

**International covenant
on civil and
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HUMAN RIGHTS COMMITTEE
Ninety-fifth session
New York, 16 March - 3 April 2009**LIST OF ISSUES TO BE TAKEN UP IN CONJUNCTION WITH THE
CONSIDERATION OF THE SIXTH PERIODIC REPORT OF
THE RUSSIAN FEDERATION (CCPR/C/RUS/6)****Constitutional and legal framework within which the Covenant and the Optional Protocol are
implemented, right to effective remedy and efforts to combat impunity (art. 2)**

1. Further to paragraph 19 of the State party's report, please provide detailed information on measures taken to ensure full compliance with all Views of the Committee under the Optional Protocol (e.g.: *Gridin v. Russian Federation*, No. 770/1997; *Lantsova v. Russian Federation*, No. 763/1997; *Telitsina v. Russian Federation*, No.888/1999; *Smirnova v. Russian Federation*, No. 712/1996; *Dugin v. Russian Federation*, No. 815/1997; *Zheikov v. Russian Federation*, No.889/1999; *Platonov v. Russian Federation*, No.1218/2003; and *Babkin v. Russian Federation*, No.1310/2004).
2. Further to the information contained in paragraphs 9 and 10 of the report, please provide updated and detailed information on the implementation of the various measures envisaged under the federal special-purpose programme for the development of the judicial system in the Russian Federation over the period 2007-2011 and the related anti-corruption policy, including the content of training programmes for judges. In particular, please provide information on the appointment process for judges and all measures taken to safeguard their independence in relation to the executive and legislative branches of government. Furthermore, please provide information on the procedural and functional changes effected by the reform of the Procurator-General's Office mentioned in paragraph 18 of the report, including the role of the newly established Investigation Committee.
3. Please provide information about the following: (a) procedures in place to ensure that recommendations of the Federal Commissioner for Human Rights (Ombudsman) and the regional ombudsmen are considered and implemented; (b) measures in place to ensure adequate support to institutions defending human rights; (c) the financial and human resources of the Ombudsman; and (d) statistical data on cases dealt with by the Ombudsman during the period covered by the Committee. Please also indicate whether there are plans to strengthen the mandate of the Federal Commissioner for Human Rights with a view to achieving full compliance with the Paris Principles (General Assembly resolution 48/134, annex).

Counter-terrorism measures and respect of Covenant guarantees

4. In the absence of a provision making clear the obligation of the authorities to respect and protect human rights in the context of a counter-terrorist operation, please explain how the State party ensures that the 2006 Federal Law “On counteracting terrorism” is compatible with the rights guaranteed by the Covenant. Please also provide information about the following: (a) the draft legislation that was introduced in the State Duma in December 2008 which would broaden the definitions of treason and espionage in the Russian Criminal Code; and (b) the Federal Law “On amending certain laws of the Russian Federation concerning counteraction to terrorism” of 30 December 2008. Does the State party foresee establishing an independent review mechanism to review and report on laws related to terrorism?
5. According to paragraph 176 of the State party’s report, “the forms taken by such activities, listed in article 1 of the Federal Law on Combating Extremist Activity are strictly linked to respective articles of the Russian Criminal Code”. However, it is noted that provisions of article 1 include acts punishable under the Code of Administrative Offences, such as mass dissemination of extremist materials, rather than the Criminal Code. Please describe the measures taken by the State party to bring all the provisions of the Federal Law on Combating Extremist Activity strictly in line with the Criminal Code with a view to eliminating any possibilities of “arbitrary interpretation” (para. 176) of this counter-terrorism law and ensuring full compliance with the Covenant.
6. Please provide detailed information on all charges of extremism and terrorism brought against individuals and organizations by the State party in the last three years. Please cite the relevant legislation invoked in each case and the result of investigations and prosecutions, if any. Please comment on the allegation that the extremism laws are used to target organizations and individuals critical of the Government. Does the State party keep a list of individuals suspected of extremism and/or terrorism, and if so, what are the legal grounds for its compilation and use?

Non-discrimination, equal rights of women and men, and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

7. Does the State party envisage enacting comprehensive anti-discrimination legislation? Please address the legal framework to put an end to violence against women (CCPR/CO/79/RUS, para. 9), in particular domestic violence. What measures have been taken to ensure that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned? Please provide relevant statistical data, including but not limited to the following: (a) the number of complaints lodged, prosecutions launched and penalties imposed; (b) the number and capacity of crisis services and shelters for women according to regions; and (c) the resources allocated by the State to victim assistance programmes. Please provide information on mandatory awareness-raising trainings for law enforcement officials in respect to domestic violence and efforts to educate the general public about the criminal nature of such acts.
8. Please indicate the measures taken to tackle the increase in hate killings and violent attacks against members of ethnic minorities, including those perpetrated by organized gangs. Please comment on information according to which the number of prosecutions is low compared with the number of reported incidents and provide detailed information on measures taken to ensure that all hate crimes are properly investigated (CCPR/CO/79/RUS, para. 24) their authors duly prosecuted and punished, and due redress granted to victims. Please also indicate the measures taken with a view to promoting a culture of tolerance.
9. Please comment on reports of harassment and disproportionately frequent identity checks, arrests and detention targeting members of specific minorities, including those from the Caucasus and

Central Asia, Roma and Africans. Please provide detailed information on sanctions imposed on law enforcement officials engaging in racial profiling as well as on measures taken to provide adequate human rights training to police officers as well as prosecutors and judges.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, expulsion of aliens, security of the person and the right not to be subjected to arbitrary detention, right to a fair trial (arts. 6, 7, 9, 13 and 14)

10. Further to para. 50 of the report and in response to the previous concluding observations of the Committee (para. 11), has the State party initiated necessary legal measures to abolish the death penalty *de jure*? What concrete steps are envisaged by the State party in this regard?
11. Please provide detailed information on the outcome of criminal investigations and prosecutions, including sentences imposed, for large-scale abuses and killings of civilians in: (a) the Chechen Republic, during the counter-terrorism operations between 1999 and 2005 and during missile attacks on refugee convoys in August 1999 and in February 2004; (b) Ali-Yurt in the Ingush Republic, during the “sweeping” operation in July 2007; and (c) in Georgia, during the bombing operations by Russian forces in August 2008. Specifically, please indicate whether, in the view of the State party, the charges and sentences handed down, if any, are commensurate with the gravity of the acts.
12. Does the State party intend to amend its legislation with a view to ensuring that all officials, including members of the police, army and security forces can be prosecuted for acts of torture and ill-treatment under articles 302 and 117 of the Criminal Code? Please also indicate what guarantees exist against undue delays and/or suspensions of investigations and prosecutions of alleged perpetrators of acts of torture and ill-treatment, which may result in the undermining of existing avenues for effective domestic remedies.
13. In view of the particularly numerous, ongoing and consistent allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel, including while in police custody (CCPR/CO/79/RUS, para. 12), please inform the Committee whether the State party envisages setting up a national system to review all places of detention and cases of alleged abuses of persons while in custody, ensuring regular, independent, unannounced and unrestricted visits to all places of detention, and if so, what the timeline is for the establishment of such a system.
14. Further to paragraph 12 of the previous concluding observations of the Committee, please provide statistical information on charges and prosecutions made under articles 117, 286 and 302 of the Criminal Code in the past three years against government officials and other persons acting in an official capacity at the time of the alleged offence.
15. In reference to paragraph 13 of the previous concluding observations of the Committee, and notwithstanding the position of the Chechen Republic Procurator’s Office that “there is no credible evidence to indicate that any official or individual acting in an official capacity has been involved in, incited, colluded in or consented to any kidnapping or enforced disappearance in the Chechen Republic, including during counter-terrorism operations”, in view of numerous reports and successive judgments of the European Court of Human Rights that point to ineffective investigations into cases where there is substantiated evidence of torture, arbitrary killing and enforced disappearance in Chechnya involving members of the security forces, does the State party envisage establishing an independent body to investigate such reports of serious human rights

violations in Chechnya and other parts of the North Caucasus committed by State agents? Also, please inform the Committee how victims, their families and their lawyers are protected, in law and in practice, from possible harassment, threats and reprisals.

16. What guarantees exist, in law and in practice, against possible refoulement of persons who may be exposed to a violation of their rights under article 7 of the Covenant in the country of return? Please inform the Committee of actions taken against officials responsible for decisions which have led to the refoulement of individuals and provide statistical data in this regard. Please also comment on the compatibility with article 7 of the Covenant of reported extraditions and informal transfers by the State party to return suspected terrorists to countries in which the practice of torture is alleged while relying on diplomatic assurances within the framework of the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism.
17. In its decisions, the European Court of Human Rights has repeatedly expressed concern that the Russian legal system does not provide due judicial control over detention of persons pending extradition. Please inform the Committee of the remedial measures taken by the State party in this regard.

Prohibition of slavery (art. 8)

18. Further to the information provided in paras. 82 to 86 of the report on counter-trafficking measures taken by the State party in response to paragraph 10 of the previous concluding observations of the Committee, please provide information on measures taken to rehabilitate victims of trafficking in human beings and to provide them with medical, psychological, social and legal assistance.

Treatment of persons deprived of liberty (art.10)

19. Further to the information provided in the State party's report (para. 93) in response to the previous concluding observations of the Committee (para. 15), please update the Committee on the progress achieved with regard to conditions of detention of persons deprived of their liberty under the federal special-purpose programme for the development of the penal correction system for 2007-2016 mentioned in para. 93 of the report, in particular, vis-a-vis overcrowding, standards of hygiene, access to health care and violence by prison guards. Please provide information on the existing confidential complaint mechanism available to persons deprived of liberty.
20. Paragraphs 87 to 92 of the report outline guarantees for persons charged under criminal law. Please clarify what procedural guarantees exist for detainees in cases of administrative arrest and administrative detention, pursuant to respectively articles 3.9 and 27.3 of the Code of Administrative Offences.

Right to a fair trial before an independent and impartial tribunal (art. 14)

21. In view of the existence of laws and practices that obstruct access to lawyers and relatives of suspects and accused persons, what steps have been taken by the State party to ensure that the right of access to a lawyer is enjoyed by all persons deprived of liberty from the outset of police custody? Please also provide information on criminal prosecutions, in the last three years, in relation to the murder or threat of murder of lawyers, as well as violent assault directed against them or threat of such violence. Please also comment on the potential impact of the proposed draft law on Lawyers' Activity and the Bar in the Russian Federation on the independence of the legal profession and the right to a fair trial as stipulated in article 14 of the Covenant.
22. Notwithstanding the State party's response to paragraph 14 of the previous concluding observations

of the Committee contained in paragraphs 70 to 79 of the report, please provide further information as to whether there has been an independent and impartial assessment of the circumstances of the rescue operation in the Dubrovka theatre in Moscow on 26 October 2002, including with regard to medical care provided to the hostages after their liberation and the killing of the hostage-takers. Similarly, please inform the Committee on the outcomes of the investigations relating to the storming of School No.1 at Beslan in September 2004, including the conclusions of various parliamentary commissions.

**Freedom of opinion, expression, assembly and association
(arts. 18, 19, 21, 22 and 25)**

23. Further to paragraphs 149 to 154 of the report, please provide further information on the justifications for the differentiation in the length of civilian service compared with that of military service (CCPR/CO/79/RUS, para. 17), in particular indicating whether such differentiation is based on reasonable and objective criteria, such as the nature of specific service concerned or the need for a special training in order to accomplish that service.
24. Paragraphs 155 to 169 of the report extensively outline the measures taken by the State party “to deal with breaches of the law relating to the media” (para. 167). In this connection, please provide information on the number of journalists arrested, prosecuted, charged with, or sentenced to fines and/or prison terms in relation to their professional activities, indicating in particular the legal basis for such actions. Furthermore, please provide information on measures under Russian law that regulate the profession of “journalist”.
25. Please provide statistical data on cases that have resulted in criminal liability due to an infringement of freedom of the press under the Mass Media Act, as mentioned in paragraph 171, vis-à-vis government officials, statutory bodies and public associations. Please specify what legal and other guarantees exist to ensure that media professionals are protected from politically motivated trials and convictions (CCPR/CO/79/RUS, para. 21). Please also indicate whether efforts are undertaken to discourage members of the Government and other political and public figures from filing libel charges against journalists and to encourage them to accept public criticism and scrutiny.
26. Please provide information on criminal prosecutions in the last six years related to the murder of journalists, or violent assault or the threat of murder directed against them (para. 180 of the report and para. 22 of the previous concluding observations), including with respect to the murders of Anna Politkovskaya and Anastasia Baburova. What sanctions have been imposed on those found responsible for abuses against journalists? Please provide information on prosecutions, including criminal investigations initiated upon complaints by journalists reporting threats of murder or violence in relation to their professional activities in the last six years, and the results thereof. Please describe the measures that have been taken to protect the right to life and security of these journalists and their effectiveness to date.
27. What mechanisms are in place to ensure that restrictions on the registration and operation of associations, non-governmental organizations and political parties under the 2006 law governing the activities of non-commercial organizations do not exceed limitations permitted under article 22 of the Covenant? Please provide information on the non-governmental organizations that were closed down by the authorities in the last three years, including statistical data, indicating the legal grounds for their closure.
28. Please provide information on the investigation and prosecution of alleged cases of excessive use of force by police during demonstrations, in particular in the context of the Duma elections in 2007 and the presidential elections in 2008.

Rights of minorities (art. 27)

29. With regard to the enjoyment of rights by indigenous peoples living in the territory of the State party, please provide information on the practical impact of (a) the 2004 amendment to article 4 of the Federal Law on Guarantees of the Rights of Numerically Small Indigenous Peoples; and (b) the process of consolidation of the constituent territories of the Russian Federation through absorption of national autonomous areas. What measures have been taken by the State party to guarantee the rights of minorities and indigenous peoples to enjoy their own culture, and to profess and practice their own religion?

**Dissemination of information regarding the Covenant and the Optional Protocol
(art. 2)**

30. Please indicate what steps the State party has taken to disseminate information about the submission of its sixth periodic report, its examination by the Committee and the Committee's previous concluding observations on the fifth periodic report. Please also provide information about steps currently being taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers as well as the public at large.
