

# OCTOBER 1993 EVENTS IN MOSCOW

## HUMAN RIGHTS VIOLATIONS UNDER THE STATE OF EMERGENCY IN MOSCOW DURING THE PERIOD FROM NOON, OCTOBER 4 TO OCTOBER 18, 1993

### A REPORT BY THE MOSCOW MEMORIAL HUMAN RIGHTS CENTER

*In the opinion of the Memorial Human Rights Center, the present report is not only of historical interest, but, unfortunately, is still relevant, especially, in respect of granting the law enforcement authorities extraordinary powers to combat organized crime.*

*During the state of emergency period in Moscow usual practice of law enforcement officials to resort to torturing of detained and arrested persons became quite apparent. In October 1993, unlawful actions of the law enforcement officials assumed mass character.*

*There is no doubt that some actions of the law enforcement officials noted in the present report can be defined as «torture» under Para 1 of the Article 1 of the Convention against torturing and other cruel, inhuman or degrading sorts of treatment or punishment (came into the force for the USSR on June 26, 1987).*

*From our point of view, it should be noted that the reluctance to observe the Law was shown by officials at different levels including some quite high rank officials.*

*Practically, no official who had committed gross law violation during the state of emergency period was prosecuted. It happened despite of the order of the Russian Federation President given to the Procuracy to investigate all the cases of that sort. We can witness complete legal vulnerability of the people living in Russia to the unlawful actions committed against them by the law enforcement and other power agencies' officials. Despite of numerous declarations made by the Procuracy highest officials, this body can not carry out its duties of guarantor for observance of the human rights in this country.*

*The citizens of Russia are practically deprived of appeal to Justice, for in most cases the matter of launching, refusal or suspension of criminal case is in militia or procuracy jurisdiction. Eventually, the rights of victim are not protected. He (his lawyer) is not able to get information regarding case investigation; he can not lodge an appeal to the court against investigators' decision on halting the investigation or its suspension. Practically, in this situation a victim has the only one possibility - to lodge complaint to procuracy higher authorities. Therefore, there is the urgent necessity to carry out the judicial reform in respect of extending the rights of victim - judicial supervision over investigation, and granting person the right to bring in suit on criminal case to the court directly by himself.*

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The report contains information about cases of human rights violation by the authorities and forces involved in the state of emergency enforcement during the period which followed after organized resistance of the Supreme Soviet supporters had been suppressed.

We believe that no circumstances led to the state of emergency imposition can justify the acts of mass power abuse, law and human rights violation committed by officials at different levels while enforcing the state of emergency. These crimes, taking into account of either persons involved or the Articles of the Russian Federation Criminal Code they are charged under, can not be the subject to announced political amnesty. Such apparent impunity deepens social frustration over possibility of protecting own rights by means of law, encourages officials to commit further unlawful actions.

The state of emergency in Moscow for the period till October 10 was imposed by the Presidential Decree No.1575 «On the state of emergency imposition in Moscow». The Presidential Decrees No.1578 «On urgent actions to enforce the state of emergency in Moscow» and No.1580 «On additional measures to enforce the state of emergency in Moscow» were issued next day. Particular steps and measures to be taken by the authorities to enforce the state of emergency had been determined there. On October 9, the President extended the state of emergency period till October 18.

These Decrees did not contradict the Russian Federation Law «On the state of emergency» (barring the Article of the Decree No.1578, regarding deprivation of deputy immunity).

The Head of the Russia Interior Ministry (MVD) Public Security Service, Militia Lt.General Mr.A.N.Kulikov<sup>1</sup>, had been appointed the Military Administrator of the state of emergency area. On October 4, under the order of Mr.A.N.Kulikov the curfew from 11 p.m to 5 a.m was imposed in Moscow (later the curfew time was shortened).

Apart from the Moscow municipal militia forces, OMON<sup>2</sup> units brought to Moscow from other cities and MVD interior troops were employed to enforce the state of emergency in Moscow (more than 10 thousand servicemen took part in curfew patrolling every day). The Ministry of Defence armed forces servicemen (Tamanskaya and Kantemirovskaya divisions, airborne regiments' units from Naro-Fominsk, Tula and Ryazan) after completion of the White House assault operation were mainly deployed near the White House and some army sites to guard them.

According to standards of International Law and laws of the Russian Federation, «state of emergency» is defined as a special legal regime with permissible restriction on civil rights and freedoms but, nevertheless, all the actions of authorities are precisely determined by the Law and limited within their competence. In particular, deviation from the ban on cruel, inhuman and degrading treatment is strictly forbidden [1]. However, we witnessed that during the state of emergency period officials at different levels were not inclined to adhere to laws currently in force in the country. Moreover, soon after the state of emergency being imposed, the Memorial HRC started receiving information regarding acts of cruel and degrading treatment of people by law enforcement officials.

Memorial HRC had addressed all the victims to bring their complaints to the Center. Some of the statements with victims consent were handed over to Moscow and military procuracies.

Memorial Human Rights Center has eye-witness accounts of the event when a group of people, among them members of the Supreme Soviet and the Supreme Soviet office staff, being taken out of the White House building, were beaten up by militiamen (OMON) and army servicemen (This information also appeared in a number of newspapers [2]). Beatings took place inside entrances of the buildings in Krasnopresnenskaya Naberejnaya, where militia gathered people by force, and in the nearby streets. Some cases of quite serious injuries have been known to Memorial HRC. However, it should be noted that the majority of the people who came out of the House of Soviets building were not treated in that way.

Beginning from noon, October 4, OMON officials and interior troops servicemen started to detain people in large scale in the territory adjacent to the White House. As it is known, that day since morning huge numbers of people crowded around the White House to witness firing upon the Supreme Soviet building and assault operation. Being repeatedly under the fire, a number of civilians got killed or injured. Such mass concentration of people in the territory exposed to

firing could only happen due to chaos and complete lack of coordination in the law enforcement officials work.

It should be noted that there was a number of people close to the Supreme Soviet building, who came to illegally seize private cars parked nearby and to loot the Supreme Soviet premises.

Cordons consisting of militiamen and interior troopers to surround this territory were placed only after 1 p.m. and, moreover, not simultaneously. As a result, with free access from the side of the embankment, in the meantime people were coming to and going away from the White House building, but at the same time in other places they were detained under suspicion of being the White House defenders trying to escape. Yet the overwhelming majority among detainees were innocent come-and-go people. Moreover, there were some cases of beating and detention of Moscovites who came out to the street to defend Democracy responding to the call of Mr.E.T.Gaidar in the night of October 3-4 and happened to be at that time near the White House building.

Eye-witness accounts of independent persons regarding such detentions coincide in many details.

Here it is a typical story of a detained person, who came to see the assault operation (while examining this case by procuracy he was proved to have nothing to do with the fighting).

*Suddenly, one of the armored vehicles opened fire. People run for their lives through the gateway to the inner yard. Crossing the yard, I saw a dead body lying there. When I moved inside the yard, an OMON trooper run out of the porch and ordered me to push off, otherwise, I would find myself beside the dead body. Along with my companion I went out to the side-street again. Being close to an armored vehicle, we were ordered to put hands up behind the head and taken along the adjacent street. Beside another armored vehicle we were ordered, «Hands on the armor! Legs apart!», and they started to search us. My companion was told that since he was wearing green telogreyka<sup>3</sup>, he should be one of the White House defenders, and they started beating him with rifle butts, kicking and punching his body. I was knocked out by a punch to my right cheek-bone, when on the ground they kicked me twice.*

*Both of us were ordered to stand up and run behind the armored vehicles accompanied by OMON troopers. Then they made us stop and ordered, «On the knees! Everything out of the pockets!» A person came out of the OMON group and took our picture by video camera, as well as the picture of all the things they had seized from us. They also ordered us to tell our names and addresses. Another OMON trooper said, «Off your clothes!» Both of us started telling them: «Come on, guys! We are innocent...»*

*I and other three persons were taken inside the van... One of the detainees kept on shouting, «I am yours! I am yours and came to support you summoned by Luzhkov and Gaidar!» As a response to it he was beaten up; the louder he shouted, the harder they beat him... [3]*

Most of detainees were beaten up, some of them up to losing consciousness. Eventually, almost all the testimonies given by victims and witnesses show that beatings were not provoked by any disobedience against law enforcement authorities. At present time, the Procuracy launched a criminal case regarding mass beatings and other acts of lawlessness committed by army servicemen and law enforcement officials in the House of Soviets area during the period from 3 p.m. to 6 p.m. on October 4, 1993.

Detainees were taken inside buses and cars, and the majority of them were brought to the GUVD<sup>4</sup> office building (Petrovka street, 38). Afterwards, they were taken to different militia stations, and some of them were put into pre-trial detention facilities. Since militia lock-ups in

the city were soon overcrowded, detainees had to be taken even to Moscow outskirts militia stations.

Victims and witnesses claim that some of them were beaten inside Petrovka 38 building.

Following is an excerpt from the statement given by the Head of Bryansk region Administration Mr. Yu.E.Lodkin.

*I came out of militia van to find a line of at least 20 men of different age dressed in civilian clothes facing the wall with their hands up on it. Behind them there were SPESNAZ<sup>5</sup> troopers at their rage. They were beating detainees so cruelly that a Militia Major, who happened to go out of the building that time, had to pull them up, «What the hell are you doing? You did not even know, they are guilty or not? Stop it!» [4]*

During the day time and in the evening of October 4, militiamen and interior troopers were detaining people in the places outside surrounded by cordons and adjacent to the House of Soviets area. We have testimonies of the victims who suffered from militiamen and army servicemen in the area of the Ulitsa 1905 Goda metro station and in the Krasnaya Presnya street. During the investigation that followed, the Procuracy did not find any grounds to charge those people. However, some of them were beaten (one victim who brought his statement to the Memorial had his rib broken), some of them were detained without any legal ground and taken either to a militia station or to a pre-trial detention facility.

Mr.O.B.Salikov, one of those who were beaten, informed Memorial about the fact that his gas pistol had been seized without any legal ground, and actually taken for personal possession by a militiaman, although he had pistol licence along with him. After handing over Mr.Salikov's complaint to the Procuracy through the Presidential Commission on Human Rights, the seized gas pistol was returned to him on November 19, and Militia Captain Mr.Andrievsky, who was in charge of that patrolling group, verbally conveyed his apologies.

According to Mr.O.B.Salikov's statement, militia actions in the Krasnaya Presnya street caused injuries and, possibly, deaths among the people, who, at the moment being fired at, did not commit any unlawful action. Among accounts of cases made available to Memorial by Mr.O.B.Salikov there was a description of a scene, being typical of militia officials' actions.

*A civilian passes by. A militiaman orders, «Go to the other side!» The civilian starts slowly crossing the street. Behind his back he hears militia opening fire on the air, in order, perhaps, to make him move faster. The man starts running. Other militiamen as soon as they see a running man and hear firing, also open fire, but not on the air - suspecting the running man being a fleeing away criminal, they take aim at his legs. Bullets hit pavement and sparkle around the running man, while he zigzags away.*

According to the MVD information, during the night of October 4-5, one thousand five hundred persons were detained in the Supreme Soviet building area. All of them had been taken to pretrial detention facilities and district militia stations where their involvement in the events was investigated.[5]

At least inside some militia stations ( No. 18, 48, 77, 100, 119) detainees were severely beaten. Testimonies of the persons being kept inside different militia stations have much in common.

People taken there were beaten by groups of militiamen. Beatings continued during interrogation, when militia officials tried to force out from a detainee testimonies regarding his

participation in the fighting near the White House or involvement in robberies of cars in the adjacent territory. Detainees were beaten with clubs, rifle butts, were kicked and punched; they were pointed at by fire arms and threatened with shooting. Many people among those been detained that day (as well as the following days) report that militia officials offended detainees by making anti-semitic and anti-caucasian insulting remarks.

An extract from Mr.A.A.Motin's testimony given to Memorial HRC follows (during investigation that followed there after, the Procuracy did not find any grounds to charge him).

*The driver was ordered to go to the militia station No.100...*

*Inside it, on the ground floor, standing along the corridor walls there were militiamen who were kicking passing detainees and beating them with riffle butts. Then all the detainees were lined up against the wall and with 2-3 meters interval between each other; one by one searching and beating of the detainees followed. They beat me from behind hitting blows on my hips, kidneys, chest, and head. I was ordered to stay still. A sergeant and a man in civilian clothes were asking questions, «How many did you kill? How much did they pay you?»... Suddenly, I got two blows at a time - to my face and right side of my body... I lost my consciousness. Beating continued. The sergeant ordered me to stand up, otherwise, they would make «mess» out of me. Militiamen were shouting all the time, «You, Jewish mug!», «You, Caucasian bastard!»*

*They dragged me up to the table to write down my personal data; being out of my breath, I bent down to get blows into my face - one punch and one kick...*

*About 20 minutes later I was put inside the cell. Then, the sergeant came inside and showed a peace of paper seized from me - brand names and prices of paints, dollar exchange rate with an ornament drawing were there. The sergeant alleged that it was the Moscow city plan on that paper, and I was a sniper. So to say, everyone been brought to the station was «branded» by the word sniper. As soon as I said that the allegations were nonsense - I got a blow into my face. A Lt.Colonel, who saw all that, said, «Okay, we will sort it out.»*

*Again in about 20 minutes I was called up for interrogation. There were the same Lt.Colonel and two sergeants assisting him. They started shouting at me; they wanted me to confess - how many soldiers I had killed? and how much I had been paid for it? I replied that I was innocent, and being hit into my left cheek-bone, fell down by the feet of the sergeant. When on the floor, they kept on kicking me from three sides. Making the sign of the Cross, I started to shout, «By God swear, I am innocent! You are committing sin torturing innocent people!» They started beating me more violently, and the sergeant shouted that he would shoot me on the spot. The other sergeant jumped upon my chest and stomach... Suddenly, the Lt.Colonel ordered them to stop, otherwise, he would start shooting; so to say, he was holding his riffle being hung over his neck all the time. I stood up; the Lt.Colonel said, «Okay, I will hide you for a time being and in the morning let you go.» Afterwards, I was taken back to the same cell.*

*At about 10 p.m. I was taken for interrogation. While passing along the corridor, everyone hit or tried to hit me. That time the TV news program was on - militiamen were shouting, «Bastards! Look! What you've done! If anyone among our guys gets killed - We will shoot you all!»*

*Without introducing himself the investigator asked, «How many guys did you kill?.. Answer, you, Jewish mug!» - «No, I am Russian.» - «All of you call yourselves Russian!»*

*Then, after looking closely, he started to address me by polite «vi» (you)...*

*A young man in black leather jacket, 28-30 years of age, who seemed to be a detective, assisted the investigator. He collared me up, twisted my ear, «Bastard! I'll chop your ear off and make you eat it!» While he was punching my forehead, the investigator slightly turned his back. After writing down my testimonies, the investigator said to the detective, «He hasn't been worked on well.» Beating marks were not quite visible on my face, the detective brought me inside another room. There were three men drinking liquor and eating snacks. They started to hit blows on my head, solar plexus, under the Adam's apple. When fallen on the floor, I was beaten with rubber club upon my legs, ribs, collar-bone.*

*Then I was brought back to the investigator's room. He said that in August 1991, he also was a White House defender; I replied that I had not seen him there that time. The investigator completed writing my testimony. After reading it, I put my signature - everything written there was right.*

*According to militiamen words, the decision, what to do? to release or to send to the Lefortovo prison? - was taken depending on testimony written.*

*I was brought back to the same cell. All night long we could hear militiamen boozing and officers shouts; torturing of a ten-year-old child detained in the curfew time and his weeping, «Uncle, please, stop it, stop it...»; beating of a Georgian, who had got into traffic accident in his «Mercedes» car, with militiamen comments, «Pray God that you are not with them.»*

*In the morning the team changed. Another investigator, a man of 25-26 years of age, brought me inside the room, where there was a detective in civilian clothes, and made me sit down. The investigator started shouting that the testimony written the day before was a lie.*

*«You were there near Ostankino. You were paid 300 dollars each and from there you went to break through to the White House. We are not going to beat you - we'll write a paper, and you shall sign it».*

*«Guys, that's nonsense. You can shoot me right now, but I'll sign nothing.»*

*I was beaten again.*

*An investigative group came from Petrovka; they took our front and side view photos, fingers and palms prints, and said that all the cases would be handed over to KGB. I was kept inside the cell till the night of October 5. Then they set me free and in exchange for the receipt returned everything seized from me before.*

(In October 1993, Memorial HRC handed over Mr.A.A.Motin's complaint to theMoscow +++++  
++++ It was only in March when the Russian Federation General Procuracy filed the criminal case on beating. It is quite clear that it will be difficult for the victim to identify those who beat him.)

The majority of the people detained near the House of Soviets building were released from militia stations during the following 24-36 hours. However, some persons were taken from there by ambulances right to the hospital. We have at least two eye-witness accounts of such cases [6].

According to the information provided by the Moscow city procuracy, during the period of October 3-5 more than six thousand detainees were kept inside militia lock-ups. However, only half of them were charged on administrative offence cases. 348 persons were put in different pretrial detention facilities without any legal document motivating detention or custody warrant. Besides that, admission of public prosecutors inside the GUVB building, where detainees were kept, was unlawfully restricted [7].

The state of emergency enforcement authorities kept on committing acts of lawlessness till the very moment of lifting of the state of emergency in Moscow. Now we can classify the most spread examples of law violation:

- beating and torturing of detainees brought to militia stations in most cases for the curfew violation. Totally, during the state of emergency period more than 35 thousand persons were detained for the curfew violation [8], for administrative offences - more than 34 thousand [9]; during the same period 3,500 unlawfully detained citizens were released by public prosecutors [10];

- robberies, extortions and seizure of property in private vendors' shops;

- vandalism, seizure of property, beating during raids in hostels and private commercial enterprises.

Memorial HRC has testimonies of victims and besides that, a number of newspapers wrote about such facts [11].

We have registered a case when we have serious grounds to suspect that the death of a man (Mr.A.A.Rassadkin) was caused by militia beating. According to the information provided by the relatives of the deceased, a militia official making use of the state of emergency took revenge on disliked neighbor - search was conducted in his flat; he was beaten and taken to the militia station No.48. From there he was brought back to his wife beaten and unconscious. Afterwards, he died in the hospital from the sustained head injury [12].

According to the information provided by the Glasnost Promotion Foundation, during the state of emergency period 32 reporters of Russian and foreign newspapers were beaten by militia officials [13]; there were also some mass media reports on such cases [14].

However, most of the human rights violation acts were committed against people without Moscow registration. 9,685 persons were deported from Moscow [15]. During deportation cruel, inhuman and degrading treatment of people took place.

Taking into no account that resident registration, in general, contradicts the international standards and letting alone the fact that by that time the Law «On freedom of movement» had been already introduced in the territory of Russia, the actions of that kind can be taken only against public order offenders, who have no registration in the state of emergency area. Non-availability of the temporary registration certificate, by no means, can be considered a public order offence.

Who is directly responsible for such malpractices? In our opinion, the state of emergency area Military Administrator Mr.A.N.Kulikov, Moscow Mayor Mr.Yu.M.Luzhkov, the Government of the city of Moscow and the GUV D highest officials are to blame.

On October 5, at the Government of the city of Moscow session, where Mr.A.N.Kulikov was among the speakers, the issue regarding the purging of Moscow «out of criminal elements, people without registration or legal ground to stay in the city...» was discussed [16].

Same day, the Government of the city of Moscow Resolution No.906 «On the actions to enforce the state of emergency in Moscow» signed by Mr.Yu.M.Luzhkov was issued. The Resolution approved the Instruction «On the procedure of deportation from Moscow public order offenders, people without Moscow registration to the permanent residence destination or out of the Moscow city boundaries». It was not directly envisaged by the Resolution, that any person without registration would be the subject for unconditional deportation. However, absence of the temporary registration certificate had been used as a ground for detention. Then, deportation procedure followed under the instructions. Thus, due to vague wording of the Instruction, it could be interpreted whatever one like it. It was an outrageous fact that these official documents had not been published - neither ordinary citizens nor public organizations could obtain the text of the documents. In this way, deporting of thousands of people from Moscow had turned into clearly unlawful action.

Militia officials took particular actions according to the GUV D telephone messages which gave suggestions to deport everyone without registration. However, militia authorities refused to show

the texts of these telephone messages to anyone; the texts were read out to Memorial representatives confidentially.

On October 6, it was only announced on the radio about the fact of existence of the Government of the city of Moscow Resolution regulating deportation out of the city individuals without registration. It was also conveyed by mass media that Moscow Mayor Mr.Yu.M.Luzhkov had appealed to the public to report on those who were living in Moscow without registration. In a number of districts the «confidence telephone» service had been introduced; corresponding phone numbers were given by RUVDS<sup>6</sup> through leaflets (several copies of these leaflets are available with Memorial HRC). However, Moscovites seemed not to respond to the Mayor appeal quite actively.

The «Moskovsky Komsomolets» newspaper in its article «Militia volunteer helpers number to grow», dated October 14, wrote, «*During the week, 96 Moscovites responded to the appeal of Mayor Yuri Luzhkov to report to militia about shady places and suspecting flats with people living without registration. "We check every call thoroughly," said GUVD Chief Vladimir Pankratov*».

According to the information provided by a GAI<sup>7</sup> official to Moscow Memorial HRC activist Mr.E.V.Yurchenko, on October 9, Moscow GAI Headquarters received a telephone message from Moscow Mayor with the instruction to detain and then deport from the capital people without registration. Those who had money to be deported at their expense, those who had no money - at the municipal expenses.

This purge drive was aimed first of all at so-called «individuals of Caucasian origin» and Middle Asians - that is punishable under the laws of the Russian Federation violation of national equality rights and flagrant violation of the international obligations assumed by Russia. As a proof, we can cite a copy of a telephone message sent to all GAI posts (published by the «Moscow News» (15.10.95). This message directly concerns «individuals of Caucasian origin».

«Instruction of the UGAI<sup>8</sup> Head 1. On detecting individuals of Caucasian origin driving vehicle on driving warrant and staying in Moscow without registration or other permission to stay in the city:

1.1 A report on driving warrant confiscation to be filed and sent along with the driving warrant to UGAI, room No.304 or No.306.

1.2. Vehicle to be arrested and directed to the UGAI station in the district where detention occurred; to be kept under the guard in the station till the special instruction of the GAI Head.

Organization of registration and guarding of the arrested vehicles to be entrusted to the UGAI Head.

1.3. Persons driving vehicle without registration/of Caucasian origin to be directed to filtration centers organized in administrative districts/militia stations/ - which is to be mentioned in the report to UGAI. The previous day reports to be delivered by 8 a.m. to the room No.306 or No.304 of UGAI.

phone: 924-49-59, 924-40-49

message delivered by: Mr.Melnik «

(This document was obtained by a reporter from a GAI inspector who informed that the message had been sent to all GAI departments from the UGAI Central Headquarters.)

We must say that the actions taken for deportation of the people without Moscow registration acquire a cynical meaning taking into consideration the fact that many refugees from conflict zones, who took temporary refuge in Moscow, suffered from this «purge». According to the Geneva Convention of 1951 «On status of refugees and apatris» ratified by Russia in spring 1993, even in cases of «taken emergency measures in the state, exceptions are made in favour of refugees» (Chapter 8). According to the Russian Federation Law «On refugees», «the decision on registration of application for granting person refugee status is taken within 5 days from the date of submitting application.» (Chapter 2). However, practically it takes weeks to get registered.

According to the Instruction «On the procedure of deportation from Moscow...» (mentioned above), deported persons are to be taken in general compartments by passenger or mail trains up to the nearest station in the region where deportees have or previously had residential registration. Had all these instructions been followed precisely, lives of many people could have been in jeopardy. Fortunately, facts of deporting people beyond the boundaries of Russia have not been known yet.

Law enforcement officials took actions with flagrant rudeness and cruelty. They broke into flats during the night scaring people, who had already suffered a lot in the homeland, and took them at gun point to reception-distributing centers (some of them were set up inside sober stations). Afterwards, many of detainees in large groups were put inside long-distance trains and sent out of Moscow.

The case of a refugee family (Vera Diomidovna Pachuliya, Vakhtang Erastovich Pachuliya, Diana Vakhtangovna Gigichkuri with a baby girl, Georgy Nikolaevich Gigichkuri) evacuated from Gagri, where after the city had been seized by the Abkhazian troops their lives were in danger - can serve as an example of such militia malpractices. They (the family) took temporary refuge in the flat of their Moscow relative Ms.L.D.Shengeliya, but did not register themselves according to the Moscow Mayor office requirements. In the night of October 13, OMON officials accompanied by a district militia officer came to the flat of Ms.Shengeliya and took away Mrs.V.D.Pachuliya, Mr.V.E.Pachuliya and Mr.G.N.Gigichkuriya. Both men were brought to the reception-distributing center in the Dimitrovskoe Shosse; and Mrs.V.D.Panchuliya was taken to the militia station No.112 where she gave written undertaking to leave Moscow within 24 hours. Receiving-distributing centers for women being overcrowded, in the morning she was released [17]. Next day in the evening, both men guarded by armed militia were put inside the train by force and taken to Adler. Memorial activists were among witnesses of this forcible «departure» in the Kursky railway terminal. The group of deportees was put into a separate coach. Indeed, couldn't the district militia officer just come to the flat owner and oblige her to register her guests as per rules within 24 hours?

It should be noted that some of the detainees «paid off» for their freedom; militia officials collected such «taxes» practically in open [18].

Since the documents regulating militia actions in this sphere had not been published, it gave law enforcement officials a «free hand» to act. They started to detain even those people who had temporary registration in hotels or in flats of a relative or friend and ordered them to leave Moscow. Quite often militia officials did it in order to extort money. Usually, in some cases the interference of the human rights organizations activists pulled up militiamen but of course just small minority of the victims called on us for help.

On October 4, the Russian Federation Minister of Justice Mr. Yu. Kalmykov in pursuance of the Presidential Decree No. 1578 and under directions of the state of emergency area Military Administrator suspended for the state of emergency period the activities of public organization, such as: the National Salvation Front, the Russian Communist Worker's Party, the Officers' Union Social Club, the Russia Working People United Front, the Shield Army Servicemen, Reservists and their Families Social and Law Protection Union, the Russian Communist Youth Union, the Working Russia Movement, the Russian National Unity Organization. Under the order of the Moscow Justice department Head Mr. Yu. Kostanov the activities of several public organization registered in Moscow were suspended. On October 6, the Russian Federation Ministry of Justice suspended the activities of the Russian Federation Communist Party and the Free Russia People's Party. These actions taken by the authorities did not contradict the laws of the Russian Federation and the international standards of human rights (events followed the state of emergency regime cancellation, especially the ban on participation of several organizations in the election campaign are not covered in the present report).

On October 4, under the Order No. 183 signed by the Russian Federation Press and Information Deputy Minister Mr. Tsabriya «printing and circulation of the publications of the public organizations taken part in mass disturbances and other unlawful actions in Moscow, as well as the publications supporting the illegal activities of these organizations («Pravda», «Sovetskaya Rossiya», «Den'», «Gazeta dukhovnoi oppozitsii», «Rabochaya tribuna», «Glasnost», «Russky porjadok», «Russky vestnik»)...» were suspended. The Order had rested «personal responsibility upon highest executives of mass media, publishing houses, printing plants and printing houses for non-observance of the present Order». The Press and Information Ministry highest officials claimed that the action had been taken in pursuance of the Presidential Order No. 1578.

Many ideas propagated by these publications are absolutely alien to Memorial HRC activists, and we also think that some of such publications should have been closed long time back under the law provisions for national intolerance propaganda and appeals to violence. However, the Russian Federation Laws «On the state of emergency» and «On mass media» make no provision for such actions by the Executive power. During the state of emergency period freedom of press can be restricted by imposition of prior censorship and temporary arrest of edition till the state of emergency cancellation [19]. However, the circulation of publication can be suspended by the order of the court only.

The orders of Mr. Tsabriya issued on October 13 to dismiss the editors-in-chief of several publications («Pravda», «Sovetskaya Rossiya», «Glasnost») were the most outrageous violations of the freedom of press. The demand made to these publications to get re-registered under other names can also be regarded as a violation of the Russian Federation laws and international norms.

On October 8, in Vienna during the press-conference European Council Secretary General K. Lalumier in her statement said that all the European Council members consider - all the freedoms, first of all freedom of speech, should be restored in Russia. Having expressed her understanding of urgent measures taken by the Russian President she made it clear that in the international community opinion opposition newspapers should be opened immediately.

The letter of the largest american-based USA human rights organization «Helsinki Watch» sent to the Russian President Mr. B. Yeltsin and referred to the Press and Information Deputy Minister order to suspend newspapers publication read: «We consider the wording of this directive vague and uncertain and as a result of its implementation, the expression of the oppositional view points and opinion in Russian mass media became practically impossible» [20].

During the day of October 4, before the Press and Information Deputy Minister order reached editorial offices of the further suspended publications, some of them were visited by groups of people who introduced themselves as «democratic community representatives» and «people's patrol members» (among them there were persons wearing Cossack uniform and camouflage khaki). These groups were led by Assistant to the Russian President Representative in Moscow Mr.L.Shimaev. Without having any legal grounds and presenting necessary documents, these people ordered editorial staff to leave the office premises. Militia did not let these groups inside the «Pravda» newspaper editorial office. However, the editorial offices of «Russky vestnik», «Glasnost», «Literaturnaya Rossiya» were occupied by members of such groups. The Russian Federation Procuracy launched criminal cases regarding unlawful seizure of editorial offices' premises.

At the same time, the imposition of prior censorship for two days (October 5 and October 6) by the Russian Federation Press and Information Minister Mr.V.Shumeiko, which received so much public reprimand, was perhaps unreasonable but, according to the international law and the laws of the Russian Federation, admissible under the state of emergency step.

It is known that in response to the letter of Mr.A.V.Kozyrev and Mr.S.A.Kovalev dated October 16 1993, the Russian Federation President ordered the Procurator General to investigate all the cases of power abuse committed by MVD, MB<sup>9</sup> and MO<sup>10</sup> officials during the state of emergency period, as well as to examine all the documents issued by the Government of the city of Moscow to enforce the Presidential Decrees on the state of emergency for their compliance with the Russian Federation Laws.

According to the Moscow procuracy information [21], 115 complaints regarding unlawful actions committed by law enforcement officials during the state of emergency period were received from people and organizations. Among those complaints: 94 - regarding beatings, 2 - causing dangerous injuries, 12 - property seizure and ++++++ thing of statements from the persons deported from Moscow. Out of those statements, 40 complaints with victims consent were handed over to procuracy.

It is quite apparent to us that only a small majority of victims gave their statements to human rights organization. Many statements also contained information regarding beatings of other people, in some cases in mass scale. This conclusion is confirmed by the results of questioning of the persons kept in different militia stations during the state of emergency period. Many of them were beaten up, but only few reported to us. Many of the victims are scared and don't want to lodge their complaints against law enforcement officials actions to procuracy.

During 6 months, Memorial activists kept watch (being regularly in touch with the victims and Moscow city and districts procuracies' officials) upon investigation on complaints.

Moscow city and districts procuracies started investigation only in cases when victims or human rights organizations requested them to do it and at least in several cases the investigation was conducted just as a mere formality.

As soon as some victims due to apparent militia pressing made statements wishing to halt investigation, district procuracies stopped it in no time.

Some facts to show efficiency of the procuracies' work:

- one of the victims was assigned for medical examination two months after he had been beaten;

- in February, out of 40 complaints handed over to procuracy regarding 4 of them no decision was taken yet, though the Law makes provision for the period not exceeding 10 days; by March 31, out of 115 complaints only 91 had been investigated;

- during the period of 5 months the Moscow city Leningradsky district procuracy could not or did not want to take down evidence from the main witness on the case where there were all grounds to suspect that a man had died from the sustained injuries after he had been beaten in militia station.

By May 30, Moscow city districts procuracies filed 24 criminal cases (regarding 55 complaints). Besides that, the Russian Federation General Procuracy handed over to Moscow procuracies materials on six more cases; regarding them criminal cases were filed and investigation was going on. During the spring 1994, General Procuracy dismissed 8 unlawful decisions on refusal to file a criminal case; regarding 6 materials criminal cases were launched by the General Procuracy and 2 were handed over for additional investigation. Thus, total of 36 criminal cases had been launched [21].

Out of 40 complaints handed over by Memorial HRC to the Procuracy, regarding 12 of them 10 criminal cases were filed. At the time of writing, regarding one complaint out of complaints handed over by us the investigation was completed and the case (beating of a civilian by militiaman inside the metro; the militiaman was afterwards dismissed) was handed over to the court.

By the end of April, we came to know about only one more case which was completed and handed over to the court. This is an unbelievably unique case. Two militia college cadets submitted a report on the district militia officer Mr.Komets. They alleged that he, being in charge of a patrolling group, during the search in the Kievskaya Hotel had openly stolen from merchants 5 million roubles. However, the majority of criminal cases were filed not against particular law enforcement officials, but regarding the fact of the crime. Chances that these cases after investigation will be handed over to the court are quite slim.

Out of 36 cases being under investigation 10 were already suspended on the ground that criminals had not been identified, and one case was dismissed due to the absence of corpus delicti. In the General Procuracy opinion, «... long investigation on some cases can be explained by difficulties on identification of law enforcement officials (suspects, witnesses) employed in the state of emergency enforcement, as well as by difficulties on conducting legal expertise etc...» [23] However, while thoroughly examining the course of investigation being conducted by the Kuznetsky district procuracy on a case filed regarding complaint, the Presidential Human Rights Commission experts (Memorial HRC activist O.P.Orlov and «Izvestiya» reporter M.A.Lebedev) came to the conclusion that the investigation was being conducted poorly and with preconception. [24]

Judging the Government of the city of Moscow Resolution No.906 on last November 6, the Russian Federation Procurator General A.I.Kazannik wrote to the Russian President that the Resolution did not contradict the law [10]. From his point of view, the legitimacy of this legal document was only undermined to some extent since it had not been published. In the reply to the inquiry of the Presidential Human Rights Commission in April this year, it was stated that among the documents issued by Mayor and the Government of the city of Moscow no unlawful document had been revealed [23]. However, the Procuracy evaded consideration of legitimacy of particular instructions given to militia stations from higher level and failed to examine legal grounds for resolutions on deporting particular citizens from Moscow.

The General Procuracy also evaded answers to inquiries regarding this matter. The inquiries to this high authority were handed over by Memorial HRC. After examination of the several complaints of the persons handed over by Memorial HRC regarding their detention and deportation from Moscow only on the grounds that they had no Moscow registration, Moscow districts procuracies drew decisions not to launch criminal cases against militia officials, for their «actions were considered to be in compliance with the Presidential Decree “On the state of emergency” and the Law “On militia”». The city procuracy agreed with this conclusion.

Thus, the Procuracy failed to fulfil the order of the President of Russia and showed reluctance to carry out its direct duty - to give judgment on mass violation of the Law and human rights during the state of emergency period in Moscow.

[1] - Article 4 of the International Treaty on civil and political rights; Article 26 and Article 27 of the Russian Federation Law «On the state of emergency».

[2] - «Komsomolskaya pravda» (06.10.93, p.2 and 12.10.93 p.2); «Novaya ezhednevnyaya gazeta» (08.10.93, p.1); «Express-khronika» (No.40, 08.10.93, p.2); «Nezavisimaya gazeta» (09.10.93, p.3); «Rabochaya tribuna» (15.10.93, pp.1-2).

[3] - An interview of the Memorial HRC activists with the victim.

[4] - A testimony by Mr.Yu.E.Lodkin to the Moscow Human Rights Research Center.

[5] - «Krasnaya zvezda» (06.10.93, p.1).

[6] - Mr.M.M.Vavilov and Mr.A.A.Vasilyev's cases.

[7] - «Izvestiya» (10.11.93, p.2).

[8] - 35,099 persons - according to the information provided by the state of emergency area Military Administrator temporary press center (18.10.93); 36,000 - according to the statement made by the state of emergency area Military Administrator Mr.A.N.Kulikov at the press conference (19.10.93); 37,216 - according to «Rossiyskie vesti» (19.10.93).

[9] - 54,154 persons - according to the information provided by the state of emergency area Military Administrator temporary press center (18.10.93); 65,515 - according to «Schit i mech» (21.10.93) with the reference to the state of emergency area Military Administration; 66,916 - according to «Rossiyskie vesti» (19.10.93).

[10] - A letter by the Russian Federation Procurator General Mr.A.I.Kazannik to the President of Russia Mr.B.N.Yeltsin (01.11.93).

[11] - «Kommersant-Daily» (16.10.93, p.22), «Obshaya gazeta» (No.13,15 - 21.10.93), «Nezavisimaya gazeta» (09.10.93, p.3; 16.10.93, p.3; 09.10.93, p.3), «Vecherny klub» (19.10.93), «Komsomolskaya pravda» (19.10.93, p.1), «24» (19.10.93), a supplement to «Moskovskaya pravda» (19.10.93, p.3), «Tverskaya» (No.41), «Sobesednik» (No.42, 1993), «Stolitsa».

[12] - A complaint of the relatives of the deceased Mr.Rassadkin was handed over by Memorial HRC to the Procuracy in the beginning of November 1993. In December, the Moscow city Leningradsky district procuracy launched the criminal case under Chapter 108 of the Russian Federation Criminal Code. However, in April, the Moscow City Procurator Mr.Ponomaryov

replied to the inquiry of Memorial HRC that proofs supporting the fact of Mr.A.A.Rassadkin being beaten in militia station were not obtained - he might have got his injuries in a fight with some unidentified persons. Nevertheless, for the last 5 months the Procuracy could not or didn't want to take down evidence from the main witness detained in the militia station No.48 - a man from Alma-Ata who was visiting the deceased and was taken along with Mr.Rassadkin from his flat to militia station.

[13] - A report by Glasnost Promotion Foundation «On repressions of journalists and press in the territory of the former USSR in 1993» (January,1994).

[14] - «Rossiyskie vesti» (02.10.93, p.2), «Izvestiya» (08.10.93, p.2), «Moskovskie novosti» (No.42, 17.10.93), «Megapolis-express» (20.10.93), «Kuranti» (21.10.93), «Kommersant-Daily» (21.10.93).

[15] - A reply of the Moscow City Deputy Procurator Mr.Yu.A.Smirnov to the inquiry of the Presidential Human Rights Commission (31.03.93). Before that, as soon as the state of emergency was lifted the Military Administration provided information to the press about 9,886 deported persons («Schit i mech» (21.10.93), «Vecherny klub» (21.10.93).

[16] - «Krasnaya zvezda» (06.10.93).

[17] - A testimony sent by Ms.L.D.Shengeliya and her victims-relatives to Memorial HRC.

[19] - Para «B» of the Article 23 of the Russian Federation Law «On the state of emergency». In the Presidential Decree No.1578, the Press and Information Ministry was instructed «to provide for... the measures envisaged» by the present Para of the Law.

[20] - A letter to the Russian Federation President Mr.B.Yeltsin signed by Ms.J.Laber, executive director of the Helsinki Watch Human Rights Organization, a unit of the «Human Rights Watch».

[21] - A reply of the Moscow City Supervision Directorate of Public Prosecutions Head Mr.V.Yu.Romanov to the inquiry of the Memorial HRC. A reply of the Russian Federation Procurator General Mr.E.G.Denisov to the inquiry of the Presidential Human Rights Commission.

[22] - This concerns consideration of statements and reports on crime. According to the Article 109 of the Russian Federation Criminal Code, procurator or investigator etc. are obliged to take «decision on such statements and reports within the period not exceeding 3 days and in exceptional cases - 10 days... On receiving statement or report, one of the following decision must be taken: 1) on filing criminal case; 2) on refusal to file criminal case; 3) on handing over a statement or report to the concerned investigatory or jurisdictional bodies».

[23] - A reply of the Deputy Procurator General of the Russian Federation Mr.E.G.Denisov to the inquiry of the Presidential Human Rights Commission.

[24] - This material is in print in «Izvestiya». April, 1994.

(The report was used by the Russian Federation Presidential Commission on Human Rights for its annual report on the situation with human rights observance in the Russian Federation.)