

armed forces was prosecuted for contravention of the rules on the use of weapons and sentenced to two years' imprisonment, subject to probation for a term of one year; another case closed by the Military Procurator's office because of the absence of a *corpus delicti*, and it was decided that the members of the armed forces, which were carrying out a military exercise under conditions of armed conflict in Chechnya, had made lawful use of their weapons; the case of seven unidentified individuals reportedly killed by Russian armed forces during a house search, where no evidence was found of intentional killing; and the deaths of 28 persons in Roshni Chu, the 267 unidentified persons in Gudermes, and the approximately 200 unidentified persons in Samashki, resulting from indiscriminate and disproportionate attacks by Russian armed forces, noting the government statement that the deaths were a tragic consequence of military operations. The government also provided statistics on the use of the death penalty, noting that in 1996, 86 persons were executed, all sentenced to death between 1989 and 1994 and stated that the Duma of the Federal Assembly was examining a bill for a moratorium on the death penalty.

The Special Rapporteur (SR) characterized the deliberate killing of humanitarian workers in the Chechen Republic in December 1996 as appalling, and noted with distress allegations of public executions which allegedly took place in the Chechen Republic following the adoption of a new Criminal Code reintroducing Shari'a law into judicial practice. The SR noted that these executions are in contradiction to Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which Russia signed, thereby committing itself to the abolition of the death penalty.

Racism and racial discrimination, Special Rapporteur on: (E/CN.4/1998/79, paras. 53, 74, 82)

The report notes that cases of racism and racial discrimination were transmitted, and the government replied by stating that the Constitution contains provisions prohibiting incitement to national, racial or religious hatred and propaganda in favour of discrimination, hostility or violence. The government also noted that the new Penal Code provides for administrative and penal sanctions in cases of violation of the principle of the equality of citizens on grounds of race, nationality or other considerations and, further, that there are a number of NGOs and associative movements in Russia that combat the propagation of racism, racial discrimination, xenophobia, and anti-Semitism.

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 48, 50, 58, 63, 64, 69, 77)

The report refers to violations of freedom of religion and belief against all religions, and all religious groups and communities, and notes information indicating that provincial legislation and regulations impose restrictions on the activities of religious minorities. The Law on Freedom of Conscience and Religious Associations allegedly contains provisions liable to undermine the official recognition and activities of religious groups and

communities not belonging to the Russian Orthodox Church. Information further indicated that the authorities have imposed controls on, and/or interfered illegally with, the religious activities of all or certain religious groups and communities; religious minorities have difficulty renting rooms for use as places of worship.

The report notes that the "Freedom of Conscience and Religious Associations Act" was finally adopted, and that the government had signalled its intent to provide the Special Rapporteur with information on the compatibility of the Act with international human rights standards.

Sale of children, child prostitution, child pornography, Special Rapporteur on the:

(E/CN.4/1998/101, para. 24)

The report states that in Russia there is an "epidemic" of street children, known as the *besprizorniki*, or "neglected ones". According to UN estimates, 4 in 10 Russian children live in poverty, and there are perhaps as many as 6,000 vagrant children in Moscow. Social and familial instability have contributed to the growing number of runaway, homeless, orphaned, or abused children, including migrants from former Soviet republics. The Special Rapporteur noted that for some of these children the only escape from the drudgery of life on the streets is through sniffing glue or drinking vodka, with the cost of such addictions almost inevitably leading to a life of crime or prostitution.

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 163–170; E/CN.4/1998/38/Add.1, paras. 347–379)

The Special Rapporteur (SR) continued to receive allegations concerning the use of torture and other forms of ill-treatment in the context of, for example: the conflict in the Chechen Republic; pre-trial detention; interrogation to intimidate detainees or to extract confessions; and, post-trial and conviction, sometimes by fellow prisoners in collusion with the prison authorities. The methods most commonly reported included beatings, electric shocks, asphyxiation (*slonik*), and particularly painful methods of physical restraint (*konvert* and *lastochka*). The report also notes that conditions of detention were reportedly still characterized by overcrowding and unsatisfactory sanitation and medical care, amounting to ill treatment. Reports of torture and ill treatment on a wide scale within the armed forces were also cited.

The government replied to a number of cases transmitted in 1996 and provided the SR with information related to measures that had been taken to follow up on the recommendations made by the SR after the 1994 mission to Russia. The government noted, *inter alia*: decree No. 593, providing for the repeal of a previous presidential decree under which law enforcement agencies were authorized to apprehend and hold citizens under arrest for a period of up to 30 days without bringing charges, without any preventive measures having been decreed, and in the absence of a judicial warrant; and decision No. 833 related to the establishment of minimum standards