

2014-09-19

Fråga-svar

Ryssland. Polisskydd. Russian National Unity (RNE)

Fråga

1. Finns det någon information om vilka möjligheter en person har för att få tillgång till myndighetsskydd, när de lokala myndigheterna i hans hemort visat ovilja att bereda ett sådant?
2. Finns det stöd för slutsatsen att en person inte har möjlighet att upprätta en anmälan vid en polisstation, om samma ärende redan handläggs eller har handlagts vid en annan polisstation?
3. Har den ryska staten intagit någon särskild hållning gentemot organisationen RNE?

Svar

1. Myndighetsskydd

EU Council of Europe (2013):

Despite certain efforts on the part of the government and members of the judiciary to increase its transparency, the judicial system is still perceived by the general public as being rather closed to public scrutiny. Therefore, there is a need to undertake further efforts in this area. At the same time, proper mechanisms should be in place to ensure that judges are shielded from external pressure, in particular in high profile cases which generate intense debate and a high degree of media interest. ... (sid. 5)

More recent reform initiatives have included the adoption of the new Law on Police, which entered into force in March 2011. Another important piece of draft legislation - the Code of Administrative Procedure (Kodeks administrativnogo sudoproizvodstva) – was before the State Duma in April 2013, i.e. at the time of Commissioner Muižnieks's visit to Russia which forms the basis of the present report. (sid. 8)

According to a study carried out in 2011, 17% of judges were employed as prosecutors before their appointment, and 16% worked as investigators or policemen. Overall, this means that one third of the judges worked in law enforcement institutions before their appointment; this percentage is even higher among judges specialising in criminal cases.⁶⁹ This tends to create a conspicuous imbalance in the system and does not favour the holding of genuinely adversarial proceedings. (sid. 19)

Amnesty International (2013):

THE RIGHT TO A FAIR TRIAL

The current reform of the judicial system in the Russian Federation appears to have a stronger focus on increasing its material resources than on ensuring its independence and fully upholding the principle of fair trial.

Amnesty International is concerned that a number of convictions have been politically motivated ... (sid. 6)

Jamestown Foundation (2013):

The professionalization of the police, including better screening of recruits, is certainly an important issue for the Russian state to tackle. Pervasive corruption and the police's connections to organized crime undermine the autonomy of the state and so threaten its viability. This is most dramatically illustrated in the case of police tolerance of nationalist crimes....

Canada: Immigration and Refugee Board of Canada (2011):

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.

...

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)

Russia Other Points of View (2011):

Russian human rights groups have generally praised much about the law but expressed concern that it is often declaratory in character and therefore has "no prospect of being applied in practice" (Gregory L. White, "Russia Enacts Police-Agency Overhaul," Wall Street Journal, 8 February 2011). This appears to be an underestimation of the law's power, since the law itself indicates that any violations of laws such as this one by police officers or officials are grounds for their dismissal (Article 35.3.4) and that they can be held legally and materially responsible for violations of the law or citizens' rights (Article 33.1-3).

2. Samarbete mellan olika polismyndigheter

Federal Law No. 3-FZ of February 7, 2011 on the Police [Russian Federation]:

Article 10. Interaction and Cooperation

1. While pursuing its activities, the police shall interact with other law-enforcement bodies, state and municipal bodies, public associations, organisations and citizens.
2. While executing the duties vested therein, the police may use the capabilities of state and municipal bodies, public associations and organisations in the procedure established by the legislation of the Russian Federation.
3. Within the scope of its powers the police shall render assistance to state and municipal bodies, public associations and organisations in ensuring the protection of the rights and freedoms of citizens, the observance of law and order and also support the development of civil initiatives in the area of preventing crime and disorder and maintaining law and order.
4. State and municipal bodies, public associations, organisations and officials shall render assistance to the police in its executing the duties vested in it.
5. The interaction of the police with law-enforcement bodies of foreign states and international police organisations shall take place in accordance with international agreements of the Russian Federation.

Article 12. The Duties of the Police

1. The following duties are hereby vested in the police:

1) to accept and register (for instance in an electronic form) applications and messages concerning crimes, administrative offences and accidents; to issue applicants on their personal requests with notices of acceptance and registration of their written applications concerning crimes, administrative offences and accidents; to check in accordance with jurisdiction applications and messages concerning crimes, administrative offences and accidents and take measures on such applications and messages as envisaged by the legislation of the Russian Federation, to inform the applicants about the progress of consideration of such applications and messages within the term set by the legislation of the Russian Federation but in any case at least once a month; to deliver (send) applications and messages concerning crimes, administrative offences and accidents to state and municipal bodies and organisations or to the official empowered to solve relevant issues, with the applicant being notified accordingly within 24 hours; to inform relevant state and municipal bodies, organisations and officials of these bodies and organisations about the facts that have become known to the police and require their operative response;

Article 53. Taking Appeal from Actions (Omissions) of a Police Officer
Actions (omissions) of a police officer infringing on the rights and lawful interests of a citizen, a state or municipal body, public association, religious and another organisation may be appealed against to a higher body or a higher official, bodies of the procurator's office of the Russian Federation or court.

3. Ryska statens hållning gentemot organisationen RNE

US Department of State (2008):

A small splinter group of the ultranationalist Russian National Unity (RNE) organization called "Russian Rebirth" registered successfully in the past in Tver and Nizhniy Novgorod as a social organization, prompting protests from human rights groups; however, in several regions such as Moscow and Karelia, the authorities limited the activities of the RNE by denying registration to its local affiliates. According to SOVA Center, there were neither registration denials nor registrations of RNE during the reporting period. In February 2007 the Supreme Court upheld the decision by a Krasnodar court to ban the Krasnodar Orthodox Slavic community, an Orthodox Old Believers group that used neo-Nazi symbols.

Australian Government - Migration Review Tribunal & Refugee Review Tribunal (2007):

... According to the NGO Moscow Bureau of Human Rights (MBHR), the ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization continued to propagate hostility toward Jews and non-Orthodox Christians. The RNE appeared to have lost political influence in some regions since its peak in 1998, but the organization maintained high levels of activity in other regions, such as Voronezh. Sova Center noted in its 2005

report that RNE activities had been mostly reduced to picketing and distributing leaflets.

Central Asia-Caucasus Institute (2007):

... From this perspective the new generation of Russian radicals are quite different from the radical nationalists of the Yeltsin era, such as Aleksandr Barkashov, leader of RNE (Russian National Unity), who, despite Nazi-sounding symbols and blasting Jews and the regime for selling Russia to the West, was quite tame in his activities. In fact, RNE tried to present itself as a party of order and collaborate with law enforcement agencies.

US Department of State (2006):

At least two demonstrations took place in Moscow on February 23, 2006, the Defenders of the Fatherland holiday. Participants displayed racist placards with slogans such as "Russia for ethnic Russians" and chanted racist slogans. According to reports, prominent members and leaders of the Rodina and Communist political parties participated in one of the demonstrations. Authorities gave administrative sanctions (fines and up to five days' administrative arrest for carrying a flag with a swastika) to the organizers of the march and a few participants belonging to RNE; officials did not charge anyone with incitement to racial hatred under Article 282 of the Criminal Code in connection with the march. In response to an appeal by the Moscow Anti-Fascist Center NGO, a court ruled on April 11, 2006, that the organizers had not violated any criminal laws.

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Amnesty International (2006):

Failure to protect anti-racism campaigners and experts

Organizations and individuals in Russia researching and campaigning against racism, discrimination and other forms of extremism have become targets of violence. Amnesty International has received numerous reports of threats, physical assaults and in some cases, murder, of individuals working against racism, where the authorities have failed to take steps to protect them, knowing they were under threat... (sid. 16)

Moreover, by failing to react strongly to hate speech, either during

demonstrations or in the media, the authorities are giving a message that such ideas are acceptable...(sid. 27)

Immigration and Refugee Board of Canada, IRB (2004):

Relations with Government

Bigotry Monitor stated in 2002 that the RNU in Nerekhta carried out its activities without being stopped by the police because the chief of police and the head of the local RNU branch there were former classmates (1 Feb. 2002). According to FSU Monitor, the governor of Kamchatka attended an RNU rally in 2001 (1 Mar. 2002) and in Kostroma in 2002, the chief of police was allegedly an RNU sympathizer (6 Feb. 2002). The UCSJ monitor in Krasnoyarsk region stated that the local Federal Security Bureau believe[d] that the RNU [wa]s "passive" and that vandalism carried out on a Krasnoyarsk Synagogue was probably carried out by youth (Bigotry Monitor 28 Dec. 2001).

Although some Russian authorities appear to have supported the RNU (FSU Monitor 1 Mar. 2002; *ibid.* 6 Feb. 2002), in 2002, the Ministry of the Interior expressed its concern with the activities of the RNU (ITAR TASS 2 Apr. 2002; FSU Monitor 4 Apr. 2002), citing it as one of the main extremist groups in Russia in 2002 (*ibid.*). In 2002 the Russian Ministry of Justice set out to re-register all political parties in Russia and despite its extreme nature, according to one of the members of the Liberal Russia party, because RNU was not acting in direct opposition to the ruling party RNU would probably be granted a legal address (while Liberal Russia would not) (*Nezavisimaya Gazeta* 3 July 2002). Russian courts eradicated six RNU branches in 2002 (ITAR TASS 23 Oct. 2002). The same occurred in 2003: six regional branches of the RNU were closed down, reportedly for distributing material inciting racial, ethnic and religious conflict (*ibid.* 18 Feb. 2003; *Economic Press Review* 19 Feb. 2003). In the opinion of a journalist writing for *Rossiiskie Vesti*,...

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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