

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** RUS17643  
**Country:** Russia  
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Keywords: Russia – Nash Dom Rossiya – URP – Political violence – Regional elections – Nizhniy Novgorod

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### Questions

Please provide information on the following:

1. The current position of Nash Dom Rossiya, the URP and Edinaya Rossiya;
2. The nature and extent of political violence associated with the 1999 and 2003 elections;
3. Whether regional governors were dismissed in 2004;
4. Whether gubernatorial elections were proposed for 2005;
5. Current treatment of supporters of Nash Dom Rossiya / URP by the Russian government and supporters of other political parties;
6. Information on future gubernatorial elections in Nizhnenovogorod.

#### RESPONSE

Please provide information on the following:

1. The current position of Nash Dom Rossiya, the URP and Edinaya Rossiya.

##### **Nash Dom Rossiya/Our Home is Russia**

The sources consulted indicate that Nash Dom Rossiya or Our Home is Russia was disbanded in 2000-2001 and its members absorbed into Unity, which later became United Russia (see below for information on United Russia).

The entry in *Political Handbook of the World 2000-2002* states:

**Our Home is Russia** (*Nash Dom-Rossiia*-NDR). The center-right NDR was launched in May 1995 to provide a party base for Prime Minister Viktor Chernomydin and his program of measured economic reform. Supported by business elites, the NDR was quickly branded by the more radical pro-market elements and the conservative nationalist opposition alike as being funded by the Gazprom corporation, which Chernomydin, a former ISSR gas minister, had run before joining the Russian government. In the December State Duma balloting it trailed the KPRF,

winning only 10.1 percent of the proportional vote and 55 seats in total. In the mid-1996 presidential contest, however, it made a major contribution to Boris Yeltsin's successful reelection bid, following which Chernomydin was reappointed prime minister. The party was subsequently branded by critics as the party of the oligarchs (and referred to by some wags as the NDG, for "Our Home is Gazprom"). In August 1997 the NDR's State Duma faction leader, Sergei Belyayev, resigned, claiming that the party was "sliding toward the principles of bureaucratic, nomenklatura leadership". In late 1998 Chernomydin, who had been dismissed as prime minister in March, ousted another Duma faction leader, Aleksandr Shokhin.

Chernomyrdin was rumoured to be joining the Union of Right Forces (SPS, below) in August 1999, but he ultimately declined, choosing instead to cooperate with Boris Fedorov's Forward, Russia!...for the December State Duma election. The NDR won a mere 1.2 percent of the party list vote and only eight constituency seats. **On May 27, 2000, a party congress voted to disband the NDR in favour of Unity** (Banks A.S. et al 2003, *Political Handbook of the World: 2000-2002*, CSA Publications, New York, p. 921 – Attachment 1).

A February 2001 news report confirms that the party was disbanded, stating: "Former Prime Minister Viktor Chernomydin, who heads the 'Our Home is Russia' movement, officially disbanded the group on 26 February and called on its members to join the pro Kremlin 'Unity' party" ("Our Home is Russia" is no more' 2001, *IPR Strategic Information Database*, 28 February – Attachment 2).

An April 2005 report by the *Economist Intelligence Unit* includes a useful chart of the performance of Russian political parties in the 1993, 1995, 1999 and 2003 elections, with additional detail for the 2003 elections. It shows that Our Home is Russia was not involved in the 2003 elections ('Russia: Key figures' 2005, *Economist Intelligence Unit*, 20 April – Attachment 3).

### **Soyuz Pravyh Sil/Union of Right Forces**

The party Souze Pravih Sil Rossii, or the Union of Right Wing Power coalition, is probably the one known as Soyuz Pravyh Sil (SPS) or the Union of Right Forces. SPS is referred to in most reports as a party at the liberal end of the political spectrum. It has lost strength in recent years, and won only three seats in the 2003 elections; but still exists as a party and is currently about to contest the Moscow State Duma elections.

The entry on this party in *Political Handbook of the World 2000-2002* states:

**Union of Right Forces** (*Soyuz Pravyh Sil*-SPS). The SPS emerged as a reform-minded, pro-Western electoral coalition in July-August 1999. On July 23 Sergei Kiriyenko's New Force, Konstantin Titov's Voice of Russia, and Anatoly Chubais's Just Cause agreed to establish an alliance; Yegor Gaidar's Russia's Democratic Choice (DVR), Irina Khakamada's Common Cause, and Boris Nemtsov's Young Russia formally joined at a unification conference on August 29. Along with Unity, the SPS received verbal support from Prime Minister Putin going into the December 1999 Duma election, at which it won 29 seats and an 8.5 percent proportional vote share.

Although the SPS Coordinating Council announced on February 21, 2000, that it would not endorse any candidate for the upcoming presidential elections, various SPS constituent organizations went their own way. Kiriyenko's group supported Acting President Putin, the Democratic Russia component of the DVR backed Konstantin Titov, and both Nemtsov and Khakamada campaigned for *Yabloko's* Grigori Yavlinsky.

The SPS established itself as a national organization at a congress on May 20, 2000, at which time it passed a resolution pledging support for “any actions taken by President Putin that do not run counter to the values of liberalism, are in the interests of a free society and contribute to the country’s economic prosperity”. In addition to the organizations discussed below, participants in the congress included the Lawyers for Human Rights and Decent Life..., the Russian Taxpayers...and New Generation. A future merger with *Yabloko*...was announced in June but had not occurred by mid-2001. At a founding congress on May 26-27, 2001, however, the SPS formally reorganized as a unified party, its (at that time) nine constituent parties having agreed, in the preceding weeks, to dissolve as independent entities. Support within the nine was not unanimous, however, and key members of Russia’s Democratic Choice, in particular, indicated that they would leave the organization (Banks A.S. et al 2003, *Political Handbook of the World: 2000-2002*, CSA Publications, New York, p. 922 – Attachment 1).

The April 2005 report by the *Economist Intelligence Unit* shows that SPS won only three seats in the 2003 elections, and only 4% of the vote. The report states:

Russia’s two main liberal parties were in disarray after failing to pass the 5% of the vote threshold for parliamentary representation in the 2003 Duma election. Although they did gain a number of single-mandate seats, most of their deputies subsequently joined the United Russia faction. Observers said that the two parties, Yabloko and the Union of Rightist forces (SPS) could have avoided defeat by pooling their resources ahead of the election. However, personal animosity between party leaders – in particular Yabloko’s intransigent Grigory Yavlinsky and the SPS’s unpopular Anatoly Chubais – spoilt any merger attempts. There are also more profound differences that have kept the two parties, and their electorates, apart. Yabloko, which dates back to 1993, represents Russia’s impoverished and disillusioned intelligentsia, whereas the SPS is widely seen as the party of oligarchs, partly because the 2003 election campaign was headed by Anatoly Chubais (once a reformer in Mr Yeltsin’s cabinet and now head of Russia’s electricity monopoly) and partly because it enjoyed the active and financial support of Mr Khodorkovsky, the jailed oil tycoon. In practice, most SPS members belong to the young, urban and Western-oriented middle class – set apart from the traditional intelligentsia by dint of its entrepreneurial ambitions (‘Russia: Key figures’ 2005, *Economist Intelligence Unit*, 20 April – Attachment 3).

A June 2005 report from Freedom House comments that “after the December 2003 State Duma elections, essentially no important parties represented the liberal end of the political spectrum. The two major parties that support this ideology, the Union of Right Forces (SPS) and Yabloko, have largely collapsed. Former presidential candidate and SPS leader Irina Khakamada set up a new party called Our Choice on November 1, hoping to unify liberal voters, but its initial prospects are not bright” (Goehring, Jeannette & Schnetzer, Amanda 2005, ‘Russia’, *Nations in Transit 2005: Democratization from Central Europe to Eurasia*, Freedom House, June, p.6, <http://www.freedomhouse.org/research/nattransit.htm> – Accessed 1 November 2005 – Attachment 4).

A June 2004 International Helsinki Federation report states that interference by the government was partly responsible for the decline in support for SPS:

Prior to the elections, people who supported opposition parties financially were arrested. The most prominent of them was the CEO of the oil company Yukos, Mikhail Khodorkovsky. State media featured widespread criticism of the so-called “oligarchs” during the campaign and also criticized the opposition parties that had received funding from them: the liberal parties Yabloko and the Union of Right Forces (SPS). All political parties, therefore, did not compete on equal terms and Yabloko and SPS fell short of the required 5% minimum and failed to get their parties into the Duma according to the party bloc allocation system. Together the two parties managed to secure a handful of places according to the single mandate constituencies allocation system.

The Communist Party (KPRF) alleged that the party that had gained the majority, United Russia, had meddled with the computerized vote counting process in order to prevent the two liberal parties from reaching the necessary 5%-threshold, which was necessary for being represented in the Duma (International Helsinki Federation 2004, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003): Russia*, 23 June, [http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc\\_id=5534](http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc_id=5534) – Accessed 25 October 2005 – Attachment 5).

SPS is currently preparing to contest the Moscow City Duma elections: please see Question 5 for recent reports on the party.

### **Edinaya Rossiya/United Russia**

After the 2003 elections, United Russia became the most powerful party in the Duma, and together with its allies it controls over two-thirds of parliamentary seats, as well as the upper house. It is closely associated with President Putin.

United Russia was formerly Edinstvo, the Unity bloc, also known as the Inter-Regional Movement “Unity”. For further detail on Unity, please see the entry from Banks which is attached (Banks A.S. et al 2003, *Political Handbook of the World: 2000-2002*, CSA Publications, New York, p. 920 – Attachment 1).

The April 2005 report by the *Economist Intelligence Unit* states:

United Russia – the Duma’s strongest political force – was set up in February 2002 as a result of the merger between the pro-Kremlin Unity and the Fatherland-All Russia movement (OVR). The two had originally been rivals in the run-up to the 1999 parliamentary election, when the Kremlin helped to set up Unity as a counterweight to the OVR. United Russia’s main attraction is its close association with Mr Putin. Although United Russia lacks internal discipline and coherence, the absence of a distinct political programme allows it to attract Putin-supporters from vastly different parts of the population. United Russia received a 38% share of the party list vote in the 2003 Duma election and won 102 single-mandate seats (‘Russia: Key figures’ 2005, *Economist Intelligence Unit*, 20 April – Attachment 3).

A June 2005 report by McFaul and Tatic for Freedom House states:

It is not surprising...that Putin and his allies won again in the 2003 parliamentary elections and the 2004 presidential elections. In December 2003, his party – United Russia (the latest incarnation of Unity) – won a major victory. They captured more than a third of the popular vote on the party list, which determined 50 percent or 225 of the seats in the Duma, and won 100 of the 225 single-mandate contests. Two other parties close to the Kremlin also performed well beyond expectations: the Liberal Democratic Party of Russia (LDPR) and Rodina (Motherland). **After independents lined up behind different factions in the Duma, United Russia and its allies controlled the two-thirds majority needed to pass amendments to the constitution.**

**...The overwhelming victory of United Russia in the Duma elections made it clear that Putin would win the March 2004 presidential ballot without any difficulty...** Given the president’s popularity, it is hard to imagine how Putin and his surrogates could have lost free and fair elections in 2003 or 2004. Nevertheless, the elections in December 2003 and March 2004 did not take place on a level playing field. First, Putin controlled all significant national media, and he had almost complete support from major regional outlets. This contrasted with the last national electoral cycle in Russia, when opposing points of view were represented in the national electronic media.

Second, and again in contrast to the previous electoral cycle, Putin and the Kremlin enjoyed nearly universal loyalty among regional leaders in 2003-2004. Wielding carrots and sticks, the Kremlin eliminated the serious divisions among regional elites that had created the main drama of the 1999 parliamentary elections. These regional executives deployed their local resources to support United Russia candidates in single-mandate district races (McFaul, Michael & Tatic, Sanja 2005, 'Russia', *Countries at the Crossroads 2005: A Survey of Democratic Governance*, Freedom House, June, pp.469-470 <http://www.freedomhouse.org/research/crossroads/cac.htm> – Accessed 1 November 2005 – Attachment 6).

Another June 2005 report from Freedom House comments that “only parties set up by the Kremlin seem to be advancing. United Russia is not a party in the traditional sense, but a collection of powerful government officials that attracts new members who are interested in access to state resources. On October 27, the federation Council approved revisions to the Law on Russian Government that make it possible for government officials to be leaders of political parties, further boosting United Russia’s prospects” (Goehring, Jeannette & Schnetzer, Amanda 2005, 'Russia', *Nations in Transit 2005: Democratization from Central Europe to Eurasia*, Freedom House, June, p.7, <http://www.freedomhouse.org/research/nattransit.htm> – Accessed 1 November 2005 – Attachment 5).

A recent report by the Council of Europe on Russia states:

102. Presently, both the lower and the upper chamber of the Russian parliament are under control of the forces supporting President Putin. In the case of the upper house – the Federation Council – this is a recent development, prompted by the decision of a number of members appointed by regional executives and assemblies to join the United Russia’s Party. In the case of the lower house – the State Duma – the pro-presidential United Russia enjoys a two third, constitutional majority. Moreover, two out of three remaining parties – Rodina and the Liberal Democrats – regularly vote with United Russia, bringing the total majority to 372 out of 450 seats. In the Federation Council, 87 out of 178 members now belong to the United Russia party.

103. This majority is a result of elections which, in the view of the Assembly observers, have not been fair. It is reasonable to conclude that the will of the electorate had been at least to some extent influenced by the media coverage which was so clearly biased in favour of the forces supporting President Putin. The recently announced reforms, aimed at reinforcing the President’s “vertical of power” will further consolidate the electoral gains and the dominant position of the ruling political forces. Any future outside challenger will enter the political contest with a huge handicap. The joining of the “winning team” of the kind observed in the case of regional governors is likely to continue, not least by independent State Duma members, who are doomed to extinction when the announced fully proportional system will come into force.

104. The Russian parliament, dominated by the pro-government forces, has not only been elected, but also continues to operate in a media environment which is clearly biased in the government’s favour. In these circumstances, it is difficult to conclude that the Russian parliament is in a position to exercise effective democratic control over the executive. It goes without saying that such control is a corner stone of the system of check and balances, essential for the normal functioning of democracy in the country (Council of Europe 2005, *Honouring of obligations and commitments by the Russian Federation, Doc.10568*, 3 June – Attachment 7).

However, a recent news report comments that “contrary to...some analysts’ assurances that Russia has a ruling party – that is, United Russia is stronger than ever – it’s becoming increasingly apparent that United Russia is no ruling party at all...The one and only factor prolonging United Russia’s existence is the Kremlin’s patronage”. The report states that “the United Russia party is no longer the integrated entity it could boast of being in the 2003

campaign”. It has a number of “substantial flaws preventing it from taking shape as a unified political force” such as the “unlimited influence of regional leaders” (‘United Russia torn apart by quarrels and power-struggles: Rivalry and differences within the United Russia party’ 2005, *WPS: Russian Media Monitoring Agency*, 8 August – Attachment 8).

## **2. The nature and extent of political violence associated with the 1999 and 2003 elections.**

### **1999**

The sources consulted do not indicate a very high level of violence associated with the December 1999 State Duma elections, although there were some reported incidents of beatings, intimidation and even murder. However, most reports discuss media manipulation, coercion of candidates, and corruption as the most widespread impediments to the democratic process.

The USDOS report on Russia for 1999 states of the December elections to the Duma that they “were judged by international observers largely to be free and fair” although “many observers pointed to problems with biased media coverage of the election campaign” (Section 3). It states that during 1999 “there were no confirmed political killings by agents of the Government” (Section 1a). However, during the year “a number of government officials were murdered. Some of these killings appear to have been politically motivated, while the majority were linked to private financial or commercial dealings” (Section 1a). Several incidents of politically motivated violence are given, including one which appears directly related to the December 1999 Duma elections: the murder of a campaign worker by unknown assailants (USDOS 2000, *1999 Country Reports on Human Rights Practices: Russia*, 25 February – Attachment 9).

The 2001 Freedom House report on Russia, which contains discussion of the December 1999 elections, states:

According to the OSCE’s International Election Observation Mission, a lack of discipline and ethics among the participants, which was exacerbated by the Russian civil code’s failure to provide sufficient and timely penalties, allowed electoral offences to continue unfettered throughout the campaign season. Parties deemed to be in opposition to the Kremlin saw their candidates prevented from arranging public meetings. Campaign expenditures appeared to exceed legal limits, and OSCE observers noted interference by executive authorities in the election process. In some regions, electronic media and regional editions of national newspapers had great difficulty expressing views critical of local power structures. Other measures included extraordinary tax inspections, administrative fines, and criminal investigations. In addition, military personnel were encouraged to vote for the pro-Kremlin Unity Party in clear violation of electoral laws.

According to Georgy Satarov, president of the Fair Elections Coordination Center, a great many violations took place in the Irkutsk, Tver, and Orlov Oblasts, the Komi Republic, and Moscow. Moreover, the Taymyr autonomous district’s electoral committee included some of the actual election candidates, an unprecedented violation of the electoral law (McGrath, Troy 2001, ‘Russia’, *Nations in Transit 2001*, Freedom House, p.315, <http://www.freedomhouse.org/research/nitransit/2001/index.htm> – Accessed 7 November 2005 – Attachment 10).

The following are news reports from December 1999.

A report by Corwin states that many regional authorities had used their power to influence election coverage and to “limit some candidates’ access to the media” by “closing down opposition newspapers and radio stations and banning specific television programs”. In Sverdlovsk, “the director of a private television station...was murdered near his home, the fourth member of the local media to be attacked within the last three months”. Elsewhere, “journalists in Tula, Kaliningrad, Saratov and Khabarovsk have all been beaten in attacks linked with their work critical of local governments in the last two weeks” (Corwin, Julie A. 1999, ‘A new Duma for Russia’, *The Wall Street Journal Europe*, 7 December – Attachment 11).

A report by Topol describes a reported assassination attempt on a “prominent Duma opposition leader”. However, some thought he had made up the story to attract publicity (Topol, Sergei 1999, ‘Killer did not come empty-handed’, *Kommersant – Russia Izvestia*, 14 December – Attachment 12).

A report by Chazan states that there were known criminals, including murderers, who were standing for the Duma elections in order to gain immunity from prosecution (Chazan, Guy 1999, ‘Russia goes to the polls’, *The Wall Street Journal Europe*, 16 December – Attachment 13).

A report by McMahon does not mention election violence, but states that “dirty tricks, nasty propaganda and charges of attempted bribery have plagued the Duma campaigns. Odd candidacies and questionable alliances mark several races, and electoral fraud is a concern” (McMahon, Colin 1999, ‘Russian candidates face sceptical public’, *The Orange County Register*, 17 December – Attachment 14).

## **2003**

The sources consulted indicate that the 2003 State Duma elections were marked by a deterioration in the electoral process from previous years. There were several incidents of overt violence, mostly directed towards the media and some opposition politicians. More widespread was the use of government power to give the ruling faction an unfair advantage, including coercion of the media and others, and arrests of people who appeared to present a threat.

In 2004, the organisation Freedom House, which monitors political rights and civil liberties in different countries, downgraded Russia to “not free” because of its conduct of the 2003 state Duma elections and the 2004 presidential elections. Its press release stated that Russia was the only country in its survey “to register a negative category change in 2004, moving from Partly Free to Not Free”. This was “the culmination of a growing trend under President Putin to concentrate political authority, harass and intimidate the media, and politicize the country’s law enforcement system” and marked a “dangerous and disturbing drift towards authoritarianism in Russia” (Freedom House 2004, *Russia downgraded to ‘not free’*, 20 December, <http://www.freedomhouse.org/media/pressrel/122004.htm> – Accessed 1 November 2005 – Attachment 15).

The 2005 USDOS report on Russia commented:

In the December 2003 parliamentary elections, the ability of opposition parties, particularly those receiving funding from some so called oligarchs, to mount strong campaigns was seriously hampered by the investigation and arrest of Yukos President Mikhail Khodorkovskiy, a step

widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. Other wealthy benefactors of opposition parties and candidates appeared to have responded to what they regarded as an implied threat by reducing their own involvement in political contributions. The pro government forces, in contrast, drew heavily on “administrative” resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing, and in some instances local electoral commissions appeared to bend the law to disqualify local opposition Duma candidates, leading to a small number of questionable disqualifications. As a result, the parliamentary elections failed to satisfy a number of international criteria for democratic elections (USDOS 2005, *Country Reports on Human Rights Practices 2004: Russia*, 28 February – Attachment 16).

The International Helsinki Federation stated of the 2003 elections:

The OSCE stated after the election that the election process was, in principle, well administered but that there were widespread abuses of executive authority and state resources by pro-government parties. “Overall, the pre-election campaign was characterized by unequal opportunities afforded to candidates and political parties in the media,” the OSCE stated. The whole democratic election system was said to be jeopardized because of media bias...

...Prior to the elections, people who supported opposition parties financially were arrested...

Other deficiencies observed by the OSCE during election day were: failure to guarantee voter confidentiality in some districts and petty mistakes when registering candidates which ultimately led to the disqualification of that candidate...

...The rigid registration rules for voters caused further concern. Some minority groups were effectively barred from voting because they were unable to obtain permanent registration despite being legally entitled to do so. This problem especially affected the Meskhetian Turks in the Krasnodar Krai region (International Helsinki Federation 2004, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003): Russia*, 23 June, [http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc\\_id=5534](http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc_id=5534) – Accessed 25 October 2005 – Attachment 5).

The International Helsinki Federation listed incidents of political violence during 2003 which were not directly connected to the Duma elections (p.7) and several others which had a more direct connection:

In the run up to the Duma elections in December, and most importantly to the presidential election in March 2004, the authorities tightened their grip on the independent media. Certain subjects proved to be especially sensitive, such as the federal forces’ behavior in Chechnya, allegations of corruption against officials and criticism of President Putin.

In February, after publishing a series of articles criticizing President Putin, the opposition paper *Novye Izvestia* was temporarily closed down. The international organization, Reporters Without Borders, viewed the closure as politically motivated and linked to the forthcoming elections...The Glasnost Defense Foundation reported the death of ten journalists and up to 100 physical attacks against journalists during the year...Many journalists practiced self-censorship.

- Dmitry Shvets, co-owner and deputy managing director of TV-21 in Murmansk was shot and killed as he got out of a car outside the station’s offices. The station had recently broadcast criticism of the city government and of the government’s candidates in forthcoming city elections.
- On 18 July, journalist Alikhan Guliev was shot twice in the back when entering his Moscow apartment. The year before, Guliev had received death threats after covering the presidential



elections in the Ingush Republic. Since moving to Moscow, he had covered the Chechen conflict as a freelancer for TV Centre and for the newspaper, Kommersant.

- On 9 October, Aleksey Sidorov, editor in chief of the newspaper *Toliatinskoe Obozrenie*, was stabbed to death outside his apartment building in Toliatti, in the Samara region. Sidorov had succeeded Valery Ivanov as editor in chief of the newspaper after Ivanov was shot in the head eight times in April 2002. Ivanov's death as well as Sidorov's were clearly linked to the newspaper's investigative reporting, which covered organized crime, drug trafficking and corruption. Following an investigation into Sidorov's murder, however, the local police concluded that the killing was unconnected to Sidorov's journalistic work. Police later arrested and charged a local factory worker with the killing. Observers and Sidorov's family remain skeptical that the right assailant had been caught. The murder of Valery Ivanov remained unsolved even though his colleagues at the newspaper were convinced the murder was connected to the newspaper's investigative work.
- Ali Astamirov, a local Chechen Agence France Presse journalist, was kidnapped in Nazran, the capital of Ingushetia, in July by unknown armed attackers and has not been seen since. Prior to the kidnapping, Astamirov had reportedly received threatening phone calls. The local Prosecutor's Office opened an investigation into the case but at the time of writing no progress had been made (International Helsinki Federation 2004, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003): Russia*, 23 June, p.4 [http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc\\_id=5534](http://www.ihf-hr.org/viewbinary/viewdocument.php?report=1&doc_id=5534) – Accessed 25 October 2005 – Attachment 5).

A June 2005 report by the Council of Europe states:

96. The international team observing the parliamentary elections welcomed improvements in the conduct of the elections in line with the Assembly recommendations four years ago, but expressed concern at the unfair practices, which benefited one party. In the observers' view the 2003 Duma elections indicated that Russia's progress towards democracy had slowed down. They concluded that multiparty democracy existed in Russia and that the elections could be considered as free...but certainly not fair.

97. The observers agreed with the findings of the pre-electoral mission which considered that although newspapers seemed to provide a wide choice of opinion, the three TV stations with nation-wide coverage were all government-controlled and had failed to demonstrate impartiality in political reporting. In the longer perspective, the observer mission considered that this kind of problems could only be solved through putting in place an independent system of "public service broadcasting" that would be free of State influence and control and not subject to manipulation by other vested interests (Council of Europe 2005, *Honouring of obligations and commitments by the Russian Federation, Doc.10568*, 3 June – Attachment 7).

A June 2005 report by Freedom House discusses the arrest of financial backers of opposition parties in previous years, which affected the 2003 election campaign:

...the Putin regime cracked down on Russia's tycoons (or oligarchs). Very early in his term, Putin made clear that these billionaires could no longer treat the state as simply another tool to be used for their personal enrichment. Instead, Putin implied that the oligarchs had to get out of politics altogether. Eventually, he arrested or chased into exile three major oligarchs—Boris Berezovsky, Vladimir Gusinsky, and Russia's richest man, Mikhail Khodorkovsky, head of the business conglomerate Yukos. All three had previously played significant roles in funding and supporting political parties and individuals not deemed loyal to the Kremlin. The downfall of these three sent a chilling message to other tycoons. In the 2003 parliamentary campaign, oligarchs continued to contribute significant resources to political campaigns, but only as sanctioned by the Kremlin. Compared to the previous electoral cycle, big business in 2003 was relatively united in backing

United Russia and other pro-Kremlin candidates. In 2004, everyone backed Putin... (McFaul, Michael & Tatic, Sanja 2005, 'Russia', *Countries at the Crossroads 2005: A Survey of Democratic Governance*, Freedom House, June, p.470  
<http://www.freedomhouse.org/research/crossroads/cac.htm> – Accessed 1 November 2005 – Attachment 6).

### **3. Whether regional governors were dismissed in 2004;**

The sources consulted indicate that in 2004, President Putin did not actually dismiss regional governors, but he did introduce a law to change the system whereby regional governors are chosen. Under the new system, they will not be directly elected, but will be appointed by the president, who will also have the power to dismiss them. The new system has been criticised because it will concentrate more power in the hands of the president, and is a setback for democracy in general. However, some approve of the change because it is seen to be addressing the widespread corruption and abuse of power at regional level. Some existing regional governors are reported to have joined the United Russia party in the hope of increasing their chances of re-appointment.

A June 2005 report on Russian politics by Freedom House describes how the new system is to operate:

Putin used the opportunity of the Beslan terrorist attack to introduce changes that dramatically reduced the autonomous power of Russia's regional governments. By ending direct gubernatorial elections, the president's measures replaced federal institutions with those more closely resembling a unitary state.

Since 1996, Russia has elected its governors through direct popular elections. In 2004, Putin scrapped this system and replaced it with one under which the Russian president will appoint governors who are then confirmed by regional legislatures. However, if the legislature rejects the president's choice three times in a row, the president can disband the legislature, call new elections, and appoint an interim governor until a new legislature is elected to approve him. Additionally, Putin now has the power to fire governors at his discretion.

Under the new system, citizens will no longer have the ability to choose their regional leaders. Rather, the presidential chief of staff, working with the president's seven regional envoys, will prepare a list of at least two candidates. The new governors will not serve or be accountable to regional interests. Instead, as has already been seen in the behaviour of current governors manoeuvring for reappointment, they will seek to curry favour with the Kremlin and those close to it. If Putin moves forward with plans to drastically cut the number of regions, he could soon be appointing a small number of officials who will handle regional affairs.

The outgoing system in which governors were directly elected functioned badly. The vast majority of governors were corrupt, ruling their regions as tyrants for their personal benefit and that of their closest allies. In most cases, governors were able to win reelection by manipulating the local media and otherwise pressuring voters to support them. However, in some cases when a governor failed to live up to his responsibilities, voters were able to turn him out of office and replace him with an opposition candidate. In 2004, for example, voters removed incumbent leaders in Ryazan, Arkhangelsk, Altai Krai, and Pskov. Thus, the old system had some form of public accountability, even if it was applied imperfectly...

...Russians were nearly evenly divided in their reactions to the cancellation of direct gubernatorial elections, according to a Levada Center poll. In a late September survey, 44 percent supported the idea, 42 percent opposed it, and 14 percent found it difficult to answer. However, the opponents of

this plan had no opportunity to make their opinion known since the Kremlin controlled the political process so tightly. The cancellation of gubernatorial elections makes it hard for subnational democracy to develop in the future and is a dramatic setback for Russian democracy in general. Voting for governors had given the Russian electorate the potential to develop a democratic culture. Appointing governors effectively removes that opportunity.

While the cancellation of gubernatorial elections is a radical break with recent Russian practice, it follows a trend that Putin developed during his first term. In order to deal with the abuses perpetrated by Russia's governors, Putin has always planned to concentrate power at the federal level, and he has been eroding regional power since coming to office (Goehring, Jeannette & Schnetzer, Amanda 2005, 'Russia', *Nations in Transit 2005: Democratization from Central Europe to Eurasia*, Freedom House, June, <http://www.freedomhouse.org/research/nattransit.htm> – Accessed 1 November 2005 – Attachment 4).

A June 2005 Council of Europe report provides further details on the system:

*Changes to the election of regional governors*

26. On 29 September 2004 President Putin submitted to the State Duma a draft law amending the federal laws "On the General Principles of the Organisation of Legislative, Executive Bodies of the Subjects of the Russian Federation" and "On the Basic Guarantees of the Electoral Rights and the Right to Participate in Referendum of the Citizens of the Russian Federation". The Law was adopted by the State Duma in the first reading on 29 October 2004 and in the final reading on 3 December (on 8 December by the Council of the Federation), and signed into Law by the President on 11 December 2004.

27. According to the Law the candidatures for the heads of regional executive bodies are submitted to the regional parliaments by the President of the Russian Federation. If a regional parliament twice refuses to endorse the submitted candidature, the President of the Russian Federation has the right to dissolve the regional parliament and appoint an interim head of the regional executive (or to submit the candidacy third time). A regional assembly may also be dissolved by the President if it fails to remedy contradictions between regional and federal legislation as was ordered by a court<sup>20</sup>. Furthermore, additional grounds for dismissal of governors by the President before the expiry of their terms of office have been foreseen, e.g. in the cases of "losing President's trust", "improper execution of duties." These provisions can be applied both for those nominated after the enactment of the new procedure and those elected before by direct popular vote<sup>21</sup>.

28. Initially, both President Putin and representatives of his administration have been suggesting that the reform could be *mutatis mutandis* extended to the nomination of candidates for mayors of big cities. However, on 8 April 2005 the State Duma adopted in the final reading (consideration in the Council of the Federation is pending) amendments to the Federal Law on the general principles of organisation of local self-government in the Russian Federation, thereby entitling the authorities of the Subjects of the Federation to define the mode of election of local authority leaders (mayors). After the draft law passed its first reading in March the President of the Congress of Local and Regional Authorities of the Council of Europe Mr Di Stasi pointed out that the Congress considered that such a provision would contravene Article 3 (2) of the European Charter of Local Self-Government, which stipulates that rights in the field of local self-government must be exercised by democratically constituted authorities. The Congress considered that power to elect mayors must go either to the population of the individual local authority or to specific elected bodies representing the local communities. The final version of the draft law should therefore be checked on its compliance with the Charter.

29. Domestic reactions to the changes on the elections of regional heads of executive were mostly positive, including from those most directly concerned. With very few exceptions, most of Russia's regional governors supported the initiative. Many of them even decided to join the pro-

presidential United Russia party, in an apparent attempt to enhance their chances to succeed themselves in their post under the new system. Several members of the Duma upper house – the Federation Council – half of which are appointed by regional Governors and half by the regional assemblies also joined United Russia. As a consequence, this party, who already enjoyed a two-thirds majority in the lower house, now also controls the upper house of the Russian parliament.

30. A rare voice of dissent came from the Tatarstan Republic, which enjoys the highest level of the autonomy among Russia's 89 federal subjects. While the President of Tatarstan Mintimer Shaimiyev during our meeting in October supported President Putin's initiative and referred to this reform as a temporary measure which could be reversed in the future, the republic's parliament had some objections to the Russian President's right to dismiss a regional assembly. These objections, which did not go as far as to object to the package as a whole, have been taken partly aboard by the presidential administration and the adopted Law includes, without going into details, some reference to a "reconciliatory procedure" that will take place before the President can use his right to dismiss a regional parliament...

*...The reform's impact on the functioning of democratic institutions*

41. The new presidential role in the appointments of regional governments will considerably diminish any influence regional authorities may have in the system of democratic checks and balances of the federal powers and notably the President of the Russian Federation. It is true that, in the past, the autonomous powers have often been abused, but this should be a reason to improve regional autonomy and not to virtually abolish it. Moreover, the consequences for the composition of the Council of the Federation would seriously undermine the principle of separation of powers and consequently the functioning of democratic institutions in Russia...

42. The cumulative effect of the package of changes reinforcing the "vertical of power" of the President of the Russian Federation is therefore a reason for concern... (Council of Europe 2005, *Honouring of obligations and commitments by the Russian Federation, Doc.10568*, 3 June – Attachment 7).

The 2005 USDOS report on Russia also comments that "the electoral proposals enacted and considered during the year, particularly the elimination of direct gubernatorial elections, continued the consolidation of political power in the hands of the Kremlin" (USDOS 2005, *Country Reports on Human Rights Practices 2004: Russia*, 28 February – Attachment 16).

#### **4. Whether gubernatorial elections were proposed for 2005;**

As the reports quoted in the previous question indicate, the system of gubernatorial elections has been scrapped, and replaced with a system where governors are appointed by the Russian president. None of these reports mentioned any plans for a return to the election of governors in 2005.

Recent news reports indicate that the working of the new system is still being debated in Russia. President Putin has introduced a bill to give regional governments some say in his appointments of governors.

An October 2005 report states:

President Vladimir Putin on Monday sent a bill to the State Duma that would allow a party that wins a provincial legislative election to nominate the region's leader. Opposition parties and political analysts said the legislation, which has been anticipated for months, was unlikely to make

the appointments of regional leaders more democratic – the only party that would actually be able to influence the nomination of regional leaders will be the pro-presidential United Russia.

Putin currently appoints regional governors and presidents based on shortlists compiled by his envoys – a change that he ushered in under a law that abolished popular elections from the start of this year. The appointments are then confirmed by regional legislatures. The bill submitted on Monday would give the party that wins the largest share of the vote in a regional election the right to propose a candidate to Putin.

The president would reserve the right to reject candidates proposed by the parties and chose an alternate, who would then have to be confirmed by the regional legislature (Rudneva, E. et al 2005, 'United Russia will have it all', *Russian Press Digest*, 4 October – Attachment 17).

Another October 2005 report states that one regional government had challenged the new system in the courts: "Lawmakers in Yaroslavl, about 250 kilometers...northeast of Moscow had voted to file a motion in the Constitutional Court challenging the measure last year under which governors are appointed rather than elected". However, the lawmakers reportedly recalled the challenge after pressure was applied by the Kremlin through the United Russia party (Meyer, H. 2005, 'Russian regional legislature votes to recall court challenges to Kremlin', *Associated Press Newswires*, 5 October – Attachment 18).

## **5. Current treatment of supporters of Nash Dom Rossiya / URP by the Russian government and supporters of other political parties;**

The material in Question 1 indicates that **Nash Dom Rossiya** no longer exists as a party, and that some of its supporters were absorbed into United Russia, which is now the strongest political group in the Russian parliament.

As was also discussed in Question 1, Attachment 3, Attachment 4, and Attachment 5 indicate that **SPS** or the **Union of Right Forces** has lost considerable power as a political force and won only three seats in the 2003 election. Some analysts consider that this was partly due to interference by the government, including the arrest of financial supporters such as Mikhail Khodorkovsky, manipulation of the media, and even meddling with the computerized vote counting process.

Recent news reports indicate that SPS is currently campaigning to contest the Moscow State Duma elections, and has held talks with other minority parties in order to unite their efforts. Many of these parties have reportedly experienced violent incidents in recent times, some of it from pro-Kremlin youth organisations. One attack on an SPS member is mentioned amongst the reports below.

A September 2005 report describes a conference of various small opposition parties in Moscow. One topic discussed was a break-in at the headquarters of the Communist Party ('The opposition discusses the theory and practice of fighting for power' 2005, *WPS Russian Media Monitoring Agency*, 1 September –Attachment 19).

Another September 2005 report of the same conference mentions another incident of violence, where members of the National Bolsheviks had been beaten by "unknown people in masks" with baseball bats. The SPS leader was among those who condemned the attacks, which most thought had been carried out by members of a pro-Kremlin youth organisation

which was “sponsored by the authorities” (‘Russian paper sees opposition uniting in face of violence’ 2005, *BBC Monitoring Former Soviet Union*, 8 September – Attachment 20).

An October 2005 report surveys youth organisations in Russia, including pro-Kremlin groups such as Our Own and the Eurasian Youth Union, and a new youth wing of Unity which is to be created. The report also discusses the youth wings of opposition groups, including the Union of Right Forces. Violent incidents from both sides of politics are mentioned, including an attack on opposition leader Gary Kasparov, and an attack on government offices by the youth wing of the National Bolsheviks (‘A united pro-Kremlin youth front will resist the opposition’ 2005, *WPS: Russian Media Monitoring Agency*, 3 October – Attachment 21).

Another October 2005 report refers to a “series of attacks on opposition politicians”. The latest incident was the **beating of Union of Right Forces member Ivan Starikov**: “two unknown assailants attacked Starikov, who headed the short-lived State Duma campaign of jailed Yukos founder Mikhail Khodorkovsky”. Some blamed the attack on the pro-Kremlin youth group Nashi, which had also been blamed for attacks on the head of the Yabloko youth group, and the Red Youth Vanguard (Boykewich, S. 2005, ‘Starikov, a leading liberal, is beaten’, *The Moscow Times*, 31 October – Attachment 22).

A November 2005 report discusses the “unseemly” methods being used by United Russia in the election campaign for the Moscow State Duma, in order to remove opposition. SPS leader Dmitriy Katayev was given the wrong account number to pay his election deposit, and was thus eliminated because his registration as candidate was not accepted (‘One Russia using “unseemly” methods in Moscow duma election campaign’ 2005, *BBC Monitoring Former Soviet Union*, 7 November – Attachment 23).

## **6. Information on future gubernatorial elections in Nizhnenovogorod.**

As the reports quoted in previous questions indicate, the system of gubernatorial elections has been scrapped completely, and replaced with a system where governors are appointed by the Russian president. None of these reports mentioned any plans for a return to the election of governors in 2005.

The current governor of Nizhniy Novgorod took office in August 2005. He is named Valeri Shantsev (‘Mintimer Shaimiev congratulated Valeri Shantsev on assumption of office of Nizhniy Novgorod region’s governor’ 2005, *Tatar-Inform*, 9 August, <http://www.eng.tatar-inform.ru/news/politics/?id=924> – Accessed 1 November 2005 - Attachment 24).

A September 2005 report mentions that Nizhniy Novgorod is one of six regions that have had their governors replaced by the Kremlin under the new system. This report gives details of the negotiations with local officials which led up to the appointment:

But at its final stage the scenario for appointing the new Nizhniy Novgorod Governor Valeri Shantsev did not accord with the official scheme at all – the candidate was not suggested by the plenipotentiary representative’s office to the Kremlin but by the Kremlin to the plenipotentiary representative’s office. The point is that strained consultations had been underway for several months between the plenipotentiary representative’s office, the Presidential Staff, and the local political elite regarding the candidate for the post of governor of Russia’s third most important region. There were long and short lists and even an attempt by former governor Khodyrev to raise the issue of confidence in himself with the president. In the end Moscow itself offered Nizhniy Novgorod a compromise. “Medvedev told Kiriyaniko [the plenipotentiary representative] that there

was a decision to make Valeriy Shantsev regional governor,” a source close to the Kremlin says. “Of course, Kiriyenko did not protest” (‘Russian daily details procedure for selecting regional governors’ 2005, *BBC Monitoring Former Soviet Union*, 2 September – Attachment 25).

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