



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Russia](#)

## 2009 Human Rights Report: Russia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

The Russian Federation has a centralized political system, with power concentrated in the presidency and the office of prime minister, a weak multiparty political system, and a bicameral legislature (Federal Assembly). The Federal Assembly, which is dominated by the ruling United Russia party, consists of a lower house (State Duma) and an upper house (Federation Council). The country has an estimated population of 142 million. International observers reported that the March 2008 election for president was neither fair nor free, and failed to meet many international standards for democratic elections. Civilian authorities generally maintained effective control of federal security forces, except in some areas of the North Caucasus, where there were serious problems with civilian control of security forces.

There were numerous reports of governmental and societal human rights problems and abuses during the year. Direct and indirect government interference in local and regional elections restricted the ability of citizens to change their government through free and fair elections. During the year there were a number of high profile killings of human rights activists by unknown persons, apparently for reasons related to their professional activities. There were numerous, credible reports that law enforcement personnel engaged in physical abuse of subjects. Prison conditions were harsh and could be life threatening. Corruption in law enforcement remained a serious problem, and many observers, including some judges and law enforcement personnel, asserted that the executive branch influenced judicial decisions in some high-profile cases. Security services and local authorities often conducted searches without court warrants. Government actions weakened freedom of expression and media independence, particularly of the major television networks. Eight journalists, many of whom reported critically on the government, were killed during the year; with one exception the government failed to identify, arrest, or prosecute any suspects. Beating and intimidation of journalists remained a problem. The government directed the editorial policies of government-owned media outlets, pressured major independent outlets to abstain from critical coverage, and harassed and intimidated journalists into practicing self-censorship. The government limited freedom of assembly, and police sometimes used violence to prevent groups from engaging in peaceful protest. In some regions the government limited freedom of association and restricted religious groups. There were instances of societal discrimination, harassment, and violence against religious minorities. Manifestations of anti-Semitism continued during the year, but the number of anti-Semitic attacks decreased. Corruption was widespread throughout the executive, legislative, and judicial branches at all levels, and officials often engaged in corrupt practices with impunity. The government restricted the activities of some nongovernmental organizations (NGOs), making it difficult for them to continue operations. Violence against women and children, including domestic violence, remained a significant problem. Trafficking in persons also continued to be a significant problem. There was some governmental and widespread

societal discrimination against ethnic minorities and dark-skinned immigrants or guest workers. During the year xenophobic, racial, and ethnic attacks and hate crimes, particularly by skinheads, nationalists, and right-wing extremists, continued to be a significant problem. Instances of forced labor were reported.

The North Caucasus region of Russia remained an area of particular concern. The government's poor human rights record in the North Caucasus worsened, as the government fought insurgents, Islamist militants, and criminal forces. Local government and insurgent forces reportedly engaged in killing, torture, abuse, violence, politically motivated abductions, and other brutal or humiliating treatment, often with impunity. In Chechnya, Ingushetiya, and Dagestan, the number of extrajudicial killings and disappearances increased markedly, as did the number of attacks on law enforcement personnel. Authorities in the North Caucasus appeared to act outside of federal government control. Although the Chechen government announced a formal end to counterterrorist operations, there was an increase in violence during the summer, which continued through the remainder of the year. Federal and local security forces in Chechnya, as well as the private militia of Chechen president Ramzan Kadyrov, allegedly targeted families of suspected insurgents for reprisal and committed other abuses. There were also reports of rebel involvement in bombing civilian targets and politically motivated disappearances in the region. Some rebels were allegedly involved in kidnapping for ransom. According to the Internet-based news agency Caucasian Knot, 342 members of law enforcement agencies lost their lives and 680 were injured during the year in actions involving insurgents. Thousands of internally displaced persons lived in temporary centers in the region that failed to meet international standards.

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## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed politically motivated killings and other arbitrary killings. In most cases the government did not punish the perpetrators.

During 2008 the European Court of Human Rights (ECHR) issued judgments that found a total of 37 violations by the country with respect to the prohibition on deprivation of life and 41 violations involving lack of effective investigation as provided under article 2 of the European Convention on Human Rights.

On April 27, police major Denis Yevsyukov, the head of the Tsaritsino police precinct in southern Moscow, who was off-duty, but in uniform, shot nine persons while drunk, killing two. A Moscow court on May 5 charged Yevsyukov with murder, attempted murder, and possession of an illegal firearm; these charges could carry a life sentence. The incident led President Medvedev to fire the Moscow police chief and four other high-level police officials. In the aftermath of the incident, human rights activists stated their belief that some police officers considered themselves to be above the law. The government began implementing reforms of the police, including additional firings and guidelines for police behavior.

During the year, a number of prominent human rights activists and journalists were killed by unknown persons, apparently for reasons related to their professional activities (see section 2.a.). Many of the killings were related to the conflict in the North Caucasus (see section 1.g.).

On January 5, Shafiq Amrakhov, the editor of the online news site Ria 51, died in a Murmansk hospital six days after he was shot in his apartment.

On January 19, an unknown assailant shot and killed human rights lawyer Stanislav Markelov and journalist Anastasia

Baburova in central Moscow in broad daylight. The attack occurred shortly after Markelov gave a press conference criticizing the early parole of Colonel Yuriy Budanov, who in 2000 raped and strangled an 18-year-old Chechen girl (see section 1.g.). In November authorities arrested two alleged neo-Nazis, Nikita Tikhonov and Yevgenia Khasis, and charged them with murder in the case, making this the only significant case of police action following the murder of a human rights activist.

Also on January 19, a 20-year-old activist, Anton Stradymov, was found beaten to death near the Bykhino Metro station in Moscow. Stradymov was a member of the National Bolshevik group. He had also participated in a number of "dissenters' marches," a form of political opposition protest begun in 2006. At year's end there were no reports that the authorities were investigating the killing.

On March 30, Sergey Protazanov, a journalist for the newspaper *Grazhdanskoye Soglasie*, died after he was attacked by unknown assailants in the Moscow suburb of Khimki on March 28. Neighbors found his body covered in blood and bruises. Protazanov's colleagues said he had been working on a story about (?)legal violations during the last election for the head of the local administration. Local authorities, however, asserted that Protazanov died of alcohol poisoning and denied that the bruises found on his body were related to his death. There was no investigation to determine the cause of death.

In late June Vyacheslav Yaroshenko, editor in chief of the Rostov-on-Don newspaper *Korrupsiya I Prestupnost* (*Corruption and Crime*) died after a severe beating by unknown assailants on April 29. The journalist's colleagues believed he was killed in revenge for his investigative reporting on corruption among local authorities.

On July 15, several men abducted and killed the prominent journalist and human rights activist Natalia Estemirova, who worked in Chechnya for the NGO Memorial. Estemirova had spent more than 10 years documenting cases of killings, torture, and disappearances, which she linked to Chechen authorities. She had received a number of threats, including a direct threat from Chechen president Kadyrov. A month after the killing, Kadyrov made disparaging comments about Estemirova in a radio interview. President Medvedev stated that it was "obvious" that the killing was connected with Estemirova's work and ordered an immediate investigation to find the perpetrators. In October, following delays in the preliminary investigation, an anonymous law enforcement representative issued a statement that there were no leads in the case. No arrests in the case had been made by year's end.

On August 11, unknown assailants shot and killed Abdulmalik Akhmedilov, a journalist for the Dagestani newspaper *Khakikat (The Truth)*, in Makhachkala. Akhmedilov had criticized federal forces and local law enforcement officers for suppressing religious and political dissent, and he was also known for his investigative reporting into recent assassinations of Dagestan officials. No arrests were made in the case by year's end.

On October 25, unknown gunmen in Kabardino-Balkaria shot and killed Maksharip Aushev, a prominent Ingush human rights activist, as he was driving in his car. Aushev had earlier owned the Web site Ingushetiya.org (previously Ingushetiya.ru), one of whose former owners, Magomed Yevloyev, was also killed while in police custody in Ingushetiya in August 2008. Aushev had announced an end to his opposition activities when Yunus-Bek Yevkurov became Ingushetiya's president and had joined a human rights council established by Russian Federation Ombudsman Vladimir Lukin. On December 17, a car bomb injured Aushev's pregnant widow and killed Aushev's mother-in-law and two brothers-in-law. Yevkurov promised a vigorous investigation in both cases, but no arrests had been made by year's end. In December other members of Aushev's extended family in St. Petersburg went missing.

On November 16, Olga Kotovskaya of Kaskad TV in Kaliningrad fell to her death from the 14th floor of a building. Kotovskaya had just won a court case to regain control of her television station, which had a reputation for objective news reporting and live broadcasts of studio guests who were sometimes critical of regional leaders. Officials initially claimed

her death was suicide but a week later opened a criminal investigation for murder. Press freedom activists, as well as a deputy in Kaliningrad's regional parliament, stated their belief that Kotovskaya was murdered because of her work. The investigation had not yielded any leads by year's end.

In November former Hermitage Capital lawyer Sergei Magnitsky died in a Moscow prison in a case of what some observers considered to be deliberate medical neglect (see section 1.c.).

On November 16, a well-known Russian antifascist activist, Ivan Khutorskoi, was shot and killed by unknown persons in Moscow.

On December 10, Russian investigators announced that Gennadiy Prudetskiy, the director of the charity Social Defense for Victims of Repression, had been shot and killed in his car in the Siberian city of Kemerovo. Investigators stated that they believed the killing could be related to the victim's work at the local charity. No arrests had been made by year's end.

On June 30, a court convicted one police officer of murder and two others of "abuse of office" for the November 2008 killing of Armen Gasparyan, whom the officers beat, then burned to death. The officers had been trying to force Gasparyan to confess to a theft.

There was no indication that authorities were investigating the October 2008 abduction and killing in Dagestan of Muslim religious scholars Saihadji Saihadjiev, Nustap Abdurakhmanov, and Akhmed Hadjimagedov. Saihadjiev's family obtained his body, which showed signs of severe torture.

The Ministry of Defense reported 14 deaths as a direct result of hazing during the year. As in past years, human rights observers noted that few of the persons accused in such incidents were prosecuted or otherwise held accountable. However, in September the NGO Committee of Soldiers' Mothers reported that the Office of the Military Prosecutor had improved its prosecution record during the year.

Both government and rebel forces committed extrajudicial killings in the conflicts in the North Caucasus region (see section 1.g.).

There were no indications that authorities were investigating reports from Human Rights Watch (HRW) and other sources that hundreds of civilians were killed in the areas under the control of Russian forces in Georgia during the August 2008 conflict in South Ossetia and Abkhazia. The Parliamentary Assembly of the Council of Europe stated in its September report that it "cannot accept the apparent reluctance of both Georgia and Russia to investigate in a credible manner serious allegations of violations of human rights and humanitarian law committed in the course of the war, as well as in its aftermath, by their own forces, or militia and civilians under their de facto control and jurisdiction."

#### b. Disappearance

There were numerous reports of politically motivated disappearances during the year in connection with the conflicts in the Northern Caucasus (see section 1.g.). There were no reports of politically motivated disappearances that were not related to the North Caucasus conflicts.

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

The constitution prohibits such practices; however, there were numerous, credible reports that law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects, and there were allegations that authorities did not consistently hold officials accountable for such actions. Reports of such treatment were particularly numerous in connection with the conflict in the North Caucasus (see section 1.g.). There were also a number of reports of physical abuse of political and human rights activists by unidentified assailants.

During 2008 the ECHR issued judgments that found seven violations by the country of the prohibition on torture, 63 violations by the country of the prohibition on inhuman or degrading treatment, and 11 violations by the country involving lack of effective investigation as provided under article 3 of the European Convention on Human Rights.

Although prohibited in the constitution, torture is not defined in the law. As a result, prosecutors could charge police suspected of torture only with exceeding their authority or simple assault.

Although numerous, credible sources reported that the police remained one of the country's least trusted institutions, the NGO National Anticorruption Committee reported in June that the government had made some positive steps towards curbing corruption and abuse by law enforcement officers. These measures included equipping patrol cars with video cameras to better monitor law enforcement actions and requiring police officers to have their names sewn onto their uniforms.

Physical abuse of suspects by police officers usually occurred within the first few hours or days after arrest. Some of the methods reportedly used included beatings with fists, batons, or other objects; oxygen deprivation using gas masks or bags (at times filled with Mace); electric shock; and suspension by body parts, for example, by the wrists. A 2008 report by Amnesty International documented numerous cases of alleged torture. A February report by the human rights ombudsman noted that one third of the complaints submitted to his office involved human rights violations by law enforcement authorities.

On April 30, the relatively independent television channel REN-TV reported that police held Nizhniy Novgorod resident Aleksey Yakimov and tortured him for several hours. According to Yakimov, police tried to drown him after he threatened to sue them for unjustified detention. Yakimov subsequently spent a week in a hospital recuperating from his injuries. There was no indication that authorities took action against the officers involved in the incident.

There was no indication that authorities were investigating the April 2008 police beatings of several young men near the Sokolniki metro station in Moscow.

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion of persons with dark skin or who appeared to be of Caucasus, Central Asian, African, or Romani ethnicity.

In April prisoners' rights groups held a press conference attended by government representatives, at which they detailed six serious incidents of beating and other abuse of prisoners between May 2008 and April 2009 in the oblasts of Tver, Vladimir, Chelyabinsk, and Kaluga, the Republic of Mordovia, and the autonomous okrug of Khantiy–Mansisk. At the conference organizers showed a secretly filmed clip of severe abuse at one of the prisons, which they had passed to news organizations. Only one television outlet, REN-TV, broadcast the clip, but many viewers reportedly watched it on YouTube.

During the year there were a number of cases of unknown assailants attacking human rights activists and critics of government policies and institutions.

On April 1, human rights activist and former parliamentarian Lev Ponomarev was attacked outside his home. He attributed the attack to his human rights activities, in particular to his criticism of the prison system. He had received numerous threats in the past. However, authorities attributed the attack to street "hooliganism."

On April 12, Stanoslav Yakovlev, a member of the Solidarity opposition party, was attacked and beaten while attending a rally opposing military conscription. Solidarity sources suggested that the attack was orchestrated by nationalist groups.

On July 25, unknown assailants shot and seriously injured Albert Pchelintsev, a local anticorruption activist and freelance journalist from the Khimki region of suburban Moscow. Pchelintsev had written articles that accused the Khimki administration of corruption. Colleagues said he had received numerous threats in connection with his publications. The issue of corruption among local officials was also connected to the serious 2008 beating of fellow journalist Mikhail Bekhetov. As of year's end, authorities had not identified or arrested suspects in either attack.

On November 17, 37-year-old lawyer Sergei Magnitsky died in the infirmary of Moscow's Butyrsky Prison. Magnitsky had worked as a lawyer for Hermitage Capital, an investment fund that accused Interior Ministry officials Artyom Kuznetsov and Pavel Karpov of stealing 5.4 billion rubles (\$179 million) in a tax fraud scheme. After Magnitsky gave testimony in court in 2008 against Kuznetsov and Karpov, officials charged and arrested him on tax evasion charges that many observers believed were fabricated. After a year in pretrial detention, Magnitsky developed an infection in his pancreas but was refused medical treatment and died. The official report of his cause of death was heart failure, which was widely considered to be a false diagnosis intended to hide the decision to deny him medical treatment. A number of human rights activists believed Magnitsky's death to have been either deliberate or the result of an attempt to pressure him to change his testimony against Kuznetsov and Karpov. In the aftermath of Magnitsky's death, there were a number of official investigations into treatment of prisoners, and more than 20 officials in the prison system were fired. In December, the Justice Ministry announced a formal criminal investigation into Magnitsky's death, but no one had been criminally charged by year's end.

In May 2008, following a public outcry and the intervention of the human rights ombudsman, prison authorities moved former Yukos Oil Company vice president Vasilii Aleksanyan to a hospital. Aleksanyan, who was charged with assisting Yukos in tax evasion in 2006 but never tried, was HIV positive and had been diagnosed with lymphatic cancer and tuberculosis. Following protests by human rights activists, the ECHR in December 2008 ruled that the country had violated Aleksanyan's rights and that he must be freed on bail. Aleksanyan was accordingly freed and bail was set at 50 million rubles (\$1.7 million). Some commentators found the bail to be excessive, while others criticized the long wait for his release, noting that upon release he was too weak to move. In August, a Moscow court ruled that he was sufficiently healthy to stand trial.

The Russian Research Center for Human Rights reported a few instances in which psychiatric diagnoses were used against individuals who expressed dissatisfaction with authorities. Officials and the courts interpreted the law as restricting the provision of expert testimony in court cases to the government's own consultants. However, a council of experts within the Office of the Human Rights Ombudsman in some cases assisted persons whom it considered to have been treated improperly by the courts. In July the Constitutional Court ruled that confinement in a psychiatric clinic was tantamount to detention and that such confinement may not continue for more than 48 hours in the absence of court authorization.

On March 6, Vadim Charushev, an antifascist activist and founder of a popular Internet group that addressed issues such as the country's role in the Ukrainian famine and the 2008 conflict in Georgia, was allegedly placed in a St. Petersburg psychiatric hospital involuntarily. The hospital reportedly warned him that he would not be released unless he signed a form stating that he had voluntarily checked himself in. Charushev was released on March 30 after apparently agreeing to do so. The Russian Independent Psychiatric Commission ruled that there had been no violations in Charushev's case. Human Rights Ombudsman Vladimir Lukin concurred with the ruling, although he stated that concerns about possible abuse were justified, considering the country's history in this area of medicine.

On May 25, following a court examination that revealed no psychological problems, authorities released Sergey Cherepovsky, a defense lawyer who had been sentenced to a psychiatric ward in September 2008 by the Oktyabrsky District Court in Penza. Cherepovsky was arrested in July 2008 and accused of using violence against an official who tried

to stop him from filming in a court building the alleged harassment of his client, Valery Bychkov, a Penza city council member and local official of Gary Kasparov's United Civic Front.

In December police arrested the deputy head of the Khabarovskiy Krai Prosecutor's Office, Viktor Basov, for allegedly raping three juvenile girls. Although the girls suffered numerous bruises, Basov claimed that the acts were consensual. An investigator opened a criminal case against Basov, but the Khabarovsk Krai chief prosecutor refused to proceed. The investigators appealed this decision; there were no further developments reported at year's end. Also in December, police arrested a traffic officer for allegedly sexually assaulting 20 persons in southern Moscow.

Various abuses against military servicemen continued, including "dedovshchina," the violent hazing of junior recruits in the military and security services. Although military authorities hoped that the transition towards a more professional military and the reduction of conscripts' term of service to one year might have an impact on this problem, soldiers serving on contracts reportedly replaced senior soldiers as the main source of hazing. Such mistreatment often included beatings or threats of increased hazing to extort money or material goods. During the year regional committees of the NGO Committee for Soliders' Mothers (CSM) reported receiving 9,523 complaints of hazing mistreatment of servicemen from 20 regions of the country, approximately the same number as in 2008. The complaints mostly concerned beatings, but also included sexual abuse, torture, and enslavement. Soldiers often did not report hazing to unit officers or military prosecutors due to fear of reprisals, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units. During the year, one in four hazing offenses was committed by an officer who tried to conceal the offense. Such cases were usually investigated only following pressure from family members, NGOs, or the media. In May Ombudsman Lukin presented a report to the State Duma detailing widespread hazing in the military.

According to CSM, in rare instances during the year conscripts were forced into slave labor. On June 4, *Moskovsky Komsomolets* reported that a soldier had returned home after allegedly being sold into slavery by his commanders five years earlier. The 23-year-old soldier was reportedly white-haired and lame when he returned. Authorities denied the accusations and insisted that the soldier deserted his post in 2005.

In October a military spokesman claimed that hazing cases decreased by 12 percent during year; however, hazing cases continued to be reported. On October 3, at a military base in the Kamenka village near St. Petersburg, three inebriated sergeants severely beat 16 conscripts and contract servicemen. Two soldiers left the base and reported the beatings. In December the commander of the Leningrad Military District ordered an investigation into practices at the base, and as a result eight officers were dismissed from the armed forces.

On October 11, 19-year-old private Denis Kostenko of Volgograd died by hanging in his unit in Khabarovskiy Krai after four months of service. In connection with the case, two second-year sergeants were suspected of humiliating treatment of recruits; an investigation was underway at year's end. Also in October, four enlisted men from Chelyabinsk left their unit in the Amur Oblast and returned home after being violently hazed by senior soldiers. Medical examinations revealed numerous traumas, and their parents filed a criminal complaint.

The human rights ombudsman, as well as the CSM, also stated that there was a growing problem with young civilian men being forced to sign contracts to serve in the military forces.

The St. Petersburg branch of CSM noted an increase in reports of illegal impressments in August 2008, reportedly in connection to the conflict with Georgia. On June 3, Interfax reported that the practice was continuing, with Moscow police allegedly raiding several residences in and around Moscow State University and forcibly taking young male students to the draft office and coercing them to sign up for military service. There were approximately 15 complaints of such practices by the security services during the year. The CSM estimated that 30 percent of conscripts were forced into service in violation of their rights.

There was evidence that military authorities made an effort to deal with the abuse problem. According to CSM research released in September, the military prosecutor accepted for adjudication approximately 80 percent of complaints from conscripts from January to September. In Volgograd and Nizhny Novgorod, local branches of the CSM helped persuade military prosecutors to pursue cases in the courts. However, many of those convicted continued serving in the army under a "conditional" sentence. The chief military prosecutor announced in November that 800 officers had faced criminal charges in connection with hazing during the period from January to November. As in the past, hazing problems were reported to be particularly common in units that had previously served in areas of military conflict.

Military authorities continued active implementation of First Deputy Prime Minister Sergey Ivanov's initiative to assign parent committees to military units and to form commissions that administer the military draft. By the end of 2007, parent committees were assigned to 142 military units and 12 military commissariats.

During the year both government and rebel forces engaged in the conflict in the North Caucasus region reportedly tortured and otherwise mistreated civilians as well as participants in the conflict (see section 1.g.).

There were no indications that authorities were investigating reports from HRW and other sources that numerous civilians were physically mistreated in the areas under the control of Russian forces in Georgia during the August 2008 conflict in South Ossetia and Abkhazia.

A report publicly released on September 30 issued by the EU-funded Independent International Fact-Finding Mission on the Conflict in Georgia, widely known as the Tagliavini report, concluded that all parties to the conflict—Georgian, Russian, Abkhaz, and South Ossetian forces—"committed violations of International Humanitarian Law and Human Rights Law," including indiscriminate attacks by Georgian and Russian forces, widespread looting and destruction of ethnic Georgian villages, mistreatment, rape, assault, hostage taking, and arbitrary arrests by South Ossetians, and the failure of Russian forces to prevent or stop such violations in areas under their effective control.

#### Prison and Detention Center Conditions

Prison conditions remained extremely harsh and could be life threatening. The Ministry of Justice's Federal Service for the Execution of Sentences (FSIN) administered most of the penitentiary system from Moscow. According to an official FSIN prison survey conducted in January, 887,500 persons were in custody, including 8,500 juveniles and 55,300 women. Of these, 734,300 were held in labor colonies and 144,700 in pretrial detention centers. Detainees were held in five basic forms of custody: temporary police detention centers; pretrial detention facilities (SIZOs); correctional labor colonies (ITKs); prisons, designated for those who violate ITK rules; and educational labor colonies (VTKs) for juveniles.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beating and rape, was common. There were elaborate inmate-enforced caste systems in which certain groups, including informers, homosexuals, rapists, prison rape victims, and child molesters were considered "untouchable" (the lowest caste) and treated harshly. Prison authorities provided little or no protection. In June *opendemocracy.net* reported on the existence of 12 special colonies in the Kirov Oblast, which it referred to as "torture colonies," where prisoners were sent for "bad behavior" such as arguing with prison staff or demanding protection of their rights.

Conditions in SIZO pretrial facilities varied considerably, but many remained extremely harsh and posed a serious threat to health and life. Health, nutrition, and sanitation standards remained low. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. Overcrowding was common, and the Federal Prison Service reported that approximately 158,000 suspects were being held in pretrial detention facilities designed to house 130,000.

Most convicted prisoners were imprisoned in ITKs. These facilities provided greater freedom of movement than SIZOs; however, at times guards humiliated, beat, and starved prisoners. The country's prisons, distinct from ITKs, are penitentiary institutions for those who repeatedly violate the rules in ITKs.

Federal standards call for a minimum of four square meters (approximately 43 square feet) per inmate. Widespread overcrowding remained a problem; however, the NGO Penal Reform International reported some progress in meeting this standard. President Medvedev moved to reduce the prison system's chronic overcrowding problem by issuing more pardons than his predecessor, and in August the government implemented a broader use of punishment short of prison for persons convicted of lesser crimes.

In recent years official statistics have generally recorded several thousand prisoner deaths per year in SIZOs. Penal Reform International reported that from 2007 to 2008, the mortality rate increased by 3.7 percent. Most preventable deaths resulted from poor sanitary conditions or inadequate medical care, but there were press reports of prisoners who were mistreated, injured, or killed by other prisoners or, in some instances, prison staff. The number of inmates infected with tuberculosis and HIV increased. According to FSIN data, as of January 795,000 inmates, or nearly 90 percent of persons incarcerated in the federal prison system, had some type of illness. Approximately 400,000 inmates had mental disorders, 40,000 had active tuberculosis, 42,000 had HIV, 46,000 were drug addicts, and 26,000 were chronic alcoholics. Tuberculosis infection rates were far higher in detention facilities than in the population at large.

In May 2008 guards in a Chelyabinsk prison killed four inmates while using excessive force to end a riot. In January eight prison employees of the IK-1 (penal colony number 1) in Kopeysk, Chelyabinsk Oblast, were subsequently charged with brutality for beating inmates to death. In October investigators in Chelyabinsk charged the head of the Oblast's FSIN, Vladimir Zhidkov, with deliberately covering up the killings. Zhidkov faced either a fine of 200,000 rubles (\$6,613) or a prison term of two years. The case continued at year's end.

As of June 1, 62 VTKs held 8,500 juvenile prisoners. Conditions in the VTKs were significantly better than in the ITKs, but some juveniles in the VTKs and juvenile SIZO cells reportedly suffered from beatings and rape. While juveniles were generally held separately from adults, there were two prisons in Moscow and one in St. Petersburg where children and adults were not separated.

In 2008 tDuring the year he ECHR found that the country violated the European Convention on Human Rights in five cases involving the improper housing and transporting of prisoners.

Human rights observers were able to visit most of the country's penal institutions; however, according to the NGO For Human Rights, of 765 prisons, officials did not allow human rights observers or defense attorneys to enter the 41 institutions with the worst records of such abuses as torture or collective punishment.

Since 2004 authorities have refused to grant the International Committee of the Red Cross (ICRC) access under its standard criteria to persons detained as part of the conflict in Chechnya, and the ICRC has suspended its detention visits to these institutions. However, human rights groups visited extralegal detention centers in Chechnya and other locations in the North Caucasus, where they documented continuing abuses.

Persons convicted for minor offenses may often spend six months in prison before having a chance at parole.

On June 30, President Medvedev signed a law allowing courts to reduce the sentence of a defendant who agrees to cooperate with authorities to no more than one half of the maximum sentence for the crime to which he confesses, with the exception of crimes punishable by life imprisonment or death. In cases of life imprisonment, the sentence is capped at no more than 13.5 years.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice they remained problems.

##### Role of the Police and Security Apparatus

The Ministry of Internal Affairs, the Federal Security Service, and the Office of the Prosecutor General are responsible for law enforcement at all levels of government. The Federal Security Service's core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The Federal Security Service operated with little oversight by the prosecutor general or the courts.

The national police force, under the Ministry of Internal Affairs, is organized at the federal, regional, and local levels. Although there are laws and regulations against corruption, corruption was widespread, and there were few crackdowns on illegal police activity.

During the first nine months of the year, according to the investigative branch of the Office of the Chief Prosecutor, the number of cases opened against law enforcement officials for abuse of their positions increased over the same period in 2008.

In November Novorossiysk Ministry of Internal Affairs Major Aleksey Dymovskiy made a video request to Prime Minister Putin to address widespread corruption among law enforcement officers. Authorities did not investigate Dymovskiy's allegations, and he was later charged with abuse of office and fraud.

During the year there were many cases of individuals detained in the Georgian separatist regions of Abkhazia and South Ossetia on charges related to their "illegal" crossing of the administrative boundary line with undisputed Georgian territory. Russian Border Guards, who began administering the boundary lines in May, carried out many of those detentions by enforcing boundary-crossing rules imposed by de facto authorities, but then generally handed custody of the individuals over to the de facto authorities. In most cases the individuals were released within a few hours or days.

##### Arrest Procedures and Treatment While in Detention

By law an individual may be taken into custody for up to 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the crime or a witness. Otherwise a court-approved arrest warrant is required. After their arrest detainees are typically taken to the nearest police station, where they are informed of their rights. Police are required to write an official protocol stating the grounds for the detention, which is to be signed by the detainee and the police officer within three hours of detention. Police must interrogate the detainee within the first 24 hours of detention. Prior to interrogation the detainee has the right to meet with an attorney for two hours. No later than 12 hours after detention, police must notify the prosecutor. They must also notify the detainee's relatives unless a prosecutor issues a warrant to keep the detention secret.

Police are required to release a detainee after 48 hours, subject to bail conditions, unless a court decides to prolong custody in response to a motion filed by police no later than eight hours before the expiration of the 48-hour detention period. The defendant and attorney must be present at the court hearing. By law police must complete their investigation and transfer the case file to a prosecutor for arraignment within two months of a suspect's arrest, although a court may extend a criminal investigation for up to six months in cases classified as complex. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months.

Legal limitations on detention were generally respected outside of the Northern Caucasus; however, there were exceptions. There were reports of occasional violations of the 48-hour limit for holding an arrestee. At times authorities

failed to write the official protocol of detention within the required three hours after the actual detention and held suspects longer than the legal detention limits. In addition, there were reports that police, in obtaining defense counsel for detainees, obtained defense counsel friendly to the prosecution. These "pocket" defense attorneys agreed to the interrogation of their clients in their presence while making no effort to defend their clients' legal rights. The general ignorance of legal rights on the part of both defendants and their legal counsel contributed to the persistence of these violations. In many cases, especially in more remote regions, defense counsel was not available for indigent defendants.

Judges occasionally suppressed confessions of suspects if they were taken without a lawyer present. They also at times freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges permitted prolonged detention on what the Supreme Court deemed inadequate grounds.

Authorities selectively detained and prosecuted members of the political opposition. In August Yabloko youth leader Ilya Yashin was arrested and held briefly during a protest against obstacles Yabloko faced in gathering signatures for the October Moscow City Duma elections. In August the ECHR ruled that a court had violated the rights of Sergey Medvedev, a member of the prohibited National Bolshevik party, who had been kept in pretrial detention for two years before a sentence of disorderly conduct was passed.

In April Interior Minister Rashid Nurgaliyev signed a decree allowing human rights groups to monitor conditions of arrest and detention for pretrial detainees. However, the decree lacked firm instructions on a mechanism to implement the plan, leaving authorities with discretion as to whether to cooperate. The decree also required that officials be present during any discussions of conditions with prisoners. The liberal newspaper *Noviye Izvestiye* reported in October that the law had achieved mixed results, with some prison officials highly cooperative and others obstructionist, although in the latter case human rights advocates attributed much the problem to lack of education among prison officials about the new law.

#### Amnesty

On March 12, Ingush president Yunus-Bek Yevkurov announced an amnesty for participants in "illegal militant groups" on the condition that they gave themselves up voluntarily and had not participated in serious crimes. Yevkurov stated that he had received approval from the federal government for this decision and added that he was ready for dialogue with insurgents. Several days prior to the announcement, he had announced a "financial" amnesty for officials accused of corruption in the republic. Neither amnesty policy had had a noticeable impact at year's end.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judicial branch did not consistently act as an effective counterweight to other branches of the government. Judges remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases.

The law requires judicial approval of arrest warrants, searches, seizures, and detentions. This approval was generally honored, although the process of obtaining the judicial warrants was occasionally corrupted.

An investigation committee, which is located within the Office of the Prosecutor General but whose chief is appointed directly by the president, oversees the investigation of many serious cases.

Despite increases in judges' salaries, including an 8.5 percent raise in 2008, reports of judges being bribed by officials and others continued. In December 2008 the Supreme Qualifying Collegium of Judges reported that during the last four years, an average of 70 judges per year were removed from office while approximately 300 warnings per year were issued for a

variety of offenses, including unreasonable length for processing cases, alcohol-related and other lapses of behavior, and conflicts of interest/corruption related issues.

Authorities did not provide adequate protection for witnesses and victims from intimidation or threats from powerful criminal defendants. In May the Ministry of Internal Affairs estimated that nearly half of the approximately 10 million witnesses in criminal cases suffered threats or violence from criminal elements; they noted that the existence of the witness protection program was little known among the population. In an August article in *Profile* magazine, the Ministry of Internal Affairs estimated that 5.5 million witnesses in current cases required protection; however, it acknowledged that in the first six months of the year, they had only succeeded in providing this help to 834.

In February a Moscow judge, Olga Kudeshkina, publicly criticized Moscow's judicial system, alleging widespread improper influence on rulings and calling it an "instrument for settling political, commercial, or personal scores." She was subsequently dismissed from her position. She appealed her case to the ECHR, which in August awarded her 10,000 euros (\$14,300).

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinate to the Supreme Court. They hear civil and criminal cases and include district courts, which serve every urban and rural district, and regional courts. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. An arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. The Federal Constitutional Court (as well as constitutional courts in a number of administrative entities) constitutes the third branch. Justices of the peace in localities deal with criminal cases involving maximum sentences of less than three years and with some civil cases. Justices of the peace work in all regions except Chechnya.

In May the State Duma passed a law proposed by President Medvedev that allows him to appoint the head, deputy head, and court secretary of the Constitutional Court directly and that extends these officials' terms in office from three to six years. Judicial experts stated that the law contradicts the principle of judicial independence.

The president approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges and some members of the public. Judges (except for the judges on the three highest courts, the Constitutional, Supreme, and Higher Arbitrazh Courts) have heretofore been subject to a one-time, three-year "probationary period" that they had to complete satisfactorily before their term was made for life (although subject to mandatory retirement at age 70). After the probationary period was criticized as potentially undermining the independence of new appointees, President Medvedev signed a law in July that abolished the probationary period to remove this potential threat to the independence of the new appointees. The powers wielded by chief judges (who are presidential appointees) over their courts still permit encroachment by the chief judges on the independence of individual judges.

In June the Council of Europe issued a report, based on interviews with judges, prosecutors, defense lawyers, and defendants, which asserted that judges routinely received intimidating telephone calls from superiors instructing them how to rule in specific cases, with particular emphasis placed on delivering convictions at any cost. The report stated that defense attorneys were frequently threatened and that corporations were at the mercy of corrupt law enforcement officials. Among the cases detailed in the report was one of a Moscow region judge who was dismissed and told publicly by a United Russia Duma deputy that she "ought to be shot" after voiding the results of a local election.

In November the human rights ombudsman reported that most of the complaints that his office received in the previous year involved alleged violations of human rights during criminal court proceedings. In December, two Constitutional Court judges resigned in protest over what they stated was the justice system's lack of judicial independence.

## Trial Procedures

Trials typically are conducted before a judge without a jury (bench trials). The defendant is presumed innocent. The defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area and must consult with their attorneys through the bars. Defendants have the right of appeal.

The law provides for the use of jury trials for a limited category of "especially grave" crimes, such as murder, in higher-level regional courts.

During the year the ECHR on multiple occasions found the country in violation of provisions of the European Convention on Human Rights with regard to trial procedures. In 2008, the latest year for which statistics were available, the court found 159 violations by the country involving the right to a fair trial and 20 violations involving proceedings that exceeded a "reasonable" length of time.

There has been a trend to further limit the use of jury trials. In December 2008 the State Duma enacted, and the president signed, a law providing that certain crimes, including terrorism, espionage, hostage taking, and mass disorder, would be heard by panels of three judges rather than by juries. Supporters of the legislation justified it on the grounds of the war on terrorism and juries' alleged incompetence to judge cases involving terrorism, espionage, and state security. They also alleged that clan relations in the North Caucasus made it impossible to empanel objective juries there. Although the competence of jury trial participants, including advocates for both parties and to some extent judges, remained a serious concern to domestic and international observers, critics described the legislation as a violation of the constitution and a major step backwards in the protection of individual liberties.

No further action was taken during the year on a draft law introduced in the State Duma in December 2008 that would substantially expand the definitions of espionage and treason. The draft law caused serious concern among some lawyers, human rights activists, and government officials who claimed that, if enacted, the law would provide virtually unfettered discretion to security forces to charge almost anyone who had any contact with foreign governments or international organizations or persons with treason. In February, after consulting with the newly reconstituted Presidential Council on Human Rights, President Medvedev announced that the draft law would be revised to reflect these concerns. The law had not been discussed further by year's end.

The government substantially increased the use of plea bargaining in criminal cases, and plea agreements increased from 10,000 in 2002 to more than 380,000 in 2007, the most recent year for which statistics were available. Plea bargains reduced defendants' time in pretrial detention, reduced the average prison sentence by one third, and allowed the courts and prosecutors to devote their resources to other cases. Some critics of law enforcement practices expressed fears that plea bargaining is subject to abuse by the authorities.

Prior to trial, defendants are provided a copy of their indictment, which describes the charges in detail. They are also given an opportunity to review the criminal file following the completion of the criminal investigation. Defense attorneys were allowed to visit their clients in detention, although conditions reportedly made it difficult for attorneys to conduct meaningful and confidential consultations with their clients.

The law provides for the appointment of an attorney free of charge if a suspect cannot afford one; however, this provision was often ignored in practice. The high cost of competent legal service meant that lower-income defendants often lacked competent representation. There were few defense attorneys in remote areas of the country. Public centers, staffed on a part-time basis by lawyers, continued to offer free advice on legal rights and recourse under the law; however, they were

not permitted to handle individual cases. The federal government funded a limited experimental system of legal assistance for indigent persons in 10 regions.

According to the NGO Independent Council of Legal Expertise, defense lawyers were the targets of police harassment. Professional associations at federal and local levels reported efforts by police to intimidate attorneys and cover up their own criminal activities.

Authorities often abrogated due process in pursuing espionage cases involving persons, including foreigners, who allegedly obtained information that security services considered sensitive. In some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Some human rights observers contended that the Federal Security Service pursued these cases to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

In March, two scientists published an article in *Novaya Gazeta* accusing the government of deliberately targeting scientists on spurious spying charges. According to the article, more than 20 scientists had been detained without grounds in recent years. The article's authors alleged that the Federal Security Service groundlessly arrested the scientists for spying to create the impression that the government was protecting the country from foreign enemies. One of the scientists was Igor Reshetina, the former head of Tsniimash Export, who has been in custody since 2005 on charges of transferring precision engineering technology to a Chinese corporation in violation of state export controls.

#### Political Prisoners and Detainees

#### Political Prisoners and Detainees

Human rights organizations and activists identified the following individuals as political prisoners: Aleksey Sokolov, Zara Murtazaliyeva, Valentin Danilov, Igor Sutyagin, Mikhail Khodorkovskiy, and Platon Lebedev. All remained imprisoned at year's end.

On May 13, authorities arrested Aleksey Sokolov, the head of the Sverdlovsk-based NGO Legal Basis, for allegedly participating in a burglary in 2004. Legal Basis investigated allegations of torture in penal colonies in Yekaterinburg and Tyumen as well as of corruption among senior FSIN officials in the Sverdlovsk Oblast. In February, Sokolov received an invitation from the Public Chamber of the Russian Federation to join the chamber's observation commission in the Sverdlovsk Oblast. At the same time Sokolov began receiving warnings that local authorities would "find a reason" to imprison him if he continued his human rights work. After his arrest, Sokolov was taken to an undisclosed location and denied access to his family and his lawyer. On July 31, the Sverdlovsk provincial court ruled that Sokolov's detention had been unlawful and ordered him released. However, the local prosecutor immediately opened a new case against Sokolov for allegedly stealing welding equipment, based entirely on the testimony of two inmates serving sentences for unrelated crimes. HRW alleged that the two inmates accused him after being mistreated in the prison. The court barred observers from attending an August 2-4 hearing on the legality of Sokolov's arrest and extended Sokolov's detention. The date for his release on bail was first set for October 23 and then moved to November 6. However, law enforcement officials refused to release him on November 6 and continued to bar him from meeting with family members. A November 23 hearing found the extensions of Sokolov's detention to be valid but did not provide a legal explanation.

Zara Murtazaliyeva of Chechnya, a 23-year-old insurance worker with no history of involvement with extremism, continued serving a nine-year sentence handed down in 2004 for allegedly preparing a terrorist attack in Moscow. Murtazaliyeva's defense lawyers and human rights defenders who monitored her trial maintained that the charges against

her were fabricated, and some considered her a political prisoner. Appeals to the Presidium of the Supreme Court and the ECHR in 2005 were pending at year's end.

Valentin Danilov continued serving a 13-year prison sentence for allegedly transferring classified technology to China, although colleagues and supporters asserted that the information in question was declassified over a decade before his arrest.

Igor Sutyagin, a disarmament researcher with the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, convicted in 2004 on espionage-related charges, continued serving a 15-year sentence in a maximum security prison for allegedly passing classified information about the country's nuclear weapons to a London-based firm.

Former Yukos owners Mikhail Khodorkovskiy and Platon Lebedev continued to serve eight-year prison sentences following their 2005 convictions for fraud, tax evasion, and embezzlement.

At the end of February, authorities moved Khodorkovskiy and Lebedev from Chita to Moscow, where, on March 3, a second trial against them began on new charges of money laundering and tax evasion; convictions could extend their imprisonment to as long as 15 years. The second trial continued at year's end. The defendants, as well as a number of observers, questioned the validity of the new charges, calling the amount of oil allegedly stolen unrealistic; they asserted that the money allegedly stolen from Yukos had covered its operating expenses and been invested, and they noted that it was illogical to combine the initial charges of tax evasion with the second charges alleging stolen assets. There was a mix of opinions as to whether due process was being followed in the second trial. One representative of the International Bar Association, who observed the case through the year, stated his opinion that the trial was being conducted properly in terms of following procedures to protect defendants' rights. However, other observers continued to raise concerns about due process.

On December 23, the Russian Supreme Court ruled that the 2003 decision to arrest and detain Lebedev was illegal, in keeping with a 2007 ECHR ruling. The ruling indicated only that the first two months of Lebedev's six years to date of incarceration were illegal.

In April *gazeta.ru* reported that, during the second Khodorkovskiy/Lebedev trial, authorities blocked video testimony from former Yukos manager Antonio Valdez-Garcia. Valdez-Garcia, who claimed he was staying abroad for his safety, alleged that he returned to the country in 2005 to give evidence in the Yukos case, but when he failed to accuse Khodorkovskiy and Lebedev, investigators beat and threatened him.

The arrest, conviction, and subsequent treatment of Khodorkovskiy raised concerns about due process and the rule of law, including the independence of courts and the lack of a predictable tax regime. Some observers believed that, while the charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his political activities and as a warning to other oligarchs against involvement in political or civil society issues or providing financial support to independent civil society.

On April 21, after a year-long public campaign for her release that garnered more than 100,000 signatures, a Moscow court released former Yukos lawyer Svetlana Bakhmina. In 2006 Bakhmina was convicted of tax evasion and embezzlement and sentenced to seven years in prison, reduced on appeal to six and a one-half years. Some human rights groups had considered Bakhmina a political prisoner and claimed that she was held in an attempt to pressure Dmitriy Gololobov, her former superior at Yukos, to return from London.

Civil Judicial Procedures and Remedies

The law permits an individual or business to seek civil compensation for a criminal violation. The law also provides for bringing a criminal or civil case on human rights violations, but implementation was inconsistent.

#### Property Restitution

Restitution of religious property seized by the Communist regime remained a problem, particularly for Muslim and Protestant groups. Many properties used for religious services, including churches, synagogues, and mosques have been returned, but efforts to secure the return of other property continued, and the return of property originally used for schools and other functions not strictly linked to worship has been more difficult to achieve.

The Russian Orthodox Church had greater success reclaiming prerevolutionary property than other groups, although it still had disputed property claims, including claims to 30 properties in Moscow alone. The church also continued to face property difficulties concerning the Yaroslavl Kremlin. By January 1, all of the religious buildings at the Yaroslavl Kremlin had been returned to the Russian Orthodox Church except for the main cathedral. During 2008 the church continued to try to reclaim a mansion on Moscow's Red Square that it alleged was expropriated in 1917, but the government has not enforced court rulings in the church's favor in the case.

In 2006 Muslims in Beslan appealed to the Presidential Council for Cooperation with Religious Associations to return the historic Cathedral Mosque, which was occupied by a vodka bottling plant and a bottle washing shop, to the Muslim community.

The Jewish community was seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, which authorities claimed as part of the country's cultural heritage.

The Roman Catholic Church reported 44 disputed properties, including the Saints Peter and Paul Cathedral in Moscow.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and it forbids officials from entering a private residence except in cases prescribed by federal law or on the basis of a judicial decision; however, this prohibition was not always respected in practice. The law also prohibits government monitoring of correspondence, telephone conversations, and other means of communication without a warrant and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While these provisions were generally followed, there were allegations that government officials and others engaged in electronic surveillance without judicial permission and entered residences and other premises without warrants. In 2007 prosecutors brought several cases against law enforcement officers for illegal wiretapping. Illegal wiretapping charges were also brought against a former high-ranking member of the State Narcotics Control Service. The cases continued at year's end.

Boris Kuznetsov, a prominent human rights lawyer, remained abroad after fleeing prosecution in 2007 for allegedly revealing state secrets after he presented a court with transcripts of conversations of a client he was defending that had been recorded by the Federal Security Service without court authorization. A number of human rights observers described the charges against Kuznetsov as politically motivated, since he had represented sensitive high-profile clients, such as the family of Anna Politkovskaya. In February 2008 Kuznetsov received political asylum abroad. He appealed to the ECHR, which reportedly accepted the case. In May a Moscow court began examining a request by the Investigative Committee of the General Prosecutor's office that the case be reopened in the hopes of securing Kuznetsov's extradition to face the charges against him. At year's end he remained abroad.

Law enforcement agencies have legal access to telephone, including cellular company clients' personal information and require providers to grant the Ministry of Internal Affairs and the Federal Security Service 24-hour remote access to their

client databases. In past years some experts asserted that this access was unconstitutional; however, the practice has not been challenged in court.

The government requires Internet service providers to provide dedicated lines to the security establishment, enabling police to track private e-mail communications and monitor Internet activity. On January 16, the Ministry of Information and Communication officially required telecommunications companies and Internet service providers to allow the Federal Security Service to tap telephone calls and monitor information over the Internet. The ministry maintained that no information would be accessed without a court order, but there was no way to verify whether authorities respected this restriction in practice. There were no new wiretapping cases during the year.

On July 21, the Ministry of Communication issued a decree stating that law enforcement agencies would henceforth have the right to examine citizens' mail. They would also have access to a database of users of postal services, including their use of the services and their postal addresses. Human rights activists and the human rights ombudsman criticized the ruling as a violation of citizens' constitutional rights. A ministry representative stated to journalists that agents would be able to exercise these powers only in conjunction with a court decision, which they would need to receive within 48 hours of any mail check. However, observers noted that the condition that would permit the ministry to seek this authority, namely a "threat to the state security of the Russian Federation," could be open to broad interpretation. On September 4, the investigative branch of the General Prosecutor's Office found the initiative to be unconstitutional. However, with the backing of the General Prosecutor's Office, a St. Petersburg journalist appealed the ministry's decree to the Constitutional Court; on September 14, the court upheld the constitutionality of the ministry's decree.

Human rights observers continued to allege that officers in the special services abused their positions by gathering compromising materials on public figures. Regional branches of the Federal Security Service reportedly continued to exert pressure on citizens employed by foreign firms and organizations, often to coerce them into becoming informants.

According to an HRW report detailing abuses by parties to the August 2008 conflict between Russia and Georgia, Russian forces were at times involved in looting and destruction, either as passive witnesses to abuses by Ossetian militias or providers of transport that enabled the militias to engage in such activities. There was no official response that addressed these allegations.

Federal forces and progovernment Chechen forces reportedly abducted relatives of rebel commanders and fighters.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year complex and interlocking insurgencies caused continuing instability in the North Caucasus, with a marked upsurge in incidents committed by government and insurgent forces during the year. Overall, there were increases in disappearances, killings, and other abuses. There were reports that federal and local security forces seeking to quell the insurgencies continued to use excessive force and to engage in human rights abuses, including torture, summary executions, disappearances, and arbitrary detentions. Authorities in the North Caucasus reportedly acted with impunity, and some observers alleged that the federal government had ceded de facto control of the region to local authorities. Rebels also continued to commit human rights abuses, including major acts of terrorism and summary executions.

In Chechnya, although remnants of a nationalist insurgency persisted, the role and number of federal forces decreased considerably, leaving most security operations to local forces. On April 16, the National Antiterrorist Committee announced the formal end of counterterrorist operations in Chechnya along with plans to reduce federal forces there from 50,000 to 25,000. Subsequently, however, instances of violence increased.

In the Republic of Ingushetiya, unrest worsened considerably. A counterterrorist campaign, initiated after an attempt on the life of President Yunus-Bek Yevkurov in June, was lifted upon Yevkurov's return to duties in August.

In Dagestan, where there was a widening insurgency, a counterterrorist campaign was announced in August after an attack by militants on the central police barracks in Nazran. In Kabardino–Balkariya, a temporary counterterrorist regime was lifted on August 29, following the death of three militants in a firefight outside Nalchik.

An HRW report released in September concluded that the central government had failed to act on any of the ECHR rulings that called on it to investigate specific human rights violations in Chechnya. According to the report, the court had issued 115 rulings relating to Chechnya, almost all of which found the country responsible for serious human rights violations and for failure to investigate the crimes. HRW researched 33 of the cases and found that the government had not brought a single perpetrator to justice, even in cases where the court named the persons allegedly responsible.

### Killings

There were numerous killings related to the conflict during the year, including those committed by the government and by rebels. The NGO Memorial reported that, during the year, 30 civilians were killed in Chechnya, 14 civilians were killed in Dagestan, and 158 civilians were killed in Ingushetiya. Rebels engaged in many killings of government officials in the North Caucasus. Memorial noted that 342 law enforcement officers lost their lives during the year, and the Council of Europe stated that 142 members of the security forces were killed and 280 injured during the three summer months of 2009, the highest level of losses among the police and the army in four years. On September 29, Interior Minister Rashid Nurgaliyev reported that, in the first nine months of the year, 270 insurgents had been killed and 450 arrested in the North Caucasus. According to Dagestan's president, Mukhu Aliyev, 150 insurgents, including five foreigners, were killed in the republic, and 29 were detained. According to the Internet-based news portal Caucasian Knot, as a result of armed clashes and special operations, 177 suspected militants were killed, 213 were detained, and 16 surrendered in Chechnya. In Ingushetiya, 129 suspected militants were killed and 34 were detained.

Indiscriminate use of force by government forces in areas of the North Caucasus with significant civilian populations resulted in numerous deaths. Security forces generally conducted their activities with disregard for due process, civilian casualties, and apparent impunity from investigation or prosecution for their conduct.

Human rights organizations reported that there were more killings, attacks, and abductions of both officials and other citizens in Ingushetiya during the year than in any other republic in the North Caucasus. In June a suicide bomber attacked the motorcade of Ingushetiya's president, Yunus–Bek Yevkurov, leaving him in serious condition in the hospital. Yevkurov recovered and reassumed his duties in August.

On January 13, assailants in Vienna shot and killed Umar Israilov, a former bodyguard of Chechen president Ramzan Kadyrov and who later became a critic of Kadyrov's rule. Israilov had filed a complaint with the ECHR in which he stated that he had witnessed Kadyrov torturing prisoners and that Chechen authorities and Kadyrov had also beaten and tortured him and his family. At the time of the killing, opposition journalists described a "hit list" allegedly found in Kadyrov's residence containing the names of 5,000 persons considered threats to the president. On February 24, Polish authorities arrested a suspect in the Israilov killing and charged him in an unrelated case. As of year's end, Austrian police had arrested eight Chechens for suspected involvement in the case, but a trial had not yet taken place.

On March 28, Sulim Yamadayev, a member of a powerful Chechen family that formerly had ties to President Kadyrov but subsequently became involved in high–profile disputes with him, was shot in Dubai and reportedly died there on March 30. On April 8, Dubai police issued an arrest warrant for Adam Delimkhanov, Kadyrov's cousin and a State Duma deputy with the United Russia party, and charged him with masterminding the shooting. On July 28, Sulim's brother, Isa Yamadayev, was attacked in his Moscow apartment.

In March Natalia Estemirova, a prominent human rights activist and journalist, told *The Los Angeles Times* that she believed Kadyrov was orchestrating a campaign against the Yamadayevs to prevent the investigation of serious crimes committed in recent years in Chechnya by eliminating those who had useful information on the crimes. A few months later, on July 15, several men abducted Estemirova from outside her home in Grozny, killed her, and left her body in neighboring Ingushetiya (see section 1.a.).

On August 10, in Chechnya, five armed men abducted and killed charity workers Zarema Sadulayeva and Alik Dzhabrailov, who were married. The couple ran the Grozny-based NGO Save the Generation, which helped Chechen children suffering from disabilities caused by the conflict. A witness said that three of the abductors wore uniforms and identified themselves as members of the local security services, saying that they would return with the couple. The bodies of Sadulayeva and Dzhabrailov were later found in the trunk of a car with multiple gunshot wounds. At the end of the year, the federal General Prosecutor's Office concluded that the assailants had killed Dzhabrailov because of his former activities as a militant and that Sadulayeva had died because of her proximity to Dzhabrailov. There were no arrests in the case.

There were no reported developments in the December 2008 killing of three Chechen brothers, Zurab, Akhdan, and Alvi Ilaev, who were found dead with evidence of beating and torture after allegedly having been detained by local officials. Local NGOs took the case to the Chechen ombudsman.

No developments were reported during the year in the 2007 police killings in Ingushetiya of suspected insurgent Ruslan Aushev, of Apti Dolokov in the town of Karabulak, of the brothers Said-Magomed Galayev and Ruslan Galayev, and of Albert Gorbakov in Malgobek.

There were several developments in the September 2008 killing in central Moscow of Sulim Yamadayev's brother Ruslan, a former State Duma member, whose family had been involved in high-profile disputes with President Kadyrov. On January 27, Aslan Diliyev, an advisor to Kadyrov and former subordinate of Yamadayev in the Vostok battalion, already in custody for an unrelated 2006 shooting, was questioned in connection with the killing. Diliyev was released at the end of the year. On April 6, authorities arrested three suspects in the killing who had ties to Kadyrov's cousin, Adam Delimkhanov.

In May the Ingush Prosecutor's Office declined to reexamine an earlier ruling that the detention of Magomed Yevloyev, who was killed by a police officer while in custody in August 2008, had been illegal, but it opened a wrongful death case in the Nazran District Court against the chief of Ingush security services, Ibragim Yevloyev. The Ministry of Internal Affairs had earlier ruled Magomed Yevloyev's death an accident. In December Ibragim Yevloyev was found guilty of involuntary manslaughter and sentenced to two years' imprisonment, which human rights advocates criticized as overly lenient. Yevloyev, an owner of the opposition Web site Ingushetiya.ru, had been a sharp critic of corruption and electoral manipulation by Ingush authorities. A subsequent owner of the site fled the country in August and her successor, Maksharip Aushev, was shot and killed in October, after he had ceased to be the site's owner (see section 1.a.).

No new developments were reported in the September 2008 killing of Telman Alishayev, a journalist from the Islam-focused TV Chirkey, in Makhachkala, Dagestan.

In most cases security forces acted against civilians with impunity, and even the limited efforts by authorities to impose accountability failed. In January Yuriy Budanov, a former tank commander in Chechnya convicted of murdering an 18-year-old Chechen girl in 2000, was released on parole after serving just over half of a 10-year sentence. Chechen ombudsman Nurdi Nukhazhiyev publicly criticized the parole decision and stated that the remains of 67 persons had been found in a

hole in the ground at the site where the subunits under Budanov's command had been stationed. Thousands of Chechens, along with human rights activists, participated in street protests against the decision, and lawyers for the victim's family unsuccessfully appealed the parole.

At a September 2 press conference, human rights groups alleged that death squads had formed in Dagestan, abducting and torturing persons, especially young men, regardless of whether they had engaged in any threatening activity, and holding them in extralegal detention centers. They also alleged that local authorities were behind the creation of the death squads. The government offered no reaction to these charges.

According to Caucasian Knot, rebels killed 342 law enforcement officers and injured 680 during the year in the North Caucasus. Caucasian Knot also quoted Deputy Minister of Internal Affairs Arkadiy Yedelev as stating that 235 law enforcement officers had died and 686 were wounded in clashes with insurgents.

In Chechnya rebel killings of soldiers and civilians increased during the year. According to Caucasian Knot, from January to April 16, before the lifting of the counterterror regime in Chechnya, 28 persons (11 civilians, three police officers, and 14 militants) were killed. However, the killings continued after the declared end of counterterror operations, as 147 persons (31 civilians, 49 law enforcement officers, and 67 militants) were killed in Chechnya from April 16 through November.

On March 21, a shootout between police and insurgents in a wooded area of Dagestan near the Georgian border left five officers and approximately 12 militants dead. On the previous day, police in Makhachkala, Dagestan shot and killed four men who failed to stop their car at a checkpoint and began shooting at officers. On March 25, a police officer was abducted and killed in the Vedeno region of Chechnya. Officials accused militant groups of organizing the abduction.

On April 19, a grenade attack on the home of Criminal Police chief Alikhan Geroyev of Sunzhenskiy District, Ingushetiya, killed both him and his sister. Also in mid-April, an attack in Chechnya killed three Russian police officers.

On June 5, an unidentified sniper, firing from a nearby building, shot and killed the chief of the Dagestan Ministry of Internal Affairs, Adilgirey Magomedtagirov, as he was attending the wedding of a subordinate's daughter. The shooters also injured the head of the ministry's administrative department, Abdurazak Abakarov, as well as eight police officers. Magomedtagirov had escaped several previous attempts on his life since taking office in 1998.

On July 10, in Nazran, unknown assailants shot and killed Magomed Gadaborshev, head of the Ingush Republic's criminal investigation department. Two days later, the head of a city-level Ministry of Internal Affairs department, Isapil Ozdoeyev, was shot and killed while driving in Nazran. There were no new developments in either case at year's end.

On July 26, a suicide bomber killed six persons and wounded 10 others while entering a concert hall in Grozniy, Chechnya, just minutes before the start of a play. Four police officers stopped the attacker outside the hall and died in the explosion.

On August 12, an unknown assailant shot and killed Ingush construction minister Ruslan Amerkhanov. On August 17, a suicide bomber killed 25 persons and wounded 280, including 11 children, at an Ingush police station in a heavily populated part of Nazran. The event led President Medvedev to fire Ingushetiya's interior minister, Ruslan Meriyev. The attack came in the middle of a week in which 20 individuals were killed in sporadic clashes between militants and authorities, including an August 13 attack in which 10 men opened fire at a police post in the city of Buinaksk in Dagestan, killing four officers, and then shot and killed seven women in a nearby sauna. On September 1, a suicide attacker detonated a car bomb outside a police station in Makhachkala, killing one person and wounding 14, with five in critical condition. Five of the casualties, including the one who died, were police officers; the others were civilians. Radio Liberty, citing Russian press services, reported a number of clashes between rebels and security forces in the region in mid-October.

Federal forces and their opponents continued to use antipersonnel mines in Chechnya. In 2008 *Landmine Monitor* reported 39 deaths and 171 casualties overall in the preceding three years from land mines and other unexploded ordnance. The number decreased in each of the three years, although *Landmine Monitor* stated that casualty numbers were often underreported.

#### Abductions

Government personnel, rebels, and criminal elements continued to engage in abductions in the North Caucasus. Officials and observers disagreed on the numbers or persons involved. Human rights groups believed that the numbers of abductions were underreported due to the reluctance of detainee's relatives to complain to authorities out of fear of reprisal. The NGO Memorial reported that during the year there were 90 kidnappings in Chechnya, while the NGO MASHR reported 234 disappearances in Ingushetiya and 31 disappearances in Dagestan. Allegedly, there was no accountability for government forces involved in abductions. There were continued reports that abductions were followed by beatings or torture to extract confessions and that abductions were conducted for political reasons. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping.

On April 22, *The New York Times* reported the attempted kidnapping in Dagestan of Eldar Navruzov while he was walking home from work. In March 2008 Navruzov had allegedly been detained, beaten, and tortured by security services for alleged terrorism and extremism. Navruzov, a devout Muslim, was accused of membership in the Wahhabi sect, which has been deemed extremist by local authorities. He was in jail for 11 months before authorities dropped all charges for lack of evidence and released him in February.

On June 19, Maskhud Abdullayev, the 22-year-old son of Chechen rebel leader Supyan Abdullayev, disappeared upon arriving in Moscow following deportation by Egyptian authorities. Maskhud Abdullayev and another Chechen student, Akhmed Azimov, were arrested in Egypt in security sweeps targeting foreign students after a February bomb attack there; Egypt deported four other Chechen students. Azimov was questioned at the airport in Moscow for several hours and released. Human rights activists asserted that Abdullayev was not connected with the Chechen rebels.

In July a group of nine men, seven of whom wore camouflage uniforms and carried machine guns, abducted 26-year-old Batyr Albakov from his home in Ingushetiya, near the Chechen border. The men reportedly stated they were police officers from Nazran, but spoke Chechen among themselves. Eleven days later, police reported that Albakov had been killed "in a shootout with authorities." When they returned Albakov's body to his family, it showed extensive signs of torture. Albakov's family denied that he had any rebel connections. The official who announced Albakov's death was Adam Delimkhanov, a cousin of President Kadyrov who was named as a suspect in the killing of Sulim Yamadayev.

In early November a procurement and logistics assistant for the Danish Refugee Council, Zarema Gaisanova, was abducted from her home in Groznyi. Amnesty International asserted that law enforcement officials had carried out the abduction. Her whereabouts remained unknown at year's end.

On December 28, Caucasian Knot reported that two brothers and two uncles of slain activist Maksharip Aushev's widow had disappeared in St. Petersburg. Their whereabouts were unknown at year's end.

There was no additional information on the whereabouts of Mokhmadalakh Masaev, a Muslim preacher accused of "salafism" by authorities and abducted in 2008; of Ramaz Dibirov, Isa Isayev, and Muhamar Mammayev, who disappeared in 2007 in police custody; or of Vagap Tutakov, former member of the Ichkeria Parliament who was abducted by armed men.

In December 2008 the ECHR found Russia to be responsible for the disappearance of Chechen Ruslan Kasumov in 2003 and awarded his family 37,000 euros (\$53,000), but there was no information on compliance with this decision as of September. On May 28, the ECHR found the country in violation of the European Convention on Human Rights in the 2002 disappearance and death of Lech Basayev, Lema Dikayev, Khavy Magomadov, and Muslim Nenkayev, all of whom were detained in operations in Chechnya.

In September 2008 human rights organizations and international media reported that the Chechen government began a widespread, concerted campaign of arson in villages and towns designed to punish families of suspected insurgents. Many of the attacks were accompanied by declarations that the homes were being destroyed as punishment. The campaign followed explicit threats announced by Chechen president Kadyrov and by Groznyi mayor Muslim Khuchiyev. During the campaign, Khamzat Dzeytov was arrested without explanation in November 2008 in the village of Pervomayskaya. At year's end, Dzeytov was awaiting trial in pretrial detention in Groznyi. Human rights activist Natalya Estemirova was working on a documentary on the arson campaign when she was killed in July (see section 1.a.). There were numerous reports that the Chechen government's arson campaign continued during the year, although there was no information available as to how its scale compared with that of the campaign in September 2008.

The security forces under the command of Chechen president Kadyrov played an increasing role in abductions, either on their own initiative or in joint operations with federal forces. Human rights groups reported that these forces were frequently suspected of conducting disappearances and abductions, including those of family members of rebel commanders and fighters.

Amnesty International reported that federal and Chechen security forces targeted female civilians, both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels.

In the first four months of the year, the ECHR issued judgments that found Russia responsible in 25 cases involving the disappearance and presumed death of disappeared persons and for inhuman treatment of victims' families by refusing to provide information on their fate. In some cases appellants said they were offered settlements or threatened in an effort to have them drop their cases.

#### Physical Abuse, Punishment, and Torture

Armed forces and police units were reported to have frequently abused and tortured persons in holding facilities where federal authorities sorted out fighters and persons suspected of aiding rebels from civilians.

In Chechnya and Ingushetiya, there continued to be reports of torture by government forces. In July 2008, 50 armed men, reportedly law enforcement officials, forcibly searched the home of Ingushetiya human rights activist Zurab Tsechoev without a warrant and abducted him. He was allegedly detained and beaten by officials, who questioned him about his work with the human rights NGO MASHR. Tsechoev was released, but there were no disciplinary measures against the abductors.

There were no further developments in the 2007 cases of alleged torture and mistreatment by security officers of Shamsudi Khadisov, Ramzan Khasiyev, or Mikhail Akbulatov. There was no new information concerning the alleged torture in 2007 of Shakhid Ipayev or the mistreatment of Ramzan Khasiyev at a detention center in Chechnya.

The trial of suspects in the 2005 attack on security service buildings in Nalchik, which began in October 2008, continued. Many of the persons accused alleged that they were singled out because of their religious beliefs and then, after the attack, arrested and tortured to extract confessions. HRW asserted that at least eight of the detainees were mistreated

and that lawyers for five detainees were barred from representing their clients. On December 11, *Kommersant* reported that the trial would likely have to start again from the beginning, because Judge Galina Gorislavskaya had been reappointed to a different position. The defendants remained in detention at year's end.

Government forces continued to abuse individuals seeking accountability for earlier mistreatment in Chechnya and to harass persons who had applied to the ECHR for the redress of grievances. Amnesty International and other human rights groups reported that reprisals against applicants to the court, included killings, disappearances, and intimidation. According to press reports and human rights NGOs, as of September at least six applicants to the ECHR had been killed or abducted. In a 2007 ruling the court emphasized that the relatives of disappeared persons and witnesses should be protected from intimidation and revenge. However, this practice continued during the year.

Chechen Human Rights Ombudsman Nurdi Nukhazhiyev continued the practice of his predecessor in not cooperating with the area's leading human rights NGO Memorial.

The Independent Commission on Human Rights in the Northern Caucasus, headed by the chairman of the State Duma Committee on Legislation, continued to hear hundreds of complaints, ranging from destruction or theft of property to rape and murder; however, the commission was not empowered to investigate or prosecute alleged offenders and referred complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other crimes by federal and Chechen Republic forces.

#### Other Conflict-related Abuses

Throughout the year security forces continued to conduct security sweeps and passport checks at temporary settlements in Ingushetiya housing internally displaced persons (IDPs) from Chechnya (see section 2.d.). At times these sweeps reportedly led to human rights abuses or disappearances. In February the Office of the UN High Commissioner for Refugees (UNCHR) reported that Chechen authorities had begun visiting approximately 2,500 Chechen IDPs in 22 temporary shelters in Ingushetiya and urging them to return to Chechnya, sometimes with verbal threats. By June the Ingush branch of the Federal Migration Service had removed most Chechen IDPs from its beneficiary list.

Human rights groups visited illegal detention centers in Chechnya and other locations in the North Caucasus, where they documented continuing abuses. Chechen Republic security forces reportedly maintained secret prisons in Tsentoroi, Gudermes, and other locations. HRW reported that it had detailed descriptions of at least 10 unlawful detention facilities. Human rights groups reported that officers of the federal Ministry of Internal Affairs' Second Operational Investigative Bureau illegally detained and tortured persons in its Grozny offices.

Since 2004 authorities have refused to grant the ICRC access, under ICRC's standard criteria, to persons detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits. The suspension remained in place during the year.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, in practice government pressure on the media persisted, resulting in numerous infringements of these rights.

While the government frequently respected citizens' rights to freedom of speech, it increasingly restricted this right, particularly with regard to issues such as the conduct of federal forces in Chechnya, human rights, corruption, and criticism of the government. Some regional and local authorities took advantage of the judicial system's procedural

weaknesses and overly broad laws to detain persons for expressing views critical of the government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings on occasion resulted in high fines.

The government used direct ownership or ownership by large private companies with links to the government to control or influence the major national media and a majority of the regional media outlets, especially television; many media organizations saw their autonomy weaken further. During the year the government used its leverage to restrict dissemination of information about issues deemed sensitive, including coverage of opposition political parties and candidates in local elections that were held in March and October, and economic problems. International observers criticized the unbalanced access to the media for candidates in the local elections as well as in nationwide elections in 2007 and 2008, noting that the overwhelming majority of prime-time television coverage--the primary source of information for the public--was devoted to United Russia candidates. Observers also noted numerous press freedom abuses, including harassment of media outlets, legislative limitations, lack of equal access to information, and arbitrary application of rules.

During the campaign leading up to the April 26 election of the mayor of Sochi, state-controlled television networks provided minimum coverage and focused the reports they carried on the incumbent mayor and United Russia candidate, Anatoliy Pakhomov. Opposition candidates noted that they were denied equal access to both local and national television.

While the largest daily newspaper, *Moskovskiy Komsomolets*, was independently owned, other influential national newspapers, including *Izvestiya*, *Rossiyskaya Gazeta*, and *Kommersant*, were owned by the government, persons affiliated with the government, or state-owned companies. In addition, the Ministry of Defense owned the newspaper *Krasnaya Zvezda*. More than 60 percent of the country's 45,000 registered local newspapers and periodical were owned by the government or state-owned companies. The government continued selective attempts to influence the reporting of independent publications.

In May the government-affiliated Bank Rossiya purchased a controlling stake in *Izvestiya* from state-owned Gazprom. Under its new ownership, *Izvestiya* maintained a progovernment stance on key policy issues and increasingly avoided controversial topics. Despite *Kommersant's* ownership, most observers believed that its editorial line remained independent during the year and was frequently critical of government policy.

Of the six national television stations, the federal government owned one and had a controlling interest in one other. State-owned or affiliated companies owned controlling interests in three others, and the Moscow city administration owned the sixth. Approximately two-thirds of the 2,500 other television stations in the country were completely or partially owned by the federal and local governments. As a result, the media often constrained editorial content, in particular, that which was critical of the government.

However, government influence over networks' editorial policies was not uniform. For example, some observers initially alleged that the REN-TV network's editorial line became more progovernment when in 2006 the government-affiliated Bank Rossiya purchased a controlling interest in it. However, in contrast with the other networks, REN-TV continued to cover opposition rallies and broadcast interviews of some critics of the government.

International media continued to face some impediments to their ability to operate freely. In 2007 authorities curtailed all stations broadcasting Radio Free Europe/Radio Liberty (RFE/RL) and Voice of America (VOA) news programs except for stations in Moscow and St. Petersburg, which continued to broadcast RFE/RL and VOA programs. As a result of government measures in 2007, the BBC's Russian language services were available only on medium and shortwave broadcasts as well as the Internet. In April Kit Gessen, an American correspondent from *The New Yorker* magazine, was

arrested in Sochi for "lack of registration to be in Sochi." Gessen alleged that he sought to register with authorities when he arrived, but they did not allow him to do so.

The government exerted its influence most directly on state-owned media. During the August 2008 conflict in Georgia, reporting in state-owned or state-controlled media adhered closely to the government's position. Journalists and news anchors for the Rossiya and First Channel networks reported receiving "guidelines" from management prepared by the presidential administration indicating which politicians they should support and which they should criticize.

Government-controlled media consistently and disproportionately exhibited favoritism in their coverage of the former president and current prime minister, Vladimir Putin, and President Dmitry Medvedev.

The government maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya, both of which adhered to government positions in their news reporting. Ekho Moskvyy radio, despite being majority-owned by the state corporation Gazprom, provided balanced coverage and independent editorial comments, often sharply critical of the government, and provided a platform to members of opposition.

The government also owned the national news agencies ITAR-TASS and RIA-Novosti. In 2007 the new director general of the Russian News Service radio reportedly established an editorial policy that required at least 50 percent of its reports about the country to be "positive" and forbade the mention of some key opposition politicians. The changes prompted many staff members to resign in protest.

In April, in what appeared to be a further move to minimize the airing of dissenting views and independent shaping of public opinion, the Gazprom-owned television channel NTV cancelled the popular talk show *To the Barrier*, during which famous individuals debated important topics and the viewing audience voted for the debate's "winner" via text message. The program had been broadcast since 2003 under the leadership of Vladimir Solovyev. The station cited falling ratings as the official reason for cancelling the show. Another of Solovyev's talk shows, *Sunday Evening with Vladimir Solovyev*, was cancelled by NTV in 2008.

At year's end, the Glasnost Defense Foundation reported that 59 journalists had been attacked during the year and eight killed (Telman Alishayev, Anastasia Baburova, Natalia Estemirova, Sergey Protazanov, Vyacheslav Yaroshenko, Olga Kotovskaya, Abdulmalik Akhmedilov, and Shafiq Amrakhov) (see section 1.a.). In comparison, there were 69 attacks in 2008. The Center for Journalism in Extreme Situations (CJES) documented eight killings of journalists in 2006-08 in which they concluded that the motive for the killing was work-related.

In most cases authorities did not identify suspects and did not establish a direct link between an assault and the journalistic activities that presumably motivated it. Most high-profile killings and kidnappings of journalists were unresolved. In March the CJES reported that there had been more than 40 unsolved killings of journalists since 2003. Many of the abuses took place in the Northern Caucasus; however, the Glasnost Defense Fund and other media freedom monitoring organizations reported cases of abuse of journalists by police and other security personnel elsewhere as well, including physical assault and vandalism of equipment. In most cases, according to the Glasnost Defense Foundation (GDF), mistreatment appeared to have been at the initiative of local officials.

Independent media NGOs characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. The GDF reported that in many cases the killings appeared to be related to the journalists' work.

**On January 8, a senior traffic police officer in Yekaterinburg assaulted a correspondent of YekaterinburgNEWS, an online publication, who took a photo of the officer's car illegally parked in a pedestrian crossing zone. In December a court in Yekaterinburg ordered authorities to stop criminal proceedings against the officer.**

**On February 5, Federal Security Service officers in Moscow detained a correspondent of the Noviy Region news agency who was covering an opposition rally.** The officers took the journalist to a police station and forced him to delete all the photographs he took at the rally.

On March 12, police in Moscow detained journalists who covered the dissenters' march opposition rally, including correspondents of *Kommersant* daily, ITAR-TASS, TV Center, the Associated Press, and Internet publications Gazeta.ru and Politonline.ru. The journalists were released the same day.

Also in August, Rosa Malsagova, owner and editor of the Web site Ingushetiya.org, gave up her position and left the country with her three sons. She claimed her decision was motivated by threats from Ingush militants. She sought political asylum in France. Ingushetiya.org, originally Ingushetiya.ru, was known for its investigations into local government corruption and electoral manipulation. Its previous owner, Magomed Yevloyev, was killed in 2008 by a police officer while in police custody (see section 1.g.). The site was shut down by the authorities and was reestablished by Yevloyev's colleagues as Ingushetiya.org. According to the Web site International Freedom of Expression Exchange, Ingush authorities also continued to criticize the site, which they regarded as favoring the opposition.

In September piracy expert Mikhail Voitenko, editor of the Sovfrakht Marine Bulletin Web site, left the country after questioning the official version of the July disappearance and August rescue of the cargo ship Arctic Sea. Voitenko told the *Moscow Times* that he had been pressured into leaving by "persons working in the interests of the government."

Also in September, Aleksandr Podrabinek, a freelance journalist, reported on his blog that he had gone into hiding because of threats he received after writing an Internet editorial that recalled the prison camps and crimes of Stalinism and accused the current leadership of seeking to burnish Stalin's image. Podrabinek asserted he had reliable information that a senior-level decision had been made to settle scores with him "by any means." The progovernment youth group Nashi harassed Podrabinek and picketed outside his house until Prime Minister Putin criticized their activity. Ella Pamfilova, head of the Presidential Council on Human Rights and Civil Society, spoke publicly on behalf of Podrabinek, which led some United Russia leaders to call for her ouster; however, she remained in her position.

According to the NGO Reporters without Borders, authorities rejected visa applications of two of its representatives, including the organization's secretary general, preventing them from traveling to Moscow in October to hold a news conference on the eve of the third anniversary of the killing of *Novaya Gazeta* reporter Anna Politkovskaya.

In May prosecutors filed murder charges in the Dagestan Supreme Court against two men for the March 2008 death of Gadzhi Abashilov, head of the local branch of the Russian State Television and Radio Company in Makhachkala. Law enforcement authorities and Abashilov's colleagues believed that his killing was related to his journalistic work, including his reporting on the situation in Dagestan.

A criminal investigation of the September 2008 attack on Miloslav Bitokov, editor in chief of the *Gazeta Yuga* newspaper in the North Caucasus Republic of Kabardino-Balkaria, produced no results. The investigative arm of the Kabardino-Balkaria Ministry of Internal Affairs agreed with Bitokov's colleagues that the attack was related to Bitokov's work.

No arrests were reported in the November 2008 beating by unknown assailants of independent Khimki journalist Mikhail Beketov, publisher of the weekly *Khimkiskaya Pravda*. Beketov's newspaper frequently criticized local authorities for construction projects that damaged the local environment and for corruption associated with those projects.

There were no arrests or indications that authorities were investigating the December 2008 beating of several journalists during a series of protests in response to a planned increase in tariffs on imported cars. The journalists represented such

media outlets as Primorskoye TV, TV Center, NHK, the *Moskovskiy Komsomolets* daily, and ITAR-TASS. Authorities also destroyed the journalists' equipment.

The Committee to Protect Journalists called for an investigation of the December 2008 attack on Zhanna Akbasheva, a correspondent for the Regnum News Agency in Karachay-Cherkessia who wrote about corruption and press freedom issues. Local authorities opened an investigation into the attack, but no progress was reported by the year's end.

No investigation had been opened by year's end into the 2007 kidnapping and beating in Ingushetiya of three REN-TV journalists and Memorial's Oleg Orlov; they were in Ingushetiya to cover an opposition political demonstration and also reportedly filmed, the day before their abduction, a special forces operation during which a young boy was killed by stray gunfire.

In June the Supreme Court overturned a February lower court decision to acquit the four suspects in the 2006 killing of prominent investigative journalist Anna Politkovskaya. The new trial, with three of the original defendants, the brothers Dzhabrail and Ibragim Makhmudov and Sergei Khadzhikurbanov, was set to begin in September; however, the start of the retrial was indefinitely postponed at the insistence of Politkovskaya's adult children, who criticized the poor quality of the initial investigation. The case was sent back to prosecutors. In October the *Moscow Times* reported that investigators had identified new suspects in the case but would not comment on their identities. The suspected shooter, Rostam Makhmudov, a third brother, remained at large. The Politkovskaya family and other supporters called for a new investigation to determine who ordered the shooting. Politkovskaya's writing was highly critical of the war in Chechnya, human rights abuses, including by Chechen authorities, and President Putin's administration; she had previously received many death threats.

During the year, a court convicted Georgiy Totoyev, a police officer in Vladikavkaz, of the 2006 beating of Channel One reporter Olga Kiriy; it sentenced him to three and one-half years in prison.

On July 3, the Investigative Committee of the General Prosecutor's Office resumed proceedings in the case of the 2004 murder of Paul Klebnikov, the U.S. citizen and former editor in chief of *Forbes Russia*. A Moscow court suspended the trial in 2007 when the lead defendant, Kazbek Dukuzov, failed to appear, and the Supreme Court ordered a new trial. Prosecutors obtained an arrest warrant for Dukuzov and claimed to be searching for him. Dukuzov remained at large by year's end. Marat Valeyev, another defendant in the case, was cleared of the murder charges and released from custody in December.

On April 6, the Investigative Committee of the General Prosecutor's Office closed its investigation into the 2003 death of Yuriy Shchekochikhin, a member of the State Duma and deputy editor of the newspaper *Novaya Gazeta*. The investigators endorsed the official findings that Shchekochikhin died of a severe allergic reaction to an unknown substance. However, some observers speculated that he was killed because of allegations he made about high-level corruption. At the time of his death, Shchekochikhin was investigating allegations of Federal Security Service responsibility for a series of 1999 apartment building bombings and the purported involvement of senior security officials and the General Prosecutor's Office in smuggling goods through the storage facilities of the Federal Security Service.

Government officials occasionally responded to negative coverage by taking legal action against journalists and media outlets. Although the law prohibits courts from imposing damages in libel and defamation cases that would bankrupt a media organization, one NGO reported that local courts did not always follow this in practice.

In April the Basmanniy Court in Moscow ordered the newspaper *Novaya Gazeta* and journalist Vyacheslav Izmaylov to pay 110,000 rubles (\$3,640) to settle a libel case filed by Chechen president Kadyrov in connection with reports the newspaper published in 2008 on abductions in Chechnya.

On June 15, authorities sued to shut down the independent Dagestan weekly *Chernovik* because of its alleged support for extremist views. At the same time, the newspaper's editor in chief, Nadira Isayeva, and several reporters were charged with inciting interethnic hatred. In July 2008 the General Prosecutor's Office opened a criminal investigation of Isayeva on charges of publishing articles that "called for extremist activities" and "incited hatred or enmity on the basis of ethnicity." The articles that led to the charges had alleged widespread corruption in the Dagestan Ministry of Internal Affairs.

In August the Prosecutor's Office in Sayano-Shushenskaya opened a libel case against blogger Mikhail Afanasyev, editor in chief of the online publication *New Focus*, for his reporting about an accident that killed 75 workers at a local hydroelectric plant owned by the state-run power company RusHydro. Afanasyev tried to verify official death counts independently and questioned the adequacy of the rescue effort. Rights activists criticized the government for initiating the libel case, and in August prosecutors dropped it. Tensions between journalists and authorities over the disaster continued, with President Medvedev describing reporting about infrastructure problems as lies pushed by "those who do not approve of Russia in its current boundaries and its role on the world stage." On September 9, two men attacked Afanasyev near his home. After confirming that the man they had accosted was Afanasyev, they punched and kicked him until he lost consciousness.

On October 6, a district court in Moscow ruled in favor of Chechen president Kadyrov in a civil libel case against Oleg Orlov of the NGO Memorial for accusing Kadyrov of complicity in the killing of human rights activist and journalist Natalya Estemirova. On October 20, a criminal complaint brought by Kadyrov against Orlov was registered with the Moscow Central Directorate for Internal Affairs, under article 129 of the criminal code ("slander"), which allows for fines and imprisonment. On September 3, the public prosecutor refused to register the complaint; however, on September 8, Kadyrov successfully appealed the refusal. Human rights advocates and international observers criticized the case against Orlov as a curtailment of free speech. The criminal case had not begun at year's end.

Also in August, the Constitutional Court affirmed the 2007 decision by immigration authorities to deny entry into the country to Natalya Morar, a Moldovan citizen and a correspondent for the magazine *New Times*. Morar had published critical investigative articles about the government's handling of the 2007 State Duma elections and illegal financial transactions by senior government officials. Border officials reportedly told her that she was considered a threat to state security and that an order to refuse her entry had come from the Federal Security Service. After several unsuccessful appeals to the country's courts, Morar applied to the ECHR in August 2008.

As of year's end, the Samara edition of *Novaya Gazeta* remained unable to publish, pending the conclusion of a court case in which Sergey Kurt-Adzhiyev, the editor of the local edition, was fined 15,000 rubles (\$496) for using unlicensed software on his office computer. Kurt-Adzhiyev appealed the sentence, and the court ordered further examination of the case, which turned up violations committed by the prosecutors as well as new evidence. In March the court returned the case to the prosecutors.

Authorities at all levels used their authority, sometimes publicly, to restrict or limit the effectiveness of journalists who criticized them. One method was to deny the media access to events and information, including denying filming opportunities and statistics theoretically available to the public. On January 10, a correspondent for *Gazeta.ru* was denied access to a Moscow city government press event. According to the publication, the journalist was told that the Moscow city government withdrew the accreditation of all Internet publications. On April 15, a vice governor of Altay territory prevented correspondents of newspaper *Argumenty i Fakty* and the GTRKAltay television company from covering a local administration meeting, although other journalists were allowed to attend the meeting.

There were numerous comments in the media alleging that government pressure led reporters to engage in self-censorship, particularly on issues critical of the government.

The government increasingly restricted press freedom with regard to coverage of sensitive issues, such as the conduct of federal forces in Chechnya, human rights abuses, government corruption, and criticism of government leaders.

In one notable exception, Chechen authorities in April announced the lifting of all restrictions on the work of journalists in the republic as a result of the formal completion of the counterterrorist operations there. In contrast with previous years, there were no known detentions of reporters in Chechnya during the year. In practice, however, journalists in Chechnya continued to face pressure and restrictions.

The government continued to use legislation and decrees to curtail media freedom. A 2007 law expanded the definition of extremism and provided law enforcement officials with broad authority to suspend media outlets that did not comply with restrictions. Media freedom advocates asserted that the law was used by officials to restrict criticism and label independent reporters as extremists.

In October 2008 the State Duma Security Committee passed an amendment to the law that would enable authorities to close any organization deemed extremist by submitting charges to the court, which could not be challenged by the organization. In November 2008, in the context of rising concerns over the economy, the General Prosecutor's Office announced that it would monitor the media for any "damaging" reports that might exacerbate the financial crisis. Prime Minister Putin also publicly admonished media not to print anything "unpatriotic," and media members were told to avoid using the word "crisis" in reference to the situation. In August the Justice Ministry published an update of its list of "extremist" materials with 414 new additions. The additions included, among others, a picture of Winnie the Pooh wearing a swastika, a flag with a cross, and the popular Web site Samizdat, which Russian researchers use for neutral information in a manner similar to Wikipedia and which had more than 500,000 subscribers. Some analysts asserted that the vague definitions of extremism were expanding the list to the point of discrediting it altogether.

Officials or unidentified individuals sometimes used force or took extreme measures to prevent the circulation of publications that were not favored by the government. On February 25, unknown persons in the Perm region stopped a truck delivering copies of the local newspaper *Uralskiy Shakhter* and seized the entire issue, which contained articles written by candidates running in the upcoming local elections. On February 20, police in Severodvinsk, Arkhangelsk region, seized 150,000 copies of the newspaper *Pravda Primorya*, published by the local branch of the Communist Party. The issue carried articles related to the upcoming elections for the local legislative assembly.

On the night of March 5, police in Petropavlovsk-Kamchatskiy entered the apartment of Vladimir Vasilchenko, editor in chief of *Ekspress-Kamchatka* newspaper, without presenting a search warrant and seized copies of the newspaper's latest issue. According to Vasilchenko, police claimed that the newspaper's criticism of the city government was "disruptive" to the ongoing mayoral election campaign. On March 10, representatives of incumbent mayor Vladislav Skvortsov, a candidate in the election, went to the plant where the newspaper was printed and warned that they would confiscate the issue in accordance with instructions they received from local election authorities. Vasilchenko did not send the newspaper to print.

According to the Glasnost Defense Fund and other media NGOs, there continued to be instances of authorities using investigations into intellectual property rights violations (i.e., use of pirated software) to selectively confiscate computers and pressure opposition media across the country. On February 16, police in Samara searched the offices of the newspaper *Samarskaya Gazeta* and confiscated nine computers, claiming that pirated software had been installed on them.

A warning to the media, first issued in 2006, against referring to the National Bolshevik Party without indicating that it was banned remained in place during the year. The media were informed that omitting the fact that the party was illegal could

be considered dissemination of false information and lead to the "application of restrictive, precautionary, and preventive measures."

According to the Glasnost Defense Fund and media NGOs, some authorities used the media's widespread dependence on the government for transmission facilities, access to property, and printing and distribution services to discourage critical reporting. The fund reported that approximately 90 percent of print media organizations relied on state-controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The Glasnost Defense Fund also reported that officials continued to manipulate the price of printing at state-controlled publishing houses to apply pressure on private media rivals. It noted that this practice was more common outside the Moscow area.

#### Internet Freedom

The government did not restrict access to the Internet. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail, but traffic was reportedly monitored by the government. The government continued to require Internet service providers to install, at their own expense, a device that routes all customer traffic to a Federal Security Service terminal called the "system for operational investigative measures" that enabled police to track private e-mail communications and monitor Internet activity. There appeared to be no mechanism to prevent Federal Security Service access to the traffic or private information without a warrant. It was not required to give telecommunications companies or individuals documentation on targets of interest prior to accessing information.

There was widespread and growing access to the Internet through home, work, or public venues. Approximately 25–30 percent of adults had Internet access; almost all of them used the Internet at least once a month.

In contrast to other forms of media, the law does not require Web sites to register as mass media, and unregistered Web sites were not subject to administrative sanctions. Internet forums, including blogging services, continued to serve as the most open media vehicle in the country for expressing political views. However, individual postings on the Internet were subject to the same restrictions that applied to other types of expression, and some bloggers were investigated or charged for their Internet postings based on extremely broad definitions of legally prohibited activities, such as "extremism" or inciting hatred as well as for libel. In addition, the law allows authorities to hold bloggers liable for comments that others post on their blogs. A proposal in the State Duma in 2008 to amend the media law to define Internet sites as mass media and place them under greater government control failed to pass. However, pressure increased on Internet sites that were affiliated with newspapers or broadcast media or that engaged in reporting that was not favorable to the government.

A number of bloggers were investigated or prosecuted during the year. In June the Prosecutor's Office in Samara confirmed an earlier decision by local authorities to open a criminal case against local resident Dmitriy Kirilin on charges of calling for extremist activities. Investigators claimed that in 2006 Kirilin called for "overthrowing the current political regime" and "spoke disrespectfully about the government" in his blog. On October 7, a court in Samara sentenced Kirilin to a one-year suspended jail term.

On July 20, Tatar writer and journalist Irek Murtazin went on trial in Kazan, Tatarstan, on charges brought by Tatarstan president Mintimer Shaimiev that included "disseminating false information" about the president and "violating his privacy" by suggesting in a September 2008 blog that Shaimiev had died while vacationing in Turkey. On August 10, Shaimiev spoke at the trial, asking the judge to sentence Murtazin to five years in prison. On November 26, the court sentenced Murtazin to one year and nine months in prison.

In May Sverdlovsk authorities brought a criminal libel case against a LiveJournal blogger with the pen name "Father Christmas," who was critical of the Sverdlovsk police and the security cadre of the mayor. In June a court in Ufa, Bashkortostan, ordered local Internet service providers to block access to the *revinform* blog on LiveJournal because of its allegedly extremist content. The court cited as an example of extremist content an article from a local opposition newspaper posted on the blog, which reported on top-level corruption in the local government.

On August 10, police in Ufa arrested bloggers Nikolay Shvetsov, Sergey Orlov, Konstantin Nesterov, and Igor Kuchumov on charges of extremism and fomenting ethnic hatred in their blogs for quoting a book criticizing Bashkortostan president Murtaza Rakhimov.

In July 2008 a court in Syktyvkar gave blogger Savva Terentyev a suspended one-year prison sentence for extremism for inciting hatred against a "social group" by posting a comment in an online discussion on LiveJournal about the elections in Komi and police corruption and calling for the police to "burn in the squares of Russian cities." A linguistic examination conducted by the Scientific Center of the Komi Republic alleged that Terentyev's comment aimed to stir up hatred and humiliate persons belonging to a "social group." A number of NGOs and rights activists criticized the court's ruling, asserting that the court employed an overly broad interpretation of the extremism law to target criticism of authorities, and questioned the classification of police as a "social group."

In April authorities issued warnings to mass information Internet sites against negative coverage of government news. In 2008 authorities issued two official warnings to the Yekaterinburg-based online news publication URA.ru because of comments posted by readers, which authorities deemed extremist. Under the law two warnings issued in the course of one year allow courts to shut down the media outlet. URA.ru continued to operate at the year's end.

#### Academic Freedom and Cultural Events

The government generally did not restrict academic freedom; however, human rights and academic organizations believed the continued imprisonment of disarmament researcher Igor Sutyagin, physicist Valentin Danilov, and others inhibited academic freedom and contact with foreigners on subjects that authorities might deem sensitive, and there were a few reports of pressure on teachers.

In January the Ministry of Internal Affairs sent a letter to the Higher School of Economics in Moscow recommending that the university expel students whom police had detained at a dissenters' march. The letter referred to the students as "extremist" and asked the university to inform the Ministry of Internal Affairs "about the action taken." University officials publicly criticized the letter on REN-TV and refused to expel any students on political grounds.

In May President Medvedev announced the formation of a Committee against the Falsification of History dedicated to countering statements denigrating the role of the Soviet Union in the victory over Nazism. A corresponding law was proposed in the State Duma but never passed. In connection with this initiative, a small number of professors in Moscow universities reported receiving instructions to submit their teaching materials to the university administration for examination as to whether they were violating the proposed law. At year's end, no further pressure on teachers was reported. After some individuals expressed concern that the "antifalsification" campaign indicated that the government wanted to rehabilitate Soviet dictator Joseph Stalin, President Medvedev stated, in an October 30 speech on the national day for remembrance of Stalin's victims, that "it is important to prevent the justification of those who killed their own people."

The future of a project to study the country's elections, based at the Geliks Center in St. Petersburg, remained in doubt. In February 2008 authorities in St. Petersburg suspended all activities at the private European University, where the study was initially being undertaken, allegedly due to fire safety violations. Activists suggested that the decision was related to

an EU grant the university received in 2007 for the study. The university decided to discontinue conducting the research project, called IRENA, and city authorities then declared the university free of fire safety violations. It reopened in March 2008. In August leaders of IRENA, newly based at the Geliks Center, reported that the project's funds had disappeared from the organization's account at the VTB-24 bank. Initially the bank's administration assured the organization that the money would be returned, but later IRENA was told that the issue was being discussed "at the highest level." Geliks' leaders stated their belief that this might be an additional attempt to destroy the project.

In March hearings began in the criminal case against Yuriy Samadurov, director of the Sakharov Center, for instigating ethnic and religious hatred by hosting a provocative art exhibit in 2007. Samadurov subsequently resigned as director of the center, and the Prosecutor General's Office formally presented the charges against him in May 2008. During the year the prosecution began questioning its 136 witnesses, consisting of visitors to the exhibit who found it offensive and members of Orthodox religious groups. Samadurov faced a potential sentence of three years in prison. The trial continued at year's end.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly, but local authorities increasingly restricted this right in practice.

Permits are required for most types of public meetings, demonstrations, or marches and must be requested between five and 10 days before the event. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues that were inconveniently located. According to a representative from the Ministry of Internal Affairs, through April approximately 2,500 public rallies took place in the country, of which 140 were unsanctioned.

On December 28, the State Duma passed a law increasing the severity of punishment for anyone found guilty of illegally interfering with the flow of traffic. The law increased the fine from 2,500 rubles (\$82.70) to 100,000 rubles (\$3,307) or two years in prison. Human rights activists saw this as a move to restrict freedom of assembly.

On January 25, police arrested four organizers of a demonstration entitled March of Those Who Agree. Marchers carried posters sarcastically declaring their agreement with higher prices on utilities, 12-hour working days, and lower salaries. The detainees were accused of insulting the national flag and released after being officially charged with crossing the street in an unauthorized place.

During the year a group of human rights activists began holding a "dissenters' march" on the last day of every month with 31 days, in honor of article 31 of the constitution providing for freedom of assembly. On the last of these marches, which took place on December 31, 2009, approximately 50 protestors, including prominent 82-year-old human rights activist Lyudmila Alekseyeva of the Moscow Helsinki Group, were briefly detained. There were reports that police mistreated the protestors while in detention.

Dissenters' march organizers consistently applied for permission to assemble, but they were denied permission a total of seven times during the year. In some cities police detained opposition activists ahead of dissenters' marches. In Tyumen, for example, authorities searched activists' apartments and seized their computers. Official hostility led opposition leaders to keep their rallies scattered and small, numbering approximately 3,000 or 4,000 participants, often fewer than the number of law enforcement officers assigned to maintain order. In numerous instances, security officers arrested and beat dissenters' march participants. A Vladivostok protester who held up a banner calling Prime Minister Putin "Putler" was investigated for "extremism."

Many observers noted a selective pattern of encouraging government-friendly rallies while preventing politically sensitive demonstrations. On the same day as the January dissenters' march, United Russia organized progovernment rallies, which were the only demonstrations to receive coverage on state-run television news channels. Some demonstrators at the progovernment rallies told news media that they had been pressured to attend, and one student stated that he would receive class credit for his attendance.

In February Moscow Helsinki Group head Lyudmila Alekseyeva announced that she had obtained a copy of an Internal Affairs Ministry order (Order number 800) that allegedly instructed law enforcement officers to fire on groups of criminals, terrorists, and "participants in disorderly events" with socioeconomic causes. Alekseyeva told gazeta.ru that the head of the ministry had signed the order in 2005 after the protests over monetization of government benefits. The ministry categorically denied the allegations. Alekseyeva said that she had called the Moscow police director, who reportedly acknowledged the existence of the order but told her that it had been annulled. Alekseyeva indicated that she had no evidence of its annulment beyond this verbal assurance over the telephone.

On July 23, 70 to 100 persons attempted to hold a rally in Moscow's Pushkin Square in memory of slain rights activist Natalya Estemirova. Law enforcement officers, primarily local Ministry of Internal Affairs OMON (Otryad Militsii Osobogo Naznacheniya) forces, violently broke up the protest, beating both male and female protesters. A rally memorializing the Estemirova killing had taken place the previous week without incident.

On August 26, riot police broke up a gathering of 100 persons assembled in Makhachkala, Dagestan, to protest a series of abductions and other alleged law enforcement abuses. The protesters included relatives of five men who, according to Memorial, had been abducted, beaten, tortured, and almost killed several days previously. The police beat protesters and detained several of them.

Authorities detained 49 persons, two of them minors, at an unauthorized protest against the results of the Moscow Duma elections in October in Pushkin Square in Moscow.

In January 2008 police broke up an opposition demonstration of several hundred individuals in Nazran and arrested 30 to 40 persons, including at least 10 journalists and human rights representatives. This followed a January 25 Federal Security Service order banning demonstrations and restricting movement in several districts of Nazran.

There were no further developments relating to several instances in which authorities prohibited or disrupted demonstrations and marches by groups they regarded as opponents, including the appeal to the Constitutional Court by activists from Nizhny Novgorod, Kirov, and Samara over what they considered unconstitutional actions by authorities to restrict their rallies; the December 2008 dissenters' march in Moscow by Other Russia, and the forceful disruption of a protest in Vladivostok against a tariff on imported automobiles.

There was no response from the Constitutional Court to the July 2008 petition by human rights activists from Nizhny Novgorod, Kirov, and Samara challenging restrictions on their freedom to hold rallies, restrictions they asserted were based on political considerations. There were no developments related to the refusal of authorities to permit a December 2008 dissenters' march in Moscow to protest constitutional changes lengthening the terms office of the president and deputies in the State Duma or in the beating of demonstrators in Vladivostok by OMON units while breaking up a December 2008 demonstration protesting tariffs on imported automobiles.

On June 17, the Constitutional Court ruled in favor of Maksim Filandrov, who was arrested at a dissenters' march in 2007. The court stated that police had failed to give Filandrov the opportunity to contest the charges against him and that henceforth police would be required to do so in such cases. At year's end there was no discernable effect on law enforcement practices from this ruling.

## Freedom of Association

The law provides for freedom of association, and the government respected this right in many instances; however, there were a number of significant exceptions.

Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. Several organizations were forced to suspend activities while registration was pending, and restrictions were applied in a discriminatory and selective manner to some NGOs, particularly those receiving foreign funding or involved in issues of political opposition or in human rights monitoring.

In April the government enacted a law that reduced the number of signatures required to register a political party (see section 3).

The finances of registered organizations are subject to investigation by the tax authorities, and foreign grants must be registered. A June 2008 prime ministerial decree reduced the number of foreign organizations whose grants were exempt from taxation from 101 to 12 and imposed a potentially onerous annual registration process on those that met the proposed requirements. Many NGOs interpreted the decree as a further step to restrict NGO funding. Authorities subjected some NGOs to lengthy financial audits or delayed the registration of their foreign-financed programs. The financial investigations were particularly burdensome, and some NGOs, particularly smaller NGOs with limited organizational capacity, stated that it restricted their activities. In several cases authorities appeared to apply tax regulations selectively to threaten certain organizations with possible closure.

Regulations within the law give the government authority to oversee NGO activities, including ensuring their compliance with stringent registration requirements, particularly the branch offices of foreign NGOs. The law also provides a basis for strict government monitoring of NGO activities, including the oversight of extensive reporting requirements by NGOs concerning their programs and activities, as well as for government enforcement of limitations on the participation of foreign citizens. Authorities obtained authorization to use intrusive means to carry out these responsibilities as well as authority to deny registration to, or shut down, an organization, based on vague and subjective criteria. The body that previously had responsibility for enforcing these regulations, the Federal Registration Service, was abolished in 2008 and its functions transferred to the Ministry of Justice. Domestic organizations that sought to register under the law generally did so successfully. However, in March 2008 authorities informed 43 international organizations that they would need to reregister under a more burdensome requirement. As of year's end, none of these requirements had, by themselves, forced an NGO to cease operations. However, human rights advocates believed that the government maintained the regulations as a mechanism for closing them, should it decide it was in its interest to do so.

In June, after hearing criticism of the 2006 NGO law at a meeting with the Presidential Council on Human Rights, President Medvedev called existing regulations a "burden" and announced that some requirements in the law would be eased. On July 7, an amendment to the law took effect that revoked the Justice Ministry's authority to arbitrarily demand documents from domestic NGOs; provided that flaws in documentation would be grounds to suspend, but not annul, a domestic organization's registration; and removed "threats to national unity and identity" from the list of reasons for denying registration. The amendment also simplified reporting forms for domestic NGOs and required them to be inspected by the government once every three years, rather than annually. None of these amendments applied to foreign NGOs. At year's end, however, these changes had not resulted in any notable improvement in circumstances for NGOs.

There continued to be allegations that the government used the fight against extremism as a pretext for cracking down on organizations opposed to government policy. In May the antiextremism branch of the Ministry of Internal Affairs detained opposition activist Roman Dobrokhotov, a participant in the For Human Rights Movement, giving no explanation why his activities were deemed extremist. In June two Orel members of Solidarity, Dmitriy Krayukhin and Georgiy Sarkisyan, were

accused of extremism, and "wanted" posters of their faces were posted in the Orel Ministry of Internal Affairs. When they protested, the Orel mayor apologized and had the posters taken down. Several times between 2006 and 2008, the government amended the law on extremism to expand the definition of extremism and make it easier to bring cases against an organization.

In February a member of the progovernment youth group Nashi announced that she and several other Nashi members had infiltrated opposition groups in order to spy on their activities and send reports back to Nashi and the presidential administration. They had received payment from an unknown source for this activity.

A March article in *Novaya Gazeta* by Yabloko youth head Ilya Yashin described numerous examples of harassment and "provocations" that he had experienced in previous months. These included unknown persons sending prostitutes to join opposition rallies, throwing obscene items during his speeches, sending a man to publicly pose as a gay lover during one of his press conferences, pouring mud on him, and defiling his car.

In February 2008 authorities ordered the closure of the Center for Educational and Research Programs (CERP). Authorities accused the center of tax evasion and interfering with government agencies. The center had advised other NGOs in the northwest part of the country on how to comply with the NGO law. CERP applied to the ECHR, but at year's end the court had not ruled on CERP's case.

During the year some senior officials made critical statements that contributed to, and reflected, increased suspicion of NGO activity. Chechen president Ramzan Kadyrov and other leaders in the North Caucasus accused local NGOs of being on the payroll of foreign intelligence services. The first deputy chief of staff to President Medvedev, Vladislav Surkov, questioned the loyalty of some human rights NGOs that covered human rights issues or received foreign funding.

There were no reports during the year that political parties had their registration revoked or denied. In the past, a number of parties were denied registration, including political parties have had their registration revoked or denied since the passage of the 2006 registration law, including the National Bolshevik Party, the Republican Party, Great Russia, and the Popular Democratic Union, former premier Mikhail Kasyanov's political movement.

### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, in some cases authorities imposed restrictions on certain groups. The country does not have an official state religion. The law recognizes Russian Orthodoxy, Islam, Judaism, and Buddhism as "traditional."

The Russian Orthodox Church is the dominant faith in the country and, while no faith holds privileges or advantages in law, in practice the Russian Orthodox Church enjoyed a preeminent status and maintained a number of formal and informal agreements with government ministries that gave it particular weight on matters such as guidelines for education in schools, religious training for military personnel, ownership of historical property, and law enforcement and customs decisions. Since the collapse of the Soviet Union, the Russian Orthodox Church has been allowed "indefinite use" of buildings for worship but not of the land on which the buildings are located. These agreements gave the Russian Orthodox Church far greater access than other religious groups to public institutions, such as schools, hospitals, prisons, and the military services.

Although the constitution provides for the equality of all religions before the law and the separation of church and state, the government did not always respect these provisions. Conditions improved for some minority religious groups, such as the Church of Jesus Christ of Latter-day Saints (Mormons) and the Lutheran Church, while remaining largely the same for most. Government policy continued to contribute to the generally free practice of religion for most of the population.

Religious groups are not required to register with the government for members to practice their faith, but all religious groups that want legal status (needed in order to open bank accounts, purchase property, or enter into contracts) must register. The law prevents religious groups that have existed in the country for less than 15 years from registering as legal organizations.

Local courts largely upheld the right of nontraditional groups to register, but a few religious groups continued to contest denials of registration in the courts. In some cases, including that of the Salvation Army in Moscow, government officials refused to comply with court orders to register certain groups. According to the vice chairman of the Commission for Religious Associations, Andrei Sebentsov, approximately 800 religious organizations were dissolved in 2007. In October 2008 the government circulated a list of approximately 20 religious organizations slated for possible liquidation, but there were no further developments at year's end.

In July the United Russia party and Russian Orthodox Church patriarch Kirill announced an agreement allowing the Russian Orthodox Church to review all draft legislation pending before the State Duma. A United Russia deputy stated that requests from other faiths to do the same would be "considered" if "they represent a significant portion of the electorate." The onset of the economic crisis late in 2008 led the Russian Orthodox Church and Orthodox social groups to seek and obtain aid from the government.

Some human rights groups and religious minority groups criticized the prosecutor general for encouraging legal action against some minority religions and for giving official support to materials that were biased against Muslims, members of Jehovah's Witnesses, Mormons, and others. There were credible reports that individuals within the federal security services and other law enforcement agencies harassed minority religious groups, investigated them arbitrarily for purported criminal activity and violations of tax laws, and pressured landlords to renege on contracts with them.

The Ministry of Justice and other federal and local authorities, continued to restrict the rights of a few religious minority groups. Legal obstacles to registration under the Law on Religions disadvantaged some religious groups considered "nontraditional." The law on NGOs permits government inspections of religious organizations and attendance by government agents at some public religious events with advance notice. Like other public organizations, registered religious organizations must provide annual financial reports and other documents upon the request of the Ministry of Justice and report within three days any changes in their organizational leadership or address. However, according to the religion news service Forum 18, Ministry of Justice officials could not explain which government agencies, other than the tax inspectorate, had the right to initiate the closure of religious organizations.

Some regional officials used contradictions in federal and local laws and varying interpretations of the law to restrict the activities of religious minorities. According to many observers, local governments were more susceptible than federation officials to pressure from the local religious majority and therefore were more likely to discriminate against local minority religious communities. However, in contrast with previous years, there were only isolated instances of local officials detaining individuals engaged in public discussion of their religious views, and these incidents were usually resolved quickly.

The Office of the Federal Human Rights Ombudsman has a department for religious freedom issues, which received and responded to complaints. Religious complaints made up 5 percent of all complaints the Ombudsman's Office received, according to its 2009 report.

In March authorities charged Aslambek Ezhayev, the Moscow-based publisher of *The Personality of a Muslim* by Arab theologian Muhammad Ali Al-Hashimi Ezhayev, with copyright violations and use of harmful software. These charges replaced an earlier charge of inciting religious hatred. The trial began in Lyublino District Court in Moscow on March 24; Ezhayev was convicted on July 3 and fined 50,000 rubles (\$1,650) for unlawful use of computer software.

The law recognizes three categories of religious communities-- groups, local organizations, and centralized organizations--that have differing levels of legal status and privileges.

The law requires a group of believers to have been present in the country at least 15 years before it is eligible to register as a "legal organization." While a 1997 Supreme Court ruling grandfathered religious organizations that had registered before the law took effect, the Church of Scientology had only one local organization (in Moscow) that was legally entitled to reregister. However, the Moscow church remained unregistered while authorities appealed a 2007 ECHR ruling that their refusal to register it violated article 9 of the European Convention on Human Rights. On October 1, the ECHR ruled that the country's prohibition of the Church of Scientology had violated the European Convention on Human Rights and awarded 5,000 euros (\$7,170) to each of the two Scientology groups (in Surgut and in Nizhnekamsk) that had originally applied to the ECHR, as well as 10,000 euros (\$14,300) to the two groups jointly for legal costs.

There continued to be some restrictions on establishing, building, or maintaining places of worship and training sufficient clergy to serve believers. Jehovah's Witnesses had difficulty getting permits to build assembly halls in some regions. In Zlatoust, Chelyabinsk Oblast, local authorities provided the Jehovah's Witnesses a plot of land to build a Kingdom Hall, and in April 2008 worshipers began holding meetings there. However, in September 2008, following complaints from local residents, authorities opened a case against the Jehovah's Witnesses for alleged violations of fire regulations posed by a neighbor's garage. The Jehovah's Witnesses received a warning, paid a fine, and applied to have the garage removed. At year's end members of Jehovah's Witnesses had not been allowed to resume use of the facilities.

Various minority religious organizations encountered difficulties in obtaining or renovating property. Authorities continued to deny the Muslim community's request to build a mosque in the city of Sochi. There were reports that permission would be granted before the 2014 Olympics, but religious freedom advocates expressed doubt that the mosque would be allowed under the control of the local Muslim Yasin group. Regional and local authorities as well as businessmen on a number of occasions refused to lease facilities to local Jehovah's Witnesses communities.

During 2008 two Baptist congregations in the regional center of Lipetsk lost their legal status and a third lost its rented prayer house. In the first two cases, authorities removed their status for alleged tax violations. In the case of the prayer house, the Orthodox diocese of Lipetsk filed a suit for control of the building, and local authorities offered a building in need of substantial repair as compensation.

Some local and municipal governments prevented minority religious groups from obtaining venues for large gatherings and from acquiring property for religious uses.

There were no restrictions on worship by individuals in public or in private.

The Ministry of Justice is responsible for conducting expert reviews of religious groups. On February 18, the ministry issued order number 53, effective March 31, which expanded the authority of the Expert Council for Government Theological Review to oversee the operations of religious groups. Alexander Dvorkin, a self-described expert on "sects," was elected by his colleagues to head the council, which was tasked with determining the religious nature of an organization on the basis of its founding documents and information about the fundamentals of its dogma and its corresponding practice, verifying and evaluating the authenticity of the information contained in a religious organizations' founding documents, and verifying that the forms and methods of a religious organization's actual activities correspond with its assertions at the time it was registered by the state.

Officials associated with law enforcement, the Russian Orthodox Church, and the legislative branch spoke at various times of protecting the "spiritual security" of the country by discouraging the growth of "sects" and "cults," usually understood to

include some Protestant and newer religious movements. The 2009 National Security Concept of the Russian Federation stated that "ensuring national security includes countering extremist activity by nationalist, religious, ethnic, and other organizations and structures directed at disrupting the Russian Federation's unity and territorial integrity and destabilizing the domestic political and social situation in the country."

Government officials and journalists often labeled Muslim organizations "Wahhabi," a term associated with extremism. The republics of Dagestan and Kabardino-Balkaria formally prohibited Wahhabism.

While in the past there have been no legal prohibitions on missionary activities, in November President Medvedev proposed legislation that would impose new restrictions on missionaries. According to the draft legislation, only religious groups registered in Russia for at least 15 years would be allowed to engage in missionary activity; foreigners in Russia on temporary visas would be prohibited from engaging in missionary work; missionary activity would be prohibited at hospitals, orphanages, or homes for persons with disabilities; and children or minors could not be present at religious activities without the permission of their parents or guardians. Many observers raised the concern that this law could seriously curtail missionary activity in the country. There was also societal pressure against proselytizing by non-Orthodox faiths, and some groups reported that missionaries had been harassed or attacked when proselytizing.

Authorities either deported or denied entry to several religious workers with valid visas. Some religious personnel experienced visa difficulties while entering or leaving the country. Laws in three oblasts--Belgorod, Kursk, and Smolensk--forbid foreign visitors from engaging in missionary activity or preaching unless specifically authorized by their visas. According to local religious officials, the laws were not enforced.

Chechen authorities continued to enforce President Ramzan Kadyrov's 2006 decree prohibiting women entering government institutions without headscarves.

Since 2006 schools in four of the country's 85 regions required the teaching of a controversial *Foundations of Orthodox Culture* course; in many other regions, the course was taught as an elective.

On October 29, Prime Minister Putin signed a decree outlining a pilot program to teach religion in schools. The program, which was scheduled to begin in April 2010 in fourth-grade classes in schools in 19 federal provinces, is intended to give students a choice among the four traditional religions, as well as a course on "secular ethics." Russian Orthodox Church officials stated that the process of instituting this policy would be "very democratic" and that there would be no discrimination against any minority religion.

Some regions offered a course on the history of religion, an initiative that the minister of education suggested but did not introduce nationally. Although the Ministry of Education rejected continuing the publication and dissemination of a controversial textbook that detailed Orthodox Christianity's contribution to the country's culture, some schools continued to use the text. The textbook contained descriptions of some religious groups that members of those groups found objectionable. The Congress of Religious Associations in the Tyumen Oblast appealed to the governor and oblast department of education to allow input from other religious groups into the religious culture curriculum, claiming that the course contained only the viewpoint of the Russian Orthodox Church.

The number of official mosques has increased from four to 241 since Soviet times. However, according to a recent speech by the head Mufti, there were approximately 2000 mosques throughout the country, an increase from 98 ten years ago. There have also been reports of significant growth in the Muslim population, and estimates placed the number of Muslims at between 15 and 20 million at years end. News reports indicated that, on May 26, Moscow municipal authorities approved the construction of a new mosque. Mosques opened in Kupavna in December 2008 and in Balashikha in March. As of January the mufti in Cherkessk reported that the mayor of Stavropol had not returned the centrally located mosque

to worshippers, as previously promised by the government.

In February the Suzdal Diocese Office of the Russian Orthodox Autonomous Church confirmed that since 1990 the Federal Agency for State Property Management (Rosimushestvo) deprived it of 11 churches and two bell towers—including the group's main church, Tsar Constantine Cathedral—in Suzdal, Vladimir Oblast, and its surrounding areas because it failed to sign agreements for free use of the buildings by other groups. The church appealed the decision to the First Court of Arbitration Appeals, which upheld the regional arbitration court's decision. The church's lawyers challenged the decision, asserting that the use of the church buildings was under earlier "protection" agreements between the church and the state center in charge of keeping records concerning historical and cultural monuments, their use, and restoration. The Russian Orthodox Autonomous Church stated its intention to appeal the decision once again to the Volgo-Vyatka Circuit Court of Arbitration. Security service personnel prevented church personnel from removing religious objects from the churches in March. In September the church reported that the parishioners of the Moscow Patriarchate church in Suzdal were filing suit to remove all icons from Russian Orthodox Autonomous Church churches. There was no further information on this possible suit at year's end.

Many foreign religious organizations continued to report difficulties with requirements for visas, which limit foreigners with business or humanitarian visas to spending only 90 of every 180 days in the country. According to religious experts, the rules were not aimed at religious workers, but their effect has been to severely restrict religious groups that rely upon foreign religious workers. The Roman Catholic Church, which relies almost exclusively on priests from outside the country, and the Church of Jesus Christ of Latter-day Saints, with more than 300 foreign missionaries, have been particularly affected by the provision. Foreign religious workers appeared able to acquire visas with few problems, but the 90-day limit on their stay limited their ability to work and significantly increased their expenses. Although registered religious organizations had the option of sponsoring foreign workers and missionaries on work visas (which do not have 90-day or 180-day limits), this was a complicated process that placed significant financial and administrative burdens on the organizations.

The Jehovah's Witnesses were a target for many actions by local and regional authorities during the year. Early in the year, the first deputy prosecutor general sent a letter to prosecutor's offices across the country ordering wide-ranging investigations of all Jehovah's Witnesses legal representatives and religious groups. Subsequently, prosecutor's offices, the Federal Security Service, and police summoned members of congregations and their legal representatives for questioning and visited kingdom halls and personal homes of Jehovah's Witnesses.

As a result of the prosecutor's directive, law enforcement, security service, and judicial officials have opened more than 500 recorded investigations of legal representatives and unregistered groups of Jehovah's Witnesses. On April 16, Human Rights Ombudsman Vladimir Lukin sent a letter to the prosecutor general protesting "the prejudicial attitude of certain officials of the Prosecutor's Office" towards Jehovah's Witnesses and asked him to "take steps to prohibit mass violations" of their rights. Lukin had not received a response to his letter at year's end.

On April 4, Federal Security Service and police officials in Vladikavkaz detained and verbally abused two attorneys and one other traveler from Canada representing the Jehovah's Witnesses in a local court case. The lawsuit proposed to liquidate four local religious organizations of the Jehovah's Witnesses in North Ossetia (Vladikavkaz, Alagir, Mozdok, and Beslan). Officials detaining the lawyers claimed they had entered a zone restricted to foreigners when they pulled off the highway to visit the home of their driver's relatives. On April 5, a local judge ruled that all three foreigners would be deported for violating the restricted zone and disrespecting police. The judge promised to free the detainees, provided they signed a statement indicating their desire to leave the country immediately, which all three did. The lawyers would be

barred from Russia for five years if the deportation rulings come into force. The Jehovah's Witnesses appealed the ruling; the appeal was pending at year's end.

On May 8, police in Salsk, Rostov Oblast, detained a Jehovah's Witness attorney with foreign citizenship for allegedly practicing law without a valid license. He had represented the church in the Salsk City Court and had been legally representing Jehovah's Witnesses with a power of attorney for several years. He was forced to leave the country.

On May 24, police and Federal Security Service personnel raided Sunday services of the Jehovah's Witness organization in Asbest, Sverdlovsk Oblast. They copied passport information for most of the approximately 50 worshippers present. A local spokesman, Sergei Tantsura, told Forum 18 that one worshipper, 37-year-old Aleksandra Mastyugina, suffered a miscarriage after police threatened to send her and others who protested the intrusion to a detoxification unit and an investigator summoned her for questioning on May 31. On July 6, the Prosecutor's Office announced that it had closed the investigation but, on July 31, announced that it was reopening the case on a charge of distribution of extremist literature.

Authorities took a number of measures to discourage dissemination of literature by the Jehovah's Witnesses. On September 11, the Rostov-on-Don Regional Court ruled that 34 texts used by the Jehovah's Witnesses were extremist. The court also declared the church's congregation in Taganrog to be extremist and ordered its liquidation. The Jehovah's Witnesses appealed to the Supreme Court. On December 8, the Supreme Court in Moscow upheld the Rostov-on-Don decision. Religious freedom advocates asserted that this decision could effectively prohibit Jehovah's Witnesses from the country, as the "extremist" designation of the literature could also apply to those who distribute it. On October 1, the Gorno-Altai City Court ruled that 18 Jehovah's Witnesses' publications were extremist, a decision that was appealed to the Supreme Court.

On September 9, the Pacific Ocean Star, Khabarovsk's main newspaper, published an article accusing local members of the Jehovah's Witnesses of being U.S. agents.

According to the Slavic Law Center, in April government officials in Elista, Republic of Kalmykia, threatened to take "extreme measures" against Seventh-day Adventists for not allowing their children to attend school on Saturdays. According to the Union of Councils (UCSJ), at a March 14 meeting of the Elista Commission on Youth Affairs, officials called three Adventist parents "sectarians," relying on testimony from a Russian Orthodox activist and other students. The commission brought charges against the Adventists and ruled that youth affairs officials should interview the children to determine why they did not attend school on Saturdays. After the interviews officials reported to the commission that the parents had "terrified their children" into refusing Saturday classes. In March the Elista City Court fined each parent 100 rubles (\$3.30). On April 24, the Elista city court ruled that the Adventists were not liable to pay the fine.

In April the St. Petersburg Ministry of Internal Affairs University, a training facility for future law enforcement leaders, removed 1,000 copies of a textbook containing anti-Semitic passages. The Russian and Soviet history textbook, written by two professors at the university, contained statements promoting theories on Jewish conspiracies against the Soviet Union. One passage claimed that former Soviet leader Mikhail Gorbachev stated to the Israeli parliament in 1992 that "everything I did to the Soviet Union, I did in the name of our god Moses." The Federation of Jewish Communities of Russia complained about the textbook and promised to undertake its own investigation. The university subsequently fired the book's author, 80-year-old professor Vasiliy Drozhzhin.

According to a January 21 report by the AEN news service, a brochure written by Evgeny Gerasimenko and published by the Ministry of Internal Affairs's Institute for Raising Qualifications, connected Judaism to Satanism. The brochure, *Extremism: Understanding Socioeconomic, Political, and Historical Roots and Trends*, was distributed at a meeting of police officials charged with combating extremism and terrorism. The brochure described Satanism and Chasidism as both

arising from Judaism and "specifically its secretive, cruel, and kabalistic sects." According to the UCSJ, on January 25, Oleg Elnikov, spokesman for the Ministry of Internal Affairs, responded to questions about the brochure by claiming that the author made "stylistic mistakes" and did not intend to offend Jews.

On January 28, the Investigative Committee of the Republic of Mordovia and the Russian Federal Security Service announced that it had shut down the activities of a Satanist sect founded and headed by a 24-year-old medical student. Officials claimed that the group distributed Satanist literature and performed "religious rituals accompanied by illegal actions, including alcohol marathons, sexual practices, and antisocial behavior." Officials initiated a criminal case, charging the student with organizing a union that encroached on citizens' rights. On January 24, the court ordered law enforcement personnel to detain two members of the sect, including its leader.

On April 28, authorities in Dagestan prevented activists belonging to Nurjular, a Muslim religious organization in Izberbash, from assembling. The Supreme Court prohibited Nurjular in April 2008. A spokesman for the Federal Security Service stated that all activists who participated in the meeting were questioned and released and that their activities remained under surveillance "across Dagestan and elsewhere in Russia."

On May 7, the Russian Supreme Court ruled that the international religious organization Tablighi Jamaat was extremist and prohibited its activity. The prosecutor general maintained that the Tablighi Jamaat was a radical organization whose goal was the reestablishment of an Islamic caliphate, but Tablighi Jamaat and some human rights activists claimed that the organization scrupulously followed the law and existed solely to educate others about Islam.

Authorities permitted Orthodox chapels and priests on army bases and gave Protestant groups limited access to military facilities. Authorities largely prohibited Islamic services in the military and generally did not give Muslim conscripts time for daily prayers or alternatives to pork-based meals. Some Muslim recruits serving in the army reported that their fellow servicemen insulted and abused them on the basis of their religion.

#### Societal Abuses and Discrimination

There were reports of societal abuses and discrimination based on religious belief and practice. Although religious matters were not a source of social tension or problems for the large majority of citizens, there were some problems between majority and minority groups, including incidents of harassment and violence.

Prejudices against non-Orthodox religions were behind some manifestations of anti-Semitism and occasional friction with non-Orthodox Christian denominations. Because xenophobia, racism, and religious bigotry were often intertwined, it was sometimes difficult to determine which prejudice was the primary motivation behind discrimination against members of religious groups. Conservative activists claiming ties to the Russian Orthodox Church occasionally disseminated negative publications and held protest meetings against religions they considered nontraditional, including alternative Orthodox congregations. Some Russian Orthodox clergy publicly stated their opposition to any expansion of the presence of Roman Catholic, Protestant, and other non-Orthodox denominations.

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward adherents of more recently established religions, such as the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, and Scientology.

On November 22, inscriptions abusive to Muslims appeared on a mosque in Kirov. There were no other recorded cases of acts of vandalism against Muslim communities.

Instances of harassment of persons of the evangelical and Pentecostal faiths reportedly decreased during the year.

According to the Moscow Bureau of Human Rights (MBHR), during the year there were seven reported cases of vandalism against Orthodox Christian churches and eight cases of vandalism against non-Orthodox churches, which was comparable to the level in 2007.

An estimated 250,000 Jews lived in the country, constituting less than 0.25 percent of the population, according to government sources and various Jewish groups. Some researchers believed that the number was underreported due to the hesitation of some Jews to publicly identify their background.

The trend toward a decrease in violent attacks against Jews, reported in recent years, continued. According to the MBHR, the number of anti-Semitic attacks against Jews decreased during the year by 7 percent.

On March 9, two young men dressed as neo-Nazis attacked two students in Moscow. One of the students was the son of a Jewish Agency employee. The attack coincided with the celebration of the Jewish holiday Purim.

In March a court convicted a resident of Omsk of spreading "a deliberately false alarm" concerning an act of terrorism for putting a fake bomb in front of a synagogue in November 2008. The sentence was suspended. Authorities did not charge him with a hate crime.

There continued to be reports across the country of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community. Anti-Semitic graffiti and leaflets appeared frequently in many regions. Anti-Semitism on television or in other mainstream media was infrequent and was more likely to appear in low-circulation newspapers or in pamphlets. However, anti-Semitic material on Russian-language Internet sites increased.

On July 16, a rock was thrown through the window of the Syktyvar Jewish community center in the Komi Republic; on July 12, in Ryazan, unknown vandals painted swastikas on the doors of a Jewish community center; on September 12, four skinhead youths were arrested for throwing two Molotov cocktails at a synagogue in Khabarovsk. On the same night, the home of a police officer who investigated racist crimes was also firebombed. On September 13, skinheads in Khabarovsk threw Molotov cocktails into a synagogue and into the house of a policeman who had been investigating cases of extremism. Khabarovsk Antiextremist Department police detained the group, and criminal proceedings were opened against two of the suspects. They faced up to five years of imprisonment for the synagogue attack and up to life imprisonment for the police attack.

The MBHR reported that 43 synagogues and community centers were vandalized during the year. The SOVA Center, an NGO that seeks to combat extremism and nationalism, also reported desecrations of graves in Jewish cemeteries in Nizhny Novgorod, Makhachkala, and Kaliningrad. Officials often classified these crimes as "hooliganism." In many cases where local authorities prosecuted cases, courts imposed suspended sentences. In some cases, however, the hate crime motive was taken into consideration.

There were many reports of anti-Semitic publications during the year. A number of small, radical-nationalist newspapers that print anti-Semitic, anti-Muslim, and xenophobic articles were readily available throughout the country. There were also reports of anti-Semitic literature on sale in cities across the country. The estimated number of xenophobic publications exceeded 100, many sponsored by the local chapters of the National Power Party. In addition, there were at least 80 Web sites in the country with anti-Semitic content. There was evidence of a concerted government campaign to limit the sale and distribution of anti-Semitic literature.

There were no reports that the government prosecuted any persons or groups for anti-Semitic statements or publications during the year. However, the government publicly criticized nationalist ideology and expressed support for legal action against anti-Semitic acts.

Federal authorities, and in many cases regional and local authorities, facilitated the establishment of new Jewish institutions. Vladimir Putin, both as president in 2008 and subsequently as prime minister, publicly criticized anti-Semitism and supported the establishment of the Museum of Tolerance by the Federation of Jewish Communities of Russia. Work continued on a 2.7 billion ruble (89 million dollar) complex on land donated by the Moscow city government to house the museum as well as Jewish community institutions, including a school and a hospital.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration and repatriation; however, the government placed restrictions on freedom of movement within the country and on migration. The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

All adults must carry government-issued internal passports while traveling internally and must register with the local authorities within a specified time of their arrival at a new location. Authorities often refused to provide governmental services to individuals without internal passports or proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days. Darker-skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes from them.

Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Citizens moving permanently must register within seven days in order to reside, work, or obtain government services and benefits or education for their children in a specific area. Citizens changing residence within the country, migrants, and persons with a legal claim to Russian citizenship who moved to the country from other former-Soviet republics often faced great difficulties or simply were not permitted to register in some cities. The registration process in local police precincts was often corrupt. There were frequent reports of police expecting bribes to process registration applications and demanding them during spot checks for registration documentation.

The law provides for freedom to travel abroad and citizens generally did so without restriction; however, there were exceptions. Citizens with access to classified material needed to obtain police and Federal Security Service clearances to receive a passport for international travel.

The law prohibits forced exile, and the government did not employ it. The law provides all citizens with the right to emigrate, and this right was generally respected.

De facto authorities in the Georgian separatist regions of Abkhazia and South Ossetia, as well as Russian troops in the region, restricted freedom of movement. Checkpoints operated by de facto militia and Russian troops often obstructed citizens' internal movement in these regions and between these regions and areas controlled by the Georgian government. International organizations were generally allowed to operate in Abkhazia, with limitations; however, virtually all international organizations, including humanitarian ones, were blocked from entering South Ossetia.

### Internally Displaced Persons (IDPs)

As of December 31, 8,938 IDPs displaced to Ingushetiya by Chechnya's second conflict were registered in the Danish Refugee Council's North Caucasus database. Of these, 7,217 persons lived in private quarters, while 1,721 resided in temporary settlements. The Federal Migration Service reported that, as of December 31, Ingushetiya was also home to 2,836 IDPs from Prigorodny. At year's end 3,654 Chechen IDPs were living in Dagestan and an estimated 4,193 continued to live in temporary settlements and temporary accommodation centers within Chechnya proper. Also as of December 31, nearly 10,000 forced migrants from South Ossetia in Georgia remained in North Ossetia as a result of conflicts over the Tskhinvali region in the early 1990s and in August 2008.

Although sources differed on the exact figures, approximately 46,000 IDPs returned from Ingushetiya and Dagestan in the last six years. Authorities continued to employ negative incentives—including deregistration from IDP rolls, cancellation of food assistance, and utility cuts to temporary settlements—to induce often unwilling IDPs in Ingushetiya to return to Chechnya. In many cases deregistration took place following IDPs' signature of applications for voluntary return to Chechnya; IDPs told the UNHCR and NGOs that local officials had obtained their signatures under pressure, for example by threatening to terminate their child allowances and pensions. Beginning April 1, the Ingushetiya office of the Federal Migration Service refused to accept any claims for reinstatement on its registration lists. In addition, forced evictions of IDPs from temporary accommodation centers within Chechnya continued during the year. Amnesty International reported that, between February 20 and February 23, bulldozers knocked down all the homes in the informal settlement KSM-1 on orders from the Grozny administration, despite the fact that persons were still living in them. Compensation for such lost housing was typically inadequate to insure long-term shelter for the beneficiaries.

### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government in general provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, the Federal Migration Service did not maintain a presence at airports and other border points. Asylum seekers thus had to rely on the good will of border guards and airlines personnel to call immigration officials to the scene or else face immediate return to their countries of origin, including in some cases to countries where a well-founded fear of persecution could be demonstrated. At year's end, three migrants denied admission to the country but whose countries of origin could not be determined remained living in Moscow airport transit zones.

By law the decision of a Migration Service official could be appealed to a higher-ranking authority or to a court. During the appeal process, the applicant received the rights of a person whose application for refugee status was being considered. If a person did not satisfy the criteria for refugee status, but could not be expelled or deported for humanitarian reasons, he could be granted temporary asylum after a separate application.

The government rarely granted convention status to those who managed to present their asylum applications to the migration service. The UNHCR and NGOs stated that asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults, which sometimes led to the loss of life.

The UNHCR, the International Organization for Migration (IOM), and NGOs assisted the government in trying to develop a more humane migration management system. Officials continued to demonstrate an incomplete grasp of refugee law, but the Federal Migration Service cooperated well with international organizations to provide trainings for its officers across the vast country.

In 2008 the UNHCR ceased providing refugee status determinations in parallel with the government, deeming the practice no longer necessary. The government committed to, and in the UNHCR's judgment usually provided, access to its status determination process to applicants, regardless of national origin. The government agreed to reconsider individuals whom the UNHCR had previously determined to be in need of international protection, to whom it had previously denied asylum, provided the UNHCR prepared updated dossiers on each individual. The UNHCR continued to provide counseling services to support the government's status determination process.

During the year there were reports, not confirmed by the UNHCR, that the Krasnodar office of the Federal Migration Service appeared to engage in a "Catch 22" approach, turning away a number of asylum seekers on the grounds that they could not apply for asylum while already holding valid student or work visas; at the same time, applicants whose visas had expired were told that their asylum applications would not be accepted because they were no longer in the country legally.

For asylum seekers who were allowed in the country to pursue their claims, the refugee law provides the right to temporary accommodations. However, there was only one temporary accommodation center in operation, and it was located far outside the major cities where asylum seekers concentrated. There are no reception centers at border points. The Federal Migration Service and its territorial branches are obliged by law to cover travel expenses to centers for holders and seekers of refugee or temporary asylum status. However, the law was not respected in practice, and the trip to the center was usually funded by the UNHCR or the individual involved.

While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of asylum seekers if they lacked residential registration. According to the UNHCR, during the year all children of asylum seekers (even those without civil registration) were entitled to attend school free of charge. In cases where parents encountered difficulties enrolling their children in schools, authorities consistently cooperated with the UNHCR to resolve the problem. Authorities frequently denied migrants the right to work if they did not have residential registration. Refugees also cannot legally work if they are not registered and cannot obtain registration if they do not have an employer or landlord willing to register them.

Human rights groups continued to allege that authorities made improper use of international agreements that permitted them to temporarily detain persons with outstanding arrest warrants from other former-Soviet states. This system, enforced by informal ties among senior law enforcement officials, permitted detention for up to one month while the prosecutor general investigated the nature of the warrants. Human rights groups asserted that these arrangements were employed to detain, and possibly repatriate, opponents of the governments of other former Soviet republics without legal grounds. On June 21, Atabek Tukhtamuradov, an Uzbek citizen, was administratively expelled to his native country after authorities in Uzbekistan's Andijan region filed criminal charges against him for alleged terrorist activity. In this connection, observers recalled the government's 2007 extradition of an Uzbek national, despite a Russian court ruling against it and an ECHR determination that the individual could be subjected to torture if returned to Uzbekistan. Abdulrasul Mamarakhimov, a Kirgiz citizen of Uzbek ethnicity, was extradited on October 14, two days before a court decision on his asylum claim was to be delivered. The return journey was routed through Kazakhstan, where officials permitted the UNHCR to interview him. Following the UNHCR's determination that Mamarakhimov was in need of international protection, Kazakh authorities agreed to allow him to remain in Kazakhstan while the UNHCR identified a resettlement country. He remained in detention in Kazakhstan at year's end.

On April 10, the Federal Migration Service, in compliance with a December 2008 ECHR ruling, granted temporary asylum status to the "Ivanovo Uzbeks," a group of 13 persons arrested in 2005 for alleged involvement in violent unrest in Andijan, Uzbekistan. Authorities detained them for two years before the country's courts ordered them released. In December 2008 the ECHR ordered authorities not to return the 13 to Uzbekistan and to pay each 15,000 euros (\$21,500) in restitution. As

of year end the group members had received the ordered compensation; however, authorities had denied repeated requests to grant them exit permits in order to enable them to take up offers of asylum in Sweden.

During the year Ambullazhon Isakov lost his appeals against the government's denial of his claim to Russian citizenship as well as his claim to refugee status. The ECHR ruled in November 2008 that Isakov, who was originally detained in March 2008, could not be extradited to Uzbekistan, despite an extradition request by Uzbek authorities. At year's end he remained in detention while awaiting a Moscow district court ruling on his appeal of the Federal Migration Service's denial of refugee status.

At year's end Yashin Dzhurayev was awaiting resettlement in a foreign country that had agreed to accept him. Dzhurayev claimed he had been persecuted for religious reasons in Uzbekistan. Russian courts first ordered his extradition to Uzbekistan and then cancelled the order.

#### Stateless Persons

Citizenship is derived both by birth within the country's territory (*jus soli*) and from one's parent's (*jus sanguinis*). A child becomes a citizen at birth if both parents are citizens; if one parent is a citizen and the other one is stateless; if one parent is a citizen and the other is a foreigner and the child was born on the territory of the country; or if both parents are foreigners or stateless and the child was born on the territory of the country and there is concern the child might become stateless. According to UNHCR data from mid-year, there were approximately 50,000 stateless persons in the country. Migration Service statistics registered 21,443 stateless persons in the country as year end 2008.

The law exempts former Soviet citizens residing in the country without benefit of Russian citizenship from having to meet most requirements for naturalization. Amendments to the citizenship law that were adopted in 2008 extended the deadline for such individuals to obtain citizenship through a simplified procedure until July 1, after which date they had to use the general procedure. In addition, the law extended the right to seek citizenship to those who obtained a residence permit in the country after January 1, 2002, which increased the number of persons potentially eligible for citizenship.

In Krasnodar Krai at least several hundred Meskhetian Turks (with some estimates as high as 5,000), Batumi Kurds, Hemshils, and Yezidis, both political and environmental refugees and their descendants, remained without Russian passports and were denied the right to register as residents, which deprived them of all rights of citizenship and prevented them from working legally, leasing land, or selling goods. The law in Krasnodar Krai that defines illegal migrants includes stateless persons.

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

The law provides citizens the right to change their government peacefully in regularly scheduled national and regional elections; however, citizens could not exercise this right in practice, as the government restricted political competition directly and indirectly by limiting the ability of opposition parties to organize, register candidates for public office, access the media, or conduct political campaigns.

#### Elections and Political Participation

On March 1, elections were held for seats in the legislative bodies of nine Russian regions, 10 posts of mayor, and seats in the representative bodies of 12 administrative centers of the Russian regions. The independent election monitoring NGO GOLOS observed a number of irregularities in the elections, including: pressure on voters in Tatarstan, where workers at the Kamaz plant in Naberezhnye Chelny were forced to report their voting to management; the presence of unauthorized groups at polling stations in St. Petersburg, Novosibirsk, and Chelyabinsk; and interference with election

monitoring in Tatarstan, Dolgoprudny, and Tomsk. In St. Petersburg local Yabloko party representatives were prevented from registering more than half of their candidates. Some voters complained of unlawful materials in polling places, blackmail, and threats. In Volgograd voters alleged that electoral commissions recorded their votes using invisible ink that disappeared.

United Russia candidates won in all regions they contested and in all significant mayoral elections except Tver and Smolensk. In Smolensk the winner immediately joined United Russia. In Mozhaisk (population 70,000) an environmental activist, Dmitry Belanovich, defeated the United Russia candidate, despite being unable to stay at any hotels in Mozhaisk due to what he called "administrative pressure" on the proprietors. Anton Chumachenko, the United Russia candidate for a local legislative council in St. Petersburg, won an election in which there were charges of voting irregularities. In response, he resigned from his position, saying that he did not want to begin his political career with what he called "a cynical mockery" of rights and laws.

On April 26, the city of Sochi held a mayoral election in which widespread problems were observed. Candidates included opposition leader Boris Nemtsov, acting mayor Anatoly Pakhmanov, and four others. One candidate, billionaire Aleksandr Lebedev, was struck from the ballot a week before the election, based on his alleged misfiling of financial statements. Lebedev immediately appealed the decision to the regional court, which rejected the appeal. Rival candidates stated that incumbent Pakhmanov enjoyed a virtual monopoly of local media coverage during the campaign.

Former deputy prime minister Nemtsov was repeatedly prevented from campaigning and was not given access to media. For example, NTV prepared a report on the Sochi race that included interviews with four of the candidates, including Nemtsov, but pulled the report without broadcasting it. According to Nemtsov, NTV did so at the direction of first deputy chief of staff of the president, Vladislav Surkov. On March 23, several youths threw a mixture of water and ammonia into Nemtsov's face after a press conference. Nemtsov's aides called police, who did not respond. In another incident that Nemtsov termed a government provocation, his campaign received an unsolicited and anonymous contribution of \$5,000 from a foreign bank. Acceptance could have led to Nemtsov's removal from the ballot, but the campaign quickly returned the money. On April 4, the Sochi Electoral Commission confiscated, without explanation, 125,000 of Nemtsov's campaign pamphlets. On the evening before the election, all four local television channels broadcast a 20-minute documentary harshly critical of Nemtsov.

On October 11, elections took place in 76 regions, including for the Moscow City Duma. Observers criticized the elections as being neither free nor fair; GOLOS described the scale of election fraud as worse than prior elections and reported multiple abuses, including a considerable inflation of the turnout, widespread ballot stuffing, and voter intimidation on election day. United Russia candidates received 32 of the 35 available seats. On October 14, the three opposition parties represented in the State Duma staged a walkout in protest of the problems in the conduct and results of the elections. After a meeting with President Medvedev, they rejoined the State Duma without further incident. In a December 30 article entitled "The Most Scandalous Campaign of the Year," the newspaper *Nezavisimaya Gazeta* reviewed the October campaign and noted that every complaint regarding irregularities had been rejected in the courts.

A number of irregularities appeared in the months leading up to the October elections. Moscow mayor Yuriy Luzhkov prevented the Right Cause party from participating in the May Day march with other civic organizations, and the Moscow electoral commission eventually barred the party from the campaign.

Although the Yabloko party was allowed to participate in the campaign as a party, it experienced interference and harassment connected with the campaign. On July 30, Interfax reported that Yabloko volunteers were detained while attempting to collect signatures to register the party list. Solidarity member and former Yabloko youth leader Ilya Yashin, who was running in the same electoral district as Moscow City Duma speaker Yuriy Platanov, was arrested and knocked unconscious (due to banging his head while entering the police van rather than directly due to police violence) during an

August 22 protest in Moscow. A week later, on September 1, election authorities disqualified Yashin from running due to an alleged mistake in the format of the sheet on which he had gathered his required 4,500 signatures. Over the following two days, authorities eliminated all seven Solidarity candidates from the rolls, leaving only candidates sanctioned by the government. Solidarity member Vladimir Milov noted on his LiveJournal blog that even his own signature was disqualified. In Astrakhan, progovernment youths destroyed campaign materials belonging to opposition parties and removed their leaflets from mailboxes.

In March 2008 the country held presidential elections in which Dmitriy Medvedev, the candidate of the ruling United Russia party, received 70 percent of the vote. Observers from the Parliamentary Assembly of the Council of Europe (PACE) stated that while the election results reflected the will of the people, "an election where candidates are confronted with almost insurmountable difficulties when trying to register risks not qualifying as free. An election where there is not a level playing field for all contestants can hardly be considered fair." GOLOS reported massive, widespread violations. Medvedev was sworn in as the country's third president in May 2008.

In the 2007 federal State Duma elections, four parties exceeded the 7 percent threshold for gaining seats in the Duma. The United Russia party received a two-thirds majority, sufficient to amend the constitution. A team of parliamentarians from PACE, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE), and the Nordic Council observed the elections and concluded they were "not fair or democratic." Frequent abuses of administrative resources, media coverage strongly in favor of the United Russia party, and restrictive revisions to the election code combined to hinder political pluralism. The elections in many North Caucasus republics were marked with apparent fraud as the official voter turnout was described by several analysts as artificially and impossibly high.

The OSCE representative on freedom of the media reported numerous media freedom violations during the parliamentary and presidential elections. Electoral violations and problems observed by GOLOS included an "unprecedented" number of absentee ballots, collective voting under pressure, multiple voting by the same voters, and vote counting violations. GOLOS observers, however, reported good organization of voting procedures and that the secrecy of voting was mostly respected. In both the presidential and parliamentary elections, official delays in issuing visas and restrictions on the activities of the mission led the OSCE's Office for Democratic Institutions and Human Rights to decline to send observation missions.

As of year's end, the ECHR had not issued a judgment on the application filed in 2008 by the Communist Party's Mordovia branch in which it alleged that it was prevented from distributing election fliers prior to the 2007 election.

The law provides that republic presidents and regional governors be nominated by the president, subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president's nominee three times, the president may dissolve the legislature. The president also has the power to remove regional leaders in whom he had lost confidence, including those who were popularly elected. As of year's end, no regional legislature had failed to confirm the president's nominee.

In April the State Duma passed a law allowing parties receiving between 5 and 7 percent of the vote to have one or two seats in the Duma. Prior to the law's passage, a party had to receive more than 7 percent of the popular vote in order to be represented in the Duma. The election law provides for a strict party list system and prohibits electoral blocs. There is no minimum voter turnout requirement. The election law prohibits the observation of federal elections by nonpartisan domestic groups, making it difficult for NGOs to observe elections. Also in April, the Duma passed a law described as giving equal airtime on electronic media to all political parties represented in the Duma. Observers noted that the law would limit airtime for the United Russia party's leaders when they spoke in their party capacity rather than as government officials and that the airtime in question related to discussion of party affairs rather than policy issues.

The law gives the president significant influence over the Federation Council, since regional leaders selected by the president in turn appoint half of its members. Political parties that win elections to regional parliaments may propose candidates for the head of a region, but the selection is still subject to the president's and the regional legislature's approval. In April the State Duma passed and the president signed a law allowing parties that have won local elections to propose candidates for the heads of regions and to give local legislatures the right to dismiss heads of municipalities.

The law prohibits early voting and negative campaigning and provides a number of criteria for removing candidates from the ballot, including for vaguely defined "extremist" behavior. The executive branch and the prosecutor general have broad powers to regulate, investigate, and disqualify political parties. Other provisions limit campaign spending, set specific campaign periods, and provide for restrictions on campaign materials.

A law enacted in March requires that, to be registered as a political party, a group must have at least 45,000 members with at least 450 in each of half of the country's regions and 250 members in each of the remaining regions. The new law slightly relaxed these minimum membership requirements, which made it difficult for smaller parties to register. The law envisions a further reduction in the requirement (to 40,000 members overall and 400 in each of half of the regions) by 2012. An additional law passed in June allows a political party to avoid the requirement for signatures altogether if it enjoyed political support in at least one-third of the regions of the Russian Federation. In March 2008 a Moscow court denied registration to the political party People for Democracy and Justice, led by former prime minister Mikhail Kasyanov. The court cited errors in 18 percent of the more than 57,000 signatures as grounds for denying registration.

While parties represented in the Duma may nominate a presidential candidate without having to collect and submit signatures, prospective presidential candidates from political parties without Duma representation must collect two million signatures from supporters throughout the country to register to run for president. These must be submitted to the Central Election Commission (CEC) for certification. An independent candidate is ineligible to run if the CEC finds more than 5 percent of the signatures to be invalid.

In January the Duma adopted a law eliminating financial requirements for registering a political party for elections. While the new law was billed as a boost for democratic participation, others were concerned that it could actually close off the possibility of registering a political party by financial means rather than signatures.

According to CEC chief Vladimir Churov, three of the 14 parties that sought to run in the 2007 State Duma elections were disqualified due to problems with their registration documents.

Authorities used the law on extremism to restrict election-related activities of political parties. The law was used in some cases to suppress the campaign materials of opposition political parties during the 2007 and 2008 elections. For example, in March 2008 authorities used the laws against extremism to confiscate campaign materials from the St. Petersburg branch of the Yabloko party. Officials also cited the law a basis for evicting Yabloko staff members from their offices.

There were 63 women in the 450-member State Duma and nine women in the 166-member Federation Council. There were two female ministers. Valentina Matviyenko, governor of St. Petersburg, was the only woman to lead one of the country's 83 regions. Three of the 19 judges on the Constitutional Court were women. None of the political parties was led by a woman. Data on number of minorities in the Duma and other legislative or governmental entities was not available.

Information on the ethnic composition of the State Duma and the Federation Council was not available. National minorities took an active part in political life; however, ethnic Russians, who constitute approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Section 4 Official Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government acknowledged that it had not implemented the law effectively, and many officials continued to engage in corrupt practices. Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profits. The NGO Information Science for Democracy (INDEM) reported that other official institutions, such as the higher education system, health care, the military draft system, and the municipal apartment distribution system were also riddled with corruption. INDEM also estimated that bribes and corruption cost the country the equivalent of 33 percent of the country's gross domestic product. Corruption also exacerbated illegal logging and hunting, further complicating the country efforts to enforce environmental standards.

President Medvedev has designated the fight against corruption and "legal nihilism" as priorities. In December 2008 he signed into law a package of anticorruption legislation that defines corruption and sets forth key principles for combating it. The legislation imposes financial disclosure requirements on government officials, restricts postgovernment employment at entities with which the official had prior connections, and requires reporting of actual or possible corrupt activity. Implementation of the legislation, however, was in a nascent stage. Although some decrees identifying agencies responsible for enforcement of various aspects of the legislation were signed, at year's end agency regulations to implement many of the measures had not been drafted, and enforcement of these laws remained ineffective.

While there were prosecutions for bribery, a general lack of enforcement remained a problem. Cases of bribery and other corrupt practices are investigated by the Ministry of Internal Affairs and the Federal Security Service, both of which were themselves widely perceived as corrupt.

Under the law, giving and receiving bribes remains punishable by up to 12 years of incarceration; a person who pays a bribe is relieved of criminal liability if the bribe was extorted from him or if he voluntarily informs law enforcement about it.

Prosecutors charged some high-level officials with corruption during the year; however, most government anticorruption campaigns were limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic, which made it more difficult to determine the actual extent of corruption.

On December 1, Moscow Mayor Yuriy Luzhkov won a libel suit against Boris Nemtsov, who accused Luzhkov and his wife Yelena Baturina of extensive corruption in a pamphlet he published entitled "Luzhkov. Conclusions." Nemtsov was ordered to pay 500,000 rubles (\$16,530). Human rights and press freedom NGOs generally asserted that the charges were spurious.

There were reports that corrupt officials largely controlled illegal hunting and trafficking in endangered and protected species through the issuance of licenses and other permits in return for bribes and other illegal benefits. On January 9, the crash of a Mi-171 helicopter in the Altai brought to light the alleged involvement of senior officials in hunting argali sheep, listed as endangered in the Russian Red Book. Among those killed in the crash were Aleksandr Kosopkin, President Medvedev's representative in the Duma; Viktor Kaimin, director of the Altai division of federal environmental regulatory agency Rosprirodnadzor (the Altai Republic official responsible for issuing hunting licenses); and Sergey Livishin, a senior member of the presidential administration. On May 4, the General Prosecutor's Office opened a criminal investigation into the illegal hunting. Observers believed that the investigation would not have been opened without the engagement of environmental organizations, which collected more than 6,000 signatures urging the president and Duma speaker to act. There were allegations that violence and threats of violence were employed against activists and journalists who threatened to expose these activities.

The country continued to score poorly on indicators of corruption and transparency, such as those compiled by the World Economic Forum in its Global Competitiveness Report 2009-2010. It scored poorly on other measurements of

transparency and corruption as well, including judicial independence, fairness in the decisions of government officials, the transparency of government policymaking, and the influence of organized crime.

The law authorizes public access to all government information unless it is confidential or classified as a state secret. Refusal by authorities to provide access to open information, or the classification of information as a state secret without cause, has been successfully contested in court in a few cases. However, access to information often remained difficult and subject to prolonged bureaucratic procedures.

In February President Medvedev signed a law requiring officials to disclose within 30 days, upon a citizen's request, any information controlled by the government that is not considered a state secret. Those seeking information must file their requests via the Internet. Officials who do not comply may be fined or imprisoned for up to five years if the withholding of information causes serious bodily harm, as was the case in the Chernobyl disaster. Although the law was billed as comparable to freedom of information laws in other countries, observers expressed concern that officials would use the "state secrets" provision to deny citizens access to information arbitrarily. There were no reports of court cases implementing this law during the year.

In November former Hermitage lawyer Sergei Magnitsky died in a Moscow prison where he was being held on tax evasion charges. It was widely believed that the charges were fabricated and that his imprisonment took place as a result of his testimony in a corruption case against government officials (see sections 1.a. and 1.c.).

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, but official harassment continued, and the operating environment for these groups was further restricted. Authorities increasingly harassed NGOs that focused on politically sensitive areas. Other official actions and statements indicated a lack of tolerance for unfettered NGO activity, particularly by those NGOs that received foreign funding or reported on human rights violations. NGOs operating in the Northern Caucasus were severely restricted.

There were several dozen large NGO umbrella organizations as well as thousands of small grassroots NGOs. In the regions, NGO coalitions continued to focus their advocacy on such causes as the rights of the disabled and of entrepreneurs, environmental degradation, violations by law enforcement authorities, local corruption, and the conflict in Chechnya.

The law regulating NGOs, as subsequently amended, requires them to register with the Ministry of Justice. The local affiliates of foreign NGOs faced more stringent registration requirements than purely domestic ones. Officials are authorized to scrutinize NGOs, including public associations, intrusively, and the law gives NGOs only limited procedural protections. Under the law as amended, the Ministry of Justice has discretion to deny registration or to request that the courts close organizations based on vague and subjective criteria. In June President Medvedev convened a working group to modify the NGO law, resulting in a decrease in registration requirements for NGOs.

A June 2008 prime ministerial decree, implemented in January, removed tax-exempt status of most international NGOs, making their grants taxable, and imposed a potentially onerous annual registration process on those that met the requirements for continuing operation in the country." Many NGOs interpreted the decree as a further step to restrict NGO funding and operations; however, at year's end there was no notable decrease in NGO activity.

All NGOs are required to submit periodic reports to the government that disclosed potentially sensitive information, including sources of foreign funding and detailed information as to how funds were used. Since foreign funding remained a

sensitive issue for the security services, NGOs indicated they were increasingly cautious about accepting this support and in many cases those who continued to do so either restricted their activities to less sensitive issues or suffered harassment by the Federal Security Service. At the same time, many NGOs found themselves forced to rely on foreign funding due to insufficient support from within Russia.

Observers believed the government selectively applied the NGO law to target certain NGOs, such as human rights organizations, whose activities they regarded as hostile to the authorities. The law on extremism was also employed to restrict the activities of NGOs and criticism of the government. The law defines extremist activity to include public libel of a government official or his family as well as public statements that could be construed as justifying or excusing terrorism. During the year officials increasingly applied the libel law against NGOs and individuals. In October 2008 new amendments to this law enabled authorities to act upon an accusation of extremism without evidence or a court case; however, in practice, outside of the North Caucasus, this generally did not lead to detentions without court proceedings.

A number of indirect tactics were applied to suppress or close domestic NGOs, including creative application of various laws and harassment in the form of investigations and raids, including those carried out ostensibly to check for pirated software or extremist materials.

Several prominent activists were killed or injured by unidentified persons during the year in circumstances that suggested that their human rights activities were the cause for reprisals against them (see sections 1.a. and 1.c).

In March unknown persons threw eggs at Lev Ponomarev, the director of the NGO For Human Rights, during a press conference on prison abuses. A journalist who pursued the attackers claimed he was assaulted and punched by men who were taken away, along with the egg throwers, in a black Mercedes.

In May authorities opened a criminal case against Olga Kurnosova, the leader of the St. Petersburg branch of the United Civil Front, accusing her of illegally transporting black caviar from Astrakhan in October 2008. Observers believed that she was targeted due to her work. There were no further details at year's end.

On June 8, law enforcement officers searched the apartment of Maksim Ivantsov, the leader of the St. Petersburg branch of the youth opposition group Oborona. The reason given for the search was an investigation of one of Ivantsov's acquaintances suspected of painting a swastika on a Russian flag. Police confiscated Ivantsov's computer and 50 DVDs and threatened him with criminal charges for using unlicensed Windows software. Observers alleged that the real reason behind the search was Ivantsov's campaign against the abuse of authority by law enforcement agencies and his demand for the dismissal of the interior minister.

On July 20, agents of the Tatarstan Ministry of Internal Affairs raided the offices of two Kazan-based human rights NGOs – AGORA and the Kazan Rights Defense Center – that were investigating police abuses. The reason given for the raid was possible violations of tax law. The raid came after the organizations began investigating high-ranking police officials in Tatarstan to determine whether, in the fall of 2008, police colonel Ramzil Salakhov beat and threatened to shoot residents of the village of Biurgan during a dispute over burning waste from a local factory. By seizing the organizations' financial documents, local authorities effectively paralyzed their activities. On December 7, the Tatarstan tax authority charged AGORA with failure to pay 870,000 rubles (\$28,770) in taxes on grants received from the National Endowment for Democracy. The case continued at year's end.

On October 6, a district court in Moscow ruled in favor of Chechen president Kadyrov in a civil libel suit against Moscow Memorial chief Oleg Orlov, who accused Kadyrov of complicity in the killing of human rights activist Natalya Estemirova. The court ordered Orlov and Memorial to pay damages to Kadyrov and publish a retraction on the Memorial Web site. On September 3, the Moscow Internal Affairs Department dropped a criminal libel suit on the same charges but then, on

October 27, announced that it would reopen criminal charges. On September 4, a week before the beginning of the hearings, men identifying themselves as government tax inspectors had visited the apartments of relatives of Orlov and fellow Memorial worker Aleksandr Cherkasov. Calls to the tax inspectorate determined that officials there had not sent them, raising the suspicion that unidentified security personnel wished to put pressure on Orlov and Cherkasov in connection with their work in the North Caucasus.

According to September press reports, prosecutors in Novorossiisk were seeking to close the local human rights organization Committee for Human Rights for "extremist activities." At one of its gatherings, the NGO reportedly promulgated the slogan "Nobody gives you liberty, you have to take it." After having the slogan reviewed by two linguistic experts, a historian, and a child psychologist, local authorities concluded that the phrase was an extremist call for disorder.

On January 20, the Dzerzhinskiy Regional Court of St. Petersburg ruled that a December 2008 raid by agents of the Prosecutor's Office on the offices of the Memorial Research and Information Center in St. Petersburg was illegal. Memorial was raided by seven representatives of the Prosecutor's Office, three of whom wore masks. The sweep was undertaken under a warrant related to an article in the newspaper *Novy Peterburg* that authorities regarded as extremist. The agents were looking for evidence of financial ties between Memorial and the newspaper, which were denied by both Memorial and the newspaper. The investigators removed 12 computer hard drives and the archives of Memorial member Aleksandr Margolis, a local expert on architectural preservation. Part of Margolis's archive was returned. The St. Petersburg Prosecutor's Office immediately appealed the court decision, but on January 27, the Supreme Court upheld it and stated that the *Novy Peterburg* article was not extremist. Despite this ruling, the St. Petersburg Prosecutor's Office continued to pursue the case. In March a regional court judge confirmed the illegality of the manner in which the raid was conducted but stated that the grounds for the raid were legitimate. On April 24, authorities returned to Memorial the last material they had confiscated in the raid.

Chechen human rights ombudsman Nurdi Nukhazhiyev continued the practice of his predecessor of not cooperating with Memorial, and he and Chechen President Kadyrov spoke out publicly against the NGO. Smaller Memorial centers throughout the country reported that landlords were frequently instructed by city administration officials not to rent it office space.

A foreign NGO that worked with GOLOS in some of its democracy promotion efforts continued to experience periodic harassment. In February the firm that had processed visas for the NGO's members stated that it would no longer do so; however, the NGO continued to operate. In January government authorities accused this same foreign NGO of orchestrating the election of an unsanctioned candidate as mayor of Murmansk.

As of year's end the ECHR had not ruled on Stanislav Dmitriyevskiy's appeal of his conviction in a Russian court of inciting racial and ethnic hatred. At the time of his conviction, Dmitriyevskiy was head of the Russian-Chechen Friendship Society (RCFS), which advocated negotiations between the government and Chechen rebels to settle the Chechen conflict. The incitement charge was based on Dmitriyevskiy's publishing of statements by Chechen rebel leaders. The RCFS was closed after Dmitriyevskiy's conviction. Dmitriyevskiy remained executive director of a successor organization, the Foundation to Promote Tolerance, which reported on human rights abuses by both sides of the conflict. In March 2008 police searched the offices of the successor foundation and confiscated equipment, such as cellular telephones, allegedly connected to violations of the extremism law.

The government continued to scrutinize organizations that it considered to have an opposition political agenda. Numerous groups reported politically motivated hostility from the government. In the view of some observers as well as reports from those NGOs experiencing harassment, NGOs working in the North Caucasus were particularly vulnerable to government interference. During the year the government attempted to damage the public image of the NGO community with statements that NGOs were suspicious organizations funded by foreign governments. Government accusations that

implied connections between foreign-funded NGOs and alleged espionage by resident diplomats increased public perceptions that NGOs served foreign interests and fueled instability.

In January Vladislav Piotrovskiy, director of the St. Petersburg branch of the Central Directorate of the Internal Affairs Ministry, publicly accused NGOs of acting as fronts for foreign intelligence services. In the same month, Yuriy Popugayev, head of the Economic Security Department of the Federation Ministry of Internal Affairs, accused nonprofit and charitable organizations of acting as fronts for money laundering. In March Duma members from United Russia and the Liberal Democratic Party claimed that "foreign money" had financed the antitariff protests in the Primorye region, although two months later the Ministry of Internal Affairs announced that that it had found no basis for this claim. In May two progovernment analysts, Maxim Grigoryev and Pavel Danilin, along with United Russia Duma deputy Aleksandr Khinshtein, claimed that the opposition group Other Russia and affiliated groups were "corrupt" and foreign funded. They did not provide any evidence for the claim. In August Ingush president Yunus-Bek Yevkurov claimed that several Western countries were supporting the antigovernment insurgency in Ingushetiya. On more than one occasion during the year, Vladislav Surkov continued his practice of accusing NGOs that receive foreign funding of seeking to undermine the country's sovereignty.

The case against Irina Malovichko continued as of September. The Volgograd Ministry of Internal Affairs opened a criminal case against Malovichko, the head of Child's Dignity, an NGO that works with troubled local juveniles, for allegedly embezzling 8,584 rubles (\$284) from the NGO's budget. Her apartment was searched without a warrant and all documents and computers seized. Malovichko filed an appeal in June 2008 that the Voroshilovsky Court rejected. The investigator in the case threatened to open new charges against her daughter and her colleague unless she admitted guilt. A lawyer retained by Malovichko subsequently had his license revoked without explanation.

The Center for International Legal Defense, headed by a former lawyer for Yukos CEO Mikhail Khodorkovskiy, continued to face confiscatory penalties arising from charges of alleged tax fraud.

In August an arbitration court confirmed that tax claims against the British Council, an international cultural body funded by the United Kingdom, were groundless. Authorities had shut down council offices in St. Petersburg and Yekaterinburg temporarily after an initial adverse tax ruling. They reopened in October 2008, after a Moscow arbitration court ruled that the tax claims were illegitimate. The British government and others alleged that the closure order was politically motivated. Dmitry Medvedev, in his 2008 presidential campaign, accused the British Council of conducting espionage.

Government and legislative officials recognized and consulted with some NGOs, primarily those focused on social issues, and select groups participated, with varying degrees of success, in drafting legislation and decrees. Some officials, including Ombudsman for Human Rights Lukin and the chair of the Presidential Council for Promoting the Development of Institutions of Civil Society and Human Rights (Human Rights Council), Ella Pamfilova, regularly interacted and cooperated with NGOs.

In January Human Rights Ombudsman Lukin's mandate was renewed for an additional five years. Many leaders of human rights NGOs continued to consistently note that Lukin was generally effective as an official advocate for many of their concerns, despite and within the legal constraints on his position. The Ombudsman's office reported in December that it had received approximately 30,000 complaints per month during the year and that it succeeded in "providing help" to 10 percent of the complainants. It added that during the year the number of complaints grew by 10.6 percent compared with 2008 and that most of the complaints were about issues related to children, housing, and employment issues.

In December the St. Petersburg Legislative Assembly replaced its unpopular human rights ombudsman, Igor Mikhailov, with Aleksey Kozyrev, head of the St. Petersburg Public Council and the endorsed candidate of Governor Valentina

Matviyenko. Numerous activists had complained that Mikhailov had worked to undermine human rights in the Leningrad Oblast.

On February 10, President Medvedev reconstituted the Human Rights Council, with Pamfilova still at the head. Its membership continued to include prominent human rights activists strongly critical of the government's human rights record. Medvedev held meetings with the council in April and in November. During the Podrabinek controversy (see section 2.a.), Pamfilova took a public stance defending Podrabinek's right to free expression and succeeded in removing the pressure on the journalist. When the council met with Medvedev in November, Pamfilova attacked the government over the Sergei Magnitsky case (see sections 1.a., 1.c., and 4), and stated, "A sudden death in a detention center is the professional disease of Russian businessmen." This quote appeared on the Kremlin Website in the transcript of the meeting and was also broadcast on REN-TV.

In February President Medvedev gave an interview to the editor of the opposition *Novaya Gazeta* newspaper, in which he expressed condolences over the killings of its journalists and praised the newspaper's independence. In April Medvedev opened a blog on the popular Web site LiveJournal, soliciting comments from citizens. Many of the comments were critical, including one that featured Prime Minister Putin in a Nazi uniform; however, there was little government reaction to the comments, either to punish any commentators or to follow through on their requests. Medvedev appeared on the blog on March 17 to address previous comments and questions.

On August 1, a law came into force creating a human rights ombudsman for the city of Moscow. Two candidates ran for the post: former Yabloko member Valeriy Borshchev, a prominent member of the human rights community; and Aleksandr Muzikantskiy, the former minister of information for Moscow and the endorsed candidate of Mayor Luzhkov. On September 23, Ekho Moskvy reported that Muzikantskiy would be the new Moscow ombudsman; however, he stated that he would consult with Borshchev.

In the Jewish Autonomous Republic, Amur Oblast, and some oblasts in Primorskiy Krai, local governments worked with NGOs to encourage citizen participation in local self-governance. In Astrakhan government officials worked closely with local NGOs devoted to building civil society.

Some international NGOs maintained small branch offices within Chechnya staffed by local employees. However, all were headquartered outside of Chechnya. Following the killing of Natalya Estemirova (see section 1.a.), many NGOs left Chechnya or temporarily closed their operations there due to fears for their safety and ability to operate.

By law any person in the country may bring allegations to the ECHR concerning human rights violations covered by the European Convention on Human Rights that occurred after 1998, provided they have exhausted "effective and ordinary" appeals in the country's courts. This condition was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. The ECHR, which has received more than 33,600 complaints involving Russia (28 percent of the total, the largest proportion for any Council of Europe member), including 716 during the year, ruled against the state in 273 cases on which it reached a decision during the year. The Demos Center reported in January that state agencies enforced ECHR rulings approximately 60 percent of the time. When they did, the government generally paid financial judgments ordered by the ECHR in a timely fashion; however, it rarely carried out judicial orders from the ECHR and it issued blanket refusals in response to ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure. For many years the government refused to ratify Protocol 14 of the European Convention on Human Rights, designed to streamline the process by which the ECHR examines cases and thus reduce its current backlog of six to nine years. In December President Medvedev and leading State Duma deputies announced that Russia would ratify Protocol 14 in January; however, this had not taken place at year's end.

On July 28, Justice Minister Aleksandr Kononov announced that to reduce the number of cases referred to the ECHR, it was preparing legislation to compensate citizens who had suffered from counterterrorist operations, in particular those that took place in Chechnya during the past two decades. Kononov did not specify the amount of compensation, but said that it would correspond to the European standards. He outlined these plans in more detail at an October 27 press conference, but the law had not passed by year's end.

In November the UN Human Rights Committee issued a report stating that Russia had failed to protect journalists, activists, prison inmates, and others at odds with authorities from a wide range of abuses, including torture and murder.

Government human rights institutions continued to promote the concept of human rights, to challenge the activities of some local governments that violated human rights, and to intervene in selected abuse complaints. Ombudsman Lukin commented on a range of human rights problems, such as police violence, prison conditions, the treatment of children, and hazing in the military. During the year Lukin criticized intolerance and the growing wave of ethnic, religious, and sociopolitical hatred. He defended the rights of participants in the dissenters' marches, noting that the constitution states clearly that citizens have a right to participate in meetings and marches and that only notification of authorities is required to hold meetings and marches, not permission from the government.

The ombudsman's annual report, published in April, noted that his effectiveness was limited because he was not empowered to propose human rights legislation. He also noted the difficulty of getting some government officials to respond to inquiries from his office. Lukin's office has used its influence to draw attention to human rights questions in prisons.

The Office of the Ombudsman included several specialized sections responsible for investigating complaints. In 2008 the office published a report on the protection of crime victims' rights. Lukin's role remained primarily consultative and investigatory, without powers of enforcement. As of September, 47 of the country's 83 regions had regional human rights ombudsmen with responsibilities similar to Lukin's; their effectiveness varied significantly.

Despite a 2008 law apparently intended to increase its authority, many observers did not consider the 126-member Public Chamber of the Russian Federation to be an effective check on the federation government. Some prominent human rights groups declined to participate in the chamber from the beginning out due to concern that the government would use it to increase control over civil society. Its weakness was demonstrated when, in December 2008, it publicly and unanimously, but unsuccessfully, called upon President Medvedev not to sign legislation curtailing jury trials. However, some activists were consulted regarding the membership of the chamber during its inception, and some members succeeded in raising the profile of human rights cases, such as that of journalist Mikhail Beketov. In September the Public Chamber issued a report asserting that the Moscow city and oblast authorities had violated people's right to freedom of speech and to freedom of conscience. The report cited instances wherein authorities refused to allow "dissenters' marches" and referred to persecution of religious minorities. In December 2008 President Medvedev signed a law requiring all future draft legislation restricting individual freedoms to be reviewed by the Public Chamber. (Under earlier legislation the Duma forwarded laws to the chamber for examination only at the chamber's own request.) As of year's end the law had not had a discernable effect on the legislative process.

In April Interior Minister Rashid Nurgaliyev signed a decree allowing rights groups to monitor conditions of arrest and detention for those being held in pretrial detention. However, the decree lacked firm instructions on a mechanism to implement the plan, effectively giving law enforcement authorities discretion as to whether to cooperate. The decree also requires that law enforcement authorities be present during any discussions of conditions with detainees. Prisoners' rights advocates made use of the decree with varying success (see section 1.c.).

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, the government did not effectively enforce these prohibitions.

#### Women

Rape is illegal, and the law makes no distinctions (as in cases of spousal rape) based on the relationship between the rapist and the victim. According to NGOs, many women did not report rape or other violence due to social stigma and lack of government support. Rape victims may act as full legal parties in criminal cases brought against alleged assailants and may seek compensation as part of a court verdict without initiating a separate civil action. While members of the medical profession assisted assault victims and sometimes helped identify an assault or rape case, doctors were reluctant to provide testimony in court. The Syostry call center, which helps victims of sexual abuse, reported in December that it had received 3,534 calls in Moscow during the year.

Domestic violence remained a major problem. As of March the Ministry of Internal Affairs maintained records on more than 4 million perpetrators of domestic violence. The ministry estimated that a woman died every 40 minutes at the hands of a husband, boyfriend, or other family member and that 80 percent of women had experienced domestic violence at least once in their lives. The ministry also estimated that 3,000 men a year were killed by wives or girlfriends whom they had beaten. However, the reluctance of victims to report domestic violence meant that reliable statistical information on its scope was impossible to obtain. Official telephone directories contained no information on crisis centers or shelters. Law enforcement authorities frequently failed to respond to reports of domestic violence.

Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement authorities. Women were unlikely to report cases of rape by persons they knew. Law enforcement personnel and prosecutors did not consider the problem a priority and reportedly did not encourage reporting or prosecution of such cases.

There is no legal definition of domestic violence. The law prohibits battery, assault, threats, and murder, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. Victims of these crimes had to prosecute such cases themselves, which was difficult without legal training or state assistance. Consequently, few cases were prosecuted, and there were few convictions. According to a March study by the Smolensk-based Center for Women's Support, police often gave lackluster and inadequate responses to calls reporting domestic violence, at times suggesting that the case "wait until morning." Police were often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them. A majority of cases filed were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace whose focus was on preserving the family rather than punishing the perpetrator. Civil remedies for domestic violence included administrative fines and divorce. The Center for Women's Support asserted that many perpetrators of domestic violence themselves belonged to law enforcement agencies.

There were more than 600 government centers for social rehabilitation and shelters of various types; the number of these that offered services to domestic violence victims was unknown. There were also an estimated 20 crisis centers, with a total of 200 beds, 90 percent of them run by NGOs; three of these were in the Moscow area. Crisis centers did not focus exclusively on violence against women, although some offered services, including temporary shelter, to domestic violence victims.

Honor killings were a problem in some areas, such as the Caucasus region. Observers estimated that 35 to 60 women annually were victims of honor killings in Chechnya.

On February 4, the body of a 21-year-old woman with six bullet wounds was found in the Shelkovsky region of Chechnya. Investigators considered "honor killing" as a possible motive but did not reach a definitive conclusion by year's end.

In November 2008 a series of killings of young women occurred in Chechnya. According to the head of Chechnya's Investigation Committee, (an office within the Republic-level Ministry of Internal Affairs), the killings were likely motivated by the women's refusal to adhere to what the perpetrators considered to be Muslim traditions. President Kadyrov initially spoke out against the killings and called for the perpetrators to be brought to account, but he later called the killings justified, telling journalists that the women had "loose morals" and that "no one can tell us not to be Muslims." A Chechen NGO that worked to counsel perpetrators of honor killings faced harassment by local authorities, who threatened to shut it down and reportedly made a veiled death threat against its director.

The organization and operation of a prostitution business is a crime, while selling sexual services is a lesser administrative offense. Prostitution remained widespread, and some observers noted that the country was a destination for sex tourism. Police worked closely with at least one foreign government to ensure the prosecution of sex tourists. There were reports of persons in prostitution bribing police and of police violence against persons in prostitution. It was widely believed that police were involved in the protection of prostitution. According to a May 4 Reuters article, approximately 100,000 persons in Moscow were engaged in prostitution.

The law does not prohibit sexual harassment, which remained a widespread problem. NGOs operating hot lines reported that women routinely sought advice on the problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment. Authorities have successfully prosecuted only two sexual harassment cases since 1992. In July 2008 a 22-year-old female executive attempted to pursue a sexual harassment suit but lost the case when the judge declared that sexual harassment is necessary to further the human species. A participant in the trial noted that "if Russia were to measure sexual harassment by Western standards, 100 percent of female professionals would report that they had experienced sexual harassment." According to a 2005 report by *Profil* magazine, 32 percent of women said that they had had sexual relations with their bosses, and 7 percent said that their bosses had raped them. Of the respondents, 80 percent said that they could not achieve promotion without engaging in sexual relations with their male superiors.

Although the constitution states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. Job advertisements often specified gender and age groups. Some even specified desired physical appearance and preference for applicants who were open to intimate relations with their prospective supervisors. Employers often preferred to hire men to save on maternity and childcare costs and avoid the perceived unreliability associated with women with small children. The labor market was characterized by gender discrimination in compensation, professional training, hiring and dismissal, and career promotion. However, such discrimination was often very difficult to prove. According to both RosStat, the federal state statistics service, and the Center for Labor Studies (of the Higher School of Economics), in 2007 the gender differential in wages was 35 percent, although some more recent studies have given a lower estimate. There is no government office devoted to women's legal rights.

The most recent census, in 2002, indicated that 62 percent of women in the country had higher education, compared to 50 percent of men, and that women made up more than 50 percent of university tutors and professors. Women ran approximately 30 percent of medium businesses and 10 percent of big businesses in the country. A March study by Price-Waterhouse-Coopers found that the number of women taking managerial positions had grown from 30 to 40 percent since the onset of the economic crisis. In May the Supreme Court rejected a St. Petersburg woman's appeal to

drive metro trains; she had filed a discrimination suit after being turned down for the job because of her gender. The Soviet-era labor code includes this job among 460 positions considered too dangerous or physically demanding for women.

Although polygamy is illegal, the Chechen government has encouraged men to take more than one wife. Authorities require women and girls in Chechnya to wear headscarves in all schools, universities, and government offices. Some observers alleged that Chechen president Kadyrov was intentionally promoting Islamic values to tighten his authoritarian rule and to co-opt Islamist separatists.

Women made up approximately 10 percent of the workforce of the federal and regional governments. In 2008 Liberal Democratic Party leader Vladimir Zhirinovskiy stated that women should stay at home and have children and let men take care of everything else.

The government officially recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. There are no legal restrictions on access to contraceptives. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV. However, some reproductive rights advocates said that the atmosphere for their work was difficult. International family planning organizations were unable to operate in the face of opposition from the government and from the Orthodox Church. Education regarding family planning was limited, especially outside of big cities. The government explicitly encourages women to have as many children as possible to counteract the country's demographic problems (the country's population has shrunk by six million since the end of the Soviet Union). President Medvedev announced in 2008 that the government would build 23 more maternity hospitals by the end of 2009; Medvedev requested a progress report at year's end.

#### Children

By law citizenship is derived from parents at birth or from birth on Russian soil if the parents are unknown or are foreigners. As a rule all newly born babies are registered at the local civil registry office (ZAGS) where parents live. One of the parents must apply for registration within a month of the birth date, and on the basis of medical certificate of the hospital where the baby was born, a birth certificate is issued. There were unsubstantiated reports of occasional unregistered births.

Although education was free to grade 11 and compulsory until age 15 or 16, regional authorities frequently denied school access to the children of persons not registered as residents of the locality, including Roma, asylum seekers, and migrants.

Child abuse was a widespread problem. The law did not adequately protect children from abuse, and the majority of child abuse cases were not subject to legal action. In June the Duma passed a law that increased the maximum sentence for rape of a minor to 20 years. It also increased the penalties for child molestation and distributing child pornography.

Children, particularly homeless children and orphans, were exploited for child pornography. While authorities working on the issue viewed child pornography as a serious problem, the law prohibiting it lacked important details and authorities seldom invoked it. The law does not define child pornography, criminalize its possession, or provide for effective investigation and prosecution of cases of child pornography. Courts often dismissed criminal cases because of the lack of clear standards. When a court convicted a suspect, it frequently imposed the minimum sentence, often probation. Authorities investigated and prosecuted relatively few child cases involving pornography cases, creating an environment in which it proliferated. Nonetheless, according to the General Prosecutor's Office, the number of child pornography investigations increased threefold in the four-year period ending in 2007. In 2008, the most recent year for which figures were available, authorities registered 331 cases of child pornography (an increase of 2.2 percent over the previous year),

opened preliminary investigations into 159 (an increase of 17.6 percent over the previous year), and brought indictments in 157.

The maximum sentence for most sex offenses (including those against children) is four years, but sex offenders usually received lesser sentences and frequently obtained early release for good behavior. Early release posed a problem, because offenders disappeared into communities, often to commit new crimes.

The government has created two federal resources to respond to the threat of child pornography through the Internet: the Russian Safer Internet Center, established in 2008 with a hotline to receive information on illegal content sources with a view to getting them closed, and the Friendly Runet Foundation created during the year with the direct participation of, and working in close partnership with, the federal Interior Ministry, which also has a hotline for reporting of Internet sources with illegal content.

During the year NGOs began a project entitled, "Prevention of Sexual Exploitation of Children in the Russian Federation," with support from European Commission. The three-year project is a joint initiative led by the Moscow Crisis Center "Syostroy", the Perm Center for Violence Prevention and the Far Eastern Center in Support of Social Initiatives, which intended to put in place a system for training social workers, militia, and educators in their regions on the prevention of violence against children, the provision of support for victims, and the early identification of sexual violence. The government did not play a significant role in this initiative.

In a December 2008 report, the NGO Children's Rights estimated that approximately 40,000 children ran away from home annually to escape abuse and neglect and that 20,000 orphans fled similar conditions in orphanages. The report, as updated in February, noted that there were approximately 120,000 new orphans every year. In 2005 the Moscow Helsinki Group indicated that approximately two million children under 14 years of age were victims of domestic violence annually. While the government paid some attention to child abuse, it did not generally link it to the broader problem of domestic violence. At a public roundtable on children's rights in January 2008, a representative of the Ministry of Internal Affairs stated that approximately 2,000 children died annually from violence, most of it domestic. As of year's end, there were approximately 5,000 active court cases against parents for abuse and neglect of their children.

At a Public Chamber roundtable in February, Aleksandr Batrikhin, the head of the investigative committee of the General Prosecutor's Office, estimated that more than 196,000 crimes of violence against children were recorded in 2008, including 1,900 that resulted in death. More than 12,000 children were reported missing. In the first nine months in 2008, 784 sexual offenses against children were reported. Many observers believed that the number of such crimes was underreported.

The NGO Children's Rights estimated that an average of 700,000 children lived in the streets as of the end of the year. Police attempted to return approximately 70 percent of them to a home or institution. According to the Investigating Committee of the Prosecutor General's Office, more than six million children lived in socially improper conditions. In 2008, 126,000 children were victims of various crimes, of which 1,914 died and 2,330 were abused with serious damage to their health. During the same time, 784 children were sexually abused. An estimated 12,500 children were missing at year's end. According to the Ministry of Education and Science, in 2008, 120,000 children without parents' care were registered. Over 74,000 found foster families.

Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned to, or were forced into, prostitution, often to survive. According to the Ministry of Internal Affairs, 91,584 of the 2,563,000 crimes recorded between January and October were committed by minors or with their complicity. This was a 6.1 percent decrease compared with the same period in 2008.

Although there was no nation-wide telephone hotline for reporting child abuse, the Presidential Administration, in conjunction with foreign governments, provided grants through the National Charity Foundation to local NGOs such as the National Foundation for the Prevention of Cruelty to Children (NFPCC) to train staff and strengthen local hotlines about child abuse across the country. The NFPCC was a prominent child welfare NGO in Russia.

The Foundation for Assistance to Children in Difficult Life Situation (the Foundation), established in 2007 by presidential order, conducted its first grant competition during the year supporting regional projects to address child welfare and prevention of cruelty to children at the regional level. The grants, totaling 53.8 million rubles (\$1.9 million), were awarded to 64 projects submitted by municipal child welfare organizations, regional administrations and 11 NGOs. President Medvedev also directed that the foundation hold a national public awareness campaign specifically targeting reduction of violence against children. By the end of the year, the government had allocated 5.7 billion rubles (\$188 million) to the Fund for Children's Support that it established in 2008. The fund's mission is to support social programs that work with orphans and provide social rehabilitation of disadvantaged children.

On September 1, President Medvedev established the post of "ombudsman for the rights of children" and appointed Aleksey Golovan, a well-known human rights activist, to the position. The responsibilities of the children's ombudsman include following the activities of state agencies at the federal level, ensuring the observance of the rights of children, and writing an annual report similar to that of Ombudsman Lukin. Some experts feared that the direct appointment of the children's ombudsman by the president and the planned oversight by the Public Chamber would make the ombudsman dependent on the government. In December Golovan was replaced with lawyer and Public Chamber member Pavel Astakhov. According to the *Moscow Times*, authorities dismissed Golovan at the behest of Russian Orthodox groups who objected to his support for a juvenile justice system separate from that for adults.

Regional ombudsmen for children operated in 25 regions with the authority to conduct independent investigations relating to violations of children's rights, inspect any institutions and executive offices dealing with minors, establish councils of public experts, and conduct independent evaluation of legislation affecting children. In a number of schools in the Moscow and Volgograd Oblasts, there were school ombudsmen dealing with children and families and identifying potential conflicts and violations of rights of children.

According to 2007 data from the Moscow Department of Social Security, 12 percent of street children in shelters had run away from orphanages or boarding schools. Law enforcement officials reportedly abused street children, blamed them for unsolved crimes, and committed illegal acts against them, including extortion, illegal detention, and psychological and sexual violence.

Then children's ombudsman Aleksey Golovan noted in a September 15 interview with *Vremya Novostei* that of the country's 700,000 orphans, approximately 160,000 lived in orphanages and that those who did suffered from "psychological and emotional neglect."

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons. However, Russia remained a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The scope of trafficking was difficult to quantify, but observers believed that it remained widespread.

Women were trafficked within, to, and from the country for prostitution. Those trafficked to the country for this purpose often came from neighboring countries and from Asia and Africa. The major destinations for women trafficked from the country for prostitution were Europe, the Middle East, and Asia. Men, women, and children were trafficked to the country for forced labor, especially in the construction, agricultural, fishing, and manufacturing sectors. Countries of origin included

Armenia, Azerbaijan, Belarus, Ghana, Kazakhstan, Kyrgyzstan, Moldova, Nigeria, Tajikistan, Ukraine, Uzbekistan, and Vietnam. Destination countries included Bahrain, China, Germany, Greece, Israel, Italy, Netherlands, and the United Arab Emirates. The exploitation of children in the production of child pornography for Internet distribution was a significant problem.

The International Labor Organization reported that labor trafficking was the predominant form of trafficking. The IOM obtained information through its migrant and human trafficking projects indicating that the incidence of sex trafficking exceeded labor trafficking.

Victims of labor trafficking often surrendered their passports or other documentation to their employers, despite passage of a 2007 migration law requiring workers to register directly with the state. Labor traffickers controlled their victims by such means as withholding their wages, the use and threat of force, threats to report them to authorities, and confiscating their travel or personal identity documents.

Sex traffickers typically targeted unemployed women and girls between the ages of 14 and 45, with those between the ages of 15 and 25 being the primary targets. They often lured their victims into prostitution by false promises of legitimate work. They employed means of coercion similar to those used by labor traffickers.

The country was a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism. Traffickers often targeted homeless children and children in orphanages for sexual exploitation. Moscow and St. Petersburg were destinations for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging.

Child sex tourism by men from Western Europe and the United States to western Russia, particularly to St. Petersburg, declined. According to experts the decline resulted from aggressive police investigations and cooperation with foreign law enforcement agencies. In one such case, an American was prosecuted in the United States for raping girls he obtained from an orphanage on the outskirts of St. Petersburg.

Authorities used both anti-trafficking statutes and traditional criminal law to prosecute human traffickers. The maximum sentences are 15 years' imprisonment for trafficking and forced labor, eight years for imprisonment and recruitment into prostitution, 10 years for organizing a prostitution business, and 15 years for the manufacture and distribution of child pornography. The law does not define child pornography or criminalize simple possession of such material. Victims in trafficking cases received protection under the witness protection law.

During the year the government sustained its investigation efforts. The Ministry of the Interior collects and reports statistics on the number of investigations opened and indictments filed. In 2008, using the trafficking provision of the criminal code authorities initiated investigations of 95 cases (down 15 percent over 2007) and filed indictments in 68 (up 4.6 percent). Using the forced labor provision of the criminal code they initiated investigations of 16 cases (down 59 percent over 2007) and filed indictments in seven (down 71 percent). During the first half of the year, authorities began 63 investigations for trafficking and four for forced labor.

There were trafficking convictions during the year. A court in Stavropol Krai gave nine defendants prison sentences of six months to 13 years in prison for organizing prostitution and trafficking; a court in the Tula region sentenced six members of an organized prostitution ring to eight and one-half to 10 years on similar charges; a court in Moscow sentenced three members of a criminal group to terms of 10 to 12 years for trafficking in persons, including minors, by means of slave labor and illegal detention; and a court in the Krasnodar Territory sentenced four persons to terms of four to nine years for using slave labor and human trafficking to extract recyclable material from a landfill.

Public officials were charged or investigated for trafficking offenses. A senior military officer and 10 other defendants were on trial in the Moscow District Military Court for organizing an international sex trafficking syndicate involving more than 100 women and girls from Russia, other former Soviet republics, and Southeast Asia to Western Europe and the Middle East between 1999 and 2007; a junior police officer was arrested on suspicion of trafficking women to the United Arab Emirates; two junior police officers were arrested for trafficking women for sexual exploitation within the country; and a senior district police commissioner in the Astrakhan region was under investigation for taking passports and travel documents from migrants and forcing them to work as agricultural laborers.

There were no national policies or federal programs to assist trafficking victims. International donors provided the majority of aid to NGOs and international organizations that assisted victims. Some local governments provided modest financial and in-kind support to some antitrafficking NGOs. A local government in the Russian Far East provided space for a foreign-funded shelter that opened in February (and was to cover basic operating costs of the shelter beginning in 2010). The City of St. Petersburg funded a number of shelters that assisted some child victims of trafficking. Some trafficking victims received limited assistance at domestic violence centers funded and run by local and regional governments. The quality of these shelters varied, and they were often ill-equipped to respond to the legal, medical, and psychological needs of individual trafficking victims. At times the shelters refused to assist foreign and domestic victims who were not official residents in their locality.

The IOM Human Trafficking Rehabilitation Center in Moscow, the main center for trafficking victims, previously funded by international donors, closed in November when it was unable to secure financial support from the federal or local governments.

There was no federal trafficking prevention program, although a number of ministries addressed trafficking on an individual basis. There were warnings about trafficking on the Web sites of both the Ministry of Internal Affairs and Ministry of Foreign Affairs. Newspapers, television programs, and Internet sites carried numerous stories and documentaries about human trafficking. These accounts often detailed ways for potential victims to avoid falling prey to traffickers. A Russian Academy of Sciences survey of 837 potential victims of trafficking, which was conducted as part of an IOM human trafficking project, found that more than 70 percent of respondents were aware of the dangers of both sex and labor trafficking.

On a regional and local level, there were a number of active trafficking prevention campaigns, typically conducted by local NGOs with support from local and regional governments. These programs ranged from ad hoc provision of facilities and equipment to continuing arrangements between regional government and NGOs.

The Department of State's annual *Trafficking in Persons Report* can be found at: [www.state.gov/g/tip/](http://www.state.gov/g/tip/).

#### Persons with Disabilities

Several laws prohibit discrimination against persons with disabilities or mandate their equal treatment; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. The situation for persons with disabilities reportedly worsened following the replacement of government in-kind subsidies for such items as transportation and medicine with cash payments in 2004. Some affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, while most other regions provided a limited number of benefits, such as free transportation.

In May *Moskovskiy Komsomolets* reported that there were 13 million persons with disabilities. In 2006 the human rights ombudsman stated that in the previous 10 years more than 120,000 persons became "invalids" as a result of military actions and war injuries, and according to the NGO Perspektiva, the number continued to grow as a result of new

conflicts. Persons with disabilities were generally excluded from the social and political life of their communities and isolated from mainstream society. A joint study released in May by the Public Chamber and EU representatives found that 20 percent of respondents considered persons with disabilities to be burdens on society. Forty percent of the invalids surveyed said they experienced social problems, in particular insults and hostility.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. The residents were mainly "graduates" of similar institutions for children. Institutions rarely attempted to develop the abilities of residents, who were frequently confined to the institutions and sometimes restricted in their movement within the institutions themselves. The use of psychotropic drugs as punishment was allegedly widespread.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law and in practice most buildings were not accessible. A reporter for *Noviye Izvestiye* estimated in a September 16 article that 10 to 30 percent of Moscow's buildings were inaccessible to persons with disabilities. Likewise, only 8 percent of the city's 36,000 street crossings were completely equipped for the disabled.

There are laws establishing employment quotas for persons with disabilities at the federal and local levels; however, some local authorities and private employers continued to discourage such persons from working, and there was no penalty for failure to honor quotas. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government reportedly encouraged employers to hire persons with disabilities. However, according to the NGO All-Russia Society of Invalids, the number of persons with disabilities in the Moscow workforce fell from 72,500 in 2002 to 28,000 in 2007, a decline the NGO attributed to the 2002 elimination of tax benefits that encouraged employers to hire such persons. In December 2008 the NGO Perspektiva reported that the number of unemployed persons with disabilities nationwide had decreased to 85 percent from 90 percent in 2007. In September Perspektiva reported that the onset of the economic crisis had worsened employment prospects for persons with disabilities; however, Perspektiva had no statistics on the scope of the problem.

In 2008 the Ombudsman's Office reported that approximately 640,000 of the country's "invalids" were children. Authorities generally segregated such children from mainstream society through a system that institutionalized them until adulthood. Observers concluded that issues of children's welfare were often ignored and there were few means of addressing systemic problems of abuse. Human rights groups alleged that children with disabilities in state institutions were poorly provided for and, in some cases, physically abused by staff members. "Graduates" of state institutions also often lacked the necessary social, educational, and vocational skills to function in society. According to a 2006 report by the Prosecutor General's Office, half of the more than 600,000 children with disabilities in state care lacked medicines, hearing aids, and wheelchairs. The NGO Children's Rights confirmed in September that this situation had not changed.

There appeared to be no legal mechanism by which individuals could contest their commitment to a facility for persons with disabilities. The assignment of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signifies that a child is uneducable, were almost always irrevocable. Even the label "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including a lack of access to schools. According to the May Public Chamber study, only 3 percent of children studied under conditions analogous to mainstream students and 87 percent of higher education institutions did not accept students with disabilities.

Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. At the same time, an alternative "home program" was much inferior to school classes. The majority of teachers and administrators in schools and universities had little or no understanding of disability issues. Often parents of children without disabilities were averse to their children studying with children with disabilities.

NGOs cited some examples of courts ordering that children with disabilities be admitted to schools that initially refused them. For example, two children with disabilities in Petrozavodsk, Karelia, were denied permission to attend a preschool program because the preschool stated that it did not have the capacity to accommodate children with their disabilities. In a final decision in 2007, the Petrozavodsk court ruled that the children's right to education had been violated and that a local special school must be created (by the time of the verdict the children were of school age) to provide a satisfactory education program for the children.

According to government reports, of approximately 450,000 school-age children with disabilities, an estimated 200,000 did not receive any education. Of the 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools comprised only 3 percent of all schools, most children with disabilities could not study in the communities where they lived and were isolated from other members of the community.

The election laws contain no special provisions concerning the accessibility of polling places, and the majority of polling places were not accessible to persons with disabilities.

The mandates of government bodies charged with protecting human rights included the protection of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, appealed to the responsible agencies to remedy individual situations. Inspections by the Ombudsman's Office of homes for children with mental disabilities continued to disclose severe violations of children's rights and substandard conditions. In May the head of the Public Chamber's Commission on Social and Demographic Policy stated that by the end of the year, the government would spend 9.68 billion rubles (\$320 million) to support services for persons with disabilities throughout the country, adding that she did not consider this sum sufficient. There was no information available at year's end regarding actual expenditures.

#### National/Racial/Ethnic Minorities

The law prohibits discrimination based on nationality; however, government officials at times subjected minorities to discrimination. Recent years have seen a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, dark-skinned persons, and foreigners. Although the number of reported hate crimes decreased during the year, skinhead groups and other extreme nationalist organizations fomented racially motivated violence. Racist propaganda remained a problem during the year, although courts continued to convict individuals of inciting ethnic hatred by means of propaganda.

A number of studies released in March by independent NGOs and advocacy groups, such as the Tajik Migrant Workers Union, found widespread problems of unpaid laborers with no legal recourse.

Federal and local law enforcement personnel continued to target members of ethnic minorities disproportionately. Police reportedly beat, harassed, and demanded bribes from, persons with dark skin or who appeared to be from the Caucasus region, Central Asia, or Africa.

In Moscow authorities continued to subject dark-skinned persons to far more frequent document checks than others and frequently detained or imposed illegally large penalties on them for lacking documents. In a January raid, police

confiscated presents that migrants had bought as New Year's gifts for family members back home. During one of several raids on the Chelobityevo shantytown, where many migrant laborers were housed, police officers reportedly forced a dozen men to strip to their underwear in frigid temperatures when they could not produce a sufficiently large cash bribe.

Police often failed to record the abuse of minorities or to issue written citations to the alleged victims. Law enforcement authorities often targeted such persons for deportation from urban centers.

The Federal Migration Service announced in September that it had created a new center to assist migrant laborers with such tasks as putting documents in order to facilitate registration and permission to work. Service director Mikhail Tryukhin estimated that the center would be able to process 4,000 clients per day. At year's end it was too early to evaluate the effectiveness of the center.

There was no further information regarding the 2007 demolition by local authorities of the homes of several members of the local Romani community in Chudovo, Novgorod Oblast. According to a court decision, the construction of the homes was unauthorized as there were no proper deeds of ownership for the houses or land. In October Sochi Mayor Anatoliy Pakhomov proposed that Roma (whom he called "gypsies") and homeless persons should be forcibly employed as laborers at the Olympic construction sites on a round-the-clock basis.

In Bashkortostan authorities required applicants for new identity documents to state their ethnic origins, contrary to the constitution, which states that "nobody shall be forced to identify and state their ethnicity."

In September 2008 unknown persons abducted a 35-year-old Ingush man, Magomed Khamkhoyev, and held him captive in the basement of a cottage in northwest Moscow for several days. During that time he was reportedly beaten and tortured, but he managed to escape. An Ingush opposition leader later visited the cottage with police and was informed that it belonged to a military unit of the Defense Ministry. There was no indication that authorities were pursuing the matter.

Some officials appeared to stoke societal antipathy toward labor migrants from Central Asia by making statements imputing greater criminality to migrants than to Russian citizens. At the end of May, Investigative Committee head Aleksandr Bastrykin stated in an interview that migrants were to blame for the majority of crimes in society. At the end of 2008, hundreds of members of the Young Guard, a youth wing of the United Russia party, rallied in Moscow to demand expulsion of millions of non-Russian labor migrants.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly Asians and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Internal Affairs, neofascist movements had approximately 15,000 to 20,000 members, more than 5,000 of whom were estimated to live in Moscow. However, the ministry stated that if the category were expanded to include "extremist youth groups" in general, the number was closer to 200,000. In February the MBHR estimated that there were up to 70,000 skinhead and radical nationalist organizations operating in the country compared with a few thousand in the early 1990s. Skinhead groups were most numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. The three most prominent ultra-nationalist groups--the Great Russia party, the Slavic Union movement, and the Movement against Illegal Immigration (DPNI)--claimed, respectively, 80,000, 10,000, and 20,000 members. However, membership claims by these underground organizations were difficult to verify. Some military and law enforcement personnel openly sympathized with the DPNI, in some cases voluntarily guarding its events. On May 28, a Moscow court convicted Aleksandr Belov, former DPNI leader, of hate speech for an address he gave at a nationalist rally in 2007 that expressed hostility toward members of ethnic groups from the Caucasus region. The court gave him an 18-month suspended sentence; Belov resigned from the DPNI in April because of the charges.

Authorities registered a total of 12,900 racially or religiously motivated crimes during the year, which they stated was a slight decrease from 2008. According to the SOVA center, during the year 54 persons were killed and 294 injured in violent attacks by nationalists, a decrease of 51 deaths and 255 injuries compared to 2008. The MBHR reported 212 racially motivated attacks during the year, resulting in 68 deaths and 273 injuries (a decrease of 40 deaths and 90 injuries from the MBHR's reported amount in 2008). According to the SOVA Center, there were 30 convictions in the first six months of the year for ethnically or racially motivated crimes. The MBHR stated that during the year, 292 persons were convicted for crimes motivated by "aggressive xenophobia," of which 138 were imprisoned. In most cases the attackers wore skinhead attire or proclaimed nationalist slogans. In February *The Observer* reported that since 2004, racist attackers had killed more than 350 persons. As a result of the organization's antiracist activities, SOVA's directors received death threats from extremist organizations in a February letter that also threatened attacks on journalists and lawyers. At a press conference, SOVA representatives stated that they would send a copy of the letter to authorities; however, there was no response during the year.

Attacks during the year that appeared to be racially motivated included the February attack by three youths in St. Petersburg on an African student at the Bonch-Bruyevich telecommunications University. The student was hospitalized with head injuries and the attackers were arrested and charged with hooliganism.

On the evening of May 4, a group of skinheads used sticks and brass knuckles in an attack on an Indian restaurant near the Belorusskaya Metro in Moscow. The Web site *life.ru* reported that on the same evening, skinheads killed a police officer, but the police later denied that the killing had taken place. There were no further developments during the year.

On October 26, authorities found a young Kyrgyz man murdered on the Bolshoy Cherkizovsky street in Moscow. Unknown assailants had severely beaten him with a metal bar and had stabbed him. *Gzt.ru* reported that a new youth gang, targeting Asian migrants, was operating in the area, and had killed another young Kyrgyz man a week earlier. There were no arrests in the case.

There were no reports of arrests or prosecutions related to the following 2008 cases: the May skinhead attack on Kyrgyz and Vietnamese students at a Ufa university; the July incendiary attacks by masked perpetrators on a group of Tajik guest workers in Moscow, the November 4 attack on a Turkmen embassy official by 10 neo-Nazis, and the December 2008 attack near Moscow on two Tajik workers, one of whom was beheaded.

There were developments in ethnically motivated killings reported in previous years. In February the trial began of the Borovikov gang, whose members were charged with seven murders motivated by ethnic hatred between 2003 and 2006. Fourteen skinheads were involved, and nine were arrested. Of the two leaders of the gang, only Aleksey Voevodin would stand trial; the other, Dmitriy Borovikov, was shot and killed by militiamen when resisting the arrest in 2006. The case consists of 13 episodes of criminal activities of the gang. The trial continued at year's end.

On October 9, a jury found four members of the skinhead group, the "White Wolves," accused in 12 racist attacks (11 of them fatal) during 2006-07, guilty of murder but did not declare their actions to have been motivated by ethnic hatred. During the year court cases related to the 2006 ethnic rioting in Kondopoga, Karelia, continued, including the trials of six persons of Caucasus ethnicity charged in 2008 with murder, assault, or hooliganism.

In August the St. Petersburg branch of the Internal Affairs Ministry forwarded a case of possible racial incitement to a "linguistic expert" named Elena Kryukhina, a staff member of an official body that provided expertise for the courts. Kryukhina determined that slogans shouted by a group of 25-30 young persons who attacked and beat two teenagers with Asian appearances on February 14 did not represent examples of ethnic hatred. Kryukhina opined that the slogan "Russia for the Russians" did not constitute incitement and that the slogan "Beat the Blacks" might not be incitement, depending upon the motives of the persons who uttered it. In the ensuing uproar over this decision, the ministry stated that

it would have the case reexamined. One of the two victims of the attack, Tagir Kerimov, was in a coma for several months. In 2008 Kryukhina found the satirical animated television series "South Park" to be extremist, a decision that Moscow's Basmany Court threw out in June.

Police investigation of cases that appeared to be racially or ethnically motivated was frequently ineffective. Authorities were at times reluctant to acknowledge the racial or nationalist element in the crimes, often calling attacks "hooliganism." Many victims met with police indifference, and immigrants and asylum seekers who lacked residence documents recognized by police often chose not to report attacks. According to the SOVA Center, willingness to recognize crimes as hate crimes varied widely depending on the personal views of the local prosecutor; the center noted that the number of hate crimes prosecuted in Moscow increased significantly after a new prosecutor took office in 2008.

There were indications that the government was taking ultra-nationalism seriously as a potential threat to the social order. In March investigators expressed concern that ultra-nationalists, no longer consigned to the fringes of society, might include members with steady jobs as bankers and stockbrokers and consequently were gaining greater access to wealth and resources. In April a leading expert on the security services told Politkom.ru that in the context of the economic crisis, the Federal Security Service considered nationalism a threat to national security comparable to terrorism. A June report by SOVA noted that in addition to their more traditional targets, neo-Nazis were increasing their attacks on law enforcement personnel.

On August 4, Federal Security Service officers arrested Anton Mukhachev, one of the suspected cofounders of the extreme nationalist organization Northern Brotherhood and its Internet-based game "Bolshaya Igra," and charged him with incitement to ethnic hatred. Mukhachev remained in detention awaiting trial as of September. Many online nationalists expressed support for Mukhachev, with some threatening revenge against authorities.

Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious discrimination from ethnic discrimination (see section 2.c.).

Human rights organizations expressed concern that Romani children in the education system experienced discrimination. According to the NGO Anti-Discrimination Center Memorial, a number of schools refused to register Romani students on the grounds that they lacked documents, while others segregated Romani students or placed them in classes designed for children with learning disabilities because of their ethnicity.

#### Indigenous People

The law provides for support of indigenous ethnic communities, permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. In some regions local communities organized to study indigenous cultures and make recommendations regarding their preservation. Groups such as the Buryats in Siberia and ethnic groups in the far north (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as their right to benefit from the economic resources of their regions. Most asserted that they received the same treatment as ethnic Russians, although some groups asserted that they were not represented, or were underrepresented, in regional governments. Some indigenous groups claimed that they were denied profits from the exploitation of natural resources in their territories.

NGO reports from 2006 through the end of the year noted that indigenous minorities were adversely affected by wider government use of authoritarian methods of rule, harsher migration laws, campaigns against illegal migration, the increasing authority of law enforcement bodies, and a reduction in government support for minority-language media.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

While homosexuality was decriminalized in 1993, the gay and lesbian communities continued to suffer societal stigma and discrimination. Gay rights activists asserted that the majority of gay Russians hide their orientation out of fear of losing their jobs or their homes, as well as the threat of violence. Medical practitioners reportedly continued to limit or deny gay and lesbian persons access to health services due to intolerance and prejudice. According to recent studies, gay men were refused work due to their sexuality. Openly gay men were targets for skinhead aggression; police often failed to respond out of indifference. A few gay rights organizations operated but did so out of public view.

In March 2008 two youths killed a man they perceived to be gay. Police arrested both individuals and at year's end they remained under investigation.

On May 16, the gay rights organization Project GayRussia attempted to stage a gay pride parade timed to coincide with the annual Eurovision song contest hosted by Russia. Authorities arrested all 50 participants in the Sparrow Hills park before they could organize, releasing the majority on the same day and the remaining seven the following day. Organizer Nikolay Alekseyev had announced that the parade would take place downtown near Pushkin Square, a decoy that attracted some police and hostile counterdemonstrators. Moscow mayor Yuriy Luzhkov, who in the past had called homosexuality "satanic," told the television program "Facing the City" that "the morals of society" do not accept gay persons, to whom he referred using a slur.

Four days before the scheduled date of the parade, the Russian Orthodox Church Youth organization held a press conference to criticize it, calling it "spiritual terrorism." On the eve of the scheduled parade, the Communist Party Web site posted an article suggesting that persons should kill gay parade participants in the same manner that "healthy persons" killed lepers in the Middle Ages, to avoid being infected. A correspondent from *Kommersant* reported hearing a group of young men on the scheduled parade day describe in graphic detail the violence they hoped to inflict on parade participants. According to the reporter, a nearby police officer smiled upon hearing this. However, no violence took place during the event.

As of September Project GayRussia was awaiting a ruling from the ECHR regarding its complaint that Russian authorities had denied it a total of 155 permits for marches since 2006, for which the group was asking 1.7 million euros (\$2.4 million) in damages.

#### Other Societal Violence or Discrimination

Persons with HIV/AIDS often encountered discrimination. A federal AIDS law contains antidiscrimination provisions but was frequently not enforced. HRW reported that HIV-positive mothers and their children faced discrimination in accessing healthcare, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. In 2008 Project GayRussia succeeded in its campaign to persuade the Ministry of Health to cancel a ban on gay men donating blood. They began a new campaign during the year to persuade the Ministry of Foreign Affairs to end discrimination against foreign travelers with HIV-positive status, without success as of year's end.

#### Section 7 Worker Rights

##### a. The Right of Association

The law provides workers the right to form and join unions, but government policy limited its exercise. The Federation of Independent Trade Unions of Russia (FNPR) reported that approximately 45 percent of the workforce was unionized, a decline from approximately 55 percent over three years. However, the rate of decline reportedly slowed during the economic crisis as workers began to see unions as a mechanism for protecting their labor rights.

By law labor unions are independent of executive branch agencies, local government bodies, employers and employer associations, political parties, and other NGOs. Interference by government authorities in union activities is prohibited. According to labor activists, however, police interfered with union activities and in labor disputes. Unions in Leningrad, Tver, and Yaroslavl oblasts issued specific complaints. Police intimidation tactics against union supporters included demanding that they cease their activities, taking them to police stations for questioning, provoking physical confrontations and subsequently detaining them, and pressuring them to become informants.

The National Union of Mineworkers (NUM) continued to seek the release of Valentin Urusov, a Russian miner allegedly framed and imprisoned after recruiting workers to a union. According to the NUM, Urusov was sentenced to six years of hard labor on a fabricated charge of drug possession. He was an employee of Alrosa, a diamond mining company and became a target after an industrial dispute in July 2008 at Alrosa's mine in eastern Siberia. In May the Yakut Supreme Court released Urusov and ordered another investigation; however, in September the court upheld the conviction but reduced his sentence to five years. At year's end the prosecutor general was reviewing the case in response to a request by the Public Chamber.

Labor activists also alleged that the government tried to weaken independent unions by setting up competing unions that they could control. The All-Russia Union of Labor Unions (Sotsprof) received a 1.8 million ruble (59,520 dollar) civil society grant from the government and in October 2008 signed a protocol outlining areas of cooperation with the ruling United Russia party. Activists alleged that Sotsprof established its own unions at Ford and General Motors (GM) plants in Vsevolozhsk and St. Petersburg to compete with existing chapters of the independent Interregional Union of Autoworkers. According to Sotsprof, at year's end it had 1.5 million members across 72 Russian regions.

In February unidentified assailants attacked Yevgeniy Ivanov, the chair of the independent Interregional Union of Autoworkers' GM affiliate near his home. Prior to the attack, he received telephone threats, which he had reported to police, who took no action. No results were reported in the criminal investigation of the attack. In November GM terminated Ivanov under article 81 of the labor code for absence from work for more than four hours. According to Ivanov, he was present at the factory but refused to work while participating in an "Italian strike" (work to rule) over labor safety violations. In December Ivanov filed a request with the district court for the restoration of his position and monetary compensation. He remained chair of the union.

There were no reports that assailants who attacked Alexey Etmanov, the head of a local trade union and the co-chairman of the Interregional Union of Autoworkers twice in December 2008, were prosecuted, even though police apprehended the second assailant. Between the attacks the deputy chairman of the factory trade union received a telephone call informing him that the incident was a warning against the union's activities.

There were reports that both government agencies and private companies resisted employee efforts to form trade unions. In July the ECHR ordered the government to pay 80,000 euros (\$114,000) to members of the dockworkers union at the Kaliningrad Commercial Seaport in compensation for discrimination against union members and violation of their freedom of association. The court ruled that the government failed to provide effective judicial protection against discrimination. In 1997 the seaport pressured employees to relinquish their union membership in response to a strike for better pay, working conditions, and insurance benefits. The union members appealed to the ECHR after Russian judicial authorities refused to entertain their applicants' discrimination complaints.

The law provides the right to strike, but it was difficult to exercise. The majority of strikes were considered technically illegal because they violated one or more of a complex set of procedures governing disputes. According to the FNPR, the legal preparation for a strike takes at least 40 days. The law also requires the provision of a minimum level of essential services if a strike could affect the safety or health of citizens. article 413 of the labor code prohibits strikes in the military and emergency response services at any time. In addition, it prohibits strikes in essential public service sectors, including

utilities and transportation, or strikes that would threaten the country's defense and safety or the life and health of its workers.

The law prohibits reprisals against strikers; however, managements frequently engaged in reprisals, including threats of night shifts, denial of benefits, blacklisting, and termination. Courts may confiscate union property to cover employers' losses in the event that a declared strike continued after it was ruled illegal. Solidarity strikes and strikes on issues related to state policies are also prohibited. Most employers' requests to declare a strike illegal have been upheld by the courts.

In July labor union activists at the naval ship repair yard in Dunai, Primorskiy Krai, confronted shipyard authorities over five months of wage arrears. Owed 23 million rubles (\$760,000), the shipyard workers suspended work. Factory leaders paid the workers 15 million rubles (\$496,000) in an effort to end the action. Workers, however, extended the protest and demanded full payment. Factory leaders accused the labor union of violating the law and requested that the Prosecutor's Office investigate the labor union's activities. The shipyard's labor union claimed the action was a "break in work," which is legal in cases of wage arrears, rather than a strike. In August the Primorskiy Krai FNPR announced that all wage arrears had been paid and that the Military Prosecutor's Office of the Pacific Ocean Fleet had issued administrative reprimands to the shipyard authorities.

In August workers for AvtoVaz in Tolyatti, Samarskaya Oblast, held a rally to protest the suspension of production at the plant and a planned reduction in work schedules. Four days later an investigator from the company's security section visited the office of Edinstvo, the union that planned the event, to initiate a case against Piotr Zolotarev, Edinstvo's chair, for administrative violations. Subsequently, officials from the government's Department for Combating Extremism summoned Zolotarev for questioning. No further information was available at year's end.

According to the ITUC, the country's labor legislation permits only one collective agreement in any enterprise. While the FNPR had a union in almost every plant, the Interregional Union of Auto Workers and other independent unions were often the second, often the smaller, union in the companies where they operated.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining but favors larger, established unions over newer, smaller unions or professional "craft" unions. Employers were slow to recognize newly formed unions. In addition, they often accepted union requests for collective bargaining reluctantly and failed to provide union representatives with financial reports. In 2007 the FNPR reported that approximately 88 percent of its enterprises had collective bargaining agreements. However, during the year the FNPR noted that unions in approximately 20 percent of companies that had such agreements experienced difficulties in meeting or renewing the terms of their agreements.

The law prohibits antiunion discrimination, but at the local level managements continued to harass union leaders and employees. State agencies with responsibility for overseeing the observance of labor legislation frequently failed to fulfill their responsibilities. Although unions were occasionally successful in courts, the majority of managements that engaged in antiunion activities were not penalized.

In April labor activists reported that the Tolyattikauchuk company, in Tolyatti, Samara Oblast, placed Vladimir Zhilchenko, chair of the Nashe Delo union, and all of his deputies at the top of a list of workers it planned to terminate as part of a production optimization program. According to human rights activists, Nashe Delo was able to prove that the termination order was unlawful after appealing to the Federal Ecological, Technological, and Atomic Supervisory Service and the Prosecutor's Office. In December Zhilchenko confirmed that the union was actively functioning despite continued pressure from the plant's administration.

According to the ITUC, state registration authorities demand more from trade unions than from commercial organizations prior to accepting their registration.

In June employees of Volkswagen Group Russia in Kaluga Oblast conducted an "Italian strike" to protest unhealthy working conditions, including dangerously high temperatures in the workshop. Factory shift directors threatened to fire employees if they did not leave their union. One supervisor issued disciplinary violations based on false pretexts to employees who refused to quit the union.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. There were also reports that women, children, and men were trafficked for commercial sexual exploitation and for labor in the construction, manufacturing, and fishing sectors (see section 6).

Military personnel reportedly forced recruits into involuntary servitude for profit (see section 1).

In a study of migrant construction workers published in February, HRW documented numerous cases of forced labor. In all cases employers confiscated the workers' passports to coerce and confine them. Employers also withheld their wages, physically abused them, threatened to denounce them to the authorities, and induced indebtedness, which they then had to work to repay. HRW also documented incidents of police extorting and beating migrant workers and asserted that the executive or judicial agencies charged with addressing labor rights violations failed to investigate and ensure prosecution of violations effectively.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace, including laws against compulsory labor; however, authorities did not effectively implement laws and policies that would protect children, nor did the government appear to consider child labor to be a problem. In urban areas the employment of children occurred primarily in the informal sector--retail services, selling goods on the street, washing cars, and making deliveries. In rural areas children worked in the agriculture sector. In June the Federal Labor and Employment Service (FLES) reported 10,000 violations of child labor laws in 2008, noting that the victims often received little pay and suffered from unsafe working conditions. FLES noted that most of the abuses it discovered occurred in the industrial, trade, and agricultural sectors. According to FLES, employers paid 1.5 million rubles (\$49,600) in fines for violating child labor laws in 2008. Labor inspectors also corrected or created more than 300 labor agreements for minors encumbering legal positions for workers their age and cancelled more than 250 illegal terminations of minors.

Children's rights activists reported incidents of trafficking in children, particularly those living on the streets, for commercial sexual exploitation and other forms of street labor (see section 6). In 2008 the Ministry of Internal Affairs registered 223 crimes related to the dissemination of pornographic materials or items involving minors.

The law prohibits the employment of children under the age of 16 in most cases and regulates the working conditions of children under the age of 18, including prohibiting dangerous nighttime and overtime work. The law permits children, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten the child's health or welfare.

FLES is responsible for inspecting enterprises and organizations to identify violations of labor and occupational health standards for minors. Local police only investigated in response to complaints. Individuals as well as labor unions can file complaints.

#### e. Acceptable Conditions of Work

In January the legal minimum wage increased from 2,300 rubles (\$76) to 4,330 rubles (\$143) a month. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Monthly subsistence minimum wages, calculated by government agencies, averaged 5,083 rubles (\$168) in the first quarter of the year. In the same period, 24.5 million persons, or 17.4 percent of the population, earned less than the subsistence minimum, according to the government statistics service.

During the year wage arrears, which occurred primarily in the industrial processing, transportation, and construction sectors, greatly increased, owing to the financial crisis and companies' lack of funds. Arrears peaked at approximately 8.86 billion rubles (\$293 million) in May. Workers and unions responded by sending appeals to the public prosecutor to secure their unpaid wages and, on occasion, by staging protests, picketing or striking. By December arrears had decreased to approximately five billion rubles (\$168 million).

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period and requires premium pay for overtime or work on holidays. Information was insufficient to determine the extent to which employers observed these standards in practice.

The law establishes minimum conditions for workplace safety and worker health. The Federal Labor and Employment Service was responsible for enforcement. However, the government did not allocate sufficient resources to enforce these standards effectively. In August the Ministry of Public Health and Social Development reported that in 2008 more than 50 percent of workers labored in conditions that were harmful or dangerous to their health. In many cases factory workers did not have adequate protective equipment and clothing, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near flammable substances. FLES reported that occupational incidents caused more than 4,100 deaths in 2008 and that unsatisfactory working conditions directly or indirectly caused up to 40 percent of all diseases among workers. In 2008 the Health Ministry initiated a two-year program to improve working conditions and worker safety in an attempt to transition from a reactive policy to one of proactive management of hazards to workers' health.

The law gives workers the right to remove themselves from hazardous or life-threatening work situations without jeopardizing their continued employment; however, the government did not effectively enforce this right. Many companies employing workers in hazardous conditions awarded bonuses based on worker productivity, thereby encouraging workers to jeopardize their safety for higher salaries.

The law entitles foreign workers working legally in the country to the same rights and protections as citizens. However, HRW noted in a May report that many employers in the construction sector, where migrant workers were often employed did not enforce safety standards, nor did they provide migrant workers with mandatory insurance or medical treatment for work-related accidents.