

RUSSIA

CRIME OR SIMPLY PUNISHMENT? RACIST ATTACKS BY MOSCOW LAW ENFORCEMENT

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INTRODUCTION

Russian society has been hit hard in recent years by destabilizing changes. An unprecedented wave of crime, population shifts, and crises related to economic transition have raised the urgent need for a sense of control – and for someone to blame. Increasingly, the scapegoat in both public perception and state policy is people of color.¹ A Human Rights Watch/Helsinki investigation has revealed that law enforcement authorities in Moscow, the capital of the Russian Federation and by far the largest city in the Commonwealth of Independent States, are not only failing to uphold Russia's obligations to fight racial discrimination² but indeed, for approximately the past three years, have been conducting a campaign of harassment and brutality against dark-skinned people. State-sponsored abuse includes restriction of freedom of movement, including arbitrary detention, arbitrary house searches and invasion of privacy, extortion, and physical assault.

¹ For the sake of simplicity, this report will use the terms “people of color,” “dark-skinned people” or “ethnic minorities” to refer to this group to distinguish them from people of the fair complexions and features typical of Slavs. There are no reliable statistics about the number of non-Slavs currently living in Moscow.

² The Russian Federation is bound to uphold protections against racial discrimination through its obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on the Elimination of All Forms of Racial Discrimination, among other human rights instruments. The Constitution of the Russian Federation, adopted in 1993, also mandates anti-discrimination protections.

Ethnic minorities currently living in Moscow include citizens of the Russian Federation; residents of other nations of the Commonwealth of Independent States; foreign diplomats, businessmen, journalists and students; refugees; asylum-seekers; and illegal aliens.³ Foreign nationals, with the prime exception of citizens of the CIS, must obtain visas to enter the Russian Federation, and their residence is controlled accordingly. Article 5 of the Minsk Treaty, which created the Commonwealth of Independent States on December 8, 1991, guarantees open borders among signatory parties, and Article 1 of the Bishkek Agreement of October 9, 1992, guarantees the right of CIS citizens to enter, leave and move about the territory of other CIS countries.⁴ Article 12 of the International Covenant on Civil and Political Rights (ICCPR), to which the Russian Federation is signatory, also stipulates that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Article 12 (3) protects that right from discriminatory application by requiring that an exception may not violate the right to freedom from discrimination, enshrined in Article 2 (1) and Article 26 of the same Covenant. A state may effect limitations on freedom of movement for individuals legally within its territory, such as limitations outlined in Articles 1 and 4 of the Bishkek Agreement,⁵ only when it has officially declared a state of emergency, and then only in accordance with Article 4 of the ICCPR⁶ and when there is a clear and legitimate connection between the nature of the danger which precipitated the state of emergency and the identity of the individuals whose right to free movement is being restricted. Thus, provided that the citizens of other CIS countries have entered the Russian Federation legally, the citizens of the following countries enjoy freedom of movement and the right to choose their residence in the Russian Federation and, by extension, Moscow: Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Unless indicated otherwise here, an individual quoted in this report said to be from any of these countries is a citizen of that country.

Since the Russian government has failed to provide adequate procedures for processing asylum-seekers, it has made it all but impossible for the small proportion of people whose legal status has yet to be confirmed — some of them people of color — to either acquire permanent legal status or be deported on the basis of a court ruling.⁷ Therefore, of the dark-skinned minorities living today in Moscow, the Russian

³ It should be noted that almost all these people speak functional or fluent Russian.

⁴ Article 1 stipulates that “Citizens of the Parties have the right to enter, leave and move about the territory of the Parties without visas, possessing documents certifying their identity or confirming their citizenship” (unofficial translation).

⁵ Article 1 stipulates that “the procedure for entry, exit and movement of foreign citizens and stateless persons with permanent residence on the territory of a Party is regulated by the laws of each of the Parties” (unofficial translation). Article 4 states that “the provisions of the current Agreement do not cast doubt on the right of Parties to adopt special measures to protect their citizens and territory against emergency circumstances, including in situations that threaten their safety. In this case, the movement of a CIS citizens and a stateless without visas does not exclude the right of the Parties to effect a corresponding passport [regime] or other forms of control” (unofficial translation).

⁶ Article 4 states that “In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.”

⁷ Sociological survey conducted by VTsIOM, cited in *Monitor* (Washington, D.C.), Volume VI, No. 3, 1995, p. 10. Likewise, 56 percent of respondents named crime as their primary concern in Russian life; “crime” was the most

government has the right to identify and punish only illegal aliens for their presence in the city. Arbitrary detention, extortion and physical assault by police officers and arbitrary detention are prohibited in all circumstances.

Law enforcement agents responsible for the abuse are the militia (police) officials; Ministry of Interior special forces, known in Russian as OMON;⁸ and road patrol officers, known in Russian as GAI.⁹ Although no reliable statistics are available,¹⁰ it appears that the most frequent victims of state-sponsored, ethnically motivated attacks are people from the Caucasus Mountains (Armenians, Azerbaijanis, Chechens, Georgians, Kurds and others); the Middle East and Central Asia (Arabs, Iranians, Kurds, Afghans and Tajiks); the Asian subcontinent; and Africa. There also appears to exist a rough correlation between skin color and abuse: the darker the skin or less Slavic the features a person has, the worse the treatment is by law enforcement officials.¹¹ As a rule, men receive far worse treatment than women. The result of the campaign of harassment is that people of color residing in or visiting greater Moscow have been killed, injured, terrorized, humiliated, deported from city limits, forced to keep themselves under *de facto* house arrest and otherwise limit their movement, and, ultimately, leave Moscow — perhaps the unspoken goal of the campaign.

Government authorities have not only failed to condemn and stop the campaign but, in some cases, have passed legislation on the federal and municipal levels which has laid the groundwork for the racially biased crackdown. Beginning in 1993, Moscow authorities have adopted and enforced a series of residence requirements¹² — a legacy of totalitarian control wielded during the Soviet period — which dark-skinned people disproportionately will be caught breaking. In 1991, a Russian court ruled residence permits a violation of the internationally recognized right to freedom of movement and therefore illegal, yet local law enforcement bodies continue to uphold the requirements in Moscow and other places in Russia. Moscow authorities have also actively enforced federal anti-crime legislation in a way that discriminates against dark-skinned people.

Enforcement of residence permit requirements and police brutality and corruption infringe the rights of all people, regardless of race. However, Human Rights Watch has documented that these human rights violations, as perpetrated by Moscow's law enforcement agencies, victimize dark-skinned people disproportionately. Similarly, while racial discrimination appears to be on the rise generally throughout the Russian Federation, Human Rights Watch focuses special attention on Moscow — with a population of some nine million people, Moscow is a magnet for many people in the Commonwealth of Independent States and elsewhere — because local legislation and law enforcement practices there have created a particularly hostile environment for dark-skinned people.

To understand the alarmed and xenophobic mood reigning today in Moscow it is important to note that many Muscovites, including some dark-skinned people interviewed by Human Rights Watch/Helsinki who are themselves subjected to law enforcement "checks," view the restrictions as necessary to maintain law and order

⁸ *Otriady militsii osobogo naznacheniiia* or Special Assignment Police Forces.

⁹ *Gosudarstvennoe agenstvo avtomobil'noi inspeksii* or State Agency for Automobile Inspection.

¹⁰ According to the Ministry of Internal Affairs, Russian law prohibits keeping records of the ethnic backgrounds of criminal detainees. Letter to Human Rights Watch/Helsinki, August 8, 1995.

¹¹ The Caucasus Mountains run across the Russian Federation's southern border, adjoining it with the Republics of (from west to east) Georgia, Armenia and Azerbaijan. The republics of the Russian Federation within the Caucasus range are (from west to east) Karachaevo-Cherkassia, Kabardino-Balkaria, North Ossetia, Ingushetia, Chechnya, and Dagestan.

¹² See Residence Permit Requirements (*Propiska*) below.

and protect the social privileges enjoyed by long-time Moscow residents. They refer to law enforcement's crackdown against dark-skinned people in Moscow as a human rights "compromise": sacrificing some individual freedoms in order to preserve the collective right of "true" Moscovites (ethnic Russians) to law and order.¹³

Scores of independent testimonies gathered by Human Rights Watch/Helsinki representatives paint the following picture of typical racially discriminatory abuse by Moscow law enforcement officials: identification check, search, degrading treatment, extortion or illegal seizure of property, detention, and beating. Those detained may undergo part or all of the elements of this general scenario; this scene is played out hundreds of times per day on the streets of Moscow. Some victims report being subjected to such "checks" as often as ten times per day. They report being fined about half of the time, each time for approximately US\$5-\$20 (the average monthly wage in Russia as of this writing is about US\$100, and higher in Moscow); detained at the police station as often as once per day, each time taking between thirty minutes and five hours; and beaten, as often as three times per day. In some "checks," authorities cite a violation of the residence permit (in Russian, *propiska*) regime to justify the detention; in other cases, they cite some other regulation, such as a traffic violation or suspicion of illegal possession of drugs or weapons or involvement in organized crime. In an overwhelming number of cases, no formal charges are brought against the detainee.

Typically, police or traffic patrol officers stop a young, dark-skinned male on the street or in the metro, and ask him to present documents that prove he is in Moscow legally. If the person has no such documents on him, and very often even if he does, he is made to come to the police station. There or on the way, the police intimidate, insult and often beat the detainee until he pays a fine for an alleged violation of the residence system or other infraction. If the detainee does not produce enough money, he is often locked in a cell until he can bring in a relative or friend to pay it -- a process which can take between several hours and several weeks, and which is usually accompanied by threats and intimidating and degrading treatment by the detaining officers. Typically, no receipt of the payment of the fine is given and no charges are lodged.

Special militia forces, such as the OMON, will also conduct group "checks". These usually take the form of raids on places where dark-skinned people are known to spend time: private homes, market places, dormitories and hotels. Typically, the forces storm the place in army uniforms and sometimes in masks, brandishing automatic weapons, round up dark-skinned people without checking their documents, and kick and beat them with their boots, fists and rifle butts. They sometimes herd the detainees into waiting buses, make them lie down in human stacks, and beat them with night sticks and rubber truncheons or shock them with cattle prods, then take any money and valuables they have on them and release them without charges or receipt for payment of fines. In private homes, officers sometimes enter and search the home, often threatening the residents, and destroy or steal property. Presidential Decree No. 1226 of June 14, 1994 obviates the need for either a search or arrest warrant for such raids. The only determination needed is that the officers believe there is "sufficient evidence" that the suspect has broken a law. Often a person's race is the only "evidence" deemed necessary to prompt law enforcement agents to enter a home.

Numerous victims have been forced to develop "survival behavior" to minimize the risk of abuse: They shave cleanly and regularly so as to look as light-skinned as possible; ride in private cars rather than use public transportation; locate the police visually at all times and walk as far from them as possible; pay the police right away when asked, whether they are paying a fine or a bribe; and never resist, do not fight back, or submit

¹³ A June 1995 independent poll revealed that 90 percent of Muscovites surveyed are "extremely worried" about the level of crime. At the same time, 60 percent of them "completely approved" of the actions of Mayor Luzhkov. *Kuranty* (Moscow), August 8, 1995, pp. 4-5; cited in FBIS-SOV-95-164-S, August 24, 1995, p. 56 and p. 51, respectively.

complaints to the police or otherwise publicize the abuse against them. Some dark-skinned individuals who live in groups elect the least dark-skinned among them to run errands for all of them in order to minimize the chance of abuse. For some, the only survival tactic is to leave Moscow; countless people have left the city because they could no longer tolerate the harassment, humiliation and monetary loss of being dark-skinned in Moscow. Many others do not dare leave their homes for months at a time because they fear harassment and arrest on the street where law enforcement agents patrol and because they cannot afford to keep paying the sums the police and OMON demand, either as fines for alleged violations or as bribes.

The situation raises particular concern since victims of police abuse have no reliable legal recourse: the abuser and source of primary legal remedy are one and the same. In a country in which corruption and insufficient understanding of proper legal practice remain common in the judiciary branch of government, a widespread lack of trust in law enforcement exacerbates the problem. As one Moscow lawyer put it, "Soviet people are the last to seek protection from the law, and Muslims all the more so. They've never seen protection from the government.... Who can you turn to?"¹⁴

This report was researched primarily in Moscow in May and June of 1995.¹⁵ It is based on testimony or official information given by scores of victims and eyewitnesses; leaders of minority diaspora groups; representatives of the Ministry of the Interior, which is responsible for all branches of law enforcement; representatives of the Office of the Mayor of the City of Moscow; representatives of the United Nations High Commissioner for Refugees (UNHCR); diplomats; human rights activists; and journalists. Countless others declined to speak with us or to speak on the record for fear of reprisals, even individuals with diplomatic immunity.

A State-sponsored Policy

In recent years, the Government of the Russian Federation has shown sensitivity to increases in ethnic hostilities and has taken steps to combat this dangerous trend. For example, in March 1995, President Yeltsin issued a Decree "On Measure to Ensure Coordinated Activities of State Power Bodies in Fighting Fascism and Other Forms of Political Extremism in the Russian Federation," part of which targets ethnic and racial intolerance. At the same time, however, the federal government and some major municipal authorities, such as the City of Moscow, have adopted legislation that has formed the basis for the Moscow police's racially motivated attacks. Part of the Russian government's much needed and laudable efforts to stem the dramatic crime wave in the Russian Federation, these laws legislate restrictions or suspension of fundamental civil liberties — such as the right to freedom of movement, to protection against arbitrary searches, and the right of a detainee to be informed promptly of charges against him — or are all too often misused by local law enforcement agents to justify racist or corrupt acts.

¹⁴ Interview with Abdulla Khamzayev, May 26, 1995.

¹⁵ Unless otherwise indicated, all testimony presented in this report was gathered in Moscow.

Such abuse reflects the growing xenophobic mood in Russia today. Dark-skinned people are commonly thrown together indiscriminately in media propaganda, the public consciousness, and, most alarmingly, in some legislative acts, into the hated category of "people of Caucasian nationality," or people from the Caucasus Mountains on Russia's southern border,¹⁶ whom many equate with bandits and drug and arms dealers.¹⁷ (In addition, many non-Slavs, including refugees, asylum-seekers and migrants, are resented for "taking up" coveted jobs and housing that otherwise, it is believed, would go to ethnic Russians.) A 1994 survey revealed that between 30/34 percent of ethnic Russians are "distrustful" of Azerbaijanis, Armenians and Chechens; the only ethnic group less trusted was the Gypsies (36.3 percent). Vladimir V. Vershkov, spokesman for the Moscow city militia, stated the prejudice concisely: "The reasons for stopping [Caucasians] in the streets and asking for their documents is more than obvious -- this is a category of people that is more prone to crimes than anyone else."¹⁸ Sergei A. Kovalev, chairman of the Presidential Human Rights Committee, noted sardonically of the enforcement of anti-crime measures, "It's easier to catch blacks than to catch criminals."¹⁹

The Human Rights Watch/Helsinki investigation has revealed that state-sponsored attacks against non-Slavs are not merely a rash of spontaneous abuse by individual law enforcement officials but the direct result of government policy. President Yeltsin, Prime Minister Viktor Chernomyrdin and Moscow Mayor Yuri Luzhkov are responsible for adopting the legislation that forms the basis for most of the anti-"black" campaign. Much of the legislation is in direct violation of human rights protections -- notably the right to freedom of movement -- enshrined in Russia's international obligations and in federal law, such as Article 34 of the Russian Constitution, the law "On the Rights of Citizens of the Russian Federation to freedom of movement and choice of place of arrival and residence in the boundaries of the Russian Federation" of 1993.

¹⁶Typical is the decision "On Temporary Migration Control on the Territory of Kostroma Region of Citizens of the Caucasian Republics Which are Part of the Russian Federation, and the Caucasian States," of July 26, 1995. The decision stipulates that individuals from these regions submit to mandatory registration with local authorities and fines for being present in Kostroma region. See, for example, Mikhail Ovcharov, "Grazhdane 'kavkazskoi natsional'nosti' mogut byt' vydvoreny iz Kostroma v 24 chasa," (Citizens of Caucasian nationality can be expelled from Kostroma within 24 hours), *Izvestia (Moscow)*, August 10, 1994, p. 13

¹⁷As one Caucasian woman put it, "They say we are lazy, that we steal, that we are parasites on the backs of Moscow... For forty-five years I slaved for this country and now, because I am from the Caucasus, I'm treated like a human being of the lowest sort." Sonni Efron, "In Russia, Fertile Soil for Racism," *The Los Angeles Times*, April 8, 1995, p.1.

¹⁸*Ibid.*

¹⁹Lecture, April 26, 1995, New York Bar Association, New York City.

The fact that such abuse escalates during times of domestic crisis further lays bare the political motivations behind the crackdown. In October and November 1993, for example, when the power struggle between President Yeltsin and members of Parliament broke out in open fighting, Moscow authorities detained some 14,000 people and deported some 9,000 others, almost all dark-skinned people, from the capital, citing the need to fight criminality during that volatile period.²⁰ When armed conflict broke out between the Russian central government and the breakaway Chechen Republic, in the North Caucasus, in December 1994, detention and harassment of ethnic Chechens in Moscow became more frequent and more brutal.²¹ Mayor Luzhkov recently stated that he would consider repealing the obligatory registration of Chechens as foreigners and recognize ethnic Chechens as "Russians" only once Chechen officials had signed a peace accord with Russia to end the war in Chechnya.²² As one Muscovite put it, "The real Chechen war is being fought in Moscow."²³ Racist police attacks, including house raids and round-ups at marketplaces, also escalated on the eve of the Victory in Europe Day celebrations on May 9, 1995, when Moscow hosted the commemoration,²⁴ and in the wake of the Chechen hostage-taking in Budennovsk, southern Russia, in June of this year.²⁵

Also indicative of government approval of the policy is the failure of its leaders to condemn this brutal and discriminatory campaign. On the contrary, Mayor Luzhkov has stated publicly that he does not intend to implement the federal law "On the Right of Citizens of the Russian Federation to the Freedom of Movement, Choice of Place to Stay and Place of Residence in the Confines of the Russian Federation," because he believes that the "crisis" situation in Moscow justifies overriding the Constitution.²⁶ In addition, the Mayor and the Ministry of Internal Affairs have formally urged Muscovites to call the police to turn in anyone they know to be living in Moscow without a residence permit. Recently, Mayor Luzhkov said of the residence registration

²⁰For example, in October 1993 GAI issued an internal regulation which reads, in part: "Upon discovering persons of Caucasian nationality who are driving auto vehicles... and who are in Moscow without a residency permit or other documents authorizing their presence in the city of Moscow... [they] are to have their cars impounded and kept "under guard at the station until a special order is issued by the chief of GAI headquarters" and they themselves are to be sent to sorting points created in administrative districts (police departments/stations). "Document Shows Police Are Targeting Minorities," *The Moscow Times*, October 15, 1993, p. 3.

²¹ A young Armenian man who reports being stopped often by the police and GAI told a Human Rights Watch/Helsinki representative: "War is going on in Chechnya, a lot of people are dying there. Those among [combatants] who are militia officers come back bitter. They don't care who you are: Armenian, Chechen or [whatever]... He is just a 'person of Caucasian nationality.' It all starts boiling up in him, seeing us, and he looks for an excuse to find fault with something." Interview with Vitalii Khachatryan, May 28, 1995.

²²*ITAR-TASS* (Moscow), August 2, 1995; reported in OMRI Daily Digest, No. 151, Part I, August 4, 1995.

²³ Olivia Ward, "Hostage-Taking Rattles Russia's Administration," *Toronto Star*, June 27, 1995, p. A15.

²⁴ See, for example, "Eshche bolee uzhestochen poriadok prebyvaniia v Moskve kavkaztsev," *Moskovskie novosti* (Moscow), May 1, 1995.

²⁵ See, for example, Viktor Sokirko, "Will New Caucasian War Begin in Old Moscow Metro?" *Komsomol'skaia pravda* (Moscow), June 20, 1995, p. 1, and "Troops Help Police to Fight Crime in Moscow," Associated Press (Moscow), June 20, 1995.

²⁶ Moscow Russian Television Network, "Vesti" newscast, August 26, 1993; cited in *Foreign Broadcast Information Service* (Washington, D.C.), FBIS-SOV-93-165, August 27, 1993, p. 29.

system: "The regime works, brings results, and we are satisfied with what we have done... The regime... will be in effect until such time as the city solves the problem of criminality connected with the activities of 'guest performers' (*gastrolery*)."²⁷ On May 24, 1995, President Yeltsin said of Moscow Mayor Luzhkov, "I do not know a better mayor in Russia."²⁸ Muscovites largely concur: they gave Mayor Luzhkov an 82 percent approval rating in March of 1995.²⁹ In part as a result of this government attitude, Moscow security services enjoys a freer hand under law than in almost any other place in the Russian Federation, and Moscow has become home to a high proportion of state-sponsored racial abuse.

²⁷ Aleksei Kalmykov, "Mer stoit na svoem" (The Mayor Stands His Ground), *Nezavisimaia gazeta* (Moscow), December 9, 1993, p. 2.

²⁸ Interfax, May 25, 1995, reported in OMRI Daily Digest, No. 102, Part I, May 26, 1995.

²⁹ Survey conducted by VTsIOM, March 11-12, 1995. Cited in *Nezavisimaia gazeta*, March 14, 1995, p. 1.

Prior to publication of this report, Human Rights Watch/Helsinki sent summaries of its findings to the Ministry of Internal Affairs, the Office of the Procurator General and the Office of the Mayor of Moscow to give them the opportunity to respond to the allegations of abuse. As of this writing, only the Ministry of Internal Affairs (MVD) has responded, but neither confirmed nor denied the violations outlined in this report.³⁰ Verbal assurances from representatives of the Mayor's office that a meeting would take place to discuss the findings of this investigation prior to publication of this report have not materialized.

Summary of Recommendations

Human Rights Watch/Helsinki calls on Russian government authorities to combat the abuse documented in this report on the legislative and judicial levels. Among other recommendations, the organization urges that they enforce current anti-discrimination laws and punish government officials found to practice discrimination and use excessive force; publicize broadly the repeal of legislative acts that impinge on the right to freedom of movement and discipline government officials who continue to enforce such acts; and establish the office of independent ombudsman to investigate reports of police abuse.

BACKGROUND

Since the Soviet Union was formally dismantled in December of 1991, government protection and promotion of ethnic minorities, including affirmative action programs, and propaganda in favor of racial harmony (such as inculcating "friendship of the peoples") have largely disappeared. Today, hostility against non-Slavs is often expressed openly on the streets of Russia. It is not uncommon to hear racial epithets, such as "You blacks — Get out of Russia!," shouted on public transportation and in stores; newspapers advertise apartments for rent indicating that "people of Caucasian nationality" should not apply or that only Russians will be considered;³¹ and nationalist newspapers regularly deride some minorities, such as Jews and Chechens. Most alarming, some parliamentarians have recently launched a campaign to expel natives of the Caucasus Mountains and Central Asia from Russia.³² Local decrees in October 1993 in Moscow, and in June and July 1995 in Russia's southern Stavropol district and Rostov region (*oblast'*), are already effecting these expulsions. In early July 1995, approximately one hundred Chechen families were forced by local law enforcement to leave their homes in southern Russia.

The legal basis often cited by Moscow officials to justify the often ethnically motivated violations include:

³⁰ Human Rights Watch/Helsinki communicated a summary of its findings to the MVD in a letter of June 30, 1995. In letters of July 11 and August 8, 1995, V.P. Vorozhtsov, head of the Center for Social Relations of the Ministry of Internal Affairs, referred the organization to several documents which reflect the Ministry's evaluation of its work in 1994 and the condition of criminality for 1994 and 1995; confirmed that violations of residence requirements are subject to fines and to particular punishment in Moscow and elsewhere, and that the Russian penitentiary system does not keep records of the ethnic background of convicts; and requested a copy of the organization's reports on "the situation of immigrants and human rights compliance in western Europe and the U.S."

³¹ A review of several May and June 1995 issues of *Iz ruk v ruki* (Moscow), Russia's largest job and real estate advertising periodical, reveal that approximately one-fourth of all apartment advertisements made such racially-based stipulations.

³² Parliamentary Deputy Nikolai Lysenko's National-Republican Party of Russia has been distributing leaflets calling for this. Reportedly, more than one million new copies were printed following the Budennovsk hostage crisis in June, 1995. *Izvestia*, June 30, 1995.

- Presidential Decree 1226 of June 14, 1994 ("On Urgent Measures for Protection of the Population from Banditism and Other Manifestations of Organized Crime") and the accompanying "Instructions on Effecting the Norms of the Decree of the President of the Russian Federation of June 14, 1994, No. 1226," of June 24, 1995, signed by the procurator general, minister of internal affairs, and the director of the Federal Counterintelligence Service of the Russian Federation. Among other provisions, these acts authorize law enforcement agents to conduct searches of individuals, their relatives, and private homes without a court warrant, and to detain individuals without charges but "with sufficient grounds" for up to thirty days;
- Council of Ministers-Government of the Russian Federation Ordinance No. 1049 of October 13, 1993, ("On Measures to Regulate Temporary Residence of Refugees in the City of Moscow"), which was a response to President Yeltsin's Decree No. 1580 ("On Additional Measures to Enforce the State of Emergency Regime in the City of Moscow", of October 4, 1993. Ordinance No. 1049 in part stipulates that the government of Moscow was responsible for removing individuals with refugee status from their residences in Moscow hotels and state dormitories; and
- Moscow City Government Ordinance No. 1122 of December 7, 1993 ("On Measures to Regulate Temporary Residence of Refugees Residing in Hotels and Government Dormitories of the City of Moscow"). This Ordinance mandates escalated enforcement of residence permit requirements in places which house mostly dark-skinned people, and in some cases mandate their expulsion and resettlement to places outside of Moscow.

The Residence Permit System (*Propiska*)³³

Although the origins of the residence permit or *propiska* system predate the Russian Revolution, it was instituted in 1932 when internal passports became mandatory for all citizens aged sixteen and older. The *propiska* -- which appears as a stamp in the internal passport -- was developed originally to stem the flow of rural dwellers into urban centers and to track the whereabouts of residents, ostensibly for law enforcement purposes. It restricted every resident to one legal place of residence and was required to accept work, enter a school or institute of higher learning, get married, and perform other civic formalities. Difficulties in obtaining this vital document traditionally have made bribery and fake marriages commonplace.

The system itself contravenes the right to freedom of movement, guaranteed in the Soviet, and now the Russian Federation, Constitution, the 1993 Russian Federation law "On the Right of Citizens of the Russian Federation to Freedom of Movement and Choice of Place of Arrival and Residence Within the Boundaries of the Russian Federation," and the country's commitments under international law, such as Article 12 of the International Covenant on Civil and Political Rights. The Presidential Committee on Human Rights concluded the following in its review of the protection of the right to freedom of movement in the Russian Federation in 1993: "The executive powers entirely ignore both the law and the corresponding article of the Constitution, sometimes citing the lack of corresponding rules for implementation (sublegal acts), and sometime not citing anything."³⁴ Moreover, locally legislated residence requirements are invoked in an arbitrary and often discriminatory way, to the detriment of "undesirable" people, such as some racial minorities, and in favor of people of political rank or other privilege.

³³For a more extensive treatment of the human rights implications of the *propiska* system, see Helsinki Watch, "Russian Residence and Travel Restrictions," *A Human Rights Watch Short Report*, vol. 4, issue 14, August 1992, p.0.

³⁴*Rossiiskaia gazeta*, August 25, 1994, p. 4.

In a landmark decision in 1991, the USSR Constitutional Supervision Committee ruled that residence laws violated freedom of movement protections and current restrictions would be invalid as of January 1, 1992. However, this important advance was never put into effect in major urban centers or in other areas experiencing significant in-migration; almost immediately after the 1991 decision was handed down, municipal authorities in Moscow, St. Petersburg, Krasnodar and Stavropol regions and elsewhere adopted legislation reinstating the regime at the local level, resulting in countless detentions, fines and even physical expulsions from the region.

As of November 15, 1993, all individuals who do not have a permanent residence permit for Moscow City or Moscow region (*oblast'*), regardless of their citizenship, are required to register their whereabouts with local authorities for a stay of longer than twenty-four hours. Each day of their stay in the capital costs 10 percent of the established minimum salary in Russia. Permanent and temporary, forty-five-day permits may be bought from the Moscow City government. Permanent propiskas cost approximately US\$10,000; temporary propiskas cost some US\$19. Failure to register will be punished by a fine of between two and five times the minimum salary. A second violation will result in a fine equal to fifty times the minimum salary or deportation from the city. In practice, fines are often levied according to the whim of law enforcement agents.

In July, The chairman of the Citizenship Commission to the President, Abdulla Mikitayev, said that an identity card will eventually replace the internal passport, where the propiska and reference to the bearer's ethnic origin currently appear.³⁵ There is hope that this measure will help diminish enforcement of the residence permit regime.

Although technically illegal, the propiska system continues to be enforced in some parts of Russia for several reasons. First, the government at the federal and local level has failed to inform law enforcement officials that the system has been abolished or that federal laws override local regulations. This failure was strikingly confirmed when even Prime Minister Viktor Chernomyrdin took measures on July 17, 1995 to abolish the propiska system. However, his July decree called for only cosmetic change at best, vaguely ordering that the propiska be replaced with a "registration stamp".³⁶ Indeed, the decree is an indication of how the Russian government continues to both approve of and enforce regulations which violate fundamental human rights. Human Rights Watch/Helsinki communicated its concerns to Prime Minister Chernomyrdin in a letter of July 27, 1995.

Second, bureaucratic inertia developed over decades of enforcement has kept the propiska system in force. Some public servants are either unaware that the regulations have been ruled illegal or else willfully ignore the ruling because they refuse to adapt their work practices. Third, the system serves as a mechanism for eliciting government revenue and bribes for law enforcement officers. Thus, there is not only no incentive to remove the regulations, there is indeed an active incentive to continue to invoke them.

HUMAN RIGHTS VIOLATIONS BY MOSCOW LAW ENFORCEMENT OFFICIALS

³⁵ *ITAR-TASS*, July 13, 1995.

³⁶ For the full text of the decree, see *Rossiiskaia gazeta*, July 27, 1995.

Violations by Moscow law enforcement agents against dark-skinned people fall roughly into two categories: violations of their right to freedom of movement, and abuses committed against them because of their ethnic identity during identity and home checks. The latter include violent assault, arbitrary detention, illegal searches and confiscation of property, and extortion. Since individuals subjected to these checks may undergo all or part of these abuses, each will be treated separately here.

Freedom of Movement

Testimony reveals that the continued enforcement of the illegal propiska system directly violates the right of residents to freedom of movement. Moreover, propiskas are checked almost exclusively on a racial basis. The cumulative effect of discriminatory abuses by law enforcement agents in Moscow is an additional, and often unseen, impediment to free movement: some dark-skinned people keep themselves under *de facto* house arrest to avoid abuse. Scores of people reported to Human Rights Watch/Helsinki that they left the houses much less often than normally for fear of being stopped, humiliated, robbed, detained and beaten by the police.

Oleg Panfilov, an ethnic Russian journalist with reddish hair who fled his native Tajikistan because of government reprisals during the 1992 civil war, recounted the following:

In February 1994, I was walking with two Tajik friends on the street [in Moscow]. A police captain was walking toward us with one other police officer. They stopped us and asked my friends for their documents, but not me. My friends handed them over. I blew up and also took out my identification documents. The officer asked, "You, too?" I said, "I'm a black-ass, too." He blushed and said, "You can go now."³⁷

A Kurd from Azerbaijan who sells produce at an open-air market summarized the nature of police and OMON raids on the market for a Human Rights Watch/Helsinki representative:

OMON agents take in the dark-skinned people (*chernye*)... They don't touch the Russians. Right next to us are Moldovans, Ukrainians, all selling -- they take them in, too. Except for the Russians, they take everybody in. You can tell [someone's ethnicity] by his face."³⁸

Shakhmurza Bekhoyev, a Chechen from the Chechnya region of the Russian Federation, told a Human Rights Watch/Helsinki representative of incidents he was involved in which clearly illustrate that ethnic discrimination lies at the heart of some Moscow police activities:

³⁷ Interview, June 6, 1995.

³⁸ Interview, June 8, 1995.

In June 1995, before [the hostage crisis in] Budennovsk, I was coming out of the Taganskaia metro station. A friend was with me. He is Chechen and has a residence permit. I don't immediately stick out, but my friend has the features of a typical person from the Caucasus. Guys with automatic weapons and flak jackets drove over to us in their car. They were in police uniforms and the word "police" was written on their car. They asked, "Where are your documents?" I said, "Why did you come over to us in particular? There are a lot of people around. Before asking for my documents you should introduce yourselves." He pointed his gun at me as a show of strength. He said, "You're not only here but you going to mouth off, too?! We'll get you... You know about Luzhkov's decrees." Then he tells us we are bandits. I told him that if we are bandits, they should catch us, "But you aren't catching bandits – you are merely discrediting law-abiding citizens."... I told them I myself want to go to the police station, but they didn't want this, and ultimately we parted.³⁹

Mr. Bekhoyev told of another indicative incident:

I was waiting for a friend at Komsomol'skaia metro station. I was walking back and forth, waiting. There were OMON officers there. I walked up to them and asked, "How are things? Whom are you catching?" They replied, "Chechens." I asked, "How do you recognize them?" They said, "We can tell by their faces. We find them, check their documents and take them in." I asked, "Why do you take them in if they haven't done anything?" They answered, "That's our assignment: we take them in and then they figure things out at the precinct." I said, "I'm a Chechen. Could you take me in now?" One of them smiled and said, "You don't look like one." I asked, "What should I have that I should look like one?" He said, "You should have a mustache and a clearly defined Caucasian face." I took out my passport and showed him [that I am Chechen].⁴⁰ We had a laugh about it, and just then my friend walked up and we left. It's pure luck that I found the guys I did. I'm convinced that if one of them had had a brain in his head he would have said, "O.K., let's go."

Now when I'm making a date to meet someone I tell them ahead of time that if I don't come it means I've been detained [by the police]. I am a punctual person.⁴¹

One Tajik woman from the Commonwealth of Independent States (CIS) country of Tajikistan, in Central Asia, reports that her husband and children are frequently stopped, searched and robbed of money by the police. She told our representative:

We are so afraid we don't turn on the television loud or even cough for fear the neighbors will know we are home and call the police. I keep my sons at home as much as I can, because otherwise it is too expensive: We go out for bread and end up paying 20,000 rubles [as fine or

³⁹ Interview, June 28, 1995.

⁴⁰ Nationality is indicated in that document.

⁴¹ Interview, June 28, 1995.

bribe to the police].⁴² We let my daughter go on errands, but she sometimes gets stopped, too. We all try to stay at home and keep quiet.⁴³

Aslan, a twenty-year-old Chechen who has lived in Moscow for three years, reports:

⁴² At the time of this interview, bread cost approximately US\$.35, and 20,000 rubles was equivalent to US\$5.

⁴³ Interview with Gulnara Sobir, 1994.

Every time you go out, you can count on being stopped at least once.... I try to take the car if I can. I'm afraid of the subway.⁴⁴

A young Kurdish man from the CIS country of Azerbaijan sells fresh produce at a market in Moscow. He reported the following:

I am often stopped on the street [by the police]. We'll be standing, waiting at a bus stop, and the police drive up, as if we're drunk or causing a disturbance. I'm afraid to leave my house. I think they're going to take me in or beat me.⁴⁵

Scores of others individuals interviewed for this report complained that the police or OMON destroy or ignore legitimate propiskas or refugee documents before their eyes, and then fine the detainee for not having a propiska when required to produce one. For example, Jahlil Ismailov, a twenty-five-year-old Azerbaijani man, testified that the police stopped him at Cheremushkinsky market during a raid in 1993:

They looked at my residency permit and just tore it in half... They held me for five hours. It was like a concentration camp. They forced me to stand with my hands behind my head until I fell to the floor. And they were playing with pistols, pretending to shoot us... I just bought my ticket [out of Moscow] for October 18. There were no tickets sooner than that.⁴⁶

Gadzhi, a middle-aged man from southern Russia, told a similar story:

I take my token and enter the metro station, and the police stop me to ask for my documentation. I show them my permanent registration [propiska], but they don't believe it. They say it's counterfeit. They take me to a cell. Hands up, against the wall, legs apart. They push you around and search you and provoke you. They treat you like a criminal...Every time I leave [the house], I have to prepare my soul to be stopped. Every time, it's so painful to my pride.⁴⁷

Asadaga Mekhtiev is a thirty-three-year-old teacher from Azerbaijan, who reports that he has worked for the last few years selling fresh produce in Moscow. He told a Human Rights Watch/Helsinki representative the following:

⁴⁴Geoffrey York, "Cities of Russia Cruel to Southerners," *Toronto Globe and Mail of Canada*, January 30, 1995, p. A1.

⁴⁵ Interview, June 8, 1995.

⁴⁶ Larry Ryckman, *Associated Press*, October 14, 1993.

⁴⁷*Ibid.*

Today there is terrible harassment (*izdevatel'stvo*) of Azerbaijanis, Georgians and Armenians. As soon as they see that there are blacks, not Russians, that means they can arrest them immediately. They squeeze us... You have a propiska; the militia man looks at it: "Your stamp is wrong, incorrect," and they can take me in [although] I'm 100 percent sure my papers all conform to the law. They take you down to the precinct, put you behind bars, and you sit there. It's hard on your nerves [when] they start writing up a complaint form (*protokol*)... They check everything, and then someone always says that your propiska is fake.⁴⁸

Other dark-skinned people legally in Moscow complain of gratuitous harassment by law enforcement agents in the form of ethnic slurs. One young man, for example, who declined to give his name and identified his nationality only as "Caucasian," described behavior reported in many other independent testimonies:

Generally they treat us very badly. The OMON detain innocent people, start beating them, torment them for no reason... They always yell, "Churki! Churki!"⁴⁹ They all talk that way.⁵⁰

It is well known among dark-skinned Muscovites that serious abuse often accompanies identity checks. As a result, the process of merely being stopped becomes disproportionately traumatic. Sergei Medved', a dark-skinned Russian with some Armenian blood, fled the anti-Armenian pogroms in Baky, Azerbaijan, in 1989, and the then - Soviet government settled him and his family in Moscow, where they have lived ever since. He reported the following:

The last time I was stopped by the police — in March — was very unpleasant. They stopped me in the metro and asked to see my documents. I showed them this [indicates his refugee status identification card] and they said, "Let's go." They took me to the lockup and put me in the cage... At first it was OK. [The policeman] told me to empty all of my pockets. I emptied them. I had some money and thought, "That's it." Then he looked at me carefully and said, "Now take off your coat and roll up your sleeves." I rolled up my sleeves. I told him I was feeling sick, that I was getting treatment and [that's why] my arms were all marked up [with needle pricks]. He said, "Right, got it," and I thought, "That's it for me."

Really, when I tell about it now it's funny, but then, when I was standing in the police station, everything was weighing on me very heavily. A friend of mine is a medical student and during his internship at the hospital he saw a young guy, an Armenian. He had been hit at the police station -- with one blow they had burst his spleen. He was bleeding into his abdominal cavity. They held him at the station for three days. It started to get infected and only then did they get him to a hospital. So when I wind up at a police station I always remember that and it becomes extremely unpleasant for me.

⁴⁸ Interview, June 1, 1995.

⁴⁹ An insulting term for a non-Slavic person, translating roughly as "stupid darkie."

⁵⁰ Interview, June 8, 1995.

It would be all right if it weren't so degrading. After what happened in Baky, [the checks and detentions in Moscow] have a very strong effect on me. When I leave the militia station I feel morally insulted. I know that these people can beat me if they want to... Maybe other people take it better, but for me it's always traumatic. Maybe because I saw what happened in Baky myself and now I have a very difficult time enduring it... When I am released I always need time to regain my composure and somehow re-establish a kind of spiritual balance.⁵¹

Identity Checks

With Violent Assault

In some cases, law enforcement "checks" are accompanied by brutal and degrading treatment of the detainee. Human Rights Watch/Helsinki interviews revealed that almost all of the victims of racially motivated physical abuse at the hands of Moscow law enforcement officials are men and that the most vicious and inhuman physical abuse is perpetrated by OMON agents, rather than policemen. A government has the right to punish individuals who are in its country illegally; however, violent assault when used for any reason other than self-defense is strictly prohibited under law in all circumstances and thus cannot be justified even if used against a person who is breaking local immigration laws.

Everyday violence occasionally has fatal consequences. Human Rights Watch/Helsinki is aware of two cases since 1992 in which individuals reportedly were killed by the Moscow police in racially motivated attacks; both victims reportedly were in Russia legally.

On the night of August 11-12, 1992, nineteen-year-old Gideon Chimsovo, a student from Zimbabwe studying at Moscow's Patrice Lumumba Friendship of the Peoples University, was shot to death by a Moscow policeman in a scuffle at the university dormitory. According to one eye-witness, police officer Andrei Firdovsky, who reportedly was mediating in an argument about a dog, began verbally attacking Mr. Chimsovo. Reportedly, he said, "I'll blow you away, you filthy Negro," and placed the barrel of his gun against Mr. Chimsovo's chest. When Mr. Chimsovo attempted to flee, Mr. Firdovsky reportedly shot him in the back, killing him.⁵² A joint commission, consisting of university administrators and representatives of various student groups, concluded that the officer had acted in self-defense; the procuracy's office reportedly did not conduct a formal investigation into the incident.⁵³

According to information provided by the Azerbaijani Embassy in Moscow, on April 13, 1995, Moscow plainclothes policemen beat Arif Mamedov, a twenty-eight-year-old Azerbaijani man, during a raid on the kiosk he was sleeping in. An operation failed to save his life, and on April 20 he died of his injuries.⁵⁴ Human Rights Watch/Helsinki is monitoring the investigation launched by the Office of the Procuracy General.

⁵¹Interview, May 31, 1995.

⁵²Written statement provided by university students to a Human Rights Watch/Helsinki representative, July 14, 1995.

⁵³See, for example, Aleksandr Barinov, "Bunt afrikanskikh studentov," *Nezavisimaia gazeta*, August 13, 1992, p. 1, or Makhumulu Uaka-Man'isa, "Vse nesushchestvennoe nuzho otbrosit'," *Nezavisimaia gazeta*, August 27, 1992, p. 6.

⁵⁴Kiamal Kurbanov, Third Secretary, Azerbaijani Embassy, interview, May 31, 1995.

The most brutal treatment of dark-skinned people in Moscow seems to be at the hands of OMON agents at or near marketplaces. In some cases, police and OMON buses serve as mobile chambers for beating and otherwise physically abusing detainees. Some victims of such brutality have testified that during raids and other types of detention, law enforcement agents do not strike their faces, where bruises will become readily visible, but instead beat their kidneys, a technique which causes intense pain but leaves no visible injuries. As one Azerbaijani male reported, "They line you up, hands behind your head. They don't beat faces, just the kidneys. One hit is enough to last you for ten days."⁵⁵

Asadaga Mekhtiev is a thirty-three-year-old teacher from Azerbaijan. He was selling produce at a Moscow open-air market when he spoke with a Human Rights Watch/Helsinki representative. He reported:

I have been stopped many times [in Moscow]. One time the OMON even came in masks. You see only their eyes -- it's terrifying.

On September 29, 1994, we were at the Cheremushkinsky market, as usual. The OMON came with Ikarus buses. They went right for the blacks; they didn't touch the Russians. They rounded up about forty of us and piled us up in the aisle of the buses. Then they shocked us with cattle prods (*elektroshok*). Then they cleaned out our pockets. I felt humiliated.

In one raid, the OMON rounded up people from the market in buses, took them to the police station, put them in the lockup behind bars, and sprayed them with gas. I heard it from people who were taken in.⁵⁶

Human Rights Watch/Helsinki representatives spoke with two other people who reported that the OMON had used cattle prods to shock them, and one other person testified that they had used gas that burned his throat and made him choke and gag. They spoke with our representatives only on condition of anonymity.⁵⁷

A Kurd in his thirties from Baky, Azerbaijan, who declined to give his name, told a similar story:

The OMON doesn't come very often [but] when they do they take us all in, beat us up, all of us who are black (*chernye*). They beat us in buses, take 300,000-400,000 rubles per person [approximately US\$60 - \$80] and then let us go... It's always the OMON; the police treat us fine.

Not a month ago the OMON caught me somehow and tore up my propiska. They beat me up and even now my kidneys hurt. They beat me with automatic weapons, kicked me, and beat me with other things -- anything they could find. They beat my kidneys. There were other people with me. They beat them so badly they were all bloody.

There are always a lot of OMON agents, but always different people. They come in buses. They take everyone -- all the blacks -- into the buses. They beat them up in the buses, and then again at the 8th or 121st Precinct. I have been beaten like that five times, the first time in

⁵⁵ Asadaga Mekhtiev, interview, June 1, 1995.

⁵⁶ Interview, June 1, 1995.

⁵⁷ *Ibid.*

July of 1994. I had just arrived in Moscow and the next day got myself a guest visa. On that same day I was taken in by the OMON. They tore up my propiska and told me that the reason for my detention was the [lack of a] propiska. But actually I had only just gotten my propiska.

One time last year they broke my chest [sic]. I went to the doctor. At first I didn't notice it, but then my chest swelled up. They took an x-ray and it turned out that one of my ribs was broken. I was covered in bruises. All the guys who are here [at the market] have been beaten up. There have never been cases in which they beat up Russians, not that I've seen.⁵⁸

Valentina, a grandmother from Moldova, also sells produce at a Moscow market. She reported:

Last year [law enforcement agents] from Tula came here and caught all the Azerbaijanis. They know they are Azerbaijanis by looking at their documents. They dragged them into a bus and started beating them with night sticks and automatic weapons. They took in about twenty or thirty people.⁵⁹

A Kurd in his thirties from Azerbaijan, whom a Human Rights Watch/Helsinki representative interviewed at a Moscow open-air market, was another victim of an OMON raid:

On May 7th or 8th, 1995, the OMON took in our guys and took away their passports. Some of them had temporary propiskas, but they didn't even look at the propiska. They took everyone in and then started denigrating them (*izdevalis'*). They tore up one guy's passport and in place of the photograph that goes in the passport they drew a monkey.⁶⁰ In another guy's passport they wrote filthy things about his wife and children. They don't let us live in peace... [When they took them in] it was daytime. They let them go at 11:00 P.M., covered in bruises.

Some [law enforcement agents] are nice: they look for the propiska and let you go right away, but some don't even look — they just beat you up. One time they caught me, tore up my propiska, and beat me, right on the street in front of people. At first it was just one guy, then a bus drove up. They put me in the back. Two [agents] came over to me and said, "Hey, blackie, look over here." I turned around and they had put a gun to me. They tormented me, took the magazine out of the gun and shot me. They said, "Oh, blackie, how lucky you are. You know where we're going to take you? To the outskirts of town. There we're going to shoot you and dump you out, and no one will know."⁶¹

Sergei Medved' is a twenty-four-year-old Russian. He fled the anti-Armenian pogroms in his native Azerbaijan in 1989 and was resettled to Moscow with his family. One-quarter Armenian, his complexion is dark, and his Armenian features are prominent. He told Human Rights Watch/Helsinki the following:

⁵⁸ Interview, June 8, 1995.

⁵⁹ *Ibid.*

⁶⁰ The Human Rights Watch/Helsinki representative confirmed that the passport had been torn and that a cartoon figure had been drawn, as testified, although it resembled a crude stick figure more than a monkey.

⁶¹ Interview, June 8, 1995. The man declined to give his name.

I was working in a kiosk for a while. I heard that a policeman had died at a marketplace somewhere in our neighborhood, near Novogireev metro station. I don't know what he died of, but they said he had been killed, and by Caucasians. So the militia took steps to simply terrorize all Caucasians so that ultimately they would give up the person who murdered him. At least that's how they explained it to us after the incident.

This was around my birthday, August 27, 1994. It was evening. On the first day these tall, sturdy-looking OMON guys came in black masks. They started moving along the row of kiosks where there were a lot of us Armenians working, demanding passports... When they found a Caucasian, they took him in – that's all there was to it. It was enough for them to take a quick look at the passport and see what's written there, that you live in Baky. They didn't even ask for my passport; it was enough for them to just see how I looked to determine... They didn't try to find the guilty party; they were trying to punish everyone whom they could reach. At the time I just ran away. Then, it was kind of a children's game for me, kind of entertaining, and I didn't understand what it was leading to.

The next day I was getting ready to close the kiosk when they came. They were in civilian clothes, four or five of them. I told them I wouldn't show them my documents, "Who are you?," something like that. I refused a second time. Then one of them stuck his hand through the window and hit me across the face. Only then did they show their identification cards. They told me to get out [of the kiosk]. At first they started to beat me. Even if there had been only two of them it would have been useless to resist. I made a movement with my hands to try to get them to move away, I wasn't even thinking anything, but one of them got scared or something and took out his gun. They ordered me to lie on the ground. The area near the kiosk was very dirty -- no sidewalk, just dirt. I tried to lie down a bit more comfortably and one of them kicked me. It was very painful... I was writhing on the ground. But once I was on the ground they started beating me again.

People started running away – [the police] were just hitting everyone. They beat my neighbor's kidneys in. He came out [of his kiosk] all bloody. One guy put his foot on my chest – the victor. After a while I thought it was all over and started to move. But they ran over again, picked me up and beat me and kicked me in the head. They picked me up, and I flew into the heart of a stack of folding boxes that people were collecting in the next kiosk, like in a movie. It all fell on top of me and buried me so I couldn't be seen anymore. When I exhumed myself from the boxes there was no one around.

In all, they had beaten about ten or twenty people, just us Armenians who were in a row. They say that they did a lot worse to the Azerbaijanis at the market [during that raid]. We had celebrated my birthday that day, and I had eaten so well that [the beating] made me throw up everything I had eaten. It was painful. I thought they had injured my internal organs. I had a big, big bruise under my eye and scratches on my face, and fractured ribs. [The ribs] hurt for so long I couldn't move. When I would roll over onto my other side it was incredibly painful...

I didn't want my mother to get upset so I stayed at [a friend's] house for about a week. When I got home, though, my brother, Grigori, was also covered in bruises: the police had beaten him up, too. They say he looks even more like an Armenian than I do. (I was often mistaken for a Jew, and that was good — good that I'm not Armenian. But I made the mistake of trying to

prove I was Russian so many times that they figured out that I *am* Armenian...) Grigori had been selling something at Belorusskii train station... The police took him to the lockup at that same station, beat him up and told him to pay a ransom — one million rubles, I think [about \$200]. At the time that was a lot of money.

After [the incident] I stopped working in the kiosk... I was very afraid, and [my brother] was, too. I wanted to leave Moscow altogether.⁶²

Aziz Mohamadi, an Iranian with dark features and a moustache, reports having tried repeatedly to apply for asylum in Russia since he fled his country in 1993. In a story typical of many dark-skinned asylum-seekers in the Russian Federation, Mr. Mohamadi claims that Federal Migration Service officials have told him he has “no chance” of being granted refugee status and refuse to allow him even to apply. He has found himself in a quandary typical of such cases: He cannot leave Russia because he has no passport, but he cannot stay legally because he has no formal status. As a result, he has become one of Russia’s growing number of chronically illegal aliens. He told a Human Rights Watch/Helsinki representative that he has been beaten countless times by the Moscow police, sometimes as often as three times per day:

Generally they mostly beat refugees. It’s also important that you are dark (*chernyi chelovek*). I, for example, have black hair. That’s it: “Get out of here”... One time, about a month ago [in May 1995] a policeman called me over at Domodedovskaia metro station. [After that] I stayed at home recuperating for two weeks.

They beat you with their fists, with night sticks, just to get your money. They say, "If you don't give us money, we'll deport you." 'Deportation' -- that's the most terrifying word... I fear deportation the most. One time they beat me so badly that I couldn't walk for two weeks... And if I'm hit, I can't hit back, I can't say anything.

It's better when they beat me when there is no one watching -- it's better for me that way. When there is someone around, someone watching, you know, it's very bad. It's very hard for me then.⁶³

Iusuf Khakimov is a forty-year-old Tajik journalist, now active in peace negotiations aimed at regulating the civil war in the CIS country of Tajikistan. He reports that he lived in the Moscow suburbs from August 1993 to April 1995. During that time, he told a Human Rights Watch/Helsinki representative, he had one particularly egregious run-in with the Moscow police:

On April 24, 1995, at around 11:00 A.M., I left my home in Moscow, in the Riatov neighborhood. I was accompanied by two [Tajik] friends. We were going to take the suburban train to go into the center of town. Two men from the criminal investigation bureau stopped us at the station... and asked us to go with them to a house next door. It was actually a shop. They insulted us and were quite harsh. Once we got there we saw several other dark-complexioned men. They were Azerbaijanis, Armenians; several others were brought in later. There were two Tajiks among them, too. Apparently something had happened in that neighborhood. There were seven or eight investigators, not visibly armed. They didn't ask for money. They hit us one by one. We were standing in a row. They beat us with their fists and kicked us. I was one of the first ones to be beaten. I was hurt all over. I had

⁶²Interview, May 31, 1995.

⁶³Interview, June 3, 1995.

bruises for a long time and many parts of my body turned purple. They hit me from front to back. One of them hit me so much his own hand got hurt. He started looking for something to beat me with but didn't find anything.

They were, of course, also verbally aggressive; they used many swear words. They said, "You black-heads [sic] do whatever you please here." They insulted our mothers and fathers. They spent five to ten minutes per person... We had to remain passive and be beaten up. They only stopped when they got tired.

I did not go to the authorities to complain; it's useless to appeal to anybody in Moscow.⁶⁴

Human Rights Watch/Helsinki took independent testimony from an acquaintance of Mr. Khakimov who confirmed the injuries Mr. Khakimov described at the time of the incident. He reported, "He had these huge bruises; he looked awful."⁶⁵

Twenty-four-year-old Vitalii Khachaturyan is another ethnic Armenian who fled the anti-Armenian pogroms in 1989. The then-Soviet government resettled him and his family to a Moscow hotel, where they were still living at the time Mr. Khachaturyan met with a Human Rights Watch/Helsinki representative. He reported that in the winter of 1993-94, when he was working as a driver,

I was stopped by a GAI [traffic] inspector. I am stopped often because I am dark, and they search my car very often, thinking that I have drugs or weapons in the car. Nothing every comes of [the searches]. But that day I had forgotten my technical passport for the car. The GAI officer stopped me; I got out of the car and presented my license. He looked at everything and started in demanding money. But I said I didn't have any money. I said to him, "By rights, you should take my plates away — the law provides for stripping plates from cars — and hand them over to the GAI. Then I go, pay a fine for not having my technical passport with me, and get the plates back. That's it." But he said, "Then take off the plates." I said no. I said, "That's your job, your specialty. You should remove the plates." Well, then I started walking away from the car to see how he was going to take the plates off. I was flabbergasted and didn't expect the turn of events [that followed]...

He ran up behind me and hit me in the face. I fell face-down on the pavement, and he started kicking me. I was surprised. I said, "What are you beating me for?" He said because I am dark (*temnyi*). He said it right out in the open. Two passersby in civilian clothes, also Russian guys, came up and also started helping him and began beating me.... They hit me in my stomach and beat me all over... Then they stood me up, put handcuffs on me and put me in the car, right in front of people... When the GAI inspector put me in the car he struck me in the face again several times... They took me to the militia station. Of course I didn't stay long at the Paveletsky Train Station precinct; they were surprised that a traffic inspector took me to the police [in the first place]... At the police station everyone spoke politely... One officer took a look and as soon as the GAI inspector had left, let me go.

Of course, we went to the Timiryazev Traumatological Hospital, where they gave us a certificate saying that I had suffered injuries... Later we received a document [from GAI] that

⁶⁴Interview, Dushanbe, Republic of Tajikistan, July 5, 1995.

⁶⁵Interview with Dodojon Atavulloev, June 7, 1995.

this had all been my fault. Everything like they always write: that the [traffic official] had acted according to the letter of the law... We wanted to sue, but my mother thought against it. She is very pious and told me not to sue. "Let it be on his conscience."... That's how it all ended.

I quit my job [as a driver]. I was depressed and after that found another job. When I would see cars, it would all come back to me. I wanted to forget about the whole thing as quickly as possible.⁶⁶

Sunil Kataria, a fifth-year student from India at Moscow State University, told *The Moscow Times* that on July 19, 1994, he was at the Central Telegraph Office making a phone call when police asked to see his documents. He reportedly explained to them that he did not carry his passport with him and produced instead his student identity card. According to Mr. Kataria, the police officer confiscated it and began to beat him:

He was literally bashing me, right here in front of everyone... I asked to see his superior, and as he was taking me to the militia office he threw me down on the floor and kicked me in the stomach and legs.

Soon after the incident, both Aleksandr Zolin, a deputy at the Moscow Mayor Office's legal department, and Vladimir Yunin, an investigator at the city prosecutor's office that investigates complaints against police, stated that the police officer had been wrong to beat Mr. Kataria.⁶⁷ Human Rights Watch has been unable to confirm whether the attacking officer was disciplined or prosecuted.

On March 10, 1995, Shakhbulat Bekhoyev, a young Chechen from the region of the Russian Federation called Chechnya, was taken to the 55th Precinct in Moscow in connection with a car fire. According to his father, he was held without charges for approximately twenty-four hours. Bekhoyev's father reports:

⁶⁶Interview, May 28, 1995.

⁶⁷Genine Babakian, "Police Beat Student for No Passport," *The Moscow Times*, July 22, 1995.

They held him in the cell... and beat him in his kidneys at the police station. They said all kinds of foul things to him: "You [Chechens] are all criminals, you should all be killed." The police ultimately took \$500 from him. Finally my son gave one of the officers 100,000 rubles to [get permission to] call [me]. I had already started worrying.⁶⁸

Giorgi Papashvili, an elderly former associate dean of the Institute of Subtropical Agriculture in Sukhumi, in the Abkhazia region of Georgia, is an ethnic Georgian who fled for Moscow when he was wounded during the war between Abkhazia and the Georgian central government. He told Human Rights Watch/Helsinki:

On April 6, 1995, we refugees from Abkhazia had gathered on the Arbat [in central Moscow] to discuss our affairs. We were there until 6:00, then broke up...When I entered the Arbat metro station,⁶⁹ two or three [people] came up to me, grabbed me by my arms and took me into a small room somewhere... I don't even remember whether they were in uniform or not—it all took place in a split second. They twisted my arms, took the documents and money out of my pocket, and threw me into the lockup cage. I stayed there for about ten or twenty minutes. From the cage I called out that I had a million rubles [about \$250 dollars], that they should count it. After that two men dragged me out of the cage, out of the metro, and into a car, and when they threw me in they hit me on the head, and I went into a state of shock. They took me somewhere and told me I was drunk. I said, "I am absolutely not drunk. Take me to the senior officer, the procurator, a doctor." But no one listened to me.

They threw me into some kind of room where I sat for about an hour. I kept banging on the door, but they threatened me and I got scared. Soon after, they led me out and said, "Here are your things. Take them." I had with me a passport, 5,000 rubles worth of gas ration cards, US\$150, ten [Deutsch]marks and 752,000 rubles. They gave me back the \$150 and 250,000 rubles, but they didn't return 500,000 rubles. Then they gave me a piece of paper to sign saying that I had received dollars and marks, but they didn't let me read the part about the rubles... They made me sign or they wouldn't have let me go... At the police station they didn't allow me to write anything about them taking 500,000 rubles. They said that they had sent the money [to the procurator's office] and had taken 20,000 rubles for service. What "service"?! They treated me OK, but they took my money. Five hundred thousand rubles is a lot of money.

I got home around 11:00 at night. I was in a very nervous state and wrote a complaint, appealing to the 6th Precinct. The police chief there is a Mr. Naumov. He said, "So what if we beat you up? You Georgians — how many Abkhazians have you beaten up?" Then he interrogated me a little, but I understood that nothing was going to come of [our meeting] and went to the office of the Procuracy General at 53 Gertsen Street. There I submitted my complaint.

Later I wound up in the hospital and was operated on... The neurologist said it was caused by the spine or by a blow... When the investigator came to speak to me at the hospital, the senior doctor told him it could have been because of the beating. The investigator told me

⁶⁸ *Ibid.*

⁶⁹ There is a small police precinct with a lock-up cage in all Moscow metro stations, located near the street-level entrance.

that I may have wound up in the hospital because I was beaten. I don't know, but I do know I had undergone a lot of stress.

I don't work, I don't receive a pension, and I can't get refugee status...⁷⁰ For hospital treatment I paid 2.5 million [rubles] officially; relatives and close friends gave money for the care. The operation turned out not to do the trick... I have no money, and medicine is very expensive, about 1.5 million rubles.⁷¹

With Arbitrary Detention, Unlawful Interference with Privacy, Family and Home

Presidential Decree 1226 of June 14, 1994, authorizes law enforcement agents to detain individuals for up to thirty days without charges, and permits house searches without a court order. The police often cite this law to justify their terrorizing crackdown against, and extortion from, dark-skinned peoples.

Detention — which can last from a few minutes to several weeks — is by far the most common type of abuse used by against non-Slavs. With regard to Chechens in Moscow, against whom the government of the Russian Federation bears particular animosity since the outbreak of hostilities in December of 1994, racially motivated detentions have escalated to the point where they are tantamount to collective punishment.⁷²

Police conduct checks not only on the street but sometimes come to the homes of individuals known to be dark-skinned to conduct the harassment. Most disturbingly, the Moscow City Government has publicly urged on Muscovites to call their police stations and report where dark-skinned people live, and many Muscovites have responded. That is, the government incites the public to make distinctions along ethnic lines, specifically against dark-skinned residents and guests, and it encourages equating these minorities with criminals.

Ashot Bukasov, a sixty-nine-year-old Armenian from Baky, Azerbaijan, and member of the nongovernmental Committee of Baky Armenians in Moscow, told of countless raids of their refugee housing by Moscow police and OMON. He added:

There were incidents in 1994 when they took children in from the second block [of the hotel]. Buses drove up and took the children to the police precinct. Why did they take them in? Just because. They stand near the entrance and take them in. And the women, mothers, went often to try to get them back, brought in documents. The OMON would come very often to check. But, my goodness, documents can be checked at the hotel!

About a year or a year and a half ago there were incidents when the OMON even broke down the doors, then they would check documents. This took place quite often. And then, frequently, they would start rumors that they were going to evict us.

⁷⁰ Almost no one is given refugee status in the Russian Federation. Human Rights Watch/Helsinki is conducting an investigation into this issue.

⁷¹ Interview, June 22, 1995.

⁷² A leader of the All-Russian Chechen Cultural Center, for example, reports having recorded dozens of cases in which police and OMON take Chechens from their homes and detain them without charges for several days at a time. He says he believes there are many more such cases. Interview with Shakhmurza Bekhoyev, June 28, 1995.

Dodojon Atavulloev is a Tajik journalist who was one of only a handful of journalists from Tajikistan who received refugee status in Russia following the 1992 civil war in Tajikistan. He recounted the following incident:

It was early morning in April 1993. I was with a driver -- we were coming back from the airport where we had met someone, and I wanted to buy the morning papers. Suddenly, people came up behind me and said, "Hands up!" I looked around, and there was a policeman. "What is it?," I asked... He said, "Legs apart, hands up!" They searched me but didn't find anything. I thought they would calm down, but they put me in their car and took me to the police station. I told them that I lived nearby and that I have refugee status. They said, "Oh, so you live close by. Let's go to your house." They said, "You probably have arms since you're Tajik." They came to my place; they went through everything, in the closet,... but they didn't find anything. So they took me back to the police station. At that time we [Tajik dissidents] were very fearful that when strangers found out where you lived they would turn you in to the Tajik authorities... But thanks to that driver, who was himself a Russian but who had lived in Tajikistan during the [Second World] War, [they let me go]. He started shouting: "I lived there during the war and no one ever touched me." Also, he had some relative who works at Petrovka [38], the Ministry of the Interior building. He called him, and only after that they let me go.⁷³

Vera Pachulia, a half-Georgian, half-Russian refugee from Abkhazia, told a correspondent of the wide-circulation Russian daily newspaper *Izvestia* of the following incident:

On October 13, 1993, at 10:00 P.M., there was a knock at the door. A policeman and an OMON agent came in with automatic rifles. They said they were conducting a check and demanded we show our propiska. [We produced other documents, and] the policeman said, "Get your things." To the question, "Where to, my son, and for how long?" he answered, "We'll figure it out there." We left wearing what we had on, assuming we'd be back soon. Another five OMON agents were standing downstairs. An Armenian family was led out from the entryway next door. Then they brought some more people and took [us] to the 112th Precinct. I won't describe the whole ordeal, being processed, accompanied by machine guns. Finally they let me go once I promised to leave Moscow within twenty-four hours.⁷⁴

The officer in charge at the 112th Precinct reportedly explained to the *Izvestia* correspondent that the police had discovered the whereabouts of these people thanks to phone calls from neighbors to the precinct.

A young Georgian woman, who asked that her name be withheld, reportedly came to Moscow in 1990 for medical treatment and then stayed on when war broke out in her native Abkhazia. She told Human Rights Watch/Helsinki that once during the winter of 1994,

⁷³ Interview, June 6, 1995.

⁷⁴ Marina Lebedeva, "Iz stolitsy -- pod dulom avtomata" (Out of the capital, at machine gunpoint), *Izvestia*, October 19, 1993, p. 5. Translation by Human Rights Watch/Helsinki.

my father's sister came to visit unexpectedly with her grandchildren, her daughters and son-in-law. Local old ladies (*babushki*) have the habit of ratting [to the police] when they see "people of Caucasian nationality." At 11:00 at night that same day, eight men came to my apartment with automatic weapons... I said to the person in charge: "What, have you come for bandits? Why do you need automatic weapons?" The baby started to cry. Since the war children react [strongly] to automatic weapons. These people came without any documents.⁷⁵

Natasha Okhunova, a refugee from Azerbaijan, has been living in government-assigned housing since she fled the bloodshed in Baky several years ago. She told a Human Rights Watch/Helsinki representative that OMON come to the place where she and other refugees live

two or three times a day... The situation here is very reminiscent of the situation that existed in Baky before the pogroms and expulsions... The children react to it most. They run, see [them] and shout, "The OMON are coming! The OMON are coming!" It's something awful. The children don't sleep at night. They scream and have nightmares.⁷⁶

She reports that there have been ten or twelve similar incidents in the last two years alone, or once every two to three months, and that no charges are ever brought against those checked. She also reported that OMON agents forcibly expelled her and her relatives, among them a baby and two invalids, from their apartment in May without a court order. Despite the intervention of a parliamentarian, as of this writing their apartment has not been restored to them.⁷⁷

Abdulla Khamzayev is an attorney, a former Moscow judge, a Russian citizen and an ethnic Chechen. He reports that he is currently preparing a legal suit against the Moscow city government over its continued illegal enforcement of the propiska system. In July 1994, he reported, agents he believed to be with the OMON came to his home in Moscow ("They had no search warrant, of course"), pushed their way inside, and ransacked much of his apartment. "They came only because we are Chechens," he said.⁷⁸ He added:

Before, cops wore uniforms. Now they come with stockings over their heads. That is so that they can say later that it was robbers. I don't know another country where representatives of the government conduct business with masks on.⁷⁹

With Extortion or Illegal Seizure of Money or Property

During some identity checks of ethnic minorities, Moscow law enforcement agents collect money from detainees in the form of fines, and those monies go to government coffers. Often, however, law enforcement agents conduct checks and otherwise violate the rights of the detainee, because they can intimidate the person into producing a bribe, or for the specific purpose of eliciting a bribe. With the increasing frequency of home raids, law enforcement officials use the opportunity behind closed doors and without impartial witnesses to steal private property as the booty from a raid. Frequently, law enforcement agents will hold passports or other unique documents as collateral to ensure that detainees will return to pay the full sum demanded.

⁷⁵ Interview, June 28, 1995.

⁷⁶ Interview, June 20, 1995.

⁷⁷ Interview, June 23, 1995.

⁷⁸ Efron, "In Russia, Fertile..." *The Los Angeles Times*.

⁷⁹ Interview, June 23, 1995.

Minorities are preferred targets for extortion since some are out-of-towners or speak poor Russian and thus are particularly vulnerable, or are reluctant to report the abuse, fearing further mistreatment. However, extortion is perhaps the least ethnically-related element of law enforcement's racially discriminatory abuse; bribery is an ingrained and accepted part of many daily transactions in Russia, as in other countries. Indicative is a recent effort by Interior Minister Anatolii Kulikov to gauge the level of corruption among traffic police: in August 1995, he sent a truck loaded with vodka on a 700-km. trip across southern Russia. Police reportedly demanded a bribe twenty-two of the twenty-four times they stopped the truck.⁸⁰

Aslan Mustafa, a Kurdish asylum-seeker from Syria, painted a picture of abuse that was repeated in countless other independent testimonies:

The police come to the market where I work often, every hour... There are a lot of problems at the market. The biggest problem is the police. They really want money. If you have money, there's no problem; if you don't have money, immediately — problems. If you don't have money they take you in and demand money anyway. They say, "Go call a friend and have him bring some money."⁸¹

A thirty-six-year-old Kurd from Azerbaijan, who spoke on condition of anonymity, reported:

The police come to the marketplace where I work every day... With the police, if you have a propiska, they don't take you in; but the OMON don't look at the propiska — If you're dark-skinned (*chernyi*), it's just: "Let's go." On the street, if you have black hair and a dark face they stop you often. They ask for your documents; if you don't have your documents they take you to the police station to pay a fine. If the fine is for 20,000 rubles, they take 40,000 or 50,000. This usually happens once a day.⁸²

Aziz Mohamadi, the Iranian asylum-seeker cited earlier in this report, complained:

⁸⁰ *Reuter*, August 22, 1995.

⁸¹ Interview, June 7, 1995.

⁸² Interview, June 8, 1995.

When you go out on the street [the police ask], "What are you doing here? How come you don't have a propiska?" Then they take a fine, which is however much you have in your pocket. Since September of 1994 I have been receiving \$65 a month in support from [the humanitarian aid organization] Equilibre. One month the cops got it all. My job earns me only enough to pay off the police.⁸³

Natasha Okhunova has been living in a refugee home in Moscow since fleeing pogroms in Baky, Azerbaijan, along with other Armenians. She reported that OMON agents come to the refugee home where she lives as often as three times per day:

What's surprising is that they come not only from our local precinct; it's like they all are coming to the feeding trough. On Sunday, for example, they came, took all our passports, and calmly stated that they will fine us 5,000 rubles [approximately US\$1] to register us to live at this address. We went to the police station, [but] they wrote us out fines of 87,000 rubles [approximately US\$17] per person. Many of us feared for our passports and therefore paid the policemen directly in cash since the banks are not open on Sundays. They didn't give us any receipts... Those who refused to pay the policemen had their passports kept. The next day, the police chief clarified that we should have paid only 4,000 rubles and change.

It's possible to say that they don't particularly bother the women. But there is a special attitude toward the men; they constantly fine them for one reason or another. [Even] if there is a document, they say, "You still need this and this." In other words, they will find a reason to fine you.⁸⁴

Other victims describe how they cannot obtain a temporary propiska without having to pay a bribe for it. Farkhun Atachiev, a twenty-four-year-old Azerbaijani, said that he "had to keep shoving money across the desk until the police finally agreed to register" him. Thus, he ended up paying US\$50 for a permit that officially costs only \$19.⁸⁵

Murman Jojua, a Georgian construction engineer who fled ethnic strife in Abkhazia, recalled an incident that illustrates the arbitrary and illegal nature of fines for violations of the residence restrictions:

⁸³ Interview, June 2, 1995.

⁸⁴ Interview, June 20, 1995.

⁸⁵ Efron, "In Russia, Fertile ...," *The Los Angeles Times*.

On March 12, 1995, I was walking along the street with my cousin around 7:00 P.M. A police officer, who did not introduce himself, stopped me at the entrance of Perovo metro station and immediately began demanding my documents... I had my passport with me. He took it and determined that I have no [Moscow] propiska and am not registered... The police put me and my cousin in a car. At the station they... demanded 105,000 rubles [approximately \$21] — why so much, I don't know. They explained that that's their norm and that if I get caught a second time I'll pay up to 1 million rubles [approximately \$200]... For a refugee, 105,000 rubles is a big loss... There is no justification for that, no matter what problems the Moscow government is facing.⁸⁶

Vitalii Khachatryan, the young refugee from Armenia, recounts:

Generally they ask for [U.S.] dollars. It's as if they don't accept rubles. They try as much as possible to take [money] in hard currency because hard currency is stable, but the ruble keeps falling... I tell them I don't have any, first of all, my salary isn't so big that I can hand out money at every turn, at every traffic stop. (They take more at traffic stops than the fine.)

Not long ago a GAI inspector stopped me... He told me right to my face: "You are Caucasians and we don't like you here." He said, "We're not afraid of anything, we have reason not to like you." I said, "Look, are you going to keep me here for a long time? You've stopped me, my papers are in order — let me go." He said, "Never mind, we'll find a reason to take your documents away. Don't worry, you'll be cooling your heels." There have been an awful lot of similar incidents.⁸⁷

Valentina, a middle-aged produce salesperson from Moldova, testified that law enforcement officials conduct raids on markets in accordance with a pattern that makes it easy for them to seize property:

All the guys [at the market] know that the police come after 3:00 in the afternoon. At that time everyone leaves their produce and runs away so they don't get caught. Then the OMON agents take however much produce they want: fruits and vegetables.⁸⁸

Sergei, a Russian of some Armenian ancestry, reported being stopped frequently. He stated:

One time they fined me for swearing in the metro... Did I really? Of course not, are you kidding? No, I didn't swear. But frankly I was very happy to get away with just a fine. Why do they stop me? It's very simple: to squeeze out money.

If you want to, you can find fault with a tree stump. The last time the [police] took a fine from my [half-Russian, half-Armenian] mother, I was with her; she was selling flowers.

⁸⁶ Interview, July 15, 1995.

⁸⁷ Interview, May 28, 1995.

⁸⁸ Interview, June 8, 1995.

When he asked for [her documents], she just gave him some flowers and he walked away. That was the only reason he came over in the first place: He needed some flowers.⁸⁹

Attorney Abdulla Khamzayev, whose testimony appears previously in this report, told of Chechen acquaintances of his who run a restaurant in the Hotel Saliut. He reported the following:

⁸⁹Interview, May 31, 1995.

The OMON started coming to the hotel quite often (*chastenko*). They get the room numbers from the floor ladies. They come and take all their money, down to the last kopek. It's useless to resist: "Give me your tape deck as a present." "Take it."⁹⁰

Asadaga Mekhtiev, a young Azerbaijani man who reports that he is usually harassed as he sells vegetables at a Moscow market, stated:

They check documents, you give your passport, you have your temporary registration, everything is legal. Then they start asking for a certificate of the quality of your goods. Everything is in order even with this, and they don't know what to find fault with. Even so, you are forced to open your wallet (*otstegivat'*).

I remember one time, OMON or someone — they came in masks — came [to the market] and started beating everyone. They cleaned out their pockets, took money from everyone.⁹¹

One elderly Chechen summarized the abuse: "You got any money? No? [Let's go] down to the station."⁹²

RECOMMENDATIONS

Despite the Russian government's increased attention to the dangers of fascist, "red-brown" and other intolerant ideological movements, there is an ongoing need for political and moral leadership to condemn violence against ethnic minorities, and in particular to denounce and punish racially discriminatory abuses committed by state employees. Specifically, Human Rights Watch/Helsinki respectfully submits the following recommendations:

To President Boris N. Yeltsin and Moscow Mayor Yuri Luzhkov:

- Guarantee the security of all persons from violence or bodily harm whether inflicted by government officials or private individuals or groups;
- Publicly denounce racial discrimination and all violations of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter CERD);
- Work with legislators to amend current federal and local legislation to bring it into compliance with international standards of protection against racial discrimination, in accordance with the Russian Federation's obligations under Article 26 of the International Covenant on Civil and Political Rights that "the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination";
- Enforce more rigorously existing legislation, judicial and administrative acts, even if currently insufficient, prohibiting racial discrimination;

⁹⁰ Interview, May 26, 1995.

⁹¹ Interview, June 1, 1995.

⁹² Khamzayev, May 26, 1995.

- Work with federal and local legislators to repeal all legislative, judicial and administrative acts that stipulate residence permit requirements;
- Immediately launch a campaign to inform government servants and the general public that residence permit requirements are illegal;
- Discipline government employees who continue to deny individuals basic rights or access to services or in any other way enforce residence requirements;
- Establish and enforce penalties for law enforcement agents who commit racially discriminatory acts or acts of violence;
- Investigate incidents of police brutality against non-Slavs, publicize the findings of the investigations, the disciplinary measures recommended, the disciplinary measures imposed, and the changes in procedures recommended to prevent similar brutality or discrimination in the future;
- Establish the office of independent ombudsman to investigate reports of police abuse, and authorized to present evidence to the Office of the Procuracy General;
- Instruct the Ministry of Internal Affairs to mandate a training program on racial discrimination and police brutality for all existing and incoming law enforcement officials;
- Intensify efforts to recruit law enforcement officers from different ethnic and national backgrounds;
- Urge the Office of the General Procuracy to launch a vigorous investigation into the beating deaths of Azerbaijani Arif Mamedov and Zimbabwean Gideon Chimsovo, and prosecute suspects to the fullest extent of the law.

To the International Community, including the United States of America:

- Publicly condemn all forms of ethnic discrimination practiced or tolerated by Moscow authorities and all violations of the CERD; and
- Urge the Government of the Russian Federation and the Mayor of Moscow to comply with the recommendations outlined above.

To the Government of the United States and any other current or potential donor:

- Make public the problems targeted by your government's programs designated to assist Russian law enforcement in combating crime, as well as the goals of that program, such as to clarify the distinction between crime prevention and blanket suspicions of any minority group;
- Set and observe strictly specific benchmarks for progress in achieving program goals, such as the recommendations made to President Yeltsin and Mayor Luzhkov above;
- Establish and abide by timetables to assess progress in achieving program goals, and stand ready to suspend assistance should the Russian Government fail to demonstrate the will to meet these goals; and

- Encourage the Russian Government to provide equal protection under the law and, when the government, acting in good faith, requests international technical assistance in fortifying its legal system to provide effective protection, offer such assistance.

* * *

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Human Rights Watch/Helsinki

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