

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/RUS/CO/5)*

**RUSSIAN FEDERATION**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Monitoring of places of detention**

11. While welcoming the establishment of Public Oversight Committees (POCs), the Committee is concerned by (a) the requirement that POCs obtain advance authorization to visit detention facilities, and their inability to carry out unannounced visits; (b) reports that POC members have been denied access to detention facilities even in some cases where their visits had been previously authorized; (c) reports of reprisals against POC members, such as the prosecution of Alexei Sokolov, a former Moscow POC Committee member; (d) reports that independence of membership of POCs is inadequately safeguarded; and (e) reports that some POCs do not have sufficient funding to enable them to perform their work adequately; and (f) that POC reports on visits to places of detention are not made public in all cases. The Committee is further concerned by reports of cases in which authorities failed to undertake adequate investigations into allegations of torture and ill-treatment in cases where this has been recommended by POCs. In this regard, although authorities revived a closed criminal investigation into the 2009 death in custody of Sergei Magnitsky following a report of the Moscow POC, only one relatively low-level prison official has been prosecuted in connection with his death to date, despite the fact that the POC report concluded that a number of investigators and penitentiary officials, including the lead investigator in the criminal case against Mr. Magnitsky, should have been investigated as well (arts. 2 and 11).

**The Committee urges the State party to**

- (a) Ensure that Public Oversight Committees are able to conduct unannounced visits of all detention facilities, and that all cases in which officials are reported to have obstructed such visits are investigated and those responsible disciplined appropriately;**
- (b) Ensure that POCs members are effectively protected from reprisals;**

**(c) Ensure that POCs are adequately funded and independent of regional administrations and consider transferring responsibility for appointment of members of POCs to independent authorities;**

**(d) Ensure that the findings and recommendations of POCs are made public in a timely and transparent manner and that all allegations of denial of safeguards or instances of torture or ill-treatment are drawn to the attention of the competent authorities and are promptly, impartially and effectively investigated, as in the case of allegations made by Leonid Razzvozhayev that he was abducted and subjected to torture for the purpose of compelling a confession by officials of the State party prior to being turned over to the Investigative Committee, and thereafter was denied the right to access to counsel of his choice;**

**(e) In the case of the death in custody of Sergei Magnitsky, promptly, impartially, and effectively investigate the responsibility of officials, including the lead investigator in the criminal case against him, as recommended by the Moscow POC, and ensure that all those responsible for his torture and death are prosecuted and punished with sanctions appropriate to the gravity of the crime;**

**(f) Provide statistical data in its next periodic report on the number of investigations into torture, ill-treatment, and denial of safeguards opened as a result of POC visits, and information about the outcome of such investigations.**

### **Intimidation, harassment and violent attacks on human rights defenders**

12. The Committee is seriously concerned about the approach taken by the State party toward the work of individuals and organizations that monitor and report on human rights conditions in the State party. This includes a 2012 requirement that organizations receiving financial support from sources outside the State party register and identify themselves publicly as “foreign agents,” a term that seems negative and threatening to human rights defenders, including organizations that receive funding from the United Nations Voluntary Fund for Victims of Torture.

The Committee is further concerned by recent amendments to the Criminal Code which expanded the definition of the crime of State treason to include “providing financial, technical, advisory or other assistance to a foreign state or international organization [...] directed at harming Russia's security”. The Committee is concerned that such provision could affect persons providing information to the Committee against Torture, the Sub-Committee on Prevention of Torture or the United Nations Voluntary Fund for Victims of Torture, which the Committee is concerned could be interpreted as prohibiting the sharing of information on the human rights situation in the Russian Federation with the Committee or other United Nations human rights organs.

The Committee is deeply concerned by numerous and consistent reports of serious acts of intimidation, reprisals and threats against human rights defenders and journalists, including deaths, and the failure of the State party's authorities to

effectively investigate such acts and hold accountable the perpetrators, including those responsible for ordering them. The Committee expresses its concern that, to date, no one has been convicted of ordering the killings of journalist Ms. Anna Politkovskaya, in 2006, and human rights advocate Ms. Natalia Estemirova, in 2009, and that no one has been held accountable for the alleged beating of Ms. Sapiyat Magomedova by police in Dagestan in 2009 (arts. 2, 11, 13 and 16).

**The Committee recommends that the State party should:**

**(a) Recognize that human rights defenders are at risk and have been targeted due to the performance of their human rights activities, which play an important role in a democratic society; amend its legislation requiring human rights organizations that receive foreign funding to register as “foreign agents”; repeal the amended definition of the crime of treason in the Criminal Code; and review its practice and legislation. The State party should ensure that all human rights defenders are able to conduct their work and activities in line with the provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144);**

**(b) Ensure that no individual or group will be subjected to prosecution for communicating with, or for providing information to, the Committee against Torture, the Sub-Committee on Prevention of Torture or the United Nations Voluntary Fund for Victims of Torture or to other United Nations human rights organs in performing their respective mandates;**

**(c) Investigate promptly, thoroughly and impartially all allegations of intimidation, threats, attacks and killings of human rights defenders and bring to justice those responsible for ordering the killings of Ms. Anna Politkovskaya and Ms. Natalia Estemirova and the beating of Ms. Sapiyat Magomedova;**

(...)

**Hazing (“Dedovschchina”) and ill-treatment within the armed forces**

16. The Committee remains concerned about allegations of abuses and deaths occurring within the army as a result of reported hazing practices of conscripts by officers and fellow soldiers, conducted by or with the consent, acquiescence or approval of superiors or other personnel. While noting the information provided by the delegation to the effect that such practices have decreased in recent years, the Committee remains concerned at numerous reports received on hazing and on allegations that investigations carried out into several such incidents were inadequate or absent. The Committee is further concerned by reports that individuals responsible for such acts are inadequately sanctioned (arts. 2, 4, 12, 13 and 16).

**The State party should reinforce measures to prohibit and eliminate hazing in the armed forces and ensure prompt and impartial investigation of all allegations of hazing and deaths in the military in order to achieve**

**zero tolerance of ill-treatment and torture of military personnel, as previously recommended by the Committee. Where evidence of hazing is found, the State party should ensure prosecution of all incidents and appropriate punishment of the perpetrators, including exclusion from the armed forces; make the results of those investigations public; and provide redress for victims, including appropriate medical and psychological assistance.**

(...)

28. The Committee requests the State party to provide, by 23 November 2013, follow-up information in response to the Committee's recommendations relating to (a) monitoring of places of detention, (b) intimidation, harassment, and violent attacks on human rights defenders (c) hazing ("dedovschchina") and ill-treatment within the armed forces, as contained in paragraphs 11, 12 and 16 of the present document.

---