There were numerous reports of attacks on civilian targets, including the bombing of schools and residential areas. In early 2000 a large-scale offensive military campaign by government forces continued against the separatists. That offensive campaign largely ended following federal occupation of most of Chechnya by late spring, although federal forces remained engaged in an intensive anti-insurgency campaign against separatist guerrillas. The security situation prevented most foreign observers from travelling to the region, and the Federal Government enforced strict controls on press access. NGO's reported that federal authorities in some cases confiscated recording devices and communications equipment at the border. These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless, there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

Federal authorities continued to claim that government forces utilized "high precision" weapons and tactics against the rebels; however, a wide range of reports indicated that government military operations resulted in many civilian casualties and the massive destruction of property and infrastructure. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian dead vary from the hundreds to the thousands. For example, on December 20, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The procurator was investigating the incident at year's end. The number of civilians wounded by federal forces also could not be verified, although reports from hospitals that still were operating in the region indicated that the majority of patients were mine or ordnance victims, and that such weaponry was the primary cause of death. Throughout the conflict, accusations were made by both sides about the use of chemical weapons. However, no credible

evidence has been offered to support these claims.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, many atrocities reportedly were committed by individual federal servicemen or units. Command and control among military and special police units often appeared to be weak, and a culture of lawlessness, corruption and impunity flourished. This culture fostered individual acts (by government forces) of violence and looting against civilians. For example, according to HRW and press reports, on February 5, Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators reportedly raped some of the victims and extorted money, later setting many of the houses on fire to destroy evidence.

According to HRW and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovski district between December 1999-January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katir Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly did this because Chechen fighters had passed through the village after the retreat from Grozny on February 5. In November 1999, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons. According to human rights NGO's, government troops raped civilian women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages.

According to human rights NGO's, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDP's) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were also widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the separatists, and a policy of "no quarter given" appeared to prevail in many units. A private wounded in the conflict told representatives of the Union of Soldiers Mother's Committee (USMC) organization that the commander of his unit gave the order that no prisoners should be taken and no one should be left alive in Grozny. Federal forces reportedly beat, raped, tortured, and killed numerous detainees. The human rights NGO Memorial compiled a list of 300 missing captured rebels, some of whom had not been seen in 6 months. Federal forces reportedly ransomed Chechen detainees to their families. Prices were said to range from several hundred to thousands of dollars.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that that physicians in Grozny Ambulatory Clinic #5 and Grozny City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in massive destruction of housing and commercial and administrative buildings, as well as the breakdown of gas- and water-supply facilities and other types of infrastructure. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

International organizations estimate that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a total of about 280,000 at its peak in late spring. Of this total, most went to Ingushetiya (245,000). Some 6,000 Chechen IDP's were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in Georgia. About 20,000 Chechen IDP's reportedly went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya. However, as of early fall, federal authorities promised that no one would be repatriated forcibly. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. The United Nations High Commissioner for Refugees (UNHCR) estimated that at times as many as 150,000 persons were displaced within Chechnya and lacked access to humanitarian assistance. There were approximately 6,000 Dagestani IDP's in Dagestan. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, migrated from Chechnya as a result of the current conflict and the first war of 1994-96.

At various points during the conflict, authorities restricted the movement of IDP's fleeing Chechnya. According to some reports by NGO's, early in the conflict border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were transported by bus back to parts of Chechnya that were under government control. In 1999 refugees at the border sometimes had to live in the open, without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions reportedly required Chechen refugees to pay money to pass. According to UNHCR, the authorities early in the year prevented medical supplies destined for hospitals from entering Chechnya. There also were many credible reports that Russian guards at checkpoints within Chechnya demanding money to allow persons to pass. Some refugees also had trouble moving about because their documents had been lost, stolen, or confiscated by Russian authorities. Currently 8,000 persons live in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a winterized tent camp. According to the Council of Europe (COE), about 2,000 persons live in harsh conditions in rail wagons in Semovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases.

While Russian media coverage of events in Chechnya was extensive, most journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the resumption of the war in October 1999, federal authorities--both military and civilian--limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. After

November 1999, additional accreditation—besides the usual Foreign Ministry accreditation—was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation. In one instance in September, Associated Press reporter Ruslan Musayev was detained, beaten, and held in a covered pit for 24 hours until he paid Russian soldiers to release him.

In April U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses. However on the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Grozny where Russian troops were accused of killing and raping civilians. Robinson did meet with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several official Russian organizations were established to examine alleged human rights violations in the republic. In February President Putin appointed Vladimir Kalamonov as special Presidential Representative for Human Rights in Chechnya. Kalamonov's office, with a staff of 25 persons, including 3 experts on loan from the COE, opened branches in Moscow and a number of locations in the North Caucasus to take complaints about alleged human rights violations. In April Pavel Krashenninikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the North Caucasus. In September the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamonov's office and Krashenninikov's Commission heard thousands of complaints from citizens, ranging from destruction or theft of property to rape and murder. However, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil prosecutors. By the end of the year, the prosecutors had opened more than 100 cases of alleged crimes. Almost all of these concerned alleged violations of military discipline and other common crimes. The Presidential Administration press service reported that 38 cases relating to crimes committed by servicemen against the local population were opened, and that seven servicemen were convicted by year's end. The charges against the seven service men were not known. The Federal Government did not comply with the U.N. Commission on Human Rights resolution's calling for a broad-based, independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen separatists also committed abuses, but—as with the many reported Russian violations—there were difficulties in verifying or investigating them. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. For example, the rebel fighter Akhmed Ibragimov reportedly murdered 34 fellow villagers, including 3 children, after 1 of the villagers refused to dig trenches. One witness described seeing four bodies of persons who were crucified on spikes by separatists for cooperating with federal authorities in Grozny.

Separatists allegedly killed and attempted to kill numerous Chechen officials loyal to the Federal Government. For example, on May 31, Grozny Mayor Supyan Makhchayev was wounded and his aide and a Russian official were killed by a car bomb. According to press reports, Chechen rebels opened fire on an EMERCOM (Ministry of Civil Defense, Emergencies, and the Elimination of Consequences of Natural Disasters) Car on June 9 in Grozny, killing three Russian epidemiologists and wounding three others. In July Ruslan Khamidov, head of the administration of the settlement of Alkhan-Yurt, was killed in his home. On August 4, head of the Nozhay-Yurtovskiy Rayon Administration Isila Gayribekova was wounded and her brother and sister killed in a bomb explosion at the home of their mother. Chechen separatists started a series of suicide attacks in June. Two Chechen women detonated a truck packed with explosives at a Russian army base west of Grozny.

Human rights NGO's reported that Chechen separatist units abused civilians and endangered their lives by provoking Russian counterattacks on civilian areas. The rebels took up positions in populated areas and fired on Russian forces, thereby exposing the civilians to Russian counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Separatist military units also reportedly abused, tortured, and killed captured Russian soldiers. In one incident, rebel sources reported that they executed nine Russian prisoners after Moscow refused to exchange them for a Russian officer accused of raping and killing a Chechen woman. In another incident reported by an NGO, a Chechen witness described seeing the body of a Russian soldier with his throat cut. When asked by the witness why the soldier was killed, the rebel fighters purportedly replied that it was their standard practice to slit the throats of Russian captives.

Individual rebel field commanders were reportedly responsible for funding their own units, and some allegedly resorted to drug smuggling and kidnapping and ransom to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and simple criminal gangs. Some rebels received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Osama Bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section 1.a.).

Government forces and Chechen separatists have used landmines extensively in Chechnya and Dagestan since August 1999. In April, the country announced plans to mine its border with Georgia. There is not accurate information on the number of those killed by landmines throughout Russia.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and numerous national and regional media reflect a multitude of opinions; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying them access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Faced with continuing financial difficulties and increased pressure from the Government, many media organizations saw their autonomy erode during the year. The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that several hundred lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during 1999, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On October 4 the Kirovskiy district court of Kazan ordered the local television company "Efir" to compensate Anatoly Vasilyev, a former candidate to the State Council of Tatarstan, for airing a program which, according to the court, falsely accused Vasilyev of deceiving his business partners. On November 1, Kirovskiy district court in Yekaterinburg ruled that an article in the local newspaper "Vecherniy Yekaterinburg" accusing Arkady Chemetskiy, the mayor of Yekaterinburg, of applying illegal methods in his election campaign, was false. The court ordered the newspaper to print a disclaimer, and to pay damages to Chemetskiy. On November 9, the Sovetskoy district court in the city of Bryansk required the local newspaper "Bryanskoye Vremya" to print an apology and to compensate Bryansk governor Yuriy Lodkin, who sued the paper for criticizing him in a way that he considered insulting.

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently journalists were attacked physically, although in the majority of these cases, no direct link was ever established between the assault and the authorities who reportedly took offense at the reporting in question. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media.

The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1999—increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country's largest independent company was under pressure by the Government and the Government resumed operational control of ORT. In particular, government structures, banking interests, and the state-controlled energy giants UES and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. Continuing financial difficulties exacerbated this problem during the year, weakening the fiscal positions of most news organizations and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. Although advertising revenues began to return to 1998 levels, they did not do so completely. As a result, the media's autonomy and concomitant ability to act as a watchdog remained weak. In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of print media organizations continued to rely on state-controlled concerns for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the federal or local administration and denial of access to journalists representing independent media organizations were widespread. The Presidential Administration, for example, refused to accredit a reporter from the Moscow-based newspaper Novyye Izvestiya for President Putin's summer visit to China and Japan. Novyye Izvestiya has frequently criticized the President since his election in March. Kommersant Daily has also reportedly been denied access to some official sources. Moreover, in the immediate aftermath of the Kursk submarine sinking, the Government denied site access to all media except the official network, Russian Television and Radio (RTR), a decision that gave rise to heavy criticism from the majority of media outlets.

The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The Foundation noted that, as in 1999, this practice was more common outside the Moscow area than in the capital itself. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media still routinely receive tax breaks on high-cost items such as paper, the GDF and other media NGO's documented numerous instances of use by the Government of tax levers to pressure media across the country. Further, the Government occasionally sought to limit reporting on tax matters. In Volgograd oblast, for instance, local tax police in November declared the entry into force of an "Agreement on Cooperation" which stipulated that all information related to the activities of the tax police should be "cleared" with the relevant authorities prior to publication. In certain cases, journalists were even forbidden to cite sources from the local tax service. A

number of local newspapers, including Volgogradskaya Pravda, Inter, Gorodskiy Vest, and Delovoye Povolzh'ye were reportedly pressured into signing the agreement. This agreement came on the heels of a similar agreement with the FSB in Volgograd, binding the same publications to inform the FSB before they publish any materials related to the security service. National independent media, such as NTV, expressed concern that such contracts would serve as examples for other regions around the country.

The private media continue to face more direct challenges from the Government as well. The Government owns about 150 of the 550 television stations in the country and nearly one-fifth of the 12,000 registered newspapers and periodicals. Of the three national television stations, the State owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of major radio stations (Mayak and Radio Rossii) and news agencies (ITAR-TASS and RIA-Novosti). At the regional and local levels, governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus, in many media markets, citizens received information mainly from unchallenged government sources. In efforts to control the media, federal authorities issued orders and formulated doctrines designed to limit free expression and electronic privacy. On June 22 President Putin signed an amendment to the law on mass media that places restrictions on media coverage of narcotics issues, banning reporting on: "The location of illegal trade in drugs;" "methods of narcotics consumption;" and "the composition of drugs." Media outlets which violate these bans could be closed after two warnings. Newspapers did not successfully challenge the legality of the amendment during the year. On September 12 President Putin approved an Information Security Doctrine which had been adopted by the Security Council on June 23. The 40-page document outlined "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology." Sergey Ivanov, Secretary of the Security Council, claimed that the goals of the document are "the protection of the rights of the individual, freedom of speech, and the prohibition of censorship." However, the doctrine immediately raised concerns among journalists that its real purpose may be to consolidate government control over the mass media. Many observers viewed it as an indication that the Kremlin considers the media as "yet another sphere subject to the administration and control of the government." Although the document reaffirms the state's commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that are extremely vague, and which according to critics, can be interpreted very broadly by lawmakers and bureaucrats. Of particular concern, for example, were the clauses calling for an "increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state;" and "clarification of the status of foreign journalists and media outlets" working in the country, in order to "place them on an equal footing with the domestic media."

The system of operative and investigate procedures (SORM) continued during the year to limit the electronic privacy of both citizens and foreigners (see section 1.f.).

Government intimidation and censorship, both direct and indirect, remained a significant problem during the year. On January 17 Aleksander Khinshtein, a journalist with Moskovskiy Komsomolets and TV-Center known for his frequent vitriolic attacks on senior Government officials, was visited at his home by armed FSB agents who demanded that the journalist accompany them to the city of Vladimir for "psychiatric testing." (Khinshtein produced documentation to the effect that he was ill and, in the end, was not forced to leave his home.) Police also charged the journalist with falsification of his Moscow driver's license; Khinshtein denies any wrongdoing. Khinshtein and many other independent observers characterized the arrest as "an act of intimidation designed to send a message." The case was closed on February 16. On March 15 the Moscow daily Novaya Gazeta reported that its computer network was hacked, preventing the publication of that day's edition. Dmitry Muratov, the newspaper's editor in chief, told the GDF that the hacking occurred on the very day that the newspaper was to publish a number of articles exploring irregularities in the financing of Vladimir Putin's election campaign. Muratov categorically ruled out any possibility of an "accidental" or "technical" failure. Muratov also stated that his newspaper had come under "increased pressure from the authorities" in connection with its reporting on corruption in the Government and the war in Chechnya. Moreover, Muratov stated that the newspaper was offered financial "favors" on a number of occasions in exchange for "reconsidering its political stance." The perpetrators of the computer attack were never identified.

The Government has also brought considerable pressure to bear on the largest media conglomerates. The most notable example of this phenomenon was the high-profile conflict between the Kremlin and Media-Most (owned by Vladimir Gusinskiy). The conflict, which became public in the summer of 1999, intensified significantly in 2000. Government-controlled media, including the RTR and the government-aligned ORT, continued to "expose" Media-Most's debts to state structures, including the energy giant Gazprom. The state filed a lawsuit against Media-Most and demanded repayment to the state-controlled Vneshekonombank of a \$42.2 million credit. In March the state-backed Gazprom repaid Credit Suisse-First Boston a \$211 million Media-Most loan that the firm had guaranteed in 1998. Immediately following the repayment, Gazprom demanded that Media-Most repay this debt, refusing to accept shares in the holding's outlets as a form of repayment. Media-Most executives and most media experts maintain that Gazprom acted at the behest of the Putin administration. On October 18 a district court in Moscow found for Media-Most in its suit against the FSB for "slandering its business reputation" as a result of information the FSB made public earlier in the year. The court held that the FSB must apologize for this on ORT during prime time; the FSB has appealed this decision.

Notwithstanding this pressure, the Media-Most media companies (including the NTV, the radio station Ekho Moskvy, the news daily Segodnya, and the weekly Itogi) which are generally well regarded for their relative professionalism and independence, did not cede editorial ground. These media outlets continued to criticize President Putin and his administration on a wide range of problems, including the Kremlin's media policy. On May 11 masked law enforcement officers raided the offices of Media-Most in central Moscow and confiscated documents and technical equipment. The authorities charged that the holding's security service illegally recorded telephone conversations. Media-Most called the raid "a politically motivated attack on freedom of the press." In a statement, the Russian Union of Journalists termed it "an unconstitutional act aimed at intimidating the independent media." On June 11 Media-Most chief Vladimir Gusinskiy was arrested on charges of

embezzlement of state property in the course of the 1995 privatization of Russkoye Video, a television production company in St. Petersburg. (The head of Russkoye Video remained in jail, although no formal charges have yet been brought against him.) While observers expressed differing opinions on the legitimacy of the charge, most disinterested analysts considered the arrest to be an "excessive" measure. Gusinskiy was released 3 days after his arrest following widespread domestic and international criticism. Although the progovernment media defended the arrest, arguing that "everyone is equal before the law," politicians, journalists, and observers in opposition to the Kremlin agreed that the case was politically motivated and that it augured poorly for the future of freedom of expression. After Gusinskiy's release, law enforcement officers once again raided the Media-Most headquarters and Gusinskiy's private residence, where they inventoried his property, reportedly in connection with the "Russkoye Video" case. On July 27 Gusinskiy left the country to join his family in Spain. On September 19 both Media-Most and Gazprom Media acknowledged that Gusinskiy, Media Minister Mikhail Lesin, and Gazprom Media head Alfred Kokh signed an agreement in July to sell Media-Most for \$300 million in cash and \$473 million in debt to Gazprom Media. The agreement, published in the media in September, contained a paragraph on the dropping of criminal charges against Gusinskiy, who later declared the agreement "null and void" for having been signed under duress—in his own words, "at gunpoint"—and indeed under the direct threat of imprisonment. Gazprom alleged that Media-Most hid assets in offshore companies. Deputy Procurator General Vasilii Kolmogorov said on September 19 that if these allegations were substantiated, he would launch a criminal case against the holding (see Section 1.d.).

On December 8 the Media Ministry ordered independent privately-owned MAK-S-TV in Sochi closed. According to the Ministry, the Station had violated both the law on advertising, by running a commercial for Ararat cognac in September, and the law on elections in early December. MAK-S-TV went back on the air in late December.

The Kremlin has also reportedly sought to strengthen its control over the country's most widely watched television network, ORT. In September the weekly "Sergey Dorenko Show," a widely watched news analysis program, was taken off the air abruptly after Dorenko aired a program on September 2 highly critical of President Putin's handling of the Kursk submarine disaster. ORT General Director Konstantin Ernst, a Putin appointee, reportedly instructed Dorenko to produce "a program the Kremlin could be happy with." When Dorenko refused, the program was terminated on September 9. Other senior journalists at ORT, such as Tatyana Koshkaryeva and Rustam Narsikulov, were also dismissed. On December 5 a group of law enforcement agents wearing masks and bulletproof vests searched the offices of ORT, confiscating boxes of financial documents. ORT had allegedly failed to pay customs duties on imported films that it broadcast between 1996 and 1998. The Prosecutor General stated that "there was no need to apply force" during the search and demanded the resignation of the investigator who led the raid.

Freedom of the press came under the greatest challenge in the country's farthest regions. On April 14 local authorities in the city of Saratov made changes to a front-page article in the local issue of the Moscow-based daily, *Izvestiya*, which leveled criticism against Saratov Governor Dmitry Ayatskov. Phrases containing "unfriendly" content were edited out prior to the publication. Mikhail Kozhokin, *Izvestiya's* editor in chief, described this censoring action as an example of "the new phenomenon of oblast-level censorship." On April 19 St. Petersburg police confiscated the entire issue of the local newspaper, *Moya Stolitsa*, saying that the newspaper "lacked proper registration documentation." However, according to editor in chief Aleksey Razoryonov, the real issue was the newspaper's political leanings, not the registration documentation. The newspaper frequently carried articles critical of St. Petersburg Governor Vladimir Yakovlev. According to the GDP, on April 26 police once again confiscated issues of *Moya Stolitsa* from street vendors. However, the newspaper continued to publish. On May 1, police in Kamensk-Uralskiy, Sverdlovskiy Region, ordered Artyem Schadrin, a cameraman of the local television company Gong-TV, to erase a videotape showing participants at a May Day rally beating up his colleague, Gong-TV correspondent Konstantin Litvinenko. The police also warned Denis Poteryayev, a photographer of the local newspaper *Novyy Kompas*, not to publish the pictures he took during the rally. Later that day, several police officers visited the newspaper and ordered Poteryayev to expose the film containing the photographs in their presence. The journalist complied. On May 5, local authorities in Rostov-on-Don ordered the destruction of an entire issue of the local newspaper *Perekrestok Kentavra*. The newspaper contained an editorial about the upcoming inauguration of President Putin and a collage depicting Putin as a Nazi officer. The publication of "fascist symbolism," including Nazi imagery, is prohibited by law.

On July 26, local authorities arrested Irina Grebneva, the editor of Vladivostok newspaper *Arsenyevskiy Vestnik*, on charges of "petty hooliganism." Grebneva published uncensored, profanity-ridden transcripts of phone conversations of top regional officials, including Primorye Governor Yevgeniy Nazdratenko. Grebneva was convicted of the charges on which she was arrested and sentenced to 5 days in jail. When she was denied the right to appeal the decision, she launched a hunger strike to protest the sentence. *Arsenyevskiy Vestnik* is one of the few local newspapers which regularly criticized Governor Nazdratenko and his allies. The governor and local authorities have sued the paper for libel 22 times since Nazdratenko was elected in 1995. All of the cases are pending.

Journalists who publish critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder. A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

The press and media NGO's reported a number of killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As in 1999, police seldom identified the perpetrators of crimes against journalists. On July 16, Igor Domnikov, a Moscow journalist from *Novaya Gazeta* died in the hospital after a brutal beating in April. According to Dmitriy Muratov, editor in chief of *Novaya Gazeta*, the killing was directly linked to his professional activities. Press reports after the incident speculated that Domnikov was mistaken for his colleague Oleg Sultanov, an investigative reporter who has written extensively on alleged corruption in LUKOIL and the FSB. On July 18, Andrey Barys, a reporter from

Uralskiy Rabochiy, was attacked by three unidentified assailants in the city of Kachkanar (Sverdlovsk oblast), where he had traveled to do a story on a criminal group headed by Valeriy Volkov. Shortly after his arrival in Kachkanar, Barys discovered that he was being followed by a group of men. Later, the men attacked Barys, telling him, "Don't poke your nose into Volkov's affairs!" After the beating, the men advised Barys to leave the city. The next day, Barys attempted to contact the local police, but the police chief refused to hear his complaint. On July 21, a correspondent of the local Yekaterinburg TV company ASV Prestige, Sergey Melnikov, was badly beaten; Melnikov and his colleagues contend that the attack was the result of his reporting on the city's illegal drug trade. The journalist had to be hospitalized with serious head injuries. No arrests were made.

On July 26 Sergey Novikov, president of Smolensk's only independent radio station, Vesna, was killed in his apartment building. Since 1999 the radio station had repeatedly denounced corruption within the ranks of the regional administration, the courts, and the police. A month before his death, Novikov wrote an open letter to Smolensk governor Aleksandr Prokhorov that included the names of officials suspected of corruption. The Ministry of the Interior classified the murder as a contract killing and has not ruled out a link to Novikov's work as a journalist. On August 23 journalists from local Pskov newspapers were denied access to a meeting of Governor Mikhaylov with the employees of the farm Krasnyy Luch. When a journalist from Pskov Lenta Novostey, Tatyana Mustaykina, tried to convince the guards to let her in, Yuriy Kusov, an officer of local administration, arrived, grabbed Mustaykina by the hair, and attempted to force her to the ground. When Kusov realized that the episode was being filmed by a cameraman, he tried unsuccessfully to confiscate the camera. In October, the Pskov Procuracy decided that Kusov could be charged on administrative charges. Kusov was summoned to but replied he was sick. On November 9, the GUVd Chief received Kusov's request to close the case due to expiration of statute of limitations and the case was closed.

On September 22, Iskander Khatloni, a Radio Free Europe/Radio Liberty journalist was murdered in Moscow. The police have opened an investigation but have not so far released any information.

On December 17, Oleg Lure, an investigative journalist for Novaya Gazeta was severely beaten by five assailants. The assailants did not take either his money or valuables. Lure believes the attack was related to his articles touching on the interests of such individuals as the presidential chief of staff, the State Duma deputy, and his most recent article on alleged kickbacks to Kremlin officials. Police are investigating the incident.

No progress was made in the investigation of the August 1996 beating death of Anatoliy Levin-Utkin, deputy editor of Yuridichesky Petersburg Segodnya.

The country's Northern Caucasus continued to be a dangerous region for Russian journalists. Kidnapings and assaults remained serious threats. In addition, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment. Special accreditation besides the usual Foreign Ministry accreditation was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation.

The best-known example of the violation of the rights of a journalist operating in this region is that of Radio Liberty's Andrey Babitskiy. Babitskiy's coverage of the conflict in Chechnya prompted an angry reaction from the Government and the armed forces; the latter frequently accused the correspondent of "conspiring with Chechen rebels." On January 8 security agents raided Babitskiy's Moscow apartment and confiscated several items. On January 15, Babitskiy was reported "missing" in Chechnya. Although the Government denied at first any involvement in the case, Interior Ministry spokesman Oleg Aksenov acknowledged on January 28 that law enforcement authorities had arrested Babitskiy in Chechnya on the grounds that he "lacked the proper accreditation." On February 3, Acting Procurator General Vladimir Ustinov stated that Babitskiy had been "exchanged" for three Russian prisoners of war. Ustinov later revised his statement, explaining that Babitskiy had been released and that the journalist had "gone over to the Chechen rebels" of his own volition. However, later on, Sergey Yastrzhembskiy, a senior Presidential aide for public information on Chechnya, confirmed that Babitskiy had indeed been exchanged, and Interior Minister Vladimir Rushaylo defended the exchange as "correct and justified." On February 8, a group of prominent Russian journalists issued a statement saying, "Until we learn the truth about this story, we have every reason to think that the Russian government suspended not only freedom of speech, but also the rule of law itself, and is moving toward totalitarianism." Babitskiy subsequently was released but was later taken into custody in Makhachkala, Dagestan, by Government forces on charges of "carrying a falsified passport. On February 28, Acting President Putin announced publicly that there was no need to detain Babitskiy further, and the RFE/RL correspondent was released that day and sent back to Moscow. In October Babitskiy was tried and convicted in a court in Makhachkala of this offense but was immediately amnestied under an amnesty granted in honor of World War II. Babitskiy had trouble obtaining a passport; however, he did receive one and is now working abroad.

On February 2, Russian troops in Chechnya detained Giles Whittell, Moscow Bureau Chief of the Times of London. Presidential aide Sergey Yastrzhembskiy said at a press conference that the journalist was detained and returned to Moscow because he "lacked accreditation allowing him to work in Chechnya." The GDF issued a statement characterizing the Chechnya accreditation requirements of the Russian authorities as "illegal."

On February 15, the state-owned news agency RIA Novosti reported that Yastrzhembskiy announced an official order denying journalists access to the Chechen capital of Grozny "for 2 to 3 weeks." The order additionally limited journalist access to military hospitals by requiring that interviews take place only "under the supervision of representatives of federal troops." On March 3, federal troops in the Chechen city of Mozdok confiscated and destroyed an ORT videotape containing interviews with Russian soldiers. According to ORT correspondent Roman Perevezentsev, the crew had traveled into Mozdok to report on casualties among Russian troops in a recent combat operation in the Chechen village of Pervomayskoye. On March 15 the Russian Ministry of

Press, Television and Radio Broadcasting, and Mass Communications issued a statement that warned the Russian mass media that providing air time or news-space to Chechen rebel leaders would be considered a violation of the counterterrorism laws. In April the Ministry issued specific warnings to the newspapers Kommersant and Novaya Gazeta for publishing interviews with Chechen president Aslan Maskhadov. No further action was taken. The new Information Security Doctrine approved by the Security Council in August implies that foreign media outlets, such as Radio Free Europe Liberty, represent a danger to the state. Human rights activists and journalists fear that media freedom could be even more severely restricted.

The Government generally respects academic freedom; however, human rights activists question whether recent cases such as Sutyagin and others discourage academic freedom and contact with foreigners on issues that might be deemed sensitive.

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government. However, certain religious denominations such as Jehovah's Witnesses have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. A 1995 registration law specified that organizations had until July 1999 to reregister. When the deadline expired, some human rights monitors expressed concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. In November 1999, the Federation Council rejected a bill passed by the Duma to extend the reregistration deadline by a year, a move which human rights activists marked as a potentially serious blow to freedom of association. The Ministry of Justice maintained that there were not a large number of liquidations as a result of the passing deadline. Most of the organizations that wanted to register were able to do so with the notable few whose names or charters were unacceptable to the authorities (e.g., Yablokov's Ecology and Human Rights).

However, a February report, prepared by the NGO Human Rights Information Center and the Center for Development of Democracy and Human Rights, cited Ministry of Justice statistics indicating that only 57.8 percent of the total number of organizations managed to reregister by the July 1999 deadline. According to the report, 42.2 percent of organizations became liable to liquidation of their juridical status. The report further claimed that only 12 percent of Moscow organizations succeeded in registering or reregistering. The report claimed that the net result was to reduce the overall number of organizations and to eliminate "politically undesirable" organizations from certain regions. While the numbers are high, many organizations continued to work without registration, while others reregistered under a new name. Reasons for failure to register varied, but a common thread was the request by the Ministry of Justice for many organizations to refrain from citing "defense of human rights" as one of their goals. The Ministry demanded that organizations such as Ecology and Human Rights, Glasnost Public Foundation, and Memorial remove such references since, according to the Constitution, NGO's are not among the institutions authorized to "defend" human rights. According to the reasoning used by the MOJ, such organizations can only aid the government and lawyers in the defense of such rights. Ecology and Human Rights managed to register in August, but only as a branch of an organization registered in St. Petersburg by prominent activists Aleksandr Nikitin and Grigory Pasko. Despite the apparent high number of unregistered groups, many organizations are defunct or changed names. Lyudmila Alekseyeva, Chair of the Moscow Helsinki Group, reported that the majority of groups that desired to register were able to do so, although sometimes this came after repeated attempts.

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

c. Freedom of Religion

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

In 1997 the Duma enacted a new, restrictive, and potentially discriminatory law on religion. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity. The new law ostensibly targeted so-called totalitarian sects or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions. The Presidential Administration has been mostly silent on implementation of the law. Implementation of the 1997 law on religion has varied in the regions. To a great extent, implementation depends on the territorial bodies of the Ministry of Justice in each area which are responsible for registering new organizations, reregistering existing organizations, and liquidating those that do not manage to reregister. In some areas such as Moscow, minority religious denominations like the Jehovah's Witnesses and the Salvation Army have not been able to reregister local religious organizations.

The 1997 law on religion has many ambiguous and contradictory provisions. The law creates various categories of religious communities with differing levels of legal status and privileges, distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshippers that does not have the legal status of a juridical person. However, groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups."

Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, conduct liturgical services and other religious activities, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. In practice foreign religious representatives' offices (those not registered under the law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's 15 year requirement and feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Officials at the local level have used the law to restrict the activities of religious minorities.

Human rights activists welcomed a March 1999 and December 2000 open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and international norms for religious freedom. In practice the registration process—which involves simultaneous registration at both the federal and local levels—requires considerable time, effort, and legal expense and has proven onerous for a number of groups. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's), reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure. However, nearly 500 Pentecostal local religious organizations did not succeed in reregistering and are now subject to liquidation of their status as juridical persons.

The vast majority of organizations attempting to reregister as central organizations succeeded, although there were a few notable exceptions: Salvation Army, Ukrainian Orthodox Church, and a faction of the Muslim communities under the Mufti Tayzhuddin. By year's end, the Ministry of Justice estimated that 70-75 percent of local religious organizations needing to reregister had done so. However, these figures are misleading, since in some cases the organizations no longer exist. The Russian Orthodox Church reregistered between 65-75 percent of its organizations, Protestant communities 78 percent, Muslim 60 percent, Jewish 80 percent, Buddhists 65 percent, and Catholic 70-80 percent. All organizations, according to the Congress of Religious Jewish Communities of Russia (KEROOR) and the Federation of Jewish Communities of Russia (FEOR) have reregistered at year's end. However, one of KEROOR's local Moscow organizations has not been able to register as a new organization, applying already three times unsuccessfully.

By year's end no religious organization had ceased operations as a result of the law; however the Salvation Army has had problems in Moscow trying to extend office leases and operate its food distribution program because landlords and social services personnel have assumed it has been liquidated.

Jehovah's Witnesses reported that since the 1997 law went into effect they managed to register or reregister 97 percent of their organizations. A total of 190 of those were organizations already extant which had to reregister. Some 156 were new organizations registering for the first time. There were several regions such as Tatarstan, Moscow, Chelyabinsk, and Kabardino-Balkaria where organizations experienced problems.

Hare Krishnas have experienced no problems at the federal level; however, they have encountered significant opposition from the Russian Orthodox Church. For many years the group operated underground, and in 1999 it successfully registered as a religious organization and received permission to lease a building in Moscow to use as a temple. The city has slated the area in which the current central temple is located as part of a new ring road, however, and Hare Krishnas have experienced problems in trying to obtain permission to build a new complex. The Krishna Movement has grown to more than 130 centers across the country and nearly 100,000 believers. They have experienced problems in the Krasnodar Oblast, particularly. The Procurator General of Moscow has opened an investigation into the group's liturgy as of October. Investigators claim they are examining whether the literature "incites criminal acts".

The Church of Jesus Christ of Latter-Day Saints registered or reregistered all of its organizations requiring registration by year's end but continued to encounter problems in registering four of its new organizations in Chelyabinsk, Tver, and Tatarstan. In September the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints for a seventh time. Even without registration, the church continued to hold regular services without incident, although its missionaries experienced problems in registering with the local visa office; this required them to stay in a hotel in a different city and then travel to the area for brief periods.

The Society of Jesus (Jesuits) was denied federal registration because the order's status, which is independent

of a local bishop, does not meet requirements contained in the 1997 law's provisions. However, an April 13 the Constitutional Court ruling authorized the Jesuits to be registered. This ruling in *Rossiskaya Gazeta* referred extensively to passages in the November 1999 Constitutional Court ruling (which effectively legalized registered organizations existing at the time of the passage of the 1997 law). The April ruling also specifically refuted points cited by the Ministry of Justice as reasons for initial refusal. By year's end they were registered.

Around sixty percent of Muslim organizations managed to reregister. The large percentage that did not is due partly to an internal struggle between the Central Spiritual Directorate of Muslims in European Russia and Siberia, based in Ufa and led by Mufti Talgat Tadzhuiddin, and the Moscow-based Russian Council of Muftis, led by Chief Mufti Ravil Gainutdin. Due to the refusal to register Mufti Tayzhuiddin's group as a central organization, many local organizations did not manage to reregister in time. Additionally, many rural parishes either did not know they needed to reregister or did not know how to go about reregistering.

The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. Although the Ministry of Justice claims that internal organizational disputes, which lead to the failure of many religious leaders to prepare documentation properly, is to blame for the slow pace of registration. However, delays and rejections also are due in part to discrimination by some local officials against what they believe are "sects," such as Scientologists, Jehovah's Witnesses, Mormons, and others. In many instances, the Ministry of Justice asks for additional information and demands changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. In other instances, groups are rejected with no explanation. Another problem is the lack of congruence between regional and federal laws. As of 1999, of 89 regions, 30 had laws and decrees on religion that violated the Constitution by restricting the activities of religious groups. Government authorities have attempted to deal with this by introducing a federal register of laws to ensure that laws conformed to the constitution.

The Moscow city authorities continued to create difficulties for some religious denominations. The Moscow Directorate of Justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the federal Ministry of Justice's April 30, 1999, decision to reregister Jehovah's Witnesses at the federal level. The Directorate has refused four applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. In this case, the Judge has appointed an "expert panel" to assess the merits of the organization as a religion. In some cases, human rights groups have accused such panels of lacking objectivity and ruling according to political allegiance rather than legal criteria. In November the Salvation Army was denied registration by the Moscow City Appeals Court, which refused to register their Moscow branch as a Local Religious Organization (LRO). The Appeals Court upheld a lower court ruling that the organization could only be accorded the status of "representative of a foreign religious organization" since its headquarters is abroad. This denial has implications for other religious groups since it may affect the registration of Roman Catholics, Mormons and Jehovah's Witnesses.

Although it can be a slow and costly process, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya Supreme Court. In February 1999 the Supreme Court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local Procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same Procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite the court case and other difficulties, the Word of Life Pentecostal Church continues its normal activities.

The Government has restricted the activities of a number of foreign missionaries and of congregations associated with them. There were reports that four foreign missionaries were being refused visas to return to the country. The former pastor of the Vanino Baptist Church in the Khabarovsk region was banned from receiving a visa based on allegations that he violated customs regulations and evaded property taxes; however, it appears that local authorities violated their own regulations and refused to take necessary actions (such as providing a timely tax assessment), which would have enabled the pastor to comply with the law. An official of the Church of Christ in Magadan also faced a criminal charge for failing to report \$8,000 to customs officials, reportedly because he feared that the money would be stolen. He was acquitted in December 1999, primarily because the investigation and prosecution were marred by serious violations of due process by local authorities. Local authorities then defied a court ruling to return the money, returning it briefly only to confiscate it a few minutes later, citing administrative customs regulations not applicable to the case. The third case, regarding the Church of Christ in Volgograd, appears to have been a response to articles in the local press accusing a church official of being a spy. Those allegations may have led local authorities to recommend to the Ministry of Foreign Affairs that a visa be refused. A member of the local congregation, reported in May that since local authorities no longer object to the missionary's return, it appears to be federal authorities who still are refusing to authorize issuance of a visa. A fourth missionary, of the Evangelical Free Church of America, who entered the country legally with a visa sponsored by a Moscow congregation, has been refused registration to reside in Naberezhnyi Chelny, Tatarstan. The missionary, who is married to a Russian citizen, also has been refused permission to register as a resident foreign spouse of a Russian citizen. The letter of refusal he received from the Ministry of Internal Affairs' local passport control office cited "national security"

concerns.

Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. Government officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. Federal authorities and Moscow human rights monitors often have limited information about what is happening in the regions, however. According to various sources, most citizens, especially those living in the regions, still are skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Some local and municipal governments reportedly prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively are denied the opportunity to practice their faith in large groups. Jehovah's Witnesses organized a convention to take place in Ivanovo on July 7-9. On July 4, the deputy head of the city administration issued an injunction prohibiting the convention. The Jehovah's Witnesses local leader, Yevgeniy Borisov, ignored the injunction and went ahead with the convention. However, on July 31, the Ivanovo Oktyabrskiy district court ruled that Borisov had violated the administrative order and sentenced him to 2 months of "correctional activities" (not incarceration) and forfeiture of 20 percent of his salary during this period. The Jehovah's Witnesses appealed this ruling, and the Regional Court of the Federal Judiciary System overturned the lower court ruling on the basis that the city administration's injunction violated federal law. On October 10, the Supreme Court ruled in favor of Sergei Aidiyev, one of the Jehovah's Witnesses who had been accused by local officials of breaking the law by organizing a religious convention in Kislovodsk.

Reports of official harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions—including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints—continue to face discrimination in their ability to rent premises and conduct group activities. For example, Jehovah's Witnesses report that in Volgograd, on August 20, national and religious extremists broke up their religious meetings and whipped some of their members. Criminal charges have been brought, but no prosecution or conviction has occurred to date. In six cases in St. Petersburg and Moscow, police arrested and harshly treated Jehovah's Witnesses while they were engaged in publicly discussing their religious views with neighbors. Two of these cases occurred in the Northern Administrative county in Moscow (where the trial to ban Jehovah's Witnesses will be heard). In four other cases, two men and two women were beaten by hooligans while engaged in public evangelizing work. Charges have been filed with the police. Jehovah's Witnesses report that there are currently about 20 cases across Russia where local authorities have arbitrarily refused to issue permits for construction, renovation, or occupancy of buildings to be used as houses of worship for Jehovah's Witnesses. In regard to a proposed house of worship in St. Petersburg, the Governor's Office is said to have stated that Jehovah's Witnesses had enough places of worship and any permit was subject to the feelings of local residents. Jehovah's Witnesses also report that in Alagir, Northern Ossetia, local authorities sealed the door of a newly built house of worship on July 5 and prohibited its use despite the fact that all permits had been obtained.

The Church of Scientology has been in conflict with authorities since a February 1999 raid on its Hubbard Center in Moscow by the tax police, FSB, and procurator. Since then the organization has faced charges that it engaged in a commercial enterprise without a license. The case is still pending. The Church has been repeatedly refused in its efforts to reregister its national center and register local religious organizations. While the Church has succeeded in registering 50 "Dianetics Centers" as social organizations, it has only managed to register 1 Church of Scientology in Moscow as of October. The Church reports that authorities have impeded the operation of its centers in Dmitrograd, Khabarovsk, and Izhevsk.

Groups such as the Catholic Church have complained about undue attention from the authorities in Moscow, being forced to submit to unwarranted fire inspections, document verifications by the Ministry of Interior, and harassment of believers at a Sunday Mass.

Property disputes are among the most frequent complaints cited by religious groups. Many synagogues, churches, and mosques were returned to communities to be used for religious services. The Federal Government met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of State Property, as of 1999 over 2,000 federally owned properties had been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in 1999 that over 3,600 transfers of religious buildings had occurred at the regional level and that approximately 30 percent of property designated for return had been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Roman Catholic Church of Saints Peter and Paul in Moscow has not been returned to the Catholic Church despite numerous appeals to the authorities and court. Twice in 1997 the Arbitration Court ruled against the Church. However, the Catholic Church continues to press for the return of this property despite the rulings.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other religious groups. The Russian Orthodox Church denies such influence. The Jewish community, which had some success on communal property restitution, faces the same obstacles as other religious communities on the issue of the return of Torah scrolls, many of which are in state museum collections. In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, welcomed by the Jewish community.

In its preamble (which government officials insist has no legal force), the 1997 religion law recognizes the

"special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has special arrangements with government agencies to conduct religious education and to provide spiritual counseling to members of the armed forces. These arrangements do not appear to be available to other religions. In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim members of the armed forces. The head of the Moscow Patriarchate of the Russian Orthodox Church, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects." In addition, during the year the Russian Orthodox Church entered into formal agreements with the Ministries of Education, Interior, and Tax. In the latter case, October press reports indicated that the Church has agreed to cooperate with the tax authorities in investigating tax infractions by religious organizations. However, the nature of such cooperation remains vague. The Ministry of Education sent a letter in September to the rectors of higher education establishments throughout the country alleging that 700 "foreign" religious groups—including the True Orthodox Church, Jehovah's Witnesses, and the Salvation Army—are involved in military espionage and the encouragement of separatist activity, and blames foreigners for allegedly encouraging splits within the "traditional" Russian faiths, the Orthodox, Muslims, Jews, and Buddhists.

The Independent Psychiatric Association of Russia, along with several human rights organizations, criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" (see Section 1.c.). In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who were members of new religious groups. Human rights monitors condemned the secret video taping of a Pentecostal Church's service in Kostroma, which was introduced as evidence of hypnosis in a court case against the church in October. The Association of Independent Psychiatrists claimed that not only was the video taping illegal, but that the quality was so poor that any sort of conclusion drawn from it would be questionable. In addition, both human rights activists and independent psychiatrists believe that the "expert commission" appointed to review the tape was biased.

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

President Putin issued public expressions of sympathy for Jews and made a public appearance at the opening and on the first night of Hanukkah at a Jewish Cultural Center in Moscow. Nevertheless, he and his administration were accused by some members of the Jewish community and some in the press of fomenting division within the community by supporting as head Rabbi of Russia the FEOR head Rabbi, Berael Lazar over the long-time Chief Rabbi of Russia, Adolf Shayelevich. Shayelevich, is associated with a Jewish community organization headed by Vladimir Gusinskiy, owner of Russia's sole independent television network, which has been critical of President Putin and his support for Government forces in Chechnya. Fears of Kremlin interference in the Internal Affairs of the Jewish Community were reignited when, on October 19 law enforcement authorities conducted an illegal search of the Choral Synagogue's offices of Rabbi Pinchas Goldschmidt, who is aligned with Rabbi Shayelevich. While officials claimed that the search was not directed against the synagogue or Jewish community, but rather against the Media-Most Security Service then owned by Gusinskiy that was guarding the premises, investigators nevertheless focused on the Moscow Jewish Community's charter, membership lists, and the synagogue's financial documents. Moreover, during the search, investigators told a synagogue employee present that they were looking for evidence of money laundering. Organizations such as the Union Councils of Soviet Jews have accused the administration of harboring anti-Semitic figures. On September 7, Aleksandr Ignatov, identified as head of an office in the Presidential Administration, published an essay in the Nezavisimaya Gazeta claiming that a "Chasidic para-Masonic group" stood behind a supposed "world government" that was leading the drive for globalization. Subsequent to the publication of this anti-Semitic piece, the Ministry of Foreign Affairs reported that the Kremlin had established that as of October there was no Ignatov in the rolls of the Presidential Administration, and that it was conducting an internal investigation of the events surrounding the article's publication. It is unclear whether Ignatov indeed had been an official in the Presidential Administration.

Newly elected Kursk Governor Aleksandr Mikhaylov made anti-Semitic statements that were published in newspapers and aired on a television network. The Jewish community urged Putin to separate himself from the Governor. The Presidential District Representative Poltavchenko reprimanded Governor Mikhaylov in public and Mikhaylov apologized for his comments to the press.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism, but only limited steps have been taken. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March 1999, the Government presented to the Duma a draft law on combating political extremism. The Duma is still considering a draft law forbidding "Nazi symbols and literature." Separately the Procurator General sent to regional procurators in January 1999 a letter describing the Moscow city procurator's experience in combating political extremism with instructions to cut off distribution of any literature or printed material depicting Nazi symbols. The Government also states that in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June 1999 and continuing on a quarterly basis, which involve the Presidential Administration, the judiciary, law enforcement bodies, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and 10 were opened by June 1999.

A prominent public figure who has regularly engaged in anti-Semitic remarks is Krasnodar region's former Governor Nikolay Kondratenko. During his tenure, the governor's speeches often contained anti-Semitic remarks and stereotypes and blamed Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko had said that the essence of Russian history is the Russian battle against Jewish domination. He blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality into the country. According to credible reports, Kondratenko urged the firing of Jewish public employees in the region.

Particularly troubling to human rights groups and some of the Russian media has been the very public support of Kondratenko by the Kremlin-backed party Yedinstvo. Minister of Emergency Situations Sergey Shoygu, who heads Yedinstvo, openly encouraged Kondratenko to run again in the December elections. According to NTV reports, the Kremlin sent public relations specialists to the region in early September to organize a "grass roots" campaign of support for Kondratenko's candidacy, although Kondratenko decided against running for another term.

Several religious groups encountered extremist violence this year, with little or belated response from the local authorities (see Section 5).

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

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system. Corruption in the registration process in local police precincts is a problem. Police demand bribes in processing registration applications and during spot checks for registration documentation.

While citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow, 24 hours). However, travelers not staying in hotels usually ignore this requirement. Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. In 1999 UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). This continued to hold true this year. The cost of permanent registration is only \$0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs \$0.16 (4 rubles and 18 kopeks) regardless of the length of stay. The Government and many residents of Moscow and other large cities defend registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and gain revenue.

There have been several disputes between the central authorities and regional governments regarding internal "passports," identity documents required for obtaining many governmental services. On December 15, the Presidents of Tatarstan, Bashkortostan, and a presidential representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships suspended issuing passports three years ago to protest the failure of new Russian passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language.

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

The city of Moscow frequently is cited by NGO's for violating the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Mayor Luzhkov has in the past called for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of persons who are dark-skinned or appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police fined unregistered persons in excess of legal requirements and did provide proper documentation of the fine. According to HRW, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

In connection with bomb explosions in August and September 1999 which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13, 1999, requiring all temporary residents in Moscow since January 1, 1999 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, and approximately 15,500 were refused. In order to reregister, residents had to demonstrate a legal place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180 hotels, 415 guest houses, and 548 nightclubs and cafes.

Police continued to conduct road checks at train stations, but the number of people detained was reportedly much less than last year. Human rights NGO's claim that authorities detained some 2,000 persons and expelled 500 from Moscow (see Section 1.d).

In April, the Movement for Human Rights in Moscow joined forces with the procurator general to challenge Moscow's registration requirements in Moscow City Court. In September the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. Nevertheless, on September 25 the Moscow City Court ruled that the city's rules on registration were unconstitutional, violating the Constitution's guarantee of freedom of movement. The Supreme Court overturned an earlier similar decision by the Moscow City Court and forced the court to hear the case again. In October the requirement was still in effect, and the practice—which police reportedly use mainly as a threat to extort money—continues.

The 1999 Moscow Helsinki Group's (MHG) human rights report highlighted restrictions placed by the authorities on Meskhetian Turks. During 1989-90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkaria Republic. Authorities in Krasnodar Kray and the Kabardino-Balkaria Republic deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite the provisions of the Constitution that all Meskhetians who were residing in the Soviet Union at the time of its collapse are entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days. According to the MHG, in May 1998 Krasnodar Kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998 it was believed that almost 90 families had left the region for Turkey. Krasnodar human rights groups continue to state that the situation in Krasnodar has not improved. In December, the speaker of the Krasnodar Duma stated in a interview that approximately 30 families had left the region but later returned.

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

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

Another feature of the 1996 law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of five years, and it grants the Interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. There was one report that the provision was applied in a restrictive manner. According to human rights monitors, in 1999 the FSB told Ralsa Isakova, a former researcher at a secret institute in Omsk, that if she did not sign compromising testimony against the Jewish Agency (an NGO that promotes emigration to Israel), her application for an exit visa to Israel would be denied. When she refused to sign, the Ministry of Foreign Affairs informed her that she was ineligible for a visa until 2003.

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

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, was eliminated except for court-ordered obligations such as alimony payments.

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

The current conflict in Chechnya resulted in a large number of internally displaced persons (see Section 1.g.). International organizations estimate that the number of IDPs who left Chechnya as a result of the conflict

reached a total of about 280,000 at peak. Of this total, most of the IDP's went to Ingushetiya (245,000), 6,000 were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in the Republic of Georgia. A total of 20,000 Chechen IDP's were reported to have gone to other regions of the Russian Federation. Reliable information on the number and status of displaced persons within Chechnya itself was especially difficult to obtain due to heavy fighting and limited outside access to the region. At times as many as 200,000 persons were estimated by the UNHCR to be displaced within Chechnya and without access to humanitarian assistance. In addition, 6,000 Dagestani IDP's were reported displaced within Dagestan. At various points during the conflict, authorities restricted the movement of the IDP's fleeing Chechnya. According to some reports by NGO's, border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the press, some displaced persons were transported by bus back to parts of Chechnya that were under Russian Government control. Refugees at the border sometimes had to live in the open, often without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within Chechnya—reportedly required Chechen refugees to pay money to pass. According to UNHCR, authorities early in the year prevented medical supplies for Chechen hospitals from entering Chechnya; however since spring they have been able to do so. Some refugees also had trouble moving about because their documents were lost, stolen, or confiscated by Russian authorities. The NGO Civic Assistance estimated in October that only 141,870 of 171,000 IDP's were able to register and thereby receive aid (see Section 1.g.). In April North Ossetia's Deputy Prime Minister stated that an estimated 15,000 South Ossetian refugees, who fled to North Ossetia from Georgia in the early 1990's to escape ethnic violence, should be sent back to the country. North Ossetian officials claim that refugees occupying sanatoria and tourist facilities have deprived the republic of millions of rubles in income.

Human rights NGO's and press organizations reported that federal and republic authorities at times pressured the IDP's to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into Russian society, left the country, or have been resettled or repatriated. According to the NGO Civic Assistance, as of October, the Government had granted refugee status to only 39 petitioners.

According to UNHCR, as of October, the Government had granted refugee status to 238 petitioners this year. Of the 238, 141 were from outside the CIS countries and 97 were from the "near abroad" or other CIS countries.

According to the UNHCR, between 1993 and November 1999, the Government granted refugee status to only 491 persons from outside the former Soviet Union, including the Baltic states; all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union apart from the Baltic states (mainly ethnic Russians) who were granted refugee status by the former Federal Migration Service (FMS) is 98,188. The Government acted more expeditiously for the latter group and applied a more lenient standard.

The UNHCR and Amnesty International were working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. However, under government reorganization, the FMS was disbanded with its functions and responsibilities transferred to other ministries. There continues to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, Border guards) and would be petitioners.

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

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

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia but not if the passenger is returned to the country of origin.) Human rights organizations allege that Aeroflot improperly deports hundreds of asylum seekers. Until 1998 the

FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully equipped office inside the transit zone, which UNHCR staff are also permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is neither fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the former FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact the UNHCR.

The treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency.

A group of about 1,400 to 2,000 Armenian refugees evacuated from Baku in the wake of late 1980's ethnic violence still are housed in "temporary quarters", usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized. A number of eviction orders already were served in such cases. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December 1999 the Government deported seven North Korean refugees to China in an apparent violation of the Refugee Convention, despite promises to allow them to travel to South Korea for third country resettlement. The exact reason for the return of these refugees is unclear. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

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

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

The Constitution also provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. The judiciary is showing signs of limited independence in cases such as the Supreme Court acquittal of Nikitin, religious freedom cases in a number of reforms dealing with registration, and in the SORM case. Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach for almost all presidential priorities. Competitive elections for various regional and local offices were held during the year, including elections for the chief executives in 44 of the country's 89 regions. Observers generally viewed the elections as free and fair. Challengers were able to defeat incumbents in almost one-third of the races for regional executive positions and losing candidates generally accepted the legitimacy of the voting results. There were problems in a number of regions relating to unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Voters generally had the opportunity to choose among all serious candidates, but a regional court in the Kursk region struck the name of incumbent Governor Aleksandr Rutskey from the ballot for alleged campaign law violations on the eve of the October 22 election. Many observers considered this court action to be politically motivated and arbitrary, particularly in light of similar campaign law violations allegedly committed by other incumbents, but the Supreme Court sustained the lower court decision on appeal.

A democratic election for the President took place in 1996 for the first time in the history of Russia as an independent state. Former President Yeltsin was reelected in a generally free and fair election. After President Yeltsin's December 31, 1999, resignation, Vladimir Putin assumed the post of acting President. In March, in an election that was generally considered to be free and fair, Putin was elected President. While the opposition and the media leveled accusations of widespread election fraud, most international observers concluded that the results of the election were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Problems with voting that did occur were due to a lack of attention to proper procedure or carelessness rather than to premeditation. Vote counting was generally transparent and absent of fraudulent intent.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19, 1999. Elections were conducted in all 89 of the country's regions, including 12 of the 15 districts of the Chechen Republic, where polling was suspended for the Duma elections.

This election had a 69 percent voter turnout, and was the first democratic transfer of power in the country. In spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met.

Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories favorable to their candidate, which allows them to bypass limits on campaign spending. In the final days of the presidential campaign, ORT (at that time aligned with the Presidential Administration) aired a false story reporting on a "grass-roots" initiative by a supposed group of homosexuals to support the Yabloko candidate Grigoriy Yavlinskiy. During the same period ORT aired several investigative reports about Yavlinskiy's supposed financial links to the head of Media-Most, Vladimir Gusinskiy. During these reports, footage of Gusinskiy, who is also the president of the Russian Jewish Congress, showed the Media-Most head in Jewish settings. Critics accuse ORT of playing on anti-Semitic sentiments within Russian society to discredit Yavlinskiy.

In July the Federal Assembly passed legislation according to which regional executive and legislative leaders will appoint members of the Federation Council instead of serving in that body themselves. Also during the year the President appointed high-level presidential representatives to exercise a range of oversight and coordination responsibilities in seven newly established federal districts. He established an advisory State Council consisting of leaders of all 89 regions. The net effect of these modifications to Russia's legislative and administrative structures for democratic development was not entirely clear at year's end.

In March 1999, President Yeltsin signed the Law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal Law on Public Associations. These laws clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates' financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

There were reports of politically motivated violence and intimidation during the gubernatorial campaign in St. Petersburg. Yabloko activists reported that police and others harassed them during the campaign and prevented them from distributing campaign literature. Not long after the presidential elections in March, two Yabloko student activists, Dmitriy Barkovskiy and Konstantin Suzdal, reported an attempt by the FSB to recruit them to spy on the political party. According to press reports, the students were threatened with dismissal from Baltic State Technical University, where they studied, and with conscription to fight in Chechnya if they refused. When they refused, they were expelled from the university. Barkovskiy is currently in hiding.

Human Rights Ombudsman Mironov's office set up a working group to monitor electoral rights violations in both the 1999 Duma elections and 2000 Presidential elections. In August 1999, Mironov called for legislation to increase the transparency of elections funding. To date no legislation has been passed.

Political parties generally are organizationally weak and rise and fall quickly. There are two exceptions - the Communist Party and the pro-Putin "Unity" Party. In December, Putin submitted draft legislation that would require parties to have 10,000 members in order to be registered, with no less than 100 members in each region. The draft law would grant political parties a partial monopoly on running candidates for legislative office, erect serious hurdles for the registration of new political parties and give the executive branch and procuracy broad powers to regulate, investigate, and even close down parties. The law is scheduled for its first review in February 2001.

On November 29, State Duma deputies approved the first reading of a bill that would allow some regional leaders to seek a third and fourth term in office. The bill would amend an existing law, passed in October 1999, that forbids heads of regions to serve more than two terms in office. The law was passed on January 31, 2001.

Women are underrepresented in government and politics. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995. Only one woman, Valentina Matviyenko, serves as a Cabinet Minister.

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

Many domestic and international human rights groups operate freely. Most investigated and publicly commented on human rights problems, generally doing so without government interference or restrictions. Human rights monitors have worked mostly unhindered by authorities in recent years; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied. Officials such as Vladimir Kalamanov and Oleg Mironov regularly interact and cooperate with

NGO's. The level of cooperation tends to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with Government authorities, while those monitoring Chechnya enjoy a more tense relationship. On August 30, a uniformed militia officer and several armed masked men entered the offices of Glasnost Public Foundation, a human rights group that has been critical of official actions in Chechnya and abuses by the security services in general. Activists were planning a conference about the security services at the time of the raid. The authorities held participants on the floor at gunpoint for nearly 40 minutes while they checked documents of individuals and of the foundation. After the press learned of the incident and began to call the Glasnost offices, the security officials left without arresting anyone. Human rights activists viewed this raid as an act of intimidation on the part of authorities.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. Also, the prominent human rights organization Memorial worked with the offices of Vladimir Kalamonov, Special Presidential Representative for human rights in Chechnya, turning to Kalamonov to provide security for trips to the regions.

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

Regional groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

Because of the risk of kidnaping and ongoing military conflict (see Sections 1.b. and 1.g.), NGO's largely withdrew from Chechnya; some still operate but on a limited basis working from Ingushetia.

The Government's human rights institutions lack independence but some of them appear to be making efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile. Since taking office, Ombudsman Oleg Mironov has worked on becoming an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights organizations due to his lack of human rights expertise. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. The effectiveness of Mironov's office in assisting individual victims cannot yet be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer of 1999, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), developed guidelines and materials for teaching human rights to the public. The office also established a section on religious freedom. Perhaps most importantly, Mironov's office has issued four reports detailing human rights abuses in areas ranging from psychiatry to pretrial detention. In eight of the regions, regional human rights ombudsmen established operations in a similar manner as Mironov. In many other regions, human rights commissions were set up. However, the effectiveness of the regional ombudsmen and committees differs significantly from region to region.

The President's Human Rights Commission, now composed primarily of government officials (unlike the 1993-96 commission under Sergey Kovalev, which included a large number of human rights monitors), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions.

The country has yet to comply with the UN Commission on Human Rights (UNCHR) resolution on Chechnya provisions to facilitate visits to the region by UN special rapporteurs and special representatives of the Secretary General. The country reportedly invited only the Special Representative for Children and Armed Conflict, and Special Rapporteur for Violence against Women, but explicitly de-linked these invitations to the resolution. The country did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, or the Special Representative of the Secretary-General on Internally Displaced Persons.

Citizens can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human

rights violations that occurred after Russia's May 5, 1998, accession to the Council of Europe. Complainants need no longer exhaust all appeals in Russian courts before they can turn to the European Court. According to the press, the ECHR received 914 complaints from Russia, 60 of which are based on human rights violations in Chechnya. However, because the Government refused so far to respond to the initial complaints accepted by the ECHR (a procedural requirement), no cases have yet been heard.

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

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

Women

Domestic violence remains a major problem, since victims rarely have recourse to protection from the authorities. Police frequently are reluctant or unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family. No reliable statistics exist to evaluate the true extent of the problem. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Women's NGO monitor Yelena Yershova has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair. In the first six months of the year, 4,787 persons were convicted of rape.

There are no current statistics on the reported rape or attempted rape of women. The Ministry of Interior states that in 1998 there were 9,014 cases of rape and attempted rape reported. In 1998 a HRW Europe researcher estimated that only 5 to 10 percent of rapes are reported to police. HRW further reported that Yekaterina Lakhova, former President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, HRW notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the details of a sexual assault, fearing that they may be required to spend long periods in court.

Trafficking of women for sexual exploitation is a very serious problem, particularly because of lack of adequate employment opportunities. Reliable statistics on the number of women involved are difficult to obtain (see Sections 6.c. and 6.f.).

Despite serious problems and difficulties in addressing these problems, many effective projects are underway. Approximately 40 crisis centers for women are in operation throughout the country, and their number continues to grow. The crisis centers formed an association in order to coordinate their efforts better, and they chose Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference September 1999, in Moscow. Since the conference, ANNA has been working with the Ministry of Interior to organize a class to educate police on domestic violence. Nongovernmental work in this area is recognized and supported by several government entities.

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

Credible evidence suggests that women encounter considerable discrimination in employment. NGO's continue to accuse the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Article 19 of the Constitution states that men and women have equal rights and opportunities to pursue those rights. In addition Article 2 of the labor code prohibits discrimination, further stating that every person has the right for equal pay for equal work. Employers prefer to hire men, thereby saving on maternity and child-care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. The problem of age-based discrimination is very relevant to women. Employers try to avoid the requirement of a three year paid maternity leave for childcare. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no recent substantial research in this area, so exact figures are difficult to ascertain.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Women's average incomes generally are estimated to be significantly below average male incomes. Professions

dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 10.2 percent of the workforce, also disproportionately affects women.

In July 1999, Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code; the law was ruled unconstitutional.

Children

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

The educational system includes both private and public institutions. Children have the right to free education until the 11th grade (approximately 17 years old). Students are obligated to stay in school until the 9th grade. Boys and girls are treated equally in the school system. Health care for children is legally free, although the quality varies and individuals incur significant out of pocket expenses.

A Family Code regulating children's rights and marriage and divorce issues came into effect in 1996; however, implementation of the code has been slow. Many Moscow charitable organizations established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million. Oleg Zykov, head of the No to Alcoholism and Drug Abuse Foundation, estimates that there are about 15,000 street children in Moscow alone. The St. Petersburg NGO Perspektiva estimate that about 3,000 children are actively involved in street life there and that 500 to 600 of these actually live on the streets. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to prostitution in order to survive (see Section 6.f.).

An estimated 50,000 children run away from their homes each year. The main reasons children run away appear to be family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Many officials consider domestic problems as private and prefer not to interfere.

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

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

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled important information. Many NGO's including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage and have been implemented by regional governments with the help of international donors.

A 1997 report by the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster

families increased by 46 percent (most children are related to the members of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

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

The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Boris Altshuler of the Rights of the Child Program has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions. Ombudsmen can only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Trafficking in children and young girls is a problem (see Sections 6.c. and 6.f.).

Conditions for children in prisons and pretrial detention are a problem (see Sections 1.c. and 1.d.)

People With Disabilities

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

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

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

Indigenous People

Until its abolition by presidential decree on September 22, 1998, the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. A 1999 bill, signed into law by President Yeltsin, on indigenous ethnic communities, provides them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. In some areas local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

Religious Minorities

Incidents of societal violence apparently based on religious belief decreased this year. Nevertheless, some serious incidents were recorded. On August 20, a group of extremists in Volgograd accosted a group of Mormons, beat four Russian members and threatened foreign missionaries. The same day, the same group similarly attacked Jehovah's Witnesses in Volgograd, beating a minister with a "Cossack" whip. Members of the victimized groups have accused the authorities of being slow to investigate these incidents and make arrests. To date there has been no prosecution in the Volgograd incidents despite the fact that the identity of at least one of the accused perpetrators is known to authorities. On September 17, a group of extremists burst into a school in Ryazan where Jewish classes were being held and smashed windows, furniture, and an art exhibit made by the children, shouting death threats at the teachers present. Subsequent to the attack, the extremists left slogans on the school threatening to return and kill all the Jews. Police and local administration officials initially appeared to dismiss the case. Only after international and Moscow media began to probe the case did the authorities announce that four suspects were identified and would be charged with "hooliganism." As of October, local officials reported that they had identified and detained one suspect, but that he had inexplicably disappeared. An editor of the local newspaper Vecherni-Ryazan was threatened with dismissal for publishing an article related to the incident. There have been no developments in solving the bombings of two Moscow synagogues in May 1999 and in July 1999.

As foreign or so-called nontraditional religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks.

During the Jubilee Bishops' Conference of the Russian Orthodox Church, August 13-16, the Church issued a document entitled "Fundamental Principles of the Russian Orthodox Church's Relations with Other Faiths." In the document the Church identifies denominations such as the Jehovah's Witnesses and Mormons as proselytizing "cults" whose operations on the "canonical" territory of Russia must be stopped. According to the document, the mission of other "traditional" confessions is possible only under the condition that they refrain from proselytizing or tempt the faithful away from the Church with material goods. Occasionally opposition to the dissemination of information came from religious groups. From time to time the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Minority religious groups frequently complain of discriminatory stories in the media. Newspapers have published sensational or biased articles criticizing both traditional and nontraditional religious minorities. In October Russian Muslim groups complained of biased portrayal of Russian Muslims in a Russian State Television documentary entitled "Half Moon in the Caucasus." The documentary, Muslims claim, exaggerated the influence of radicals and implied that all Muslims were working to support the Chechen separatists.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than during the Soviet period, the number of Jews emigrating to Israel for economic and other reasons increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews—80 percent—live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities were criticized for insufficient action to counter it.

Several reports of acts of intimidation were linked to anti-Semitic groups or motives during the year. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryazan, and Krasnodar. On September 7, an anti-Semitic article appeared on the pages of the prominent daily Nezavisimaya Gazeta, reportedly authored by Kremlin official Aleksandr Ignatov. In the article, Ignatov refers to a "Chesidic para-Masonic" group standing behind "world government" and globalization. Ministry of Foreign Affairs officials reported in October that no one by that name was employed in the Presidential administration and that an internal investigation was under way (see Section 2.c.). The attack in Ryazan on a Jewish School was one of the first incidents of its kind during the year. The attack was followed by the publication of an extremely anti-Semitic article in the Vecherniy Ryazan, a local newspaper, accusing the local Jewish organization of orchestrating the attack to gain publicity and foreign financial support. A Jewish cemetery in Nizhny Novgorod was vandalized in July. Police apprehended the juvenile offenders within 2 weeks, earning support from the local Jewish community, and received a reward from FEOR. On September 29, an orthodox Jew associated with the Moscow Choral Synagogue was attacked by a group of "skin heads". Similar attacks have occurred on Africans and African-Americans in Moscow and other cities.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appeared to have splintered and lost some of its support in the regions. The group ousted Barkashov in September, and several of its affiliates split off from the organization, unhappy with the current leadership. The RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, the RNE managed to get a representative elected to the local administration in Saratov. In Borovichi the RNE and another local Fascist group, Mertvaya Voda, were active, according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and displayed anti-Semitic posters. The local Borovichi Duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April 1999, officials from the Borovichi city administration invited the Harold Light Center, a Jewish NGO, to present

a 2-day seminar on combating anti-Semitism and extremism. In August, a group of city and regional officials traveled to San Francisco to meet with law enforcement officials dealing with hate crimes, and in October the San Francisco officials traveled to Russia and participated in a hate-crimes seminar with their Russian colleagues.

Jewish NGO's claimed that anti-Semitic themes figured on the eve of the presidential elections, citing ORT's airing of a report showing opposition figure Grigori Yavlinskiy supported by Jewish leader Vladimir Gusinskiy, wearing a yamulke and participating in a meeting with Jewish leaders (Rabbis included) in a cynical attempt to discredit Yavlinskiy among those who would find the association troublesome.

A prominent public figure who regularly used anti-Semitic remarks was former Krasnodar region governor Nikolay Kondratenko (see Section 2.c.).

National/Racial/Ethnic Minorities

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

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. Police reportedly beat, harassed, and solicited bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Discrimination against persons from the Caucasus and Central Asia also increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the August 1999 bombing in Moscow. In Moscow such persons are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police.

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. Arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police. On October 21, a group of "skinheads" in Moscow attacked Vietnamese residents in front of their dormitory. When Vietnamese residents poured out of the dormitory to assist in fending off the attackers, police intervened to protect the "skinheads". No arrests were made.

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. In July 1999, 10 cases were opened, and courts have ruled on 9 of them. Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

In February 1999, the republican legislature in Bashkortostan passed a law naming Bashkir and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters. The law still remains in effect.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right continue to arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Approximately 55 percent of the work force is unionized (of an estimated 72.4 million workers), and approximately 4 percent of union members belong to independent unions. However, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Union membership overall has fallen as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR claims that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 60 percent is a more accurate estimate. The FNPR thus largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The

majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership presently vary depending on union affiliation and generally discourage the formation of new unions. These benefits are largely financed by the Social Insurance Fund. As the largest group of trade unions, FNPR enjoys a privileged position with regard to the distribution of state funds at the municipal, oblast, and federal levels. It routinely decides who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members. However, the new tax code, effective January 1, 2001, will include a single social tax and essentially end trade union control over the distribution of social benefits at the federal level. FNPR sees this as a threat to its dominant role. Other trade unions worry that a consolidation of social security assets in the federal budget and an additional layer of bureaucracy in the distribution of benefits will lead to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year. However, the enforcement of these court decisions remains a problem. Moreover, most workers do not understand or have faith in the legal structure, fear possible retaliation, and thus are reluctant to bring cases to court. For example, the Association of Flight Personnel at Vnukovo Airport (an independent union) won an out-of-court dispute over unpaid monthly bonuses in December 1998. Members of the union, who numbered 100 at the time, subsequently found themselves excluded from the list of payees. The only reason appeared to be their union membership, as those who quit the union immediately received bonuses. In January 1999, the union filed a lawsuit. After several postponements, management agreed in March to pay the remaining 10 members bonuses owed since December 1998.

Management and FNPR local unions often work together to discourage the establishment of new unions. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" where a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union. The municipal court refused to hear the case. The chairman appealed the decision to the Oblast Court, which ruled in her favor. The case has been sent back to the lower court for review.

In accordance with the federal Law on Public Organizations, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July. The registration procedure for NGO's requires that the local departments of justice check all articles of charter documents for compliance with existing laws. However, the registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Departments of Justice throughout Russia have ignored the procedures set out by this law and continually refused to register new unions by requiring changes in charter documents or confirmation of attendance at founding conferences. In one case in Sverdlovsk Oblast, the local Department of Justice demanded that founders of a trade union sign again the founding documents in the presence of a Justice Department official, a procedure not required in any law. Such practices have prevented the registration of new unions or the reregistration of existing ones.

Department of Justice officials extended their authority far beyond the letter of the law and in some cases canceled the registration of unions. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. The Supreme Arbitration Court in June canceled the initial ruling and sent the case back to the lower court for review. Recovery of registration will allow the union to again become a legal entity and reinstate its chairman, who had been illegally fired. In March the leader of a union of ambulance drivers in Nizhny Tagil received a warning from the local procurator's office, demanding that she stop interfering with the work of her ambulance depot. The municipal court ruled that the leader be fined. The leader appealed the case, and the Sverdlovsk Oblast Court ruled in her favor in May. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on the nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired while on strike. Prior to 1999, collective actions on this issue were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments.

The right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The Russian Law on Resolution of Collective Labor Disputes specifies that if a strike could affect the safety or health of citizens, then a minimum level of essential services must be provided. Under such a definition, it is difficult to exclude any public sector employees. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case, the local executive authority simply decrees the minimal services. The local executive authority also often sets the minimal level of essential services at roughly the same level as the average work load. Moreover, the civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are also common, although strictly prohibited by law. In August 1998, workers at

St. Petersburg's Oktyabrskaya Railroad declared a strike over nonpayment of wages, management's refusal to conduct collective bargaining with the local union, and noncompliance with health and safety standards. Strike participants were sent on forced leave with reduced pay. Management claimed there was no work for them at the depot. The workers filed cases against management, but the local court ruled against them in April. All participants in the strike have been subject to transfer to "idle time" due to low ticket sales.

In 1995 transportation unions complained that because transportation can be considered an essential service that must be provided under law, their right to strike is denied. The Constitutional Court agreed and found that banning industry-wide strikes was unconstitutional and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal Law on Railways banned railway strikes in contradiction to the Constitution. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in 1999 to ban all strikes in the air traffic sector. In addition to the railway and air traffic sector, strikes are banned by workers at nuclear power stations and by members of the military, militia, government agencies, and disaster assistance organizations.

Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In January the death of a youth in Polevskoy allegedly was due to the trade union activism of his parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local prosecutor's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position. There were no further developments in the investigation of the son's death by year's end.

According to an International Labor Organization report, on January 27, 1999, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. To date, there have been no significant developments in this case, and it reportedly is still open.

There were no prolonged strikes during the year. According to official statistics, wage arrears in the first half of the year fell by over 80 percent in real terms when compared with the same period in 1998. Nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. The number of strikes fell by 25 percent in 1999 and continued to fall this year. Unions may freely form federations and affiliate with international bodies.

b. The Right to Bargain Collectively

The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers have successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. However, some progress has been made in this area. In December 1999, the trade union of employees of the State TV and Radio Company filed suit against management because of the latter's refusal to enter into collective bargaining negotiations. Management demanded that the union prove it was authorized to participate in collective bargaining, which it did twice. The court ruled that management should start negotiating a collective bargaining agreement. Management appealed the ruling, but the higher court left the decision unchanged—a significant victory for the trade union.

An estimated 14 percent of enterprises have officially registered collective bargaining agreements. (FNPR claims that approximately 80 percent of its enterprises have such agreements.) It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. A lack of clear identification under the Law of the Employer has made nonbinding tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December the Duma was scheduled to consider two draft versions of a new Labor Code. The Government proposed the first in 1999, while prounion deputies in the Duma support the second. The government draft seeks to increase labor mobility and reduce the so-called gray economy. However, trade unionists view the government draft as antiunion and fear that it will undercut collective bargaining because of its emphasis on individual labor agreements, provision for entities other than unions to represent workers, and restrictions of collective bargaining to legal entities that essentially eliminate local trade union representation. The prounion draft strengthens trade union rights and guarantees for workers, including repayment of delayed wages with interest and employees' right to stop working if payment is delayed more than 10 days.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its use relative to adults. Officers have reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. Women are trafficked from the country for the purpose of forced prostitution (see Sections 5 and 6.f.). There were no reports of forced or bonded labor by children.

According to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

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

The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs may not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor issues. Local police authorities are responsible for conducting inspections of entities suspected of violating child labor laws; however, investigations are entirely complaint-driven.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. However, the transition from a planned to a market economy has brought with it drastic economic, political, and social changes. An increase in the number of children working and living on the streets is largely the result of deterioration in the social service infrastructure, including access to education and health care. In some cases, economic hardship has undermined traditions and social customs, and eroded the protection families traditionally provided to children. Homeless children are especially at risk for exploitation in prostitution or criminal activities. Children often are used by their parents to lend credence to their poverty when begging.

The Government prohibits forced and bonded labor by children; however, some girls were trafficked abroad for the purpose of forced prostitution (see Section 6.f.).

e. Acceptable Conditions of Work

The monthly minimum wage of \$4.70 (132 rubles) remains well below the official subsistence level of \$35 (1,234 rubles) per month and is insufficient to provide a decent standard of living for a worker and family. Approximately 37 percent of the population have incomes below this survival minimum, compared with 38 percent in 1999. Most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. According to Ministry of Labor statistics, unreported wages currently account for about 12 percent of the gross domestic product. Legally paid wages account only about 36 percent of the total income of citizens. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence on such subsidies, in conjunction with the residency registration system—illegal but widely practiced—generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers.

Despite a steady decline since the 1998 crisis, the nonpayment of wages continues to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears at the end of November remained high and equaled over \$1 billion (36.8 billion rubles). While some enterprises still force their employees to take wages in barter, the practice is much less prevalent than in the period before or immediately after the 1998 financial crisis. The International Confederation of Trade Unions (ICTU) contends that the total bill of wage arrears is now more than \$15 billion.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Labor mobility continues to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were destroyed by the rampant inflation of the early 1990's and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits. Other workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimal conditions for workplace safety and worker health, but these standards often are not enforced. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remain limited for safety and health in the workplace.

The Labor Code guarantees workers the right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety. There continue to be reported cases of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

The risk of industrial accidents or death for workers remains high, although reliable recent statistics on accident and death rates at the workplace are not available. After repeated requests went unanswered, members of a St. Petersburg local locomotive engineers' union this year sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. Hearing of the case has been postponed.

f. Trafficking in Persons

Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope. There is no special legislation nor has the Government established special task forces on the issue. However, there are several articles of the Criminal Code that relate to trafficking of persons. For example, Article 322, the principal legal statute against trafficking in persons, provides for punishment of up to 5 years' imprisonment for unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." Crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years. Regarding trafficking of women, Article 133 prohibits forcing a person into sexual activity; Article 240 prohibits drawing a person into prostitution by force or threat of force, and Article 241 prohibits the organization and maintenance of a house of prostitution. Prostitution itself is not illegal in the country.

Russia is a country of origin for trafficking in persons, especially in the trafficking of women. However, the authorities often dispute the extent to which trafficking occurs, and who believe that estimates are based on too little information. The difficulty is that law enforcement bodies consider that most of the illegal activity takes place outside its borders and therefore is not within their jurisdiction. The country also serves as a transit and destination country for a large portion of women trafficked from the New Independent States to Western Europe. There are reports that women from Tajikistan are trafficked to Russia. Women reportedly are trafficked to European Union countries, the Middle East, Asia, and the United States. Reportedly women also are trafficked within the country. Women (most often young girls) usually are transferred from provincial areas to Moscow and St. Petersburg.

Due to a continuing lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Women often respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. A comprehensive 2-year study of trafficking in the former Soviet Union, completed in 1997 by the Global Survival Network, an international NGO, remains one of the few sources of information on the scope of this problem. The study concluded that most women who are trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. According to data from the Ministry of Internal Affairs, more than half of the women engaged in prostitution abroad learned about the nature of their future occupation before leaving the country. NGO's contend that women are more often told they are would be hostesses, exotic dancers, hotel workers, models, etc. They further claim that even those who agreed to be sex workers did not agree to the kinds of working and living conditions to which they were subjected, or to the loss of their documentation and the lack of pay. According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work without pay because their passports are held by firms which brought them into the country.

There are no known specific measures undertaken by law enforcement bodies in order to prevent the export of

women for the purpose of sexual exploitation. The criminal persecution of representatives of the "business" usually takes place in connection with cases whose investigation is performed within the framework of cooperation with international law enforcement structures. The Ministry of the Interior believes that the "trafficking in women" problem is the responsibility of the Ministry of Foreign Affairs and Consular Services abroad. However, NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women rarely seek the assistance of local authorities nor do they file complaints against the agencies that recruited them once they are back in the country because they often do not trust the law enforcement authorities.

The Government does not provide assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO's that render assistance to women victims of sexual and other kinds of abuse. There are 40 crisis centers and NGO's that render assistance to female victims of sexual and other kinds of abuse.

There are no Government initiatives to return trafficked women. Unless deported by the host country, women must pay their own way home. Some women who return have reportedly told NGO's that they were unable to communicate with local law enforcement in their destination country. Women reported that their documentation was withheld and that without it they were not able to gain assistance from the Russian consulates.

There are also reports of officers "selling" soldiers. The Union of Soldiers' Mothers Committee reported in October that this practice remains widespread, especially in Chechnya. According to the Committee, they received reports that the going rate for a soldier was \$2 (50 rubles). In one egregious case in September, a soldier in Chechnya reportedly was purchased for 10 bottles of vodka (see Section 1.c.).

Law enforcement bodies take the trafficking of children more seriously. There are reports of children being kidnaped or purchased from orphanages for sexual abuse, child pornography, and body parts. There are no statistics available, but law enforcement acknowledge that Internet child pornography is an increasing business. There is also some evidence of trafficking for organs and body parts. In a much publicized case near Moscow, police set up an undercover operation which resulted in the arrest of a grandmother and uncle of an 8 year old boy, who had sold the child for \$90,000 to persons who admitted they wanted the boy for sale of his body parts.

[End.]

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