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U.S. Department of State

Russia Country Report on Human Rights Practices for 1997

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RUSSIA

Politically, economically, and socially, Russia continues to be a state in transition. While constitutional structures are well-defined and democratic in conception, democratization continues to be slow. The 1993 Constitution establishes a tripartite government with checks and balances. The executive branch consists of an elected president and a government headed by a prime minister. There is a bicameral legislature (Federal Assembly), consisting of the State Duma and the Federation Council, and a judicial branch. Both the President and the legislature were selected in competitive elections judged to be largely free and fair, with a broad range of political parties and movements contesting offices. The judiciary, still the weakest of the three branches, showed signs of limited independence.

President Boris Yeltsin and Chechen President Aslan Maskhadov signed a peace agreement on May 12 in which both sides agreed to settle their dispute by peaceful means. In an earlier agreement, the two sides agreed to resolve Chechnya's political status prior to 2001, but fundamental differences remain on that question with Chechnya asserting that it has earned the right to full independence and Russia insisting that Chechnya will remain a part of the Federation.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government throughout the Russian Federation. The MVD oversees most of the prison system, though most functions have been ordered transferred to the Ministry of Justice. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The

military's primary mission is national defense, but it is occasionally employed for riot-control missions. Many members of the security forces, particularly within the internal affairs apparatus, continued to commit human rights abuses.

The economy stabilized during 1997, although estimated real gross national product remained almost 28 percent below 1992 levels. Inflation has dropped from 198 percent in 1995 to 11 percent in 1997. The per capita income was \$152 per month. The ruble exchange rate stabilized and net outflow of capital ceased in 1997. Production increased slightly, but the level of capital investment remained low. The trade balance remains positive. Around 900,000 small businesses are registered. Crime and corruption significantly retard economic growth. According to official estimates, the informal and shadow economy accounts for 26 percent of gross domestic product. Unemployment reached a high of 9.6 percent in April. Moreover, an estimated 6.4 million people, of a work force of 72 million were considered underemployed. Wage and pension arrears continued to be a problem, with accumulated wage arrears reaching \$9.5 billion by October. Wages and incomes showed a slight real increase by midyear. Approximately 21 percent of the population had incomes below the poverty level, up from 19 percent in 1996.

The arrears in payment of public-sector wages and transfer payments were a symptom of a fiscal crisis that has plagued the Government for the past several years. Fulfilling a pledge to the public, the Yeltsin administration paid off all of its arrears as of December 31. The Government has been unable to formulate and implement an effective tax policy, resulting in widespread nonpayment and evasion of taxes. Federal tax revenues totaled approximately 9 percent of GDP. The consequent strain on the state budget has caused prolonged delays in payment of public servants and forced the Government to defer needed reforms and investments in areas regarded as low priorities by top officials. Delays in expanding and modernizing the prison system, introducing jury trials to more regions, training the judiciary and investing in the infrastructure of the court system and ensuring military reform contributed to human rights violations.

The Government's human rights record was uneven in 1997. There were credible reports that law enforcement and correctional officials tortured and severely beat detainees and inmates. Prison conditions worsened and are extremely harsh. According to human rights groups, between 10,000 and 20,000 detainees and prison inmates may die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government has made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remain largely underdeveloped. There were credible reports of deaths or suicides as a result of abuse, with sharply divergent statistics offered by the Ministry of Defense and human rights groups. Arbitrary arrest and detention remained problems. Police and other security forces in various parts of Russia continued their practice of targeting citizens from the Caucasus and darker-skinned persons in general for arbitrary searches and detention on the pretext of fighting crime and enforcing residential registration requirements. However, in a positive development, the President overturned two prior decrees (one presidential, the other from the mayor of Moscow) permitting officials to detain certain individuals for up to 30 days without access to a lawyer and in some cases to expel them from Moscow. Lengthy pretrial detention remained a serious problem. The Government made little progress in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition, the judiciary was often subject to manipulation by political authorities and was plagued by large case backlogs and trial delays. Authorities infringed on citizens' privacy rights.

The case of Aleksandr Nikitin, a retired naval captain who had been researching the environmental dangers of nuclear waste from the Northern Fleet, continued to be fraught with serious violations of due process, suggesting that the FSB's case against him was politically motivated.

Institutions such as the Ministry of Internal Affairs remain largely unreformed and have not yet adopted practices consistent with law enforcement in a democratic society. While the President and the Government have supported human rights and democratic practice in their statements and policy initiatives, they have not institutionalized the rule of law required to protect them. While most occur at lower levels and not by central direction, Government officials do not investigate the majority of cases of abuse and do not dismiss or discipline the perpetrators.

In the face of a variety of obstacles, the media continued to represent a wide range of opinion. The major print media organizations functioned relatively unhindered by governmental pressure at the national level, although respect for freedom of the press varies in the regions. The principal obstacle to independent journalism was the concentration of ownership of news media by major banks and businesses, which sought to ensure that reporting was in line with their interests. Such pressure caused journalists to practice self-censorship. The practice of accepting money for printing articles remains widespread. Foreign and Russian journalists were frequent victims of kidnappings for ransom by criminals in Chechnya and throughout the north Caucasus.

In October the Government enacted a restrictive and potentially discriminatory law on religion which raised questions about Russia's commitment to international agreements honoring freedom of religion. The implications of the law, which will not be fully implemented until the end of 1999, remain unclear though it contains provisions that could result in significant restrictions on the activities of minority religious communities, including foreign missionaries. By year's end, there had been numerous instances of harassment of religious groups by local authorities, citing the new law. In addition, 22 regional governments have passed laws and decrees since 1994 restricting the activities of minority religious groups, some of which have been subjected to harassment as a result. The constitutionality of the new national law has not been formally challenged, nor has the Federal Government challenged the constitutionality of the local laws.

Despite constitutional protections for citizens' freedom of movement, regional governments (especially the city of Moscow) have imposed restrictions on movement through residence registration mechanisms. These restrictions, though successfully challenged in court, remain largely in force and are tolerated by the Federal Government. The presence of these restrictions demonstrated the continued obstacles to the enforcement of judicial rulings.

Although the Duma passed a law providing for a human rights ombudsman, it failed to select a candidate within the period allowed under the law. The post remained vacant at year's end. The Human Rights Commission examined human rights issues such as prison conditions, war crimes in Chechnya, and a draft law on religion. Similarly, the human rights chamber of the President's Political Consultative Council held a number of sessions and offered opinions on human rights issues. Governmental human rights commissions have been formed in 66 regions.

With few exceptions, human rights nongovernmental organizations (NGO's) documented and reported on human rights violations without governmental interference or sanctions. However, some local officials harassed human rights monitors and in some cases arrested them. The Prosecutor General's response to these incidents was criticized. Some groups in Moscow have demonstrated their expertise on particular issues and regularly participate in Duma legislative working groups, as well as in the human rights chamber of the President's Political Consultative Council.

Violence against women and abuse of children remain problems, as do discrimination against women and religious and ethnic minorities.

In the breakaway Republic of Chechnya, kidnappings orchestrated by uncontrolled armed formations and bandits, some of which may have links to the former insurgent forces, have become frequent. The usual motivation for kidnappings is ransom, but some cases have political overtones. Both journalists and humanitarian assistance workers have been targets. Despite the strong opposition of federal authorities, Chechen authorities used Shari'a courts in some cases and carried out death sentences without respect for due process. The Shari'a law is still not codified.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no confirmed political killings by agents of the Government. However, an undetermined number, up to several thousand, detainees and prison inmates died after beatings by security officials or due to harsh conditions in detention (see Section 1.c.). A number of government officials, Duma aides, and other public figures were murdered, although fewer than in recent years. Few of these crimes appear to be politically motivated; the majority were linked to private financial or commercial dealings. Internal Affairs Minister General Anatoliy Kulikov acknowledged that police solved only about 10 percent of the approximately 600 contract murders in 1996.

Mikhail Manevich, deputy mayor and chairman of the City Property Committee for St. Petersburg, was killed on August 18 while on his way to work. Media reports suggested that Manevich was killed by individuals whose financial interests may have been threatened by his conduct of privatization in the city. A joint FSB-MVD investigation, ordered by the President, is underway. FSB officers claim to have interviewed over 1,000 witnesses and collected over 40 expert opinions and were working with their law enforcement and special services colleagues in the region. However, there were no reports of progress in the case at year's end.

Vladimir Frantskevich, Mikhail Shilov, Vyacheslav Usov, Gennadiy Dzen, and Stanislav Amirov, at least nominally aides to Duma deputies in Vladimir Zhirinovskiy's Liberal Democratic Party of Russian (LDPR), were murdered in 1997. The victims had prior criminal records or links with criminal activity and were victims of contract-style killings. No link between the crimes and the LDPR was established.

Procurator General Yuriy Skuratov reported that investigations continued in the unsolved murders of orthodox priest Aleksandr Men (1990), journalists Dmitriy Kholodov (1994), and Vladimir Listyev (1995).

There were no developments in the 1996 murder of U.S. businessman Paul Tatum.

Following 2 years of investigation, the Moscow procurator's office reported that it was ready to bring charges in the February 1995 murder of LDPR Duma Deputy Sergey Skorochkin. Investigators have dismissed any political motives and are focusing on Skorochkin's business dealings. They also indicated that Skorochkin may have committed a double murder shortly before his death.

In the procurator's office charged chairman of the Afghan War Veterans Association Valeriy Radchikov, along with five others, in the November 1996 bombing in the Kotlyakovskiy cemetery which killed 14 persons and injured 50 others. Authorities believe that internal disputes over the organization's lucrative tobacco and liquor duty-free-import privileges provided the motive for the bombing.

Unknown persons in the Republic of Northern Ossetiya-Alaniya killed several ethnic Ingush refugees returning to places of former residence in the contested Prigorodnyy rayon (located between the Republic of Northern Ossetiya-Alaniya and Ingushetiya).

Ethnic unrest in the North Caucasus regions of North Ossetia and Ingushetia claimed the lives of 11 people in several incidents. The tension in the region arises from a territorial dispute which has displaced a number of ethnic Ingush.

On June 10, Mullah Khasanbek Yakhayev of the Groznyy Mosque was shot at point-blank range by an unknown man who was himself then lynched by Yakhayev's relatives. Motives are unclear, although reports from witnesses claim that the killer told Yakhayev that he would not permit him to insult Wahhabism, conservative form of Islam that has recently been in conflict with Sufism, the form of Islam that is more widely practiced in the Caucasus.

No formal charges have been filed in the investigation into the December 1996 attack on the ICRC compound in Novyy Atagi, Chechnya, during which six ICRC workers were killed and one was wounded. Minister of Internal Affairs Kulikov claims to have detained suspects outside Chechnya, but indicated that he is not participating in the main investigation inside Chechnya.

On July 30, a bomb attack in Groznyy against the headquarters of Salman Raduyev, a militant former Chechen military commander, killed three persons.

President Maskhadov of Chechnya told the press that he planned to execute publicly those guilty of kidnaping. At least four persons were executed in Chechnya during the year as a result of sentences handed down by Shari'a courts (see Section 1.e.). The Federal Government termed the executions "barbaric" and the trials illegal under Russian law.

Commander Salman Raduyev claimed responsibility for two terrorist attacks on Russian railway lines in early April, one in Armavir and another in Pyatigorsk, each of which killed two persons and resulted in more than a dozen injuries.

Unknown elements in Chechnya fired on border patrols in nearby Dagestan and killed Dagestani law enforcement personnel.

In the ongoing conflict between the republics of Ingushetiya and northern Ossetiya-Alaniya, there were reports that unknown persons fired on refugees attempting to return to their places of former residence.

For example, on July 17, unknown forces fired a rocket-propelled grenade at two buses carrying returning Ingush refugees as they passed a state automobile inspectorate checkpoint. Two persons were killed and 10 injured seriously. On July 29, a mob attacked an Ingush refugee camp near the Prigorodnyy town of Tverskoye, burning two trailers and causing one death and six injuries, according to press reports.

In February Russia approved an amnesty for Russian soldiers and Chechen rebels who committed illegal acts in connection with the war in Chechnya between December 9, 1994, and September 1, 1996. The pardon excludes crimes such as murder, rape, and hostage-taking, and orders the establishment of a commission to review appeals for amnesty. Although many Chechen rebels, including Deputy Prime Minister Shamil Basayev, are under indictment in Russia for commission of serious crimes during the war, there has been no demonstrated attempt by Russian law-enforcement organs to bring such persons to justice. In effect, this selective amnesty is being applied as a blanket amnesty. In Chechnya there also

is no attempt to prosecute persons accused of serious offenses during the conflict.

The Chechen Government passed an amnesty designed to cover persons guilty of war crimes similar to felonies (that is, premeditated murder, rape, assault and robbery, terrorism and banditry, and kidnaping and hostage-taking). The goal of the amnesty was to facilitate the most rapid possible prisoner exchange. In this, it was supported by the Soldiers' Mothers Committee, among others, but was opposed by human rights groups who sought the fullest possible accountability of those who were involved in violations of humanitarian law during the armed conflict. However, disputes over the types of prisoners covered under the amnesty, particularly with regard to Chechens held in Russian detention facilities for crimes rather than acts of combat, have mitigated against effective implementation. Other reports indicate that the Russian side has returned Chechen criminals but continued to detain suspected insurgents. The Glasnost Public Fund has alleged that the authorities who physically hold those potentially eligible for the amnesty also maintain the power to decide who actually receives amnesty.

b. Disappearance

There were no reports of government involvement in cases of politically motivated disappearances. Kidnaping is frequently committed by criminal groups in the North Caucasus, some of which may have links to elements of the former insurgent forces. The main motivation seems to be ransom, although some cases have political overtones. A number of journalists were seized and held for ransom during the year, as were several humanitarian aid workers. For example, on September 20, two Russian employees of the International Orthodox Christian Charities, Dmitriy Petrov and Dmitriy Pyankovskiy, were abducted while on a humanitarian relief mission to Chechnya.

According to the Organization for Security and Cooperation in Europe (OSCE), at year's end 71 hostages remained in captivity, including (15 foreigners, of whom 5 are journalists and 10 are NGO representatives). There were no reports of disappearance as a precursor to an execution or other political killing, although a number of persons remain missing at year's end.

The Chechen authorities have frequently claimed that they are actively fighting kidnapers. On July 6, Chechen Procurator General Khalash Serbiyev estimated that 32 persons were held on suspicion of kidnaping. New Chechen laws call for jail terms or public executions of kidnapers. However, there have been reports that Chechen authorities including Vice President Vakha Arsanov have been involved.

There were no further developments in the case of American relief expert Fred Cuny, who disappeared in Chechnya in April 1995 and is believed to have been killed. No trace has been found of American photojournalist Andrew Shumack, who disappeared in July 1995 after reportedly entering Chechnya.

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

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment. However, there are credible reports that law enforcement personnel use torture to coerce confessions from suspects and that the Government does not hold most of them accountable for these actions. Prisoner's rights groups have documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects.

In a 1997 report, Amnesty International described five methods used by law enforcement officials either to gain confessions or simply to control or abuse prisoners. The "elephant" involves placing a gas mask over the head of the victim and then restricting or cutting off the flow of oxygen. Sometimes tear gas is introduced as well to induce vomiting. The "swallow" involves binding the victim's hands behind his

back above the level of his head, forcing painful arching in the back. This method is used in conjunction with the elephant or separately, with the victim suspended from the wall or ceiling so that he can be beaten. The "envelope" involves securing the victim's legs near his head. The "press-camera" is a system whereby violent prisoners are coopted by guards and used to control or punish other prisoners. The coopted prisoners are permitted to torture prisoners (sometimes to gain confessions) or deal with "difficult" prisoners. The "crucifixion of Christ" involves the victim being secured spread-eagled to either a metal cot or prison bars, to which powerful electric shocks are applied. These allegations have been corroborated by other credible sources.

In a February 1996 report, the Presidential Human Rights Commission noted that existing legal norms and administrative instructions failed to provide specific, clear regulation of the application of physical force and that this allowed "the use of impermissible physical coercion directed against prisoners virtually without restraint."

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent hazing of new military recruits, MVD, and border guards), continued unabated, and may have increased during the past year. Press reports indicate that this mistreatment often includes extortion of money or material goods