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# Making Allies:

Engaging Government Officials to Advance Human Rights

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Edited by Liam Mahony



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Dear Friend,

Welcome to the New Tactics in Human Rights Tactical Notebook Series! In each notebook a human rights practitioner describes an innovative tactic that was successful in advancing human rights. The authors are part of the broad and diverse human rights movement, including educators, librarians, health care workers, law enforcement personnel, and women's rights advocates. They have pioneered tactics that not only have contributed to human rights in their home countries. In addition, they have utilized tactics that when adapted can be applied in other countries and other situations to address a variety of issues.

Each notebook contains detailed information on *how* the author and his or her organization achieved what they did. We want to inspire human rights practitioners to think *tactically* – to reflect on the tactics they have chosen to implement their larger strategy – and to broaden the realm of tactics considered to effectively advance human rights.

In this notebook, we read about a collaboration tactic used by a Russian nongovernmental organization, Citizens' Watch, to engage governmental officials, who in many cases are seen as the adversary and not considered as partners. Citizens' Watch recognized the potential for engaging bureaucrats who illustrated a level of interest in significantly advancing human rights. The author describes the unique uses of this tactic and highlights examples of cross-sectoral cooperation between a nongovernmental organization and the Russian government to advance human rights. As with all tactics, it is not an approach that will work for everyone: well-connected individuals and organizations with highly-developed diplomatic skills will have the most success. But we can all learn, and perhaps get new ideas, from Citizens' Watch's use of collaboration with key government officials to strengthen these officials' ability to further human rights from inside government.

The entire Tactical Notebook Series will be available online at [www.newtactics.org](http://www.newtactics.org). Additional notebooks will continue to be added over time. On our web site you will also find other tools, including a searchable database of tactics, a discussion forum for human rights practitioners, and information about our workshops and symposium. To subscribe to the New Tactics e-newsletter, please send an e-mail to [newtactics@cvt.org](mailto:newtactics@cvt.org).

The New Tactics in Human Rights Project is an international initiative led by a diverse group of organizations and practitioners from around the world. The project is coordinated by the Center for Victims of Torture (CVT) and grew out of our experience as a creator of new tactics and a treatment center that also advocates for the protection of human rights from a unique position—one of healing and reclaiming civic leadership.

We hope that you will find these notebooks informational and thought provoking.

Sincerely,



Kate Kelsch

Project Manager

## **Boris Pustyntsev**

Boris Pustyntsev, 65, is the chair of Citizens' Watch and a veteran of the Russian human rights movement.

In 1993 the president of Hungary awarded him the highest decoration a foreigner can receive in that country, the Officer's Cross of the Republic of Hungary, for his support of the Hungarian freedom fighters who resisted the Soviet invasion of 1956. Pustyntsev spent five years in jail for this action.

With a university degree in philology, Pustyntsev had to change jobs frequently because of harassment by the KGB, which at one point escalated to physical attacks. In 1990, Pustyntsev helped found the St. Petersburg branch of Memorial, a group uniting victims of political repression in the Soviet Union. In 1996, he became chairman of the Public Committee in Defense of Alexander Nikitin (who was arrested based on false accusations after exposing the dangerous state of radioactive waste left by the Russian Navy for decades).

Pustyntsev also lectures on human rights in Russia and abroad and is a regular contributor to Russian and foreign media.

## **Citizens' Watch**

Citizens' Watch is a nongovernmental human rights organization formed in 1992 by a group of human rights activists, lawyers, journalists, deputies to the Russian parliament and deputies to the St. Petersburg City Council. These people were deeply concerned about the tendency of Russian government agencies to resist democratic reforms. A primary objective of the organization is to assist in establishing parliamentary and civic control over governmental agencies, such as the security service, armed forces and police.

Citizens' Watch hosts international and national conferences on Russian laws regulating the activities of governmental agencies. Qualified Russian lawyers and lawmakers as well as legal experts from Europe and the United States are actively involved in this work. The goal of such discussions is to bring Russian legislation and its practical implementation closer to international legal standards. Reports and final documents from the conferences are then forwarded to the Russian Parliament and government bodies to be considered in the drafting of new laws and putting them into practice. The group also regularly releases publications on human rights.

Today Citizens' Watch focuses on access to information, law enforcement reform and judicial transparency. Citizens' Watch also directs projects related to juvenile justice, the rights of ethnic minorities, refugees and servicemen, and the protection of personal data.

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## Introduction

This notebook describes how Citizens' Watch, a Russian NGO based in St. Petersburg, has effectively built collaborative relationships with influential bureaucrats within the Russian administration. These relationships encourage the development of a democratic and participatory connection between the state and its citizens, one in which human rights are respected and the government functions to serve the people rather than to rule over them.

The legacy of Soviet rule and totalitarianism left extremely unpromising conditions for the development of democracy in Russia, in which bureaucrats had neither the experience nor the motivation to be responsive to the public as a transition to democracy demands. Thus, Citizens' Watch was swimming against the tide, facing massive inertia and resistance. The development of a positive and collaborative relationship with government insiders in each case required a tailored and respectful approach.

Some of the key techniques Citizens' Watch used to implement this arduous task included:

a) An individualized and diplomatic approach – carefully selecting promising and influential players in the administration and approaching them in a respectful and supportive manner.

b) The effective use of the “carrots” of invitations to domestic and international seminars, trips and meetings. Potential collaborators inside the administration were invited to interesting and useful gatherings outside of Russia, where they would meet international colleagues in their profession who would encourage their personal political transition. Meanwhile, educational events and conferences inside Russia would bring them together with academics and other experts in their field to help them see alternatives to the way the government currently functions.

c) The provision of helpful resources and information to the bureaucrats, such as translations of documents and training materials from other countries, etc.

d) Finally, in some cases, the creation of a collaborative relationship allowing for the development of joint strategies to address shared problems.

This notebook will use several examples to illuminate the lessons learned from a decade of careful diplomatic work. The final section will discuss some of the general questions an organization should ask when considering the use of this tactic in its own situation.

## Background

Soviet Russia was a very closed society. The “Iron Curtain” was not a figure of speech, it was a reality. Millions and millions of people were professionally engaged in efforts to make the country impenetrable to “aliens” and alien ideas. International cooperation was mostly taking place at the level of propaganda – a few thousand trustees were allowed to participate and visit other countries. Most Soviet bureaucrats were completely isolated from their colleagues abroad. Their only stimuli in their work was the recognition of their services by the ruling party elite. Several generations of state servants were brought up to realize that the effectiveness of their activities was measured not by successful functioning of their respective agencies but by their loyalty to the regime.

Eleven years ago the Soviet Empire collapsed, and Russia started its long and difficult journey towards Europe. Today it is formally a constitutional democracy, a free country, but in reality it is heavily burdened with its totalitarian heredity. The state machine is still not transparent and is unaccountable to citizens and taxpayers. Nevertheless, it is slowly changing for the better, along with society.

Today's Russia is almost as open a country as, say, France. If you are not in jail or on trial you are free to leave and return at any time. Now Russian civil servants travel all over the world and receive their colleagues from abroad. Many of them are involved in international programs and develop professional interests that do not recognize borders. They see the attractive side of open societies in Europe and America, and they begin to feel what it is like when citizens treat an official with respect rather than fear. For example, a Russian judge gets envious of

the enormous respect people demonstrate for his counterparts in the West. He thinks: "What the hell, I am no worse!" But then he begins to comprehend that this respect grows out of absolute trust from the public as to his independence and integrity. Additionally, Russian judges are now being elected to international courts, they join international

judicial associations. If a judge becomes convinced that international cooperation and recognition may help his professional career, he is just a step away from realizing that today his ambitious pursuits may coincide with the interests of civil society. Our task is to help him make this step. We are doing the same with police officers and other civil servants.

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## **Collaboration, Not Confrontation**

### **The Citizens' Watch Approach**

Citizens' Watch has been trying to stimulate and assist reforms in the following spheres: the judiciary, the police, juvenile justice, the armed forces and organs dealing with migration policy and inter-ethnic relations. We monitor the activities of important administrators in various agencies, their public statements and their public reaction to meaningful events. If we think a particular case is hopeful, we try to find people we know in his or her surroundings. Then we ask these people if, in their opinion, the person in question is a real professional in his sphere (the more professional the better) who may be responsive to civic initiatives directed at solving the problems that are of interest to his or her agency. If we think that we have a chance, we compare the most difficult problems that the given agency admits it is facing with typical complaints against it that the public is making, outline the areas of possible common interest and plan our own strategy for cooperation.

Finally, we approach the bureaucrat directly. (Naturally, this requires that this person knows about our NGO and that we have already gained some reputation as an influential group in the city or in the region.) The best way to make contact is to be introduced by someone at a public gathering: a press conference; a government-sponsored event like a seminar or conference; a teach-in on a concrete problem (at which the administration tries to demonstrate its genuine interest in some

pressing topic of the day); a reception (for example, I have made some most useful contacts at diplomatic receptions at various consulates). In these circumstances, civil servants feel obliged to engage in conversation and usually agree to meet later.

Sometimes no such opportunity arises. So, if necessary, you simply send him or her an introductory letter with an invitation to your seminar, round table, etc., devoted to some issue that you know for sure to be of particular interest to this agency. Your letter may remain unanswered, but usually some second- or third-level representative of the agency shows up. Treat this person like someone truly important, and, most likely, he or she will become a regular participant in your seminars, sooner or later bringing in the person you are actually interested in. It is a long and tedious process, and in some cases your efforts are in vain. But there are also very important rewards that make the game worth the effort, as our practical examples below will show.

Sometimes you are dealing with someone who sides with reformers more often than not, but nevertheless has a reputation for being arrogant and disinclined to make contacts not sanctioned by "higher-ups." In a case like this you might try to find supporters among subordinates. In due time, they may exert positive influence and finally make their chief see the light. Or you may try your luck at the opposite end and approach his superiors at the federal level.

### **Reform in the Military Courts**

For some time, we tried in vain to establish contact with the chief judge of the St.

Petersburg military district who was old-school and resisted new trends. In Russia, if a member of the armed services commits a crime, the case goes to a military court of the first instance. The system of military courts is actually parallel to that of civilian courts and follows the same procedures. Prior to 2000, military courts were under the command of the Defense Ministry, and completely closed to public scrutiny.<sup>1</sup>

In 1998, we had a grant from the European Union under the TACIS-Democracy Program.<sup>2</sup> Military reform in Russia had just begun, and the project provided for protecting the civil rights of service members, among other groups. Through the support of a German partner (the Office of the Human Rights Commissioner for the Bundeswehr), we managed to include in the project some internships in Germany for Russian military judges. Having failed in our initial approaches to the local military court, I wrote a letter to the chief judge of the Moscow military court, as we knew that he was more reform-minded. I asked for his help and advice in composing a group of military judges who would go to a symposium on rights of servicemen at the Military Academy in Bad Bevensen near Hamburg, Germany. I suggested that he himself choose all the candidates, all save one: the deputy chief judge of the St. Petersburg military district who was noted for his very professional approach when it came to legal matters. I specifically requested that the general include this colonel from St. Petersburg when he picked "his team."

The reaction was positive. The general himself asked the St. Petersburg chief military judge to let his deputy join the group. Although the St. Petersburg chief judge was not subordinate to

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<sup>1</sup> In 2000, in the course of reform, these military courts were made subordinate to the Ministry of Justice – a very important step in the right direction. At the time of this example, they were still under Defense Ministry control.

<sup>2</sup> TACIS: Technical Assistance for Commonwealth Independent States. "Commonwealth" here implies new states on the territory of the former USSR. TACIS-Democracy Program was worked out by the European Union in the early 1990s to promote democratic institutions in these states plus Mongolia. Citizens' Watch got two one-year grants (in 1995 and 1997) in the frames of this project to assist reforms in the armed forces and special services and to protect citizens' constitutional rights of access to governmental information.

the Moscow judge, he was nevertheless of lesser military rank and thought it better to concede. After that, the colonel became a regular visitor at Citizens' Watch: we consulted with him on international legislation, he consulted us on professional legal issues concerning rights of servicemen. When in 2000, a new chief judge of the St. Petersburg military district was nominated, his deputy soon brought him to one of our seminars on military legal issues. Today we organize seminars and conferences together. We became partners.

## **Developing Credibility**

We spent four years of hard work developing the reputation needed to carry out this work. Between 1992 and 1996 we studied national and international legislation in various fields, participated in and initiated public campaigns, hunted for legal experts ripe for collaboration and contacted legislators and officials. The work was mostly anonymous, because the mass media will not take notice unless you prove that, unlike the majority of rights groups, you are able to influence the policy of the government. And no bureaucrat will pay attention unless he knows that people "up there" listen to you. You will be more successful if you manage to recruit some prominent people as "founding fathers." In Citizens' Watch there were federal and regional parliamentarians among the founders. Even so, most of our activities went unnoticed for quite a time.

In late 1995, we organized a seminar on "The status of delinquents under age when under investigation, on trial and serving time." We made a round of visits to people whom we wanted to participate in the discussion: prosecutors, police officers from juvenile departments, bureaucrats from the mayor's office. It was then that we found out that some of these people actually read the human rights publications that we spread around. Several of them agreed to present their point of view at the seminar.

While we prepared the seminar, the parliamentary deputies on our board secured us unhindered access to detention centers and prisons for juvenile delinquents. We attended court hearings where teenagers were involved. Over four months we accumulated enough



evidence to demonstrate that the legal status of juvenile delinquents was grossly violated at every stage. With such careful preparation, the state servants who attended the seminar had to admit the facts we discovered. Then, unexpectedly, it was they who suggested that our concluding documents contain demands that the federal government allocate enough money to provide for humane conditions in these centers.

In about a month, we received a copy of Deputy Prime Minister Yuri Yarov's circular letter ordering the Interior Ministry and the Ministry of Education to "coordinate their efforts to correct the situation described by the organizers of the seminar" with Citizens' Watch. Since then, the bureaucrats have become more attentive to what we have to say. As I said, it took us four years, but it was worth the effort.

### **Offering to Help: An Example in the Migration Department**

We do not designate a role for bureaucrats in our plans of action. Rather, we offer to help them be more effective in their usual role as officials responsible for solving this or that problem. For example, in 1996, a new head of the St. Petersburg Migration Department attracted our attention as a potential collaborator. We heard him speaking at press conferences and at the court hearings when a doctor from Afghanistan sued the migration department for denying him refugee status. This doctor was the chief of a military hospital during Soviet occupation and would most likely be killed by the rebels if he stayed after the Soviet withdrawal. The new head of the migration service said that he had to follow the existing law but he publicly admitted that the law was inhumane, in conflict with international human rights norms, and ought to be changed.

When we met with him we did not ask him to help us. We asked him what we could do to help him and his department. He said that his main problem at the moment was how to react to very contradictory instructions from his superiors. Some of the orders implied that he should do his best to refuse applications for refugee status and disclaim all responsibility for the plight of people who, after the USSR had

disintegrated, turned out to be living in the territory of new states. Others instructed him to follow a "liberal line" and to treat refugees in accordance with the international obligations Russia had taken upon itself as a new member of the Council of Europe.

We explained to him that, from our point of view, the future of his department lies with the strategy defined in the documents of the Council of Europe. Of course, we were bluffing a little bit, and the man knew it: While the government had loudly proclaimed its readiness to integrate Russia into the European family, tactical considerations dictated that he should avoid the reputation of a professed reformer – a common dilemma for Russian bureaucrats today. But our argument that "those who jump on this train first will be in a stronger position later" is becoming steadily more convincing as Russia becomes more engaged in international cooperation.

The man complained at the lack of a Russian version of some international documents regulating migration issues. We got them for him. Several of the documents needed to be translated – which we did. Then in 1997, the International Institute of Humanitarian Law asked Citizens' Watch to recommend some Russian government officials working in the migration field for an internship in San Remo, Italy, their headquarters. After spending two weeks at the institute, the man returned full of ideas for meaningful reforms of his service. Since then he has waged a war at his ministry for a more civilized and humane approach to migration problems. This has earned him both new friends and new foes there: Twice he was nearly kicked out of his job.

In October 2001, he suggested that together we organize a seminar for his colleagues from various regions of Russia on the unification of the official definition of a refugee. The trouble is that at present you may receive refugee status in one region and be refused this status in another, though in both cases you produce the same set of documents. The Russian legislation in this field is too loose and allows for too broad an interpretation. We carried out the seminar at Citizens' Watch premises, provided for the presence of independent experts, NGO activists, and a representative of the U.N. High Commissioner for Refugees, and

together worked out recommendations that were forwarded to the appropriate committee in the Federal Parliament. Parliamentary hearings on the matters were scheduled soon afterward.

There is always a danger that the bureaucrat whom you help to develop new contacts and ambitions later resigns to accept a more prestigious position in some international organization. In early 2002, our effective collaborator in the migration department became a representative of the U.N. High Commissioner for Refugees in St. Petersburg. Nevertheless, he continues to do what he can to help us.

### **Reform in the Judiciary**

In Soviet times, Russian judges were docile instruments in the hands of the Communist Party. We consider the independent status that the Russian judges gained in 1993 as one of the most significant achievements of the last decade. In the long run, there can be no real civil society without independent judges. But then the judges themselves must get accustomed to this status to feel truly independent. True, sometimes old-school judges feel independent not only of administrators but also of common sense and the law itself. Today Russian judges are undergoing a very difficult process of re-education. We're trying to speed up this process.

In early 1998, we made judiciary reform one of our priorities. Since then, we have sent four groups of judges from the Russian Northwest (56 people altogether) to two-week seminars in Warsaw on observing international human rights standards in court rooms. The seminars were run and financed by the International Helsinki Federation. With the help of the Swedish section of the International Commission of Jurists, our long-standing partner, we sent two groups of Russian judges to Sweden to get acquainted with their system of juvenile justice.

In 2000, Citizens' Watch launched a series of conferences and seminars aimed at making the activities of the courts more transparent and better known to the public. We invited, as experts, jurists and journalists from the United

States and several European countries. Russian judges of all levels, up to the Supreme Court and the Constitutional Court, actively participated in these events. One of the results was a major breakthrough in our efforts to make Russian judiciary more transparent, all the more so in the case of military courts, traditionally the most tightly closed of all. In April 2001, the military courts of the cities of St. Petersburg and Pskov took up an idea that originated at one of our conferences: They launched Web sites on the Internet and started placing their rulings there. Several other courts, military and civilian, have followed suit.

### **Reform and Collaboration in the Police Force**

Another key agency that must be reformed is the police force. Russian police have been regularly accused of gross human rights violations such as torture and inhumane treatment. To change the tide, we suggested that the government introduce a new system of education and training for future police cadets. Again, our first step was to start looking for police officials receptive to this idea. We found several in the St. Petersburg-based University of the Interior Ministry and later in the ministry itself. But first we had to have something to offer them in exchange to assure them that we are here not to torpedo their work but to help make it more effective. Simultaneously, we started looking for a person in the police system who might agree to collaborate with us on a regular basis.

The Harold and Selma Light Center<sup>3</sup>, a local human rights group using similar tactics, had previously started seminars for school teachers and regional administrators of the Russian Northwest aimed at solving and preventing ethnic conflicts in their respective fields. The mayor of the small town of Borovichi was so

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<sup>3</sup> A Russian Jewish group, named for Harold Light, an American Jewish activist who, together with his wife Selma, criss-crossed the USSR looking for Jews who sought and were denied the permission to emigrate. He then founded the Bay Area Council for Soviet Jews in San Francisco - a nucleus of the future widespread Council of Unions for Soviet Jews, now Council of Unions for Russian Jews. The Light Center concentrates on monitoring human rights abuses in the Russian Northwest and educating administration and police forces.

impressed that he asked them to hold a seminar for his police officers. In 1997, the Light Center asked Citizens' Watch to help them to organize the event. Other seminars and conferences involving the police followed. In time, we established steady contacts with a group of officers in St. Petersburg and in the region who demonstrated genuine interest in our efforts; some of them highly-placed, up to the rank of colonel.<sup>4</sup>

One of our partners in the United States, the Bay Area Council<sup>5</sup> in California, in cooperation with the San Francisco Police Department, was about to organize a seminar in San Francisco for police officers and human rights activists from Russia. We asked them to include some of these officers as participants. Then American police officials and prosecutors began taking part in seminars and conferences in Russia and developed professional ties with their Russian colleagues already involved in the process. In late 2000, Col. Prof. Mikhail Rodionov, a lecturer at the University of the Interior Ministry and one of our police contacts in this group, agreed to become a Citizens' Watch coordinator on police reform projects. He resigned from the police force (after 30 years of service) and enrolled as our part-time coordinator. He still lectures at the university as a civilian professor. Since then we have been able to use his advice and his numerous professional contacts to further our goals.

### **Civilizing the Bureaucrat**

I always tell our activists that one of the most important tasks of a Russian NGO today is to "civilize the bureaucrat," to involve state servants in our activities so that in the course of performing their duties they start assisting in the formation of a civil society. We must always think of some inducement to offer them, some bait that would be difficult to resist. For example, when we negotiate a grant from any foundation, we always try to explain to a grantor why it is necessary to provide for internships abroad for government servants or judges. We have discovered that this is an

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<sup>4</sup> The Russian police are structured after the army model.

<sup>5</sup> The Bay Area Council of Russian Jews in San Francisco – see footnote 3.

excellent way to turn officials into our collaborators. In this respect, international collaboration has done more for the integration of Russia into Europe than any other efforts.

To make civil servants comprehend your point of view, you must have intelligent people in your organization who are persuasive and have strong communication skills. These are skills that you develop gradually in the process of communicating with administrators, learning from your previous mistakes, trying to locate behavioural patterns and analyzing each small victory. Together with the Association for Independent Sociological Research in St. Petersburg, headed by Viktor Voronkov, we plan to organize courses in empathy, or in being a step or two ahead of your interlocutor and able to put yourself in his shoes. But there are already some people in our ranks capable of communicating with representatives of various branches of power. They have developed these skills naturally, as experienced NGO activists. It takes time to cultivate such people in your organization, but they are crucial to carrying out this tactic.

In recent years, we've organized several seminars for local NGOs on the art of communication. We invited experienced psychologists to explain to NGO activists, among other things, how to approach administrators, politicians, etc. I must admit that, on average, only one out of 20 showed real progress. Evidently, it takes some innate traits to be able to successfully persuade others, some specific qualities that usually mark a leader (in our work, every program coordinator must have leadership skills), but we know that leaders are rare. We are in constant search for such people, but they usually prefer more rewarding professions. This is the main stumbling block on the way to systematic implementation of these tactics in today's Russia.

### **Providing Educational Resources to the Administration**

In 1999, I asked the Police Department of the Human Rights Directorate of the Council of Europe for a Russian version of their police training kit (four brochures and a videocassette), that they had produced through

the Council of Europe's Police and Human Rights, 1997-2000 program. I learned that it had been translated into all the languages of the new East European states. We agreed that they would finance production of a thousand copies of the kit provided that Citizens' Watch found money for making another thousand. The Konrad Adenauer Foundation of Germany agreed to help. Then we offered these two thousand kits to the University of the Interior Ministry. The general who heads the university was very much surprised that he would get it free from a human rights NGO (which the police would traditionally consider to be an opponent). We even suggested that they disseminate the kits throughout their educational network (the huge university has branches in 18 other Russian cities) as "a gift from the university," not from Citizens' Watch. By now, the samples of the kit have been sent to most police educational centers across Russia and there is a great demand for it.



**Pustyntsev and Gen. Viktor Savin, chief judge of the St. Petersburg military district, lead a seminar for military judges on transparency in court decisions. July 2001.**

We try to locate St. Petersburg NGOs which have been successful in their collaboration with local police precincts, and then we look for ways to support such partnerships. For example, the Kirovsky region of our city had been notorious for its high level of domestic

violence. Several years ago, the local police command joined forces with Alexandra, an NGO that was active in domestic violence prevention in the same region. Now they coordinate their efforts on a regular basis, and the level of regional domestic violence has been on a steady decline. We are looking for a grant to compile a booklet about this experience, sort of a manual that we intend to deliver to the desk of every police precinct commander as well as to community leaders.

It will take generations to reorient the Russian police force away from the attitude that they can fight crimes at all costs, even at the cost of citizens' constitutional rights, and toward the idea that the protection of these rights is their mission. We are at the beginning of a very long road. Our attempts have been hindered by deeply engraved mistrust of law enforcement institutions – the public at large is not ready to accept them as their protectors. For seventy years, the law was so ruthless to the man in the street that striving to cheat the authorities, breaking established rules, and beating the system became a kind of national sport. We must aim to change the attitudes of the public as well: it takes two to tango. So we have launched a publication project, a human rights series meant for a wide audience, to address this need. We disseminate these publications to libraries, schools, prisons, etc.

### **Collaborative Research**

Three years ago, we managed to bring together competent sociologists and police authorities to assess relations between the police and the public and to help make recommendations for improving these relations. The research is still going on. Last year, St. Petersburg Police Commander General Veniamin Petukhov informed us that the results of the research were already being used by the Ministry of Interior as reference material. Copies of the report on the latest stage of the research, translated into English, are available from Citizens' Watch.

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## Fruits of Collaboration

Over time, the Ministry of the Interior has grown less suspicious of our efforts. In November 2001, I was received, along with six other human rights activists, by Deputy Minister Yevgeniy Soloviev who had approved the Council of Europe police training kit that we had published. He promised to consider possibilities for introducing some practical measures that we had suggested to improve the image of the Russian police among the public: introducing personal identification plates, encouraging civil volunteers' collaboration with police precincts, etc. Recently, Deputy Minister Soloviev asked Citizens' Watch to find ways to supply his ministry with 500 copies of the Russian translation of the Rotterdam charter on Police about policing in a multiethnic society. By now, 2,000 copies of the Russian version of the charter have been printed and delivered to police education and training centers, as well as 1,500 copies of the Council of Europe manual "Policing in a Democratic Society."

In March 2002, General Viktor Salnikov, Chief of the University of the Ministry of the Interior, told me that he was trying to create a chair of human rights at the university, as we have long suggested. He said that a letter from Citizens' Watch to the Ministry of the Interior in support of this idea might be of help. In May, the ministry thanked Citizens' Watch "for its interest" and informed us that "the problem raised is being considered at the moment." In June 2002, "the dream came true": the chair of human rights became a reality. The university approached Citizens' Watch for educational materials and for help creating the program launched in September.

### A Difficult Case: The Chechen War

In the summer of 2002, we had another small victory. The war in Chechnya, which has been going on for several years, resulted in numerous gross violations of constitutional rights of civilians: murders, abductions, rapes, robberies, beatings have been often reported even by Russian media. As Chechnya is a part of

the Russian Federation<sup>6</sup>, police detachments from all other regions of Russia are being sent there, nominally for routine policing, but in reality they often serve as accessorial troops: they man roadblocks, conduct house-to-house searches for armed men and weapons, and sometimes participate in real military operations. They share the blame for the above-mentioned crimes, though to a lesser extent than the army.

Before this summer, dozens of St. Petersburg police officers had been packed off to the northern Caucasus every three months. They make lousy soldiers there – soldier and police officer are two very different professions – and are unqualified for policing when they return. Some of them come back mentally deranged, ready to pull the trigger at the slightest provocation. In private, many police commanders share our indignation at this practice, but they keep silent bound by discipline. As of July 2002, their missions will be twice as long: six months.

We cannot stop the war yet. Nor can we even prevent police officers from being forced to perform duties very different from those of law enforcement personnel. But we can try to reduce the resulting dehumanization of the local police force. In early 2002, we suggested to the Ministry of the Interior that every officer going to the northern Caucasus be ordered to attend lectures by ranking representatives of the City Prosecutor's Office on the penalties for violating human rights when on duty in the Caucasus: from summary punishment to legal prosecution. The lecturers would be expected to cite concrete examples of the legal cases that have been recently brought before the court: since 2001, the Prosecutor's Office in Chechnya has initiated cases against the most notorious human rights violators in uniform. There have already been several guilty verdicts.

Police officers volunteer for these missions confident that they enter a zone where anything is permissible – that they are guaranteed impunity regardless of what they

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<sup>6</sup> The present government will never withdraw the army from Chechnya, what with the "green light" it has been given regarding this region in exchange for participation in antiterrorist operations.

do there. This is the main carrot, plus a tripled salary. As to the "voluntariness" of the choice – well, twenty officers from Pskov who refused to volunteer in April 2002 when offered were soon fired under various pretexts, losing all the privileges they were entitled to. So most police officers know better than to refuse.

Of course, those who go are first subjected to three-week of special training before the mission, including some legal courses where they hear all the right words. But it's one thing to be lectured by police commander, one of their own who they know will always try to cover up for them. It's quite a different matter when they listen to a prosecutor, a representative of an agency that everybody in Russia still fears. They are certain to take it much more seriously.

Our initial approach was the usual one: we want to help prevent your people from committing misdemeanors and crimes and to help boost the image of the St. Petersburg police force in the eyes of local civilians. We suggested that we make a film based on these prosecutors' lectures that later can be used as a visual aid in police training centers. We stressed that the ministry would not have to pay a cent for such a film: we had already talked it over with the Ford Foundation and got their backing for the idea.

It was a long shot, and we expected some formal excuses. But in late June 2002, six representatives of the local Interior Ministry Department showed up in my office and said that they had received instructions from the ministry to collaborate with Citizens' Watch on organizing the lectures in question and on shooting the film. The ball is rolling. The first lectures were delivered in October 2000, and the film was ready in February 2003.

### **Civilian Oversight of Police**

Now we are trying to persuade the Ministry of the Interior to accept the presence of

community volunteers in police precincts, based on an American experiment. In April 2001, Colonel Rodionov and I visited a precinct in Manhattan, where we were met by a lady sitting at a table just in front of the entrance, who put down our names and the time of our visit. It turned out that she was one of the community volunteers who came to the precinct every day. I was very much impressed: she was a witness to the treatment of every visitor who lodged a complaint, to every case of compulsory detainment. Her presence was the most effective way to prevent arbitrary, illegal behavior on the part of police officers.

In May 2002, I brought a St. Petersburg police colonel responsible for monitoring relations between law enforcement and the public to New York. Together we met with activists from the community who send volunteers to this precinct, as well as precinct commanders and officers. We tried to find out as much about the practice described above as possible. We saw for ourselves that the regular presence of civilian volunteers not only exerts a restraining influence on police officers' behavior but also breaks down barriers between police and the public. We talked at length to police officers: they treat long-time volunteers as, well, "members of the family." This is the best way to enlist police rank-and-file as collaborators, which is usually more difficult than winning sympathy with the higher echelon.

I do not think that we shall succeed in introducing this practice in Russia in the near future. It will take time, but even discussion of these issues makes the police realize that the time has come when they have to take seriously the idea of civilian oversight. In a post-totalitarian country like Russia, it would certainly help to reduce the long-standing alienation and traditionally hostile relations between the police and the public. And even if this one is still a long-held dream, by involving progressive Russian police officials in the international search for alternatives, we are making the dream theirs as well as ours.

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## Developing the Tactic

Citizens' Watch has established working contacts with bureaucrats in other fields as well. It is a daily battle; we win and lose, but with every year more and more officials and judges demonstrate their readiness to be involved in strengthening civil society. A decade ago, there were none of them, and no civil society. Today more and more local NGOs follow the same tactics and strategy. For example, Citizens' Watch has helped the Association of African Refugees, which represents the interests of about 3,000 people in the Russian Northwest, to establish good working contacts with the regional police department. Now police officers regularly lecture refugees from Africa on their rights and to whom to appeal in case of a conflict with racists or with the law. Another example is Soldiers' Mothers of St. Petersburg, which has managed to make some sort of peace with their main opponent, a city conscription department that now allows visits to the conscript barracks – a thing unheard of several years ago.

### Challenges

*Changing political situations:* When we started our work, our main target group was the parliament, federal and regional. The first democratically elected federal parliament was a mixed bag – some populist and some outright crazy – but there was a solid group of deputies who threw their lot in with reformers and helped our efforts. Then we watched the executive branch steadily dominate the system and undermine parliamentary influence. In the last few years, after President Yeltsin resigned and with the advent of the second Chechen war, legislators of all levels were being gradually “whipped into shape” by the administration and losing their influence. Now we have a pocket parliament that, in most cases, rubber-stamps governmental drafts. Though we still have deputies who lobby for our initiatives, Russia will remain a super-strong presidential republic for a number of years. So the executive branch has naturally had to become our main target.

*Risk of Retaliation:* Civil servants who render support to active NGOs, are often squeezed out of a system that, as a whole, still resists attempts at reform. For example, army Colonel Sergey Moissejev, who teaches at the Air Force Academy in St. Petersburg, was twice sacked for his regular collaboration with human rights groups and for his efforts, assisted by Citizens' Watch, to start a professional union of servicemen, on the model of German Bundeswehrverband. Though in both cases, Citizens' Watch lawyer Inna Zemskova won his case in court and Colonel Moissejev was restored to his post, it demonstrates the difficulties these people are facing. (That is why I have thought it best to omit some names in this notebook.)

*Selection of prospective collaborators:* Of course, if a civil servant is just a career-minded cynic, your attempts at productive collaboration are doomed. A seasoned bureaucrat is often very skillful at hypocrisy; he may even pose as a reformist open to new ideas. We made several mistakes before we learned this lesson.

### Where Can This Tactic Be Used?

This tactic cannot by any means be applied universally in situations of abusive or unresponsive bureaucracies. It is, for instance, *extremely unlikely* to work and not worth the risk in an isolated, impenetrable state where the international community has no entry or influence. A “beseiged fortress” mentality in the bureaucracy will torpedo your efforts. If the country is in a war-like mindset where every contact with the outer world or the internal opposition is viewed as an act of treason, then this kind of collaboration would be too dangerous for all concerned.

The danger is also too high in a totalitarian state (like the pre-transition Soviet Union) where Big Brother really is capable of watching everything and the penalties for questioning the status quo are prohibitive. In such a situation, on the one hand it is far less likely for a “decent” bureaucrat to rise to any level of influence, and on the other hand the risk to the bureaucrat would make collaboration impossible. After all, to make a difference, bureaucrats would have to risk not only collaborating with you, the civil

society activist, but also proposing changes or seeking other allies within the system. Both actions can be extremely dangerous, ending their careers or perhaps yielding an even worse fate, like prison or death.

The civil society activist, therefore, must carefully weigh both the opportunity for success and the risks to all parties before considering this tactic. It would be amoral to call others to join you on the road to Calvary. You can command your own life, but others' risk-taking must be their own choice.

In the Soviet Union, therefore, it was impossible to consider launching a tactic like this until after the transition towards democracy began and state-controlled repression began to slacken. There was no pre-transition opening, nor was there any pre-transition civil society in operation. The KGB, for instance, continued its surveillance and repression well into 1991, when reform was already in full swing.

The Soviet situation, however, was probably more extreme than most. In other countries, there may be various stages with a much lesser level of state control, surveillance and repression. There might be long periods of "pre-transition" in which civil society is growing, and bureaucrats are slowly re-thinking their role in the future society. Or a state may be repressive, but without the capacity for exhaustive surveillance and control. Some states may be repressive and unresponsive to their citizenry, and yet sufficiently responsive and dependent on international support and contact that they cannot be entirely isolated. Thus there are a broad range of politically possible situations in which there may be benefits to building collaborative relationships with the government administration.

The stronger the national tradition of an omnipotent government that is not accountable to the public, the more need there is to use these tactics in the absence of alternatives. In principle, it is applicable in every post-totalitarian state isolated for years from the rest of the world. In many countries that undergo the period of transition to constitutional democracy, the police and the army, though already involved in

international cooperation, are still distrustful of any initiatives that don't stem from above. They see the public as an opponent. Any effort at reform must penetrate this isolation, or it is doomed to failure.

It is much more difficult to try this approach if you have a military government or other form of dictatorship, because the conditions provide no stimuli for civil servants to collaborate with you. Still, you have chances in case of a Pinochet-like rule: a strict political regime that ruthlessly suppresses active opposition but where the economy remains relatively free, allowing for private property and transfer of capital in and out of the country. If people with no negative political record (a passive majority) may cross borders, international cooperation in many fields (business, art, science), though limited, goes on. What is most important: there is a constant flow of information. Even when local mass media are muzzled, many people know what is going on (at least those who want to know). In such a situation, it is impossible to introduce total control over the population. The regime remains authoritarian, not totalitarian, so some sort of opposition is possible. The open borders daily corrode the power of the rulers. There is always the expectation of change in the air.

Bureaucrats who share this expectation sometimes themselves take the risk of contacting semi-clandestine opposition groups. In principle, such contacts can sometimes develop into regular collaboration and may speed up the changes for the better.

Still, this tactic remains most applicable – and safest – in countries already in transition to a democracy, after the collapse of repressive regimes. For example, it has worked wonders, as I see it from Russia, in reforming the police force in several regions of Brazil.

### **How to Use This Tactic**

If your NGO believes that the political situation might be promising for moving into the collaborative phase, we would suggest you carefully consider the following points.



## **Considerations Before Launching the Tactic:**

1. First and foremost: What are the security risks of such contact and collaboration (as discussed above). You must consider the risks to both your group and the bureaucrats. And you need to consider the risk associated with the contact between the two, as well as the risk associated with the contact between either one and the outside world.
2. What are the benefits and how do they weigh up against these risks? Are you facing a situation where a progressive bureaucrat actually has some potential to influence policy and practice?
3. Keep in mind that this endeavour is a long-term commitment, and it often will yield no visible fruit at first. You must be ready for failures. Both you and your new allies the bureaucrats will face, as often as not, the frustrating experience of banging your head against the wall of an entrenched system.
4. Given the risks, and the possibilities of failure in many cases, your organization must also have a clear commitment to the importance of the approach, and of its ethical legitimacy. You will not be able to sustain this approach for the long haul if there is too strong a contingent in your organization that wishes only to see the state and its bureaucrats as the enemy. If there is too much division on this question, each apparent failure will cause internal dissension and your own members will start to question your efforts. Thus another reason that this tactic is most useful in a truly transitional situation is that it requires that the NGOs that try it actually feel hopeful that they could succeed in re-orienting the state more toward serving the people.
5. Similarly, if there is too much mistrust in the method and in the bureaucrats, it will also be difficult for the bureaucrats to trust you and your organization. You are asking them to take a risk with you, and that relationship requires trust.

## **Considerations While Implementing the Tactic**

Once you have analyzed the benefits and risks of the tactic and you have developed a commitment in your organization to implement it as a long-range strategy, then the following points will help you develop it.

1. At the outset, your organization must build up a reputation that bureaucrats can trust. On the one hand, they need to trust your competence and professionalism. Secondly, they need to trust that you are not going to treat them like an enemy, or take autonomous action that will hurt their careers. If your organization is unknown or has a reputation as a loose cannon, you cannot expect bureaucrats to risk their careers on you.
2. Your organization needs to delineate its areas of expertise and choose which themes or issues it feels are most important to change, as well as where it has some professional capacity to help bureaucrats make these changes. You cannot change the entire state at once, and your credibility will be greater if you can show expertise in certain areas.
3. Once you have defined your targeted terrain, you need to develop a methodology for scanning the horizon and locating potential allies in the bureaucracy. Possibilities might arise spontaneously, or you may already have a pre-existing network of personal contacts, based on your organization's membership. You may also be able to keep close tabs on various publications and forums where statements by bureaucrats are likely to be published, etc.
4. At the same time, you need to be developing alliances internationally on these same themes. A key part of the potential success of the tactic is the use of international contacts and gatherings to encourage the bureaucrats that this collaboration is in their interest. You can only offer this crucial "carrot" if you have a network of international allies.
5. Assuming you have defined the terrain, developed international allies and found

potential bureaucrats to approach, the next question is *how*. The cases described above give some examples, and we would call your attention again to the importance of empathy in your approach, and to the value of offering some concrete support to your potential allies, rather than simply asking commitments from them. This task requires very good interpersonal and communication skills, and empathy for people in very different circumstances. If your prospective allies in the system do not feel that you respect them, they are unlikely to respond. They also will need to know that you understand their work and their problems. Thus the person to make the approach must be carefully selected. He or she cannot appear to be either ignorant or disdainful.

6. From here on, there are no simple recipes. Each situation will need to be strategized carefully, but you must also always be ready to improvise when meeting new challenges. The examples in this notebook give a sense of some of the possibilities. In some cases an invitation to an international forum might be an effective catalyst. In another case you may want to seek additional allies higher up in the bureaucracy. You may be able to use some collegial support from contacts you have in other parts of the bureaucracy. The key thing is that once you have a good connection, there will arise some discussion of how you can help them. These discussions may lead in unexpected directions, and following through with this help might require some substantial new and unexpected work for your NGO. But don't let the improvisation lead you astray: always remain true to your initial goals. You might find yourself providing resources – even fundraising for the state as some of these examples show – but it's all right as long as you stay independent and don't let the state use you. Each of these diverse collaborative actions helps to build the relationship for the future.

7. Too many bureaucrats sincerely believe that if you openly criticize the government, you are a radical oppositionist or an anarchist. The best remedy for this attitude is developing a personal relationship, so that your counterpart realizes that you don't aim to destroy the state, and that you are there to help the administration to turn the country

into a state governed by law. All Soviet and post-Soviet governments have taken great pains to create a myth that human rights activists are against the law in principle, and other repressive states have done the same. In a constitutional democracy, our task is to explain that we, in fact, are the most law-abiding group, that we insist that everybody, including the government and all its agencies, abide by the law. Even under the Communist dictatorship, our main slogan was "Respect your own laws!" There is all the more reason to insist on it today, when we have a decent constitution, not a purely decorative one, as before.

8. Sometimes bureaucrats feel inclined to collaborate with you because they know it's in their own best interest. They know that if they obstruct citizens' initiatives you may raise hell, bringing on the wrath of other politicians who want to be seen as liberals. It helps if you have a reputation for being able to instigate a legal case against a civil servant who has acted contrary to public interest.<sup>7</sup> This may not mean that you have a good chance of winning the case, but the threat itself may work. A carrot, however, is usually more effective than a stick.

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<sup>7</sup> The Soldiers' Mothers NGO of St. Petersburg has shown the utility of a legal "stick": the military officers responsible for twice-a-year recruiting, hated their guts because the SM were very effective at helping would-be-conscripts to avoid the draft by lawful means. They never let Soldiers' Mothers activists inside the barracks, for example, even threatening to put dogs on them if they were to try to get in. In mid-1990s, the Soldiers' Mothers started suing the military in courts for various abuses. Several times the courts refused to take their cases, and the Soldiers' Mothers organized public campaigns at home and abroad demanding strict observance of the law by judges. In 1997, they won their first case in court and have never lost one since. Today any judge would think twice before throwing them out of a courtroom without a solid reason, because he knows there would be a scandal with very noisy repercussions, his name would be in every paper and maybe not only in Russia. Now the military sometimes INVITE the SM to barracks to prove that they do not violate the rights of conscripts.

## Conclusion

Even the most difficult and ugly political situations in the world cannot be simply divided into good guys and bad guys. Bad



**A seminar on protecting the rights of crime victims. St. Petersburg City Court Judge Igor Maslobojev; Pustyntsev; Deputy Chair of the Human Rights Commission for the governor of St. Petersburg, Elena Topilskaya; Deputy Rector of the Judicial Institute of the General Prosecutor's Office Valeriy Novik. July 2002.**

situations are often only transformed into better ones step by step. One of the most crucial and difficult steps for a budding civil society in a post-repressive state is to make the leap of investing some hope and faith in the future of the state, and consequently to begin the arduous task of building alliances with the state administration. When NGOs move beyond protesting and complaining about state actions and decide to be active partners in creating alternative state behavior, they must develop a collaborative approach. You need to remind the civil servants that they exist on taxpayers' money and are there to serve the society, but there are various ways of doing it. The collaborative approach is characterized by a respectful and helpful attitude and a high degree of patience, as well as a substantial commitment to professionalism.

It is our hope that the experience of Citizens' Watch, among others, in beginning this process in post-Soviet Russia, will illustrate the value of pursuing this approach, and that the lessons we have learned will benefit other civil organizations in transitional societies.

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