Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**453**
Land:	Rusland
Kilde:	European Union: European Asylum Support Office (EASO)
Titel:	EASO Country of Origin Information Report. Russian Federation State Actors of Protection
Udgivet:	Marts 2017
Optaget på baggrundsmaterialet:	24. maj 2017

European Asylum Support Office

EASO Country of Origin Information Report

Russian Federation State Actors of Protection

March 2017

SUPPORT IS OUR MISSION

European Asylum Support Office

EASO

Country of Origin Information Report

Russian Federation

State Actors of Protection

March 2017

Europe Direct is a service to help you find answers to your questions about the European Union.

Free phone number (*):

00 800 6 7 8 9 10 11

(*) Certain mobile telephone operators do not allow access to 00800 numbers or these calls may be billed.

More information on the European Union is available on the Internet (http://europa.eu).

Print ISBN 978-92-9494-372-9 doi: 10.2847/502403 BZ-04-17-273-EN-C

PDF ISBN 978-92-9494-373-6 doi: 10.2847/265043 BZ-04-17-273-EN-C

Cover photo credit: JessAerons – Istockphoto.com

Acknowledgments

EASO would like to acknowledge the following national COI units and asylum and migration departments as the co-authors of this report:

Belgium, Cedoca (Center for Documentation and Research), Office of the Commissioner General for Refugees and Stateless Persons

Poland, Country of Origin Information Unit, Department for Refugee Procedures, Office for Foreigners

Sweden, Lifos, Centre for Country of Origin Information and Analysis, Swedish Migration Agency

Norway, Landinfo, Country of Origin Information Centre

The following departments reviewed this report:

Denmark, Country of Origin Information Division, Danish Immigration Service, Ministry of Immigration and Integration

Switzerland, Division Analysis and Services, State Secretariat for Migration

The following organisation reviewed and updated the report:

ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation

Table of Contents

Disclaimer

This report was written according to the EASO COI Report Methodology (2012) (1). The report is based on carefully selected sources of information. All sources used are referenced. To the extent possible, and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

“Refugee”, “risk” and similar terminology are used as a generic terminology and not as legally defined in the EU asylum acquis and the Geneva Convention.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

Kindly note that page numbering may differ between the uploaded PDF version and the printed document, due to formatting specifications.

The target audience are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised in December 2016. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the methodology section of the introduction. An exception to this cut-off date was made for the legislation referring to domestic violence approved in February 2017, the main findings of which were incorporated in this report.

(1) The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: http://www.easo.europa.eu.

Glossary and Abbreviations

ACPC	Administrative Court Proceedings Code
adat	Indigenous customary law ([2])
ADC Memorial	Anti-Discrimination Centre Memorial
AI	Amnesty International
blat (блат)	Exchange of 'favours of access' to public resources through personal channels. *Blat* exchange is often described as 'sharing', 'helping out', 'friendly support' or 'mutual care'. Intertwined with personal networks, *blat* provides access to public resources through personal channels ([3]).
CAC	Civic Assistance Committee
CAN	Chechnya Advocacy Network
CAT	United Nations Committee Against Torture
CEDAW	UN Convention on the Elimination of all Forms of Discrimination Against Women
CIA	Central Intelligence Agency
CIS	Commonwealth of Independent States
CoE-CCJE	Consultative Council of European Judges
CoE-CCPE	Consultative Council of European Prosecutors
CoE-CEPEJ	Council of Europe - European Commission for the Efficiency of Justice
CoE-CommDH	Council of Europe - Commissioner for Human Rights
CoE-CPT	Council of Europe - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CoE-ECRI	Council of Europe - European Commission against Racism and Intolerance
CoE-PACE	Parliamentary Assembly

([2]) ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, p. 35.
([3]) Ledeneva, A., Russia's Economy of Favours. Blat, Networking and Informal Exchange, 1998, p. 37.

Council of the Federation	*Sovet Federatsii* / Совет Федерации
CPC	Criminal Procedure Code of the RF
CPJ	Committee to Protect Journalists
DIS	Danish Immigration Service
DRC	Danish Refugee Council
EASO	European Asylum Support Office
ECHR	European Court of Human Rights
EPRS	European Parliamentary Research Service
FCO	UK Foreign & Commonwealth Office
federal subject	constituent entity of the RF, subject of the RF
FIDH	Fédération internationale des ligues des droits de l'Homme
FSSS	Federal State Statistics Service (Federalnaya Sluzhba Gosudarstvennoy Statistiki / Федеральная служба государственной статистики), aka Rosstat
FSB	Federal Security Service (*Federalnaya Sluzhba Bezopasnosti* / Федеральная служба безопасности)
FSKN	Federal Service for Drug Control (*Federalnaya Sluzhba po Kontrolyu za Oborotom Narkotikov* / Федеральная служба по контролю за оборотом наркотиков)
GUVM	General Directorate for Migration Affairs (*Glavnoye upravleniye po voprosam migratsii* / Главное управление по вопросам миграции)
HRC Memorial	Memorial Human Rights Centre
HRW	Human Rights Watch
HSS	Hanns Seidel Stiftung
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICJ	International Commission of Jurists
IOM	International Organization for Migration

IRL	Institute for the Rule of Law (*Institut Problem Pravoprimeneniya,* IPP / Институт проблем правоприменения, ИПП)
ICG	International Crisis Group
IRB	Immigration and Refugee Board of Canada
KGI	Civil Initiatives Committee (*Komitet Grazhdanskikh Initsiativ /* Комитет гражданских инициатив*)*
koordinatsionny sovet (координационный совет)	Coordination Council
krysha (крыша)	High-order police corruption ("roofing", also called "protection racket"); has its roots in the 1990s economic liberalisation when organised crime provided "protection" to businesses against other organised crime groups ([4]).
KSRF	Constitutional Court of the Russian Federation (Konstitutsionny sud Rossiyskoy Federatsii */* Конституционный Суд Российской Федерации*)*
LGBT	Lesbian, gay, bisexual and transgender
militsiya (милиция)	former name of police (before 2011)
mirovye sudya (мировые судья)	Justices of the peace
MVD	Ministry of Internal Affairs (*Ministerstvo Vnutrennikh Del* / Министерство внутренних дел)
nadzor (надзор)	Supervisory review procedure (justice system)
NHRI	National Human Rights Institutions
NPM	National Preventive Mechanisms
NGO	Non-Governmental Organisation
NYT	New York Times
NZZ	Neue Zürcher Zeitung
Obshchestvenny Verdikt (Общественный вердикт)	Public Verdict Foundation
OECD	Organisation for Economic Co-operation and Development

([4]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 222.

OHCHR	Office of the United Nations High Commissioner for Human Rights
UNHRC	United Nations Human Rights Council
OMON	"Special Purpose Mobility Units" of the police (*Otryad Mobilny Osobogo Naznacheniya* / Отряд мобильный особого назначения)
operativniki (оперативники)	Operatives/field or preliminary investigators
OSAC	Overseas Security Advisory Council
OSCE	Organization for Security and Co-operation in Europe
palochnaya sistema (палочная система)	Russian police performance evaluation system
politsiya (полиция)	Police
Pravo.gov.ru	Official Internet portal for RF legal information
PRI	Penal Reform International
rabochy apparat (рабочий аппарат)	Assisting apparatus
rayon (район)	District
RBC	RosBusinessConsulting
RBTH	Russia Beyond The Headlines
RC	Republic of Chechnya
reiderstvo (рейдерство)	The illicit acquisition of a business or part of a business in Russia (aka asset-grabbing) ([5])
RF	Russian Federation
RFE/RL	Radio Free Europe/Radio Liberty
RG	Official Gazette of the RF (Rossiyskaya Gazeta / Российская газета)
RJI (also SRJI)	Russian Justice Initiative (also: Stitching Russian Justice Initiative
RSFSR	Russian Soviet Federative Socialist Republic
RT	Russia Today

([5]) Chatham House, Reiderstvo: Asset-Grabbing in Russia, March 2014, p. 2.

SCA	Sub-Committee on Accreditation
SEM	State Secretariat for Migration (Switzerland)
SFH	Schweizerische Flüchtlingshilfe
Sharia	Islamic law, a set of legal, moral, ethical, and religious prescriptions of Islam, covering a large part of Muslim life, based on the Quran, the Sunnah ([6]) and fiqh ([7]).
SK	Investigative Committee of the Russian Federation (*Sledstvenny Komitet Rossiyskoy Federatsii* / Следственный комитет Российской Федерации)
SOVA	SOVA Center for Information and Analysis, Russian NGO
State Duma	*Gosudarstvennaya duma Rossiyskoy Federatsii* / Государственная дума Российской Федерации
TI	Transparency International
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
US DoS	United States Department of State
WSJ	Wall Street Journal

([6]) Sunnah refers to the 'actions and sayings of the Prophet Muhammad' that 'became a model for Muslim conduct as well as a primary source of Islamic law'; Oxford University, Oxford Islamic Studies Online, Sunnah, n.d.
([7]) Fiqh is the 'Muslim jurisprudence and a set of social norms of behaviour inseparably linked with theology' in ICG, The North Caucasus; ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, pp. 35-36.

Introduction

This report was drafted by Country of Origin Information (COI) specialists from the COI units and asylum offices listed as co-authors under the Acknowledgements section, together with the European Asylum Support Office (EASO).

The purpose of this report is to provide an overview of the functionality of the administration of the Russian Federation within the justice and security sectors in their role as State actors of protection. The primary focus of the report is the state functions identified as central from a citizen's perspective – the official institutions that constitute the ultimate guarantee for the individual's possibility to exercise his or her rights. In this context the traditional civilian justice and security system, i.e. police force, prosecution service and courts, the state investigative committee and the ombudsman institution (Commissioner for Human Rights) have been identified as central actors.

There are other institutions operating in the sphere of the Russian security and justice sector that fill important roles, e.g. the Federal Security Service, the General Directorate for Migration Affairs (GUVM) – replacing the Federal Migration Service -, and the Internal Troops of the Ministry of Internal Affairs (*Ministerstvo vnutrennikh del* - MVD). As these institutions may not constitute potential state actors of protection regarding assuring safety and guaranteeing rights, they were excluded from this report.

Methodology

• *Defining the Terms of Reference*

In August 2015, the abovementioned team of COI specialists from EU+ countries and EASO met to determine the Terms of Reference of the report and the division of tasks. Terms of Reference were defined following the Swedish Migration Agency's COI Unit (LIFOS) guidelines for assessing the basic functionality of a country's justice and security sectors, in their roles of providers of state protection. The method used is a systematic approach, differentiating between capacity- and integrity-related factors. The initial drafting process took place from September 2015 to January 2016.

• *Quality control*

In order to ensure that the co-authors respected the EASO COI Report Methodology, between January and February 2016 specialists from the countries listed in the Acknowledgements section peer-reviewed the report ([8]).

A further review and content update was carried out by ACCORD between September and December 2016, following EASO's COI Report Methodology and the existing Terms of Reference.

All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

([8]) The peer reviewers included Denmark (Country of Origin Information Division, Danish Immigration Service) and Switzerland (Division Analysis and Services, State Secretariat for Migration).

Structure and use of this report

A core set of parameters was defined in the terms of reference to answer questions on general information, capacity and integrity of each actor of protection in the Russian Federation.

Chapter 1 provides information on the Russian Federation's Constitution and on the state's structure.

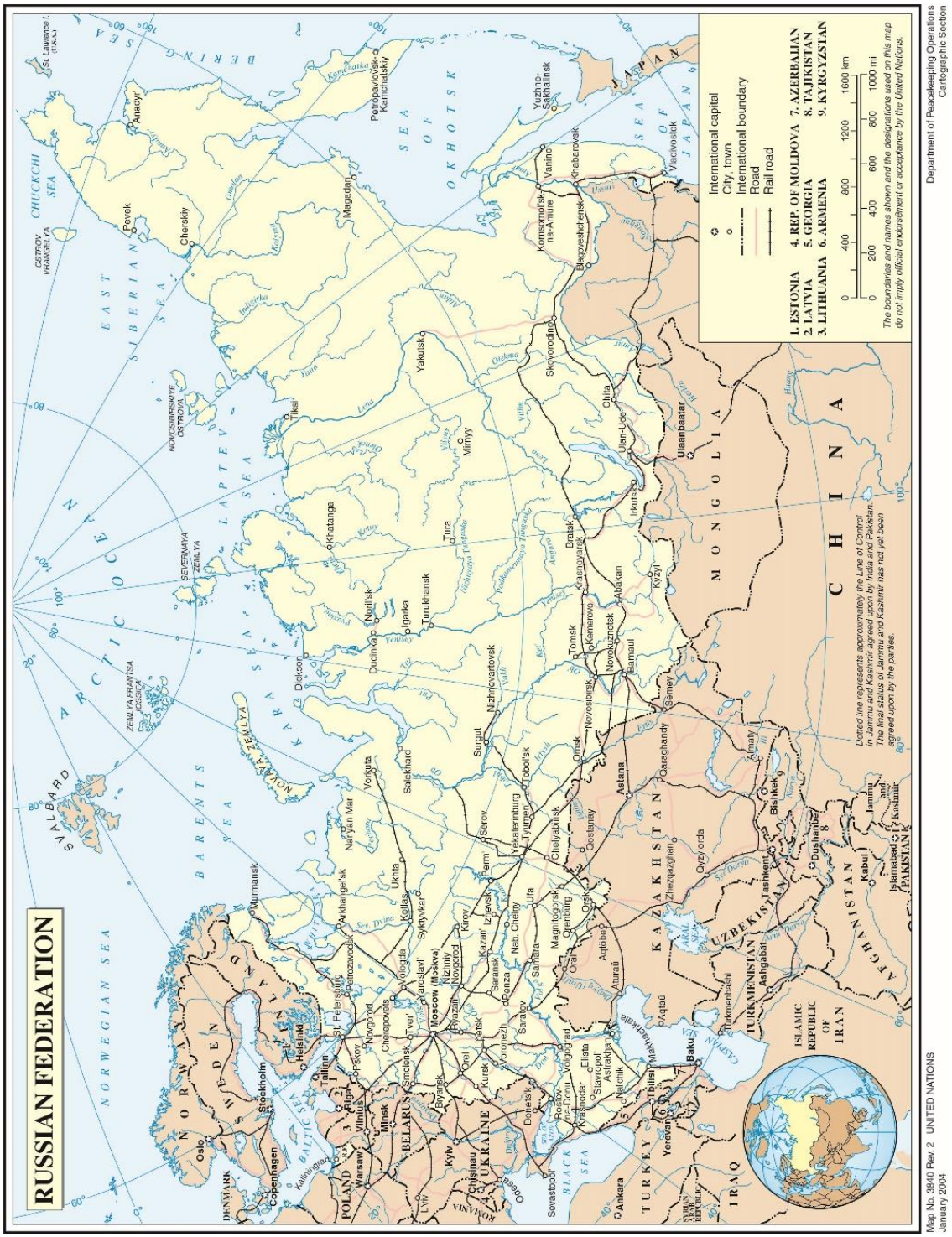
Chapter 2 identifies the relevant state actors of protection in Russia for the already explained purposes of this report:

- Ministry of Internal Affairs – MVD;
- Prosecutor's Office;
- Courts;
- State Investigative Committee – SK;
- Commissioner for Human Rights in the Russian Federation.

Regarding Chechnya, and given its specific status, a separate chapter was drafted. Chapter 3 contains background information on the republic, its structure, recent developments, state protection - individual actors of protection, the impact of traditional and religious law, and access to protection for women.

This report provides information on elements and indicators that may help assessing the availability of state protection in the Russian Federation.

Map ([9])



Map 1: Russian Federation - administrative divisions

([9]) United Nations, Geospatial Information Section, Russian Federation, Map No. 3840 Rev. 2, January 2004, (http://www.un.org/Depts/Cartographic/map/profile/russia.pdf), accessed 13 December 2016.

1. Russian Federation (RF) – Constitution and State Structure

This chapter provides an overview of the Constitution and state structure of the Russian Federation (RF), as they form the framework in which state actors of protection operate.

The Constitution of the RF establishes Russia as a 'democratic federative law-governed state with a republican form of government' ([10]). It was adopted on 12 December 1993 and has been amended several times. It recognises the sovereignty of the 'multinational people' of Russia ([11]) and guarantees 'human and civil rights and freedoms' ([12]). In case of a conflict between international law and domestic law, international law should prevail ([13]).

The Constitution divides state power into a legislative, executive, and judicial branch ([14]). Checks and balances are, however, weak due to the highly centralised nature of the system and the tight control the President exerts over all three branches ([15]).

1.1 The President of the Russian Federation

The Russian presidency was established by the 'Law on the President of RSFSR' of 24 April 1991 ([16]). The 1993 Constitution incorporated most of the authorities of the President under this law ([17]). The President is elected by the citizens of the RF through universal, equal and direct suffrage. Under Article 81 of the Constitution, the President may be elected for two consecutive terms of six years ([18]).

Vladimir Putin is the President of the Russian Federation. He served for two terms between 2000 and 2008, when he ceded the presidency to Dmitry Medvedev, as the Constitution limits the presidency to two consecutive terms. In 2012, after a constitutional amendment prolonging the term to six years, Putin again presented himself as a candidate and was elected ([19]). Medvedev took office as Prime Minister ([20]).

The Constitution provides the President with extensive powers. He is tasked with safeguarding the Constitution as well as the territorial integrity and sovereignty of the RF ([21]). As Head of State, he sets Russia's foreign policy ([22]) and leads the military as Commander in Chief ([23]). He appoints the Prime Minister, with consent of the State Duma, and nominates to the Council of the Federation judges for the Constitutional Court, the Supreme Court, as well as candidates for the Office of the Prosecutor General. He also appoints federal judges for the lower courts ([24]).

([10]) KSRF, Constitution of RF, 12 December 1993, Article 1.
([11]) KSRF, Constitution of RF, 12 December 1993, Article 3(1).
([12]) KSRF, Constitution of RF, 12 December 1993, Articles 17 and 18.
([13]) KSRF, Constitution of RF, 12 December 1993, Article 15(4).
([14]) KSRF, Constitution of RF, 12 December 1993, Article 10.
([15]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; Bertelsmann Stiftung, BTI 2016 - Russia report, 2016, p. 11.
([16]) Pravo.gov.ru, Law on the President of RSFSR, 24 April 1991; Presidential Library Named after Boris Yeltsin, RSFSR law "On the President of RSFSR" adopted, 24 April 1991.
([17]) Presidential Library Named after Boris Yeltsin, RSFSR law "On the President of RSFSR" adopted, 24 April 1991.
([18]) KSRF, Constitution of RF, 12 December 1993, Article 81.
([19]) European Forum for Democracy and Solidarity, Russia, last update 21 September 2016.
([20]) BBC News, Russia profile, Leaders, 30 November 2015.
([21]) KSRF, Constitution of RF, 12 December 1993, Article 80(2).
([22]) KSRF, Constitution of RF, 12 December 1993, Article 80.
([23]) KSRF, Constitution of RF, 12 December 1993, Article 87.
([24]) KSRF, Constitution of RF, 12 December 1993, Article 83.

The President issues decrees and orders, binding in the whole territory of the Russian Federation and on federal, regional, and local government entities; presidential normative acts must comply with the Constitution and federal laws ([25]).

The President may suspend laws and regulations that violate the Constitution, federal laws, international obligations or civil rights and freedoms, until a court has ruled on their validity ([26]). The President may veto legislation passed by the chambers of the Federal Assembly: a veto can be overcome by a two-third of members of the Federal Assembly ([27]). With the approval of the Council of the Federation, the President may impose a state of emergency or martial law ([28]).

While the Prime Minister is officially the head of the government, the President also oversees, among others, the following ministries and agencies: Defence, Interior (Police), Justice, Foreign Affairs, Civil Defence, Emergencies and Disaster Relief, Federal Security and Foreign Intelligence Service ([29]). These institutions, able to exercise coercive power on behalf of the state, are known in Russia as the 'power ministries' ([30]).

1.2 The Government of the Russian Federation

The executive power in Russia is exercised by the Government, through its chairman (Prime Minister), deputy chairmen (First Deputy Prime Minister, Deputy Prime Ministers) and federal ministries ([31]). The Chairman of the Government is appointed by the President with the consent of the State Duma ([32]). The Chairman determines the guidelines of the Government's activities and organises its work ([33]).

As of April 2016, there were 21 federal ministries ([34]). As stated before (1.1 The President of the Russian Federation), while the Prime Minister is officially the head of government, the President oversees the ministries and agencies related to internal security, foreign affairs, and justice ([35]).

The Ministry of Internal Affairs, headed by Vladimir Kolokoltsev ([36]), oversees the work of internal security forces and law enforcement, including criminal investigations run by the police. It is also in charge of combating extremism, control the drugs trade and migration ([37]). The Ministry of Justice, headed by Alexander Konovalov, sets policy and issues regulations on the penal system, the bar and notary system, compliance of courts with the established operating procedure, implementation of

([25]) KSRF, Constitution of RF, 12 December 1993, Article 90.
([26]) KSRF, Constitution of RF, 12 December 1993, Article 85(2).
([27]) KSRF, Constitution of RF, 12 December 1993, Article 107.
([28]) KSRF, Constitution of RF, 12 December 1993, Article 102.
([29]) Pravo.gov.ru, Decree of the President of the RF No. 636 "On the Structure of the Federal Organs of the Executive Power", 21 May 2012; see also respective entries for the ministries and agencies under Government of the RF, About the Government – Ministries and Agencies, last update 5 April 2016; Renz, B., Civil-Military-Relations and the Security Apparatus, 2010, p. 57; de Andrés Sanz and J. and Ruiz Ramas, R., Institutions and political regime in Putin´s Russia: an analysis, 2008, p. 40, note 10.
([30]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 36-37.
([31]) KSRF, Constitution of RF, 12 December 1993, Article 110; Government of the RF, About the Government – Senior Russian Government Officials, n.d.
([32]) KSRF, Constitution of RF, 12 December 1993, Article 111.
([33]) KSRF, Constitution of RF, 12 December 1993, Article 113.
([34]) Government of the RF, About the Government – Ministries and Agencies, last update 5 April 2016.
([35]) Pravo.gov.ru, Decree of the President of the RF No. 636 "On the Structure of the Federal Organs of the Executive Power", 21 May 2012; see also respective entries for the ministries and agencies under Government of the RF, About the Government – Ministries and Agencies, last update 5 April 2016; Renz, B., Civil-Military-Relations and the Security Apparatus, 2010, p. 57; de Andrés Sanz, J. and Ruiz Ramas, R., Institutions and political regime in Putin´s Russia: an analysis, 2008, p. 40, note 10.
([36]) Ministry of Internal Affairs of the RF (The), Minister, n.d.
([37]) Ministry of Internal Affairs of the RF (The), Structure, n.d.

court decisions and enactments of other agencies, and legal aid programmes ([38]). Since 1998, the Ministry of Justice is also responsible for correctional services ([39]).

In a reshuffling of the Ministry for Internal Affairs in May 2016, President Putin formed the Federal National Guard, which reports to the President and is in charge of fighting terrorism and organised crime ([40]). Viktor Zolotov, a former bodyguard of Putin, was nominated as the head of the National Guard ([41]).

1.3 The Federal Assembly

The Federal Assembly – the Parliament of the Russian Federation – is the representative and legislative body of the Russian Federation ([42]). It consists of two chambers – the Council of the Federation and the State Duma ([43]). The Federal Assembly works on a permanent basis ([44]).

The Council of the Federation is the upper house of the Russian Parliament created by the 1993 Constitution ([45]). It consists of two representatives from each federal subject: one from the legislative and one from the executive body of state authority ([46]).

The Council of the Federation has legislative initiative ([47]). Under its jurisdiction are the approval of martial law and state of emergency, proposed by the President; under the Constitution the Council has the power to impeach the president. It also approves appointments to the Constitutional and Supreme Courts, and the Prosecutor General ([48]).The Council approves federal laws adopted by the State Duma ([49]).

The State Duma consists of 450 deputies ([50]) elected for a term of five years ([51]). A citizen over 21 years of age and with the right to participate in elections may be elected deputy of the State Duma. The same person may not be simultaneously a member of the Council of the Federation and a deputy to the State Duma ([52]).

In February 2014, the President signed a law restoring a system in which half of the Duma members are elected by proportional representation and half in single-member districts ([53]).

According to Jesús de Andrés Sanz and Rubén Ruiz Ramas, two Spanish political scientists specialising in post-Soviet regime analysis, the domination of the State Duma secured the influence of the

([38]) Government of the RF, About the Government - Ministry of Justice of the Russian Federation, n.d.
([39]) Taylor, B. D., Historical Legacies and Law Enforcement in Russia, May 2011, p. 2.
([40]) BBC News, Putin creates new National Guard in Russia 'to fight terrorism', 6 April 2016; Eurasianet, Russia: What Interior Ministry Reform Means for the Migration and Drug Control Services, 9 May 2016.
([41]) BBC News, Putin creates new National Guard in Russia 'to fight terrorism', 6 April 2016.
([42]) KSRF, Constitution of RF, 12 December 1993, Article 94.
([43]) KSRF, Constitution of RF, 12 December 1993, Article 95.
([44]) KSRF, Constitution of RF, 12 December 1993, Article 99.
([45]) KSRF, Constitution of RF, 12 December 1993, Article 95.
([46]) Russia consists of 83 federal constituent entities (subjects), see Official Russia, Subjects of the RF, n.d.; Official website of the Council of the Federation; KSRF, Constitution of RF, 12 December 1993, Article 95.
([47]) KSRF, Constitution of RF, 12 December 1993, Article 104(1).
([48]) KSRF, Constitution of RF, 12 December 1993, Article 102(1).
([49]) KSRF, Constitution of RF, 12 December 1993, Article 105(3-4).
([50]) KSRF, Constitution of RF, 12 December 1993, Article 95.
([51]) KSRF, Constitution of RF, 12 December 1993, Article 96.
([52]) KSRF, Constitution of RF, 12 December 1993, Article 97.
([53]) Freedom House, Freedom in the World 2015, Russia, 28 January 2016.

president over the legislative agenda and removed the need to build electoral coalitions or to make use of the veto power of the president ([54]).

Of the 78 political parties registered with the Ministry of Justice, only six were represented in the State Duma as of October 2015 ([55]), with only two opposition candidates gaining seats in 2011 ([56]). Mass protests broke out after the vote in 2011, as many believed the government had rigged the election when United Russia failed to gain the majority of the votes ([57]). In the 2016 elections, even though more liberal rules for party registration allowed for independent candidates, only four out of 14 parties running and none of the independent candidates gained seats to the State Duma ([58]). The OSCE election observation mission concluded that the manner in which the electoral campaign was conducted strongly favoured parties loyal to President Putin ([59]). United Russia won three quarters of the seats in the State Duma ([60]).

The State Duma adopts federal laws, with approval (or non-action within 14 days) by the Council of the Federation ([61]). Federal constitutional laws are adopted with a qualified majority of the Council of the Federation (3/4) and the State Duma (2/3) ([62]). In order to enter into force, any law has to be signed by the President and published within fourteen days ([63]). The State Duma also appoints the Commissioner for Human Rights of the Russian Federation ([64]).

1.4 Judicial system and public prosecution

Justice in the Russian Federation is administered by courts via constitutional, civil, administrative and criminal proceedings ([65]). Chapter 7 of the Constitution ("Judicial Authority and Public Prosecution") establishes the Constitutional Court of the RF ([66]), the Supreme Court of the RF ([67]), other federal courts ([68]) as well as the public prosecution of the RF ([69]). The Constitutional Court of the RF has jurisdiction over the review of the constitutionality of federal and regional laws as well as international treaties, over disputes between federal as well as between regional state bodies, and hears individual complaints about infringements of constitutional rights ([70]). The Supreme Court of the RF is the highest judicial authority in matters of civil, economic, administrative and criminal law ([71]). Each constituent entity also has a constitutional (or charter) court as well as a Supreme Court ([72]). At the lower level,

([54]) Andrés Sanz, J. and Ruiz Ramas, R., Institutions and political regime in Putin´s Russia: an analysis, 2008, pp. 43-44.
([55]) CIA, World Factbook, last update 10 November 2016.
([56]) NYT, Putin Parties Show Strength in Russian Parliament Elections, 18 September 2016.
([57]) Guardian (The), Russia's anti-Putin protests grow, 7 December 2011.
([58]) BBC News, Russian election: Big victory for Putin-backed party United Russia, 19 September 2016; Jamestown Foundation, Duma Elections and the Future of Russian Politics After Putin, 19 September 2016.
([59]) OSCE, Russian Federation, State Duma Elections, 18 September 2016: Statement of Preliminary Findings and Conclusions, 19 September 2016; see also Ecomonist, United Russia, divided Putin, 4 June 2016.
([60]) BBC News, Russian election: Big victory for Putin-backed party United Russia, 19 September 2016; Jamestown Foundation, Duma Elections and the Future of Russian Politics After Putin, 19 September 2016.
([61]) KSRF, Constitution of RF, 12 December 1993, Articles 105 – 107.
([62]) KSRF, Constitution of RF, 12 December 1993, Article 108.
([63]) KSRF, Constitution of RF, 12 December 1993, Articles 107 and 108.
([64]) KSRF, Constitution of RF, 12 December 1993, Article 103.
([65]) KSRF, Constitution of RF, 12 December 1993, Article 118.
([66]) KSRF, Constitution of RF, 12 December 1993, Article 125.
([67]) KSRF, Constitution of RF, 12 December 1993, Article 126.
([68]) KSRF, Constitution of RF, 12 December 1993, Article 128.
([69]) KSRF, Constitution of RF, 12 December 1993, Article 129.
([70]) KSRF, Constitution of RF, 12 December 1993, Article 125.
([71]) KSRF, Constitution of RF, 12 December 1993, Article 126.
([72]) Pravo.gov.ru, Federal Constitutional law No. 1-FKZ "On the judicial system of the Russian Federation", 31 December 1996,

there are district courts, which handle most civil, criminal and administrative cases, as well as justices of the peace ([73]).

The Office of the Prosecutor General, headed since 2006 by Yuri Chaika ([74]), is one of the most powerful entities: it is in charge of criminal prosecution and of the oversight of the lawfulness of the acts of government officials ([75]). Since 2007, criminal investigations are handled by the Investigative Committee, which became a separate federal entity in 2011, and is run by Alexander Bastrykin ([76]).

1.5 From federalism to centralisation

Russia consists of 83 federal constituent entities (subjects) with equal representation in the Council of the Federation, although they vary in levels of autonomy. They include 46 *oblasts* (regions or provinces), 21 republics, nine *krais* (territories), four autonomous *okrugs* (districts), one autonomous oblast and two federal cities (Moscow and Saint Petersburg) ([77]). In addition, Putin created eight federal districts which are groupings of administrative divisions with a presidential envoy ([78]). Under the treaty on the accession of the Republic of Crimea and Sevastopol to Russia, signed on 18 March 2014, the territory of Crimea was incorporated as the Republic of Crimea. The city of Sevastopol was incorporated as a Federal City of Russia ([79]). In July 2016, the Crimean Federal District was incorporated into the Southern federal district ([80]). The incorporation of Crimea and Sevastopol into the RF has not been recognised by most states ([81]).

According to Jadwiga Rogoża of the Centre for Eastern Studies in Warsaw, the territorial expanse of the Russian Federation results in an immense diversity and 'serious disparities in the regions' levels of development', in the geography, economy and ethnic and cultural identity of individual regions ([82]). Rogoża argues that, despite this diversity, the federal government's control over the political, economic and administrative issues in the regions is so meticulous that it distorts the formal federal form of government in the RF ([83]).

Under Article 72 of the Constitution, law enforcement is, in principle, a shared responsibility between the federal and the regional governments ([84]). The one exception is public prosecution, which comes entirely under federal jurisdiction ([85]). Brian D. Taylor, an expert on Russian politics at Syracuse

---

Article 4.

([73]) Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.

([74]) Prosecutor General's Office of the RF, Prosecutor General, n.d.

([75]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 188-193; Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 50; Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(2).

([76]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 12-13; dekoder, Ermittlungskomitee, 17 August 2015.

([77]) Official Russia, Subjects of the RF, n.d.; Permanent Committee on Geographical Names, Administrative divisions of Russia, May 2015.

([78]) RBTH, Putin abolishes the Crimean District, 3 August 2016; Permanent Committee on Geographical Names, Administrative divisions of Russia, May 2015.

([79]) RG, Agreement between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea in the Russian Federation and on Forming New Constituent Entities within the Russian Federation, 19 March 2014.

([80]) RFE/RL, Putin Reshuffles Regional Leaders Ahead Of Vote; Russian Customs Chief Out, 28 July 2016.

([81]) UN News Centre, Backing Ukraine's territorial integrity, UN Assembly declares Crimea referendum invalid, 27 March 2014.

([82]) Rogoża, J., Federation without federalism. Relations between Moscow and the Regions, April 2014, p. 5.

([83]) Rogoża, J., Federation without federalism. Relations between Moscow and the Regions, April 2014, p. 5.

([84]) KSRF, Constitution of RF, 12 December 1993, Article 72.

([85]) KSRF, Constitution of RF, 12 December 1993, Article 129.

University, points out that it was therefore important for Putin, when he first became President, to federalise law enforcement, as part of his project of 'regaining central control over state coercion' ([86]).

Also other academics indicate that the series of reforms commenced in the 2000s, served to establish Putin's tight control over the regions through a set of new institutions, notably the federal districts and Plenipotentiaries, and reformed the representation of regions in the Council of Federations, the State Council, the Security Council, and the Presidential Administration ([87]). The President exercises control over regional governments through eight federal districts ([88]), entities that are not foreseen in the Constitution and were introduced with Putin's centralisation reform in 2000 ([89]). Federal districts are headed by so-called Plenipotentiary Representatives, which are appointed by the President as employees of the Presidential Administration and are tasked with reporting on the situation in the regions, implementing the constitutional powers of the President, and ensuring regional laws comply with federal legislation ([90]).

According to Taylor, Putin also engaged the Prosecutor General and the Ministry of Justice in a campaign of legal harmonisation of regional laws with federal laws ([91]), with as result that 'federal districts became a further source for the manipulation of law enforcement, not an instrument for combating such practices' ([92]).The same author argues that the focus on political motives limited the capacity of federal law enforcement to work on lawful crime prevention in the regions ([93]).

Also according to Rogoża, reforms aimed at reducing the power of the governors. Between 2004 and 2012, governors were appointed by the President. A change in the law in May 2012 allowed gubernatorial elections to resume at regional level. Yet, federal and regional officials retain strong control over the nomination process for candidates. This is believed to have favoured United Russia at every gubernatorial election since then ([94]). During the 2015 regional and local elections, Freedom House reported that almost all opposition candidates were removed from the ballot and only 61 % of nominated parties were allowed to register ([95]). The loss of authority of regional leaders due to the above-mentioned reforms was also highlighted by Maria Lipman, a writer and editor of journals on Russian politics, and Nikolay Petrov, a professor at the Higher School of Economics in Moscow, both former fellows at the Carnegie Moscow Center ([96]).

In 2015, the government started to work on a new regional development policy which remains under discussion as of September 2016 ([97]).

([86]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 128.
([87]) Cashaback, D., Risky Strategies? Putin's Federal Reforms and the Accommodation of Difference in Russia, 2003, pp. 8-9; Ross, C., Federalism and Electoral Authoritarianism under Putin, 2005, pp. 355-360.
([88]) RFE/RL, Putin Reshuffles Regional Leaders Ahead Of Vote; Russian Customs Chief Out, 28 July 2016.
([89]) Congress of Local and Regional Authorities of the Council of Europe, Regionalisation trends in European countries 2007-2015. June 2016, p. 15; Rogoża, J., Federation without federalism. Relations between Moscow and the Regions, April 2014, pp. 13-14.
([90]) Rogoża, J., Federation without federalism. Relations between Moscow and the Regions, April 2014, pp. 13-14.
([91]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 138-141.
([92]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 142.
([93]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 144.
([94]) Rogoża, J., Federation without federalism. Relations between Moscow and the Regions, April 2014, pp. 13-14.
([95]) Freedom House, Nations in Transit 2016 - Russia, 12 April 2016.
([96]) Lipman, M. and Petrov, N., The Future of Domestic Politics, 2016, p. 18.
([97]) President of Russia, Security Council meeting, 22 September 2016.

2. State Actors of Protection in the Russian Federation and vulnerable groups

Several state actors are involved in criminal-case investigations: the police (MVD), the Investigative Committee (SK), the prosecutor's office, courts. The cooperation of the state actors and the phases of the investigation are highly complex. An illustration published by the Institute for the Rule of Law (IRL) ([98]) and the NGO Civil Initiatives Committee (KGI) in 2016 provides a good overview of the involved parties and phases ([99]).

The work of the investigative bodies is regulated by the Russian Criminal Procedure Code (CPC) ([100]). The division of cases between MVD and SK is determined by Article 151 of the CPC ([101]). In general, the SK is responsible to investigate serious and particularly serious crimes (e.g. murder, rape, crimes related to minors; crimes related to the constitutional rights of a person; corruption and misconduct by officials). MVD carries out investigations of ordinary offences that do not fall under that jurisdiction, including administrative offences, crimes against the health of a person, crimes against property and economic crimes ([102]).

The CPC foresees two types of investigations: inquiry and preliminary investigation ([103]). The inquiry is an investigation on allegations of minor offences ([104]) which has to be completed within 30 days ([105]). In the inquiry proceeding ([106]) there is no arraignment; once a case is completed, the inquirer presents the suspect with the bill of indictment and forwards it to the public prosecutor ([107]). The prosecutor must take one of the following decisions, within two days: 1) approve the bill of indictment and forward the case to the court; 2) return the case for an additional inquiry; 3) terminate the case; 4) direct the case for a preliminary investigation ([108]).

The preliminary investigation has to be performed for allegations of serious crimes ([109]) and must be completed within two months ([110]). The investigator has extensive authority: deciding on all evidence that has to be included in the criminal case dossier, including evidence presented by defence counsel. The investigator can also decide on detention of a suspect and, most importantly, on whether any suspect will be charged, first through the arraignment, and later through the conclusion of

([98]) Institute for the Rule of Law, The, (Institut Problem Pravoprimeneniya, IRL) is part of the independent European University in Saint Petersburg.
([99]) IRL and KGI, Police department in clear terms, 2016. The illustration can be accessed via (http://www.enforce.spb.ru/images/infographics/otdelenie_english.pdf).
([100]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001.
([101]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 151.
([102]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 27-28; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15; Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012; KGI, Who needs the current reform of the law enforcement organs and why all instances will be against, 18 November 2013; Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([103]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 150.
([104]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 150(3).
([105]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 223(3).
([106]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Articles 223-226.
([107]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 225.
([108]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 226.
([109]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 150(2).
([110]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 162.

guilt/indictment ([111]). The supervising prosecutor must approve the conclusion of guilt/indictment before it is sent to court ([112]). The IRL argues that 'in Russia it is precisely the investigator who actually makes the final decision concerning whether a person will be found guilty of committing a crime' ([113]).

The following chapters describe the state actors involved in a criminal case investigation (MVD, SK, public prosecutor, courts), and the Commissioner for Human Rights who has the function of an Ombudsman. After this, a chapter on vulnerable groups gives an overview of the approach of authorities and the judiciary to complaints by minorities and women.

([111]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Articles 171-172, Articles 220-221; Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, p. 122; Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 139.
([112]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 122-123.
([113]) Titaev, K. and Shkliaruk, M., Investigators in Russia, 2016, p. 115.

2.1 Ministry of Internal Affairs (MVD) and the Police

The Russian police force is part of, and overseen by, the Ministry of Internal Affairs (Ministerstvo Vnutrennykh Del—MVD), the Federal executive internal affairs' authority in the RF; when referring to the Russian police force, authors often call it MVD.

This section only deals with parts of the MVD that can be accessed by citizens to obtain protection. Therefore, special police forces such as OMON (under the Federal National Guard since May 2016) are not covered in this report.

A. General

2.1.1 Historic background

The Soviet legacy and the transformation of Russian society in the 1990s presents in many ways a key to understanding the modern Russian police (until 2011 called *Militsiya*). Matthew Light et al., in a comparative study of policing in the aftermath of political and social transitions, describe how the police under the communist regime of the Soviet Union was an integral part of an 'intrusive, proactive and ideological' security apparatus, and based on political indoctrination ([114]).

Under the Soviet regime, apart from carrying out regular law-enforcement activities, the MVD was also tasked with enforcing repressive government policies and far-reaching surveillance of citizens. Most police officers were recruited from non-privileged backgrounds and received poor training ([115]). They were subject to a strict performance evaluation system based on quarterly targets ([116]) which encouraged falsified reports ([117]). In many ways the Soviet police had the characteristics of a paramilitary organisation rather than a police force ([118]) – only in 2011 was its name changed from *militsiya* to police ([119]).

The transition from communism in the 1990s and the deep economic crisis had a severe impact on the culture of the MVD and its employees ([120]). Decreases in salary and benefits as well as the high rate of inflation forced many police officers to supplement their salaries with illegal secondary employment and extortion ([121]). Many services of the MVD were regionalised: police officers suddenly no longer served the federal state but regional governors who used the police to target their political or business opponents ([122]).

([114]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, pp. 220-221; see also Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 93.
([115]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, pp. 220-221.
([116]) McCarthy, L. A., Local-level law enforcement: Muscovites and their uchastkovyy, 5 December 2013.
([117]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, p. 221.
([118]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, p. 221.
([119]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, pp. 220-221; Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 2.
([120]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, p. 221; Gladarev, B., Russian Police before the 2010-2011 Reform: A Police Officer's Perspective, 2012.
([121]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, p. 221; Gladarev, B., Russian Police before the 2010-2011 Reform: A Police Officer's Perspective, 2012.
([122]) Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China

Boris Gladarev, a former high-ranking police officer associated with the Center for Independent Social Research in St. Petersburg, believes the difficulties in transitioning to a democratic, well-functioning police force was due to the prevalence of hierarchy over rule of law, the widespread use of repressive methods of policing, and the internal performance evaluation system ([123]).

Olga Semukhina, an assistant professor of criminology and law studies at Marquette University, and K. Michael Reynolds, a professor at the University of Central Florida and former law enforcement practitioner, share this bleak outline of the development of the post-Soviet Russian police up until 2008. They conclude that the reforms up to 2008 failed to create a democratic police force: the changes never affected the 'heavily hierarchical, centralised and militarised nature of the MVD' which continued to lack internal and external oversight and accountability ([124]).

2.1.2 The 2011 reform

In 2009 then-President Dmitry Medvedev announced plans for a major reform of the police and, on 1 March 2011, the new Law on Police came into effect. Overall, the reform focused on four main areas: (1) the change of the name from *militsiya* to the more internationally compatible *politsiya*; (2) reduction in personnel, through discharge of unfit personnel, and increase in wages; (3) re-centralisation of the budget and those services that had come under regional control after 1991 and (4) a change in the much-criticised rigid performance evaluation system ([125]). Semukhina notes that the reform failed to bring about important structural changes and lacked any concrete measures in battling corruption within the police ([126]). The 2011 Law on Police sought to introduce a human rights framework to law enforcement activities and curbed some of the previous powers of the police ([127]).

In 2012, the new Minister of Interior initiated further changes within the police. All superior officers were to be personally responsible for crimes committed by their subordinates. An independent unit within the Investigative Committee was set up with the exclusive mandate to investigate and prosecute all crimes committed by police officers, to move away from an inefficient scattering of responsibilities among the Prosecutor's office, the Federal Security Service and the State Investigative Committee ([128]).

While some see the post-2008 reforms as reflecting 'a serious effort to make the MVD more legitimate and effective' in the face of public distrust of the police ([129]), critics highlight the lack of a clear concept and support within the MVD for real transformation of the police ([130]). More than 90 % of police officers were retained after an internal screening ([131]), salary increases could not offset the rate of inflation ([132]), and the new performance evaluation system still contained rigid targets imposed from above ([133]). According to Semukhina, the tight grip of the President on the police also weakened the prospect for serious accountability ([134]).

---

compared, 2015, pp. 221-222.

([123]) Gladarev, B., Russian Police before the 2010-2011 Reform: A Police Officer's Perspective, 2012.

([124]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013. p. 107.

([125]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 2, note 3.

([126]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 2.

([127]) Robertson, A., Police Reform and Building Justice in Russia: Problems and prospects, 2013, p. 168.

([128]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 3.

([129]) Cheloukhine, S. et al., Police integrity in Russia, 2015, p. 157.

([130]) Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012; Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 4.

([131]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 2.

([132]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 2.

([133]) McCarthy, L. A, The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.

([134]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 244.

Human Rights Watch (HRW) criticised the 2011 Law on Police as 'fall[ing] short of what is necessary to best prevent human rights violations by law enforcement officials and ensure civilian oversight over policing' ([135]). The International Federation for Human Rights (FIDH) and the Anti-Discrimination Centre - ADC Memorial pointed out that, in spite of the law's emphasis of the protective role of the police vis-à-vis ethnic and cultural minorities, abuses against Roma, foreign nationals, Lesbian, gay, bisexual and transgender (LGBT) activists and their supporters continued in 2011 and 2012, with little or no will for effective investigation and accountability for such violations ([136]).

2.1.3 Current legal framework, structure and authority

Since 2011, the work of the MVD is governed by the Federal Law No 3-FZ "On Police" ([137]). Crime prevention, detection, investigation, maintenance of public order, and the protection of individuals, society and the state from unlawful encroachments, including witness protection, are among the main objectives of the police ([138]). As indicated in 2.1.2 The 2011 reform, the law emphasises the role of the police in protecting citizens and respecting human rights.

The police is part of the Ministry of Internal Affairs (Ministerstvo vnutrennikh del –MVD). The MVD carries out its work through a number of structural subdivisions that are replicated at national, federal district, regional and local levels ([139]). The following departments are the most relevant for this report, and are found at each of the levels of the MVD:

- Investigative department – in charge of preliminary criminal investigations;
- Department of criminal search – works with informants, wire-taps, etc.;
- Department of inquiry – in charge of investigation of minor criminal offences;
- Department of operative search information - databases of suspects, missing persons, etc.;
- Department to fight extremism;
- Department of internal security - investigates misconduct of police officers and MVD staff ([140]).

As with many of the ministries, the internal organisation of the MVD and the names of departments also changed during the various reforms of law enforcement in the past 10 years ([141]).

The MVD's 'operative search functions' serve as a support function for the investigative authorities inside and outside the MVD who investigate serious criminal offences in order to obtain legally admissible evidence and compile criminal files to be presented to the prosecutor's office. The inquiry, which has to be completed within 30 days ([142]), offers a shorter form of investigation for minor offences ([143]).

The MVD also exercises authority under the Code of Administrative Violations ([144]). Generally, this involves investigating and adjudicating offences that constitute breach of law but not criminal acts

([135]) HRW, World Report 2011, 24 January 2011; see also AI, Amnesty International Report 2012 - The State of the World's Human Rights, 24 May 2012.
([136]) FIDH and ADC Memorial, Roma, Migrants, Activists: Victims of Police Abuse, 2012, pp. 3, 26/27, 43, 46/27.
([137]) Pravo.gov.ru, Federal Law No. 3-FZ "On the Police", 7 February 2011.
([138]) Pravo.gov.ru, Federal Law No. 3-FZ "On the Police", 7 February 2011, Article 2.
([139]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 119-131.
([140]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 119-131.
([141]) Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012.
([142]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 223(3).
([143]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 136-141; Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 150(3).
([144]) Pravo.gov.ru, Code of Administrative Offences of the Russian Federation No 195-FZ, 30 December 2001.

under Russian legislation ([145]). The police station and patrol services of the MVD are responsible for street-level patrol duty. The main tasks of the post and patrol service include protection of life and property, receiving complaints from the public, preventing crime and administrative violations and protecting crime scenes. In Moscow and Saint Petersburg, the two cities that operate special registration requirements, the patrol and police station services also control compliance of citizens regarding registration requirements ([146]).

Within the police, specialised units operating at local level are responsible for dealing with juvenile offenders. Traffic police units are responsible for issuance of driving licenses, registration of vehicles and general enforcement of traffic rules. The police is also responsible for licensing private detectives and security activities as well as firearms. Since the 2011 reform, the police no longer exercises authority on passport issues and registration of citizens or foreigners. These responsibilities were transferred to the [then] Federal Migration Service ([147]) - currently the GUVM ([148]) -, which was placed under the direction of the Minister of Internal Affairs in 2016 ([149]).

B. Police capacity

2.1.4 Resources

As of 2012, the MVD, headed by the Minister of Internal Affairs and his deputies, controlled a police force of about 1.2 million employees ([150]). In practice most police work takes place at local level. There are about 2,000 local police departments throughout Russia, each covering a population of approximately 50,000 to 100,000 residents ([151]). In the beginning of 2014, the federal government published a new budget programme for the police, allocating 255 billion dollars for 2014-2020 ([152]).

Out of the roughly 1.2 million employees, according to official figures, about 870,000 are police officers (excluding internal troops). In per capita terms, this means 611 police officers per 100,000 Russian citizens – almost twice as many as the US, Germany, France and Poland ([153]). According to analysts of Russian law enforcement, official statistics do not reflect the actual capacity of the police. It is difficult, for example, to determine how many of the police officers perform operational work ([154]). Mark Galeotti, a researcher of Russian security services at the Institute of International Relations Prague, estimates that about 40–45% of the total number are 'genuine police' ([155]).As described in 2.1.2 The 2011 reform, the 2011 reform only inadequately addressed those issues and was poorly implemented.

([145]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 141-142.
([146]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 142; Eurasianet, Russia: What Interior Ministry Reform Means for the Migration and Drug Control Services, 9 May 2016.
([147]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 143-146.
([148]) Official website of the General Directorate for Migration Affairs, n.d.
([149]) Eurasianet, Russia: What Interior Ministry Reform Means for the Migration and Drug Control Services, 9 May 2016.
([150]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 46.
([151]) McCarthy, L., The Day-to-Day Work of the Russian Police, in Russian Analytical Digest, No 151, 30 June 2014, p. 5.
([152]) Semukhina, O. B., From Militia to Police: The Path of Russian Law Enforcement Reforms, 30 June 2014, p. 3.
([153]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 47.
([154]) Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012; Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 47; Galeotti, M., Is Russia really the world's most heavily policed state? No, 12 October 2013; McCarthy, L. A, The Day-to-Day Work of the Russian Police, 30 June 2014.
([155]) Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012; see also Le Huérou, A. and Sieca-Kozlowski, E., «[…] Local police officers are accused of violence […] but case officers have an opportunity to commit acts of violence with impunity» - Interview with Ekaterina Khozhdaeva, Associate Professor in Sociology, Kazan State Technical University, conducted in Paris, 3 April 2012, 2012.

2.1.5 Training and recruitment

The MVD runs about 23 training institutions across the country, offering a bachelor in law and other subjects such as economics, finance and social work ([156]). The curriculum includes training in military skills and 'hands-on training' in law enforcement tools and human rights-oriented use of force, to the detriment of legal education ([157]), leading to new recruits feeling ill-prepared to take on their tasks once deployed in a police department ([158]). In order to be admitted to an MVD institute of higher education, the prospective student needs a recommendation from a specific police department and agree to work there after graduation ([159]).

The Law on the service in the units of the MVD stipulates the criteria for being hired as a police officer. A recruit has to be between the age of 18 and 35, in good physical and psychological condition and have no criminal record ([160]). For supervisory positions as well as most investigative positions, higher legal education is required. Although it is preferred that the recruit has education from one of the MVD academies, education from a regular university is also accepted. To work as patrol officer, traffic officer or district police officer no academic background is needed and recruits only need training from the MVD´s educational centres ([161]).

According to Semukhina and Reynolds, there is a consistent lack of qualified personnel within the police force. Officially, a graduate from one of the MVD academies has to take a position at the entity within the MVD that originally recommended him or her for a place at the academy. In practice, according to the same source, many students do not have any intention of working for the MVD and instead enrol at the academies to receive free legal education and to avoid military service ([162]). Therefore, positions within the MVD that formally require higher legal education have had to be staffed by personnel who do not have the necessary educational qualification. More than half of senior officers and investigators lack higher education ([163]). In an effort to counter brain drain, the legislation stipulates that students of the academies have to serve five years within the MVD after graduation or reimburse the cost of their education ([164]).

2.1.6 Performance evaluation system (Efficiency)

A central feature of the Russian police system is the performance evaluation system, often referred to as the *Palochnaya Sistema* (stick system, ticking system) ([165]). Despite changes enacted in the police reform of 2011, the pre-existing system remains largely untouched. The system uses three quantitative indicators to measure performance at individual and department level – the number of cases cleared, i.e. where the suspect was actually charged, the number of cases investigated and the increase in cases in relation to the previous reporting period ([166]). The importance on showing cases registered that were also solved is a significant factor in the motivation to refuse to register complaints

([156]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 147.
([157]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 148.
([158]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 148.
([159]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 147.
([160]) Pravo.gov.ru, Federal Law No. 342-FZ "On the service in the Internal Affairs units of the RF and on amendments to a number of legislative acts of the RF", 30 November 2011, Article 17.
([161]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 147-148.
([162]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 149.
([163]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 148.
([164]) Pravo.gov.ru, Federal Law No. 342-FZ "On the service in the Internal Affairs units of the RF and on amendments to a number of legislative acts of the RF", 30 November 2011, Article 23.
([165]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.
([166]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6; Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 149-150.

– a case that is registered but leads to no indictment reflects badly on the police officer and the entire department ([167]).

McCarthy states that the *Palochnaya Sistema*, in combination with the strict hierarchical structures, hampers the police's ability to effectively counter crime as it ties up enormous resources in paperwork. All key activities have to be logged and reported, often to several different levels within the MVD administration. The Head of the Moscow police union estimated that regular police officers, the ones tasked with general police work and community contact, spend up to 80 % of their working time doing paperwork ([168]).

See also 2.1.10 Performance Evaluation System (Integrity)

2.1.7 Crime statistics

Crime statistics from the MVD show a declining rate concerning several categories of crimes (e.g. murder, rape, robbery) over the last five years ([169]). Official Russian crime statistics should be treated with caution; the real number of crimes is believed to be much higher than the number of registered crimes, and the number of truly solved crimes to be much lower than what is reported ([170]).

Official statistics on clearance rates between 2003 and 2010 hovered between 45 and 55 % ([171]). Taylor points to Vadim Volkov's assessment that 'Russian state weaknesses (…) is not due to insufficient personnel or resources, but due to the tendency of state coercive organs to serve particular rather than general or societal interests' ([172]).

C. Police integrity

2.1.8 Policing

Analysts highlight that whatever the actual scope of corruption within the police, the Russian public perceives police as dominated by predatory behaviour. Analysts relate this perception to frequent police abuse and corruption ([173]).

Academic Brian Taylor explains this through a number of factors. Firstly, the Russian bureaucracy is dominated by patronage, i.e., personnel entry and advance in the bureaucracies based on 'who you know'. Secondly, the government lacks a strategy for oversight, relying too much on internal mechanisms as opposed to external monitoring. Thirdly, there is no cohesive organisational mission built on values that would have replaced the old Soviet professional identity of the police ([174]).

2.1.9 Recruitment and career advancement

Associate Professor Semukhina states that lack of integrity characterises the formal procedure for application and acceptance to the MVD academies and police training centres. The process of

([167]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 220-221.
([168]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.
([169]) FSSS, Recorded Crimes, 2016.
([170]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 177-178; See 2.1.10 Performance evaluation system for possible reasons for the unreliability of crime statistics.
([171]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 176.
([172]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 201.
([173]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 180-182; see also Light, M., Prado, M. M. and Wang, Y., Policing following political and social transitions: Russia, Brazil, and China compared, 2015, pp. 216-217; Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012; Zernova, M., Russian Police and Transition to Democracy: Lessons from One Empirical Study, 2013, p. 5.
([174]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 26-33, 157.

application and admittance are based on a non-transparent system of personal recommendations from individual departments of the MVD rather than a transparent competitive system ([175]).

According to McCarthy, the relationship between frontline police officers and their superiors reflects the strict hierarchical subordination and the vertical organisation of the MVD. This translates into superior officers having the power to decide on schedules, promotion of lower ranking officers and decisions on bonuses ([176]). Semukhina points out that the non-transparent system of promotion and bonuses creates a sense of frustration among the police officers and makes them dependent on their superiors ([177]).

The base salaries for police officers are set out in legislation but are complemented by a complex system of bonuses that are needed to make a decent living. Although the bonuses are calculated from objective markers such as years of service and rank, superiors also have a high degree of influence and a possibility to award further bonuses or, if not satisfied with the work of an officer, can suspend bonuses and deny promotion for a given period of time ([178]).

2.1.10 Performance evaluation system (Integrity)

The performance evaluation system not only places a heavy administrative burden on individual police officers, it also creates incentives that undermine the integrity of police work. McCarthy argues that the high pressure to produce acceptable statistics results in a tendency for officers to only open cases that they know can be solved. This is most prevalent in the area of criminal investigations. When a criminal case has been filed, the decision to open a formal investigation depends not only on the prospect of finding and apprehending a suspect but also on the evaluation of the officers whether the case will actually lead to official charges. If a case is passed on without leading to official charges, none of the time spent by the frontline officer on the initial investigation tends to be credited to him personally or to his department as a whole ([179]).

Semukhina and Reynolds explain that the performance evaluation rewards the decrease in the number of complaints and penalises the termination of a case for rehabilitation or acquittal of the suspect ([180]). A study cited by Semukhina and Reynolds concludes that, out of refusals by police officers to initiate criminal investigations, up to 90 % intended to hide crimes that are difficult to solve. Refusals can be made by convincing the crime victim not to report or by officially refusing to start a criminal investigation. In the latter case, the complainant often does not receive the information in time to appeal against the refusal ([181]). (See 2.3.1 Prosecutor's Office, Mandate, Supervisory powers, 2.3.3 Prosecutor's Office – Supervisory function of the prosecution: dealing with complaints of individuals and 2.3.12 Prosecutor's Office, Confidence / trust)

According to Semukhina, even though the government is aware of the corrosive impact of the performance evaluation system on crime prevention, efforts to change it during the 2011-12 police reform remained 'superficial', and 'police officers are still penalised for not achieving the pre-set indicators of crime statistics' ([182]). The author adds that even improvements in accountability, such as

([175]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 153.
([176]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.
([177]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.
([178]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 149-150; McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.
([179]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, pp. 6-7.
([180]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 228.
([181]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 178, p. 221.
([182]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.

the personal responsibility of superiors for crimes committed by their subordinates, provide incentives to fail to report wrongdoings ([183]).

McCarthy and Ella Paneyakh, a specialist on Russian law enforcement, support these findings of the negative impact of the performance evaluation system and extend them to the wider criminal justice system, including prosecutors and judges ([184]). Both authors refer to the fact that such a system encourages forcing confessions and fabricating evidence and focusing on 'convenient suspects' ([185]).

2.1.11 Police corruption

The United States Department of State (US DoS) describes corruption as widespread in all branches and at all levels of the Russian government ([186]). Taylor argues that the corruption is so systematic that no one within the structures has any interest combating it – corruption goes upwards and downwards within the hierarchy ([187]). Serguei Cheloukhine et al. place their analysis of police integrity in the context of their wider assessment that 'the phenomenon of corruption in Russia has penetrated political, economic, judicial, and social systems so thoroughly that it has ceased to be a deviation from the norm and has become the norm itself' ([188]).

This is also reflected in the public perception of the police. Citizens view the police as one of the most corrupted state institutions ([189]). According to a poll conducted by Levada-Center in 2014, 39 % of respondents among the Russian population consider police employees to be 'most corrupt', 38 % that they are 'averagely corrupt', and 9 % that they are 'least corrupt' ([190]).

Semukhina and Reynolds mention underlying reasons for the widespread corruption: pre-Soviet and Soviet practices (especially the system of blat ([191]), which continued in the wake of the breakdown of the Soviet Union), institutional factors within the police (e.g. highly militarised structure, lack of accountability), a weak civil society, economic causes (maximising income and minimising risks) and a culture of 'disrespect for the law' ([192]).

Police corruption in Russia takes a variety of forms, from small-scale bribery to facilitation of organised crime ([193]). Bribery is the most frequent among traffic police but typically the amounts are relatively small. Criminal investigators reportedly accept bribes to initiate or terminate criminal investigations, release detainees or place persons in pre-trial detention ([194]).

According to the head of the Inter-regional Association of Human Rights Organisations Agora, settling a case with bribes, especially criminal cases, can be 'resolved' through negotiations with investigators

([183]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.
([184]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 116-117; McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 7.
([185]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 116-117; McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 7; see also Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 221.
([186]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([187]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 169-170.
([188]) Cheloukhine, S. et al., Police integrity in Russia, 2015, p. 179.
([189]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 201-202.
([190]) Levada-Center, Corruption in the system of state authorities, 18 November 2014.
([191]) Exchange of favours of access to public resources through personal channels; see glossary for details.
([192]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 206-210.
([193]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 162-169.
([194]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 219.

and the prosecutor before the case reaches the courtroom ([195]). (see 2.3.11 Prosecutor's Office, Corruption)

Semukhina and Reynolds argue that the most dangerous types of police corruption in Russia are 'high-order activities' related to invisible, well-coordinated services which the police provide to organised crime groups, along with business racketeering ([196]). Taylor identifies shakedowns, forced takeovers, selling assets, and the so-called 'roofing' ([197]).

'Roofing' (*Krysha*, also called 'protection racket') has its roots in the 1990s economic liberalisation when organised crime provided 'protection' to businesses against other organised crime groups. In early 2000 various police units more and more replaced organised crime groups in providing 'protection', which can include providing immunity from prosecution to criminals, leaking information from ongoing criminal investigations, and prosecution of competing business actors. Often, police 'roofing' is connected to legal or semi-legal private security companies. The public council of Russia reported in 2011 that up to 90 % of surveyed Russian businesses were paying for 'roofing' ([198]).

Academics Chistyakova and Robertson paint a similar picture. While a majority of all extortion cases can be defined as small-scale corruption, literature suggests that the police provide services to criminal groups and businesses. There is, according to Chistyakova and Robertson, anecdotal evidence suggesting that rank-and-file officers are expected to 'collect rents' for higher-ranking officers([199]).

Anti-corruption measures within the police include obliging high-ranking officers to declare their income and assets. Semukhina and Reynolds note that the public attention given to questionable circumstances surrounding individual officers' expensive property has not had any significant consequences. The Prosecutor's office identified 9,000 violations in income declarations in 2010 but the violators – 1,700 police officers - only received disciplinary measures ([200]).

Although closely linked to the issue of corruption ([201]), abuse of power in the context of human rights violations deserves a separate analysis.

2.1.12 Abuse of power, ill-treatment and use of excessive force

While academic literature and human rights reports agree that police violence and torture is widespread in Russia([202]), Chistyakova and Robertson emphasise the difficulties related to obtaining reliable data on the scale of police violence , as often the police delay the registration of suspects, and victims of police violence are deterred from reporting misconduct due to a flawed justice system and fear of violent reprisals. In addition, the non-transparent nature of the Russian police – where informal requests 'from above', covering up of crimes and corruption are widespread – exacerbates the seemingly hidden nature of police violence ([203]).

([195]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([196]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 222.
([197]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 162-169.
([198]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, pp. 222-223.
([199]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([200]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 226.
([201]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 201.
([202]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; FCO, Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern – Russia, 12 March 2015; CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, p. 15.
([203]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.

A 2007 study indicates that about 4% of Russians were subjected to illegal physical or psychological abuse by law enforcement officials in a given year. The same study concluded that between 40 and 60 % of individuals sentenced to jail had been subjected to illegal physical or psychological abuse in order to obtain a confession ([204]). The Council of Europe's Commissioner for Human Rights notes that torture and ill-treatment in police custody has been a long-standing problem, documented by various reports and case law of the European Court of Human Rights ([205]).

According to the European Committee for the Prevention of Torture (CPT), the frequency and consistency of the allegations received by its delegation during its 2012 visit suggest that the police use severe ill-treatment/torture methods frequently, particularly in parts of Russia other than Moscow city and Saint Petersburg. Most of the reported cases concerned alleged ill-treatment/torture at the time of initial interviews in order to obtain various statements or to persuade detainees to act as informants ([206]), a pattern also identified by US DoS ([207]) and Chistyakova and Robertson ([208]). Most of those who indicated to the CPT that they had not been ill-treated during initial interviews generally explained that they had been apprehended in flagrante delicto or had quickly signed the statements expected from them. In all regions visited by the CPT, different types of threats against detainees were reported: threats of physical ill-treatment or execution; threats of being placed in a cell with other prisoners who would hurt them; as well as threats against family members ([209]).

According to some police officials interviewed by the CPT, the tendency to ill-treat detainees is deeply rooted in the overreliance on confessions as evidence in investigations, lack of clear instructions about the prohibition of ill-treatment and torture, an ambiguity of the police hierarchy as to the manner in which criminal suspects should be treated, as well as insufficient training ([210]). Chistyakova and Robertson also identify the performance evaluation system as one source of ill-treatment. As there is a shortage of forensic and other technological resources and a lack of training in modern interrogation techniques, confession is the only means to secure evidence that will lead to formal charges. Violence or threats of violence sometimes are the only way to obtain a confession quickly. Since high clearance rates will reflect positively on the responsible officer as well as the department as a whole there is an incentive to resort to such actions ([211]). Although specifically forbidden in the 2011 Police Law, police have also used excessive violence in dispersing demonstrations by the political opposition. Commentators note that such violent approach seems to be sanctioned from the highest levels of the political hierarchy ([212]).

([204]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([205]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 37.
([206]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, pp. 17-19.
([207]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([208]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([209]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, pp. 17-19.
([210]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, p. 19.
([211]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([212]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012; See also AI, Anatomy of injustice: The Bolotnaya square trial, 10 December 2013

Semukhina and Reynolds, in line with consistent decisions of the European Court of Human Rights, conclude that investigations of torture and ill-treatment are largely ineffective ([213]). See 2.4.2 European Court of Human Rights (ECHR).

2.1.13 Oversight and legal safeguards against police abuse

Cheloukhine et al. state that the police as a large organisation would have the capacity to detect and investigate its employees' misconduct ([214]). A ban on torture and ill-treatment is included in the constitution, the Code of Criminal Procedure and the Law on Police ([215]).

The CPT's observations during its visit to Russia in 2012 indicate that the legal time limits on police custody are generally respected; however, police held persons as 'witnesses' or 'persons suspected of having committed administrative offences' for periods from several hours to up to two days before a protocol of detention was drawn up as required. The CPT argues that such practices undermine safeguards and entail a heightened risk of ill-treatment[216]. Similar practices are identified by US DoS ([217]). Semukhina and Reynolds argue that even after the revision of the Criminal Procedure Code (CPC) in 2011 the police retains considerable discretion in imposing pre-trial detention and judges show much deference to police in granting extension requests. Hence, the CPC is not an adequate safeguard against arbitrary detention ([218]).

Formal safeguards against ill-treatment (in particular notification of custody, access to a lawyer and access to a doctor) only become available from the moment of the first official interview, i.e. several hours (and sometimes much longer) after the apprehension and initial questioning. A number of detained persons interviewed by the CPT were forced to sign confessions or other statements without the presence of lawyers ([219]). According to the US DoS, police investigators generally do not respect Russian federal law guaranteeing the right to choose one's lawyer. They provide instead lawyers who are friendly to the prosecution (so-called 'pocket' defence attorneys) and make no effort to defend their clients' legal rights ([220]). The CPT indicates 'several allegations that ex officio lawyers had been chosen by investigators themselves and had not been appointed by bar associations' ([221]). In many cases, especially in remote regions, there are no defence lawyers for indigent defendants ([222]).

The CPT notes that newly arrived detainees are screened superficially for health problems and injuries by non-medical staff, and that medical examinations of detained persons in hospitals or in detention take place, as a rule, in the presence of non-medical staff. The delegation also notes that recording of injuries is generally inadequate. Detailed medical examinations of persons who alleged ill-treatment are often performed only after a significant delay. Such examinations of detainees have to be

([213]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 214.
([214]) Cheloukhine, S. et al., Police integrity in Russia, 2015, p. 159.
([215]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 213.
([216]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, p. 16.
([217]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([218]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 216.
([219]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, pp. 22-23.
([220]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; US DoS, 2014 Country Report on Human Rights Practices, Russia, 25 June 2015.
([221]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, p. 23.
([222]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; US DoS, 2014 Country Report on Human Rights Practices, Russia, 25 June 2015.

authorised by an investigative or judicial authority in accordance with a lengthy procedure (up to a month or even longer). This makes these examinations far less relevant for securing reliable medical evidence of any physical ill-treatment. The 2012 CPT report indicates that in the Republic of Tatarstan, there were reports of forensic doctors refusing to examine and record detained persons' injuries ([223]). Chistyakova and Robertson also observe that victims of police violence are given limited access to medical assistance ([224]).

The failure of adequate safeguards to prevent police abuse is indicative of a wider failure of internal and external oversight of police activities which are discussed below.

Internal oversight mechanisms

According to Semukhina, the police focuses heavily on internal quantitative checks and resists external monitoring by civil society and human rights organisations. The Department of Internal Security of the MVD carries out investigations and imposes penalties in cases of disciplinary infractions. In practice, minor violations do not constitute a breach of criminal law. Criminal cases against police personnel are exclusively investigated by a special subunit of the Investigative Committee ([225]).

According to several sources, during Putin's first two presidential terms the state actively disabled mechanisms of popular accountability and favoured internal control mechanisms ([226]). Police officers are basically accountable only to their own hierarchy, in a rigid model of enforcement of orders and non-transparent reporting ([227]). According to Russia Today (RT), in its 2011 expert report, the Presidential Human Rights Council insisted that without publishing internal regulations and orders it is difficult to assert to which extent the police is acting within the legal limits ([228]).

Police integrity, according to Cheloukhine et al., depends on the larger society's tolerance of misconduct. The authors analysed the results of a study among police officers conducted in 2012-2013 where an overwhelming majority of respondents was able to identify examples of police misconduct as a violation of official rules, but did not consider them to be serious. The one exception were examples of use of excessive force. Respondents categorised them as serious but were unsure whether the scenarios represented a violation of official rules.In almost no cases – even those considered serious – did the respondents say they would report the misconduct to a superior or a monitoring unit ([229]).

Still according to Cheloukine et al., official policy does not encourage police officers to speak out. In one example from 2009, a police officer denounced police practices in a video, stating he was 'tired of being told to solve crimes that don't exist' ([230]). He was dismissed from the force and prosecuted.

([223]) CoE-CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012, 17 December 2013, pp. 24-25.
([224]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([225]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.
([226]) Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, pp. 204-206; McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6. See also Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012, on failed NGO-attempts to increase transparency and accountability of the police force.
([227]) McCarthy, L. A., The Day-to-Day Work of the Russian Police, 30 June 2014, p. 6.
([228]) RT, Law on Police Poses Risk of Increased Corruption - Expert Report, 7 July 2011.
([229]) Cheloukhine, S. et al., Police integrity in Russia, 2015, pp. 176-177.
([230]) Cheloukhine, S. et al., Police integrity in Russia, 2015, pp. 176-177; Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.

As a consequence, the Russian Criminal Code (Article 286.1) now criminalises a subordinate police officer who criticises the decision of a superior ([231]).

Semukhina discusses MVD statistics that show the number of violations by police has grown over the last two decades. In 1993, 2,204 disciplinary measures were taken against police officers and, in 2012, more than 54,000. During 2012 criminal charges were filed in 2,719 cases, of which 482 related to taking or demanding bribes. Against this background, MVD officials often insist on the effectiveness of the reform. Many experts, according to Semukhina, tend to disagree with this self-evaluation. In 2012, for example, only 0.04 % of the entire police force was charged with bribery. This is a minuscule number in a country where one-fifth of the population claims they have been subject to police abuse and over half state they have experienced an incident of bribery ([232]). (see also 2.1.11 Police corruption)

Russian and international media report regularly on police officers committing offences off duty. At least partly as a result of such reports (especially the 2009 Moscow supermarket shooting, where an off-duty police officer killed three people and seriously injured another six) ([233]) the MVD introduced several measures aimed at tougher oversight of the police ([234]).

In 2012, the minister of the MVD announced a policy of personal responsibility for police supervisors for serious crimes committed by their subordinates within the scope of their duties. Since the introduction of this policy, a number of senior police officers were dismissed for violations committed by personnel under their command. The Minister also prohibited the practice of pre-dating the discharge of police officers who had been found guilty of a violation in order to avoid their cases appearing in the statistics. Furthermore, measures were introduced to curb the abuse of alcohol and drugs among the police force ([235]).

Out of 115,700 complaints against criminal investigators in 2010, only 13.1 % were solved ([236]).

According to the Prosecutor General of Russia, Yuri Chaika, of the 9,932 individuals that had been convicted of corruption in 2016, 984 were law enforcement officials ([237]).

External oversight mechanisms

Since 2011, crimes committed by members of law enforcement agencies were placed under the exclusive jurisdiction of the SK (see 2.2.2 SK, Mandate). The Prosecutor General's Office also retains oversight over the legality of investigations against law enforcement personnel and can thus block cases against police going to court ([238]). (see 2.3.1 Prosecutor's Office, Mandate, Supervisory powers).

([231]) Cheloukhine, S. et al., Police integrity in Russia, 2015, p. 161.
([232]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.
([233]) Reuters, Russian policeman kills 3 after birthday party row, 27 April 2009.
([234]) Chistyakova, Y. and Robertson, A., Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia, 2012.
([235]) Semukhina, O. B, Disciplinary Issues of Russian Police and Police Reform of 2010-2011, 2012.
([236]) Semukhina, O. B. and Reynolds, K. M., Understanding the Modern Russian Police, 2013, p. 214; see also PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, pp. 18-20.
([237]) CoE, Anti-Corruption Digest, s.d.
([238]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 33-34.

Victims of police abuse (by means of action or inaction) may file complaints with the Investigative Committee or the Prosecutor's Office ([239]). These complaints may concern both civil and criminal cases ([240]).

Decisions made by these instances can still be appealed to court (see 2.4.1 National courts). If there is an ongoing criminal investigation, a suspect or defendant can file a report on police abuse directly to the court ([241]).

([239]) Semukhina O.B., Reynolds K.M., Understanding the Modern Russian Police, 2013, p. 214.
([240]) Nederlands Ministerie van Buitenlandse Zaken, Algemeen ambtsbericht Russische Federatie, 06 August 2014, pp. 23, 26; Pravozashchitnik, Конституционно-правовой статус органов прокуратуры и их деятельность в сфере защиты прав человека и гражданина (Constitutional status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens), 2014; Antikorruptsionnŷĭ Zhurnal', Как составить и подать заявление о преступлении (How to prepare and submit a declaration about a crime), 12 November 2012; Council of Europe, European Commission For The Efficiency Of Justice, Scheme for Evaluating Judicial Systems 2013, Russian Federation, 10 September 2014, pp. 13-14, 36.
([241]) Semukhina O.B., Reynolds K.M., Understanding the Modern Russian Police, 2013, p. 214.

2.2 Investigative Committee of the Russian Federation (SK)

A. General

2.2.1 Background

The Investigative Committee of the Russian Federation (Sledstvenny Komitet Rossiyskoy Federatsii, SK) was created during the law reform of 2007, originally as an independent unit within the Prosecutor's Office. Its establishment resulted in a loss of influence of the powerful Prosecutor's Office, as the Deputy Prosecutor General in charge of the SK was not accountable to the Prosecutor General. In following the reform of 2011, the SK was separated from the Prosecutor's Office. In turn, the Prosecutor General's Office regained the authority to supervise the legality of the SK's work and to overrule a decision on whether or not to open a criminal case or indictment ([242]).

The oversight role of the Prosecutor General's Office over the SK continues to generate friction between the two offices (see 2.3.1 Prosecutor's Office, Mandate, Supervisory powers). While the Prosecutor General has tools to control the work of the SK, the SK in turn is able to block such measures ([243]). President Putin amended the law on the prosecutor in December 2014 to end a dispute between the Prosecutor's Office and the SK over supervisory powers. The new law explicitly grants this power to the Prosecutor's Office ([244]). Under the Criminal Procedure Code, the investigator can appeal a measure taken by a supervising prosecutor ([245]).

2.2.2 Mandate

The SK is responsible for serious and particularly serious crimes (e.g. murder, rape, crimes related to minors; crimes related to the constitutional rights of a person; corruption and misconduct by officials) ([246]).

The activities of the Investigative Committee of the Russian Federation are prescribed by the Russian Criminal Procedural Code (CPC) and the law "On the Investigative Committee of the Russian Federation" ([247]).

([242]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 12-14; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15; Popova, T. Yu., The Change of power balance of the Prosecutor and the leadership of the investigative organ, 2015, pp. 200-201; Korshunov, I. G., About problems of the reform of the Prosecutor's oversight today, 2013, pp. 293-294.

([243]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 12-14; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15; Popova, T. Yu., The Change of power balance of the Prosecutor and the leadership of the investigative organ, 2015, p. 202; Korshunov, I. G., About problems of the reform of the Prosecutor's oversight today, 2013, pp. 294-295.

([244]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(2); Pravo.ru, Putin increased the requirements for prosecutors and instructed them to supervise the SKR, 23 December 2014.

([245]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Articles 38(2)(5) read in conjunction with Article 221(4).

([246]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15.

([247]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012; Lapitsky, Yu. A., Legal and organisational basis for the activities of the Investigative Committee of the Russian Federation, 2010; Pravo.gov.ru, Federal Law No. 403 FZ "On the the Investigative Committee of the Russian Federation", 28 December 2010; Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001.

The main tasks of the SK are the following:

- investigate crimes as specified in the CPC and preparation of the criminal case dossier and preparation of conclusion of guilt/indictment or termination of case;
- preserve the lawfulness of the acceptance and registration of complaints, and of the investigation process;
- protect the rights and freedoms of individuals during the investigative process;
- identify and eliminate the causes of criminality;
- enhance international cooperation in the field of criminal proceedings;
- promote legislation in the area of jurisdiction of the SK ([248]).

Since 2011, crimes committed by members of law enforcement agencies were placed under the exclusive jurisdiction of the SK. The Prosecutor General's Office also retains oversight over the legality of investigations against law enforcement personnel and can thus block cases against police going to court([249]).

According to the Russian NGO Public Verdict Foundation, this double responsibility of the SK resulted in tensions where the SK investigators rely on local police to investigate ordinary crimes, while members of that police force are under SK investigation. This had a negative impact on the independence of the SK and its effectiveness in investigating allegations of torture and other forms of abuse by the police ([250]). Public Verdict Foundation cites the Prosecutor General who claims that, in 2011, the SK examined more than 17,000 allegations of violence by the law enforcement agencies against persons under criminal investigation. Only 250 criminal cases (1.5 %) have been opened. The same NGO mentions that of all complaints of torture by the police, on average only 1 % was investigated by the SK. This situation led to protests by NGOs and citizens in 2012 ([251]).

In response to these protests, the SK set up a separate investigation unit with the exclusive responsibility for the investigation of law enforcement personnel, in particular allegations of ill-treatment of detainees ([252]). This has reduced the conflict of interest as these investigators are not involved in solving ordinary crimes and do not need the goodwill of the local police ([253]).

2.2.3 Structure

The SK is subordinated directly to the President of the Russian Federation ([254]). The SK is structured in a three-tier system with (1) the central office and its subdivisions, including subdivisions for the eight federal districts of the RF, (2) the departments of the SK for the federal subjects of the RF and (3) local

([248]) Pravo.gov.ru, Federal Law No. 403 FZ "On the Investigative Committee of the Russian Federation", 28 December 2010.
([249]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 33-34.
([250]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 34; Public Verdict Foundation, Special investigators on call, 25 August 2012.
([251]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 16, 34; Public Verdict Foundation, Special investigators on call, 25 August 2012.
([252]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 5, 34-35; Public Verdict Foundation, Special investigators on call, 25 August 2012.
([253]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 5, 34-35; Public Verdict Foundation, Special investigators on call, 25 August 2012.
([254]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 30; Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 123-124; Federal Law No. 403 FZ "On the Investigative Committee of the Russian Federation", 28 December 2010.

SK departments for districts and cities. The most serious criminal cases are investigated by the central office and further down to 'ordinary' SK cases at regional level ([255]).

The main investigative department (at the central office of the SK) includes the department for investigation of particularly important cases of crimes against persons and public safety, the department for investigation of particularly important cases of crimes against state authority and economic crimes, the department for procedural control and methodological and analytical support, and the department for documentation support ([256]).

The structure of the SK departments of the subjects of the RF is in general similar to that of the central office. At local level, a SK department typically consists of the head of department and his deputy, investigators, inspectors, crime investigators, assistant investigators and specialists. Between three and 10 investigators work in a regional department. The bulk of criminal investigations are dealt with at regional level ([257]).

2.2.4 Filing a complaint

Individuals or their representatives as well as public organisations or labour collectives can file complaints with the regional department of the SK, following the same procedural requirements as described in the section on the prosecutor (see 2.3.3 Prosecutor's Office, Supervisory function of the public prosecution, Filing a complaint). When the complaint is registered the plaintiff should receive a registration document. Complaints containing insulting or foul language can be refused. When necessary information is lacking in the complaint, the investigating officer within seven days will ask to amend the complaint ([258]). After a complaint is registered, the investigator will decide to either investigate the case in the same office or another SK department or agency (officially within seven days), attach the complaint to an existing complaint, or terminate the case ([259]).

The Russian NGO Committee for Prevention of Torture (CPT) indicates that generally citizens can freely file a complaint with the SK, but reportedly the SK staff registers as few complaints as possible to avoid negative statistics, and a local officer may refuse the complaint even if all the official requirements are met ([260]). The Institute for the Rule of Law (IRL) indicates that the SK 'accepts a vast majority of complaints and does not avoid, prevent, or obstruct compliance'. However, when the

([255]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 29-30.
([256]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 30.
([257]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 33-34.
([258]) Murmansk Region Investigations Directorate of the SK, Consideration of appeals and reception of citizens, n.d., Main Investigative Department of the SK in the city of Moscow, n.d.; Tambov Region Investigations Directorate of the SK, Order of the Investigative Committee of the Prosecutor's Office of the Russian Federation No. 17 "On the implementation of the instruction on the procedure of consideration of appeals and reception of citizens at the system of the Investigative Committee of the Prosecutor's Office of the Russian Federation", 19 September 2007; RG, Order of the Investigative Committee of the Russian Federation No. 72 "On the organisation of the receipt, registration and review of reports on crimes at the investigative bodies (investigative units) of the Investigative Committee of the Russian Federation", 11 October 2012; Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([259]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 34-35; Tambov Region Investigations Directorate of the SK, Order of the Investigative Committee of the Prosecutor's Office of the Russian Federation No. 17 "On the implementation of the instruction on the procedure of consideration of appeals and reception of citizens at the system of the Investigative Committee of the Prosecutor's Office of the Russian Federation", 19 September 2007; RG, Order of the Investigative Committee of the Russian Federation No. 72 "On the organisation of the receipt, registration and review of reports on crimes at the investigative bodies (investigative units) of the Investigative Committee of the Russian Federation", 11 October 2012.
([260]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.

complaint involves government action or electoral rights, the commitment of the SK to proceed with an investigation can be low. The IRL speculates that the SK could treat people differently due to their socioeconomic status. The IRL adds, however, that it does not have any precise evidence of this ([261]).

According to CPT, in some cases, the investigator registering the complaint fails to provide the registration documents to the complainant; however, if the claimant asks for them, it will usually not be refused ([262]). The IRL likewise states that complaints can be filed directly with the SK. However, usually complaints are filed with the MVD or the Prosecutor's Office. These offices should then forward it to the SK in accordance with their jurisdiction ([263]). The IRL also says that the first decision on the complaint (to proceed, to forward, or to decline) is often made by the police or the Prosecutor's Office and not by the SK, as people report more often to these agencies than to the SK. The possibility to be turned back at that point is much higher at the MVD and the Prosecutor's Office than at the SK ([264]).

2.2.5 Reform plans

Since the early 2000s, there have been plans for a unified investigative committee that would absorb all the investigative departments of the SK, the MVD and the Federal Service for Drug Control (FSKN). So far, not much progress has been made: in the summer of 2014, Russian media sources close to the government wrote that a new Unified Investigative Committee would be operational in 2017 ([265]). Between 25,000 and 35,000 investigators from MVD and between 2,000 and 2,500 from FSKN would be transferred to the new investigative committee. In July 2014, the FSKN declared that it had already transferred some of its powers and would no longer investigate cases of organised crime related to the drugs trade. According to sources, the MVD seems to be more reluctant to give up some of its powers ([266]). The present SK is against an automatic transfer of all investigators to the new Unified Investigative Committee; it demands a strict assessment of the new staff ([267]).

The leadership of the SK stated in May 2016 that the merger was not a priority ([268]). In September 2016, rumours surfaced about a plan to abolish the SK and merge it with the Prosecutor's Office. The Kremlin denied such a plan existed ([269]).

B. Capacity

2.2.6 Resources

The number of SK staff is determined by two presidential decrees of 2010 and 2011 at 21,156, and an additional 2,034 staff for the military investigative bodies of the SK. It is not clear if this reflects the actual number of staff. In 2010 the SK declared it had 19,156 persons on its payroll, in 2012 another

([261]) Expert of the IRL at the European University, St.-Petersburg, email response, 6 November 2015.
([262]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([263]) Expert of the IRL at the European University, St.-Petersburg, email response, 6 November 2015.
([264]) Expert of the IRL at the European University, St.-Petersburg, email response, 6 November 2015.
([265]) RBC, The establishment of a unified Investigative Committee started with the Drug Control Service, 29 June 2014; Petrakova, L. V. and Gaag, I. A., The question of the single investigative committee in the Russian Federation, 2015, pp. 196-198; Izvestia, A unified investigative committee will appear already in autumn, 4 July 2014.
([266]) RBC, The establishment of a unified Investigative Committee started with the Drug Control Service, 29 June 2014; Izvestia, A unified investigative committee will appear already in autumn, 4 July 2014.
([267]) Petrakova, L. V. and Gaag, I. A., The question of the single investigative committee in the Russian Federation, 2015, p. 197.
([268]) Interfax, Markin says Russia may create unified investigative body in foreseeable future, 13 May 2016; Interfax, Single investigative body in Russia not to provide efficient of entire investigative process – Bastrykin (Part 2), 19 May 2016.
([269]) Sputnik News, Kremlin Spokesman Denies Reports on Abolition of Russian Investigative Committee, 27 September2016; Sputnik News, Russia May Create Ministry for State Security and Close Emergencies Ministry, 19 September 2016.

source mentions it had 19,000. In 2010, the staff was relatively young; investigators were mainly under 30 and about half of them had less than three years' work experience at the SK ([270]).

The SK can draw on the police to conduct investigations, question witnesses, etc. ([271]). In more complex cases, such as homicides, SK and MVD investigators will work on the case at the same time and in close collaboration ([272]).

The unit to investigate allegations against law enforcement officers has 60 staff members for the entire RF, including 12 heads of offices and their 4 deputies. Moscow, the Moscow oblast and Saint Petersburg each has a 10-men department ([273]). For the region of Siberia, three investigators were in charge; according to a 2012 article of the Public Verdict Foundation, they had to review hundreds, if not thousands of claims per year ([274]). In 2012, the UN Committee against Torture expressed concern that this unit of the SK did not have adequate staff in order to perform effective investigations ([275]). The UN Special Rapporteur on the Independence of Judges wrote in 2014 that the unit was understaffed. Its staff faces an immense workload and, apart from a handful of cases, the unit did not have any visible positive impact ([276]).

In 2014, the Public Verdict Foundation mentions the following factors that hampered the efficiency of this department:

- The department is understaffed and is unable to investigate all the complaints. In 2011, more than 60,000 complaints were brought against members of the law enforcement agencies. In 2012, SK identified 343 crimes committed by members of the law enforcement agencies and brought cases against 174 police officers to court;
- The internal regulations do not clearly delineate the different authorities of the special department and those of regional SK departments; neither do they define when a case has to be transferred to the special department. As such, the regulation does not give exclusive authority to the special department to investigate crimes committed by law enforcement agencies;
- Victims do not have sufficient information about the procedure to lodge a complaint with the department or on how to ensure that a complaint is brought from the local SK to the specialised division ([277]).

([270]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 28; Galeotti, M., Purges, power and purpose: Medvedev's 2011 police reforms, 2012; Dolzhenko, V. G., Problems of staff management and the path to their solution in the system of the Investigative Committee of the Prosecutor's Office of the Russian Federation, 2010, pp. 32-34.
([271]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([272]) Expert of the IRL at the European University, Saint Petersburg, email response, 6 November 2015; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p.27.
([273]) SK, Decree of SK No. 20 "On additional measures to organise the investigation of crimes committed by law enforcement officials", 18 April 2012; no amendment of this decree could be found.
([274]) Public Verdict Foundation, Special investigators on call, 25 August 2012.
([275]) CAT, Concluding observations on the fifth periodic report of the Russian Federation, 11 December 2012, p. 3.
([276]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15.
([277]) Public Verdict Foundation, About the problems that influence the efficiency of the Investigative Committee as an organ investigating torture, 20 January 2014; Public Verdict Foundation, SK talked about the particularly serious crimes of the police, 19 February 2013.

A consequence of these shortcomings is that, instead of the special unit, local SK departments continue to investigate complaints on crimes committed by members of local law enforcement agencies ([278]).

2.2.7 Training

The Academy of the SK was founded in 2014, following another SK educational institution which operated from 2010 ([279]). It provides education in law and investigative skills for investigators and leading staff of the SK. The main department of the Academy is in Moscow and its six branches are located in the regions (Rostov-on-Don, Ekaterinburg, Novosibirsk, Nizhniy-Novgorod, Khabarovsk and Saint Petersburg)([280]). In May 2016, a second academy was opened in St. Petersburg, offering, among other services, training in investigation of terrorism and extremism ([281]). The SK also has its own school for the Cadet Corps. The institute, located in Moscow, provides secondary education, but also early professional orientation for service in the SK ([282]).

There was no information in the sources consulted on the quality of the training at the SK training institutions.

C. Integrity

2.2.8 Loyalty issues, political independence

As noted in 2.2.3 SK, Structure, the SK is directly subordinated to the President of the RF ([283]). It is otherwise not accountable to any civil authority or the public ([284]).While the SK was established ostensibly to put an end to the widespread corruption in investigations of the Prosecutor's Office, researcher Mark Galeotti argues that its authority to 'open cases against those who normally have immunity, such as parliamentarians and senior state officials made it 'a useful weapon at the national as well as local political level' ([285]).

The grounds for dismissal of the chairperson of the SK and his deputies are not clearly specified in the law. The President can thus dismiss these officials at will. The Organisation for Economic Co-operation and Development (OECD) reports that this limits the independence expected of an investigative body ([286]).

Aleksandr Bastrykin is the head of the SK since its creation in January 2011. From 2007 to 2010, he directed the Investigative Committee of the Prosecutor General's Office. According to analysts, Bastrykin knows Putin from his university years and is considered one of his 'protégés' ([287]). Galeotti

([278]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 35-37; Public Verdict Foundation, About the problems that influence the efficiency of the Investigative Committee as an organ investigating torture, 20 January 2014.
([279]) Bagmet, A. M., The Academy of the Investigative Committee of The Russian Federation, April 2016, Annotation in English.
([280]) Academy of the SK, Education, n.d.; Academy of the SK, Information about the educational organisation, n.d.; Academy of the SK, Structure and management bodies of the educational organisation, n.d.
([281]) SK, Investigative Committee Academy opens in Saint Petersburg, 1 September 2016.
([282]) Alexander Nevsky Cadet Corps of the SK, General information, n.d.
([283]) Federal Law No. 403 FZ "On the the Investigative Committee of the Russian Federation", 28 December 2010.
([284]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 123-124; SK, History, n.d.
([285]) Galeotti, M., The Investigations Committee – not so much Russia's FBI, more a Kremlin watchdog, 5 October 2010.
([286]) Radziwill, A. and Vaziakova, Y., Improving the Business Climate in Russia, 25 March 2015, p. 10.
([287]) Rogoża J., A new Oprichnina, 2013; Bowring, B., Justice and Power Politics in Russia, 7 June 2011; Sakwa, R., Investigator Bastrykin and the search for enemies, 10 April 2013.

told the magazine The Atlantic that Bastrykin does not have a powerbase of his own and is completely dependent on Putin, which makes him disposable and vulnerable ([288]).

For staff members other than the highest positions, a presidential decree foresees that the head of the SK decides on the procedure of recruitment and dismissal of SK staff ([289]).

As with other law enforcement institutions in the RF, the SK faces criticism for its involvement in politicised trials against members of the political opposition or of civil society ([290]). The SK reportedly played an important role in bringing to trial the singers of Pussy Riot, the opposition politician Alexander Navalny, and the defendants in the Bolotnaja process ([291]). The death of the deputy director of the Anti-corruption department in the Ministry of the Interior during his interrogation by the SK raised concerns about its methods ([292]). According to US DoS, in the investigation of the murder of opposition politician Boris Nemtsov ([293]), the victim's relatives and human rights organisations criticised the SK for its failure to identify the individuals who gave the order for the assassination ([294]) – allegedly the Chechen president or persons close to him ([295]). According to US DoS, one of the defendants in that trial said he had been coerced to confess ([296]). Still according to US DoS, the SK in turn threatened to charge with defamation a member of the Public Monitoring Commission and Presidential Council for Civil Society and Human Rights who had confirmed that the defendants had been tortured ([297]).

The UN Committee against Torture noted in its 2012 Concluding Observations on the Russian Federation concerns about reports of the abduction of a journalist, allegedly under the orders of SK chief Bastrykin, and that these allegations had not been investigated ([298]).

2.2.9 Internal oversight

Several actors are involved in the internal oversight of the work of the SK: the central department for procedural control, the heads of department, and the organisational and inspection department. In addition, the SK departments of the subjects of the RF oversee the work of SK departments at local level ([299]). The department for procedural control reviews the legality and well-foundedness of the decisions of the investigators; under the law, however, only the heads of investigative bodies can enforce the recommendations of this department ([300]). Investigators and heads of departments can face disciplinary sanctions or loss of bonuses for taking unlawful or unfounded decisions or for

([288]) The Atlantic, The Rise and Probable Fall of Putin's Enforcer, 12 August 2013.
([289]) Federal Law No. 403 FZ "On the the Investigative Committee of the Russian Federation", 28 December 2010; Decree of the President of the Russian Federation No. 38 "Issues concerning the activities of the Investigative Committee of the Russian Federation, 14 January 2011.
([290]) Polit.ru; Legal threat (Open letter of representatives of the legal community), 22. July 2013, pp. 19-21.
([291]) dekoder, Ermittlungskomitee, 17 August 2015.
([292]) Medvedev, S., Aus russischen Blogs: Der Tod des Generals Kolesnikow im Ermittlungskomitee. Ein Selbstmord?, 4 July 2014, pp. 19-21.
([293]) FCO, Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: January to June 2016 - RF, 21 July 2016; RFE/RL, Russia Says Nemtsov Murder Probe Completed, 29 January 2016.
([294]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; RFE/RL, Russia Says Nemtsov Murder Probe Completed, 29 January 2016.
([295]) The Guardian, Chechen leader's show of strength muddies loyalty to Putin, 3 June 2015.
([296]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([297]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([298]) CAT, Concluding observations on the fifth periodic report of the Russian Federation, 11 December 2012, p. 3.
([299]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 31, 35.
([300]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 31.

excessive delay in completing cases. The organisational and inspection department of the central office supervises the implementation of decisions taken by the head of the SK ([301]).

At local level (districts and cities), the head of the local SK department bears final responsibility for the work of the office and conducts staff evaluations. The work of the local department as a whole is assessed on the basis of its head's performance ([302]).

The evaluation of SK staff members is based mainly on quantitative indicators, as well as on the legality and well-foundedness of procedural decisions of the investigators under the CPC ([303]). An investigator will only receive credit for solving a case when the Prosecutor's Office endorses it to court ([304]).

The Institute for the Rule of Law (IRL) writes that the indicators to evaluate SK members' work can be separated into three categories:

- Effectiveness - the number of cases an investigator accepts and completes and the number of cases closed. The share of cases suspended is also accounted for;
- Quality - the number of criminal cases sent back by the head of SK, the prosecutor or the court for further investigation, as well as the share of cases that take longer than the time allowed under the law;
- Legality - the amount of cases cancelled by the prosecutor, the amount of cases closed because no crime could be established and the number of arrested persons released after 48 hours ([305]).

IRL states that this system encourages members of the SK to accept cases that will pass easily through the system, while complicated cases face a higher risk not to be registered by the SK. If registered, there is a higher risk that no criminal case will be opened and the complaint will not be investigated ([306]).

According to IRL, an investigator whose case turns cold because no suspect can be identified or whose case is remanded by the supervising prosecutor risks disciplinary consequences ([307]). IRL reports that the local SKs have a tendency to conduct investigations for two months only to avoid a negative performance evaluation. This leads to a lower quality of their work ([308]).

According to IRL, the fear of a negative evaluation results in an effort by all investigators – whether MVD or SK – to only accept cases that have a high chance of going to trial: police detectives will first try to establish if there is a chance to identify a guilty party, if there is a chance to find convincing

([301]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 35.
([302]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 34-35; KGI, Who needs the current reform of the law enforcement organs and why all instances will be against, 18 November 2013; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 16.
([303]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 34-35; KGI, Who needs the current reform of the law enforcement organs and why all instances will be against, 18 November 2013; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 16, p. 16.
([304]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014.
([305]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 16.
([306]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 16-17, 21.
([307]) IRL and KGI, Investigation officer in clear terms, 2016.
([308]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 35, 62, 128.

evidence and if this can be achieved in a reasonable time. If the answer to these questions is negative, the officer may refuse to open a criminal case to avoid the negative impact an unsolvable case has on the work evaluation ([309]). Prosecutors, in turn, have an interest to ensure that indictments lead to successful prosecutions. According to Kirill Titaev and Maria Shkliaruk, researchers at the Institute for the Rule of Law at the European University at St. Petersburg, the prosecutor 'tries not to send cases to court in which there is the slightest chance of acquittal or stopping a case on rehabilitative grounds' ([310]). This explains the prevalence of confessions, often coerced in criminal case dossiers ([311]). The importance of successful investigations and prosecutions also results in a shared effort by investigators and prosecutors to put pressure on judges to convict ([312]).

Titaev and Shkliaruk write that '[i]f an investigator has charged a citizen with a crime, then his chance of rehabilitation at a subsequent stage (during the investigation or in court) is less than 1 percent. Thus, contradictory as investigative work may be, the investigator is a very important figure in Russian criminal proceedings' ([313]). According to IRL, in 2011 the SK dealt with 6 % of all criminal investigations in the RF that were under investigation, and they were responsible for 9 % of all criminal cases sent to court. Only 66 out of 10,000 criminal investigations by the SK resulted in the rehabilitation of a suspect ([314]).

2.2.10 External oversight

The Prosecutor's General Office has supervisory powers over the SK (see 2.3.1 Prosecutor's Office, Mandate, Supervisory powers), granted by the federal law on the prosecutor's office (last amended December 2014) ([315]).

The Prosecutor General's Office reported in 2014 that its staff had identified 1,400 cases in 2013, where the SK should have opened an investigation and/or a criminal case, but refused to do so ([316]). According to the IRL, there is no reliable data on the frequency with which the SK refuses complaints without proper justification ([317]).

As far as the supervisory work of the prosecutor over the SK is concerned, IRL cites official data according to which of all the cases sent by the SK to the Prosecutor's Office for approval to open a criminal case in 2011, 3.56 % were refused and sent back for further investigation ([318]). The Prosecutor General declared in his 2013 report that 46 % of the cases the SK investigated exceeded the legal time

([309]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 22-23.
([310]) Titaev, K. and Shkliaruk, M., Investigators in Russia, 2016, p. 114.
([311]) See section 2.1.12 Abuse of power, ill-treatment and use of excessive force in the MVD.
([312]) Pozdniakov, M., The Courts and the Law Enforcement System, 2016, p. 1; see also 2.4 Courts.
([313]) Titaev, K. and Shkliaruk, M., Investigators in Russia, 2016, pp. 114-115.
([314]) IRL, Path of criminal cases in official statistics, by the example of general data of the law enforcement agencies, 26 February 2014, pp. 18-21.
([315]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(2); Pravo.ru, Putin increased the requirements for prosecutors and instructed them to supervise the SKR, 23 December 2014.
([316]) Prosecutor General's Office of the RF, About the state of law and order in 2013 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 29 April 2014.
([317]) Expert of the Institute for the Rule of Law at the European University, St.-Petersburg, email response, 6 November 2015.
([318]) IRL, Path of criminal cases in official statistics, by the example of general data of the law enforcement agencies, 26 February 2014, p. 21.

limit to be solved ([319]). In his 2015 report, the Prosecutor General does not refer to the SK specifically but mentions that the share of investigations exceeding the time limit remains high ([320]).

The NGO Public Verdict Foundation mentions that there is a clear tension between the SK and the Prosecutor's Office, as is evident from the public speeches of the Prosecutor General and critical remarks made during the investigation process ([321]).

The SK, set up to avoid the corrupt practices of the public prosecution, is not immune from corruption. In July 2016, several senior officials of the SK were arrested on corruption charges. Allegedly, they were taking bribes from organised crime groups ([322]).

2.2.11 Possibility to complain against actions of the SK

The NGO Committee for Prevention of Torture indicates that it is possible to file a complaint against a SK official's performance to a higher-ranking SK official, to the prosecutor, or to the court. In general, people tend to complain to a higher-ranking official or to the prosecutor if it concerns an omission; if an illegal act was committed, the complaint is usually filed with the court. According to the same source, judges are quite independent when it comes to delivering judgments on procedural questions regarding the quality of investigation. In such cases, they would find the SK guilty of an illegal act or an act of omission ([323]).

In contrast, FIDH and ADC Memorial mention in a 2012 report the possibility to use the regulations of the CPC for appeals against unlawful government action or inaction. Such appeals, however, rarely succeed, as courts almost always agree with the conclusions of the investigation or assert insufficiency of evidence ([324]).

In 2014, the Prosecutor General declared that the SK was not diligent in bringing its own staff members to justice ([325]). The US DoS cites the head of SK, Alexander Bastrykin, according to whom 42 criminal proceedings against SK officers were filed in 2014 ([326]).

2.2.12 Confidence / trust

The Russian NGO Committee for Prevention of Torture stated in November 2015 that citizens still do not have a clear understanding of the role and functions of the SK. They are thus more likely to file complaints with the MVD or the Prosecutor's Office. Complainants will, however, work with the SK once their complaint is transferred to the SK ([327]). In 2014, the UN Special Rapporteur for the Independence of Judges and Lawyers noted that investigators are perceived as corrupt by the public ([328]).

([319]) Prosecutor General's Office of the RF, About the state of law and order in 2013 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 29 April 2014.
([320]) Prosecutor General's Office of the RF, About the state of law and order in 2015 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 27 April 2016.
([321]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 16-17, 25; see also dekoder, Ermittlungskomitee, 17 August 2015.
([322]) TASS, Detention of Russian high-ranked investigators part of anti-corruption campaign - Kremlin, 20 July 2016; Galeotti, M., Goodbye, Bastrykin?, 15 September 2016.
([323]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([324]) FIDH and ADC Memorial, Roma, Migrants, Activists: Victims of Police Abuse, 2012, p. 26.
([325]) Prosecutor General's Office of the RF, About the state of law and order in 2013 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 29 April 2014.
([326]) US DoS, 2014 Country Report on Human Rights Practices, Russia, 25 June 2015.
([327]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015.
([328]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 7.

2.3 Prosecutor's Office

A. General

2.3.1 Mandate

The Prosecutor's Office (prokuratura) is a quite unique Russian institution. Its roots go back to the imperial era when then it supervised all governmental departments', officials' and courts' conformity to the rule of law, in a supposedly independent way. Currently, the Prosecutor's powers are less extensive but still considerably broad ([329]). The UN Special Rapporteur on the Independence of Judges and Lawyers stated in her 2014 report that 'the Prosecutor's Office is said to exercise excessive prerogative in criminal cases and in its general oversight function' ([330]).

The Constitution of the RF establishes the public prosecution under Article 129 of the Constitution ([331]). The powers and the organisation of the Prosecutor-General's Office are defined by the law "On the Prosecutor's Office of the Russian Federation". According to this law, the public prosecution is a unified and centralised system of federal bodies in charge of supervising the observance of laws on the entire territory of the Russian Federation ([332]). Its powers can be grouped into three main areas of activity:

- supervision over compliance with the law of different government bodies and officials as well as commercial and non-commercial organisations;
- criminal prosecution;
- participation in civil proceedings ([333]).

Supervisory powers

The supervisory powers of the Prosecutor's Office over the executive and legislative branches, investigative bodies and administrative agencies are very broad. The prosecutor can review any activity of government and commercial entities regarding its lawfulness. These entities have to disclose information necessary for the supervision to the Prosecutor's Office. The office may also summon individuals for questioning. Private individuals can petition the prosecutor to exercise its supervising authority ([334]).

Until 2007, the Prosecutor's Office also had specific investigative powers and several of its departments were actively investigating, although in subsequent law reforms these powers have been

([329]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 188-190; Taylor, B. D., State-Building in Putin's Russia. Policing and Coercion after Communism, 2011, p. 50; for an overview of the history of the institution see: Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, pp. 4-8.

([330]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 14.

([331]) KSRF, Constitution of RF, 12 December 1993, Article 129.

([332]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(1); Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, p. 14; Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 188-190.

([333]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(2); Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, pp. 14-15; see also Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 192-193; UNODC, Anti-Corruption Authorities of the Russian Federation, 2013, pp. 9-10.

([334]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p. 193; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 14.

altered several times. The law reform of December 2010, implemented in January 2011, separated the Prosecutor's Investigative Committee from the Prosecutor and created an entirely separate Investigative Committee (SK) ([335]). At the same time the Prosecutor's Office regained legal oversight of all investigations. The prosecutor thus can cancel unlawful or unfounded decisions of an investigative agency (e.g. SK, MVD) to refuse to open or to close a criminal case, or to suspend preliminary investigations ([336]).

Frictions between the Prosecutor's Office and the SK on who is in charge of the investigation process are reported ([337]) (see 2.2.1 SK, Background). In practice, the SK still has a legal base to block several kinds of decisions taken by the prosecutor, which it sometimes does ([338]). President Putin amended the law on the prosecutor in December 2014 to end a dispute between the Prosecutor's Office and the SK over supervisory powers. The new law explicitly grants this power to the Prosecutor's Office ([339]).

Criminal proceedings

In criminal proceedings, the Prosecutor's Office has two functions: a supervising function for the criminal investigation and the public prosecution function in the court trial. During the criminal investigation, it oversees the legality of the investigation. Once the investigator concludes the investigation with the indictment, the Prosecutor's Office is in charge of prosecuting the charges on behalf of the state before the court. At this stage all investigative actions are completed and the trial prosecutor can no longer modify the evidence or the charges ([340]). The Prosecutor's Office can also accept a plea bargain ([341]). According to the Institute for the Rule of Law (IRL) different staff members in the Prosecutor's Office are in charge of supervision and trial ([342]).

Civil proceedings

In civil proceedings the Prosecutor's Office may challenge the legality of actions of certain state bodies and officials. It can also file a suit in court to protect state and public interests, intervene on behalf of individuals who are not able to protect their own rights (age and health), or on behalf of a large number of plaintiffs. Where the prosecutor is involved at trial level, the Prosecutor's Office can file

([335]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 12-13; Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p. 618; see 2.2 Investigative Committee of the Russian Federation (SK).

([336]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, p. 14.

([337]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15.

([338]) Popova, T. Yu., The Change of power balance of the Prosecutor and the leadership of the investigative organ, 2015, p. 202.

([339]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 1(2); Pravo.ru, Putin increased the requirements for prosecutors and instructed them to supervise the SKR, 23 December 2014.

([340]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001, Article 37; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 47-49; Rubleva, K. A., On the relation of the concepts of the prosecutor and the public prosecutor, 2013, pp. 60-61; Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, p. 12.

([341]) CoE-CCPE, Answers to the Questionnaire for preparation of Opinion #10 CCEP "On Activities of the Prosecutors within the Framework of Criminal Investigation", April 2015, pp. 4-5.

([342]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, pp. 46-47.

petitions to review judgements and orders of courts. Finally, the Prosecutor General has the right to challenge the constitutionality of a law at the Constitutional Court ([343]).

2.3.2 Structure

The system of the Prosecutor's Office consists of a three-level strictly hierarchic structure: (1) the Prosecutor General's office, (2) the Prosecutor's Offices of the subjects of the RF, and (3) Prosecutor's Offices of the districts and towns. There is a clear vertical chain of command, with the Prosecutor General as head of the entire system. Local prosecutors are directly responsible to the superior prosecutors and to the Prosecutor General. The system also includes specific Prosecutor Offices such as, for example, the military prosecutor ([344]).

The Prosecutor General forms a commission with his deputies and other executive personnel that drafts major instructions and orders and considers staff appointments ([345]). Most Prosecutor's Offices are organised in departments following four specialisations: general supervision over execution of federal legislation, supervision over the criminal investigation, public prosecution, and civil and arbitration procedures. This structure can be found on all three levels of the hierarchy and implies that every staff member is accountable to both the superior of his regional office and the superior level following his specialisation ([346]).

At a local level, the Prosecutor's Office generally consists of the prosecutor, the first deputy, several deputies, and senior and junior assistants. At the superior level, the structure of the Prosecutor's Office is usually divided into several departments ([347]).

The investigation of complaints is coordinated and supervised by the head prosecutor of each branch. The head prosecutor is obliged to guarantee the timely and correct investigation of complaints. In addition, he has to check systematically the work of his office concerning these complaints. Within the Prosecutor General's Office and the Prosecutor's Offices of the subjects of the RF, there are specific departments to deal with complaints by citizens ([348]).

The following sections describe two of the three abovementioned functions of the public prosecutor in more detail: the supervisory function of reviewing activities of government entities regarding their lawfulness, and the supervision of the criminal investigation.

2.3.3 Supervisory function of the public prosecution: dealing with complaints of individuals

Filing a complaint

The procedure for an individual to file a complaint with the Prosecutor's Office is defined by the "Instruction on the procedure of consideration of appeals and reception of citizens" of the Prosecutor

([343]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 194-195.
([344]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 9; Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 190-191; Prosecutor General's Office of the Russian Federation, Structure, n.d.; Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, p. 9; Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 11.
([345]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p. 191.
([346]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 9-10.
([347]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, pp. 190-191.
([348]) Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014.

General of January 2013 ([349]). An individual (a citizen, a foreigner or a stateless person) or a legal person can file a complaint at the Prosecutor's Office concerning the restoration or the protection of his or her rights or those of a third party. If the police refuses to accept a complaint or if the person considers that the police is not taking the necessary steps to protect the rights he or she can complain to the prosecutor about the inadequate response of the police or any other investigative authority ([350]).

A complaint can be filed at the Prosecutor's Office in any format as long as the following rules are respected:

- The complaint can be oral, printed, handwritten or by e-mail. When a complaint is filed in person at a Prosecutor's Office, the complaint is registered. The prosecutor can refuse a complaint when it is not legible but has to inform the plaintiff about the refusal;
- Anonymous complaints are not accepted; the name, address and telephone number of the person that files the complaint have to be clearly mentioned. In addition, the name of the prosecutor or the prosecutor's office to whom the complaint is directed has to be mentioned;
- The complaint has to be written in a clear language; foul language or threats in the complaint can be a reason for the prosecutor to refuse it;
- If certain elements necessary for the investigation are lacking in the complaint, the prosecutor must contact the plaintiff to obtain the missing elements;
- If a person already received a reply from the prosecutor concerning the complaint, a second complaint about the same topic will not be accepted ([351]).

Preliminary examination of complaints

When the Prosecutor's Office accepts a complaint, it must take one of the following steps:

- Accept it for investigation and send it to a specific staff member;
- Terminate the examination;
- Send it to another level of the prosecutor's office for investigation;
- Where applicable, send it to the authority competent to deal with the complaint;
- Add it to an earlier complaint;
- Send it to a court to add it to the material of a court case ([352]).

The deadline for the Prosecutor's Office to respond is 30 days ([353]). The Russian NGO Committee for the Prevention of Torture writes that the prosecutor respects the deadlines provided by law and usually there are no delays with replies ([354]).

([349]) Prosecutor General's Office of the RF, Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation, 30 January 2013.
([350]) Prosecutor General's Office of the RF, Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation, 30 January 2013; TI Russia, How to prepare and submit a crime report, 19 November 2012; TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013.
([351]) TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013; Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014.
([352]) TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013, Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014.
([353]) TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013; Prosecutor General's Office of the RF, Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation, 30 January 2013; TI Russia, How to prepare and submit a crime report, 19 November 2012.
([354]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015.

When, after investigating, the prosecutor considers the complaint to be unfounded, the plaintiff has to receive a written explanation about the grounds for rejection and the possibility to appeal this decision at a higher Prosecutor's Office or with the court ([355]).

The transfer of a complaint to another level of the Prosecutor's Office or to another official body has to happen within seven days and the plaintiff must be informed. The prosecutor cannot to send the complaint to the official body against which the complaint is directed ([356]).

When the prosecutor passes a specific case to an investigative body to open a criminal case, this will be officially registered and directly assigned to an investigator ([357]).

The plaintiff has the right to access the material of the investigation as long as this does not infringe on the rights of other citizens or the interests of the state ([358]).

Possible actions by the Prosecutor's Office

When the Prosecutor considers the complaint legitimate, it shall undertake steps to end the violation and inform the complainant in writing. The Prosecutor's Office has several responsive measures at its disposal if it establishes a violation of the law: it can issue a protest against an illegitimate legal act, or demand the elimination of a breach of law, or issue a warning in order to prevent an illegal act ([359]). Furthermore, the prosecutor 'may pass a motivated ruling on initiating administrative proceedings, and refer the inspection materials to the investigative authorities' ([360]). The prosecutor can also submit the case to the court and ask to declare an unlawful act invalid ([361]).

A prosecutor's protest against an illegitimate legal act is sent to the state authority or legal entity acting in violation of the law. The protest can be sent to the instance or person who issued the unlawful act, to his superior or to the court. The state authority or official has to consider it within 10 days and notify the prosecutor of the actions taken and their results ([362]).

([355]) TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013; Prosecutor General's Office of the RF, Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation, 30 January 2013.
([356]) TI Russia, How to file a complaint with the Prosecutor's Office, 13 November 2013; Prosecutor General's Office of the RF, Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation, 30 January 2013.
([357]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 116.
([358]) Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014.
([359]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Articles 23, 24 and 25.1; Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, p. 10; Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p. 193.
([360]) Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, p. 10; Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 25.
([361]) Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014; Spravochnik Kadrovika, The Prosecutor's Office examines you: documentation of, 27 October 2011.; Lawtoday.ru, Legal means of reaction of the prosecutor on established violations of law, n.d.
([362]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 23; Spravochnik Kadrovika, The Prosecutor's Office examines you: documentation of, 27 October 2011.

A prosecutor's demand for the elimination of a breach of law is sent to the entity that is authorised to eliminate the violation. The receiving authority has to take the necessary measures within a month and inform the prosecutor of the results in writing ([363]).

A prosecutor's warning seeks to prevent criminal or administrative offences of which the Prosecutor's Office has received information. It is sent to the authority responsible for preventing the offence or, in case of extremist offenses, the religious or political organisation responsible for it. If the person or organisation fails to act on the warning, criminal or administrative proceedings may be initiated ([364]).

A prosecutor's ruling to initiate administrative proceedings is a tool to hold accountable a government body or official failing to respond to a request or proposed measure by the prosecutor's office within the term foreseen in the law. The decision to initiate such proceedings has to be reasoned ([365]).

2.3.4 Supervision of the criminal investigation by the Prosecutor's Office

Each criminal investigation is supervised by a staff member of the Prosecutor's Office. Since 2007, opening of a criminal case is the prerogative of the Investigative Committee (SK), diminishing the influence of the Prosecutor's Office over the investigation. The Prosecutor's Office may still refuse to present an indictment to the court ([366]). According to the IRL, in practice, the investigator and prosecutor will work together to ensure a criminal case will end in indictment and prosecution ([367]).

A refusal to open a criminal case can, according to the law, be appealed in court, at the Prosecutor's Office or in an investigative body ([368]). The Russia branch of Transparency International states that refusals to open a criminal case are not uncommon as each new accepted case means an increase of workload for the investigative authorities. It adds that it is difficult to appeal such a refusal without legal assistance ([369]).

According to IRL, official data indicates that, for 2011, 4.88 % of the MVD cases and 3.56 % of the SK cases sent to the Prosecutor's Office for approval to open a criminal case were refused and sent back for further investigation ([370]). From all cases sent in 2011 by all investigative agencies to the Prosecutor's Office for approval to open a criminal case, 3.9 % were refused; this figure was 4.1 % in 2012 and 3.7 % in 2013 ([371]).

From 2006 to 2013, the number of annulments of refusals by the investigative agencies to open a criminal case increased from approximately 1.5 million to more than 2.5 million annually. In 2012 and 2013, the number remained stable. The Public Verdict Foundation cautions that these figures do not explain the increase in annulments. It is noted that the Prosecutor General in his annual speeches was

([363]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 24; Spravochnik Kadrovika, The Prosecutor's Office examines you: documentation of, 27 October 2011.
[364] Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 25.1; Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p. 193; Spravochnik Kadrovika, The Prosecutor's Office examines you: documentation of, 27 October 2011.
([365]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 25; Pravo.gov.ru; Spravochnik Kadrovika, The Prosecutor's Office examines you: documentation of, 27 October 2011.
([366]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 89; Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, pp. 122-123.
([367]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 89.
([368]) TI Russia, How to appeal against the refusal to open a criminal case, 13 November 2013.
([369]) TI Russia, How to appeal against the refusal to open a criminal case, 13 November 2013.
([370]) IRL, Path of criminal cases in official statistics, by the example of general data of the law enforcement agencies, 26 February 2014, p. 21.
([371]) IRL, Path of criminal cases in official statistics, by the example of general data of the law enforcement agencies, 26 February 2014, pp. 24, 74-76.

very critical of the investigative agencies, mentioning, among other matters, the breaching of laws ([372]).

B. Capacity

2.3.5 Resources

According to 2014 official data the Russian government provided in 2016 to the Council of Europe, 34,294 prosecutors were active in the RF ([373]). On average a Prosecutor's Office at local level consists of about 25-30 deputy prosecutors and administrative staff ([374]).

The budget of the Prosecutor's Offices is reported under the Office of the Prosecutor General ([375]). Each year, the legislature adopts budget allocations for the operations of the Prosecutor's Office ([376]). The total approved budget of the Prosecutor's Office in 2010 was 934 million Euro, in 2012 it was 1.1 billion Euro, and in 2014 it was 1.3 billion Euro ([377]). The share of expenses for payment of salaries is, on average, 75-80 %. The salary of prosecutors is linked to the salaries of judges. When the salaries of the judges are increased, so are those of the prosecutors ([378]).

2.3.6 Qualification and training

Prosecutors of the subjects of the RF must have a law degree, be older than 30 years and have at least worked for the Prosecutor's Office for seven years. Local prosecutors must have a law degree received under a state-accredited training programme, be older than 27 and have worked for the Prosecutor's Office for at least five years ([379]).

The Prosecutor's Office provides initial training for new recruits, followed by a general in-service training ([380]). The Prosecutor's Office has its own academy for training, which falls under the authority of the Prosecutor General's office ([381]). The Academy of the Office of the Prosecutor General of the RF has its main department in Moscow and several branches in other regions. The main aims of the academy are to increase the qualification of members of the Prosecutor's Office and prepare them

([372]) Public Verdict Foundation, Working papers on the reform of investigation in Russia (Volume 2), 30 November 2013, pp. 13-17; Prosecutor General's Office of the RF, About the state of law and order in 2013 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 29 April 2014; Prosecutor General's Office of the RF, About the state of law and order in 2014 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation, 29 April 2015.
([373]) CoE-CEPEJ, European judicial systems Efficiency and quality of justice - Edition 2016 (2014 data), 6 October 2016, p. 134.
([374]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 88.
([375]) Cooper, J., The Funding of the Power Agencies of the Russian State, 2007.
([376]) CoE-CCPE, Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services, 7 February 2012, p. 5.
([377]) CoE-CEPEJ, European judicial systems Efficiency and quality of justice - Edition 2016 (2014 data), 6 October 2016 p. 58.
([378]) CoE-CCPE, Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services, 7 February 2012, p. 6.
([379]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Articles 15.1, 16.1, 40.1.
([380]) CoE-CEPEJ, Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", 17 September 2014, p. 294.
([381]) Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, pp. 62-63; CoE-CEPEJ, Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", 17 September 2014, p. 295.

for their work. They also provide scientific and methodological support for the activities of the Prosecutor's Office ([382]).

C. Integrity

2.3.7 Political independence / appointment

Under federal law the Prosecutor's Office is an independent state organ ([383]). The NGO Penal Reform International notes that 'the executive controls the appointment of the prosecutors and is, thus, in a position to affect the decisions taken by them' ([384]).

The Prosecutor General is appointed for a term of five years ([385]) by the Council of the Federation upon nomination by the President and can be dismissed following the same procedure ([386]). Because of his broad powers, the appointment procedure is highly politicised ([387]). Officially, the Prosecutor General is accountable to both the President and the Council of the Federation ([388]). The Prosecutor General can nominate to the President candidates for his or her deputies, who are then appointed according to the same procedure ([389]).

Since 2014, the prosecutors of the subjects of the RF are appointed by the President of the RF based on recommendation from the Prosecutor General and with the consent of the relevant subjects of the RF ([390]). The President may dismiss the prosecutors of the subjects of the RF without any consultation of the Prosecutor General or the subjects ([391]).

Lower prosecutors, except for the prosecutors of the subjects of the RF, are appointed and dismissed by the Prosecutor General independently of local consultation ([392]).

Since 2014, prosecutors of all levels are appointed for a term of five years. It can be prolonged for another five years ([393]). Prosecutors who were appointed before 2014 for an indefinite period are now

([382]) Academy of the Prosecutor General's Office of the Russian Federation, Charter of the Academy (Устав Академии), 15 September 2015; Prosecutor General's Office of the RF, The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015, pp. 62-63.
([383]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Articles 4(2) and 5.
([384]) PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, p. 18.
([385]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 12(5).
([386]) KSRF, Constitution of RF, 12 December 1993, Article 129(2); Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 12(1).
([387]) Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p 191
([388]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 12(1).
([389]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 12.1.
([390]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 15.1(1).
([391]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 15.1(2); Maggs, P., Schwartz, O. and Burnham, W., Law and Legal System of the Russian Federation, 14 January 2015, p 191.
([392]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 16.1, Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015.
([393]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Articles 12, 15.1, 16.1

also appointed for a five-year term ([394]). The compulsory age of retirement of prosecutors is 70 years ([395]).

A separate authority composed of prosecutors recruit lower-level prosecutors in the RF. An initial selection of candidate prosecutors will be made based on an interview, psychological tests and the assessment of documents submitted by the candidates. After a trial period of six months, newly recruited prosecutors shall pass initial attestation ([396]).

2.3.8 Loyalty issues

The activities of the Prosecutor's Office are officially governed by the Prosecutor General and no other government bodies can manage or control its activities ([397]).

Some sources mention that the Prosecutor's Office is in practice a part of the presidential power in Russia. The academic Irina Dzhidzalova writes that the President may give instructions directly to the Prosecutor General ([398]). Also the Dutch Ministry of Foreign Affairs mentions that the Prosecutor's Office in Russia cannot be considered as independent from the executive ([399]).

The federal government determines the financial and material-technical resources of the Prosecutor's Office in Russia ([400]). This gives the government some level of influence over the Prosecutor's Office([401]). Furthermore, the SK – a body under the authority of the President – is entitled to investigate allegations of criminal offences committed by prosecutors and open a criminal case against a prosecutor ([402]).

The UN Special Rapporteur on the Independence of Judges and Lawyers remarked that the lack of grounds of dismissal of prosecutors in the law may result in 'undue pressure and influence on prosecutors, in particular from the executive' ([403]).

The NGO Penal Reform International (PRI) notes in 2013 that the 'insufficient level of independence of the prosecutors is also due to the problems posed by the dual responsibility of the Prosecutor's Office for criminal prosecutions and oversight of the proper conduct of investigations'. The source argued that the 'dual responsibility' of the public prosecution for supervision of the lawfulness of investigations and the successful criminal prosecution reduces the incentive to challenge an investigator on the methods on how to obtain evidence, in particular confessions. 'This results in the

([394]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 19-1.
([395]) CoE-CEPEJ, Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", 17 September 2014, p. 324.
([396]) CoE-CEPEJ, Scheme for Evaluating Judicial Systems 2013, Russian Federation, 10 September 2014, pp. 40-41; Council of Europe, CoE-CEPEJ, Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", 17 September 2014, p. 290.
([397]) CoE-CCPE, Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services, 7 February 2012, pp. 2-3.
([398]) Dzhidzalova, I.T, The Prosecutor's Office in the present state structure of Russia, 2014.
([399]) Ministerie van Buitenlandse Zaken, Algemeen ambtsbericht Russische Federatie, July 2014, p. 26.
([400]) Dzhidzalova, I.T, The Prosecutor's Office in the present state structure of Russia, 2014; CoE-CCPE, Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services, 7 February 2012, p. 5.
([401]) Dzhidzalova, I.T, The Prosecutor's Office in the present state structure of Russia, 2014.
([402]) Dzhidzalova, I.T, The Prosecutor's Office in the present state structure of Russia, 2014.
([403]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 15.

failure to initiate and conduct prompt, impartial and effective investigations into allegations of torture or ill-treatment' ([404]).

IRL explains that the prosecutor designated to present a criminal case in court will receive a completed file from his or her superior, without the possibility to alter or add anything to the investigation ([405]). In practice, staff members of the Prosecutor's Office work with the same judges, promoting a culture of cooperation between judge and prosecutor ([406]). Also, many judges are former prosecutors or law enforcement personnel ([407]). According to IRL, in regions with a high degree of corruption and a weak culture of rule of law, judges and prosecutors will consult and decide together on the conclusion of a case. The Prosecutor's Office also puts pressure on the court to tolerate faulty police investigations. This contributes to the accusatory bias of the Russian criminal system and reduces the role of the Prosecutor's Office as protector of citizens' rights in criminal proceedings ([408]).

According to different sources, the Prosecutor's Office has a disproportional influence on the outcome of criminal proceedings; judges often directly adopt the point of view of the Prosecutor's Office as they give reportedly more weight to the prosecutor's arguments than those of the defence ([409]). This situation is structurally enforced by the fact that prosecutors and judges interact a lot, which means judges are much closer to the prosecutor than to the defence ([410]). The International Commission of Jurists (ICJ) adds that 'judges may face consequences, including dismissal, if they are not perceived as being "attentive'" enough to the prosecution's demands' ([411]). Judges get a negative evaluation for a high share of decisions overturned by superior courts and prosecutors systematically appeal decisions that do not satisfy them ([412]).

The Russian NGO Committee for Prevention of Torture reports that, under the law, the prosecutor has the mandate to protect citizens' rights. The level of engagement of the prosecutor depends on the subject of a complaint. The Prosecutor's Office works with relative effectiveness when the case does not involve law-enforcement activities or actions of high-ranking officials. Typical examples of effective prosecutor action are cases dealing with school or preschool centres' conditions (food, heating) or the violation of citizens' rights committed by municipal structures ([413]).

([404]) PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, p. 19.
([405]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 10.
([406]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 10-11.
([407]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 6-7.
([408]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 10-11.
([409]) Ministerie van Buitenlandse Zaken, Algemeen ambtsbericht Russische Federatie, July 2014, p. 26; ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, p. 16; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 11; IRL and KGI, Russian Investigator – 12 empirical facts, 15 June 2015, p. 7.
([410]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, p. 130; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 11.
([411]) ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, p. 16.
([412]) Paneyakh, E., Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege, 2014, p. 130.
([413]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015.

2.3.9 Code of conduct

According to the law on the Prosecutor's Office, staff members who do not perform their job or fail to perform it properly, may be subject to disciplinary measures by their superior officers, namely a remark, a reprimand, a severe reprimand, a demotion of rank, a loss of a rank of honour, a service note (warning of incomplete compliance with service qualification) and dismissal ([414]).

IRL mentions that the Prosecutor's Office does not publish its internal regulations and orders on the evaluation of its staff and subdivisions. Such information can thus only be obtained from secondary sources. IRL states that the internal evaluation of staff members relies on quantitative indicators, even if it is less stringent than for example within the police. Supervisory prosecutors, for example, will be evaluated on the following main indicators: number of decisions taken to open a criminal case, number of cases sent to court after the investigation was concluded with an indictment and number of pre-trial procedural decisions. According to IRL, this quantitative evaluation adds pressure to the work of the Prosecutor's Offices and, apparently, little has been done to change it ([415]).

IRL mentions that at the local level, the Prosecutor's Offices have targets to conduct a certain number of checks and inspections when supervising the activity of the police and the investigating agencies within a given time. IRL adds that the Prosecutor's Offices are responsible, along with other criminal justice actors, for the registered crime rate and the rate of solved cases. Therefore, the Prosecutor's Office shares the interest to avoid 'unsolvable' cases and keep certain cases from registration. This minimises the probability that a particular violation will be identified during the prosecutor's check ([416]). Still according to IRL, superficial supervision of the investigation by the prosecutor results in low-quality indictments being submitted to the trial prosecutors. They, in turn, are evaluated based on the number of successful prosecutions, and are thus motivated to push weak indictments to a conviction ([417]).

2.3.10 Possibility to complain against a prosecutor's action

According to the Russian NGO Committee for Prevention of Torture, citizens can complain about a prosecutor's performance to a higher-ranking prosecutor, to the region's prosecutor or to the Prosecutor General. Any action or document delivered by a prosecutor can be challenged in court. Where there are no political interests involved, the courts tend to be quite independent in the evaluation of prosecution activities and deliver well-founded judgements ([418]).

The academic Mariya Shklyaruk ([419]) mentions that, given its specific place in the criminal procedure, the Prosecutor's Office can easily block criminal cases against members of its own staff. It may find flaws in a criminal case against members of its own staff and refuse approval to send it to court ([420]).

([414]) Pravo.gov.ru, Federal Law No. 2202-I "On the Prosecutor's Office of the Russian Federation", 17 January 1992, Article 41.7

([415]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 10, 17-18; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 88.

([416]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, p. 10.

([417]) IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary, 2013, pp. 17-19; IRL and KGI, Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3, October 2012, p. 89.

([418]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015.

([419]) Mariya Shklyaruk started her career at the police and the Prosecutors Office. After further studies in Russia and Germany, she became a researcher at IRL.

([420]) KGI, Who needs the current reform of the law enforcement organs and why all instances will be against, 18 November 2013.

2.3.11 Corruption

The Russian analytical centre Levada-Center conducted a poll in September 2014 on the perception of corruption in government agencies. On the issue of corruption at the Prosecutor's Office, 25 % of the respondents replied that its staff was 'most corrupt', 37 % said they were 'averagely corrupt' and 18 % believed they were 'least corrupt' ([421]).

As stated in 2.2.1 SK, Background, and according to the head of Agora, settling a case with bribes, especially criminal cases, can be 'resolved' through negotiations with investigators and the prosecutor before the case reaches the courtroom ([422]).

On 1 November 2016, the Investigative Committee announced it had started a criminal investigation against the former prosecutor of Leningrad region for bribery ([423]).

2.3.12 Confidence / trust

The Levada-Center conducted a poll in September 2016 on the trust people had in several power government institutions. 24 % of the respondents said they considered the Prosecutor's Office to be fully trustworthy, 38 % did not consider it entirely trustworthy and 19% considered it untrustworthy. 19 % found it difficult to answer ([424]). Figures from Levada surveys in previous years indicated a higher level of trust ([425]).

In November 2014 the Levada-Center published the result of 10-year research from the Center and the Public Verdict Foundation about relations between society and law-enforcement agencies. One of the questions was: 'Do you think the court and the Prosecutor's Office will protect you if you fall victim to arbitrary police conduct?' 32 % answered that they trusted the courts and prosecutors to protect them, while 30 % said they did not. 6.2 % would definitely trust either institution ([426]).

The Russian NGO Committee for Prevention of Torture estimates the level of trust of the population in the prosecutor to be quite high. People apply to prosecutors quite often. There is no limitation on addressing the Prosecutor's Office and submit an application[427].

In 2014, Irina Nikova, magister of the Academy of the Prosecutor General, declared that complaints and requests from citizens constituted a considerable amount of the workload of the Prosecutor's Office. According to Nikova, the number of petitions to state organs increased in each of the last consecutive years showing that people make use of the tools to protect their rights, including complaints to the Prosecutor's Office ([428]).

([421]) Levada-Center, Corruption in the system of state authorities, 18 November 2014.
([422]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([423]) SK, Probe launched against former prosecutor of Leningrad Region, 1 November 2016
([424]) Levada-Center, Institutional trust, 13 October 2016.
([425]) Levada-Center, Institutional trust, 16 October 2015; Levada-Center, Trust in the power institutions, 13 November 2014.
([426]) Levada-Center, Why did they start to like the police in Russia?, 7 November 2014.
([427]) Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015.
([428]) Nikova, I. I., Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens, 2014.

2.4 Courts

2.4.1 National courts

A. General

The judicial system of the Russian Federation is established by the Constitution of the RF and the Federal Constitutional Law "On the judicial system of the Russian Federation" of 31 December 1996 ([429]).

The Russian legal system follows the civil-law tradition, with some important differences. For example, the recognition of non-Civil Code-based legal orders, and – among other particularities – the important role of the public prosecutor ([430]).

In the 1990s the justice system was reformed, with the aim of enhancing the independence of judges from the executive and political influences ([431]). Despite numerous reforms, the lack of independence of the judiciary remains one of the biggest concerns for human rights observers, such as the Commissioner for Human Rights of the Council of Europe ([432]) and the UN Special Rapporteur on the Independence of Judges and Lawyers ([433]).

2.4.1.1 Structure

The Russian court system is divided into constitutional courts at the central and regional level and courts of general jurisdiction, with the Supreme Court of the RF as its highest court. For commercial matters, a separate system of arbitration courts exist ([434]). In 2014, the High Arbitration Court was dissolved and its jurisdiction incorporated into the Supreme Court ([435]).

Courts of general jurisdiction consider criminal, administrative and civil cases under their territorial jurisdiction, and are divided into three levels and the Supreme Court of the RF as the highest instance. The first level is made up of the justices of the peace, which are magistrate judges of the subjects of the RF. They try civil and administrative cases of less complexity and criminal cases where the maximum sentence does not exceed three years. District courts make up the second level; they are federal courts that decide on appeals from decisions by the justices of the peace and are courts of first instance for more serious cases. The third level is federal courts in the subjects of the RF, which are the highest courts of general jurisdiction in the constituent entities. In certain cases they can also act

([429]) KSRF, Constitution of RF, 12 December 1993, Chapter 7; Pravo.gov.ru, Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the judicial system of the Russian Federation", 31 December 1996.
([430]) ICJ, Russian Federation: Legal tradition, 16 June 2014; for the role of the public prosecution see the previous chapter of this report.
([431]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 4.
([432]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 17.
([433]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 6.
([434]) Supreme Court of the RF, Overview of the Judicial System of the RF, n.d; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 8.
([435]) Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.

as courts of first instance ([436]). The majority of all criminal and civil cases are tried by the district courts ([437]).

The Supreme Court of the Russian Federation is the highest judicial instance for civil, criminal and administrative cases. It serves as a court of first instance for cases against high-ranking officials, including the President of the RF. It also decides on economic disputes between federal public authorities and authorities of federal subjects of the RF. As a court of second instance, the Supreme Court hears appeals from decisions of the highest federal courts of the subjects of the RF as well as from military courts. As a court of third instance (cassation), the Supreme Court of the RF reviews the rulings of executive committees of the highest courts in the subjects of the RF and that of the military courts. As the highest judicial body of the RF, it ensures uniform interpretation and application of the laws by the lower courts ([438]).

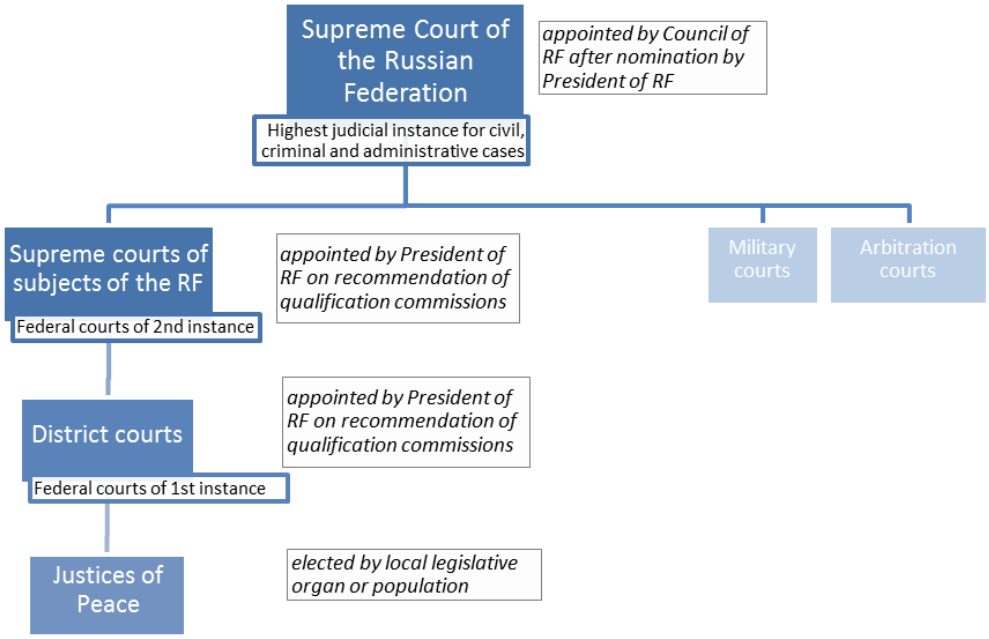


Figure 2: Court structure in the Russian Federation ([439])

([436]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 8-9; ICJ, Russian Federation: Court structure, 16 June 2014; Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.
([437]) Library of Congress, Introduction to Russia's Legal System, 29 April 2016; Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.
([438]) Supreme Court of the RF Information about the Supreme Court, n.d.
([439]) Chart based on information from CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 8-9; ICJ, Russian Federation: Court structure, 16 June 2014; Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.

Arbitration (commercial) courts are courts of special jurisdiction for property and commercial cases[440]. The merger of the Supreme Arbitration Court with the Supreme Court of the RF in 2014 has been criticised as the Arbitration Court had a reputation for effectiveness, transparency and political independence ([441]).

Military courts handle cases concerning servicemen and citizens doing periodic military service. Military courts cover civil, administrative and criminal cases. The Supreme Court of the RF is the final instance for cases that have been tried in military courts ([442]).

B. Capacity

2.4.1.2 Resources

As of 31 December 2015 there were 2,505 federal courts in Russia, comprising of 2,390 courts of general jurisdiction (including 119 military courts) and 115 arbitration courts. Of the 2,390 courts of general jurisdiction, there are 85 supreme courts (including the new federal subjects of Sevastopol and the republic of Crimea) and 2,186 district courts. The number of judges working in the federal courts of general jurisdiction were 22,851 including 16,329 in the district courts and 5,770 in the supreme courts ([443]).

The European Commission for the Efficiency of Justice, a body established within the Council of Europe (CoE), points out that the Russian Federation has a strong density of first instance courts in the Council of Europe area, with 6.5 courts per 100,000 inhabitants in 2014. For comparison, half of the 48 States or entities considered have less than 1.4 first instance courts per 100,000 inhabitants ([444]).

2.4.1.3 Appointment procedure and tenure of judges

Candidates for positions as judge must fulfill the following general requirements: be a Russian citizen, and have a law degree. Judges of the Constitutional Court of the RF have to be at least 40 years old and have at least 15 years of professional legal experience. Judges of the Supreme Court of the RF have to be at least 35 years old and have at least 10 years of professional legal experience. Judges of supreme courts have to be at least 30 years old and have at least seven years of professional legal experience. Judges of district courts and Justices of the Peace have to be at least 25 years old and have at least five years of professional legal experience ([445]). Appointment and selection process of judges are established in the federal law on the status of judges from 1992 ([446]). The age limit for judges is 70 ([447]).

([440]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 9; Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.

([441]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 5; Institute of Modern Russia, Who Shall Judge?, 30 September 2014; Freedom House, Freedom in the World 2014, Russia, 23 January 2014.

([442]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 9.

([443]) Judicial Departement of the Supreme Court of the RF, Report on the activities of the Judicial department of the Supreme Court of the Russian Federation for the year 2015, 29 March 2016, pp. 88-91.

([444]) CoE-CEPEJ, European judicial systems Efficiency and quality of justice - Edition 2016 (2014 data), 6 October 2016, pp. 171-172.

([445]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 “On the status of Judges in the Russian Federation”, 26 June 1992, Article 4.

([446]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 “On the status of Judges in the Russian Federation”, 26 June 1992.

([447]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 “On the status of Judges in the Russian Federation”, 26 June 1992, Article 11.

The Council of the Federation appoints judges of the Supreme Court after nomination by the President of the RF. Other federal judges (e.g. judges of supreme courts of the entities of the RF or district courts) are appointed by the President of the RF on the recommendation of qualification commissions. Justices of the Peace are elected by the local legislative organ or by the population, depending on the local legislation ([448]).

Court presidents are appointed by the President of the RF for six years. The term can be renewed once. The court presidents play an important role in hiring judges, promoting judges and bringing disciplinary actions against judges ([449]). According to the federal law on the status of judges, the president of a court has to approve a judge recommended by the qualification commission (board) for a position on the court. The qualification board can overrule a refusal to accept a particular judge ([450]).

In her report of 2014, the UN Special Rapporteur on the Independence of Judges and Lawyers points to the fact that appointment and nominations of judges by the President of the RF can put the judges under political pressure and influence their behaviour and attitudes. Likewise, the Special Rapporteur criticised the presence of representatives from the President and the legislative power in the qualification commissions ([451]). Both the Special Rapporteur and the Commissioner for the Human Rights of the Council of Europe have recommended that court presidents should be elected by the judiciary and not by the executive ([452]).

The selection process for judges has been criticised for its lack of transparency by the UN Special Rapporteur and the UN Human Rights Committee and the non-governmental International Commission of Jurists (ICJ) ([453]) who highlight that the examination process is often influenced by the president of the court that has the vacancy. This creates the risk that the newly appointed judge will feel a loyalty towards the president of the court. Lack of transparency in the selection process also raises public suspicion. Allegedly, lawyers who wish to work as judges rarely succeed in getting the job because the system favours former prosecutors, court assistants and staff in law enforcement ([454]). The 2015 draft amendments to the procedure of selection of judges were, according to the ICJ, not sufficient to address the deficiencies in the examination process ([455]). The ICJ recommended that judicial candidates be adequately tested on their understanding of the law and judicial ethics, and to

([448]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 6; Supreme Court of the RF, Overview of the Judicial System of the RF, n.d.

([449]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 16.

([450]) CoE-CCJE, Questionnaire for the Preparation of Regulation No. 19 (2016) of the Consultative Council of European Judges (CCEJ): "Role of Presidents of the Court", 2016.

([451]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 6; Qualification commissions/collegia exist at regional and national level and consist of experienced judges, legal experts and a representative of the President of the RF. The commissions play an important role in the appointment, promotion and dismissal of judges.

([452]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 18; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 16.

([453]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 6-7; UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 Apr 2015, p. 7; ICJ, Submission to the Human Rights Committee in advance of the examination of the Russian Federation's seventh periodic report under Article 40 of the International Covenant on Civil and Political Rights, February 2015, pp. 3-6.

([454]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 6-7.

([455]) ICJ, Recommendations on the Draft Federal Law introducing certain amendments to the procedure of selection of judges, 14 April 2015, p. 3.

introduce safeguards against the informal endorsement of candidates and other forms of undue influence in the appointment process ([456]).

Predictable and secure tenure of judges is an important element in ensuring the independence of judges ([457]).There is no limited term of office for federal judges, while justices of the peace are elected for five years, extendable by one term ([458]). The Commissioner for Human Rights in the Council of Europe and the UN Special Rapporteur welcomed the 2009 abolition of the probation period of three years for federal judges ([459]).

2.4.1.4 Training of judges

Regular courses and training for judges and other staff in Russian courts are given at the Russian Academy of Justice. The Academy has regional departments and a law school with approximately 80,000 students. New judges have to take initial practical training and attend mandatory training every three years after that. The Academy is financed by the government and lacks sufficient funding. The access to technology such as video-conferencing is also limited, which hinders the reach of training ([460]). The UN Special Rapporteur has pointed out in her report that, according to some interlocutors, even after attending training at the Academy, judges were reportedly unaware of legislation concerning immigration and refugees, human rights and jurisprudence of ECHR ([461]). However, the sources within the judiciary and civil society who spoke to the Commissioner for Human Rights of the Council of Europe in 2013 reported that there was an increasing knowledge of ECHR case law among judges and that at least 376 judges took part in such training and study tours to ECHR in 2009-2012 ([462]).

2.4.1.5 Use of information technology

There has been a focus on enhancing the use of information technology in the Russian judicial system. Between 2008 and 2010 the budget for the use of information technology was substantially increased ([463]). A federal law in effect since 2010 ([464]) requires courts to publish their decisions online and make information about their activities available to the public. According to the US DoS Investment Climate Report 2016, all Russian courts have the technology to publish a list of scheduled cases, the name of the judge, location of the court, documents that can be used by the parties and copies of decisions

([456]) ICJ, Recommendations on the Draft Federal Law introducing certain amendments to the procedure of selection of judges, 14 April 2015, pp. 3, 5.
([457]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 7; ICJ, Russian Federation: Appointment and promotion of judges; Security of tenure, 16 June 2014.
([458]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 "On the status of Judges in the Russian Federation", 26 June 1992, Article 11.
([459]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 17; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 7.
([460]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 16-17; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 20.
([461]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 16-17.
([462]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 20.
([463]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, 13.
([464]) Pravo.gov.ru, Federal Law No. 262-FZ "On Providing Access to Information about the Activities of Courts in the Russian Federation", 22 December 2008.

([465]). The current federal programme (2013-2020) for the development of the judicial system focuses on management of court records and interconnecting electronic databases of different courts ([466]).

Sources have pointed to shortcomings in this field. In her 2014 report, the Special Rapporteur on the independence of judges and lawyers "regrets that information on all court proceedings at all levels of the court system nationwide is not yet accessible to the public on the Internet" ([467]). The Commissioner for Human Rights of the Council of Europe noted in 2013 that procedures for automated case allocation should be introduced and "strictly and systematically followed" in all courts of general jurisdiction. He also recommends increasing the transparency of the judicial system by providing, among other issues, open access to court decisions and public access to court hearings ([468]).

2.4.1.6 Case allocation and backlogs

In the courts of general jurisdiction, the president of the court assigns cases to individual judges. Experts have highlighted the lack of appropriate procedures, as this system is vulnerable to abuse such as manipulation, corruption, external and internal pressure and interference. For example, a judge could deliberately be allocated too many cases and as a consequence be exposed to disciplinary steps for delay ([469]).

2.4.1.7 Disciplinary system of judges

According to the federal law on the status of judges, judges can be subject to three types of disciplinary actions: notification, warning, and removal ([470]). Removal, or dismissal, implies – in addition to terminating office and salary – an end to judicial pensions and other social benefits ([471]).

The lack of clear criteria for dismissal of judges has been highlighted by international observers as problematic and contributes to undermining the independence of the judiciary ([472]). In practice, judges have been dismissed for their judgments, for instance in high-profile cases when they have ruled against the instructions they had received, or for having high acquittal rates or for releasing suspects from custody ([473]).

([465]) US DoS, 2016 Investment Climate Statement, Russia, 5 July 2016.
([466]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 13.
([467]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 9.
([468]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 14.
([469]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 8; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 14, 16.
([470]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 "On the status of Judges in the Russian Federation", 26 June 1992, Article 12.1.
([471]) ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, p. 16.
([472]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 18; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 18-19; ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, pp. 16-17.
([473]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 10, UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 Apr 2015, p. 7; ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, p. 16.

According to the International Commission of Jurists (ICJ), an average of 40 to 50 judges are dismissed every year in Russia (based on 2012 figures). The number of dismissals of judges is unusually high compared with other European states, even when taking into consideration the size of the country and the large number of judges. In addition, there is evidence to suggest that judges frequently are pressured to resign ([474]). According to ICJ, the high dismissal rate of judges is due to deficiencies in the selection process which leads to appointments of unqualified judges that are later removed through disciplinary sanctions ([475]).

An amendment to the law on the status of judges was passed in 2013, introducing a time limit of two years from the time of the alleged mismanagement until the disciplinary action against the judge. The lack of such a time limit had created insecurity for judges as it enabled authorities to keep compromising material and use it later to put pressure on judges ([476]).

2.4.1.8 Reforms/new legislation

From 2002-2011, two federal reform plans (2002-2006 and 2007-2011) for the judiciary were introduced. The reforms focused on raising judges' salaries, improving their working conditions and modernising the system of administration, court buildings and technical equipment. Efforts to make the courts more transparent were also carried out. Several laws and amendments were passed during the implementation of the reform ([477]). The current federal programme (2013-2020) for the development of the judicial system focuses on the implementation of judicial decisions, the development of legal assistance and access to justice ([478]).

The 2015 federal law on the Administrative Court Proceedings Code (ACPC) of the Russian Federation ([479]) entered into force on 15 September 2015 ([480]). The ACPC determines procedures for consideration of administrative cases at the Supreme Court and at courts of general jurisdiction. Many of the rules in the ACPC are taken from the Civil Procedure Code. The main changes are the following: possibility to file a claim in a fast-track procedure, presentation of court documents in electronic form, enforcement orders in electronic form and simple court proceedings without an oral hearing ([481]).

2.4.1.9 Caseload

According to a 2012 study by Kathryn Hendley of the University of Wisconsin, the Russian judicial system is overloaded with cases and the number has only increased over the years. Judges across the jurisdictions complain of overwork. Data for the courts of general jurisdiction show that the total

---

([474]) ICJ, Securing justice: the disciplinary system for judges in the Russian Federation, December 2012, pp. 8-9; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 10; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 18; UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 Apr 2015, p. 7.

([475]) ICJ, Recommendations on the Draft Federal Law introducing certain amendments to the procedure of selection of judges, 14 April 2015, p. 2.

([476]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 10; ICJ, Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014, p. 18.

([477]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 5.

([478]) CoE-CEPEJ, Recent Significant Developments in the Judicial Field in the Russian Federation, July 2015, p. 1.

([479]) Pravo.gov.ru, Administrative Court Proceedings Code of the RF No. 21-FZ, 8 March 2015.

([480]) Sirota & Partners, New Administrative Procedure Code Introduces Collective Redress and Accelerates Court Procedure, 17 September 2015.

([481]) Lexology, The Administrative Court Proceedings Code of the Russian Federation is signed into law, 18 March 2015; Sirota & Partners, New Administrative Procedure Code Introduces Collective Redress and Accelerates Court Procedure, 17 September 2015.

number of cases decided in these courts more than doubled between 2000 and 2010. Non-criminal cases increased the most. Data shows that the average justice of the peace decided more than 200 cases per month. The Central region, which includes Moscow, has one of the lowest caseloads per judge, while the caseload in the Far East is the biggest. Hendley refers to a 2012 survey among 759 judges (43 % of them were from justices of the peace courts) showing that respondent judges received 30 new cases every week ([482]).

During his 2013 mission to Russia, the Commissioner for Human Rights of the Council of Europe heard that judges have 45–80 minutes to work on deciding each case. Judges are also under pressure to finish proceedings within time limits ([483]). In 2010, the then President Dmitry Medvedev issued an order to identify measures to reduce the workload of judges ([484]).

However, Hendley argues the above data are somewhat misleading as they fail to distinguish between simple and complex proceedings. She points out that the courts of general jurisdiction handle many cases in summary procedures based on pleadings alone as they present no real controversy ([485]). The judge has to review and sign the decision 'judicial order' but the work itself can be done by the court staff ([486]). More than half of the civil cases in the courts of general jurisdiction, and more than 70 % of cases before the justices of the peace between 2008 and 2011, followed a so-called simple procedure. Only 7 % of judicial orders are appealed ([487]).

More up to date information regarding the caseload was not available at the time of publication.

C. Integrity

2.4.1.10 Fair trial

The UN Special Rapporteur on the Independence of Judges and Lawyers expressed concern about the lack of presumption of innocence in Russian courtrooms. Firstly, defendants are separated from the rest of the participants of a court case by sitting in a metal cage or in wooden boxes. Secondly, only about 1 % of criminal cases result in an acquittal. Under pressure from prosecutors and investigators, judges prefer to ignore the poor quality of investigations than face the negative impact of an acquittal ([488]).

The UN Special Rapporteur also expressed concern about a lack of clear criteria for the selection of expert witnesses. In some instances, representatives of so-called traditional religious groups were invited to give testimony in cases involving religious literature by non-traditional religious groups ([489]). Furthermore, according to the head of the Russian NGO Agora, judges in Russia tend to quite readily 'delegate' responsibility in a case to others, rather than rely on their own independent judgment. A statement given by an expert witness is usually considered as the 'truth'. The same applies for statements made by the prosecutor or by the prison administration against the early release of a prisoner ([490]).

([482]) Hendley, K., Too Much of a Good Thing? Assessing Access to Civil Justice in Russia, 19 September 2012, pp. 4-8.
([483]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 19-20.
([484]) Hendley, K., Too Much of a Good Thing? Assessing Access to Civil Justice in Russia, 19 September 2012, p. 8.
([485]) Hendley, K., Too Much of a Good Thing? Assessing Access to Civil Justice in Russia, 19 September 2012, pp. 10-11.
([486]) Hendley, K., Too Much of a Good Thing? Assessing Access to Civil Justice in Russia, 19 September 2012, pp. 10-11.
([487]) Hendley, K., Too Much of a Good Thing? Assessing Access to Civil Justice in Russia, 19 September 2012, pp. 11-12.
([488]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 11.
([489]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 25-26.
([490]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.

Although this is rare, the media reported several cases in 2016 where Russian courts annulled a conviction and remanded for retrial ([491]). In the case of opposition politician, Alexandr Navalny, the court refused to convert a suspended sentence into a prison sentence ([492]).

Both the Special Rapporteur on the Independence of Judges and Lawyers and the Commissioner for Human Rights of the Council of Europe state there is no equality of arms during the investigation and in the courtroom. There are, for example, complaints that lawyers don't have access to material and evidence in the same way as the prosecution does, that lawyers have limited time to examine evidence put forward by the prosecution, and that there have been difficulties in safeguarding the presence of defence witnesses at trial ([493]).

2.4.1.11 Independence of the judiciary

The independence of the judiciary is regulated in the federal law on the status of judges ([494]). The US DoS cites the Presidential Council for the Development of Civil Society and Human Rights as stating in 2013: 'In practice [judges] do not possess genuine, as opposed to declaratory, independence. The powers of a judge who does not agree to carry out the requests may be prematurely terminated. In such a situation, the conscientious judge is subject to pressure from within the judicial system and has no chance of defending his or her own rights' ([495]).

As discussed in 2.4.1.3 Appointment procedure and tenure of judges, the appointment procedures of court staff is an obstacle to judicial independence, as presidents of the court have an inordinate influence over individual judges. Court presidents, in turn, are hardly independent from the executive that elects/appoints them ([496]).

In some regions, especially in small or remote places, there is a close relationship between the region's executive power, the prosecutor and the judges ([497]). According to several sources, judges receive instructions from court presidents on how to rule. Especially at the local level, many court presidents have strong ties with the political authorities. Judges have little possibility to defend themselves against this interference by court presidents ([498]). According to ICJ judges often do not even need to be instructed in a certain case, as they know from experience which outcome is expected[499].

([491]) Caucasian Knot, Kurman-Ali Baichorov is at large, 15 February 2016; RFE/RL, Russia Acquits 'Primorsky Partisans' Of Murder In Retrial, 20 July 2016.
([492]) RFE/RL, Moscow Court Upholds Navalny's Suspended Sentence, 1 August 2016.
([493]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 11. CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 23.
([494]) Pravo.gov.ru, Law of the Russian Federation No. 3132-1 "On the status of Judges in the Russian Federation", 26 June 1992, Article 9.
([495]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([496]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 7-8; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 16-17.
([497]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 6.
([498]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 7-8; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 16-18; Russian Federation: Independence and impartiality; ICJ, Judicial integrity and accountability, 16 June 2014.
([499]) ICJ, Judicial integrity and accountability, 16 June 2014.

This practice, known as 'telephone justice' ([500]), is particularly common in two kinds of cases: terrorism-related cases and cases related to freedom of expression and peaceful assembly ([501]).

The law requires judicial approval of warrants, seizures, searches and detentions. According to the US DoS, judicial decision-making in these cases is subject to political pressure and bribery ([502]).

Experts on the Russian judicial system are of the opinion that many Russian court cases are decided in accordance with the law and with no interference from the outside. Interference occurs, however, when important interests of the political and economic elite are at stake ([503]).

According to international observers, the mind-set of the judges themselves can also be a hindrance for independent decision-making: many judges are influenced by the Soviet system and still consider their job to be defending the interests of the state ([504]).

According to Andrei Loshak, a Moscow-based TV and print journalist, the Russian judicial system is furthermore characterised by a fear of acquittal: a former Moscow judge, who was dismissed, claims that a good indicator of the effectiveness of a judge is the number of verdicts that are overturned by higher courts. Of the 90% of the guilty verdicts that he ruled, only 1% was overturned. But from the 10% of the not guilty verdicts he ruled, at least half of them were overturned ([505]). As discussed in 2.4.1.7 Disciplinary system of judges, judges also face disciplinary measures for acquitting defendants ([506]).

Sources report of cases when judges are under pressure of the prosecutor and investigation to issue a guilty verdict. In addition, as mentioned in chapter 2.3 Prosecutor's Office, the defence is not given as much time and access to evidence and material as the prosecutor ([507]).

Additionally, according to the head of the Inter-regional Association of Human Rights Organisations Agora ([508]), the organisational culture in the Russian judiciary is very strong. New judges are influenced by older and more experienced judges. One has to change the organisational culture in order to change the judges ([509]).

([500]) ICJ refers to judges receiving instructions from court presidents on how to rule. The same term is used for "reported attempts by State authorities and private actors alike to exercise control over the judicial system"; see OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 6.
([501]) ICJ, Russian Federation: Independence and impartiality; Judicial integrity and accountability, 16 June 2014.
([502]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([503]) Bowring, B., Justice and Power Politics in Russia, 7 June 2011; Ledeneva, A., Telephone Justice in Russia: an update, May 2011, p. 18-19.
([504]) ICJ, Russian Federation: Independence and impartiality; Judicial integrity and accountability, 16 June 2014; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 15.
([505]) Loshak, A., Corruption, complicity, careerism: the hydra of Russian justice, 18 March 2011.
([506]) OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 10; ICJ, Judicial integrity and accountability, 16 June 2014.
([507]) Transitions Online, Why do Russian judges act that way?, 6 February 2013; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 11.
([508]) Agora provides legal advocacy for victims of suspected human rights abuses by government officials such as police, military and prison officers, with a particular focus on journalists, political activists, bloggers and NGOs.
([509]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.

2.4.1.12 Corruption

According to the US DoS Investment Climate Report, corruption in the judicial system ranges from bribing judges and prosecutors to fabricating evidence ([510]). According to the Global Corruption Barometer in 2013, 84 % of respondents assess that the judiciary is corrupt or extremely corrupt ([511]).

The Bertelsmann Stiftung states that entrepreneurs perceive the handling of disputes between firms as fair, while cases against state agencies are handled unfairly. The lower courts in particular are influenced by corruption and political pressure ([512]). The phenomenon of raiding (reiderstvo), the illicit acquisition of a business or part of a business, is widespread in Russia([513]).

In 2008, the then President Medvedev introduced several legal reforms aimed at combatting corruption in the courts. They included a law that requires judges to reveal their income and property. According to the US DoS, the overall implementation of the reforms was mixed ([514]).

2.4.1.13 Jury trials

According to Article 30 (2) of the Russian Criminal Procedure Code the defendant in a criminal case can petition a trial by judge and 12 jury members ([515]). The use of jury trials is confined to a limited range of crimes in higher regional courts ([516]). Cases tried by jury include aggravated crimes, racketeering, aggravated bribery and crimes against justice, such as perjury and obstructing a police officer ([517]). Certain crimes, such as terrorism, espionage, hostage-taking and mass disorder, are not heard by juries, but by panels of three judges ([518]). The acquittal rate is much higher for jury trials: while judges acquit less than 1 % of defendants, juries acquit about 20 % ([519]).

The number of jury trials has declined in recent years. The 2015 US DoS report mentions that, according to legal experts this is due to efforts by authorities to reduce the number of acquittals in criminal cases ([520]). In addition, according to Freedom House, verdicts in favour of the defendant are frequently overturned by higher courts, which can ask for retrials until the outcome they wish for is achieved ([521]). Legal experts view jury trials as one of few ways to improve the judicial system ([522]).

The selection process of jurors in Russia has been criticised. According to the UN Special Rapporteur, the selection process should be random, to exclude the possibility of influencing jurors. The circulation

---

([510]) US DoS, 2016 Investment Climate Statement, Russia, June 2016
([511]) TI, Global Corruption Barometer, 2013.
([512]) Bertelsmann Stiftung, Transformation Index BTI 2016 Russia Country Report, p. 11. Bertelsmann Stiftung is the largest private operating non-profit foundation in Germany. It is active in political, social, economic, educational, cultural and health-related issues. Transformation Index BTI provides a ranking with quantitative scores for the performance of 128 developing and transition countries. The index measures the current state of democracy and market economy, its evolution over the past two years and the quality of governance.
([513]) A reiderstvo is 'commonly initiated by a business rival of the firm targeted (…) with the assistance of corrupt actions by law-enforcement officers and courts' namely via the 'use of charges that are either freely invented or examples of the highly selective use of accusations'. Chatham House, Reiderstvo: Asset-Grabbing in Russia, March 2014, pp. 2, 7.
([514]) US DoS, 2014 Investment Climate Statement, Russia, June 2014.
([515]) Pravo.gov.ru, Criminal Procedure Code of the Russian Federation No. 174-FZ, 18 December 2001.
([516]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([517]) Institute for the Study of Conflict, Ideology and Policy, Jury trials in Modern Russia, 28 January 2010.
([518]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([519]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; Institute for the Study of Conflict, Ideology and Policy, Jury trials in Modern Russia, 28 January 2010; OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 12.
([520]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([521]) Freedom House, Freedom in the World 2014, Russia, 23 January 2014.
([522]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 11.

of lists of potential jurors also undermines the principle of random selection of jurors ([523]). The UN Special Rapporteur further indicates that educated and employed citizens tend to ignore the summons as they regard jury duty as not adequately compensated and a waste of time. Thus, individuals more prone to corruption and manipulation are overrepresented on juries. The lack of a requirement for jury verdicts to be unanimous can also make bribery easier ([524]).

2.4.1.14 Confidence / trust

The Levada-Center ([525]) conducted a poll in September 2016 on the trust people had in several power government institutions. 22 % of the respondents answered that they considered the judiciary to be fully trustworthy, 39 % did not consider it entirely trustworthy and 23 % considered it not trustworthy. 16 % found it difficult to answer ([526]). Referring to another Levada-Center poll, the Moscow Times noted, in 2013, that public opinion was that an ordinary Russian would not be given a fair trial if he turned to the courts to solve his problems. Russians are also sceptical of juries: only 23 % believe that this type of trial is fairer than a bench trial ([527]).

Anna Ledeneva, professor at the School of Slavonic and East European Studies at the University College of London, found, on the basis of her own research and polls conducted by the Levada-Center in 2007 and 2010, on the phenomenon of 'telephone justice' in Russia (see 2.4.1.11 Independence of the judiciary), that persons who have had personal experience with the courts are more critical than those who only have an indirect knowledge of the judicial system ([528]).

According to the Commissioner for Human Rights, several of his interlocutors indicated that some of the factors that determine people´s perception of lack of independence and impartiality of judges are the latter's mindset and attitudes, their focus on the interest of the state rather than individual rights ([529]), and the highly politicised nature of high-profile trials such as the one against Mikhail Khodorkovsky and Alexei Navalny ([530]).

2.4.1.15 Implementation of court rulings

OHCHR findings of 2014 indicates that only 50 to 60 % of court rulings in the Russian Federation are implemented ([531]). This lack of enforcement of court decisions is the main reason for filing cases against the Russian Federation in the European Court of Human Rights (ECHR) ([532]) [see 2.4.2 European Court of Human Rights – (ECHR)]. The Ministry of Justice is responsible for the implementation of court rulings. The lack of implementation of rulings is reportedly due to heavy workload and serious organisational challenges and corruption ([533]).

([523]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 12.
([524]) Institute for the Study of Conflict, Ideology and Policy, Jury trials in Modern Russia, 28 January 2010.
([525]) Levada Analytical Center (Levada-Center) is a Russian non-governmental research organisation. The Centre regularly conducts sociological research.
([526]) Levada-Center, Institutional trust, 13 October 2016.
([527]) Moscow Times, Russians Distrustful of Judicial System, Poll Says, 31 July 2013.
([528]) Ledeneva, A., Telephone Justice in Russia: an update, May 2011, p. 3.
([529]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 15.
([530]) Moscow Times, Russians Distrustful of Judicial System, Poll Says, 31 July 2013.
([531]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 12.
([532]) ECHR, Russia. Press country profile, December 2016, p. 14.
([533]) OHCHR, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, p. 12.

2.4.2 European Court of Human Rights (ECHR)

Russia became a member of the Council of Europe in 1996 and ratified the European Convention on Human Rights in May 1998 ([534]). The Convention has the status of Russian domestic law ([535]). Individuals can bring complaints about a violation of their rights under the Convention to the European Court of Human Rights (ECHR) after having used all domestic remedies that could provide redress ([536]).

Since 1998, individuals have submitted tens of thousands of claims against the Russian Federation. Most of them are never heard by the ECHR, due to inadmissibility. According to statistics published by the ECHR, by 2015, the Court had received 135,152 complaints from Russian citizens and rendered 2,748 judgements in total ([537]). The same source publishes an automatically generated table listing judgments by violations which indicates that there were 1,720 judgements concerning the RF, out of which 1,612 judgments found at least one violation ([538]).

In 2015 alone, the ECHR dealt with 6,712 applications concerning the RF, declaring 6,552 inadmissible. It decided 116 cases related to 160 applications. In 109 judgments, it identified one or more violations ([539]).

Cases and results concerning Russia will be described below. The overview is divided into "Russian Federation cases" and "North Caucasus cases".

2.4.2.1 General impact on court practice

According to a lawyer working for Memorial, between 2012 and 2015 the Supreme Court referred to international law in administrative cases only once when individuals brought appeals on points of law. This does not include criminal cases and cases on administrative offences ([540]).

In July 2015, Russia's Constitutional Court ruled that, in exceptional cases, its national laws can take precedence over decisions of the ECHR that conflict with the constitutional values of the Russian Federation ([541]). This judgment from the Constitutional Court led to the proposal and subsequently passing of a bill on 15 December 2015 according to which 'Russia's Constitutional Court should be guided by the principle of "the supremacy and the supreme legal force of the Russian Constitution" when determining if Russia, Russians, or Russian entities should comply with a judgment made by an international court' ([542]).

According to a lawyer working for Memorial, even though the judgment of the Constitutional Court of 15 July 2015 has not formally been used to justify non-compliance, ordinary judges have already displayed active resistance to references to the ECHR ([543]).

In an EU Delegation statement following a decision of the Russian Constitutional Court from 19 January 2017 to disregard a judgment of the ECHR the EU deeply regretted the decision and recalled that "any attempt by a Contracting Party to pick and choose which rulings of the Court it will

([534]) CoE Parliamentary Assembly, Honouring of obligations and commitments by the Russian Federation, 26 March 2002.
([535]) Jordan, P. A., Russia´s Accession to the Council of Europe, March 2003, p. 283.
([536]) ECHR, European Convention on Human Rights, 1950, Articles 34 and 35.
([537]) ECHR, Overview 1959-2015, March 2016, p. 5.
([538]) ECHR, Overview 1959-2015, March 2016, p. 9.
([539]) ECHR, Russia. Press country profile, last updated November 2016, p. 1.
([540]) Memorial, correspondence with lawyer, email response, 3 November 2015.
([541]) EurActiv, Russia overrules the European Court of Human Rights, 14 July 2015; BBC, Russia put its laws above European court rulings, 14 July 2015.
([542]) RFE/RL, Russian Law Allows High Court To Reject International Court Verdicts, 15 December 2015.
([543]) Memorial, email response, 3 November 2015.

implement seriously undermines the unique human rights protection system established by the European Convention on Human Rights" ([544]).

2.4.2.2 Types of cases and results

The most common violations of the European Convention on Human Rights, in all cases regarding Russia, concerned Article 2 with 259 violations of the right to life and 285 violations of the obligation to conduct an effective investigation on those cases. The right to liberty and security (Article 5) with 663 violations identified; Article 6 (fair trial) with 674 violations, and 72 findings of lack of enforcement of court decisions; Article 3 with 50 findings of torture as well as 548 findings of cruel, inhuman or degrading treatment and 152 findings of lack of effective investigation into allegations of ill-treatment; and 390 violations of the right to an effective remedy (Article 13). Ten findings concerned the prohibition of discrimination under Article 14, and 8 findings of infringement of freedom of conscience or religion ([545]).

In 2015, the ECHR found 15 violations of the right to life as well as 20 instances of lack of effective investigation into such violations; 4 violations of the prohibition of torture and 44 related to cruel, inhuman and degrading treatment; 19 violations of the right to fair trial, and 8 instances of lack of enforcement of court orders. In 22 situations, the court found a violation of the right to an effective remedy ([546]).

2.4.2.3 Russian Federation cases (excluding North Caucasus)

Cases submitted to the ECHR from Russian citizens (excluding North Caucasus) concern a range of articles in the European Convention on Human Rights.

The ECHR found violations of Article 8 (right to respect for private and family life) and Article 6 (right to a fair trial/hearing, right of access to court, right to fair trial within reasonable time, right to legal assistance), particularly for the failure to enforce Russian court decisions. Violations of Article 3 (prohibition of torture and inhuman and degrading treatment) included ill-treatment and torture in police custody and the failure to investigate it, extradition of persons wanted by the authorities to countries where there is a risk of torture and ill-treatment, and conditions under which persons have been kept in prisons and in court (metal cage). The Court has found violations of Article 2 (right to life), particularly for the failure of the State to sufficiently investigate the cause of a person's death, and of Article 5 (right to liberty and security) for unlawful detention and excessive length of detention. Violations of Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) have been found, the latter for circumstances such as arrest after participation in various demonstrations, ban on gay pride marches in Moscow and refusal to register a religious organisation. The Court also found violations of Article 13 (right to an effective remedy) ([547]). In 2016, the ECHR found a violation of the right to an individual petition before the ECHR, for failure to comply with an interim measure ordered by the Court ([548]).

In 2004 the ECHR introduced a pilot judgement procedure. This procedure allows the Court to deal with a large number of applications stemming from systemic problems in a given country. The most recurrent issue in applications against the RF, appearing in about one-third of all applications, is the lack of enforcement of domestic court decisions. In a 2009 pilot judgment on this issue (case Burdov

([544]) EU, EUDEL statement on the recent decision of the Russian Consitutional Court to disregard a judgment of the European Court of Human Rights, 1 February 2017.
([545]) ECHR, Overview 1959-2015, March 2016, p. 9.
([546]) ECHR, The ECHR in Facts and Figures, March 2016, p. 11.
([547]) ECHR, Russia. Press country profile, December 2016, pp. 2-14.
([548]) ECHR, Russia. Press country profile, December 2016, pp. 1-5.

No. 2), the Court ordered the introduction of an effective domestic remedy in cases of non-enforcement of domestic judicial decisions. Russia established a mechanism to compensate parties that had prevailed in a civil claim, but where the judgment in their favour had not been enforced. Another pilot procedure was initiated in 2012 regarding conditions of pre-trial detention (Ananyev v. Russia) ([549]).

2.4.2.4 North Caucasus cases

As per September 2015 the ECHR had issued close to 225 judgments on Chechnya in which the Court found one or more violations of the European Convention on Human Rights. Similarly there are cases pending before the court from Dagestan, Ingushetia and other parts of the North Caucasus ([550]).

The North Caucasus cases (from Chechnya, but also Dagestan and Ingushetia) include torture cases, cases of disappearance, cases concerning fair trial, extrajudicial executions and indiscriminate bombardments. In more than 120 judgments concerning disappearances in the North Caucasus since 1999, the Court regularly found violations of the same rights: violations of Article 2 (right to life), Article 3 (prohibition of inhuman and degrading treatment) and Article 5 (right to liberty and security) ([551]). It also noted the 'systemic problem of non-investigation of such crimes, for which there had been no effective remedy at the national level' ([552]).

Memorial, an NGO assisting in preparing and submitting applications to the ECHR, stated in 2014 that today the majority of the cases concern allegations of torture and ill-treatment ([553]). Cases of disappearance, very frequent from 1999 to 2003, are, according to Memorial, less common today. The cases presented by the Russian human rights organisation Committee for the Prevention of Torture are equally divided between allegations of torture and of abduction ([554]).

2.4.2.5 Implementation of ECHR's judgements (state reaction)

Member states of the Council of Europe have to enforce final judgments of the ECHR. The Committee of Ministers ([555]) supervises the implementation of appropriate measures following from the Court's decision. States can decide which measures are best suited to their domestic context but they do have to provide a real remedy ([556]). The Court distinguishes between three types of remedies: 1) monetary compensation, 2) individual measures that serve to redress the particular situation of the victims, such as investigation, restitution, and apologies, and 3) general measures that are designed to prevent the recurrence of the same type of violation ([557]).

([549]) ECHR, Russia. Press country profile, December 2016, pp. 13-14.
([550]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 14.
([551]) ECHR, Russia. Press country profile, December 2016, pp. 12-13; Memorial, correspondence with lawyer, email response, 3 November 2015.
([552]) ECHR, Russia. Press country profile, December 2016, pp. 12-13.
([553]) Memorial, Landinfo´s interview with lawyer, Moscow, 18 November 2014.
([554]) Committee for the Prevention of Torture, Landinfo´s interview with representative, Nizhnyj Novgorod, 17 November 2015.
([555]) The Committee of Ministers of the Council of Europe is made up of representatives of the governments of the 47 member states, and is assisted by the Department for the Execution of Judgments of the Court (Directorate General of Human Rights and Rule of Law).
([556]) CoE - Department for the execution of judgments of the European Court of Human Rights, The supervision process, n.d.
([557]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, pp. 16-17.

According to several sources, Russia has systematically paid compensations to victims who prevailed in the European Court of Human Rights ([558]). The Council of Europe's Commissioner for Human Rights noted in March 2016 that 'the level of implementation of the Court's judgments remains low or non-existent' ([559]), insofar as it regards accountability for cases of disappearances in the North Caucasus.

Julia Lapitskaya, a US-based lawyer studying the ECHR jurisprudence on the Russian Federations found that the Russian practice of swift payment of compensation ordered by the Court 'mask[s] the ways the Russian government has ignored or even actively undermined the goals of the ECHR' ([560]). Another observer, writing for Open Democracy in 2012, commented that '[n]ot a single charge or prosecution has followed from ECtHR cases, even when crimes have been well documented and the individuals identified' ([561]). Also, according to Lapitskaya, victims, their lawyers and human rights organisations supporting them in their presentation of cases before the ECHR are subjected to threats, harassment and intimidation by the Russian government ([562]).

The ECHR ruled on individual and general measures on a number of issues related to the functioning of the justice system: reform of the supervisory review procedure (nadzor ([563])); immoderate use of remand in custody and conditions of detention; access to medical care in custody; actions of the security forces; cases of extradition and lack of implementation of domestic judicial rulings ([564]).

Legal certainty and the process of reviewing court decisions

The Russian government restricted the use of nadzor in the new Code of Civil Procedure from 2002 following ECHR judgments. Further reform addressing this issue followed in 2007 and 2010 ([565]).

Pre-trial detention

In 2012, Russia presented an action plan to improve conditions of detention in pre-trial facilities. Detainees suffering from these conditions would receive compensation, while the planned reforms were adopted ([566]). A specific area of reform was the improvement of access to health care in pre-trial detention, triggered by the death of Sergey Magnitsky in April 2010. The Council of Europe Rapporteur highlighted the death of more than 4,000 persons in pre-trial detention reported by the Prosecutor General's Office for 2012 ([567]). As a positive development, the Russian Federation has started to make use of alternatives to detention during the pre-trial process. However, such cases remain 'negligible' in the context of the large numbers of pre-trial detainees. Concerning the use of remand in custody,

([558]) Washington Post, The rocky relationship between Russia and the European Court of Human Rights, 23 April 2014; Memorial, Landinfo´s interview with lawyer, Moscow, 18 November 2014; Committee for the Prevention of Torture, Landinfo´s interview with representative, Nizhnyj Novgorod 17 November 2014; SRJI, Landinfo´s interview with representative, Moscow, 12 November 2014.

([559]) CoE-CommDH, Missing persons and victims of enforced disappearance in Europe, March 2016, p. 21; see also AI, Russia must respect its international obligations, not defy the European Court of Human Rights, 28 April 2016.

([560]) Lapitskaya, J., ECHR, Russia, and Chechnya: Two Is Not Company, and Three Is Definitely a Crowd, 2011, p. 490.

([561]) Avetisyan, G., Strasbourg: Supreme Court of the North Caucasus, 24 August 2012.

([562]) Lapitskaya, J., ECHR, Russia, and Chechnya: Two Is Not Company, and Three Is Definitely a Crowd, 2011, pp. 503-519.

([563]) Nadzor or supervisory review meant that final and binding judgements in individual's favor could be overturned in the application of certain officials in the prosecutor and judiciary. It was criticized by the Committee of Ministers to undermine the principle of legal certainty.

([564]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 28.

([565]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, pp. 28-29.

([566]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 31.

([567]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 32.

as of 2013 Russian courts still granted more than 90 % of petitions to remand in custody and almost all requests to prolong remand in detention ([568]).

In September 2016, the Committee of Ministers of the Council of Europe noted 'with satisfaction' the progress made in structural reform of pre-trial detention, and that individual measures remained pending only on two of the cases where sufficient redress has still not been realised ([569]).

Enforcement of domestic court decisions

The Commissioner of Human Rights of the Council of Europe in 2013 described the non-enforcement of domestic court decisions as 'a long-standing problem'. In response to an order by ECHR for an effective domestic remedy against lack of implementation of domestic court rulings, Russia set up a domestic compensation mechanism in 2010 to remedy the non-enforcement of domestic verdicts and the excessive length of trials. The Council of Europe Commissioner for Human Rights noted in 2013 that the mechanism applies only to monetary obligations, not to court orders requiring provision of services or restitution. The ECHR has received less such applications as it requires complainants to exhaust the domestic remedy mechanism before turning to the Court. The number of cases on excessive length of judicial proceedings has also dropped ([570]).

North Caucasus cases: lack of investigation and prosecution of murder, ill-treatment and disappearances

In the North Caucasus cases the victims Russia ordinarily pays the compensation it is obliged to pay. According to the NGO Russian Justice Initiative (RJI) and Memorial, after the delivery of an ECHR judgment there is usually no new effective investigation of the case that identifies and prosecutes those responsible. In 2014 Memorial reported that they might be given access to case files after ECHR has given its judgment. The organisation knew of one exceptional judgment from a district court in Chechnya only (in a case concerning landmines where ECHR found Russia to have violated the Convention) in which the judge criticised the investigation that had been conducted in the case. However, the judgment was later overturned by the Supreme Court of Chechnya on appeal from the prosecutor. Memorial also referred to two so-called federal cases that were tried on appeal in the Supreme Court of Chechnya in 2013 after ECHR found Russia had violated the Convention. The Supreme Court of Chechnya concluded not to look into these cases since the involvement of the military was not established, whereas the ECHR had found that the Russian military was responsible for the disappearance ([571]).

In 2013, following the ECHR's ruling in Abdulkhanov and Others v. Russia, related to a military strike on a Chechen village, the Russian Federation recognised a violation of Article 2 and the need for an investigation. This was the first such acknowledgement regarding the Chechen conflict ([572]).

Progress on disappearances remains slow: despite a series of action plans on the subject, the proposed 'single and high-level body' to conduct an inquiry into the fate of the missing from the Chechen wars

([568]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 30.
([569]) CoE- Committee of Ministers, Klyakhin group v. the Russian Federation (Application No. 46082/99), Supervision of the execution of the European Court's judgments, 20-21 September 2016.
([570]) CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 35.
([571]) SRJI, Landinfo´s interview with representative, Moscow, 12 November 2014; Memorial, Landinfo´s interview with lawyer, Moscow, 18 November 2014.
([572]) ECHR, Russia. Press country profile, November 2016, p. 12.

and the counterinsurgency campaign has not been established ([573]). Other projects, such as DNA laboratories, have failed to elucidate the identities of victims of disappearance that had not been already known at the time of the Court's ruling ([574]).

The Council of Europe in particular criticised the lack of investigation and prosecution where 'strong evidence' on the identity of the perpetrators had been presented to the ECHR during its hearing of a case ([575]). The establishment of the 'special investigative unit' within the SK has not resulted in the expected uptake in successful investigations of crimes attributed to law enforcement actors ([576]). Most cases have been suspended or closed because Russian investigating bodies have concluded that the official´s actions have not constituted a criminal offence or grave crime. In the only case of an arrest of suspects following an ECHR ruling (Sadykov v. Russia), charges were then reclassified as lesser offences, allowing the defendants to be amnestied ([577]).

The Committee of Ministers has criticised the use of the statutes of limitation for crimes in Chechnya and other North Caucasus cases. Statutes of limitation has been applied by Russian authorities to drop criminal prosecution against members of security services and law-enforcement agencies. The majority of Chechnya cases concerns incidents between 2000 and 2003, and the statute of limitations would soon end the possibility of holding individual perpetrators criminally accountable. The Council of Europe also considers the application of the statute of limitations in cases of war crimes and other grave human rights offences an 'acceptance of impunity' ([578]).

([573]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, pp. 19-20.
([574]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 18.
([575]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 19.
([576]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 17.
([577]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 19; Avetisyan, G., Strasbourg: Supreme Court of the North Caucasus, 24 August 2012.
([578]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 19.

2.5 Commissioner for Human Rights in the Russian Federation

A. General

The Commissioner for Human Rights in the Russian Federation (upolnomochenny po pravam cheloveka v Rossiyskoy Federatsii)([579]) was established during the transition from communism to a democratic system. It lacked historical, political or cultural roots in the region but emulated institutions (Ombudsperson) that had been established in Western Europe ([580]). The accession of the Russian Federation to the Council of Europe in 1996 provided additional impetus for creating such an office ([581]). The Federal Constitutional Law N 1-FKZ "On the Commissioner for Human Rights in the Russian Federation" entered into force on 4 March 1997. The Law was amended several times, most recently in 2016 ([582]).

2.5.1 Appointment of the Commissioner for Human Rights

The legal basis for the appointment of the Commissioner is provided by the 1993 Constitution which grants the authority to appoint and dismiss the Commissioner for Human Rights to the State Duma ([583]). The President, the Council of the Federation, Duma deputies and deputy associations in the Duma may propose the candidate for the position of the Commissioner to the State Duma ([584]).

The office may be held by a Russian citizen who is at least 35 years old and possesses knowledge in the field of human rights, as well as experience in defending them ([585]).

In 2014 the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) criticised the RF Commissioner's appointment procedure ([586]) for its lack of transparency and 'merit-based selection'. It acknowledged, however, that the then Commissioner, Ella Pamfilova, had been appointed after wide consultations with civil society ([587]).

On 22 April 2016, the State Duma elected Tatiana Moskalkova as the new High Commissioner for Human Rights in the RF ([588]). As reported by the media, the appointment drew criticism as Moskalkova is a retired police general and has no human rights background ([589]). (see 2.5.9 Limited authority under the law)

([579]) Also referred to as Commissioner, High Commissioner for Human Rights, or Ombudsperson.
([580]) Carver, R. and Korotaev, A., Assessing the effectiveness of National Human Rights Institutions, October 2007. p. 4; Cardenas, S., Chains of Justice: The Global Rise of State Institutions for Human Rights, 2014, p. 266.
([581]) High Commissioner for Human Rights in the RF, History, n.d.; CoE-PACE, Opinion 193. Application by Russia for membership of the Council of Europe, 1996.
([582]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997; High Commissioner for Human Rights in the RF, History.
([583]) KSRF, Constitution of RF, 12 December 1993, Article 103(f).
([584]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 7.
([585]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 6.
([586]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 8.
([587]) ICC, Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 27-31 October 2014, October 2014, p. 30-31.
([588]) High Commissioner for Human Rights in the RF, History, n.d.; High Commissioner for Human Rights in the RF, Biography Tatiana Moskalkova, n.d.
([589]) NYT, Russia's New Human Rights Ombudsman Is Former Police General, 22 April 2016; RBTH, Tatjana Moskalkowa wird Russlands Menschenrechts-Ombudsfrau, 2 May 2016; Tagesanzeiger, Vom Vorkämpfer zur Reaktionärin, 1 May 2016.

2.5.2 Mandate

The law mandates the Commissioner to ensure respect for human rights by federal and regional executive bodies and officials ([590]). The office does not examine complaints related to legislative bodies (both federal and on RF subject level)([591]). Acts of private individuals or entities are not mentioned in the mandate.

The Commissioner has no direct power of enforcement ([592]), nor legislative initiative, thus limiting his or her intervention in the law-making process. The Commissioner can make non-binding recommendations to bring legislation into compliance with human rights ([593]). The Commissioner is not entitled to ask the Constitutional Court to examine the conformity of a legislative act with the Russian Constitution; however, he or she may submit complaints regarding the violation of constitutional rights and freedoms ([594]).

Larysa Leszczenko, associate professor at the Institute of International Studies of the University of Wroclaw, explains that Ombudspersons in post-Soviet countries are offices with 'soft powers' rather than enforcement powers. As such, they could not be expected to prevent (or provide adequate redress) for human rights violations. Victims would continue to turn to the ECHR ([595]).

The Commissioner for Human Rights can either act upon his or her own initiative, or following a request or complaint. The Commissioner seizes the initiative in the case of 'mass and gross violations of human rights and freedoms' or to protect persons unable to use legal remedies on their own (disabled persons, the elderly, minors, and prisoners) ([596]). The initiative of the Commissioner is often triggered by media and online publications, or by input received from non-governmental organisations working on the ground ([597]).

2.5.3 Filing a complaint

Any individual can file a complaint with the Commissioner regarding the restoration of rights violated by state agencies, agencies of local self-government, and officials ([598]). A complaint can be filed with the Commissioner in writing, in person or online via the Commissioner's official website ([599]). The complaint must be filed no later than one year from the violation or from the moment the plaintiff became aware of it ([600]). The Commissioner can consider individual complaints only after all other

([590]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 1.
([591]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 16.
([592]) Carver. R., Korotaev, A., Assessing the effectiveness of National Human Rights Institutions, October 2007, p. 15; Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Articles 26, 27, 35.
([593]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 31(1); CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 17.
([594]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 29(5).
([595]) Leszczenko, L., The Ombudsman institution in post-Soviet countries. Genesis - legal status – development, 2011, p. 236.
([596]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 21; High Commissioner for Human Rights in Russia, Frequently Asked Questions, n.d.
([597]) Strategy Saint Petersburg Centre for Humanities and Political Studies, Dealing with complaints from citizens in the apparatus of the Human Rights Commissioner in the Russian Federation, 13 March 2004.
([598]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 15.
([599]) High Commissioner for Human Rights in the RF, How to apply?, n.d.
([600]) High Commissioner for Human Rights in the RF, The requirements for a complaint, n.d.

judicial or administrative remedies have been exhausted ([601]). Personal data of plaintiffs are protected by the 2006 Federal Law on Personal Data ([602]).

It is up to the Commissioner to initiate or refuse to initiate the investigation of a case. The office can advise the complainant on the forms of relief available to address the violation, or forward the complaint to the competent state or self-government bodies. The dismissal of a complaint must be substantiated and cannot be appealed ([603]).

2.5.4 Measures to restore rights and freedoms

After examining a complaint and finding a violation, the Commissioner has the mandate to file for court proceedings, including administrative proceedings, request from the competent authority to initiate disciplinary or administrative measures or a criminal case, request the court or prosecutor to verify a court decision, or address the Constitutional Court with a complaint about the violation of constitutional rights and freedom ([604]).

When investigating a complaint, the Commissioner is entitled to, among other issues: access and investigate federal and regional state bodies and offices as well as any type of establishment, including military units and public associations; receive documents related to the investigation, including the files of any criminal, civil, or administrative case that was closed or never opened; and receive explanations from officials and civil servants, with the exception of judges ([605]). The Commissioner must inform the claimant of the investigation results regarding the complaint ([606]).

2.5.5 Visiting places of detention

The Commissioner has the right to conduct unimpeded visits to places of detention and to request and receive necessary documents and explanations from the administration of penitentiary facilities ([607]). Under a 2015 federal law, the Commissioner is entitled to speak personally with persons deprived of their liberty (providing that the prison administration may observe but not listen to the conversation)([608]).

([601]) PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, p. 20; Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 16.
([602]) Pravo.gov.ru, Federal Law No. 152-FZ "On Personal Data", 27 July 2006.
([603]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 20; Strategy Saint Petersburg Centre for Humanities and Political Studies, Dealing with complaints from citizens in the apparatus of the Human Rights Commissioner in the Russian Federation, 13 March 2004.
([604]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 29; High Commissioner for Human Rights in the RF, Annual Report 2014 of the High Commissioner for Human Rights in the Russian Federation, 6 May 2015, p. 26.
([605]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 23.
([606]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 26.
([607]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 23; PRI, Mechanism for the prevention of torture in nine CIS states: Synthesis Report, 2012, p. 15.
([608]) Pravo.gov.ru, Federal Law No. 76-FZ "On Introducing Amendments to Certain Legislative Acts of the Russian Federation for the Improvement of the Activities of Commissioners for Human Rights"), 6 April 2015; High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, p. 70.

The Commissioner cooperates with the Public Monitoring Commissions ([609]) which perform public monitoring of human rights in places of detention. These commissions operate in 81 subjects of the RF, and 'shall inform the High Commissioner about results of their activities' ([610]).

The NGO Penal Reform International noted that, in addition to the Federal Commissioner's office, some regional commissioner's offices are granted access to penitentiary facilities ([611]).

In 2015, 29 % of individual complaints to the Commissioner were made by prisoners, including on prisons' conditions ([612]).

Sonia Cardenas, Professor of Political Science and former director of the human rights programme at Trinity College in Connecticut, wrote in 2014 that prison authorities had in some cases moved prisoners prior to visits by the Commissioner or had often discouraged them to complain to the Commissioner ([613]). The US Department of State reported for 2015 that prisoners feared repercussions for approaching the Commissioner or the Public Monitoring Commissions with complaints, and would, according to prison reform activists, only file a complaint when they 'believed they had no other option'. US DoS added that the Public Monitoring Commissions often received requests regarding minor personal requests ([614]).

2.5.6 Annual and special report

At the end of each year, the Commissioner prepares an activity report ([615]). The Commissioner may also submit to the State Duma special reports devoted to selected human rights issues. The Commissioner decides whether to make public special reports ([616]).

B. Capacity

2.5.7 Structure and staffing

The Commissioner for Human Rights is supported by an assisting apparatus ([617]). The Commissioner may appoint a Council of Experts consisting of specialists in the field of human and civil rights and freedoms in order to provide consultative support ([618]). The funds for the Commissioner and the assisting body's activities come from the federal budget ([619]).

([609]) Pravo.gov.ru, Federal Law of No. 76-FZ "On Public Monitoring of Human Rights in Places of Detention and on Assistance to Detainees", 10 June 2008.
([610]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, p. 70; US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([611]) PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, pp. 20-21.
([612]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, p. 25.
([613]) Cardenas, S., Chains of Justice: The Global Rise of State Institutions for Human Rights, 2014, p. 324.
([614]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([615]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 33; the Annual Report 2015 was published on 22 March 2016.
([616]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 33.
([617]) High Commissioner for Human Rights in the RF, Structure of the Office of the High Commissioner for Human Rights in the Russian Federation, n.d.
([618]) High Commissioner for Human Rights in the RF, Expert Council, n.d.; High Commissioner for Human Rights in the RF, About the Council, n.d.
([619]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 38.

Individuals also have access to the separate offices of the regional human rights commissioners ([620]). There is no vertical subordination between the regional commissioners and the federal commissioner ([621]). The budget of the regional commissioners comes from the respective constituent entity ([622]).

According to the US DoS, such regional offices existed in all but six of the regions of the RF as of 2015 ([623]). The regional commissioners investigate complaints against regional and local governments and officials, provided that the complainant has previously challenged these decisions in court or administrative proceedings ([624]).

In 2013, the CoE's European Commission against Racism and Intolerance pointed out the inconsistency of the laws governing the work of the regional commissioners, making some of the offices less effective than others ([625]). According to the US DoS, local authorities in 2015 sometimes interfered with the work of the regional commissioners; for example, the St. Petersburg commissioner was threatened due to his stance on the rights of LGBT activists ([626]).

Since 2015, the law foresees consultation of the federal commissioner before appointing or dismissing regional commissioners ([627]). All regional commissioners are members of the Coordination Council of Russian Commissioners for Human Rights ([628]), a platform for cooperation between the commissioners ([629]).

2.5.8 Actual impact

The Commissioner for Human Rights in the Russian Federation received 64,189 requests in 2015, including 38,093 individual complaints ([630]). The numbers have steadily risen since 2013 ([631]). A large percentage of requests pertain to the rights of defendants in criminal and administrative proceedings

([620]) High Commissioner for Human Rights in the RF, Regional commissioners for human rights, n.d.; CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 18.
([621]) CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 18.
([622]) Pravo.gov.ru, Federal Law No. 76-FZ "On Introducing Amendments to Certain Legislative Acts of the Russian Federation for the Improvement of the Activities of Commissioners for Human Rights", 6 April 2015; High Commissioner for Human Rights in the RF, Law on human rights commissioner adopted by State Duma, 27 March 2015.
([623]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; see also CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 18.
([624]) CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 18; Gradskova, Y., Regional Ombudsmen, Human Rights and Women – Gender Aspects of the Social and Legal Transformation in North-West Russia, 2012, p. 85.
([625]) ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 18.
([626]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016; CoE-CommDH, Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013, 12 November 2013, p. 41.
([627]) Pravo.gov.ru, Federal Law No. 76-FZ "On Introducing Amendments to Certain Legislative Acts of the Russian Federation for the Improvement of the Activities of Commissioners for Human Rights", 6 April 2015; High Commissioner for Human Rights in the RF, Law on human rights commissioner adopted by State Duma, 27 March 2015.
([628]) High Commissioner for Human Rights in the RF, Regional commissioners for human rights, n.d.
([629]) See, e.g., High Commissioner for Human Rights in the RF, Coordination Council of Commissioners for Human Rights in North Caucasian Federal District adopted resolution at meeting in Dagestan, 24 November 2016; High Commissioner for Human Rights in the RF, Meeting of Human Rights Commissioners Coordination Council devoted to interaction between authorities and public institutions, 17 June 2016.
([630]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, p. 165.
([631]) High Commissioner for Human Rights in the RF, Annual Report 2014 of the High Commissioner for Human Rights in the Russian Federation, 6 May 2015, pp. 33 -34.

as well as the rights of prisoners ([632]). The Commissioner also dealt with public policies discriminating against ethnic minorities and migrants ([633]).

While the Commissioner handles a high number of complaints each year, the number of cases that 'were documented to have positive outcomes' is much lower. According to the 2015 Activity report, 'action was taken on 36,845 petitions out of 38,093'. The Commissioner received '227 positive responses' from ministries and agencies regarding her recommendations and conclusions, and '5,000 petitions were documented to have positive outcomes following the High Commissioner's actions with the citizens' rights fully restored' ([634]).

The full impact of the work of the Office is difficult to assess at the moment, due to the absence of information on the substantive outcome of the Commissioner's intervention.

2.5.9 Limited authority under the law

The NGO Penal Reform International noted in 2013 that the requirement for an individual to exhaust all other remedies before lodging a complaint with the Commissioner seriously undermines the ability of the Commissioner to effectively intervene as it is unlikely that the very decision-making bodies that have rejected an individual's complaint through all instances of review will change their decision after an intervention by the Commissioner ([635]).

The CoE's European Commission on Racism and Intolerance has criticised the limited capacity of the federal Commissioner to influence legislation. The lack of authority to address violations in the private sector also limits the Commissioner's ability to counteract racial discrimination ([636]).

In terms of general advocacy, the US DoS cited the view of Russian human rights activists that the former Commissioner for Human Rights, Pamfilova, was 'generally effective as an official advocate for many of their concerns, despite her limited authority and a selective approach to the issues she took on' ([637]).

C. Integrity

The Paris Principles, adopted in 1993 by the United Nations General Assembly, are 'a set of international standards' containing recommendations on the role, structure, status and functions of national human rights institutions (NHRI) ([638]). They set out six main criteria for NHRIs: a broad mandate, based on universal human rights norms and standards, autonomy from government, independence guaranteed by statute or constitution, pluralism, adequate resources and adequate powers of investigation ([639]). Since 2008, the Commissioner in the Russian Federation has received 'A' level accreditation (full compliance with the Paris Principles) issued by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) ([640]).

([632]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, pp. 24-25.
([633]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, pp. 101-107.
([634]) High Commissioner for Human Rights in the RF, Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016, p. 166.
([635]) PRI, National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013, p. 20-21.
([636]) CoE-ECRI, ECRI Report On The Russian Federation (fourth monitoring cycle), 15 October 2013, p. 17; see also White, S.; Understanding Russian Politics, 2011, p. 348.
([637]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([638]) OHCHR, Paris Principles: 20 years guiding the work of National Human Rights Institutions, 30 May 2013.
([639]) ICC, ICC Sub-Committee on Accreditation (SCA), n.d.
([640]) ICC, Chart of the Status of National Institutions. Accreditation status as of 5 August 2016, 5 August 2016, p. 7.

The Federal Law protects the independence and neutrality of the Commissioner for Human Rights. The Commissioner is irremovable for the duration of the term of appointment, except for serious shortcomings in the ability to perform the functions of the office ([641]), including during state of emergency or martial law ([642]). The Commissioner may not be held criminally or administratively responsible in court proceedings without prior consent of the State Duma ([643]).

In the exercise of his or her powers, the Commissioner for Human Rights is, under the law, independent and unaccountable to any state agencies and officials ([644]). The Commissioner shall be guided by the Constitution and other laws of the RF as well as by commonly recognised principles and norms of international law and by international agreements concluded by the RF ([645]).

The law prohibits the Commissioner from holding a political position or carrying out government functions, or, with the exception of research and teaching, from partaking in another activity. Furthermore, the Commissioner does not have the right to engage in political activities or to be a member of a political party or association with political goals ([646]). Despite the restrictions on political activities, two former Commissioners were reportedly members of a political party ([647]). As mentioned above, media sources note that the new Commissioner for Human Rights, appointed in 2016, is a retired police general and has no human rights background ([648]). As State Duma deputy of the Just Russia party ([649]), she has introduced the law on banning NGOs as 'foreign agents' and the criminalisation of acts against public morality ([650]). In her first remarks upon her appointment, she reportedly declared her office would have tools to 'counteract' the misuse of human rights for Western propaganda ([651]).

Staff members of the Commissioner's Office must exercise their functions in accordance with the Code of Conduct for civil servants or face disciplinary measures, up to and including dismissal ([652]). According to the Federal Law 'On Countering Corruption', all civil servants must provide information on their income, property and property obligations ([653]). The officials' information is available on the website of the Commissioner ([654]). The average salary of the employees of the Office of the Commissioner is

([641]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Articles 2, 13.
([642]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 4.
([643]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 12.
([644]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 2.
([645]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 2.
([646]) Pravo.gov.ru, Federal Constitutional law No 1-FKZ "On the Commissioner for Human Rights in the Russian Federation", 26 February 1997, Article 11.
([647]) White, S.; Understanding Russian Politics, 2011, p. 347.
([648]) NYT, Russia's New Human Rights Ombudsman Is Former Police General, 22 April 2016; RBTH, Tatjana Moskalkowa wird Russlands Menschenrechts-Ombudsfrau, 2 May 2016; Tagesanzeiger, Vom Vorkämpfer zur Reaktionärin, 1 May 2016.
([649]) EPRS, Human rights in Russia No light at the end of the tunnel, September 2016, p. 3; Russia Direct, Making sense of Russia's strange new choice to defend human rights, Russia Direct, 27 April 2016.
([650]) Russia Direct, Making sense of Russia's strange new choice to defend human rights, Russia Direct, 27 April 2016.
([651]) Russia Direct, Making sense of Russia's strange new choice to defend human rights, Russia Direct, 27 April 2016.
([652]) High Commissioner for Human Rights in the RF, Procedures for entry into the civil service, n.d.; Pravo.gov.ru, Federal Law No. 79-FZ "On the State Civil Service in the Russian Federation", 27 July 2004.
([653]) Pravo.gov.ru, Federal Law No. 273-FZ "On Countering Corruption", 25 December 2008, Article 8.
([654]) High Commissioner for Human Rights in the RF, Information about income, expenses, assets and liabilities of material nature), n.d.

well within the range of average government salaries ([655]) and well above the overall monthly salary in the RF ([656]).

According to the Commissioner's official website, the Levada-Center published an opinion survey on 12 February 2015 ([657]). According to the Commissioner, the survey shows that there was 'a significant increase in the index of public confidence in the institute of the Human Rights Commissioner in Russia' ([658]).

([655]) RG, The salaries of officials increased by 3,5% in the first half of 2016, 18 August 2016.
([656]) Moscow Times, Russians Require Minimum Monthly Income of $350, Poll Shows, 12 August 2015; Moscow Times, Russians' Average Salary On Par With Kazakhstan, 24 May 2016.
([657]) High Commissioner for Human Rights in the RF, Confidence in institute of human rights commissioner significantly increased, 12 February 2015. For the original survey see Levada-Center, The role of social institutes, 12 February 2015.
([658]) High Commissioner for Human Rights in the RF, Confidence in institute of human rights commissioner significantly increased, 12 February 2015; For a comparison of 2014 and 2015 figures, see Levada-Center, Public opinion – 2014, 2015, p. 85.

2.6 Vulnerable groups

This section gives a brief overview of the approach of authorities and the judiciary to complaints by members of minorities and women.

2.6.1 Ethnic and religious minorities, migrants

SOVA, a monitoring centre for extremism in the Russian Federation, informed the Danish Immigration Service and the Danish Refugee Council in 2012 that persons from Central Asia are most vulnerable among minorities in Russia to become victims of racially motivated hate crimes ([659]). SOVA explains this vulnerability with the perception of Central Asians as easy targets ([660]): their social status was low and 'without the necessary papers [they] would in general not report to the police and in many cases would be unsuccessful if [they] did' ([661]).

In 2015, SOVA recorded 38 victims of ethnically motivated attacks, which is a decrease compared to 101 victims in 2014. SOVA attributes this reduction to a more robust law enforcement approach to groups on the ultra-right ([662]).

Investigation into and prosecution of attacks against ethnic and religious minorities

Traditionally, police have been reluctant to investigate crimes against ethnic and religious minorities. This tendency, however, has somewhat changed in the past few years. SOVA lists 12 cases initiated against members of right-wing groups in 2015, which it considers 'most resonant'. However, the government's aggressive measures against these groups, says SOVA, may be motivated to a large extent by the regime's fear these groups could become too powerful ([663]).

The head of SOVA stated in 2012 to the Danish Immigration Service that the anti-extremism department under the MVD was efficient in investigating particularly neo-Nazi groups, which led to an increase in convictions of neo-Nazis. Such crimes were now also labelled as racially motivated or hate crimes, compared to previous practice of labelling them as hooliganism ([664]). However, the intensity of targeting anti-extremist activity depended on the regional department of the MVD. Other groups were also labelled as extremist, such as peaceful religious groups and members of the political opposition ([665]). In a 2015 report SOVA pointed to the more recent trend of prosecutions of racist speech rather than violent hate crimes by neo-Nazi groups ([666]).

([659]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, pp. 12.
([660]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 13.
([661]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 14.
([662]) SOVA; The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015, 8 April 2016.
([663]) SOVA; The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015, 8 April 2016.
([664]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 14., pp. 12-14.
([665]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 14.
([666]) SOVA, Calm Before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2014, 21 April 2015.

SOVA explained it was easier to find evidence of racist propaganda through the Internet and social media than to identify the perpetrators of a violent attack. Because there is a pressure to report on solved crimes, the investigators tend to focus on propaganda cases ([667]).

Court proceedings

In 2014, as reported by the US DoS, courts convicted individuals of using propaganda to incite ethnic hatred ([668]). SOVA reported that in 2015 the number of convictions for racist violence was noticeably higher. Sentences have also become more severe and often penalise speech and expression ([669]). According to the US DoS, at least 12 convictions for such crimes were reported by July 2015, the same as in 2014, marking an 'end to a downward trend in convictions' ([670]).

Concerning the treatment in the judicial system of people from the Russian North Caucasus region, several sources of the Danish Immigration Service in 2012 were of the opinion that people with non-ethnic-Russian backgrounds tend to be punished harder for the same crime compared to ethnic Russians ([671]). However, HRW and a representative from a Western Embassy cautioned against a general assumption of 'legal discrimination' against criminal defendants from the North Caucasus; any such conclusion should result from a reliable analysis of sentencing statistics that show, for example, Chechens receiving more severe penalties than ethnic Russians for the same criminal offence ([672]). HRW would characterise policing of Chechens rather as 'ethnic profiling' ([673]). Several sources point to the risk of fabricated charges against persons from the North Caucasus ([674]).

According to the Russian NGO Agora, one cannot exclude that judges are prejudiced against ethnic groups but such prejudice is in general not a widespread phenomenon ([675]).

The head of the Civic Assistance Committee (CAC), Svetlana Gannushkina, believes that court cases on migration were managed poorly in the judicial system. Like Agora, Gannushkina also said that while one could not exclude an element of discrimination in these cases, the main reason was that the judiciary was implementing the strict migration policy of the authorities. As an example, Gannushkina points to a migration case in which the CAC has been involved, concerning an Egyptian Copt. The judge assigned to the case expressed openly that it was a political decision not to recognise migrants, and that she could not make a decision that would go against the will of the authorities. In addition, according to Gannushkina, the judicial system does not work well in cases where complaints are made against decisions of the authorities ([676]).

2.6.2 Political opposition, critics of the government

According to SOVA, authorities use the provisions on extremism in the Russian Criminal Code (§ 280, § 280.1 and § 282) to wrongfully prosecute persons who have been critical of the authorities, either

([667]) SOVA, Seminar on ultra-nationalism in Russia, Oslo September 2013.
([668]) US DoS, 2014 Country Report on Human Rights Practices, 25 June 2015.
([669]) SOVA; The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015, 8 April 2016.
([670]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016
([671]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, pp. 22-24, 28.
([672]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 24
([673]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, p. 24.
([674]) DIS and DRC, Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases, August 2012, pp. 24-28.
([675]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([676]) CAC, Landinfo's interview with Svetlana Gannushkina, Oslo 6 October 2015.

online or in other settings. This includes members of the following groups: nationalists, religious activists, political activists and in some cases labour union activists and environmentalists ([677]).

HRW and the Russian NGO Agora explained that if the prosecutor succeeds in bringing such a case to a court, the probability of a conviction is high. Agora stated government critics and members of the opposition usually do not win court cases because of their political position ([678]). According to HRW, such cases are, however, often closed due to lack of criminal matter ([679]).

It is quite common that persons who have been convicted of such offences appeal the case to a higher court ([680]). SOVA told the Norwegian COI Centre Landinfo that there were only a few acquittals in such cases and appeals against convictions were rarely successful ([681]). Extremism-related crimes have been a priority for the police and there is a pressure from the authorities to solve such crimes. According to SOVA the courts usually support the prosecutor and the courts of appeal usually support the decisions made by the lower courts ([682]).

Agora states that in some minor administrative court cases government critics have prevailed but only in areas outside of Moscow. In Moscow they almost never win such cases. Agora, however, added it had been possible to terminate several cases against persons who had been critical of authorities on social media or spoke in support of Ukraine. Although the defendants were not acquitted, they were not convicted either. Judges will not acquit in such cases. According to Agora, if they do, they will themselves be questioned by the prosecutor and the court administration ([683]).

Agora adds that the government has launched, for example, an anti-extremism campaign, an anti-corruption campaign and an anti-drug campaign. There is strong political pressure to convict defendants in such cases, which has a negative impact on the independence of judgments ([684]).

According to the head of Agora, an NGO that refuses to register as a foreign agent cannot possibly win this case in court. So far, there have been 70-80 such cases in the judicial system and the NGO always lost, due to political pressure ([685]).

2.6.3 Lesbian, gay, bisexual, and transgender (LGBT) persons

The adoption of the federal anti-LGBT 'propaganda' law in June 2013 was followed by a spike in violence against LGBT persons ([686]). According to HRW the Russian authorities have failed in their obligation to prevent and prosecute homophobic violence. Human Rights Watch report that the law effectively legalised discrimination against LGBT persons ([687]).

([677]) SOVA, Landinfo´s interview with representative, Moscow, 12 November 2014.
([678]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([679]) HRW, Landinfo's interview with representatives, Moscow, 11 November 2014.
([680]) SOVA, Landonfo´s interview with representative, Moscow, 12 November 2014.
([681]) SOVA, Landinfo´s interview with representative, Moscow, 12 November 2014; NGO that monitors situation of journalists, Landinfo´s interview with representatives, Moscow, 12 November 2014.
([682]) SOVA, Landinfo´s interview with representative, Moscow, 12 November 2014; NGO that monitors situation of journalists, Landinfo´s interview with representatives, Moscow, 12 November 2014.
([683]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([684]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([685]) Agora, Landinfo's interview with chairman, Oslo, 6 October 2015.
([686]) HRW, License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014, p. 1; SOVA, The Ultra-Right Shrugged: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2013, 31 March 2014.
([687]) HRW, License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014, p. 2; see also Kucheryavenko, O., Guskov, K. and Walker, M, Cost of indulgence: Rise in violence and suicides among LGBT youth in Russia, 18 December 2013.

According to SOVA, the number of incidents dropped to nine injured victims in 2014 and remained the same in 2015 ([688]). The Russian LGBT Network, however, reported 52 physical attacks against LGBT persons in 2015 ([689]). As with ethnically motivated violence, SOVA attributes the decline in violence against LGBT persons to a combination of factors: the reduction in LGBT public actions and the general weakening of right-wing groups due to the government's more aggressive approach ([690]).

Even before the 2013 legislation, violence against and harassment of sexual minorities was a problem in the Russian Federation. An article published in the Health and Human Rights Journal cites a study from 2012 according to which more than half of Russia's LGBT population report psychological abuse, 16 % physical assault and 7 % having been the victims of rape. Several said they had been abused by the police ([691]). The Russian LGBT Network recorded 21 cases of discriminatory attitude or behaviour by police towards LGBT persons in 2015 ([692]).

Under-reporting of attacks on LGBT persons

The US DoS reported that 'police were often unwilling to assist, and victims sometimes chose not to report crimes for this reason as well as due to concerns about retaliation' ([693]). According to HRW, victims of crimes against LGBT persons do not report the offence to the police due to lack of trust in the police because they fear humiliation from the police, or know that the police will not investigate properly ([694]). In the 2012 survey cited above, 77 % of LGBT respondents stated they did not trust the police at all ([695]).

Investigation and prosecution of crimes against LGBT persons

Russian law enforcement agencies, HRW reports, are reluctant to classify LGBT violence as hate crimes even when there are sufficient legal grounds to do so. The same report points to a general dismissive attitude, albeit with exceptions, among police officers when crimes against LGBT persons are reported ([696]). FIDH and ADC Memorial also reported in 2012 that police at regional and federal level did not investigate alleged crimes against LGBT or simply stated that no violation was identified ([697]). The Russian LGBT Network also recorded refusals by the police to register complaints by LGBT persons ([698]).

([688]) SOVA; The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015, 8 April 2016; SOVA, Calm Before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2014, 21 April 2015.
([689]) Russian LGBT Network: Monitoring of Discrimination and Violence Based on SOGI in Russia in 2015: General Information, 2016, p. 2.
([690]) SOVA, Calm Before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2014, 21 April 2015.
([691]) Kucheryavenko, O., Guskov, K. and Walker, M, Cost of indulgence: Rise in violence and suicides among LGBT youth in Russia, 18 December 2013.
([692]) Russian LGBT Network: Monitoring of Discrimination and Violence Based on SOGI in Russia in 2015: General Information, 2016, pp. 2-4.
([693]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([694]) HRW, License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014, p. 4.
([695]) Kucheryavenko, O., Guskov, K. and Walker, M, Cost of indulgence: Rise in violence and suicides among LGBT youth in Russia, 18 December 2013.
([696]) HRW, License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014, p. 3.
([697]) FIDH and ADC Memorial, Roma, Migrants, Activists: Victims of Police Abuse, 2012, p. 43.
([698]) Russian LGBT Network: Monitoring of Discrimination and Violence Based on SOGI in Russia in 2015: General Information, 2016, p. 2.

Several sources report that victims face substantial challenges bringing such cases to justice. This results in widespread impunity for homophobic crimes ([699]). There are, however, a few examples reported of investigation and prosecution of attacks against LGBT persons ([700]). HRW mentioned in April 2016 the arrest of the alleged perpetrator in the killing of a gay theatre critic in St. Petersburg ([701]).

According to the Finnish Immigration authorities quoting HRW, the authorities provided protection to LGBT persons in an arbitrary and often insufficient manner. Often violence against LGBT persons is not dealt with at all, or cases are investigated in a half-hearted manner ([702]). When protection is granted it is often because the offence happened in connection with a famous event, because a well-known person was involved, or because of public pressure ([703]).

Court proceedings

HRW notes that Russian law enforcement agencies and court sentences usually do not take into account the motive behind the attacks against LGBT, namely hatred towards LGBT people (hate crime). The cases are therefore treated as common crimes, such as hooliganism, assault or battery ([704]).

According to HRW, the Russian Criminal Code does not mention hatred or prejudice against LGBT persons as an aggravating circumstance in criminal cases. Under the Criminal Code, sexual minorities could be defined as a social group but the courts fail to do so for LGBT persons, even where prosecutors brought extremism charges. The courts rely on experts to say whether LGBT persons constitute a social group. Expert testimonies vary and are generally not in favour of sexual and gender minorities ([705]).

If the perpetrators are charged, tried and convicted, the Finnish immigration authorities point out that the sentences are often mild ([706]).

Also, the judicial system implements the gay propaganda law against LGBT activists, further undermining the trust of this minority in the fairness of the system. In January 2016, activist Alekseenko became the fifth such activist to be convicted for supporting LGBT youth. According to HRW, the police had not questioned any of the alleged 28 complainants against the defendant in this process ([707]).

([699]) HRW, License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014, p. 59; Russian LGBT Network: Monitoring of Discrimination and Violence Based on SOGI in Russia in 2015: General Information, 2016, p. 31; FIDH and ADC Memorial, Roma, Migrants, Activists: Victims of Police Abuse, 2012, p. 43.
([700]) Reuters, Gay man killed in Russia's second suspected hate crime in weeks, 3 June 2013; RFE/RL, Three jailed in Russia for killing man they believed was gay, 3 February 2014.
([701]) HRW, Dispatches: Presumed Gay and Paying for it with Your Life in Russia, 13 April 2016.
([702]) Finnish Immigration Service, Current situation of sexual and gender minorities in Russia, 10 April 2015, pp. 17, 18, 21-22.
([703]) Finnish Immigration Service, Current situation of sexual and gender minorities in Russia, 10 April 2015, pp. 17, 18, 21-22.
([704]) HRW, License to harm. Violence and harassment against LGBT people and activists in Russia, 15 December 2014, p. 3.
([705]) HRW, License to harm. Violence and harassment against LGBT people and activists in Russia, 15 December 2014, pp. 64-65.
([706]) Finnish Immigration Service, Current situation of sexual and gender minorities in Russia, 10 April 2015, pp. 15, 21-22.
([707]) HRW, Russia: Court Rules Against LGBT Activist, 3 February 2016.

2.6.4 Women (domestic violence)

In July 2016, battery against strangers was downgraded to a misdemeanour under a presidential amendment that modified article 116 of the Criminal Code of the RF ([708]). However, battery committed against intimates ([709]) (or motivated by hooliganism, hatred or enmity) became a matter of private-public prosecution, rather than private prosecution ([710]).

According to Mari Davtyan, a Russian lawyer and member of a working group drafting a federal law on prevention of domestic violence, in practice this change meant that 'victims need only to file charges (that is obligatory), but then the police will take over investigation of the crime, and subsequently, in court, the charges will be supported by the prosecutor, meaning a standard criminal trial will be the outcome' ([711]). The lawyer added that the new law on battery also did not stipulate 'paying a fine as a form of punishment', meaning that if convicted, the aggressor would not be able to pay a fine using the family budget ([712]).

On 7 February 2017, following a proposal by the ultraconservative Council of the Federation's senator Yelena Mizulina to decriminalise battery within families and turn it into and an administrative offence ([713]), President Putin signed a new law that establishes that acts of violence committed within the family that do not cause severe injuries, or are reported only once a year do not qualify as domestic violence ([714]). Only in the event of danger to the victim's health or repeated offenses will the perpetrator face criminal charges ([715]).

In Yekaterinburg, the fourth-largest city in the RF, 'reports of domestic violence have more than doubled' since the new law entered into force, with 350 incidents of domestic violence being reported daily, as opposed to 150 in the past. According to the city's mayor, the 'change makes domestic violence seem acceptable' ([716]).

Svetlana Aivazova, Doctor of Political Sciences and member of the Council for Civil Society and Human Rights, stated that according to data from the Ministry of Internal Affairs, 40 percent of all violent crimes in Russia are committed in the families. According to Aivazova, in 2013 more than 9,000 women were killed, and more than 11,000 were seriously injured, and in 2014 more than 25% of the murders recorded in the country were committed within the family ([717]).

An EU Statement by on Domestic Violence in the Russian Federation at the OSCE Permanent Council on 2 February 2017 referred to the proposed new legislation as "a retrograde step, which would send

([708]) Pravo.gov.ru, Federal law of 3 July 2016 No. 326-FZ "On Amendments to Certain Legislative Acts of the Russian Federation in connection with adoption of the Federal Law" On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation on the improvement of the grounds and procedure for exemption criminal liability ", 4 July 2016.
([709]) According to the source, 'intimates' refers to close relatives (spouses, parents, children adoptive parents, adopted children, siblings, grandparents, grandchildren), foster parents and guardians, as well as persons related by marriage to the person who committed the act stipulated in this article, or persons sharing a household with the person.
([710]) Russian Reader (The), Decriminalizing Battery in Russia: What Does It Mean for the Fight against Domestic Violence?, update 5 July 2016.
([711]) Russian Reader (The), Decriminalizing Battery in Russia: What Does It Mean for the Fight against Domestic Violence?, update 5 July 2016.
([712]) Russian Reader (The), Decriminalizing Battery in Russia: What Does It Mean for the Fight against Domestic Violence?, update 5 July 2016.
([713]) Moscow Times (The), "If He Beats You, It Means He Loves You", 15 August 2016.
([714]) HRW, A Slap is Only the Start, 14 February 2017.
([715]) RFE/RL, Putin Signs Law Decriminalizing Some Domestic Violence, 7 February 2017.
([716]) Independent, Domestic violence reports soar in Russian city following partial decriminalization, 11 February 2017.
([717]) NYT, Russia Moves to Soften Domestic Violence Law, 25 January 2017.

out the wrong message about the Russian authorities' commitment to tacking violence against women and children" ([718]).

Also Council of Europe Secretary General, Thorbjørn Jagland, expressed his deep concern at the legislation that decriminalises domestic violence in Russia. Jagland stated that 'reducing "battery within the family" from a criminal to an administrative offence, with weaker sanctions for offenders, would be a clear sign of regression within the Russian Federation and would strike a blow to global efforts to eradicate domestic violence' ([719]).

Russia is 'one among four out of 47 member States of the Council of Europe that have neither signed nor ratified the Istanbul Convention' (on preventing and combatting violence against women and domestic violence) ([720]).

Response by the police to reports of spousal rape and domestic violence

In April 2015, the UN Human Rights Committee expressed concern that reports of domestic violence had increased by 20 % since 2010. The Committee considered the authorities' response ineffective as law enforcement fails to properly register and investigate such reports ([721]).

The US DoS reported that while the Russian Criminal Code punishes rape irrespective of whether the perpetrator is a relative or husband of the victim, police and investigators are reluctant to follow up on 'spousal or acquaintance rape' and may even refuse to respond to a call for help unless there appears a threat to the life of the female victim ([722]).

According to the NGO Stop Violence against Women, Russian police do not receive training in handling cases of domestic violence ([723]). They are hesitant to respond to and register violent crimes of domestic nature. Instead, officers tend to treat domestic violence as a private matter or a personal problem for the affected woman. The work of the police in cases connected to domestic violence is also hampered by a lack of legal options for police to remove or detain a suspected perpetrator unless the officer personally has witnessed the violence. In cases when formal charges are pressed the victim of domestic violence may qualify for state protection ([724]).

The Russian law on state protection includes measures such as physical protection, non-disclosure or limitations on the disclosure of information on identity and whereabouts or hearings, and domestic or foreign relocation ([725]). However, according to Stop Violence Against Women, in the few cases when charges are pressed the victim has already suffered severe physical harm or even death, making the theoretical possibility of qualifying for state protection practically useless. It is not clear whether the law on state protection has been applied in cases of domestic violence in Russia ([726]).

([718]) European Union, EU Statement on Domestic Violence in the Russian Federation, 2 February 2017.
([719]) CoE, Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland, 16 January 2017.
([720]) The Instambul Convention criminalises all acts of physical, sexual or psychological violence within the family and between former or current spouses and partners. CoE, Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland, 16 January 2017.
([721]) UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 Apr 2015, p. 5.
([722]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([723]) Stop Violence Against Women, Violence Against Women in the Russian Federation, last updated October 2014.
([724]) Stop Violence Against Women, Violence Against Women in the Russian Federation, last updated October 2014.
([725]) Pravo.gov.ru, Federal Law No. 119-FZ "On State Protection of Victims, Witnesses and other Participants in Criminal Proceedings", 20 August 2004, UN Women - Global Database on Violence against Women, Federal Law No. 119-FZ on State Protection for Victims, Witnesses and Other Participants in Criminal Proceedings, n.d.
([726]) Stop Violence Against Women, Violence Against Women in the Russian Federation, last updated October 2014.

The UN Human Rights Committee noted the lack of shelter for women fleeing abuse ([727]). As reported by US DoS, according to the ANNA Center, the government operated 23 women's shelters across the country ([728]).

The NGO ADC Memorial reported in 2015 that investigations and prosecutions of perpetrators of violence against migrant women either do not happen, or are initiated only many years after the incidents ([729]).

Attitude of judges in domestic violence cases

In a report by Immigration and Refugee Board Canada (IRB), an associate professor at New York University with long-term research experience on violence against women in Russia stated that courts are not effective in addressing domestic violence. Sources indicate that most domestic violence cases are dismissed on technical grounds or because the two parties have reconciled. Cases are often transferred to a reconciliation process arranged by a justice of peace whose focus is on keeping the family together ([730]). Also the Russian NGO ANNA Center, which works to combat violence against women, stated in the same IRB report that the judiciary was sometimes prejudiced towards victims of domestic violence ([731]).

According to the NGO Centre for Women's Support in a US DoS report, a majority of cases that could be classified as domestic violence are dismissed on technical grounds or transferred from the ordinary legal system to a reconciliation procedure. The US DoS notes that the focus in such cases lies rather on preserving family unity than on punishing the perpetrator ([732]).

In 2012, the UN Committee Against Torture expressed concern about the low number of criminal prosecution of domestic violence in Russia ([733]). Women's rights advocates estimate that only about 3 % of domestic violence cases result in a court judgment ([734]).

Fear of reporting incidents

Consequently, according to US DoS, many women do not report rape or domestic violence as they do not expect government support and want to avoid social stigma ([735]). The NGO ADC Memorial reported in 2015 that Roma and migrant women continue to lack protection from police due to the latter's discriminatory attitude towards these groups ([736]). Roma and migrant women therefore are unlikely to turn to the police for protection as they fear further abuse or punishment for real or fabricated violations of registration rules ([737]).

([727]) UN Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, 28 Apr 2015, p. 5.
([728]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([729]) ADC Memorial, The RF's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 2015, pp. 6-7.
([730]) IRB, Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013), 15 November 2013.
([731]) IRB, Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013), 15 November 2013.
([732]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([733]) CAT, Concluding observations on the fifth periodic report of the Russian Federation, 11 December 2012, p. 7.
([734]) ReutersHuman Rights Brief, Victims of domestic violence face uphill battle for protection in Russia, 20 August 2013.
([735]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.
([736]) ADC Memorial, The RF's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 2015, p. 6.
([737]) ADC Memorial, The RF's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 2015, pp. 6-7.

3. Republic of Chechnya

3.1 Background and introduction

Chechnya is one of the federal republics of the Russian Federation ([738]). Its leader, Ramzan Kadyrov, enjoys more autonomy than other regional leaders ([739]) due to the special relationship between Grozny and Moscow ([740]). The two Chechen wars – from 1994-1996 and from 1999-2009 – cost the lives of tens of thousands, displaced several hundred thousand civilians, and left the major cities and the economy in ruins ([741]). Between 3,000 and 5,000 persons are estimated to have forcibly disappeared between 1999 and 2003 ([742]).

This section explains the basic state structures of the Chechen Republic and the particularities arising out of its special status.

3.1.1 Geography, population, economy

The Chechen Republic is one of seven republics situated in the North Caucasus Federal District of the RF ([743]). It shares internal boundaries with Russia in the north, and the RF republics of Dagestan in the east and Ingushetia in the west. In the southwest, it borders on Georgia ([744]).

Chechnya's population is about 1.2 million, according to the 2010 census, and possibly almost 1.4 million in 2016 ([745]). It consists mainly of ethnic Chechens (more than 95 %), with more than 40 ethnic minorities, among them Russians and Ingush. Both Chechens and Ingush are predominantly Muslim ([746]).

The capital of the Chechen Republic is Grozny, with roughly 290.000 inhabitants. Other important cities are Gudermes, Argun, Shali, and Urus-Martan ([747]).

Chechnya's economy is largely dependent on oil, natural gas and petroleum-related industries, even though there is also some agriculture and local production of consumer goods ([748]). Between 2002 and 2012, the Chechen budget was largely funded through a special federal reconstruction programme. In 2012, the federal government ended this programme despite the protests of the Chechen government

([738]) Encyclopædia Britannica, Chechnya, last updated 8 January 2012; CNNl, Chechnya Fast Facts, 17 August 2016.
([739]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. i.
([740]) Carnegie Moscow Center, Chechnya's New Contract With the Kremlin, 27 October 2016; NZZ, Kadyrows unheimlicher Schatten, 4 April 2015.
([741]) ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, pp. 9-10.
([742]) ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, pp. 10-13.
([743]) German Institute for International and Security Affairs, Russlands inneres Ausland. Der Nordkaukasus als Notstandszone am Rande Europas, October 2010, pp. 7-8; Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016.
([744]) Encyclopædia Britannica, Chechnya, last updated 8 January 2012; for the official website of the head and government of the Chechen Republic see http://chechnya.gov.ru/ (in Russian only).
([745]) Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016; Encyclopædia Britannica, Chechnya, last updated 8 January 2012; CNN, Chechnya Fast Facts, 17 August 2016; BBC News, Chechnya profile, 18 August 2015.
([746]) Ministry of Foreign Affairs of RF, Chechen Republic, 15 November 2016; Encyclopædia Britannica, Chechnya, last updated 8 January 2012; CNN, Chechnya Fast Facts, 17 August 2016; BBC News, Chechnya profile, 18 August 2015.
([747]) Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016.
([748]) Encyclopædia Britannica, Chechnya, last updated 8 January 2012; DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 139; ICG, North Caucasus: The Challenges of Integration (IV): Economic and Social Imperatives, 7 July 2015, pp. 15-16.

([749]). Chechnya now must rely on regular federal development funds for the North Caucasus ([750]). The International Crisis Group (ICG) reports that, despite this change, at least 85 % of the Chechen budget comes from federal government funds ([751]).

3.1.2 Political system of the Chechen Republic

The Chechen Republic has its own Constitution, flag and coat of arms. The official languages are Russian and Chechen ([752]). The Constitution of the Chechen Republic was adopted by referendum in 2003 and declares Chechnya an integral part of the Russian Federation ([753]).

The Chechen Republic is headed by a leader ('head'). In 2007, Putin appointed Ramzan Kadyrov as leader of the republic, after the death of the latter's father Akhmad Kadyrov. Kadyrov ran for his first election in 2016 and was elected on 18 September 2016 ([754]). Important positions are held by members of Kadyrov's clan or his loyal supporters from the Chechen wars ([755]).

The power of Kadyrov is mainly based on the so-called Kadyrovtsy, 'a personally loyal force built up from the Kadyrov family's war-time militia and other former rebel fighters' ([756]).

The relationship between President Vladimir Putin and Chechen leader Ramzan Kadyrov is described by the International Crisis Group (ICG) as an alliance of mutual dependence ([757]). It began when Putin granted Kadyrov broad autonomy in exchange for crushing the rebellion in Chechnya ([758]). This has resulted in a situation where Chechnya is ruled by the dictates of Ramzan Kadyrov rather than laws of the Russian Federation. In turn, still according to IGC, Putin can count on the support of Kadyrov and, through his tight grip on Chechen society, the support of the people ([759]).

The Chechen parliament is the republic's legislative organ. It has one chamber with 41 deputies. United Russia, the party led by Russian Prime Minister Medyedev, and supportive of Putin, gained 37 seats in the elections on 18 September 2016. In October 2016, Magomed Daudov was elected as speaker of

([749]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 22.
([750]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 22.
([751]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 22.
([752]) Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016.
([753]) BBC News, Chechnya profile - Timeline, 11 August 2015; Chechen Parliament, Constitution of the Chechen Republic, 23 March 2003.
([754]) BBC News, Russian election: Big victory for Putin-backed party United Russia, 19 September 2016; RBTH, Kadyrov leading with 98% in Chechnya elections, 19 September 2016; Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016; RFE/RL, Putin Appoints Kadyrov As Chechnya's Acting Head, 25 March 2016.
([755]) Carnegie Moscow Center, Chechnya's New Contract With the Kremlin, 27 October 2016; Meduza, Running with Ramzan Meet the most influential people in Russia's Chechen Republic, 2 February 2016; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 15; Caucasian Knot, 26-year-old Kadyrov's nephew appointed First Deputy Prime Minister of Chechnya, 15 March 2016.
([756]) The Telegraph, Ramzan Kadyrov: Putin's 'sniper' in Chechnya, 24 February 2016; ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 4.
([757]) ICG, Chechnya: The Inner Abroad, 30 June 2015, 30 June 2015, p. ii.
([758]) The Telegraph, Ramzan Kadyrov: Putin's 'sniper' in Chechnya, 24 February 2016; Al Jazeera, Chechnya's hard-line protector of Muslim rights, 1 October 2015.
([759]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. ii, p. 16.

the Chechen parliament ([760]).

3.1.3 The judiciary and legal system

In accordance with the principle of federalism, the Chechen parliament is authorised to pass legislation within the area of competence of a subject of the Federation. Under Article 6 of the Chechen Constitution, federal law prevails over Chechen law in areas of the exclusive competence of the federal government, such as judiciary and foreign affairs, and in areas of shared competence, for example minority rights and family law. For issues of exclusive competence of the republic, Chechen law prevails ([761]).

The judiciary of the Chechen Republic consists of a Supreme Court and 15 district or city courts as well as judges of the peace, a military court, and a court of arbitration ([762]). The formal quality of the work of the judiciary is comparable to other parts of the Russian Federation, a lawyer has told the ICG ([763]). According to ICG, the independence of the Chechen judiciary, however, is even more under attack than elsewhere as Kadyrov and other local office holders put pressure on judges to convict or dismiss ([764]).

In reality, *adat* (customary law) and *Sharia* (Islamic law) play an important role in dispute regulation ([765]). Maciej Falkowski from the Centre for Eastern Studies concludes that '[a]lthough Russian courts operate and federal legislation formally applies in Chechnya, the republic is de facto governed by a mixture of Chechen customary laws (*adat*), Sharia and the rule of force' ([766]).

3.2 Recent developments

3.2.1 Elections 2016

The Chechen parliament dissolved in June 2016 in order for the regional elections for the Chechen Parliament to coincide with the federal elections for the State Duma on 18 September 2016 ([767]). United Russia maintained its 37 seats in the Chechen parliament, with 87.66 % of votes. Fair Russia/A Just Russia and the Communist Party won the remainder of the 41 seats ([768]). United Russia also won the State Duma elections in the Chechen Republic. Gaining 96.3 % of the votes, it achieved by far the

([760]) Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016; Ria Novosti, Hero of Russia Magomed Daudov elected as Speaker of Chechen Parliament, 4 October 2016.
([761]) Chechen Parliament, Constitution of the Chechen Republic, 23 March 2003, Article 6; Deutsch-Russische Außenhandelskammer, Staatsaufbau der Russischen Föderation, n.d.; EPRS, Russia's constitutional structure: Federal in form, unitary in function, October 2015, pp. 4-5.
([762]) Supreme Court of the Chechen Republic, Courts of the Chechen Republic, n.d.
([763]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 31.
([764]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. ii; SEM, Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien, 15 July 2016, pp. 12-13.
([765]) ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, p. 5; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 19; EASO, Chechnya: Women, Marriage, Divorce and Child Custody, September 2014, p. 9.
([766]) Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 19.
([767]) RFE/RL, Chechnya Schedules Preterm Parliamentary Elections, 20 June 2016; Jamestown Foundation, Non-Chechen Candidates from Moscow Plans to Run for Seats Representing the North Caucasus in Upcoming Parliamentary Elections, 22 July 2016; Meduza, The Chechen parliament just decided to dissolve itself, 16 June 2016.
([768]) Ministry of Foreign Affairs of the RF, Chechen Republic, 15 November 2016; Chechen Parliament, Results of the parliamentary elections are known, 21 September 2016; Ria Novosti, The Chechen parliament will consist of three parties: Gained seats: United Russia, Fair Russia, and the CPRF, 20 September 2016.

best result in any of the republics ([769]). An observer writing for the Jamestown Foundation noted that only candidates close to Chechen leader Kadyrov stood a realistic chance of winning. Human rights activist Svetlana Gannushkina, who ran for the State Duma elections in Chechnya, stated that although she was unable to campaign in Chechnya, she wanted her candidacy to be a public message to the people (770).

3.2.2 The current regime in the Chechen Republic

As reported by HRW, given the strong relationship of interdependence between Putin and Kadyrov, the latter has so far been able to run Chechnya as his personal fiefdom ([771]). He dominates official media and actively uses social media ([772]), where he publicly states that he '"owns" all the people of Chechnya' ([773]). According to observers, in the past 10 years, he has established a quasi-Islamic state, based on a strict variant of Sufi Islam meshed with Chechen nationalism, where public and private behaviour is closely monitored ([774]). According to Memorial, Kadyrov depicts himself as the 'Keeper of the Koran' ([775]); he is also described as a *Padeshah*, referring to an ancient Persian royal title ([776]). As noted by ICG, the reliance on a religious and traditional source of his rule has resulted in the establishment of a personality cult surrounding Kadyrov ([777]).

The regime is supported by a tight-knit circle of extended Kadyrov family members and loyal supporters, many of whom fought in the Chechen wars as part of the paramilitary forces known as *kadyrovtsy* ([778]). According to a representative from a Western embassy interviewed during a fact-finding mission by the Danish Immigration Service, these units are used to abusive tactics from the war. Therefore, 'they do not behave as proper law enforcement officers are expected to do' ([779]).

Human rights groups and analysts reported that every employee of the Chechen state government and certain state-run institutions, as well as businesspersons, have to pay monthly contribution to the Kadyrov Fund, a charity run by Akhmad Kadyrov's widow which builds mosques and schools and provides social welfare support to poor families ([780]). This unofficial taxation system is of an extortionist nature: the Danish Immigration Service mentions a case of a person who has reportedly lost his job

([769]) Ria Novosti, Elections to the Duma - 2016, 23 September 2016; Central Election Commission of the Russian Federation, Elections to the Seventh State Duma of the Russian Federation. Chechen Republic, 18 September 2016; HSS, Berichte aus dem Ausland - Politischer Bericht aus der Russischen Föderation - Nr. 17/2016 , 6. Oktober 2016, p. 1.
([770]) Jamestown Foundation, Non-Chechen Candidates from Moscow Plans to Run for Seats Representing the North Caucasus in Upcoming Parliamentary Elections, 22 July 2016.
([771]) HRW, "Like Walking a Minefield"; Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016, p. 12.
([772]) HRW, "Like Walking a Minefield"; Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016, p. 12.
([773]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 124.
([774]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. ii, p. 18; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 14; WSJ, Chechnya: Russia's Islamic State?, 2 June 2016.
([775]) Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 23.
([776]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 11.
([777]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 11.
([778]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 8; The Telegraph, Ramzan Kadyrov: Putin's 'sniper' in Chechnya, 24 February 2016; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 15; Caucasian Knot, 26-year-old Kadyrov's nephew appointed First Deputy Prime Minister of Chechnya, 15 March 2016.
([779]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 180.
([780]) ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 23-24, 26; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 17.

after refusing to pay ([781]).

According to the ICG, Kadyrov tolerates no opposition to his rule and 'dissidenters are considered enemies' ([782]). This attitude is echoed by senior government officials. The ICG cites the deputy Chechen interior minister who stated in 2013 that 'those who even yap against the authorities, I swear by Allah and the Quran, up to the maximum possible … I do not want to tell this in front of the camera, [but] I personally will try to create as much trouble as possible for this man' ([783]).

HRW reported that the Chechen government has engaged in a campaign to stifle any opposition to Kadyrov, through physical attacks, unlawful detention, disappearances, and harassment. These violations intensified at the end of 2015 after the population became more critical of its leadership in the wake of a drop in oil prices and the floundering economy ([784]). According to HRW, 'residents of Chechnya who show dissatisfaction with or seem reluctant to applaud the Chechen leadership and its policies are the primary victims of this crackdown' ([785]).

In early 2016, Kadyrov reportedly also spoke out strongly against any opposition to Putin, calling them the 'enemy of the nation' and 'lackeys of the west' ([786]).

As reported by Memorial, Kadyrov's strong-armed approach is not limited to the sphere of party politics. Through the media, Kadyrov provides frequent instructions on behaviour in accordance with religious and traditional customs ([787]). This includes instructions to ordinary citizens, in particular women, but also Muslim leaders ([788]).

As reported by ICG, he publicly interferes with court decisions ([789]), speaks up to support forced marriage of underage girls ([790]), and intimidates the political opposition and human rights activists. In September 2016, he reportedly called upon police officers to shoot drunk drivers or – in a modified interpretation of the prosecutor general of Chechnya, implied encounters between police and drunk drivers or drug addicts would lead to scenarios that justified the use of firearms ([791]).

The following section will describe in more detail the impact this particular power structure has on law

([781]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 139; Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 17; on systematic extortion see also Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 34.
([782]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 35; Memorial: Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 31.
([783]) ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 35-36.
([784]) HRW, "Like Walking a Minefield", Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016, p. 18.
([785]) HRW, "Like Walking a Minefield", Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016, p. 2.
([786]) Falkowski, M., Kadyrov attacks the Russian opposition, 27 January 2016.
([787]) Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 23.
([788]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 18.
([789]) ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 31-32; see also section on judges below.
([790]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 8.
([791]) The Interpreter, Assassination Attempt on Kadyrov Revealed As He Sparks New Scandal with Call to Execute Drug Addicts, 3 October 2016; Jamestown Foundation, Ramzan Kadyrov Lashes out at Chechens Who Flee Republic, 4 October 2016.

enforcement and the judiciary.

3.3 State protection

Sources widely report that the rule of law in Chechnya is seriously undermined by the special status of the republic and Kadyrov's arbitrary rule ([792]). There are almost no legal remedies available to victims of human rights violations, a fact reflected in the jurisprudence of the ECHR on Chechnya, with an overwhelming finding of a lack of effective domestic remedy ([793]). Most office holders are Chechens, including in the federal law enforcement bodies, such as the SK ([794]).

The ICG remarks that the official crime rate in the North Caucasus is conspicuously low – Chechnya, for example, reported an average of eight cases of bribery each year between 2010 and 2013. ICG links this with the drastic under-reporting and under-investigation of crime in the North Caucasus ([795]). In a 2015 report, the ICG also suggests that it had been possible to investigate and try individuals close to Kadyrov before 2007, as he was still building his power base. Once he had consolidated his authority, federal institutions were quickly at the losing end in their attempts to enforce the law in the Chechen Republic ([796]).

3.3.1 Police

Figures about the size of Chechen security forces vary. The overall force of the MVD in the Chechen Republic numbered about 17,000 persons ([797]), which might have shrunk to 11,000 with the creation of the Federal National Guard in October 2016 ([798]). The police was said to number 9,000 employees ([799]). The large majority of them are ethnic Chechens ([800]).

As reported by Carnegie Moscow Center, the ranks of police and other security forces have been filled with the former Chechen separatist fighters who were incorporated into the security forces once Ramzan Kadyrov took power and the war ended ([801]). According to the Danish Immigration Service, corruption and abuse among the Chechen police is said to be rampant and prevents people from approaching them for protection ([802]).

([792]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. ii; DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 180; UK Parliament, Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission, 10 June 2010, p. 2, p. 5.
([793]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 32; OHCHR, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation, 30 April 2014, pp. 12-13.
([794]) The Guardian, Chechen leader's show of strength muddies loyalty to Putin, 3 June 2015; The Telegraph, Ramzan Kadyrov: Putin's 'sniper' in Chechnya, 24 February 2016.
([795]) ICG, The North Caucasus: The Challenges of Integration (III), Governance, Elections, Rule of Law, 6 September 2013, p. 37.
([796]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 29.
([797]) Izvestia, Myths and Reality, 28 February 2016.
([798]) Big Caucasus, 5300 MVD employees are transferred to the National Guard of Chechnya, 1 November 2016.
([799]) Falkowski, M., Ramzanistan Russia's Chechen Problem, August 2015, p. 13.
([800]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 165.
([801]) Carnegie Moscow Center, Chechnya's New Contract With the Kremlin, 27 October 2016.
([802]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 180.

3.3.2 Investigations by police and Investigative Committee (SK)

Staff of the Investigative Committee, while predominantly Chechen as well, are drawn from a pool of more educated candidates than those of the police. According to sources who spoke to the Danish Immigration Service, some members of the Investigative Committee try to investigate complaints against Chechen law enforcement, but are 'helpless when confronted with the Chechen OMON ([803]) or other "untouchable police units" close to Kadyrov' ([804]).

The fate of the former head of the SK in the Chechen Republic, Sergej Bobrov, is a case in point: he was threatened and eventually forced to resign when he tried to investigate honour killings in Grozny in 2013. Even investigators outside the Chechen Republic, such as Igor Sobol, the investigator in the case of the murder of human rights activist Natalya Estemirova and the disappearance of Islam Umarpashaev, were threatened with death if they got close to OMON. They face a wall of silence when they try to talk to witnesses, as reported by the Danish Immigration Service ([805]). According to ICG, two police investigators who had arrested the relative of the head of OMON were abducted and tortured for three hours. They were then charged with and convicted of ill-treatment of an OMON officer, while the investigation into their own claims of torture was repeatedly suspended ([806]).

According to several sources, Chechen police troops are believed to deliberately have impeded the investigation into the killing of opposition politician Boris Nemtsov and helped one of the suspects to escape ([807]). Repeated requests to question witnesses or secure evidence were ignored. Similarly, Chechen authorities reportedly obstructed the investigation into the murder of journalist Anna Politkovskaya in 2006. Ultimately, in 2014, five of the accused received long prison sentences, but, France 24 writes, Politkovskaya's family was dissatisfied that the trial did not bring to light those really responsible for ordering the killing, as the Russian authorities were protecting high-ranking Chechen government officials ([808]).

Memorial Human Rights Centre points to statistics from the Prosecutor General, that by 2011, 'the Ministry of Internal Affairs for the Chechen Republic had openly sabotaged the investigation of crimes suspected to have been committed by members of the Chechen security forces' ([809]).

In 2015, the US DoS concludes that the 'government generally did not investigate or prosecute abuses, in particular when regional authorities were responsible' ([810]).

3.3.3 Filing a complaint

According to several sources, authorities actively threaten persons who assert their rights against the

([803]) OMON is a special police unit operating in the Russian Federation.
([804]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 134.
([805]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 134, see also p. 18.
([806]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 30.
([807]) Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, pp. 36-38; NZZ, Tschetschenische Mörder und Hetzer, 27 February 2016.
([808]) France 24, 10 years on, Anna Politkovskaya murder still unsolved, 7 October 2016.
([809]) Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, pp. 37-38.
([810]) US DoS, 2015 Country Report on Human Rights Practices, Russia, 13 April 2016.

government or influential persons ([811]). The Danish Immigration Service learned from Memorial that 'people are deterred from filing complaints' with the European Court of Human Rights ([812]), and their lawyers are threatened ([813]).

According to one sources, an obstacle to access justice is the poverty of ordinary Chechens. There is also social pressure against asserting one's rights in court, in the sense that no one wants to be responsible for bringing misfortune to one's family ([814]).

As reported by Norwegian COI unit Landinfo, families of the disappeared are in a particular dilemma: they desperately want to find their relatives, but turning to the authorities or filing a complaint might actually put them at risk ([815]). HRW mentions under-reporting of cases of abuse against local critics as abuses may never be reported due to the overwhelming climate of fear, and residents 'have been largely intimidated into silence' ([816]). Several sources told Landinfo that they will not go public with information where the family fears repercussions ([817]). The tools of the government to subdue victims of human rights violations into silence are manifold: reports mention death threats, threats to rape female relatives ([818]), denunciation as prostitute or drug addict ([819]), fabricated charges and physical assault ([820]). In one case, the Chechen Ministry for Internal Affairs filed and won a complaint for libel against a victim of torture, a verdict that was ultimately upheld by the Chechen Supreme Court ([821]).

According to Amnesty International, human rights organisations have become extremely careful about reporting on the situation in Chechnya ([822]). The only organisation that, in 2014, was still able to provide effective legal assistance to human rights victims in Chechnya was the Joint Monitoring Group (JMG) which conducts mobile team visits into the territory of the republic. After its office was attacked in June 2015, JMG briefly closed its operations in Chechnya ([823]). Two JMG staff travelling with a group of journalists were assaulted in March 2016, on the road between North Ossetia and Chechnya, and

([811]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 177; UK Parliament, Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission, 10 June 2010, p. 24; RFE/RL, Fearing Reprisals, Chechnya Whistle-Blower Keeps Family's Location Secret, 18 May 2016; Caucasian Knot, Week in the Caucasus: review of main events of May 9-15 May 2016, 16 May 2016.
([812]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 177.
([813]) Lapitskaya, J., ECHR, Russia, and Chechnya: Two Is Not Company, and Three Is Definitely a Crowd, 2011, pp. 503-519.
([814]) Historian who specialises in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.
([815]) Landinfo: Tsjetsjenia: Familiemedlemmer til personer med tilknytning til opprørsbevegelsen, 4 October 2016, pp. 8-9.
([816]) HRW, "Like Walking a Minefield"; Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016, p. 3.
([817]) Landinfo: Tsjetsjenia: Familiemedlemmer til personer med tilknytning til opprørsbevegelsen, 4 October 2016, pp. 8-9.
([818]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 175-176.
([819]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 35.
([820]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 134, 177, 180; UK Parliament, Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission, 10 June 2010, p. 24; Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 29.
([821]) Caucasian Knot, Judge of Chechen SC disagrees with verdict on MIA's lawsuit against rights defenders, 19 October 2015.
([822]) AI, Amnesty International Report 2015/16 - The State of the World's Human Rights - Russian Federation, 24 February 2016.
([823]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 10.

its office in Ingushetia broken into ([824]).Igor Kalyapin, chairperson of the JMG, said he was convinced the attack was due to the JMG's relentless efforts to pressure the authorities to investigate disappearances and other crimes where the evidence pointed to Kadyrov's close circle ([825]).

According to Amnesty International, defence lawyers and lawyers bringing human rights cases are also at risk of repression([826]). Lawyers who agree to represent clients bringing a case against the government or asserting rights against persons linked to the government are reportedly threatened with losing their licence ([827]). As reported by the Danish Immigration Service, the ubiquitous risk of retaliation by the Chechen government makes it almost impossible to find a defence lawyer in certain cases, in particular insurgency-related accusations ([828]). Lawyers have also been abducted and subjected to ill-treatment; six lawyers have disappeared since 2002 ([829]). Only JMG provides meaningful legal assistance in Chechnya ([830]).

According to the Central Asia-Caucasus Institute, victims of human rights violations or their families who do go to court rarely prevail as law enforcement and judicial authorities are equally afraid of upsetting Kadyrov or any of his men ([831]). This is not limited to claims of murder, disappearance or ill-treatment but also to claims related to social and economic rights, issues which in other parts of the Russian Federation are reportedly still relatively well enforced ([832]). A human rights activist talking to the DIS mentions two examples where owners of houses or shops that were demolished to make way for development projects in Grozny and Achoi Martan failed to receive any compensation. 'The court system is not able to intervene and provide protection under the laws to ordinary Chechens', the activist is cited. In one case the judge reportedly said that ruling against the authorities was dangerous for him ([833]).

As noted by Memorial and ICG, the prevalence of impunity contributes to fear and a feeling of futility of seeking legal remedies ([834]). International observers note that the families of the disappeared would usually stop pursuing their claim once the body of their relative has been returned to them ([835]). According to the Swiss State Secretary for Migration, Chechens would not seek help with the Office of

---

([824]) AI, Urgent Action: 57/16 [EUR 46/3643/2016], 31 March 2016; CPJ, Attackers beat group of journalists covering human rights abuses in North Caucasus, 9 March 2016; FIDH, Russian Federation: Members of the Joint Mobile Group and journalists attacked in Ingushetia, 14 March 2016.

([825]) The Russia Reader, Igor Kalyapin: "Kadyrov Said He Would Not Let Us Work in Chechnya", 19 March 2016.

([826]) AI, Amnesty International Report 2014/15 - The State of the World's Human Rights - Russian Federation, 25 February 2015.

([827]) Memorial, Chechens in Russia, 2014, p. 5; DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 150.

([828]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 150.

([829]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 150.

([830]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 9.

([831]) Central Asia-Caucasus Institute and Silk Road Studies Program: Chechen authorities raise pressure on human rights organizations, 23 July 2016; ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 29-30.

([832]) See chapter on courts above.

([833]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 129.

([834]) ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 34-35; Memorial, Chechens in Russia, 2014, p. 2.

([835]) CoE-CommDH, Missing persons and victims of enforced disappearance in Europe, March 2016, p. 21; UK Parliament, Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission, 10 June 2010, p. 26.

Chechen Commissioner for Human Rights as he was not perceived as independent. One would risk an unpleasant call from the authorities in such a case ([836]). Amnesty International concluded in its Annual Report for 2014 that there was a 'near-total lack of legal remedies for victims of human rights violations' in Chechnya ([837]).

A historian and expert on Chechnya explained that officials who refuse to follow the instructions of their superiors are removed from office and subject to a prohibition to work in their profession ([838]).

A journalist told the Norwegian COI unit Landinfo in February 2016 that Kadyrov also has stated that he would pursue Chechens abroad who have voiced criticism against his regime, and threatened to go after their families. It is unclear whether he has actually delivered on these threats ([839]).

According to a Chechen human rights defender living abroad, Chechens who leave the republic and Kadyrov's rule 'find there are few places where his security forces cannot reach them'. The author, who writes in cooperation with Civil Rights Defenders, adds that:

> 'Kadyrov uses both traditional strong-arm tactics and electronic surveillance to keep tabs on Chechen refugees, economic migrants, journalists, and political exiles (…). Those accused of committing real or imagined crimes against the state - as well as their friends and families - find that international borders are not significant impediments to Kadyrov's ability to terrorise, torture and murder Chechens with seeming impunity' ([840]).

3.3.4 Safeguards and prosecution of ill-treatment

According to several sources, ill-treatment to force confessions is commonplace in Chechnya ([841]). The Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe stated in June 2016 that he 'was informed throughout [his] mandate […] that policemen still routinely apply torture in order to obtain confessions, which remain the principle basis of guilty verdicts by courts' ([842]).

As in other parts of the Russian Federation ([843]), police are under pressure to 'solve' cases and boost the statistics of successful investigations ([844]). According to Memorial quoted in a DIS report, police and investigators will make sure no evidence of beating is left on the body once the suspect has seen by a judge, either by using methods of ill-treatment that leave no traces or by delaying presentation of an accused to his or her lawyer and the court. They also threaten doctors not to record any signs of

([836]) SEM, Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien, 15 July 2016, pp. 12-13.
([837]) AI, Amnesty International Report 2014/15 - The State of the World's Human Rights - Russian Federation, 25 February 2015.
([838]) Historian who specializes in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.
([839]) Landinfo: Tsjetsjenia: Familiemedlemmer til personer med tilknytning til opprørsbevegelsen, 4 October 2016, p. 9.
([840]) Foreign Policy Centre (The), No shelter: The harassment of activists abroad by intelligence services from the former Soviet Union, 2016, pp. 10, 16-19.
([841]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 125, 175-176; SFH, Tschetschenien: Aktuelle Menschenrechtslage. Update, 13. Mai 2016, p. 7.
([842]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 11; see e.g. Caucasian Knot, Complaint about torture of Inal Berov filed to EctHR, 30 March 2016.
([843]) See chapter 2 of this report.
([844]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 125.

ill-treatment in their medical reports ([845]).

3.3.5 Judges

A historian specialising in Chechnya indicates that courts of the Chechen Republic are not independent but follow the political will of the power elite in deciding a case. According to the same source, federal law does not apply in Chechnya and there is no judicial instance that is able to control the elites and their politics. However, where court decisions do not run counter to the interests of a powerful individual, they may be implemented ([846]).

The judiciary is also almost exclusively composed of Chechens ([847]).

A number of commentators state that Judges in Chechnya face a high pressure from the elite. According to Falkowski and Lang, judges either participate in the repression of any challenge to those in power, or they succumb to the pressure exerted on them ([848]). Kadyrov publicly chastises judges for not deciding to his liking. In May 2016, he said in a public speech that several judges should resign. As a consequence, several judges handed in their resignations, including Justice Karataev, the chairman of the Chechen Supreme Court who publicly apologised for the legal errors made by the court ([849]). One source said the conflict between Kadyrov and the judges was linked to 'monthly tributes' the judges were forced to pay ([850]). The spokesperson of the Kremlin could find 'nothing illegal' in the resignation of the Chairman ([851]). The International Commission of Jurists declared the calls for 'voluntary resignation' to be an 'inappropriate interference with the functioning and independence of the judiciary' ([852]).

In October 2016, Karataev's successor, the acting chairman Murdalov, was reportedly assaulted by a group of armed men who entered the Supreme Court to demand his resignation ([853]). Murdalov publicly denied the assault and also did not resign ([854]).

Human rights groups and lawyers stated to a fact-finding team of the Danish Immigration Service that it was almost impossible to get acquitted in case of a fabricated charge. Police and prosecutors would fabricate charges in order to increase their performance statistics. A journalist knowledgeable on the North Caucasus told the DIS that 'there is a tradition of never admitting to a mistake. This means that once arrested and accused of a crime it is very unlikely that a person would not be convicted of some offence' ([855]). In a 2014 case where a man accused of killing a police officer was acquitted in a jury trial,

---

([845]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 151, pp. 175-176.
([846]) Historian who specializes in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.
([847]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 131.
([848]) Falkowski, M. and Lang, J., The Caucasus Emirate and its Significance for Security in Caucasus, June 2015, p. 93.
([849]) Memorial, Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016, 2016, p. 27; Caucasian Knot, Residents of Chechnya treat resignation of judges as result of Kadyrov's pressure, 7 May 2016.
([850]) Caucasian Knot, Residents of Chechnya treat resignation of judges as result of Kadyrov's pressure, 7 May 2016.
([851]) Caucasian Knot, Kremlin supports Kadyrov in his conflict with Judge Karataev, 16 May 2016.
([852]) ICJ, Russian Federation: judges in Chechnya must be protected from pressure, 12 May 2016.
([853]) Moscow Times, Top Chechen Politician Tried to Beat Justice Official 'Into Resigning' - Reports, 7 October 2016; Caucasian Knot, Live on Chechen TV, Murdalov refutes information of his beating by Daudov, 8 October 2016.
([854]) Caucasian Knot, Live on Chechen TV, Murdalov refutes information of his beating by Daudov, 8 October 2016.
([855]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, p. 145.

Kadyrov reportedly intervened personally to call for the abolition of juries as 'not fitting "with the Chechen mentality"'. The defendant was re-arrested ([856]).

In cases where there was no evidence whatsoever against a defendant, the Russian NGO Memorial explained a judge would give a short prison sentence of between one to two years ([857]). For persons charged with insurgency, the Russian Criminal Code has recently introduced a 'special procedure' where the summary trial does not include any discussion of the evidence – the only grounds for appeal are procedural violations ([858]). Defendants usually agree to take a reduced sentence through this process rather than submitting themselves to the risk of a biased trial ([859]).

According to Svetlana Gannushkina, it is possible to appeal against the judgment of a Chechen Court to the Supreme Court of the RF but chances of winning are slim. Usually, the judgment of the lower court is affirmed ([860]).

3.3.6 Corruption

Several sources report that corruption in Chechnya is widespread and touches all levels of government, including courts and appeals courts ([861]). Most significantly, the sections of law enforcement supposed to combat corruption are said to be themselves corrupt ([862]). As reported by the Swiss State Secretariat for Migration, Kadyrov uses sensationalist trials against individuals to get rid of persons perceived as disloyal or dangerous ([863]). Private complaints of corruption, however, have ended with legal action against the complainants themselves. As reported by the Danish Immigration Service, businessmen went to court when Kadyrov asked them to 'donate' to the Terek football team; some of the cases were dismissed by the judge, others were withdrawn by the businessmen when the prosecutor's office threatened to charge them with illegal business practices ([864]).

3.3.7 Impact of traditional and religious law (Sharia and adat)

According to the ICG there are three laws for conflict regulation in the North Caucasus: the federal (Russian) law, *adat* (local customary law) and *Sharia* (Islamic law). *Adat* is described as 'an informal legal system implemented by knowledgeable elders' which 'blended with Sharia and is increasingly being replaced by it'. While *Sharia* is usually used to resolve family and property disputes in Chechnya,

([856]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 124-125; ICG, Chechnya: The Inner Abroad, 30 June 2015, pp. 31-32.
([857]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 175-176; ICG, The North Caucasus: The Challenges of Integration (III), Governance, Elections, Rule of Law, 6 September 2013, p. 42.
([858]) Memorial, Chechens in Russia, 2014, pp. 5-6.
([859]) Memorial, Chechens in Russia, 2014, pp. 5-6.
([860]) Gannushkina, S., email response, 8 November 2016.
([861]) ICG, North Caucasus: The Challenges of Integration (IV): Economic and Social Imperatives, 7 July 2015, pp. 33-34; SEM, Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien, 15 July 2016, p. 12-13; Memorial, Chechens in Russia, 2014, p. 3.
([862]) SEM, Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien, 15. July 2016, pp. 17-18; ICG, North Caucasus: The Challenges of Integration (IV): Economic and Social Imperatives, 7 July 2015. pp. 33-34.
([863]) SEM, Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien, 15. July 2016, p. 17.
([864]) DIS, Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations, January 2015, pp. 121-122.

adat is used when these disputes have a criminal aspect ([865]).

One historian specialised in Chechnya said that it was not customary for Chechens to submit their case to the civil courts, for example in matters of child custody. Traditional law knows its own rules that are respected by everyone in Chechnya and not questioned. Where rules exist under traditional law, they will be taken into consideration. The same source states that in matters such child custody, Chechens would not usually turn to a civil court but rather revert to Chechen customary rules or Sharia rules ([866]). Another expert explains that Sharia-based legal structures do not extend into the area of criminal law ([867]).

The Russian Justice Initiative (RJI) and Chechnya Advocacy Network (CAN), an umbrella organisation for groups and activists working in the field of human rights in Chechnya, note that secular law has not only been pushed to the margins by customary and religious law in Chechnya but support institutions such as the Chechen *muftiyat* (Islamic high council) are funded by local budgets for deciding family matters, including those related to domestic violence and custody over children. Thus, such matters are 'purposely and systematically' kept out of the secular courts ([868]).

Kadyrov himself stated that *Sharia* law weighs more than Russian law, even though his spokesman later said Kadyrov was 'misquoted' ([869]). In fact, according to law professor Leonid Sykiainen, decisions of 'Sharia institutions of dispute resolution' ([870]) may sometimes outright contravene federal law; as Muslims, Chechens were, however, not supposed to challenge a traditional ruling in Russian courts ([871]).

One historian specialised in Chechnya notes that religious leaders (Mullahs) are important figures in society who can influence the behaviour of people (except the Chechen government). It would be considered improper to oppose the advice of a Mullah, and there were even cases of blood feuds that could be solved by Mullahs ([872]).

3.3.8 Access to protection for women

RJI and CAN, a Russian NGO network specialising in women's rights, conclude in their report on the RF's implementation of CEDAW ([873]) that 'the majority of women in the North Caucasus do not benefit from the protections of formal, secular Russian law in the sphere of family life' ([874]). According to Ekatarina Sokirianskaia, project director Russia & North Caucasus at ICG, women in the North Caucasus

([865]) ICG, The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012, p. 5.
([866]) Historian who specializes in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.
([867]) Halbach, U., email response, 11 November 2016.
([868]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 2.
([869]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 21; RFE/RL, Chechen Leaders Slam Proposed Creation Of Shari'a Courts, 26 April 2012.
([870]) Sykiainen uses this term in order to distinguish such institutions from the Sharia courts of the past. He notes, however, that these institutions are also sometimes referred to as Sharia courts in a conventional way.
([871]) Sykiainen, Leonid R., Sharia Courts: Modern Practice And Prospectives In Russia, 2015, pp. 13-14.
([872]) Historian who specializes in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.
([873]) UN Convention on the Elimination of all Forms of Discrimination Against Women.
([874]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, pp. 1-2; see also CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, pp. 13-14; HRW, Human Rights Violations in Russia's North Caucasus, 28 January 2016.

rarely seek redress for violations of their rights, 'and when they do, regional law-enforcement agencies often do not react or openly obstruct. In Chechnya the state protection that victims do get sometimes involves officials who collude with suspected perpetrators' ([875]). Women will usually have insufficient protection against so-called honour killings or forced marriages and will lose any battle over custody of their children ([876]).

According to ICG, Kadyrov's 'efforts to enforce tradition and morality affect women more than men', putting them at increased risk of 'honour killings, underage marriages and violence' ([877]). In Chechnya, many women 'are deprived of their children after divorce – with reference to purported "tradition" which allegedly prescribes children to be raised in their father's family – and are often denied visiting rights' ([878]).

RJI and CAN lists the following tools Chechen authorities use to prevent women from seeking legal remedies, for example when asking for custody of their children in case of divorce: bring fabricated charges against the mother or accuse her of conduct that makes her unfit to take care of her children; threaten to bring charges against the woman's male relatives; threaten her and her family with physical force; spread rumours and allegations about her being unfit for custody of her children; use the husband's connections to the security apparatus to pressure the judges to rule against her, get her lawyer to drop her case, or the bailiff to not implement a ruling in her favour; tell her children her mother only wants to hurt them in order to pressure her to drop the proceedings ([879]).

In a case that ultimately reached the ECHR, a woman seeking custody of her children succeeded in obtaining custody from the Chechen Supreme Court. The relatives of her husband then hindered enforcement of the judgment and started a smear campaign against her, accusing her of an 'amoral' life-style. They also sent security officers to threaten her and her lawyer. Ultimately, the Chechen Supreme Court reversed its ruling and granted custody to the husband, ordering the woman to pay child support ([880]).

The ICG said many families cannot resist pressure from powerful men in their areas who were interested in one of their daughters ([881]). In a widely publicised case, Kadyrov spoke out in support of an already married police chief who wanted to marry a 17-year-old girl against her will ([882]). The

([875]) Sokirianskaia, E., Women in the North Caucasus Conflicts: An Under-reported Plight, 9 June 2016.
([876]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 2.
([877]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 33.
([878]) Sokirianskaia, E., Women in the North Caucasus Conflicts: An Under-reported Plight, 9 June 2016.
([879]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 4.
([880]) Magomadova v Russia, Appl. No. 58724/14, accorded priority treatment by the European Court of Human Rights on 27 August 2015, described in RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, pp. 5.
([881]) ICG, Chechnya: The Inner Abroad, 30 June 2015, p. 33.
([882]) CoE-PACE, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016, p. 13; HRW, Dispatches: Will Russia Protect A Child Bride?, 13 May 2015; RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 8.

wedding took place on 16 May 2016, with the presence of Kadyrov ([883]). While then Commissioner for Human Rights, Ella Pamfilova, protested against the marriage, the Presidential Commissioner for Children's Rights explained that regional subjects had the right to set the minimum age for marriage lower than Russian law. He added that '[i]n the Caucasus, sexual maturity is reached at a younger age, let's not be sanctimonious about it. There are places where women are wrinkled at 27, and where by our measures they look to be around 50. And generally the Constitution does not allow to interfere in the private lives of citizens' ([884]).

RJI and CAN add that fabricated charges or even rumours of adultery or prostitution are dangerous for a woman in Chechnya as it exposes her to ostracism from her family or even honour killings ([885]).

According to the same source, honour killings are periodically reported in Chechnya, although it is very difficult to assess the true scale of the problem. The source indicates that there is no specific legislation to define and criminalise the practice, so very few cases are reported or end up in court ([886]).

ICG indicates that in Chechnya, 'Russian law is just one of the three co-existing legal systems that regulate' women's position in society, together with customary law [adat] and Islamic Sharia law. The source adds that 'all these systems are open to arbitrary interpretations, which can lead to serious infringement of rights. (…) Even when Russian courts pass decisions in favour of women, the local authorities, especially in Chechnya, openly sabotage their implementation' ([887]).

According to RFE/RL, in the first trimester of 2015 two men were formally charged with the murder of female relatives for 'amoral behaviour' ([888]). The Caucasian Knot reports that one of those men, Sultan Daurbekov, accused of killing his daughter, was sentenced to 7 years of imprisonment, to be served in a high security colony ([889]).

([883]) Moscow Times (The), Chechen Police Chief Marries Teen Bride Amid Mounting Scandal, 17 May; New York Times (The), Chechen Leader's Advice on Women: Lock Them In, 20 May 2015.
([884]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 8.
([885]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 4.
([886]) RJI and CAN, Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region, October 2015, p. 4.
([887]) ICG, Women in the North Caucasus Conflicts: An Under-reported Plight, 9 June 2016.
([888]) RFE/RL, Man To Face Trial In 'Honor Killing' Case In Chechnya, 19 March.
([889]) Caucasian Knot, Chechen resident sentenced to 7 years in colony for "honour killing", 27 April 2015.

Annex 1: Bibliography

Public sources

This bibliography is provided in alphabetical order. The original Cyrillic titles or names are in between parenthesis.

Academy of the Investigative Committee of the Russian Federation,

Education (Образование), n.d. (http://www.academy-skrf.ru/about_the_university/obrazovanie/), accessed 29 November 2016.

Information about the educational organization (Сведения об образовательной организации), n.d. (http://www.academy-skrf.ru/about_the_university/index.php), accessed 29 November 2016.

Structure and management bodies of the educational organization (Структура и органы управления образовательной организацией), n.d. (http://www.academy-skrf.ru/about_the_university/structure/), accessed 29 November 2016.

Academy of the Prosecutor General's Office of the Russian Federation, *Charter of the Academy* (Устав Академии), 15 September 2015 (http://www.agprf.org/acad/ustav.rtf), accessed 2 December 2016.

ADC Memorial (Anti-Discrimination Centre Memorial), *The RF's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, 2015 (http://www.ecoi.net/file_upload/1930_1447771954_int-cedaw-ngo-rus-21796-e.pdf), accessed 2 December 2016.

AI (Amnesty International),

Amnesty International Report 2012 - The State of the World's Human Rights, 24 May 2012 (http://www.ecoi.net/local_link/217500/324123_en.html), accessed 23 November 2016.

Amnesty International Report 2014/15 - The State of the World's Human Rights - Russian Federation, 25 February 2015 (http://www.ecoi.net/local_link/297310/419666_en.html), accessed 30 November 2016.

Amnesty International Report 2015/16 - The State of the World's Human Rights - Russian Federation, 24 February 2016 (http://www.ecoi.net/local_link/319681/445086_en.html), accessed 30 November 2016.

Anatomy of injustice: The Bolotnaya square trial, 10 December 2013 (https://www.amnesty.org/download/Documents/12000/eur460552013en.pdf), accessed 25 November 2016.

Russia must respect its international obligations, not defy the European Court of Human Rights [EUR 46/3928/2016], 28 April 2016 (http://www.ecoi.net/file_upload/1226_1461909649_eur4639282016english.pdf), accessed 1 December 2016.

The circle of injustice: Security operations and human rights violations in Ingushetia, 21 June 2012 (http://www.amnestyusa.org/sites/default/files/3680_ingushetia_cover__contents_web.pdf), accessed 30 November 2016.

Urgent Action: 57/16 [EUR 46/3643/2016], 31 March 2016 (http://www.ecoi.net/file_upload/1226_1459499083_eur4636432016english.pdf), accessed 30 November 2016.

Alexander Nevsky Cadet Corps of the Investigative Committee of the Russian Federation, *General information* (Общая информация), n.d. (http://kkskr.ru/information), accessed 29 November 2016.

Al Jazeera, *Chechnya's hard-line protector of Muslim rights*, 1 October 2015 (http://www.aljazeera.com/indepth/features/2015/10/chechnya-hard-line-protector-muslim-rights-151001085135746.html), accessed 30 November 2016.

Atlantic, *The Rise and Probable Fall of Putin's Enforcer*, 12 August 2013 (http://www.theatlantic.com/international/archive/2013/08/the-rise-and-probable-fall-of-putins-enforcer/278577/), accessed 29 November 2016.

Avetisyan, G., *Strasbourg: Supreme Court of the North Caucasus*, 24 August 2012, available at: openDemocracy, (https://www.opendemocracy.net/od-russia/grigor-avetisyan/strasbourg-supreme-court-of-north-caucasus), accessed 1 December 2016.

Bagmet, A. M., *The Academy of the Investigative Committee of The Russian Federation* (Академия Следственного Комитета Российской Федерации), in: Lex 4(113), April 2016 (http://lexrussica.ru/articles/article_102352.html?issue=lexrussica-4-2016), accessed 29 November 2016.

BBC News,

Chechnya profile, 18 August 2015 (http://www.bbc.com/news/world-europe-18188085), accessed 30 November 2016.

Chechnya profile – Timeline, 11 August 2015 (http://www.bbc.com/news/world-europe-18190473), accessed 30 November 2016.

Putin creates new National Guard in Russia 'to fight terrorism', 6 April 2016 (http://www.bbc.com/news/world-europe-35975840), accessed 23 November 2016.

Russian election: Big victory for Putin-backed party United Russia, 19 September 2016 (http://www.bbc.com/news/world-europe-37403242), accessed 23 November 2016.

Russia profile, Leaders, 30 November 2015 (http://www.bbc.com/news/world-europe-17839882), accessed 23 November 2016.

What is Sharia and how is it applied?, 7 May 2014 (http://www.bbc.com/news/world-27307249), accessed 24 November 2016.

Bertelsmann Stiftung, *BTI 2016, Russia Report*, 2016 (http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Russia.pdf), accessed 23 November 2016.

Big Caucasus, *5300 MVD employees are transferred to the National Guard of Chechnya* (В Нацгвардию Чечени переходят 5 300 сотрудников МВД), 1 November 2016 (http://www.bigcaucasus.com/events/news/01-11-2016/90032-national_guard-0/), accessed 30 November 2016.

Bowring, B., *Justice and Power Politics in Russia*, May 2011 (http://www.eu-russiacentre.org/our-publications/articles/justice-power-politics-russia.html), accessed 29 November 2016.

Cardenas, S., *Chains of Justice: The Global Rise of State Institutions for Human Rights, University of Pennsylvania Press*, 2014, accessed 30 November 2016.

Carnegie Moscow Center, *Chechnya's New Contract With the Kremlin*, 27 October 2016 (http://carnegie.ru/2016/10/27/chechnya-s-new-contract-with-kremlin-pub-64955), accessed 30 November 2016.

Carver, R. and Korotaev, A., *Assessing the effectiveness of National Human Rights Institutions*, October 2007 (http://hrbaportal.org/wp-content/files/1233060250assessing_the_effectiveness_of_national_human_rights_institutions_.doc), accessed 1 December 2016.

Cashback, D., *Risky Strategies? Putin's Federal Reforms and the Accommodation of Difference in Russia*, in: Journal on Ethnopolitics and Minority Issues in Europe, Issue 3 (2003), 2003 (http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2003/nr3/Cashaback_Autonomy_final.pdf), accessed 23 November 2016.

CAT (United Nations Committee Against Torture), *Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its fortyninth session (29 October-23 November 2012) [CAT/C/RUS/CO/5]*, 11 December 2012 (http://www.ecoi.net/file_upload/1930_1361800001_cat-c-rus-co-5.pdf), accessed 29 November 2016.

Caucasian Knot,

26-year-old Kadyrov's nephew appointed First Deputy Prime Minister of Chechnya, 15 March 2016 (http://www.eng.kavkaz-uzel.eu/articles/34921/), accessed 30 November 2016.

Beaten journalists gathered materials on kidnappings and torture in Chechnya, 11 March 2016 (http://www.eng.kavkaz-uzel.eu/articles/34880/), accessed 30 November 2016.

Chechen resident sentenced to 7 years in colony for "honour killing", 27 April 2015 (http://www.eng.kavkaz-uzel.eu/articles/31559/), accessed 13 February 2017.

Complaint about torture of Inal Berov filed to EctHR, 30 March 2016 (http://www.eng.kavkaz-uzel.eu/articles/35081/), accessed 30 November 2016.

Gannushkina focuses her campaign on abuses committed by Chechen authorities, 16 September 2016 (http://www.eng.kavkaz-uzel.eu/articles/36913/), accessed 30 November 2016.

Judge of Chechen SC disagrees with verdict on MIA's lawsuit against rights defenders, 19 October 2015 (http://www.eng.kavkaz-uzel.eu/articles/33438/), accessed 30 November 2016.

Kremlin supports Kadyrov in his conflict with Judge Karataev, 16 May 2016 (http://www.eng.kavkaz-uzel.eu/articles/35592/), accessed 30 November 2016.

Kurman-Ali Baichorov is at large, 15 February 2016 (http://www.eng.kavkaz-uzel.eu/articles/34617/), accessed 6 December 2016.

Live on Chechen TV, Murdalov refutes information of his beating by Daudov, 8 October 2016 (http://www.eng.kavkaz-uzel.eu/articles/37118/), accessed 30 November 2016.

Muftiyat of Chechnya: special commission reconciles 18 blood feudists, 7 September 2010 (http://www.eng.kavkaz-uzel.eu/articles/14350/), accessed 30 November 2016.

Residents of Chechnya treat resignation of judges as result of Kadyrov's pressure, 7 May 2016 (http://www.eng.kavkaz-uzel.eu/articles/35502/), accessed 30 November 2016.

Week in the Caucasus: review of main events of May 9-15 May 2016, 16 May 2016 (http://www.eng.kavkaz-uzel.eu/articles/35589/), accessed 30 November 2016.

Central Asia-Caucasus Institute and Silk Road Studies Program, *Chechen authorities raise pressure on human rights organizations*, 23 July 2016 (https://www.cacianalyst.org/publications/analytical-

articles/item/13380-chechen-authorities-raise-pressure-on-human-rights-organizations.html), accessed 30 November 2016.

Central Election Commission of the Russian Federation,

Election results. Elections to the Fifth State Duma of the Russian Federation (Результаты выборов. Выборы депутатов Государственной Думы Федерального Собрания Российской Федерации пятого созыва), 2 December 2007 (http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100021960186&vrn=100100021960181&region=0&global=1&sub_region=0&prver=0&pronetvd=null&vibid=100100021960186&type=242), accessed 23 November 2016.

Elections to the Seventh State Duma of the Russian Federation. Chechen Republic (Выборы депутатов Государственной Думы Федерального Собрания Российской Федерации седьмого созыва. Чеченская Республика), 18 September 2016 (http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&tvd=100100067795854&vrn=100100067795849&region=0&global=1&sub_region=0&prver=0&pronetvd=0&vibid=100100067795907&type=233), accessed 30 November 2016.

Chatham House, *Reiderstvo: Asset-Grabbing in Russia*, (Hanson, P.), March 2014 (https://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public_html/sites/default/files/20140300AssetGrabbingRussiaHanson1.pdf), accessed 24 November 2016.

Chechen Parliament,

Constitution of the Chechen Republic, 23 March 2003, version of 17 January 2016 (http://www.parlamentchr.ru/republic/konstitutsiya-chr), accessed 30 November 2016.

Results of the parliamentary elections are known, 21 September 2016 (http://parlamentchr.ru/press-centre/news/3661-stali-izvestny-itogi-golosovaniya-vyborov-deputatov-parlamenta-chr), accessed 30 November 2016.

Cheloukhine, S. et al., *Police integrity in Russia*, in: Kutnjak Ivkovic, S. and Haberfeld, M.R., Measuring Police Integrity Across the World. Studies from Established Democracies and Countries in Transition, Springer, 2015, pp. 155-182.

Cheskin, A. and March, L., *State–society relations in contemporary Russia: new forms of political and social contention*, in: East European Politics, Volume 31, Issue 3, 18 Aug 2015, pp. 261-273 (http://www.tandfonline.com/doi/full/10.1080/21599165.2015.1063487), accessed 23 November 2016.

Chistyakova, Y. and Robertson, A., *Youtube Cops and Power Without Limits: Understanding Police Violence in 21st Century Russia*, in: The Journal of Power Institutions in Post-Soviet Societies, Issue 13, 2012 (http://pipss.revues.org/3949), accessed 24 November 2016.

CIA (Central Intelligence Agency), *The World Factbook, Russia*, last update 10 November 2016 (https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html), accessed 29 November 2016.

CNN, *Chechnya Fast Facts*, 17 August 2016 (http://edition.cnn.com/2013/10/17/world/europe/chechnya-fast-facts/), accessed 30 November 2016.

Congress of Local and Regional Authorities of the Council of Europe, *Regionalisation trends in European countries 2007-2015. A study by members of the Group of Independent Experts of the European Charter of Local Self-Government*, Editor: Prof. Francesco Merloni, June 2016

(https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2949157&SecMode=1&DocId=2371412&Usage=2), accessed 23 November 2016.

Constitutional Court of the Russian Federation (KSRF),

Constitution of the Russian Federation, 12 December 1993 (http://www.ksrf.ru/en/Info/LegalBases/ConstitutionRF/Pages/default.aspx), accessed 23 November 2016.

Cooper, J., *The Funding of the Power Agencies of the Russian State: An Update, 2005 to 2014 and Beyond*, in: The Journal of Power Institutions in Post-Soviet Societies, Issue 16, 2014 (http://pipss.revues.org/4063), accessed 2 December 2016.

Council of Europe (CoE),

Anti-corruption digest – Russian Federation, n.d. (http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/ECCU%20Digest/Russia/Default_Digest_RussiaFed_en.asp), accessed 5 March 2017.

Department for the execution of judgments of the European Court of Human Rights, *The supervision process*, n.d. (http://www.coe.int/cs/web/execution/the-supervision-process), accessed 30 November 2016.

Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland, 16 January 2017 (https://www.coe.int/en/web/children/-/russia-decriminalising-domestic-violence-would-be-a-clear-sign-of-regression-says-secretary-general-jagland), accessed 13 February 2017.

Council of Europe - Commissioner for Human Rights (CoE-CommDH),

Missing persons and victims of enforced disappearance in Europe, March 2016 (http://www.ecoi.net/file_upload/1226_1461738109_ip-missingpersons-en.pdf), accessed 30 November 2016.

Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to the Russian Federation from 3 to 12 April 2013 [CommDH(2013)21], 12 November 2013 (http://www.ecoi.net/file_upload/1226_1384353253_com-instranetrf.pdf), accessed 24 November 2016.

Council of Europe - Committee of Ministers (CoE-Committee of Ministers), *Klyakhin group v. the Russian Federation (Application No. 46082/99), Supervision of the execution of the European Court's judgments*, 20-21 September 2016 (https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016806a45f4), accessed 1 December 2016.

Council of Europe - Consultative Council of European Judges (CoE-CCJE), *Questionnaire for the Preparation of Regulation No. 19 (2016) of the Consultative Council of European Judges (CCEJ): "Role of Presidents of the Court"*, 2016 (http://www.coe.int/t/dghl/cooperation/ccje/textes/OP_19_Questionnaire%20Russie.asp), accessed 5 December 2016.

Council of Europe - Consultative Council of European Prosecutors (CoE-CCPE),

Answers to the Questionnaire for preparation of Opinion #10 CCEP "On Activities of the Prosecutors within the Framework of Criminal Investigation", April 2015 (http://www.coe.int/t/dghl/cooperation/ccpe/opinions/Travaux/OP_10_Russie.pdf), accessed 2 December 2016.

Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services, 7 February 2012 (http://www.coe.int/t/dghl/cooperation/CCPE/opinions/Travaux/OP_7_Russian_Federation.pdf), accessed 2 December 2016.

Council of Europe - European Commission against Racism and Intolerance (CoE-ECRI), *ECRI Report On The Russian Federation (fourth monitoring cycle): Adopted on 20 June 2013 Published on 15 October 2013 [CRI(2013)40]*, 15 October 2013 (http://www.ecoi.net/file_upload/1226_1384354889_rus-cbc-iv-2013-040-eng.pdf), accessed 1 December 2016.

Council of Europe - European Commission for the Efficiency of Justice (CoE-CEPEJ),

European judicial systems Efficiency and quality of justice - Edition 2016 (2014 data), 6 October 2016 (https://www.coe.int/T/dghl/cooperation/cepej/evaluation/2016/publication/CEPEJ%20Study%2023%20report%20EN%20web.pdf), accessed 2 December 2016.

Recent Significant Developments in the Judicial Field in the Russian Federation, July 2015 (http://www.coe.int/t/DGHL/cooperation/cepej/profiles/The%20Russian%20Federation.pdf) accessed 29 November 2016.

Report on "European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice", 17 September 2014 (http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf), accessed 2 December 2016.

Scheme for Evaluating Judicial Systems 2013, Russian Federation, 10 September 2014 (http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Russian%20Federation_2014.pdf), accessed 2 December 2016.

Council of Europe - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT), *Report to the Russian Government on the visit to the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 May to 4 June 2012 [CPT/Inf (2013) 41]*, 17 December 2013 (http://www.ecoi.net/file_upload/1226_1387290015_2013-41-inf-eng.pdf), accessed 24 November 2016.

Council of Europe - Parliamentary Assembly (CoE-PACE),

Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)? [Doc. 14083], 8 June 2016 (http://www.ecoi.net/file_upload/1226_1466497934_document.pdf), accessed 30 November 2016.

Opinion 193. Application by Russia for membership of the Council of Europe, 1996 (http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=13932&lang=en), accessed 1 December 2016.

Council of the Federation of the Federal Assembly, (http://www.council.gov.ru/structure/council/), accessed 8 February 2017.

CPJ (Committee to Protect Journalists), *Attackers beat group of journalists covering human rights abuses in North Caucasus*, 9 March 2016 (https://www.cpj.org/2016/03/attackers-beat-group-of-journalists-covering-human.php), accessed 30 November 2016.

Daily Mail, *Chechnya sends in the 'fun police': Authorities to attend Islamic weddings to prevent guests enjoying themselves by dancing, getting drunk or firing guns*, 28 October 2016 (http://www.dailymail.co.uk/news/article-3881596/Chechyna-sends-fun-police-Authorities-attend-

weddings-prevent-guests-enjoying-dancing-getting-drunk-firing-guns.html), accessed 30 November 2016.

de Andrés Sanz, J. and Ruiz Ramas, R., *Institutions and political regime in Putin´s Russia: an analysis, in: Central European Political Science Review*, Volume 9, Number 31, 2008, pp. 33-60 (http://www.academia.edu/1948089/Institutions_and_political_regime_in_Putin_s_Russia_an_analysis), accessed 23 November 2016.

dekoder, *Ermittlungskomitee*, 17 August 2015 (http://www.dekoder.org/de/gnose/ermittlungskomitee), accessed 25 November 2016.

Deutsch-Russische Außenhandelskammer, *Staatsaufbau der Russischen Föderation*, n.d. (http://russland.ahk.de/laenderinfo/russland/staatsaufbau/), accessed 30 November 2016.

DIS (Danish Immigration Service), *Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations. Report from the Danish Immigration Service's fact finding mission to Moscow, Grozny and Volgograd, the Russian Federation From 23 April to 13 May 2014 and Paris, France 3 June 2014*, January 2015 (https://www.nyidanmark.dk/NR/rdonlyres/662FD8CA-B89C-438C-B532-591500571951/0/ChechnyaFactfindingreport26012015FINALinklforside.pdf), accessed 30 November 2016.

DIS (Danish Immigration Service) and Danish Refugee Council (DRC), Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases. Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Moscow and St Petersburg, the Russian Federation 23 May to 5 June 2012, August 2012 (https://www.nyidanmark.dk/NR/rdonlyres/01750EB0-C5B1-425C-90A7-3CE3B580EEAA/0/chechens_in_the_russian_federation.pdf), accessed 2 December 2016.

Dolzhenko, V. G., *Problems of staff management and the path to their solution in the system of the Investigative Committee of the Prosecutor's Office of the Russian Federation* (Проблемы кадровой работы и пути их решения в системе Следственного комитета при прокуратуре Российской Федерации), in: *Bulletin of the Investigative Committee)*, No 3(9)-4(10), 2010, pp. 31-38 (http://sledcom.ru/upload/site1/document_file/i3RBFVVz7B.pdf), accessed 29 November 2016.

Dzhidzalova, I.T, *The Prosecutor's Office in the present state structure of Russia* (Прокуратура в современном государственном аппарате России), in: Pravosashchitnik, No 2/2014, 2014 (http://pravozashitnik.net/ru/2014/2/25), accessed 2 December 2016.

EASO (European Asylum Support Office), *Chechnya: Women, Marriage, Divorce and Child Custody*, September 2014 (https://coi.easo.europa.eu/administration/easo/PLib/EASO-COI-Report-Chechnya_Sept2014.pdf), accessed 30 November 2016.

ECHR (European Court of Human Rights),

European Convention on Human Rights, 1950 (http://www.echr.coe.int/Documents/Convention_ENG.pdf), accessed 29 November 2016.

Interim measures by respondent State and country of destination 2016, 2016 (http://www.echr.coe.int/Documents/Stats_art_39_02_ENG.pdf), accessed 1 December 2016.

Overview 1959-2015, March 2016 (http://www.echr.coe.int/Documents/Overview_19592015_ENG.pdf), accessed 29 November 2016.

Russia. Press country profile, December 2016 (http://www.echr.coe.int/documents/cp_russia_eng.pdf), accessed 5 December 2016.

The ECHR in Facts and Figures, March 2016 (http://www.echr.coe.int/Documents/Facts_Figures_2015_ENG.pdf), accessed 29 November 2016.

Encyclopædia Britannica, *Chechnya*, last updated 8 January 2012 (https://www.britannica.com/place/Chechnya), accessed 30 November 2016.

Economist, *United Russia, divided Putin*, 4 June 2016 (http://www.economist.com/news/europe/21699944-president-has-crushed-opposition-technocrats-and-security-hawks-are-fighting-his), accessed 23 November 2016.

EPRS (European Parliamentary Research Service),

Human rights in Russia No light at the end of the tunnel, September 2016 (http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/589768/EPRS_BRI(2016)589768_EN.pdf), accessed 1 December 2016.

Russia's constitutional structure: Federal in form, unitary in function, October 2015 (http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/569035/EPRS_IDA(2015)569035_EN.pdf), accessed 30 November 2016.

European Union,

EUDEL statement on the recent decision of the Russian Constitutional Court to disregard a judgment of the European Court of Human Rights, 1 February 2017 (https://eeas.europa.eu/headquarters/headquarters-homepage/20084/eudel-statement-recent-decision-russian-constitutional-court-disregard-judgment-european-court_en), accessed 5 March 2017.

EU Statement on Domestic Violence in the Russian Federation, OSCE Permanent Council No 1132, Vienna, 2 February 2017 (https://eeas.europa.eu/sites/eeas/files/pc_1132_eu_on_domestic_violence_in_russia_0.pdf), accessed 5 March 2017.

EurActiv, *Russia overrules the European Court of Human Rights*, 14 July 2015 (http://www.euractiv.com/sections/europes-east/russia-overrules-european-court-human-rights-316305), accessed 30 November 2016.

Eurasianet,

Russia: What Interior Ministry Reform Means for the Migration and Drug Control Services, 9 May 2016 (http://www.eurasianet.org/node/78691), accessed 23 November 2016.

European Forum for Democracy and Solidarity, *Russia*, last update 21 September 2016 (http://www.europeanforum.net/country/russia), accessed 23 November 2016.

Falkowski, M.,

Kadyrov attacks the Russian opposition, 27 January 2016 (https://www.osw.waw.pl/en/publikacje/analyses/2016-01-27/kadyrov-attacks-russian-opposition), accessed 30 November 2016.

Ramzanistan. Russia's Chechen problem, August 2015 (https://www.osw.waw.pl/sites/default/files/pw_54_ang_ramzanistan_net.pdf), accessed 30 November 2016.

Falkowski, M. and Lang, J., T*he Caucasus Emirate and its Significance for Security in Caucasus*, June 2015 (http://wikp.udsc.gov.pl/images/Raporty_ekspertow/2b_-_Emirat_Kaukaski_EN_EX.pdf), accessed 30 November 2016.

FCO (UK Foreign and Commonwealth Office),

Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern – Russia, 12 March 2015 (http://www.ecoi.net/local_link/298548/421029_en.html), accessed 24 November 2016.

Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: January to June 2016 - Russian Federation, 21 July 2016 (https://www.gov.uk/government/publications/russia-human-rights-priority-country/human-rights-priority-country-update-report-january-to-june-2016), accessed 24 November 2016.

FIDH (Fédération internationale des ligues des droits de l'Homme), *Russian Federation: Members of the Joint Mobile Group and journalists attacked in Ingushetia*, 14 March 2016 (https://www.fidh.org/en/issues/human-rights-defenders/russian-federation-members-of-the-joint-mobile-group-and-journalists), accessed 30 November 2016.

FIDH (Fédération internationale des ligues des droits de l'Homme) and ADC Memorial (Anti-Discrimination Centre Memorial), *Roma, Migrants, Activists: Victims of Police Abuse. A report submitted within the framework of the review of the 5th periodic report submitted by the Russian Federation to the Committee Against Torture for its 49th session*, 2012 (http://www.ecoi.net/file_upload/1930_1354112572_fidh-russianfederation-cat49.pdf), accessed 24 November 2016.

Finkel, E., *Defending Rights, Promoting Democracy: The Institution of Ombudsman in Poland, Russia and Bulgaria*, 2006 (http://www.ef.huji.ac.il/publications/finkel.pdf), accessed 1 December 2016.

Finnish Immigration Service, *Current situation of sexual and gender minorities in Russia*, 10 April 2015 (http://www.migri.fi/download/60336_Suuntaus-raportti_LGBT_VenajallaEN-FINAL.pdf?5b0eea6266acd288), accessed 2 December 2016.

Finnish Institute of International Affairs, *Zugzwang in slow motion?–The implications of Russia's system-level crisis*, December 2015 (http://www.fiia.fi/assets/publications/analysis6_Zugzwang_In_Slow_Motion.pdf), accessed 23 November 2016.

Foreign Policy Centre (The), *No shelter: The harassment of activists abroad by intelligence services from the former Soviet Union*, 2016, pp. 10, 16-19 (http://fpc.org.uk/fsblob/1786.pdf), accessed 7 February 2017.

France 24, *10 years on, Anna Politkovskaya murder still unsolved*, 7 October 2016 (http://www.france24.com/en/20161007-10-years-anna-politkovskaya-murder-still-unsolved), accessed 30 November 2016.

Freedom House,

Freedom in the World 2014 – Russia, 23 January 2014 (https://freedomhouse.org/report/freedom-world/2014/russia), accessed 30 November 2016.

Freedom in the World 2016 – Russia, 27 January 2016 (https://www.ecoi.net/local_link/320151/459381_de.html), accessed 29 November 2016.

Nations in Transit 2016 - Russia, 12 April 2016 (http://www.ecoi.net/local_link/325011/451195_en.html), accessed 23 November 2016.

FSSS (Federal State Statistics Service), *Recorded Crimes*, 2016 (http://www.gks.ru/bgd/regl/b16_12/IssWWW.exe/stg/d01/12-01.doc), accessed 29 November 2016.

Galeotti, M.,

Goodbye, Bastrykin?, 15 September 2016, (available at openDemocracy) (https://www.opendemocracy.net/od-russia/mark-galeotti/goodbye-bastrykin), accessed 29 November 2016.

Is Russia Really The World's Most Heavily Policed State? No., published on: In Moscow's Shadows, 12 October 2013 (https://inmoscowsshadows.wordpress.com/2013/10/12/is-russia-really-the-worlds-most-heavily-policed-state-no/), accessed 24 November 2016.

Purges, power and purpose: Medvedev's 2011 police reforms, in: The Journal of Power Institutions in Post-Soviet Societies, Issue 13, 2012 (http://pipss.revues.org/3960), accessed 23 November 2016.

The Investigations Committee – not so much Russia's FBI, more a Kremlin watchdog, published on: In Moscow's Shadows, 5 October 2010 (https://inmoscowsshadows.wordpress.com/2010/10/05/the-investigations-committee-not-so-much-russias-fbi-more-a-kremlin-watchdog/), accessed 29 November 2016.

German Institute for International and Security Affairs,

Putin's New National Guard, SWP Comments 41, (Klein, M.), September 2016 (http://www.swp-berlin.org/fileadmin/contents/products/comments/2016C41_kle.pdf), accessed 23 November 2016.

Russlands inneres Ausland. Der Nordkaukasus als Notstandszone am Rande Europas, SWP Studie, (Halbach, U.), October 2010 (https://www.swp-berlin.org/fileadmin/contents/products/studien/2010_S27_hlb_ks.pdf), accessed 30 November 2016

Gladarev, B., *Russian Police before the 2010-2011 Reform: A Police Officer's Perspective, in: The Journal of Power Institutions in Post-Soviet Societies*, Issue 13, 2012 (http://pipss.revues.org/3978), accessed 23 November 2016.

Global Integrity, *Global Integrity Report 2010: Russian Federation*, 2010 (https://www.globalintegrity.org/research/reports/global-integrity-report/global-integrity-report-2010/gir-scorecard-2010-russian-federation/), accessed 25 November 2016.

Goble, P., *New Regional Policy Draft Pushing Russia Toward Hyper-Centralized 'Post-Federalism,' Shtepa Says*, 1 June 2015 (http://www.interpretermag.com/new-regional-policy-draft-pushing-russia-toward-hyper-centralized-post-federalism-shtepa-says/), accessed 23 November 2016.

Government of the Russian Federation,

About the Government – Senior Russian Government Officials, n.d. (http://government.ru/en/gov/persons/), accessed 23 November 2016.

About the Government - Ministry of Justice of the Russian Federation, n.d. (http://government.ru/en/department/99/events/), accessed 23 November 2016.

About the Government – Ministries and Agencies, last update 5 April 2016 (http://government.ru/en/ministries/), accessed 23 November 2016.

Gradskova, Y., *Regional Ombudsmen, Human Rights and Women – Gender Aspects of the Social and Legal Transformation in North-West Russia, in: The Soviet and Post-Soviet Review 39*, 2012, pp. 84-109 (http://booksandjournals.brillonline.com/docserver/18763324/39/1/10751262_v39n1_s5.pdf?expires=1480619350&id=id&accname=guest&checksum=3C1E1EE0C6FEA2DE3CD73A044BA9DC9C), accessed 29 November 2016.

Guardian,

Chechen leader's show of strength muddies loyalty to Putin, 3 June 2015 (https://www.theguardian.com/world/2015/jun/03/chechen-leaders-show-of-strength-muddies-loyalty-to-putin), accessed 29 November 2016.

Russia's anti-Putin protests grow, 7 December 2011 (https://www.theguardian.com/world/2011/dec/07/russia-anti-putin-protest-grow), accessed 23 November 2016.

GUMV (General Directorate for Migration Affairs), official website, n.d. (https://xn--b1aew.xn--p1ai/mvd/structure1/Glavnie_upravlenija/guvm), accessed 10 January 2017.

Head and Government of the Chechen Republic, official website, n.d. (http://chechnya.gov.ru/), accessed 30 November 2016.

Hendley, K., *Too Much of a Good Thing? Assessing Access to Civil Justice in Russia*, 19 September 2012 (http://www.edgs.northwestern.edu/wp-content/uploads/2013/07/Hendley-Paper.pdf), accessed 6 December 2016.

High Commissioner for Human Rights in the Russian Federation,

About the Council, n.d. (http://eng.ombudsmanrf.org/ombudsman/content/about_the_council), accessed 1 December 2016.

Annual Report 2015 of the High Commissioner for Human Rights in the Russian Federation, 22 March 2016 (http://eng.ombudsmanrf.org/www/upload/files/Report_2015_Sample.pdf), accessed 1 December 2016.

Annual Report 2014 of the High Commissioner for Human Rights in the Russian Federation, 6 May 2015 (http://eng.ombudsmanrf.org/www/upload/files/doklad_eng_2014.pdf), accessed 1 December 2016.

Biography Tatiana Moskalkova, n.d. (http://eng.ombudsmanrf.org/ombudsman/content/biography), accessed 1 December 2016.

Confidence in institute of human rights commissioner significantly increased, 12 February 2015 (http://eng.ombudsmanrf.org/events/news/regional_news/view/confidence_in_institute_of_human_rights_commissioner_significantly_increased), accessed 2 December 2016.

Coordination Council of Commissioners for Human Rights in North Caucasian Federal District adopted resolution at meeting in Dagestan, 24 November 2016 (http://eng.ombudsmanrf.org/events/news/news_of_the_commissioner/view/coordination_council_of_commissioners_for_human_rights_in_north_caucasian_federal_district_adopted_resolution_at_meeting_in_dagestan), accessed 1 December 2016.

Expert Council, n.d. (http://eng.ombudsmanrf.org/ombudsman/content/expert_council), accessed 1 December 2016.

Frequently Asked Questions, n.d. (http://eng.ombudsmanrf.org/ombudsman/faq), accessed 1 December 2016.

History, n.d. (http://eng.ombudsmanrf.org/ombudsman/content/history), accessed 1 December 2016.

How to apply? (Как обратиться?), n.d. (http://ombudsmanrf.org/contact/content/cases), accessed 1 December 2016.

Information about income, expenses, assets and liabilities of material nature, n.d. (http://ombudsmanrf.org/ombudsman/content/income), accessed 2 December 2016.

Law on human rights commissioner adopted by State Duma, 27 March 2015 (http://eng.ombudsmanrf.org/events/news/news_of_the_commissioner/view/law_on_human_rights_commissioner_adopted_by_state_duma), accessed 1 December 2016.

Meeting of Human Rights Commissioners Coordination Council devoted to interaction between authorities and public institutions, 17 June 2016 (http://eng.ombudsmanrf.org/events/news/news_of_the_commissioner/view/meeting_of_human_rights_commissioners_coordination_council_devoted_to_interaction_between_authorities_and_public_institutions), accessed 1 December 2016.

Procedures for entry into the civil service (Порядок поступления граждан на государственную службу), n.d. (http://ombudsmanrf.org/ombudsman/content/join_service), accessed 2 December 2016.

Regional commissioners for human rights, n.d. (http://eng.ombudsmanrf.org/russia/ombudsmans), accessed 1 December 2016.

Structure of the Office of the High Commissioner for Human Rights in the Russian Federation, n.d. (http://eng.ombudsmanrf.org/ombudsman/apparat), accessed 1 December 2016.

The requirements for a complaint (Требования к жалобе), n.d. (http://ombudsmanrf.org/contact/content/kakie_trebovanija_predjavljajutsja_k_zhalobe_upolnomochennomu_po_pravam_cheloveka_v_rossijskoj_federacii), accessed 1 December 2016.

HRW (Human Rights Watch)

A Slap is Only the Start, 14 February 2017 (https://www.hrw.org/news/2017/02/14/slap-only-start), accessed 14 February 2017.

Dispatches: Will Russia Protect A Child Bride?, 13 May 2015 (https://www.hrw.org/news/2015/05/13/dispatches-will-russia-protect-child-bride), accessed 30 November 2016.

Dispatches: Presumed Gay and Paying for it with Your Life in Russia, 13 April 2016 (https://www.hrw.org/news/2016/04/13/dispatches-presumed-gay-and-paying-it-your-life-russia), accessed 2 December 2016.

Human Rights Violations in Russia's North Caucasus, 28 January 2016 (http://www.ecoi.net/local_link/318631/443861_en.html), accessed 30 November 2016.

License to Harm. Violence and Harassment against LGBT People and Activists in Russia, 15 December 2014 (https://www.hrw.org/sites/default/files/reports/russia1214_ForUpload.pdf), accessed 2 December 2016.

Like Walking a Minefield"; Vicious Crackdown on Critics in Russia's Chechen Republic, 30 August 2016 (http://www.ecoi.net/file_upload/1226_1472803628_chechnya0816-1.pdf), accessed 30 November 2016.

Russia: Court Rules Against LGBT Activist, 3 February 2016 (https://www.hrw.org/news/2016/02/03/russia-court-rules-against-lgbt-activist), accessed 2 December 2016.

Russia - Domestic Violence Victims Need Legal Protection, 28 July 2016 (http://www.ecoi.net/local_link/327850/455012_en.html), accessed 2 December 2016.

World Report 2011, 24 January 2011 (http://www.ecoi.net/local_link/153277/254877_en.html), accessed 23 November 2016.

HSS (Hanns Seidel Stiftung), *Berichte aus dem Ausland - Politischer Bericht aus der Russischen Föderation* - Nr. 17/2016 , 6. Oktober 2016 (http://www.hss.de/fileadmin/media/downloads/Berichte/161006__PB_Moskau_Dumawahlen_2016.pdf), accessed 30 November 2016.

Huntley, S. S., *Russia's compliance with ECHR judgments, published on: ECHR and Promotion of the Rule of Law in Russia*, 5 September 2011 (http://echrrussia.blogspot.co.at/2011/09/russias-compliance-with-echr-judgments.html), accessed 1 December 2016.

ICC (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights),

Chart of the Status of National Institutions. Accreditation status as of 5 August 2016, 5 August 2016 (http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf), accessed 1 December 2016.

ICC Sub-Committee on Accreditation (SCA), n.d. (http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/default.aspx), accessed 1 December 2016.

Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 27-31 October 2014, October 2014 (http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20OCTOBER%202014%20FINAL%20REPORT%20-%20ENGLISH.pdf), accessed 1 December 2016.

ICG (International Crisis Group)

Chechnya: The Inner Abroad, 30 June 2015 (http://www.ecoi.net/file_upload/1226_1435827871_236-chechnya-the-inner-abroad.pdf), accessed 30 November 2016.

North Caucasus: The Challenges of Integration (IV): Economic and Social Imperatives, 7 July 2015 (http://www.ecoi.net/file_upload/1226_1436432304_237-north-caucasus-the-challenges-of-integration-iv-economic-and-social-imperatives.pdf), accessed 30 November 2016.

The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict, 19 October 2012 (http://www.ecoi.net/file_upload/1226_1350913897_220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf), accessed 24 November 2016.

The North Caucasus: The Challenges of Integration (III), Governance, Elections, Rule of Law, 6 September 2013 (http://www.ecoi.net/file_upload/1002_1379094096_the-north-caucasus-the-challenges-of-integration-iii-226-the-north-caucasus-the-challenges-of-integration-iii-governance-elections-rule-of-law.pdf), accessed 30 November 2016.

Women in the North Caucasus Conflicts: An Under-reported Plight, 9 June 2016 (http://blog.crisisgroup.org/europe-central-asia/2016/06/09/women-in-the-north-caucasus-conflicts-an-under-reported-plight/), accessed 13 February 2017.

ICJ (International Commission of Jurists),

Appointing the judges: Procedures for selection of Judges in the Russian Federation, 2014 (http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/11/RUSSIA-Selecting-the-judges-Publications-Reports-2014-Eng.pdf), accessed 5 December 2016.

Recommendations on the Draft Federal Law introducing certain amendments to the procedure of selection of judges (Draft Law No. 314591-6), 14 April 2015 (http://icj2.wpengine.com/wp-content/uploads/2015/04/Russia-Comment-on-Draft-Federal-Law-No-3145591-Advocacy-Legal-submission-2015-ENG.pdf), accessed 5 December 2016.

Russian Federation - Country Profile prepared by the ICJ Centre for the Independence of Judges and Lawyers, 6 June 2014 (http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2014/06/CIJL-Country-Profile-Russian-Federation-June-2014.pdf), accessed 29 November 2016.

Russian Federation: Appointment and promotion of judges; Security of tenure, 16 June 2014 (http://www.icj.org/cijlcountryprofiles/russian-federation/russian-federation-judges/russian-federation-appointment-and-promotion-of-judges-security-of-tenure/), accessed 5 December 2016.

Russian Federation: Court structure, 16 June 2014 (http://www.icj.org/cijlcountryprofiles/russian-federation/russian-federation-introduction/russian-federation-court-structure/), accessed 5 December 2016.

Russian Federation: Independence and impartiality; Judicial integrity and accountability, 16 June 2014 (http://www.icj.org/cijlcountryprofiles/russian-federation/russian-federation-judges/russian-federation-independence-and-impartiality-judicial-integrity-and-accountability-2/), accessed 6 December 2016.

Russian Federation: judges in Chechnya must be protected from pressure, 12 May 2016 (http://www.icj.org/russian-federation-judges-in-chechnya-must-be-protected-from-pressure/), accessed 30 November 2016.

Russian Federation: Legal tradition, 16 June 2014 (http://www.icj.org/cijlcountryprofiles/russian-federation/russian-federation-introduction/russian-federation-legal-tradition/), accessed 5 December 2016.

Securing justice: the disciplinary system for judges in the Russian federation, December 2012 (http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/12/MISSION-RUSSIA-REPORT.pdf), accessed 6 December 2016.

Submission to the Human Rights Committee in advance of the examination of the Russian Federation's seventh periodic report under Article 40 of the International Covenant on Civil and Political Rights, February 2015 (http://www.ecoi.net/file_upload/3230_1443169834_int-ccpr-css-rus-19604-e.pdf), accessed 5 December 2016.

Independent, *Domestic violence reports soar in Russian city following partial decriminalization*, 11 February 2017 (http://www.independent.co.uk/news/uk/home-news/domestic-violence-russia-yeketerinburg-reports-increase-following-partial-decriminalisation-law-a7575421.html), accessed 13 February 2017.

Institute for the Study of Conflict, *Ideology and Policy, Jury trials in Modern Russia*, 28 January 2010 (https://web.archive.org/web/20150918040912/http://www.bu.edu/phpbin/news-cms/news/?dept=732&id=55374) (available on archive.org), accessed 30 November 2016.

Interfax,

Markin says Russia may create unified investigative body in foreseeable future, 13 May 2016 (http://www.interfax.com/newsinf.asp?y=2016&m=5&d=7&id=673018), accessed 29 November 2016.

Single investigative body in Russia not to provide efficient of entire investigative process – Bastrykin (Part 2), 19 May 2016, (available at Factiva).

Interpreter (The), *Assassination Attempt on Kadyrov Revealed As He Sparks New Scandal with Call to Execute Drug Addicts*, 3 October 2016 (http://www.interpretermag.com/russia-update-october-3-2016/), accessed 30 November 2016.

IOM (International Organization for Migration), *Länderinformationsblatt Russland/Russische Föderation*, Juni 2014 (http://www.bamf.de/SharedDocs/MILo-DB/DE/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_russland-dl_de.pdf?__blob=publicationFile), accessed 30 November 2016.

IRB (Immigration and Refugee Board of Canada), *Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013) [RUS104604.E]*, 15 November 2013 (http://www.ecoi.net/local_link/264540/378302_en.html), accessed 2 December 2016.

IRL (Institute for the Rule of Law), *Path of criminal cases in official statistics, by the example of general data of the law enforcement agencies* (Траектория уголовного дела в официальной статистике, на примере обобщенных данных правоохранительных органов), 26 February 2014 (http://www.enforce.spb.ru/images/Issledovanya/2014/IRL_2014.04_MShklyaruk_Trajectory-of-Criminal-Case.pdf), accessed 29 November 2016.

IRL (Institute for the Rule of Law) and KGI (Civil Initiatives Committee),

Investigation officer in clear terms, 2016 (http://www.enforce.spb.ru/images/infographics/investigator_english_curves_new.pdf), accessed 29 November 2016.

Law enforcement in Russia: structure, functioning, ways of reforming. Part One, Chapters 1, 2, 3 (Правоохранительная деятельность в России: структура, функционирование, пути реформирования. Часть Первая, Главы 1,2,3), October 2012 (http://komitetgi.ru/upload/uploaded_files/irl_4_pravookhrana_4%20kudrin_part_1_fin.pdf), accessed 28 November 2016.

Law enforcement in Russia: structure, functioning, ways of reforming. Part One and Two. Summary (Правоохранительная деятельность в России: структура, функционирование, пути реформирования. Часть 1 и 2. Сокращенное изложение), 2013 (http://www.enforce.spb.ru/images/Issledovanya/Diagnostika_Summary_KT_11.13.pdf), accessed 29 November 2016.

Police department in clear terms, 2016 (http://www.enforce.spb.ru/images/infographics/otdelenie_english.pdf), accessed 24 November 2016.

Police detective in clear terms, 2016 (http://www.enforce.spb.ru/images/infographics/oper_english_texts_new.pdf), accessed 24 November 2016.

Russian Investigator – 12 empirical facts (Российский следователь: 12 эмпирических фактов), 15 June 2015

(http://enforce.spb.ru/images/Products/analit_review_sledovateli_KGI_IRL_2015_online.pdf), accessed 2 December 2016.

Islam.ru, *Chechen Muftiyat resolved three thousand family conflicts*, 19 September 2013 (http://www.islam.ru/en/content/news/chechen-muftiyat-resolved-three-thousand-family-conflicts), accessed 30 November 2016.

Izvestia,

A unified investigative committee will appear already in autumn (Объединенный следственный комитет появится уже осенью), 4 July 2014 (http://izvestia.ru/news/573312), accessed 29 November 2016.

Myths and Reality (Мифы и реальность), 28 February 2016 (http://izvestia.ru/news/605238), accessed 29 November 2016.

Jamestown Foundation,

Duma Elections and the Future of Russian Politics After Putin, in: Eurasia Daily Monitor, Volume 13, Issue: 150, 19 September 2016 (http://www.ecoi.net/local_link/329741/457314_en.html), accessed 23 November 2016.

Non-Chechen Candidates from Moscow Plans to Run for Seats Representing the North Caucasus in Upcoming Parliamentary, in: North Caucasus Weekly, Volume 17, Issue 14, 22 July 2016 (https://jamestown.org/program/non-chechen-candidates-from-moscow-plans-to-run-for-seats-representing-the-north-caucasus-in-upcoming-parliamentary-elections-2/), accessed 30 November 2016.

Ramzan Kadyrov Lashes out at Chechens Who Flee Republic, in: Eurasia Daily Monitor, Volume 13, Issue 19, 4 October 2016 (https://jamestown.org/program/ramzan-kadyrov-lashes-chechens-flee-republic/), accessed 30 November 2016.

Jordan, P. A., *Russia´s accession to the Council of Europe and compliance with European Human Rights Norms*, in: Demokratizatsiya, Spring 2003, Vol. 11 Issue 2, March 2003 (http://www2.gwu.edu/~ieresgwu/assets/docs/demokratizatsiya%20archive/11-2_Jordan.PDF), accessed 30 November 2016.

Judicial Departement of the Supreme Court of the Russian Federation,

Report on the activities of the Judicial department of the Supreme Court of the Russian Federation for the year 2014 (Отчет Об Итогах Деятельности Судебного Департамента При Верховном Суде Российской Федерации За 2014 Год), 15 April 2015 (http://www.cdep.ru/userimages/Otchet_o_deyatelnosti_Sudebnogo_departamenta_za_2014_god.pdf), accessed 5 December 2016.

Report on the activities of the Judicial department of the Supreme Court of the Russian Federation for the year 2015 (Отчет Об Итогах Деятельности Судебного Департамента При Верховном Суде Российской Федерации За 2015 Год), 29 March 2016 (http://www.cdep.ru/userimages/OTChYoT_2015.pdf), accessed 5 December 2016.

KGI (Civil Initiatives Committee), *Who needs the current reform of the law enforcement organs and why all instances will be against* (Кому нужна настоящая реформа правоохранительных органов и почему все ведомства будут против), 18 November 2013 (https://komitetgi.ru/publications/1021/), accessed 28 November 2016.

Kokarev, K. P., *Import of human rights institutions and their effectiveness in Post-Soviet States*, 13 June 2013 (https://poseidon01.ssrn.com/delivery.php?ID=431123081119072012118001026110108069016017

05008106503909009400509112211408600610902210709601700202912703706600000112308802811406000904402903509808002600608812710602904707700311200109006907612301812609108300002609300400901309312600110308302912610008 8&EXT=pdf), accessed 1 December 2016.

Korshunov, I. G., *About problems of the reform of the Prosecutor's oversight today* (О Проблемах Реформирования Прокурорского Надзора В Современный Период), in: Bulletin of the Kemerovo State University No. 4-1 (56), 2013, pp. 293-296 (http://vestnik.kemsu.ru/jour/article/viewFile/902/897), accessed 25 November 2016.

Kucheryavenko, O., Guskov, K. and Walker, M, *Cost of indulgence: Rise in violence and suicides among LGBT youth in Russia'*, in: Health and Human Rights Journal, 18 December 2013 (https://www.hhrjournal.org/2013/12/cost-of-indulgence-rise-in-violence-and-suicides-among-lgbt-youth-in-russia/), accessed 2 December 2016.

Landinfo, *Chechnya: Family members of persons with connections to the insurgence* (Tsjetsjenia: Familiemedlemmer til personer med tilknytning til opprørsbevegelsen), 4 October 2016 (http://www.ecoi.net/file_upload/1788_1478788225_3432-1.pdf), accessed 2 December 2016.

Lapitskaya, J., *ECHR, Russia, and Chechnya: Two Is Not Company, and Three Is Definitely a Crowd*, in: New York University Journal of International Law and Politics, Vol. 43, 2011, pp. 479-547 (http://nyujilp.org/wp-content/uploads/2013/02/43.2-Lapitskaya.pdf), accessed 30 November 2016.

Lapitsky, Yu. A., *Legal and organisational basis for the activities of the Investigative Committee of the Russian Federation* (Организационно-Правовые Основы Деятельности Следственного Комитета Российской Федерации), in: Bulletin of the Ryazan State University No. 3, 2010 (http://vestnik.rsu.edu.ru/pdf/11_(28).pdf), accessed 28 November 2016.

Lawtoday.ru, *Legal means of reaction of the prosecutor on established violations of law* (Правовые средства реагирования прокурора на выявляемые правонарушения), n.d. (http://lawtoday.ru/razdel/biblo/prok-nadzor/032.php), accessed 2 December 2016.

Ledeneva, A.,

Russia's Economy of Favours. Blat, Networking and Informal Exchange, Cambridge University Press, 1998.

Telephone Justice in Russia: an update, May 2011, (http://www.eu-russiacentre.org/wp-content/uploads/2008/10/EURC_review_XVIII_ENG.pdf), accessed 6 December 2016.

Le Huérou, A. and Sieca-Kozlowski, E., *«[…] Local police officers are accused of violence […] but case officers have an opportunity to commit acts of violence with impunity » - Interview with Ekaterina Khozhdaeva, Associate Professor in Sociology, Kazan State Technical University, conducted in Paris, 3 April 2012*, in: The Journal of Power Institutions in Post-Soviet Societies, Issue 13, 2012 (http://pipss.revues.org/3932), accessed 24 November 2016.

Leszczenko, L., *The Ombudsman institution in post-Soviet countries. Genesis - legal status – development*, Elipsa, 2011.

Levada-Center,

Corruption in the system of state authorities (Коррупция в системе государственной власти), 18 November 2014 (http://www.levada.ru/2014/11/18/korruptsiya-v-sisteme-gosudarstvennoj-vlasti/), accessed 24 November 2016.

Institutional trust, 16 October 2015 (http://www.levada.ru/en/2015/10/16/institutional-trust/), accessed 2 December 2016.

Institutional trust (Институциональное доверие), 13 October 2016 (http://www.levada.ru/2016/10/13/institutsionalnoe-doverie-2/), accessed 2 December 2016.

Public opinion – 2014, 2015 (http://www.levada.ru/sites/default/files/om14.pdf), accessed 2 December 2016.

The role of social institutes (Роль социальных институтов), 12 February 2015 (http://www.levada.ru/old/12-02-2015/rol-sotsialnykh-institutov), accessed 2 December 2016.

Trust in the power institutions (Доверие институтам власти), 13 November 2014 (http://www.levada.ru/2014/11/13/doverie-institutam-vlasti-3/), accessed 2 December 2016.

Why did they start to like the police in Russia? (Почему в России полюбили полицию?), 7 November 2014 (http://www.levada.ru/2014/11/07/pochemu-v-rossii-polyubili-politsiyu/), accessed 2 December 2016.

Lexology, *The Administrative Court Proceedings Code of the Russian Federation is signed into law*, 18 March 2015 (http://www.lexology.com/library/detail.aspx?g=8971ea82-ad78-42bf-9fb2-a851ec23e14a), accessed 6 December 2016.

Library of Congress, *Introduction to Russia's Legal System*, 29 April 2016 (https://www.google.at/search?q=Russia+district+courts+majority+of+cases&oq=Russia+district+courts+majority+of+cases&aqs=chrome..69i57.5519j0j4&sourceid=chrome&ie=UTF-8), accessed 5 December 2016.

Light. M., Prado, M. M. and Wang, Y., *Policing following political and social transitions: Russia, Brazil, and China compared*, in: Theoretical Criminology, Volume 19 (2), 2015, pp. 216-238 (http://scholar.harvard.edu/files/yuhuawang/files/light_et_al.pdf?m=1437141959), accessed 23 November 2016.

Lipman, M. and Petrov, N., *The Future of Domestic Politics*, in: Issue: Report No. 26, 2016, pp. 15-21 (http://www.iss.europa.eu/uploads/media/Report_26_Russia_Future_online..pdf), accessed 23 November 2016.

Loshak, A., *Corruption, complicity, careerism: the hydra of Russian justice*, 18 March 2011 (available at openDemocracy), (https://www.opendemocracy.net/od-russia/andrei-loshak/corruption-complicity-careerism-hydra-of-russian-justice), accessed 6 December 2016.

Maggs, P., Schwartz, O. and Burnham, W., *Law and Legal System of the Russian Federation*, Juris Publishing, Inc; 14 January 2015.

Main Investigative Department of the Investigative Committee of The Russian Federation in the city of Moscow, *Procedure of consideration of appeals and reception of citizens* (Порядок рассмотрения обращений и приема граждан), n.d. (https://moscow.sledcom.ru/references/Porjadok_rassmotrenija_obrashhenij_i_pri#inf), accessed 28 November 2016.

McCarthy, L. A.,

Local-level law enforcement: Muscovites and their uchastkovyy, in: Post-Soviet Affaits (2013), 5 December 2013 (http://people.umass.edu/laurenmc/documents/PSAUchastkovyi.pdf), accessed 23 November 2016.

The Day-to-Day Work of the Russian Police, in: Russian Analytical Digest No. 151, 30 June 2014, pp. 5-8 (http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/RAD-151-5-8.pdf), accessed 23 November 2016.

Meduza,

Running with Ramzan Meet the most influential people in Russia's Chechen Republic, 2 February 2016 (https://meduza.io/en/feature/2016/02/02/running-with-ramzan), accessed 30 November 2016.

T*he Chechen parliament just decided to dissolve itself*, 16 June 2016, (https://meduza.io/en/news/2016/06/16/the-chechen-parliament-just-decided-to-dissolve-itself), accessed 30 November 2016.

Medvedev, S., *Aus russischen Blogs: Der Tod des Generals Kolesnikow im Ermittlungskomitee. Ein Selbstmord?*, in: Russlandanalysen Nr. 280, 4 July 2014 (http://www.laender-analysen.de/russland/pdf/RusslandAnalysen280.pdf), accessed 29 November 2016.

Memorial,

Chechens in Russia, 2014 (http://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/chechens_in_russia_eng_1.pdf), accessed 30 November 2016.

Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016 2016, (http://memohrc.org/sites/default/files/doklad_severnyy_kavkaz_-_angl_source.pdf), accessed 30 November 2016.

Ministerie van Buitenlandse Zaken, *Algemeen ambtsbericht Russische Federatie*, July 2014 (https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2014/08/07/algemeen-ambtsbericht-russische-federatie/lp-v-j-0000006209.pdf), accessed 2 December 2016.

Ministry of Foreign Affairs of the Russian Federation, *Chechen Republic* (Чеченская Республика), 15 November 2016 (http://www.mid.ru/ru/maps/ru/ru-ce/-/asset_publisher/DF9VGJcRBIyK/content/id/675374), accessed 30 November 2016.

Ministry of Internal Affairs of the Russian Federation,

Minister, n.d. (https://en.mvd.ru/Ministry/Minister), accessed 23 November 2016.

Structure, n.d. (https://en.mvd.ru/structure/Structure), accessed 23 November 2016.

Moscow Times (The),

Chechen Police Chief Marries Teen Bride Amid Mounting Scandal, 17 May 2015 (https://themoscowtimes.com/articles/chechen-police-chief-marries-teen-bride-amid-mounting-scandal-46618), accessed 7 February 2017.

"If He Beats You, It Means He Loves You", 15 August 2016 (https://themoscowtimes.com/articles/if-he-beats-you-it-means-he-loves-you-54866), accessed 7 February 2017.

Kadyrov Authorizes His Police to Shoot Officers From Other Parts of Russia, 23 April 2015 (https://themoscowtimes.com/articles/kadyrov-authorizes-his-police-to-shoot-officers-from-other-parts-of-russia-46061), accessed 30 November 2016.

Police Tests Over, Only 21 Generals Flunk Out, 1 August 2011 (https://themoscowtimes.com/news/police-tests-over-only-21-generals-flunk-out-8626), accessed 25 November 2016.

Russians' Average Salary On Par With Kazakhstan, 24 May 2016 (https://themoscowtimes.com/articles/russians-average-salary-on-par-with-kazakhstan-52985), accessed 1 December 2016.

Russians Distrustful of Judicial System, Poll Says, 31 July 2013 (http://www.themoscowtimes.com/news/article/russians-distrustful-of-judicial-system-poll-says/483933.html), accessed 6 December 2016.

Russians Require Minimum Monthly Income of $350, Poll Shows, 12 August 2015 (https://themoscowtimes.com/articles/russians-require-minimum-monthly-income-of-350-poll-shows-48915), accessed 2 December 2016.

Top Chechen Politician Tried to Beat Justice Official 'Into Resigning' - Reports, 7 October 2016 (https://themoscowtimes.com/news/top-chechen-politician-tried-to-beat-justice-official-into-resigning-reports-55654), accessed 30 November 2016.

Murmansk Region Investigations Directorate of the Investigative Committee of The Russian Federation, *Consideration of appeals and reception of citizens*, n.d. (http://murmansk.sledcom.ru/references/order/item/874448/), accessed 28 November 2016.

Nikova, I. I., *Constitutional and legal status of the organs of the prosecutor and their actions in the sphere of the protection of human rights and citizens* (Конституционно-правовой статус органов прокуратуры и их деятельность в сфере защиты прав человека и гражданина), in: Pravosashchitnik, No. 3/2014, 2014 (http://pravozashitnik.net/ru/2014/3/7), accessed 29 November 2016.

Novaya Gazeta, *The curse on Ichkeria. A report of Novaya* Gazeta (Проклятие Ичкерии. Доклад «Новой газеты»), 3 October 2016 (https://www.novayagazeta.ru/articles/2016/10/03/70025-proklyatie-ichkerii-doklad-novoy-gazety), accessed 30 November 2016.

NYT (New York Times, The),

Chechen Leader's Advice on Women: Lock Them In, 20 May 2015 (https://www.nytimes.com/2015/05/21/world/europe/chechen-leaders-advice-on-women-lock-them-in.html?ref=world&_r=1), accessed 7 February 2017.

Putin Parties Show Strength in Russian Parliament Elections, 18 September 2016 (http://www.nytimes.com/2016/09/19/world/europe/pro-putin-parties-show-strength-in-russian-parliament-elections.html?_r=0), accessed 23 November 2016.

Russia Moves to Soften Domestic Violence Law, 25 January 2017 (https://www.nytimes.com/2017/01/25/world/europe/russia-domestic-violence.html), accessed 14 February 2017.

Russia's New Human Rights Ombudsman Is Former Police General, 22 April 2016 (http://www.nytimes.com/2016/04/23/world/europe/russias-new-human-rights-ombudsman-is-former-police-general.html?_r=0%20accessed%202%20November%202016), accessed 1 December 2016.

NZZ (Neue Zürcher Zeitung),

Kadyrows unheimlicher Schatten, 4 April 2015 (http://www.nzz.ch/international/europa/kadyrows-unheimlicher-schatten-1.18515907), accessed 30 November 2016.

Tschetschenische Mörder und Hetzer, 27 February 2016 (http://www.nzz.ch/international/europa/tschetschenische-moerder-und-hetzer-1.18702571), accessed 30 November 2016.

Official Russia, *Subjects of the Russian Federation*, n.d. (http://www.gov.ru/main/regions/regioni-44_en.html), accessed 23 November 2016.

OHCHR (Office of the United Nations High Commissioner for Human Rights), *Paris Principles: 20 years guiding the work of National Human Rights Institutions*, 30 May 2013 (http://www.ohchr.org/EN/NewsEvents/Pages/ParisPrinciples20yearsguidingtheworkofNHRI.aspx), accessed 1 December 2016.

OSAC (Overseas Security Advisory Council), *Russia 2015 Crime and Safety Report: St. Petersburg*, 29 June 2015 (https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17879), accessed 24 November 2016.

OSCE (Organization for Security and Co-operation in Europe),

Russian Federation, State Duma Elections, 18 September 2016: Statement of Preliminary Findings and Conclusions, 19 September 2016 (http://www.osce.org/odihr/elections/russia/265186?download=true), accessed 23 November 2016.

Oxford University, Oxford Islamic Studies Online, Sunnah, n.d. (http://www.oxfordislamicstudies.com/article/opr/t243/e332#), accessed 17 January 2017.

Paneyakh, E., *Faking performance together: systems of performance evaluation in Russian enforcement agencies and production of bias and privilege*, in: Post-Soviet Affairs, 30:2-3, 2014, pp. 115-136 (http://www.enforce.spb.ru/images/Staff/2014_Faking_perfomance_together_EP_en.pdf), accessed 24 November 2016.

Permanent Committee on Geographical Names, *Administrative divisions of Russia*, May 2015 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/433384/Russia-Administrative_Divisions.pdf), accessed 23 November 2016.

Petrakova, L. V. and Gaag, I. A., *The question of the single investigative committee in the Russian Federation* (К вопросу о едином Следственном Комитете в Российской Федерации), in: Bulletin of the Kemerovo State University, No 2-2 (62), 2015, pp. 196-199 (http://vestnik.kemsu.ru/jour/article/viewFile/1384/1377), accessed 29 November 2016.

Polit.ru; *Legal threat* (Правовая угроза), 22 July 2013 (http://www.polit.ru/article/2013/07/22/letter/), accessed 29 November 2016.

Popova, T. Yu., *The Change of power balance of the Prosecutor and the leadership of the investigative organ* (Изменение баланса полномочий прокурора и руководителя следственного органа), in: Bulletin of the Kemerovo State University No. 2-2 (62), 2015, pp. 200-203 (http://vestnik.kemsu.ru/jour/article/viewFile/1385/1378), accessed 25 November 2016.

Pozdniakov, M., *The Courts and the Law Enforcement System*, in: Russian Politics & Law, 54:2-3, 2016, pp. 164-190 (http://www.enforce.spb.ru/images/Products/in_English/2016_The_Courts_and_the_Law_Enforcement_System.pdf), accessed 29 November 2016.

Pravo.gov.ru,

Administrative Court Proceedings Code of the Russian Federation of 8 March 2015 No. 21-FZ, (Кодекс административного судопроизводства Российской Федерации от 08.03.2015 N 21-ФЗ), version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102380990), accessed 6 December 2016.

Code of Administrative Offences of the Russian Federation of 30 December 2001 No. 195-FZ (Кодекс об административных правонарушениях от 30.12.2001 N 195-ФЗ), version of 6 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody&nd=102074277), accessed 24 November 2016.

Constitution of the Russian Federation (Конституция Российской Федерации), 12 December 1993, version of 21 July 2014 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102027595), accessed 23 November 2016.

Criminal Procedure Code of the Russian Federation of 18 December 2001 No. 174-FZ (Уголовно-процессуальный кодекс Российской Федерации" от 18.12.2001 N 174-ФЗ), version of 6 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102073942), accessed 28 November 2016.

Decree of the President of the Russian Federation No. 38 of 14 January 2011 "Issues concerning the activities of the Investigative Committee of the Russian Federation" (Указ Президента Российской Федерации от 14.01.2011 г. N 38 "Вопросы деятельности Следственного комитета Российской Федерации"), version of 31 December 2015 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102144746), accessed 29 November 2016.

Decree of the President of the Russian Federation No. 636 of 21 May2012 "On the Structure of the Federal Organs of the Executive Power" (Указ Президента РФ от 21.05.2012 N 636 "О структуре федеральных органов исполнительной власти"), version of 19. October 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&link_id=0&nd=102156565&bpa=cd00000&bpas=cd00000&intelsearch=21+%EC%E0%FF+2012+%E3.+N+636+%22%CE+%F1%F2%F0%F3%EA%F2%F3%F0%E5+%F4%E5%E4%E5%F0%E0%EB%FC%ED%FB%F5+++&firstDoc=1), accessed 23 November 2016.

Federal Constitutional law of 31 December 1996 No. 1-FKZ "On the judicial system of the Russian Federation" (Федеральный конституционный закон от 31.12.1996 N 1-ФКЗ "О судебной системе Российской Федерации"), version of 5 February 2014 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102045098&intelsearch=%CE+%F1%F3%E4%E5%E1%ED%EE%E9+%F1%E8%F1%F2%E5%EC%E5+%D0%EE%F1%F1%E8%E9%F1%EA%EE%E9+%D4%E5%E4%E5%F0%E0%F6%E8%E8), accessed 23 November 2016.

Federal Consitutional law of 26 February 1997 No. 1-FKZ "On the Commissioner for Human Rights in the Russian Federation" (Федеральный конституционный закон от 26.02.1997 N 1-ФКЗ "Об Уполномоченном по правам человека в Российской Федерации"), version of 31 January 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102370141&backlink=1&&nd=102045861), accessed 1 December 2016.

Federal Law of 6 April 2015 No. 76-FZ "On Introducing Amendments to Certain Legislative Acts of the Russian Federation for the Improvement of the Activities of Commissioners for Human Rights" (Федеральный закон Российской Федерации от 6 апреля 2015 г. N 76-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации в целях совершенствования деятельности уполномоченных по правам человека), 6 April 2015 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102370126&intelsearch=6+%E0%EF%F0%E5%EB%FF+2015+%E3.+N+76-%D4%C7), accessed 1 December 2016.

Federal Law of 7 February 2011 No. 3-FZ "On the Police" (Федеральный закон от 07.02.2011 N 3-ФЗ "О полиции"), version of 4 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102367668&backlink=1&&nd=102145133), accessed 24 November 2016.

Federal Law of 3 July 2016 No. 326-FZ "On Amendments to Certain Legislative Acts of the Russian Federation in connection with adoption of the Federal Law" On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation on the improvement of the grounds and procedure for exemption criminal liability" (Федеральный закон от 03.07.2016 № 323-ФЗ "О внесении изменений в Уголовный кодекс Российской Федерации и Уголовно-процессуальный кодекс Российской Федерации по вопросам совершенствования оснований и порядка освобождения от уголовной ответственности"), 4 July 2016 (http://publication.pravo.gov.ru/Document/View/0001201607040117?index=5&rangeSize=1), accessed 13 February 2017.

Federal Law of 10 June 2008 No. 76-FZ "On Public Monitoring of Human Rights in Places of Detention and on Assistance to Detainees" (Федеральный закон от 10.06.2008 76-ФЗ "Об общественном контроле за обеспечением прав человека в местах принудительного содержания и о содействии лицам, находящимся в местах принудительного содержания), version of 28 November 2015 (http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102152693&backlink=1&&nd=102122551), accessed 1 December 2016.

Federal Law of 17 January 1992 No. 2202-I "On the Prosecutor's Office of the Russian Federation" (Федеральный Закон от 17.01.1992 N 2202-I "О прокуратуре Российской Федерации"), version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102014157), accessed 25 November 2016.

Federal Law of 20 August 2004 No. 119-FZ "On State Protection of Victims, Witnesses and other Participants in Criminal Proceedings" (Федеральный закон от 20.08.2004 N 119-ФЗ "О государственной защите потерпевших, свидетелей и иных участников уголовного судопроизводства"), version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102088392&intelsearch=%CE+%E3%EE%F1%F3%E4%E0%F0%F1%F2%E2%E5%ED%ED%EE%E9+%E7%E0%F9%E8%F2%E5+%EF%EE%F2%E5%F0%EF%E5%E2%F8%E8%F5%2C+%F1%E2%E8%E4%E5%F2%E5%EB%E5%E9+%E8+%E8%ED%FB%F5+%F3%F7%E0%F1%F2%ED%E8%EA%EE%E2+%F3%E3%EE%EB%EE%E2%ED%EE%E3%EE+%F1%F3%E4%EE%EF%F0%EE%E8%E7%E2%EE%E4%F1%F2%E2%E0), accessed 2 December 2016.

Federal Law of 22 December 2008 No. 262-FZ "On Providing Access to Information about the Activities of Courts in the Russian Federation" (Федеральный закон от 22.12.2008 N 262-ФЗ "Об обеспечении доступа к информации о деятельности судов в Российской Федерации"), version of 5 April 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102126522&intelsearch=%D4%E5%E4%E5%F0%E0%EB%FC%ED%FB%E9+%E7%E0%EA%EE%ED+%EE%F2+22+%E4%E5%EA%E0%E1%F0%FF+2008+%E3.+N+262-%D4%C7), accessed 6 December 2016.

Federal Law of 25 December 2008 No. 273-FZ "On Countering Corruption" (Федеральный закон от 25.12.2008 N 273-ФЗ "О противодействии коррупции"), version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102126657&intelsearch=273-%F4%E7), accessed 2 December 2016.

Federal Law of 27 July 2004 No. 79-FZ "On the State Civil Service in the Russian Federation", version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102088054&intelsearch=%D4%E5%E4%E5%F0%E0%EB%FC%ED%FB%E9+%E7%E0%EA%EE%ED+%D0%EE%F1%F1%E8%E9%F1%EA%EE%E9+%D4%E5%E4%E5%F0%E0%F6%E8%E8+%EE%F2+27+%E8%FE%EB%FF+2004+N+79-%D4%C7+%CE+%E3%EE%F1%F3%E4%E0%F0%F1%F2%E2%E5%ED%ED%EE%E9+%E3%F0%E0

%E6%E4%E0%ED%F1%EA%EE%E9+%F1%EB%F3%E6%E1%E5+%D0%EE%F1%F1%E8%E9%F1%EA%EE%E9+%D4%E5%E4%E5%F0%E0%F6%E8%E8), accessed 2 December 2016.

Federal Law of 27 July 2006 No. 152-FZ "On Personal Data" (Федеральный закон от 27.07.2006 N 152-ФЗ "О персональных данных"), version of 21 July 2014 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102108261), accessed 1 December 2016.

Federal Law of 28 December 2010 No. 403 FZ "On the the Investigative Committee of the Russian Federation" (Федеральный закон от 28.12.2010 403-ФЗ "О Следственном комитете Российской Федерации"), version of 30 December 2015 (http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102163183&backlink=1&&nd=102144431), accessed 28 November 2016.

Federal Law of 30 November 2011 No. 342-FZ "On the service in the Internal Affairs units of the Russian Federation and on amendments to a number of legislative acts of the Russian Federation" (Федеральный закон от 30.11.2011 N 342-ФЗ "О службе в органах внутренних дел Российской Федерации и внесении изменений в отдельные законодательные акты), version of 3 July 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102152616), accessed 24 November 2016.

Law of the Russian Federation of 26 June 1992 No. 3132-1 "On the status of Judges in the Russian Federation" (Закон РФ от 26.06.1992 N 3132-1 "О статусе судей в Российской Федерации"), version of 1 September 2016 (http://pravo.gov.ru/proxy/ips/?docbody=&nd=102017065&intelsearch=%C7%C0%CA%CE%CD+%D0%D4+%CE%D2+26.06.1992+N+3132-1%22%CE+%D1%D2%C0%D2%D3%D1%C5+%D1%D3%C4%C5%C9+%C2+%D0%CE%D1%D1%C8%C9%D1%CA%CE%C9+%D4%C5%C4%C5%D0%C0%D6%C8%C8%22), accessed 5 December 2016.

RSFSR Law of 24 April 1991 No. 1098-I "On the President of the RSFSR" (Закон РСФСР от 24.04.1991 № 1098-I "О Президенте РСФСР"), 24 April 1991 (http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102011229&backlink=1&nd=102011228&rdk=), accessed 23 November 2016.

Pravo.ru, *Putin increased the requirements for prosecutors and instructed them to supervise the SKR* (Путин повысил требования к прокурорам и поручил им надзирать за СКР), 23 December 2014 (http://pravo.ru/news/view/114016/), accessed 29 November 2016.

Presidential Library Named after Boris Yeltsin, *RSFSR law 'On the President of RSFRS' adopted*, 24 April 1991 (http://www.prlib.ru/en-us/History/Pages/Item.aspx?itemid=505), accessed 23 November 2016.

President of Russia, *Security Council meeting*, 22 September 2016 (http://en.kremlin.ru/events/president/news/52947), accessed 23 November 2016.

PRI (Penal Reform International)

Mechanism for the prevention of torture in nine CIS states: Synthesis Report, 2012 (https://cdn.penalreform.org/wp-content/uploads/2013/05/MECHANISMS-FOR-THE-PREVENTION_Full-1.pdf), accessed 2 December 2016.

National mechanisms for the prevention of torture in Eastern Europe: Belarus, Russia and Ukraine, 2013 (https://cdn.penalreform.org/wp-content/uploads/2013/06/eastern-europe-torture-v7-web.pdf), accessed 25 November 2016.

Prosecutor General's Office of the Russian Federation,

About the state of law and order in 2013 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation (О состоянии законности и правопорядка в 2013 году и о проделанной работе по их укреплению, Доклад на заседании Совета Федерации Федерального Собрания Российской Федерации), 29 April 2014 (http://genproc.gov.ru/genprokuror/appearances/document-145875/), accessed 29 November 2016.

About the state of law and order in 2014 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation (О состоянии законности и правопорядка в 2014 году и о проделанной работе по их укреплению, Доклад на заседании Совета Федерации Федерального Собрания Российской Федерации), 29 April 2015 (http://genproc.gov.ru/genprokuror/appearances/document-723904/), accessed 29 November 2016.

About the state of law and order in 2015 and the work done to strengthen it. Speech at the session of the Council of the Federation of the Federal Assembly of the Russian Federation (О состоянии законности и правопорядка в 2015 году и о проделанной работе по их укреплению, Доклад на заседании Совета Федерации Федерального Собрания Российской Федерации), 27 April 2016 (http://genproc.gov.ru/genprokuror/appearances/document-1078222/), accessed 29 November 2016.

Instruction on the procedure of consideration of appeals and reception of citizens at the organs of the prosecutor of the Russian Federation (Инструкция о порядке рассмотрения обращений и приема граждан в органах прокуратуры Российской Федерации), 30 January 2013, version of 9 December 2015 (http://www.genproc.gov.ru/documents/orders/document-14258/), accessed 2 December 2016.

Prosecutor General, n.d. (http://eng.genproc.gov.ru/management/genprokuror/), accessed 25 November 2016.

Statistical data on key performance indicators of the prosecution authorities of the Russian Federation for 2014 (Статистические данные об основных показателях деятельности органов прокуратуры Российской Федерации за январь-декабрь 2014 г.), 10 February 2015 (http://genproc.gov.ru/upload/iblock/c9a/122014.xls), accessed 2 December 2016.

Statistical data on key performance indicators of the prosecution authorities of the Russian Federation for 2015 (Статистические данные об основных показателях деятельности органов прокуратуры Российской Федерации за январь-декабрь 2015 г.), 18 February 2016 (http://genproc.gov.ru/upload/iblock/731/0112_2015.xls), accessed 2 December 2016.

Structure (Структура), n.d. (http://www.genproc.gov.ru/structure/), accessed 2 December 2016.

The Prosecutor General's Office of the Russian Federation. Tasks, functions and key activities, 2015 (http://eng.genproc.gov.ru/files/booklet_gp_eng.pdf), accessed 2 December 2016.

Public Verdict Foundation (Общественный Вердикт),

About the problems that influence the efficiency of the Investigative Committee as an organ investigating torture (О проблемах, влияющих на эффективность Следственного комитета как органа расследования пыток), 20 January 2014

(http://publicverdict.ru/articles_images/11614_59724_memorandum.pdf), accessed 25 November 2016.

SK talked about the particularly serious crimes of the police (СК рассказал об особо тяжких преступлениях полицейских), 19 February 2013 (http://publicverdict.ru/topics/news/10893.html), accessed 25 November 2016.

Special investigators on call (Спецследователи по вызову), 25 August 2012 (http://publicverdict.ru/topics/committee/10462.html), accessed 25 November 2016.

Working papers on the reform of investigation in Russia (Volume 1) (Рабочие тетради по реформе следствия в России (Том 1)), 2012 (http://publicverdict.ru/articles_images/11220_58835_refinvestigation.pdf), accessed 25 November 2016.

Working papers on the reform of investigation in Russia (Volume 2) (Рабочие тетради по реформе следствия в России (Том 2)), 30 November 2013 (http://publicverdict.ru/articles_images/11604_59698_rtrs2.pdf), accessed 25 November 2016.

Radziwill, A. and Vaziakova, Y., *Improving the Business Climate in Russia*, 25 March 2015 (http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ECO/WKP%282015%2910&docLanguage=En), accessed 29 November 2016.

RBC (RosBusinessConsulting), *The establishment of a unified Investigative Committee started with the Drug Control Service* (Строительство единого Следственного комитета началось с Госнаркоконтроля), 29 June 2014 (http://www.rbc.ru/politics/29/06/2014/57041ecd9a794760d3d3fa7c), accessed 29 November 2016.

RBTH (Russia Beyond The Headlines),

Kadyrov leading with 98% in Chechnya elections, 19 September 2016 (http://rbth.com/news/2016/09/19/kadyrov-leading-with-98-in-chechnya-elections_631191), accessed 1 December 2016.

Putin abolishes the Crimean District, 3 August 2016 (http://rbth.com/politics_and_society/2016/08/03/putin-abolishes-the-crimean-district_617641), accessed 23 November 2016.

Tatjana Moskalkowa wird Russlands Menschenrechts-Ombudsfrau, 2 May 2016 (http://de.rbth.com/gesellschaft/2016/05/02/tatjana-moskalkowa-wird-russlands-menschenrechts-ombudsfrau_589321), accessed 1 December 2016.

Where in Russia do women wear a hijab?, 24 October 2016 (https://in.rbth.com/society/2016/10/24/where-in-russia-do-women-wear-a-hijab_641551), accessed 30 November 2016.

Renz, B., *Civil-Military-Relations and the Security Apparatus*, in: Mark Galeotti (Ed.), The Politics of Security in Modern Russia, 2010, pp. 51-68.

Reuters,

Gay man killed in Russia's second suspected hate crime in weeks, 3 June 2013 (http://uk.reuters.com/article/uk-russia-killing-gay-idUKBRE9520A120130603), accessed 2 December 2016.

Russian policeman kills 3 after birthday party row, 27 April 2009 (http://uk.reuters.com/article/uk-russia-police-shooting-idUKTRE53Q0ZM20090427), accessed 25 November 2016.

Victims of domestic violence face uphill battle for protection in Russia, 20 August 2013 (http://www.reuters.com/article/us-russia-women-violence-idUSBRE97J0CX20130820), accessed 2 December 2016.

RFE/RL (Radio Free Europe/Radio Liberty),

Chechen Culture Ministry Creates Wedding Police, 29 October 2016 (http://www.ecoi.net/local_link/331288/459101_en.html), accessed 30 November 2016.

Chechen Leaders Slam Proposed Creation Of Shari'a Courts, 26 April 2012 (http://www.rferl.org/a/chechnya_sharia_law_kadyrov_khasavov/24561567.html), accessed 30 November 2016.

Chechnya Schedules Preterm Parliamentary Elections, 20 June 2016 (http://www.rferl.org/a/chechnya-schedules-preterm-parliamentary-elections/27809283.html), accessed 30 November 2016.

Fearing Reprisals, Chechnya Whistle-Blower Keeps Family's Location Secret, 18 May 2016 (http://www.ecoi.net/local_link/324418/450473_en.html), accessed 30 November 2016.

Man To Face Trial In 'Honor Killing' Case In Chechnya, 19 March 2015 (http://www.rferl.org/a/russia-chechnya-honor-killing/26910467.html), accessed 13 February 2017.

Moscow Court Upholds Navalny's Suspended Sentence, 1 August 2016 (http://www.ecoi.net/local_link/328245/455518_en.html), accessed 6 December 2016.

Putin Appoints Kadyrov As Chechnya's Acting Head, 25 March 2016 (http://www.rferl.org/a/putin-appoints-kadyrov-as-chechnya-leader/27635330.html), accessed 30 November 2016.

Putin Reshuffles Regional Leaders Ahead Of Vote; Russian Customs Chief Out, 28 July 2016 (http://www.ecoi.net/local_link/327568/454624_en.html), accessed 23 November 2016.

Putin Signs Law Decriminalizing Some Domestic Violence, 7 February 2017 (http://www.rferl.org/a/russia-decriminalizing-domestic-violence-putin-signs/28295098.html?ltflags=mailer), accessed 9 February 2017.

Putin's Politics Police, 10 October 2012, (http://www.rferl.org/a/power-vertical-bastrykin-putins-politics-police/24735201.html), accessed 29 November 2016.

Russia Acquits 'Primorsky Partisans' Of Murder In Retrial, 20 July 2016 (http://www.ecoi.net/local_link/327215/454233_en.html), accessed 6 December 2016.

Russian Interior Ministry Slams Kadyrov's 'Shoot-To-Kill' Remark, 23 April 2015 (http://www.rferl.org/a/kadyrov-authorizes-shooting-of-security-oustide-chechnya/26974169.html), accessed 23 November 2016.

Russian Law Allows High Court To Reject International Court Verdicts, 15 December 2015 (http://www.rferl.org/content/russia-constitutional-court-verdicts/27428191.html), accessed 30 November 2016.

Russian Newspaper Says Assassination Attempt Against Kadyrov Was Prevented, 3 October 2016 (http://www.rferl.org/a/russia-novaya-gazeta-kadyrov-assassination-attempt/28028853.html), accessed 30 November 2016.

Russia Says Nemtsov Murder Probe Completed, 29 January 2016 (http://www.ecoi.net/local_link/318497/443689_en.html), accessed 29 November 2016.

Three jailed in Russia for killing man they believed was gay, 3 February 2014 (http://www.rferl.org/content/russia-killing-man-believed-gay/25251485.html), accessed 2 December 2016.

Ria Novosti,

Elections to the Duma - 2016 (Выборы в Госдуму - 2016), 23 September 2016 (https://ria.ru/infografika/20160918/1476912507.html), accessed 30 November 2016.

Hero of Russia Magomed Daudov elected as Speaker of Chechen Parliament (Спикером парламента Чечни избрали Героя России Магомеда Даудова), 4 October 2016 (https://ria.ru/election2016/20161004/1478474216.html), accessed 1 December 2016.

The Chechen parliament will consist of three parties: Gained seats: United Russia, Fair Russia, and the CPRF (Парламент Чечни будет трехпартийным, в него вошли ЕР, СР и КПРФ), 20 September 2016 (https://ria.ru/election2016/20160920/1477403964.html), accessed 30 November 2016.

RJI (Russian Justice Initiative) and CAN (Chechnya Advocacy Network), *Submission from Russian Justice Initiative (RJI) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region*, 2015 (http://www.srji.org/upload/medialibrary/1a6/report-for-cedaw-rji-can_october-2015-final.pdf), accessed 30 November 2016.

Robertson, A., *Police Reform and Building Justice in Russia: Problems and prospects*, in: Goodall, K., Malloch, M. and Munro, Bill, Building Justice in Post-transition Europe? Processes of Criminalisation in Central and Eastern European Societies, 2013, pp. 158-176.

Rogoża, J.,

A new Oprichnina, in: Aspen Review Central Europe, No. 3, 2013 (http://www.aspeninstitute.cz/en/article/3-2013-a-new-oprichnina/), accessed 29 November 2016.

Federation without federalism. Relations between Moscow and the Regions, April 2014 (http://www.osw.waw.pl/sites/default/files/ang_prace_49_federacja_bez_net.pdf), accessed 29 November 2016.

Ross, C., *Federalism and Electoral Authoritarianism under Putin*, in: Demokratizatsiya, Volume 13 Issue 3 (2005), 2005, pp. 347-371 (https://www2.gwu.edu/~ieresgwu/assets/docs/demokratizatsiya%20archive/GWASHU_DEMO_13_3/F347157H3656H776/F347157H3656H776.pdf), accessed 23 November 2016.

Rossiyskaya Gazeta (RG)

Agreement between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea in the Russian Federation and on Forming New Constituent Entities within the Russian Federation (Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов), 19 March 2014 (https://rg.ru/2014/03/18/krim-site-dok.html), accessed 23 November 2016.

Order of the Investigative Committee of the Russian Federation No. 72 "On the organisation of the receipt, registration and review of reports on crimes at the investigative bodies (investigative units) of the Investigative Committee of the Russian Federation" (Приказ

Следственного комитета Российской Федерации от 11 октября 2012 г. N 72 г. Москва "Об организации приема, регистрации и проверки сообщений о преступлении в следственных органах (следственных подразделениях) системы Следственного комитета Российской Федерации"), 11 October 2012 (https://rg.ru/2013/03/06/priem-dok.html), accessed 28 November 2016.

The salaries of officials increased by 3,5% in the first half of 2016 (Зарплата чиновников выросла на 3,5% за первое полугодие 2016 года), 18 August 2016 (https://rg.ru/2016/08/18/zarplata-chinovnikov-vyrosla-na-35-za-pervoe-polugodie-2016-goda.html), accessed 2 December 2016.

RT (Russia Today),

Law on Police Poses Risk of Increased Corruption - Expert Report, 7 July 2011 (https://www.rt.com/politics/law-police-risk-report/), accessed 25 November 2016.

'Shoot to kill': Chechen leader's row with Interior Ministry heats up, 25 April 2015 (https://www.rt.com/politics/252905-kadyrov-interior-ministry-chechnya/), accessed 25 November 2016.

Rubleva, K. A., *On the relation of the concepts of the prosecutor and the public prosecutor* (О соотношении понятий прокурора и государственного обвинителя), in: Vektor Nauki TGU No. 4 (15), 2013, pp. 60-62 (http://edu.tltsu.ru/sites/sites_content/site3456/html/media94875/Rubleva%2018.pdf), accessed 2 December 2016.

Russia Direct, *Making sense of Russia's strange new choice to defend human rights*, Russia Direct, 27 April 2016 (http://www.russia-direct.org/analysis/making-sense-russias-strange-new-choice-defend-human-rights), accessed 2 December 2016.

Russian LGBT Network, *Monitoring report of discrimination and violence based on SOGI in Russia in 2015*, 2016 (http://www.lgbtnet.org/sites/default/files/monitoring_of_discrimination_0.pdf), accessed 2 December 2016.

Russian Reader (The),

Decriminalizing Battery in Russia: What Does It Mean for the Fight against Domestic Violence?, update 5 July 2016 (https://therussianreader.com/tag/article-116-russian-federal-criminal-code/), accessed 7 February 2017.

Igor Kalyapin: "Kadyrov Said He Would Not Let Us Work in Chechnya, 19 March 2016 (https://therussianreader.com/2016/03/19/igor-kalyapin-kadyrov-torture-chechnya/), accessed 30 November 2016.

Sakwa, R., *Investigator Bastrykin and the search for enemies*, 10 April 2013, available at: openDemocracy (https://www.opendemocracy.net/od-russia/richard-sakwa/investigator-bastrykin-and-search-for-enemies), accessed 29 November 2016.

SEM (State Secretariat for Migration) (Switzerland), *Focus Russland; Korruption im Alltag, insbesondere in Tschetschenien*, 15 July 2016 (https://www.sem.admin.ch/dam/data/sem/internationales/herkunftslaender/europa-gus/rus/RUS-korruption-d.pdf), accessed 30 November 2016.

Semukhina, O. B., Reynolds, K. M., *Understanding the Modern Russian Police*, CRC Press, 2013.

Semukhina, O. B.,

Disciplinary Issues of Russian Police and Police Reform of 2010-2011, in: Western Journal of Criminal Justice, Volume 4, Issue 2, 2012

(http://www.wiu.edu/coehs/leja/cacj/research/documents/disciplinary%20issues%20of%20russia.docx), accessed 24 November 2016.

From Militia to Police: The Path of Russian Law Enforcement Reforms, in: Russian Analytical Digest No. 151, pp. 2-5, 30 June 2014 (http://epublications.marquette.edu/cgi/viewcontent.cgi?article=1103&context=socs_fac), accessed 23 November 2016.

SFH (Schweizerische Flüchtlingshilfe), *Tschetschenien: Aktuelle Menschenrechtslage. Update*, 13 May 2016 (https://www.fluechtlingshilfe.ch/assets/herkunftslaender/europa/russland/160513-rus-menschenrechte.pdf), accessed 30 November 2016.

Sieca-Kozlowski, E., *NGOs and the Power Ministries in Russia: from Resistance to Cooperation?*, in: The Journal of Power Institutions in Post-Soviet Societies, Issue 9, 2009 (http://pipss.revues.org/2384), accessed 23 November 2016.

Sirota & Partners, *New Administrative Procedure Code Introduces Collective Redress and Accelerates Court Procedure*, 17 September 2015 (http://sirotapartners.com/news/?mod=archive&year=2015&week=38), accessed 6 December 2016.

SK (Investigative Committee of the Russian Federation),

Decree of the SK of Russia No. 20 "On additional measures to organise the investigation of crimes committed by law enforcement officials" (Приказ СК России N 20 "О дополнительных мерах по организации расследования преступлений, совершенных должностными лицами правоохранительных органов"), 18 April 2012 (http://sledcom.ru/upload/site1/iblock/a4c/a4cdc6b6dc00679897197909e1682a3d.pdf), accessed 29 November 2016.

History (История), n.d. (http://sledcom.ru/sk_russia/calendar), accessed 29 November 2016.

Investigative Committee Academy opens in Saint Petersburg, 1 September 2016 (http://en.sledcom.ru/news/item/1064781/), accessed 29 November 2016.

Probe launched against former prosecutor of Leningrad Region, 1 November 2016 (http://en.sledcom.ru/news/item/1077425/), accessed 2 December 2016.

Sokirianskaia, E., *Women in the North Caucasus Conflicts: An Under-reported Plight*, 9 June 2016 (https://www.crisisgroup.org/europe-central-asia/caucasus/north-caucasus/women-north-caucasus-conflicts-under-reported-plight), accessed 30 November 2016.

SOVA,

Calm Before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract them in 2014, 21 April 2015 (http://www.sova-center.ru/en/xenophobia/reports-analyses/2015/04/d31818/), accessed 2 December 2016.

Seminar on ultra-nationalism in Russia, Oslo - Norway, September 2013.

The Ultra-Right Movement under Pressure: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract them in 2015, 8 April 2016 (http://www.sova-center.ru/en/xenophobia/reports-analyses/2016/04/d34247/), accessed 2 December 2016.

The Ultra-Right Shrugged: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract them in 2013, 31 March 2014 (http://www.sova-center.ru/en/xenophobia/reports-analyses/2014/03/d29236/), accessed 2 December 2016.

Spravochnik Kadrovika, *The Prosecutor's Office examines you: documentation of results* (Вас проверяет прокуратура: оформление результатов), 27 October 2011 (http://www.pro-personal.ru/journal/725/307222/), accessed 2 December 2016.

Sputnik News,

Kremlin Spokesman Denies Reports on Abolition of Russian Investigative Committee, 27 September 2016 (https://sputniknews.com/russia/201609271045739156-russia-investigative-committee-abolition/), accessed 29 November 2016.

Russia May Create Ministry for State Security and Close Emergencies Ministry, 19 September 2016 (https://sputniknews.com/russia/201609191045455134-russia-ministries-reform/), accessed 29 November 2016.

Stop Violence Against Women, *Violence Against Women in the Russian Federation*, last updated October 2014 (http://www.stopvaw.org/Russian_Federation), accessed 2 December 2016.

Strategy Saint Petersburg Centre for Humanities and Political Studies, *Dealing with complaints from citizens in the apparatus of the Human Rights Commissioner in the Russian Federation* (Работа с жалобами граждан в аппарате Уполномоченного по правам человека в Российской Федерации), 13 March 2004 (http://strategy-spb.ru/edu/?do=manual&man_grup=170&doc=798&pr_id_dl=10), accessed 1 December 2016.

Supreme Court of the Chechen Republic, *Courts of the Chechen Republic* (Суды Чеченской Республики), n.d. (http://vs.chn.sudrf.ru/modules.php?name=sud), accessed 30 November 2016.

Supreme Court of the Russian Federation,

Information about the Supreme Court, n.d. (http://www.supcourt.ru/catalog.php?c1=English&c2=About%20the%20Supreme%20Court&c3=&id=9639), accessed 5 December 2016.

Overview of the Judicial System of the Russian Federation, n.d. (http://www.supcourt.ru/catalog.php?c1=English&c2=Judicial%20System%20of%20the%20Russian%20Federation), accessed 23 November 2016.

Sykiainen, L. R., *Sharia Courts: Modern Practice and Prospectives in Russia*, 2015 (https://www.hse.ru/data/2015/12/29/1136288132/60LAW2015.pdf), accessed 30 November 2016.

Tambov Region Investigations Directorate of the Investigative Committee of the Russian Federation, *Order of the Investigative Committee of the Prosecutor's Office of the Russian Federation of 19 September 2007 No. 17 "On the implementation of the instruction on the procedure of consideration of appeals and reception of citizens at the system of the Investigative Committee of the Prosecutor's Office of the Russian Federation"* (Приказ Следственного комитета при прокуратуре РФ от 19 сентября 2007 г. N 17 "О введении в действие Инструкции о порядке рассмотрения обращений и приема граждан в системе Следственного комитета при прокуратуре Российской Федерации" (с изменениями от 8 апреля 2008 г.), version of 8 April 2008 (https://web.archive.org/web/20160818114218/http://www.skp-tambov.ru/content/norm_base/44.doc) (available at archive.org), accessed 28 November 2016.

Tagesanzeiger, *Vom Vorkämpfer zur Reaktionärin*, 1 May 2016 (http://www.tagesanzeiger.ch/ausland/europa/vom-vorkaempfer-zur-reaktionaerin/story/20808250), accessed 1 December 2016.

TASS, *Detention of Russian high-ranked investigators part of anti-corruption campaign — Kremlin*, 20 July 2016 (http://tass.com/politics/889523), accessed 29 November 2016.

Taylor, B. D.,

State-Building in Putin's Russia. Policing and Coercion after Communism, Cambridge University Press, 2011.

Historical Legacies and Law Enforcement in Russia, in: PONARS Eurasia Policy Memo No. 150, May 2011 (https://www2.gwu.edu/~ieresgwu/assets/docs/ponars/pepm_150.pdf), accessed 23 November 2016.

Telegraph (The), *Ramzan Kadyrov: Putin's 'sniper' in Chechnya*, 24 February 2016 (http://s.telegraph.co.uk/graphics/projects/Putin-Ramzan-Kadyrov-Boris-Nemtsov-Chechnya-opposition-Kremlin/index.html), accessed 30 November 2016.

TI Russia (Transparency International Russia),

Global Corruption Barometer, 2013 (http://www.transparency.org/gcb2013/country//?country=russia), accessed 6 December 2016.

How to appeal against the refusal to open a criminal case (Как обжаловать отказ в возбуждении уголовного дела), 13 November 2013 (http://askjournal.ru/item/kak-obzhalovat-otkaz-v-vozbuzhdenii-ugolovnogo-dela?category_id=173#gid=304020121023070027), accessed 2 December 2016.

How to file a complaint with the Prosecutor's Office (Как составляется жалоба в прокуратуру), 13 November 2013 (http://askjournal.ru/item/kak-sostavit-zhalobu-v-prokuraturu#gid=292020091207131400), accessed 2 December 2016.

How to prepare and submit a crime report (Как составить и подать заявление о преступлении), 19 November 2012 (http://askjournal.ru/item/inst-kak-podat-zayavlenie-o-prestuplenii?category_id=173#gid=172120081204182438), accessed 2 December 2016.

Titaev, K. and Shkliaruk, M., *Investigators in Russia*, in: Russian Politics & Law, 54:2-3, 2016, pp. 112-137 (http://www.enforce.spb.ru/images/Products/in_English/2016_Investigators_in_Russia.pdf), accessed 28 November 2016.

Transitions Online, *Why do Russian judges act that way?*, 6 February 2013 (http://www.tol.org/client/article/23588-russia-judges.html), accessed 6 December 2016.

UK Parliament, *Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission*, 10 June 2010 (http://www.refworld.org/docid/4cc7ed2a2.html), accessed 30 November 2016.

United Nations, Geospatial Information Section, *Russian Federation, Map No. 3840 Rev. 2*, January 2004 (http://www.un.org/Depts/Cartographic/map/profile/russia.pdf), accessed 13 December 2016.

United Nations Human Rights Committee, *Concluding observations on the seventh periodic report of the Russian Federation*, 28 Apr 2015 (http://www.ecoi.net/file_upload/1930_1437490602_g1508426.pdf), accessed 2 December 2016.

United Nations OHCHR (UN Office of the High Commissioner for Human Rights), *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; Addendum; Mission to the Russian Federation*, 30 April 2014 (http://www.ecoi.net/file_upload/1930_1403017719_a-hrc-26-32-add-1-eng.doc), accessed 25 November 2016.

UN News Centre, B*acking Ukraine's territorial integrity, UN Assembly declares Crimea referendum invalid*, 27 March 2014 (http://www.un.org/apps/news/story.asp?NewsID=47443&Cr=ukraine&Cr1=#.WEUof02oN9B), accessed 25 November 2016.

UNODC (United Nations Office on Drugs and Crime), *Anti-Corruption Authorities of the Russian Federation*, 2013

(http://www.track.unodc.org/LegalLibrary/LegalResources/Russian%20Federation/Authorities/Anti-Corruption%20Authorities%20of%20the%20Russian%20Federation.pdf), accessed 29 November 2016.

UN Women - Global Database on Violence against Women, *Federal Law No. 119-FZ on State Protection for Victims, Witnesses and Other Participants in Criminal Proceedings*, n.d. (http://www.evaw-global-database.unwomen.org/en/countries/europe/russian-federation/2004/federal-law-no-119-fz-on-state-protection-for-victims), accessed 2 December 2016.

US DoS (US Department of State),

2016 Investment Climate Statement, Russia, June 2016 (http://www.state.gov/e/eb/rls/othr/ics/investmentclimatestatements/index.htm?year=2016&dlid=254409), accessed 25 November 2016.

2014 Investment Climate Statement, Russia, June 2014 (http://www.state.gov/e/eb/rls/othr/ics/2014/227933.htm), accessed 25 November 2016.

2014 Country Report on Human Rights Practices, Russia, 25 June 2015 (http://www.ecoi.net/local_link/306252/429631_en.html), accessed 25 November 2016.

2015 Country Report on Human Rights Practices, Russia, 13 April 2016 (http://www.ecoi.net/local_link/322455/448230_en.html), accessed 23 November 2016.

Washington Post (The), *The rocky relationship between Russia and the European Court of Human Rights*, 23 April 2014 (https://www.washingtonpost.com/news/monkey-cage/wp/2014/04/23/the-rocky-relationship-between-russia-and-the-european-court-of-human-rights/), accessed 1 December 2016.

White, S.; *Understanding Russian Politics*, Cambridge University Press, 2011.

White, S. and Mcallister, I., *The Putin Phenomenon*, in: Journal of Communist Studies and Transition Politics, Volume 24, Issue 4, 2008, pp. 604-628 (http://www.tandfonline.com/doi/pdf/10.1080/13523270802510610), accessed 23 November 2016.

WSJ (Wall Street Journal), *Chechnya: Russia's Islamic State?*, 2 June 2016 (http://www.wsj.com/articles/chechnya-russias-islamic-state-1464859621), accessed 30 November 2016.

Zernova, M., *Russian Police and Transition to Democracy: Lessons from One Empirical Study*, in: Internet Journal of Criminology, 2013 (http://www.internetjournalofcriminology.com/Zernova_Russian_Police_and_Transition_to_Democracy_IJC_May_2013.pdf), accessed 24 November 2016.

Ziegeweid, J., *Justice for Russian women? Russia begins to face its domestic violence problem,* in: Human Rights Brief, 2 November 2014 (http://hrbrief.org/2014/11/justice-for-russian-women-russia-begins-to-face-its-domestic-violence-problem/), accessed 2 December 2016.

Anonymous and non-public sources

Agora, interview with chairman, Oslo, 6 October 2015. Agora is a human rights organisation that gives legal advocacy for victims of suspected human rights abuses by government officials such as police, military and prison officers, with a particular focus on journalists, political activists, bloggers and NGOs

CAC, interview with Svetlana Gannushkina, Oslo 6 October 2015

Committee for the Prevention of Torture, interview with representative, Nizhnyj Novgorod, 17 November 2014. A Russian NGO that investigates allegations of torture by state agents, provides victims of torture with medical psychological support, and represents them at the national level and before the European Court of Human Rights

Expert of the Russian NGO Committee for Prevention of Torture, email response, 12 October 2015. The contact is an expert on the protection of human rights in the Russian Federation and the Russian Justice system. The person wishes to remain anonymous for security reasons.

Expert of the Russian NGO Committee for Prevention of Torture, email response, 2 November 2015. The contact is an expert on the protection of human rights in the Russian Federation and the Russian Justice system. The person wishes to remain anonymous for security reasons.

Expert of the Institute for the Rule of Law at the European University, St.-Petersburg, email response, 6 November 2015. The person wishes to stay anonymous for security reasons.

Gannushkina, S., email response, 8 November 2016.

Halbach, U., email response, 11 November 2016.

Historian who specializes in Chechnya and has conducted field research in Chechnya, email response, 2 November 2016.

HRW, interview with representatives, Moscow, 11 November 2014

Memorial, interview with lawyer, 18 November 2014. The lawyer is preparing cases for applicants from Russia to ECHR.

Memorial, correspondence with lawyer, email response, 3 November 2015. The lawyer is preparing cases for applicants from Russia to ECHR.

NGO, that monitors the situation of journalists, interview with representatives, Moscow, 12 November 2014.

SOVA (Centre for Information and Analysis), interview with researcher, Moscow, 12 November 2014. The researcher is working with extremist-related topics for SOVA.

SRJI, Stitching Russian Justice Initiative, interview with representative, Moscow, 12 November 2014. Stitching Russian Justice Initiative uses domestic and international legal mechanisms to seek justice for grave human rights violations in the North and South Caucasus, and have represented over 2000 clients in over 300 cases lodged at the European Court of Human Rights.

Annex 2: Terms of Reference

Overview of constitutional institutions

Recent development

Constitution (theory)

State structure (practice)

Duma, Federal government vs Regional government, Constitutional court

STATE ACTORS of PROTECTION

Scope (reasons for excluding internal troops/FSB/Army)

MVD (Ministry of Interior) / Police

Introduction (structure, federal/region, overview of different actors, explain why only focus on Police as actor of protection and not e.g. OMON)

Police (federal, regional and local)

A. General (mandate/procedure)

B. Capacity

- Structure
- Resources (statistics fed./ reg. level)
- Training

C. Integrity (political independence/influence/

- Code of conduct/ loyalty
- Corruption (salary scales)
- Impunity (internal control mechanism)
- Discrimination& HR violations

D. Vulnerable groups, e.g.:

- Ethnic minorities
- Religious minorities
- Activists/ journalists
- Sexual minorities
- Women (Domestic violence)
- Migrants

Prosecutor's Office

A. General (mandate/ procedure: e.g. relation with courts)

B. Capacity

- Structure- federal and regional prosecutors
- Resources

- Training

C. Integrity

- Political independence / influence: appointment
- Code of conduct
- Corruption
- Impunity
- Discrimination

Courts

National courts

A. General:

- Different types of courts (administrative, criminal, labor, family)
- Hierarchy (chart)
- Procedure (how to file complaint/ interaction with prosecutor's office

B. Capacity

- Resources,
- Staff appointment,
- IT equipment
- Backlogs
- Training on new legislation

C. Integrity

- Independence: appointment procedure,
- Corruption,
- Internal control mechanism,
- Discrimination & HR violation
- Fair trail
- Implementation/ execution of court decisions

D. Vulnerable groups

ECHR

A. Different types of RF cases (Chechnya, registration system, religious minorities, domestic violence)

B. Results

C. Impact (state reaction)

State Investigative Committee (SK)

A. General (Mandate, procedure)

B. Capacity

- Structure (hierarchy, chain of command),
- Resources (budget/staff/equipment)
- Training

C. Integrity

- Loyalty issues, political independence
- Confidence/ trust
- Corruption (link salary level)
- Impunity
- Discrimination & HR violations

D. Vulnerable groups

Ombudsman (Commissioner for Human Rights)

A. General: Mandate (recommendations/sanctions), procedure

B. Capacity

- Structure (hierarchy, chain of command),
- Resources (budget/staff/equipment)
- Training

C. Integrity

- Political independence/ influence
- Confidence/ trust
- Actual impact
- Discrimination in access to Ombudsman?

FOCUS ON CHECHNYA

Introduction (why is it different than rest of RF)

Recent developments (strengthening local regime)

Impact of developments on access to state protection

- Absence of federal control
- Strong link president – Kadyrov
- Influence of tradition and religion – traditional courts/ Sharia courts/ regular courts

Vulnerable groups (women)


Publications Office