

Impact of the “War against Terror” on Russian Civil Society

By Tanya Lokshina and Sergei Lukashovsky, Center “Demos”

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Russian authorities used the September 11, 2001 attacks to promote their image in the West as a country fighting terrorism so that criticism of abuses in Chechnya and elsewhere by Russian security forces would be swept aside. The events of September 11 and afterward in the United States helped legitimize the antiterrorist campaign of the Russian Federation, warts and all, as part of the international war against terrorism.

President Putin was one of the first heads of state to express his condolences to President Bush following September 11. And Russia immediately and actively became involved in the so-called “antiterrorist” coalition.

The desired result was quickly achieved. The world community became less concerned with human rights violations in Chechnya following September 11. In the spring of 2002, the United Nations (U.N.) Commission on Human Rights failed to adopt a Russia/Chechnya resolution (in contrast to its resolutions in 2000 and 2001), and the Chechen conflict faded from the agenda of this major international human rights forum. The United States and some European Union governments (particularly Italy and the United Kingdom,) started to send signals that they agreed that Russian policy in Chechnya was part of the general struggle against international terrorism.

Russia expert Rachel Denber summarized the turning away of the international community from the promotion of human rights in the Russian Federation in an article in Human Rights Watch’s World Report 2004:

Chechnya was placed on the agenda of the U.N. Commission on Human Rights, the highest human rights body within the U.N. system, but even there a resolution on Chechnya failed to pass. No government leader was willing to press for specific improvements during summits with Russian President Vladimir V. Putin. In late 2002 the Russian government closed the field office in Chechnya of the Organization for Security and Cooperation in Europe (OSCE). And to date the Russian government had still not invited U.N. special rapporteurs on torture and extrajudicial executions to visit the region. And unlike in other armed conflicts in Europe, few foreign missions in Russia sought to gather first-hand information about continuing human rights abuses.¹

At the same time, within the country, particularly through the use of state-controlled media (by 2002, all federal-level TV channels were under state control), the Chechen campaign was portrayed as part of the world community’s fight against international terrorism, with Chechnya as one of the most important front lines in this joint struggle. Participation of foreigners in the Chechen rebel forces was emphasized.

In fact, the Russian authorities have successfully used the issue of international terrorism in Chechnya to draw public attention away from the necessity to look for a solution to the conflict. Efforts by human rights defenders to promote human rights and bring to the public’s attention violations of human rights, particularly against the civilian population in Chechnya, face overwhelming obstacles. Real public concern over the atrocities committed by Chechen rebels in Russian cities, combined with the government’s control of the media, has created a climate of fear which makes human rights advocacy increasingly difficult. In this situation, every major terrorist attack gives another impulse to the gradual tightening of state control over public life in the country as well as to the steady reinforcement of the role and powers of the special services. Likewise, each major terrorist attack results, among other things, in yet another onslaught of propaganda aimed at militarizing the public consciousness and affirming the priority of national security interests over human rights and fundamental freedoms. From this angle, the events that followed the yet unprecedented hostage-taking in the town of Beslan, North Ossetia, in September 2004, are particularly illustrative. State officials and loyal politicians were all transmitting to be public at large one dominant idea: a had been declared against Russia, and all Russian citizens must consolidate in the face of the enemy. The September 7 anti-terrorist rally in Moscow, which brought together over one hundred thousand persons, was held to the soundtrack of the key World War II patriotic songs. To note, while the rally was officially organized by the Moscow Federation of Trade-unions, it was in fact sponsored by the federal and city authorities, and many “participants” were staff-members of governmental organizations and universities who never volunteered by were actually commanded to come to the site in organized groups. In these circumstances, the rally adopted a resolution, which emphasized: “This is the beginning of a war against our Motherland! The Russians are a great nation. And our strength has always been in our unity. We must all

¹ Rachel Denber, “Glad to be Deceived:’ the International Community and Chechnya,” *Human Rights Watch World Report 2004*,

consolidate in the fight against international terror...²”; “We demand that a merciless struggle be launched against the executors and the organizers of terrorist attacks, no matter where those criminals are and who inspires them to do what they are doing.”³ It is quite indicative that a famous Russian actor, V. Lanovoi, who was entrusted with reading out this document to 130,000 participants of the rally, could not contain himself and, having uttered the sentence, “Such crimes can have no mitigating circumstances. We demand that those who are behind terrorist attacks, those who implement them, and those who collaborate with the terrorists be held responsible and punished,⁴” added of his own initiative, apparently addressing the people whom he considers to be among the so-called collaborators, “Your words about human rights and universal values are hypocritical and false.”⁵

The correlation between national security and human rights was relevant for the Russian Federation long before the tragic events of September 11, with a serious negative impact on Russia’s democratic development.

In 1991, as Russia began working towards building a democratic state, its leaders professed respect for human rights and fundamental freedoms. This process of democratic reforms practically from its very start has been accompanied by the use of military force as a tool for resolution of internal political crises.

In 1993, President Boris Yeltsin took radical steps to break an impasse with the Supreme Soviet of the Russian Federation (the parliament), then dominated by conservative forces that resisted democratic constitutional reform. Yeltsin issued Decree No. 1400, dissolving the Supreme Soviet and setting in motion a process to adopt a new Constitution.⁶ A two week political debate ended in an armed clash. Dozens of armed supporters of the Supreme Soviet seized several governmental buildings and tried to gain control over the Moscow TV-Center. Military units were called in. The Supreme Soviet was shelled, killing dozens. Its surviving defenders and others in the building were subjected to beatings and other ill-treatment after being taken into custody. Many civilians were caught in the violence. As there has been no comprehensive independent investigation of the incident, and the number of those injured remains unknown.

In 1993, this assault on the Supreme Soviet was explained by the need to defend the interests of democracy, human rights, and fundamental freedoms. Russia then adopted the most liberal Constitution in its history, one of the most progressive constitutions in Europe from the point of view of respect for human rights. However, the experience of resolving an internal political conflict through military means would be repeated. Within little more than a year, under the banner of “restoring constitutional order,” Russia was engaged in a war against the self-proclaimed Chechen Republic of Ichkeria in which its armed forces committed mass killings of civilians and indiscriminate bombing and shelling.

The human rights defenders that tried to draw public attention in Russia and in the West to the disastrous human rights situation in Chechnya were blamed by the Russian authorities, the media, and the public for a lack of patriotism, betraying national interests, slandering the army, and collaborating with the separatists. From this point on, the relationship between the state and human rights defenders in post-Soviet Russia started to deteriorate. Former dissenters and human rights defenders, who in the early 1990s possessed a great moral authority within the circles of power and whose values were trumpeted by top-level officials, gradually became marginalized and lost their rapport with the authorities. In the first Chechen war, the primary justification given by the authorities was the necessity of defending the territorial integrity of the Russian federation. Fighting terrorism, when it was mentioned at all, was a secondary concern.

In June 1995, Chechen leader Shamil Basaev organized an assault on the Budenosvsk hospital in Stavropol, taking hundreds of patients and staff hostage. This was the first major terrorist attack confronted by post-Soviet Russian society and resulted in many deaths. Human rights groups condemned the hostage crisis and called on both sides to respect the lives of civilians.⁷ The crisis ended four days later when the “Alfa” special antiterrorist unit of the Federal Security Service (FSB) stormed the building. Over 20 hostages died.⁸ Despite strong protests from its enforcement

² <http://www.edin.ru/news.html?rid=1788&id=73656>

³ <http://kreml.org/news/65063368>

⁴ Ibid

⁵ <http://ikd.ru/Campaign/xeno/terr-mieting>

⁶ Presidential Decree, On Multi-Stage Constitutional Reform in the Russian Federation, September 21, 1993, available at <http://www.ifes.ru/library/laws/president/edictN1400.html> (accessed February 20, 2004).

⁷ See Physicians for Human Rights, “Medical Group Calls on Professional Medical Associations to Condemn Siege and Assault on Russian Hospital, Calls Acts War Crimes,” June 22, 1995; also Human Rights Watch, “European/Central Asian Overview: Russian Federation,” *Human Rights Watch Annual Report 1995*.

agencies, the then-prime minister, Victor Tchenomyrdyn, called off the operations and turned to negotiations, resulting in the release of the majority of hostages.

From the mid-1990s, Russian authorities' priorities were steadily moving towards issues of national security. On September 19, 1997, the State Duma (the lower house of the Parliament) adopted a repressive law on freedom of conscience and religion.⁹ One of the rationales for this law was to protect national security interests. At the same time, the security services brought espionage charges against Russian citizens who exposed the threat of hazardous materials and worked to protect citizens' right to a safe environment. The cases of Alexander Nikitin, Grigory Pasko, and Vladimir Soifer, each of whom was alleged to have violated national security law by disseminating information on ecological damage, were the object of major campaigning by Russian human rights defenders and by the international human rights movement.¹⁰

The "Concept of National Security of the Russian Federation," adopted in 2000, defined the issue of control over religious life as one of the priorities of the state, of which one aspect is "forming the moral education policy... [including] countering the negative influence of foreign organizations and missionaries" and "countering the cultural-religious expansion by foreign states into the Russian territory."¹¹ Human rights defenders that strove to protect persecuted religious groups, the Jehovah Witnesses among others, were immediately accused of collaborating with "totalitarian sects."

By the autumn of 1999, the issue of terrorism had become a serious concern after an unprecedented number of terrorist acts in Moscow and Volgograd and incursions into Dagestan by armed groups under Chechen leader Shamil Basaev's command. Chechens were accused of responsibility for the explosions in Moscow and Volgograd. Fighting a war against terror became headline news. From late 1999, the issue was used to justify the strengthening of the executive branch, particularly law enforcement, and to curb democratic initiatives and civic freedoms.

A routine response to individual atrocities came into play, as each terrorist attack was followed by a massive police operation that targeted ethnic Chechens and Caucasians residing in large Russian cities.¹² These police operations included random identity checks, in particular targeting persons thought to look like Chechens or Caucasians, searches of residential premises without warrants, arbitrary arrests, and false criminal charges. Torture and other cruel, inhuman, or degrading treatment was a reported part of round-ups.

The second Chechen war started immediately after Basaev's incursion into Dagestan.¹³ The war was labeled a "counterterrorist operation" and continues to be considered so. The parliamentary campaign of *Edinstvo*, the ruling

⁹ Federal Law No. 125, On the Freedom of Conscience and Religious Organizations, September 26, 1997, available at <http://www.hrights.ru/text/akt/chapter15.htm> (accessed February 20, 2004).

¹⁰ Alexander Nikitin, an environmental activist and retired navy captain, was charged with treason in the form of espionage (article 64 of the Criminal Code) for his work on *The Northern Fleet – A Potential Source of Radioactive Contamination of the Region*, a report documenting nuclear contamination caused by Russia's Northern Fleet. Arrested on February 6, 1996, Nikitin spent almost ten months in an investigation isolation ward in St. Petersburg before being released on his own recognizance in December, while the FSB carried on its investigation. In 1998, he was tried with treason, based on his violation of secret government decrees that were never publicly revealed. On December 29, 1999, following international pressure, the St. Petersburg city court acquitted Nikitin on every count. See, e.g., Human Rights Watch, Fact Sheet: "Nikitin Case," (1998) available at <http://www.hrw.org/press98/oct/fact.htm> (accessed March 11, 2004); and American Association for the Advancement of Science, Human Rights Action: "Alexander Nikitin,," (updated 2004), available at http://shr.aaas.org/aaashran/victim.php?p_id=48 (accessed March 11, 2004). In 1997, the FSB Pacific Fleet Department accused Grigory Pasko, a military journalist, of divulging classified information after he reported on nuclear waste dumping. Pasko was charged with high treason through espionage. Though he was acquitted of this charge, he was sentenced to three years in prison for "abuse of his official position" in July 1999. Pasko appealed the verdict but, at a re-trial that ended in December 2001, he was sentenced to four years in prison. In January 2002, following international protests, the verdict was overturned and Pasko was released. See, e.g., http://www.index.org.ru/mayday/pasko_a.html (accessed March 11, 2004); and The Gregory Pasko Defence Committee, available at <http://www.internews.ru/ngo/pasko/indexe.html> (accessed March 11, 2004). In July 1999, FSB officers in the Primorye territory obtained a court order to search nuclear physicist Vladimir Soifer's apartment and his correspondence on the grounds that his investigation into the explosion of a Pacific Fleet nuclear submarine in the Sea of Japan represented "a threat to national and military security of the country." The main evidence against Soifer was his correspondence with foreign colleagues. A criminal case was initiated against Soifer but did not reach a court of law. Later, on February 11, 2000, a district court in the city of Vladivostok found the FSB guilty of multiple violations of the law during the search of Soifer's apartment. The FSB filed an appeal with the Primorye Territorial Court, but the appeal was declined. See, e.g., Anatoly Medetski, "Courts Say FSB Broke the Law," *Valdivostok News*, February 18, 2000.

¹¹ National Security Concept of the Russian Federation, approved by Presidential Decree No. 24, (January 10, 2000).

¹² Here and further, the term "Caucasians" is used to refer to peoples of the Caucasus.

¹³ Basaev's incursion into Dagestan started on August 1, 1999, with the main forces of up to 1,500 combatants entering the territory of the republic on August 7, and seizing several villages in Tzemandinsky and Botlikhsky districts. There were no

party, at the end of 1999, and Putin's own presidential campaign in the spring of 2000, were based on the promise of "a small victorious war" and the determination to conquer terrorism.

The government insists that the "operation" conducted in the Chechen Republic is in accordance with the 1998 law "On Fighting Terrorism."¹⁴ The law was meant to regulate the localized, short-term use of police and military force in the circumstances where immediate reaction is required and there is not sufficient time to seek parliamentary approval for special measures. It was invoked in 1999 to deploy armed forces in the Chechen conflict without calling a State of Emergency or declaring a State of War, which in both cases requires parliamentary approval. Four years later, Russian forces engaged in the conflict continue to operate under the 1998 terrorism law. The Council of Europe has held that lack of clarity of language in the law could lead to human rights abuses, particularly with regard to those provisions that define conditions for the use of the armed forces to counter terrorist operations and establish accountability for the executors of antiterrorist operations.

Already during the first Chechen war, the authorities, and particularly the military, had hindered the efforts of human rights activists and journalists to objectively cover the situation in Chechnya. The policy of the authorities after September 1999, can only be interpreted as an attempt to introduce a blockade on information. The working conditions of human rights defenders and journalists have seriously deteriorated during the second Chechen war, with the risk to life and liberty they must face becoming significantly greater.

Particularly illustrative from this point of view are the cases of Victor Popkov, human rights activist, and Andrei Babitsky, journalist.

Victor Popkov became known during the first Chechen campaign for saving many Russian prisoners of war as well as many civilians, particularly women and children. Popkov successfully negotiated with both federal servicemen and Chechen field commanders. He regularly delivered humanitarian cargo to the republic. During the second Chechen war, Popkov often was arbitrarily detained by the security forces and his humanitarian activities were severely hindered by the Russian military.

In April 2001, Popkov was in Chechnya on a humanitarian mission, delivering medical supplies to the mountain villages. On April 11, when Popkov and his companion, a Chechen doctor, Rosa Muzarova, were leaving the village Alkhan-Kala, located in the district of Urus-Martan, their car was stopped by men in an unidentified white vehicle. They were told to step out of the car and were then shot. Both Popkov and Muzarova received serious wounds and their driver sustained a wound to the head.¹⁵ Then, despite requiring immediate medical attention, Russian servicemen held them at a checkpoint for another hour, inspecting their identification papers and searching their car. Popkov died from his wounds in a military hospital in Krasnogorsk on June 2, 2002.

Andrei Babitsky, a correspondent with U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL), was one of the few journalists that worked among the separatists' armed forces during the second Chechen war.¹⁶ On January 19, 2000, Federal Forces detained Babitsky for alleged collaboration with the combatants. He was held in the Chernokozovo "filtration" camp.¹⁷ He was then handed over to a Chechen irregular unit controlled by the Federal Security Service, while Russian authorities claimed they had handed him over to rebels in exchange for Russian prisoners. Babitsky went missing until February 9, when he appeared in a videotaped broadcast on Russian Independent Television looking battered. Babitsky was finally released after sustained protests from Russian and international human rights organizations but was then rearrested. In October 2002, Babitsky was convicted and fined by a court on a charge of having had false identity documents but was then granted amnesty. Andrei Babitsky's experience sent a very clear warning to Russian and foreign journalists – independent reporting on Chechnya practically disappeared from the press.

Maskhadov claimed that they had no influence over the combatants. On August 8, federal military detachments, including the air force and the Dagestan Republic Police Force entered the conflict zone. After several days of fighting, the combatants retained control over only two villages. By August 17, Federal Forces controlled all strategic points. The Russian government initially asserted that its only intention was to counter the incursion and drive the combatants out of Dagestan. Upon completion of the military operation in Dagestan, Russian troops moved in to the territory of Chechnya, marking the beginning of the second Chechen war.

¹⁴ Federal Law No. 130, On Fighting Terrorism, July 25, 1998, available at <http://www.hro.org/docs/rlex/terrorism/index.htm> (accessed February 20, 2004).

¹⁵ Both Dr. Muzarova and the driver recovered. See "Human rights activist and doctor wounded in Chechnya," Prima News Agency, April 20, 2001, available at <http://www.prima-news.ru/eng/news/news/2001/4/20/18765.html> (accessed March 9, 2004).

¹⁶ During the first Chechen war, such work had been a wide-spread practice of both Russian and foreign correspondents. It became next to impossible in the course of the second Chechen campaign.

¹⁷ The term "filtration" is commonly used in Chechnya to indicate a holding place where people are brought to have their identity checked and possible connections with insurgents established. Detainees are routinely tortured and held for extended periods of

By September 11, 2001, Russia, using the protection of national security interests as a justification, had restricted human rights work, as well as the independent media. It became a routine for public officials and the state-controlled media to maintain that human rights defenders and journalists directly or indirectly assist terrorists and other forces trying to destroy the Russian State.

Countering Extremist Activity

The most significant modification in Russian legislation on counterterrorism after September 11, 2001, is the 2002 law “On Countering Extremist Activities,”¹⁴ which defines extremism to include “implementation of terrorist activity.”

The idea that the country needed a special law to counter extremism became popular in Russian circles of power as early as the mid-1990s. However, given the lack of political agreement on which activities could be targeted as extremist and what measures should be taken to counter those activities, no legislation was adopted. With the pro-Putin majority in the State Duma, the need for political agreement between the parliamentary factions disappeared. The law to counter extremism was passed by the State Duma against the backdrop of a significant increase in the activity of Russian youth gangs and skinheads, often with violent nationalist and racist political agendas. Law enforcement officials pressed for the new laws, claiming they could not effectively fight extremism without a broader legislative framework.

The law “On Countering Extremist Activities” is deficient in two areas: the definition of extremist activities, which is vague and overly inclusive; and unreasonably harsh punishments, including the use of an extrajudicial mechanism for suspending the operations of organizations identified as “extremist.”¹⁸ Although the law’s vague provisions may seriously limit its utility in countering racist violence, the law provides opportunities for the security services to persecute civil society organizations, religious associations, mass media, and even commercial companies under its broad terms. It is particularly disturbing that the law “On Countering Extremist Activities” and corresponding modifications to the law “On Public Associations”¹⁹ endow the state with excessive authority to limit the freedom of associations. The government now has the power to suspend the activities of a nongovernmental organization, for example, on the grounds that it is suspected of “planning, organizing, or conducting actions that undermine the security of the Russian Federation” (article 1).

The SOVA-Center for Information and Analysis, a Russian nongovernmental organization (NGO), recently researched the law’s application from the summer of 2002 to the present day.²⁰ They found that the law was not in practice widely used to counter extremist groups, but that it served as an effective repressive mechanism for selective use. The law was applied infrequently and sporadically, in several cases to restrict the work of genuine human rights groups.

Just prior to the adoption of the law “On Countering Extremist Activities,” two human rights NGOs from the town of Novorossiisk (Krasnodar territory), the “School of Peace” Fund and Novorossiisk Human Rights Committee, launched an informational campaign to draw media attention to a hunger-strike by Meskhetian Turks,²¹ which began on June 22, 2002, in the village of Kievskoe in Krasnodar. On June 25, representatives of the two NGOs were requested to go to the regional capital, Krasnodar, for a meeting about the hunger strike with the head of the inter-ethnic relations department of the Krasnodar Territorial Administration. At the meeting, they were told the new “Extremist Activities” law would be used against them as soon as it was in force and against all those who disagreed with the politics of the Krasnodar Governor, Alexander Tkachev. The “School of Peace” Fund was suspended without invoking the anti-extremist law by administrative order. The two NGOs were threatened with closure.

Another well-known human right organization in Krasnodar, the Krasnodar Human Rights Center, had been threatened by the authorities for many years in different ways, including through the courts. With the adoption of the anti-extremist law, the Territorial Department of Justice suspended the activity of the center for six months, maintaining that its work was threatening the security of the state. Suspension or closure under previous legislation

¹⁴ Federal Law No. 112, On Countering Extremist Activities, July 25, 2002, available at <http://www.hro.org/docs/rlex/duma/41/ex6.htm> (accessed February 22, 2004).

¹⁸ For more details, see A. Verkhovsky, “The Most Recent Legislative Initiatives: Draft-Law ‘On Countering Extremist Activities,’” *Nationalism, Xenophobia and Intolerance in Contemporary Russia*, pp. 124-130 (2002), available at <http://www.mhg.ru/english/1FB9294> (accessed February 22, 2004).

¹⁹ Federal Law No. 82, On Public Associations, April 14, 1995, available at http://www.ngopravo.ru/11/i4_48.htm (accessed February 22, 2004). The law itself cannot be defined as restrictive. It is its modification in connection with the law “On Countering Extremist Activities” that gives grounds for concern.

²⁰ The report is available at SOVA-Center’s website – <http://www.sova-center.ru>.

²¹ An ethnic minority in the Russian Federation, deprived of access to a wide spectrum of civic, political, social, economic and

would have required a lengthy court battle. The experience in Krasnodar could be repeated in other regions of the Russian Federation. The broad language of the new law was criticized by both the U.N. Human Rights Committee and the U.N. Committee of Elimination of Racial Discrimination.²² This critique found no response from the Russian authorities, which continued using the law to hamper human rights activity.

Thus, the Chechen Committee of National Salvation (ChCNS), headed by Ruslan Badalov, a genuine and prominent human rights NGO and a member of the All Russian Movement for Human Rights network, was accused of being an extremist organization. The ChCNS is based and legally registered in Nazran, Ingushetia. It is active in gathering and disseminating, primarily via regular press-releases in the Internet, information on the human rights situation in and around Chechnya.

In August 2004, the prosecutor's office of Ingushetia made a submission²³ to the Nazran district court of Ingushetia claiming that the ChCNS disseminates information of extremist character, thus violating Article 13 of Federal Law "On Countering Extremist Activities." In its submission, the prosecutor's office specifically referred to twelve press-releases by the ChCNS and affirmed that they featured unverified data and/or erroneous, over-generalized conclusions with the aim of accusing the Russian armed forces and law-enforcement bodies of mass-crimes. The prosecutor's office further claimed that in this way the ChCNS was purposefully inciting public hostility towards representatives of the State and attempting to make the population resist the State. The prosecutor's office requested that a court hearing be scheduled to have the given press-releases examined and recognized as "extremist."

It should be noted that in September 2004, on request of Ruslan Badalov himself, the cited press-releases of the ChCNS were assessed by the Independent Council of Legal Expertise (a renown group of prominent Russian lawyers) and found free of extremist contents. Finally, the claim of the prosecutor appeared to contain multiple discrepancies. For example, when referring to the press-release #550 ("five male corpses in the Leninsky district of Grozny on March 29, 2004"), the prosecutor accused the ChCNS of having groundlessly stated that "those people had become victims of the terror by Russian enforcement agencies." In the actual text of the press-release #550, though, it is specifically said that "in the opinion of the local residents, those people had become victims of the terror by Russian enforcement agencies." Therefore, the claim of the prosecutor simply was not appropriate. If the court had supported the claim of the prosecutor and recognized the press-releases as extremist materials, the activities of the ChCNS would have been considered extremist. Then, the prosecutor's office or the Ministry of Justice of Ingushetia, in accordance with Federal Law "On Countering Extremist Activities" could have issued a warning to the ChCNS and suspended their activities for the period of up to six months without a trial or address the court with a request for a ruling to close the organization all-together. Fortunately, this did not happen as on October 26, 2004, the Nazran district court rejected the prosecutor's claim. We are convinced that this was possible only due to a strong campaign organized by Russian and international human rights NGOs in support of Ruslan Badalov and his organization.

Two other relevant bills were tabled at the Russian parliament. After the October 2002 hostage-taking crisis in the Dubrovka Theater Center (Moscow), in which theater-goers and actors died, President Putin sharply criticized the mass media. At his meeting with selected representatives of the press, he accused some in the media of intentionally neglecting the relevant agreements with the Ministry of Print and the instructions on coverage of the incident from the operational headquarters. Immediately afterwards, pro-governmental forces in the State Duma proposed amendments to the laws "On Fighting Terrorism" and "On Mass Media" to further restrict freedom of speech during counter-terrorist operations. An existing ban on propaganda or the justification of terrorism or extremism in the mass media and other information carriers would be extended to a general ban on information "serving to propagate or justify extremist activity, including information containing remarks by individuals aimed at precluding counterterrorist operations, propaganda and (or) justification of resistance to the conduct of an anti-terrorist operation."²⁴ The application of such an amendment could be broader than it might appear on the surface—as the war in Chechnya is formally a counterterrorist operation conducted on the basis of the law "On Fighting Terrorism." If such amendments are enacted, any attempt to organize a comprehensive discussion on the Chechnya issue in the press could be made punishable. With record-breaking speed, the amendments were approved by the State Duma and the Federation Council (Upper House of the Parliament). But apparently realizing that the legislation would appear too repressive, the authorities consulted leaders of key mass media outlets, including state owned media, and President Putin vetoed the bill. The draft amendments were forwarded to a parliamentary conciliatory commission.

²² Concluding Observations of the Human Rights Committee, U.N. Doc CCPR/CO/79/RUS, November 6, 2003; Concluding Observations of the Committee on the Elimination of Racial Discrimination: Russian Federation, U.N. Doc. CERD/C/62/07, Sec. B, Art. 22, March 21, 2003, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/08a9408084499c9ac1256d01003766d3?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/08a9408084499c9ac1256d01003766d3?Opendocument) (accessed February 23, 2004).

²³ Submission #7-135-04, dated August 2, 2004, signed by Sh. Kh. Aushev, Deputy-Prosecutor of Ingushetia

²⁴ "On the Modification of Article 4 of the Russian Federation's 'On Media' and Article 15 of the Federal Law 'On Fighting

The second bill—draft federal law no. 371610-3, “On Introducing Modifications and Additions in the Code of Criminal Procedure of the Russian Federation,” is directly aimed at broadening the mandate of law enforcement forces in the struggle against terrorism. The bill would extend the period for which a suspect under investigation for crimes of a terrorist character can be held without charge from the ten days (stipulated in Article 100 of the Code on Criminal Procedures) to 30 days. The bill was passed into law on June 29, 2004.

As noted, the primary victims of the struggle against terrorism in Russia are Chechens and other Caucasians. During the hostage-taking tragedy in the Dubrovka Theater Center, from October 23 to 26, 2002, and in the weeks after, Moscow law enforcement agencies faced harsh criticism for failing to prevent the large-scale terrorist attack in downtown Moscow. Similar to the repercussions of an explosion that destroyed residential buildings in Moscow in the fall of 1999, the capital saw a wave of “checks” on Caucasians. Apart from traditional street identity checks, police visited apartments, searched, and arrested people, in particular, Chechens. The Moscow-based legal aid clinic of the Civil Assistance human rights organization alone received some 40 complaints against the arbitrary conduct by the police. According to the organization’s leader, Svetlana Gannushkina, six incidents of false accusations, mostly drugs-related, were registered. Other ethnic Chechens in Moscow were reportedly fired from their jobs while Chechen children were expelled from school.²⁵

One of the most shocking cases was the arrest of Yakha Neskhaeva, a Chechen girl living in Moscow, who was among the hostages in the theater. In solidarity with her Russian girl friend, with whom she had come to see the musical, she did not reveal her Chechen identity to the attackers.²⁶ After the assault, she was taken to the hospital, then transferred from the hospital to jail hospital no. 20, and from there she was taken straight to a pre-trial investigation jail. She was fingerprinted, photographed, and her voice taped. She was incarcerated for ten days (a maximum term if no charge is filed). She was never interrogated, and was released without any charges being brought against her. There is every reason to believe that she was detained solely because of her ethnicity and released only because of the active involvement of a number of human rights organizations and highly professional lawyers.

Alikhan Gelagoev was arbitrarily detained on October 25, before the resolution of the hostage crisis. According to his account, a bag was put over his head while he was in the police vehicle and he was beaten. The policemen were shouting, “You hate us and we hate you! We will do you in!” In Moscow, the GUVd (the City Police Department) tried for hours to coerce him into signing a previously written confession that he was “an ideological organizer of the terrorist attack.” He was ultimately released only after he had signed a statement that he came to the Moscow GUVd on his own free will and that he had no complaints.

According to All-Russian Center for Public Opinion Monitoring (VTsIOM), 30 percent of the Russian population thinks that the “withdrawal of all Chechens from Moscow and other regions of Russia is the most effective way to ensure ‘security for people.’”²⁷ Russian human rights organizations have observed that in this context of hostility authorities do not take adequate measures to ensure the safety of members of minority ethnic groups. The Russian and international experience shows that after a major terrorist attack an outburst of interethnic tensions is inevitable unless special measures are taken. No such measures have been taken in Russia, while police operations based on crude racial profiling tend to exacerbate the generalized perception by large sectors of the public that all ethnic Chechens are suspect.

As the environment has become hostile for critics of Russian policy in Chechnya in Moscow and other metropolitan areas, the situation for human rights defenders in Chechnya and the surrounding region has become increasingly dangerous. The dangers are posed both by Russian government troops and security forces (and their Chechen allies) and by Chechen rebels who target for murder those suspected of collaboration with Russian authorities. It has become particularly dangerous for human rights organizations to work in Chechnya and Ingushetia since the election of the Moscow-backed candidate for president of the Chechen Republic, Akhmad Kadyrov.

In addition, “antiterrorist” measures and human rights abuses have begun to spill over into neighboring Ingushetia, where some 80,000 internally displaced Chechens have taken shelter since 1999. The highly contested election in October 2003 of Akhmad Kadyrov as president of the Chechen Republic,²⁸ coincided with the efforts of Russian authorities to return the refugees to Chechnya, a campaign that included armed raids, arbitrary detentions, random searches, and in some cases beatings and other ill-treatment, resulting in the death of at least one person. While blocking human rights groups from monitoring events, Russian forces justified the raids as necessary to weed out

²⁵ “Oppression of the Chechens in Moscow,” *Prima*, November 5, 2002.

²⁶ From the very onset, the terrorists expressed readiness to release all Chechens, Georgians and Abkhassians.

²⁷ VTsIOM, “Muscovites about Dubrovka Hostages,” available at (<http://www.vciom.ru>)

²⁸ See Human Rights Watch, *Human Rights Overview: Russia* (2003). According to the report, all of the candidates running against Kadyrov dropped out shortly before the race. Also, government reports that an overwhelming number of voters elected

terrorist insurgents hiding among the refugees, although neither weapons nor suspected rebels were reportedly found.²⁹ Chechen rebel groups also began to use Ingushetia as a battleground, resulting in the killing of several law enforcement officials and the downing of a Russian helicopter in 2002.³⁰ The increased violence and government blockades have made it dangerous and at times impossible for human rights groups to report from Chechnya or Ingushetia.

The fifth periodic report on the observance of the International Covenant on Civil and Political Rights (ICCPR) by the Russian Federation was reviewed by the U.N. Human Rights Committee in Geneva in October 2003. Akhmad Kadyrov, of the Russian delegation, protested that the critique by the committee's experts with regard to Chechnya was based on the untrustworthy evidence provided by NGOs, and that this was one-sided and biased information. He also claimed that all NGOs in the region that were not cooperating with him were collaborating with the terrorists and made other threatening allegations, including personalized ones, against Chechen human rights defenders.²⁶

Beslan Attack and It's Consequences

In Russian policies with regard to terrorism, and particularly those relevant to the situation of human rights defenders, the Beslan events played a crucial role.

In the aftermath of the "Nord Ost" tragedy, despite its devastating scope and the tremendous impact that it had on the Russian public at large, the authorities never really changed their policies with regard to terrorism and the Chechen conflict. They strongly continued to affirm that they would not take any measures which could be regarded as a concession to terrorists (i.e. negotiations with separatists, even the moderate ones) or as an admission of the state's weaknesses (i.e. acknowledging the necessity of and implementing a major reform of the law-enforcement and security agencies under close public scrutiny). In these circumstances, as if illustrating all the baneful consequences of such a position, as of February 2004 Russia was struck with a yet unprecedented wave of violent activity of the rebels, including but not limited to most cruel terrorist attacks (among them: the train explosion near the Avtozavodskaya metro station in Moscow in February 2004 (death-toll: 39), the murder of Chechnya's President, Akhmad Kadyrov in a bomb explosion in Grozny in May 2004 (death toll: 7), the raid of rebel fighter on Ingushetia (death toll: over 90 persons, including civilians), the raid of rebel fighters on Grozny (death toll: approximately 100 persons, including civilians). These developments reached a staggering level in late August – early September 2004, when in three separate incidents nine days apart, individuals suspected of being linked to Chechens fighters deliberately targeted, killed and wounded hundreds of civilians in acts that may only be described as "terrorism".

On 26 August, two civilian aircraft were destroyed mid-air in separate explosions timed just minutes apart, killing eighty-nine passengers and crew. The aircraft had taken off for Volgograd and Sochi respectively from Moscow's Domodedovo airport. Forensic specialists later determined that traces of explosives had been found among the aircrafts' wreckage. The explosions were caused by two female Chechen suicide-bombers, one aboard each plane. Ninety people died in these explosions.³¹

On 31 August, an explosion outside Ryzhskaia metro station in Moscow killed at least ten persons and injured fifty-one more. The investigation alleged that a lone female bomber intended to enter the metro station but detonated the explosives on the street after sighting police standing by the metro entrance. As a result, 11 persons died.³²

The 1st of September, though, witnessed a terrorist attack that will be certainly fixed in history as one of the most cruel and cynical act of terror worldwide, the taking hostage and killing of hundreds of children, parents and teachers by a group of armed men and women in School #1 in the city of Beslan, North Ossetia in the North Caucasus region of Russia.

On that day, armed men and women burst into the school as approximately 1,200 children, their parents and teachers had gathered to celebrate the beginning of the academic year. The composition of the group of hostage-takers has not been clarified, however, it has been reported that some of their demands were related to the armed conflict in Chechnya. The armed group held the hostages without food or drinking water for over 48 hours before Russian

²⁹ See Human Rights Watch, *Spreading Despair: Russian Abuses in Ingushetia*, Vol. 15, No. 8(D) § II Background (September 2003), available at <http://www.hrw.org/reports/2003/russia0903/> (accessed March 9, 2004).

³⁰ See Human Rights Watch, Open Letter to E.U. Heads of State and government, E.U. Foreign Ministers, E.U. Commissioners Prodi and Patten and High Representative Solana, October 14, 2003, available at <http://hrw.org/press/2003/10/eu101003-ltr.htm> (accessed March 9, 2004).

²⁶ There is no official transcript of the session available, however, one of the authors of this report was present at the session.

³¹ www.mhg.ru/news/8230764.html

security forces, at approximately 13:00 on 3 September, stormed the school in circumstances that still remain unclear.³³

The actual number of the victims also remains unclear. State officials continue citing 335 as the number of persons killed in Beslan. Mass media, at the same time, claim that the total of the dead is twice as high, based on the number of grave at the Beslan cemetery's new lot, dedicated solely to the burial of the victims of the terrorist attack.³⁴

To note, from the very start of the crisis, official sources of information cited and state-controlled media (major TV and radio channels and news agencies) replicated intentionally lowered numbers of the hostages. During the three days of the crisis, they spoke of 354 hostages only, even though the hostages' relatives and numerous observers that kept vigil by the school building knew for a fact that the real number was at least 1000 persons.³⁵ Likewise, the authorities were not disclosing the demands that terrorists had voiced as early as September 1 (to this day, there is no trustworthy information as to the exact nature of these demands).

As opposed to the aforementioned Budenovsk hostage-taking crisis, where the intervention of human rights defenders had allowed to prevent major human losses, the "Nord-Ost" tragedy already demonstrated that the times irretrievably changed, and nowadays when members of the public actively participate in negotiations, the authorities simply do not take these negotiations into account. While politicians and public figures were trying to reach certain agreements with the terrorists at the Dubrovka Theater, the authorities just continued to prepare the storm of the building, despite the danger of tremendous civilian casualties, and were not willing to comply with any meaningful demands of the terrorists. In this context, it is hardly surprising that the Beslan hostage-takers immediately limited the lists of wanted negotiators to the highest officials of Ingushetia³⁶ and North Ossetia.³⁷ (The only exceptions were the internationally famous pediatrician and humanist Leonid Roshal, who was most probably allowed to intervene for the sake of publicity, and Ruslan Aushev, former President of Ingushetia and undoubtedly the most influential politician in the Northern Caucasus, who actually managed to achieve the release of 26 hostages, i.e., nursing mothers and their babies.) Under the circumstances, it was only natural that representatives of leading civil society organizations and democratic parties, that during and after the crisis were being bitterly accused of not undertaking any attempts to save the hostages, never went to the site and tried to intervene – they simply realized the fruitlessness of all attempts to take part in the negotiations.³⁸

At the same time, it should be noted that two prominent journalists and experts on the Caucasus, Anna Politkovskaya (*Novaya Gazeta*) and Andrei Babitsky (RFE-RL) hoped that they would nevertheless be able to act in the capacity of mediators at the negotiations and, when heading for Beslan, intended not only to cover the hostage crisis for their respective media but also to assist to the liberation of the hostages. These hopes seemed well-grounded, taking into account the respect enjoyed by the both journalists in Chechnya and their long-term very strong stand via the policy of federal authorities and the blatant human rights violations in the Northern Caucasus. Anna Politkovskaya, in particular, explained "I and a number of others discussed on our cell phones how it could be arranged for Maskhadov to come to the site of events. We had long lost the habit of discussing such matters on our mobiles but this time we simply did not care. My position was as follows: we must do everything in our power to have Maskhadov convince these people to release the children, to have him come out of the underground." She also stressed that Makhadov was actually to go to the seized school and negotiate with the rebels.³⁹

It is quite indicative that neither Anna Politkovskaya nor Andrei Babitsky succeeded in reaching Beslan themselves, as they both fell victim to very suspicious incidents.

In the evening of September 1, Anna Politkovskaya fell ill on board of a plane heading for Rostov, from where she was planning to go to North Ossetia. When the plane landed in Rostov she was rushed to a hospital with a grave poisoning. It appeared that her kidney, liver and endocrine system were affected by an unknown toxic substance.

³³ www.mhg.ru/news/8230786.html

³⁴ *Caucasian Knot* (<http://kavkaz.memo.ru/newstext/news/id/717422.html>).

³⁵ *Kommersant* (September 3, 2004).

³⁶ President of the Ingushetia Republic, Murat Zyazikov.

³⁷ President of the Republic North Ossetia-Alania, Alexander Dzasokhov.

³⁸ On September 7, 2004, Tanya Lokshina, Programs Director of the Moscow Helsinki Group, was interviewed by the programme "Postscriptum" (TVTs Channel) and faced a range of such accusations. As she was able to give adequate counter-arguments, the interview was never aired. To note, both Tanya Lokshina and Ludmilla Alexeeva, Chair of the MHG, publicly proposed to act as negotiators but their initiative found no response either among the Russian authorities or among the terrorists. (Own information.)

However, she insists that she was feeling perfectly normal all day and did not touch any food or drink until she had a cup of tea on the plane, following which, in approximately ten minutes, she lost her consciousness.⁴⁰ The journalist is convinced that she was poisoned by the special services that wanted to prevent her from participating in the negotiations and, primarily, from involving Aslan Maskhadov in this process.

On the next day, September 2, Andrei Babitsky was detained in the Moscow airport “Vnukovo” while waiting for a flight to the Northern Caucasus. First, representatives of the airport security service asked him to proceed to the room designated for personal search. They found no suspicious items on Babitsky or in his luggage and let him go. According to the journalist, the subsequent events were as follows: “When I left that room I was approached by two young men who demanded that I buy them a beer. I said I would not. Two policemen came up to us and checked our identification documents. Afterwards, I went to the next hall but they caught up with me and continued demanding beer. Then, we were all rounded up by the security services. I was taken for a medical examination in an official car, “Gazel”-brand, with a warning light device. From time to time, the driver would switch the warning light on and pass other cars on the road. At some point, we stopped. A man came up to the driver and asked him to slow down because three FSB cars that were following us could not go that fast. In a private conversation with me and, later on, with my lawyer, my attackers admitted that they were staff-members of the airport security service. They boss had shown them my passport, my photo, and told them to wait till I come out of the personal search room and then stage a row with me. However, they never acknowledge this in court because they were afraid of repercussions at work.”⁴¹ Andrei Babitsky spent the night in pre-trial detention and on September 3 was sentenced to as justice of the peace of the Solntsevsky district of Moscow to five days of administrative arrest as a punishment for his “administrative offense.” Although, already on September 4, the Solntsevsky district court reversed the decision of the justice of the peace and decreed to impose on Babitsky a fine of 1000 roubles (approximately 30 US dollars) as a commutation of the arrest.⁴² According to Babitsky himself, all this was done to him in order to prevent him from reaching Beslan during the crisis.⁴³

The incidents with Politkovskaya and Babitsky demonstrate the extent to which Russian special services are ready to go today in order to restrict any independent activity that could hamper the implementation of the unequivocal policy of force upheld by the government with regard to terrorists and Chechen separatists.

In connection with Beslan journalists were a particularly common target for pressure. International organizations, for example, the International Press Institute in Vienna, stressed that Russian authorities were interfering with professional activities of mass media representatives in the course of the crisis and afterwards.⁴⁴ Such a prominent organization as “Reporters without Borders” also condemned the obstacles created by Russian officials for journalists that covered the situation in Beslan.⁴⁵ In addition to the dramatic developments around Andrei Babitsky and Anna Politkovskaya one can give a range of examples of such practices.

On September 3, during the storm of the school building and later in the day, video-tapes with new footage were confiscated from several group of TV journalists — ZDF (Germany), ARD (Germany), APTV (USA), and “Rustavi-2” (Georgia).⁴⁶

According to Elena Milashina from *Novaya Gazeta*, many journalists were stopped by the law-enforcement personnel for ID checks. When they showed their passports and media accreditation documents, surprisingly, they were to provide a registration of temporary residence in North Ossetia, which some of them did not have (getting such a registration is difficult and time-consuming). Some correspondents were then detained because of the lack of registration of temporary residence, including Elena Milashina herself, Anna Gorbatova and Oksana Semyonova from *Novye Izvestia* (they were brought to a police station and held in custody for one hour), Madina Shavlokhova from *Moskovskie Novosti*, and Timur Ostrovsky from *The Moscow Times*.⁴⁷

On September 4, a group of Georgian journalists from the already mentioned “Rustavi-2” TV was detained by police in the city of Vladikavkaz. The journalists were accused of having illegally crossed the Georgia-Russia border. Despite active protests of Georgian diplomats, the detained journalists were only released on September 8. Although, the Georgian government affirms that their documents were in perfect order. (The journalists in question are all residents

⁴⁰ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/701240.html>).

⁴¹ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/701220.html>).

⁴² <http://www.newsru.com/russia/04sep2004/babi.html>.

⁴³ <http://www.newsru.com/russia/03sep2004/ababitsky.html>.

⁴⁴ *Echo of Moscow Radio* (<http://www.echo.msk.ru/7news/archive/205897.html>).

⁴⁵ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/702180.html>).

⁴⁶ “Special Operation in Beslan Was Successfully Carried Out. Against the Journalists. *Novaya Gazeta* (September 20, 2004).

of the Kazbeksky district of Georgia. And as the Kazbeksky district enjoys a simplified border regime with the Russian Federation, they did not need a visa to enter North Ossetia.)⁴⁸

On September 6, a correspondent with the Arabian satellite TV-channel “Al-Arabia,” Amru Abd Al-Khamid was detained by police at the “Mineral’nye Vody” airport (Stavropol territory) because a bullet was allegedly found in his luggage. The journalist strongly insisted that the bullet was planted. Later, he was released with no charges brought against him.⁴⁹

On September 7, two journalists from a Georgian TV company “Mze”, correspondent Zurab Dvali and his cameraman, were expelled from Beslan by the North Ossetia law-enforcement agencies. This was reported live by Zurab Dvali himself when he was already in Moscow: Yesterday, late at night, staff-members of the local law-enforcement bodies broke into our hotel room and demanded that we leave the town immediately because, allegedly, they could not guarantee the security of Georgian journalists.” The law-enforcers confiscated the journalists’ papers and took them to the airport in a police car at 9am. The journalists had their documents returned to them only on board of a flight heading for Moscow. Zurab Dvali also emphasized that while in Beslan, he “frequently had problems with people who argued that Georgians had no right to be there.”⁵⁰

The resignation of Raf Shakirov, chief-editor of the All-Russian socio-political newspaper *Izvestia* right after the Beslan crisis had a particular resonance in Russia and abroad. Shakorov handed it his letter of resignation on September 6, and even though he refused to comment on the reasons behind his actions not a single media-expert doubted that his resignation had to do with the fact that during the Beslan crisis *Izvestia* published data on the numbers of hostages that were much higher than the official numbers and *Izvestia* correspondents expressed their distrust in the official Beslan chronicles.⁵¹

The pressure of the authorities on mass-media not never allowed to adequately inform the public on the on-going developments in Beslan as well as on the scope of the tragedy. Moreover, even after the end of the crisis the media could not give an objective comprehensive picture of the situation without resorting to self-censorship. For example, all local TV-channels refused to air a documentary “Beslan: the Third Friday” filmed by journalists from Ekaterinsburg (Sverdlovsk region). Only one channel finally conceded to show several fragments of the film – the most loyal and benign. According to Vladimir Antipin, General Director of the company “21 TV-Channel,” the film tells a very truthful story, and therefore, it can be disseminated only under the table. “Heads of plants, priests, and ordinary people come to our office and ask for copies of this film. I have already made 18 such copes on CDs and approximately 24 on video-tapes. Some of them were taken to Nizhnevartovsk, Novouralsk, and Moscow.”⁵²

Naturally, Beslan provoked a series of mop-up operations in different regions of Russia. In particular, all Chechens working at construction sites in the Moscow region were checked thoroughly. Twenty of them were detained but released later on, having paid a fine for the lack of registration of temporary residence. Chechens based in the Moscow region repeatedly complained of ethnicity-based persecutions against them.⁵³

On September 4, a group of law-enforcers broke into the apartment of the Khadaev family (Chechens residing in the city of Moscow). Three teen-age children of the Khadaevs were forced to lie down on the floor and cover their heads with blankets. A gun was put against the head of Magomed Khadaev, age 15. Amina Khadaeva, age five, tried to hide under the bed. She was dragged out from under the bed and made to stand on her knees for the duration of the apartment search. Afterwards, Ramzan Khadaev and his wife, Asya, were interrogated by the FSB. According to Asya Khadaeva, “one of them said, ‘You must leave Moscow. It’s not your home.’ I replied, “OK. Give me back our apartment that was destroyed by your soldiers. Give me back everything that was stolen from me and I’ll leave the very next day.’ But they said it was not their problem. They said that we were Chechen, and therefore, we were terrorists.”⁵⁴

Stirring militant feelings in society also brought about a pronounced rise in violent attacks against Caucasians and foreigners by racist extremist groups. Thus, on September 18, a group of 20 extremists attacked four Caucasians on a train in the Moscow metro. The victims were taken to hospital with knife-wounds and fractures. According to one of the witnesses, the aggressors got on the train, sighted the Caucasians and started beating them cruelly, screaming all

⁴⁸ *Gazeta.Ru* (September 8, 2004).

⁴⁹ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/702180.html>).

⁵⁰ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/702160.html>).

⁵¹ *Mediaguide* (http://www.mediaguide.ru/news_sub.php?number=413d5c4d).

⁵² *Caucasian Knot* (<http://kavkaz.memo.ru/newstext/news/id/716860.html>).

⁵³ *Caucasian Knot* (<http://www.kavkaz.memo.ru/newstext/news/id/703640.html>).

the while, “This is your reward for the terrorists attacks!” To note, the police initially qualified these actions as motivated by hooliganism, but the prosecutor’s office added the racially-motivated crime component.⁵⁵

Russian authorities cannot control spontaneous violent attacks motivated by ethnic hostility or even put an end to the arbitrariness and violence by the law-enforcers that vent on refugees and migrant workers their frustration in their own inability to effectively prevent and counter terrorist attacks. Another and most radical way of venting such frustration is in beating to death suspect terrorists during interrogation.

On September 11, at one o’clock in the morning, of the roadside of Kutuzovsky Avenue,⁵⁶ the police checked a “Giguli” car. In the vehicle, they found a blasting cartridge with a radio-controlled fuse and an explosive devise made out of a land-mine. The driver, Alexander Pumane, was a resident of St. Petersburg, allegedly hired by some people to drive the car from St. Petersburg to Moscow. After the interrogation, Pumane was rushed into the “Sklifasovsky Institute” hospital and died there shortly. His body evidenced multiple traces of torture. To note, not only Pumane was killed by his interrogators but the law-enforcement also thus lost their primary source of information on the planned terrorist attack.⁵⁷

It is evident that the Beslan events and their consequences, including the inability of the security services and the law-enforcement to counter terrorism and the subsequent wave of racially motivated violence, called for a speedy reconsideration of relevant state policies, elaboration and implementation of effective reforms. Certain principled decisions were indeed made. But they mainly had to do with the deconstruction of some of the key Russian democratic institutions, primarily, the limitation of the citizens’ direct participation in forming state power bodies. These decisions were explained by the Russian President himself as necessary measures in the situation of the war against terror.

On September 13, 2004, at a special meeting of the Government, President Putin elaborated upon his project of Beslan-motivated political reforms. Those reforms included the creation of a special Federal Commission on the Northern Caucasus tasked to coordinate the activities of the federal power bodies and security services in the North Caucasus region. They also gave the local and regional antiterrorist commissions to authorities to coordinate the counter-terrorism work of territorial branches of federal agencies and regional and local enforcement bodies. But the core of those reforms was, undoubtedly, in the elimination of elections for heads of the Russian Federation subjects as well as in the elimination of single-mandate candidates from parliamentary elections.⁵⁸ The relevant bill was promptly tabled by the President in the State Duma and passed in the first reading as early as on October 29.

When Putin voiced his intentions at the meeting of the meeting of the Government, his political opponents and human rights defenders immediately came forth with bitter critique of his proposal. They stressed, in particular, that the President’s initiative was undermining the very foundations of Russian democracy. The authorities chose not to engage themselves in an open dialogue with political and non-political opposition but instead replied by a series of provocations. Thus, in the second half of October, Moscow streets and metro saw numerous leaflets featuring a collated photograph of Shamil Basaev, Boris Berezovsky, and three key oppositionary politicians, Vladimir Ryzhkov, Irina Khakamada, and Sergei Glazyev, all dressed in camouflage. A sign under the picture identified all of the above as “participants in the negotiations on destroying the Russian Federation.”⁵⁹ Also, on October 25, a letter allegedly drafted by Aslan Maskhadov, President of the Chechen Republic-Ichkeria, was disseminated in the Internet. In the letter, “Maskhadov” expresses to Russian human rights defenders his “sincere appreciation of the assistance” that they continue giving to the Chechen people “in it’s struggle for independence... and for selfless assertion of human rights and freedoms of the Chechnya inhabitants.” The letter also said that Maskhadov signed a decree on awarding the highest Ichkerian insignia, Kyoman Sii, to Elena Bonner, head of the Andrei Sakharov Foundation, Valery Borshev, member of the Moscow Helsinki group, Svetlana Gannushkina, Chair of the “Civic Assistance” Committee, Lev Ponomarev, head of the Movement “For Human Rights,” and Yuri Samodurov, Director of the Andrei Sakharov’s center and Museum “Peace, Progress, and Human Rights. Also, Makhadov allegedly ordered that each recipient of the award be given a monetary prize in the amount of 10,000\$. Svetlana Gannushkina, Chair of the “Civic Assistance” Committee” called this letter “a real fake.” She stressed that she received the letter via e-mail but had no idea as to

⁵⁵ NEWSru.com (<http://www.newsru.com/arch/crime/19sep2004/brit.html>).

⁵⁶ Kutuzovsky Avenue is part of the so called governmental highway, which almost all of the country leadership take to work.

⁵⁷ “A Submariner from St. Petersburg Wanted to Blow up the City of Moscow,” *Izvestia* (September 20, 2004).

⁵⁸ <http://www.sinfo.ru/ru/main/officially/interview/detail.shtml?id=43>. (In accordance with the currently active legislation, the 50% of the State Duma deputies are elected as single-mandate candidates and another 50% -- through political party lists. In light of President Putin’s initiative, in the future, they shall be elected through party lists only. This shall enable the federal authorities to control the State Duma to an even greater extent (earlier, the victory of a single-mandate candidate depended more on the position of regional authorities than on the federal power).

where it came from: “I can only suspect our noble special services. In the letter, there are certain concrete things that make one suspicious. Firstly, it says that there is another terrorist attacks prepared at the moment, and this attack shall be even more terrifying than Beslan. But it is well known that Maskhadov voiced his position on Beslan very clearly. He said it was a crime and Basaev must face a trial by a court of law as he had claimed responsibility for that terrorist attack. And Maskhadov pledged to arrange for Basaev’s trial as soon as he would have such means at his disposal.” Lev Ponomarev, head of the Movement “For Human Rights” believed that the letter was drafted and disseminated “by evil-wishers”: “No one called me. No one suggested anything like that to me. We looked this up on the official website of the Ichkeria Government, and there is no such decree. It’s just a provocation.”⁶⁰

It is particularly illustrative for the post-Beslan ambiance that in addition to the Presidents initiatives (which are simply doomed to be realized as the parliament is controlled by the President’s Office), a whole range of other very threatening initiatives were brought forth by different more or less powerful actors. Those initiatives would have easily passed in the parliament if not for the fact that the President’s Office so far considers them inexpedient. Thus, many politicians, state officials and regional legislatures called for the return of death penalty.

On September 10, 2004, Lyubov Sliska, First Vice-Speaker of the State Duma, explained to journalists, “I am for the introduction of this measure with regard to terrorists and those who finance terrorist attacks.” At the same time, she admitted that the return of capital punishment to Russia may be negatively viewed by a number of foreign states. However, in her opinion, after the 9/11 the USA drastically reinforced all kinds of security measures and that never caused any objections by European countries.⁶¹

Amangeldy Tuleev, Governor of the Kemerovo region, stated that, “the Beslan tragedy makes us drastically changed out perception of terrorists and methods of countering their activities. They cannot be taken prisoners. And they cannot be given life-term prison sentences. Governor Tuleev actually went further than advocating for death penalty for terrorists. He proposed to make their family-members criminally liable for their deeds. According to Tuleev, making family-members of the terrorists criminally liable would help because in that case the terrorists “would be treated not as martyrs for faith but as scum-bags.” Tuleev’s initiative was supported “as a forced measure” by Vladimir Zhirinovskiy, leader of the Liberal Democratic Party of Russia. In his opinion, using relatives can be productive from the viewpoint of influencing the terrorists. “If they know that their families can be held accountable for their actions, it can have a sobering effect on them. A death threat to close relatives, destruction of the family property is the only thing that can stop them somehow.”⁶²

The idea of criminal accountability for relatives of terrorists sounded so odious that no experts would treat it seriously at the time, attributing such proposals to the typical populism of the politicians in the conditions of general post-Beslan hysteria. But a month and a half later, a similar suggestion was made not by a politician trying to draw the frightened electorate to his side, but directly by the General Prosecutor of the Russian Federation, , i.e., by the chief state officials responsible for the compliance with the rule of law in the country. Vladimir Ustinov, when speaking before the State Duma deputies on October 29, proposed to put in custody family-members of the terrorists in case of a terrorist attack. In fact, he called this measure “counter-taking of hostages.”⁶³

Later in the same day, one of the leading Russian Human Right NGOs, “Memorial” Society, addressed a public letter to President Putin as according to the Russian law, the President nominates a candidate for Prosecutor General to the Federation Council and, likewise, has the authority to propose the Prosecutor General’s dismissal, subject to approval by the Federation Council. The letter read, “In our view, you only have to options. The first one – to promptly address the Federation Council with a proposal to dismiss V. Ustinov from office as Prosecutor General of the Russian Federation. The second one – not to do any such thing. Either of the two decisions will be highly symbolic. Either will define the future of Russia, at least to the extent in which the country’s future depends on you personally. The choice is yours.”⁶⁴

The President did not find it necessary to respond to the human rights defenders but he obviously chose the second option. It should be noted that in addition to suggesting “the counter-taking of hostages”, the Prosecutor General also

⁶⁰ Agency of Social Information (www.asi.org.ru, 25 October, 2004).

⁶¹ *Kolokol.Ru* (<http://www.kolokol.ru/news/76595.html>). (In Russia, a moratorium on capital punishment has been in force since 1996. This moratorium and the subsequent abolishment of death penalty (sic!) was one of the conditions of Russia’s accession to the Council of Europe.)

⁶² NEWSru.com (<http://www.newsru.com/arch/russia/09sep2004/tuleev.html>).

⁶³ Caucasian Knot (<http://kavkaz.memo.ru/newstext/news/id/720923.html>).

proposed to the legislators such a radical measure as summary jurisdiction (simplified judicial procedure) in respect of terrorists.⁶⁵

Conclusion

Since the mid-1990s, Russian authorities, in both practice and rhetoric, have been persistently moving away from the human rights agenda as required by the Constitution and from compliance with the international human right obligations of the Russian Federation. Human rights are increasingly undermined as if inimical to policies of national security, preserving territorial integrity, and other interests of the state. Under these circumstances, human rights defenders have been facing ever greater challenges and difficulties in their day to day work. It should be also emphasized that for Russian human rights defenders the two principal landmarks of this negative process were the first and the second Chechen wars, with the international repercussions of September 11 only compounding an already deteriorating situation. September 11, 2001, had a destructive impact on human rights work in Russia primarily because it marks the time that the international community began to close its eyes to human rights violations in Russia. The Russian Federation became an important strategic partner of the United States in the war against terror. As a result of the events of September 11 and their consequences, Russian human rights defenders lost much of the support of Western democracies that they had enjoyed since the period of Soviet dissent.

Likewise, for Russia Beslan has become its own September 11 and served to exacerbate the already deteriorating conditions in which Russian human rights defenders have to work. It is quite indicative that Russian authorities resorted to some of the formulae elaborated by their American partners after September 11, having declared that a real terrorist was waged against Russia. In his Address to the Nation on September 4, 2004, right after the Beslan crisis, Putin stated unequivocally: We are dealing neither with individual acts of intimidation, nor with solitary incursions of terrorists. We are dealing with a direct intervention of international terror against Russia. With a total, cruel, full-scale war, which takes the lives of our compatriots time and again.”⁶⁶ A few days later, at his meeting with foreign journalists in Novo-Ogarevo on September 9, he eloquently explained, according to Fiona Hill, Senior Fellow at the Brookings Institution, who published a relevant op-ed in the *New York Times*, that in this war needs the support of the West. And this support must primarily mean that, “Western leaders should reassure Mr. Putin that they do not expect Chechen independence to be on the table. And they should underscore that nobody is pushing him to negotiate or - as he put it - "deal with people who kill children.”⁶⁷

In fact, Russia is positioning itself as a “fortress under siege.” And in a fortress under siege there can be no opposition, only traitors, so-called fifth column. This is precisely how it was described by the deputy-head of the President’s Office, Vladimir Surkov, in his interview to the biggest Russian daily, *Komsomolskaya Pravda*, published on September 28, 2004: “In the country which is practically under a siege, there appeared a fifth column of left-wing and right-wing radicals... The false liberals have more and more in common with the real Nazis. They have that common hatred. The hatred for what they call ‘Putin’s Russia.’ But it is in reality their hatred for Russia as such.”⁶⁸

Even though, a real campaign of repression against human rights defenders has not yet started today, by means of their political initiatives and provocations the Russian authorities have clearly demonstrated that their readiness to use the most radical and cynical arsenal of methods and tools against those who would dare show serious resistance to the official policies. Hence, after Beslan, Russian human rights defenders fully understand what can happen to each and every one of them, just like Russian media understood this after the destruction of the main independent TV-channel, NTV, in 2001, and Russian business – after the start of the YUKOS oil company case in 2003.

These developments appear particularly dangerous today as Russia gradually becomes a more authoritarian state, with such key democratic institutions as independent media, free and fair elections, independent business, and independence of the legislative and judiciary under threat. At the moment, the principal hope of Russian human rights defenders is the renewed support of the international community in its dealings with President Putin, who came into power under the banner of fighting terrorism.

Acronyms:

FSB	Federal Security Service
GUVD	City Police Department
ICCPR	International Covenant on Civil and Political Rights
NGO	Nongovernmental Organization
OSCE	Organization for Security and Cooperation in Europe
RFE/RL	Radio Free Europe/Radio Liberty
UN	United Nations

⁶⁵ Caucasian Knot (<http://kavkaz.memo.ru/newstext/news/id/720923.html>).

⁶⁶ www.sepr.ru/obj/doc.php?ID=209054

⁶⁷ http://www.ccisf.org/home/articles/september_2004/nyt_09.10.2004.htm (New York Times, September 10, 2004).

