



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Intervention on the adoption of the outcome document of the Universal Periodic Review of the Russian Federation

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Mr. President,
Distinguished Minister,

The International Commission of Jurists (ICJ) welcomes the Russian Federation's interaction with the Council's Universal Periodic Review mechanism (UPR). It nevertheless regrets the last minute presentation of the Government's responses to the recommendations of the UPR Working Group, which has limited the effectiveness of the dialogue including discussion of the ensuing recommendations.

We call for prompt and effective implementation of the outcome recommendations by the Russian Government. In particular, we urge the Government to provide for effective investigation, accountability and redress for violations of human rights, including for acts of torture or other cruel, inhuman or degrading treatment, secret and other arbitrary detention and enforced disappearances in the North Caucasus. The lack of effective investigation of the law enforcement response to the Dubrovskaya Theatre Siege, and the attack on Beslan School No.1 should also be addressed by the Russian Government as a matter of priority.

A further serious concern is harassment of lawyers, journalists and other human rights defenders and in particular the murders, in January 2009, of human rights lawyer Stanislav Markelov and journalist Anastasia Baburova. Five months after the killings, the ICJ wishes to underline the urgency and importance of recommendations made by members of the UPR Working Group that the killings should be promptly and effectively investigated.

There have also been regular threats and attacks against applicants to the European Court of Human Rights, in particular those from the North Caucasus. To ensure that the right of recourse to the Court is effective, the Russian Government should take active measures to prevent obstruction of applications to the Court, including threats, harassment or violence against victims, their families and their legal representatives.

The ICJ regrets that this UPR did not address the threat to the independence of lawyers posed by the recently proposed amendments to the 2002 Federal Law on Legal Practice and the Bar, which would grant the State Registration Agency power to initiate court action to remove lawyers' licences to practice, and allow it to demand that lawyers answer questions regarding any case in which they are involved. The Government of Russia should withdraw these amendments, which would undermine the independence of the legal profession as well as lawyer-client confidentiality, an essential element of the right to a fair trial.

The UPR of the Russian Federation also failed to address the practice of informal transfers or expedited extraditions of suspects from the Russian Federation to other Member States of the Shanghai Co-operation Organisation, contrary to the obligation of *non-refoulement* where an individual faces a real risk of torture or other serious violation of human rights. The Russian Government should take steps to ensure that co-operation with other Shanghai Member States takes place in full accordance with its obligations under international human rights and international humanitarian law.

Finally, the ICJ calls on the Russian Government to accept the recommendation to invite relevant Council procedures, and in particular to invite the Special Rapporteur on Torture, the Working Group on Enforced Disappearances and the Special Rapporteur on Extra-judicial, Summary or Arbitrary executions to visit the North Caucasus under their standard terms of reference. The ICJ further calls on the Russian Government to facilitate a follow-up visit by the Special Rapporteur on the Independence of Judges and Lawyers to the North Caucasus, and to afford him all necessary assistance to investigate allegations of unfair trials and impunity.

I thank you.