



Russian Federation – Researched and compiled by the Refugee Documentation Centre of Ireland on 25 September 2013

Russia: Reports on the police and the criminal justice system – whether there is corruption – whether complaints against persons connected with the authorities are effective – whether persons who accuse influential persons might be subject to pressures and harassment to drop a criminal complaint.

An article on the police in Russia published by The Economist states:

“They shoot, beat and torture civilians, confiscate businesses and take hostages. They are feared and distrusted by two-thirds of the country. But they are not foreign occupiers, mercenaries or mafia; they are Russia's police officers. The few decent cops among them are seen as mould-breaking heroes and dissidents.” (The Economist (18 March 2010) *Police brutality in Russia: Cops for hire*)

This article also states:

“Ordinary policemen, many of whom despise their own service, seem baffled and angered—not by the claims of abuse, which almost no one disputes, but by the hypocrisy of their bosses, who have turned them into scapegoats. Some have started to spill the beans on their superiors. The rot has now set in so deep that real reform of Russian policing would mean reform of state power, says Sergei Kanev, a crime reporter for Novaya Gazeta. The main function of law-enforcement agencies in Russia is not to protect the public from crime and corruption, but to shield the bureaucracy, including themselves, from the public. To ensure loyalty the system allows police and security services to make money from their licence for violence. Police escorts can be officially purchased. Other commercial activities include charging for proper investigation, extortion, selling sensitive databases, tapping phones or raiding businesses for competitors. Many police officers have their own private business on the side. Unsurprisingly, top jobs in the police are a valuable, and traded, commodity. Most new recruits sign up to make money, according to internal questionnaires. As Mikhail Khodorkovsky, a businessman serving an eight-year prison sentence on trumped-up charges, has written, the police, prosecution and prison services are component parts of an industry whose business is legitimised violence and which uses people as raw material.” (ibid)

A document published on the Business Anti-Corruption Portal website, in a paragraph headed “Individual Corruption”, states:

“According to Transparency International's Global Corruption Barometer 2010-2011, the Russian police are considered to be the most corrupt public institution in the country. Similarly, in the US Department of State 2011, the national police force is characterised as widely corrupt, with few crackdowns

on illegal police activity. In April 2012, a police captain was arrested in Moscow on charges of accepting a bribe of more than USD 40,000 from a car salesman in exchange for ignoring legal infractions, according to a 2012 article by The New York Times. As pointed out in the same source, the arrest was a part of an apparent crackdown on police corruption after several scandals involving law enforcement personnel. According to a study by Transparency International, cited in a July 2011 article by INO-TV, Russian police laws have a number of loopholes, which open opportunities for corruption in this area. According to the article, currently Russian police officers have wide powers and possibilities for abuse of power, while, on the other hand, their responsibilities are not very clearly outlined and accountability is lacking. The study concludes that the largest risks of corruption by police officers occur in the process of document checks. The article also points out that Russia's laws on the police have not been through anti-corruption training.” (Business Anti-Corruption Portal (2013) *Russia Country Profile: Police*)

In a paragraph headed “Political Corruption” this document states:

“Corruption also permeates the higher echelons of the Russian police force. According to Global Integrity 2010, the investigative and enforcement work of Russian police is commonly influenced by political actors or the government. In regards to appointments to the police, these are usually based on political considerations; individuals appointed often have conflicts of interest due to personal or party loyalties, or family connections. Furthermore, in practice, law enforcement officers, particularly high-ranking figures, sometimes enjoy protection from criminal investigations.” (ibid)

The US Department of State country report on Russia for 2012, in a section titled “Official Corruption and Lack of Transparency in Government” (Section 4), states:

“Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profits. While there were prosecutions for bribery, a general lack of enforcement remained a problem. Official corruption continued to be rampant in numerous areas, including education, military conscription, healthcare, commerce, housing, pensions/social welfare, law enforcement, and the judicial system.” (US Department of State (19 April 2013) *2012 Country Reports on Human Rights Practices – Russia*)

An article originally published by the independent online newspaper Moscow News states:

“One of the scariest aspects of police corruption in Moscow is how it encourages disdain for regular people. Corrupt cops think themselves to be kings of the castle - and since they are even more powerful than regular criminals, they act like it, too. Police corruption exists in all countries, but it is blatant and in your- face in Moscow, and as such, encourages general lawlessness. After all, if law enforcement could care less about the rules, why should a regular person bother?” (Moscow News (28 January 2013) *Police corruption: all you need is trust*)

A Council of Europe report, in a section titled "Police" (paragraph 110), states:

"Additionally, the Advisory Committee is informed that, while bribery and corruption of the police have a detrimental effect on the rule of law in general, they have a particularly negative impact on persons belonging to disadvantaged groups of society, including some national minorities and migrants. They limit their access to justice in cases of discrimination and racist abuse." (Council of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities (25 July 2012) *Third Opinion on the Russian Federation adopted on 24 November 2011*, p.28)

A Danish Immigration Service fact-finding mission report, in a section titled "Police corruption and bribes" (section 1.3.1.1), states:

"A Western embassy (A) stated that salaries in the public sector are generally low, thereby creating an incentive for corruption. Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that there are cases showing that the Russian police are very corrupt. The police do take bribes and are interested in a person facing a maximum penalty in order to extract a larger bribe from the person's relatives. It was added that judges and prosecutors are also corrupt and the sooner relatives pay the bribe the less expensive it would be. However, for Chechens in Moscow this problem becomes less of an issue every year. This is particular the case after Putin and Kadyrov have good personal relations. When asked if a Chechen could avoid paying bribes to police officers and other authorities by knowing and claiming one's rights, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, referred to a recent episode in which he and his son, whom he described as Caucasian looking, was stopped by a police car on a street in Moscow and ordered to show their passports. Khamzat Gerikhanov asked the police officers to introduce themselves and state the reason for stopping him and his son and demanding to see some ID. The police officer apologised and left without further actions. Before, this way of dealing with the police would not have been possible. As soon as the police get the impression that a person they have stopped knows his rights they would be less inclined in attempting to collect a bribe. However, less knowledgeable or less educated persons would of course be more vulnerable to demands for bribes by the police." (Danish Immigration Service (20 August 2012) *Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases*, pp.20-21)

A Washington Post article states:

"From his tiny shop on a highway 20 miles southeast of Moscow, Valery Tsaturov listens to daily reports of a national fight against corruption with a mixture of anger and skepticism. The headline-grabbing charges of high-level official misconduct began a few weeks ago, and President Vladimir Putin recently said that the battle would certainly extend to the everyday bribes that average people pay to keep their lives running smoothly. The news, Tsaturov said, has not reached the traffic police officers and health inspectors who prey on him in this society permeated with corruption. 'Nothing is changing,' he said. 'And all of them who are stealing from us ordinary people will get away with this.'" (Washington Post (21 December 2012) *Russians scoff at Putin's campaign against corruption*)

This article also states:

“Small-time bribery has been entrenched since czarist times, a way to pay bureaucrats when the state felt too poor to do so. Tsaturov said his modest operation barely feeds his family, but that makes no difference. He is expected to pay, in the same way that a more-profitable operation nearby does - making illegal alcohol they call Scotch. ‘It’s an affront to Scotland,’ Tsaturov said. His complaints to police were ignored, Tsaturov said. ‘They tell me, “Is it such a big deal to give the traffic police 1,000 rubles?” ‘Once, when he persisted, they grew angry and began threatening to open a slander case against him if he didn’t shut up, he said. ‘I live in fear,’ Tsaturov said. ‘I don’t know what might happen to me or my family.’” (ibid)

A Freedom House report on press freedom in Russia states:

“Although the constitution provides for freedom of speech and of the press, officials have used the country’s politicized and corrupt court system to harass the few remaining independent journalists who dare to criticize widespread abuses by the authorities.” (Freedom House (1 July 2013) *Freedom of the Press 2013 – Russia*)

This report also states:

“Prosecutors in 2012 charged a number of government critics - including journalists, media outlets, ordinary citizens, and whistle-blowing civil servants - with defamation, extremism, and other trumped-up offenses in an effort to limit their activities. In a major ongoing case, Aleksey Navalny, one of Russia’s most prominent bloggers, posted embarrassing allegations of corrupt financial practices among senior government officials on his blog. In retaliation, he was detained, smeared in the pro-Kremlin media, and had three criminal fraud investigations launched against him by the end of the year. Separately, in April a court in Kemerovo convicted blogger Dmitry Shipilov of ‘insulting a state official in public’ for two posts that had mocked the region’s governor, Aman Tuleyev. Shipilov was sentenced to 11 months of community service, with 10 percent of his earnings garnished. In May, Maksim Yefimov, a blogger and opposition activist from the northwestern Karelia region, fled to Estonia after being charged with ‘inciting religious hatred’ for criticizing the Russian Orthodox Church’s close ties to the Kremlin.” (ibid)

A Radio Free Europe/Radio Liberty report states:

“Rights activists have expressed concern about a provision in the law banning police officers from discussing their superiors’ orders publicly or voicing their opinions in the media. Critics fear this will discourage police whistle-blowers like Aleksei Dymovsky, a police officer who denounced rampant police corruption in his hometown of Novorossiisk in a video posted on the Internet. Dymovsky’s act inspired a series of similar Internet postings in which law-enforcement officers described how police routinely extorted money from ordinary Russians and framed innocent people. Most whistle-blowers eventually faced harassment, prosecution, or both.” (Radio Free Europe/Radio Liberty (2 March 2011) *Russian Activists Arrested Protesting New Police Law*)

A Freedom House report, in the Executive Summary (paragraph headed “Corruption”), states:

“President Medvedev announced a new strategy for fighting corruption in April 2010, but there was little to show for such efforts by year’s end. All measures of corruption in Russia indicate that it remains a serious problem. Crackdowns on graft typically target low-level bribe givers, leaving public officials untouched. The authorities have actively blocked efforts to investigate police corruption that led to whistleblower and lawyer Sergei Magnitsky’s death in custody in 2009.” (Freedom House (27 June 2011) *Nations in Transit 2011 – Russia*, p.454)

A section of this report titled “Main Report” states:

“Allegations surrounding the 2009 death in custody of lawyer Sergei Magnitsky suggest extensive corruption among law enforcement officers. Hermitage Capital, Magnitsky’s client, has posted online videos alleging that some of the police investigators connected to the case have spent lavishly on luxury goods despite their modest salaries. Several of the officers involved have been promoted since Magnitsky’s death, indicating that the authorities have little interest in prosecuting those responsible.” (ibid, p.469)

The US Department of State country report on Russia for 2011, in a section titled “Official Corruption and Government Transparency” (Section 4), states:

“When whistleblowers complained about official corruption, sometimes the same government official who was the subject of the complaint was asked to investigate, which often led to retaliation against the whistleblower, generally in the form of criminal prosecution. A prominent example is that of Sergey Magnitskiy, who was prosecuted by the same Internal Affairs Ministry officers he implicated in the theft of five billion rubles (\$150 million) through a fraudulent tax rebate scheme.” (US Department of State (24 May 2012) *2011 Country Reports on Human Rights Practices – Russia*)

An article from The Telegraph states:

“A textbook case of corruption provoked an all too brutal form of vengeance against the whistleblower. A year after he was detained, Mr Magnitsky was left writhing on the floor of his prison cell, beaten and denied vital medical treatment for pancreatitis and gallstones. Battered and in agony, he died. After his death, the case against the lawyer was closed and in 2011 then-President Dmitry Medvedev’s human rights commission issued a scathing report, saying he was framed, unlawfully detained and left to die. But in February last year, as the Kremlin began to clamp down on dissent ahead of Vladimir Putin’s return to the presidency, new tax evasion charges were filed against the whistleblower and Mr Browder.” (The Telegraph (11 July 2013) *Sergei Magnitsky conviction: Moscow thumbs its nose to the West*)

See also Daily Telegraph article which states:

“Mr Magnitsky, who has become a national symbol of the fight against state-backed corruption, died awaiting trial in jail after being held in squalid conditions for a year, beaten and refused medical help once he developed a

medical condition. The Kremlin's own human rights council found that his death was the result of 'calculated, deliberate and inhumane neglect'. He had been arrested on charges of tax evasion by the same police officers that he testified were involved in the fraud. Mr Magnitsky's claims have never been properly investigated. Russian authorities have tried to close the case by jailing a sawmill foreman for the complex fraud and launching a highly unusual posthumous tax investigation into Mr Magnitsky." (Daily Telegraph (24 September 2012) *Hermitage traces cash from Russian tax fraud: London hedge fund tracks down \$135m in more than 50 companies in eight countries*)

An article from The Telegraph states:

"Alexei Navalny, the Russian opposition leader and anti-corruption blogger, is facing criminal charges that could see him sent to jail for up to five years if convicted. The 36-year-old has been summoned to appear on Monday at the Investigative Committee, sometimes called Russia's FBI, and is expected to be formally indicted on accusations that he caused financial harm to a state timber firm in 2009, according to his lawyer. The prosecution is widely seen as a politically motivated tactic by the Kremlin to silence Mr Navalny, who is its most popular critic. The expected laying of charges comes days after Mr Navalny published a series of documents about Alexander Bastrykin, the powerful head of the Investigative Committee who is an ally of President Vladimir Putin." (The Telegraph (29 July 2012) *Russian corruption campaigner Alexei Navalny facing jail*)

A report from the Russian state news agency RIA Novosti states:

"Moscow police are investigating a scholar who claims to have been beaten up by three police officers, a Russian state newspaper said Thursday. Three policemen purportedly handcuffed Alexander Kulikov, a professor at the Russian Presidential Academy of National Economy and Public Administration, and allegedly smashed his head against a door in his apartment building in Moscow on June 18, the Rossiiskaya Gazeta daily reported, citing a complaint Kulikov filed against the officers. The policemen tried to force the 79-year-old professor into their van after he accused one of them of ignoring a complaint from neighbors who said construction workers had left garbage in the elevator, the report said." (RIA Novosti (22 August 2013) *Russian Scholar Allegedly Beaten by Cops Is Investigated – Report*)

A BBC News report states:

"Mr Demerchyan and his brother-in-law worked on a residential bloc for Olympic volunteers between 25 March and 16 May. Each man had been promised 90,000 roubles (£1,780; \$2,750) for the work but was given only 37,000, Mr Demerchyan's wife told Russian media. When they complained, they were first threatened, then called to a meeting with the foreman on 12 June, she said. However, they found police officers there instead, and were taken to a police station, she added. In custody, they were allegedly told to confess in writing to stealing building materials from the construction site. Mr Demerchyan's wife said that when he refused, he was beaten all night by five policemen, losing some of his teeth. At one stage, he was assaulted with the crow-bar, she alleged." (BBC News (21 June 2013) *Sochi Olympics site worker 'tortured by Russian police'*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

BBC News (21 June 2013) *Sochi Olympics site worker 'tortured by Russian police'*

<http://www.bbc.co.uk/news/world-europe-23003013?print=true>

(Accessed 25 September 2013)

Business Anti-Corruption Portal (2013) *Russia Country Profile: Police*

<http://www.business-anti-corruption.org/country-profiles/europe-central-asia/russia/corruption-levels/police.aspx>

(Accessed 24 September 2013)

Council of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities (25 July 2012) *Third Opinion on the Russian Federation adopted on 24 November 2011*

http://www.ecoi.net/file_upload/1226_1346761627_pdf-3rd-op-russianfederation-en.pdf

(Accessed 24 September 2013)

Daily Telegraph (24 September 2012) *Hermitage traces cash from Russian tax fraud: London hedge fund tracks down \$135m in more than 50 companies in eight countries*

<http://www.lexisnexis.com>

(Accessed 23 September 2013)

Danish Immigration Service (20 August 2012) *Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases*

http://www.nyidanmark.dk/NR/ronlyres/01750EB0-C5B1-425C-90A7-3CE3B580EEAA/0/chechens_in_the_russian_federation.pdf

(Accessed 24 September 2013)

The Economist (18 March 2010) *Police brutality in Russia: Cops for hire*

<http://www.economist.com/node/15731344/print>

(Accessed 25 September 2013)

Freedom House (1 July 2013) *Freedom of the Press 2013 – Russia*

<http://www.refworld.org/docid/5187a209e.html>

(Accessed 24 September 2013)

Freedom House (27 June 2011) *Nations in Transit 2011 – Russia*

http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Russia.pdf

(Accessed 24 September 2013)

Moscow News (28 January 2013) *Police corruption: all you need is trust*
<http://russialist.org/police-corruption-all-you-need-is-trust/>
(Accessed 24 September 2013)

Radio Free Europe/Radio Liberty (2 March 2011) *Russian Activists Arrested
Protesting New Police Law*
<http://www.rferl.org/articleprintview/2325786.html>
(Accessed 25 September 2013)

RIA Novosti (22 August 2013) *Russian Scholar Allegedly Beaten by Cops Is
Investigated – Report*
<http://en.rian.ru/russia/20130822/182914870-print/Russian-Scholar-Allegedly-Beaten-by-Cops-Is-Investigated--Report.html>
(Accessed 25 September 2013)

The Telegraph (11 July 2013) *Sergei Magnitsky conviction: Moscow thumbs
its nose to the West*
<http://www.telegraph.co.uk/news/worldnews/europe/russia/10174167/Sergei-Magnitsky-conviction-Moscow-thumbs-its-nose-to-the-West.html>
(Accessed 24 September 2013)

The Telegraph (29 July 2012) *Russian corruption campaigner Alexei Navalny
facing jail*
<http://www.telegraph.co.uk/news/worldnews/europe/russia/9436580/Russian-corruption-campaigner-Alexei-Navalny-facing-jail.html>
(Accessed 23 September 2013)

US Department of State (19 April 2013) *2012 Country Reports on Human
Rights Practices – Russia*
<http://www.state.gov/documents/organization/204543.pdf>
(Accessed 23 September 2013)

US Department of State (24 May 2012) *2011 Country Reports on Human
Rights Practices – Russia*
<http://www.state.gov/documents/organization/186609.pdf>
(Accessed 24 September 2013)

Washington Post (21 December 2012) *Russians scoff at Putin's campaign
against corruption*
<http://www.lexisnexis.com>
(Accessed 24 September 2013)
This is a subscription database

Sources Consulted:

Business Anti-Corruption Portal
Danish Immigration Service
Electronic Immigration Network
European Country of Origin Information Network

Freedom House
Google
Immigration and Refugee Board of Canada
Lexis Nexis
Refugee Documentation Centre Query Database
UNHCR Refworld
US Department of State