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Excellency,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic reports of Russia (CAT/C/55/Add.11) by this Committee at its 37th session at its 732nd and 735th meetings, held on 10 and 13 November 2006 (CAT/C/SR.732 and 735).

At the end of the session, at its 751st meeting on 23 November 2006, the Committee's Conclusions and Recommendations (CAT/C/SR.751) were adopted and transmitted to your Permanent Mission. In paragraph 24 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Russia provide further information regarding areas of particular concern identified by the Committee in paragraphs 8, 10, 12, 16, 22, 23 and 24 above.

I am writing to thank you for your Government's communication of 23 August 2007 (CAT/C/RUS/CO/4/Add.1) in which responses concerning the conclusions and recommendations were submitted. The Committee is grateful for the detailed reply to some of its concerns, and very much appreciates your efforts in responding to the Committee's concerns.

I would appreciate clarification as to the following matters, where sufficient information is not yet provided to enable the Committee to complete an analysis of progress made regarding implementation of aspects of the Convention.

H.E. Mr. Valery LOSCHININ
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Russian Federation
to the United Nations Office at Geneva
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12011 Geneva 20

Paragraph 8: Official Abuse in Pre-trial Detention; Access to Attorneys in Pre-Trial Detention

Thank you for the information provided regarding paragraph 8 of the Conclusions and Recommendations in which you noted that in total, cases brought as a result of oversight inspections as well as examination of specific complaints led in 2006 to the disciplining of 2,110 prison employees, and dismissals of 105, and also 109 employees of the corrective labor system were tried for crimes of office. Your response also noted that in 2005, 4,850 employees were subject to disciplinary action, 72 were dismissed, and 71 tried. The Committee would be grateful for provision of further information on the articles of the criminal code under which these prison and corrective labor employees were tried, whether they were found guilty, and whether they were specifically tried on crimes constituting torture, what their sentences were, and also any follow-up made to those cases of employees who were disciplined.

Also with regard to paragraph 8 of the Conclusions, the Committee would appreciate clarification on Article 17 and Article 18 of the Federal Law of 15.07.95 no. 103F3 which you mentioned in your response. Specifically, would you clarify whether detainees have the right to an attorney from the actual moment of detention, as distinct from the actual moment of formal arrest or from the moment of interrogation. Please also provide additional information about the cases specified in the Code of Criminal Procedures that would constitute grounds for not providing legal access to an attorney. In addition, we would appreciate further information on the reasons and circumstances under which a lawyer would be removed from participating in a case at the prerogative of the agency or person conducting the criminal case. For example, in the case of Mikhail Khodorkovsky, a number of lawyers have been either removed from the case or threatened about removal.

Paragraph 10: Hazing in the Military

Regarding paragraph 10 of the Committee's Conclusions and Recommendations on the issue of hazing in the military, the Committee notes with appreciation the information about the number of high-level meetings held on this issue in 2006-2007, as well as site visits by the Ministry of Defense, review of the oversight efforts at collegium meetings of the chief Military Prosecutor, the creation of parents committees in the interests of prevention, and an interagency working group to combat unlawful incidents. All of these and other mentions outlined indicate a seriousness in the response to this issue, as well as awareness of its gravity.

The Committee notes with concern however, that according to information in your response, that despite all of these efforts, the levels of hazing remain high. While the Committee welcomes the establishment of much-needed help lines that have been put in and notes that these are a good initiative, we are concerned that because these lines go only to the prosecutor's office, a victim may not feel confident that he is reaching an independent and unbiased source of oversight and assistance. We would be grateful to receive additional information about the use of the hotlines, and whether any additional measures are contemplated to enable victims to obtain remedy without fear of reprisals.

The Committee appreciates learning that due to the efforts of the Russian military, prosecutor's office, and ombudsman's office, the number of cases of crimes related to unlawful non-statutory relations (hazing) and assault have been reduced by 3.9 percent and by 8.9 percent respectively in 2006, and by 28.1 and 41.7 percent in 2007. In order to be able to ascertain effectively the progress made and to assess the best means of prevention, please provide information on the absolute numbers of such cases, and whether they resulted in any disciplinary actions or sentences under the civil or criminal code of personnel, and whether any of these sentences were for crimes constituting torture in the definition of the Convention Against Torture. Taking note of Federal Law of August 20, 2004 no. 119 FZ, the Committee also asks for information on the total numbers of soldiers transferred to other units, or provided medical and/or psychological assistance, due to hazing incidents.

Paragraph 16: Detention of Asylum Seekers and Non-citizens

Regarding the issue of detention of asylum seekers and non-citizens, the Committee is grateful for the information provided by the Government of Russia. We would appreciate receiving updated detailed statistical information on the number of cases of persons returned under administrative or criminal statutes, with a breakdown of the countries to which they have been returned, as well as the number of assurances sought for the period since 2002, the persons concerned and the outcome of each case as well as on minimum contents for any assurances. The Committee would also be grateful for provision of information on the measures taken by

the State party to establish and implement clear procedures for obtaining such assurances, adequate judicial mechanisms for review as well as effective post-return monitoring mechanisms.

Paragraph 22: Murder of Anna Politkovskaya

In your response to the Committee's Conclusions and Recommendations, it is noted that an investigation was opened into the murder of journalist Anna Politkovskaya on charges of murder, with aggravating circumstances that the murder was of a person while they were performing work duties. It was noted that there were several hypotheses, including Politkovskaya's work on the situation in the North Caucasus. A criminal case was opened regarding the claims of unlawful actions by the Chechen government, by the prosecutor of the Chechen Republic on 12.13.2006, on charges of "abuse of office". The Committee notes with interest that such investigations were initiated into this case, however we are concerned that in February 2009, 3 men in the murder case were acquitted, and a fourth suspect in a related case was also acquitted, and all pleaded not guilty. We would be grateful for an update on the progress on bringing the killers of Anna Politkovskaya to justice and detailed information on the outcomes of the above-mentioned investigations.

Paragraph 23: Violent attacks because of race, ethnicity or identity of victim

The Committee is pleased to learn of the many initiatives that have been undertaken by the State party to address the problem of violent attacks motivated by racial or ethnic discrimination. In particular, we note the efforts made by the Ministry of Internal Affairs to implement integrated measures to detect and suppress manifestations of extremism, as mentioned in your response. We are however concerned that, by your own indication, the number of violent incidents has risen, in particular against students from South-East Asia, the Near East, and Africa. The Committee would be grateful for provision of information on the impact of the plan of integrated measures for 2006-2007 mentioned in your response, and whether the creation of the database of extremist organizations and targeted efforts to identify leaders of such organizations has resulted in a decrease in the number of crimes based on race, ethnicity or identity of the victim. Please provide the Committee with detailed statistical information on the number of complaints of such crimes that have been made, disaggregated by age, gender, ethnicity, and location. We would also be grateful to receive information on whether investigations into these complaints were carried out, and if so how many, whether they resulted in charges against perpetrators, how many went to trial, and the number and kinds of punishments meted out if any.

The Committee is also pleased to note the awareness-raising campaigns that are being conducted, and would appreciate more information on the content of these campaigns as well as the frequency with which they are conducted and the number of persons that have participated in them. How often are such campaigns carried out within the context of institutions of higher learning, where according to your response, many of these violent attacks have taken place.

Paragraph 24: Chechen Republic

The Committee welcomes Russia's decision on April 16, 2009 to end its decade-long "counter-terrorism operation" against separatist rebels in the Chechen Republic, which will result in the withdrawal of 20,000 military and security personnel. We remain concerned however about ongoing reports of human rights violations and lack of follow up on prosecution of past abuses. The Committee would be grateful if the State party would provide updated information on the measures taken to curb the number of incidents of violations of the Convention, as well as steps put in place to ensure that past abuses are appropriately investigated and prosecuted and that victims have access to compensation and redress where necessary.

According to information before the Committee, since the notice of April 16, Russian authorities have reinstated counterterrorism operations in three districts (Shali, Shatoy, and Vedeno). Furthermore, we have learned that in fact, violent incidents have increased recently, with 34 Chechens abducted in 2009 by unidentified armed men believed to belong to security forces, and killings in neighboring Ingushetia have also increased, with 59 persons killed to date in 2009. Please provide information about the implementation of the withdrawal, any reversals in the decision to end the operation, and what follow-up measures have been established to ensure that victims of such killings or their families have access to redress and compensation mechanisms.

The Committee is concerned about the case of the former bodyguard of Chechen President Ramzan Kadyrov, Umar Israilov, who was killed in Vienna in January 2009 after filing a lawsuit with the European

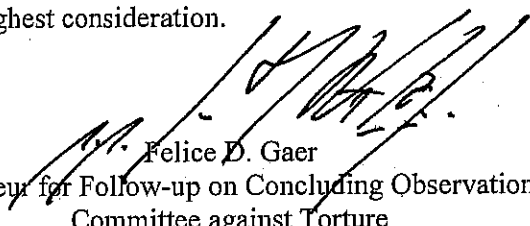
Court of Human Rights in which he accused Kadyrov of personally torturing inmates. Please provide a response on any investigation into both the allegations made and the killing of Israilov.

Upon receipt of additional information, the Committee will be able to assess how the Government's response has comported with the Committee's recommendations and whether further information may be required.

Please incorporate the responses to these requests for further information in the fifth periodic report due in May 2010.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Russian Federation on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice D. Gaer
Rapporteur for Follow-up on Concluding Observations
Committee against Torture