

DEFENDING HUMAN RIGHTS

Human Rights Watch received no reports of interference with the work of rights groups in 2001.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Organization for Security and Cooperation in Europe (OSCE)

Despite holding the chairmanship of the OSCE during 2001, Romania's penal and civil codes continued to violate the standards of free expression set by that body. Romania hosted the OSCE Conference on Roma and Sinti Affairs from September 10 to 13.

European Union

The European Parliament's report on Romania's application for E.U. accession welcomed Romania's intention to accelerate negotiations concerning membership but sharply criticized its lack of progress in meeting human rights standards, notably on the rights of children and minorities. The European Commission's 2001 regular report on Romania's progress toward accession recognized significant reforms since the 2000 report, but also urged continued progress, particularly toward implementation of the Roma strategy and antidiscrimination legislation.

United States

The U.S. State Department's first annual report on trafficking in persons categorized Romania as a "Tier-3" country, an indication that it had failed to make significant efforts to bring itself into compliance with minimum international standards. In May, the U.S. Agency for International Development awarded a grant to help fight domestic violence and child abuse in two counties in Romania.

RUSSIAN FEDERATION

HUMAN RIGHTS DEVELOPMENTS

The ongoing conflict in Chechnya and heated debates about press freedom dominated the year. Forced disappearances, torture, and extrajudicial executions by Russian forces were continuing hallmarks of the Chechnya conflict, while Chechen rebel fighters increasingly targeted for murder Chechen civilians seen as

cooperating with the Russian government. The media landscape in Moscow underwent major changes as media conglomerate Media Most crumbled. President Vladimir Putin revived movement on judicial and criminal justice reform, which had been stalled for years. The proposed reforms, however, did not fully address the entrenched problems of police torture and prison overcrowding.

The situation in Chechnya remained deadlocked, with more than 75,000 Russian troops deployed in the republic, unable to root out rebel forces. In January, President Putin transferred command over the Chechnya operation from the Ministry of Defense to the Federal Security Service (FSB), and announced a gradual withdrawal of troops. The withdrawal halted in May after 5,000 troops had left the republic.

The new military strategy announced by President Putin, involving small operations against specific rebel leaders, did not affect the conduct of Russian forces with regard to Chechen civilians. They conducted numerous large-scale and targeted sweep operations, detaining countless men, often arbitrarily, looting the homes of civilians, and often wantonly destroying their property. Detainees routinely faced ill-treatment and torture. Many detainees “disappeared,” with the bodies of some later discovered in unmarked graves.

The sweep operations in Alkhan-Kala, just southwest of Grozny, were paradigmatic. During a June 19 to 25 operation, which resulted in the death of notorious rebel leader Arbi Baraev, federal forces summarily executed at least six men and detained hundreds, many of whom later reported severe beatings. A sweep in late April resulted in the “disappearance” of twelve men.

The July sweep operations in the villages of Sernovodsk and Assinovskaia, in western Chechnya, were of unprecedented harshness. In response to a mine explosion that killed several policemen, soldiers detained hundreds of villagers, often without even asking for their identity papers. Many were later severely beaten and tortured with electroshock.

Russian forces also commonly detained people outside the context of sweep operations who then “disappeared.” In January, for example, police detained Zelimkhan Muralov in Grozny and took him to a local police station. He has since then been unaccounted for.

In 2001, villagers found numerous unmarked graves containing the corpses of people last seen in Russian custody. The largest—containing fifty-one bodies—was discovered near the main Russian military base in February. Law enforcement agents botched the subsequent investigation. At least sixteen of the people whose bodies were found there and identified had last been seen in Russian forces’ custody. Some of the bodies found in this and other unmarked graves showed clear signs of torture.

Chechen fighters were widely believed to be responsible for a wave of assassinations of local civil servants and religious leaders who were reportedly targeted for their cooperation with the Russian government. In 2001, those murdered included at least eighteen leaders of district and town administrations, at least five religious leaders and numerous Chechen police officers, teachers, and lower-ranking civil servants. Several attempts were made on the life of Akhmad Kadyrov, the head of the pro-Russian administration of Chechnya, and one of his deputies was killed.

On January 9, masked gunmen kidnapped humanitarian aid worker Kenneth Gluck, of Médecins sans Frontières, on a road near Starye Atagi. Upon his release, about three weeks later, Gluck's captors handed him a letter signed by rebel leader Shamil Basaev calling the kidnapping a "mistake." On April 18, gunmen in Alkhan-Kala opened fire on Viktor Popkov, a leading Russian human rights activist. Popkov died six weeks later from his wounds. People close to Popkov believe Chechen fighters were involved in the attack.

About 140,000 internally displaced persons from Chechnya remained in Ingushetia, many in squalid conditions, despite strong pressure from the federal government to return to Chechnya. Those interviewed by Human Rights Watch in July 2001 cited poor security guarantees as the main reason for not returning to Chechnya.

The Russian government continued to resist a meaningful accountability process for human rights violations committed in Chechnya, although the number of investigations rose significantly in 2001. In April, a joint Council of Europe-Russian Duma working group compiled a list of 358 criminal investigations into alleged abuses against civilians. But only about 20 percent of the cases were under active investigation; more than half had been suspended. In "disappearance" cases as many as 79 percent of the investigations had been suspended. The criminal investigations list did not include a single case of torture or ill-treatment. Very few abuse cases had progressed to the courts. Courts issued guilty verdicts against servicemen in eleven cases, five of which resulted in prison sentences.

The only trial against a high-ranking military official, for the murder of a Chechen woman in March 2000, seemed set to end in a minimal sentence. In September, a psychiatric institution found that Col. Yuri Budanov was "emotionally distressed" at the time he murdered Elza Kungaeva, allowing the charge to be reduced to manslaughter and opening the way for him to be amnestied. Earlier, prosecutors had dropped a rape charge despite convincing evidence that she had been sexually assaulted.

Media freedom continued to be under attack in Chechnya. Several journalists were briefly detained or punished for their independent reports, and strict limitations on access to Chechnya for journalists remained in force throughout the year.

On February 21, federal forces detained Anna Politkovskaya of *Novaia Gazeta* (The New Gazette) in Khatuni while she was investigating abuses. Russian forces interrogated her and kept her overnight in a basement on a military base. In December 2000, a court in Dagestan found Andrei Babitskii, a Radio Liberty correspondent who had been detained in Grozny in 2000, guilty of carrying a falsified passport (his captors had not returned his Russian passport) but amnestied him. The Ministry of Press delivered several warnings of possible sanctions to Moscow newspapers and the NTV television station for publishing interviews with rebel leaders.

On November 21, 2000, unidentified gunmen speaking Chechen shot dead freelance cameraman Adam Tepsurkaev in Alkhan-Kala. Tepsurkaev had shot extensive footage of Russian soldiers abusing Chechen civilians. Russian soldiers had earlier detained and tortured Tepsurkaev's younger brother, demanding that Adam Tepsurkaev turn himself in to Russian authorities.

In December 2000, Chechen rebels in Georgia's Pankisi gorge briefly detained

three Georgian television journalists on suspicion of cooperating with Russian intelligence services.

During a year of heated debates about press freedom, the media landscape in Moscow underwent major changes as media conglomerate Media Most crumbled. As of this writing, the nationwide broadcast media transmitted a variety of political views.

At the heart of the debates about press freedom were the stormy and convoluted events concerning Media Most and its outlets, in particular its television station, NTV, and radio station, Ekho Moskvyy. In April 2001, NTV, the country's largest nonstate-owned television station, came under control of Gazprom, a colossal gas company that is partially owned by the state. The procuracy launched new charges of financial malfeasance against Media Most owner Vladimir Gusinski, and tried, unsuccessfully, to secure his extradition from Spain.

Prosecutors questioned several top Media Most officials and detained its financial director on embezzlement charges. By mid-February, company officials claimed prosecutors and the tax police had conducted no fewer than thirty raids on its offices since the investigation into Gusinski's affairs began in mid-2000.

Gazprom started its bid to take over NTV when Media Most failed to repay a loan worth several hundred million U.S. dollars. After months of bitter controversy, the two sides reached an agreement whereby the gas giant would not obtain a controlling stake in NTV. However, in early 2001, Gazprom obtained a controlling stake after all when a court froze part of Media Most's shares. In April, Gazprom ousted NTV's board and appointed its own executive director. Part of the NTV team left the company in protest. Gazprom also ordered the closure of Media Most's flagship newspaper, *Sevodnya* (Today), and fired the entire editorial team of its weekly newsmagazine, *Itogi* (The Results).

As of October 2001, the fate of Russia's most popular radio station, Ekho Moskvyy, remained undecided. The station's staff had threatened to resign should Gazprom obtain a majority stake. Gazprom, which owned a 52 percent stake, had promised in July to sell 9.5 percent to Ekho Moskvyy staff, but by October 2001 the transaction had not taken place.

While Gazprom had legitimate business interests at stake in Media Most, the manner in which it gained control over NTV and the vigor and selectivity of law enforcement agencies' pursuit of Media Most and its owner strongly suggested a political motivation for the takeover. Gusinski had been a vociferous opponent of President Putin.

In Russia's regions, journalists and media outlets continued to face violent attacks—the Glasnost Defense Foundation reported that by late May 2001 at least five journalists had been murdered and thirty-nine violently attacked—but in many cases it was impossible to determine whether attacks were politically motivated. Some journalists in the regions faced prosecution for their professional activities.

In April, police in Belgorod detained journalist and parliamentarian Olga Kitova on charges of slander. Several months earlier Kitova had published an article in *Belgorodskaya Pravda* accusing police officers of torturing several teenagers into confessing that they had sexually molested a classmate. When police tried to bring Kitova, who enjoyed immunity as a member of the local parliament, to the precinct

for questioning, she resisted and was, as a result, also charged with resisting arrest and beating police officials. In May, prosecutors released Kitova on her own recognition. As of this writing, a local court was examining the case.

The FSB continued to chill freedom of expression and academic freedom by pursuing espionage cases involving material that defendants claimed was declassified. In July, military journalist Grigorii Pasko went on trial on espionage charges, after Russia's Supreme Court overturned a 1999 ruling by a Vladivostok court acquitting him. The Vladivostok court had excluded several pieces of evidence, citing falsification by the FSB. Pasko was accused of passing state secrets on the combat readiness of the Russian Pacific Fleet to the Japanese media. As of October 2001, the trial was ongoing.

The trial of Igor Sutyagin, a security and arms control researcher at the U.S.A. and Canada Institute, continued. The FSB arrested Sutyagin in 1999, charging him with passing state secrets to two employees of a British consultancy firm. However, according to his lawyers, Sutyagin never had access to classified materials and had only collated materials available in the public domain.

The FSB brought espionage charges against academic Valentin Danilov, head of the Thermo-Physics Center at a university in Krasnoyarsk. Following the scientist's arrest on February 16, the FSB charged Danilov with passing to a Chinese company state secrets relating to satellite technology. In an open letter to the procuracy, twenty of Danilov's colleagues maintained the information had been declassified in 1992. Danilov's trial was expected to start in late 2001.

The espionage conviction of former diplomat Valentin Moiseev also raised fair trial concerns. The Moscow City Court found Moiseev guilty after erratic court proceedings in which three different judges started hearing the case before being removed from it without clear explanation. A fourth judge eventually sentenced Moiseev to a four-and-a-half-year prison term in August.

In a move that could potentially restrict academic freedom, the presidium of the Russian Academy of Sciences in June issued a directive ordering research institutes to exercise "constant control" over scientists' cooperation with foreigners to avoid espionage. Although the directive did not contain any provisions that explicitly restricted academic freedom or freedom of expression, to many, the foregoing espionage cases indicated that the directive might in practice be applied arbitrarily.

In Moscow, racist attacks by skinheads—extremists known for their shaved heads and violence—continued to be a serious problem, as did racist police harassment. Although President Putin sharply and repeatedly condemned racist violence, his statements were undermined by the absence of efforts to hold police accountable for their harassment of ethnic minorities.

Police routinely extorted bribes from ethnic minorities, particularly Chechens, if their victims lacked a *propiska*, the obligatory residence permit. Police continued to plant ammunition, explosives, or narcotics on Chechens, often seeking large bribes in exchange for not pressing charges.

In late October, a group of skinheads stormed a bazaar on the outskirts of Moscow, killing two vendors from the Caucasus in what appeared to be a racially motivated attack. Police attributed the violence to "hooliganism" after Spain's defeat of Moscow's soccer team. Skinhead violence erupted in April around Adolf

Hitler's birthday, when a group of about 150 skinheads attacked an Azerbaijani market in southwestern Moscow and beat many of the vendors. The next day, skinheads taunted and stabbed to death a young Chechen man in central Moscow.

In August, a group of Russian teenagers, using broken bottles and baseball bats, attacked six African asylum seekers near an office of the United Nations High Commissioner for Refugees in Moscow. One of the Africans died of his wounds several weeks later. A week after the incident, two teenagers warned the U.N. office that "they would . . . declare a real war against the Africans."

Russian law enforcement agencies continued to cooperate with Central Asian governments seeking the extradition of political dissidents in Moscow. In June 2001, police arrested religious dissident Nodir Aliev, who was then extradited to Uzbekistan and sentenced to a seven-year prison term on charges of "undermining the constitutional order" of Uzbekistan. Also in June, police detained Tajik journalist Dodojon Avotulloev on an extradition request from the Tajik government, which sought to prosecute him for insulting the president of Tajikistan. After a week of intense international pressure, the Procuracy General denied the extradition request and released Avotulloev.

For the first time in years, the State Duma seemed set to pass a package of laws that would reform Russia's judiciary and criminal justice system. However, the proposed reforms did not adequately address major rights issues, such as torture and ill-treatment in police stations, overcrowding in prisons, and state indifference to domestic violence and rape.

In June, the State Duma passed a draft criminal procedure code in its second reading, the last step before final adoption. If adopted and signed into law, the code would introduce some long-awaited changes, such as a transfer from the procuracy to the judiciary of the authority to approve arrest and search warrants. However, the draft omitted steps that would help combat torture; for example, detainees would still require a prosecutor's consent for a forensic medical examination. Also, the draft code allowed for law enforcement agencies to seek signed statements from suspects before explaining their rights to them.

The State Duma also adopted amendments to several laws on the judiciary to introduce jury trials throughout Russia and to combat corruption among judges. Under the amendments, jury trials would be introduced in all eighty-nine regions of Russia by 2003. Draft amendments would also facilitate the prosecution of corrupt judges. However, some legal experts warned that the amendments made judges more susceptible to political pressure.

Although Penal Reform International reported that overall numbers of inmates in Russian prison facilities had decreased, overcrowding in pretrial detention remained severe. An important initiative that would have relieved overcrowding by limiting pretrial detention to one year failed, due to resistance from the procuracy.

In the first half of 2001, public officials undermined Russia's moratorium of the death penalty. Russia's justice minister and some members of the State Duma called for the restoration of capital punishment, and an army general called for the public executions of Chechen rebel leaders. However, President Putin very firmly spoke out against the death penalty in July.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

For a second consecutive year, the U.N. Commission on Human Rights in April adopted a resolution expressing grave concern about human rights violations in Chechnya. The resolution strongly condemned the use of disproportionate force and serious human rights violations by Russia's forces. It called on Russia to investigate all violations of international human rights and humanitarian law, to establish a national commission of inquiry, and to extend invitations to several U.N. special mechanisms. Notably, it fell short of calling for an international commission of inquiry.

At the commission's September 25 session, U.N. High Commissioner for Human Rights Mary Robinson spoke about Russia's noncompliance with the resolution, specifically its failure to create a national commission of inquiry and to issue invitations to special mechanisms. The Russian delegation responded that the Russian Federation does not consider itself bound by the resolution.

In October 2000, the U.N. Human Rights Committee issued its first ruling against Russia since that country recognized in 1991 the individual right to petition. It found that Russian citizen Dmitry Gridin's right to a fair trial had been violated in his 1990 conviction for rape and murder and urged his immediate release from prison.

Organization for Security and Cooperation in Europe (OSCE)

On June 15, the OSCE Assistance Group returned to Chechnya, opening its office in Znamenskoye after working from Moscow for more than two years. The Assistance Group had received a considerable number of human rights complaints and worked with the office of the special representative for human rights in Chechnya, other Russian authorities, and human rights nongovernmental organizations. The failure by the OSCE to make full use of its human rights mandate and to commit sufficient staff to the Assistance Group undermined its effectiveness.

Council of Europe

The Parliamentary Assembly of the Council of Europe continued to monitor closely the situation in Chechnya. In January, it restored the Russian delegation's suspended voting rights, opting for engagement over exclusion. The assembly established a joint working group made up of European and Russian parliamentarians to monitor Russian compliance with Council of Europe requirements. In April, the joint working group provided the assembly with an exhaustive list of all investigations into crimes against civilians committed by servicemen and members of special police forces, an important contribution toward transparency in the accountability process. In July, assembly president Lord Russell-Johnston expressed his concern about continuing abuses. In September, the joint working group

reported on Russia's failure to comply with the January assembly resolution and its dissatisfaction with Russian investigations into alleged abuses.

Council of Europe Human Rights Commissioner Alvaro Gil-Robles visited Chechnya in February and pressed the Russian government on investigations into rights abuses. However, he chose not to investigate a mass grave near the Khankala military base, discovered days before his arrival in Chechnya. He opted instead to urge the authorities to share information on the investigation with the office of the president's representative on human rights in Chechnya.

The secretary general of the Council of Europe, Walter Schwimmer, also repeatedly criticized the Russian government for the lack of prompt investigations into human rights abuses in Chechnya.

The Committee for the Prevention of Torture issued a rare public statement strongly criticizing Russia's lack of cooperation with the committee's recommendations. The statement specifically addressed Russian authorities' failure to carry out a thorough and independent inquiry into alleged abuses at the Chernokozovo detention facility in 2000 and to prosecute cases of ill-treatment of detainees in Chechnya.

The European Court of Human Rights declared admissible two applications against Russia for the first time since Russia's accession to the Council of Europe in 1996.

European Union

The European Union wavered on human rights in Chechnya in 2001. In April, the European Union tabled a draft resolution on Chechnya at the U.N. Commission on Human Rights but then tried to negotiate a much weaker chairman's statement. When the United States forced a vote on the draft resolution, the European Union voted in favor. At two E.U.-Russia summits, the European Union reportedly discussed Chechnya issues behind closed doors, but avoided mentioning them in public statements.

In December 2000, the European Parliament passed a resolution on the implementation of the E.U. Common Strategy on Russia. It called for a "double-track" strategy of collaborating with Russia on strengthening the rule of law and democratic structures while "whenever necessary, explicitly condemning human rights violations and the disproportionate use of force, as in the case of Chechnya."

U.K. Prime Minister Tony Blair and German Chancellor Gerhard Schroeder undermined the European Union's efforts in Geneva, repeatedly praising President Putin's leadership but neglecting publicly to raise abuses in Chechnya, including Russia's failure to comply with E.U.-sponsored U.N. resolutions. Following the September 11 attacks in the United States, Chancellor Schroeder called for a "reevaluation" of world opinion on the Chechnya conflict.

United States

The Bush administration repeatedly expressed concern over press freedom in Russia in early 2001 and played a critical role in bringing the Chechnya resolution

to a vote the resolution at the Commission on Human Rights in April. However, once the resolution had passed, the Bush administration missed key opportunities to press for Russia's compliance with the resolution's requirements.

In June, President Bush and President Putin held their first summit in Slovenia at which Bush declared his support for Putin's leadership, and forfeited the opportunity to publicly ask for Russia's compliance with the U.N. resolution. Subsequent summits brought no U.S. public criticism of the conduct of the Chechnya campaign.

After the September 11 attacks, the United States actively sought Russia's support for its response. While the administration continued public criticism of the abuses in Chechnya, it did little more to bring Russia to pursue a more vigorous accountability process.

Relevant Human Rights Watch Reports:

Burying the Evidence: The Botched Investigation into a Mass Grave in Chechnya, 5/01

The "Dirty War" in Chechnya: Forced Disappearances, Torture, and Summary Executions, 3/01

SLOVAKIA

HUMAN RIGHTS DEVELOPMENTS

Slovakia made progress during 2001 in its efforts to join the first wave of candidate countries for European Union accession, but its human rights record remained uneven. Roma faced continued violence, discrimination, and police abuse, occasionally with fatal consequences. The state response to discrimination was inadequate, with Roma, gays and lesbians, and domestic violence victims lacking full legal protection. A punitive criminal defamation law impinged on free expression. Reforms were also needed to curb the trade in weapons with human rights abusers.

The July death of a Roma man in police custody demonstrated the vulnerability of Slovakia's Roma population. The deceased, Karol Sendrei, and his two sons were detained after a July 5 altercation between Sendrei and the local mayor in Magnezitovce, in which the mayor and his police-officer son seriously assaulted Sendrei. Following their arrest, Sendrei and his sons were handcuffed to a radiator at the police station in nearby Revuca and beaten throughout the night. Sendrei died from his wounds. Seven people were arrested in connection with the incident, including the mayor and his son, who were charged with causing the death, and two other police officers who face abuse of power charges.

Despite the arrests and assurances from the interior minister that he would