



## *Nations in Transit 2006* Russia

<b>Nations in Transit Ratings and Averaged Scores</b>									
	1997	1998	1999	2001	2002	2003	2004	2005	2006
Electoral Process	3.50	3.50	4.00	4.25	4.50	4.75	5.50	6.00	6.25
Civil Society	3.75	4.00	3.75	4.00	4.00	4.25	4.50	4.75	5.00
Independent Media	3.75	4.25	4.75	5.25	5.50	5.50	5.75	6.00	6.00
Governance*	4.00	4.50	4.50	5.00	5.25	5.00	5.25	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5.75	6.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5.75	5.75
Judicial Framework and Independence	4.00	4.25	4.25	4.50	4.75	4.50	4.75	5.25	5.25
Corruption	n/a	n/a	6.25	6.25	6.00	5.75	5.75	5.75	6.00
<b>Democracy Score</b>	<b>3.80</b>	<b>4.10</b>	<b>4.58</b>	<b>4.88</b>	<b>5.00</b>	<b>4.96</b>	<b>5.25</b>	<b>5.61</b>	<b>5.75</b>

*\*Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.*

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author of this report. The opinions expressed in this report are those of the author. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

### **EXECUTIVE SUMMARY**

Russia started on the path to democracy with great hope in 1991 when the Soviet Union collapsed. While Russia's Constitution enshrines the basic principles of democracy, the current policies of the Kremlin are undermining them in practice. President Vladimir Putin's administration is effectively excluding citizen input from important governmental decisions, setting up hollow institutions like the Civic Chamber that imitate real mechanisms for social oversight. It is concentrating all power in the executive branch and minimizing the legislative and judicial branches' ability to operate independently, largely taking control of the legislature's agenda and defining policies for the country's judges.<sup>1</sup> Likewise, the presidential administration is undermining the ability of the regional and local governments to act as a check on other levels of government. Increasingly, groups of individuals around the president who control the levers of the state are taking over Russia's economic assets from individuals who do not have formal state power, using claims of protecting the national interest to cover up their own narrow goals.

The major theme for 2005 was the state's continuing crackdown on all aspects of political life in Russia, demonstrating that Russia is moving further from the ideals of democracy. The Kremlin continued to separate Russia from Western democracies by tightening control over the media, harassing the already weak opposition, and seeking to put greater controls on nongovernmental organizations (NGOs). At the same time, the conflict in Russia's south is spreading from Chechnya and destabilizing much of the North Caucasus. The country's inability to adopt and implement military and police reforms made clear that the state not only lacked the tools to address these problems, but was actually making the situation worse by doing nothing. Although there were some signs of a vibrant civil society on the Internet and in opposing the most restrictive Kremlin initiatives, non-state groups have not gained a broad ability to check the growing power of the bureaucracy, and the level of corruption in the country grew.

**National Democratic Governance.** Political power is becoming increasingly concentrated in the hands of the Russian president. Accordingly, the question of whether Vladimir Putin will actually step down when his term ends in 2008 is growing more pressing. While this top-heavy system may remain in place for the foreseeable future, it is becoming increasingly fragile, since it has less capacity to respond to public demands. At the same time, the violence of the Chechen conflict is spreading far beyond the borders of the rebellious republic. Desperate young men, suffering from police repression and a lack of jobs, are joining the extremist cause, bringing new recruits to the long-simmering conflict. *Russia's rating for national democratic governance worsens from 5.75 to 6.00. Numerous problems are accumulating that could push the country further away from democracy. They include a ruling elite that claims a commitment to democratic values but violates them in its behavior and extensive reliance on the use of force against segments of the population that are becoming increasingly radicalized, particularly in the North Caucasus.*

**Electoral Process.** During 2005, Russia adopted a package of electoral reforms that make it easier for incumbents to preserve their power. Elections are becoming more controlled and less decisive in determining the national and regional leadership. By replacing votes for individual representatives with party lists, the Kremlin helped to strengthen the bureaucracy and its political party appendage, United Russia. The latest round of amendments makes it much harder for the opposition to win representation in the State Duma, easier for the powers that be to remove candidates they do not like, and more difficult for independent observers to monitor the elections. There is little political opposition left in the country, and what remains is under constant attack by federal and regional officials. *Russia's rating for electoral process worsens from 6.00 to 6.25. The newly adopted provisions in the electoral law hand considerable power to the federal authorities and are likely to be abused in the upcoming round of national elections.*

**Civil Society.** With parliamentary approval for a new law on NGOs in December 2005 the presidential administration tightened its leash on Russia's growing civil society. Strong public outcry against the new legislation managed to remove its most restrictive features but could not halt the adoption of the law itself. Russian NGO activists are particularly concerned about how bureaucrats will apply the provisions of the law against groups that are critical of the government. Critics fear that the state will have broad

powers to harass NGOs, thus blocking any real social oversight of the state. Groups providing alternative information about the conflict in Chechnya were a particular target. The Kremlin also sought to expand its ability to organize society by setting up the Civic Chamber, which is filled with members that toe the Kremlin line and are unlikely to provide independent oversight. At the same time, xenophobic and racially motivated crimes continued to increase in Russia with little opposition from the state. *Russia's rating for civil society worsens from 4.75 to 5.00 because of the state's efforts to curtail any unsanctioned initiatives on the part of Russian citizens. While outcry against Kremlin plans to limit social activities testified that a vibrant community of activists exists in Russia, their ability to continue functioning, particularly with restricted access to Western funding, remains in great doubt.*

**Independent Media.** The Putin administration continued its long-standing attack on the freedom of Russian media. Having already brought the three main national TV networks to heel, a Kremlin-friendly company this year took action against Ren-TV, a relatively minor player. The Kremlin is increasingly using its television and radio stations to spread state propaganda and replace serious political debate with entertainment programming. With dropping readership and influence, newspapers remained a secondary target, and Gazprom-Media acquired control of the prominent national daily *Izvestia*. The Internet was a bright spot for Russia, offering alternative viewpoints on difficult questions such as the conflict in Chechnya, though only to a limited audience. The appearance of new Web sites like livejournal.com is creating online communities to discuss pressing issues. This material is making its way into the traditional media, giving the Internet the potential to influence even Russians who are not online. *Russia's rating for independent media remains unchanged at 6.0. The country's political leadership spent the year fine-tuning its ability to keep alternative opinions off the airwaves, which are the main source of information for most people. At the same time, the Internet provided hope for those seeking to learn about and discuss pressing issues in a non-state-controlled format.*

**Local Governance.** After establishing a new set of local government institutions, the federal authorities postponed for three years the transfer of real power. Even when the reform is implemented in 2009, local governments will continue to be strongly subordinated to the regional governments and deprived of a reliable, independent tax base. Putin moved cautiously with his new power to appoint governors, avoiding putting new leaders in potentially unstable republics like Tatarstan and Kalmykia. Efforts to make the regional elite more manageable by reducing their number also moved ahead. This was exemplified in the merger of Perm oblast and the Komi-Permyak Autonomous Okrug into Perm Krai, bringing the number of regions down by 1 to 88. *Russia's rating for local governance remains unchanged at 5.75. Although few were happy with the reform of local government adopted in 2003, the decision to postpone implementation of these plans from 2006 to 2009 was another setback to establishing a local government system that can respond effectively to grassroots concerns.*

**Judicial Framework and Independence.** The high-profile case against Yukos leader Mikhail Khodorkovsky and the predictable guilty verdict cast a long shadow over the court system as a whole, reducing popular trust in its independence. The Kremlin clearly used the legal process, including attacks on Khodorkovsky's lawyers, to serve its political

purposes. Judges unfortunately have little ability to resist pressure from the administration on key decisions. Nevertheless, the number of people appealing to the courts is increasing, and they are frequently able to win decisions against the state. The penal system is also in need of attention, as prisoners are slashing themselves with razor blades in a desperate protest against their treatment and living conditions in prisons. *Russia's rating for judicial framework and independence remains unchanged at 5.25. Russian judges need to demonstrate that they are free of executive influence. There are also warning signs that advances of the previous years, such as the use of jury trials, may be overturned.*

**Corruption.** Several independent research groups found that corruption increased in Russia in 2005. The basic problem is that current policies hand more power to state agencies while limiting the ability of social groups and the media to provide real oversight. This trend was most evident in the lucrative energy sector, where the Russian state secured majority ownership of the natural gas monopoly Gazprom and brought 30 percent of oil production under direct state ownership, creating numerous opportunities for corruption. Abuse of funds is also rife in Russia's policy toward the North Caucasus, adding to the troubles of this region. *Russia's rating for corruption drops to 6.0 owing to the increased role of the state in the economy, ongoing attacks on potential oversight bodies, and the failure to adopt administrative reforms that would reduce the power of bureaucrats in the country.*

**Outlook for 2006.** At the beginning of 2006, Russia took over the chairmanship of the G8, the exclusive club of rich democracies. Nevertheless, the thrust of the Kremlin's policies regarding democratic development cast doubt over whether the Russian system really matches the qualifications of this elite group. With Moscow insistent on imposing a solution by force, the situation in the North Caucasus will likely continue to deteriorate, bringing more unpleasant surprises as violence continues to spread in the region. With ever fewer areas for popular input into the policy process, unhappy citizens will have difficulty affecting change in ways they deem necessary. However, an influx of oil money will likely make it possible to delay necessary systemic reforms.

## MAIN REPORT

### National Democratic Governance

1997	1998	1999	2001	2002	2003	2004	2005	2006
n/a	n/a	n/a	n/a	n/a	n/a	n/a	5.75	6.00

The stability of Russia's political system has grown increasingly fragile thanks to the accumulation of power in the Kremlin and a spreading insurgency in the North Caucasus. With power largely in the hands of one man, succession becomes progressively more important to the system as a whole. The key question hanging over Russia's national political system is whether power will change hands in free and fair elections at the end

of President Vladimir Putin's second term in 2008. Political commentators are now examining a variety of scenarios in which Putin will find a way to hold on to power by amending the Constitution or transferring power to a new center of gravity, either by making the prime minister's office more powerful or by restoring an effective one-party system under a Soviet-style United Russia in which he can rule as head of the party. Additionally, Putin could anoint a successor who would come to power in much the same way Putin himself succeeded Boris Yeltsin, benefiting from all the powers of political incumbency.

Against this backdrop of speculation, presidential adviser Andrei Illarionov, upon resigning his post on December 27, warned that after six years of Putin's leadership Russia was richer but no longer free.<sup>2</sup> Today there are few checks on the executive branch's power. The Federation Council's decision to release an analysis of the state's performance during the 2004 Beslan hostage incident on December 28, just as most people were preparing for the New Year and Orthodox Christmas celebrations, was only the latest example of the legislative branch's subservience. The report placed most of the blame for the botched handling of the crisis on local authorities, while exonerating the federal forces.

Russia faces further problems caused by the violent insurgency that is spreading beyond the borders of Chechnya and undermining stability in an ever widening arc across the North Caucasus. While there have been many attacks outside of Chechnya since the beginning of the war in 1994, the current level of unrest increasingly threatens the republics surrounding Chechnya. This upheaval has taken the form of numerous antigovernment military operations, including assassinations and bombings in Dagestan and Ingushetia, and a violent antigovernment attack in the once seemingly peaceful Kabardino-Balkaria. Clearly, there is plenty of blame to go around, as the crackdown by Russian authorities in Chechnya and the terrorist targeting of civilians in response have both been brutal.

The killings of officials and police officers in Dagestan have made it difficult for the government there to function properly. In the summer, Dmitrii Kozak, presidential envoy to the south, released a widely read report warning that the "uncontrolled development of events" could lead to the "collapse of the republic" and its devolution into interethnic fighting.<sup>3</sup> The report suggested that a significant part of the Dagestani population (7–8 percent) was ready to take up arms, capture buildings, and paralyze transportation. Moreover, many observers now see Ingushetia as a base for Chechen rebel operations.<sup>4</sup>

In the Kabardino-Balkaria capital of Nalchik on October 13, fighters attacked symbols of the government, such as police stations, administrative buildings, the prison, and the airport in response to the extensive crackdown on Islam in the republic. This systematic oppression occurred during the long rule of the region's former president Valerii Kokov, who resigned shortly before the attack.<sup>5</sup> Although the rebel Chechen leadership took responsibility for the raid, the 95 fighters killed were mainly young, local Muslims who had not taken up arms before, demonstrating that the anti-state cause is gaining active new members.<sup>6</sup> Young Muslims who would not have considered resorting to violence are frequently arrested and beaten, a humiliating experience that often radicalizes them,

according to Ruslan Nakhushev, coordinator of the Russian Islamic Heritage organization. Nakhushev had sought to build bridges between the authorities and radicals before his disappearance in early November.<sup>7</sup>

Russian society has little control over the people who are supposed to protect it, and extensive distrust of the law enforcement authorities is exacerbating instability in the North Caucasus and the rest of Russia.<sup>8</sup> To prevent further attacks on the authorities like the one in Nalchik, military, law enforcement, and security agencies will need the cooperation of the local population. However, these enforcers of the law are often involved in crimes against the local population, such as indiscriminate sweep operations, abductions, and extortions. Following the brutal police sweep of the city of Blagoveshchensk in Bashkortostan in December 2004, there were similar sweeps in Ivanovskoe and Bezhetsk, where police arrested young people at discos and cafés. Many police officers are rotated through brutal tours of duty in the North Caucasus and return to their home regions inured to the use of violence.

Unfortunately, the quality of Russia's police is deteriorating. Interior Minister Rashid Nurgaliev complained on October 26 that half the police officers in city and rural police stations were under 30 years old and therefore lacked the necessary experience for police work. He said that the situation was "catastrophic," with the number of crimes committed by the police increasing every year. While officials admit to the problems, they have offered no plans to reform the system.

### Electoral Process

1997	1998	1999	2001	2002	2003	2004	2005	2006
3.50	3.50	4.00	4.25	4.50	4.75	5.50	6.00	6.25

In 2005, the Russian authorities passed new electoral laws that make it easier to control who wins elections. These reforms reduce electoral oversight while increasing opportunities to falsify election results. Consequently, the changes do little to improve confidence in a system that already suffers from low levels of trust. Only 22 percent of respondents to a September ROMIR poll thought that elections in Russia in general were "free and fair."<sup>9</sup>

The electoral reforms proposed and adopted since the fall of 2004 make it harder for opposition parties to win representation in the federal legislature. With the selective application of these provisions, the authorities will be in an even stronger position. The 2005 reform continues a long-term trend in Russia in which the authorities "fine-tune" the electoral system after each voting cycle to make it more responsive to their needs.

The reforms bring a number of changes to the Russian legislature's lower house, the State Duma. All seats will now be filled through party lists, replacing a system in which half were filled by party lists and half by single-member districts. This system does not build up broad-based political parties but rather concentrates power in the hands of a few

kingmakers able to determine who will become legislators. Where party list voting took place at the regional level in recent elections, local businessmen were able to buy spots on the lists and win election to regional legislatures, according to sociologist Alla Chirikova.<sup>10</sup> These new legislators have no real political or ideological ambitions and little interest in forming a political opposition; they are mainly concerned with pursuing their business goals, which generally means working closely with the governor. It will likely be even easier for the Kremlin to work with these people than members of previous legislatures.

Additionally, parties now need to win 7 percent of the vote to enter the Parliament and are not allowed to form electoral blocs. In the past, the electoral blocs did well against United Russia in regional legislative elections.<sup>11</sup> Also, there must be at least two parties in the Duma, representing not less than 50 percent of the vote. In the past, the Duma had to have a minimum of four parties. To win registration, parties must have at least 50,000 members and organizations in at least half the Russian regions, a provision that sets the bar very high in areas where political parties still have not earned widespread trust. This provision also removes the possibility for the formation of regional parties.

Under the new electoral reforms, the percentage of invalid signatures required to reject a candidate's application dropped from 25 to 5 percent of the mandatory 200,000 needed for registration.<sup>12</sup> As a result, the authorities can more easily remove candidates they do not want by challenging their signatures and then taking the matter to pliant courts, which likely will decide in their favor.

The reforms also allow the state budget to provide increased funding to parties crossing the 3 percent barrier in the previous parliamentary elections based on the number of votes they received. Each party will get 5 rubles (US\$0.18) per vote each year, clearly favoring the biggest vote getters (113 million rubles [US\$4 million] for United Russia and 38 million [US\$1.4 million] for the Communist Party based on the results of the last election). In practice, though, these funds are of little importance since other sources of funding, legal and illegal, are likely to be much larger.

As a result of these reforms, the opposition will now find it harder to monitor elections. Under current legislation, only parties competing in the elections are allowed to provide election observers, and there is no provision for independent electoral observers or for journalists to watch the vote count.<sup>13</sup> International observers will be permitted only by invitation, a violation of the Helsinki accords, which Russia signed. The use of electronic voting machines and a ban on a manual vote count make it impossible to check the reliability of vote totals in areas where such devices are used.<sup>14</sup>

The political opposition disappeared almost completely after the 2003–2004 electoral cycle, which international observers declared free but not fair. Opponents of the current leadership have not been able to take advantage of the Kremlin's policy failures, such as the botched social benefit reforms at the beginning of the year.<sup>15</sup> Despite the weakened state of the opposition, the authorities have moved decisively against the two most open critics of Putin, former chess champion Garry Kasparov and former prime minister Mikhail Kasyanov, even though neither has much chance of replacing Putin. Kasyanov

now faces criminal charges about how he acquired a summer cottage from the state; Kasparov's speaking tour across the country draws constant harassment from regional authorities following orders from above.

### Civil Society

1997	1998	1999	2001	2002	2003	2004	2005	2006
3.75	4.00	3.75	4.00	4.00	4.25	4.50	4.75	5.00

During the course of 2005, the Kremlin stepped up its campaign to strictly limit the activities of independent NGOs. On July 20, at a meeting with members of the official Council for Promoting the Development of Civil Society, Putin called for restricting foreign financing of Russian NGOs' "political activities," repeating similar calls from previous years. Putin's attack was sufficiently vague to leave officials and activists in considerable doubt as to what activities he had in mind, those that focus strictly on political parties, or encompassing a broad range of environmental, social, and cultural causes. This ambiguity left the door open for abuse.

By the end of the year, the Parliament rushed through a highly controversial new law putting strict limits on Russian and foreign NGOs. Following Putin's signature, the law was set to go into effect on April 18, 2006.<sup>16</sup> While sharp criticism of the bill by Russian activists and Western supporters forced the Kremlin to remove the most egregious features of the legislation, the final bill was nonetheless a sharp blow to the development of Russian civil society.

The law's critics warned that it handed extensive power to the Justice Ministry's Federal Registration Service for NGOs, making it possible for the ministry to exploit vague provisions in the law to shut down organizations whose activities the government did not support. NGOs must supply information to the registration service when they receive money from foreign funders, including the purpose for the funding and how the money is actually spent. Failure to provide this information would be grounds for closing an NGO. The government agency, rather than the courts, would make the determination on the fate of the organization.

While transparency is a requirement for civil society groups in any country, many observers feared that officials would abuse the provisions of the new law for their own purposes. The Justice Ministry's Federal Registration Service reported that it had closed about 300 NGOs in 2005 and had a further 400 cases pending.<sup>17</sup> Provisions deleted from the bill before its final adoption would have barred foreign NGOs from operating in Russia unless they set up a Russian entity and would have required all groups operating informally to register with the authorities.

Despite clear signals that the Kremlin wanted to crack down, more than 1,300 NGOs issued a statement on November 22 charging that the legislation would limit civil society, demonstrating that not all groups were ready to toe the official line.<sup>18</sup> The bill was prepared hastily behind closed doors, and its drafters did not consult with NGOs. Such

backroom dealing on the fate of NGOs is particularly ironic since the Kremlin was also in the process of setting up a Civic Chamber supposedly to bring together leaders of civil society to coordinate with the country's highest political authorities. The presidential administration blatantly expected to pass the law on NGOs before the chamber formally met, thus handing it a *fait accompli*.

The Civic Chamber was established shortly after the Beslan crisis in late 2004. Its membership was formed in the latter part of 2005, and it planned to launch operations at the beginning of 2006. The membership includes celebrities, pro-Kremlin activists, lawyers, businessmen, and many who had never held public office selected by the presidential administration. Many of the members have no obvious connection to social organizations, and only a handful are critical of the Kremlin. The body is supposed to supervise the government, Duma, media, and law enforcement. Unlikely to carry out these functions in practice, the Civic Chamber mainly represents an attempt to give the government greater influence over the NGO movement while attempting to increase government legitimacy in the civil sector.

In combination with these initiatives, the Duma has proposed handing out 500 million rubles (US\$17.4 million) to NGOs in Russia and abroad as compensation for the money potentially lost from foreign funders because of the new legislation. This sum is smaller than what foreign funders are currently giving. Naturally, this money would be under the control of the presidential administration, and opposition groups would have little chance of receiving any of it. Critics complain that much of it would go to the members of the Civic Chamber.

Human rights groups are already working under difficult conditions. The administration began systematically to harass NGOs that work on issues related to Chechnya after Putin lashed out against such organizations in his State of the Nation address in 2004, according to Human Rights Watch.<sup>19</sup> Moscow Helsinki Group head Lyudmilla Alexeyeva charges that human rights groups are coming under increasing pressure through financial scrutiny, such as the investigation of grants, tax returns, and donations.<sup>20</sup> Even without official pressure, Russian human rights groups have little impact in a society that generally focuses its attention elsewhere.

While the positive forces of civil society have had difficulty establishing themselves, there has been a rise in the number of racially motivated hate crimes in Russia, according to the SOVA Center, which tracks these incidents.<sup>21</sup> The frequency of the attacks increased in 2005, with a record 179 incidents, though the number of murder victims dropped to 28, down from 46 in 2004. The authorities often do not prosecute these crimes, choosing to protect ethnic Russians who commit them, according to human rights activists in St. Petersburg like the Democratic Russia Party's Ruslan Linkov. Linkov cited the authorities' failure to crack down on the sale of literature that openly calls for violence against non-Russian groups.<sup>22</sup>

Further evidence that the authorities were turning a blind eye to intolerance came when Vladimir Yakovlev's Ministry of Regional Development prepared a draft nationalities policy that sought to form a "united multinational society under the consolidating role of

the Russian people."<sup>23</sup> At the same time, the Kremlin is advancing nationalist youth projects, such as the group Nashi (Ours), while working with an eye toward countering the rise of youth groups such as those in Ukraine that might seek political change in Russia.<sup>24</sup> SOVA also notes that it has become harder to punish people convicted of racially motivated crimes.

### Independent Media

1997	1998	1999	2001	2002	2003	2004	2005	2006
3.75	4.25	4.75	5.25	5.50	5.50	5.75	6.00	6.00

During the 1990s, much of the media was privatized. Since Putin came to power, there has been a reversal of this process, with the state taking over much of television and key national newspapers, especially through the instrument of Gazprom-Media.<sup>25</sup> The most apparent result has been the replacement of hard-hitting news reports with entertainment programming. Only the Internet provided a bright spot, with extensive discussion of current events and the establishment of new communities of online participants among the still limited numbers of people with access to the Internet.

Television news is a top priority for the political elite because Channel One, Rossiya (RTR), and NTV are the main sources of news for 79 percent of Russians, according to a September 22, 2005, ROMIR poll.<sup>26</sup> All programming at the three major TV networks, though varying in style, is state controlled, with weekly meetings between network executives and presidential administration officials to determine the overall shape of the news coverage.<sup>27</sup> The Kremlin's control over the portrayal of the events in Chechnya is particularly intense. For example, presidential staffers told electronic media representatives to replace the phrase *Chechen terrorism* with *international terrorism* and the word *jamaat*, which means local Muslim community and might be interpreted favorably, with *terrorist organization* or *gang*, according to the Web news site gazeta.ru.<sup>28</sup>

Moscow City's TV Tsentr is controlled by Mayor Yuriy Luzhkov's government and therefore occasionally presents a different picture on national issues from that of the three main networks, demonstrating the existence of competing factions within the state. However, at the end of the year, the station fired General Director Oleg Poptsov for a show critical of Putin, Poptsov claimed.<sup>29</sup> Ren-TV, with relatively low ratings and less national reach than the top networks, was a bit more adventurous in its coverage than the big three, but during the summer, the Kremlin-friendly steel company Severstal and a group of German investors purchased the station from Russia's electricity monopoly, which had not required it to toe the Kremlin line. At the end of November, recently appointed Ren-TV general manager Aleksandr Ordzhonikidze removed news anchor Olga Romanova from the air in a dispute over efforts to broadcast a story about the criminal case against Defense Minister Sergei Ivanov's son. The young Ivanov had struck and killed an elderly woman with his car but was found not guilty.<sup>30</sup> Whatever the merits of the case against the well-connected driver, the authorities did not want extensive publicity for what appeared to be an arrogant elite who cared little about average citizens.

With this attack on Ren-TV, the authorities effectively eliminated all significant alternative points of view in the broadcast media. Live broadcasts are no longer common, and shows with a range of opinions are "edited," according to Alexei Simonov of the Glasnost Defense Foundation.<sup>31</sup>

The state-controlled networks have replaced the feisty political talk shows of the past with straightforward entertainment, apparently seeking to distract public attention with reality shows, music, and film. To the extent that there is network coverage of political events, it is frequently biased. On the eve of the Moscow City Duma elections, Russian television stations gave much more airtime to the pro-Kremlin United Russia than any other party, according to research by *Nezavisimaya Gazeta* and the Medialogiya Research Company.<sup>32</sup> The data showed that during October and the first half of November, United Russia had 552 mentions, followed by the Communists and Rodina (350 each) and the Liberal Democratic Party of Russia (258). Detailed coverage and investigative reporting are left to outlets that have smaller audiences.

The national newspapers are owned mainly by media holding companies with enormous assets from the stock market, gas and oil sector, and industrial enterprises. Over the summer, Gazprom-Media bought the popular newspaper *Izvestia* from oligarch Vladimir Potanin's Prof-Media. While there has yet to be a radical shift in the newspaper's content, the state now has an effective lever to control this news outlet.

The journal *Ekspert* is one of the country's truly free publications since its staff was able to purchase the political and economic weekly from its previous oligarch owner and can survive on its income from ads and other services. The Boris Berezovsky-owned *Kommersant* is also profitable, giving it some autonomy from the state, while foreign-owned publications like *Vedomosti* work according to their own professional standards. Other alternative sources include *Novaya Gazeta*, Ekho Moskvy radio (majority owned by Gazprom-Media but operated autonomously by the journalists, who own a 30 percent stake), and 30 to 40 regional newspapers with a combined circulation of 500,000, a small fraction of Russia's 150 million population, according to the Glasnost Defense Foundation.<sup>33</sup>

In contrast, Russia's thousands of district newspapers, with circulations of 3,000 to 10,000, have all but lost their independence since they are heavily reliant on state subsidies. Now they retain only the right to elect their editors and receive subsidies directly from higher-level bodies, avoiding the micromanagement of district governments. The print media is continuing to lose its audience to electronic and online sources of news and therefore becoming less influential among the population.<sup>34</sup>

Content analysis of the media by the Glasnost Defense Foundation shows that up to 70 percent of news items are about the authorities, while reports about the opinions and initiatives of the public get much less attention and therefore are unlikely to influence policies significantly. Given the media's heavy emphasis on serving as conveyors of policy from the authorities to the population, they cannot perform their function of criticizing the authorities and gathering alternative viewpoints.

In its Worldwide Press Freedom Index issued in October 2005, Reporters Without Borders ranked Russia 138 out of 167 countries owing to controls on the media, curbs on different points of view, and biased coverage of the war in Chechnya. The situation is likely to get worse, as state pressure on mass media is mounting, according to Pascal Bonnamour, the head of Reporters Without Borders' European Department.<sup>35</sup>

The Internet was the main bright spot in the area of information freedom. More than 10 million people, or 9 percent of the adult population, went online in early 2005.<sup>36</sup> Even more optimistic, more than 40 percent of these were under the age of 25 in 2004. Russian news sites attract wide usage during crises, such as the Beslan hostage crisis in September 2004.

The Internet provides a source of alternative information about the Chechen war, allowing the rebel fighters to address readers directly through their own Web sites. The Russian authorities have sought to suppress such access through other outlets. For example, Stanislav Dmitrievskii, head of the Nizhnii Novgorod–based Russian-Chechen Friendship Society, received a suspended two-year sentence (in February 2006) for inciting racial hatred for publishing two interviews in his newspaper in 2004 with now deceased Chechen leader Aslan Maskhadov. *Kommersant* also received a warning for publishing an interview with Maskhadov. Many politicians have suggested cracking down on the freedom of information exchange on the Internet, but the government has not taken serious steps to do so.

Blogging has also become a popular way for young Russians to learn about, and actively discuss, political and current events. The site *livejournal.com*, for example, is building an extensive online community and is increasingly bringing different points of view into print journals such as *Ogonek* and *Moscow News*, which mentioned the site in discussions of topics ranging from the case against Ivanov's son to the trial of a woman who murdered an attempted rapist.<sup>37</sup>

The authorities are also increasingly using the courts as a way to pressure journalists. In the beginning of the year, *Kommersant* had to pay US\$1.5 million in damages for a libel suit it lost to Alfa Bank, after an appeals court reduced the initial fine from US\$11.4 million. In July 2005, the tax authorities ordered the paper to pay an additional US\$736,000 in back taxes for 2004, claiming that the paper had understated its profits by excluding the sum it paid to Alfa Bank.

Likewise, international observers protested the sentencing of journalist Eduard Abrosimov to seven months forced labor for an article referring to a local lawmaker's sexual preferences and an unpublished account accusing an investigator for the regional procurator of taking bribes. Reporters Without Borders particularly objected to a prison sentence for an unpublished article. In Smolensk, Nikolai Goshko received a five-year sentence for accusing the governor and two other top-ranking officials of killing his boss, the director of an independent radio station in Smolensk, without supporting evidence. Observers admitted that the journalist's work was sloppy but maintained that the sentence was far too harsh. The UN and the Office for Security and Cooperation in Europe recommend against requiring jail time for slander.

Two journalists were killed in Russia in 2005. On June 28, Magomedzagid Varisov, a journalist for *Novoe Delo* in Dagestan whose articles were often critical of the opposition, was shot in a contract killing. Pavel Makeev was apparently killed on May 21 in Rostov oblast when he tried to film illegal drag races for a TV report.<sup>38</sup> The Committee to Protect Journalists charges that the Russian authorities have not done enough to prosecute the killers of a dozen journalists since 2000.

### Local Democratic Governance

1997	1998	1999	2001	2002	2003	2004	2005	2006
n/a	n/a	n/a	n/a	n/a	n/a	n/a	5.75	5.75

After imposing greater formal federal control over Russia's 89 regional governors during the first years of the decade, the Kremlin turned to bringing local government under the aegis of the country's vertical hierarchy. Unfortunately, rather than giving truly autonomous local officials the means to address the needs of their grassroots constituents, efforts at local reform have largely led to the imposition of greater top-down control. By making mayors more dependent on governors, the Kremlin removes one of the key checks and balances in Russia's overall political system.

Local government reform began in January 2004, doubling the number of municipalities in Russia to 24,000. "The law provided for the creation of three types of local institutions—*poseleniia* (settlements), *munitsipal'nye raiony* (municipal counties), and *gorodskie okruga* (city districts)—each with a specifically defined set of functions. This elaborate but clearly demarcated group of institutions sought to improve on the 1995 Yeltsin-era law, which allowed for numerous types of local bodies without defining their precise responsibilities," according to local government expert Tomila Lankina.<sup>39</sup> By the end of 2005, 84 of the 89 regions had held elections to fill these slots, with only a few North Caucasus republics failing to do so.<sup>40</sup> With all the new institutions and officials in place, the local government law was supposed to take effect on January 1, 2006. However, in October the federal authorities postponed implementation of the reform for three years, until the beginning of 2009.

The thrust of the 2003 Law on Local Government gives Russia's regional governments considerable authority over municipalities. Moreover, the law does not provide local government with an independent and reliable tax base to support even the modest functions assigned to it. During the process of implementation, the most politically powerful and economically self-sufficient localities have suffered the most, with cities up to 250,000 often losing their autonomous status and being demoted to urban settlements, according to the Moscow-based Urban Economics Institute.<sup>41</sup> Small cities now must keep extensive accounting records that further strain their meager resources. In many regions, voter interest in the new institutions has been low, with large parts of the population ignoring the municipal elections.

Even though local government advocates were not happy with the gist of the reform and the rush to elect so many new officials by the end of 2005, the last minute decision to postpone the implementation of the reform came as another blow. Now Russia has essentially established the shell of a local government system but not endowed it with any powers for the next three years. Lankina points to the rationale that presidential chief of staff Dmitry Medvedev and his deputy Vladislav Surkov provided in justifying the delay—avoiding "social instability" that might "negatively influence the results of the 2007–2008 elections"<sup>42</sup>—as evidence that the federal authorities hope to use the new officials as part of an effort to ensure that all goes well in the 2007–2008 electoral cycle. Allowing inexperienced local government officials to start working earlier could lead to unpredictable outcomes that would threaten the status quo.

With local government reform on hold, the Kremlin continued to tighten its control over the regions, particularly through the president's new power to appoint governors. Until the end of 2004, the population had been able to elect governors directly. In general, Putin has been cautious in his appointments, keeping in place long-serving incumbents in ethnic regions like Tatarstan and Kalmykia, where appointing a new leader might destabilize the situation. Of course, such actions cannot be stable in the medium to long term because many of the current leaders are old and change will come eventually. By canceling elections, the Kremlin now has the task of appointing regional leaders whose legitimacy depends on their ties to Moscow rather than popular approval. With the crackdowns on the media, nongovernmental groups, and the election process, the public has no outlet to vent its frustration.<sup>43</sup>

The Kremlin further solidified its power when the Constitutional Court ruled on December 21 that Putin's system of appointing governors is constitutional, putting an end to attempts to restore gubernatorial elections. The Union of Right Forces, one of Russia's most critical, but largely powerless political parties, had argued that annulling direct gubernatorial elections violated Russia's basic law. *Kommersant* argued that with this decision the Court made it possible to ignore the Constitution, effectively eliminating any need to amend it.<sup>44</sup> Yaroslavl governor Anatolii Lisitsyn withdrew his region's support for the case long before the decision was announced, claiming that Yaroslavl depended on federal subsidies and therefore could not afford to oppose Kremlin policies.<sup>45</sup>

Many mayors are no longer elected directly, as in the past.<sup>46</sup> Rather, they are elected by the city council from among its own members. Although cities decide for themselves how to choose their leaders, in big urban areas like Samara, the Kremlin clearly prefers the more manageable system of having the city council choose the city leader.<sup>47</sup> This new procedure sparked a massive protest in Samara, where 20,000 residents joined an October 25 rally to support direct elections. The city's political elite is split, with one faction banking on elections to preserve its power while its opponents seek to cancel the elections as a way of taking office. Thus, the "rules of the game" have become an object of political battle, with each side seeking to shift the rules to favor its particular interests.

Despite the Kremlin's assertions to the contrary, the November legislative elections in Chechnya had little impact on the overall situation in the republic. Real power seems to be going increasingly to First Deputy Prime Minister Ramzan Kadyrov, the former

Chechen leader Akhmad Kadyrov's son, who is widely feared for his powerful group of armed fighters. At the end of the year, the elections to the relatively powerless Moscow legislature were marred by the disqualification of an opposition party and alleged violations. In both elections, the heavy hand of the Kremlin was obvious.

Russia has also begun pushing ahead with the idea of merging regions to reduce the number of units in the federation from 89 to a more manageable figure. On December 1, the country lost one region when Perm oblast and the Komi-Permyak Autonomous Okrug officially merged into Perm Krai. The merged region will elect a single legislature in 2006, which will prepare a joint budget in 2007. In this case, as in other pending mergers, a small, poor region was integrated into a larger, richer region. In theory, the richer regions will provide subsidies to the poorer regions, taking over this burden from the federal government.<sup>48</sup> However, since many of the proposed projects aimed at developing the isolated Komi-Permyak make no economic sense, the financing that *okrug* leaders anticipated from the merger is unlikely to appear.<sup>49</sup>

### Judicial Framework and Independence

1997	1998	1999	2001	2002	2003	2004	2005	2006
4.00	4.25	4.25	4.50	4.75	4.50	4.75	5.25	5.25

The trial of Mikhail Khodorkovsky and his ultimate sentencing to eight years in a Siberian prison colony demonstrated that Russian justice is applied selectively and, when necessary, for political purposes. With the initial verdict in hand, the court rushed through an appeal of Khodorkovsky's sentence, rejecting the not guilty plea but reducing the term by one year, thus preventing Khodorkovsky from running in a December 2005 State Duma by-election in a Moscow district. While there may be improvements in some aspects of the judiciary's functioning, the fact that the courts remain tools of the executive branch in high-profile political cases casts a long shadow, undermining public confidence in the fairness of the judiciary.<sup>50</sup>

Russia has a long way to go before achieving an independent judicial system. President Putin holds frequent meetings with Russia's top judges—Constitutional Court chairman Valerii Zorkin, Supreme Court chairman Vyacheslav Lebedev, and newly appointed Supreme Arbitration Court chairman Anton Ivanov—to discuss a wide range of issues from housing to tax evasion. Indicating a desire that the judicial branch implement policies adopted by the Kremlin, at the November 9 meeting Putin said, "Hopefully our meeting will contribute to the dialogue between different branches of power in Russia, making the interaction between executive and judicial authorities more productive," according to the official ITAR-TASS news agency.<sup>51</sup> At their meeting, Putin and the judges also discussed reform of the judicial system and the implementation of key laws. These are substantive issues where the president can clearly influence the context in which judges make their decisions.

These meetings are problematic not because Putin is seeking to influence the judges, as any president presumably would, but because the judges see nothing wrong with it. Like

other officials in Russia, the justices are susceptible to influence within a society that assumes policies are set at the top. Putin's suggestions undoubtedly trickle down through the judicial hierarchy. In lower and regional courts, chief judges have great influence over judicial salaries and which cases judges hear, thereby making it possible for them to determine the outcome of cases with a high degree of predictability.

The Federation Council confirmed Putin's appointment of Anton Ivanov, the former first deputy general director of Gazprom-Media, as chairman of the Supreme Arbitration Court on January 26. Many see the move as being connected to the fact that the courts are now considering a number of cases affecting Gazprom's interests. The previous chair had to step down because he had passed the age limit of 65.

Beyond high-level meetings, the federal authorities have a variety of ways to pressure the judges. In 2004, Federation Council Speaker Sergei Mironov suggested changing the qualifications for defining who could serve as a judge, a proposal the judges ultimately succeeded in blocking. In 2005, he suggested moving the courts to St. Petersburg. Longtime observers of Russia's courts, like Pennsylvania State University Distinguished Law Professor William Butler, claim that it often seems that whenever the Kremlin wants to exert pressure on the judges, a proposal appears that would make their lives more difficult.<sup>52</sup> On December 21, Zorkin publicly opposed moving the courts.

The authorities have also sought to put more pressure on lawyers involved in high-profile cases. After the Yukos trial, the procurator sought to disbar Khodorkovsky's lawyers for "drawing out" the trial. However, the Moscow Lawyers Chamber qualification commission found no reason to punish them. Yukos lawyer Svetlana Bakhmina was held in pretrial detention after her arrest in December 2004 for allegedly participating in a criminal group organized by Khodorkovsky to take over local oil companies. Robert Amsterdam, a human rights lawyer and member of Khodorkovsky's legal team, was expelled from Russia in September for alleged visa irregularities.

Despite the obvious political purposes to which the courts can be put, they have advanced in some areas. Commercial lawyers report an improvement in the *arbitrazh* system. New criminal and civil codes as well as criminal procedures have been adopted, and many aspects of the new legislation are implemented in practice. In contrast with the past, defendants must now be brought before a judge within 48 hours. Judges, not prosecutors, issue arrest warrants, and jury trials are now available for defendants in serious cases.<sup>53</sup>

More citizens are appealing to the courts, and in some important cases the courts do decide against the state's position. According to a 2003 government order, federal agencies are required to maintain Web sites informing the public about their activities. On October 18, a federal court in St. Petersburg agreed with a lawsuit brought by Yurii Vdovin of the Institute for the Development of Freedom of Information obligating seven federal agencies to open their own sites. The agencies included the Federal Guard Service, the Federal Bailiff Service, the Federal Service for Defense Orders, and the Ministry for Regional Development. Likewise, Vladimir oblast pensioner Olga Yegorova used the courts to block the authorities from opening a dump on forest land she maintained.<sup>54</sup>

Nevertheless, many procedural and substantive problems remain. Judges often lack the training necessary to fulfill all the new functions expected of them. The Council of Europe found that judges' salaries are not commensurate with their responsibilities, making them vulnerable to corruption and outside pressure. Conviction rates remain very high in criminal cases. Where juries are involved, about 15 percent of the cases result in acquittal, but between 25 and 50 percent of jury acquittals are overturned by higher courts, often on technicalities.<sup>55</sup> When the acquittal is overturned, the defendant then faces a new trial that will presumably return the "correct" decision. Jury trials are particularly unpopular with procurators and judges, who do not always believe in the presumption of innocence and must now work much harder to present and examine the evidence against the defendant. Proposals to limit the use of such trials are becoming more frequent.

Defendants still have fewer rights than in Western systems. They are often held in pretrial detention when bail or house arrest might be more appropriate. Additionally, defense lawyers are generally barred from collecting evidence during a criminal investigation, judges routinely declare defense testimony inadmissible at trial, and prosecutors can appeal acquittals or sentences they deem too lenient. In the United States, only defendants can appeal a verdict.<sup>56</sup> In trials such as the one against police accused of abusing citizens in the city of Blagoveshchensk, the authorities have apparently sought to intimidate witnesses.<sup>57</sup>

Russia is also facing growing problems with its enormous and overburdened prison system. The country had 621,148 inmates on July 1, 2005, giving it one of the highest incarceration rates in the world.<sup>58</sup> Russian prisons are crowded, disease-ridden, and violent. Some 250 inmates at a prison in Lgov (Kursk oblast) cut themselves with razor blades in the summer, demanding an improvement in conditions and the dismissal of the prison's administration. Subsequently, about 60 inmates at a prison colony in Smolensk oblast went on a hunger strike, and 10 slashed themselves with razor blades to protest beatings of inmates, according to the Moscow-based NGO For Human Rights. The authorities will need increased political will and financial resources to address these problems.

Putin signed a decree on July 13 transferring a number of detention centers from the Federal Security Service to the Justice Ministry's prison service. The purpose of the move is to place the investigators' handling of suspects under the supervision of the Justice Ministry, a condition Russia had to satisfy to join the Council of Europe in 1996. The council had long asked Russia to enact this reform, and although Russia's Ministry of the Interior gave up its control of prisons in 1997, the Federal Security Service managed to hold on to the centers until this year.<sup>59</sup> Whether the change will make any difference in practice remains to be seen.

### **Corruption**

1997	1998	1999	2001	2002	2003	2004	2005	2006
n/a	n/a	6.25	6.25	6.00	5.75	5.75	5.75	6.00

Numerous observers of Russia independently came to the conclusion that the level of corruption in the country increased in 2005. The basic problem is that the Kremlin is handing more power to state institutions while removing societal controls over them.

An INDEM study released over the summer indicated that officials had learned to wring more money from citizens and businesses for services, which they monopolize more efficiently than in the past. While the researchers found that fewer bribes were given in 2005 than in 2001 in both business and daily life, the size of these bribes had increased. Sadly, the survey found increased bribery in areas that are vital to family life: education, real estate, and army draft boards.<sup>60</sup>

Transparency International's Corruption Perceptions Index 2005 likewise suggested that corruption is increasing in Russia, with the absolute score dropping from 2.8 to 2.4. The global average is 4.11, and the regional average is 2.67. Transparency International blamed the decline on reduced transparency in government agencies and a crackdown on independent organizations and the media. Russia ranked 126 out of 159 countries.<sup>61</sup> The World Bank and European Bank for Reconstruction and Development concurred, finding increasing kickbacks in awarding government contracts, with the proportion of kickbacks rising from 1.51 percent to 1.91 percent of the overall value of state contracts over the previous three years.<sup>62</sup>

In the face of this growing corruption, the good news is that the public is increasingly opposed to giving bribes. The INDEM survey found that there were greater efforts to avoid extortion where possible, suggesting that many in Russia had had enough and may be willing to take action against the pervasive corruption.<sup>63</sup> Along these lines, the Levada Center published survey data on August 9 showing that the public thought police and bureaucrats were the most criminal elements in society, with their perceived level of criminality exceeding even the level of actual mobsters.<sup>64</sup>

The Kremlin's policy of expanding the state's role in the energy sector, creating national champions in Gazprom and Rosneft, is likely to increase the level of corruption in the most lucrative part of the Russian economy and slow economic growth.<sup>65</sup> In 2005, the state increased its holdings in Gazprom to 51 percent and added the oil assets of Sibneft to the natural gas monopoly. Former Sibneft owner Roman Abramovich was the main beneficiary, apparently receiving billions of dollars for giving up his oil company. State-owned Rosneft acquired the most lucrative assets of Yukos as partial payment for a US\$28 billion tax claim against the company in a shady deal following the ruling against Khodorkovsky. Controlling Yuganskneftegaz provides vast opportunities for embezzlement, according to the INDEM Foundation's Vladimir Rinsky.<sup>66</sup> Before 2005, private companies carried out the vast majority of Russia's oil production. Now the Russian state controls 30 percent of this sector.<sup>67</sup> The problem is not with state ownership per se, but with the way the Russian state operates its holdings. Growth in the sector was 9 percent a year in the last five years but has now dropped to around 3 percent.

This process is not nationalization (using Russian resources in the public interest), but a transfer of property to people with close ties to the Kremlin. The actual divisions among these different groups inside the state became apparent when Rosneft managers fought

off attempts to merge their company with Gazprom into one giant state energy holding company. Kremlin chief of staff Dmitrii Medvedev chairs the board of Gazprom, while Igor Sechin, deputy chief of staff, heads the board of Rosneft. Rosneft management bitterly fought plans to merge it into Gazprom, thereby preserving control over the company's money flows. In another sector of the economy, the company that monopolizes arms exports took over Russia's largest automobile manufacturer at the end of the year.

Even in dealing with the country's poorest regions, corruption is rife. Federal transfers to the North Caucasus are the main source of criminal money in southern Russia, according to Valery Tishkov, director of the Institute of Ethnology and Anthropology at the Russian Academy of Sciences.<sup>68</sup> The subsidies support a clan structure that monopolizes local resources and power, creating wide public discontent. Moscow's basic policy in the region is to provide subsidies in exchange for loyalty, hoping to preserve stability even in the face of mounting evidence that the region is sliding into anarchy.

Russia is taking some steps to deal with its corruption problem, though these are likely to have little impact. In spring 2005, Prime Minister Mikhail Fradkov launched a program to double the nominal salaries of federal officials working outside of Moscow by 2008 in order to attract better talent to these jobs. Salaries for federal officials working in the regions increased by 27.6 percent in nominal terms over the first six months of 2005, but they are still lower on average than the salaries of their local counterparts, earning 8,839 rubles (US\$316) per month versus 14,791 (US\$530). Despite these efforts, bureaucrats' salaries are peanuts compared with their ability to make money from business; therefore, the scope for corruption remains enormous.<sup>69</sup>

After many years in which plans for administrative reform were successively proposed and then abandoned, on November 1 Fradkov signed the latest administrative reform blueprint and an implementation plan for the next three years. The goal is to overhaul the civil service with clear regulations and state service delivery standards. However, this plan will not be implemented anytime soon, since 2006 is devoted to the "theoretical" preparation of the reform.<sup>70</sup> Similarly, Russia is working on ratifying the UN Anticorruption Convention.<sup>71</sup> This means reintroducing the confiscation of property into Russian law, a provision required by international standards but one that worries many rights advocates for fear it will be used by the authorities to take property arbitrarily.

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