

## Russia<sup>1</sup>

**IHF FOCUS: freedom of expression; freedom of the media; freedom of association and peaceful assembly; judicial system; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; religious intolerance; conscientious objection; migrants; international humanitarian law; displaced persons.**

In 2002 the “fight against terrorism” played a decisive role in government policies and impacted negatively on Russia’s human rights record. Internationally, the Russian government sought to justify its abusive policies in Chechnya with the need to combat terrorism and escaped international censure for violations of international human rights and humanitarian law committed by its forces there.<sup>2</sup> Despite the insecurity and lawlessness that prevailed in Chechnya, the authorities stepped up pressure on displaced Chechens residing in Ingushetia to return home.

In the immediate aftermath of the October hostage-taking crisis in Moscow, the authorities failed to provide adequate medical assistance to rescued hostages, which could have saved the lives of many of the 129 hostages who died. The authorities also attempted to censor media coverage of the crisis.

Under the pretext of fighting terrorism and other forms of “extremist” activities, the government introduced a new anti-extremism law. Its provisions gave rise to concern that they may be used to prohibit legitimate activities that run counter to government policies. At the same time, law enforcement authorities failed adequately to investigate and prosecute perpetrators of increasing levels of ethnic and racially motivated violence. In the wake of the hostage-taking crisis, hostility against Chechens and other people from the Caucasus region reached a peak, and the police carried out a wave of arbitrary raids and detentions among Chechen communities in Moscow and elsewhere.

In a positive development, authorities released Grigory Pasko in early 2003. However, several other alleged “spies” targeted by the Federal Security Services (FSB) remained imprisoned, including Igor Sutyagin. A high number of killings of journalists reflected the increasingly serious pressure being placed on independent media and journalists by both state and non-state actors.

A new Criminal Procedure Code introduced a number of positive amendments to the previous version, but it remained unclear whether these positive provisions, such as the emphasis on alternatives to pre-trial detention, would be implemented in practice. Torture remained a widespread problem, and human rights groups continued to report that conditions in the country’s detention facilities were degrading and inhumane.

The government proposed a new bill on religious organizations aimed at consolidating the position of traditional churches, in particular the Russian Orthodox Church, at the cost of minority religions. The government finally adopted a law on alternative civilian service to conscription in the armed forces, but its provisions were considered punitive and discriminatory in character. As part of a strategy to counteract declining birth rates, the government also pushed through new legislation that made it easier for Russian-speakers from other former Soviet republics to obtain citizenship in the country.

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<sup>1</sup> Unless otherwise noted, based on information from the Moscow Helsinki Group (MHG) to the IHF.

<sup>2</sup> For more information, see the chapter on Human Rights Abuses in Central Asia and Chechnya: the International Response After September 11 in IHF, *Anti-Terrorism Measures, Security and Human Rights – Developments in Europe, Central Asia and North America in the Aftermath of September 11*, April 2003, at [www.ihf-hr.org/viewbinary/viewdocument.php?doc\\_id=928](http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=928)

## The Moscow Hostage Taking

In an event categorically condemned by the IHF and the Moscow Helsinki Group (MHG),<sup>3</sup> on October 23, forty-one Chechen fighters seized the building of the Dubrovka Theatre in Moscow during a performance of the popular “Nord-Ost” musical and took more than 800 spectators, staff members, musicians and actors hostage. The fighters, who included 19 women, were depicted on television wearing explosive belts and threatened to blow up the theatre unless the government ended the war in Chechnya and withdrew its forces from the region. The crisis lasted 72 hours, during which time the armed fighters killed several people and released 98 hostages, primarily women, children and foreigners. Early in the morning of October 26, special police forces pumped a special gas into the theatre and stormed the building. During the operation, the special forces killed all fighters, while 129 hostages died, almost all due to the effects of the sedative gas.

The authorities described the operation as “successful” and “effective” and concluded that the civilian deaths were “inevitable.” However, media and other independent reports, including an unofficial investigation carried out by the political opposition,<sup>4</sup> criticized the failure of the authorities to provide the hostages with adequate first aid and medical treatment. In particular, these reports criticized the authorities for not informing medical workers outside the theatre in advance that a sedative gas would be used in the operation and for not informing doctors who later treated the hostages about the exact type of gas used.<sup>5</sup> The authorities dismissed demands to officially investigate these shortcomings.

## Freedom of Expression

### “Spy-mania”

The FSB continued to pursue “spy” cases against scientists and journalists. In some cases, scientists and journalists with contacts abroad were charged with espionage or treason despite evidence that indicated that they had used solely non-classified information in their research. This raised concern that these persons were prosecuted for the peaceful exercise of freedom of expression or academic freedom. The legal proceedings against the alleged “spies” were typically lengthy and involved repeated delays because the cases were remitted for “further investigation” by the prosecution. They were also characterized by procedural irregularities and fair trial violations.

- Grigory Pasko, a former military journalist, spent the year in prison but was released in early 2003. Pasko was first arrested in 1997. In 1999 he was acquitted of espionage and treason, but sentenced to three years in prison for abusing his position. As he had already spent 20 months in pre-trial detention, he was immediately released. However, in 2000 his case was sent back to the court of first instance, and, following a procedure that seriously violated due process standards, he was sentenced to four years in prison for high treason in December 2001. According to the verdict, which was based on a secret military decree, Pasko had intended to pass to foreign media

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<sup>3</sup> See IHF, “IHF condemns hostage taking, warns against ethnically motivated backlash,” October 24, 2002, at [www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=911](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=911)

<sup>4</sup> With permission of the president, the Union of Right Wing Forces in the Duma carried out its own investigation. Since the investigation was done unofficially, those participating in it did not manage to get comments from all relevant officials.

<sup>5</sup> See, for example, *Moscow Times*, Simon Saraddzhyan, *Paper: Dubrovka Hostage-Takers Planned More Hits*, April 24, 2003, p. 3.

information that would have “weakened the battle readiness of the Russian Pacific Fleet.”<sup>6</sup> Following this sentence, President Putin encouraged Pasko to seek pardon. However, he rejected this offer, arguing that it would be tantamount to admitting his guilt.<sup>7</sup> On June 25, 2002 the Supreme Court upheld the ruling against Pasko. From December 2001 to September 2002 he was held in solitary confinement in a cell that lacked heating and adequate light in a detention center in Vladivostok.<sup>8</sup> In September 2002 he was transferred to a labor camp in Ussuirysk, a city located some 100 kilometers from Vladivostok.<sup>9</sup> He reportedly fell ill during his detention and was allowed contact with his wife only once every three months. In January 2003, an Ussuirysk court ordered that Pasko be released on grounds of “good behavior,” a ruling that was possible since he had already served two thirds of his sentence, including his time in pre-trial detention.<sup>10</sup> While welcoming his clients’ release, Pasko’s lawyer stated that they would continue their struggle to clear his name. As of February 2003, the chairman of the Supreme Court was yet to rule on an appeal submitted by Pasko and his lawyer.<sup>11</sup> The European Court of Human Rights also declared the case admissible and was expected to take a decision by the end of 2003.<sup>12</sup>

- Igor Sutyagin, an expert on military affairs at the Institute of US and Canada Studies at the Russian Academy of Science, remained in detention pending trial. Sutyagin was arrested in late 1999 on charges of high treason. The charges against him related to a research project he carried out for a London-based organization called Alternative Futures. Although this project involved summarizing and analyzing articles about the military that had already been published by Russian media, the FSB accused him of passing on classified military information to foreign citizens. In December 2001, a Kaluga court held that the FSB had failed to present sufficient evidence to support the charges against Sutyagin, and had denied him the right to a due procedure and the right to defend himself. However, in spite of this opinion, the court did not acquit Sutyagin, but sent the case back to the FSB for further investigation and ordered that he should remain in pre-trial detention during the investigation. In March 2002, the Supreme Court upheld the preliminary Kaluga court ruling upon appeal by the defense. In June, the central FSB office in Moscow took over the responsibility for the investigation from the local FSB branch in Kaluga and transferred Sutyagin to a Moscow prison. In October Sutyagin had already spent the maximum period of pre-trial detention that was permitted under Russian law - 18 months. However, a Moscow city court ruled that he should stay in detention pending trial, a decision that was later upheld by the Supreme Court. In their rulings the courts backed the FSB, which argued that Sutyagin might flee the country if released since he had an “open-ended visa to Italy.” The defense dismissed this argument as absurd, and alleged that the FSB had fabricated the document supposed to prove the visa claim. Sutyagin’s health has reportedly deteriorated considerably during his time in pre-trial detention, in which conditions are notoriously poor in Russia.<sup>13</sup>

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<sup>6</sup> Amnesty International (AI), “Russia: Grigory Pasko gets four years in a labour camp for speaking out for the environment,” January 1, 2002, at

<http://web.amnesty.org/library/Index/ENGEUR460012002?open&of=ENG-RUS>.

<sup>7</sup> *RFE/RL Media Matters*, Volume 2, No. 3, January 18, 2002.

<sup>8</sup> Reporters without Borders, “Release of journalist Grigory Pasko,” January 23, 2003.

<sup>9</sup> *RFE/RL Newslines*, September 20, 2002.

<sup>10</sup> Reporters without Borders, “Release of journalist Grigory Pasko,” January 23, 2003.

<sup>11</sup> *RFE/RL Newslines*, January 23, 2003.

<sup>12</sup> AI press release, “Released Grigory Pasko reiterates his innocence,” January 23, 2003, at

<http://web.amnesty.org/library/Index/ENGEUR460082003?open&of=ENG-RUS>.

<sup>13</sup> This section is based on information from the Russian B-52 and the Science and Human Rights Program of the American Association for the Advancement of Science, both of which have followed

## Freedom of the Media

### *The Case of TV-6*

Following the take-over in 2001 of the independent television station NTV by the state-controlled energy company Gazprom,<sup>14</sup> TV-6 remained the only independent nationwide television channel in Russia. However, in early 2002, TV-6 was forced off air. This was the result of a controversial legal process initiated in 2001 by a minority shareholder with government affiliations. The minority shareholder, Lukoil-Garant, filed a suit against the corporation running the television channel, arguing that it was insolvent. It was believed that TV-6, whose major owner was an exiled media magnate in opposition to the government, was silenced because of its critical reporting.<sup>15</sup> Following the closure of TV-6, the government announced that a tender for the broadcasting rights on the frequency held by the television channel would be organized in March.

Backed by about a dozen investors and prominent businessmen, the former general director of TV-6, Yevgenii Kiselev, and his team of journalists registered a new channel – Channel Six – and submitted a tender bid. However, shortly before the deadline for submitting tender bids expired, the group withdrew its bid and joined forces with another competitor for the frequency, a non-profit group called Medium-Socium. This group had been established by former Prime Minister Yevgenii Primakov, now head of the Russian Chamber of Commerce, and Anatolii Volsky, president of the Russian Union of Industrialists. Reportedly the government was actively involved in the merger of the two groups and approved of the deal that was reached between them. On March 27, the united Channel Six-Medium-Socium won the tender, and on June 1 the company's new television channel, TVS, went on air.

Following the merger with Medium-Socium, Yevgenii Kiselev said that the two parties had reached full agreement on the legal safeguards necessary to protect the editorial policy of his team.<sup>16</sup> However, the objectivity of the new channel, whose management included a number of pro-government business magnates, was widely questioned.

In July the Federal Arbitration Tribunal in Moscow ruled that the January decision to force TV-6 off air was illegal. At the time of writing, the Supreme Arbitration Tribunal had yet to consider this ruling on appeal.

### *Harassment against Independent Media and Journalists*

In many regions, print and electronic media were almost fully dependent on local politicians or businessmen who controlled access to broadcasting facilities, printing houses and office locations. Moreover, throughout the country, state and non-state actors subjected

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Sutyagin's case closely. The web pages of these organizations can be found at [www.case52.org/](http://www.case52.org/) and [http://shr.aaas.org/aaashran/victim.php?p\\_id=76](http://shr.aaas.org/aaashran/victim.php?p_id=76) respectively.

<sup>14</sup> For more information, see IHF, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2002: Russia*, at [www.ihf-hr.org/viewbinary/viewdocument.php?doc\\_id=84](http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=84).

<sup>15</sup> For more information about the process resulting in the closing down of TV-6 see, IHF, op.cit.

<sup>16</sup> "TV6 Group Drops Its Bid, Teams Up With Primakov," *Moscow Times*, March 11, 2002.

media outlets and journalists engaging in critical reporting to pressure and harassment, including in the form of libel suits and violent attacks.<sup>17</sup>

According to the Russian Glasnost Defense Foundation, 19 journalists died of “unnatural causes” in the country during the year. While the foundation did not suggest that all of these cases involved murder, it noted that: “in many cases the circumstances surrounding the journalists’ deaths look very strange, and in some cases their deaths were preceded by threats and pressure.”<sup>18</sup> Western media watchdogs again counted seven cases where journalists were killed in Russia in 2001, and concluded that Russia was the second most dangerous country in the world for journalists to work in.<sup>19</sup> The investigations into the deaths of journalists were often slow and ineffective.<sup>20</sup> In at least two cases, journalists were apparently murdered because of their professional activities:

- On March 8, Natalya Skryl, a reporter for *Nashe Vremia*, was attacked in the city of Taganrov, just outside Rostov-on-Don. The unknown assailant(s) attacked her from behind and hit her several times on the head with a heavy, blunt object. As a result, she sustained a serious head injury and lost consciousness. The following day she died in hospital. Skryl’s assailants did not take her jewelry or the large sum of money that she was carrying, which was a strong indication of the political nature of the attack. The editor-in-chief of *Nashe Vremia* believed that Skryl was killed because of her investigations into the struggle for control over one of the major industrial plants in the region. The local authorities opened an investigation into the case, but reportedly closed it in July, without establishing a motive for the murder or identifying the perpetrator.<sup>21</sup>
- On April 29, Valery Ivanov, editor of the newspaper *Tolyatinskoye Obozreniye*, was shot dead in the city of Togliatti in southern Russia. The 32-year-old Ivanov was shot in the head eight times getting into his car outside his home. The attacker used a gun with a silencer and ran away from the scene on foot. Ivanov’s colleagues alleged that he had been murdered because of his investigative reporting, which covered organized crime, drug trafficking and corruption. Local police opened an investigation into the case, but as of the end of the year, their investigation had not resulted in the perpetrator(s) being brought to justice.<sup>22</sup>

Developments related to the October hostage crisis in Moscow resulted in heightened pressure on the media. Many media outlets covered the hostage-taking intensively, and did not restrict their reporting to information provided by the government. Apparently irritated by this “boldness,” the authorities took a number of measures aimed at censoring media coverage

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<sup>17</sup> See, for example, Donald Jensen, Kremlin-style News Management, *RFE/RL Media Matters*, Vol. 3, No. 1, January 10, 2003; and International Press Institute (IPI), 2002 *World Press Freedom Review: Russia*, at [www.freemedia.at/wpfr/world.html](http://www.freemedia.at/wpfr/world.html)

<sup>18</sup> Interfax, “Almost 150 reporters have died of unnatural causes in last decade,” January 14, 2003.

<sup>19</sup> International Federation for Journalists, *Journalists and Media Staff Killed in 2002 – an IFJ Report on Media Casualties in the Field of Journalism and Newsgathering*, December 2002, at [www.ifj.org/hrights/killlist/Killreport2002.pdf](http://www.ifj.org/hrights/killlist/Killreport2002.pdf); and Canadian Journalists for Free Expression, “Casualties of Truth,” December 30, 2002, at [www.cjfe.org/specials/attacks02/attacks02.doc](http://www.cjfe.org/specials/attacks02/attacks02.doc)

<sup>20</sup> See IPI, *Watch List Russia, Update*, November 2002; and protest letter to President Vladimir Putin, August 1, 2002.

<sup>21</sup> Committee to Protect Journalists, “Journalists killed in 2002,” January 2003, at [www.cpj.org/killed/Ten\\_Year\\_Killed/2002\\_list.html](http://www.cpj.org/killed/Ten_Year_Killed/2002_list.html); CPJ, “CPJ condemns murder of journalist in Rostov region,” March 13, 2002; Reporters without Borders, “Journalist killed, another escapes assassination attempt,” March 12, 2002; and “Regional Journalist Killed,” *RFE/RL Media Matters*, March 15, 2002.

<sup>22</sup> CPJ, “Journalists killed in 2002,” January 2003; CPJ, “Regional Newspaper Editor Killed,” April 30, 2002; and Canadian Journalists for Free Expression, “Casualties of Truth,” December 2002.

of the crisis. For example, the newspaper *Rossiyskya Gazeta* was threatened with punitive measures for publishing a picture of a female hostage shot dead by the hostage takers, while the radio station Ekho Moskvyy received a sharply worded warning after broadcasting an interview with one of the fighters involved in the theatre seizure.<sup>23</sup> The authorities also shut down the TV station *Moskoviya* for 15 hours, alleging that it had promoted terrorism by contemplating possible exit routes for the hostage-takers.

Moreover, in the wake of the theatre seizure, both chambers of the parliament overwhelmingly passed amendments to the country's media and counter-terrorism laws that were aimed at strictly regulating coverage of counter-terrorism operations. These amendments banned media from printing or broadcasting any information that "hinders anti-terrorism operations or endangers people's lives and health" or "serves as propaganda or justification for extremist activities," including by promoting or justifying resistance to counter-terrorism operations.<sup>24</sup>

The amendments were widely criticized as too broad and vague, thus opening the way for arbitrary interpretations that could lead to censorship. The MHG was concerned that the amendments might result in a *de facto* ban on legitimate criticism regarding the way the government wages counter-terrorism operations, including the so-called anti-terrorism campaign in Chechnya. However, in response to the criticism voiced – in particular to a joint appeal by the heads of the country's major media outlets – President Putin decided not to sign the amendments into law. Instead, the president requested that the two parliamentary chambers establish a conciliation commission to consult journalists and prepare new amendments. At the same time he called upon journalists to "exercise restraint and not exploit terrorism to enhance ratings."<sup>25</sup> As of the end of the year, the work of the conciliation committee was ongoing.

## **Freedom of Association and Peaceful Assembly**

### *Law on Countering Extremist Activities*<sup>26</sup>

In April 2002, the government presented a draft law "on countering extremist activities." The draft law was rushed through the parliament, and by July both chambers had approved it. The president signed the law in late July, whereupon it entered into force. Human rights activists and opposition politicians noted that already existing legislation would have been sufficient to combat violent radicalism – if only properly applied – and criticized the new law for its ambiguous wording.<sup>27</sup>

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<sup>23</sup> International Freedom of Expression Exchange, "Media faced government restrictions and pressure during coverage of hostage standoff," October 28, 2002; and International Journalists' Network, "Russian hostage crisis brings more government media restrictions," October 31, 2002.

<sup>24</sup> Reporters Without Borders, "Reporters without borders repeats call for new version of anti-terrorism law," November 27, 2002. See also chapter on Interference with Freedom of Expression and Information in IHF, *Anti-Terrorism Measures, Security and Human Rights – Developments in Europe, Central Asia and North America in the Aftermath of September 11*, April 2003.

<sup>25</sup> International Journalists' Network, "Putin vetoes media laws, but warns journalists to exercise restraint," November 27, 2002.

<sup>26</sup> See also the chapters on Vague, Arbitrary and Overly Broad Definitions of Terrorism in Criminal Law and Interference with Freedom of Expression and Information in IHF, *Anti-Terrorism Measures, Security and Human Rights – Developments in Europe, Central Asia and North America in the Aftermath of September 11*, April 2003.

<sup>27</sup> See for example, *St Petersburg Times*, Nabi Abdullaev, "Anti-Extremism Bill Riles Human Rights Activists," June 7, 2002; *RFE/RL Newslines*, Robert Coalson, "Getting radical about extremism," July 18, 2002; and *Christian Science Monitor*, Fred Wair, "Russian bill pits free speech against national security," July 2002.

The new law provided a definition of “extremism” that listed a number of vaguely formulated activities without making any reference to the gravity of threat these activities must represent in order to be subject to the law. By this the law allowed interpretations covering legitimate non-governmental activities, such as peaceful protests or activities organized by so-called non-traditional religious communities.

The law specifically outlawed organizations set up for the purpose of “extremist activities” and established procedures for liquidating or, if they are not registered with the authorities, banning such organizations. The decision to liquidate or ban an organization was made by a court and typically court proceedings must be preceded by a notification, which was open to appeal. However, in cases that were deemed particularly grave, no notification was needed. What was more, in such cases, a prosecutor or the Ministry of Justice was able to suspend the activities of the organization pending the outcome of the court proceedings. The new law also foresaw similar harsh sanctions against media outlets and publishing houses that spread “extremist” material, although only a court was able to sanction the suspension of their activities.

The provisions of the new counter-extremism law gave rise to serious concern about arbitrary implementation. The MHG concluded that the law provides the authorities with a new weapon against activities that they consider “undesirable.”<sup>28</sup> As of the end of 2002, the law had reportedly already been used in several cases to intimidate or repress legitimate non-governmental activities. For example, in November, the activities of the Krasnodar Human Rights Center were suspended pending the outcome of investigations into alleged “extremist” activities of the organization.

## **Judicial System**

On July 1, a new Criminal Procedure Code entered into force and introduced a number of important amendments: the power to issue search and arrest warrants was transferred from prosecutors to courts; police were required to conduct the first interrogation of a suspect within 24 hours following arrest; defendants were granted the right to request that evidence obtained in the absence of legal counsel be declared inadmissible; the practice of sending back cases to the procuracy for additional investigation was abolished; and jury trials were to be introduced throughout the country as of January 1, 2003. However, as regards the last amendment, in December, the parliament approved a government proposal to introduce jury trials only gradually. According to this legislation, jury trials will begin in about ten regions as planned, in yet another ten as of July 1, 2003, and in all other regions except Chechnya by 2004. In Chechnya jury trials will become compulsory in 2007.<sup>29</sup>

Moreover, a number of provisions of the new Criminal Procedure Code were problematic. For example, the new code retained the provision permitting courts to return cases to lower levels,<sup>30</sup> a practice that often resulted in lengthy delays. Further, the code upheld the demand that a defendant obtain permission from a police officer or a judge to undergo a forensic medical examination, a requirement that made it more difficult to secure evidence of torture in police custody. In addition, the code introduced a simplified form of plea-bargaining, which raised concern that prosecutors and police may force detainees to sign confessions. The new code also did not solve some other major problems of the country’s

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<sup>28</sup> Ibid.

<sup>29</sup> *RFE/RL Newslines*, December 12, 2002.

<sup>30</sup> It should be noted, however, that the case must be heard by a different judge than the judge who initially considered the case at this level.

legal system, including widespread violations of the principle of presumption of innocence and insufficient review of court decisions.

In May, the European Court of Human Rights issued the first ruling in a case involving Russia since Russia ratified the European Convention on Human Rights (ECHR) in 1998. In the case of *Burdov v. Russia*,<sup>31</sup> the court ruled that Russia's failure to take the necessary measures to comply with a final judicial decision granting Budov remedy in the form of financial compensation from the state constituted a violation of ECHR article 6 (the right to a fair trial). The court concluded that the right to have access to court is rendered "illusory" if a final ruling in a legal case remains unimplemented to the detriment of one party.

### **Torture, Ill-treatment and Police Misconduct**

In May, the UN Committee against Torture examined the third periodic report submitted by Russia under the Convention against Torture.<sup>32</sup> The committee welcomed a number of provisions of the new Criminal Procedure Code, which are aimed at strengthening the position of suspects in relation to law enforcement authorities (see above). However, at the same time, the committee deplored the failure of Russia to define torture in domestic law in conformity with article 1 of the Convention against Torture.

Moreover, the committee expressed deep concern regarding "[n]umerous and consistent allegations of widespread torture and other cruel, inhuman or degrading treatment or punishment of detainees committed by law enforcement personnel" and regarding "widespread 'hazing' (*dedovshchina*) in the military, as well as torture and other cruel, inhuman or degrading treatment or punishment in the armed forces." The committee concluded that these patterns of abuse were sustained by a climate of impunity since civil and military officials committing abuses were only rarely brought to justice. The committee also criticized a number of other factors that contributed to the prevailing situation, including the *de facto* refusal of judges to take into consideration evidence of torture and ill-treatment; the system for promoting law enforcement officials on the basis of how many crimes they have solved, which encouraged the use of coercive methods to obtain confessions; and excessive limitations on detainees' access to defense counsel, medical treatment and relatives, all of which are important safeguards against torture.

Following the hostage-taking crisis in October, the Moscow police launched a special operation targeting Chechens.<sup>33</sup> Citing the need to trace all who had been involved in the hostage-taking, the police swept through the city's Chechen community, and thereby subjected its members to illegal ID checks, involuntary fingerprinting and arbitrary detentions. In some cases police reportedly planted drugs and firearms on Chechens and initiated fabricated criminal cases against them.<sup>34</sup> The NGO Civil Assistance received over 40 complaints regarding arbitrary conduct by the police, including six incidents of fabricated charges. Police abuses against Chechens were also reported in other parts of the country.<sup>35</sup>

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<sup>31</sup> European Court of Human Rights, Judgment in the case of *Burdov v. Russia*, May 2002.

<sup>32</sup> *Conclusions and Recommendations by the UN Committee against Torture: Russian Federation*, May 16, 2002.

<sup>33</sup> "Anti-Chechen Incidents on Rise in Moscow," *RFE/RL (Un)civil societies*, Vol. 3, No. 45, November 6, 2002.

<sup>34</sup> See articles dealing with police abuse against Chechens following the October 23-26 hostage-taking crisis in Moscow (in Russian), at [www.presscenter.ru/index.php?subj=0&id=174799](http://www.presscenter.ru/index.php?subj=0&id=174799); and [www.refugee.ru/news/news.htm](http://www.refugee.ru/news/news.htm)

<sup>35</sup> "'Caucasian' Severely Beaten Up at Petrovsko-Razoumovskoye Metro Station," (in Russian), October 24, 2002, at [www.newsru.com/crime/24Oct2002/izbit.html](http://www.newsru.com/crime/24Oct2002/izbit.html)

## Conditions in Prisons and Detention Facilities

In July the European Court of Human Rights issued an important decision regarding pre-trial detention conditions in Russia. In the case *Kalashnikov v. Russia*<sup>36</sup> the court ruled that the conditions under which the applicant was held pending trial, combined with the length of the period he was detained under these conditions (in total more than five years), amounted to degrading treatment, in violation of ECHR article 3. In its judgment the court referred *inter alia* to the following circumstances: the cell where the applicant was detained was seriously overcrowded, with up to 24 persons sharing a space of about 20 m<sup>2</sup>, thus forcing them to sleep in turns; the cell was constantly lit and the ventilation was poor, a deficit aggravated by the fact that detainees were permitted to smoke in the cell; the cell was infested with vermin and at times the applicant was detained together with persons infected with syphilis and tuberculosis; and the toilet in the cell was dirty, dilapidated and in open view of the other inmates.

The court concluded that these conditions “must have caused [the applicant] considerable mental suffering, diminishing his human dignity and arousing in him such feelings as to cause humiliation and debasement.” In its defense, the Russian government betrayed how widespread such conditions were in the country’s penitentiary system by stating that the conditions under which the applicant was held “did not differ from, or at least were no worse than those of most detainees in Russia.”

## Religious Intolerance

During the year a bill “On Traditional Religious Organizations in the Russian Federation” was put forward by the government and subjected to public discussion. The bill establishes a special legal status for those religious communities in the country that are considered “traditional”, i.e. Christianity as represented by the Russian Orthodox Church, Judaism, Buddhism and Islam. These religious communities are granted a number of privileges, such as privileges related to media and charity activities, which other religious organizations do not enjoy.

The MHG criticized the bill for violating the principle of equality of religions that is laid down in the Russian Constitution and noted that it primarily serves legally to consolidate the special status that the Russian Orthodox Church already enjoys throughout the country.

While the federal authorities continued to underscore the secular nature of the state, they sometimes allowed policy considerations to outweigh religious tolerance. For example, according to the MHG, the decision of the government to deny the Dalai Lama a visa to visit the country and meet with its Buddhist community was clearly politically motivated; the government was afraid that the visit would jeopardize its friendly relations with China.

The Catholic Church was subjected to a wave of harassment. A number of politicians and representatives of the Russian Orthodox Church publicly lashed out against this faith community, while media engaged in propaganda against it, accusing its leaders in Russia of espionage. In addition, five Catholic priests were expelled from, or not allowed, to enter the country on vaguely formulated grounds.

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<sup>36</sup> European Court of Human Rights, judgment in the case of *Kalashnikov v. Russia*, July 15, 2002.

## **Conscientious Objection<sup>37</sup>**

The 1993 Constitution establishes the right to alternative civilian service to compulsory military service.<sup>38</sup> However, a law to implement this provision has been lacking, and during the past decade the authorities have regularly denied conscripts the right to conscientious objection.

In the summer of 2002, a law on alternative civilian service was finally approved by the Duma and signed into law by the president. However, the new law, which is due to enter into force on January 1, 2004, does not provide a satisfactory solution to the problems related to conscientious objection.

The new law provides more stringent conditions for alternative civilian service than those applied in any European country, and has been criticized for being punitive and discriminatory in character. During the examination of the draft law in the Duma, the political opposition proposed more than one hundred amendments, but the pro-government majority voted down virtually all of them. Likewise, the president ignored appeals from civil society and political opposition leaders not to sign the law in its current version.

Under the new law, a person who wishes to carry out civilian service must file an application with a draft commission before the age of 18. In his application he is required to state his convictions and explain why these prevent him from completing military service. The draft commission, which is composed of military officers, may thereafter scrutinize and reject the reasons he reports on the basis of “documents and other data.” The MHG criticized these provisions for violating the Council of Europe and UN recommendations that civilian service be separated from all military structures and feared that they may result in arbitrary decisions denying conscripts the right to conscientious objection.

Under the law, the maximum length of alternative civilian service is three and a half years, which is almost twice as long as regular military service, and conscripts will normally have to carry out the civilian service outside of the regions where they live.

## **Migrants**

In 2002, two new laws regarding the legal status of migrants were adopted: a new citizenship law and a new law on the status of foreigners in the country. However, as of the end of the year, legislation to implement certain provisions of these laws had yet to be approved.

The aim of the new citizenship law was twofold: to enable migrants who already live in Russia to legalize their status, and to promote the immigration of “compatriots” (i.e. ethnic Russians) who live in other former Soviet republics. Under the law, those whose parents are Russian citizens are automatically granted citizenship upon application. Others can be granted citizenship if they meet certain requirements regarding residence and income in Russia. The law abolished the possibility to apply for and obtain citizenship abroad.

The new law on foreigners in Russia introduced labor migration quotas, meaning that only a certain number of temporary residence permits henceforth will be issued in the country every year. Foreigners who are granted a temporary residence permit are only entitled to live

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<sup>37</sup> When providing information for this section the MHG relied on comments by Professor V. Kikotya, member of the Independent Legal Experts Council, and L. Levinson, expert with the Human Rights Institute.

<sup>38</sup> This right was also confirmed by a Constitutional Court decision in 1995.

in the region where they are employed and registered. Temporary residence permits cannot be granted to persons who are addicted to drugs, test positive for HIV, carry other infectious diseases, have serious criminal records or previously have been expelled from Russia.

The new law on foreigners also foresaw the deportation of foreigners who have not made use of opportunities to legalize their status in the country irrespective of whether they are aware of these. According to the MHG, this last provision served as a pretext for the federal authorities to deport thousands of Tajiks from the country in the wake of the hostage-taking in Moscow.

### **Intolerance, Xenophobia, Racial Discrimination and Hate Speech**

Skinhead violence and other forms of racially or ethnically motivated violence grew increasingly serious. The victims included non-Russian individuals, including students and members of diplomatic missions.

There were several cases involving mass violence targeted at vulnerable groups.

- In connection with the world cup soccer championships in June, large-scale street riots broke out in Moscow, with the participants vandalizing restaurants owned by Asians and attacking Asian passers-by. Reportedly more than one hundred people were injured in these riots.<sup>39</sup> In another alarming incident, some 40 young people indiscriminately broke into apartments and beat up male residents in a Moscow neighborhood with a compact Armenian settlement in July.<sup>40</sup> During the summer the country was also rocked by a wave of anti-Semitic incidents, which included several incidents when anti-Semitic signs were booby-trapped with explosives.<sup>41</sup>

According to the MHG the authorities did not respond adequately to the rise in racist and ethnic violence. Police regularly overlooked racial and ethnic bias motives behind crimes and failed to take effective action against the perpetrators of such crimes.<sup>42</sup> In addition, a number of officials in leading positions made statements that sought to tone down the problem of intolerance. For example, the head of the Moscow city police department claimed that the media had invented the phenomenon of skinheads, while the Moscow Prosecutor's Office stated that nationalism was not "a principal threat" to the country. The decision of the Ministry of Justice in November to grant official registration to the National Power Party of Russia also caused consternation since this party was known for its explicit nationalistic and anti-Semitic rhetoric.<sup>43</sup>

Following the Moscow theatre siege, abuses against persons from the Caucasus region surged. Police launched a special operation that targeted ethnic Chechens,<sup>44</sup> and human rights groups documented a series of violent incidents against Chechens and other people

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<sup>39</sup> *RFE/RL Terrorism and Security Watch*, June 12, 2002; and Transitions on Line, "Russia Asks: Who Is to Blame?," *Week in review 11-17 June 2002*.

<sup>40</sup> *Noviye Izvestiya*, V. Chesnokov, "'Secret' Civil Disorders in Moscow Region" (in Russian), No. 115, July 9, 2002.

<sup>41</sup> *RFE/RL Terrorism and Security Watch*, June 12, 2002.

<sup>42</sup> *Nezavisimaya Gazeta*, R. Ukalov, "Pogrom on 'Culture Avenue': Skinheads Repeating Moscow Disturbances in St Petersburg" (in Russian), February 18, 2002; and *Izvestiya*, S. Bitsoyev, "Skinheads Declaring War" (in Russian), March 26, 2002.

<sup>43</sup> S. Agafonov, "Ministry of Justice Registering the Nazis" (in Russian), *Noviye Izvestiya*, No. 172, September 26, 2002.

<sup>44</sup> See also the section on Torture, Ill-treatment and Police Misconduct.

from the Caucasus.<sup>45</sup> There were also reports indicating that Chechen employees were fired and Chechen children expelled from school on the basis of their ethnicity.<sup>46</sup>

## **International Humanitarian Law**

### *Chechnya*<sup>47</sup>

Although the government claimed that the conflict in Chechnya was at an end, the situation in the war-torn region remained deadlocked, with both sides in the conflict engaging in serious violations of international human rights and humanitarian law.

Chechen fighters continued their violent campaign against members of the pro-Moscow administration in the region and killed dozens of people who cooperated with it.<sup>48</sup> In some cases these attacks also resulted in the loss of civilian lives. In late December, Chechen fighters bombed the headquarters of the pro-Moscow administration in Grozny, and killed approximately 45 people and injured 80, a majority of whom were civilians.<sup>49</sup>

Federal troops carried out numerous so-called “mop-up” operations, in the course of which they looted, tortured and arbitrarily detained local residents. Many of those detained subsequently “disappeared,” and the bodies of some of these persons were later found, bearing the marks of violent deaths.

In a measure intended to provide better protection for the local population, the Chief Commander of the Joint Forces in Chechnya, Lieutenant-General V. Moltenskoï, issued an order establishing a code of conduct for mop-up operations in March. According to this order, soldiers must identify themselves when entering houses, military vehicles must carry clearly marked identification numbers, and local officials must always be present during the operations to ensure that they are properly conducted. However, human rights groups reported that federal troops routinely flouted the rules set out in the order.

- During an operation in Alkhan-Kala in April, federal forces did not allow the head of the local administration to observe their activities when he requested to do so. According to Memorial, federal forces detained and tortured about a dozen men and killed two of them. Memorial reported they later forced the head of the local administration to sign a statement saying that no abuses had taken place during the operation.<sup>50</sup>

There was no effective process of accountability regarding abuses against the civilian population, which effectively encouraged further human rights violations by the federal troops. Although an increasing number of criminal cases were initiated, most investigations were suspended halfway or closed without a prosecution.

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<sup>45</sup> “Two Azeris Beaten Up in the Capital,” (in Russian), October 29, 2002, at [www.newsru.com/crime/29oct2002/azerby.html](http://www.newsru.com/crime/29oct2002/azerby.html); and “‘Caucasian’ Savagely Attacked at Petrovsko-Razoumovskoye Metro Station,” (in Russian), published on October 24, 2002, at [www.newsru.com/crime/24Oct2002/izbit.html](http://www.newsru.com/crime/24Oct2002/izbit.html).

<sup>46</sup> “Oppression of Chechens in Moscow,” (in Russian), *Prima*, November 5, 2002.

<sup>47</sup> See also the sections on the Moscow hostage taking and displaced persons.

<sup>48</sup> *Human Rights Watch World Report 2003*, at [www.hrw.org/wr2k3/europe11.html](http://www.hrw.org/wr2k3/europe11.html).

<sup>49</sup> Human Rights Watch, “Chechen Rebels Must Stop Targeting Civilians,” December 27, 2002, at [www.hrw.org/press/2002/12/russia1227.htm](http://www.hrw.org/press/2002/12/russia1227.htm). See also the section on the Moscow hostage taking above.

<sup>50</sup> *Human Rights Watch World Report 2003*.

- The trial against Colonel Yuri Budanov, charged with murdering an 18-year-old Chechen girl, Kheda Kungaeva, in 2000, resulted in acquittal in the beginning of 2003. The trial began in February 2001, but was postponed several times while the colonel underwent psychiatric examinations at the request of the court. The last psychiatric examination, which was carried out by the Serbsky Psychiatric Institute in late 2002, found that the colonel was “temporarily insane” at the time of the murder. The court ruled that he could therefore not be held criminally accountable and ordered that he be transferred to a psychiatric hospital. The lawyer of the Kungaev family expressed great disappointment with the ruling and local human rights organizations criticized the trial for being neither “honest nor just.” The outcome of the trial was particularly disturbing since colonel Budanov was the highest-level official that to that date had been charged with abuses against the civilian population in Chechnya. It was also a matter of serious concern that the prosecution neglected evidence that the girl had been raped before she died.<sup>51</sup> In an appeal of December 20, the IHF and the MHG deplored the lack of accountability for crimes committed by Russian forces against civilians in the course of the conflict in Chechnya, in particular referring to the case of Colonel Budanov.<sup>52</sup>

In its efforts to show that the situation in Chechnya was returning to normal, the federal authorities continued to impede the free circulation of information about developments in the region and pressured those displaced by the conflict to return home (see below). The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Chechnya twice during the year, but in line with previous policies, the Russian government did not agree to the committee publishing its findings from these visits.<sup>53</sup>

International criticism of the abuses taking place in Chechnya became muted following the September 11 events and Russia’s involvement in the international counter-terrorism coalition. This trend persisted throughout 2002. The UN Commission on Human Rights voted down a resolution on Chechnya in April, thereby failing to follow up on criticism voiced during the two previous sessions in 2000 and 2001. According to the Russian Center of Public Opinion Studies, 57% of Russians were in favor of peace talks with the Chechen rebels in September. After the hostage taking in Moscow the number of those advocating peace negotiations sank to 44%.<sup>54</sup>

During the year, the IHF and the MHG undertook several fact-finding missions to Chechnya and its neighboring republics and stepped up their advocacy efforts regarding the abuses occurring in the region.<sup>55</sup>

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<sup>51</sup> IHF and MHG, “International Human Rights Groups Deplore the Lack of Accountability for Crimes in Chechnya,” December 20, 2002, at [www.ihf-hr.org/appeals/021220.htm](http://www.ihf-hr.org/appeals/021220.htm); Amnesty International, “Russian Federation: Amnesty International is concerned about the climate of impunity prevailing in the Russian judicial system,” January 2, 2003, at <http://web.amnesty.org/library/Index/ENGEUR460022003?open&of=ENG-RUS>; and Amnesty International, *Concerns in Europe January-June 2002*.

<sup>52</sup> IHF and MHG, “International Human Rights Groups Deplore the Lack of Accountability for Crimes in Chechnya,” December 20, 2002, at [www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=933](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=933). In March 2003, the Supreme Court ordered a re-trial in the case.

<sup>53</sup> See the CPT press releases February 11 and June 10, 2002.

<sup>54</sup> Special issue of RCSP, October 29, 2002.

<sup>55</sup> See MHG and IHF, “International Human Rights Groups Deplore the Lack of Accountability for Crimes in Chechnya,” December 20, 2002; MHG and IHF, “Memorandum to the OSCE: Backlash feared against ethnic Chechens and other minorities following the hostage-taking of 23 October - 26 October 2002,” October 28, 2002; IHF, “IHF condemns hostage taking, warns against ethnically-motivated backlash,” October 24, 2002, at [www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=912](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=912); and IHF and MHG, “Adequate Security Conditions Do Not Exist in Chechnya to Allow the Return of

## Displaced Persons<sup>56</sup>

Since the beginning of the current conflict in Chechnya, the federal authorities have been engaged in efforts to convince displaced Chechens in the neighboring republic of Ingushetia to return home. In spite of the continued lack of security that prevailed in Chechnya, these efforts intensified in 2002.

Using a combination of threats and incentives, the authorities actively pressurized the approximately 150,000 displaced persons in Ingushetia into returning to Chechnya.<sup>57</sup> For example, government officials visited displaced persons who lived in tent-camps and promised them room in special accommodation centers if they went back to Chechnya (many of the accommodation centers proved to be non-existent or uninhabitable), but also threatened to cut their gas and electricity supplies or to remove them from food ration lists if they did not agree to go. Following the hostage-taking in Moscow, the authorities became increasingly aggressive in their strategies towards the tent camp residents, and reportedly announced that all tent camps in the republic would be closed by January 2003. In line with these plans, the Aki Yurt camp, housing 1,700 persons, was closed in early December. Due to international criticism and practical problems, five other camps remained in place beyond the scheduled date for closure. However, the authorities publicly maintained their plans also to close them.

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Displaced Citizens -- A Pattern of Increasing Disappearances 'Bordering on Genocide', July 23, 2002, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=543](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=543).

<sup>56</sup> Based on IHF, "Adequate Security Conditions Do Not Exist in Chechnya to Allow the Return of Displaced Citizens – A Pattern of Increasing Disappearances 'Bordering on Genocide,'" July 23, 2002; Human Rights Watch, "Into harm's way: forced return of people to Chechnya," January 2003, at <http://hrw.org/reports/2003/russia0103/>; Human Rights Watch, "Russia must not force returns to Chechnya," November 2002, at <http://hrw.org/press/2002/11/russia1129.htm>; and Amnesty International, "No forcible return of Chechens to Chechnya until security is guaranteed," November 2002, at <http://web.amnesty.org/library/Index/ENGEUR460642002?open&of=ENG-RUS>.

<sup>57</sup> In its 2001 annual report, the UNHCR wrote that of the approximately 150,000 internally displaced persons residing in Ingushetia, 36% lived in tent camps or in spontaneous settlements, with 64% living with host families.