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Summary record of the 2664th meeting

Held at the Palais des Nations, Geneva, on Friday, 16 October 2009, at 10 a.m.

Chairperson: Mr. Iwasawa

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(agenda item 6) (*continued*)

*Sixth periodic report of the Russian Federation (HRI/CORE/1/Add.52/Rev.1;
CCPR/C/RUS/6; CCPR/C/RUS/Q/6 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*
2. **The Chairperson** invited the Russian delegation to reply to questions raised by Committee members at the previous meeting.
3. **Mr. Davidov** (Russian Federation) thanked the members of the Committee for their many pertinent questions, which illustrated their high level of competence and their interest in the situation in the Russian Federation. Focusing on questions relating to the administration of justice, he said that when it appeared that the European Convention on Human Rights had been violated in a criminal case brought before a domestic court, the Presidium of the Supreme Court was legally authorized to quash the judgement, on the basis of the decisions of the European Court of Human Rights. However, the Committee's Views led to a review of a ruling made by a domestic court only when a violation of the Covenant, as found by the Committee, had repercussions on the legality and validity of the decision in question. However, the position of the Committee on the interpretation and application of the Covenant played a not insignificant role in that it could draw the attention of lawmakers and enforcers to possible gaps in legislation or its implementation, which could then be remedied. The victims of violations of rights protected by the Covenant could also use the Views of the Committee as a basis for seeking redress.
4. The Code of Criminal Procedure allowed suspects to contact a lawyer, or have one appointed by the court, within 3 hours of their arrest and to inform their family of their situation within 12 hours of their arrest. It was true that, prior to the adoption of the new Code of Criminal Procedure in 2001 and its entry into force in 2002, such guarantees had not existed, nor had there been any rapid and efficient judicial supervision mechanisms governing arrest and detention. However, the improvements made since 2002 should enable the Russian Federation to close the book on that dark period of its history.
5. He did not agree with Sir Nigel Rodley's suggestion that the death penalty could and should be abolished, even if public opinion was against abolition. He believed that it was the duty of the Head of State and the Parliament to respect the sentiment of the people who had brought them to power and not antagonize them by trying to impose something that they firmly opposed. A change in public opinion on such a sensitive issue took time. It must not be forgotten that more than 20 years had elapsed between the adoption of the Covenant, which allowed the death penalty for the most serious crimes, and that of the Optional Protocol aiming at the abolition of the death penalty. For more than 10 years, there had been no new executions or death sentences in the Russian Federation, and that would continue until the death penalty was abolished by law.
6. Not only did judges not oppose the judicial reform, but they encouraged it, as evidenced by the many draft bills that they had initiated. Since the start of the reform, the Presidium of the Supreme Court had submitted a number of proposals with a view to improving the functioning of the justice system. Basic texts had been adopted in that regard, including: legislation on the status of judges, regulating their appointment and dismissal and giving them greater independence; the Federal Constitutional Act on the court system; and revisions of the Civil Code, the Code of Civil Procedure, the Criminal Code and the Code of Criminal Procedure. The judiciary had also been expanded, and there were now 31,000 judges. The number of civil suits had increased significantly, from 1.5

million in 1991 to 11 million in 2008. In all, some 17 million cases were processed by the ordinary courts each year. There were plans to undertake sweeping reform of appellate courts in the two or three years to follow. A complete revamping of the system of supervisory review, which the European Court of Human Rights had, on several occasions, judged incompatible with the principle of legal certainty, was also planned. The general rule was that access to justice was in no way restricted. Any citizen could bring a case before the courts on payment of the modest sum of 100 roubles – approximately \$3. Citizens could also petition directly the Supreme Court, which considered complaints on their merits and rendered the applicable procedural decisions. In a pilot project on the organization of juvenile justice, three juvenile courts had been established in 2004 and 2005 in the Rostov region. The experiment had been a success and had been extended to other regions of the country. The President had requested that those efforts continue and a parliamentary debate on juvenile justice was to be held in November 2009.

7. Some members of the Committee had expressed doubts as to the independence of judges vis-à-vis prosecutors. To anyone who was not familiar with criminal procedure in the Russian Federation, the low rate of acquittal — 1 per cent of judgements in criminal proceedings — could raise questions. However, to understand that figure correctly, other factors must be taken into consideration. There were two stages in criminal proceedings at first instance — the preliminary inquiry, followed by the hearing before the judge — and close to 50 per cent of criminal cases were plea-bargained, with the defendant pleading guilty to the charges in return for a lighter sentence. In such cases, acquittal was obviously impossible. However, in trials by jury, acquittals accounted for 20 per cent of verdicts. The Committee should also know that all cases did not necessarily result in sentencing and, often, proceedings were simply terminated for various legal reasons. The judge, defence and prosecution each had a specific role defined by law, and the judge's position was in no way influenced by that of the prosecutor, except when the latter dropped charges, in which case the judge acquitted the defendant.

8. Concerns had been expressed with regard to the disciplinary measures that could be taken against judges and the threat such measures posed to their independence, particularly by putting them at risk of arbitrary dismissal. The Higher Qualification Board of Judges was the only body legally authorized to bring disciplinary proceedings against a judge. Elected by the Congress of Judges, the Board comprised 29 members: 18 judges, 10 representatives of civil society designated by the upper house of Parliament and 1 representative of the President. Dismissal decisions handed down by that body could be challenged before the Supreme Court, which deliberated on complaints from judges as a trial court. To ensure that consideration of such complaints was more objective, a new body, made up of three judges from the Supreme Court and three from the Supreme Court of Arbitration, had been established for the purpose in 2009.

9. **Mr. Sizov** (Russian Federation), replying to the question on which rights could be restricted in application of the Federal Counter-Terrorism Act, listed the measures that could be implemented in zones in which counter-terrorist legal regimes were in effect throughout the duration of operations. It was possible to: carry out identity checks and hand over persons unable to produce identification documents to the Ministry of Internal Affairs for verification; deny persons and vehicles access to certain places; step up law enforcement and protection of property in the custody of the State, objects that were vital to the population and structures of particular material, historic, scientific, artistic or cultural importance; monitor telephone communications and other information sent by telecommunication or post so as to determine the circumstances of a terrorist act and identify the perpetrators, or to prevent further terrorist acts; interrupt communication services to individuals or legal entities or restrict their use of means of communication; resettle temporarily in a secure location persons residing in zones in which counter-terrorist legal regimes were in effect; and restrict vehicular and pedestrian traffic.

10. With regard to the question on the law amending counter-terrorism legislation, he said that it modified a number of provisions designed to criminalize terrorist acts, hostage-taking and sabotage. It punished the concealment of crimes such as hostage-taking, the organization of or participation in illegal armed groups, and escape by land, air or sea. Furthermore, it limited the competence of federal courts of general jurisdiction in which criminal cases regarding terrorist offences were tried by jury. It also amended the Code of Criminal Procedure to specify the composition of the courts which heard different types of cases. Lastly, it amended the Federal Counter-Terrorism Act, which had inadequately defined the actors in the fight against terrorism, to include investigating magistrates from the Procurator's Office. The law did not amend non-legislative texts. It was important to distinguish between the Federal Counter-Terrorism Act and the Federal Act on Combating Extremist Activities, but both stipulated that any persons within the territory of the Russian Federation engaging in terrorist or extremist activity — be they Russian, foreign or stateless — incurred criminal, civil and administrative responsibility as appropriate. The Criminal Code provided for prison sentences and the Code of Administrative Offences imposed fines. An administrative offence was punishable by imprisonment only in the case of article 20.29 of the corresponding Code, on the distribution of extremist information or documents for commercial profit, with a sentence of "administrative detention" for a period of 15 days. An organization was declared terrorist or extremist by court decision. The procurator brought the matter before the court based on evidence gathered by the investigating magistrate. That decision could be appealed. Only organizations recognized as such appeared on the list of outlawed organizations that was compiled and published by the federal security services. The list was, therefore, not subject to interpretation. Individuals who had been sentenced for similar offences were also on the list. It was important to point out that no organizations from the North Caucasus were on the list; the religious organizations from that region that had been prosecuted had been guilty of defamation. It was untrue to say that organizations from the North Caucasus were particularly targeted by the judicial authorities.

11. Clarification had been sought on what was understood by "preventing" organizations — religious or other — from carrying out extremist activities or distributing extremist material. The primary purpose of the legislation was to forestall such acts, but the organization would be banned if those actions were repeated. That decision could also be appealed. Clarification had also been sought on the meaning of "social groups", particularly in relation to the Terentieva case. Actions targeting a given social group were, in fact, punished by the Criminal Code. While it was a recent provision, several court decisions had already been handed down on the matter. On the basis of expert sociological opinion, the court ruled whether the group in question could or could not be deemed a "social group" within the meaning of the law.

12. With regard to killings in the North Caucasus, it was important to point out that the situation in that region was complex because close to one hundred nationalities lived there. However, it could not be said that persons from Central Asia were targeted more than others. The Procurator's Office had statistics on foreigners who were victims of violent crime, but it was impossible to draw such a conclusion from the data.

13. **Mr. Mashoha** (Russian Federation) explained that the Investigative Committee was a recently established body with a complicated task. It comprised a central investigative department in Moscow and investigative departments of equal status in each constituent entity of the Russian Federation, with specialized investigative departments, including military ones. The same structure was reproduced at district and municipal levels. The central department was responsible for the most sensitive cases, or those that affected several regions. The investigating magistrate was independent and was given significant latitude. The magistrate could decide on how the investigation would be carried out and could initiate proceedings of his own accord. However, he collaborated with various

institutions, including the Procurator-General's Office and the army. Investigations were carried out at the request of the Procurator for serious criminal offences. Since its creation, the Investigative Committee had given particular attention to terrorist crimes and attacks on civilians in the North Caucasus. Crime figures in that region were appalling, but some improvement was being seen. In Chechnya, the number of abductions had fallen from around 500 per year at the start of the decade to a mere 12 in 2008. At the invitation of the Council of Europe, some judges from the Investigative Committee had received training in Strasbourg to learn from the British authorities' experience in combating the IRA. Special attention was given to victims and their families, particularly in cases of disappearance. When army or police personnel were implicated, they were not spared from being charged or prosecuted.

14. **Mr. Matyushkin** (Russian Federation) said that, since 2005, the European Court of Human Rights had considered 118 cases concerning Chechnya, most of them involving the disappearance of civilians. It must be pointed out that, in the main, those events had taken place between 2000 and 2002, during the active phase of counter-terrorism operations, and that those decisions rested on the assumption that the disappeared person was believed dead, which was not an established fact. Furthermore, domestic investigations into those cases continued. Some had been temporarily suspended, but that did not mean that they were closed. Lastly, it must be pointed out that many members of the security forces who could have testified had subsequently died. In any event, the Russian Federation was carrying out all the judgements of the European Court of Human Rights, including decisions on compensation.

15. **Ms. Kurovskaya** (Russian Federation) said that the Government gave much attention to violence against women. The problem called for a comprehensive approach and a number of measures had already been taken. Social services for women and children helped the victims of trafficking, violence and cruelty, particularly by providing them with rehabilitation assistance and vocational training. Those services also worked closely with non-governmental organizations, which ran some 50 shelters. However, the legal framework for compensating victims was still to be established and the board responsible was working on it.

16. With regard to anti-discrimination measures, she emphasized that legislation no longer allowed restrictions on the rights of citizens — including members of national minorities — to education, work, freedom of movement, and so on. Furthermore, it was no longer necessary to state one's nationality on job application forms. Anyone who considered that his rights had been violated because he belonged to a minority could refer the matter to the Procurator under article 136 of the Criminal Code, which punished that form of discrimination with a maximum term of five years' imprisonment. However, such complaints remained rare: there had been only three in 2008. Discrimination on the basis of sexual orientation was also forbidden, and the law guaranteed the equality of all in that respect. Thus, gay pride parades had been banned solely for logistic and security reasons. While it was true that society continued to have a negative perception of persons of unconventional sexual orientation, the Government did not consider that such persons represented a vulnerable group in need of affirmative action.

17. Abuse of authority by law enforcement personnel was punished effectively. Complaints on that score accounted for less than 2 per cent of all complaints against law enforcement officials. It should be noted that the figures provided in the State party's report were general data from the State statistics body, and concerned not only federal law enforcement officials, but also personnel from other bodies and institutions of the constituent entities of the Russian Federation. The courts had heard 284 cases in 2007 involving law enforcement personnel who had committed unlawful acts, and 374 cases in 2008. In such cases, the conviction rate was more than 80 per cent. The Investigative

Committee attached to the Procurator-General's Office was responsible for conducting investigations in those matters and victims generally cooperated actively. The legality of that body's actions was monitored, particularly by the Procurator-General's Office, which conveyed its observations to procurators in the constituent entities of the Russian Federation and to the Ministry of Internal Affairs.

18. The Russian Federation refused to expel foreigners in pursuance of a decision if the acts for which they were wanted were not classed as offences under the Russian Criminal Code and if, at the time of the extradition request, the wanted person had been granted citizenship of the Russian Federation. On occasion, the decision was based on the fact that the wanted person had submitted a complaint to the European Court of Human Rights. From 2007 to 2009, 40 persons had addressed such complaints to the European Court, which had declared 30 admissible and had requested suspension of the extradition procedure in application of Rule 39 of the Rules of Court (Interim measures). With regard to the Uzbek citizens wanted for extremist and terrorist acts, the European Court of Human Rights had ruled against Russia in April 2008, considering that their extradition to Uzbekistan was illegal.

19. **Ms. Kurunova** (Russian Federation), referring to the powers and activities of the Human Rights Commissioner of the Russian Federation and of the Presidential Council on the Development of Civil Society and Human Rights, said that federal legislation on the Commissioner's status allowed him to approach the judicial authorities directly. The number of complaints lodged with the Commissioner had dropped since 2006, not because the Commissioner had less authority, but because the country's economy had recovered significantly between 2006 and 2008. With higher incomes, lower unemployment and wages and pensions paid on time, there had been a considerable fall in the number of complaints concerning the violation of citizens' economic and social rights, which accounted for the majority of complaints addressed to the Human Rights Commissioner. However, there were concerns that the current economic and financial crisis could push those numbers up again. It was also important to note that citizens had better legal education and that the judicial system had become more efficient.

20. The Presidential Council on the Development of Civil Society and Human Rights had been established in 2000 by decree of President Putin, and after a reshuffle in 2009 by President Medvedev, it had been given new impetus. The Council was still chaired by the same person, Ms. Pamfilova. It was a body of experts that advised the President on current events and prepared recommendations and proposals for him.

21. **Ms. Levitskaya** (Russian Federation) informed the Committee that the Russian Ministry of Education and Science had developed a strategic national programme to promote tolerance and harmony among citizens, with a view to raising awareness among the population, especially young people, of the need for tolerance in a multicultural society. The programme, launched in 2001, provided effective sociocultural tools and techniques for formulating training and retraining methods for teachers. Through that programme, guides on tolerance and prevention of destructive behaviour had been written, and training programmes in tolerance and a spirit of peace had been implemented, targeting government officials, law enforcement personnel, public authorities, the media and persons in charge of educational and vocational training. The programme would be followed up – a new five-year programme, beginning in 2011, had already been approved.

22. Over the last three years, the Ministry of Education had also set out to establish new education standards, focusing on the multicultural principle of education and ethical and moral education, as well as respect for civic values, traditions and a multid denominational culture, without neglecting personal development. Over the previous five years, a pilot project on a new model of bilingual and multicultural education — a joint effort by the Ministry of Education and UNESCO — had been implemented in one of the constituent

entities of the Russian Federation, the Republic of North Ossetia-Alania. Having been assessed by Ministry experts and UNESCO, the experiment would be followed by a large-scale project to be implemented in several regions, including Chechnya and Tatarstan, with a view to devising a multicultural education model for forging national identity, which would be used in schools in the Russian Federation. After the experimental phase, that model would then be applied throughout the Russian Federation. On 1 September 2008, the start of the new school year that coincided with the national Day of Knowledge, President Medvedev had prepared a lesson on tolerance for all Russia's schoolchildren.

23. **Mr. Matyushkin** (Russian Federation) said that considerable progress had been made regarding the rights of disabled persons. The Constitutional Court of the Russian Federation had ruled in the Shtukaturov case, recognizing that previous judicial decisions on the psychiatric internment of the individual concerned had been unconstitutional. The case had been reopened and was in progress, which proved that it was possible to have cases reviewed. It should be noted that there was draft legislation to amend the Code of Civil Procedure and the law on psychiatric assistance.

24. The international community had recognized that, in August 2008, Russian peacekeeping forces in South Ossetia had been attacked by Georgia. When the Russian troops had retaliated and the Georgian troops had begun to fall back, that had created a vacuum, with all the Russian soldiers at the front line. The alleged perpetrators of human rights violations that were said to have been committed behind the front had been handed over to the Ossetian authorities. The allegations of such violations perpetrated by military personnel were being dealt with by the competent authorities. The Russian Federation had already provided a detailed written account of the violations committed by Georgia during the conflict. One thousand eyewitness reports from Ossetians had been submitted to the European Court of Human Rights and to the International Court of Justice for consideration. Concerning the return of ethnic Georgians, the Russian Federation recognized the right of return for refugees, provided that three conditions were met: return must be voluntary, secure and dignified. Talks involving all concerned parties, known as the Geneva discussions, were under way. With regard to the humanitarian aspect, ethnic Georgians residing in the Russian Federation continued to play an important role in the life of the community, in business, art, culture, sports and even in the civil service, and there was no evidence of discrimination against them. During the conflict, the Georgian school on Rustaveli Street in Tskhinvali, the capital of South Ossetia, had remained open and was still running, which was testimony to the tolerance that existed within the society. It would, nevertheless, take many years to heal the wounds caused by the political adventurism of some.

25. **Mr. Thelin** said he had taken note of the explanations given on the low acquittal rate (1 per cent) in cases brought before the courts, which dispelled somewhat the impression one could have of collusion between judges and prosecutors. He was pleased to learn that the judiciary had taken a number of initiatives for reform, particularly in eliminating corruption. The days of telephone justice, when the Executive dictated sentences to judges, were gone. The increase in the number of civil cases observed since 1991 was also a good sign. Such cases had reportedly increased tenfold. He was also satisfied to learn that disciplinary matters concerning judges were dealt with by a college of magistrates with a significant proportion of representatives of civil society. He wanted to know whether cases of flagrant corruption were handled in that way or whether the normal procedure was applied. He asked again whether the new anti-corruption law had been successfully enforced and would appreciate some statistics in that regard. He also asked for clarification of the circumstances surrounding two cases of judges being dismissed. He had learned that a judge from Moscow, Olga Kudeshkina, had been dismissed after speaking publicly about pressure brought to bear on judges and other forms of coercion to make them render certain verdicts. He also asked for further information on the case of another judge,

Marianna Lukyanovskaya, from Volgograd, who had recently been dismissed for allegedly releasing a detainee who had been unlawfully arrested. On 27 August 2009, the court presided over by Judge Davidov had rejected the appeal by Judge Lukyanovskaya and upheld the decision issued at first instance. He also asked how many of the more than 30,000 judges in the Russian judiciary had received disciplinary sanctions. With regard to the Investigative Committee, he enquired whether there was a special mechanism for investigating allegations of torture and other ill-treatment by the police, what measures were taken by the mediator in response to complaints, and whether it was true that the mediator had not been allowed to address the Duma.

26. On the question of extradition (question No. 16), he asked in what way the Uzbek cases had been actually affected by the 2001 agreements under the Shanghai Cooperation Organization, which had established cooperation between Russia, China and Uzbekistan in various fields, including the fight against terrorism. Pursuant to the agreement, officials from each of those States could operate in the territory of the others in the interests of efficiency. He asked whether those agreements included provisions on extradition and on the chain of responsibility, when an official of a member State of the Organization present in the territory of another member State violated the Covenant.

27. **Mr. Amor** said he wished to address the issue of the death penalty. The delegation had said that the Government must heed public opinion, which was against abolition. However, it was common knowledge that public opinion was generally conservative on that question. Thus, it would not be undemocratic for a State to lead and attempt to change public opinion, rather than follow it. The role of the State was vital because it was able to transform society and mentalities through legislation. It would be interesting to learn what measures had been taken by the Government, in addition to action by civil society, to lay the groundwork for such a change, particularly through school curricula and the media. It had been 13 years since the last execution and 10 years since the Constitutional Court had imposed a moratorium on death sentences, pursuant to article 20 of the Constitution, which provided guidelines on the matter. He asked whether one could not then consider that the non-application of capital punishment had, in legal terms, caused that penalty to fall into abeyance. If not, it would be interesting to know whether the moratorium that had been declared could be legally withdrawn.

28. **Mr. O'Flaherty** thanked the delegation for its detailed replies. However, he requested clarification on the question he had raised at the previous meeting, which it had been difficult to answer on the spot, since it had not been on the list of issues. The delegation had acknowledged that in Russia, as in many other countries, there was prejudice against persons belonging to sexual minorities. The Committee would like to understand, in the light of the delegation's statement that the guarantees of equality and non-discrimination provided for by law applied without reserve to sexual minorities, why article 282 of the Criminal Code prohibiting incitement to hatred against social groups did not include those groups. It would seem that homosexuals and other sexual minorities did not have the status of "social group", unlike many other groups in society, including the police. With regard to the freedom of assembly, information available to the Committee showed that not a single application to hold gay pride parades or other such events had been authorized over the last four years. It would seem, however, that the authorities usually proposed alternative locations when they received requests to hold events, such as political rallies, that were likely to disturb public order. However, that did not seem to be the case for gay pride parades, and it would be interesting to know why. Furthermore, on a number of occasions, the media had published declarations by the mayor of Moscow stating that he would never authorize such events. He had allegedly said during a speech in December 2008 in Belgrade that homosexuals were free to have fun in Moscow, the only restriction being that they were not allowed to parade in the streets. It would seem that the flat refusal to allow events held by sexual minorities had nothing to do with the justification of

maintaining public order, as stated by the delegation. The delegation might wish to explain how and why it considered that public order justified the systematic rejection of applications of that type.

29. **Ms. Keller** requested clarification on the Counter-Terrorism Act. The delegation had listed the many measures that could be taken during counter-terrorist operations, among which were significant restrictions on freedoms, such as surveillance of communications. It would be interesting to know whether those measures were applied for a limited time and whether there were any guarantees to ensure that the information obtained could not be misused. For example, if it appeared that a person who had been under telephone surveillance was not a terrorist, how could that person be sure that the recordings would be destroyed? With regard to the Act on Combating Extremist Activities, the group of experts seemed to play a very important role. It would be interesting to know what was done to ensure the impartiality of the opinions it issued, in the light of article 14 of the Covenant, in particular. She found that the response to her earlier question on social groups had not been clear. It would be useful to have a precise definition of that concept, since that was essential for the application of the law.

30. **Ms. Wedgwood** thanked the delegation for its detailed answers. It was, however, interesting that an official delegation of the Russian Federation was unable to answer certain questions and, particularly, could not explain why human rights defenders and journalists were often the targets of violence, why so many cases were unsolved, or what could be done to remedy the situation.

31. With regard to Georgia, her question had been designed not so much to establish who had started the war, but rather to underline an important point: the fact that the persons who followed in the wake of the army were not members of the military did not absolve the army of responsibility for their actions. The fact that the militias who had followed the Russian army had been made up of South Ossetians did not dispense Russia from monitoring their actions.

32. Lastly, she would like information concerning Mr. Paul Joyal, who had been the victim of a shooting in Prince George's County.

33. **Sir Nigel Rodley** thanked the Russian delegation for its detailed replies to the many questions of Committee members. However, one question awaiting clarification was whether the State party acknowledged that the violations noted by the European Court of Human Rights in many cases of disappearance related to the operations carried out in the Chechen Republic were symptomatic of a real problem. The head of the delegation had objected that those decisions had been based on the assumption that the disappeared person was believed dead. The fact remained that, in many cases, the Court had established that the victims had disappeared after their arrest by the authorities — the Bazorkina case — or that the authorities had been directly implicated in acts of torture — the Chitayev and Chitayev case. The delegation had stated that a significant number of soldiers who could have provided key evidence for solving cases had died. However, it was clear that they were not all deceased, one example being the former head of the Police Operations and Search Bureau No. 2, who, according to the Chechen Vice-President in a letter to Amnesty International, had simply been transferred in July 2007. The Committee remained convinced that many others were still alive and could usefully be questioned.

34. No explanation had been given as to why no attempts had been made to identify the corpses buried in mass graves, determine the circumstances surrounding the deaths of the victims, or inform their families. Any details the delegation could provide on that issue would be welcome. According to certain sources, persons with supposed family ties to suspected terrorists or extremists had allegedly been the target of retaliation, encouraged by

hate speech by politicians in the media. Such allegations were cause for serious concern and the Committee looked forward to the delegation's comments.

35. The delegation's response to question No. 16 of the list of issues had focused mainly on extraditions, but information received by the Committee had also mentioned unofficial transfers which, in certain cases, had been conducted so rapidly that the European Court of Human Rights had not had the time to request a stay of the expulsion order. It was difficult to see how such a summary procedure could be reconciled with the implementation of the requisite mechanisms to guarantee that affected persons could appeal their expulsion and the obligation of the State party not to expel persons to countries where they risked serious violations of their rights.

36. **Ms. Motoc** thanked the delegation for its detailed replies. It seemed that the issue of violence against women was not currently one of the Government's priorities, and it would be interesting to know whether the delegation considered that the problem should be included in the list of priority issues. It would also be useful to know whether the victims of violence, such as women and members of ethnic minorities, benefited from an effective remedy.

37. **Mr. Matyushkin** (Russian Federation) said that the question of the rights of sexual minorities did not fall under the International Covenant on Civil and Political Rights; rather, it was a problem of discrimination and the responses given had been intended to explain the legitimacy of the measures taken by the police. None of the international instruments to which Russia was party compelled it to promote the rights of those subcultures. Gay pride parades were not forbidden. It was up to local authorities to decide whether authorization for an event should be granted, in light of the region's context, traditions and public opinion. Elected by the population, local authorities must heed popular sentiment. They could not take decisions that went against public opinion. The authorities' decisions to refuse authorization for gay pride parades, particularly in Moscow, had been, above all, based on public opinion and intended to ensure the safety of the population, especially that of the persons who would have participated in the parade. It had been said that such parades were systematically banned. That was not true: a gay pride parade had recently been held in St. Petersburg, the country's second largest city, with a population of over 5 million. It should also be noted that a legally registered gay organization was based there.

38. With regard to the murders of human rights defenders and journalists, it should be recalled that President Medvedev had been distressed by the news of the murder of Ms. Estemirova and had condemned and deplored that act. The requisite instructions had been given to the law enforcement bodies. Obviously, the authorities must take all necessary measures to investigate thoroughly and expeditiously crimes as serious as homicide, particularly the murders of human rights defenders and journalists.

39. With regard to Georgia, contrary to what had been said, it was important to know who had started the war, because a war had a start and someone was to blame. A number of international procedures aimed at establishing the facts surrounding those tragic events were currently under way before the International Court of Justice, the International Criminal Court and the European Court of Human Rights, and it would therefore be premature to discuss the matter further.

40. A question had been raised on the murder of a Mr. Joyal. The delegation understood that the incident had taken place in Washington, but had no information on the case.

41. **The Chairperson** thanked the delegation for its replies to the Committee's questions and said that discussions would be resumed at the next meeting.

The meeting rose at 1.05 p.m.