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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention

Fifth periodic reports of States parties due in 2010

Russian Federation*, **

[28 December 2010]

* The fourth periodic report submitted by the Government of the Russian Federation is contained in document CAT/C/55/Add.11; it was considered by the Committee at its 732nd, 733rd and 735th meetings, held on 10 and 13 November 2006 (CAT/C/SR.732, 733 and 735). For its consideration, see CAT/C/RUS/CO/4.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Contents

Fifth periodic report of the Russian Federation on the observance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

I. Information on individual articles of the Convention

Articles 1 and 4

1. Pursuant to Federal Act No. 162-FZ of 8 December 2003 amending the Criminal Code of the Russian Federation, a note was added to article 117 of the Code containing the following definition of torture:

> "The term 'torture' in the present article and other articles of the present Code shall be understood to mean the infliction of physical or mental suffering for the purpose of coercing the victim to provide testimony or to perform other actions contrary to his or her will, for the purpose of punishment or for other purposes."

2. This amendment brought legal certainty with respect to the categorization of the aforementioned unlawful acts in cases involving the use of torture, and its content is in compliance with article 1 of the Convention.

3. Article 117, paragraph 2 (e), of the Criminal Code stipulates penalties for the infliction of physical or mental suffering by means of systematic blows or other violent acts when accompanied by the use of torture, which, under the Code, constitutes an aggravating factor.

4. Article 302, paragraph 2, of the Code stipulates penalties for the coercion of a suspect, accused person, victim or witness to testify or an expert or specialist to provide certain conclusions or testimony through the use of threats, blackmail or other unlawful acts by an investigator or a person conducting an initial inquiry, or by any other person acting with the express or tacit consent of the investigator or the person conducting the initial inquiry, when accompanied by the use of torture.

5. Criminal acts related to the attempted commission of torture are categorized under article 117, paragraph 2 (e), or article 302, paragraph 2 (Coercion to testify), of the Code. Article 30, paragraph 3, states that "attempted commission of an offence is defined as a wilful action (or omission) by a person directly aimed at the commission of an offence, if the offence is not consummated owing to circumstances beyond the person's control".

6. Liability for complicity in the use of torture is incurred under the corresponding article of the Special Part of the Criminal Code, taking into account the provisions of chapter 7 (Complicity in the commission of an offence), which stipulates the concept and types of complicity and the liability of accomplices in an offence.

7. In the event that officials are involved in committing acts covered by the definition of torture, they may also face charges under article 286, paragraph 3 (Excess of authority), of the Code, which provides for penalties of up to 10 years' deprivation of liberty.

8. In addition, under article 63, paragraph 1 (i) (Aggravating circumstances), the commission of any offence with particular cruelty or sadism or with the infliction of humiliation or suffering on the victim is deemed to be an aggravating circumstance.

9. In accordance with article 42, paragraph 1 (Carrying out an order or instruction), where a person causes harm to interests protected by criminal law in carrying out an order

or instruction that is binding on him or her, this does not constitute an offence. Criminal liability for such harm is incurred by the person who gave the unlawful order or instruction.

10. Under paragraph 2 of this article, a person who commits a deliberate offence in carrying out an order or instruction he or she knows to be unlawful is held criminally liable in the usual manner. Criminal liability may not be incurred by failure to carry out an order or instruction known to be unlawful.

11. There have been no cases in practice in which the provisions of the Convention have been directly applied by a court.

12. In total, 6,055 offences under article 117 of the Criminal Code were reported in 2007, 5,902 in 2008 and 5,967 in 2009.

13. Offences reported under article 286 totalled 6,736 in 2007, 3,227 in 2008 and 3,330 in 2009.

14. Some 5 offences were reported under article 302 in 2007, 3 in 2008 and 9 in 2009.

15. In 2008, 2,194 persons were convicted under article 117, paragraph 1. At the same time, there were 153 convictions under the same provision for crimes committed in conjunction with other, more serious, offences.

16. Some 769 persons were convicted under article 117, paragraph 2. In addition, there were 96 convictions under the same provision for crimes committed in conjunction with other, more serious, offences.

17. Altogether, convictions were handed down for 3,212 offences under article 117 in 2008. Some 2,963 persons were convicted, 2 were acquitted and proceedings against 1,780 persons were discontinued, including 6 whose cases were dropped on exculpatory grounds. Measures of a medical nature were applied to 55 persons declared unfit to plead.

18. In 2009, 2,362 persons were convicted under article 117, paragraph 1. In addition, there were 204 convictions under the same provision for crimes committed in conjunction with other, more serious, offences.

19. Some 750 persons were convicted under article 117, paragraph 2. At the same time, there were 81 convictions under the same provision for crimes committed in conjunction with other, more serious, offences.

20. In 2008–2009, 63 persons were convicted under article 117, paragraph 2 (e), 30 in 2008 and 33 in 2009. All were sentenced to deprivation of liberty for a determinate period.

21. In 2009, convictions were handed down for 3,397 offences under article 117. Some 3,112 persons were convicted, 3 were acquitted and proceedings against 1,709 persons were discontinued, including 1 person on exculpatory grounds. Measures of a medical nature were applied to 31 persons declared unfit to plead.

22. In 2008–2009, 1 person was convicted under article 302 for coercion of testimony and received a suspended sentence of deprivation of liberty.

Article 2

23. Persons detained on suspicion of committing an offence are covered by Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons. In accordance with article 7 of the Act, the person or body handling the criminal case must inform a close relative of the suspect or accused person of the place where he or she is being held or of any change in such place without delay.

24. Similar provisions are contained in the Code of Criminal Procedure: under article 96, the person conducting the initial inquiry or the investigator has a duty, within no more than 12 hours of a suspect's arrest, to notify one of his or her close relatives, or, in the absence of such person, another relative, or to provide the suspect with the possibility of so doing.

25. Article 46, paragraph 3, of the Code requires the person conducting the initial inquiry or the investigator to inform the suspect's close relatives or other relatives of his or her arrest as stipulated in article 96 (Notification of the arrest of a suspect).

26. If the suspect is a member of the Armed Forces, the commander of his or her military unit is informed of the arrest.

27. If the suspect is a national of another State, the diplomatic mission or consulate of that State is informed within no more than 12 hours of his or her arrest.

28. Departures from this general rule are permitted where it is necessary, in the interests of the secrecy of the preliminary investigation, for the arrest not to be disclosed, but only with the consent of the procurator and with the exception of cases in which the suspect is a minor (art. 96, para. 4).

29. One of the legal safeguards intended to prevent violations of the rights of detained persons is article 94, paragraph 2, of the Code of Criminal Procedure, which stipulates that a suspect must be released within 48 hours of arrest unless he or she is remanded in custody or unless a court extends the initial period of detention under the procedure established in article 108, paragraph 7 (3), of the Code (for a period of up to 72 hours from the time the court's decision is handed down).

30. In accordance with article 18 of the Federal Act on the Custody of Suspects and Accused Persons, suspects and accused persons are granted up to two visits per month from relatives or other persons, each lasting for up to three hours, subject to the written permission of the person or body handling the criminal case.

31. Article 16 of the Act states that the procedure for the conduct of visits is that established in the internal regulations for detention facilities for suspects and accused persons.

32. More specific provisions in this area are contained in the internal regulations for temporary holding facilities of the internal affairs agencies for the detention of suspects and accused persons, approved by Ministry of Internal Affairs Order No. 950 of 22 November 2005, and the internal regulations for remand centres of the penal correction system, approved by Ministry of Justice Order No. 189 of 14 October 2005.

33. In accordance with the above-mentioned regulations, suspects and accused persons are granted visits from relatives or other persons subject to the written permission of the person or body handling the criminal case. However, the number of visits may not exceed two per month, and each visit may last for no more than three hours. Permission is required for each visit.

34. The permit issued must indicate the name of the suspect or accused person and of the persons visiting him or her. A suspect or accused person may not receive more than two adult visitors at the same time.

35. Suspects and accused persons who are nationals of another State are granted visits from representatives of the diplomatic mission or consulate of that State, and, if they are under the protection of an intergovernmental organization, from representatives of that organization, in the cases and under the procedure established in the international treaties of the Russian Federation and the agreements concluded by it with intergovernmental organizations, and in compliance with the Act and the above-mentioned regulations.

36. Visits from relatives or other persons take place under the supervision of staff of places of detention and may be terminated prematurely in the event of an attempt to hand over to a suspect or accused person any prohibited objects, substances or foodstuffs or to impart information that might hinder efforts to establish the truth in the criminal case or facilitate the commission of a further offence.

37. Persons who have been sentenced by a court to deprivation of liberty but who are still being held in a remand centre pending the receipt by the facility's administration of notification that the sentence has become enforceable are included in the category "suspects and accused persons".

38. In accordance with the internal regulations for remand centres of the penal correction system, a convicted person whose sentence has become enforceable but is not yet being served is granted visits from relatives subject to the permission of the officer who presided over the court hearings in the criminal case or the president of the court. Article 395 of the Code of Criminal Procedure contains a similar provision.

39. As stipulated in article 75 of the Penal Enforcement Code, persons sentenced to deprivation of liberty are sent to serve their sentences within no more than 10 days of the receipt by the remand centre's administration of notification that the sentence has become enforceable. During this period, a convicted person has the right to receive short visits from relatives or other persons.

40. During their stay in a correctional facility, in conformity with article 89 of the Code, persons sentenced to deprivation of liberty are granted short visits of up to four hours and longer visits of up to three days within the confines of the facility. In the circumstances provided for in the Code, prisoners may be granted longer visits of up to five days with the right to stay outside the correctional facility. In such cases, the director of the facility determines the procedure for the visit and the location.

41. Short visits from relatives or other persons take place in the presence of a member of the correctional facility's administration. Longer visits come with the right to live together with a spouse, parents, children, adoptive parents, adopted children, siblings, grandparents and grandchildren and, subject to the permission of the director of the facility, with other persons.

42. Prisoners are allowed, on request, to replace a longer visit with a short visit or a short or longer visit with a telephone call; in correctional colonies, a longer visit with the right to stay outside the colony may be replaced with a short visit outside the confines of the colony. The procedure for replacing one type of visit with another is established by the federal authority responsible for developing and implementing Government policy and laws and regulations regarding the enforcement of criminal penalties.

43. In accordance with article 48, paragraph 2, of the Constitution of the Russian Federation, anyone who is detained, remanded in custody or accused of committing an offence has the right to the assistance of a lawyer (defence counsel) from the moment he or she is detained, remanded in custody or charged.

44. Under article 18 of the Federal Act on the Custody of Suspects and Accused Persons, suspects and accused persons are granted meetings with counsel from the moment they are taken into custody. Such meetings take place in private and are confidential; there is no limit as to their frequency or duration, except in the cases provided for in the Code of Criminal Procedure.

45. Article 46, paragraph 2, and article 92, paragraph 4, of the Code stipulate that a suspect detained under the procedure established in the Code must be questioned within no more than 24 hours of the time of actual detention. Prior to first being questioned, the suspect, at his or her request, is granted a private, confidential meeting with counsel. Where

the presence of the suspect is required for carrying out procedural actions, the duration of this meeting may be limited to two hours by the person conducting the initial inquiry or the investigator; the suspect and his or her counsel must be notified thereof in advance. In no case may the duration of the meeting be less than two hours.

46. The services of defence counsel may be sought by a suspect or accused person or his or her legal representative, or they may be secured by the person conducting the initial inquiry, the investigator or the court (Code of Criminal Procedure, art. 50).

47. Under article 18, paragraph 1, of Federal Act No. 63-FZ of 31 May 2002 on the Work of Lawyers and the Legal Profession in the Russian Federation, it is prohibited to interfere in or in any way hinder the lawfully conducted activities of lawyers.

48. Article 52 of the Code of Criminal Procedure states that a suspect or accused person has the right at any time during the proceedings in a criminal case to refuse the assistance of counsel. Such refusal is permitted only at the suspect or accused person's own initiative.

49. The services of particular counsel may be rejected by the suspect or accused person himself or herself on subjective grounds, or by the person conducting the initial inquiry, the investigator or the court on the grounds specified in article 72 of the Code.

50. Article 72 contains an exhaustive list of circumstances that preclude the participation of particular counsel in the proceedings in a criminal case. Thus, defence counsel and representatives of the victim may not take part in the proceedings if:

(a) They have previously participated in proceedings in the same case as a judge, procurator, investigator, person conducting an initial inquiry, court clerk, witness, expert, specialist, translator or independent witness;

(b) They are a close relative or relative of a judge, procurator, investigator, person conducting an initial inquiry or court clerk who is participating, or has participated, in proceedings in the same case or of a person whose interests conflict with those of the party to the proceedings for whom they have contracted to render legal assistance;

(c) They are rendering, or have previously rendered, legal assistance to a person whose interests conflict with those of the suspect or accused person they are defending or the victim, civil plaintiff or civil respondent they are representing.

51. In accordance with article 69, paragraph 1, and article 72, paragraph 2, of the Code, the decision to reject defence counsel or representatives of the victim, civil plaintiff or civil respondent may be taken by the person conducting the initial inquiry, the investigator or the court. The list of persons who have the right to reject defence counsel is exhaustive and not subject to broader interpretation. The removal of a lawyer from a case is not provided for in Russian legislation. Thus, there are no provisions in domestic law that would allow a procurator to do so.

52. Article 15 of the Federal Act on the Custody of Suspects and Accused Persons stipulates the establishment of a regime in places of detention allowing for the isolation of suspects and accused persons and the performance of the tasks envisaged in the Code of Criminal Procedure. In particular, article 18 of the Act provides that visits from relatives or other persons must take place under the supervision of staff of places of detention and may be terminated prematurely in the event of an attempt to hand over to a suspect or accused person any prohibited objects, substances or foodstuffs or to impart information that might hinder efforts to establish the truth in the criminal case or facilitate the commission of a further offence.

53. In conformity with this rule, the internal regulations for remand centres of the penal correction system state that attempting to hand over to a suspect or accused person any prohibited objects, substances or foodstuffs or to impart information that might hinder

efforts to establish the truth in the criminal case or facilitate the commission of a further offence constitutes grounds for the premature termination of a visit (art. 147).

54. If a meeting with a lawyer is terminated prematurely, the director of the remand centre concerned is obliged to order an investigation. The relevant local agency of the Ministry of Justice must be notified of the breach without delay. The findings of the investigation, along with copies of the evidence, are transmitted to the Council of the local Bar association of which the lawyer is a member for a decision on whether he or she is liable, with the remand centre administration being informed of the outcome.

55. The premature termination of a meeting between a detained person and his or her lawyer may be appealed under the legally established procedure. The final instance for such appeals is a court.

56. Information from the local agencies of the Federal Penal Correction Service on the number of cases in which meetings with defence counsel were terminated prematurely is provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of meetings between persons held in remand centres or premises operating as remand centres and counsel terminated prematurely owing to attempts to impart information that might hinder efforts to establish the truth in a criminal case or facilitate the commission of a further offence	4	2	1	4	0	2
Number of meetings between persons held in remand centres or premises operating as remand centres and counsel terminated prematurely owing to attempts to hand over to a suspect or accused person prohibited objects, substances or foodstuffs	11	21	16	44	79	57

57. Information from the local agencies of the Federal Penal Correction Service on the number of appeals brought by counsel and persons deprived of their liberty against violations of the right of such persons to legal assistance is provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of appeals brought by counsel and persons deprived of their liberty against violations of the right of such persons to legal assistance	12	22	27	19	33	47

58. Russian legislation does not envisage any exceptional circumstances that may be invoked to justify torture.

59. Article 21 of the Constitution establishes that no one may be subjected to torture, violence or other cruel or degrading treatment or punishment.

60. Article 9 of the Code of Criminal Procedure (Respect for the honour and dignity of the individual) prohibits the performance of actions or the adoption of decisions that denigrate the honour of a person participating in criminal proceedings or the application to such person of treatment that degrades human dignity or endangers life and health. It further provides that no party to criminal proceedings may be subjected to violence, torture or other cruel or degrading treatment or punishment.

61. The violation of these provisions is grounds for the bringing of disciplinary action or criminal charges against the official responsible.

62. The Penal Enforcement Code (art. 3), Act No. 1026-1 of 18 April 1991 on the Militia (art. 5) and the Federal Act on the Custody of Suspects and Accused Persons (art. 4) also contain a prohibition on the use of torture.

63. In addition, article 9, paragraph 8, of the Code of Professional Ethics of the internal affairs agencies, approved by Ministry of Internal Affairs Order No. 1138 of 24 December 2008, states explicitly that no extraordinary circumstances may be invoked as justification of violations of the law or of torture or other cruel, inhuman or degrading treatment or punishment.

64. Data from the local agencies of the Federal Penal Correction Service on the number of persons detained in facilities of the penal correction system on suspicion of terrorist activity are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of persons detained in facilities of the penal correction system on suspicion of terrorist activity	618	779	805	571	529	495

65. In accordance with the regulations governing the use of weapons, military hardware and special equipment by the Armed Forces of the Russian Federation during counter-terrorism operations, approved by Government Decision No. 352 of 6 June 2007, officers commanding subdivisions, military units and formations of the Armed Forces forming part of groups of forces and equipment assembled for the execution of counter-terrorism operations must give appropriate orders, instructions, commands and signals regarding the use of weapons, military hardware and special equipment when directing the subdivisions, military units and formations under their command.

66. These officers must notify the procuratorial authorities immediately of any injuries or deaths resulting from the use of weapons, military hardware or special equipment during counter-terrorism operations.

67. Under the Order of the Procurator-General of the Russian Federation of 6 September 2007 on arrangements for procuratorial supervision of the procedural activities of pretrial investigative bodies, it is incumbent on the procuratorial authorities to use, to the fullest extent, the powers available to them to protect the rights and lawful interests of parties to criminal proceedings and other persons whose rights or lawful interests have been violated. Timely measures are implemented to halt the unwarranted and unlawful application of procedural coercive measures in respect of suspects and accused persons. The lawfulness of the detention of criminal suspects is verified, and steps are taken to identify and correct violations of the detention procedure. Complaints of unlawful detention and violations of detainees' rights are investigated without delay. By virtue of article 10, paragraph 2, of the Code of Criminal Procedure, the procurator may, on his or her own decision, release immediately any person who has been unlawfully detained or deprived of liberty and any person detained beyond the period provided for in criminal procedural legislation.

68. Furthermore, the procurator is required to be present when the courts consider applications by investigators for preventive measures in the form of remand in custody or house arrest to be applied to a suspect or accused person or for the period of detention to be extended. In considering such applications, the courts take into account articles 97, 100 and 106–109 of the Code of Criminal Procedure and the position of the European Court of Human Rights on what constitutes a reasonable period of detention, as well as the seriousness of the offences committed, information on the character of the suspect or

accused person, his or her age, health, family status, place of residence, type of occupation and other circumstances.

69. Under articles 11 and 12 of Federal Act No. 35-FZ of 6 March 2006 on Counter-Terrorism, a counter-terrorism operation entails the introduction of a special legal regime for the purposes of suppressing and uncovering terrorist acts, minimizing their impact and protecting the vital interests of the individual, society and the State, and in cases where the prevention of a terrorist act using other actions and means is not possible.

70. The decision to conduct a counter-terrorism operation, or to halt it, may be taken by the head of the federal authority responsible for ensuring security, or, on instructions from him or her, by another official of the authority, or by the head of the local agency of the federal authority if no decision has been taken by the head of the authority.

71. A counter-terrorism operation is a measure of last resort, intended to facilitate the suppression of terrorist acts by law enforcement agencies at the earliest opportunity.

72. Under article 13 of the Act, a counter-terrorism operation must be directed by the head of operation, who is personally responsible for its execution.

73. The head of operation:

(a) Determines the structure and modus operandi of the operations centre and the tasks and functions of the officials who make up the centre's personnel;

(b) Determines the composition of the forces and equipment necessary to execute the counter-terrorism operation and decides whether to enlist other personnel for the operations centre;

(c) Instructs operations centre personnel on training teams and preparing plans for the conduct of the operation;

(d) Under the procedure established in the legal and regulatory enactments of the federal authority responsible for ensuring security in coordination with the federal authorities in charge of defence, internal affairs, justice, foreign affairs, civil defence, protection of the population and territory in case of emergencies, fire safety and safety on water bodies, enlists from these and other federal authorities, as well as from the authorities of the constituent entities of the Russian Federation, the forces and equipment necessary to execute the counter-terrorism operation and minimize the impact of any terrorist act;

(e) Designates a member of the operations centre personnel to be responsible for communications with the media and the public;

(f) Determines the area (or facility) within which the legal regime for counter-terrorism operations will apply and establishes a set of measures and temporary restrictions, of which the official who took the decision to conduct the operation must be notified without delay;

(g) Takes the decision and gives the instruction (or order) to execute the operation;

(h) Exercises other powers in directing the operation.

74. The National Counter-Terrorism Committee was established pursuant to Presidential Decree No. 116 of 15 February 2006 on measures to counteract terrorism, in order to improve State management of counter-terrorism efforts.

75. The Chairperson of the Committee is the Director of the Federal Security Service.

76. Counter-terrorism commissions have been established in the constituent entities of the Russian Federation to coordinate the activities of the local agencies of the federal

authorities, of the constituent entities' own authorities and of local government bodies in preventing terrorism and minimizing and eliminating the impact of manifestations of terrorism.

77. The heads of these counter-terrorism commissions are the senior officials (the heads of the supreme executive bodies) of the constituent entities.

78. Specialized administrative bodies have been set up to plan for the use of forces and equipment of the federal authorities and their local counter-terrorism agencies and to manage counter-terrorism operations.

79. The legal framework for combating terrorism comprises the Constitution and the universally recognized principles and norms of international law as set out in such international legal instruments as the European Convention on the Suppression of Terrorism of 27 January 1977 (ratified on 7 August 2000 by Federal Act No. 121-FZ); the Shanghai Convention on Combating Terrorism, Separatism and Extremism (ratified on 10 January 2003 by Federal Act No. 3-FZ); and the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 (ratified on 20 April 2006 by Federal Act No. 56-FZ).

80. No law or regulation affecting human and civil rights, freedoms and duties may be applied unless published officially for general information (Constitution, art. 15, para. 3).

81. In 2000, with a view to developing additional arrangements for monitoring lawfulness and respect for human rights in the penal correction system, a human rights monitoring division was set up within the federal authority tasked with implementing Government policy in this area. The division organizes the activities of the assistant directors of local offices of the Federal Penal Correction Service responsible for observance of human rights in the penal correction system, who work under its operational authority, and takes part in monitoring respect for the human rights and lawful interests of persons sentenced to deprivation of liberty and persons held in custody.

82. In line with the division's programme of work, its staff have participated in inspections of the activities of penal correction facilities and bodies, including remand centres and premises operating as remand centres. The local assistant directors have taken part systematically in such inspections, both reviewing complaints concerning the work of the penal correction system and making routine checks.

83. Data from the local agencies of the Federal Penal Correction Service on the number of inspections carried out in facilities of the penal correction system are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of constituent entities of the Russian Federation in which staff of the human rights monitoring division conducted inspections of remand centres and premises operating as remand centres	1	1	1	1	4	1
Number of inspections carried out in all facilities of the penal correction system by assistant directors of local offices of the Federal Penal Correction Service responsible for observance of human rights in the penal correction system and working under the operational authority of the human rights monitoring division	1 850	1 999	2 249	2 469	2 715	2 943

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of inspections carried out in remand centres and premises operating as remand centres by assistant directors of local offices of the Federal Penal Correction Service responsible for observance of human rights in the penal correction system and working under the operational authority of the human rights monitoring division	592	680	776	830	961	1 073

84. In the first quarter of 2010, the human rights monitoring division conducted inspections of the activities of remand centres and premises operating as remand centres in three constituent entities of the Russian Federation.

85. Some 34 investigations carried out following specific complaints found conditions of detention in remand centres that violated article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The complainants received material compensation pursuant to decisions of the European Court of Human Rights.

86. Persons held in custody and persons serving custodial sentences make active use of domestic human rights protection mechanisms to secure the restoration of rights that have been violated or to obtain material compensation for their conditions of detention. Investigations carried out in response to such complaints are performed by the relevant commissions of the local agencies of the Federal Penal Correction Service.

87. The Federal Penal Correction Service, with the assistance of the human rights monitoring division, has issued appropriate instructions to prevent human rights violations in penal correction facilities and bodies.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of instructions of the Federal Penal Correction Service (Central Penal Correction Department of the Ministry of Justice) and the Ministry of Justice prepared by the human rights monitoring division	12	14	10	10	22	34

88. Since the task of monitoring observance of human rights in the penal correction system as a whole is entrusted to the Federal Penal Correction Service, oversight of the activities of the system's facilities and bodies, including remand centres and premises operating as remand centres, is carried out during scheduled inspections, checks and targeted visits by the Federal Service's commissions.

89. To monitor compliance in remand centres with the laws governing conditions of detention for suspects, accused persons and convicted persons, in 2009 staff of the department responsible for organizing the work of prisons and remand centres conducted 79 visits to 49 local agencies of the Federal Penal Correction Service; 115 visits were made to 61 local agencies in 2007 and 95 to 52 local agencies in 2008.

90. In addition, issues concerning respect for human rights have been considered systematically at meetings of the central administrative boards of the Ministry of Justice, the Federal Penal Correction Service and its local agencies.

91. Federal Act No. 76-FZ of 10 June 2008 on Public Oversight of Respect for Human Rights in Places of Forced Detention and on Assistance to Inmates of Places of Forced Detention, which entered into force on 1 September 2008, established the legal framework for the participation of civil society associations in public monitoring of human rights in

places of forced detention and for the provision of assistance to inmates of such places, including with their social rehabilitation.

92. Pursuant to the Act, in 2009 public watchdog commissions conducted 910 visits to facilities of the penal correction system, including 284 to remand centres and premises operating as remand centres.

93. The statistics presented below relate to visits to remand centres and premises operating as remand centres by other bodies carrying out oversight of the work of the penal correction system.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of visits to all types of facility of the penal correction system by regional human rights commissioners	140	145	153	198	280	340
Number of visits to all types of facility of the penal correction system by staff of the offices of regional human rights commissioners	138	134	163	232	368	444
Number of visits to remand centres and premises operating as remand centres by regional human rights commissioners	52	50	86	80	120	150
Number of visits to remand centres and premises operating as remand centres by staff of the offices of regional human rights commissioners	47	45	81	101	161	183

94. The local agencies of the Federal Penal Correction Service are taking measures to eliminate the shortcomings identified during such visits in the work of the facilities under their authority and to restore the violated rights of inmates of these facilities.

95. No cases of torture or cruel, inhuman or degrading treatment or punishment have been brought to light in remand centres.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of visits to all types of facility of the penal correction system by members of the Public Council under the Federal Penal Correction Service	45	32	20	55	124	240
Number of visits to remand centres and premises operating as remand centres by members of the Public Council under the Federal Penal Correction Service	6	15	4	16	54	88
Number of visits to all types of facility of the penal correction system by members of the public councils under the local agencies of the Federal Penal Correction Service	448	644	845	1 156	1 540	2 354
Number of visits to remand centres and premises operating as remand centres by members of the public councils under the local agencies of the Federal Penal Correction Service	84	102	133	200	297	431

96. The outcome of visits to facilities of the penal correction system by members of public councils has a significant impact on efforts to enhance the work of these facilities. Council members provide assistance to the facilities on a voluntary basis.

97. Administrative regulations on the discharge of the State's responsibilities with regard to the consideration of proposals, applications and complaints from convicted prisoners and persons held in custody, elaborated in order to improve the procedures and working methods for handling such communications and to enhance the protection of the constitutional rights and lawful interests of convicted prisoners and persons held in custody, were approved by Ministry of Justice Order No. 383 of 26 December 2006.

98. The regulations are based on criminal procedural and penal enforcement legislation.

99. The above-mentioned responsibilities of the State are discharged by employees of the central administration of the Federal Penal Correction Service, its local agencies, correctional facilities, remand centres, premises operating as remand centres and probation offices.

100. The following entities cooperate in the review of proposals, applications and complaints from convicted prisoners and persons held in custody:

(a) Judicial bodies;

(b) Law enforcement agencies;

(c) Central and local government bodies;

(d) Civil society organizations and associations;

(e) The Human Rights Commissioner of the Russian Federation and the human rights commissioners in the constituent entities;

(f) Inter-State bodies for the protection of human rights and freedoms.

101. The person reviewing a written communication takes steps to restore or protect the violated rights, freedoms or lawful interests of the petitioner, responds in writing to the substantive issues raised in the communication and notifies the petitioner of the transmission of his or her communication for review by other central or local government bodies or officials as appropriate.

102. In accordance with article 21 of the Federal Act on the Custody of Suspects and Accused Persons and article 91 of the Penal Enforcement Code, remand prisoners and persons serving custodial sentences have the right freely to address proposals, applications and complaints to central and local government bodies and civil society associations. Furthermore, communications addressed to a procurator, court or other State body empowered to monitor places of forced detention or to the Human Rights Commissioner of the Russian Federation, the human rights commissioners of the constituent entities, the public watchdog commissions or the European Court of Human Rights are not censored and are forwarded to the addressee without delay.

103. Communications from suspects, accused persons and convicted persons are considered in accordance with the Instructions on receiving, registering and checking communications regarding offences and incidents in penal correction facilities and bodies, approved by Ministry of Justice Order No. 250 of 11 June 2006.

104. The directors of penal correction facilities and bodies take immediate steps to investigate criminal cases involving violations of established procedure by their officers, as well as offences committed on the premises by other persons.

105. In 2009, no complaints of torture or inhuman or degrading treatment were received by the Office of the Procurator-General from persons held in remand centres. However,

instances of torture and inhuman or degrading treatment were established during checks carried out at facilities of the penal correction system by the procuratorial authorities.

106. In conformity with Order No. 19 of the Procurator-General of the Russian Federation of 30 January 2007 on arrangements for the supervision of compliance with the law by administrations of bodies and facilities enforcing criminal penalties and of remand centres holding suspects and accused persons, the procurators authorized to perform this function conduct monthly checks at remand centres and quarterly checks at correctional facilities of the penal correction system; the checks cover, inter alia, the lawfulness of the use of incentives and disciplinary measures in respect of suspects and accused persons and convicted persons deprived of their liberty.

107. Instances of non-regulation relations in the Armed Forces and other military formations are thoroughly investigated.

108. The Interdepartmental Working Group on combating humiliating treatment, assault and other violent offences is working to prevent these negative phenomena and is coordinating concerted efforts undertaken with the military authorities to eliminate the factors that give rise to them.

109. Working Group members take an active part in the conduct of joint inspections of military units, formations and headquarters to assess compliance with the laws on preserving the life and health of service personnel and arrangements for ensuring safe conditions of service and preventing breaches of service regulations. The members of the inspection teams are not only senior commanders, but also specialists from various services (catering, stores, medical, etc.).

110. The legal framework underpinning efforts to combat crime in the military (including non-regulation relations) comprises the Constitution, the Federal Act on the Procurator's Office of the Russian Federation, the Federal Defence Act, the Federal Act on Military Obligations and Military Service, the Federal Act on the Status of Military Personnel, the Criminal Code and Code of Criminal Procedure, the National Security Outline, the Military Doctrine of the Russian Federation, the Combined Military Statutes of the Armed Forces of the Russian Federation, the orders and instructions of the Procurator-General of the Russian Federation and of the Deputy Procurator-General of the Russian Federation and Chief Military Procurator, the orders and directives of the heads of ministries and departments in which the law provides for military service to be performed, and other legal and regulatory enactments.

111. On the basis of the above-mentioned laws and regulations, measures are being taken by the Government and others to eliminate factors and conditions or circumstances contributing to the commission of offences in the military, including those involving non-regulation relations.

112. The Instructions on the procedural activities of bodies conducting initial inquiries in the Armed Forces of the Russian Federation and in other troops, military formations and agencies in which the law provides for military service to be performed, approved by Order No. 20 of the Deputy Procurator-General of the Russian Federation and Chief Military Procurator of 18 January 2008, set out the powers and duties of such bodies.

113. Under article 40, paragraph 1 (3), and article 157, paragraph 2 (4), of the Code of Criminal Procedure, the powers and duties of bodies conducting initial inquiries may be discharged by:

(a) Commanders of military units and formations – in criminal cases involving offences committed by military personnel, citizens on military reserve duty and civilian personnel of the Armed Forces and of other troops, military formations and agencies in

connection with the performance by them of their official duties or on the premises of a unit, formation or garrison;

(b) Heads of military institutions – in criminal cases involving offences committed by military personnel, citizens on military reserve duty and civilian personnel of the Armed Forces and of other troops, military formations and agencies in connection with the performance by them of their official duties or on the premises of the institution;

(c) Heads of garrisons – in criminal cases involving offences committed by military personnel, citizens on military reserve duty and civilian personnel of the Armed Forces and of other troops, military formations and agencies in connection with the performance by them of their official duties where such persons are not serving in a unit, formation or institution of the garrison but the offence has taken place on its premises (Statute of the garrison and sentry services of the Armed Forces of the Russian Federation, art. 24);

(d) Personnel of the following entities of the Federal Security Service — subdivisions of the central administration, bodies reporting to the central administration, departments (or offices) for the various regions and constituent entities of the Russian Federation (local security agencies), departments (or offices) in the Armed Forces of the Russian Federation and in other troops, military formations and administrative bodies thereof (military security agencies), and training institutes, enterprises, institutions and organizations — who conduct initial inquiries may also carry out urgent investigative actions in criminal cases involving offences referred to article 151, paragraph 2 (2), of the Code of Criminal Procedure.

114. This list is exhaustive and is not subject to broader interpretation. Thus, as stated in the provisions cited above, commanders of a unit's subdivisions are not covered by the term "bodies conducting initial inquiries".

115. Furthermore, under article 12 of the Instructions, the person conducting the initial inquiry in a criminal case may not participate in the investigation of the case and may be removed if he or she is the direct superior, or is under the command, of the suspect or accused person or if there are other grounds for believing that he or she has a personal interest, whether direct or indirect, in the outcome of the case. It follows therefrom that the commander of the unit in which a breach of service regulations occurs may not conduct the initial inquiry in the case.

116. The operations undertaken by bodies conducting initial inquiries include measures to identify the perpetrators of offences and the whereabouts of suspects or accused persons, as provided for in criminal procedural legislation and in the statutes of the Armed Forces of the Russian Federation, as well as measures of a preventive nature, both general and more specific, collection of data on the identity and whereabouts of perpetrators, and other steps aimed at uncovering and preventing offences.

117. Bodies conducting initial inquiries work in cooperation with the military investigating agencies and other law enforcement authorities.

118. A person conducting an initial inquiry must:

- Conduct the criminal proceedings in strict compliance with the Constitution, the Code of Criminal Procedure, the Criminal Code and the Instructions.
- Organize the carrying out of urgent investigative actions in cooperation with the commander of the military unit and the military procurator, determine the sequence of the criminal investigation and take steps, as stipulated by law, to establish those facts of the case that must be demonstrated.

- Explain to the suspect, the victim and other parties to the criminal proceedings their rights, duties and responsibilities and ensure that these rights are realized. The suspect's right to a defence must also be ensured; this right may be exercised in person or with the assistance of defence counsel and/or a legal representative. The person conducting the initial inquiry must explain to the suspect his or her rights in this regard and ensure that the suspect is able to defend himself or herself by any means not prohibited by the Code of Criminal Procedure.
- Take guardianship measures in respect of the suspect's children and dependants, as well as steps to ensure the preservation of his or her property, and notify the suspect of the action taken (Code of Criminal Procedure, art. 160).
- Report in writing to the commander of the military unit on any breaches identified in the course of the preliminary investigation that contributed to the offence or incident and inform the military procurator of the outcome of the measures taken to correct such breaches.
- Participate actively in efforts to prevent crime among military personnel, citizens on military reserve duty and civilian personnel of the Armed Forces and of other troops, military formations and agencies and explain the laws of the Russian Federation to personnel.
- Carry out written directives from the military procurator and the commander of the military unit, requests from the military procurator and written instructions from the investigator in the criminal case.

119. In the cases envisaged in the Code of Criminal Procedure, procedural decisions taken by a person conducting an initial inquiry are subject to approval by the body conducting the inquiry or military unit commander.

120. The decisions of a body or person conducting an initial inquiry must be lawful and well-founded and must state the grounds on which they are based (Code of Criminal Procedure, art. 7, para. 4).

121. Where, during criminal proceedings, the body or person conducting the initial inquiry violates the Code of Criminal Procedure, any evidence thus obtained is declared inadmissible (art. 7, para. 3).

122. Procedural actions and decisions are recorded by the body conducting the initial inquiry or military unit commander or the person conducting the inquiry on blank procedural documents for pretrial proceedings.

123. The person conducting the initial inquiry bears full responsibility for the well-foundedness of procedural decisions taken by him or her, the timely and lawful performance of procedural actions in the criminal case and the preservation of any evidence gathered.

124. The body or person conducting the initial inquiry guarantees to those parties to the criminal proceedings referred to in article 119 of the Code of Criminal Procedure the right to file applications concerning procedural actions carried out and procedural decisions taken.

125. An application may be filed at any point in the proceedings in a criminal case. The body or person conducting the initial inquiry must consider each application filed in respect of the criminal case under the procedure established in chapter 15 of the Code of Criminal Procedure. Written applications are attached to the criminal case file, while oral applications are noted in the record of investigative actions (Code of Criminal Procedure, arts. 120 and 159).

126. Applications must be considered and disposed of directly after they are filed. Where an immediate decision on an application filed during a preliminary investigation is not possible, the application must be disposed of within three days of the date of filing (Code of Criminal Procedure, art. 121).

127. The body conducting the initial inquiry or military unit commander or the person conducting the inquiry must decide whether to grant the application or to reject it in full or in part; the person who filed the application is notified of this decision, which may be appealed under the procedure established in chapter 16 of the Code of Criminal Procedure (art. 123 and art. 159, para. 4).

128. Preliminary investigations are confidential. Article 161 of the Code governs the procedure whereby the body conducting the initial inquiry or military unit commander or the person conducting the inquiry notifies the parties to the criminal proceedings about the ban on disclosing, without permission, information that has become known to them concerning the investigation and collects written non-disclosure undertakings, as well the procedure for making information concerning the investigation public.

129. Article 18 of the Instructions prohibits the performance of actions or the adoption of decisions during criminal proceedings that denigrate the honour of a person participating in the proceedings or the application to such person of treatment that degrades human dignity or endangers life and health.

130. No party to criminal proceedings may be subjected to violence, torture or other cruel or degrading treatment (Code of Criminal Procedure, art. 9).

131. Bodies conducting initial inquiries or military unit commanders and persons conducting such inquiries are liable to criminal prosecution in cases involving excess of authority (Criminal Code, art. 286), criminal prosecution of a party known to be innocent (art. 299), unlawful exemption from criminal liability of a suspect or accused person (art. 300), unlawful detention or holding in custody (art. 301), coercion of a suspect, accused person, victim or witness to testify or an expert or specialist to provide certain conclusions or testimony through the use of threats, blackmail or other unlawful actions (Code of Criminal Procedure, art. 302), falsification of evidence in criminal cases for which they are responsible (Criminal Code, art. 303, paras. 2 and 3) or breaches of the inviolability of the home (art. 139).

132. In accordance with article 151, paragraphs 2 (c) and 3 (7), of the Code of Criminal Procedure, pretrial investigations and initial inquiries into offences committed by military personnel, citizens on military reserve duty and civilian personnel of the Armed Forces and of other troops, military formations and agencies in connection with the performance by them of their official duties or on the premises of a unit, formation, institution or garrison are conducted by the military investigating agencies under the Investigative Committee attached to the Russian Federation Procurator's Office.

133. The body conducting the initial inquiry or military unit commander is required to assist the staff of military procuratorial bodies overseeing compliance with the law by bodies conducting initial inquiries and the military investigating agencies carrying out the preliminary investigation for the entire duration of the proceedings in a criminal case and to ensure them unhindered access to the unit's premises.

134. According to the statistics on military personnel convicted in 2009, the adverse situation with respect to non-regulation relations in the army and navy has been turned around as a result of the measures taken. Convictions for breaches of the rules governing relations between service personnel have been falling since 2007. In that year, there was a 7 per cent reduction in their number compared with 2006 (when the most significant increase was noted), while in 2008–2009 convictions declined by a further 8 per cent.

135. Thus, there has been an aggregate fall of 15 per cent over the past three years and, currently, these offences account for no more than 16 per cent of all crime in the military.

136. Some 379 officers were convicted of excess of authority, 5 per cent more than in 2008, when the figure was 359.

137. In addition, 97 warrant officers, 264 sergeants and 45 members of the rank and file performing compulsory military service were convicted of excess of authority in the Armed Forces, along with 161 sergeants and 6 members of the rank and file serving on a contractual basis.

138. The concealment of offences by bodies conducting initial inquiries (or military personnel acting in that capacity) remains a pressing problem. In 2009, 24 offences involving violence were concealed by such bodies, a reduction of 7.8 per cent compared with 2008.

139. Crimes against military service represented the vast majority of offences that were concealed (101 or 82.8 per cent). Avoidance of military service accounted for 79.5 per cent of all offences concealed (97 in 2008); 17 concealed offences involved assault (up 13.3 per cent), including by commanders (or heads of bodies conducting initial inquiries).

140. The military investigating agencies instituted criminal proceedings and launched investigations against nine military officials in connection with the concealment of offences, including two cases of assault.

141. In 2009, following a review of files forwarded by military procurators to investigating agencies under the procedure specified in article 37, paragraph 2 (2), of the Code of Criminal Procedure, 12 criminal cases were brought against military officials who had concealed offences (two persons have been convicted, while investigations are ongoing in the remaining cases).

142. Where there are grounds for so doing, victims of breaches of service regulations are sent to military medical establishments for treatment; there, they receive the requisite medical and psychological care.

143. Where necessary, on the direction of military medical commissions these persons are granted additional leave for the purposes of their rehabilitation and recovery.

144. An analysis of the criminal cases handled by the military procuratorial bodies and, since September 2007, by the military investigating agencies under the Investigative Committee indicates a reduction in recent years in the total number of reported offences involving non-regulation relations or assault in the Armed Forces and in other troops and military formations.

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

146. Information is provided below on the total number of such offences reported, disaggregated by year. The summary data are as follows:

2005	7 488
2006	6 102
2007	4 022
2008	3 931
2009	3 812

147. Taking steps to ensure the timely and full uncovery of offences involving breaches of service regulations and assault has been a priority of the military investigating agencies since their establishment. It is precisely these offences that, as in the past, serve as a barometer of the general state of law and order in the military: in 2009, these offences constituted 21.9 per cent of all crime committed by service personnel.

148. The 16.5 per cent reduction in the level of violent crime in 2008 was accompanied by a fall in the number of affected service personnel. In January–December 2009, the number of victims among service members remained virtually unchanged (up 0.4 per cent from the 2008 figure of 4,030).

149. In 2009, fewer service members died as a result of violent offences (24 compared with 31 in 2008), and the number of persons suffering harm to health also declined (135 compared with 138 in 2008). In the first quarter of 2010, the respective figures were 2 and 25 compared with 3 and 39 over the same period in 2008.

150. The military investigating agencies ensure compliance with Federal Act. No. 119-FZ of 20 August 2004 on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings and Government Decision No. 630 of 27 October 2006 approving the Rules for the application of individual security measures in respect of victims, witnesses and other participants in criminal proceedings.

151. In the majority of cases, victims and witnesses have, on the basis of reasoned decisions to apply security measures and with their written consent, been transferred or seconded to another military unit or institution during the conduct of investigations and the hearing of criminal cases by the courts, in accordance with article 13, paragraph 2 (1), of the Act, while individuals who might pose a threat to a protected person have also been transferred or seconded (art. 13, para. 2 (3)).

152. The widespread use by the State of transfer or secondment as a security measure is due to the specificities of the terms of reference established for the military investigating agencies in exercising their procedural powers and of criminal prosecutions of service members, who constitute special categories of person. The application of this type of measure is rendered more effective by the specific organization of military service, the rules governing relations between service personnel and the strict regulation of all spheres of military activity, as well as by unity of command and military discipline.

153. Military investigators have resorted to transfer or secondment in a timely and astute manner, thus helping to overcome the problem of mutual protection by service personnel and to prevent commanders from bringing pressure to bear on participants in criminal proceedings. The measure has been used most often in criminal cases involving breaches of the rules governing relations between service personnel or assault.

154. In 2008, transfer or secondment was employed as a security measure in such criminal cases in respect of 304 individuals (70 per cent); the figure for 2009 was 293 (68 per cent).

155. The Russian Federation proceeds on the basis that the category of persons known as “human rights defenders” is not embodied in international law and that such persons do not constitute a separate vulnerable group of the population covered by a special legal regime. They enjoy all the rights of citizens of the Russian Federation on an equal footing, and offences against them are investigated in full compliance with domestic legislation. The Russian law enforcement agencies open criminal cases in respect of all murders and attacks, including where the victims are members of the media or human rights defenders, and carry out investigations to identify the perpetrators and prosecute them under the law.

Article 3

156. Russian legislation conforms overall to the international legal norms governing the status of refugees. The Federal Migration Service has prepared a draft new text of Federal Act No. 4528-1 of 19 February 1993 on Refugees that meets the requirements of the 1951 Convention relating to the Status of Refugees and the Convention against Torture. The draft text is currently undergoing a process of interdepartmental coordination.

157. In accordance with the Act, deportations from the territory of the Russian Federation are carried out by the federal authority responsible for monitoring and overseeing migration and its local agencies, in cooperation with the federal internal affairs authority and its local agencies.

158. Under article 462 of the Code of Criminal Procedure, the Russian Federation may, in conformity with its international obligations or on the basis of the principle of reciprocity, extradite to a foreign State a foreign national or stateless person present in the territory of the Russian Federation for the purpose of criminal prosecution or enforcement of a sentence for acts that are criminal offences under the laws of the Russian Federation and of the requesting foreign State.

159. A person may be extradited providing that:

(a) The criminal law provides for a penalty of deprivation of liberty for a period of more than 1 year, or for a harsher penalty, for the commission of these acts in cases where the extradition is being carried out for the purpose of criminal prosecution;

(b) The person in respect of whom the extradition request has been made has been sentenced to deprivation of liberty for a period of at least 6 months, or to a harsher penalty;

(c) The requesting foreign State can guarantee that the person in respect of whom the extradition request has been made will be prosecuted only for the offence specified in the request and, following the conclusion of the trial and/or the serving of his or her sentence, will be able freely to leave the territory of that State and that he or she will not be expelled, transferred or extradited to a third State without the consent of the Russian Federation.

160. The decision on whether to extradite a foreign national or stateless person present in the territory of the Russian Federation who has been accused of committing an offence or convicted by a court of a foreign State is taken by the Procurator-General of the Russian Federation or his deputy. Where requests are received from several foreign States for the extradition of the same person, it is the Procurator-General or his deputy who decides which request to grant. The Procurator-General or his deputy must provide written notification of the decision to the person concerned and explain to that individual his or her right to appeal the decision to a court under article 463 of the Code of Criminal Procedure.

161. The extradition decision becomes enforceable 10 days after the notification of the person concerned. In the event of an appeal, the extradition is not carried out until the judicial ruling on the appeal has become enforceable.

162. Article 463 regulates the procedures for the appeal of an extradition decision and the judicial review of its lawfulness and well-foundedness. The decision of the Procurator-General or his deputy may be appealed by the person in respect of whom it has been taken or his or her defence counsel to the supreme court of the republic or the court of the territory, province, city state, autonomous province or autonomous area where the person has his or her residence within 10 days of receipt of the notification. If the person is being held in custody, the administration of the place of detention, on receiving his or her appeal, forwards it immediately to the appropriate court and notifies the procurator thereof. Within

10 days, the procurator must transmit to the court materials confirming the lawfulness and well-foundedness of the extradition decision.

163. The review of the lawfulness and well-foundedness of the extradition decision is conducted, within one month of the date of receipt of the appeal, in open court by a panel of three judges with the participation of the procurator, the person in respect of whom the decision has been taken and his or her defence counsel, if counsel is taking part in the criminal proceedings. At the start of the hearing, the presiding judge announces which appeal is being considered and explains to those present their rights, duties and responsibilities. Then the appellant and/or counsel set out the grounds for the appeal, after which the procurator takes the floor.

164. During the consideration of the appeal, the court does not discuss the guilt or innocence of the appellant, confining itself to the review of the conformity of the extradition decision with the legislation and international treaties of the Russian Federation.

165. On the basis of the outcome of the review, the court hands down a ruling in which it either declares the extradition decision to be unlawful or unfounded and overturns it, or rejects the appeal. If the extradition decision is overturned, the court also rescinds any preventive measure applied in respect of the appellant.

166. The court's ruling granting or rejecting the appeal is subject to cassational appeal to the Supreme Court of the Russian Federation within seven days of being handed down.

167. The following indicators reflect the work of the Office of the Procurator-General of the Russian Federation on extradition-related cases in the period 2005–2009.

Indicator	*2005*	*2006*	*2007*	*2008*	*2009*
Decisions to grant requests for extradition from the Russian Federation	1 033	1 064	1 101	1 173	1 390
Decisions to refuse requests for extradition from the Russian Federation	624	536	302	299	346
Requests for extradition to the Russian Federation granted by foreign States	209	225	283	284	289
Requests for extradition to the Russian Federation refused by foreign States	47	36	36	58	52

168. Under article 17, paragraph 2 (7), of the Federal Act on Refugees, the Federal Migration Service carries out deportations from the territory of the Russian Federation of persons who have lost or been deprived of their refugee status.

169. Article 10, paragraph 1, of the Act states that asylum-seekers, refugees and persons who have lost or been deprived of their refugee status may not be returned against their will to the territory of the State of their nationality (or former habitual residence) if the circumstances described in article 1, paragraph 1 (1), of the Act still obtain in that State.

170. In 2009, 193 foreign nationals were deported from the Russian Federation.

171. The procedure for the appeal of decisions declaring an application for refugee status inadmissible or denying refugee status and decisions on loss or deprivation of refugee status is established in administrative regulations on the discharge by the Federal Migration Service of the State's responsibilities with regard to the application of Russian legislation on refugees, approved by Order No. 452 of the Director of the Federal Migration Service of 5 December 1997. According to the regulations, a foreign national has the right, after receiving notification of such a decision by a local agency of the Federal Migration Service, to file an appeal with a court or with the Federal Migration Service itself under the established procedure.

172. Following the completion of the procedure for the consideration of applications, if a foreign national or stateless person is denied asylum in the territory of the Russian

Federation and if a request has been received from a competent authority of a foreign State for the extradition of this individual to the State of his or her nationality, he or she may be handed over to the authorities of the requesting foreign State. In accordance with the Act, a foreign national or stateless person who is denied asylum in the territory of the Russian Federation by a local agency of the Federal Migration Service may appeal that decision to the Federal Migration Service itself or to a court, as he or she wishes.

173. Special care is taken, when considering requests by competent authorities of foreign States for the extradition of individuals from the Russian Federation, to ensure that the requirements of article 3 of the Convention against Torture are complied with. In addition, the Office of the Procurator-General of the Russian Federation takes account of the following factors:

(a) Whether the requesting country is a party to the Commonwealth of Independent States (CIS) Convention on Judicial Assistance and Legal Relations in Civil, Family and Criminal Cases of 22 January 1993 and the European Convention on Extradition of 13 December 1957;

(b) Whether the legislation of the requesting country is based on universally recognized norms of international law and democratic principles of lawfulness, equality of citizens before the law, humanism and justice;

(c) Whether the legislation of the requesting country contains a prohibition on torture, violence and other cruel, humiliating or degrading treatment;

(d) Whether the requesting country has introduced a moratorium on the death penalty or whether the death penalty has been abolished as a criminal sanction in its domestic legislation.

174. Moreover, the Office of the Procurator-General requires competent authorities of foreign States submitting extradition requests to provide the assurances stipulated in the international treaties and the criminal procedural legislation of the Russian Federation. These include assurances that the extradited person will not be expelled, transferred or extradited to a third State without the consent of the Russian Federation; that he or she will not be prosecuted or punished for an offence committed prior to his or her extradition other than the offence for which he or she is extradited; and that he or she will be able freely to leave the territory of the requesting State following the conclusion of the trial and/or the serving of his or her sentence. At the same time, requesting States are asked to furnish additional assurances that extradition is not being sought for the purpose of prosecuting the extradited person on political, ethnic or religious grounds and that he or she will not be subjected to torture or cruel, inhuman or degrading treatment or to the death penalty.

175. In the first half of 2010, the Office of the Procurator-General received additional assurances in respect of nine persons.

176. The Office takes decisions on extradition following the complete and objective verification of all factors demonstrating the existence of obstacles to extradition or the lack thereof, information on the internal political situation and the socio-political and socio-economic circumstances in the requesting State and on the rights of persons who are prosecuted or deprived of their liberty in that State.

177. The Office will adopt a decision to extradite a person only where there is absolutely no basis for believing that the extradition would violate article 3 of the Convention against Torture.

178. In the period 2009–2010, the Office twice decided to refuse to extradite a person on the grounds mentioned above.

179. Currently, the Office, together with the Ministry of Foreign Affairs, is developing a mechanism for practical cooperation on issues relating to obtaining of extradition assurances from foreign States and monitoring of compliance with such assurances.

180. Administrative deportation of foreign nationals and stateless persons from the Russian Federation entails the forced supervised removal of such individuals across the State border and outside the territory of the Russian Federation or, in the cases envisaged in domestic legislation, the supervised independent exit of foreign nationals and stateless persons from the Russian Federation.

181. Administrative deportation is provided for as an administrative penalty in respect of foreign nationals and stateless persons and is imposed by a judge or, in the event that a foreign national or stateless person commits an administrative offence on entering the Russian Federation, by the appropriate officials.

182. A penalty such as administrative deportation may be imposed by a judge only after thorough, full and objective analysis and evaluation of the totality of the evidence in a case, including that submitted by the person on whom the penalty is being imposed.

183. In 2009, 31,185 foreign nationals and stateless persons were subjected to administrative deportation under article 18.8 of the Code of Administrative Offences for violations of the rules governing their entry into the Russian Federation or the regime for their stay (residence) in the country.

184. In accordance with article 30.1 of the Code, any decision on a case involving an administrative offence (including an administrative deportation decision) may be appealed regardless of which body or official handed down the decision. Furthermore, the right of appeal, which is available to the person in respect of whom the decision was handed down, the legal representative of that individual and also his or her defence counsel or representative, is considered an important guarantee of the observance of human and civil rights and freedoms.

185. There have been no cases of “extraordinary rendition” in territories under the jurisdiction of the Russian Federation.

Article 5

186. The term “universal crime” is not used in the Russian legislation. It is a specific feature of the country’s criminal law, however, that liability for the criminal acts enumerated in the Special Part of the Criminal Code is incurred taking into account the provisions of the General Part. In particular, under article 63, paragraph 1 (i), of the Code, the commission of an offence involving particular cruelty, sadism, humiliation or ill-treatment of the victim is an aggravating factor. In addition, the use of torture renders perpetrators of such offences as cruel treatment (art. 117) and coercion to testify (art. 302) liable to harsher penalties.

187. In accordance with article 78 of the Code, a person is exempt from criminal liability if the relevant statute of limitations has run. Nevertheless, under paragraph 5 of the article, this provision is not applied in respect of persons who have committed offences against the peace and security of humankind. This refers, among others, to such crimes as genocide (art. 357) and use of prohibited means and methods of warfare (art. 356), which offences encompass acts covered by the Convention’s definition of torture.

Article 10

188. Under article 42, paragraph 2, of the Criminal Code, a person who commits a deliberate offence in carrying out an unlawful order or instruction is held criminally liable in the usual manner. Criminal liability may not be incurred by failure to carry out an order or instruction known to be unlawful.

189. Article 34.1 of the Regulations on service in the internal affairs agencies of the Russian Federation, approved by Decision No. 4202-1 of the Supreme Soviet of the Russian Federation of 23 December 1992 (the article itself having been added pursuant to Federal Act No. 156-FZ of 22 July 2010 amending certain legislative acts of the Russian Federation), states that an order given by a superior must be carried out by a subordinate unless the order is known to be unlawful. At the same time, it is prohibited for a superior to give an order the purpose of which is to violate the norms of Russian legislation.

190. In addition, as stated in article 3 of the Penal Enforcement Code, Russian legislation on penal enforcement and practice in applying it are based, inter alia, on the norms of international law and those of the international treaties of the Russian Federation, which form an integral part of the Russian legal system.

191. Article 9 of the Code of Criminal Procedure prohibits the performance of acts or the adoption of decisions during criminal proceedings that denigrate the honour of a person participating in the proceedings or the application to such person of treatment that degrades human dignity or endangers life and health; no party to criminal proceedings may be subjected to violence, torture or other cruel or degrading treatment.

192. Under Order No. 490 of the Ministry of Internal Affairs of 29 June 2009 approving the Directions on the organization of vocational training for staff of the internal affairs agencies of the Russian Federation, all the Ministry's subdivisions regularly hold training exercises for staff covering such issues as respect for lawfulness in the performance of official activities, protection of civil rights and freedoms, and organization of prompt, full and thorough investigations of criminal cases.

193. Most staff recruited to work in bodies conducting pretrial investigations and initial inquiries are persons with higher and secondary legal education. On taking up employment, staff undergo mandatory training on domestic criminal law, the purposes of which are described as follows: protection against criminal attempts on human and civil rights and freedoms, on property, public order and public security, on the environment and on the constitutional order of the Russian Federation; maintenance of the peace and security of humankind; prevention of crime; conduct of criminal proceedings with a view to protecting the rights and lawful interests of persons and organizations that have fallen victim to crime; and protection of the individual from unlawful or unfounded accusation, conviction or restriction of rights and freedoms.

194. Military personnel study international legal norms in the sphere of human rights and international humanitarian law, notably the prohibition on the use of torture, as part of their theoretical training, including for command positions.

195. All programmes of instruction and advanced instruction for staff of the penal correction system cover the universally recognized principles and norms of international law and the provisions of the international treaties of the Russian Federation concerning the safeguarding of human rights, as does job-specific training for such staff. In addition, they are informed without fail of judgements of the European Court of Human Rights relating to the work of correctional facilities and remand centres.

196. Medical officers of the penal correction system, as qualified employees of the law enforcement agencies, receive specialized training, which includes issues relating to the

diagnosis and treatment of physical injuries and their sequelae. Once they are in post, medical officers undertake postgraduate training courses at educational establishments of the Ministry of Health and Social Development every five years.

197. There are detailed regulations governing the procedure for identifying physical injuries, including marks of torture. In accordance with paragraph 9 of the Instructions for the provision of medical care to persons detained in temporary holding facilities of the internal affairs agencies, all detainees undergo an initial medical check within 24 hours of being placed in such facilities. Similar rules apply in respect of persons admitted to special holding centres to serve sentences of administrative detention (see paragraph 8 of the Instructions for the serving of sentences of administrative detention, approved by Government Decision No. 726 of 2 October 2002).

198. Under paragraphs 24 and 25 of the Procedure for the provision of medical care to remand prisoners and persons serving custodial sentences, approved by Order No. 640/190 of the Ministry of Health and Social Development and the Ministry of Justice of 17 October 2005, all suspects and accused persons on entering a remand centre and all convicted prisoners must undergo an initial medical check at the earliest opportunity. This document also establishes that, if a suspect or accused person sustains physical injuries, he or she must be examined and treated by a medical officer without delay. The medical examination includes a physical check-up, as well as additional investigatory techniques and consultation by specialist doctors where necessary. The results obtained are noted on the outpatient chart under the established procedure and the person examined is notified thereof in a manner comprehensible to him or her.

199. When information comes to light giving grounds to believe that harm has been caused to the health of a suspect, accused person or convicted prisoner as a result of unlawful actions, the medical officer carrying out the examination notifies the director of the facility concerned in writing.

200. Under article 17 (Rights of suspects and accused persons) of the Federal Act on the Custody of Suspects and Accused Persons, suspects and accused persons have the right to request a personal interview with the director of the detention facility in which they are being held or with the persons monitoring the facility's activities while these persons are present at the facility and to address proposals, applications and complaints, including to a court, concerning the lawfulness and well-foundedness of their detention and any violations of their lawful rights and interests.

201. Data from the local agencies of the Federal Penal Correction Service on the number of statements (reports) drawn up by medical officers of the penal correction system are set out below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of statements (reports) drawn up by medical officers of facilities of the penal correction system upon identifying physical injuries sustained by or harm caused to the health of persons held in these facilities as a result of unlawful actions of others in accordance with Order No. 170 of the Central Penal Correction Department of the Ministry of Justice of 27 July 2007 approving the Instructions on the procedure for receiving, registering, recording and processing of statements, confessions and reports regarding the	3 888	4 151	5 364	5 825	6 194	7 400

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
commission or preparation of offences and of communications regarding other incidents in penal correction facilities and bodies of the Ministry of Justice; Order No. 250 of the Ministry of Justice of 11 July 2006 approving the Instructions on receiving, registering and checking communications regarding offences and incidents in penal correction facilities and bodies; Order No. 640/190 of the Ministry of Health and Social Development and the Ministry of Justice of 17 October 2005 approving the Procedure for the provision of medical care to remand prisoners and persons serving custodial sentences; and the Rules* (hereinafter "the appropriate regulations and rules")						
Number of statements (reports) drawn up by medical officers of facilities of the penal correction system, in accordance with the appropriate regulations and rules, upon identifying physical injuries sustained by or harm caused to the health of persons held in remand centres or premises operating as remand centres as a result of unlawful actions of staff of these facilities	51	48	69	136	155	285
Number of statements (reports) drawn up by medical officers of facilities of the penal correction system, in accordance with the appropriate regulations and rules, upon identifying physical injuries sustained by or harm caused to the health of persons brought under escort from other law enforcement agencies to remand centres or premises operating as remand centres as a result of unlawful actions of others	3 319	3 777	4 026	4 325	4 933	4 896
Number of reports sent to procuratorial authorities, after verification by the operations departments of facilities of the penal correction system, on the basis of statements (reports) drawn up by medical officers upon identifying physical injuries sustained by or harm caused to the health of suspects, accused persons or convicted prisoners as a result of unlawful actions of others	1 816	2 520	3 420	3 849	3 977	4 288
Number of criminal cases opened on the basis of statements (reports) drawn up by medical officers of the penal correction system upon identifying physical injuries sustained by or harm caused to the health of suspects, accused persons or convicted prisoners as a result of unlawful actions of others	50	61	93	61	62	45

202. Data from the local agencies of the Federal Penal Correction Service on the number of suspects, accused persons and convicted prisoners who have appealed to a court for legal protection against violations of their rights and lawful interests are set out below.

* *Translator's note:* The original Russian text does not specify which "Rules" are referred to.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of suspects, accused persons and convicted prisoners who have brought court actions for violations of their rights in the penal correction system	62	71	149	222	343	450
Material compensation awarded by the courts to persons held in facilities of the penal correction system on the basis of actions brought by them for violations of their rights (in thousands of roubles)	6.2	10.1	121.1	453.0	158.9	466.3
Number of persons held (or previously held) in remand centres and premises operating as remand centres who have brought court actions for violations of their rights in these facilities	21	22	45	88	120	169
Material compensation awarded by the courts to persons held in remand centres and premises operating as remand centres on the basis of actions brought by them for violations of their rights (in thousands of roubles)	5.0	0	55.4	31.4	112.9	177.2

203. According to available information, since 1998 Russian courts have handed down 128 decisions and rulings addressed to financial bodies granting requests made in actions brought by suspects, accused persons and convicted prisoners for material compensation for violations of their rights while they were being held in custody or serving sentences in facilities of the penal correction system, including: 34 decisions concerning violations of conditions of detention in facilities of the penal correction system; 24 concerning unlawful imposition of disciplinary measures against a suspect, accused person or convicted prisoner; 5 concerning violations of criminal procedural legislation in the handling of correspondence of suspects, accused persons or convicted prisoners with State bodies or with the European Court of Human Rights; 9 concerning violations in the provision of medical care to suspects, accused persons or convicted prisoners; 3 concerning physical injuries sustained by convicted prisoners in facilities of the penal correction system; 5 concerning cruel or degrading treatment in facilities of the penal correction system; and 48 on other issues connected with custody or serving of sentences.

Article 11

204. In 2008, the preventive measure of remand in custody was applied in respect of 30,542 accused persons during the legal proceedings in their case, while 3,796 accused persons were released from custody. Some 316, 217 convicted persons were sentenced to deprivation of liberty for a determinate period or to life imprisonment; of these persons, 114,190 were ordered to custody by a court or justice of the peace on sentencing. Some 645 acquitted persons and 31,519 convicted persons were released from custody pursuant to a court judgement.

205. In 2009, 22,303 accused persons were remanded in custody during the legal proceedings in their case; 2,580 were released from custody. Sentences of deprivation of liberty for a determinate period or life imprisonment were handed down to 296,034 convicted persons, 112,781 of whom were ordered to custody by a court or justice of the peace on sentencing. Some 406 acquitted persons and 25,270 convicted persons were released from custody pursuant to a court judgement.

206. In 2007, 11,185 applications by pretrial investigative bodies for the remand in custody of accused persons or suspects were rejected by the courts; the figures were 12,443 in 2008 and 11,116 in 2009.

207. In 2008, the courts considered 101 applications for the preventive measure of house arrest to be applied, approximately 90 per cent of which were granted. In 2009, 164 such applications were considered, with courts again granting around 90 per cent of them.

208. In 2008, the courts considered 648 applications for bail to be imposed as a preventive measure, approximately 80 per cent of which were granted. Bail was imposed as a preventive measure in criminal cases during the initial inquiry or pretrial investigation in respect of 901 persons and during the trial itself in respect of 265 persons. In 2009, 674 applications for the imposition of bail were considered, approximately 10 per cent of which were granted. Bail was imposed in criminal cases during the initial inquiry or pretrial investigation in respect of 1,225 persons and during the trial itself in respect of 265 persons.

209. The number of accused persons and suspects released from custody in 2007 was 38,536, including 51 persons released owing to violations by law enforcement officers of article 91 of the Code of Criminal Procedure; in 2008, the figures were 33,258 and 158, respectively, and, in 2009, 28,932 and 25.

210. In accordance with article 21 of the Constitution, no one may be subjected to torture, violence or other cruel or degrading treatment or punishment. The Penal Enforcement Code states that convicted persons have the right to be treated politely by staff of facilities responsible for enforcing penalties. They may not be subjected to cruel or degrading treatment or punishment. Coercive measures may not be applied in respect of convicted persons except as provided by law.

211. Medical institutions (hospitals, including special psychiatric and tuberculosis facilities) and medical wings have been established in the penal correction system to provide health services to inmates, while prisoners suffering from an active form of tuberculosis or from alcoholism or drug addiction are held and treated in secure hospitals. Prisoners receiving treatment in a medical institution or secure hospital are liable to all the sanctions provided for in penal enforcement legislation, so long as the execution of a particular sanction will not endanger life or health.

212. Under article 74, paragraph 9, of the Penal Enforcement Code, minors sentenced to deprivation of liberty serve their sentences in young offenders' institutions. The requirements set out in Russian legislation in respect of facilities of the penal correction system, including the prohibition on torture and other cruel, inhuman or degrading treatment or punishment, are disseminated to these institutions.

213. Supervision of the work of the bodies and facilities enforcing penalties is undertaken by procurator's offices. The procuratorial system comprises the Office of the Procurator-General of the Russian Federation, the procurator's offices of the constituent entities of the Russian Federation and military and other specialized procurator's offices having equal status with them, city and district procurator's offices, and other local, military and specialized procurator's offices. In supervising compliance with the law, procurators may:

(a) Visit bodies and facilities enforcing penalties at any time;

(b) Question detainees, remand and convicted prisoners and persons subjected to coercive measures;

(c) Familiarize themselves with the documents by virtue of which these persons were detained, remanded in custody, convicted or subjected to coercive measures and with the case files;

(d) Order the administrations of bodies and facilities to establish conditions in which the rights of detainees, remand and convicted prisoners and persons subjected to coercive measures are safeguarded, verify that the orders, instructions and decisions of the administrations are consistent with Russian legislation, demand explanations from officials, file protests and applications, and institute proceedings for administrative offences (actions in respect of which a protest has been lodged are suspended pending the review of the protest);

(e) Rescind disciplinary sanctions imposed on remand and convicted prisoners in violation of the law and order the immediate release of such prisoners from punishment cells.

214. Decisions and orders of procurators concerning compliance with the legally established procedures and conditions for the custody of detainees, remand and convicted prisoners and persons subjected to coercive measures are binding on administrations.

215. In accordance with Act No. 3185-1 of 2 July 1992 on Psychiatric Care and Guarantees for the Rights of Citizens Receiving Such Care, the provision of care to persons suffering from psychiatric disorders is based on the principles of lawfulness, humaneness and respect for human and civil rights. All persons suffering from psychiatric disorders have the right, when receiving care, to respectful and humane treatment and to the absence of degrading treatment. Failure to respect these principles renders the guilty party liable to disciplinary, civil and criminal sanctions.

216. The work of federal psychiatric and psychoneurological institutions is monitored by the federal authorities empowered thereto and that of institutions under the jurisdiction of the constituent entities of the Russian Federation by the duly empowered federal authority and by the constituent entities' own authorities. To ensure the realization of the rights of citizens suffering from psychiatric disorders during treatment in psychiatric and psychoneurological institutions, the aforementioned bodies monitor:

(a) Guarantees in respect of timely, informed and voluntary consent, or refusal of consent, to treatment by persons suffering from psychiatric disorders;

(b) Observance of the procedure and conditions for providing psychiatric care;

(c) Drug regimens and diets of patients;

(d) Observance of the procedure for the appeal of actions of medical and other staff of psychiatric and psychoneurological institutions.

217. At the request or with the consent of citizens, monitoring of respect for rights and lawful interests in the provision of psychiatric care may be carried out by voluntary associations of psychiatrists or other civil society associations.

218. Oversight of respect for lawfulness in the provision of psychiatric care is undertaken by the Procurator-General of the Russian Federation, the procurators of the constituent entities of the Russian Federation and the procurators reporting to them. Procurators have the right to conduct checks at psychiatric and psychoneurological institutions in response to specific complaints received from citizens concerning violations of their rights, reports in the media and at their own initiative.

219. On identifying violations of citizens' rights, procurators have the authority to file reports of procuratorial action taken. Such action may include making recommendations to correct breaches of the law, prevent recurrences and hold those responsible to account; filing protests against unlawful legal acts; and issuing warnings with a view to preventing offences. Officials who fail to carry out a procurator's requests are liable to administrative penalties.

Articles 12 and 13

220. Data from the local agencies of the Federal Penal Correction Service on complaints received from persons deprived of their liberty alleging the use of torture or inhuman or degrading treatment or punishment are set out below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of complaints alleging the use of torture or inhuman or degrading treatment or punishment considered by facilities and local agencies of the penal correction system	505	30	62	87	91	334
Number of complaints concerning conditions of detention, amenities and medical care considered by facilities and local agencies of the penal correction system	12 091	13 866	14 943	17 008	16 174	16 078
Number of complaints alleging the use of torture or inhuman or degrading treatment or punishment in remand centres and premises operating as remand centres considered by institutions and local agencies of the penal correction system	4	34	4	13	14	90
Number of complaints concerning conditions of detention, amenities and medical care in remand centres and premises operating as remand centres considered by institutions and local agencies of the penal correction system	2 876	3 091	3 691	4 375	4 391	3 848

221. Data from the local agencies of the Federal Penal Correction Service on the number of law enforcement officers prosecuted for the use of torture or other forms of ill-treatment.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of penal correction officers against whom criminal prosecutions were instituted for the use of torture or other forms of ill-treatment:	1	2	9	6	15	7
Vologda province	1		3		8	1
Republic of Karelia		2				
Kostroma province			5			
Yaroslavl province			1			
Republic of Mordovia				2		
Republic of Tatarstan				1		
Perm Territory				3		
Chelyabinsk province					6	
Nizhniy Novgorod province						6
Khanty-Mansiysk Autonomous Area-Yugra					1	

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of penal correction officers held criminally liable for the use of torture or other forms of ill-treatment:	1	2	9	5	14	2
Vologda province	1		3		8	1
Republic of Karelia		2				
Kostroma province			5			
Yaroslavl province			1			
Republic of Mordovia				1		
Republic of Tatarstan				1		
Perm territory				3		
Chelyabinsk province					6	
Nizhniy Novgorod province						1
Number of officers of remand centres and premises operating as remand centres against whom criminal prosecutions were instituted for the use of torture or other forms of ill-treatment:			3			
Vologda province			2			
Yaroslavl province			1			
Number of officers of remand centres and premises operating as remand centres held criminally liable for the use of torture or other forms of ill-treatment:			3			
Vologda province			2			
Yaroslavl province			1			

222. An important safeguard against undue delay in and/or unwarranted suspension of investigations and prosecutions of alleged perpetrators of acts of torture or ill-treatment is the detailed regulation in law of the modalities for implementing the various procedural actions.

223. The Code of Criminal Procedure establishes time frames for pretrial investigations (art. 162), grounds, procedures and time frames for suspending such investigations (art. 208) and time frames within which the courts must begin hearing criminal cases (art. 227). The period accorded for trials and, for example, for deferrals of proceedings when a victim or witness fails to appear, as well as the "reasonableness" of such period, is determined by the court.

224. Under article 123 of the Code, actions (or omissions) and decisions of a body or person conducting an initial inquiry, an investigator, a head of an investigative body, a procurator or a court are subject to appeal by the parties to criminal proceedings as well as by other persons insofar as the procedural actions and decisions affect their interests.

225. Article 124 of the Code lays down strict requirements in respect of the time frames and procedures for the consideration of such appeals by the procurator or the head of the investigative body. Appeals must be considered within three days of the date on which they are received. In exceptional cases where it is necessary, in order to consider an appeal, to obtain additional materials or take other steps, a period of up to 10 days may be allowed for

the consideration of the appeal and the appellant must be notified thereof. According to the outcome of the consideration of an appeal, the procurator or the head of the investigative body is obliged to issue a decision either granting the appeal in full or in part, or rejecting it. The appellant must be informed without delay of the decision taken and of the procedure for appealing it further.

226. The procedure for judicial review of appeals is established in article 125 of the Code, which states that decisions of a person conducting an initial inquiry, an investigator or a head of an investigative body not to institute or to discontinue criminal proceedings, as well as other decisions and actions (or omissions) of the person conducting the initial inquiry, the investigator, the head of the investigative body or the procurator that may infringe the constitutional rights and freedoms of the parties to the criminal proceedings or hinder citizens' access to justice, are subject to appeal before the district court of the place in which the preliminary investigation is being conducted. The appeal may be filed with the court by the appellant, or by his or her defence counsel or legal or other representative, either directly or through the person conducting the initial inquiry, the investigator, the head of the investigative body or the procurator.

227. The judge is obliged, within no more than five days of receiving the appeal, to verify the lawfulness and well-foundedness of the actions (or omissions) and decisions of the person conducting the initial inquiry, the investigator, the head of the investigative body or the procurator at a court hearing with the participation of the appellant and his or her defence counsel or legal or other representative, if they are taking part in the criminal case, and of other persons whose interests are directly affected by the action, omission or decision that is being appealed; the procurator, the investigator or the head of the investigative body also participate in the hearing. On the basis of the outcome of the review of the appeal, the judge hands down either:

(a) A decision declaring the action (or omission) or decision of the official concerned unlawful and unfounded and requiring him or her to correct the infringement that has occurred; or

(b) A decision rejecting the appeal.

228. Copies of the judge's decision are transmitted to the appellant, the procurator and the head of the investigative body. Under article 127 of the Code, the judge's decision may be appealed to a higher court under the cassational procedure.

229. Federal Act No. 68-FZ of 30 April 2010 on Compensation for Infringement of the Right of Access to Legal Proceedings or Enforcement of a Judicial Act within a Reasonable Period entered into force on 4 May 2010. This law establishes safeguards guaranteeing these rights to citizens of the Russian Federation, foreign nationals and stateless persons and Russian, foreign and international organizations and provides that infringement constitutes grounds for the award of fair compensation.

230. Under the Act, any interested party who has suffered adverse consequences as a result of an infringement of the aforementioned rights is entitled to apply for compensation. The concept of access to legal proceedings within a reasonable period refers not only to the length of the court hearings in a case but also to the duration of pretrial proceedings in a criminal case. The Act provides for the award of compensation when an application is filed by an interested party with a court and it is established that there has been a gross infringement of the reasonable period for access to legal proceedings or enforcement of a judicial act, regardless of whether there has been culpable behaviour on the part of the court or the body responsible for enforcing the judicial act. Compensation awarded by judicial decision for infringement of the reasonable period for access to legal proceedings is paid for from the federal budget, and for infringement of the reasonable period for enforcement

of a judicial act from the federal budget, the budgets of the constituent entities of the Russian Federation or local budgets.

231. Thus, effective safeguards against undue delay in and/or unwarranted suspension of investigations or prosecutions of alleged perpetrators of torture and ill-treatment are provided for in the Russian Federation.

232. In accordance with Order No. 362 of the Procurator-General of the Russian Federation of 19 November 2009 on arrangements for procuratorial supervision of compliance with the legislation on counteracting extremist activity, the procurators of the constituent entities of the Russian Federation, transport procurators and procurators of other specialized procurator's offices must notify the Office of the Procurator-General without delay of any offences motivated by political, ideological, racial, ethnic or religious hatred or enmity or by hatred or enmity towards any social group. The Office monitors the investigations of all criminal cases in this category. If any violations of criminal procedural legislation are identified in the course of an investigation, procurators take immediate action to correct them.

233. In 2008, 66 penal correction officers were prosecuted for acts of violence against members of ethnic, racial or religious minorities; the figure was 63 in 2009.

234. Under article 38 of the Federal Act on the Custody of Suspects and Accused Persons, the following sanctions may be imposed on persons held in remand centres for failing to comply with their obligations:

(a) Reprimand;

(b) Placement in a punishment cell or in solitary confinement in a guardhouse for up to 15 days, or for up to 7 days in the case of minors suspected or accused of an offence.

235. Under article 115 of the Penal Enforcement Code, persons sentenced to deprivation of liberty are liable to the following penalties for breaches of the established procedures governing the serving of sentences:

- Reprimand
- Imposition of a fine of up to 200 roubles
- In the case of inmates of correctional colonies or prisons, placement in a punishment cell for up to 15 days
- In the case of male inmates who persistently breach the regulations of ordinary or strict regime correctional colonies, transfer to a special cell, or of special regime correctional colonies, to solitary confinement, for up to 6 months
- In the case of male inmates who persistently breach regulations, transfer to a special unit for up to 1 year
- In the case of women inmates who persistently breach regulations, transfer to a special cell for up to 3 months

236. Breaches by persons sentenced to deprivation of liberty in an open prison are punishable by withdrawal of the right to live outside the prison hostel or of the right to leave the hostel during free time for up to 30 days.

237. Under article 136 of the Penal Enforcement Code, the sanctions imposable on minors sentenced to deprivation of liberty include reprimand, imposition of a fine of up to 200 roubles, loss of the right to watch films for up to 1 month and placement in a disciplinary cell for up to 7 days with release to attend study.

238. Pursuant to Order No. 19 of the Procurator-General of the Russian Federation of 30 January 2007 on arrangements for the supervision of compliance with the law by administrations of bodies and facilities enforcing criminal penalties and of remand centres holding suspects and accused persons, procurators carry out monthly checks of observance of the law in remand centres and quarterly checks in correctional facilities of the penal correction system, verifying, inter alia, the lawfulness of the incentives and sanctions applied in respect of suspects and accused persons and convicted prisoners. In 2009, procurators uncovered 7,909 and 30,298 cases, respectively, in which sanctions imposed on remand prisoners and inmates of correctional facilities had violated the law (compared with 6,248 and 27,602 in 2008).

239. In accordance with article 21 of the Federal Act on the Custody of Suspects and Accused Persons and article 91 of the Penal Enforcement Code, remand prisoners and persons serving custodial sentences have the right freely to address proposals, applications and complaints to central and local government bodies and civil society associations. Furthermore, communications addressed to a procurator, a court or other State body empowered to monitor places of forced detention, the Human Rights Commissioner of the Russian Federation, the human rights commissioners of the constituent entities, the public watchdog commissions or the European Court of Human Rights are not censored and are forwarded without delay to the addressee.

240. Data from the local agencies of the Federal Penal Correction Service on the number of complaints made by convicted prisoners and persons held in custody concerning disciplinary measures are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of complaints received from convicted prisoners concerning the imposition of disciplinary measures and reviewed by penal correction facilities and bodies	1 434	1 311	1 641	1 896	2 182	1 699
% of all complaints	0.36	0.36	0.40	0.47	0.54	0.40
Number of complaints received from persons held in remand centres and premises operating as remand centres concerning the imposition of disciplinary measures and reviewed by penal correction bodies and facilities	242	285	534	636	395	413
% of all complaints	0.06	0.08	0.13	0.16	0.10	0.10
Total number of complaints received from suspects, accused persons and convicted prisoners and reviewed by penal correction bodies and facilities	**396 015**	**368 273**	**406 122**	**405 969**	**402 418**	**423 833**

241. Data from the local agencies of the Federal Penal Correction Service on disciplinary measures imposed under article 115 of the Penal Enforcement Code are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Reprimands	178 195	180 257	227 080	226 402	229 967	247 785

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Fines of up to 200 roubles	769	593	757	1 767	1 473	5 411
Placement of inmates of correctional colonies or prisons in punishment cells for up to 15 days	249 812	248 983	295 747	313 235	330 589	315 167
Transfer of male inmates who persistently breach the regulations of ordinary or strict regime correctional colonies to special cells, or of special regime correctional colonies to solitary confinement, for up to 6 months	14 563	13 276	15 502	15 744	16 800	19 484
Transfer of male inmates who persistently breach regulations to special units for up to 1 year	1 408	1 449	1 857	2 216	2 454	2 169
Transfer of female inmates who persistently breach regulations to special cells for up to 3 months	206	170	165	190	194	182
Withdrawal of the right to live outside the prison hostel or to leave the hostel during free time for up to 30 days (imposable on persons sentenced to deprivation of liberty in an open prison)	196	178	276	137	189	275

242. Data from the local agencies of the Federal Penal Correction Service on disciplinary measures imposed under article 38 of the Federal Act on the Custody of Suspects and Accused Persons are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Reprimands	146 064	188 006	209 635	209 833	211 545	165 404
Placement in a punishment cell or in solitary confinement in a guardhouse for up to 15 days, or for up to 7 days for minors suspected or accused of an offence	30 298	34 202	38 425	39 713	36 502	38 063

243. Data from the local agencies of the Federal Penal Correction Service on the number of complaints addressed to procuratorial authorities by persons deprived of their liberty are set out below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of complaints from convicted prisoners addressed to procuratorial authorities	52 649	58 840	77 508	83 744	78 543	79 044
Number of complaints addressed to procuratorial authorities from remand centres and premises operating as remand centres	51 255	61 835	68 693	68 490	72 407	77 590

244. In accordance with Russian legislation, procurator's offices supervise observance of the Constitution, respect for human and civil rights and freedoms and compliance with the country's laws by federal executive bodies, representative (legislative) bodies and executive bodies of the constituent entities of the Russian Federation, local government bodies, military administrative bodies, monitoring bodies, their officials, and boards and directors of commercial and non-profit organizations.

245. Procurator's offices do not replace other State bodies when conducting such supervision. Checks are carried out on the basis of information received concerning breaches of the law that require action by procurators.

246. Procurator's offices also supervise compliance with Russian legislation by bodies conducting operational and investigative activities, initial inquiries and pretrial investigations. The supervision focuses on respect for human and civil rights and freedoms, observance of the prescribed arrangements for dealing with statements and reports about offences committed or in preparation, lawfulness of the decisions taken by the bodies supervised and conformity of their activities with established procedures.

247. In addition, procurator's offices supervise compliance with the law by the administrations of bodies and facilities enforcing penalties and coercive measures imposed by the courts, and by those of detention and remand facilities.

248. Procurators have the right to take part in the hearing of cases by the courts in the instances envisaged in Russian legislation. When conducting a criminal prosecution in court, procurators act as State prosecutor. In addition, procurators have the right to file applications with the court or to intervene in a case at any stage in the proceedings if this is necessary for the defence of human rights or of legally protected interests of society and the State.

249. A reform of the procuratorial system was undertaken in 2007, in response to recommendations by international organizations, with a view to ensuring its independence and impartiality.

250. Federal Act No. 87-FZ of 5 July 2007 amending the Code of Criminal Procedure of the Russian Federation and the Federal Act on the Procurator's Office of the Russian Federation provided for the procuratorial authorities to be reformed through the administrative separation of their functions of supervising respect for lawfulness in the conduct of initial inquiries and pretrial investigations and the hearing of criminal cases in court, on the one hand, and organizing and conducting investigative activities in exercise of the procedural powers granted to them to implement such activities, on the other. The Act contained provisions to establish within the procuratorial system an Investigative Committee attached to the Procurator's Office.

251. However, the practical experience of the Investigative Committee over more than two years showed the need for a clearer separation of the functions of procuratorial supervision and pretrial investigation. In this connection, the Government of the Russian Federation decided to establish the Investigative Committee as a separate, independent body outside the procuratorial system. This should create the conditions necessary for the effective exercise by procurators of their powers to supervise the procedural activities of bodies conducting pretrial investigations, the strengthening of cooperation between investigative bodies and procuratorial authorities in the Russian Federation and the enhancement of the objectivity of investigations, thereby ensuring lawfulness in criminal proceedings and strict respect for citizens' constitutional rights.

252. To this end, the draft Federal Act on the Investigative Committee of the Russian Federation was prepared and submitted for consideration by the State Duma, the lower house of the Federal Assembly (parliament) of the Russian Federation. The text defines the

functions and arrangements for the work of the Investigative Committee and the principles underpinning it; the Committee's structure; the rules on service in the Committee; the legal status, salary and benefits of its employees; the specific arrangements and provision for the work of the military investigating agencies under the Investigative Committee; and the funding of and material and technical provision for the Committee.

253. It is proposed that the Investigative Committee will be headed by a Chairperson, who may be appointed and removed by the President of the Russian Federation.

254. The investigating agencies and institutions of the Investigative Committee will exercise their powers independently of central and local government bodies and civil society associations and in strict compliance with Russian legislation. In addition, the bringing of any pressure to bear on investigating agencies or institutions of the Investigative Committee or their staff in order to influence a decision of the Committee or impede its work in any way will be an offence under the law.

255. State statistical reporting systems make no provision for recording data on court decisions made under the Federal Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings.

256. The 2006–2008 State programme to ensure the safety of victims, witnesses and other participants in criminal proceedings, approved by Government Decision No. 200 of 10 April 2006, was implemented between 2006 and 2008.

257. A 2009–2013 State programme of the same name was approved by Government Decision No. 792 of 2 October 2009. The purpose of the programme is the implementation of measures, as defined in the Act, to ensure the safety and social welfare of protected persons, irrespective of nationality, ethnicity, sex, property, employment or social status, education, membership of civil society associations, attitude towards religion and political views. Over the life of the programme, more than 10,000 participants in criminal proceedings will benefit from measures of State protection. Realization of the programme will ensure that the necessary statistical data are obtained and practical experience acquired of applying various kinds of protection measure and of applying several measures simultaneously in respect of the same protected person. It is planned to use the results obtained from implementing the programme to prepare proposals to improve protection measures, render the work of State bodies in ensuring the safety of protected persons more effective and develop indicators for measuring the effectiveness of protection measures, as well as a methodology and criteria for assessing them.

258. The main measures under the 2009–2013 State programme to ensure the safety of victims, witnesses and other participants in criminal proceedings.**

259. Article 4 of the Federal Act on the Custody of Suspects and Accused Persons states that detention may not be accompanied by torture or other acts intended to cause physical or mental suffering to suspects or accused persons who are being detained. Article 12 of the Penal Enforcement Code stipulates that convicted persons may not be subjected to cruel or degrading treatment or punishment. These legislative provisions apply equally to women and minors.

260. Data from the local agencies of the Federal Penal Correction Service on the number of complaints received and investigated concerning ill-treatment or sexual violence against women and minors in places of detention and confinement in the period under review, including details of measures taken to prosecute and sanction perpetrators and on compensation awarded and paid to victims, are provided below.

** *Translator's note:* There is an omission in the original Russian text.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Number of complaints received concerning ill-treatment or sexual violence against convicted women and minors and reviewed by facilities and bodies of the penal correction system	4	0	0	1	0	0
Number of complaints received concerning ill-treatment or sexual violence against women and minors held in remand centres or premises operating as remand centres and reviewed by facilities and bodies of the penal correction system	0	0	0	0	0	0
Number of criminal cases opened in connection with ill-treatment or sexual violence against convicted women or minors	1	0	1	1	0	0
Number of criminal cases opened in connection with ill-treatment or sexual violence against women or minors held in remand centres or premises operating as remand centres	0	0	0	0	0	0
Number of penal correction officers prosecuted for ill-treatment or sexual violence against convicted women or minors	1	0	5	1	0	0
Number of penal correction officers prosecuted for ill-treatment or sexual violence against women or minors held in remand centres or premises operating as remand centres	0	0	0	0	0	0
Total amount of compensation awarded and paid to victims of ill-treatment or sexual violence against women or minors	**0**	**0**	**0**	**0**	**0**	**0**

Article 14

261. The right to compensation from the State for harm suffered on account of unlawful actions (or omissions) of State bodies or their officials is stipulated in article 53 of the Constitution.

262. Under articles 133 to 138 of the Code of Criminal Procedure, the right to rehabilitation includes the right to compensation for loss of or damage to property, reparation of moral injury and reinstatement of labour, pension, housing and other rights. Harm caused by unlawful criminal proceedings is fully compensable by the State, regardless of whether there has been culpable behaviour on the part of officials of the body conducting the initial inquiry or pretrial investigation, the procurator's office or the court (Civil Code, art. 1070). Compensation is paid either from the federal budget or, in the cases stipulated by law, from the budget of the constituent entity of the Russian Federation or municipal body concerned.

263. Persons unlawfully subjected to coercive measures in the course of criminal proceedings are also entitled to compensation for harm.

264. Compensation for harm in cases of torture or ill-treatment inflicted by private individuals acting at the instigation of or with the consent or acquiescence of a public official is effected under the normal procedure.

265. In accordance with article 44 of the Code of Criminal Procedure, a private individual who submits a claim for compensation for damage to property when there is reason to believe that the damage was directly caused by an offence is a civil plaintiff. Recognition as a civil plaintiff is based on a court ruling or a decision by the judge, the investigator or the person conducting the initial inquiry. The plaintiff may bring a civil action for both damage to property and reparation of moral injury. Civil action may be brought once criminal proceedings have been instituted and until the end of the judicial examination of the criminal case in a court of first instance. A civil action to protect the interests of minors, persons declared to have limited or no legal capacity and persons who for other reasons are unable to protect their own rights and lawful interests may be brought by their legal representatives or by the procurator.

266. Data from local agencies of the Federal Penal Correction Service on the payment of material compensation to victims of torture are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Compensation awarded and paid to victims of torture or other forms of ill-treatment (in thousands of roubles)	18.0	0	196.1	0	100.0	100.0

267. Data on compensation paid to victims of torture pursuant to decisions by the European Court of Human Rights are provided below.

Application	*Judgment*	*Award*	*Payment*	*Date of entry into force*	*Violated articles of the Convention*
839/02 *Maslova and Nalbandov v. Russia*	24.01.2008	70 000 euros to the first applicant and 10 000 euros to the second applicant	Maslova: 2 530 710 Rub Nalbandov: 355 632 Rub	07.07.2008	Art. 3 (substantive and procedural aspects)
7178/03 *Dedovskiy and Others v. Russia*	15.05.2008	10 000 euros to each of the 7 applicants	Gorokhov: 351 731 Rub Vidin: 351 731 Rub Dedovskiy: 349 141 Rub Kolpakov: 346 484 Rub Pazleev: 433 303 Rub	15.08.2008	Art. 3 (substantive and procedural aspects), art. 13
7188/03 *Chember v. Russia*	03.07.2008	10 000 euros in respect of non-pecuniary damage	454 280 Rub	01.12.2008	Art. 3 (substantive and procedural aspects), art. 13
9297/02 *Nadrosov v. Russia*	31.07.2008	10 000 euros in respect of non-pecuniary damage	449 419 Rub	26.01.2009	Art. 3 (substantive and procedural aspects)

Application	*Judgment*	*Award*	*Payment*	*Date of entry into force*	*Violated articles of the Convention*
41461/02 *Vladimir Romanov v. Russia*	24.07.2008	20 000 euros in respect of non-pecuniary damage	877 002 Rub	26.01.2009	Art. 3, art. 6 § 1, art. 6 § 3 (d) – absence of an opportunity to challenge a prosecution witness
64398/01 *Samoylov v. Russia*	02.10.2008	10 000 euros in respect of non-pecuniary damage	450 123 Rub	06.04.2009	Art. 3 (substantive and procedural aspects)
1748/02 *Belousov v. Russia*	02.10.2008	30 000 euros in respect of non-pecuniary damage	1 304 727 Rub	06.04.2009	Art. 3 (procedural aspect), art. 5 § 1
36410/02 *Oleg Nikitin v. Russia*	09.10.2008	8 000 euros in respect of non-pecuniary damage	-	06.04.2009	Art. 3 (substantive and procedural aspects)
36220/02 *Barabanshchikov v. Russia*	08.01.2009	15 000 euros in respect of non-pecuniary damage	-	08.04.2009	Art. 3 (substantive and procedural aspects)
30033/05 *Polonskiy v. Russia*	19.03.2009	30 000 euros in respect of non-pecuniary damage	-	Has not entered into force	Art. 3 (substantive and procedural aspects), art. 5 § 3 and art. 6 § 1.
24325/03 *Generalov v. Russia*	09.07.2009	Compensation not awarded	-	Has not entered into force	Art. 3 (substantive and procedural aspects), art. 6

268. In all, 11 judgments were handed down, 283,000 euros (12,755,376 roubles) in compensation were awarded and compensation totalling approximately 8,255,000 roubles was paid, including 3,969,000 roubles in 2009.

Article 15

269. Pursuant to article 56 of the Constitution, in the administration of justice no evidence obtained in violation of federal law is admissible. Article 9 of the Code of Criminal Procedure prohibits the performance of actions or the adoption of decisions during criminal proceedings that denigrate the honour of a person participating in the proceedings or the application to such person of treatment that degrades human dignity or endangers life and health; no party to criminal proceedings may be subjected to violence, torture or other cruel or degrading treatment or punishment.

270. In accordance with article 75 of the Code of Criminal Procedure, evidence obtained in breach of the Code is inadmissible, has no legal force and cannot be used as the basis of an indictment or to substantiate the facts of a case as set out in article 73 of the Code (Circumstances that must be demonstrated).

271. Inadmissible evidence includes:

(a) Testimony of suspects and accused persons given during pretrial proceedings in criminal cases when defence counsel is not present, including when such counsel has been refused, and not confirmed by the suspect or accused person in court;

(b) Testimony of a victim or witness based on conjecture, assumptions or rumours, as well as testimony of a witness who is unable to indicate the source of his or her information;

(c) Other evidence obtained in breach of the Code.

272. Some violations that render evidence obtained inadmissible are specifically referred to in a number of articles of the Code, thereby facilitating their prevention. For example, article 164, paragraph 4, stipulates that it is inadmissible to use violence, threats or any other illegal measures or to endanger the life or health of the participants in the course of an investigation.

273. The procurator, the investigator and the person conducting the initial inquiry may deem evidence to be inadmissible upon a petition of the suspect or accused person or on their own initiative. Evidence deemed to be inadmissible may not be included in the indictment.

274. A court may deem evidence to be inadmissible upon the petition of the parties or on its own initiative (Code of Criminal Procedure, art. 88).

275. Pursuant to article 381 of the Code, the court of cassation may overturn or modify a judicial decision on grounds of violations of the law of criminal procedure committed through deprivation or restriction of the rights of the participants in criminal proceedings guaranteed under the Code, failure to observe judicial procedure or other measures that influenced or may have influenced the rendering of a lawful, well-founded and just verdict.

276. To ensure that no evidence obtained through torture is used in proceedings, suspects and accused persons are present at court hearings to determine whether they should be remanded in custody, whether their period of custody should be extended or whether they should be placed in a medical or psychiatric facility for the conduct of an expert appraisal (Code of Criminal Procedure, arts. 29, 47 and 108). The presence of suspects and accused persons ensures that they have an opportunity to report not only to the investigator, the person conducting the initial inquiry and the procurator, but also to the court, that they were tortured either during the initial inquiry or at any other phase of the investigation.

Article 16

277. Living conditions in pretrial detention are regulated by article 23 of the Federal Act on the Custody of Suspects and Accused Persons, pursuant to which conditions must be created for suspects and accused persons that meet hygiene, health and fire safety standards. Suspects and accused persons have their own bed and are provided with bedding, dishes, cutlery and toilet paper free of charge, as well as items of personal hygiene (including, as a minimum, soap, a toothbrush, toothpaste (dentifrice), disposable razors for men and personal hygiene products for women) at the request of persons who do not have enough money in their personal accounts.

278. All prison cells have a radio and, if possible, a television and a refrigerator.

279. The standard living space in a prison cell is set at four square metres per person.

280. The nutritional and everyday needs of persons sentenced to deprivation of liberty and persons suspected or accused of committing offences and held in remand centres are

provided for in accordance with Government Decision No. 205 of 11 April 2005 on minimum nutritional norms and material provision for persons sentenced to deprivation of liberty and on nutritional norms and material provision for persons suspected or accused of committing offences and held in remand centres of the Federal Penal Correction Service in times of peace.

281. Data on minimum material provision for persons sentenced to deprivation of liberty and for persons suspected or accused of committing offences and held in remand centres of the Federal Penal Correction Service in times of peace (approved by Government Decision No. 205 of 11 April 2005) are provided below.

		Monthly amount per person	
Item	*Unit of measure*	*Men*	*Women*
Household soap	Grams	200	200
Soap for personal hygiene	Grams	50	100
Toothpaste (dentifrice)	Grams	30	30
Toothbrush (one every six months)	Units	1	1
Disposable razor	Units	6	-
Personal hygiene products for women	Units	-	10
Toilet paper	Meters	25	25

282. Data on minimum nutritional norms for persons sentenced to deprivation of liberty and held in facilities of the Federal Penal Correction Service in times of peace (approved by Government Decision No. 205 of 11 April 2005) are provided below.

	Daily amount per person (in grams)	
Item	*Men*	*Women*
Bread made from a mixture of hulled rye and top grade wheat flour	300	200
Bread made from second grade wheat flour	250	250
Second grade wheat flour	5	5
Various groats	100	90
Pasta products	30	30
Meat	90	90
Fish	100	100
Margarine	35	30
Vegetable oil	20	20
Cow’s milk (in millilitres)	100	100
Chicken eggs (weekly)	2	2
Sugar	30	30
Cooking salt	20	15
Tea	1	1
Bay leaf	0.1	0.1
Ground mustard	0.2	0.2
Tomato paste	3	3
Potatoes	550	500

Item	*Daily amount per person (in grams)*	
	Men	*Women*
Vegetables	250	250
Textured soy meal (containing not less than 50% protein by weight)	10	10
Dried vitamin-enriched pudding or	25	25
Dried fruit	10	10

283. Data on nutritional norms for persons suspected or accused of committing offences and held in remand centres of the Federal Penal Correction Service in times of peace (approved by Government Decision No. 205 of 11 April 2005) are provided below.

Item	*Daily amount per person (in grams)*	
	Men	*Women*
Bread made from a mixture of hulled rye and top grade wheat flour	300	150
Bread made from second grade wheat flour	200	200
Second grade wheat flour	5	5
Various groats	90	90
Pasta products	30	30
Meat	100	100
Fish	100	100
Margarine	25	20
Vegetable oil	20	20
Cow's milk (in millilitres)	100	200
Sugar	30	30
Cooking salt	15	15
Tea	1	1
Bay leaf	0.1	0.1
Ground mustard	0.2	0.2
Tomato paste	3	3
Potatoes	500	450
Vegetables	250	250
Textured soy meal (containing not less than 50% protein by weight)	10	10
Dried vitamin-enriched pudding or	25	25
Dried fruit	10	10

284. Data on nutritional norms for minors sentenced to deprivation of liberty and held in young offenders' institutions of the Federal Penal Correction Service in times of peace (approved by Ministry of Justice Order No. 125 of 2 August 2005 on the establishment of nutritional norms and on living conditions for persons sentenced to deprivation of liberty and for persons suspected or accused of committing offences and held in remand centres of the Federal Penal Correction Service in times of peace) are provided below.

Item	*Daily amount per person (in grams)*
Bread made from a mixture of hulled rye and top grade wheat flour	150
Bread made from second grade wheat flour	200
Second grade wheat flour	35
Potato meal	3
Groats, legumes, pasta products	75
Potatoes	400
Vegetables and greens	470
Fresh fruit	250
Fruit and berry juices	200
Dried fruit	15
Sugar	75
Pastry items	25
Coffee (coffee beverages)	4
Cocoa	2
Tea	0.2
Meat	105
Poultry	70
Fish (herring)	110
Sausage	25
Milk, dairy products	550
Curd	70
Sour cream	10
Cheese	12
Animal fat (beef)	50
Vegetable oil	18
Chicken eggs	1
Salt	8
Seasoning	2
Yeast	1

285. Data on nutritional norms for sick persons sentenced to deprivation of liberty and persons suspected or accused of committing offences who are receiving inpatient treatment in the medical institutions of correctional colonies, prisons and remand centres of the Federal Penal Correction Service in times of peace (approved by Ministry of Justice Order No. 125 of 2 August 2005) are provided below.

Item	*Daily amount per person (in grams)*
Bread made from a mixture of hulled rye and top grade wheat flour	200
Bread made from second grade wheat flour	200
Second grade wheat flour	5

Item	*Daily amount per person (in grams)*
Various groats	70
Pasta products	20
Meat	100
Fish	100
Margarine	15
Vegetable oil	20
Cow's milk (in millilitres)	250
Animal fat (beef)	20
Chicken eggs	0.5
Sugar	40
Cooking salt	10
Tea	1
Bay leaf	0.1
Ground mustard	0.2
Tomato paste	3
Potatoes	400
Vegetables	300
Dried potato farina	1
Textured soy meal (containing not less than 50% protein by weight)	10
Dried vitamin-enriched pudding or	25
Dried fruit	15

286. The approved nutritional allotment norms in the penal correction system were elaborated in the light of World Health Organization recommendations. They take full account of the requirements of a balanced diet in terms of energy content and ratios of protein, fats and starches, allow for gender and age differences, are consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners and ensure that the various categories of prisoners and persons under investigation receive the food and vitamins they need in the most effective and rational manner.

287. Pursuant to article 99 of the Penal Enforcement Code, convicted prisoners who receive wages or a pension are required to pay for food, clothing, basic amenities and personal hygiene items, apart from special food and clothing. These costs are deducted from the personal accounts of inmates who evade work. Inmates excused from work because of illness or because they are pregnant or breastfeeding are fed free of charge during this period. Food, clothing, basic amenities and personal hygiene items are provided free of charge to inmates of young offenders' institutions and inmates who have a category I or category II disability. Inmates who are pregnant or breastfeeding, minors and inmates who are ill or have a category I or category II disability are entitled to better living conditions and higher nutritional norms. In addition to the food and basic items that they are permitted to purchase by law, convicts may also acquire at their own cost clothing authorized for use in correctional facilities and may purchase additional medicine and other services made available at their request, as prescribed by the internal regulations of the correctional facilities.

288. Efforts to improve the detention conditions of suspects and accused persons focus on three main areas: improving the regulatory and legal framework; ensuring proper detention conditions by broadening the network of remand centres and making additional cell space available; and relieving the burden on remand centres by shortening transit transport, cooperating with courts, internal affairs agencies and procurator's offices on reducing the duration of criminal investigations and consideration of cases by courts of first and second instance, speeding up the written formulation of judicial decisions and exploiting other possibilities.

289. Since 1999, more than 30 federal acts and 40 decisions of the Federal Assembly of the Russian Federation and of the Government have been adopted to provide State support to the penal correction system and strengthen guarantees for the rights of citizens who have committed offences and have been temporarily removed from society. Since the entry into force in 2002 of the new Code of Criminal Procedure, which established a judicial procedure for imposing remand in custody, the number of persons detained in remand centres has declined significantly. The measures taken have made it possible to reduce the number of persons detained in remand centres more than twofold, from 282,000 in 1999 to 124,000 as at 1 January 2010.

290. A federal special programme for the reform of the penal correction system over the period 2002–2006 was devised and put into effect in order to build new remand centres and increase the number of places in existing establishments; 13,100 places were created under the programme. In 2006, the Government elaborated and approved a federal programme for the development of the penal correction system (2007–2016). In the three years of its existence, 3,838 places have been created in remand centres and 5,570 in correctional facilities. In 2010, it was planned to put into operation 2,004 places in remand centres and 850 in correctional facilities. Over the past seven years, an additional 35,200 custodial places have also been created from funding sources other than the federal budget.

291. As a result of the measures taken, the number of remand centres has increased since 1999 from 187 to 226, total holding capacity from 112,500 to 151,100 places and average cell space per detainee from 1.6 to 4.8 square meters.

292. On 14 October 2010, the Outline for the development of the penal correction system until 2020 was approved by Government Order No. 1772-r. It is based on the idea of replacing outdated forms and methods of penal enforcement with a new system in conformity with international standards for the treatment of detained and convicted persons.

293. The main goals of the Outline are to:

- Increase the effectiveness of the work of penal correction facilities and bodies with a view to attaining European standards for the treatment of offenders and the requirements of social development
- Reduce recidivism by making social and psychological counselling for persons serving sentences of deprivation of liberty more effective and developing a system of post-penitentiary assistance for them
- Introduce more humane conditions for persons remanded in custody or serving sentences of deprivation of liberty and strengthen guarantees for ensuring that their rights and lawful interests are observed

294. To achieve these goals, it will be necessary to:

- Improve penal correction policy (organization of the serving of sentences) concerning the resocialization of offenders

- Change the structure of the penal correction system, create new types of establishment for serving sentences of deprivation of liberty and discontinue group arrangements for holding inmates
- Introduce separate detention of inmates as a function of the seriousness of their crime and their criminological profile
- Modify the approach to imposing corrective measures on inmates of places of deprivation of liberty by enhancing psychological counselling and educational work with the persons concerned and preparing them for life in society
- Elaborate forms of re-education and organize the education and employment of offenders under new conditions for serving sentences
- Modernize and optimize the security system at correctional facilities and remand centres and strengthen the material resources of remand centres, correctional facilities and probation offices
- Improve the effectiveness of the administration of the penal correction system, account being taken of its new structure, including through the introduction of modern information and telecommunication infrastructure
- Broaden the range of sentences and other coercive measures not involving deprivation of liberty
- Ensure the necessary level of social welfare for the staff of penal correction facilities
- Make use of modern technologies and equipment for the enforcement of sentences
- Improve departmental monitoring of the penal correction system and publicize its activities, ensure that its activities are monitored by civil society organizations and create conditions for involving the public in addressing the tasks facing the penal correction system
- Promote cooperation with the penal correction systems of other States, international bodies and non-governmental organizations

295. The reform of the prison system is to take place in three phases over the period up to 2020.

296. During the first phase of the Outline (2010–2012), it is planned to:

- Approve the plan of action for implementing the Outline
- Elaborate regulatory and legal instruments for implementing the provisions of the Outline
- Devise and amend federal special programmes on the basis of the main areas of focus of the Outline
- Draw up new mechanisms for assisting the work of public watchdog commissions and create new approaches for recourse to parole
- Set up an organizational structure for medical service in the penal correction system ensuring effective implementation of measures to achieve a uniform level of medical care, in keeping with State standards, for both staff and detained and convicted persons, and study the possible provision of medical care to detained and convicted persons entirely by health-care institutions independent of the penal correction system

297. During the second phase of the Outline (2013–2016), it is planned to:

- Transform most penal correction facilities into ordinary, strict or special regime prisons and establish new open prisons
- Analyse the progress made and, where necessary, modify measures taken within the framework of the Outline

298. During the third phase of the Outline (2016–2020), the measures planned and programmed for the major areas of activity of the penal correction system envisaged under the Outline will be completed. A document on the planning for the development of the penal correction system is to be elaborated in the coming years.

299. Data from the local agencies of the Federal Penal Correction Service on the placement of persons sentenced to deprivation of liberty in solitary confinement for non-compliance with prison rules are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Transfer of male inmates who persistently breach the regulations of ordinary or strict regime correctional colonies to special cells, or of special regime correctional colonies to solitary confinement, for up to 6 months	14 563	13 276	15 502	15 744	16 800	19 484
Placement in a punishment cell or in solitary confinement in a guardhouse for up to 15 days, or for up to 7 days for minors suspected or accused of an offence	30 298	34 202	38 425	39 713	36 502	38 063

300. Data from local agencies of the Federal Penal Correction Service on deaths in detention are provided below.

Indicator/year	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Total number of deaths of persons held in facilities of the penal correction system	**3 745**	**4 231**	**4 132**	**4 469**	**4 641**	**4 551**
Deaths due to illness	3 044	3 444	3 370	3 565	3 876	3 834
Deaths due to tuberculosis	887	1 050	873	916	918	933
Deaths due to HIV	105	123	270	556	732	876
Deaths due to injury	169	202	187	180	161	128
Suicides	343	397	401	456	447	449
Deaths due to poisoning	114	75	87	116	100	101

301. The legislation of the Russian Federation provides for a set of legal and organizational measures directly linked to the juvenile justice system. The administration of juvenile justice is based to a significant extent on norms of criminal procedure similar to those that serve as the foundation of contemporary juvenile justice worldwide. Many courts of general jurisdiction have judges specialized in hearing criminal cases involving juveniles.

302. Proceedings in cases involving juveniles are in conformity with the Constitution, criminal and criminal procedural legislation and other regulatory and legal instruments

governing legal relations in this area. The embodiment in criminal law of special norms on the accountability of juveniles is based on principles of justice and humane treatment, emanates from the constitutional provisions on the special protection of children by the State (art. 38) and is in conformity with the international legal obligations of the Russian Federation (Convention on the Rights of the Child (1989) and United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985)).

303. Chapter 14 of the Criminal Code defines the special features of the criminal liability and punishment of minors.

304. Chapter 50 of the Code of Criminal Procedure (Criminal proceedings in cases involving juveniles) sets out the special features of proceedings in this area and establishes the need to take account of the psychological particularities of juveniles and to involve psychologists, specialists from child welfare authorities and the legal representatives of minors. Thus, in criminal cases involving offences committed by a minor, the minor's legal representatives are required to participate in the proceedings and be present at the initial questioning of the minor as a suspect or accused, and they may also be summoned to appear in a court hearing (Code of Criminal Procedure, art. 48). A legal representative may be removed from the proceedings if there is reason to believe that his or her actions are prejudicial to the interests of a juvenile suspect or accused; in such cases, another legal representative may be appointed (art. 426). The participation of defence counsel is mandatory (art. 51).

305. The age, date of birth, living conditions, upbringing, mental development of the juvenile and other aspects of his or her personality, as well as the influence of older persons, are established in the course of the preliminary investigation and trial of cases involving offences committed by such persons (Code of Criminal Procedure, art. 421). If there is evidence of delayed mental development unrelated to a psychological disorder, a determination is made as to whether the juvenile could have been fully aware of the actual nature of his or her acts (or omissions) and the danger they posed to society and could have controlled them.

306. A juvenile who has participated in the commission of an offence together with adults is tried separately (Code of Criminal Procedure, art. 422).

307. Any decision on whether to impose preventive measures on a suspected or accused juvenile must consider the possibility of release under supervision (Code of Criminal Procedure, art. 423). The legal representatives must be informed without delay of the detention, remand in custody or extension of custody of a juvenile suspect or accused.

308. The questioning of a juvenile suspect or accused may not continue without interruption for more than two hours and may not last more than four hours per day. For the questioning of a juvenile suspect or accused under 16 years of age or who has reached the age of 16 but is suffering from a psychological disorder or delayed mental development, the presence of an education professional or a psychologist is mandatory (Code of Criminal Procedure, art. 425).

309. With a view to improving the quality of justice, the Plenum of the Supreme Court recommended, in Decision No. 7 of 14 February 2000 on judicial practice in cases involving minors, the introduction of special courts to hear cases involving juveniles and noted the need for juvenile judges to be trained not only in law, but also in psychology, education and sociology.

310. Decisions to establish juvenile courts have been taken in a number of constituent entities of the Russian Federation. The courts of Rostov, Irkutsk, Leningrad, Bryansk, Lipetsk, Kamchatka, Vladimir, Ivanovo, Saratov, Orenburg, Volgograd and Moscow provinces, the Jewish Autonomous Area, Perm Territory, the Republics of Khakasia and

Karelia and the cities of Saint Petersburg and Moscow employ elements of juvenile justice procedure in their work. The largest number of district and municipal courts that have been gradually modifying their approach to the administration of juvenile justice are located in Saint Petersburg and in Saratov and Rostov provinces.

311. Experience gained in this area at regional level has laid the groundwork for the organization of an effective system of juvenile justice throughout the Russian Federation. Decision No. 196 of the Presidium of the Council of Judges of 22 October 2009 approved the statute of the working group on questions concerning the establishment and development of juvenile justice in the Russian judicial system. The working group is a consultative (advisory) body called on to assist in the setting up of the institute of juvenile justice, the introduction of international legal standards of juvenile justice in the practice of courts of general jurisdiction and the promotion of cooperation with civil society institutions, including the Civic Chamber of the Russian Federation.

312. In addition to criminal prosecution and punishment, Russian legislation also envisages alternative means of dealing with juveniles in conflict with the criminal law. Juveniles may be exempted from criminal liability providing that two conditions are met: a minor or ordinary offence must be involved; and it must be possible to reform the juvenile through re-education measures. Thus, if in the course of a preliminary investigation of a minor or ordinary offence it is determined that a juvenile accused can be reformed without the imposition of a punishment, the investigator, with the consent of the head of the investigative body, and the person conducting the initial inquiry, with the consent of the procurator, may decide to discontinue the criminal proceedings and to petition the court to impose compulsory re-education measures on the juvenile, except in cases in which the juvenile suspect or accused or his or her legal representative lodges an objection, in which case the court must examine the petition and the case file under article 108 of the Code of Criminal Procedure, grant or reject the petition and issue a decision to that effect.

313. Compulsory re-education measures comprise:

- Warning: an explanation of the harm caused and the consequences of a repetition of the offence.
- Placement of the juvenile under the supervision of parents, guardians or specialized State bodies. The court must be convinced that these persons have a positive influence on the juvenile, have a correct understanding of the nature of the offence and are able to ensure the proper behaviour and daily supervision of the juvenile. The court must possess material on the character of the parents or guardians and must verify their living conditions, their ability to ensure the juvenile's material needs, etc.
- Obligation to make good the term caused: a specific compulsory re-education measure that may not be imposed on every juvenile (for example, if it is associated with particular material expenses and physical efforts, this measure may be imposed only on juveniles who have their own income or a grant, as well as occupational skills, etc.).
- Establishment of special requirements for the behaviour of the juvenile and limitation of his or her leisure activity: possibility of prohibiting presence at particular places or the enjoyment of particular forms of leisure activity, etc.

314. If the court finds that it is necessary to impose compulsory re-education measures, it must give grounds for that decision in its judgement (first prosecution of the juvenile, positive personal evaluation, critical attitude towards the offence, stable and serious family upbringing, the set of circumstances that influenced the juvenile's behaviour, etc.).

315. A specialized State body responsible for the juvenile's reform monitors compliance by the juvenile with the re-education measure imposed.

316. Criminal legislation (Criminal Code, art. 92) also provides for remission of sentence for juveniles under the following conditions:

(a) Imposition of compulsory re-education measures;

(b) Placement in a special reform school;

(c) Parole.

317. For juveniles who have committed ordinary or serious offences, the law permits placement in special reform schools as a remission of sentence. An exception to the general rule (Criminal Code, art. 92, para. 5) stipulates that the preferential measures specified under this norm do not extend to juveniles who have committed crimes that represent a considerable danger to society and the public at large.

318. A particularity of parole for juveniles is that the law envisages the option of reduced sentences (Criminal Code, art. 93).

319. In 2008, applications to impose a preventive measure were heard in connection with 11,719 juveniles (a reduction of 17.8 per cent compared with the previous period); 78.7 per cent were granted. Juveniles accounted for 5.1 per cent of persons in respect of whom an application was heard and 4.4 per cent of those in respect of whom an application was granted.

320. In 2008, 73,333 juveniles were convicted of offences; 16,504, or 22.5 per cent, were sentenced to deprivation of liberty as the main form of punishment (deprivation of liberty for all offenders, irrespective of age, stood at 35 per cent). A sentence of deprivation of liberty, the choice of which depends on the seriousness of the offence and the character of the convicted offender, was imposed on 8.4 per cent of juveniles convicted of a minor offence, 15.2 per cent of those convicted of an ordinary offence, 25.7 per cent of those convicted of a serious offence and 84.1 per cent of those convicted of an especially serious offence. In the case of juvenile offenders with unexpunged or unexpired convictions, deprivation of liberty was imposed on 8,571 persons, or 51.8 per cent. A total of 1,645 juvenile offenders, or 10 per cent, were sentenced to a punishment of deprivation of liberty that was less than the lower limit; 1,441 juvenile offenders were sentenced to a punishment not involving deprivation of liberty that was less than the lower limit. The most common punishment imposed on juvenile offenders was a suspended sentence of deprivation of liberty (36,228 persons, or 49.4 per cent). A total of 10,303 juveniles, or 14 per cent, were sentenced to punitive deduction of earnings or community service. A suspended sentence of punitive deduction of earnings was imposed on 2.9 per cent of juvenile offenders. A fine was the main form of punishment imposed on 10.2 per cent of juveniles. The remaining 1,395 juvenile offenders (1.9 per cent) benefited from a remission of sentence following an amnesty or for other reasons.

321. In 2009, applications to impose a preventive measure were heard in connection with 7,246 juveniles (a reduction of 38 per cent compared with the previous period); 77.7 per cent were granted. Juveniles accounted for 3.5 per cent of persons in respect of whom an application was heard and 3.0 per cent of those in respect of whom an application was granted.

322. In 2009, 56,381 juveniles were convicted of offences. Juveniles as a percentage of total convicted offenders declined gradually, from 12.3 per cent in 2004 to 6.3 per cent in 2009.

323. In 2009, 11,653 juveniles, or 20.7 per cent of all juvenile offenders, were sentenced to deprivation of liberty, as the main form of punishment (deprivation of liberty for all

offenders, irrespective of age, stood at 32.4 per cent). Deprivation of liberty was imposed on 7.4 per cent of juveniles convicted of a minor offence, 14.1 per cent of those convicted of an ordinary offence, 22.4 per cent of those convicted of a serious offence and 83.1 per cent of those convicted of an especially serious offence. In the case of juvenile offenders with unexpunged or unexpired convictions, deprivation of liberty was imposed on 6,863 persons, or 48.5 per cent. A total of 1,017 juvenile offenders, or 8.7 per cent, were sentenced to a punishment of deprivation of liberty that was less than the lower limit; 1,204 juvenile offenders were sentenced to a punishment not involving deprivation of liberty that was less than the lower limit.

324. As in previous years, in 2009 the most common punishment imposed on juvenile offenders was a suspended sentence of deprivation of liberty (27,908 persons, or 49.5 per cent). A total of 1,116 juveniles, or 2 per cent, were sentenced to punitive deduction of earnings, and 7,350, or 13 per cent, to community service. A fine was the main form of punishment imposed on 10.6 per cent of juveniles. A suspended sentence of punitive deduction of earnings was imposed on 1,004 juvenile offenders, or 1.8 per cent. The remaining juvenile offenders (2.4 per cent) benefited from a remission of sentence following an amnesty or for other reasons.

325. The criminogenic make-up of juvenile offenders remains complex. According to the figures of the youth probation offices, in 2009 27.4 per cent (2008: 28.5 per cent) of juvenile offenders had been convicted of serious or especially serious offences (by way of comparison, that figure was only 20.3 per cent for adult offenders); more than 70 per cent of juvenile offenders had been convicted of theft, robbery or robbery with assault, 4,300, or 21.4 per cent (2008: 5,100 or 18.9 per cent), already had a criminal record, and 2,200, or 11.1 per cent, were neither employed nor in school.

326. Municipal programmes have been elaborated and are under way in a number of regions aimed at the social rehabilitation of persons sentenced to punishments that do not require removal from society and persons released from places of deprivation of liberty. As part of these programmes, in 2009 probation offices assisted 9,100 juvenile offenders in finding employment and helped recover the lost documents of 1,900 juvenile offenders. Excursions were organized excursions for 26,700 juveniles on probation, and 7,000 juvenile offenders were sent to summer recreation camps.

327. Counselling for juvenile offenders is provided by the 357 psychologists of the interregional probation offices. When juveniles are registered, they undergo a psychodiagnostic evaluation, and a psychological portrait is produced and placed in their personal files. Individual counselling, correctional interviews and training courses are conducted on the basis of the data obtained. Prior to the preparation of an application to the court recommending that a suspended sentence be revoked and removed from a juvenile's record, psychologists discuss the appropriateness of such a step.

328. The measures taken have broadened the possibilities open to probation offices to enhance the supervision of juveniles and have had a positive impact on the effectiveness of their rehabilitation. In 2009, the suspended sentence of more than 2,900 such persons, or 4.8 per cent (as opposed to 4.6 per cent in 2008), was revoked for good behaviour and struck from the record.

329. Problems of violence against women are the focus of constant attention by the authorities at all levels. Russian legislation provides for liability, including criminal liability, for the use of any form of violence. The Criminal Code contains provisions establishing criminal liability for a number of unlawful acts, including: offences against sexual inviolability; homicide; battery; cruel treatment; infliction of physical or mental suffering; slander; insults (i.e. denigration of the honour and dignity of another person expressed in an improper manner); and trafficking in persons.

330. In recent years, there has not been a large number of registered reports of domestic violence targeting women, which, in 2008–2009, did not exceed 4 per cent of all crime; 96 per cent of offences in this category were solved.

331. Procurators look into all reports of violations of the rights and lawful interests of women and take action to halt any infractions that have been detected.

332. To prevent such offences, the internal affairs agencies are working to identify persons who tolerate criminal behaviour in the family, chronic alcoholics, persons who are mentally ill and persons who pose a direct risk to others. Timely preventive measures are taken with regard to all these categories of person.

333. Programmes are being elaborated and put into effect in the constituent entities of the Russian Federation with a view to preventing violence against women and providing timely assistance to women who find themselves in difficulty and are being subjected to violence or the threat of violence, and special units are being set up to respond rapidly and effectively to such situations. This question is analysed in greater detail in the combined sixth and seventh periodic reports of the Russian Federation on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/USR/7) and in the responses to the list of issues and questions with regard to the consideration of the reports (CEDAW/C/USR/Q/7/1).

334. Civil society organizations are closely involved in addressing the problem of violence against women. They play an active part in information campaigns to improve the understanding of the problem among staff in the law enforcement, health-care and social services sectors, and they publish educational materials. The centre for personnel issues of the Ministry of Internal Affairs is interacting with women's associations to prepare recommendations on domestic violence. Stop Violence, an association of women's emergency centres made up of 47 non-governmental crisis centres, Sisters, an independent charitable centre for assisting survivors of sexual violence, Falta, a women's help centre, and Yaroslavna, a women's psychological counselling centre, are actively involved.

335. A comprehensive approach is employed to combat trafficking in persons at both domestic and international level; this includes working to improve national legislation and bring it into line with international standards. The Russian Federation is rigorously implementing its international obligations under the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, signed on 12 December 2000.

336. As part of the realization of its international obligations under the Agreement on Cooperation among States Members of the Commonwealth of Independent States in Combating Crime, the Russian Federation has been actively interacting with the relevant authorities of Commonwealth member States since 1998 to suppress trafficking in persons. In 2008, the Commonwealth's Interparliamentary Assembly, with the participation of the Procurator-General of the Russian Federation, elaborated and adopted Model Acts on combating trafficking in persons and assisting victims, as well as recommendations on the unification and harmonization of the relevant legislation of Commonwealth member States, separate sections of which are devoted to the activities of the law enforcement agencies and other State bodies and public institutions in addressing sexual exploitation. The Model Acts were prepared on the basis of an international response to the phenomenon and cover the entire spectrum of measures for preventing, identifying, solving and suppressing crimes, punishing perpetrators and assisting victims. In addition to special legislative measures to combat trafficking in persons and assist victims, the Model Acts call for States to adopt the relevant norms of criminal, administrative and criminal procedural legislation.

337. In accordance with Russian criminal legislation, trafficking in persons and the exploitation of slave labour are criminal offences (Criminal Code, arts. 127.1 and 127.2,

respectively) and are punishable by law. In November 2008, amendments were made to the Criminal Code to increase criminal liability for these acts. In particular, the concept of "trafficking in persons" was broadened, and new aggravating circumstances were introduced (for example, when the offence is committed with regard to a person known by the perpetrator to be in a helpless state or to be materially or otherwise dependent on the perpetrator, or with regard to a woman whom the perpetrator knows to be pregnant).

338. Russian legislation establishes administrative liability for engaging in prostitution (Code of Administrative Procedure, art. 6.11), receiving income from the prostitution of others (art. 6.12) and the illegal transfer of persons across the State border of the Russian Federation (art. 18.14).

339. In 2005, the Federal Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings entered into force; its purpose is to protect victims of crime, including trafficking in persons. In addition, a Government decision approved the State programme 2009–2013 to ensure the safety of victims, witnesses and other participants in criminal proceedings, which envisages a set of measures for rehabilitating and assisting victims.

340. To promote effective work and a systemic approach to solving crimes associated with trafficking in persons, in 2007 a unit was established within the Ministry of Internal Affairs to prevent, identify, solve and suppress crimes of an interregional and international nature in the context of the fight against abductions and trafficking in persons, including women and girls. Units of the Ministry of Internal Affairs at the level of the constituent entities have similar functions.

341. According to court statistics and information from the procurators of the constituent entities, 19 cases were instituted under article 127.1 of the Criminal Code involving 34 persons in 2007; 27 persons were convicted, of whom 21 were sentenced to deprivation of liberty and 6 received a suspended sentence, while 7 persons were acquitted.

342. In 2008, 48 persons were convicted of offences under article 127.1 of the Criminal Code, and 8 were acquitted.

343. In 2009, 27 persons were convicted of offences under article 127.1 of the Criminal Code and 39 in conjunction with another offence. Of the 27 persons convicted solely of offences under article 127.1, 16 were sentenced to deprivation of liberty and 11 received a suspended sentence.

344. An analysis shows that most victims of trafficking in persons are women and girls from the most socially vulnerable segments of the population who are being exploited for prostitution.

II. The situation in the Chechen Republic

345. In conformity with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which was ratified by the Russian Federation (Federal Act No. 44-FZ of 28 March 1998), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited facilities of the penal correction system 19 times, including those located in the North Caucasus region 11 times. Following the visits, the Committee made a number of recommendations of a confidential nature to the Russian authorities.

346. The Russian Federation has agreed in principle to the publication of the reports drafted and recommendations made by the Committee following its visits to the country. A process is under way to approve modalities for the publication of the CPT documents with

regard to the Russian Federation, including the Government's replies to the Committee's concerns. The Russian Federation will not be able to provide the experts of the Committee against Torture with information on the implementation of the CPT recommendations of 2007 until the approval process is completed.

347. A set of special regulatory legal instruments has been adopted and is in force throughout the territory of the Russian Federation, including in the Chechen Republic, to ensure State protection of victims and witnesses.

348. Article 11, paragraph 3, of the Code of Criminal Procedure establishes the possibility of employing a number of security measures for participants in criminal proceedings if there is sufficient information to indicate that those persons are being threatened with murder, violence, destruction of or damage to property or any other unlawful actions. A number of security measures may be applied during criminal proceedings, such as not disclosing the identity of the person concerned (Code of Criminal Procedure, art. 166, para. 9), monitoring and recording telephone and other conversations (art. 186, para. 2), providing for a setting that allows a person making an identification to observe a suspect while remaining shielded from view (art. 193, para. 8), conducting trials in camera (art. 241, paras. 2 (4) and 3), and questioning a witness or victim in a court hearing without disclosing the identity of the person concerned and in a setting that allows the person being questioned to remain shielded from the view of the other participants in the trial (art. 278, para. 5). These measures may be applied by the court, the procurator, the investigator or the body or person conducting the initial inquiry within the limits of their competence.

349. Federal Act No. 119-FZ of 20 August 2004 on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings establishes a system of measures to ensure, inter alia, the safety and social welfare of victims, witnesses and other participants in criminal proceedings, and defines the grounds and procedure for their application. The Act envisages the following security measures, among others: personal protection; protection of home and property; issuance of special means of individual protection and communications; non-disclosure of information on the protected person; resettlement to another place of residence; substitution of documents; alteration of physical appearance; and transfer to another place of work, service or study.

350. Responsibility for implementing these security measures rests with the internal affairs agencies of the Russian Federation, the federal security services, the customs authorities and the authorities in charge of combating trafficking in narcotic drugs and psychotropic substances, as well as other State bodies to which legislation may assign such tasks.

351. In accordance with article 16 of the Act, security measures are taken on the basis of a written request from the person to be protected or with the person's consent, expressed in writing; or, with regard to juveniles, on the basis of a written request from the juvenile's parents or guardians or from authorized representatives of the child welfare authorities (in the absence of parents or guardians) or with their consent, expressed in writing.

352. To date, there has been no reason to apply security measures in criminal cases instituted on the basis of reports of disappearances or abductions of citizens currently before the relevant units of the investigation department for the Chechen Republic working under the Investigative Committee. There have been no requests from victims for protective measures.

353. The law enforcement agencies constantly monitor reports alleging the use of illegal investigative methods in the Chechen Republic. All information relating to such reports is verified, and a procurator vested with special powers summarizes on a quarterly basis the situation with regard to lawfulness and procuratorial supervision in this area.

354. All allegations received by the law enforcement agencies of the Chechen Republic concerning the use of violence against citizens are considered in strict compliance with the requirements of criminal and criminal procedural legislation. Officials who allow violations of the legislation governing the procedure for considering allegations of offences and reports from citizens incur liability, including criminal liability.

355. Every allegation of ill-treatment or use of unlawful methods of inquiry or investigation is recorded in a register of reported offences and is immediately verified in accordance with articles 144 to 145 of the Code of Criminal Procedure; criminal proceedings are instituted if there is sufficient evidence that the actions of an official constitute an offence.

356. Monitoring of compliance with the law by military administrative bodies and military officials, and the pretrial investigation of criminal cases involving offences committed by members of the Armed Forces in the course of counter-terrorism operations in the Chechen Republic, are carried out by a team of procurators and investigators from five garrison procurator's offices and six military investigating agencies of the Investigative Committee. The military procurator's office of the Joint Forces Group established to conduct counter-terrorism operations in the North Caucasus region of the Russian Federation and the military investigation department of the Joint Forces Group are working to improve monitoring activities. The military procurators carry out their functions in close cooperation with representatives of the federal authorities, local law enforcement agencies, the military command and the local administration.

357. The military procuratorial bodies verify reports received of offences committed by members of the Armed Forces, including from human rights bodies and non-governmental organizations, as well as those that appear in the media. Citizens also have the opportunity to apply independently to garrison procurator's offices in their vicinity.

358. If it is determined that an offence has been committed, criminal proceedings are immediately instituted; the pretrial investigation, as well as other stages of the legal proceedings, are conducted in compliance with existing legislation and in accordance with the basic principles of openness and the equality of citizens before the law, without any restrictions on the rights and freedoms of the parties to the proceedings motivated by the conduct of counter-terrorism measures.

359. In 2008, the law enforcement agencies received 102 allegations of the use of unlawful coercion, including 101 in connection with an initial inquiry and 1 in connection with participants in administrative proceedings. Of those allegations, 1 came from a medical facility, 11 from the Human Rights Commissioner in the Chechen Republic, 17 from facilities of the Federal Penal Correction Service in the Chechen Republic and 73 directly from suspects or accused persons, their lawyers or relatives. Investigations of those allegations did not result in any criminal proceedings being instituted in 2008. All the decisions in that regard were taken on exculpatory grounds, that is in the absence of an event or formal elements constituting an offence (Code of Criminal Procedure, art. 24, paras. 1 (1) and 1 (2)).

360. In 2008, the Chechen Republic investigation department working under the Investigative Committee then attached to the Office of the Procurator of the Russian Federation considered three criminal cases in this category, submitted in 2007; one investigation was completed and the case was referred to court for trial.

361. In 2009, the law enforcement agencies received 127 allegations of the use of illegal methods of inquiry in the Chechen Republic, including 29 from facilities of the Chechen Republic department of the Federal Penal Correction Service, 78 directly from citizens and 20 from the Human Rights Commissioner in the Chechen Republic and various human rights organizations. Investigations of those allegations resulted in criminal proceedings

being instituted in one case; in the other 126 cases it was decided not to institute criminal proceedings in the absence of an event or formal elements constituting an offence.

362. Since 2007, the law enforcement agencies of the Chechen Republic have registered 45 allegations of unlawful actions by members of the Second Operational Investigative Bureau (ORB-2) of the Central Administration of the Ministry of Internal Affairs of the Russian Federation for the Southern Federal Area. In 43 cases, it was decided not to institute criminal proceedings, and in 2 cases criminal proceedings were instituted, only 1 of which was related to the use of violence in connection with excess of authority.

363. The Russian Federation does not have information on any unofficial places of detention in the Chechen Republic.

364. Pretrial investigations of serious or especially serious offences against the person are monitored on an ongoing basis. The organization of such activities is periodically discussed in the Chechen Republic investigation department.

365. Criminal investigations in this category are carried out by agency No. 2 of the Chechen Republic investigation department, which was set up to deal with particularly important cases as part of joint operational teams and is currently examining 206 cases involving abductions, homicides and disappearances of citizens. The organizational and legal measures taken have had a positive impact on criminal proceedings in a number of cases: the establishment of the circumstances of the offences has been sufficiently complete, and data has been gathered on the persons involved.

366. A full-scale review by the federal forces of compliance with registration procedures in the Chechen Republic has not been conducted since 2004.

367. Two special units have been established within the Chechen Republic investigation department to ensure the most efficient investigation of abductions and disappearances of citizens. The second agency for procedural supervision, which has been in operation since November 2007, is responsible for oversight of criminal proceedings in this area.

368. The second agency for the investigation of particularly important cases was set up in March by order of the Chairperson of the Investigative Committee to ensure the best possible and most efficient criminal investigations; its procedural activities in this regard have been reviewed by the European Court of Human Rights.

369. To ensure more efficient investigation of reports of disappearances of citizens, on 25 March 2008 the investigation department issued, in conjunction with the Procurator's Office and the Republic's Ministry of Internal Affairs, Order No. 25-15/27/128 on the procedure for addressing allegations and reports of disappearances of citizens, which regulates the activity of the department's investigators and operational and investigative units with regard to decisions taken under articles 144 and 145 of the Code of Criminal Procedure, and supervision by procuratorial bodies of the lawfulness of action taken on such allegations.

370. In addition, pursuant to Order No. 38213/179 of 22 April 2009 issued jointly by the investigation department and the Republic's Ministry of Internal Affairs on the establishment of an interdepartmental working group on cooperation between the investigative bodies and internal affairs agencies in maintaining a database on missing persons, an interdepartmental working group was set up to improve the effectiveness of departmental supervision of time frames for procedural decisions and decisions on the institution of proceedings in connection with disappearances.

371. In carrying out operational and investigative measures, the military procurators within the Joint Forces Group are guided not only by departmental regulations to ensure respect for civil rights and freedoms but also by the 2006–2010 comprehensive programme

on preventing abductions and tracing missing persons in the Chechen Republic, which was adopted by the senior officials of the Ministry of Internal Affairs of the Russian Federation, the Procurator's Office of the Chechen Republic and the military procurator's office of the Joint Forces Group, and the 2007–2010 comprehensive programme on preventing abductions and tracing missing persons in the Southern Federal Area.

372. Under these programmes, military procurators are responsible for monitoring compliance with the law by bodies conducting operational and investigative activities and initial inquiries in military units, institutions and other formations and in military investigating agencies in connection with cases of abductions and disappearances.

373. Investigative bodies searching for missing or abducted persons cooperate closely with the authorities of the Chechen Republic, the Human Rights Commissioner in the Chechen Republic and various human rights and civil society organizations, which are informed of the details of the investigation. The Central Administration of the Ministry of Internal Affairs of the Russian Federation for the Southern Federal Area, the law enforcement authorities of the Chechen Republic, the Joint Forces Group and the Chechen Republic department of the Federal Migration Service work closely to ensure the necessary level of interdepartmental interaction and exchange of information. There is proactive cooperation with victims, who are provided with information on the main investigative actions carried out and are issued copies of procedural documents, as prescribed by criminal procedural legislation. To ensure protection of their individual rights, victims are granted access to the relevant procedural documents so that they can immediately lodge a complaint in court. The families of abducted citizens are promptly invited to attend when investigative actions in connection with the criminal proceedings are conducted, in order to help determine the circumstances of the crime and the whereabouts of the person being sought.

374. In responding to a reported abduction, investigators are not limited to the standard investigative actions. In particular, they regularly send enquiries to medical establishments and penal correction facilities in the Chechen Republic and neighbouring constituent entities of the Russian Federation and requests for information to the military, security forces and law enforcement agencies.

375. Following joint actions taken in 2006–2007, the number of complaints of unwarranted detention and disappearances of citizens declined significantly in 2008–2010.

376. Between the time of its establishment and 2009, the Investigative Committee received 151 reports of abductions. Investigations resulted in 71 criminal proceedings being instituted, including 19 in 2008 and 40 in 2009. Four cases were referred to court in 2008, and one in 2009.

377. Between 2007 and 2009, 427 reports of disappearances of citizens in the Chechen Republic were received, including 181 in 2008 and 207 in 2009. Over the same period, 142 criminal proceedings were instituted, including 40 in 2008 and 78 in 2009. No case was referred to court.

378. In 2008, court judgements in the Chechen Republic concerning 1,509 convicted persons became enforceable. Four persons were convicted under article 126 of the Criminal Code (Abduction), and a guilty verdict was also handed down under the same provision for a crime committed in conjunction with other, more serious, offences. In accordance with article 127, guilty verdicts were delivered in five criminal proceedings for unlawful deprivation of liberty.

379. In 2009, court judgements in the Chechen Republic concerning 1,437 convicted persons became enforceable. Seven persons were convicted under article 126 of the Criminal Code. No guilty verdicts were handed down under article 127.

380. An analysis of the criminal proceedings involving reports of abductions in the Chechen Republic shows that, in most cases, the crimes were committed by organized criminal groups to obtain ransom. Generally speaking, the criminals who commit the abductions are well armed, wear uniforms and are in possession of forged service documents of law enforcement officials. As a rule, such acts are well planned, and the kidnappers have reliable information on the financial situation of the victim and the victim's family.

381. In 2008, the military procurator's office of the Joint Forces Group received 216 communications, including 101 reports of abductions or disappearances of citizens.

382. In 2009, the number of communications concerning unlawful actions by military personnel declined to 87, of which 9 concerned abductions or disappearances. No such communications were received in 2010.

383. In 2007, 168 persons were remanded in custody as a preventive measure, including 20 charged with offences under article 317 of the Criminal Code (Attempt on the life of a law enforcement officer), 11 under article 126 (Abduction), 32 under article 105 (Homicide), 6 under article 111, paragraph 4 (Deliberate infliction of serious harm to health), 3 under article 209 (Banditry), 32 under article 208 (Organization of an illegal armed formation or participation therein), 17 under article 131 (Rape) and article 132 (Indecent assault) and 8 under article 318 (Violence against a public agent).

384. In 2008, 83 persons were remanded in custody as a preventive measure, including 2 charged with offences under article 317 of the Criminal Code, 3 under article 126, 26 under article 105, 4 under article 111, paragraph 4, 2 under article 209, 2 under article 208, 12 under article 131 and article 132, and 5 under article 318.

385. In 2009, investigators of the Chechen Republic investigation department remanded 76 suspects and accused persons in custody as a preventive measure, in every case on the basis of a judicial decision. These persons were held in premises specially designated for that purpose (facilities of the Chechen Republic department of the Federal Penal Correction Service).

386. Suspects and accused persons remanded in custody, including in the Chechen Republic, have the right to address proposals, applications and complaints to the State authorities, the procurator's office and the courts. Such communications may be made in writing, or orally during visits by persons monitoring the activities of the remand centres. Written proposals, applications and complaints addressed to central or local government bodies and civil society associations are sent via the administration of the remand centre. Proposals, applications and complaints addressed to a procurator, a court or another Government body empowered to monitor remand centres, the Human Rights Commissioner of the Russian Federation, the human rights commissioners of the constituent entities or the European Court of Human Rights are not censored.

387. In 2006, 11 criminal proceedings involving offences under article 286 of the Criminal Code (Excess of authority) were instituted in connection with the use of illegal methods of inquiry or investigation. It was decided not to institute criminal proceedings on the other 259 complaints in this category for the reasons set out in article 24, paragraphs 1 (1) and 1 (2), of the Code of Criminal Procedure (Absence of an event or formal elements constituting an offence).

388. The military investigating agencies, which form an integral part of the Investigative Committee, carry out their work in the Chechen Republic and the other constituent entities within the limits of their competence, as prescribed in article 151 of the Code of Criminal Procedure and Investigative Committee Decree No. 33 of 17 March 2008 establishing the

jurisdiction of specialized bodies within the Investigative Committee attached to the Office of the Procurator of the Russian Federation.

389. When dealing with cases of abductions and disappearances of citizens, the Chechen Republic investigation department almost always considers the possibility that military, security or law enforcement personnel may have been involved.

390. The above-mentioned military investigating agencies are responsible for conducting pretrial investigations of crimes allegedly committed by military personnel. Thus, when specific members of the Armed Forces are accused of involvement in the commission of an offence, their cases are referred to the military investigating agencies, which have jurisdiction for further pretrial investigation. The existing procedure does not constitute a "dual" system of criminal prosecution vis-à-vis the local bodies of the Investigative Committee.

391. During the period in which the Chechen Republic investigation department carried out its activities, the involvement of military personnel was established in 10 criminal cases, which were referred to the military investigation department for the North Caucasus military area and the Joint Forces Group for further examination.

392. In accordance with article 19 of the Convention against Torture, the States parties must submit reports on the measures they have taken to give effect to their undertakings under the Convention. The requirements relating to the submission of these documents are set out in the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (1998).

393. In addition, pursuant to article 22 of the Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention. Such a declaration was made on behalf of the Union of Soviet Socialist Republics in 1991. A similar procedure exists within the framework of a number of other international mechanisms for the promotion and protection of human rights.

394. These replies to the Committee's questions constitute the report of the State party pursuant to article 19 of the Convention, which was prepared under the optional reporting procedure adopted by the Committee. Paragraphs 39–40 of the Committee's list of issues concern so-called individual cases of alleged human rights violations. Their consideration is governed by specific provisions of the relevant international agreements and is carried out in the context of the Russian Federation's cooperation with the mechanisms concerned. The Russian Federation is prepared to submit the information of interest to the Committee if the latter makes any such requests, prepared within the limits of its competence, in accordance with the procedure and terms established in article 22 of the Convention.

395. As part of its efforts to promote constructive cooperation and dialogue with international human rights bodies and mechanisms, in 2006 the Russian Federation invited the Human Rights Council's Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak, to visit the Russian Federation, including the North Caucasus region.

396. According to the documents on the institutional structure of the Council, including its Code of Conduct for Special Procedures, visits by special rapporteurs are to be carried out while respecting the legislation of the inviting State.

397. Mr. Nowak posed a number of insuperable conditions for his visit to the Russian Federation. In its contacts with Mr. Nowak, the Russian Federation repeatedly stressed that his proposed modalities for the visit violated domestic legislation and informed him that it did not object to the Special Rapporteur's visiting facilities of the Federal Penal Correction

Service or remand centres or his holding confidential meetings with convicted or detained persons in the conditions set out in the Federal Act on the Custody of Suspects and Accused Persons and in the Penal Enforcement Code.

III. Other issues

398. The Constitution, universally recognized principles and norms of international law, the international treaties to which the Russian Federation is a party and Federal Act No. 35-FZ of 6 March 2006 on Counter-Terrorism are the legal framework for combating terrorist acts while at the same time ensuring respect for human rights.

399. As part of the harmonization of Russian legislation with international obligations in this area, on 27 July 2006 the President of the Russian Federation signed a federal act amending certain legislative acts in connection with the adoption of the Federal Act on the Ratification of the Council of Europe Convention on the Prevention of Terrorism and the Federal Act on Counter-Terrorism. The act introduced a number of amendments to legislation in order to meet the requirements under United Nations Security Council resolution 1624 (2005) and the Council of Europe Convention on the Prevention of Terrorism.

400. In particular, criminal liability was established for public incitement of terrorist acts and public justification of terrorism. The provisions of the Criminal Code were amended, establishing criminal liability for the commission of terrorist acts, inducement to commit a terrorist act, recruitment for a terrorist act and any other involvement of a person in a terrorist act, as well as the financing of terrorism. Amendments were also made to legislation regulating the activity of the State bodies of the constituent entities of the Russian Federation and local government bodies, the Federal Security Service and agencies responsible for combating the legalization (laundering) of illicit income received by criminal means, as well as to legal provisions on the financing of terrorism.

401. In accordance with article 2 of the Federal Act on Counter-Terrorism, the main principles underlying the fight against terrorism are:

- Promotion and protection of basic human and civil rights and freedoms
- Lawfulness
- Priority for the protection of the rights and lawful interests of persons subjected to a terrorist threat
- Inevitability of punishment for terrorist activities
- Consistent and comprehensive use of political, informational, socio-economic, legal, special and other measures to combat terrorism
- State cooperation with civil society and religious associations, international and other organizations, and private persons in counteracting terrorism
- Priority for preventive measures
- Unity of command over forces and equipment employed during counter-terrorism operations
- Use of both overt and covert methods
- Confidentiality of information on special equipment, techniques and tactics for implementing measures to combat terrorism, and confidentiality regarding persons involved in that effort

- Inadmissibility of political concessions to terrorists
- Minimization and/or elimination of the impact of manifestations of terrorism
- Measures commensurate with the scale of the threat

402. The task of suppressing and uncovering terrorist crimes, minimizing their impact and protecting the vital interests of the individual, society and the State requires a legislative decision on temporary restrictions and preventive measures that may be applied when conducting counter-terrorism operations. The sum total of these requirements and measures, which are set out in article 11 of the above-mentioned Act, constitutes the legal framework for counter-terrorism operations.

403. Pursuant to article 11, paragraph 3, the following measures and temporary restrictions are permitted during a counter-terrorism operation:

- Verification of the identity papers of persons and, in the absence of such documents, handing over of such persons to the internal affairs agencies (or other competent bodies) in order to establish their identity
- Removal of persons and vehicles from cordoned-off areas or facilities
- Heightened security for public order and for structures subject to State protection, of vital importance for the population or the functioning of transport, or of particular material, historical, scientific, artistic or cultural value
- Monitoring of telephone conversations and other information conveyed by channels of the telecommunications system, and searches of the electronic communications media and the mail to obtain information about the circumstances of a terrorist act, identify the persons who prepared and committed the act and prevent other terrorist acts from being committed
- Use of vehicles belonging to organizations, irrespective of the form of ownership (with the exception of vehicles of diplomatic missions, consulates and other facilities of foreign States and international organizations), and, in urgent cases, privately owned vehicles, in order to convey persons in need of emergency medical assistance to a hospital and to pursue persons suspected of committing a terrorist act if a delay may pose a real risk to people’s life and health
- Suspension of the activities of hazardous production facilities and organizations in which explosive, radioactive, chemical or biologically hazardous substances are employed
- Suspension of communications services to legal entities and private individuals or restrictions on the use of communications networks and media
- Temporary resettlement to safe areas of persons living within the limits of an area in which a legal regime for a counter-terrorism operation has been introduced, and obligatory provision of temporary or permanent housing for them
- Introduction of a quarantine and implementation of public health, epidemic prevention, veterinary and other epidemiological measures
- Restriction of the movement of vehicles and pedestrian traffic on streets and roads and in cordoned-off areas or facilities
- Unrestricted access for persons conducting a counter-terrorism operation to housing and other buildings belonging to private individuals and to their land, and to the buildings and land of organizations, irrespective of the form of ownership, in order to carry out counter-terrorism measures

- Search of persons travelling through or leaving an area in which the legal regime for a counter-terrorism operation has been introduced, and search of their belongings, as well as of their vehicles and objects therein, including by technical means
- Restriction or prohibition of the sale of weapons, ammunition, explosives, special devices and poisonous substances, establishment of a special procedure for the sale of drugs and medicines containing narcotics, psychotropic or virulent substances, ethyl alcohol and goods containing alcohol and spirits
- Restriction or suspension of private investigation and security services

404. With a view to preventing unwarranted restrictions on civil rights and freedoms, article 12 of the Act provides that not only must the regime for a counter-terrorism operation be introduced in a restricted area, but also that it must last for a strictly determined period, i.e. solely for the duration of the counter-terrorism operation, which is conducted only in cases where other actions and means to suppress a terrorist act are not possible.

405. In accordance with article 18 of the Act, the State pays compensation from the federal budget to private individuals and legal entities for harm caused in the course of lawful actions by State officials to suppress a terrorist act. However, this provision does not extend to persons participating in a terrorist act because Russian legislation does not provide for compensation to such persons for harm caused in the course of lawful actions by State officials. Compensation for moral harm resulting from a terrorist act is paid by the persons committing the act.

406. Article 19 of the Act envisages the social rehabilitation of persons who are victims of a terrorist act as well as persons who combat terrorism. It includes psychological, medical and professional rehabilitation, legal aid and assistance in finding employment and housing. Social rehabilitation to assist in the readaptation and reintegration in society of victims of a terrorist act is paid for from resources of the federal budget, the budgets of the constituent entities in which the terrorist act took place and other sources, as prescribed in Russian legislation.

407. The rules for the social rehabilitation of victims of terrorist acts and of persons who combat terrorism were approved by a Government decision of 21 January 2007. They define the procedure for rehabilitating, at the State's expense, victims of terrorist acts and other offences under the Criminal Code if they were committed for terrorist purposes.

408. In addition, the Government decision of 21 February 2008 on compensation of harm to the life or health of persons in connection with their participation in the fight against terrorism defined the procedure and legal relations for the payment of such compensation to beneficiaries or, in the event of their death, for a one-time payment to members of their family and/or their dependants.

409. Further rehabilitation measures may be envisaged for members of the Armed Forces, specialists and other employees of the federal authorities and State bodies combating terrorism, as well as members of their family, and persons assisting the authorities on a temporary or regular basis in identifying, preventing, suppressing, uncovering and investigating terrorist acts and minimizing their impact, as well as members of their family.

410. One effective measure to ensure respect for human rights during the fight against terrorism aims at guaranteeing that military personnel and law enforcement officers active in this area steadily improve their knowledge of the law, of their duties and of legal provisions which must be enforced. Training to that end is systematically provided for law enforcement leadership and operational staff.

411. Criminal procedural rules governing the fight against terrorism in the Russian Federation are implemented on the basis of and in conformity with the Criminal Code. Criminal liability for offences of a terrorist nature is covered by articles 205 (Terrorist act), 205.1 (Abetting a terrorist act), 205.2 (Public incitement to commit a terrorist act or public justification of terrorism), 206 (Hostage-taking), 208 (Organization of an unlawful armed formation or participation therein), 211 (Hijacking of an aircraft, ship or train), 277 (Attempt on the life of a statesman or public figure), 278 (Forcible seizure or retention of power), 279 (Armed rebellion) and 360 (Attack on internationally protected persons or facilities) of the Code.

412. According to judicial statistics, in 2008 the courts of the Russian Federation disposed of 576 cases involving persons charged with committing offences of a terrorist nature, such as terrorist acts, abetting a terrorist act, public incitement to commit a terrorist act or public justification of terrorism, hostage-taking or knowingly making a false statement about a terrorist act. A total of 49 criminal cases instituted against 51 persons were discontinued. In all, 411 verdicts were handed down; 437 persons were convicted, and 1 person was acquitted. Coercive medical measures were taken in respect of 63 persons deemed not responsible for their actions.

413. In 2009, the courts disposed of 555 cases involving persons charged with committing offences of a terrorist nature. A total of 42 criminal cases instituted against 44 persons were discontinued. In all, 397 verdicts were handed down; 409 persons were convicted, and 4 persons were acquitted. Coercive medical measures were taken in respect of 66 persons deemed not responsible for their actions.

414. In 2008, the courts heard criminal cases involving 11 persons charged with committing a terrorist act under article 205 of the Criminal Code. In addition, four cases were brought before the courts involving persons charged with committing an offence under article 205 in conjunction with other, more serious, offences. Eight persons were convicted of committing a terrorist act for whom the accusation under article 205 was the most serious charge. In accordance with article 205, paragraph 3, seven persons were convicted of committing this offence in an organized group or of committing an offence that had serious consequences. In addition, guilty verdicts were handed down for four offences of a terrorist nature committed in conjunction with other, more serious, offences.

415. In 2009, the courts heard criminal cases involving 20 persons charged with committing a terrorist act under article 205 of the Criminal Code, which represented the most serious accusation against them. In addition, 17 cases were brought before the courts involving persons charged with committing an offence under article 205 in conjunction with other, more serious, offences. Nineteen persons were convicted of committing a terrorist act for whom the accusation under article 205 was the most serious charge. Four persons were convicted of committing this offence with aggravating circumstances under article 205, paragraph 2, and 14 persons under article 205, paragraph 3. In addition, guilty verdicts were handed down for 10 offences of a terrorist nature committed in conjunction with other, more serious, offences.

416. In 2009, three persons were convicted of abetting a terrorist act under article 205.1 of the Criminal Code and were sentenced to deprivation of liberty.

417. In 2008, the courts heard criminal cases involving eight persons charged with hostage-taking (Criminal Code, art. 206). In addition, two cases were brought before the courts involving persons charged with committing an offence under article 206 in conjunction with other, more serious, offences. Five persons were convicted and sentenced to deprivation of liberty.

418. In 2009, the courts heard criminal cases involving 16 persons charged with hostage-taking (Criminal Code, art. 206). In addition, three cases were brought before the courts

involving persons charged with committing an offence under article 206 in conjunction with other, more serious, offences. In the course of the consideration by the court of their actions, charges against three persons were reclassified under other articles of the Criminal Code. The case of one person was discontinued, and coercive medical measures were taken in respect of three persons. Ten persons were convicted and sentenced to deprivation of liberty.

419. In 2008, 399 persons were convicted under article 207 of the Criminal Code of making a knowingly false statement about an act of terrorism. In addition, 26 guilty verdicts were handed down for knowingly false statements about an act of terrorism made in conjunction with other, more serious, offences.

420. In 2009, 383 persons were convicted under article 207 of the Criminal Code. In addition, 27 guilty verdicts were handed down for knowingly false statements about an act of terrorism made in conjunction with other, more serious, offences.

421. In 2008, 165 persons were convicted of creating and participating in an armed formation not envisaged under federal law (Criminal Code, art. 208). In addition, four guilty verdicts were handed down for offences committed under article 208 in conjunction with other, more serious, offences.

422. In 2009, 155 persons were convicted of participation in an armed formation not envisaged under federal law (Criminal Code, art. 208, para. 2). There were no convictions under article 208, paragraph 1, for the creation of an armed formation (association, unit, brigade or other group) not envisaged by federal law, or for leading or funding such a formation. In addition, 21 guilty verdicts were handed down for offences committed under article 208 in conjunction with other, more serious, offences.

423. In 2008, 176 persons were convicted of creating and participating in a standing armed group (Criminal Code, art. 209). In addition, 110 guilty verdicts were handed down for offences committed under article 209 in conjunction with other, more serious, offences.

424. In 2009, 148 persons were convicted under article 209. In addition, 93 guilty verdicts were handed down for offences committed under article 209 in conjunction with other, more serious, offences.

425. In 2008, 98 persons were convicted under article 210 of organizing and participating in a criminal association. In 2009, 164 persons were convicted of that offence.

426. The Russian Federation does not have unofficial (secret) detention facilities on its territory. Nor have any cases been recorded of secret detention of persons suspected of terrorism.

IV. General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

427. The Russian Federation attaches great importance to promoting constructive cooperation with United Nations human rights bodies. In the context of this cooperation, it regularly provides the relevant United Nations bodies with periodic reports on the implementation of its obligations under the various international conventions.

428. Between 2006 and 2010, the Russian Federation submitted and defended its periodic reports on the implementation of its international obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/RUS/19), the International Covenant on Civil and Political Rights (CCPR/C/RUS/6) and the

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/USR/7). In addition, in the course of preparations for the defence of these reports, the Russian Federation submitted written replies to questions posed by the experts of the Committee on the Elimination of Racial Discrimination (CERD/C/RUS/Q/19/Add.1), the Human Rights Committee (CCPR/C/RUS/Q/6/Add.1) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/USR/Q/7/Add.1), which contained detailed information on the situation with regard to the promotion and protection of human rights, including the latest measures taken by the authorities in that regard.

429. In February 2009, in the course of the universal periodic review conducted within the framework of the Human Rights Council, the Russian Federation submitted its national report on the situation with regard to respect for human rights in the country (A/HRC/WG.6/4/RUS/1).

430. These documents are public and have been placed in the respective sections of the Internet site of the Office of the United Nations High Commissioner for Human Rights.