The comments of the Russian Federation on the report by Commissioner for Human Rights of the Council of Europe T. Hammarberg following his visit to the Russian Federation from 12 to 22 May 2011

I. Introduction

Human rights situation in the North Caucasus Region remains an object of regard of the Commissioner for Human Rights of the Council of Europe. Mr Hammarberg, like his predecessor A. Gil-Robles, regularly visited the North Caucasus Region (February 2006, February-March 2007, April 2007 and September 2009).

The Report of the Commissioner for Human Rights of the Council of Europe is prepared following his visit to the Russian Federation (May 12-22, 2011) which included the Republic of North Ossetia-Alania, the Kabardino-Balkarian Republic, the Republic of Ingushetia and the Chechen Republic.

The Commissioner was received by the Deputy Minister of Foreign Affairs of the Russian Federation, G.B. Karasin, and the Deputy Head of the Investigative Committee of the Russian Federation (the IC of Russia), V.I. Piskaryov.

Mr Hammarberg held discussions with the Russian Federal Ombudsman, V.P. Lukin, the Chairman of the Council of Civil Society Institutions and Human Rights under the President of the Russian Federation, M.A. Fedotov, the representatives of non-government organizations.

During the visit to the Republic of North Ossetia-Alania, the Commissioner met the Speaker of the Parliament, L. Khabitsova, the Deputy Prime Minister, S. Tabolov; the Minister for Societal and External Relations, M. Tkhostov, the Ombudsman, V.Tsomartov, and the Children's Ombudsman, T.Nogayeva.

In the Kabardino-Balkarian Republic, the Commissioner was received by the Speaker of Parliament, A.Chechenov, the Prime Minister, I.Gerter, the Prosecutor, O.Zharikov, the Head of the Federal Service for the Execution of Punishments, V.Fyodorov, the Ombudsman, B.Zumakulov. At request of T. Hammarberg, he was provided with the opportunity to visit the Pre-trial establishment (SIZO) No. 1, where the persons participating in the October, 2005 armed attack on Nalchik were detained.

In the Republic of Ingushetia, the Commissioner held discussions with the Head of the Republic, Yunus-bek Yevkurov, the Prime Minister, M.Chiliev, the Secretary of the Security Council, A.Kotiev, the Prosecutor, Y.Turygin, the Ombudsman, D.Ozdoev, the Children's Ombudsman, M.Sultygova.

In the Chechen Republic, the Commissioner was received by the Speaker of Parliament, D. Abdurakhmanov, the Prosecutor, M.Savchin, the Ombudsman, N.Nukhazhiev.

Moreover, the Commissioner met the decision makers from the Chief Investigative Directorate of the North Caucasus Federal District (NCFD) and the investigation departments of the Russian IC in the federal subjects of the Russian Federation.

In terms of structure, the statement coincides with the Commissioner's Report following his 2009 visit to the North Caucasus Region. It consists of the following sections: Counter-Terrorism Measures; Abductions, disappearances and ill-treatment; Combating impunity; Situation of human rights defenders.

The Commissioner generally positively evaluates the efforts of the federal and regional authorities which are aimed at improving the social and economic situation in the region.

The Commissioner shares the point of view of the Russian government which implies that the fight against terrorism should be related to the social problems solving, the fight against corruption and the fight against criminal groups financing the terrorists (paragraph 37).

Mr Hammarberg generally supports the measures taken by the Russian Federation authorities which are aimed at struggling against terrorism, solving social and economic problems in the region, consolidating the society, compensating material damage inflicted in a course of the counter-terrorist operation (paragraph 25). The positive effect is acknowledged in regards to engaging the representatives of the civil society into the process, including women's organizations (paragraphs 29-30).

The Commissioner considers it a crucial task for the regional authorities to ensure security, while meeting the human rights standards; he emphasizes that the consequences of the sustained crisis in the North Caucasus may spread far beyond its limits (paragraph 33).

Section "Counter-terrorism measures" contains the findings concerning the lowering number of acts of terrorism (Para 22).

Similarly to the previous report, the Commissioner accentuates the need to maintain the human rights while struggling against terrorism (paragraphs 33, 36), particularly through ceasing the practice of punishing members of armed gangs collectively altogether with relatives (paragraphs 31, 34) and ill-treatment of the persons retained (paragraph 21).

The Commissioner invites the Russian authorities to consider the proposals made by the Council of Civil Society Institutions and Human Rights under the President of the Russian Federation on creating the mechanisms ensuring the continuous dialogue between the law enforcement officials and members of human rights organizations concerning the problems of the fight against terrorism (paragraph 36).

The section tackling disappearances, abductions, and ill-treatment of people underlines that, despite the decrease in the number of such cases, the situation in the region in view of this context has undergone no significant changes (paragraph 48). It is stated that, according to the data from some Russian NGOs, the law enforcement officials have been implicated in the disappearances in a range of situations (paragraphs 38, 39), and few cases of disappearances remained uninvestigated.

According to the information obtained by the Commissioner, in the region persists a common practice regarding ill-treatment of the persons retained (paragraph 46). T. Hammarberg assigns the main role in preventing such incidents to the Public Monitoring Committees and reinforcement of cooperation between the Russian parties and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (paragraphs 47, 52).

The Commissioner's concerns are aroused by the problem of the persisting impunity for human rights violations which he calls "the most intractable" (paragraph 65).

The Commissioner gives notice of the positive steps made by the Russian authorities in regards to struggling against impunity which imply providing for the independence of the Russian Investigative Committee as well as assigning the priority status to the enforcement of the corresponding decisions of the European Court for Human Rights (paragraph 55).

Among the key problems tackling the fight against impunity, the Commissioner mentions *"the inefficient performance of duties by the prosecutorial, investigating and judicial authorities and the absence of requisite determination"* when establishing the truth in those cases, in which the officials of governing institutions may be implicated in the offences concerned (paragraph 69).

Mr Hammarberg lays a strong emphasis on implementing the program aimed at improving the cooperation with the crime victims and their relatives, carrying out investigative actions and bringing to trial those convicted for offences related to their professional duties (paragraph 58).

In his report, the Commissioner traditionally tackles the topic of the situation of human rights advocates. The activity of the Ombudsmen in the republics of the North Caucasus region and the fact that the local authorities have acknowledged the role of NGOs in the social problems solving were positively appraised.

Alongside with this, the Commissioner re-lays an accent on the problematic moments in the activity of human rights advocates, including the life and health risks. Mr Hammarberg considers meaningful the task of deepening the open dialogue between the authorities and civil society organizations (paragraphs 78, 82).

As follows from the content of the report, some data provided therein are obtained from various human rights organizations and other sources without access to the official statistics.

In compliance with the prevailing practice, the report was forwarded to the Executive Office of the Plenipotentiary Envoy of the President of the Russian Federation for the North Caucasus Federal District, the ministries and departments of the Russian Federation concerned, the Executive Offices of the heads of the federal subjects of the Russian Federation, the Russian Federation Ombudsman and the Chairman of the Council of Civil Society Institutions and Human Rights under the President of the Russian Federation.

The present comments are prepared on the basis of the materials submitted by the Ministry of Justice of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Investigative Committee of the Russian Federation, the Office of the Prosecutor General of the Russian Federation, the Executive Office of the President of the Kabardino-Balkarian Republic, the

Executive Office of the Chairman of the Council of Civil Society Institutions and Human Rights under the President of the Russian Federation.

Provided that the approaches of the Russian Federation to the issues concerned and the applicable legal and regulatory framework are expanded in the Comment on the Commissioner's Report following his 2009 visit to the Russian Federation, the present Comment focuses on the specific cases of the supposed human rights violations mentioned in Mr Hammarberg's 2011 Report.

The Comment keeps the structure, numeration and titles of the corresponding sections as present in the Commissioner's Report. The extracts from Mr Hammarberg's Report are highlighted in italics.

II. General Comments

The Republic of North Ossetia-Alania, the Kabardino-Balkarian Republic, the Republic of Ingushetia and the Chechen Republic are the fully legitimate federal subjects of the Russian Federation, wherein the public control and administration authorities stipulated by the applicable legislation are created and function. The Ombudsman's Executive Offices are established and perform their practical activity in the republics.

In January 2010, the North-Caucasus Federal District was established which includes the republics of Dagestan, Ingushetia, Kabardino-Balkaria, Karachaevo-Cherkessia, North Ossetia-Alania, the Chechen Republic and the Stavropol Territory. The administrative reform takes the goal of increasing the activity of the federal and regional executive authorities in the North Caucasus.

The general goal for all the federal subjects of the Russian Federation in the North Caucasus region remains the improvement of the social and economic life of the population, suppression of unemployment. The basic strands of the authorities' activity in pursuit of these goals are stipulated by the Strategy for the Social and Economic Development of the NCFD until 2025.

The situation in the North Caucasus in total is characterized by the continuing menace of terrorism manifestations on behalf of the active part of the illegal armed gangs acting in the region.

The law enforcement agencies take measures in order to neutralize the bandit underground and its ideologists. Over 230 militants were destroyed, including 24 leaders, more than 200 active participants of the illegal armed gangs were retained, the resource base of the armed groups was significantly undermined, a large number of weapons and ammunition was confiscated.

The regional antiterrorist commissions perform their duties; the target-oriented programs for resisting the extremist manifestations and terrorism are implemented, including those in the youth environment.

The special mechanisms are created for disclosing and investigating the offences committed in the period of carrying out the counter-terrorism operation in the Chechen Republic.

The consecutive work continues on ensuring the citizens' rights. The provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention), the practices of the European Court of Human Rights (ECHR) and the Committee of Ministers of the

Council of Europe are implemented to the legal system of the Russian Federation and the immediate activity of the authorized government agencies and representatives thereof.

The example of the successful cooperation between the Russian party and the European Council Secretariat in regards to removing one of the systemic breaches in the provisions of the Convention (the schedule time or the failure to enforce the judicial acts of the Russian courts which took legal effect) became the enactment on April 30, 2010 of Federal Law No. 68-FZ Concerning the Compensation for Abuse of the Right to Judicial Procedure within the Reasonable Time or the Right to Judicial Act Enforcement within the Reasonable Time as well as the package of the federal laws on making amendments to the separate legal acts of the Russian Federation with reference to the enactment of the Federal Law stated.

At the final stage of development there is the draft of the Federal Law Concerning the Compensation for Harm Caused to the Individual or the Property during the Counter-Terrorism Operation, the Acts of Terrorism, or the Counter-Terrorism Measures. The given draft law is aimed at improving the means of legal defense which ensure providing the people harmed with compensation for other types of harm, firstly, for moral damage inflicted when carrying out counter-terrorism operations in cases, in which it was considered impossible to identify the offenders within the framework of the investigation.

The improvement tackled the system of legal safeguards against the illegal detentions, the provision for registration tracking of the persons retained and preventing the ill-treatment thereof.

The allegations from the citizens retained on suspicion in offences concerning ill-treatment thereof by the representatives of the authorities are reviewed during procedural audits and within the framework of criminal actions investigation.

The measures of the prosecutor's responsiveness are taken following the facts of improper incarceration conditions provided to the persons who have been placed to temporary containment cells and pre-trial establishments which were identified in a course of the prosecutor's investigations.

The struggle against the abductions and the search for the missing persons remain the priority task for the law enforcement agencies. The Comprehensive Program for Struggling with Abductions and Searching for the Missing People during 2011-2014 has been accepted and is implemented. All reports about the law enforcement officials being a part to abductions and disappearances are meticulously checked.

The investigative agencies of the Russian Federation carry out an investigation of the offences committed against the people engaged in the human right activity.

The high attention is paid to the activity of non-government organizations which is aimed at reinforcing the influence thereof on the processes of democracy development and attracting them to solving the socially meaningful tasks.

III Comments on certain provisions of the report

In paragraph 13 of the Report there is a remark that *"To date, the European Court of Human Rights has issued close to 180 judgments related to events in the context of counter-terrorism*

operations (CTO) in Chechnya which began in 1999. The basis for initiating the majority of cases considered by the ECHR was violation of fundamental rights guaranteed in the Convention, including the right to life (Article 2) and the prohibition of torture and inhuman or degrading treatment (Article 3). About 60% of the cases were initiated concerning forced disappearance of the missing persons' relatives. Other cases were initiated concerning destruction of homes and property, unlawful killings, indiscriminate use of force, illegal detention, torture and ill-treatment attributive to members of the security forces, as well as the failure to properly investigate those crimes."

It is also stated that *"almost a hundred new cases on Chechnya were registered, with the events complained of mostly relating to the period between 200 and 2002"*.

According to the data provided by the Russian IC, at the moment of preparing this information, the ECHR awarded 134 judgments on the cases of the given category. The basis for initiating the majority of cases considered by the ECHR was the abuse of fundamental rights confirmed in the Convention, including the right to life as well as prohibition of torture and inhuman or degrading treatment. Totally over 200 criminal suits brought by the Investigation Department of the Russian IC in the Chechen Republic concerning the crimes committed within the period between 1999 and 2011 became the matter at issue in the European Court. Concerning the forced disappearance of the petitioners' relatives, 164 criminal charges were brought. Other cases were initiated in regards to destruction of homes and property disposal, unlawful killings (42), indiscriminate use of force, illegal detention (seven), torture and ill-treatment attributive to members of the security forces (one), as well as the failure to properly investigate those crimes.

It should be noted that in 2009 the only crime was registered concerning the murder of the Korzhavin family in 2000 at: 71 Dalnyaya Str., Grozny (the criminal case initiated on June 9, 2009), the case became the matter at issue in the ECHR.

The data in regards to the ECHR awarding eleven judgments on counter-terrorism operations in the Republic of Ingushetia concerning violations of the Convention with reference to forced disappearance, ill-treatment and the failure to properly investigate those crimes are confirmed by the Investigation Department of the Russian IC in the Republic of Ingushetia.

The copies of the applicable decrees are forwarded to the competent bodies of the government authorities of the Russian Federation for them to use in the practical activity and take measures for the further non-admission of the Convention violations identified.

In accordance with the findings of the analysis applied to the ECHR decrees, the measures were developed as aimed at eliminating the violations of the provisions of the Convention along the following strands:

- improving the legal regulation and organizational provision for the activity of the Security Service in the period of counter-terrorism operations;

- efficiently preventing and investigating the facts related to violations of the Convention;

- creating the effective means for legal protection against the corresponding violations which would allow providing the sufferers with the compensation for moral harm and material damage.

In paragraph 14, as the reasons for introducing the counter-terrorism operation regime in the certain territories of the Kabardino-Balkarian Republic, the authors of the Report regard the high extent of violence characterizing the crimes committed in the separate districts of the Kabardino-Balkarian Republic.

The given formulation needs to be amended with reference to defining the directionality of the crimes committed, i.e. the actions of the terrorist underground, as well as the high extent of the violence characterizing the crimes committed of exactly the terrorist scope.

Fighting against terrorism

Paragraphs 18-19 of the Report contain the generally unbiased appraisal of the current crime rate in the federal subjects of the North Caucasus Region.

The Commissioner particularly notes that "*the security situation in the Republic of Dagestan is by far the most volatile of all the parts (federal subjects) of the North Caucasus Federal District. During the first four months of 2011, 84 security incidents were reported, many of them targeting law enforcement and other public officials."*

The Report also acknowledges the emerging criminality growth trend which is confirmed by the increase in the number of crimes of violence in 2009-2010.

According to the data submitted by the Investigation Department of the Russian IC in the Republic of Dagestan, the criminal situation in the Republic within the previous four years remains stringent, the trend of growth in the number of the committed infringement on life of the law enforcement officials is observed. Whereas, in the most cases the reinforcement of the countermeasures taken by the law enforcement agencies in the struggle with the stated criminal exposures results in liquidation of the members entering the illegal extremist paramilitary forces but fails to significantly affect the number of the crimes committed.

For example, during 2010, in a course of the armed resistance during detention, 168 active members of the illegal paramilitary forces were destroyed, while during the similar period of 2009 only 75 ones were destroyed. During seven months of 2011, consequently to the activated performance of the law enforcement agencies on the territory of the Republic of Dagestan, the criminal activity of 121 member of the illegal paramilitary forces was neutralized.

At the same time, one should acknowledge the yearly increasing number of the registered crimes of violence. Thus, in 2009 the total number of murders and infringement on life of the law enforcement officials amounted to 405 crimes, of which 53% were solved. In 2010, the growth was acknowledged in the number of the crimes of violence falling into the given category (529), of which 60% crimes were solved. During 4 months of 2011, on the territory of the Republic of Dagestan 162 murders and infringement on life of the law enforcement officials were registered, of which 81% were solved.

The legitimacy of each case, when the law enforcement officers used weapons and special warfare during detention of those entering the illegal paramilitary forces, is the circumstance in proof

regarding the criminal cases processed by the Investigation Department of the Russian IC in the Republic of Dagestan.

The head of the Investigation Department of the Russian IC in the Republic of Dagestan takes the active part in the work of the Commission for Adaptation of Citizens to Peaceful Life created under the Head of the Republic, which considers among others the issues of voluntary capitulation of those entering the illegal paramilitary forces and their termination of the acts of crime.

In paragraphs 20-21, the Commissioner states that *"the Republic of Kabardino-Balkaria has experienced a marked increase of violence in the recent period".* The Commissioner expresses concern in regards to the allegedly abusive treatment of the persons retained on suspicion in participating in the terrorist attack on Nalchik in October 2005.

According to the data provided by the Investigation Department of the Russian IC in the Kabardino-Balkarian Republic, in January-July 2011 the total array of the criminal infringement registered was reduced by 14,3 % and amounted to 5,025 crimes (during 7 months of 2010 – 5,862).

Heavy and especially grave criminal infringements comprised 30.3% in the total volume of the crimes registered (during 7 months of 2010 30.5%). The absolute index of such crimes decreased by 14.8% (from 1,522 during 7 months of 2010 up to 1,786 during 7 months of 2011).

The array of the registered offences against person decreased by 14.1%. However, the number of the registered intentional homicides (taking into account the attempted assassinations) increased by 2% (from 50 up to 51). The growth is observed in the number of facts pertaining to the intended infliction of the heavy harm to health by 11.1% (from 54 up to 60). The number of the robberies registered decreased by 33.3% (from 99 up to 66). 110 crimes using the firearms, gas spray guns, ammunition and explosives were committed which exceeds the number of those committed during the similar period of the previous year by 6.8% (during 7 months of 2010 – 103). The productivity of work on solving the crimes decreased by 16.6% (from 3,084 up to 2,571 uncovered crimes), particularly the number of the uncovered heavy and especially grave criminal infringements decreased by 19.9 % (from 910 up to 729).

The dominant impact on the criminogenic situation in the republic is still produced by the activity of the bandit underground named The United Vilayat of Kabarda, Balkaria and Karachay which enters The Caucasus Emirate acknowledged in 2010 by the Higher Court of the Russian Federation as the international terrorist organization performing the militant actions against the Russian statesmanship in the North Caucasus, local authorities and Russian security agencies. The Higher Court of Kabardino-Balkaria banned the activity of The United Vilayat of Kabarda, Balkaria and Karachay in July 2010 with reference to extremist activity.

As of August 17, 2011 the members of the bandit underground committed 60 (during the similar period of 2010 - 55) infringements on life of the law enforcement officials, 11 homicides of civilians.

In paragraph 21 of the Report, the allegations are mentioned which have been forwarded to the Commissioner by the human rights organizations, family members and representatives of the persons apprehended in relation to the events in October 2005 who allegedly *"had been subjected to deliberate ill-treatment in the earlier period of their detention*."

According to the information provided by the Investigation Department of the Russian IC in the Kabardino-Balkaria Republic, during the current year of 2011, the Nalchik investigative unit registered 53 complaints from the citizens (those under investigation and arrest, their representatives) concerning the illegitimate actions of the officers from the Pre-trial establishment in Nalchik, of which 50 concerned physical violence applied to those under investigation and arrest by the officers, including 17 allegations from those accused following the events on October 13, 2005 and people acting on behalf thereof.

According to the results of the audits which were carried out in compliance with Articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation in regards to these reports on crimes, in all cases the decisions were made to deny the initiation of the criminal case so far as the grounds stated were not validated. The criminal cases concerning the crimes of the given category were neither initiated nor investigated.

Moreover, the Commissioner's Report contains no information concerning the results of the Commissioner's visit to the Pre-trial establishment where those under investigation and arrest are retained, there are no results of the Commissioner's communication with the persons detained, the facts are missing which take place in regards to the violation thereby of the regime of containment in the Pre-trial establishment, as well as the clarifications of the establishment's executive officer concerning these circumstances are absent.

In paragraph 31, the Commissioner expresses concern with the allegedly more frequent cases of *"collective punishment of relatives of the insurgents or members of illegal armed groups,"* tackling the theme of *"unlawful detentions and beatings of groups of persons in the village of Sovetskoye (Dagestan), Baksan (Kabardino-Balkaria) and Vladikavkaz (the capital of North Ossetia-Alania)."*

According to the data provided by the investigation departments in the Republic of Dagestan, the Kabardino-Balkaria Republic and the North Ossetia-Alania Republic, the following is established.

Concerning the fact of delivering the worshipers from the mosque in the village of Sovetskoye, Magaramkent district, to the territorial subdivision of the Russian Ministry of the Interior in the Magaramkent district, the Republic of Dagestan, on May 13, 2011, the Investigation Department of the Russian IC in the Republic of Dagestan initiated the criminal case on June 2, 2011 concerning the constituent elements of offence stipulated in paragraph "a", Part 3, Article 286 of the Criminal Code of the Russian Federation (abuse of office).

During the investigation, it was established that on May 13, 2011 at 1:25 p.m. during the Friday prayer the unknown masked officers of internal affairs bodies under the leadership of the deputy chief of the MoI Department of Internal Affairs (DIA) in Magaramkent district without providing any reasons coercively brought all worshipers from the mosque to the DIA in Magaramkent district. In the DIA yard,

the police officers took the cell phones from the people delivered. Upon this, the people delivered were taken by three to the DIA building; there they were filmed using the video camera, fingerprinted and forwarded to the offices on the second floor of the DIA building, where the police officers camouflaged and masked hit those people with hands, feet and rubber truncheons, coercively cut beards and hair on the head, requiring not to go to the mosque in the future. Furthermore, the police officers took each of the delivered from the DIA building in Magaramkent district through the front door, where the people received their cell phones back.

During the investigation of the criminal case, the plan for the active preventive and special measures, drafted by the acting criminal police chief, was requested and entered to the materials thereof in regards to checking the individuals who visited the mosque in the village of Sovetskoye with respect to their belonging to the supporters of the religious extremist sect “Wahhabism.” The plan is approved by the acting IAD Chief in Magaramkent district. According to paragraph 6 of the plan, the activity is projected for May 13, 2001 concerning retaining and bringing the worshippers from the mosque to the IAD in Magaramkent district, having them immediately processed, fingerprinted and photographed.

According to the information provided by the IAD in Magaramkent district, on May 13, 2011 with reference to the upcoming operational information about the gathering in the mosque in the village of Sovetskoye for the Friday prayer of the adherers to the extremist religious sect “Wahhabism” where the extremist calls for “jihad” performance are made, the planned active preventive action was projected and executed during which the individuals present in the mosque were taken to the IAD in Magaramkent district, and the explanatory work was carried out therewith. The physical violence was not applied to those delivered to the building of the IAD in Magaramkent district.

According to the testimony of 17 individuals acknowledged and interrogated as the complainants, it was established that on May 13, 2011 at 1:25 p.m. when the residents of the village and other Muslims gathered in the mosque for the Friday namaz to the number of approximately 70-80 people, the camouflaged deputy chief of the IAD in Magaramkent district entered to the mosque. He was accompanied by 30 people in civil clothes and camouflaged, with masks on the faces. At the request of the deputy chief of the IAD, all the Muslims present in the mosque left to the street; they were placed into the Gazel minibuses and passenger cars and delivered to the yard of the IAD in Magaramkent district; there the cell phones were taken from each (later the telephones were given back upon the exit from the IAD building). First, the pupils of the school in the settlement of Sovetskoye were taken to the IAD building; the preventive conversation was carried out with them in the presence of their parents in the assembly hall. Upon the preventive conversation, the school children together with the parents were sent home. After the visit of the school children, the grown-up worshippers of the mosque were forwarded to the IAD building where the forensic expert recorded each on the video camera, specifying the personal data, and took the fingerprints. Thereafter, each was taken to the office on the second floor of the IAD building, where the policemen had the preventive conversations therewith. Furthermore, those detained were delivered to the next office where the unknown persons camouflaged and masked as well as dressed in the police uniform

without masks hit them with hands, feet and rubber truncheons on different parts of the body. When doing this, the police officers demanded not to go to the mosque, making the namaz at home instead. Upon the beating, they cut away the beard and hair on the head of each delivered.

The officers of the IAD in Magaramkent district who were interrogated as witnesses testified that on May 13, 2011 the worshippers of the mosque in the settlement of Sovetskoye were truly delivered to the IAD in Magaramkent district to hold the preventive conversations; however no violence in regards to those brought was applied.

Within the limits of the criminal case, the book for accounting those delivered to the IAD in Magaramkent district was revised, the building of the IAD in Magaramkent district was inspected, the resolution of the internal audit for the given fact was obtained.

On July 29, 2011 the period for criminal case investigation was prolonged up to three months, i.e. until September 2, 2011. The pace of investigation of the given criminal case is under the specific control of the executives of the Investigation Department of the IC of Russia in the Dagestan Republic.

The Investigation Department of the IC of Russia in the Kabardino-Balkarian Republic has no knowledge "…concerning the collective punishment of relatives of militants or the members of the armed criminal groups, including those concerning the illegal detention and beating of people in the city of Baksan...".

Alongside with that, there took place the fact of committing crimes against the family members of an active participant of the illegal armed forces, on whose account are over 10 murders and infringements on life of the law enforcement officers. Investigation of the criminal suits brought consequently to these facts is carried out by the Investigation Department of the MoI in the Kabardino-Balkarian Republic.

The authorities and law enforcement bodies of the republic many times applied to the militants and their relatives, particularly through public media, proposing to lay down arms, stop the meaningless criminal activity. However those calls remained without the due attention.

In order to cease the criminal activity within the framework of Federal Law No. 35-FZ as of March 6, 2006 Concerning Counter-Terrorism, since February 2011 in the range of the republican districts the regime of counter-terrorism operation was introduced.

The law enforcement bodies identified the location of some of those heading the armed gangs and neutralized as well as the active members of the bandit underground.

During the investigation, the incontestable evidence was obtained to the participation of the abovementioned individuals in committing the especially grave bloody crimes, particularly the murder of the Chairman of the Spiritual Department of Muslims in the Kabardino-Balkarian Republic (SDM KBR), A.M.Pshikhachev, the murder of ethnographer A. Tsipinov, the murder of four tourists from Moscow, the murder of seven hunters – the residents of the Stavropol Territory as well as in committing multiple infringements on life of the law enforcement officers.

The position presented in the Report concerning the insurgent status of the mentioned individuals and their active associates has to be specified. As it was mentioned afore, these persons

are the active member of the Caucasus Emirate which is the international terrorist organization as acknowledged by the Higher Court of the Russian Federation.

No reports concerning the crimes referring to the illegitimate prosecution of the relatives of the insurgents or the members of the armed groups were submitted to the investigative subdivisions of the Investigation Department of the Russian IC in the North Ossetia-Alania Republic. No criminal suits concerning these facts were brought or investigated.

Alongside with that, on June 14, 2011 the report on the crime was forwarded to the Iriston Interdistrict Investigative Unit in the city of Vladikavkaz – the complaint of the relatives of Mr I. concerning the illegitimate actions of the policemen taking part in the detention of Mr I. and Mr L.

The check revealed that on May 31, 2011 hear house No. 45 on Gvardeyskaya Street in Vladikavkaz the policemen detained Mr I. and Mr L. At the site of seizure during the personal inspection, before the public members invited, the narcotic drug of heroin weighing 3.91 grams and the firearms and ammunition thereto were found at and withdrawn from these persons.

Following the facts mentioned afore, on June 1, 2011 in regards to Mr I. the criminal suit was brought concerning the constituent elements of offence stipulated in Part 2, Article 228 of the Criminal Code of the Russian Federation (CC RF) – the illegal purchase, storage, transportation, production, processing of narcotic drugs, psychotropic substances or analogues thereof, also the illegal purchase, storage, transportation of the plants containing narcotic or psychotropic substances, or parts thereof containing narcotic or psychotropic substances. In regards to Mr L., the criminal suit was brought concerning the constituent elements of offence stipulated in Part 1, Article 222 of the CC RF (the illegal purchase, delivery, distribution, storage, transportation or wearing of arms, the basic parts thereof, ammunition, explosives and blasting assemblies).

Following the results of the audit, the arguments concerning applying violation in regards to Mr I. and Mr L. failed to receive the unbiased proof, and on June 24, 2011 the Senior Investigator of the Unit issued the decree concerning the refusal in the criminal case initiation.

On July 15, 2011 the collective application was submitted to the Iriston Interdistrict Investigative Unit in the city of Vladikavkaz from the attorneys concerning the illegitimate actions of the policemen taking part in the detention of the individuals who were suspected of participating in the murder of Mr D. and holding the abovementioned persons in various district temporary containment cells of the MoI in the North Ossetia-Alania Republic.

According to the results of the audit conducted on August 15, 2011 the decision was made concerning the denial from the initiation of the criminal case so far as the attorneys' arguments received no unbiased proof.

Paragraph 32 of the Statement mentions the facts of the law enforcement officers applying violation to obtain the confessionary statements from the persons who committed no crimes as well as convicting in the Ingushetia Republic the person in regards to whom the representatives of the law enforcement bodies applied violence for the illegal weapon carrying on the basis of the fabricated accusation.

According to the information provided by the Investigation Department of the Russian IC in the Ingushetia Republic, in the period from April 27 until April 30, 2010 the unknown officers of the MoI bodies in the Ingushetia Republic used violence in regards to Mr Ch. exceeding their official powers, heating the latter on various parts of the body with hands and feet as well as the rubber truncheon and using the electric current, they forced him to confess in performing the terrorist act which took place on April 5, 2010 on Promyslovaya Street near the IAD building in the city of Karabulak.

On June 18, 2010 the Karabulak City Investigtion Department of the Russian IC in the Ingushetia Republic initiated the criminal case concerning the constituent elements of offence stipulated in Part 3, clause “a” of Article 286 of the CC RF (exceeding official powers).

According to the results of the investigation, the criminal case concerning accusation in committing the crime stipulated in Part 3, clause “a” of Article 286 of the CC RF is forwarded to the Karabulak City Court where it is examined on its merits.

The criminal suit brought on August 8, 2011 concerning the fact of using violence in regards to Mr. Ch. by the unknown persons is forwarded to the investigative unit in Nazran in compliance with jurisdiction where it is on trial at the current moment. All necessary investigation activities are performed which are aimed at identifying the persons participating in the crime. The period of the preliminary investigation of the case is extended up to 5 months, i.e. until September 8, 2011.

The Investigation Department of the Russia IC in the Ingushetia Republic has no information concerning the fact of convicting the person, in regards to whom the representatives of the law enforcement bodies used violence, for the illegal weapon carrying on the basis of the fabricated accusation. The Report contains no specific data concerning this fact due to which it is impossible to validate their authenticity.

Paragraphs 33-37 comprise the Commissioner’s recommendations in the realm of human rights provision under the conditions of antiterrorism protection. In regards to this, we would like to delineate the main approaches of the Russian Federation to the given issue.

In compliance with Art. 1 of Federal Law No. 35-FZ as of March 6, 2006 Concerning Counter-Terrorism, the legal platform of counter-terrorism consists of the commonly acknowledged principles and rules of international law, the international agreements signed by the Russian Federation.

The Constitution and federal laws as well as the provisions of international agreements guarantee the fair treatment to any individual taken into custody or in regards to whom any other measures were taken or the trial is carried out, the investigation is carried out, including the use of any rights and guarantees in compliance with the legislation of the state on the territory of which this person is located and the applicable provisions of the international law, including the provisions for human rights.

These international legal acts include: The European Convention on the Suppression of Terrorism as of January 27, 1977 (ratified on August 7, 2000); the Shanghai Convention on the Fight against Terrorism, Separatism and Extremism (ratified on January 10, 2003); the Convention of the Council of Europe on the Prevention of Terrorism as of May 16, 2005 (ratified on April 20, 2006).

The provisions of Federal Laws Concerning Counter-Terrorism, On Countering Extremist Activity, Russian Federation President Edict as of February 15, 2006 No. 116 Concerning Counter-Terrorism Measures as well as the criminal legal forms comprised in the CC RF stipulating the responsibility for violations of law characterizing the terrorist activity in total provide for the legal platform for the fight against such violations of law to ensure the citizens' rights.

Article 2 of the Federal Law Concerning Counter-Terrorism stipulates that the counter-terrorism principles are provision for and protection of fundamental rights and freedoms of a person and citizen, the priority fore the protection of rights and legal interests of the individuals suffering from the terrorist menace, cooperation between the state and public or religious associations, international and other organizations, citizens when struggling against terrorism.

The given law regulates the regime of counter-terrorist operation, in compliance with which it is allowed to apply a range of measures and temporary restrictions (Article 11, Part 3) for the period of conducting thereof. On the territory (at the sites) within the limits of which this legal regime is introduced, application of such measures and temporary restrictions is stipulated in compliance with legislation of the Russian Federation. Depending on the situation, these measures and restrictions may be applied preferentially. The goals of these restrictions are: interception and disclosure of the act of terrorism, minimization of its consequences, protection of the vital interests of an individual, society and state.

The restrictions mentioned fully comply with the provision of Article 4 of the International Covenant on Civil and Political Rights according to which at the danger to life the states may apply the measures which may they retreat from the liabilities under the given Covenant only to the extent justified by the acuteness of the situation, provided that such measures are not incompatible with other liabilities thereof under the international law and imply no discrimination on the ground of race, color of the skin, gender, language, religion and social origin (Article 4, Part 1). This provision shall not be the ground for any deviations from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant.

In compliance with Article 18 of the given law, the state transfers compensation payment to natural persons and legal entities, to whom the damage was caused consequently to the act of terrorism, following the procedure established by the Government of the Russian Federation. The compensation for moral harm inflicted consequently to the act of terrorism is made on behalf of those having committed it.

Article 19 of the law stipulates the social rehabilitation of the persons suffered consequently to the act of terrorism that includes the psychological, medical and professional rehabilitation, legal assistance, employment assistance, housing; it is performed with the goal of the social adaptation of the persons suffering consequently to the act of terrorism and their integration to the society from federal budget resources as well as the budget resources of the Russian Federation unit, on the territory of which the act of terrorism took place, or other sources stipulated in the legislation of the Russian Federation.

It is worth noting that the counter-terrorism regime tolerates no restrictions of the citizens'

constitutional rights. Limitation of the secrecy of mail, telegraphic and other messages, phone communications performed in the process of the operational investigative activity is accepted only on the basis of the court judgment under the motivated resolution of the corresponding executive of the body carrying out the operational investigative activity.

Federal Law Concerning Making Amendments to Separate Legislative Decrees of the Russian Federation on Counter-Terrorism Issues passed on December 30, 2008 is aimed at increasing the efficiency of terrorism prevention measures and reinforcing the struggle with this phenomenon by criminal legal and criminal procedural methods as well as improving the Russian Federation legislation to increase the responsibility for committing acts of terrorism.

Taking into account that terrorism is considered to be the social and political phenomenon manifested through the specific penal acts, Articles 105, 205, 206, 281 and 316 of the CC RF were revised. The proposed specification of dispositions for the qualified corpus delicti stipulated in these articles of the CC RF shall let the preliminary investigation body bringing the criminal suit to carry out the preliminary investigation to the full extent without the additional qualification under the other articles of the Specific Part of the CC RF.

To specify, in Article 105 (murder) the qualifying attribute such as the homicide attended with the taking of hostage is removed from the second part. At the same time, the new qualifying attribute – the intended infliction of death to a human was added to Articles 205 (the act of terrorism), 206 (taking of hostage) and 281 (subversion).

Applying Article 316 of the CC RF to the wider range of crimes, including those associated with providing assistance to the terrorist organization shall allow holding liable for the concealment of the criminal acts such as taking of hostage (Article 206 of the CC RF), organization of the illegal armed force or participation therein (Article 208 of the CC RF), hijacking of the aircraft, or water-carrier, or the railway vehicle (Article 211 of the CC RF) and etc.

The given law restricted the jurisdiction of the general jurisdiction federal court with participation of the jury in regards to the criminal cases concerning the crimes of the terrorist directionality: in regards to the criminal cases concerning the crimes stipulated in Article 205 (the act of terrorism); Article 206, Parts 2, 3, 4 (taking of hostage); Article 208, Part 1 (organization of the illegal armed force or participation therein); Article 212, Part 1 (mass riots); Article 275 (treason); Article 276 (espionage); Article 278 (forcible seizure of power or forcible retention of power); Article 279 (armed riot); Article 281 (subversion) of the CC RF.

Taking into account the aforesaid, the amendments to the Code of Criminal Procedure of the Russian Federation (CCP RF) are made which are aimed at specifying the composition of the court when solving the separate categories of cases.

Moreover, the amendments entered to the Federal Law Concerning Counter-Terrorism removed the gap in defining the counter-terrorism subjects via including the investigators from prosecution agencies.

The major array of the crimes of terrorist nature under investigation comprises the cases concerning the criminal acts of the persons accused of participating in the armed forces not

stipulated by the federal law or aiding the members of illegal armed forces.

According to the provisions of Article 24 of the Federal Law Concerning Counter-Terrorism, the organization is acknowledged the terrorist one and is subject to liquidation, and its activity is banned upon court order on the basis of the application from the prosecution agencies only if this is provided for in the regulatory legal act specified.

In compliance with Article 24 of Federal Law No. 35-FZ Concerning Counter-Terrorism as of March 6, 2006 the organization is acknowledged the terrorist one and is subject to liquidation (its activity shall be banned) upon court order on the basis of the application from the General Prosecutor of the Russian Federation or the prosecutor subordinate thereto, if on behalf of and in the interests of the organization the crimes stipulated in Articles 205 - 206, 208, 211, 277 - 280, 282.1, 282.2 and 360 of the CC are organized, prepared and committed, provided that these actions are performed by the person controlling the implementation of the rights and responsibilities by the organization. The court order concerning the liquidation of the organization (the ban on its activity) tackles the regional and other structural units of the organization.

The federal executive body in regards for security provision maintains the unitary federal list of the organizations, including the foreign and international ones, which are acknowledged as terrorist by the Russian Federation courts. The list mentioned shall be published in the official periodicals defined by the Government of the Russian Federation.

In the Russian Federation Federal Law No. 119-FZ On the State Protection of the Complainants, Witnesses and Other Participants of the Criminal Procedure as of August 20, 2004 is passed. The given Federal Law establishes the system for the state protection of the complainants, witnesses and other participants of the criminal procedure, including the measures for safety and social support of the abovementioned persons as well as defines the grounds and procedure for application thereof.

The given law stipulates the safety measures in regards to the complainants, their relatives and attorneys from the possible prosecution, threatening and repressions:

The cases of abduction, disappearance and ill-treatment

In paragraphs 38-39 the Commissioner's concern is expressed with reference to "*the allegations about abductions and disappearances, and ill-treatment of persons deprived of their liberty from various persons, including the families of the victims or alleged victims and human rights organizations with experience in monitoring such matters"* as well as the statistics is provided as based on the data from the human rights organizations of MASHR and Memorial.

The official statistics (as based on the data retrieved from the applicable Investigation Departments of the Russia IC) concerning this issue looks as follows.

In 2008, the Investigation Department of the Russian IC in the Ingushetia Republic 84 messages were registered concerning the abduction of people, following the results of checks thereupon in compliance with Articles 144 and 145 CCP RF (the procedure for considering the message about the crime and the decisions made as based on the results of considering the message

about the crime) in 64 cases the initiation of the criminal case was denied due to the absence of the event or the corpus delicti, 11 messages were added to the earlier similar applications. The facts of people's abduction were confirmed in 9 cases, concerning which the criminal cases were initiated under Article 126 of the CC RF (abduction of a person).

According to the results of investigating the criminal cases initiated in 2008, the decisions were made about termination of the preliminary investigation concerning seven thereof, two cases were forwarded to the court with the resolution of indictment. In 2008, three people were set free, the corpse of one person from those abducted was found, the location of five people is not found by the current moment.

In 2009, the Investigation Department of the Russian IC in the Ingushetia Republic registered 59 messages concerning the abduction of people, following the results of checks thereupon in compliance with Articles 144 and 145 CCP RF in 47 cases the initiation of the criminal case was denied due to the absence of the event or the corpus delicti, two messages were added to the earlier similar applications, three messages were forwarded to another region under the jurisdiction. The facts of people's abduction were confirmed in seven cases, concerning which the criminal cases were initiated under Article 126 of the CC RF.

According to the results of investigating the criminal cases initiated in 2009, the decisions were made about termination of the preliminary investigation concerning six thereof, one criminal case was forwarded under the jurisdiction. Of those abducted in 2009, four people were set free in regards to one criminal case, the location of six people is unknown by the current date.

During 2010, the Investigation Department of the Russian IC in the Ingushetia Republic registered 38 messages concerning the abduction of people.
Of these, 24 messages were associated with the staging (according to the historically set national traditions) of young females' abduction with the goal of marriage, in regards to which according to the results of checking thereof the decisions were made concerning the refusal in the criminal case initiation due to the absence of the corpus delicti. In other cases, the content of messages bore the character of abducting the person on other grounds, not established at the moment of the message entry. Concerning each fact of receiving this message, the investigative bodies performed and are still performing the checks in compliance with Articles 144 and 145 of the CCP RF.

According to the results of checking these messages, in 13 cases the facts of the citizens' abduction were not confirmed, with reference to which the decisions were made concerning the refusal in the criminal case initiation due to the absence of the event or corpus delicti, and in regards to one application the criminal case was initiated with reference to the sufficient grounds available that reveal the constituent elements of offence At the moment, the criminal case is considered in Malgobek City Court).

In 2011, one message was received concerning the committal of a crime stipulated in Article 126 of the CC RF, i.e. concerning the fact of abduction of Mr G. taking place on March 21, 2011 in Nazran, the Ingushetia Republic. Concerning this fact, on March 25, 2011 the criminal case was

initiated concerning the constituent elements of offence stipulated in Part 2, paragraph “a” of Article 126 of the CC RF. At the moment, the criminal case is pending.

In compliance with the decree of the Investigation Committee No. 33 as of March 17, 2008 On Establishing the Competence of the Problem-Oriented Bodies of the Investigation Committee at the Russian Federation Prosecutor’s Office with the amendments as of September 20, 2010, to organize the further investigation, seven criminal cases were forwarded to the chief of the Military Investigation Department for the North Caucasus Military District (NCMD) and the United Group Alignment (UGA) on January 26, 2010 concerning the facts of people’s abduction, in a course of the preliminary investigation thereof the participation of the military in the crime committal was ascertained.

The Statement with the particular reference to the data of the Human Rights Center Memorial acknowledges that *“the number of abductions and disappearance was particularly high in 2009 in Chechnya.”*

According to the data of the Investigation Department of the Russian IC in the Chechen Republic, in 2009 68 messages were registered concerning the facts of the abduction of a person, according to the results of carrying out the checks thereupon in compliance with Articles 144 and 145 of the CCP RF in 28 cases the decisions were made concerning the refusal in the criminal case initiation, in 40 cases – concerning the criminal case initiation.

In regards to the facts of the unknown disappearance of people, 207 messages were registered, according to the results of carrying out the checks thereupon in compliance with Articles 144 and 145 of the CCP RF, in 209 cases the decisions were made concerning the refusal in the criminal case committal, in 78 cases – concerning the criminal case committal.

The criminal cases initiated in 2009 concerning the facts of the citizens’ abduction refer to the following years: 1995 - one; 1998 - three; 1999 – four; 2000 - four; 2001 - two; 2002 - one; 2003 - three; 2008 - four and 2009 - 18.

In a course of the preliminary investigation within the framework of the criminal case committed on July 14, 2009 in regards to Mr E. concerning the facts of abduction of Mr B. and theft of government-issue weapon, enough proofs were collected confirming the guilt of the person accused of committing the crimes stipulated in Part 2 of Article 126, Part 2 of Article 222, Part 3 of Article 226, Article 318 (using violence in regards to the authorities’ representative) of the CC RF. On March 31, 2010 this criminal case is forwarded for examination of its merits to Shelkovsk District Court where the judgment of guilt was made.

The criminal case initiated on August 11, 2009 concerning the constituent elements of offence stipulated in Part 2, Clauses “a”, “ж” of Article 126 of the CC RF. It was found that on August 10, 2009 the five unknown people, three of whom carried firearms and wore the military-type black uniform, arrived in VAZ-2110 steel-gray motorcar and proceeded to the office of the regional public benevolent institution Spasem Pokoleniye, located at: 86-A Mayakovskiy Street, apt. 8, Leninskiy District, Grozny (город Грозный, Ленинский район, улица Маяковского, 86-А, квартира 8).

Without using any violence or threatening, they suggested proceeding with them to the Internal Affairs Department and took in the unknown direction the head of this benevolent institution

Z.A.Sadulaeva and her husband A.L. Dzhabrailov When doing this, one of the unknown persons returned to the office of this benevolent institution and picked up the phones of Z.A.Sadulaeva and A.L. Dzhabrailov, upon which left in VAZ-2107 motorcar belonging to A.L. Dzhabrailov.

On August 11, 2009 within 10 meters from the main entrance on the territory of the Republican Rehabilitation Center located at: 6 Mamsurov Str., Zavodskoy District, Grozny, A.L.Dzhabrailov's motorcar was found, in the baggage compartment thereof during the inspection the corpses of Z.A.Sadulaeva and A.L.Dzhabrailov were found with gunshot head wounds.

In regards to this fact, on August 11, 2009 the criminal case was initiated concerning the constituent elements of the offences stipulated in Part 2, Clauses "a", "ж" of Article 105 and Part 2 of Article 22 of the CC RF. On August 12, 2009 the criminal cases were removed from the process of the investigators from the Leninskiy and Zavodskoy Grozny and forwarded to the unit for investigation of the priority cases in the Investigation Department of the Russian IC in the Chechen Republic. On the same day, the criminal cases were joined together in the same process. On the current moment, the criminal case is at the stage of investigation, the recommendations of the Central Forensics Department are implemented.

In 2010, according to the data of the Investigation Department of the Russian IC in the Chechen Republic in regards to the citizens' abduction, 46 messages were registered, according to the results of carrying out the checks thereupon in compliance with Articles 144 and 145 of the CCP RF in 24 cases the decisions were made concerning the refusal in the criminal case initiation, in 22 cases – concerning the criminal case initiation. Altogether, there were 28 citizens abducted within the criminal cases initiated, of which there were four women, 24 men, no minors. The investigation department holds no data concerning ransom of the citizens abducted.

The criminal cases initiated in 2010 concerning the facts of the citizens' abduction refer to the following years: 1995 - one; 1996 - one; 1999 – two; 2000 - four; 2001 - one; 2002 - two; 2004 - three; 2009 - three and 2010 - five.

The Investigation Department has no data on finding the persons abducted in the places of detention.

In the first half of 2011, 35 messages were registered in regards to the facts of the people's abduction, according to the results of carrying out the checks thereupon in compliance with Articles 144 and 145 of the CCP RF, in 27 cases the decisions were made concerning the refusal in the criminal case committal, in eight cases – concerning the criminal case committal.

The criminal cases initiated in 2011 concerning the facts of the citizens' abduction refer to the following years: 1998 - one; 2001 - three; 2002 - one; 2010 - two; 2011 – one.

There took place the case of abduction with the goal of the further ransom of person. On January 21, 2011 the criminal case was initiated in regards to the constituent elements of the offences stipulated in Part 2 of Article 126, Part 2 of Article 163 of the CC RF, concerning the fact of the abducting of two persons by the unknown armed persons which took place on January 17, 2011 on Krylov Street in Grozny. Furthermore, one of the abducted was released by the abductors to collect ransom to the amount of 500 thousand rubles for the other abducted person, but the latter managed to

escape from the apartment where he was retained by the abductors against his will. In a course of the investigation it was found that three persons identified by the harmed people by the photographs as well as several unknown persons participated in this crime. The persons identified are put on the All-Russian wanted list.

With reference to the unknown location of the suspected persons, the process of the preliminary investigation for the criminal case is pended in compliance with Part 1, Clause 2 of Article 208 of the CCP RF (the person suspected or accused escaped from the investigative bodies or the location thereof is not identified for other reasons).

The Statement also mentions that according to the data from Memorial in the Kabardino-Balkarian Republic in 2009 two cases of the people's abduction were registered, one of which (the location of a person is not found) took place with participation of the security service officers.

According to the statistics of Memorial, in 2010 six people were abducted in Kabardino-Balkaria (the location of the two is not found), another resident of the Republic was abducted in Moscow (the location of a person is not found). Another four people are on remand at the moment or serve a sentence in compliance with the decree, i.e. they are in the places of detention.

According to the information provided by the Investigation Department of the Russian IC in the Kabardino-Balkarian Republic, in 2009 the given investigation department registered one message about the crime stipulated in Article 126 of the CC RF, according to the results of the check thereof the criminal case was initiated.

In response to the application from Mrs N. concerning the abduction of a member of her family by the unknown persons on December 15, 2009 in the yard of house No. 9 in the settlement of Neytrino, Elbrus District, the Kabardino-Balkarian Republic, on December 17, 2009 the investigative unit for Elbrus district initiated the criminal case concerning the constituent elements of offence stipulated in Part 2, Clauses “a”, “r” of Article 126 of the CC RF (the abduction of a person by the group of people by previous concert using the weapons).

It was found that on December 15, 2009 at approximately 11:30 p.m., the unknown people in the VAZ-2110 and Lada-Priora motorcars without the state registration signs abducted the person in the yard of house No. 9 located in the settlement of Neytrino, Elbrus district, using the weapons of the unknown type and escaped from the place of accident. Concerning the criminal case, the required complex of investigation actions and operational investigative measures was conducted aimed at solving this case but it was impossible to identify the persons who committed the crime. On August 24, 2010 processing of the preliminary investigation concerning this criminal case was pended on the basis of Part 1, Clause 1 of Article 208 of the CCP RF.

In 2010 five messages were registered concerning the crimes stipulated in Article 126 of the CC RF. According to the results of the checks carried out in compliance with Articles 144 and 145 of the CCP RF, five criminal cases were initiated.

1. The criminal case initiated on February 22, 2010 in compliance with Part 2 of Article 126 and Part 2 of Article 162 of the CC RF concerning the fact of the assault related to robbery at and

abduction of Mr K. The preliminary investigation on the case is finished; the criminal case is forwarded to the court.

2. The criminal case initiated on September 4, 2010 in compliance with Part 2 of Article 126, Part 3 of Article 163 of the CC RF concerning the fact of abducting Mr A. and racketeering from him the monetary funds to the amount of 2 million rubles. The preliminary investigation on the case is finished, the criminal case is forwarded to the court.

3. The criminal case initiated on August 10, 2010 in compliance with Part 2 of Article 126 of the CC RF concerning the fact of abducting Mr Sh. The processing of the preliminary investigation concerning this criminal case was pended on the basis of Part 1, Clause 1 of Article 208 of the CCP RF (the person who is the subject to be named as defendant is not identified).

4. The criminal case initiated on March 4, 2010 in compliance with Part 1 of Article 126 of the CC RF concerning the fact of abducting Mr A. The processing of the preliminary investigation concerning this criminal case was pended on the basis of Part 1, clause 1 of Article 208 of the CCP RF.

5. The criminal case initiated on December 18, 2010 in compliance with Part 2 of Article 105 (murder), Part 2 of Article 126 of the CCP RF concerning the fact of abducting and murdering six hunters. The criminal case is at the stage of the preliminary investigation.

In 2011, no messages concerning the crimes stipulated in Article 126 of the CC RF were forwarded to the Investigation Department of the Russian IC in the Kabardino-Balkarian Republic, the criminal cases of these category were not initiated.

In accordance with the information stated in the report about kidnapping in the Prigorodny District in the Republic of North Ossetia-Alania in 2010 it was established that on January 12, 2011 materials about obscure disappearance of a woman were received by the Prigorodny District Investigative Unit of the Investigation Department in the Investigating Committee of the Russian Federation for the Republic of North Ossetia-Alania from the Public Prosecutor's Office of the Prigorodny District for examination in accordance with Articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation.

The examination showed that on December 22, 2010 she came to Vladikavkaz from Nazran by taxi to visit the military hospital of Vladikavkaz garrison where her brother took treatments due to a gunshot wound (the latter was accused of a serious crime by the law enforcement agencies). The same day the woman went by taxi from Vladikavkaz to Nazran. On the way by Kavkaz federal highway opposite Noviy township in the Prigorodny District of the Republic of North Ossetia-Alania the car was stopped by armed people dressed in camouflage uniform and wearing masks. On checking the documents of the taxi driver the specified people asked the woman to go into their car after which they went away in the direction of the Republic of Ingushetia.

On February 7, 2011 a criminal case was initiated by this fact under the constituent elements of offence specified in Part 1 of Article 126 of the Criminal Code of the Russian Federation. During the preliminary investigation and till the present the location of the abducted woman has not been

identified. The people involved in the crime have not been identified. The period of the preliminary investigation under the criminal case has been extended to 7 months, i.e. till September 7, 2011.

No other facts of kidnapping on the territory of the Prigorodny District in the Republic of North Ossetia-Alania in the years of 2010-2011 have been registered.

Paragraph 44 notes that there have been registered quite a lot of cases of detention, interrogation or kidnapping of people allegedly by police officers while in reality it appeared that such “interrogation” , and kidnapping in the point of fact, was done by the members of armed criminal groups. According to official data in Chechnya, Ingushetia and Dagestan there were cases of children kidnapping by people dressed in the uniform of law enforcement officers. Besides, a number of crimes have been registered that were committed by militants wearing FSB uniforms.

According to the information provided by investigation departments for the Chechen Republic, the Republic of Ingushetia and the Republic of Dagestan facts of kidnapping people by persons wearing the uniform of law enforcement officers as well as crimes committed by the members of illegal armed groups wearing FSB uniforms did not take place.

Paragraphs 46 and 47 touch upon the issue of "*torture and ill-treatment of persons deprived of their liberty in various parts of the North Caucasus*".

The data stated in this clause of the report have not been specified due to which it is not possible to verify their trustworthiness and provide comments.

Paragraphs 48-53 contain the Commissioner's recommendations for the area of struggle against people kidnapping and disappearances as well as for prevention of ill-treatment of people deprived of their liberty.

Due to this the following shall be noted. Struggle against kidnapping, search for missing people remain one of the first-priority tasks of the law enforcement agencies of the Russian Federation. In this area the federal agencies closely cooperate with the regulatory and administrative authorities of the federal subjects of the Russian Federation as well as with human rights organizations.

The Investigating Committee at the Public Prosecutor's Office of the Russian Federation created a special unit for the Chechen Republic that deals with search for missing people.

In the period of 2011-2014 the Complex Program will be realized for struggle against kidnapping and search for missing people.

A number of regulatory documents have been adopted that regulate operational investigations and special actions and that ensure a better interaction for solution of crimes.

In organizing work for search for missing people, solution of crimes related to kidnapping the special attention is paid to compliance with the regulations of the law, ensuring complete and unbiased investigation of all the circumstances of committed crimes.

Struggle against kidnapping, search for missing people are controlled by the leaders of the Chechen Republic. The Governmental Committee for searching people who disappeared in the period of counter-terrorism operation on the territory of the Chechen Republic has been established. For informational support of actions for kidnapping prevention and search for missing people the electronic and print media of the Chechen Republic are used. The publish photos and orientation for kidnapped and missing people, contact information, the hot lines of departments and units of Internal Affairs where citizens can provide any information including anonymously.

In the Public Prosecutor's Office the approach to organizing control over examination of applications and reports about illegal detention, kidnapping, non-voluntary disappearance of people and to investigating crimes of this kind has been drastically changed. In particular, situation reports about registered crimes are studied daily, there is control over the activities of city district prosecutor's offices in relation to reports about illegal detention, kidnapping, non-voluntary disappearance of people as well as completeness and efficiency of taken measures, legality, validity and timeliness of judicial decisions. Electronic bases of criminal cases related to kidnapping and disappearance of people are created. On a regular basis a verification of operational control cases initiated for these cases is carried out.

The Russian party seriously takes the comments and remarks of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Within the period from the moment when we signed the European Convention for the Prevention of Torture we managed to significantly improve the confinement conditions in Russian institutions of the penal system, to raise effectiveness of protection of convicts' rights suspected or accused of crimes.

In Russia a large-scale restructuring of the penal system is being implemented. It is aimed at its further humanization. The reform is being carried out under the tight control of the public the attention of which to the problems of the correctional system has significantly grown.

Despite the measures taken for improvement of the system of legal and organizational guarantees of protection from ill-treatment of detainees, in this area there are still some problems.

The Russian party does not doubt the necessity to fulfil its obligations under the Convention. Russia is equally interested in direct and honest exchange of opinions so that the CPT reports would objectively reflect the efforts of the Russian authorities to ensure human rights including the rights of people in institutions of confinement.

Combating impunity

Paragraph 54 of the report touches upon the increasing number of decisions of the European Court of Human Rights concerning unlawful killings, indiscriminate use of force, illegal detention, torture and ill-treatment attributable to members of the security forces, as well as in respect of the inadequacy of official investigations into those crimes.

According to the information presented by the Investigation Department in the Investigating Committee of the Russian Federation for the Chechen Republic, currently in this investigating body 206 investigation is being carried out for 206 criminal cases the complaints under which have become

the subject of investigation in the European Court of Human Rights. The European Court of Human Rights has delivered judgements for 134 complaints. In each judgement it stated the facts of violation of articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The complaints for the other criminal cases are under consideration.

According to statistical data, in 2005 and 2006 three and four judgements were delivered accordingly, in 2007 15 judgements, in 2008 34 judgements, in 2009 the number of delivered judgements rose to 70, and in 2007 29 judgements were delivered. Within the seven months of 2011 the European Court of Human Rights did not deliver any judgements for the cases pending in the Investigation Department of the Investigating Committee of the Russian Federation for the Chechen Republic.

The specified dynamics of the number of judgements delivered by the European Court of Human Rights for the so called Chechen cases is explained by the fact that citizens submit complaints about the crimes committed within the period of counter-terrorism operations on the territory of the Chechen Republic.

In the majority of criminal cases complaints for which are studied by the European Court of Human Rights crimes are committed in 200-2007 within the period of active phases of counter-terrorism operations.

The objectives of organizing effective consideration of reports about crimes as well as efficient investigation of crimes concerning application of illicit interrogation and investigation methods, protection of rights and legal interests of people who are victims of law enforcement officials are still one of the high-priority direction of the activities of the Investigation Department of the Investigating Committee of the Russian Federation for the Chechen Republic.

For the purpose of timely initiation of criminal cases, especially by reports about torture and ill-treatment of detainees each report about ill-treatment, application of illicit investigation methods are recorded in the register of crime reports on the basis of which investigation is immediately carried out in accordance with the procedure stated by Articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation. By the results of such investigation, in case of sufficient evidence proving elements of offence in the actions of officials, criminal cases are instituted.

Materials of examination of this category are under extraordinary control in the units of procedural control of the Investigation Department of the Investigating Committee of the Russian Federation for the Chechen Republic. Each fact of refusal to institute a criminal case is closely studied.

In 2010 and within the seven months of 2011 in the Investigation Department of the Investigating Committee of the Russian Federation for the Chechen Republic there was no institution or investigation of criminal cases on the basis of application of violence or other illicit investigation methods by law enforcement officials in relation to people suspected (accused) of a crime.

Within the seven months of 2011 in inter-district investigation departments 23 pre-prosecutorial checks were carried out on the basis of reports about application of violence or other

illicit investigation methods by law enforcement officials in relation to people suspected (accused) of a crime as a result of consideration of which decisions to refuse to institute a criminal case were taken.

All the decisions refusing to institute a criminal case were taken on exonerating grounds (under paragraphs 1, 2 of Part 1, Article 24 of the Code of Criminal Procedure of the Russian Federation).

An example of effective investigation and solution of a crime committed by police officers in 2010 can be the criminal case instituted on the basis of constituent elements of offence specified in Clause "a" of Part 3, Article 286 and Clause "г" of Part 2 of Article 163 of the Criminal Code of the Russian Federation due to the fact of use of physical force (torture) to Mr M. and Mr. I. by police officers and extortion of money from them. On November 18, 2010 this criminal case accusing four officers of the Department of Internal Affairs in Nozhay-Yurtovsky District of the Chechen Republic under Clauses "а", "б" in Part 3 of Article 286 of the Criminal Code of the Russian Federation was sent to the court for consideration on the merits; the accused persons were condemned to different terms of deprivation.

The criminal case instituted on September 17, 2010 on the basis of constituent elements of offence specified in Clause "a" of Part 3, Article 286 of the Criminal Code of the Russian Federation due to the fact of use of physical force (torture) to a detained person for him to confess the theft which he had not committed by an officer of the Criminal Investigations Department of the Department of Internal Affairs in Gudermessky District in the building of ORZD on September 16, 2010.

On December 18, 2010 this criminal case was sent to the court for consideration on the merits; the officer of the Criminal Investigations Department of the Department of Internal Affairs was declared guilty.

In December 2010 the European Court of Human Rights delivered judgement for a complaint about ill-treatment of a detainee for whom the Investigation Department in the Investigating Committee of the Russian Federation for the Chechen Republic investigated a criminal case (complaint No. 15733/02 "Sadykov (Садыков) against Russia") initiated on July 13, 2000 on the basis of constituent elements of offence specified in Clause "a" Part 3, Article 286 of the Criminal Code of the Russian Federation due to the fact of infliction of bodily injury to A.M. Sadykov in particular, abjunction of the auricle by officers of Oktyabrskiy District Department of Internal Affairs in Grozny.

During the preliminary investigation the implication in the crime of the police officers from Khanty-Mansiisk autonomous district who served on the territory of the Chechen Republic in the first unit of Oktyabrskiy District Department of Internal Affairs was established: acting squad leader of the convoy group, acting director of the temporary containment cell and special fire team commander. Their implication in the crime was confirmed by the victim's evidence, photo array identification protocols, evidence of many witnesses.

The investigators ordered to institute criminal proceedings against the specified people under Part 2, Article 293, Clauses "а" and "в" of Part 3, Article 286 and Part 3, Article 111 of the Criminal Code of the Russian Federation. These people were put on the federal wanted list.

Currently, some operational investigations are being carried out to locate the accused.

In accordance with the information provided by the Investigation Department in the Investigating Committee of the Russian Federation for the Republic of Ingushetia, the conclusions of the court that during consideration of the report about the crime there was a violation of Article 2 of the Convention due to non-compliance by the authorities with the positive obligations in the protection of victims' lives it shall be noted that under the circumstances of the current situation the law enforcement officials performed all the possible investigations in order to identify the people implied in the crimes.

The conclusions of the court that there was a violation of Article 2 of the Convention due to the fact that the performed investigation of the criminal cases was not efficient or proper does not reflect the actual situation either because for all the specified facts criminal cases were instituted in accordance with the valid criminal procedure legislation and the preliminary investigation was properly carried out.

The criminal legislation of the Russian Federation obliges to perform thorough investigation for each report about a crime, to institute a criminal case on the basis of objective data and to carry out proper preliminary investigation that was the law enforcement authorities do within the powers granted to them by law.

Paragraph 61 of the report contains *"the example given by the “Committee Against Torture” of difficulties encountered during investigations has included the case of Zarema Gaysanova, a staff member of the Danish Refugee Council, who was abducted in Grozny on October, 31 2009"*.

Currently, the official information about the investigation of this case says the following:

The criminal case was instituted on November 16, 2009 on the basis of constituent elements of offence specified in Clause "a" Part 2, Article 126 of the Criminal Code of the Russian Federation over abduction of Z.I. Gaysanova on October 31, 2009 from the house located at: 2nd Darwin Lane, Leninskiy District, Grozny by unidentified people wearing camouflage uniform who used UAZ vehicle. As of today, the location of Z.I. Gaysanova remains unknown.

In order to make investigation more efficient and to activate the crime solution work an investigative group was created on December 9, 2009.

To ensure comprehensive and complete investigation by the Investigation Department in the Investigating Committee of the Russian Federation for the Chechen Republic an inter-departmental meeting was held with the participation of the Republic Deputy Prosecutor, the head and representatives of the Investigation Department on December 24, 2009. Later on such meetings were held in the Investigation Department with the participation of the officers of Leninskiy District Department of Internal Affairs.

However, in spite of the taken measures the investigators do not manage to identify the people who, in the period interesting for the investigation, participated in the operational investigations performed by law enforcement officers for location and elimination of members of the illegal armed group, who may be implied in the abduction of Z.I. Gaysanova.

From the beginning of the preliminary investigation the head of the Department of Internal Affairs for Leninskiy District and Argun city whose officers directly performed the specified operational investigations sent instructions and requests concerning performance of certain operational investigations and provision of data about the people participating in these investigations.

The investigator interrogated over 60 witnesses including R.A. Kadyrov, President of the Chechen Republic, R.Sh. Alkhanov, Minister of Internal Affairs of the Chechen Republic, L.Kh. Gaysanova, the victim's mother, and residents of the houses in 2nd Darwin Lane of Leninskiy District in Grozny, the investigator and expert who participated in view of the place of occurrence, attesting witnesses participating in the view, workers performing construction and renovation works in the Gaysanovs' house, officers of the Ministry of Emergency Situations who fought the fire in the Gaysanovs' house, the emergency medical service brigade called to a witness, work colleagues of Z.I. Gaysanova, officers of Argun City Department of Internal Affairs who participated in the operational investigations, officers of the units in the Department of Internal Affairs for Grozny who participated in a special operation.

During the investigation of the case no people who directly saw how Ms Gaysanova was taken away in the UAZ vehicle were established.

Paragraph 62 of the report notes the difficulties arising in the process of investigation over illegal detention of a person for more than 4 months in the building basement of the law enforcement body of the Chechen Republic.

For this fact a criminal case was instituted basing on the constituent elements of offence specified in Clauses "a", "в", "г" Part 2, Article 126 of the Criminal Code of the Russian Federation. Preliminary investigation under this case is currently performed by the Central Investigation Department in the Investigating Committee of the Russian Federation for the North Caucasian Federal District.

The investigation established that on December 11, 2009 at 8-20 in Grozny not less than 30 people unidentified by the investigation wearing camouflage uniform and equipped with different firearms, in several vehicles came to the residence of the victim and threatening with arms and violence dangerous to the life and health abducted and brought him to the territory of the Special Purpose Police Unit (OMON) in the Ministry of Internal Affairs for the Chechen Republic located in Grozny at: 227, Bogdan Khmelnitskiy Street where he was detained in the basement of a private cottage house till April 22, 2010, i.e. till the moment of his liberation.

During the investigation of the case with the use of a video record the evidence of the victim was checked on-site. During these checks he showed the base of the Special Purpose Police Unit, the cottage house where he had been detained, how he moved around the territory of the Special Purpose Police Unit under convoy etc. During such checks he pointed at the Special Purpose Police Unit Commander Deputy as the person who had seen him under guard and talked to him about his detention. By photos the victim recognised two people out of the Special Purpose Police Unit management who had visited him in the basement.

On the basis of the court order search was conducted in the cottage house located on the territory of the Special Purpose Police Unit in the Ministry of Internal Affairs for the Chechen Republic with participation of the victim. During the search measures were taken to establish the traces of the victim having been in this house.

The answer in a request from the Department of the Ministry of Internal Affairs for Astrakhan Region was filed in the case concerning absence of any information in relation to Mr S. who according to the evidence given by the victim was his fellow prisoner and then allegedly he was killed by officers of the Special Purpose Police Unit (OMON) in the Ministry of Internal Affairs for the Chechen Republic.

Orders were given to ensure state protection of the victim and his close relatives; state protection measures were taken.

During the investigation and in the process of interaction with bodies of Internal Affairs under the case a range of necessary investigative and operational measures are taken which are aimed at solution of this crime.

The period of the investigation under the criminal case has been extended to 21 months, i.e. till November 1, 2011.

Paragraph 63 of the report states that the Commissioner is deeply concerned about absence of materials for the case instituted over the murder of N.Kh. Estemirova in July 2009.

For the fact of murder of N.Kh. Estemirova a criminal case was instituted basing on the constituent elements of offence specified in Clauses "a", "в", Part 2, Article 126, Part 1, Article 105 and Part 1. Article 222 of the Criminal Code of the Russian Federation. Preliminary investigation under this case is currently performed by the Central Investigation Department in the Investigating Committee of the Russian Federation for the North Caucasian Federal District.

In the process of investigation the version of N.Kh. Estemirova's abduction and murder by members of illegal armed groups was objectively confirmed. It was established that the crime was committed by Mr B. and other members of the group that is part of the crime confederation headed by the international terrorist D.Kh. Umarov for the purpose of discrediting the authorities of the Chechen Republic and out of revenge for N.Kh. Estemirova's published works.

The guilt of Mr B. in N.Kh. Estemirova's abduction and murder was completely proved.

On February 2, 2010 B. was charged in absentia under Part 2, Article 208, Clauses "а", "в", "г" of Part 2, Article 126, Clauses "в", "ж" of Part 2, Article 105, Part 2 of Article 222, Part 1 of Article 327 (forgery, manufacture, or sale of falsified documents, government awards, stamps, seals, and forms), Part 3 of Article 327 of the Criminal Code of the Russian Federation. He was put on the federal and international wanted list.

In accordance with the requirements of Articles 42 and 45 of the Code of Criminal Procedure of the Russian Federation (the victims and the victim's representatives, civil plaintiff and private prosecutor) the investigation followed all the rights of the victim and her representatives; all the motions were considered.

The investigation takes all the necessary measures to locate Mr B. and his accomplices as well as work is continued to establish all the contacts of N.Kh. Estemirova.

The period of the investigation under the criminal case has been extended to 27 months, i.e. till November 15, 2011.

Conclusions and Recommendations (paragraphs 65-71)

The valid criminal legislation and criminal procedure legislation of the Russian Federation does not contain any exclusions that would allow not to institute criminal proceedings against officials including police officers and officers of the Security Service for use of physical and psychological violence to citizens. As a rule, their actions are classified under Article 286 of the Criminal Code of the Russian Federation (exceeding official powers).

Currently, in accordance with the legislation of the Russian Federation officials including police officers, military men and officers of the Security Service may be prosecuted in court due to torture and ill-treatment under Articles 302 (compulsion to give evidence) and 117 (torture) of the Criminal Code of the Russian Federation.

The subject of crime specified in Article 302 of the Criminal Code of the Russian Federation is an investigator or a person conducting inquests, as well as another person with the knowledge or a tacit consent of the investigator or the person conducting inquests.

Article 117 of the Criminal Code of the Russian Federation states that crime aggravation is specified as a crime committed against a person who is in material or any other dependence on the convicted person (Clause "r" of Part 2).

The instruction dated June 5, 2002 approved by Deputy Prosecutor General of the Russian Federation - Chief Military Procurator for agencies of inquiry of the Armed Forces of the Russian Federation, other forces, military formations and bodies in which military service is stipulated by law directly states that in case of compulsion to give evidence used with regard to a subject, defendant, victim, or witness, or coercion of an expert to make a report or to give evidence through the application of threats, blackmail or other illegal actions (Article 302 of the Criminal Code of the Russian Federation) the agency of inquiry, the military unit commander, the investigator shall be subject to criminal prosecution.

Guarantees against excessive procrastination and/or suspension of investigation and prosecution with regard to people alleged to exercise torture and ill-treatment shall be procedural time limits stipulated by the Code of Criminal Procedure of the Russian Federation including preliminary investigation period (Article 162) as well as grounds and procedures for preliminary investigation suspension (Article 208), adjournment of court proceedings under a criminal case (Article 238), postponement and suspension of litigation (Article 253).

Guarantees preventing ungrounded procrastination of investigation process shall also be the right of the investigating authority head to abolish illegal resolutions of the investigator (Clause 2, Part 1 of Article 37) as well as control on the part of prosecutors who shall verify the legality of decisions taken about suspension of preliminary investigation within a month.

In the Russian Federation at the legislative level there is a constant control system for observance of the rights of people who are in places of forced imprisonment.

The Criminal Corrections Code of the Russian Federation contains provisions about convicts' rights starting from impermissibility of torture, violence with regard to convicts to their rights for polite treatment. In case of violation of these directions appropriate measures of reaction are taken.

Activities of correctional system institutions and bodies are subject to independent prosecutor's supervision. The uniqueness of the public prosecutor's office as a body exercising supervision over compliance with law in correctional system institutions and bodies lies in the fact that it is an overdepartmental body so it is independent and in its activities it obeys only the law. In virtue of its competency the public prosecutor's office requires unconditional fulfillment of law requirements from other organizations and officials. The Public Prosecutor's Office possesses a wide range of facilities to detect legality violation including through consideration of complaints from convicts, unimpeded visits of supervising prosecutors to correctional institutions and investigatory isolation wards, by means of checking documents of the activities of correctional system institution administration, requesting necessary information etc.

Besides, prosecutors have powers with regard to supervised institutions and organizations. Their requirements to correct legality violation shall be obligatory for officials of correctional system institutions and bodies. In case of sufficient grounds they are entitled to make these people answerable for law violation in accordance with laws in force.

The distinctive feature of prosecutor's supervision is the fact that he allows to promptly restore the violated rights of convicts. Many violations are fixed directly in the process of checks in correctional institutions, other violations recorded in special acts of prosecutor's response (objections and recommendations) shall be corrected within 10 and 30 days, accordingly. Prosecutors not only identify violations and require to correct them, they also find out the reasons of such violations which prevents repeating them.

In order to improve the efficiency of this supervision on January 30, 2007 the Prosecutor General of the Russian Federation issued Order No. 19 "On organizing supervision over execution of laws by the administration of bodies and institutions which carries out criminal sentences, investigatory isolation wards during keeping in confinement suspects and the accused of a crime" in accordance with which apart from other officials of the Public Prosecutor's Office prosecutors of federal subjects of the Russian Federation shall perform checks in person in the specified institutions of the correctional system. Besides, a monthly frequency of checks in investigatory isolation wards is established for prosecutors of all the levels.

In the their activities Public Prosecutor's Bodies shall firstly pay attention to the most important issues, first and foremost, to the rights of citizens in institutions of confinement among which the rights for live, health and inadmissibility of ill-treatment or degrading treatment. It is in this context in which the approach of the Public Prosecutor's Office is implemented in regard to over-population of investigatory isolation wards, spread of tuberculosis and HIV infection, housing and medical provision.

Restoration of violated rights of citizens in institutions of confinement in accordance with Federal Constitutional Law No. 1-FKZ dated February 26, 1997 is also performed by the Ombudsman for Human Rights in the Russian Federation and ombudsmen for Human Rights in federal subjects of the Russian Federation who are entitled to visit correctional institutions without any special permission.

In accordance with Federal Law No. 76-FZ dated June 10, 2008 "Concerning public control over observance of human rights in places of forced imprisonment and concerning support of people in places of forced imprisonment" public monitoring committees have been established the members of which are authorized to visit places of forced imprisonment without any special permission and to speak to suspects and convicts kept in confinement about observance of their rights.

The provision about members of public monitoring committees visiting correctional institutions was adopted by the Federal Service for Execution of Punishment Order No. 652 dated November 28, 2008.

Together with the Civic Chamber of the Russian Federation training workshops are held for members of public monitoring committees on the rules of visiting places of forced imprisonment. During such workshops they go together to special institutions of law enforcement agencies to see imprisonment conditions.

Public monitoring committees regularly visit investigatory isolation wards and correctional institutions.

For convicts, their relatives and legal representatives informational stands are installed in available places which provide addresses and contact telephone numbers of state protection bodies for human and civil rights and freedoms in the Russian Federation, supervising Public Prosecutor's Office, territorial courts, law chambers as well as contacts of regional ombudsmen for human rights.

For the purpose of more effective involvement of the public in solving problems arising in institutions and bodies which carry out criminal sentences the social council on correctional system problems was established in the Federal Service for Execution of Punishment of the Russian Federation whose members are famous human rights activists. The members of the social council regularly visit penal system institutions.

In case of establishing facts about use of violence, torture or other inadmissible actions to a suspect or convict including representatives of ethnic, racial and religious minorities or about committing other crimes related to knowing violation of the requirements of criminal procedure legislation by officers of bodies of Internal Affairs during preliminary investigation the Public Prosecutor's Office shall institute criminal cases under Articles 117 (Torture), 286 (Exceeding Official Powers) and 302 (Compulsion to Give Evidence) of the Criminal Code of the Russian Federation.

Situation of human rights defenders

The situation of human rights defenders (paragraphs 72-82) is considered in the report in terms of difficulties which are faced by representatives of human rights organizations in their practice.

For this reason, the Commissioner recommends to investigate crimes against this category of people with great thoroughness and establishing "strict responsibility for intimidation, victimization and threats towards human rights defenders. And according to the opinion of Mr Hammarberg "*a meaningful and constructive dialogue with all civil society organisations is an important means of defusing tensions in the North Caucasus region*".

The Russian leaders fully take into consideration the tendency of increasing role and values of non-governmental organizations. The society development logic of the recent years shows that without active support of non-governmental organizations gradual development of Russian democracy is not possible including freedom of speech, the media, observance of human rights, supremacy of law and implementation of many society-oriented programs. It is for this reason the goal of building a mature, strong civil society is set as a strategic goal for formation of Russia as a modern, democratic society.

In Russia a lot of attention is given to the activities of non-governmental organizations intended to reinforce their influence on the process of democracy development and to involve them into solution of socially important problems. A significant grow of non-governmental organizations is noted. The state budget allocates a certain amount of funds for financing their activities.

The Council under the President of the Russian Federation on Developing of the Civil Society Institutions and Human Rights established in 2004 (transformed from the Commission on Human Rights under the President of the Russian Federation in 2002, since 2011 – the Council under the President of the Russian Federation on Developing of the Civil Society Institutions and Human Rights) contributed to development of civil society institutions. In particular, the Council functions include expert examination of laws in draft and law enforcement practice, preparation of laws in draft, amendments for laws in force.

The Civic Chamber of the Russian Federation is supposed to coordinate socially important interests of citizens of the Russian Federation, public associations, state and municipal authorities for solution of the most important issues of economic and social development, protection of rights and freedoms of Russian citizens, the constitutional system of the Russian Federation and democratic principles of civil society development in the Russian Federation.

The institutions of the Ombudsman for Human Rights in the Russian Federation, Ombudsman for children under the President of the Russian Federation, regional ombudsmen and regional ombudsmen for children have been established in Russia. In the institution of the Ombudsman for Human Rights in the Russian Federation there is the Council of Experts that unites representatives of almost all the existing human rights organizations of the country.

The leadership of the Ministry of Foreign Affairs works on development of cooperation and creation of interaction mechanism with Russian non-governmental organizations related to foreign-policy activities and their involvement in the international society of non-governmental organizations.

In the area of state financing of non-governmental organizations there are regulatory documents concerning support of non-profit non-governmental organizations participating in development of civil society institutions which are supposed to be provided subsidies and grants.

In general, the Russian Federation supports the course of action of international organizations for active involvement of non-governmental organizations into all the aspects of their activities and development of the dialogue between the state and the civil society basing on the understanding that the status of non-governmental organizations in democratic states shall be defined not only by their exercising certain rights but also by their fulfilling a range of obligations to the state and society.

Local processes of civil society development are of special importance. They are significantly influenced by relations of public associations with local authorities. All the federal subjects of the Russian Federation have legislation for interaction of the authorities with non-profit organizations. It numbers about 750 regulatory documents.

In the Russian Federation work on improvement of national legislation in the area of non-profit organizations is continued; representatives of the civil society take an active part in it.

The leadership of the Russian Federation pays a lot of attention to investigation of crimes including crimes against human rights defenders on the territory of the republics of the North Caucasian Region. The investigative bodies of the Russian Federation take actions stipulated by law in order to identify criminals and to commit them for trial.

Information about the course of investigation of these crimes and other ones not mentioned in the report is brought to the notice of the Commissioner for Human Rights at the Council of Europe during his conversations with the leaders of the Investigating Committee of the Russian Federation.