



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.2146
3 November 2003

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Seventy-ninth session

SUMMARY RECORD OF THE 2146th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 24 October 2003, at 3 p.m.

Chairperson: Mr. AMOR

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Fifth periodic report of the Russian Federation (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.03-44685 (E) 281003 031103

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of the Russian Federation (continued) (CCPR/C/RUS/2002/5;
CCPR/C/78/L/RUS)

1. At the invitation of the Chairperson, the members of the delegation of the Russian Federation resumed their places at the Committee table.
2. Mr. CHEKALIN (Russian Federation), replying to questions asked by members of the Committee, said that, while the necessary amendments had been made to the Code of Criminal Procedure, preparations were still being made in the constituent entities of the Russian Federation for the introduction of trial by jury. The deadline for establishing jury courts was slightly later in the Chechen Republic, in view of the need to restore political, social and economic stability.
3. Ms. MOSKALKOVA (Russian Federation) said that the Russian Criminal Code had been amended on 30 October 2002 to clarify the difference between theft and the removal of effects. The former was a criminal offence, involving amounts of more than 600 roubles, while the latter was an administrative offence, involving amounts of less than 600 roubles.
4. Mr. SIDORENKO (Russian Federation) said that no one accused of a criminal offence could be denied access to a defence lawyer. Suspects could be detained for up to 48 hours by order of the Procurator's Office, and for a further 72 hours by court order if sufficient evidence was provided by the examining judge. Detainees could be moved to a temporary cell for no more than 30 hours in order to be brought closer to the place of investigation, or invited for an informal talk with the examining judge at any time.
5. Ms. MALYSHEVA (Russian Federation) said that a new registration system for citizens by place of residence had replaced the pass (propiska) system, with the aim of enabling citizens to exercise their rights and freedoms and to perform their obligations vis-à-vis the State and society. It was not designed to restrict either freedom of movement or the enjoyment of any other rights. The State Duma was considering amendments to federal citizenship laws, with a view to simplifying and, eventually, phasing out registration procedures.
6. Mr. KRASNYH (Russian Federation), replying to question 18 of the list of issues, said that the Government had made it a priority to strengthen the effectiveness of the judiciary. Consequently, the current budgetary allocation for the judiciary was 13 per cent higher than the figure for 2001. The federal judicial reform programme was designed, in particular, to construct and repair court buildings and to finance salary increases and improve working conditions for judges. In the first year of its implementation, repair work had begun on 596 court buildings, and 79 new buildings had been acquired. A minimum working space of 150 square metres for ordinary court judges and 160 metres for high court judges had been enforced.

7. Mr. KADYROV (Russian Federation) said that, in his capacity as President of the Chechen Republic, he was committed to protecting the rights of all Chechen people, including displaced persons and former refugees (question 19). However, he refused to talk unconditionally to bandits and gangsters who continued to violate the rights of Chechen citizens. Since the adoption of the new Constitution in March 2003, many refugees had begun to return home, and the Government was making great efforts to improve conditions for returnees, for instance by providing free services and accommodation. Nevertheless, some people belonging to armed rebel groups preferred to remain outside the Chechen Republic in order to engage in illegal activities. At the same time, they claimed to be victims of pressure from the authorities to return home.

8. A commission was being set up to investigate human rights violations by all parties to the conflict in Chechnya since 1991. He invited NGOs to address complaints either directly to him or to the chief investigator of that commission. He pledged to continue the fight against terrorism and to ensure a smooth transition from totalitarianism to democracy for the Chechen Republic, as a constituent entity of the Russian Federation.

9. Ms. MALYSHEVA (Russian Federation) said that, under the Alternative Civilian Service Act (question 20), citizens were entitled to apply for conscientious objector status. Applicants were called for interview and asked to submit references with their application. Successful candidates would be eligible for one of the civilian service posts identified by the Ministry of Labour and Social Affairs, many of which were in federal agencies or government departments. Wages for persons in civilian service jobs were equal to those of ordinary employees performing the same tasks. The duration of alternative civilian service was 1.75 times that of military service.

10. Mr. SIDORENKO (Russian Federation) said that the allegations referred to in question 21 were completely unfounded. The Federal Counteraction of Extremist Activities Act contained specific criteria for establishing “extremist activity”, and ruled out arbitrary definitions of such activity. On 14 February 2003, the Supreme Court had ruled that 15 terrorist organizations operating in the Russian Federation had engaged in extremist activities under the Act. The Procurator’s Office had taken steps to combat religious groups whose activities were designed to incite racial or religious hatred. At no time, either before or after adoption of the Act, had any religious organization expressed concern about the potentially negative impact of the Act on its activities.

11. Mr. LEBEDEV (Russian Federation), replying to question 22, said that, in the light of financial irregularities, the courts had ordered the television stations NTV and TV-6 to change their management; no government officials had interfered in the case.

12. Mr. CHEKALIN (Russian Federation), replying to question 23, said that journalists and other media employees were protected by the Act relating to the Mass Media of the Russian Federation. Interference with the professional activities of journalists was punishable by a three-year term of imprisonment. All criminal acts against the life, health or property of journalists were investigated. Under article 91 of the Code of Criminal Procedure, reports in the media containing evidence of crimes gave rise to criminal proceedings.

13. The authorities were currently investigating 17 murder cases relating to both print and audio-visual media personnel. The investigations had been successfully completed in six cases. Criminal proceedings had been instituted against a group charged with one murder and those responsible for another had been arrested. The Ministry of the Interior and, in particular, its subdivision on combating organized crime were giving high priority to the protection of journalists who received death threats or were exposed to other forms of violence.

14. Articles 166, 186 and 193 of the Code of Criminal Procedure provided for additional security measures, including protection of the identity of witnesses who provided information concerning criminal acts. In September 2003, a Federal Bill on State Protection for Victims, Witnesses and other Participants in Criminal Proceedings had been enacted at first reading.

15. Mr. SIDORENKO (Russian Federation), responding to question 24, said that the President had vetoed the Bill relating to the Mass Media and Combating Terrorism adopted by the Duma in 2002 because it had not addressed the problem of citizen protection in the context of counter-terrorist activities. It could have created a precedent for unjustified violations of the right of citizens to receive information. The President had suggested redrafting the bill and a special commission representing the Duma, the Federation Council and the presidential administration had been set up for the purpose.

16. Mr. CHEKALIN (Russian Federation), replying to question 26, said that pursuant to a decision taken in 1989 by the Council of Ministers of the Union of Soviet Socialist Republics, Meskethian Turks from Uzbekistan had been allowed to settle in a number of regions which did not include Krasnodar Krai, since it lacked the necessary infrastructure. Some 15,000 Meskethian Turks had nonetheless settled there but only 3,847, of whom 2,820 were citizens of the Russian Federation, had registered their right to own property in their place of residence. As other property owners lacked the papers required under the Act relating to the rights of citizens of the Russian Federation to freedom of movement and free choice of residence, they could not be registered in their place of residence. The Meskethian Turks were, however, entitled to apply for a temporary residence permit leading to the acquisition of Russian citizenship and the authorities were endeavouring to raise awareness of that right within the community. In March 2003, for example, a meeting had been held with community leaders in the Crimean region, where there were 6,000 unregistered Meskethian Turks, on the compilation of lists in each village with a view to ensuring registration and the acquisition of Russian citizenship. But the plan had failed because the Meskethian Turks had refused to cooperate with the local authorities.

17. The Procurator's Office in Krasnodar Krai had annulled certain legal instruments relating to migration that were incompatible with federal legislation. The law-enforcement authorities had no evidence of discriminatory treatment of Meskethian Turks. Moreover, there had been only isolated cases of violations of their rights to work and education. There were no Cossack paramilitary units in the area.

18. The Government of the Russian Federation had issued a directive on resumption of the work of an interdepartmental commission to address the problems of the Meskethian Turks. An amendment of the law on Russian citizenship adopted on 17 October 2003 had established a more clear-cut legal basis for determining their status.

19. Turning to question 27, he said that the Federal Act on the legal status of foreign citizens in the Russian Federation adopted in 2002 accorded priority in respect of immigration to former citizens of the Union of Soviet Socialist Republics. The Russian Federation was particularly interested in attracting foreign workers to regions requiring economic development. The legislation was to be amended so as to allow them to stay in the country for two to four years. For example, some 700,000 citizens of Azerbaijan were residing in the Moscow region. However, the Moscow authorities had been compelled to take action against migrants using falsified entry documents.

20. Over 5 million foreigners were currently resident in the country. Federal crime statistics did not indicate that a significant number of serious crimes were committed against persons originating from the Caucasus and Central Asia or against the Roma. However, persons belonging to those groups and other foreigners committed up to 35,000 violent and financial crimes each year. The number of crimes committed against foreigners was only one quarter of the number committed by foreigners against Russian citizens. They often accused law-enforcement agencies of discriminatory treatment in order to cover up their criminal activities. In the Vladimir oblast, for example, the authorities had arrested 32 members of Tajik criminal organizations involved in large-scale drug trafficking. The ringleader had submitted a complaint alleging discrimination on ethnic grounds to the Organization for Security and Cooperation in Europe. The law-enforcement authorities also had substantial evidence of drug trafficking by members of the Roma minority. When charged with criminal activities, they frequently complained of discrimination.

21. Russian criminal legislation provided for up to five years' imprisonment for the offences of discrimination on ethnic grounds, incitement to national, racial or religious hatred, and the organization of extremist associations or activities. In recent years, there had been no evidence whatsoever of pogroms against citizens originating from the Caucasus or Central Asia. They were treated with tolerance by the Russian population and were being actively integrated into the Russian economy.

22. Mr. LEBEDEV (Russian Federation), replying to question 29, said that all recent reports from the Ministry of Foreign Affairs stressed the need for close cooperation with NGOs for the defence of human rights. Parliament had set up a board of experts on human rights matters. The Supreme Court had referred to the Covenant in a number of decisions.

23. A major effort was being made to disseminate knowledge about human rights and to make people aware of human rights values through a broad range of training and educational activities. The Ministry of Education had published a paper containing recommendations for the introduction of human rights into curricula at all levels of education. A human rights dimension was included in courses in, for example, social science, history and law and in textbooks and scientific monographs. NGOs held conferences, seminars and courses each year in different parts of the Russia Federation. They also designed teaching materials.

24. Mr. BHAGWATI, referring to paragraph 97 of the report, asked for more details of the 38 decisions by the Constitutional Court affecting civil and political rights. Had any upheld, for example, freedom of speech or expression or minority rights?

25. According to paragraph 101 of the report, steps had been taken to strengthen the independence of the courts. In that connection, he wished to know more about the security of tenure of judges. Were they removable by the President and, if so, under what circumstances? Were they appointed by a political authority or an independent body and, in view of the heavy backlog of cases, what action had been taken to increase their number and improve their training? If there were financial difficulties in that regard, the World Bank might be willing to provide help under its legal and judicial reform programme.

26. Turning to paragraph 106 of the report, he asked whether federal administrative courts had been established and, if so, what category of cases they heard. Were their decisions final or was there a right of appeal to the Supreme Court? He was surprised to read in that paragraph that the Supreme Court could bring legislation before the State Duma. Having regard to the vast size of the country, he asked whether the authorities had thought of setting up mobile courts.

27. On the question of indigenous peoples, the Committee would be interested in hearing to what extent the three laws mentioned in paragraph 6 of the report had been implemented. The legislation adopted in 2001 provided for the establishment of traditional subsistence territories for indigenous communities. He had been informed that a number of applications to the Government for the establishment of subsistence territories were lying unattended. Was it true that traditional lands were still being used for industrial purposes?

28. According to an international NGO, ethnic minorities and migrants in Moscow were being harassed by the law-enforcement authorities as a consequence of the Chechen question. The police had allegedly been responsible for discriminatory and predatory enforcement of Moscow's civilian registration system, for extorting money from minorities, and for beatings and other forms of invasion of their privacy. Had any action been taken by the Government to stamp out such practices?

29. Mr. SHEARER asked whether decisions to approve applications for alternative civilian service were taken by a court or a board and whether the body concerned was civilian or military. Was any distinction made between conscientious objectors who had not yet been drafted into the armed forces and those already serving? He would also be interested to know whether justices of the peace were lawyers or simply reputable citizens with no specific legal training.

30. Mr. SCHEININ said that although his overall assessment of the dialogue with the State party was positive, he regretted the reluctance of the delegation to provide detailed information on counter-terrorist activities relating, for example, to the "Nord-Ost" hostage crisis and Chechnya. The response to question 19 had been unsatisfactory. The representative of the Russian Federation had addressed a number of questions to NGOs that were unable to respond. The Committee's task was to assess State responsibility under the Covenant; its meeting with the delegation should not be used as a press conference for domestic consumption.

31. Paragraph 187 of the report referred to the establishment of a legal framework for the revival of the traditional lifestyles of the small indigenous peoples of the North, Siberia and Russian Far East under modern conditions. As there had so far been no demarcation of territories, he assumed that the key word was “framework” and that the legislation regrettably failed to create rights that were immediately enforceable and could lead to economic self-determination.

32. The Committee had recently considered a report by the Republic of Moldova, whose delegation had said it was unable to give full answers because part of the Republic’s recognized territory was controlled by remnants of the Soviet Red Army. He assumed that the Russian Federation did not acknowledge responsibility for implementation of the Covenant in that area but he wished to know, in view of the historical and factual links, what the State party was doing to promote self-determination for its inhabitants under article 1 (3). What framework was conceivable for the exercise of self-determination?

33. The delegation’s answer to question 22 concerning the closure of independent television stations had been extremely brief. Freedom of expression was an area in which there was a real need for openness and transparency to ensure democratic governance and the protection of human rights. It was not enough simply to deny the involvement of the authorities in the closure of the channels. He asked whether the delegation considered it important to ensure pluralism in the area of television broadcasting and, if so, how genuine pluralism could be achieved - within the State-owned media or through the establishment of viable independent television channels.

34. Mr. ANDO said that, according to information he had received, the State-owned Gazprom company had taken over MediaMost, the independent owner of NTV and the daily newspaper Cevodnya in 2001. Gazprom’s replacement of the board of directors of NTV had prompted a large number of staff to leave for other smaller independent television channels. TV6, which had also been closed down, had been a high-profile opponent of President Putin. A minority shareholder in TV6, a subsidiary of the oil giant Lukoil in which the Government had a stake, had won a court battle in January 2002 to close the station on account of unprofitability. He invited the delegation to comment on those reports.

35. A Russian journalist, Grigory Pasko, had compiled a report on a Russian navy tanker that was dumping radioactive waste in the Pacific Ocean close to Japan. He had also exposed corruption among navy personnel involved in the dumping. In 1999, the Supreme Court had overturned Mr. Pasko’s conviction but had later reversed its decision in the light of an appeal by the procurator. In a new military court trial in December 2002, Mr. Pasko had been convicted of high treason in the form of espionage and sentenced to four years’ imprisonment. Mr. Pasko had appealed. He asked the delegation for news of the outcome.

36. In March 2000, the Voice of America had been denied a request for a licence to operate in Volgograd and Ufa. Although there were no competing media in the area, the Federal Tender Commission had rejected the application. When Radio Liberty had announced plans to broadcast in the languages of ethnic minorities in the North Caucasus, the Minister for the Press had issued an unofficial warning to the company. He would welcome the delegation’s comments on such policies, which inhibited freedom of expression.

37. Asylum-seekers in the Moscow region often had to wait as long as two years for a ruling on their application, so that they were at risk of becoming illegal aliens and subject to deportation. In addition, unaccompanied minor asylum-seekers were unable to apply for asylum unless they had a legal guardian. He asked the delegation what procedures were envisaged to deal with those problems.

38. Mr. WIERUSZEWSKI said that, although most of the delegation's answers had been precise and to the point, they had not all been entirely satisfactory, in particular the replies to questions 26 to 28, which had amounted to a statement that there was no problem. The Committee's purpose in asking question 26 had been to find out why the Meskethian Turks in Krasnodar Krai, unlike those living elsewhere, were denied resident status. Historical reasons had been given for the situation, but the question remained whether it was justifiable to apply federal law differently in a particular region. He pointed out that the information before the Committee had come not from NGOs, but from United Nations agencies.

39. He would welcome more precise answers to questions 27 and 28. The delegation had blurred the distinction between foreigners and minorities, despite the fact that the two groups and their problems were quite different.

40. In September 2003, one member of the delegation had accused certain NGOs of supporting terrorism. The Committee had also received information to the effect that NGOs were subjected to various forms of harassment. He had been pleased to hear the head of delegation express the State party's willingness to cooperate with NGOs, but he wondered whether the increasing difficulties faced by such groups were a reflection of a general policy or of purely local problems.

41. Mr. SOLARI YRIGOYEN said he welcomed the Duma's enactment of legislation on the issue of conscientious objection (report, para. 54). To judge from the additional information provided by the delegation, however, the application procedure for alternative civilian service was very complicated and he wondered how many applicants would successfully meet the various deadlines and other requirements. Procedure should not be an obstacle to the enjoyment of a right.

42. He also wondered why civilian service would last nearly twice as long as military service. Differences in treatment need not be discriminatory if they were based on rational and objective criteria, but the information provided did not convince him that that was the case. The differences appeared to be punitive in nature and therefore unacceptable in relation to a right enshrined in the Covenant.

43. Referring to article 20 of the Covenant, he said that, according to reliable international sources, the Russian Federation authorities had barely reacted to racist comments by public figures or to the open sale of anti-Semitic publications. He would welcome the delegation's comments on those reports.

44. Mr. LALLAH, referring to the delegation's comments concerning the Committee's Views on individual cases, said it was time that many jurists adopted a narrow, legalistic interpretation of States parties' obligations under the Optional Protocol, but their number was decreasing. There were several reasons for adopting a broader approach, which he hoped the Russian Federation would, in time, come to accept.

45. First, it was not simply a legalistic question: States parties had an obligation to protect and ensure, under article 2 of the Covenant, and that obligation did not change when they became parties to the Optional Protocol. Secondly, given that the Committee's Views were subject to consideration by the Supreme Court, it was perhaps important to point out that national authorities viewed a particular case from the standpoint of domestic law, while the Committee would view the same case from that of the Covenant. The Committee did not venture to interpret domestic law, leaving that to States parties' own courts; the Committee interpreted the Covenant.

46. With regard to the independence of the judiciary, he welcomed the changes that had taken place since the Soviet era. However, he would welcome clarification of the function of the Federal Security Services (FSB), particularly in connection with the application of article 275 of the Criminal Code on high treason. Mr. Ando had already mentioned the chilling impact on scientists, journalists and environmentalists, among others, of investigations and prosecutions carried out under that provision. Under the Covenant, the State party had an obligation to ensure that prosecutions, as well as judicial proceedings, were conducted by an impartial body, and he wondered whether decisions to prosecute were taken by some other institution entirely independent of political supervision or control. To what extent was the FSB under the control of the political arm of the State?

47. He understood that, in acceding to the European Convention on Human Rights, the Russian Federation had undertaken to strip the FSB of its authority to conduct criminal investigations and prosecutions and to run detention centres. He wondered whether that had in fact been done.

48. With regard to question 24, he said that, in many States, the definition of terrorism was so vague and broad as to amount almost to a definition of sin. Care should be taken in defining terrorism, for there was a risk of serious violations of the rights protected by the Covenant: under some States' definitions, those taking part in the Russian Revolution would have been classed as terrorists, as might modern-day anti-World Trade Organization (WTO) protesters.

49. Sir Nigel RODLEY said several references had been made to the elections in Chechnya, particularly in replies to question 19. Referring to article 25 of the Covenant, he said the presidential election in Chechnya had been challenged by NGOs and the press at both the domestic and international levels. Various questions had been raised concerning, for example, numbers of voters compared with numbers of ballots cast and the fact that the results had borne little relation to opinion polls. Potentially controversial elections were frequently monitored by independent national and international bodies, and he wondered whether any such organizations had been able to testify to the free and fair nature of the elections in Chechnya.

50. Ms. WEDGWOOD, said that, despite a certain formal equality among religions, NGOs continued to report discrimination against non-traditional religions, whose followers faced visa problems and even expulsion. The new legislation also restricted competence to found new religious organizations to Russian citizens only, which would appear to interfere with evangelical activity. She wondered whether the delegation could provide any positive indications of an intention to permit broad discourse even among non-traditional religions.

51. Further to the comments made by Mr. Solari Yrigoyen, she said that, despite the President's public expression of opposition to anti-Semitism, which had been very welcome, the law-enforcement authorities still appeared unable to deal with attacks on synagogues and cemeteries.

52. She welcomed efforts to rehabilitate the victims of political repression, and wondered whether any thought had been given to an opening of official files. It could be argued that the process of coming to terms with the past would include a full accounting for those who had disappeared during the decades of Lenin's and Stalin's regimes.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

53. The CHAIRPERSON invited the delegation of the Russian Federation to reply to the oral questions put by Committee members.

54. Mr. DEMIDOV (Russian Federation) said the majority of issues dealt with by the Constitutional Court in recent years had related to criminal cases and prosecutions. Eighteen amendments had been made to the new Code of Criminal Procedure on the basis of Constitutional Court rulings.

55. There was no political pressure on judges during their tenure. Members of the judiciary might be removed for an improper attitude to the performance of their judicial duties. Appointments, including those of justices of the peace, were made by qualified judges on the basis of a competitive examination that was open to any citizen of the Russian Federation aged at least 25 and with higher legal training, subject to an initial qualifying examination. The Judicial Academy, established by presidential decree, had nine branches throughout the Russian Federation and provided training for judges, including justices of the peace.

56. Decisions regarding detention were taken within 48 hours, on the basis of submissions by the Procurator's Office. The investigating authorities had 40 hours to conduct their inquiries and the courts then had 8 hours in which to hand down their decision. According to the law, if either party applied for additional material to be submitted, the period could be extended by 72 hours.

57. Progress had been made in resolving outstanding criminal and civil cases. From a backlog of 1 in 9 cases two or three years previously, the figure had been brought down to 1 in 10.

58. The draft federal constitutional law on federal administrative courts had passed its first reading and preparations were being made for the second reading. The intention was to establish the administrative court system throughout the country. The Supreme Court was indeed empowered to initiate legislation, in accordance with article 104 of the Constitution, and was very active in availing itself of that right. There was no system of informal mediation, and no real concept of circuit courts, since judges were appointed to specific courts and could not try cases in other courts.

59. Mr. REZNIK (Russian Federation) said that legislation passed in 2001 established the legal status of the traditional lands of indigenous peoples and the rights of the communities living there. The Duma had recently also passed legislation on the territories in the far North and further provisions concerning land use by minorities and peoples in the North were being developed. The law did not restrict indigenous people's rights - they enjoyed the same rights as all other citizens of the Russian Federation - but established special conditions, including control over land use, in order to help them to develop and maintain their traditional occupations and ways of life.

60. Mr. CHEKALIN (Russian Federation) said that the Meskethian Turks were officially resident in four oblasts in the central region, which were well serviced and had a proper infrastructure. They had, however, chosen to live in Krasnodar Krai, which was overcrowded and where there were great economic and social burdens on the local population and infrastructure. The citizenship question had recently been resolved under new legislation.

61. With regard to the issue of prejudice and discrimination against minorities, article 19 of the Constitution guaranteed equality regardless of nationality or race, and minorities were thereby afforded protection against discrimination. Police in the Moscow region were not permitted to carry out verification of documents on the streets. Police in Novosibirsk had recently charged a group with incitement to racial hatred.

62. There were some 10,000 refugees in Russia from 23 different countries. In 2003, over 300 persons had been granted refugee status. A law governing the situation of refugees on Russian territory established a timeframe for the processing of refugee applications. All the relevant documents must be submitted within five days of filing the application. Although the verification process was not supposed to take more than three months, there were frequent delays in handling cases. Measures were being taken to introduce a system whereby applications could be processed more swiftly.

63. Ms. MALYSHEVA (Russian Federation) informed the Committee that the Alternative Civilian Service Act would not enter into force until 1 January 2004. Under the new Act, any citizen who objected to military service would be able to apply to perform an alternative type of service. The procedure for doing so would be very straightforward: an individual would simply have to submit an application and any necessary supporting documentation to an appeals board, which would consider the application in the presence of the applicant and issue a decision within one month. Applications would be rejected if the applicant was found to be in breach of the regulations, had failed to meet the deadlines established by law or had submitted false

information. Applications could also be rejected if the applicant had previously been offered an alternative to military service but had, for unexplained reasons, not accepted that offer. A decision to reject an application could be challenged in court. Under the new legislation, several options were available to individuals who were already enrolled in military service and wished to transfer to civilian service. As part of the transition from a conscript army to a regular army by 2008, it was envisaged that the period of military service would be reduced to one year and that the duration of alternative service would be reduced accordingly.

64. Mr. LEBEDEV (Russian Federation) informed the Committee that his Government recognized the sovereignty and territorial integrity of the Republic of Moldova and was strongly in favour of the country's self-determination. The responsibility felt by the Government towards Transnistria was purely a political issue. The Russian troops in Transnistria had played a stabilizing role and had managed to prevent the outbreak of a major armed conflict. The Government had every intention of fully withdrawing its troops from the region and was actively involved in a negotiating process to that end.

65. Russia's position with regard to freedom of speech had been addressed extensively in both its fourth and fifth periodic reports and been discussed in detail at previous meetings with the Committee. His Government was strongly in favour of pluralism and transparency in the media. The legislation governing the media had been prepared in consultation with journalists.

66. With regard to the closure of the NTV and TV6 television stations and the question whether Gazprom had caused significant damage to the former holding company MediaMost, he said that the case had been examined by the Procurator-General in criminal proceedings in which the former chairperson of the board of MediaMost and the head of the company's financial services had been accused of large-scale embezzlement and confiscating property. The former leadership of MediaMost had tried to evade responsibility for illegal actions by deliberately politicizing the property dispute and by trying to discredit the measures taken by the police and the judiciary, in order to protect the rights of NTV shareholders. Despite the change of ownership and management of MediaMost, NTV had continued to operate without impediment and had not changed its political or ideological position. The decision to stop the activities of the Moscow Independent Broadcasting Company, which had created TV6, had been taken by the Moscow Court of Arbitration in September 2001. A private pension fund, which had been a major shareholder in the company, had turned to the Court to request the liquidation of the company on the basis of the federal law on joint stock companies. In accordance with that law, the company had been forced to agree to its liquidation. The Court had found that decision to be legal and well founded.

67. Anti-Semitic attitudes were slowly being eliminated in Russia. The State authorities closely monitored any trends that could lead to extremist behaviour. Recently, the Ministry of Justice had successfully disbanded a party that had been known for its extremist slogans. The Government had organized a number of round tables, conferences and seminars to raise awareness of the problems relating to extremism, and the media played an important role in that regard.

68. Mr. MILCHENKO (Russian Federation) said that a legal decision had already been rendered with regard to the Pasko case. Mr. Pasko had been released from prison after having served only two thirds of his sentence. He had the opportunity to lodge a further appeal if he so wished, although an appeal was unlikely given the current status of the case.

69. The Federal Security Services (FSB) were answerable to the President. Any investigations by the FSB must be conducted in accordance with national and international legislation.

70. Mr. SIDORENKO (Russian Federation) said that Russia was historically a multi-ethnic and multi-religious country. The Ethnic Cultural Autonomy Act had given substance to many of the rights of autonomous ethnic cultural organizations, recognizing, inter alia, the right of ethnic groups to self-determination and to preserve their ethnic and cultural identities. A federal council had been established and met regularly, allowing representatives of ethnic groups to hold an interactive dialogue with the State authorities on matters of concern to them.

71. His Government had always endeavoured to support the work of NGOs. A significant number of national and international NGOs were registered in Russia.

72. A number of public councils composed, inter alia, of representatives of the Government, civil society and religious organizations were being established under the aegis of the Ministry of Justice to encourage dialogue between the State and civil society on particular issues, such as the implementation and administration of justice.

73. As far as he was aware, the members of non-traditional religious organizations were not subjected to any form of persecution in the Russian Federation. Currently, over 200,000 religious organizations representing some 60 different religions were registered in Russia. The public councils resolved any problems that arose involving religious organizations at the federal level. A complaints mechanism was in place to address any problems at the local level.

74. Investigations were conducted into all cases involving crime against property and criminal proceedings were initiated against anyone accused of such a crime.

75. Mr. LYSENKO (Russian Federation) informed the Committee that a federal law had been passed in 1994 guaranteeing the rights of all citizens to vote and be elected. In 1997, that law had been supplemented by a set of regulations governing the right of citizens to take part in referendums. In 2000, it had been amended to provide greater protection of those rights. It was in that context that the referendum on Chechnya's draft constitution had been held in March 2003; in it, voters had expressed support for laws on parliamentary and presidential elections and the draft constitution. Subsequently, presidential elections had been held in October 2003, and over 80 per cent of the population of the Chechen Republic had turned out to vote. A number of international organizations, such as the Executive Committee of the Commonwealth of the Independent States and the Organization of the Islamic Conference, had been involved in the election process. The general conclusion was that the elections had taken place in accordance with the provisions of the Constitution of the Russian Federation and international law, despite the fact that certain special measures had been taken in light of the situation in the Republic.

76. The CHAIRPERSON commended the Government for its considerable efforts to improve the human rights situation in Russia and to inform the Committee of those developments. However, the country was still going through a period of transition and more remained to be done. He paid tribute to the NGOs working in the field of human rights in Russia. Such organizations played an increasingly important role in the work of the United Nations. It would be useful if a dialogue, similar to that with the Committee, could be held between the State authorities and the NGOs, giving the latter the opportunity to reply.

77. Although the Government had taken into account many of the questions and concerns raised by the Committee during its consideration of Russia's fourth periodic report, he would have liked to receive more specific answers to the questions asked by the Committee about freedom of expression, enforced disappearances, torture, and the rights of minority groups and refugees. The answers provided by the delegation had not dispelled the Committee's fears that certain provisions of the Covenant and the Optional Protocol were being violated. It was important to bear in mind that, although the Committee's concluding observations and recommendations were not legally binding, they were closely related to the implementation of the provisions of the Covenant and the Optional Protocol, which were binding. The Committee's concluding observations and recommendations should therefore be analysed carefully.

78. He was puzzled by the Government's attitude towards terrorism. Although article 4 permitted States parties to derogate from their obligations under the Covenant in times of emergency, terrorism could not be used as a blanket excuse to justify the failure of a State party to comply with certain fundamental provisions.

79. The Freedom of Conscience and Religious Associations Act, which had been passed by the State Duma in 1997, appeared to impose more restrictions on freedom of association than the act it had replaced. He was particularly concerned about the registration procedures for religious organizations and the conditions governing their establishment. The fact that organizations must have existed for at least 15 years in order to qualify for registration meant that many legitimate organizations could not register.

80. Mr. CHAIKA (Russian Federation) said it was regrettable that, owing to time constraints and despite the representative nature of his delegation, it had not been possible to provide answers to all the oral questions asked by the Committee. The relevant information would be provided in writing as soon as possible. His Government would pursue its efforts to build a new democratic Russia in which NGOs would play an important role.

81. The CHAIRPERSON assured the Government that it could count on the continuing support of the Committee in its efforts to implement the Covenant and the Optional Protocol.

The meeting rose at 6.05 p.m.