

## **RUSSIAN FEDERATION**

### **Follow-up - State Reporting**

#### **i) Action by Treaty Bodies**

**CAT, A/62/44 (2007)**

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#### **IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement

(Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala, Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters

seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

### **Follow up procedure to conclusions and recommendations from May 2003 to May 2007**

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#### **Thirty seventh session (November 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Russian Federation	November 2007	- *	
...			

\* Information received after the thirty eighth session: CAT/C/RUS/CO/4/Add.1.

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#### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.<sup>3</sup> However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

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3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations  
from May 2003 to May 2008**

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**Thirty-seventh session (November 2006)**

State party	Information due in	Information received	Action taken
...			
Russian Federation	November 2007	23 August 2007 CAT/C/RUS/CO/4/Add.1	Response under review
...			

...

**CAT, A/64/44 (2009)**

#### **IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS**

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.



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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

**Follow-up procedure to conclusions and recommendations from May 2003 to May 2009**

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**Thirty-seventh session (November 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Russian Federation	November 2007	23 August 2007 CAT/C/RUS/CO/4/Add.1	Request for further clarification
...			

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**Chapter IV. Follow-up to concluding observations on States parties' reports**

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

#### **Follow-up procedure to concluding observations from May 2003 to May 2010**

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#### **Thirty-seventh session (November 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Russian Federation	November 2007	23 August 2007 CAT/C/RUS/CO/4/Add.1	Request for further clarification
...			

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**Follow-up - State Reporting**  
**ii) Action by State Party**

**CAT, CAT/C/RUS/CO/4/Add.1 (2007)**

**Comments by the Russian Federation on the conclusions and recommendations of the Committee against Torture**

[3 September 2007]

**Information from the Russian Federation on measures taken to implement the recommendations contained in paragraphs 8, 10, 12, 16, 22, 23 and 24 of the conclusions and recommendations adopted by the Committee against Torture following its consideration of the fourth periodic report of the Russian Federation on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Paragraph 8**

The legal basis for ensuring protection of the rights of suspects, accused persons, their relatives and defence counsel and for preventing torture in the Russian Federation is provided by the Constitution of the Russian Federation, which guarantees basic human rights and fundamental freedoms, by a number of international agreements of the Russian Federation, and by criminal legislation and laws relating to criminal procedure.

Under article 16 of the Code of Criminal Procedure, suspects and accused persons have the right to a legal defence, which they may exercise on their own behalf or through a defence counsel and/or legal representative; they may also meet with defence counsel in private or confidentially, including before their first interrogation, without limit as to the number or duration of such meetings (article 46, paragraph 4 (3), and article 47, paragraph 4 (9), of the Code of Criminal Procedure). At the same time, article 16 of the Code stipulates that if accused persons cannot afford to retain the lawyer of their choice, they are entitled to ask for defence counsel to be assigned to them.

If the suspects themselves or persons acting on their behalf do not seek the services of defence counsel, the participation of counsel is secured by the person conducting the initial inquiry, the investigator or the procurator (article 51 of the Code of Criminal Procedure).

Only suspects themselves have the right to decline the services of defence counsel. The law stipulates that refusal of the services of counsel is not binding on the person conducting the initial inquiry, the investigator, the procurator or the courts, nor does it preclude the suspect from seeking the services of defence counsel at a later stage in the proceedings. Several defence counsel may be engaged and provision is also made for defence counsel to be replaced where necessary (articles 50 and 52 of the Code of Criminal Procedure).

Moreover, in the course of criminal proceedings, the activities of pretrial investigatory

bodies are supervised by the procurator, under article 37 of the Code; individuals whose rights and freedoms are violated may appeal to him or her for protection of their rights.

Under articles 17 and 18 of Federal Act No. 103 FZ of 15 July 1995 on the Custody of Suspects and Accused Persons and the Internal regulations of remand centres of the penal correction system, ratified by Order No. 189 of the Ministry of Justice of 14 October 2005 and Order No. 950 of the Ministry of Internal Affairs of 22 November 2005, suspects and accused persons have the right to meet with defence counsel and to receive visits from relatives and other persons from the moment they are actually taken into custody.

Meetings with defence counsel take place in private and are confidential. There is no limit on their number or duration, except as provided in the Code of Criminal Procedure. A defence counsel is accorded such meetings on presentation of a lawyer's certificate and warrant. No other documents are permitted to be required of defence counsel. If another individual acts as defence counsel, meetings with that individual are accorded on presentation of the applicable court decision or order and a document proving his or her identity. Removal of a defence counsel from participation in a criminal case is the prerogative of the body or official handling the case.

Consistent with chapter 16 of the Internal regulations of remand centres and subject to written permission by the official or body dealing with the criminal case, suspects or accused persons may receive a maximum of two visits per month of up to three hours each from relatives or other persons.

A convicted person whose sentence has entered into force but is not yet being served is granted visits from relatives subject to the permission of the official presiding over the hearing in the criminal case or the presiding judge.

Meetings between suspects or accused persons and their relatives or other persons are conducted under the supervision of remand centre staff in specially adapted facilities, across a partition that prevents any objects from being handed over without, however, obstructing conversation or eye contact. Such meetings may be terminated prematurely in the event of an attempt to hand over to a suspect or accused person any prohibited objects, substances or foodstuffs, or to impart information that might hinder efforts to establish the truth in the criminal case or might be conducive to the commission of a further offence.

Conversation between suspects or accused persons and persons present at such meetings is conducted via a two-way communication device and may be monitored by remand centre staff.

These requirements, stipulated in Federal Act No. 103 FZ and the Internal regulations of remand centres, demonstrate that suspects and accused persons are eligible to receive qualified assistance from a defence counsel or professional lawyer from the moment of actual deprivation of liberty and to communicate periodically with relatives and other persons.

Moreover, pursuant to Ruling No. 14-P of the Constitutional Court of 25 October 2001, it is unconstitutional to use article 16, paragraph 2 (15), of the Federal Act on the Custody of Suspects and Accused Persons as a basis for unlawfully limiting the right of an accused person or

suspect to the assistance of a lawyer and for making meetings with defence counsel subject to the permission of the body in charge of the criminal case.

Joint Ministry of Health and Social Development and Ministry of Justice Order No. 640/190 of 17 October 2005 on the organization of medical care for persons serving sentences in places of detention and persons remanded in custody regulates the procedure to be followed by medical staff on identification of physical injuries giving grounds to believe that harm has been caused to the health of a suspect, accused or convicted person as a result of unlawful actions.

Pursuant to rule 16 of the Internal regulations of remand centres, suspects and accused persons on entering a remand centre must undergo an initial medical examination and check-up. The results of the examination and of any diagnostic treatment provided are recorded on an outpatient chart.

If there are any indications that a suspect or accused person has sustained physical injuries giving grounds to believe that harm has been caused to his or her health as a result of unlawful actions, in addition to noting this on the outpatient chart, the medical officer draws up a certificate to be signed by the assistant on duty and the head of the police escort team that brought the suspect or accused person to the facility. The tactical operations department conducts an investigation, and if there are any indications that an offence has been committed, the results are transmitted to the local procurator, who takes a decision in conformity with the Code of Criminal Procedure.

Remand centre medical staff promptly examine any suspect or accused person whose health deteriorates or who sustains physical injuries. The medical examination includes a physical check-up, as well as additional investigatory techniques and consultation by specialist doctors where necessary. The results obtained are noted on the outpatient chart and notified to the suspect or accused person in a manner comprehensible to him or her. A copy of the findings of the medical examination is provided to the suspect or accused person or his or her defence counsel on request (rule 130).

If the remand centre director or the person or body dealing with the criminal case so decides, or the suspect or accused person or defence counsel so requests, the medical examination may be conducted by the staff of another medical establishment. Should such a request be denied, an appeal may be filed with the procurator or the court (rule 132).

When information comes to light giving grounds to believe that harm has been caused to the health of a suspect or accused person as a result of unlawful actions, the medical officer carrying out the examination notifies the remand centre director thereof in writing. The tactical operations department conducts an investigation, and if there are any indications that an offence has been committed, the results are transmitted to the local procurator, who takes a decision in conformity with the Code of Criminal Procedure (rule 133).

The Office of the Procurator General of the Russian Federation is taking steps to ensure that all reports of crimes, including reports of the obtaining of evidence from suspects or accused persons through the use of torture or cruel treatment, are logged and properly investigated.



Procuratorial bodies are continuing their efforts to eradicate the use of unlawful physical and psychological coercive measures against persons in custody and convicted persons serving their sentences in correctional institutions. When staff of a procurator's office inspect remand centres and prisons to ensure compliance with the law, they check all allegations raised by suspects, accused and convicted persons, their defence counsel and other sources concerning the perpetration by prison staff of any abuses that could be deemed by the Committee to constitute torture or cruel or degrading treatment or punishment.

When cases of excess of authority, abuse of authority or unlawful use of force are brought to light, criminal proceedings are instituted and the perpetrators are prosecuted. However, as only a limited number of such cases lead to a conviction, it cannot really be said that violations of the Convention are widespread in remand centres and prisons.

Authorized procuratorial officials monitor compliance with the law in remand centres at least once a month and in prisons at least once every three months.

The procuratorial bodies of the Russian Federation considered 41,096 complaints in 2006 from remand and convicted prisoners and their representatives concerning non-compliance with the law by institutions and bodies of the penal correction system, and 37,744 complaints in 2005. Of the complaints made, 2,224 (5.4 per cent) were upheld in 2006 and 2,370 (6.3 per cent) in 2005.

Of the total number of complaints considered in 2006, 3,936 concerned unlawful coercion of remand and convicted prisoners by prison officers; 91 (2.3 per cent) were upheld. In 2005, 5,167 such complaints were considered, and 102 (2 per cent) were upheld.

Pursuant to procuratorial recommendations made in the light of both routine monitoring and investigations into specific complaints, 2,110 prison officers were disciplined in 2006, of whom 105 were dismissed. In the same year, 109 prison officers were found guilty of offences committed while on duty. In 2005, 4,850 prison officers were disciplined, including 72 who were dismissed, and 71 were found guilty of offences committed while on duty.

Administrative detention may be applied in exceptional cases when the circumstances of the case, including the offender's character, render the application of other forms of administrative punishment provided in the relevant article inadequate.

Criteria for the imposition of administrative detention are provided in specific articles of the Special Section of the Code of Administrative Offences. Administrative detention is ordered by a judge (article 3.9 of the Code of Administrative Offences). The legal argument behind such detention is that the offender must be kept in isolation from society in facilities expressly designed for this purpose. Such facilities include special reception centres run by the internal affairs authorities for the holding of persons subject to administrative detention. The detention regime provides one means of achieving the purposes of this form of administrative punishment: it ensures guarding and round-the-clock supervision of detainees, thereby preventing them from committing further offences.

Administrative detention may not be used against pregnant women, mothers with children aged under 14, persons under the age of 18 and persons with category I and II disabilities. These exclusions are made on humanitarian grounds.

Persons who have committed administrative offences may not be isolated from society by being placed in prisons, penal colonies or other forms of correctional colony.

As for guarantees ensuring compliance with obligations under the Convention in the course of counter terrorism operations, article 1 of the federal Counter Terrorism Act of 6 March 2006 establishes as the legal basis for counter terrorism activities: the Constitution of the Russian Federation, the universally recognized principles and rules of international law, the international treaties of the Russian Federation, the federal Act itself and other federal acts, laws and regulations enacted by the President of the Russian Federation, laws and regulations of the Government of the Russian Federation, and also laws and regulations of other federal government authorities enacted pursuant to those laws and regulations. In this way, the Act directly invokes the corresponding international obligations of the Russian Federation.

#### **Paragraph 10**

Under Russian legislation, a breach of the rules governing relations between service personnel is a criminal offence. This group of offences includes excess of authority by commanding officers (superiors) (article 286 of the Criminal Code), disobeying a superior or coercing him or her to violate military duties (art. 333), violence against a superior (art. 334), breaching the rules governing relations between service personnel at equivalent rank (art. 335) and insulting a service member (art. 336).

The penalties provided under the Criminal Code are fairly severe. Thus, the offence of breaching the rules governing relations between service personnel at equivalent rank (art. 335) through the use of humiliating or degrading treatment or harassment of the victim or involving violence may incur the punishment of detention in a military disciplinary unit for a period of up to 2 years or deprivation of liberty for a period of up to 3 years; the same acts committed in respect of two or more persons, or by a group of persons, with the use of weapons or involving the infliction of moderate harm to health, are punishable by deprivation of liberty for a period of up to 5 years; if the said acts involve serious consequences, a punishment of deprivation of liberty for up to 10 years may be imposed.

Efforts to uphold the law and military discipline in the Russian Armed Forces are undertaken under comprehensive annual plans prepared by the Ministry of Defence for maintaining legality, improving troop performance and ensuring the safety of military service in the Russian Armed Forces, as well as plans for cooperation between the Ministry of Defence and the Central Military Procurator's Office in upholding the law and military discipline in the Russian Armed Forces.

In 2006 and the first half of 2007, problems relating to the maintenance of legality (including delinquency among officers) and military discipline were discussed at the Second All

Army Meeting of Combat Arm Officers of the Russian Armed Forces, at a meeting of the Central Administrative Board of the Ministry of Defence, at a training event for the leadership of the Russian Armed Forces, at a review of the work of the central military administrative bodies, at military councils of various branches of the Russian Armed Forces, military (navy and air force) commands and combat arms of the Russian Armed Forces, and at meetings and training events for various categories of official of military administrative bodies.

Efforts are planned and under way to revise the regulatory and legal framework, particularly in respect of the organization and implementation of measures to strengthen legality and military discipline and prevent infringements of the law in the Russian Armed Forces.

The leadership of the Russian Armed Forces has taken the appropriate organizational measures to ensure the phased transition of a number of military units and formations to recruitment on a contractual basis. In addition, the question of shortening the duration of compulsory military service to 12 months has been resolved at the legislative level, a measure that is likely to help strengthen military discipline and maintenance of the law.

In June 2007, methodological recommendations were elaborated and transmitted to the armed forces for the organization of training activities connected with the phased reduction in 2007 and 2008 of the duration of compulsory military service to 12 months. The recommendations enumerate techniques to be employed by officers for maintaining the moral and psychological health of personnel, especially during anticipated periods of increased tension within military units.

The Ministry of Defence, jointly with other departments, is implementing a range of measures to prevent non-regulation relations between service personnel (so-called "hazing" (*dedovshchina*)).

On 21 June 2005, the Minister of Defence and the Human Rights Commissioner of the Russian Federation signed a Memorandum of Cooperation to ensure State protection of citizens' rights and freedoms.

Close, constructive cooperation has been put in place between the Ministry of Defence and the Social Forum of the Russian Federation.

The proactive work of the Social Council under the Ministry of Defence is regulated by Order No. 490 of the Minister of Defence on the establishment of a Social Council under the Ministry of Defence. A visiting session of the Social Council devoted to these issues was held in the North Caucasus military district on 18 and 19 June 2007.

In January 2007, on instructions from the Minister of Defence, "parenting" committees were established within military units and military commissariats of the constituent entities of the Russian Federation to assist commanders in strengthening military discipline and legality, to prevent offences by military personnel, to promote the cohesiveness of groups of personnel and to ensure safe conditions of military service.

The strengthening of military discipline and legality and the prevention of violent incidents in military units were discussed at the first All-Russia Meeting of Sergeants and Sergeant Majors of the Russian Armed Forces, held from 21 to 23 May 2007. Professional competency requirements for sergeant nominees were raised, and the decision was made to fill junior commander posts with military personnel serving on a contractual basis, as from 2009.

The prevention of violent crime in the forces and of breaches of the rules governing relations between service personnel are being addressed alongside issues of enhancing the public image of military service, increasing the significance and role of training activities for service personnel, and strengthening primary combat divisions with additional officers. As evidence of this:

- There are more than 30 bills before the State Duma of the Federal Assembly that directly or indirectly concern the performance of military service and the enhancement of the system of social benefits and guarantees enjoyed by service personnel
- Pursuant to the Decision of the Security Council of the Russian Federation of 20 June 2006, measures are being taken to improve officer retention, enhance the status and role of non-commissioned officers and introduce legal norms defining new types of additional payments for military personnel serving on a contractual basis

Constructive efforts are under way within military procuratorial bodies to combat violent crime and hazing in the armed forces. Thus, in 2005 and 2006, the enhancement of the effectiveness of monitoring and criminal law mechanisms in protecting the lives and health of service personnel received repeated consideration at high-level meetings of the Chief Military Procurator's Office, at coordination meetings of chiefs of military law enforcement bodies and of other troops and military formations, with the participation of representatives of the Russian legislative and executive authorities and heads of Ministries and departments in which military service is provided for by law. To this end, an Interdepartmental Working Group on Combating Non-Regulation Conduct, Assaults and Other Violent Crimes was established and is up and running (with regular in situ missions to work with the armed forces). The Working Group is chaired by the deputy to the Procurator-General of the Russian Federation, Chief Military Procurator S. Fridinsky. Similar working groups have also been set up at military district level. In 2006, their work came under review, and specific practical assistance was provided to the military administrative bodies of several corps and military (navy and air force) commands to prevent violent breaches in the sphere of interpersonal relations between service personnel.

Monitoring and preventive measures are carried out jointly by general staff and voluntary organizations and, on the basis of the results obtained, practical proposals are put forward to the relevant department on improving military discipline. Background reports are issued, and organizational and administrative decisions are made on the prevention and suppression of breaches of military regulations.

In order to guarantee military personnel the right of prompt access to justice, each military unit and sub-unit is provided with information on the location and telephone numbers of the military procurator's office, military judges, the high command and government departments.

Numbers of helplines operated by military procurator's offices are also listed in the media.

Military procurator's offices work closely with voluntary organizations representing the interests of the parents of military personnel. Officers of military procurator's offices hold meetings with service personnel and members of their families in the common room of the Coordinating Council of the Union of the Committees of Soldiers' Mothers of Russia in Moscow.

The Chief Military Procurator's Office has set up cooperative arrangements with the Human Rights Commissioner of the Russian Federation and the Human Rights Commissioners of the constituent entities of the Russian Federation whereby information is exchanged on the extent to which the rule of law is being observed in military units and joint measures are carried out to check that the rights and freedoms of military personnel are respected.

Legal education courses and preventive activities are organized jointly by the Ministry of Defence, the Chief Military Procurator's Office and the Military Division of the Supreme Court of the Russian Federation for the benefit of military formations and units with a poor record on upholding the law and military discipline, and for final-year students (officer cadets) of military academies of the Ministry of Defence. Courses are also organized on raising the legal culture, on obtaining legal advice, on identifying needs and requirements, and on safeguarding the constitutional rights and freedoms of military personnel and members of their families. Instruction is provided on complying with the stipulations of domestic legislation while holding

a military command and on supervising military personnel sentenced to punishment not involving deprivation of liberty. Similar joint activities are regularly held, in pursuance of the relevant plans, at district and garrison level.

Federal Act No. 199-FZ on the Conduct of Proceedings relating to Serious Misconduct involving the Disciplinary Detention of Military Personnel and on the Execution of Disciplinary Detention entered into force on 1 January 2007. This gave commanding officers significantly more options in upholding military regulations in the units and sub-units under their command.

The authorities constantly seek new ways of raising levels of legal understanding among military and civilian personnel of the Armed Forces of the Russian Federation and of ensuring that military and civilian personnel, former members of the Armed Forces and members of their families can enjoy their rights and lawful interests.

To this end, a number of activities have been organized. These include a week of legal studies during training, under the leadership and in the presence of the commanding officer; one day of work every quarter in command of the most difficult military units; quarterly tests of the legal knowledge of military personnel; surveys of troop conduct, with the participation of representatives of military procurator's offices and military judges; and instructional courses run by military investigators. In addition, legal advice is made available, at least once a month, to military or civilian personnel of the Armed Forces, civilians who were formerly members of the forces, members of their families and others, such sessions being held in garrison officers' clubs and on military unit compounds located outside communities. All legal offices contain information on the procedure for complaints about unlawful actions by commanders or other responsible persons and on the legal basis for the defence of a soldier's honour and self-respect.

It has not proved possible, to date, to alter radically the unfortunate situation with breaches of military service regulations. In spite of the measures that have been taken, the number of military personnel, including officers, who have been convicted of such offences remains high. Over the years 2005 to 2007, however, there has been a perceptible trend towards a decrease in the number of such offences, the number of persons affected and the number of cases in which military personnel have been killed or seriously hurt.

As a result of the various measures taken by military procurator's offices in association with the high command of the Armed Forces, the number of offences relating to breaches of service regulations and assault dropped by 3.9 per cent and 8.9 per cent, respectively, in 2006.

In the year of writing, 2007, the number of recorded offences involving a breach of regulations, including non-regulation relations, has fallen by 21.8 per cent and assault by 41.7 per cent.

In the overwhelming majority of cases, criminal offences in this category were investigated by a pretrial investigative unit and considered by the courts within the time frames established by law.

In considering criminal cases in this category, military courts focus on establishing the factors that lie at the root of the criminal conduct involved and, to a greater or lesser degree, are the cause of such offences and inform the relevant military authorities accordingly.

The military procurator's offices do not have statistics on the laying of charges against "thousands of officers" who ultimately remained unpunished.

The Committee's assertion that there is no system to protect military personnel who have been subjected to violence by other soldiers is open to question.

Under Federal Act No. 119-FZ of 20 August 2004 on State protection of Victims, Witnesses and Other Participants in Criminal Proceedings, military procurator's offices, acting in conjunction with the general staff, take broad and effective practical steps to ensure the safety of service personnel (whether victims, witnesses or participants in criminal proceedings), including secondment of the person concerned to another military unit or facility. Measures are also taken to provide timely medical or psychological assistance in military medical establishments to service personnel who suffer injury.

The Supreme Court of the Russian Federation compiled information on the number of convictions between 2002 and 2006 for breaches of the rules governing relations between service personnel and sent it to the Ministry of Defence, the Commander-in-Chief of the interior forces of the Ministry of Internal Affairs and the First Deputy Director of the Russian Federal Security Service, who is Director of the Federal Border Service.

These reports contain information on the status, motivation, profile and nature of service personnel convicted of offences involving breaches of the rules governing relations between service personnel, together with the main reasons and conditions prompting such offences and

measures for their prevention.

A careful scrutiny of the trends and patterns of convictions for offences against the rules governing relations, the reasons for them and the conditions under which they are committed suggests that it would be possible to take more effective action to prevent such offences. If an integrated approach to combating this negative phenomenon is adopted, there seems a perfectly realistic prospect of establishing appropriate interpersonal relations in all military units, thus significantly lowering the incidence of violence among service personnel. It will thus be possible within the next few years to reduce the numbers of service personnel convicted of such offences.

## **Paragraph 12**

Following numerous recommendations by international organizations, the Russian authorities have decided to reform the Office of the Procurator-General with a view to ensuring its independence and impartiality.

Federal Act No. 87-FZ of 5 June 2007 on Amendments to the Code of Criminal Procedure of the Russian Federation and to the Federal Act on the Procurator's Office of the Russian Federation, which will enter into force on 7 September 2007, contains provisions to reform procurator's offices in the Russian Federation by separating their functions of criminal investigation and supervision of criminal proceedings.

The Act provides for the creation of an Investigative Committee attached to the Procurator's Office, which will comprise the existing Central Investigative Department, the investigative departments of each constituent entity of the Russian Federation and, having equal status with them, specialized investigative departments, including military ones, along with district and municipal investigative offices and specialized investigative offices of equivalent status, again including military ones.

President Vladimir Putin signed the Decree establishing the Investigative Committee on 2 August 2007.

The Committee has a status equal to that of the Procurator-General's Office itself. The head of the Committee also acts as the deputy Procurator-General but is equal to him in rank and is appointed in the same way, that is, by the Federation Council, on the recommendation of the President. The required organizational arrangements are currently in hand to set up the Committee and its structural units and to get it operational.

## **Paragraph 16**

When considering extradition cases, the Office of the Procurator-General, of the Russian Federation takes particular care over the question of ensuring that persons whose extradition has been requested by the law enforcement agency of a foreign State to stand trial or serve a sentence will not be subjected to torture or other cruel or degrading treatment.

Current legislation does not provide for a record to be kept of the number of assurances given that torture will not be used.

In assessing the risk of torture to extradited persons, the Office takes into account the legislation of the requesting State, relevant information provided by the detainee, his or her lawyers or human rights organizations, and whether the requesting State is party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The requesting State is required to provide an assurance that the extradited person will not be subjected to torture or the death penalty. Such assurance must be furnished by senior officials of the relevant bodies in each case where information has been received that there is a risk of the use of torture or the death penalty. No decision on extradition is taken until such assurance is received.

An extradition decision is subject to appeal before a court of law, in accordance with article 463 of the Code of Criminal Procedure of the Russian Federation. No extradition takes place prior to final consideration of the appeal.

On the extradition of an individual, according to the required procedure a formal request is made for notification of the results of his or her trial and the implementation of the assurance given.

In addition, the Procurator-General's Office in reaching its decision, takes into account, article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states that no State party should extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

## **Paragraph 22**

The Moscow Procurator's Office instituted criminal proceedings in the case of the murder of Anna Politkovskaya on the basis of evidence of an offence contrary to article 105, paragraph 2 (b), of the Criminal Code (Murder in connection with a person's performance of an official activity).

The Office of the Procurator-General of the Russian Federation is considering several leads with regard to the murder of Ms. Politkovskaya, including the possibility that the murder was motivated by the journalist's professional activities, bearing in mind her publications concerning the situation in the North Caucasus.

In order to investigate the journalist's suppositions - contained in her last article, entitled "We appoint you terrorists" - about illegal activities by internal affairs officers of the Chechen Republic of the Russian Federation, on 13 December 2006 the Chechen Republic Procurator's Office instituted criminal proceedings against the officers in question on the basis of evidence of an offence contrary to the relevant article [art. 286] of the Criminal Code (Excess of authority).

The investigation of the criminal case involving the murder of Ms. Politkovskaya is being monitored by the Office of the Procurator-General of the Russian Federation.



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Federal Act No. 18-FZ of 10 January 2006 amending certain legislative acts of the Russian Federation, including the federal Non-Profit Organizations Act and the federal Voluntary Associations Act, entered into force on 18 April 2006.

Together with Presidential Decree No. 450 of 2 May 2006 amending Presidential Decree No. 1315 of 13 October 2004 on matters relating to the Federal Registration Service and the Regulations approved by that Decree, the federal Non-Profit Organizations Act assigns the Federal Registration Service of the Ministry of Justice the task of placing non-profit organizations, including offices of foreign non-governmental organizations (NGOs), and offices and missions of international organizations on the appropriate official register.

The Federal Registration Service and its regional agencies are also in charge of monitoring whether the activities of non-profit organizations, including offices of foreign NGOs, and offices and missions of international organizations comply with the aims and functions specified in their charters and with domestic legislation. Federal Act No. 18-FZ of 10 January 2006 introduced, inter alia, amendments to the aforementioned Act and to the federal Voluntary Associations Act requiring that:

- Non-profit organizations submit to the Federal Registration Service or one of its local agencies documents detailing their activities, the membership of their governing bodies, and their expenditure or use of funds and other assets, including any received from international and foreign organizations, foreign nationals or stateless persons
- Offices of foreign NGOs provide the Federal Registration Service or one of its local agencies with information on funds and other assets received by them, on the intended and actual expenditure or use of such funds and assets and the goals sought thereby, on the programmes to be carried out in the Russian Federation, and on the provision of the aforementioned funds and assets to natural or legal persons for their benefit
- Voluntary associations provide the Federal Registration Service or one of its local agencies with information on funds and other assets received from international and foreign organizations, foreign nationals or stateless persons, on the actual expenditure or use of such funds and assets, and on the goals sought thereby

The forms and deadlines for submission of the above-mentioned information are the same as those for applications for State registration of non-profit organizations set forth in Government Decision No. 212 of 15 April 2006 on measures to put into effect certain provisions of the federal laws governing the activities of non-profit organizations. In addition, footnotes give explanations in respect of many sections of the application and reporting forms, including on how to complete them (annexes 1-5 of the Decision).

It should also be noted that paragraph 6 (9) (1) of the Regulations on the Federal Registration Service state that the Registration Service should draw up in cooperation with the

federal tax authorities recommendations on completion of the forms to be submitted to the Registration Service and its local agencies, when and as domestic legislation stipulates.

Furthermore, articles 13 (1) and 23 (1) of the Act set out a comprehensive list of documents to be submitted for the State registration of a non-profit organization and the grounds for refusal of State registration of a non-profit organization, while the procedure for monitoring the activities of non-profit organizations is clearly set out in article 32 of the Act.

Under the Act, the deadline for decisions on the State registration of a non-profit organization is 14 working days.

Under article 23 (1) of the Act, refusal to grant State registration to a non-profit organization is subject to appeal before a higher authority or the courts. Moreover, a warning issued by the Federal Registration Service or one of its local agencies to a non-profit organization that it has been found to be infringing the law of the Russian Federation or that it is engaging in activities contrary to the aims set out in its constituent documents is also subject to appeal before a higher body or the courts. Similar rules apply to a warning issued to the head of the relevant structural subdivision of a foreign NGO in the event of an infringement of the law of the Russian Federation or the commission by a branch or representative office of a foreign NGO of actions incompatible with the declared aims and functions of the NGO.

The Ministry of Justice of the Russian Federation has issued various regulations pursuant to the Act that are required for its implementation, including the following:

- Order No. 115 of 17 April 2006 on the forms to be used for notification of the establishment in the territory of the Russian Federation of a branch or representative office of an international organization or foreign non profit non-governmental organization and for notification of changes to information submitted in the notification of establishment in the Russian Federation of a branch or representative office of an international organization or foreign non-profit non-governmental organization or to the documents annexed to it, and extracts from the register of branches and representative offices of international organizations and foreign non-profit non-governmental organizations
- Order No. 222 of 22 June 2006 on the Procedure for monitoring the compliance of the activities of a non-profit organization, including its expenditure or use of funds and other assets, with the aims set out in its constituent documents (its statutory aims)

The Ministry of Justice also issued:

- Administrative regulations on the procedure to be followed by the Federal Registration Service for adopting decisions in accordance with the legislation of the Russian Federation on State registration of non-profit organizations, including offices of international organizations and foreign non-profit non-governmental organizations, voluntary associations, political parties, chambers of commerce and industry or other legal persons (Order No. 372 of 19 December 2006)

- Administrative regulations governing the procedure to be followed by the Federal Registration Service for conducting inquiries on matters within the competence of the Registration Service and for adopting measures in response, as provided for by the legislation of the Russian Federation (Order No. 380 of 25 December 2006)

These administrative regulations have been issued with a view to improving the quality of the implementation and the accessibility of the results of such implementation by the Federal Registration Service and its local agencies of its State functions of adopting decisions on State registration of non-profit organizations and on conducting checks (including checks on non profit organizations) according to the established procedure. They also set out the deadlines and the sequence of actions in carrying out these functions and the procedure for monitoring and appealing against actions of the Federal Registration Service and its local agencies.

The administrative regulations governing the procedure to be followed by the Federal Registration Service, as laid down by the law of the Russian Federation, for adopting decisions on the State registration of non-profit organizations, including offices of international organizations and foreign non-profit non-governmental organizations, voluntary associations, political parties, chambers of commerce and industry or other legal persons, also set out the procedure for appeals to a higher body against a refusal to grant State registration to a non-profit organization and for decisions on such appeals by higher bodies: the Ministry of Justice for decisions taken by the Federal Registration Service and the Federal Registration Service for decisions taken by its local agencies.

The Federal Registration Service has put into effect a range of measures for developing and instituting the new registration procedure. All the relevant information has been available on the Registration Service's website since 18 April 2006. Arrangements have been made for the submission of documents from foreign NGOs by post or in person, by one of their

representatives. Consultations may be held on the procedure for drawing up documents, and documents already submitted may be reworked to avoid an organization's application for registration being rejected.

In order to make representatives of foreign NGOs aware of the details of the new registration procedure, a number of press conferences, seminars and meetings have been held with the heads of diplomatic missions of foreign States, while several press releases have been issued concerning these arrangements.

To date, 240 of around 500 foreign NGOs operating in the Russian Federation have applied to open offices in the country. Of those NGOs, 212 have been registered, while the applications of 11 others are under consideration. Seventeen applications for registration have been rejected because not all of the information and documents required by law were submitted, or because documents had not been completed correctly. In general, the rejected applications came from NGOs whose founders had completed documents without regard to the guidance provided by the Federal Registration Service, leaving officials no option but to refuse formally to register those NGOs. All of the problems noted in the rejections are correctable, while

documents may be submitted an unlimited number of times.

### **Paragraph 23**

Protecting human rights and freedoms and countering the various manifestations of extremism, including racial discrimination, xenophobia and related intolerance, are among the priorities of internal affairs agencies and procuratorial bodies.

Pursuant to Order No. 13 of the Procurator-General of the Russian Federation of 17 May 2004 on enhancing procuratorial monitoring of compliance with the law on countering extremism, procuratorial bodies conduct activities to prevent, detect, avert and suppress extremism on the part of voluntary and religious associations, the media and individuals.

In addition, under Order No. 70 of the Procurator-General of the Russian Federation of 3 December 2002 on the procedure for the submission of special reports on extraordinary incidents or offences and of other essential information to procurator's offices of the Russian Federation, procurators in the country's constituent entities are required to inform the Office of the Procurator-General of the Russian Federation immediately of offences against the constitutional order and State security, including offences under article 282 of the Criminal Code (Incitement to hatred or enmity, or diminution of dignity), and of extraordinary incidents relating to inter-ethnic hatred and discord.

The Office of the Procurator-General of the Russian Federation carries out a twice-yearly analysis of compliance with the law on countering extremism and of procuratorial monitoring in this area.

All communications from embassies concerning attacks on foreign nationals are thoroughly investigated; the outcome of the investigation is notified to the Ministry of Foreign Affairs of the Russian Federation and to the complainant.

The cooperation initiated with the Human Rights Commissioner of the Russian Federation plays an important role in the monitoring work of procuratorial bodies; the main aspects of this cooperation are set forth in the Agreement between the Human Rights Commissioner of the Russian Federation and the Procurator-General of the Russian Federation on cooperation in protecting human and civil rights and freedoms of 3 May 2007.

Two dangerous trends may be discerned on analysing the current situation regarding the prevalence of extremist offences in the territory of the Russian Federation: first, the number of such offences committed by nationalist structures has increased, and second, extremist religious ideas are now broadly disseminated.

Of particular concern is the upsurge in incidents involving physical violence by members of extremist factions against foreign students from South-East Asia, the Near East and Africa enrolled at Russian higher education institutions.

Given the emerging situation, the Ministry of Internal Affairs is taking a range of additional measures to counter the radicalization of Russian youth and attempts to incite

manifestations of extremism and other anti-constitutional behaviour among young people.

For example, within the framework of State crime prevention efforts, the Ministry of Internal Affairs has developed and is implementing a plan of integrated measures for 2006-2007 aimed at increasing the effectiveness of the internal affairs agencies in detecting and suppressing manifestations of extremism. A database of extremist organizations, including youth organizations, has been established.

Pursuant to Order No. 19 of the Ministry of Internal Affairs of 17 January 2006 on the crime prevention activities of internal affairs agencies, coordinating and technical councils on crime prevention have been set up in the ministries of internal affairs, central internal affairs administrations and internal affairs offices of the country's constituent entities.

Targeted efforts are being made to identify the leaders and active members of informal youth organizations with extremist tendencies. When information is received that such persons plan to travel to other regions to commit unlawful acts, the necessary operational and preventive measures are carried out with a view to averting these offences; the internal affairs agencies in the presumed destination and those responsible for transport along the route are notified in good time.

In order to prevent and suppress offences against foreign nationals enrolled at educational establishments in the territory of the Russian Federation, systematic efforts have been made - in coordination with local agencies of the Federal Security Service - to ensure the security of the persons and property of foreign nationals undertaking postgraduate work at military colleges or advanced clinical studies and those studying at higher education institutions and other educational establishments in the Russian Federation; to involve voluntary law enforcement groups (student and Cossack patrols) in such activities; to implement additional measures to protect hostels and places where large populations of foreign students reside; and to provide such buildings and premises and the areas adjacent to them with video surveillance equipment.

In areas where members of informal youth organizations with extremist tendencies gather, extra public order points have been set up.

Great attention is paid to countering nationalism, racism and religious extremism through education and to strengthening cooperation between the internal affairs agencies and religious associations.

Media efforts to promote a law-abiding way of life have been improved. In the past year, law enforcement themes were addressed in a combined total of more than 170,000 published articles and radio and television broadcasts in the country's regions.

Awareness-raising campaigns are being conducted among pupils at schools and other educational establishments, in conjunction with representatives of religious denominations, the administrations of the constituent entities of the Russian Federation, institutions and departments, with a view to preventing group violations of public order and acts of hooliganism and vandalism on grounds of political, ideological, racial, ethnic or religious hatred.

## **Paragraph 24**

There is no evidence of the existence of unofficial places of detention in the territory of the Chechen Republic or, therefore, of supposed cases of the use of torture or cruel treatment in such institutions.

The head of the European Committee for the Prevention of Torture (CPT) delegation that visited the Chechen Republic from 4 to 10 September 2006 made a statement, based on the findings of the delegation's visit, concerning places of illegal detention in the Republic.

In order to uncover any such places of detention, a working group was set up by the Central Administration of the Russian Ministry of Internal Affairs for the Southern Federal Area. The members of the working group inspected the premises of the Second Operational Investigative Bureau (ORB-2) of the North Caucasus Operations Department of the Central Administration of the Russian Ministry of Internal Affairs for the Southern Federal Area in the city of Grozny, as well as four interdistrict sub-offices of the Bureau in the Urus-Martan, Shali and Naurskaya communities and in the town of Gudermes, in the presence of their chiefs.

During the inspections, no cases of persons being detained illegally in premises of the Bureau or its sub-offices were identified. No places where persons might be detained illegally were uncovered.

Officials of the Chechen Republic Ministry of Internal Affairs have carried out checks at the temporary garrisons of companies of the second regiment of the special militia's Patrol and Inspection Service stationed in the communities of Oiskhara, in Gudermes district, Tsotsin-Yurt, in Kurchaloy district, Avtury, Shali, Nozhay-Yurt and Achkhoy-Martan.

The checks established that there are no rooms for administrative detainees or premises for the temporary custody of citizens at the base of the A.K. Kadyrov regiment (second regiment) of the Patrol and Inspection Service or at its companies' temporary garrisons. The orders of the Russian Ministry of Internal Affairs governing the activities of front-line sub-units of the Patrol and Inspection Service make no provision for such premises.

The premises described in the CPT report were used for storage purposes and not for detaining people.

The ORB-2 temporary holding facility for suspects and accused persons (IVS) is located at 12 Staropromyslovskoe Highway, Grozny.

The facility was established within the Temporary Operational Group of the internal affairs agencies and subdivisions of the Russian Ministry of Internal Affairs, pursuant to Order No. 709 of the Ministry of Internal Affairs of the Russian Federation of 3 November 2004.

The purpose of the decision was to bring the structure of places of detention in the Chechen Republic into line with current legislation and to preclude any criticisms or comments from international human rights organizations.

The facility has six cells with a maximum capacity of 20 persons; the average daily occupancy rate in 2006 was 3.2 persons.

The facility's staff (35 persons), which includes civilians (a medical attendant, disinfectant and kitchen hand), is supplemented by officials detached from the ministries of internal affairs, central internal affairs administrations and internal affairs offices of the constituent entities of the Russian Federation on a contractual basis.

The staffing table provides for the post of medical officer; in accordance with the job description, the incumbent is required to examine all suspects and accused persons on their arrival at the facility and on their transfer therefrom and to make a record of the examination in the medical register. In addition, during the daily morning rounds of the cells, the suspects and accused persons being held there undergo a medical check for physical injuries and health complaints.

The temporary holding facility is structurally autonomous from the Second Operational Investigative Bureau (ORB-2) for Combating Organized Crime of the Central Administration of the Russian Ministry of Internal Affairs for the Southern Federal Area. However, since it is located on the same premises, the activities of the facility are directed entirely towards realizing the goals and tasks of the Bureau.

In 2006, 126 persons suspected of committing serious and especially serious offences were detained and incarcerated in the holding facility of the Temporary Operational Group of the internal affairs agencies and subdivisions of the Russian Ministry of Internal Affairs.

According to the statistics, the majority of persons held in the facility were detained for committing against sub-units of the Federal Forces, law enforcement officers, members of the Government and administration, and local residents, the offences stipulated in the following articles of the Criminal Code: articles 105 (Murder), 205 (Terrorism), 206 (Hostage-taking), 208 (Organization of illegal armed groups or participation therein), 209 (Banditry) and 210 (Organization of a criminal conspiracy).

Citizens may be detained by ORB-2 officers in the performance of their official duties for periods not exceeding 3 hours, as established in article 92, paragraph 1, of the Code of Criminal Procedure, and on the grounds provided in article 91 of the Code. Their rights under article 46 of the Code are explained to them. Citizens brought [to ORB-2] are then transferred to the holding facility, where they are logged into the detainees' register and undergo a mandatory examination by the medical officer.

The holding of detainees on ORB-2 premises following the completion of investigative actions conducted with them is not advisable, since it increases the risk that they will escape or commit further unlawful acts.

When complaints are received from detainees of physical injuries incurred at the hands of militia officers, an investigation is undertaken without delay by senior officials of the Central

Administration of the Temporary Operational Group of the internal affairs agencies and subdivisions of the Russian Ministry of Internal Affairs, together with the Chechen Republic Procurator's Office.

The legality of the detention of suspects and accused persons in the holding facility is verified daily by the Chechen Republic Procurator's Office, in accordance with paragraph 5.1 of Order No. 39 of the Procurator-General of the Russian Federation of 5 July 2002 on the organization of procuratorial monitoring of the legality of criminal prosecutions at the pretrial proceedings stage.

Pursuant to this Order, similar checks are conducted at temporary holding facilities in municipal and district militia stations in the Chechen Republic, by municipal and district procurators.

Every report of cruel treatment or the use of unlawful methods in the conduct of pretrial investigations or initial inquiries is recorded in the crime log. Inquiries are undertaken by the procuratorial bodies under articles 144 and 145 of the Code of Criminal Procedure. If sufficient evidence is uncovered tending to show that an offence has been committed, criminal proceedings are instituted on the basis of these bodies' findings.

In 2006, 270 reports and complaints were received concerning the use of unlawful methods in pretrial investigations and initial inquiries; criminal cases were opened in respect of 11 reports and complaints, while it was decided not to institute proceedings in respect of 259.

In response to the breaches that have occurred of the laws and departmental orders governing the custody of suspects and accused persons in temporary holding facilities, the Chechen Republic Procurator's Office made recommendations to the Republic's Ministry of Internal Affairs and to the chief of the Temporary Operational Group of the internal affairs agencies and subdivisions of the Russian Ministry of Internal Affairs for the elimination of such breaches and of the causes and conditions that may give rise to them.

During the custody of suspects and accused persons in temporary holding facilities, investigators from the Procurator's Office work with them, in the presence of lawyers. This ensures the observance of the rights of suspects and accused persons as stipulated in the Code of Criminal Procedure.

When persons are detained on suspicion of committing offences, including terrorist offences, procedural measures are implemented in strict compliance with the Code of Criminal Procedure. Terrorism suspects enjoy all the rights and guarantees established for suspects under the Code. There is no evidence to suggest that there is a widespread practice of detaining relatives of terrorism suspects.

No reports have been received by procurator's offices of the Chechen Republic concerning the detention of persons for non-compliance with the requirements of the system for registration of residence. At the same time, in accordance with the Code of Administrative Offences, individuals who do not have identity papers on their person or whose papers are



suspected not to be genuine may be taken to local internal affairs agencies, where they may be held for up to three hours while their identity is established or the authenticity of their papers is verified, after which they must be released immediately.

In line with the wishes of CPT, additional classes have been organized, as part of the official training activities, to familiarize staff of the holding facility of the Temporary Operational Group of the internal affairs agencies and subdivisions of the Russian Ministry of Internal Affairs and the Second Operational Investigative Bureau (ORB-2) of the Central Administration of the Russian Ministry of Internal Affairs for the Southern Federal Area with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons, and the orders of the Ministry of Internal Affairs.

On 21 September 2006, the President of the Chechen Republic held a meeting on the theme "Measures to ensure compliance with the legislation concerning persons held in places of detention". A draft Republic-wide special programme has been prepared for 2007-2010 to bring the conditions of detention of suspects and accused persons in temporary holding facilities of the internal affairs agencies of the Chechen Republic into line with the requirements of Federal Act No. 103-FZ-95.

To date, representatives of CPT have visited the Chechen Republic on nine occasions to monitor the activities of institutions and agencies of the penal correction system.

In March 2007, CPT made a statement in which it reported, inter alia, that there had been definite progress with regard to material conditions of detention and that the Russian authorities displayed an open attitude on matters related to conditions of detention. Moreover, the Committee had received no allegations of ill-treatment of prisoners by staff of the penitentiary establishments visited.

At a meeting held on 6 April 2007, the Coordinating Council of the Human Rights Commissioner of the Russian Federation and the Human Rights Commissioners of the Constituent Entities of the Russian Federation heard a report from the Human Rights Commissioner of the Chechen Republic in which the process of re-establishing the divisions of the federal penal correction system in the Chechen Republic was highly commended.

The report also gave a positive assessment of the efforts of the Federal Penal Correction Service to improve health care and living conditions in places of detention and to ensure that persons held in remand centres and correctional institutions are able, without hindrance, to lodge complaints with any oversight body, including international ones.

Since 2005, round tables have been held for representatives of the legislative, executive and judicial authorities within the framework of the programmes of cooperation between the Russian Federation and the Council of Europe.

During these round tables, in which representatives of the law enforcement organizations

of the Chechen Republic have taken part, no criticisms have been raised concerning the work of the institutions and agencies of the Russian penal correction system.

Kidnappings are one of the main factors adversely affecting the situation in the Chechen Republic and have given rise to much criticism from Russian and international human rights organizations. In the current circumstances, with lawful authorities and constitutional order still being established in the territory of the Republic, kidnappings are being exploited to accuse the law enforcement agencies of inaction and to discredit the federal forces for propaganda purposes.

Combating kidnappings and tracing missing persons are among the priorities of all the law enforcement agencies and security, defence and internal affairs departments. These efforts are taking place against the backdrop of a complex social, political and operational situation characterized by changes relating to the transition among armed gangs from open military opposition to sabotage and terrorism.

Practical experience of investigating crimes in this category allows four main types of offence involving kidnappings or unlawful deprivation of liberty to be distinguished:

- Kidnappings committed on account of the illegal actions of the victims themselves concealment of profit to avoid taxation, obtaining of income by unlawful means and non-fulfilment of contractual obligations relating to the repayment of loans and credit, the delivery of goods and raw materials, or the quality of the goods and raw materials delivered, that is, to the commercial activities of the victims (about 40 per cent)
- Kidnappings committed for domestic reasons, to resolve family disputes or interpersonal problems, or by virtue of ethnic customs and traditions (about 10 per cent)
- Kidnappings committed as a criminal business to finance the activities of illegal armed groups or terrorist and extremist activity (about 45 per cent)
- Kidnappings committed as a means of exerting pressure on representatives of various social, political and State structures (about 5 per cent)

Research conducted into the circumstances of kidnappings in the North Caucasus region reveals several negative factors that impede the timely detection of such offences:

- Many kidnappings for ransom remain undeclared, that is, unrecorded, for various reasons, first and foremost because families and friends refuse to give statements
- A significant proportion of those affected do not go to the law enforcement authorities, since they fear for their families and friends and prefer to secure the release [of the victim] in accordance with ethnic customs and using the assistance of relatives

In addition, the materials available demonstrate that members of armed gangs, in order to discredit the State structures, are deliberately committing offences against the peaceful civilian population while clad in the uniforms of service personnel and militia officers. Such incidents explain why representatives of various human rights organizations have affirmed that the

majority of kidnappings, unlawful detentions and disappearances are committed by members of the federal forces.

Thus far in 2007, 66 kidnappings have been reported to Chechen Republic law enforcement agencies (compared with 98 in 2006) and 74 instances of unlawful deprivation of liberty (compared with 115 in 2006).

Also in 2007, the Republic's procuratorial bodies have initiated 18 criminal investigations (30 in 2006) into the kidnappings of 22 individuals (37 in 2006).

As at 1 June 2007, over the entire duration of the counter-terrorism operations, Chechen Republic procuratorial investigators had sent 109 criminal kidnapping cases involving 164 defendants for trial.

It should be noted that the Republic's procuratorial bodies are working to prevent kidnappings in close cooperation with presidential and government staff, the Chechen Republic parliament and the Human Rights Commissioner of the Chechen Republic, as well as various human rights organizations.

To ensure that more kidnapping cases are solved, the Republic's procuratorial bodies regularly monitor unsolved cases to check that the appropriate work is being carried out by the local internal affairs agencies and to ascertain the quality of such work.

With a view to increasing the effectiveness of efforts to prevent, investigate and solve kidnappings, the Chechen Republic Procurator's Office, in conjunction with the law enforcement agencies, has drawn up and is carrying out a range of organizational and legal measures.

An updated comprehensive programme on preventing kidnappings and tracing missing persons for 2006-2010 has been developed and is under implementation. The programme takes account of the experience acquired by the Republic's law enforcement agencies in preventing kidnappings and includes a series of actions to be undertaken jointly by all actors in the fight against crime in the Chechen Republic.

According to the Chechen Republic Procurator's Office, 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.

Efforts to prevent kidnappings are regularly monitored by the Central Administration of the Office of the Procurator-General of the Russian Federation for the Southern Federal Area.

Article 22 of Federal Constitutional Act No. 1-FKZ of 31 December 1996 on the Judicial System of the Russian Federation provides for the establishment and functioning of military tribunals, together with courts of general jurisdiction, in the territory of the Russian Federation. The Act also defines the competence of these tribunals. In addition, the Federal Act on the Procurator's Office of the Russian Federation regulates the establishment and functioning in the

territory of the Russian Federation of military procurator's offices. The competence of local procurators and military and other specialized procurator's offices having equal status with them is defined in Order No. 54 of the Office of the Procurator-General of the Russian Federation of 9 September 2002 establishing the competence of local procurators and military and other specialized procurator's offices having equal status with them. Thus, the functioning in the territory of the Chechen Republic of the Grozny garrison military tribunal and of courts of general jurisdiction, as well as local and military procurator's offices, complies fully with current Russian legislation.

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