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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Measures implemented to fight police corruption, including the procedure for filing a complaint against the police; the witness protection program [RUS103792.FE]

8 November 2011

RUS103792.FE

Russia: Measures implemented to fight police corruption, including the procedure for filing a complaint against the police; the witness protection program

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to the media, the Russian police are at the centre of [translation] “scandals of corruption, kidnapping, murder, torture and falsifying evidence” (France 2 2 Sept. 2010; AFP 13 Jan. 2011). A report published by Transparency International (TI) indicates that, in Russia, 1,500 respondents to a survey carried out in 2010 considered the public service and the police to be the sectors most affected by corruption (TI 2010, 10-11, 36). The organization TRACE noted that approximately 42 percent of all demands for bribes in Russia that were reported anonymously online to it between 1 July 2007 and 31 December 2008 involved the police (TRACE 2009, 1, 4). TRACE is a non-profit association that helps businesses fight corruption (TRACE n.d.). Also, the media indicates that, according to official statistics from an unspecified source, the police were responsible for one third of corruption offences committed in the country (AFP 1 Apr. 2011; RFI 1 Apr. 2011). In March 2011, *La Russie d'aujourd'hui*, an information source created by the Rossiyskaya Gazeta, the official newspaper of the Russian government (*La Russie d'aujourd'hui* n.d.), indicated that [translation] “mediocre salaries and the lack of social benefits push most police officers to accept the bribes offered to them (or to ask for bribes)” (ibid. 16 Mar. 2011).

According to Radio France internationale (RFI), members of the police force and the army had committed more than 9,000 offences in 2010, including embezzlement, bribery and fraud (RFI 11 Feb. 2011). Some media sources note that, in 2010, 950 senior officials of the controlling forces and the Russian army were accused of corruption (ibid.; AFP 11 Feb. 2011). According to an RFI article published in January 2011, such was the case of a police general in charge of the organized crime division, who was charged and arrested for a confidence racket (RFI 22 Jan. 2011). Corroborating reports of the arrest of the general or additional information on the fate of accused persons could not be found among the sources consulted by the Research Directorate.

Measures taken against police corruption

The new law on the police came into effect in March 2011 (La Russie d'aujourd'hui 16 Mar. 2011; The Other Russia 25 Aug. 2011; Russia 2011, art. 56). This law provides, among other things, for a raise in salary for members of the police force (The Moscow Times 2 Aug. 2011; Politika.lv 3 Mar. 2011; Reuters 7 Feb. 2011).

The new police law also requires officers of the Ministry of Internal Affairs to submit to an assessment in order to determine whether they can remain in the organization (Russia 2011, art. 54.3-54.5). Similarly, in an article published on 1 March 2011, Voix de la Russie indicated that, according to the director of the Duma Security Commission, the police law specifically requires [translation] "an interview and a complete personality assessment of citizens who work on the police force." Voix de la Russie is a radio station that has broadcast in French from Moscow since 1929 (Voix de la Russie n.d.). In a meeting held on 29 July 2011 with leaders of law enforcement organizations, President Dmitri Medvedev stated that, in addition to undergoing an assessment of their personal and professional qualifications, police officers must also disclose information about their income and their property (Russia 29 July 2011). Approximately 227,000 employees lost their jobs (ibid.; The Moscow Times 2 Aug. 2011), out of the nearly 875,000 people who were assessed (ibid.; The Other Russia 25 Aug. 2011). According to the Moscow Times, the president of the assessment commission that dealt with senior police officials also stated that "most were dismissed for reaching the mandatory retirement age, not misconduct." (2 Aug. 2011).

An article from the Information Telegraph Agency of Russia (ITAR-TASS) cites the minister of the interior as noting the launch of a telephone hotline in July 2011, which was aimed at informing citizens of the new police law and enabling them to make suggestions or voice complaints that can later serve as the basis for recommendations to improve the law (ITAR-TASS 25 July 2011). In an article published on 7 July 2011, the Russian news agency RIA Novosti indicated that, in a report published that month, the Presidential Human Rights Council stated that the police law had a number of loopholes that could in fact increase corruption. According to authors of the report,

[a] major problem ... is that the legal status of policemen to a large extent is defined by classified subordinate acts or internal documents which remain outside of the public domain. Experts insist that without these acts, it would be difficult to discover whether or not some articles are actually likely to increase instances of corruption. (RIA Novosti 7 July 2011)

After reviewing the report, the president of Russia recognized the shortcomings of the law and expressed his willingness to improve it (ibid.). The director of the Public Verdict Foundation, a Russian non-governmental organization (NGO) that provides legal assistance to victims of police abuse of power, also noted that the Russian president had admitted that the law must be reviewed and that the law could be amended in the fall of 2011 (17 Aug. 2011). In February 2011, the Reuters news agency also examined the text of the law and noted that [translation] "it has no mechanism for independent control of corruption within the controlling forces" (7 Feb. 2011), even though in 2010, the president of Russia had wanted an anti-corruption mechanism implemented within police organizations (RIA Novosti 18 Feb. 2010). Moreover, the vice president of the Duma Security Committee noted that the proposal for [translation] "more substantial public monitoring through organizations in the field" was rejected (cited in La Russie d'aujourd'hui 16 Mar. 2011).

Procedure for filing a complaint against the police

According to the 2010 report by Global Integrity, an organization that provides public and private sectors with expertise on fighting corruption (Global Integrity n.d.), citizens can file complaints against the police with the Prosecutor General's Office, the Federal Security Service and the Department of Internal Security of the Ministry of the Interior (Global Integrity 2010, indicator 84a). As well, in correspondence sent to the Research Directorate on 17 August 2011, the director of the Public Verdict Foundation states that the Department of Internal Security of the Ministry of the Interior and the Investigative Committee of the Russian Federation are the organizations that receive complaints against police officers. The Department of Internal Security of the Ministry of the Interior carries out investigations and decides the penalties to be imposed in cases of disciplinary infractions (Public Verdict Foundation 17 Aug. 2011). The Investigative Committee of the Russian Federation, which was separated from the "procuracy" and is now an independent organization, processes complaints about crimes committed by police (ibid.). According to Global Integrity, citizens can file complaints via the Internet site of the Ministry of the Interior by filling out a form online (Global Integrity 2010, indicator 84a). As well, various NGOs, like the Public Verdict Foundation, help citizens file complaints against the police (ibid.). Information on other NGOs that provide help to victims of police abuse of power or on the procedure for filing a complaint against police with organizations could not be found among the sources consulted by the Research Directorate.

In June 2010, chief of the Department of Internal Security of the Ministry of the Interior stated that "[i]n 2009 alone, over 27,000 citizens submitted complaints to internal security subunits' [of the Internal Security Department of the Ministry of the Interior]" (ibid., indicator 84d). In 2010, the number of complaints had increased by 50 percent (ibid.). According to the chief, "[i]n five months, 41,000 offenses committed by policemen have been exposed," which represents a 16 percent increase compared with the same period in 2009 (ibid.). The chief added that more than 2,000 crimes committed by policemen had been exposed (ibid.). Global Integrity did not specify the nature of the complaints made against the police or of the crimes committed

by them. The Paris daily newspaper Le Figaro reported on 22 February 2010 that, according to the president of Russia, 15,000 complaints of corruption were made against the police in 2009, which is only the [translation] “tip of the iceberg.”

According to the chief of the Department of Internal Security of the Ministry of the Interior, 2,156 crimes committed by policemen had been solved in the first five months of 2010, which is about 6.5 per cent more than in the same period in 2009 (cited in Global Integrity 2010, indicator 84d). An article published in 2010 by France 2 indicates that, on average, [translation] “only one out of every 25 corruption cases reported results in the conviction of an officer of the state and that this situation has not changed since 2007,” according to a study conducted by an anti-corruption centre under the Russian Ministry of Justice (2 Sept. 2010).

According to Global Integrity, neither the Prosecutor's General's Office nor the Federal Security Service is “transparent or accountable to the public and/or the State Duma” (2010, indicator 75g). Similarly, the director of the Public Verdict Foundation noted that attempts made by NGOs to increase transparency and accountability of the police force have failed (17 Aug. 2011). The Global Integrity report added that the Prosecutor's General's Office and other internal security bodies of Russian law enforcement agencies “are repeatedly accused of enforcing anti-corruption policy on a selective basis, either against low-level officials or for political reasons” (Global Integrity 2010, indicator 84d). According to Country Reports 2010, government anti-corruption activities focus mostly on lower-level officials (US 8 Apr. 2011, Sec. 4). According to Global Integrity, most of the police officers prosecuted for crimes receive suspended sentences or are acquitted (2010, indicator 84b). Additional information on that topic could not be found among the sources consulted by the Research Directorate. However, Global Integrity noted that Russian citizens “are not eager to press charges against law enforcement agencies, and if they do it, they are often motivated by political reasons” (ibid., indicator 84b). The director of the Public Verdict Foundation states that one of the reasons why people do not make complaints against the police is fear of pressure, but she did not specify the nature of that pressure (17 Aug. 2011).

Le Figaro indicates that police officers who report the misconduct of their colleagues encounter legal problems (22 Feb. 2010). In 2010, France 2 reported that a number of police officers who had posted videos online exposing crimes committed by controlling forces were prosecuted (France 2 2 Sept. 2010). Moreover, a senior regional official of the police was dismissed for having reported the corruption (ibid.). A spokesperson for the police in the city of Sverdlovsk in Ural told the online newspaper Gazeta.ru that the police official's dismissal was due to [translation] “a week's absence from work without valid reason” (ibid.). However, considering that these were [translation] “repercussions,” the police official had considered taking his case to court (ibid.). Additional information on this topic and information on the developments of this case could not be found among the sources consulted by the Research Directorate. However, various media reported in 2009 that a Russian policeman was dismissed after he published a video online in which he denounced working conditions and corruption in the police force (L'Express 15 Dec. 2009; AsiaNews 19 Nov. 2009; France 24 9 Nov. 2009). Country Reports on Human Rights Practices for 2010, published by the US Department of State, explained that, in January 2010, the authorities did not investigate the officer's allegations and charged him with “abuse of office and fraud” (US 8 Apr. 2011, Sec. 4). However, according to France 24,

[translation]

Reaction was swift: two days after the video was published on the Internet, the Russian Ministry of the Interior announced that it had launched an investigation: “The facts exposed in Mr. Dymovsky's message were checked over two days. Those facts have not been confirmed,” said the Ministry's spokesperson. (9 Nov. 2009)

Witness protection program

In October 2009, the Russian government adopted a witness protection program for the period of 2009-2013 (Council of Europe 14 Apr. 2010, 8; HRHN 21 Jan. 2010). The program is administered by the Ministry of the Interior (RT 2 Feb. 2010; LA Times 2 Aug. 2009; Channel One TV 14 July 2009). It is designed to protect witnesses, investigators, lawyers and even accused persons-anyone who is threatened during the proceedings (ibid.).

According to daily newspaper The Moscow Times, the new witness protection program allows witnesses to relocate with new identities and jobs; they also have access to bodyguards and plastic surgery (14 Oct. 2009). Similarly, Channel One TV, a Russian public television network (Channel One TV n.d.), reported that a witness has the right to be protected and to change his or her name, history, place of residence, and appearance (14 July 2009). In February 2010, the RT television network, a general information network based in Moscow that broadcasts in over 100 countries (RT n.d.), indicated that the Russian police have admitted to using new strategies in their witness protection program, which include staging the deaths and burials of witnesses in order to “confuse” criminals (RT 2 Feb. 2010). According to the director of the Ministry of the Interior's witness protection program, there are also secret rooms in Russian courts that enable witnesses to testify without being seen by the defendant and his allies (ibid.). The program director stated that “only one person is aware of the security measures taken, even the personal bodyguards from the subunits do not know who the real person is, only what they look like” (Channel One TV 14 July 2009).

According to police data, 10 million people are called on to testify every year in criminal proceedings (The Moscow Times 24 June 2009; LA Times 2 Aug. 2009; Interfax 20 May 2009). Of these, 5 million are reportedly threatened (ibid.; LA Times 2 Aug. 2009; The Moscow Times 24 June 2009). On 2 August 2009, the Los Angeles Times stated that, of those 5 million, only 20,000 are protected. According to other media, 700 people involved in criminal proceedings were protected in Russia in 2009 (ibid.; Chanel One TV 14 July 2009). The director of the Public Verdict Foundation states that, in order to protect a number of victims from [translation] "torture and other police abuses of power," NGOs and not the government have helped them to move to another region (17 Aug. 2011). Additional information on that topic could not be found among the sources consulted by the Research Directorate.

According to the Los Angeles Times, the witness protection program is ineffective because many Russians are afraid of the police (2 Aug. 2009). According to a survey conducted by the Levada Institute that was cited by Le Figaro in 2010, 67 percent of Russians claim to [translation] "be afraid of" the police (Le Figaro 22 Feb. 2010). Moreover, the public knows very little about the witness protection program (Interfax 20 May 2009; US 8 Apr. 2011, Sec. 1.e). Country Reports 2010 indicates that the authorities "dionot provide adequate protection for witnesses and victims from intimidation or threats from powerful criminal defendants" (ibid.).

The Los Angeles Times notes that the Russian legal system is so corrupt that testifying at trial is fraught with danger, such as "kidnapping, arson, break-ins, attacks" (2 Aug. 2009). Such was the case for a former police officer who was caught and killed in 2009 near the Prosecutor General's Office in the town of Pushkino (LA Times 2 Aug. 2009). He was to testify in a corruption case against a former mayor (ibid.). Additional information on this topic could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts made to contact representatives of the following organizations were unsuccessful: Belfer Center for Science and International Affairs of Harvard University, Center for Development of Democracy and Human Rights, Human Rights in Russia, Moscow Helsinki Group, SOVA Center for Information and Analysis and Working Group for the Police Reform.

Internet sources, including: Amnesty International; The Economist; Euronews; European Country of Origin Information Network; Freedom House; Global Organization of Parliamentarians Against Corruption; Global Security.org; The Guardian; Human Rights in Russia; Human Rights Watch; The Independent; International Federation for Human Rights; Internet Center for Corruption Research; Interpol; Kommersant; Levada Center; Moscow Helsinki Group; Organization for Security and Co-operation in Europe; Radio Free Europe/Radio Liberty; Regnum News Agency; Russian Law Online; Russia — Federal Security Service of the Russian Federation, The Prosecutor General's Office of the Russian Federation; Le Soir; U4 Anti-Corruption Resource Centre; UN Office on Drugs and Crime; World Bank.