



Managing Civil Society Are NGOs Next?

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In our country, there are thousands of public associations and unions that work constructively. But not all organizations are oriented towards standing up for people's real interests. For some of them, the priority is to receive financing from influential foreign foundations. Others serve dubious group and commercial interests. And the most serious problems of the country and its citizens remain unnoticed.

Vladimir Putin, President of the Russian Federation¹

If [the speech] wasn't a direct threat from the President, then at least it's a signal to bureaucrats that they should divide organizations into good and bad, help the ones they consider good and build barriers for the ones they consider to be bad.

Arseny Roginsky, Chairman of the Public Council of Memorial²

Summary

On November 23, 2005, the State Duma, Russia's parliament, is scheduled to consider a draft law that would dramatically restrict the work of nongovernmental organizations (NGOs) working in Russia. The representative offices of foreign groups, including Human Rights Watch and also foreign foundations, think tanks, and social service providers, would have to re-register as local membership organizations or face liquidation. The law would furthermore allow far greater government interference in the work of Russian NGOs, putting them at serious risk of losing their independence.

This draft law follows two years of marked deterioration in the working environment for NGOs in Russia. In his 2004 state-of-the-nation speech, President Vladimir Putin of Russia issued a broadside attack against NGOs that, in his opinion, "serve dubious group and commercial interests" and fail to stand up for the "people's real interests"—evidently a charge against groups that have criticized the government's handling of human rights, the environment, and other sensitive issues. Coming after the Putin administration obliterated independent television, marginalized the written media and parliamentary opposition, and jailed or forced into exile perceived opponents among businessmen, it was broadly seen as a sign that the administration had shifted its focus to the last remaining large and independent sector of civil society, the NGOs.

More than a year later, NGOs that work on human rights issues in Chechnya are increasingly embattled in a way that often keeps them from doing their substantive work.

¹ See: [online] http://kremlin.ru/eng/speeches/2004/05/26/1309_type70029_71650.shtml (retrieved December 7, 2004).

² Susan B. Glaser, "Putin Talk Worries Independent Groups – Civil Society Activists on Defense," *The Washington Post*, June 1, 2004.

While no coordinated campaign is yet underway against other critical groups, the working environment for NGOs has considerably deteriorated over the past year. Numerous officials have made a habit of launching verbal attacks on them, and incidents of harassment appear to be on the increase. The draft law heightens fears that an official crackdown is imminent.

These fears are not far-fetched. The situation for NGOs today is reminiscent of that of independent television in 2000. The campaign against independent television in Russia started that year with the Kremlin imposing crippling restrictions on journalists covering the Chechnya conflict, and attacking media and journalists who refused to toe the Kremlin line. After harnessing most coverage on Chechnya, the Kremlin then quickly moved against all independent television stations so as to establish control over all televised news reporting. It is logical that in their campaign against critical NGOs, the Kremlin has first taken on groups working on Chechnya, with their continuing reports of grave abuses. However, given the Kremlin's well-documented lack of tolerance for criticism, it is unlikely to stop once it has silenced these groups.

As a party to all major international human rights instruments, Russia is obligated to uphold freedom of expression and association.³ Although these freedoms are not absolute, Russia may not arbitrarily restrict these rights. The government's interference with NGO work documented below, and its harassment of human rights defenders and victims of abuse, fly in the face of its commitment to ensure the fundamental human rights of its people. They also undermine the government's stated goal of developing a democratic society in Russia, of which independent NGOs are a vital component.

Recommendations

Today, Russia has a vibrant NGO community. However, parts of it are increasingly embattled and there is a real risk of a government-led crackdown on critical NGOs more generally in the next few years. To avoid such a crackdown and, instead, empower NGOs to play a more prominent role in public life in Russia, Human Rights Watch makes the following recommendations.

³ Articles 10 and 11 of the European Convention on Human Rights protect freedom of expression and association respectively. Russia ratified the convention on May 5, 1998. Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR) contain similar provisions. The Soviet Union, to which Russia is a successor state, ratified the ICCPR in 1976.

To the Russian Government and State Duma

- The authors of the draft law should withdraw it. If not, the State Duma should reject the draft. If the law is adopted, President Putin should veto it;
- End official harassment and intimidation of NGOs and their activists that work on human rights in the context of the Chechnya conflict;
- End harassment of victims of human rights abuses who speak out on their fate or seek justice, and thoroughly investigate all cases of official harassment;
- Refrain from interfering with the legitimate activities of all NGOs;
- Publicly express support for the work of NGOs and stress the importance of such work in any democratic society;
- Investigate any cases of unlawful interference, harassment or intimidation of NGOs, human rights defenders, or victims; and
- Issue a standing invitation to the U.N. Special Representative for Human Rights Defenders to visit the Russian Federation.

To the International Community

- Strongly oppose the draft law on NGOs. Make clear to the Russian government that passage of this draft law (or any revised draft) that interferes with the rights to freedom of association and speech would have serious consequences;
- Forcefully express support for the work of human rights and other NGOs in Russia, and make clear that a government-led crackdown on them will have serious repercussions for bilateral and multilateral relations;
- Point out the vital importance of a strong and independent civil society for the proper functioning of any democratic state, including Russia, and encourage the government to promote the development of civil society;
- Express deep concern about the crackdown on NGOs that work on human rights in the context of the Chechnya conflict, and urge the Russian government to end this crackdown;
- Continue to support financially and otherwise the work of civil society groups in Russia;
- Insist that Russia thoroughly investigate all cases of unlawful interference, harassment and intimidation of NGOs and human rights defenders;
- Call for a thorough government investigation into all reports of harassment and attacks against any person in relation to applications filed with the European Court of Human Rights;

- Encourage the Russian government to issue a standing invitation to the U.N. Special Representative for Human Rights Defenders.

Background: Dismantling the System of Checks and Balances

The present threatening atmosphere for NGOs in Russia continues a multi-year trend of backtracking on democratic developments. The past five years have witnessed the progressive dismantling of all checks and balances on executive power—including the independent media, plurality of opinion in the national legislature and among regional governors, and the independence of the judiciary. Although President Vladimir Putin has consistently paid lip service to principles of democracy and human rights—and has repeatedly justified his steps to concentrate power in his hands as needed to create a more effective system of government—Russia has gone back on many achievements of the 1990s.

Russia's political structures may have been flawed and dysfunctional when Vladimir Putin came to power in late 1999, but public debate of policy issues, one of the great achievements of *glasnost* and a basic element of any democracy, was vigorous. In the State Duma (the lower chamber of parliament) political parties of different persuasions engaged in strident debate over issues ranging from foreign to agricultural policy. The electronic and print media, though dominated by oligarchs who used them as tools to promote their own interests, presented a wide variety of different opinions. Regional governors were a force to be reckoned with, and the courts had gained some degree of real independence from the executive. Finally, a quickly developing community of NGOs had started playing a role in policy making. During the past five years, President Vladimir Putin's policies have systematically reversed achievements in each of these areas.

In September 2004, President Putin essentially blamed the collapse of the Soviet Union and the deficiencies of Russia's transition to democracy for the hostage taking at a school in Beslan, North Ossetia, and the subsequent massacre of hundreds of children, parents, and teachers.⁴ He subsequently pushed through a package of political changes that have taken his already overwhelming dominance of Russian politics to a new level. President Putin now essentially appoints regional governors, rules for parliamentary elections have been changed in a way that is likely to further reduce opposition in parliament, and proposals that would give the executive branch more control over the judiciary are currently being considered by the State Duma.

⁴ "Text of Putin Speech," Agence France Presse, September 4, 2004.

In November 2004, Putin defended his post-Beslan proposals, saying that they aimed to create a “system of organizing power” that does not “go against the principles of a democratic society” and that is “better able to solve the problems the country faces.”⁵ Many Russia analysts, however, felt that the Kremlin opportunistically used the Beslan tragedy to push through political changes that it had long been considering. As Yevgenia Albats, a professor of political science at Moscow’s Higher School of Economics and a respected Kremlin critic, commented:

I believe that each and every political reform that has been announced during the past months had nothing, and has nothing, to do with Beslan. Beslan served as a pretext. The Kremlin just capitalized on the fear and anger that developed inside Russian society after the hostage crisis in Beslan and decided to use the time after the crisis to announce its reforms, [all with the objective] to reinstate full control over society.⁶

Establishing Control over the Media

When Vladimir Putin took office in late 1999, several big media conglomerates owned by a number of oligarchs controlled Russia’s nationwide television channels—the primary source of information for the vast majority of Russians—as well as many of its radio stations, newspapers, and Internet publications. Although the agendas of these oligarchs heavily influenced the news coverage in these media, Russians did get to see a wide variety of opinions on their television screens and in their newspapers; the oligarchs used their media to battle each other and the government.

In what he would later call the “liberation” of news outlets from oligarch censorship,⁷ President Putin aggressively started seeking editorial control over the media, in particular national television channels, after he took office. By mid-2003, all television stations with national reach had been placed under the firm control of the Kremlin, as had most radio stations. Television news had become monotone, perpetually portraying the president in a positive light and avoiding criticism of his policies. All programs featuring live debate on political issues had been cut. Only a small number of newspapers and Internet publications provided some plurality of opinion, but their readership was marginal.

⁵ For an English-language transcript of the interview with President Putin, see: [online], http://kremlin.ru/eng/speeches/2004/11/18/1705_79606.shtml (retrieved November 19, 2004).

⁶ Daisy Sindelar, “2004 And Beyond: In Russia, Tragedy Furthers Kremlin Vision Of Centralized State,” Radio Free Europe/Radio Liberty, December 15, 2004.

⁷ President Putin’s Annual Address to the Federal Assembly, April 25, 2005 [online], http://www.kremlin.ru/eng/speeches/2005/04/25/2031_type70029_87086.shtml (retrieved August 31, 2005).

The crackdown on the media started in 1999 with restrictions imposed on journalists covering the renewed hostilities in Chechnya. Acutely aware of the fact that critical media coverage and an increasingly skeptical public had contributed to forcing the Russian government to negotiate a retreat from Chechnya in 1996, the administration moved to restrict journalists' access to and reporting on the conflict zone.⁸ Journalists were only allowed into Chechnya by joining official tours organized by the Russian authorities and escorted by the military that offered only the Moscow perspective on the conflict, and little or no opportunity for independent reporting on the ground.

While most Russian media voluntarily followed these government regulations and overtly supported Russia's campaign in Chechnya, those that did not often faced sanctions. For example, in mid-January 2000, Russian forces detained Andrei Babitsky, a Radio Liberty correspondent and vocal critic of Russia's policies in Chechnya, when he traveled there independently. They took him to a detention center, where he was beaten several times. He was later released to an unknown Chechen group and eventually resurfaced in the neighboring region of Dagestan.⁹ In February 2001, federal forces detained Anna Politkovskaya of the weekly newspaper *Novaia Gazeta*, another vocal critic who defied the Kremlin's access regulations, in Khatuni while she was investigating abuses by Russian troops in the region, interrogated her and kept her overnight on a military base before releasing her the next day.¹⁰ Over the years, Russian forces have also detained a number of foreign journalists who entered Chechnya independently and the government has threatened them with withdrawal of their accreditation.¹¹

At the outset of the new conflict, the press ministry banned Russian television channels from airing any footage of or interviews with rebel leaders—a ban that was later extended to the print media.¹² The government has since threatened numerous Russian media outlets with sanctions for featuring interviews with rebel leaders, and has protested those that have appeared in the foreign press.¹³ In July 2005, after U.S.

⁸ Human Rights Watch, *World Report 2000* (New York: Human Rights Watch, 2000) [online], <http://www.hrw.org/wr2k/Eca-17.htm> <http://www.hrw.org/wr2k/Eca-17.htm> (retrieved August 22, 2005).

⁹ Human Rights Watch, *World Report 2001* (New York: Human Rights Watch, 2001) [online], <http://www.hrw.org/wr2k1/europe/russian.html> (retrieved August 22, 2005).

¹⁰ Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002) [online], <http://www.hrw.org/wr2k2/europe16.html> (retrieved August 22, 2005).

¹¹ "Foreign Ministry confirms foreign newsmen in Chechnya released," BBC Monitoring Service: *Former USSR*, December 31, 1999; Committee to Protect Journalists (CPJ), *Russia 2000: Country Report* [online], <http://www.cpj.org/attacks00/europe00/Russia.html> (retrieved August 23, 2005); Ann Cooper, "Russia: CPJ calls on minister to reverse ABC decision," Committee to Protect Journalists, March 24, 2005.

¹² Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002) [online], <http://www.hrw.org/wr2k2/europe16.html> (retrieved August 22, 2005).

¹³ For example, in February 2005, Russia's Foreign Ministry criticized the decision by the United Kingdom's Channel 4 News to broadcast an interview with Shamil Basayev (See: Jill Dougherty, "Basayev interview angers Moscow," CNN.com, February 4, 2005 [online], <http://edition.cnn.com/2005/WORLD/europe/02/04/basayev/> (retrieved August 23, 2005); in March 2005 Russia

television channel ABC aired an interview with rebel leader Shamil Basayev, the government took the unprecedented step of announcing that it would not renew accreditation for ABC correspondents.¹⁴

In 2000, the government also took the first steps in what would turn into a campaign against all television channels it did not have editorial control over. Its first target was ORT, or Channel 1, a channel that was partially owned by the state and partially by businessman Boris Berezovsky, with the latter exercising editorial control. In the run-up to the parliamentary and presidential elections in 1999 and 2000, the channel had overtly promoted Vladimir Putin and his allies, and had spearheaded a campaign against their opponents, but some time after the elections Boris Berezovsky fell out of favor. In August 2000, ORT provided critical coverage of the sinking of the Kursk submarine, broadcasting interviews with the wives of Kursk sailors criticizing the government's response to the tragedy, and producing a furious reaction from the Kremlin.¹⁵ A month later, in September 2000, Berezovsky wrote an open letter to President Putin in which he charged that a senior Kremlin official had pressured him to sell his stake in ORT. Berezovsky has claimed that when he initially refused to hand over the shares, the Kremlin had one of his business partners arrested and offered him a deal: the release of his business partner in exchange for the ORT shares. According to Berezovsky, he then negotiated for the government to pay the equivalent of U.S.\$170m of the U.S.\$380m he had invested in ORT and handed over the shares.¹⁶ In that same period, law enforcement agencies also raided ORT's headquarters, ostensibly looking for contraband foreign videos and evidence of alleged financial irregularities at ORT between 1997 and 1999. Eventually, Berezovsky went into self-imposed exile to try to avoid what he saw as persecution.

In mid-2000, the authorities also moved against NTV, the flagship station of oligarch Vladimir Gusinsky's media empire Media Most. At the time, NTV was the largest independent television station and one of the few to provide any critical coverage of the military campaign in Chechnya. On May 11, 2000, heavily armed security forces conducted a raid on the offices of Media Most—the first of many—and forcibly held dozens of employees in the building for a full day. Law enforcement agencies denied any political motives, but the press and many observers saw the heavy-handed raid as a warning to independent media. In June, the authorities filed criminal charges against

also criticized the Swedish news agency TT for broadcasting an interview with Basayev (See: "Russia: CPJ calls on minister to reverse ABC decision," Committee to Protect Journalists, March 24, 2005).

¹⁴ Nabi Abdullaev, "ABC Case Looks Like a Populist Warning," *Moscow Times*, August 4, 2005.

¹⁵ "How democracy was rolled back in Russia – in drive to consolidate his power, Putin minimized risks and forced TV to submit," *The Washington Post*, June 8, 2005.

¹⁶ "Moscow's most wanted man – Billionaire Boris", *The Observer* (London), April 27, 2003.

Gusinsky and held him in custody for several days. In late July, prosecutors dropped these charges after Gusinsky agreed to transfer control over Media Most to the state-owned gas company Gazprom.¹⁷ The European Court of Human Rights, which later examined these events, concluded that the authorities had used the prosecution to pressure Gusinsky into transferring Media Most shares to Gazprom. It ruled that the prosecution had violated human rights norms, observing that “it is not the purpose of such public-law matters as criminal proceedings and detention on remand to be used as part of commercial bargaining strategies.”¹⁸

Upon gaining control of Media Most in April 2001, Gazprom ousted NTV’s board and appointed Boris Jordan, a U.S. businessman of Russian descent, as the new executive director for the station. Under Jordan, the channel maintained for another eighteen months its previous standard of reporting and did not shy away from criticism of the Kremlin. In October 2002, the station gave extensive and critical coverage of the hostage crisis at a Moscow theater, which resulted in more than one hundred deaths when Russian security forces pumped gas into the theater to subdue the hostage takers. Shortly after, President Putin singled NTV out for criticism of its coverage of the tragedy. A few months later, in January 2003, NTV’s board ousted Jordan. NTV’s news coverage began to change in quality and tone after this, gradually become less and less critical of the Kremlin.¹⁹

In late 2001, LukOil-Garant, a partially state-owned oil company, moved against yet another independent television station, TV-6. It filed suit to liquidate the parent company of TV-6, in which it had a minority stake but which was controlled by Boris Berezovsky. After Gazprom’s takeover of NTV, TV-6 had become a prominent independent channel and was often critical of the Kremlin. In September 2001, a Moscow court ruled in favor of LukOil, and, by the end of January 2002, TV-6 went off the air. Although the government maintained that the clash between LukOil and the parent company of TV-6 was nothing but a business dispute, many media professionals and political analysts saw the hand of the Kremlin in the affair.²⁰

¹⁷ Human Rights Watch, *World Report 2001* (New York: Human Rights Watch, 2001) [online], <http://www.hrw.org/wr2k1/europe/russian.html> (retrieved August 23, 2005); Committee to Protect Journalists, *Russia 2000: Country Report* [online], <http://www.cpj.org/attacks00/europe00/Russia.html>, (retrieved August 23, 2005).

¹⁸ European Court of Human Rights, “Case of Gusinskiy v. Russia,” Judgement, First Section, Part II (B), paragraph 76, Strasbourg, May 19, 2004.

¹⁹ International Press Institute, *2004 World Press Freedom Review: Russia* [online], <http://www.freemedia.at/wpfr/Europe/russia.htm> (retrieved August 24, 2005).

²⁰ Andrew Jack, “Self-censorship the way to stay on air,” *Financial Times* (London), April 15, 2005.

In March 2002, Russia's press ministry granted TV-6 a new broadcasting license, in an apparent move to stave off criticism of Russia's free press record. TVS, as the new television station was called, went on air in July 2002 and broadcast news bulletins that were often very critical of the Kremlin. In June 2003, however, Russia's press ministry shut down the channel, citing TVS's financial difficulties. The channel's editor-in-chief attributed these financial problems to a Kremlin-controlled campaign to deprive the station of funds.²¹ The press ministry subsequently gave TVS's license to a sports station.²²

Thus, by mid-2003, the Kremlin had established firm control over all television channels with significant national reach.²³ A number of other media outlets have managed to remain independent and critical but many of them have faced constant Kremlin pressure. Radio *Ekho Moskvy* is the only broadcast news outlet that reaches a significant part of the Russian population and has managed to maintain its independence, despite repeated attempts by the Kremlin and its proxies to take over editorial control.²⁴ The print press continue to reflect diverse opinions, but newspapers reach only a small minority of Russians and the Kremlin has been closing in on a number of these publications.²⁵ At the time of this writing, government officials were calling for increased control over the Internet, including censorship of web pages, heightening fears that even the news sites on the Internet may become targets of government meddling and, no doubt, increasing self-censorship already exercised by many Internet publications.²⁶

²¹ "Editor of last Russian independent TV warns of threat of shutdown," *Agence-France Presse*, June 18, 2003.

²² "Fear for Media Freedom as Russia shuts independent TVS," BBC Monitoring, June 26, 2003.

²³ Most regional television channels are under the control of the respective governors. See, for example, Human Rights Watch, *World Report 2005* (New York: Human Rights Watch, 2005), p. 407.

²⁴ Since Gazprom's takeover of Gusinsky's Media-Most empire in 2001, Gazprom has held 66 percent of *Ekho Moskvy*'s shares, with journalists controlling the remaining 34 percent. Between 2001 and 2004, the station lost broadcasting contracts in fifty cities across the country and can now be received in only thirty-nine regions (See: Anna Dolgov, "The Kremlin's Harmful but Beautiful Insect," *Moscow Times*, January 29, 2004). The radio station's editor-in-chief Alexei Venediktov maintains that *Ekho Moskvy* is under constant pressure from the authorities over its coverage (Eric Helque, "Last mic standing," *Russian Life*, January 1, 2005), and that he and his colleagues have received anonymous threats to their safety and that of their families (Scott Petersen, "Grip of Putin's censors tightens," *Christian Science Monitor*, June 8, 2004).

²⁵ See for example: Committee to Protect Journalists, "Attacks on the Press 2003: Russia" [online], <http://www.cpj.org/attacks03/europe03/russia.html> (retrieved August 24, 2005); Chris Stephen, "Kremlin tightens screws on media as Gazprom buys into 'Izvestia,'" *Irish Times*, June 13, 2005.

²⁶ "Reiman says mass media law should regulate Internet," *Prime-Tass News*, March 22, 2005.

Reigning in Regional Leaders²⁷

When Vladimir Putin came to power in 1999, regional leaders were a force to be reckoned with in Russian politics. They not only dominated their regions but also held seats in the upper chamber of Russia's parliament, the Federation Council, and thus played a key role in national legislative processes. Many of the governors ran their regions as personal fiefdoms and took them on a course of great autonomy from the center. Upon becoming president, Putin quickly moved to reign in the regional leaders and has subsequently gradually eliminated them as an independent political force.

Shortly after being elected president, Putin created a new administrative layer answerable to him alone, dividing Russia into seven administrative regions led by his appointees. The "super governors," as the appointees became known, were supposed to help the Kremlin control the activities of the governors in Russia's regions. Putin then forced legislation through parliament to strip regional governors of their seats in the Federation Council. He justified these reforms as necessary to prevent the disintegration of Russia.

In the next few years, the Kremlin used its sway over television media and its enormous administrative resources to influence gubernatorial election campaigns, eventually making Kremlin support almost a condition for becoming governor. As a result of this effort at what some analysts have termed an aspect of "managed democracy," most regional leaders became indebted to the Kremlin for support of their candidacy during the elections, and reluctant to stand up to its policies after being elected, even if the policies were not in their interests or those of their regions.

In September 2004, after the Beslan massacre, President Putin proposed scrapping direct popular elections for governors altogether, making them presidential appointees instead.²⁸ Few regional leaders spoke out against the proposal, even though it effectively took away their last vestige of independence, and it became law in late 2004. Under the new procedure, the president nominates a candidate for governorship, who is then confirmed by the regional parliament. If a regional legislature refuses to approve a presidential nominee three times (the president's second or third proposal can be either the original or a different nominee), the president has the right to dissolve the parliament. Since early 2005, President Putin has nominated twenty-eight regional

²⁷ The Russian Federation consists of 89 federal subjects. These subjects are divided into 21 republics, 49 provinces (*oblast* in Russian), 6 regions (*krais* in Russian), 1 autonomous oblast (*avtonomnaia oblast* in Russian), 10 autonomous districts (*avtonomy okrug*), and the 2 federal cities of Moscow and St Petersburg. "Region" is used here to denote a federal subject. See: Reference.com [online], www.reference.com/browse/wiki/Federal_subjects_of_Russia, (retrieved October 17, 2005).

²⁸ Vladimir Putin, "Speech at the Enlarged Meeting with the Government and Heads of the Regions," September 13, 2004 [online], http://www.kremlin.ru/english/speeches/2004/09/13/0000_type82912type82913_76667.shtml (retrieved August 24, 2005).

leaders, twenty-two of whom were incumbents. Regional parliaments confirmed all the nominees swiftly.

Reigning in the State Duma

During President Boris Yeltsin's years in power, the State Duma and the Kremlin were in a perpetually adversarial relationship. While the State Duma was not an effective legislative institution in those years—it was so divided that it was unable to adopt laws on many key issues—parties of various political persuasions were represented in it and vigorous debate on all manner of policy issues was the order of the day. Today, parliament is little more than a “rubber-stamp” body for President Putin's proposals. Public debate on key policy issues has all but disappeared, opposition parties have been decimated or eliminated altogether, and there is evidence that freedom of speech within the ruling party is suppressed.

Soon after Vladimir Putin was appointed prime minister in the summer of 1999, the Kremlin launched its effort to ensure the December 1999 parliamentary elections resulted in a more cooperative State Duma. Vladimir Putin explicitly lent his support to the political party *Yedinstvo*, or Unity, and, to a lesser extent, to the *Soiuz pravyykh sil*, or Union of Right Forces. Television channel ORT, then still controlled by Boris Berezovsky, strongly promoted Unity, and attacked its main opponents. During the elections, *Yedinstvo* obtained about a quarter of the vote and became the second largest party in the new State Duma. In April 2001, *Yedinstvo* and *Otechestvo/Vsya Rossia* (Fatherland/All Russia), the fourth largest political bloc in parliament, set up a joint council to oversee a merger of the two forces, which eventually took place in December 2001.²⁹ The new party commanded more than 130 seats in the 450-seat State Duma.³⁰ As several political blocks in parliament generally supported the pro-government coalition of *Yedinstvo* and *Otechestvo/Vsya Rossia*, the State Duma approved practically all government and Kremlin proposals. Within this largely compliant new parliament opposition parties from across the political spectrum were nevertheless represented, including the Communist Party, Yabloko, and the Union of Right Forces—despite Vladimir Putin's pre-election support this party opposed many of his policies. These parties ensured vivid public discussion of legislative initiatives and government policy, even though they eventually had little real influence on either.

²⁹ Diana Rudakova, “Fatherland-Unity merger council to meet on April 20,” *ITAR Tass*, April 13, 2001; and Europe Review World of Information, “Russia – Review,” October 3, 2002.

³⁰ Dario Thuburn, “Kremlin Backs Election Rule Change,” *WMRC Daily Analysis*, October 9, 2002.

Prior to the December 2003 elections, the government moved to establish even more control over the State Duma. This time, Kremlin-controlled television channels promoted *Yedinaia Rossiia*, or United Russia, the successor of Unity, and, to a lesser extent, *Rodina*, or Motherland, a new political force, while attacking other parties. International election monitoring bodies observed that broadcast media outlets displayed such favoritism towards United Russia that “the democratic norms of voter access to information and equal conditions for candidates and parties to convey their message to the electorate were severely compromised.”³¹ Not surprisingly, United Russia overwhelmingly won the elections. It now controls more than two-thirds of all seats in the State Duma, enough to adopt any law or even change the constitution.³² Moreover, two liberal opposition parties, Yabloko and the Union of Right Forces, were eliminated from parliament and the Communist Party was decimated.³³ Policy debate in Russia is now primarily conducted by the pro-Kremlin party, United Russia, the Communist Party, and two nationalist parties, Motherland and the Liberal Democratic Party of Russia, led by Vladimir Zhirinovskii.

After the Beslan massacre, President Putin announced and pushed through amendments to election laws that end single-mandate constituency voting—until then, parliamentarians elected from local constituencies made up half of the State Duma, the other half being elected from party lists—and introduced new membership requirements for political parties. The new rules for registering political parties introduce a minimum threshold of 50,000 members, as opposed to 10,000 previously. Additionally, political parties must receive a minimum of 7 percent of the votes in parliamentary elections to clear the entry threshold for the State Duma.

These changes are likely to lead to an even more monolithic State Duma. As most liberal opposition members in the current State Duma were elected on single mandates—their parties failed to reach the then 5 percent threshold in the election and are unlikely to be able to participate in the 2007 elections due to changes to legislation on political parties—the abolition of single-mandate seats is likely to eliminate these voices of dissent in the next parliamentary elections. Few parties will be able to attract more than 50,000 members, and will thus be blocked from participating in the elections; at present, only the Communist Party and United Russia have the requisite number of members.

³¹ OSCE/ODIHR Election Observation Monitor Report “Russian Federation – Elections to the State Duma,” December 7, 2003 [online], http://www.osce.org/documents/odihr/2004/01/1947_en.pdf (retrieved March 18, 2005).

³² The United Russia faction (comprising United Russia deputies and their allies) holds 306 out of 450 seats in the State Duma.

³³ The Communist Party went from 113 seats in the 1999 State Duma to 51 in the 2003 State Duma.

Even if parties are able to overcome the membership hurdle, they need to obtain at least 7 percent of the vote.

Following the 2003 elections, United Russia has used its two-thirds majority in the Duma to push through the Kremlin's agenda and to stifle critical examination of draft bills. Its domination of the State Duma has resulted in an atmosphere of intolerance for dissenting opinions, even within its own ranks. In November 2004, United Russia deputy Anatoly Yermolin complained in an open letter addressed to the Prosecutor General's Office, the Constitutional Court and the Speaker of the Duma that a senior official from the presidential administration had, during a meeting with United Russia deputies, ordered them to vote as the Kremlin instructed them. Several days later, Yermolin was expelled from the United Russia faction and the chairman of the Duma Management Committee, Oleg Kovalyov, accused him of being a "spy of some political forces, such as [former Yukos CEO Mikhail] Khodorkovsky."³⁴

Compromising the Independence of the Judiciary

In the 1990s, Russia's judiciary made important steps towards becoming independent from the executive not just in law but also in practice. However few in Russia doubt that the Kremlin has been trying to reverse that process in the past five years. Although it is difficult to measure the extent to which the Kremlin seeks to influence the decisions of the judiciary—few judges have come forward with allegations of pressure—opinion polls show that few Russians believe that the courts are independent and observers increasingly refer to the return of "telephone justice," a Soviet-era practice by which judges received instructions from the Communist Party or the KGB (state security committee) before issuing judgments.³⁵

There is consensus among human rights groups and most Russia-watchers that at least in a number of high profile cases pressure has been exerted by the Kremlin or other political leaders on the judiciary to obtain a desired verdict. The International Bar Association, which conducted research into judicial independence in Russia in early 2005, concluded in a report that:

it is apparent that a number of high profile cases have given rise to a widespread public perception of political and or economic influence

³⁴ Francesca Mereu, "United Russia Expels Critical Deputy," *Moscow Times*, November 10, 2004. For further reference to Mikhail Khodorkovsky see below.

³⁵ "Russian TV examines lack of public confidence in judiciary," *BBC Monitoring*, April 5, 2005; and Michael G. Goldhaber, "Crime and Punishment," *The Recorder*, August 12, 2004.

over the judiciary. These cases have the unfortunate effect of reducing public confidence in the judiciary and eroding the confidence of the judiciary itself to withstand pressure, particularly with politically sensitive cases.³⁶

Some of the cases where the administration evidently exerted pressure on the courts include the following:

- In May 2005, a Moscow court convicted Mikhail Khodorkovsky and Platon Lebedev to nine years in prison for tax evasion and a number of other charges related to their activities as managers of the Yukos oil company.³⁷ Many observers believed that the charges against the men were politically motivated and that court proceedings were not fair. In January 2005, the Parliamentary Assembly of the Council of Europe stated that the case went “beyond the mere pursuit of criminal justice,” that it appeared aimed “to weaken an outspoken political opponent,” and expressed rights concerns about judicial processes in Russia.³⁸
- In March 2005, a Moscow court found Yuri Samodurov, director of the Sakharov Center in Moscow, and his colleague Lyudmila Vasilovskaya guilty of inciting religious hatred for sponsoring a controversial art exhibition entitled “Caution! Religion!” and fined them 100,000 rubles (about U.S.\$3,600) each. Four days after the exhibit opened, a group of Russian Orthodox believers ransacked it. Charges of vandalism filed by the museum were quickly dropped amid strong political pressure to investigate the allegedly blasphemous nature of the artworks on display. The then-state prosecutor charged the exhibit organizers with inciting religious hatred and offending the feelings of religious believers, under Article 282 of the Russian Criminal Code.³⁹
- In 2004, the Supreme Court confirmed a guilty verdict by the Moscow City Court against arms researcher Igor Sutiagin on highly dubious charges of espionage, instigated by the Federal Security Service. In spite of the fact that

³⁶ International Bar Association Human Rights Institute, *Striving for Judicial Independence: A Report into Proposed Changes to the Judiciary in Russia*, June, 2005 [online], http://ibanet.org/images/downloads/2005_06_June_Report_Russia_Striving%20for%20Judicial%20Independence_Final_English.pdf (retrieved August 24, 2005).

³⁷ Ariel Cohen, “Verdict with chilling fallout,” *Washington Times*, June 8, 2005.

³⁸ Parliamentary Assembly of the Council of Europe, *Resolution 1418 (2005)*, “The circumstances surrounding the arrest and prosecution of leading Yukos executives,” January 25, 2005 [online], <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1418.htm> (retrieved August 18 2005).

³⁹ See: Human Rights Watch press release, “Russia: Art Conviction Undermines Free Expression,” March 28, 2005.

proceedings in the Moscow court violated Russian and international law, the Supreme Court refused to quash the verdict.⁴⁰

- In 2004, the Supreme Court overturned the acquittal of espionage charges of scientist Valentin Danilov, also brought by the Federal Security Service, and ordered a retrial. At the retrial, also in 2004, Danilov was convicted of dubious charges after a procedure that violated Russian and international law.⁴¹

After the Beslan massacre, Sergei Mironov, the speaker of the Federation Council and an ally of President Putin, proposed measures that would dramatically increase executive control over the Supreme Court Qualification Collegium, the body that supervises the appointment, promotion, and dismissal of judges.

At present, the Qualification Collegium is composed of twenty-nine members. The All-Russian Congress of Judges selects (every four years by secret ballot) eighteen judges to serve on this body, the Federation Council selects ten members of the public, and the president appoints one representative. Under the Mironov proposal, the number of members of the Supreme Court Qualification Collegium would be reduced to twenty-one: the president would nominate ten judges who would be confirmed by the Federation Council, the speaker of the Federation Council would nominate ten members of the public who would be confirmed by the chamber, and the president would appoint a representative. Under the proposal, the make-up of regional Qualification Collegia would also be changed. Of their seventeen members, regional judges would appoint eight fellow judges, the legislative body of the region would appoint eight representatives of the public, and the president would appoint one representative. The proposal also suggested reducing the quorum for meetings of Qualification Collegia, including the Supreme Collegium, from two-thirds to a simple majority, meaning a judge could be fired without a single one of his peers being present.

⁴⁰ "Joint statement on the case of Igor Sutiagin," Amnesty International, Human Rights Watch, the International Helsinki Federation for Human Rights, the Moscow Helsinki Group, and the Public Committee for the Protection of Scientists, June 2004, [online] http://hrw.org/backgrounder/eca/russia/2004/igor_statement.htm (retrieved August 25, 2005); Human Rights Watch, "Russia: Pretrial Detention Excessive in Espionage Case," October 27, 2003 [online], <http://hrw.org/press/2003/10/russia102703.htm> (retrieved August 25, 2005); Human Rights Watch, "Fair Trial Needed for Nuclear Scientist," August 16, 2004 [online], <http://hrw.org/english/docs/2004/08/16/russia9234.htm> (retrieved August 25, 2005); "Russia: Fair Trial Needed in 'Spy' Case," June 2, 2004 [online], <http://hrw.org/english/docs/2004/06/02/russia8677.htm> (retrieved August 25, 2005).

⁴¹ The defense for Valentin Danilov alleged that his research was based on open-source materials. However, at the trial, the judge did not allow Danilov's defense team to present information about his sources to the jury, thus preventing him from mounting a genuine defense. See: Fred Weir, "Whistleblowers face a chill wind in Putin's Russia," Amnesty International Magazine, Summer 2005 [online], <http://www.amnestyusa.org/magazine/whistleblowers.html> (retrieved August 25, 2005).

Although the Federation Council overwhelmingly supported the proposal in late September 2004 and a draft law was subsequently submitted to the State Duma, the legislation has not been adopted as yet. Indeed, the International Bar Association found during its April 2005 fact-finding mission that while State Duma staff characterized the proposals as “priority,” most of its interlocutors did not believe the proposals would pass in their present form.⁴²

Nongovernmental Organization: the Next Crackdown?

In the 1990s, NGOs mushroomed all over Russia and, according to recent estimates, there are more than 300,000 registered NGOs in Russia today.⁴³ The vast majority of these organizations perform social or charitable work but a considerable number, including human rights and environmental organizations, actively seek to influence government policies and regularly criticize the government’s performance. It is these NGOs that are at prime risk today.

In the 1990s, the human rights and environmental movements grew rapidly. A number of large networks emerged around groups with roots in the Soviet-era dissident movement, like Memorial and the Moscow Helsinki Group. But thousands of individual groups also came into existence around the country. During President Putin’s first term, these NGOs conducted their work largely without government interference. They developed contacts with governments at the federal, regional and municipal levels, they began to conduct intensive work with legislatures at the various levels to promote legislative change, they became known voices in the media, and were increasingly invited to sit on committees dealing with issues on which they had expertise. Although they still had very limited real influence on policy, these NGOs had started to play the type of role NGOs play in established democracies.

The demise of plurality in the media and parliament of recent years has had twin effects for NGOs: they are among the few independent voices in Russian society that are left, yet the ability of NGOs to work effectively has been considerably undermined. The lack of press freedom has made it increasingly difficult for NGOs to relay their opinions to a large audience, and human rights NGOs have lost almost all their supporters in

⁴² International Bar Association, *Striving for Judicial Independence: A Report into Proposed Changes to the Judiciary in Russia*, June 2005 [online], http://www.ibanet.org/images/downloads/2005_06_June_Report_Russia_Striving%20for%20Judicial%20Independence_Final_English.pdf (retrieved August 24, 2005).

⁴³ Human Rights Watch interview with Liudmila Alekseeva, Moscow, May 15, 2005.

parliament as practically all parliamentarians with whom NGOs had developed fruitful working relationships lost their seats during the 2003 elections.

However, the president's public attack in May 2004, quoted at the beginning of this report, and the recently introduced draft law appear to herald troubled times for groups actively critical of the administration. Since the president's speech, the atmosphere in which NGOs work has deteriorated considerably. As with the crackdown on the media in 1999, NGOs working on issues related to the Chechnya conflict were the first target. A sustained campaign against many of these groups is now underway. But signs of an impending crackdown on critical NGOs more generally are legion. Numerous officials have verbally attacked NGOs since President Putin's speech, and a number of NGOs have faced direct interference by officials in their work.

Crackdown on NGOs Working on the Chechnya Conflict

NGOs working on the conflict in Chechnya are the first to have come under sustained attack from the Russian government. Over the course of the last few years, these groups, their activists, and the people they work with, have increasingly faced administrative and judicial harassment, and, in the most severe cases, persecution, threats, and physical attacks.

Administrative and Judicial Harassment of NGOs

Russian government agencies in Moscow and the regions have repeatedly harassed NGOs working on Chechnya, refusing to register them, arbitrarily closing down existing organizations, or accusing them of extremism. Although most of the NGOs continue to function, the government interference with their activities has disrupted their activities and forced them to focus on defending themselves rather than working on substantive issues, often for extended periods of time.

A June 2004 letter from the Federal Security Service (FSB) in Ingushetia to the regional prosecutor's office is characteristic of the hostility apparently felt among the authorities towards humanitarian and human rights groups working on the Chechnya conflict. The letter accuses international humanitarian groups of "collecting and disseminating biased information about the policy of the North Caucasus branch of the FSB in counterterrorist operations it carried out in Chechnya, with the aim of discrediting Russia in the eyes of the international community."⁴⁴ It also maintained that these groups use local citizens for

⁴⁴ Letter from the head of the FSB office in the Republic of Ingushetia to the Acting Prosecutor General of the Republic of Ingushetia, dated June 15, 2004.

these purposes and requested that the prosecutor's office conduct an investigation of all international humanitarian organizations working in the region.

Below are some of the concrete incidents documented by Human Rights Watch:

- On February 28, 2005, the Nizhnii Novgorod department of justice and the tax inspection conducted audits of the Russian-Chechen Friendship Society. During the audits, department of justice officials demanded copies of confidential letters to the organization from victims of human rights abuses. When the organization refused to hand over the documents, the department of justice initiated a court case to liquidate the Russian-Chechen Friendship Society,⁴⁵ but on November 14, a Nizhnii Novgorod court rejected the department's liquidation suit.

The tax inspection audited the organization off and on for several months. In June 2005, it issued a decision to claim a million roubles (approximately U.S.\$35,000) in back taxes from the organization. The organization appealed the decision and in August 2005 the tax service issued a new decision, still claiming a million roubles for what it said was four years of profit. According to the organization, the tax inspectorate designated a grant it had received from international donors as profit. As of this writing, the organization had appealed the decision with an arbitration court.

- In January 2005, the Nizhnii Novgorod prosecutor's office opened a criminal investigation into the publication of two written statements by Chechen rebel leaders Aslan Maskhadov and Akhmed Zakayev in the newspaper *Pravozashchita*, or Human Rights, which is published by the Russian-Chechen Friendship Society.⁴⁶ The newspaper's editor was initially charged with making public calls for extremist activities, but the prosecutor's office later reclassified the charges to "incitement of ethnic, racial and religious hatred or enmity."⁴⁷ In connection with the criminal investigation, the Federal Security Service has called several members of the organization's staff in for questioning, including a number of its correspondents in Chechnya. Court hearings in the case started on November 16. That same day, Russia deported Bill Bowring, a respected academic and Russia expert

⁴⁵ "The Federal Registration Service of the Ministry of Justice asked the court to liquidate the Russian-Chechen Friendship Society," Russian-Chechen Friendship Society, April 25, 2005 [online], <http://www.friendly.narod.ru/2005-2/info1269.htm>. (retrieved April 28, 2005).

⁴⁶ See: "*Pravozashchita*" No.58, March 2004 [online], <http://www.friendly.narod.ru/2005-1/info1102.htm> (retrieved January 27, 2005); and "*Pravozashchita*," No.59, April-May 2004 [online], <http://www.friendly.narod.ru/2005-1/info1102.htm> (retrieved January 27, 2005).

⁴⁷ "Continuing Persecution of the 'Russian-Chechen Friendship Society' Its Partner Organization 'Nizhnii Novgorod Human Rights Society' Closed Down," International Helsinki Federation, June 10, 2005 [online], http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=6403. (retrieved June 14, 2005).

who was on his way to Nizhnii Novgorod to monitor the trial, to the United Kingdom. The two statements, which Human Rights Watch has reviewed, do not contain any language that could legitimately be prohibited under international human rights law. The prosecution thus violates freedom of speech.

- On January 12, 2005, masked gunmen claiming to be members of the Ingush FSB stormed into the press center of the Council of NGOs, an umbrella organization for Chechen NGOs, in Nazran, Ingushetia. Without producing a warrant, the security officials checked and photographed everyone's documents and ordered all men to get down on the floor. They then searched the premises, photographed documents, tore out the telephone wire, and confiscated two computers. An FSB investigator later explained that the FSB had received information that a group of rebels was hiding in the Council's premises.⁴⁸
- In August 2004, the prosecutor's office in Ingushetia filed proceedings against the Chechen Committee for National Salvation, a Chechen NGO that has reported extensively on abuses by Russian troops against Chechens during the conflict, to suspend the organization's activities. According to the prosecutor's office, twelve press releases that the organization had issued in 2004 were "extremist" in content and violated article 280 of Russia's criminal code, which prohibits "public calls to carry out extremist activity."⁴⁹ Although the Nazran district court cleared the Chechen Committee for National Salvation of the charges in October 2004, the republic's Supreme Court quashed that decision in February 2005 and sent the case back to the court of first instance for renewed consideration.⁵⁰ Court proceedings resumed in May 2005 and were ongoing as of this writing.⁵¹ The Independent Council of Legal Experts, a leading legal NGO in Moscow, conducted an analysis of the press releases and concluded that they did not

⁴⁸ Andrei Riskin and Vladimir Mukhin, "Ingushetia 'scoured' Chechen-style," *Nezavisimaya Gazeta*, January 17, 2005.

⁴⁹ "Russian Counter-Terror Law Threatens Chechen Human Rights Group," Human Rights First, September 22, 2004, [online] http://humanrightsfirst.org/defenders/hrd_russia/alert092204_terror_law.htm. Article 280 of the Criminal Code reads:

1. Public calls to carry out extremist activity are punishable by a fine of up to 300,000 Rubles or the salary or other income of the guilty party for a period of up to 2 years, arrest for a period of 4 to 6 months or imprisonment for up to 3 years.
2. Acts carried out with the use of the mass media are punishable by imprisonment for up to 5 years with the suspension of the right to hold certain offices or carry out certain activities for up to 3 years.

⁵⁰ "FSB and Prosecutor's Office of the Republic of Ingushetia are still trying to close down the NGO," Memorial, February 16, 2005 [online], <http://www.memo.ru/hr/news/fsb2005/5fsb01.htm> (retrieved April 11, 2005).

⁵¹ Peter Finn, "Chechen Activist Groups Feel Pressure From Russia," *Washington Post*, May 8, 2005; and "Russian Federation: Violations continue, no justice in sight," Amnesty International briefing paper EUR 46/029/2005, July 1, 2005 [online], <http://web.amnesty.org/library/Index/ENGEUR460292005?open&of=ENG-RUS> (retrieved August 24, 2005).

violate the relevant provision of the criminal code and fell within the scope of speech protected by the Russian constitutional and the European Convention on Human Rights.⁵² The investigations and court hearings, which lasted more than four months, have considerably disrupted the work of the organization.

- In April 2003, a court in Ingushetia liquidated a local human rights group claiming that the organization “no longer existed.” The staff of the organization, which asked to remain unnamed, only found out about the court decision in October of that year when officials from the tax inspectorate informed it that “since the organization was liquidated” it had been struck from the tax inspectorate’s records. After the organization’s staff obtained a copy of the court ruling, they learned that, ostensibly, the local justice department had sent someone over to the organization’s official address to verify its continued existence and had not found anybody there. The department then initiated the liquidation of the organization before the courts. The organization was never informed of the court proceedings or of the court’s ruling.⁵³ Although the liquidation of the organization violated numerous provisions of Russia’s legislation on NGOs, the organization’s director has not been able to have the court ruling overturned, as the appeal period had already expired by the time he received a copy of the decision. He has since sought, unsuccessfully, to re-register the organization.

Threats and Attacks against Human Rights Activists

Over the past few years, Human Rights Watch has documented an increasing number of cases of threats and attacks against human rights defenders working on Chechnya. These include the following:

- On January 20, 2005, a group of armed men in camouflage uniforms seized Makhmut Magomadov, a Chechen lawyer and well-known human rights defender, at a friend’s home in Grozny and drove him away. According to eyewitnesses, the armed men belonged to the pro-Russian Chechen armed forces known as the “kadyrovtsy” after their commander, Ramzan Kadyrov, who is also Chechnya’s deputy prime minister. Magomadov’s whereabouts were unknown for several weeks, while human rights groups launched an

⁵² “Ruslan Badalov: Chechen Committee for National Salvation is continuing with its activities,” Current News Rubric on Human Rights Online website, February 18, 2005 [online], <http://www.hro.org/editions/demos/2005/02/21.php?printv=1> (retrieved August 25, 2005). See also: Press Release No. 709, Chechen Committee for National Salvation, February 1, 2005 [online], http://www.savechechnya.narod.ru/eng.news/press_709.htm (retrieved August 25, 2005).

⁵³ Human Rights Watch interview with human rights activist (identity withheld).

urgent campaign on his behalf. Eventually, the armed men released him on February 13, 2005.⁵⁴

- On January 10, 2004, around fifty masked men arrived in military vehicles in Avtury, Chechnya, and abducted Aslan Davletukaev, a correspondent for the Russian-Chechen Friendship Society. Eyewitnesses were convinced that the masked men were Russian servicemen as they spoke unaccented Russian (although most Chechen rebels speak Russian well, practically all have a clearly distinguishable accent). On January 16, 2004, Aslan Davletukaev's mutilated body was found near the highway to Gudermes, Chechnya's second largest town. Davletukaev had died from a gunshot to the back of his head. The prosecutor's office opened a criminal case into the circumstances of his murder but has since suspended it for "impossibility of identifying suspects" in the case.⁵⁵
- On January 29, 2004, Ingush police detained the head of the Ingushetia office of the Russian-Chechen Friendship Society, Imran Ezhiev, after he held a meeting with Ella Pamfilova, head of the Presidential Human Rights Commission, and numerous displaced Chechens at a tent camp for internally displaced persons.⁵⁶ He was released the next day, after Ms. Pamfilova personally intervened on his behalf. Russian law enforcement agencies and troops have detained Imran Ezhiev on numerous other occasions, always releasing him later without charge.⁵⁷
- In 2004, the Federal Security Service in Ingushetia summoned a human rights activist (who requested to remain anonymous for the purposes of this report), to its offices, ostensibly to discuss an application for a passport. At the FSB office, an officer questioned the activist about his professional activities, tried to force him to become an informer for the FSB, and threatened him and his family with repercussions when he refused. Human Rights Watch is aware that the FSB called in at least one other human rights activist for a "talk" as well but does not know what happened as the activist was unwilling to talk about it.⁵⁸

⁵⁴ "Makhmut Magomadov is set free," Chechen Committee for National Salvation, February 13, 2005 [online], http://www.savechechnya.narod.ru/eng.news/press_712.htm (retrieved Feb. 14, 2005).

⁵⁵ Human Rights Watch telephone interview with S. Dmitrievskii, head of the Nizhny Novgorod information center of the Russian-Chechen Friendship Society, January 27, 2005.

⁵⁶ Press Release No.630, "Report from Ingushetia," Russian-Chechen Friendship Society, January 30, 2004 [online], <http://www.friendly.narod.ru/2004-1e/info630e.htm> (retrieved August 27, 2005).

⁵⁷ International Helsinki Federation, "The Silencing of Human Rights Defenders in Chechnya," September 15, 2004.

⁵⁸ Human Rights Watch interview with human rights activist who requested to remain anonymous.

Harassment of Victims of Abuse

The Russian government has not limited its crackdown on NGOs working on Chechnya to organizations and its activists; it has also targeted victims of abuse that have spoken out or have decided to seek justice. A number of victims interviewed by Human Rights Watch have complained that law enforcement agencies had singled them out for harassment because of their interviews with human rights groups. Several organizations that help victims of abuses from Chechnya file complaints with the European Court of Human Rights—Stichting Chechnya Justice Initiative (now renamed: Stichting Russian Justice Initiative), Memorial, and the European Human Rights Advocacy Centre—have complained to the European Court of harassment of their clients by Russian law enforcement and military.

In a joint memorandum to the European Court, the organizations described how Russian troops murdered one applicant and her family, and abducted another applicant, who has since disappeared:⁵⁹

- **The Murder of Zura Bitieva.** In April 2000, Zura Bitieva submitted an application to the European Court of Human Rights, *Bitieva v Russia*, no. 57953/00, alleging unlawful detention, ill-treatment and torture at the hands of Russian officials at Chernokozovo detention center in Chechnya. In May 2003, early in the morning, fifteen men wearing camouflage uniforms and mostly speaking unaccented Russian drove up to Bitieva's house and shot dead Bitieva, her husband Ramzan Iduev, her son Idris Iduev, and her brother Abubakar Bitiev.
- **The Disappearance of Said-Magomed Imakaev.** In February 2002, Marzet and Said-Magomed Imakaev filed an application with the European Court of Human Rights regarding the December 2000 disappearance of their son at the hands of Russian servicemen. Four months later, on June 2, 2002, Russian federal forces detained Said-Magomed Imakaev at his home in the presence of his family. Said-Magomed subsequently also “disappeared.” Marzet Imakaeva informed the European Court of Human Rights. Soon thereafter, Russian authorities began harassing Marzet Imakaeva about her application to the European Court. On July 24, 2002, a local procuracy official questioned Mrs. Imakaeva about her application, asking where she had obtained the money to do such a thing. When Mrs. Imakaeva explained that she did not pay any legal fees, the procuracy official told her, “In Russia, everything is paid.” In early August

⁵⁹ See: January 2004 Memorandum to the European Court of Human Rights, prepared by Stichting Chechnya Justice Initiative, the European Human Rights Advocacy Centre, and Memorial Human Rights Center. The memorandum is on file with Human Rights Watch.

2002, a military official also questioned Mrs. Imakaeva about her application and told her, “It is said that a Russian needs fifteen thousand dollars or more to get to the European Court. Tell me honestly, how many thousand [dollars] did you pay?” The military official then used this false assumption regarding the Imakaev family’s ability to pay a large sum for the application to the European Court to accuse the family of financing rebel groups and thereby sought to justify or explain the detention of Said-Magomed Imakaev.

The letter also raised eleven cases of verbal or physical threats to applicants to the European Court and victims who pursued justice through the Russian courts. These include the following two cases (the real names of the victims are withheld at their request):

- “Rosa R.’s’ husband was abducted by federal forces during a large cleansing operation in the spring of 2001. His body was later found bearing evidence of extra-judicial execution. Rosa R. submitted an application to the European Court in 2002. Soon thereafter, federal servicemen apprehended Rosa R., took her to the military commandant’s office and beat her severely before releasing her. In separate incidents in 2003, military servicemen visited the homes of Rosa R.’s relatives and neighbors and asked for Rosa R. by name. They also asked, ‘Why is she writing those letters? What are you looking for?’ Rosa R. noted that, immediately prior to these incidents, her representatives had sent letters to the local procuracy requesting information about the investigation into the incidents involving her husband.”⁶⁰
- “In the spring 2002, federal forces conducted a cleansing operation in a village in central Chechnya and detained dozens of individuals. Some months later, several family members of some of the disappeared men applied to the European Court. All applicants have searched for their relatives and have appealed to numerous official bodies. In the spring of 2003, the procuracy began to investigate the case more actively. A few months later, two of the applicants received handwritten notes forwarded to them from military officials that read, ‘If something happens to our guys, you will be punished.’”⁶¹

Harassment and Attacks on Other NGOs

Although harassment of other critical NGOs has not reached the level of a crackdown or centrally coordinated campaign, the environment in which they work has significantly deteriorated. Government officials at both the federal and regional level have stepped up

⁶⁰ The case description is taken from the letter, which is on file with Human Rights Watch.

⁶¹ The case description is taken from the letter, which is on file with Human Rights Watch.

their oral attacks on human rights and environmental groups. In a number of regions officials have used extremism legislation to shut NGOs down through the courts, while in others they have used registration procedures or financial and other audits to bog down the work of these groups.⁶²

With his charge that many NGOs ignore “some of the most serious problems of the country and its citizens” so as not to “bite the hand that feeds them,”⁶³ President Putin set the tone for numerous attacks by Russian officials on NGOs. Following his lead, numerous federal and regional officials adopted an openly hostile attitude towards human rights and other critical groups, often questioning their good faith and criticizing them for existing on foreign grants. These public attacks have poisoned the atmosphere in which NGOs work.

Just days after President Putin’s May 2004 address, the Russian Ministry of Foreign Affairs accused humanitarian organizations in Chechnya of using their humanitarian missions as a cover for “carrying out monitoring activities” and “offering no real humanitarian aid” to civilians there.⁶⁴ In June 2004, the national television channel TV Tsentr devoted an hour-long primetime program to denouncing the work of human rights groups, accusing them of what the presenter called their “hatred” for Russia.⁶⁵ Along the same lines, the previous month a Kremlin political adviser, Gleb Pavlovsky, rebuked rights activists for being “engrossed” in Western ideals.⁶⁶

Ever since, denigrating language about the work of NGOs has remained frequent. For example, in October 2004, Viktor Alksnis, a deputy from the Motherland party, accused the Union of Committees of Soldiers’ Mothers (UCSMR) of undermining the defense capability of the armed forces by acting on orders from Western countries, and called for a federal investigation.⁶⁷ In July 2005, at a meeting of human rights activists in the Kremlin, President Putin lashed out at environmental groups: “Ecological expertise must not hinder the development of the country and the economy. As soon as we start to do anything, one line of attack against us always has to do with ecological problems.”⁶⁸ At

⁶² See, for example: Archana Pyati, “The New Dissidents. Human Rights Defenders and Counter Terrorism in Russia,” *Human Rights First*, p. 17.

⁶³ Vladimir Putin’s Address to the Federal Assembly of the Russian Federation, May 26, 2004 [online], http://www.kremlin.ru/eng/speeches/2004/05/26/2021_64906.shtml (retrieved September 25, 2004).

⁶⁴ “Rights groups ‘threatened’ after Putin strong-arm speech,” *Agence France Presse*, May 27, 2004.

⁶⁵ Human Rights Watch, *World Report 2005*, (New York: Human Rights Watch, 2005), p. 409.

⁶⁶ “Financing of NGOs by West is not Transparent, Says Russian Political Expert,” *RIA Novosti*, May 27, 2004.

⁶⁷ Simon Saradzhyan, “Inquiry Urged Into Soldiers’ Mothers,” *Moscow Times*, October 21, 2004.

⁶⁸ “Greens: Putin is Wrong,” *St. Petersburg Times*, July 22, 2005.

the same meeting, President Putin also said Russia would not tolerate foreign funding for political activities. He did not define “political activities.”

On August 16, 2005, Nikolai Kuryanovich, a State Duma deputy for the Liberal Democratic Party, asked Russia’s prosecutor general to shut down the Moscow Bureau of Human Rights, an organization that works on racism and xenophobia, accusing it of “using foreign funding to wage a political war against the state” and “living off of money from U.S. intelligence” to portray Russia as a “Nazi society.”⁶⁹

Although a general crackdown may not yet be under way, the conditions for one have been created.

⁶⁹ Carl Schreck, “Deputy Calls for NGO to be Closed,” *Moscow Times*, August 24, 2005.